

**Act No.34 of 1992**

**An Act made to provide for the establishment of private universities**

Whereas it is necessary to establish private universities in order to meet the increasing demand of, and to extend pervasively, higher education in the country, to facilitate the access of the general public to higher education and to create in this way a class of skilled persons;

and whereas several well-wishing persons, associations, charitable funds and institutions of the country are eager to establish and manage private universities;

and whereas it is expedient to provide for the establishment of private universities;

Now, therefore, it is enacted as follows:-

**1. Short title.-** This Act may be called the Private University Act, 1992.

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

- a) "Faculty" means a Faculty of a private university;
- b) "Academic Council" means the Academic Council of a private university;
- c) "Authority" means any Authority referred to in, or constituted under, this Act;
- d) "Trustee Board" means the Trustee Board referred to in sub-section (1) of section 14;
- e) "Managing Board" means the Managing Board referred to in sub-section (1) of section 14;
- f) "Founder" means any person, association, charitable fund or any other institution which establishes a private university;
- g) "private university" means any private university established under this Act;
- h) "association" means any association or group of two or more persons intending to establish a private university;
- i) "Grants Commission" means the University Grants Commission of Bangladesh Constituted by the University Grants Commission Order, 1973 (PO No.10 of 1973);
- j) "Regency Council" means the Regency Council referred to in sub-section (1) of section 14;
- k) "Sanad" means a Sanad granted under section 6 for the establishment of a private university;
- l) "Syndicate" means the Syndicate referred to in sub-section (1) of section 14.

**3. Private universities.-** (1) There may be established one or more private universities in accordance with the provisions of this Act.

(2) Every private university shall, subject to the provisions of this Act, have power to acquire, hold and transfer property, both movable and immovable, and suits may be filed by or against it.

**4. Location of private universities.-** Private universities may, after prior consent of the Government and subject to the provisions of this Act, be located at any place in Bangladesh:

Provided that a private university may initially, after prior consent of the Government, be established anywhere in a provisional manner, but it shall, within five years after the date of the provisional establishment, be established permanently on its own ground, no less than five acres and approved by the Government, and with an adequate infrastructure.

**5. University to be open to anybody irrespective of caste, religion.-** Private universities shall be open to men and women of any caste, religion, race and class.

**6. Sanad for the establishment of private universities.-** (1) No private university shall be established or managed without the acquisition of the required Sanad from the Government under this section.

(2) Every person, association, charitable fund or other institution intending to establish or manage a private university shall, for the purpose of acquiring a Sanad under sub-section (1), make an application in the prescribed form to the Government.

(3) The Government may, after the receipt of an application under sub-section (2), demand from the applicant such further informations as may be required for the consideration of the subject, and it shall, if it is, after consideration of the application, satisfied that the applicant has fulfilled the conditions for the establishment of a private university under section 7, grant in the prescribed form a Sanad for the establishment of a private university under sub-section (1) in favour of the applicant.

(4) The Government may, if it is satisfied that the applicant has failed to fulfill the conditions for the establishment of a private university under section 7, reject by order the application submitted by the applicant under sub-section (2):

Provided that no application shall be rejected without giving to the applicant a reasonable opportunity for a hearing.

(5) Every person, association, charitable fund or institution afflicted by an order of rejection under sub-section (4) may make an appeal against such order to the Chancellor, and the decision of the Chancellor on the appeal shall be deemed to be final.

**7. Conditions for the acquisition of a Sanad.-** Every private university has, for the acquisition of a Sanad under section 6, to fulfill, among others, the following conditions, namely:-

- a) the Grants Commission shall give its prior approval of a plan concerning its teaching programme;
- b) it shall in the initial stages have no less than two Faculties;
- c) every Faculty shall have such number of pedagogically competent specialist subject teachers as the Grants Commission may approve of;
- d) it shall have a reserved fund of no less than ten million Takas, which shall be deposited at a nationalized bank;
- e) it shall have a balanced and dense syllabus, approved by the Grants Commission;
- f) it shall reserve five per cent of the total number of seats fixed for the admission of students for the admission of indigent or gifted students, and all such students shall have

opportunity to study without paying fees;

g) the scale of pay of the teachers and the rate of the pay to be payed by the students shall be clearly stated.

**8. Officers of private universities.-** (1) Every private university shall have the following officers, namely:-

a) a Chancellor;

b) a Vice-Chancellor, Rector or Principal;

c) a Treasurer;

d) a Registrar;

e) Deans;

f) Heads of Department;

g) an Examination Controller.

**9. Chancellor.-** (1) The President of the People's Republic of Bangladesh shall be the Chancellor of every private university, and he or a person to be nominated by him shall preside the convocations for award of academic and honorary degrees.

(2) Every proposal for the conferment of an honorary degree shall be subject to the confirmation of the Chancellor.

(3) Every year or at such interval of time as the Chancellor may determine, there shall, after the prior approval of the Chancellor, be performed a convocation for award of academic degrees.

**10. Vice-Chancellor.-** (1) The Vice-Chancellor, Rector or Principal of a private university shall, after consultation with the Founder, be appointed by the Chancellor for a period of four years on such terms and conditions as may be determined by the Chancellor, and he shall be the Chief Executive Officer of such university.

(2) If for absence, illness or any other reason the Vice-Chancellor, Rector or Principal is unable to discharge his functions, the Treasurer shall discharge the functions of a Vice-Chancellor, Rector or Principal for the period of such inability.

**11. Treasurer.-** (1) The Treasurer shall, after consultation with the Founder, be appointed by the Chancellor for a period of four years on such terms and conditions as may be determined by the Chancellor.

(2) The Treasurer shall be responsible for the accounts of a private university.

**12. Appointment of Registrar, Deans, etc. .-** (1) The Registrar, Heads of Department and Examination Controller of a private university shall be appointed by the Syndicate, Managing Board, Regency Council or, as the case may be, Trustee Board for a period of four years on such terms and conditions as may be determined by the Chancellor.

(2) The Dean of any Faculty shall, after consultation with the Founder, be elected by the Heads of the Departments concerned for such period as may be determined by the Chancellor.

**13. Appointment of other officers.-** If it is necessary to appoint any other officer in addition to those referred to in section 8, the Founder shall be obliged to obtain the prior consent of the Government for the appointment of such other officer, and he may, in case that no consent has been received within thirty days after the date of the application for

such consent, make, within thirty days after non-receipt of the approval, an appeal to the Chancellor, and such appeal shall, if the Chancellor has not decided on it within sixty days after its receipt, be considered to have been admitted.

**14. Authorities of private universities.-** (1) Every private university shall have the following authorities, namely:-

- a) a Syndicate, Managing Board, Regency Council or Trustee Board consisting of no less than nine members;
- b) an Academic Council consisting of no less than nine members;
- c) Faculties or Schools of Studies;
- d) a Syllabus Committee;
- e) a Finance Committee consisting of no less than five members;
- f) an Election Committee consisting of no less than five members.

(2) The Founder may, after prior consent of the Chancellor, constitute, in addition to those referred to in sub-section (1), any other authority which may be required for the proper and perfect discharge of the functions of a private university.

(3) The Syndicate, Managing Board, Regency Council or Trustee Board shall consist of such persons as have gained over many years experience in the fields of education, culture, industry, science, technology and administration.

**15. Teaching programme, etc. -** (1) Plans, teaching methods, syllabuses and teaching standards relating to teaching programmes of private universities are to be approved by the Grants Commission.

(2) An application for an approval under sub-section (1) shall be made to the Grants Commission; and the Grants Commission shall, within sixty days after the date of receipt of the application, decide on the application.

(3) If the Grants Commission notifies its refusal to approve of a plan, teaching method, syllabus or teaching standard relating to the teaching programme of a private university, an appeal may, within thirty days after the date of such notice of rejection, be made against it to the Chancellor, and the decision of the Chancellor on such appeal shall be deemed final.

(4) If the Chancellor fails to decide on an appeal under sub-section (3) within sixty days after the date of receipt, the appeal shall be considered to have been admitted.

**16. Cancellation of a Sanad.-** (1) If there is lodged any complaint to the effect that a forgery or fraud has been committed on the occasion of awarding a certificate, diploma or degree of a private university, or that the teaching standard of such university as approved under section 15 has not been maintained, the Chancellor may have any such person as is or has been holding the office of the President of the High Court make an investigation of that complaint, and the Government may, if, on such investigation, the complaint proves correct, cancel the Sanad for such university.

(2) Any person, association, charitable trust or institution afflicted by an order to cancel a Sanad under sub-section (1) may, within thirty days after the date of such order, make an appeal to the Chancellor against such order and the decision of the Chancellor on such appeal shall be deemed to be final.

(3) An appeal under sub-section (2) shall be decided upon within sixty days after the date of its receipt and an appeal which has not been decided upon within such period shall be considered to have been admitted.

**17. Statutes.-** (1) The Syndicate, Managing Board, Regency Council or Trustee Board may, after prior consent of the Chancellor, make statutes containing syllabuses, teaching methods, book-lists and provisions relating to the discharge of administrative and other necessary functions of a private university.

(2) Statutes made under sub-section (1) shall come into effect on the date of notification in the official Gazette.

**18. Certificates, diplomas etc. of private universities.-** All certificates, diplomas and degrees awarded by a private university shall be signed the Vice-Chancellor, Rector or, as the case may be, Principal, and shall be stamped with the seal of such university.

**19. Fund.-** (1) A private university shall have a fund.

(2) This fund shall, after the approval of the Syndicate, Managing Board, Regency Council or, as the case may be, Trustee Board, be deposited in the name of the university at a nationalized bank and money may be withdrawn from the fund in the prescribed manner.

(3) No private university may, nor may any person or institution in its behalf, raise any fund within, or outside of, the country without the knowledge or prior approval of the Chancellor.

**20. Maintenance of account and audit.-** The account of the income and expenditure of a private university shall be maintained by the Grants Commission, and a chartered accountant to be appointed after approval of the Chancellor shall audit that account every financial year.

**21. Power to make rules.-** The Government may, by notification in the official Gazette, make rules for the purpose of this Act.