

THE MADRASAH EDUCATION ORDINANCE, 1978

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'THE MADRASAH EDUCATION ORDINANCE, 1978

ORDINANCE NO. IX OF 1978

[2nd March, 1978]**An Ordinance to reorganise Madrasah education in Bangladesh.**

WHEREAS it is expedient to reorganise Madrasah education in Bangladesh;

NOW, THEREFORE, in pursuance of the Proclamations of the 20th August, 1975, and the 8th November, 1975, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance:-

CHAPTER I**PRELIMINARY**

- Short title **1.** This Ordinance may be called the Madrasah Education Ordinance, 1978.
- Definitions **2.** In this Ordinance, unless there is anything repugnant in the subject or context,-
- (a) “Alim Madrasah” means an institution recognised for Dakhil and Alim standards and affiliated to the Board;
- (b) “Alim standard” means the standard in which Alim course of Madrasah education for a period of two years is imparted;
- (c) “Board” means the Bangladesh Madrasah Education Board established under this Ordinance;
- (d) “Chairman” means the Chairman of the Board;
- (e) “Dakhil Madrasah” means an institution recognised for Dakhil standard and affiliated to the Board;
- (f) “Dakhil standard” means the standard in which Dakhil course of Madrasah education is imparted;

1 The Ordinance was declared void and non est by the Appellate Division of the Supreme Court of Bangladesh in Civil Petition for leave to Appeal Numbers 1044 and 1045 of 2009 and subsequently the Ordinance has been made effective as an Act of Parliament by section 4 and Schedule of ১৯৭৫ সালের ১৫ আগস্ট হইতে ১৯৭৯ সালের ৯ এপ্রিল তারিখ পর্যন্ত সময়ের মধ্যে জারীকৃত কতিপয় অধ্যাদেশ কার্যকরণ (বিশেষ বিধান) আইন, ২০১৩ (২০১৩ সনের ০৬ নং আইন)।

¹[* * *]

- (i) “Furqania Madrasah” means an institution recognised for Ibtedayee standard and affiliated to the Board;
- (j) “Ibtedayee Madrasah” means an institution recognised for Ibtedayee standard and affiliated to the Board;
- (k) “Ibtedayee standard” means the standard in which Ibtedayee course of Madrasah education is imparted;

²[* * *]

- (n) “Madrasah” means a traditional religious institution of Islamic learning and includes Furqania Madrasah, Ibtedayee Madrasah, Dakhil Madrasah, Alim Madrasah,
³[* * *];

- (o) “Madrasah education” means education pertaining to Ibtedayee standard, Dakhil standard, Alim standard,
⁴[* * *] and includes-

- (i) reading of the Holy Qur’an;
- (ii) Islamiat, that is, Tafsir, Hadith, fiqh, Kalam, Usul, M’aqalat, Faraid and relevant subjects;
- (iii) Humanities including Arabic language and literature, Islamic history, general history, Bengali language and literature;
- (iv) Science;
- (v) Commerce;
- (vi) Agriculture;

¹ Clauses (g) and (h) were omitted by section 2 of the Madrasah Education (Amendment Act, 2006 (Act No. XLIV of 2006).

² Clauses (l) and (m) were omitted by section 2 of the Madrasah Education (Amendment Act, 2006 (Act No. XLIV of 2006).

³ The words “Fazil Madrasah and Kamil Madrasah” were omitted by section 2 of the Madrasah Education (Amendment Act, 2006 (Act No. XLIV of 2006).

⁴ The words “Fazil standard and Kamil standard” were omitted by section 2 of the Madrasah Education (Amendment Act, 2006 (Act No. XLIV of 2006).

- (vii) Industry;
- (viii) Military Science;
- (ix) Health education including physical education; and
- (x) such other types of technical and special education as the Board may, with the prior approval of the Government, determine;
- (p) “member” means a member of the Board and includes the Chairman;
- (q) “notification” means a notification published in the *official Gazette*;
- (r) “prescribed” means prescribed by regulations made under this Ordinance;
- (s) “President” means the President of Bangladesh;
- (t) “Principal” means the head of the teaching staff of ¹[Alim] Madrasah by whatever style he may be designated;
- (u) “regulations” means regulations made by the Board under this Ordinance; and
- (v) “Superintendent” means the head of the teaching staff of a Madrasah other than a ²[Alim] Madrasah by whatever style he may be designated.

CHAPTER II

THE BOARD

Establishment
of the
Bangladesh
Madrasah
Education
Board

3. (1) As soon as may be after the commencement of this Ordinance, the Government shall, by notification, establish a Board to be called the Bangladesh Madrasah Education Board for the organisation, regulation, supervision, control, development and improvement of Madrasah education in Bangladesh in accordance with the provisions of this Ordinance.

¹ The word “Alim” was substituted for the word “Kamil” by section 2 of the Madrasah Education (Amendment Act, 2006 (Act No. XLIV of 2006).

² The word “Alim” was substituted for the word “Kamil” by section 2 of the Madrasah Education (Amendment Act, 2006 (Act No. XLIV of 2006).

(2) The Board shall be a body corporate with perpetual succession and a common seal and shall have, subject to regulations, power to acquire and hold movable and immovable property, to transfer such property when held by it, to contract, and to do all other things necessary for carrying out the purposes of this Ordinance and shall by the said name sue and be sued.

(3) The powers of regulation, supervision, control, development and improvement of Madrasah education in Bangladesh shall vest in the Board.

4. The Board shall be constituted with the following members, namely:- Composition of
the Board

- (a) a Chairman to be appointed by the President;
- (b) the Assistant Director of Public Instruction, In-charge of Madrasah Education, *ex-officio*;
- (c) the Director of Technical Education, or an officer, not below the rank of Assistant Director of Technical Education, to be nominated by him;
- (d) one person to be nominated by the Government from amongst the Chairmen of the Boards of Intermediate and Secondary Education in Bangladesh;
- (e) one person to be nominated by the Government from amongst the Heads of the departments of Arabic and Islamic Studies of the Universities in Bangladesh;
- (f) one Principal of a Government Madrasah to be nominated by the Government;
- (g) two Principals of non-Government Madrasahs to be nominated by the Government;
- (h) two Superintendents of non-Government Madrasahs to be nominated by the Government;
- (i) one Inspecting Officer to be nominated by the Government;
- (j) two persons specially devoted to the cause of Madrasah education to be appointed by the President.

Publication of names of members of the Board

5. The name of every person nominated or appointed as a member shall, as soon as possible after his nomination or appointment, as the case may be, be published by notification.

Term of office of members of the Board

6. (1) Subject to the provisions of this Ordinance, a member, other than the *ex-officio* member, shall hold office for a term of three years from the date on which his name is published by notification under section 5, and may, on the expiration of such term, be eligible for re-appointment or re-nomination.

(2) A person nominated by the Government under clauses (d) to (i) of section 4 shall cease to be a member as soon as he ceases to hold the office by virtue of which he was nominated.

(3) Any member, other than the *ex-officio* member and the Chairman, may resign his membership by a letter addressed to the Chairman and, in the case of the Chairman, he may resign his membership by a letter addressed to the President:

Provided that the resignation shall not take effect until it is accepted by the President or the Government, as the case may be.

(4) The President or the Government may, at any time by order in writing, remove any member other than an *ex-officio* member appointed or nominated by him or it from his office if the President or, as the case may be, the Government considers such removal necessary or expedient in public interest or in the interest of the Board.

(5) The Government may, at any time by order in writing, remove the member nominated by the Director of Technical Education under clause (c) of section 4 from his office if it considers such removal necessary or expedient in public interest or in the interest of the Board.

Disqualification of membership

7. (1) A person shall not be eligible for nomination or appointment as a member, if he-

(a) has been adjudged by a competent Court to be of unsound mind;

(b) is an undischarged insolvent;

- (c) being a discharged insolvent, has not obtained from the Court a certificate that his insolvency was caused by misfortune without any misconduct on his part; or
- (d) has been convicted by a Court of an offence involving moral turpitude, unless an offence of which he was convicted has been pardoned or unless five years have elapsed since the date of his conviction.

(2) The nomination or appointment of a person who is, on the date of his nomination or appointment, subject to any of the disqualifications specified in sub-section (1), shall be invalid.

(3) If a member becomes subject to any of the disqualifications specified in sub-section (1), his membership shall thereupon cease.

8. (1) Subject to the provisions of section 11, when the office of a member becomes vacant by resignation, death or otherwise, another person shall be nominated or appointed in his place in the manner provided in the appropriate clause of section 4 and such person shall hold office so long as the member whose place he fills would have been entitled to hold office if such vacancy had not occurred.

Filling up of casual vacancies

(2) Notwithstanding the expiration of the term of three years specified in sub-section (1) of section 6, a member shall continue to hold office until the vacancy caused by the expiration of the said term has been filled in accordance with the provisions of this Ordinance.

9. The following shall be the officers of the Board, namely:-

Officers of the Board

- (a) the Chairman;
- (b) the Registrar;
- (c) the Controller of Examinations;
- (d) the Inspector of Madrasahs; and
- (e) such other officers as may be appointed by the Board.

Inspection

10. (1) The Government may, with the approval of the President, cause an inspection by such person on it may direct of the office, activities and funds of the Board and the examinations conducted by the Board and may cause an enquiry to be made in respect of any matter concerning the Board. The Government shall communicate to the Board the result of such inspection or enquiry and may advise the Board as to the action to be taken within a specified time. The Board shall report to the Government, the action it proposes to take or has taken on such communication; and where the Board does not, within a reasonable time, take action to the satisfaction of the Government, the Government may, after considering any explanation given by the Board issue such directions as it may deem fit, and the Chairman shall comply with such directions.

(2) Without prejudice to the provisions of sub-section (1), the Government, with the prior approval of the President, may, by an order in writing, annul any proceeding of the Board or any of the Committees if the Government is satisfied that such proceeding is not in conformity with the provisions of this Ordinance:

Provided that, before making any such order, the Government shall, through the Chairman, call upon the Board or the Committee concerned to show cause why such an order should not be made.

Appointment,
power and
duties of the
Chairman

11. (1) The Chairman shall be a whole time officer of the Board and shall be appointed by the President on such terms and conditions as the President may determine.

(2) When the office of the Chairman falls vacant temporarily or otherwise, by reason of leave, illness or other cause for a period not exceeding one year, the President shall, notwithstanding anything contained in sub-section (1), make such arrangements for carrying on the duties of the office of the Chairman as he may deem fit.

(3) The Chairman shall be the principal executive and academic officer of the Board and shall, when present, preside at the meetings of the Board and the Committees appointed under section 18.

(4) It shall be the duty of the Chairman to ensure that the provisions of this Ordinance and the regulations are faithfully observed and carried out and he shall exercise all powers necessary for this purpose.

(5) In any emergency arising out of the administrative business of the Board and requiring, in the opinion of the Chairman, immediate action, the Chairman shall take such action as he may deem necessary and shall report the action so taken to the Board at its next meeting for information.

(6) The Chairman shall exercise such other powers as may be delegated to him by the Government or as may be prescribed.

12. (1) Officers of the Board, other than the Chairman, shall be appointed by the Board in such manner as may be prescribed.

Appointment of other officers and employees of the Board

(2) All other employees of the Board shall be appointed by the Chairman in such manner as may be prescribed.

13. Subject to the provisions of this Ordinance, the terms and conditions of service, including rules for disciplinary matters, granting of leave and for retirement of the officers and the employees of the Board shall be such as may be prescribed.

Terms and conditions of service of officers and employees of the Board

14. Temporary or casual vacancies in the posts of the officers of the Board other than the Chairman shall be filled up in such manner as may be prescribed.

Casual vacancies in the posts of the officers of the Board other than the Chairman

15. The Chairman or, in his absence, one member elected from amongst those present at the meeting of the Board or of the Committee, shall preside at every meeting of the Board or the Committee and shall be entitled to vote on any matter and shall have and exercise a second or casting vote in every case of equality of votes.

Conduct of meetings

16. (1) No member shall vote on any matter coming before the Board or the Committee in respect of which (otherwise than in the general application thereof to all Madrasahs) he has any personal interest.

Restriction on voting

(2) The Chairman or the presiding member, as the case may be, shall decide any question under sub-section (1) arising in a meeting and his decision shall be final.

Powers of the Board

17. (1) Subject to the provisions of this Ordinance, the Board shall have power to organise, regulate, supervise, control, develop and improve Madrasah education.

(2) In particular and without prejudice to the generality of the power conferred by sub-section (1), the Board shall have power-

- (a) to prescribe course of instruction for its examinations;
- (b) to grant affiliation to or to withhold or withdraw affiliation from Madrasahs after considering inspection reports from the Education Directorate or from the inspection reports of its own inspection officer or officers deputed in that behalf by the Board;
- (c) to prescribe conditions governing admission of students to and transfer of students from and to Dakhil Madrasahs, Alim Madrasahs, ¹[* * *];
- (d) to prescribe the manner and mode of inspection of Madrasahs;
- (e) to cause inspection, if necessary, of any Madrasah affiliated to it by the officer of the Board or by any other person or persons it considers suitable;
- (f) to hold, conduct and regulate examinations at the end of the Dakhil, Alim, ²[* * *] Mujawwide Meher, Mujawwide Fazil and Mujawwide Kamil stages or any other stage thereof;
- (g) to publish the results of examinations held by the Board;
- (h) to grant *sanads*, diplomas and certificates to persons who have passed the examinations held by the Board and to withdraw *sanads*, diplomas and certificates from them;

¹ The words "Fazil Madrasahs and Kamil Madrasahs" were omitted by section 3 of the Madrasah Education (Amendment Act, 2006 (Act No. XLIV of 2006).

² The words and comma "Fazil, Kamil" were omitted by section 3 of the Madrasah Education (Amendment Act, 2006 (Act No. XLIV of 2006).

- (i) to arbitrate or arrange for arbitration in disputes between teachers and governing bodies or managing committees of Dakhil Madrasahs, Alim Madrasahs, ¹[* * *] or among such Madrasahs;
- (j) to submit to the Government its views on any matter with which it is concerned;
- (k) to determine the number, designation and pay and allowances of the officers and employees of the Board, and to appoint such experts and consultants as it may consider necessary for the purposes of carrying out the provisions of this Ordinance;
- (l) to regulate and decide all administrative matters including the creation and abolition of posts;
- (m) to fix demand and receive such fees as may be prescribed;
- (n) to hold and manage endowments and to institute and award scholarships, stipends, medals and prizes;
- (o) to enter into and carry out contracts in exercise of powers and performance of duties assigned to it by this Ordinance and the regulations;
- (p) to make provisions for buildings, premises, furniture, apparatus, books and other means needed for carrying on its work; and
- (q) to do such other acts and things as it may consider necessary for carrying out the purposes of this Ordinance.

(3) The Board may delegate any of its powers to the Chairman or any other officer of the Board or to a Committee appointed under this Ordinance it may deem fit:

Provided that no power to make any regulation shall be delegated under this sub-section.

18. (1) The Board shall appoint the following Committees, Committees of
the Board
namely:-

- (a) Academic Committee;

¹ The words "Fazil Madrasahs and Kamil Madrasahs" were omitted by section 3 of the Madrasah Education (Amendment Act, 2006 (Act No. XLIV of 2006).

- (b) Finance Committee;
- (c) Selection Committee;
- (d) Regulation Committee;
- (e) Appeal and Arbitration Committee;
- (f) Curricula and Courses of Studies Committee;
- (g) Science Education Committee;
- (h) Technical Education Committee;
- (i) Industrial Education Committee;
- (j) Agricultural Education Committee;
- (k) Commercial Education Committee;
- (l) Physical Education Committee;
- (m) Girls' Education Committee;
- (n) Examination Committee;
- (o) Age and Name Correction Committee;
- (p) Recognition and Centre Committee;
- (q) Discipline Committee; and
- (r) such other Committee or Committees as the Board may consider necessary for the purposes of carrying out the provisions of this Ordinance.

(2) The composition, powers and duties of the Committees appointed under sub-section (1) shall be such as may be prescribed.

Meetings of the Board

19. (1) The budget meeting of the Board shall be held on or before the 31st March every year.

(2) No business shall be transacted at any meeting of the Board unless a quorum of five members is present:

Provided that no quorum shall be necessary for a meeting adjourned for want of quorum.

CHAPTER III

FINANCE

20. (1) The Registrar shall present to the budget meeting of the Board a report on the work of the Board during the last preceding financial year, together with a budget estimate showing, in the prescribed form, the anticipated income and expenditure of the Board during next succeeding financial year.

Annual report
and budget
estimates

(2) The budget estimate shall, when confirmed by the Board, be forwarded to the Government for approval within such period as may be prescribed and thereupon the Government may either approve the budget estimate as submitted by the Board or make such modifications in it as the Government considers necessary after consulting the Chairman.

21. (1) There shall be constituted a fund to be called the Madrasah Education Fund to which shall be credited-

Madrasah
Education Fund

- (a) all funds which stand transferred to the Board under section 43;
- (b) all fees realised under any of the provisions of this Ordinance; and
- (c) all sums representing income from endowments or from property owned or managed by the Board for the purposes of this Ordinance;
- (d) all other sums received by the Board from the Government or any other source for any purpose provided for in this Ordinance.

(2) The Madrasah Education Fund shall vest in the Board, shall be held by it in trust for the purposes of this Ordinance and shall be administered by it.

(3) All moneys payable to the credit of the Madrasah Education Fund shall forthwith be deposited into a scheduled bank approved by the Board, or into Government treasury.

22. (1) No expenditure shall be incurred from the Madrasah Education Fund except for the purposes of this Ordinance and unless such expenditure is provided for in the budget estimate approved by the Government under section 20 or is provided for by re-appropriation by the Board.

Application of
the Madrasah
Education Fund

(2) Subject to the provisions of sub-section (1), the Madrasah Education Fund shall be applied to-

- (a) payment of the cost of audit;
- (b) payment of salaries and allowances to the Chairman and other officers and employees of the Board;
- (c) payment of all expenses connected with printing of papers and other documents required for carrying out the purposes of this Ordinance;
- (d) payment of allowances to members of the Board and of the Committees;
- (e) payment of remuneration to such persons as may be appointed by the Board in connection with the holding and conducting the Board's examinations and of publication of the results thereof;
- (f) payment of contingent and capital expenditure; and
- (g) payment of any other expenditure incurred by the Board in accordance with, and for the purposes of giving effect to, the provisions of this Ordinance.

Accounts **23.** The Board shall keep accounts of all its receipts and expenditure in such manner and form as may be prescribed.

Audit **24.** (1) The accounts of the Board shall be submitted to the Government once every year and examined and audited by an auditor appointed by the Government.

(2) It shall be the duty of the Board, and of every member, officer and employee thereof, to afford to the auditor every facility for the examination and audit of the accounts of the Board, and to comply with a requisition made by the auditor.

Audit report **25.** (1) The auditor shall submit to the Government a report on the audit of accounts and shall also submit two copies of such report to the Board and thereupon the Board shall, within such period as may be prescribed, forward one copy of the report together with its observations thereon to the Government.

(2) Subject to the provisions of section 27, the Government shall take such action on the audit report as it thinks fit.

26. (1) The auditor shall-

Disallowance

- (a) disallow any payment which has been made in contravention of any law for the time being in force, and charge it against the persons making or authorising such payment;
- (b) charge the amount of any deficiency or loss against the person by whose default or negligence such deficiency or loss resulted;
- (c) charge any sum which could have been, but has not been brought into account against the person failing to account for it.

(2) The auditor shall, in every case of disallowance and charge under this section, certify in writing the amount due from the person against whom the charge is made and send a copy of such certificate to the Board and to the person concerned within fourteen days from the date on which the report referred to in sub-section (1) of section 25 is submitted to the Board.

27. (1) Any person from whom an auditor has certified any sum to be due under section 26 may, within one month from the date of receipt by him of a copy of the certificate, appeal against such order to the Government.

Appeal

(2) The Government shall, on such appeal, make such order as it deems fit after giving the person making the appeal an opportunity of being heard and the decision of the Government on such appeal shall be final.

28. (1) Every sum certified to be due under section 26 from any person shall, within one month from the receipt by such person of a copy of the certificate and unless within that period he makes an appeal under section 27, be paid by him into the Madrasah Education Fund.

Payment of certified sum

(2) The Board may direct that any sum not paid in accordance with the provisions of sub-section (1) or, if any appeal has been made under section 27, such sum as the Government may order to be due, shall be recovered-

- (a) in the case of a servant of the Government or an officer or other employees of the Board, by deduction from his salary in accordance with such conditions as may be prescribed, or as a public demand; and

(b) in any other case, as a public demand.

(3) The Deputy Commissioner shall, for the purpose of section 4 of the Public Demands Recovery Act, 1913 (Ben. Act III of 1913), be deemed to be the person to whom such demand is payable and he shall pay to the Board any sum recovered by him in respect of any such demand.

CHAPTER IV

MISCELLANEOUS

General conditions of service of the teacher of Madrasahs

29. (1) An employee of an affiliated Madrasah shall be bound by the following general conditions of service, namely:-

- (a) he shall not take part in, or subscribe in aid of, or assist in any way, any political movement, or any activities tending directly or indirectly to excite disaffection against the Government as by law established, or to promote feelings of hatred or enmity between different classes of citizens of Bangladesh, or to disturb the public peace;
- (b) he shall not canvass, or interfere, or use his influence, or stand, as a candidate in any election to a local body or a legislative body in Bangladesh.

(2) Any person who contravenes any of the conditions of service under sub-section (1) shall be liable to disciplinary action including removal from his post by an order of the authority which appointed such person on proceeding initiated against him.

(3) Any person aggrieved by an order of the authority referred to in sub-section (2) may appeal to the Chairman who may pass such order on appeal as he thinks fit and such order shall be final.

Certain persons to be deemed to be public servants

30. Every member of the Board and of every Committee appointed under this Ordinance, and every person appointed for carrying out the purposes of this Ordinance, shall be deemed to be a public servant within the meaning of section 21 of the Penal Code (Act XLV of 1860).

31. No suit, prosecution or other legal proceedings shall lie against the Government or the Board or any Committee or any other person for anything in good faith done or intended to be done under this Ordinance.

Indemnity

32. No act or proceedings taken under this Ordinance shall be invalid on the ground merely of -

Validation

- (a) the existence of any vacancy in, or defect in the constitution of, the Board or any Committee constituted under this Ordinance;
- (b) any member of the Board having voted on any matter in contravention of the provisions of section 16; or
- (c) any defect or irregularity not affecting the merits of the cases.

33. (1) The Board shall establish for the benefit of its officers and employees either Pension and Provident Funds or Contributory Provident Fund only as it may deem fit in such manner, and subject to such conditions, as may be prescribed.

Pension and
Provident Fund
or Contributory
Provident Fund

(2) In case the Board establishes a Contributory Provident Fund under sub-section (1), all officers and employees of the Board shall subscribe to that Fund a sum equal to 8½ per cent of his salary every month and the Board shall contribute an equal amount in respect of such subscriber every month.

(3) The terms and conditions of deposits of subscriptions and contributions to the Fund and withdrawals and advances from such Fund shall be such as may be prescribed.

34. Except the Chairman, every officer and employee of the Board shall retire in the afternoon of the day on which he attains the age at which a Government servant retires.

Age of
retirement

35. (1) The Board shall provide for the officers and employees meeting with untimely death or disabled by accident or illness during service, a gratuity equivalent to one month's pay for each completed year of his service under the employment of the Board.

Gratuity

(2) The terms and conditions of gratuity under sub-section (1) shall be such as may be prescribed.

Members prohibited from entering into contract with the Board

36. No member shall enter into any contract with the Board directly or through any other person in connection with the affairs of the Board.

Bar against membership of the Board or Committee on the persons with financial interest in the affairs of the Board

37. No person who has any financial interest in any book prescribed by the Board as a course of study for any examination conducted by the Board or has a financial interest as a partner or otherwise in any firm which publishes, procures or supplies any such book, shall be eligible to become a member of the Board or a Committee appointed under this Ordinance and continue as such after having acquired any such interest.

Regulations

38. (1) The Board may, with the previous approval of the Government, make regulations for the purpose of carrying into effect the provisions of this Ordinance.

(2) In particular and without prejudice to the generality of the power conferred by sub-section (1), the Board may make regulations providing for all or any of the following matters, namely:-

- (i) the powers and duties of the officers of the Board;
- (ii) the conduct of the meetings of the Board and of the Committees;
- (iii) the grant and withholding of *sanads*, diplomas and certificates;
- (iv) the curricula and the courses of study to be prescribed for obtaining *sanads*, diplomas and certificates;
- (v) for granting or withholding affiliation to Madrasahs and for withdrawal of such affiliation;
- ¹[(vi) the constitution, powers and duties of the Governing Bodies of affiliated non-government Alim Madrasahs and Managing Committees of affiliated non-government Dakhil Madrasahs and Ibtedayee Madrasahs;]

¹ Clause (vi) was substituted by section 4 of the Madrasah Education (Amendment Act, 2006 (Act No. XLIV of 2006).

- (vii) the terms and conditions of service of the teachers of affiliated non-Government Madrasahs;
- (viii) the conditions under which candidates shall be admitted to the examinations of the Board and shall be eligible for *sanads*, diplomas and certificates;
- (ix) the manner and mode of inspection;
- (x) the fixing and receiving fees for admission to the examinations of the Board and for other purposes;
- (xi) the holding and conducting of all examinations of the Board;
- (xii) acquisition, possession and transfer of property by the Board, the conditions of such acquisition, possession and transfer or any other act referred to in sub-section (2) of section 3;
- (xiii) manner of appointment of the officers of the Board, other than the Chairman, by the Board;
- (xiv) manner of appointment of the employees of the Board, other than its officers, by the Chairman;
- (xv) terms and conditions of service, including disciplinary matters, grant of leave and retirement of the officers and employees of the Board;
- (xvi) manner of filling up temporary and casual vacancies in the posts of the officers of the Board under section 14;
- (xvii) form for showing anticipated income and expenditure of the Board and the period within which the budget estimate shall be forwarded to the Government;
- (xviii) the framing of an Accounts Manual or the prescription of the manner and form of keeping accounts of receipts and expenditures of the Board;
- (xix) period within which the copy of the audit report together with the observation of the Board shall be forwarded to the Government;
- (xx) manner and conditions of benefit from Pension and Provident Fund or Contributory Provident Fund only;
- (xxi) terms and conditions of gratuity;

- (xxii) travelling allowance and daily allowance of the members for attending meetings of the Board and Committees;
- (xxiii) period within which observations of the Board on the audit report is to be furnished to the Government under section 25; and
- (xxiv) all other matters which are to be or may be prescribed by regulations.

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

First regulations

39. The regulations set out in the Schedule appended to this Ordinance shall, on the commencement of this Ordinance, be the first regulations of the Board and shall be deemed to have been made by the Board under section 38.

Rules

40. The Committees appointed by the Board may, subject to the approval of the Board, make rules consistent with this Ordinance and the regulations-

- (a) laying down the procedure to be observed at their meetings and the number of members required to form a quorum; and
- (b) providing for all matters solely concerning such Committees and not provided for by this Ordinance and the regulations.

Transitional provision

41. Till such time all the members, other than the Chairman, are not nominated or appointed, the Chairman shall, subject to such general or special orders as the Government may give from time to time, exercise all the powers and perform all the duties of the Board and its Committees appointed under this Ordinance.

Removal of difficulty

42. If any difficulty arises with respect to the establishment of the Board or in connection with the first meeting of the Board or otherwise in first giving effect to the provisions of this Ordinance, the Government may make any order consistent with the provisions of this Ordinance, which appears to it to be necessary or expedient for the purpose of removing the difficulty.

43. Upon the establishment of the Board, the Madrasah Education Board functioning immediately before the commencement of this Ordinance, hereinafter referred to as the dissolved Board, shall stand dissolved, and upon such dissolution,-

Dissolution of the Madrasah Education Board, etc.

- (a) all assets, rights, powers, authorities and privileges, and all property, movable or immovable, cash and bank balances, funds, investments and all other interests and rights in, or arising out of, such property of the dissolved Board subsisting immediately before its dissolution shall stand transferred to, and vested in, the Board;
- (b) all debts, obligations and liabilities incurred, all contracts entered into and all matters and things engaged to be done by, with or for, the dissolved Board before its dissolution, shall be deemed to have been incurred, entered into, or engaged to be done by, with or for, the Board;
- (c) services of all officers and employees of the dissolved Board shall, notwithstanding anything contained in any contract or agreement or in the terms and conditions of service, stand transferred to the Board and they shall be deemed to be officers and employees of the Board appointed by it on the same terms and conditions of service as were applicable to them in the dissolved Board unless such terms and conditions are altered, not being to their disadvantage, by the Board;
- (d) all suits and other legal proceedings instituted by or against the dissolved Board before its dissolution shall be deemed to have been instituted by or against the Board.

THE SCHEDULE

The First Regulations of the Board

1. (1) The Chairman may forward any resolution or order of the Board, or of any Committee appointed under this Ordinance, to the Government with his recommendations thereon for such order as the Government may deem fit and, pending the receipt of the order of the Government on such resolution or order, the Chairman may withhold the execution of any such resolution or order.

Powers and duties of the Chairman

(2) The Chairman shall do all acts to ensure that the officers and employees of the Board properly perform the duties entrusted to them and, in particular, he shall-

- (a) write confidential reports on the conduct, character and efficiency of the officers of the Board;
- (b) recommend to the Board any disciplinary action that he considers necessary against any officer of the Board; and
- (c) take such disciplinary action as he considers necessary against other employees of the Board subject to the right of appeal to the Board.

(3) The Chairman shall countersign travelling allowance bills of the officers and members of the Board (including his own) and members of the Committees appointed under the Ordinance.

(4) For the purpose of carrying out the provisions of the Ordinance, the Chairman shall have the power to inspect, or cause an inspection to be made by an officer of the Board or such person or persons as he may consider suitable, into the affairs of any Madrasah affiliated to, or which has made an application for affiliation to, the Board and to cause an enquiry to be made in like manner in respect of any matter concerning the Board.

(5) The Chairman shall appoint Paper-setters, Moderators, Translators, Examiners, Head Examiners, Assistant Head Examiners, Scrutineers and Tabulators in connection with the examinations of the Board after considering the recommendations of the Examination Committee.

(6) *[Sub-regulation (6) was omitted by section 5 of the Madrasah Education (Amendment Act, 2006 (Act No. XLIV of 2006).]*

(7) The Chairman may delegate in writing to the officers of the Board such of his powers as he considers necessary provided it is not inconsistent with the provisions of the Ordinance or the regulations.

2. (1) The Registrar shall, subject to the control of the Chairman, be in charge of the Board's office and shall cause the orders and decisions of the Board and the Chairman to be carried out.

Powers and duties of the Registrar

(2) The Registrar shall exercise and perform the following powers and duties, namely:-

- (a) he shall take all possible steps to ensure that the funds of the Board are spent on the purposes for which they are provided;
- (b) he shall cause to be prepared and submit to the Board for approval the annual statement of accounts and budget estimates;
- (c) he shall convene all meetings of the Board and Committees under the direction of the Chairman. While preparing the agenda for meeting of the Board or a Committee, he shall carry out the direction of the Chairman given in this respect and no item shall be placed on such an agenda or be considered in the meeting without previous permission of the Chairman;
- (d) he shall conduct the official correspondence of the Board under the authority of the Chairman except the correspondence relating to the conduct of examination and shall record the minutes and maintain the records of the proceedings of the meetings of the Board and the Committees;
- (e) all fees and dues payable to the Board, and all sums received by the Registrar, shall be credited without delay to the account of the Board in a scheduled bank approved by the Board or in the Government Treasury;
- (f) he shall be the disbursing officer of the employees of the Board and shall be responsible for proper deduction and recoveries and see that such amounts are credited to the appropriate head of account of the Madrasah Education Fund;
- (g) he shall be the drawing officer and shall, jointly with the Chairman, sign all cheques above Taka 500; and all cheques of Taka 500 and below shall be signed by the Registrar alone;

- (h) he shall be the custodian of the imprest cash of Taka 2,500 of the Board and shall incur normal expenditure not exceeding Taka 500 for each item at a time. For any unusual expenditure and any normal expenditure exceeding Taka 500, prior approval of the Chairman shall have to be obtained before it is incurred;
- (i) subject to the conditions laid down in clause (h), he shall draw and disburse all contingent and other bills;
- (j) he shall be the controlling officer for the purpose of travelling allowance in respect of the employees of the Board;
- (k) he shall perform such other duties as may be assigned to him by the Chairman.

(3) Notwithstanding anything to the contrary in this regulation, the Board may assign to any other officer or officers such duties of the Registrar as it may, from time to time, deem necessary.

Powers and
duties of the
Controller of
Examinations

3. (1) The Controller of Examinations shall, subject to the control of the Chairman, be in-charge of the examination section of the Board and make all necessary arrangements for the holding and conduct of examinations of the Board.

(2) In particular and without prejudice to the generality of the foregoing provision, the Controller of Examinations shall exercise and perform the following powers and duties, namely:-

- (a) he shall receive and deal with the applications for admission to the examinations of the Board and carry on all correspondence connected with such examinations and issue necessary documents as admissible under the regulations;
- (b) he shall be responsible for-
 - (i) getting the question papers set in time, translated, moderated and printed and their safe custody and secrecy of the contents at all stages;
 - (ii) proper distribution of question papers and examination materials to all examination centres in time;

- (iii) collection of all answer scripts, surplus examination materials and records and other documents from all centres;
 - (iv) holding of the examiners' meetings, distribution of answer scripts to the examiners and collection of the marked answer scripts together with marks sheets from all examiners;
 - (v) distribution of the marked answer scripts to the Head Examiners, collection of marks from them and distribution of marks to the respective Tabulators;
 - (vi) collection of tabulated results from the Tabulators;
 - (vii) publication of results of the examination in time; and
 - (viii) issue of certificates and diplomas to the successful candidates in time;
- (c) ¹[he shall sign all Dakhil and Alim certificates and diplomas:]

Provided that power to issue certificates may be delegated to a Deputy Controller of Examinations or Assistant Controller of Examinations by the Board;

- (d) he shall be responsible for ensuring and maintaining strict secrecy of all information regarding the examinations of the Board;
- (e) he shall place the recommendations of the Examination Committee before the Chairman on-
 - (i) the selection of centres of examinations including opening of new and closing of old centres of examinations where necessary, and
 - (ii) such other matters as he may deem necessary and as may be required of him by the Chairman;
- (f) he shall perform such other duties as may be assigned to him by the Chairman;

¹ The words and colon "he shall sign all Dakhil and Alim certificates and diplomas:" were substituted for the words and colon "he shall sign all Dakhil, Alim and Fazil certificates and diplomas:" by section 5 of the Madrasah Education (Amendment Act, 2006 (Act No. XLIV of 2006).

- (g) he shall bring to the notice of the Chairman all cases of infringement of rules of examinations with full report for disposal;
- (h) he shall attend all meetings in which matters relating to the examinations of the Board are included in the agenda.

Constitution
Powers and
Functions of the
Academic
Committee

4. (1) The Academic Committee shall consist of -

- (a) the Chairman, *ex-officio*;
- (b) the Assistant Director of Public Instruction, In-charge of Madrasah Education, *ex-officio*;
- (c) the Director of Technical Education or the officer nominated by him under clause (c) of section 4, *ex-officio*;
- ¹[(d) Chairman, National Curriculum and Text Book Board or an Officer to be nominated by him;]
- (e) the person nominated by the Government under clause (e) of section 4, *ex-officio*;
- (f) the person nominated by the Government under clause (f) of section 4, *ex-officio*;
- (g) two persons to be nominated by the Chairman from amongst the Principals of non-Government Madrasahs;
- (h) one person to be nominated by the Government from amongst the Principals of Government degree colleges;
- (i) one person to be nominated by the Chairman from amongst the Superintendents of non-Government Madrasahs; and
- (j) three specialists to be nominated by the Government including specialist in training of teachers.

(2) The Registrar of the Board shall be the Secretary of the Academic Committee.

(3) The members of the Academic Committee, other than the *ex-officio* members, shall hold office for a period of two years.

¹ Clause (d) was substituted by section 5 of the Madrasah Education (Amendment Act, 2006 (Act No. XLIV of 2006).

(4) The quorum for a meeting of the Academic Committee is five.

(5) The Academic Committee shall have the power of general regulation and supervision of, and the responsibility for, maintenance of the standard of teaching and examinations.

(6) Without prejudice to the generality of the provisions of sub-regulations (5) the Academic Committee shall exercise and perform the following powers and duties, namely:-

- (a) it shall maintain standards of teaching and examinations;
- (b) it shall determine the subject or subjects which shall be assigned to each Curricula and Courses of Studies Committee;
- (c) it shall advise the Chairman on the qualifications of the teachers and examiners;
- (d) it shall advise the Board on all academic matters including the general scheme of studies for an examination, the number of subjects to be included in an examination the value of each subject in respect of marks to be assigned to it, conditions to be fulfilled for passing an examination and for being placed in a particular division.

5. (1) There shall be a Curricula and Courses of Studies Committee for each subject or a group of allied subjects included in the courses of studies organised by the Board. Each such Committee shall consist of the following:-

Constitution and Functions of the Curricula and Courses of Studies Committees

- (a) the Chairman, *ex-officio*;
- (b) two teachers of the subject at the ¹[Alim] stage nominated by the Academic Committee;
- (c) two teachers of the subject at the ²[Dakhil] stage nominated by the Academic Committee;

¹ The word "Alim" was substituted for the word "Kamil" by section 5 of the Madrasah Education (Amendment Act, 2006 (Act No. XLIV of 2006).

² The word "Dakhil" was substituted for the word "Fazil" by section 5 of the Madrasah Education (Amendment Act, 2006 (Act No. XLIV of 2006).

- (d) two persons having experience of Madrasah education nominated by the Board;
- (e) one expert in the subject nominated by the Chairman; and
- (f) the Registrar of the Board, *ex-officio*:

Provided that if in a subject the required number of teachers is not available, the Chairman may decide the number of members of the Curricula and Courses of Studies Committee for the subject concerned which may be less than nine and may permit the nomination of suitable persons, who are not teachers, as members of the particular Curricula and Courses of Studies Committee.

(2) The members of the Curricula and Courses of Studies Committee, other than the *ex-officio* members shall hold office for a period of two years.

(3) The Curricula and Courses of Studies Committee shall consider academic matters relating to the subject or subjects with which it is concerned and shall recommend to the Academic Committee the courses of study and text-books to be prescribed as well as the conditions to be fulfilled for passing the relevant examination in the subject or subjects.

(4) Three members shall form the quorum at a meeting of the Curricula and Courses of Studies Committee.

Constitution and
Functions of the
Finance
Committee

6. (1) The Finance Committee shall consist of-

- (a) the Chairman *ex-officio*;
- (b) the Assistant Director of Public Instruction, In-charge of Madrasah Education, *ex-officio*;
- (c) one member to be nominated by the Board;
- (d) two persons to be nominated by the Government;
- (e) the Registrar of the Board, *ex-officio*, who shall be member-Secretary.

(2) Three members shall form the quorum at a meeting of the Finance Committee.

(3) The Finance Committee shall have the power-

- (a) to prepare the budget estimates of the Board and to revise it when necessary;
- (b) to recommend transfer of budget provision from one head to another by re-appropriation during the year as and when necessary;
- (c) to recommend sanction of any special item of expenditure not provided for in the budget estimate or special rate of travelling allowance to distinguished visitors or experts;
- (d) to review the financial position of the Board periodically and make recommendations to the Board for improving its finances;
- (e) to supervise the accounts of the Board from time to time and recommend appointment of internal auditors when necessary;
- (f) to lay down the manner in which the budget of the Board shall be prepared and accounts of the Board shall be kept in accordance with the regulations;
- (g) to recommend changes in, and addition to, the regulations connected with financial matters;
- (h) to consider audit reports and to recommend action thereon; and
- (i) to consider any matter referred to it by the Chairman and recommend action thereon.

(4) The members of the Finance Committee, other than the *ex-officio* members, shall hold office for a period of two years.

7. (1) The Selection Committee shall consist of -

- (a) the Chairman, *ex-officio*;
- (b) the Assistant Director of Public Instruction, In-charge of Madrasah Education, *ex-officio*;
- (c) two persons to be nominated by the Government; and
- (d) the Chairman of the Board of Intermediate and Secondary Education in Bangladesh nominated by the Government under clause (d) of section 4, *ex-officio*.

Constitution and
Functions of the
Selection
Committee

¹[(2) The Selection Committee shall recommend the appointment of the Officers of the Board.]

(3) Three members shall form the quorum at a meeting of the Selection Committee.

(4) The members of the Selection Committee, other than the *ex-officio* members, shall hold office for a period of two years.

(5) Subject to the provisions of this regulation, the Chairman shall form a Selection Committee consisting of not less than five members including the senior officers of the Board for selection of persons for appointment and promotion of employees of which he is the appointing authority.

Appointment of Sub-Committee, etc.

8. (1) A Committee may constitute a Sub-Committee and assign to it such functions as it may deem fit.

(2) When a person ceases to be a member of a Committee, he shall cease to be member of any Sub-Committee of which he is a member by virtue of his membership of that Committee.

Affiliation, etc., of Madrasahs

²**9.** (1) The Board shall grant affiliation to Ibtedayee Madrasah, Dakhil Madrasah and Alim Madrasah if it is satisfied on receipt of reports of inspection from the Directorate of Secondary and Higher Education or from the Directorate of Primary and Mass Education, as the case may be, that the conditions prescribed for such affiliation are satisfactorily fulfilled.

(2) The authorities of Ibtedayee Madrasah and Dakhil Madrasah shall not open the next higher class without prior permission of the Board.

(3) The affiliation of any Ibtedayee Madrasah or Dakhil Madrasah or Alim Madrasah or recognition of a group of courses of studies may be cancelled by the Board and the permission already accorded shall be withdrawn if, on receipt of reports of inspection, it is satisfied that the conditions necessary for affiliation or permission have ceased to be fulfilled.

¹ Sub-regulation (2) was substituted by section 5 of the Madrasah Education (Amendment Act, 2006 (Act No. XLIV of 2006).

² Regulation 9 was substituted by section 5 of the Madrasah Education (Amendment Act, 2006 (Act No. XLIV of 2006).

(4) Inspection report in respect of Dakhil Madrasah shall be submitted through the Regional Deputy Director of Education concerned.]

10. (1) All Madrasahs imparting Madrasah education up to Dakhil, Alim, Fazil or Kamil standard immediately before the commencement of the Ordinance shall seek affiliation to the Board within six months from the date of such commencement.

Madrasahs to
seek affiliation

(2) A Madrasah established after the commencement of the Ordinance may make application for affiliation to the Board at least six months before the ensuing session.
