

রেজিস্টার্ড নং ডি এ-১ “জাতির পিতা বঙ্গবন্ধু শেখ মুজিবুর রহমানের
জন্মশতবার্ষিকী উদযাপন সফল হোক”

বাংলাদেশ



গেজেট



অতিরিক্ত সংখ্যা
কর্তৃপক্ষ কর্তৃক প্রকাশিত

রবিবার, জানুয়ারি ৩১, ২০২১

**Government of the People's Republic of Bangladesh
Ministry of Law, Justice and Parliamentary Affairs
Legislative and Parliamentary Affairs Division**

NOTIFICATION

Dated: 20 January 2021

S.R.O. No. 22- Law/2021.—In exercise of the powers conferred by section 27 of the Bangladesh Accreditation Council Act, 2017, the Government is pleased to publish the following English Text of the Act to be called the Authentic English Text of the Act:—

The Bangladesh Accreditation Council Act, 2017

Act No. IX of 2017

An Act to make provisions for the establishment of a Council to grant accreditation to public and private higher education institutions of the country and the educational activities thereof in order to ensure the quality of higher education

WHEREAS it is necessary to make provisions for granting accreditation to public and private higher education institutions of the country and the educational activities thereof to ensure the quality of higher education and for matters ancillary thereto; and

WHEREAS it is expedient and necessary to establish an Accreditation Council to grant accreditation;

(১৮০৫)
মূল্য : টাকা ১৬.০০

THEREFORE, it is hereby enacted as follows:—

1. **Short title and commencement.**—(1) This Act may be called the Bangladesh Accreditation Council Act, 2017.

(2) It shall come into force at once.

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

- (1) **“accreditation”** means the recognition given by the Council to any public or private higher education institution to the effect that such institution is competent to offer quality higher education in conformity with the framework after examination and consideration of the curriculum made for such institution or the academic activities thereof and necessary actions taken for conducting the educational activities in conformity with such curriculum;
- (2) **“Accreditation Committee”** means the Accreditation Committee formed by the Council under section 13, from time to time, to evaluate, upon examination and inspection, the public and private higher education institutions and the activities thereof;
- (3) **“higher education institution”** means any public or private institution offering Bachelor’s degree or above;
- (4) **“Commission”** means the University Grants Commission as defined in clause ((b) of section 2 of the University Grants Commission of Bangladesh Order, 1973;
- (5) **“confidence certificate”** means a provisional certificate issued for the purpose of achieving the standard in conformity with the framework by the education institution under inspection;
- (6) **“Council”** means the Bangladesh Accreditation Council established under section 4 of this Act;
- (7) **“quality assurance”** means determination, development and assurance of standard of any higher education institution and the activities thereunder in consideration of certain area and criteria;
- (8) **“Chairman”** means the Chairman of the Council;
- (9) **“fund”** means the fund of the Council;

- (10) “**programme**” means any particular programme conducted under the structured curriculum;
- (11) “**regulations**” means regulations made under this Act;
- (12) “**framework**” means the standard education structure including the terms and conditions of academic activities;
- (13) “**rules**” means rules made under this Act;
- (14) “**register**” means books containing all information relating to academic activities and accreditation of higher education institution;
- (15) “**member**” means a member of the Council; and
- (16) “**public university**” means any university established under a separate law except a private university established under the Private University Act, 2010.

3. **Application.**—Notwithstanding anything contained in section 38 of the Private University Act, 2010 (Act No. XXXV of 2010), the provisions of this Act shall also apply to the affairs relating to accreditation of private universities established under such Act.

4. **Establishment of the Council.**—(1) After the commencement of this Act, the Government shall, by notification in the official Gazette establish a Council to be called the Bangladesh Accreditation Council.

(2) The Council shall be a body corporate having perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property, both movable and immovable, and shall by the said name sue and be sued.

5. **Office of the Council.**—The office of the Council shall be at Dhaka.

6. **Constitution of the Council, etc.**—(1) The Council shall consist of a Chairman, 4 (four) full-time members and 8 (eight) part-time members.

(2) For the purpose of sub-section (1), the Government shall, subject to the provisions of section 8, appoint 4 (four) persons as the full-time members of the Council from amongst the professors of public universities or persons having experience in the administrative functions of the Government.

(3) For the purposes of sub-section (1), the 8 (eight) part-time members of the Council shall be as follows, namely :—

- (a) a full-time member of the Commission to be nominated by the Commission;
- (b) an employed, not below the rank of Joint-Secretary, to be nominated by the Government;
- (c) the President of the Association of Private Universities of Bangladesh recognized by the Government or a member of the Executive Council of such Association to be nominated by him;
- (d) a quality assurance and accreditation expert from any recognized foreign quality assurance and accreditation organization to be nominated by the Government;
- (e) a representative of the professional organizations relating to such particular affairs as may be determined by the Government;
- (f) a medical educationist to be nominated by the Medical and Dental Council;
- (g) an educationist having experience in education administration to be nominated by the Government;
- (h) a person having experience in information and communication technology to be nominated by the Government.

(4) The Chairman and the full-time members shall perform their functions in the Council on full-time basis.

(5) No act or proceeding of the Council shall be invalid merely on the ground of the existence of any vacancy in, or any defect in the constitution of, the Council and no question shall be raised in any court in respect thereof.

7. Appointment of Chairman and members.—(1) The Chairman and the full-time members of the Council shall be appointed by the Government and the terms and conditions of their appointment and service shall be determined by the Government.

(2) The Chairman, or any member of the Council, whatever office he holds, shall not appointed for more than 2 (two) terms.

Explanation.—For the purpose of this sub-section, “term” shall also include the incomplete term in the office of a full-time or part-time member.

(3) If any vacancy is occurred in the office of the Chairman or if he is unable to perform the functions of his office on account of absence, illness or any other cause, any full-time member of the Council nominated by the Government shall act as Chairman until a newly appointed Chairman takes over the charge of his office.

(4) The Chairman and the full-time members of the Council shall have the same status as the Chairman and the full-time members of the Commission, respectively.

(5) The Government may, at any time, cancel the appointment of the Chairman and any member of the Council if it deems necessary.

8. Qualification of the Chairman and the members.—(1) A professor having special knowledge of quality assurance and accreditation and experience in teaching in any public university for 25 (twenty-five) years including the experience in administration, especially in the administration of higher education, and having passed not less than 10 (ten) years as a professor, shall be eligible for appointment as the Chairman of the Council.

(2) A professor having experience in teaching in any public university for 20 (twenty) years and having passed not less than 10 (ten) years as a professor, or any person having experience of administrative functions of the Government for a period not less than 25 (twenty-five) years, shall be eligible for appointment as a full-time member of the Council.

9. Tenure of office of the Chairman and members, and resignation.—(1) The Chairman and the full-time members shall hold office for a period of 4 (four) years from the date of their appointment and the part-time members shall hold office for a period of 2 (two) years from the date of their appointment.

(2) The Chairman or a full-time member may resign his office by writing under his hand addressed to the Government and any part-time member may resign his office by writing under his hand addressed to the Chairman.

(3) If any vacancy occurs in any office on account of the expiration of period, resignation or any other reason, the Government shall fill-up the vacancy by making a fresh appointment.

10. Duties and functions of the Council.—The Duties and functions of the Council shall be as follows, namely :—

- (a) to issue, suspend or cancel accreditation certificate or, as the case may be, confidence certificate in order to ensure the quality of higher education offered by a higher education institution;
- (b) to accredit higher education institutions and the education activities of such institutions;
- (c) to form separate Accreditation Committee for each discipline upon the application made by any higher education institution;
- (d) to determine the terms and conditions for issuing of accreditation and confidence certificate by the Council;
- (e) to cancel the accreditation and confidence certificate of any institution or programme of degree thereunder on reasonable grounds after giving an opportunity of being heard;
- (f) to take step to create enthusiasm among authorities concerned for matters relating to accreditation, and for development, expansion, training, arrangement of seminars and symposium, and undertake informative publicity on accreditation;
- (g) to arrange for international recognition of accreditation through consultation and cooperation with inter-State, regional and international organizations;
- (h) to implement the framework; and
- (i) to perform such other functions as the Government may determine and the Council may deem necessary.

11. Meetings of the Council.—(1) Subject to other provisions of this section, the Council may determine the procedure of its meetings.

(2) The meetings of the Council shall be held on such time, date and place as may be determined by the Chairman;

Provided that at least one meeting shall be held in each 4 (four) months.

(3) The Chairman and, in his absence, a full-time member nominated by him, shall preside over the meetings of the Council.

(4) To constitute a quorum at a meeting of the Council, the presence of 7 (seven) members shall be required.

(5) The decision in a meeting of the Council shall be taken by a majority of the votes of the members present.

(6) At a meeting of the Council, the Chairman and each member shall have one vote and in the event of equality of votes, the person presiding over shall have a second or casting vote.

(7) The Chairman and the members present in a meeting may be given such remuneration as may be prescribed by regulations.

12. Appointment of Secretary and employees of the Council.—(1) There shall be a Secretary of the Council who shall be appointed on such terms and conditions as may be determined by the Government.

(2) The duties and functions of the Secretary shall be as follows, namely :—

- (a) to determine the agenda, date, time and place of a meeting in accordance with the instructions of the Chairman;
- (b) to perform the secretarial duties in all meetings of the Council;
- (c) to prepare the minutes of meetings according to the decisions of the Council;
- (d) to preserve the statement of the functions performed by the Chairman and the members and the documents relating thereto;
- (e) to administer all necessary functions for the management of the Council; and
- (f) to perform such other functions as may be determined by the Council.

(3) The Institution may, subject to the organogram approved by the Government, appoint such number of employees of different grades as it considers necessary for efficient performance of its functions and the terms and conditions of the service of such employees shall be prescribed by regulations.

13. Formation of Accreditation Committee.—(1) For the purposes of this Act, there shall be formed an Accreditation Committee against each application submitted for obtaining accreditation, in such manner as may be prescribed by rules:

Provided that until such rules are made, the Government may, by office order, form any Accreditation Committee.

(2) All matters relating to honorarium or allowance of the head of the Accreditation Committee formed under sub-section (1) and of its members shall be prescribed by regulations.

14. Expert Committee.—(1) The Council may appoint one or more Expert Committees to assist in its work.

(2) The duties and functions of the Committee appointed under sub-section (1) shall be determined by the Council.

15. Framework.—(1) The Commission shall make the framework in consultation with the Council and with the approval of the Government.

(2) The Council shall implement the framework made under sub-section (1).

(3) The Expert Committee appointed under section 14 of this Act may, from time to time, recommend for modification of the framework and upon receiving such recommendation, the Council shall present it to the Commission.

(4) The Commission shall take necessary steps to modify the framework in consultation with the Council in the light of the recommendation received under sub-section (3).

16. Confidence certificate, Accreditation certificate, etc.—(1) The application process for confidence certificate and accreditation certificate, acceptance or rejection of the application, fee, validity of certificates, conditions of obtaining certificates, inspection and assessment, and cancellation of certificates including the matters ancillary thereto shall be prescribed by rules.

(2) The confidence certificates and the accreditation certificates of the higher education institutions shall be open for general information of the public on the website of the Council.

17. **Prohibition and administrative fine.**—(1) No higher education institution shall, without obtaining an accreditation certificate, make advertisement and prepare and publish any brochure or booklet claiming to have obtained accreditation certificate.

(2) No higher education institution shall award any degree according to their self-determined education structure deviating from the standard education structure determined under the framework.

(3) Where the accreditation certificate of any higher education institution is suspended, cancelled or revoked, it shall be bound to surrender the certificate within such time as may be determined by the Council.

(4) When any person nominated by the Council inspects any higher education institute, no false information shall be presented to, nor any information be concealed from, him.

(5) If any education institution contravenes the provisions of sub-sections (1), (2), (3) and (4), the confidence certificate of the institution may be cancelled or, as the case may be, the accreditation certificate thereof may be suspended, revoked or cancelled and administrative fine may be imposed in addition thereto.

(6) The money realized as administrative fine shall be deposited into the government treasury.

(7) Where the accused higher education institution does not pay the fine imposed under sub-section (5), it shall be recoverable as public demand in accordance with the Public Demand Recovery Act, 1913 (Ben. Act No. III of 1913).

18. **Review.**—(1) Any higher education institution aggrieved by the order of suspension or cancellation or revocation or rejection of accreditation certificate or by any other reason, may make an application to the Chairman of the Council in writing for review of such order.

(2) The Council shall form a committee for review of the application received under sub-section (1), and the committee shall issue an order upon disposal of the review application within a period not exceeding 15 (fifteen) days.

(3) The order of review issued under sub-section (2) shall be final and no appeal shall lie against it.

(4) The manner in which the committee is to be formed and the procedure to be followed by it shall be prescribed by rules.

19. **Fund.**—(1) There shall be a fund of the Council to meet the expenses of carrying out its duties and functions.

(2) Moneys received from the following sources shall be credited to the fund, namely :—

- (a) lump sum grants and annual financial grants made by the Government;
- (b) donations made by any person or organization; and
- (c) income accrued from the service provided by the Council.

(3) all moneys of the fund shall be kept in any Scheduled Bank and the manner in which money is to be drawn from the bank shall be prescribed by regulations:

Provided that until regulations are made, the Government may, by office order, determine the manner to be followed in drawing money.

(4) Until rules are made under sub-section (6), the necessary expenditure of the Council shall be met out of the fund in accordance with the government policies, rules and regulations.

(5) The surplus money of the fund, if any, after defraying the expenditure of the Council, shall be deposited in the government treasury, fully or partly, in accordance with the government instructions.

(6) All other ancillary matters regarding the expenditure of money of the fund shall be prescribed by rules.

Explanation.—For the purpose of this section, “Scheduled Bank” means a Scheduled Bank as defined in Article 2(j) of the Bangladesh Bank Order, 1972 (P.O. No. 127 of 1972).

20. **Annual budget statement.**—(1) The Institution shall, by such date in each year as may be fixed by the Government, submit an annual budget statement to the Government for the next financial year showing the sums which are likely to be required for the institution from the Government during that financial year.

(2) The budget statement under sub-section (1) shall be made in accordance with such manner as may be determined by the Government.

21. **Accounts and audit.**—(1) The Council shall maintain its account properly and make annual statement thereof.

(2) The Comptroller and Auditor-General of Bangladesh shall audit the accounts of the Council every year and forward such number of copies of the audit-report to the Government and the Council as may be required.

(3) Where any objection is raised on the report mentioned in sub-section (2), the Council shall immediately take necessary measures to resolve it.

(4) Apart from the audit under sub-section (2), the accounts of the Council may be audited by any Chartered Accountant as defined under Article 2 (1) (b) of the Bangladesh Chartered Accountants Order, 1973 (P. O. No. 2 of 1973) and in this behalf, the Council may appoint one or more Chartered Accountants and the Chartered Accountant so appointed shall be entitled to such remuneration as may be determined by the Government.

(5) For the purpose of an audit of the accounts of the Council, the Comptroller and Auditor General of Bangladesh or any person authorized by him in this behalf or the Chartered Accountant appointed under sub-section (4) shall have access to all records, documents, annual balance sheet, cash or money deposited in Bank, securities and other property of the Council and may examine the Chairman, any member or employee of any grade, of the Council.

22. **Annual report.**—(1) The Council shall prepare an annual report on the conducts of its affairs at the end of every financial year.

(2) The Council shall submit the report prepared under sub-section (1) within 3 (three) months after the end of every financial year.

(3) The Government may, at any time if it deems necessary, require the Council to furnish any report, statement, account, statistics or other information on any matter of its affairs to it, and the Council shall furnish it to the Government.

23. **Register.**—(1) The Council shall prepare and maintain a register to be called the Accreditation Register.

(2) The information regarding academic programmes and accreditations of higher education institutions shall be recorded in the register maintained under sub-section (1).

(3) The register shall be used as reference to the higher education institutions.

(4) The register shall be open on the website of the Council for the public information and use.

24. **Contract.**—For carrying out the purposes of this Act, the Council may, with the prior approval of the Government, enter into any contract with any organization, foreign government or organization issuing accreditation.

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

26. **Power to make regulations.**—The Council may, in consultation with the Government, make regulations for carrying out the purposes of this Act.

27. **Publication of Authentic English Text.**—(1) After the commencement of this Act, the Government may, by notification in the official Gazette, publish an Authentic English Text of this Act.

(2) In the event of conflict between the Bangla and the English Texts, the Bangla Text shall prevail.

By order of the President

মুহঃ জাকির হোসেন
যুগ্মসচিব (লে.অ.)।