

BANGLADESH MADRASAH EDUCATION BOARD

NOTIFICATION

Dhaka, the 22nd December, 1979,

No. 12730/P-99.—In exercise of the powers conferred by section 38 of the Madrasah Education Ordinance, 1978 (Ord. no. IX of 1978), and in supersession of all existing orders or regulations or any other instruments made in this behalf, the Bangladesh Madrasah Education Board, with the previous approval of the Government, is pleased to make the following regulations, namely :—

THE AFFILIATED NON-GOVERNMENT MADRASAH TEACHERS' TERMS AND CONDITIONS OF SERVICE REGULATIONS, 1979.

1. **Short title.**—These regulations may be called the Affiliated Non-Government Madrasah Teachers' Terms and Conditions of Service Regulations, 1979.

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

- (a) "affiliated" means affiliated in accordance with the provisions of the Ordinance ;
- (b) "Appeal and Arbitration Committee" means the Appeal and Arbitration Committee appointed under section 18 of the Ordinance ;
- (c) "appointing authority" means the Managing Committee or the Governing Body of the concerned Madrasah as the case may be ;
- (d) "Board" means the Bangladesh Madrasah Education Board ;
- (e) "Governing Body" means a Governing Body of an affiliated non-Government Kamil Madrasah or Fazil Madrasah constituted in accordance with the Bangladesh Madrasah Education Board (Governing Bodies and Managing Committees) Regulations, 1979 ;
- (f) "Madrasah" means an affiliated non-Government Madrasah ;
- (g) "Managing Committee" means a Managing Committee of a non-Government Dakhil Madrasah or Alim Madrasah constituted in accordance with the Bangladesh Madrasah Education Board (Governing Bodies and Managing Committees) Regulations, 1979 ;
- (h) "Ordinance" means the Madrasah Education Ordinance, 1978 (Ord. No. IX of 1978) ;
- (i) "pay" means the total amount drawn by a teacher monthly in his time scale of pay and includes the Government contribution towards his pay ;
- (j) "recognised University" means a University established by or under any law for the time being in force and includes any other University declared by the Government to be a recognised University for the purposes of these regulations ;
- (k) "recognised Madrasah" means a Madrasah established by or under any law for the time being in force and includes any other Madrasah declared by the Government to be a recognised Madrasah for the purposes of these regulations ;
- (l) "recognised Board" means a Board established by or under any law for the time being in force and includes any other Board or authority declared by the Government to be a recognised Board for the purposes of these regulations ;
- (m) "time scale of pay" means pay which rises by periodical increment from a minimum to a maximum ; and
- (n) "teacher" means a teacher, whether permanent or temporary, of a Madrasah under the Board.

3. **Classification of teachers.**—(1) There may be appointed a Principal or a Superintendent and such number of teachers of different categories as the appointing authority may fix in this behalf in consultation with the Board or such authority. Board may authorise.

(2) The Governing Body or the Managing Committee, as the case may be, may with the approval of the Board or such officer as it may authorise in this behalf, appoint part-time teachers in a Madrasah, but not the Principal or the Superintendent, on contract.

(3) A person serving in a Madrasah or any other educational institution selected for appointment as a teacher in another Madrasah shall before joining his new appointment produce a clearance certificate from the Madrasah or the educational institution he leaves.

4. Qualification of teachers.—The minimum educational qualification and experience for appointment in different categories of teachers shall be as specified in the Schedule appended to these regulations.

5. Scales of pay.—(1) Every Madrasah shall, subject to the approval of the Board or such officer as may be authorised by it in this behalf, prescribe a time scale of pay for all categories of teachers specified in the schedule appended to these regulations.

(2) The time scale of pay prescribed under sub-regulation (1) shall be subject to revision in accordance with the decision of the Board from time to time.

6. Probation.—(1) All teachers on appointment shall be on probation for a period of two years and on satisfactory completion of the period of probation, a probationer shall be confirmed in service.

(2) Where a probationer fails to show satisfactory progress during his period of probation and the appointing authority is of opinion that his work or conduct as a teacher is not satisfactory and he is not likely to improve, the appointing authority may discharge him or extend his probation by a further period not exceeding one year.

7. Higher initial pay to a teacher.—The appointing authority may, in the case of a person who is exceptionally well qualified for considerable teaching experience or who possesses higher academic qualifications, allow higher initial pay to a teacher who joins the Madrasah after resigning his post in another Madrasah.

8. Duties and functions of teachers.—A teacher shall be responsible to—

- (a) teach the students in accordance with the curriculum, syllabus and class routine by means of lesson-notes, group discussions, lectures, tutorials, demonstrations, etc.;
- (b) make personal contact with the students for their individual guidance;
- (c) assist the Madrasah authorities in conducting examinations, organising Laboratories and other curricular and co-curricular activities;
- (d) supervise extra-curricular activities of the students of the Madrasah; and
- (e) perform such other functions as may be assigned to him by the Governing Body or Managing Committee or the Principal or Superintendent, as the case may be, in the interest of the Madrasah.

9. Prohibition of private tuition, etc.—No whole time teacher shall, except with the previous permission of the appointing authority, accept any private tuition or any other employment or engagement with or without remuneration involving his services in addition to his normal work in the Madrasah.

10. Resignation.—(1) Unless otherwise decided by the Governing Body or Managing Committee in special circumstances.—

(a) a teacher on confirmed appointment shall not resign without giving—

(i) one month's previous notice in writing of his intention to do so if the resignation is to be effected during the first half of the academic year; and

(ii) three months' previous notice in case the resignation is to be effected during last half of the academic year; and

(b) a teacher on probation shall not resign without giving one month's notice in writing of his intention to do so.

(2) Any contravention of the provisions of sub-regulation (1) shall entail forfeiture of the period by which the notice falls short of the requirement or such disciplinary action may be taken for the said contravention.

11. **Punishment.**—A teacher who commits a breach of the provisions of these regulations or who is guilty of negligence of duty, inefficiency or corruption or who knowingly does anything detrimental to the interest of the Madrasah or is guilty of professional misconduct shall be liable to all or any of the following penalties, namely :—

- (a) censure ;
- (b) withholding of increment for a specified period ;
- (c) recovery from pay of the whole or part of any pecuniary loss caused to the Madrasah by negligence of duty ;
- (d) removal from service ; and
- (e) dismissal from service.

Explanation.—Without prejudice to the generality of the term, “professional misconduct” includes for the purposes of these regulations the following acts or omission or commission, namely :—

- (a) unpunctuality in attending classes or any other duty assigned ;
- (b) absence from duty without permission ;
- (c) unauthorised extension of leave ;
- (d) any activity which may directly or indirectly influence in exciting one group of teacher or students against another group of teachers or students for political or personal gains ;
- (e) any activity which creates indiscipline or moral repercussion among the teachers and students ;
- (f) insubordination, alone or in combination with others, to any lawful or reasonable order of the Principal or Superintendent or, as the case may be, the Governing Body or Managing Committee ;
- (g) unauthorised use of Madrasah property ; and
- (h) any other activity which is considered and specified by the Board to be prejudicial to the interest of the Madrasah.

12. **Power to impose penalty.**—The power to impose penalty upon a teacher under regulation 11 shall vest in the authority competent to make appointment :

Provided the penalties of dismissal or removal from service shall not be imposed unless the proposal for such penalty is examined by the Appeal and Arbitration Committee and approved by the Board.

13. **Suspension.**—(1) A teacher may be placed under suspension pending enquiry. The power of suspending a teacher pending enquiry shall vest in the appointing authority.

(2) During suspension, a teacher shall be entitled to subsistence allowance at the rate of one-half of his pay. While under suspension the employee shall not leave the place where he ordinarily resides to perform his duties as teacher without prior permission of the authority competent to suspend him

14. **Procedure for drawing up proceedings.**—(1) When a teacher is to be proceeded against for offences specified in regulation 11, he shall be called upon by a notice to submit a written explanation within seven days as to why the penalty or penalties specified in the notice should not be imposed on him for the alleged offences and asking him if he desires to be heard in person.

(2) On receipt of the explanation from the teacher and his desire to be heard in person, the authority competent to impose penalty shall constitute a three member enquiry committee with a Chairman.

Provided that at least one of the members of the committee shall be from the teaching profession.

15. **Termination of service.**—The service of a teacher may be terminated if he is considered unsuitable for the teaching profession due to his ill health or if the Governing Body or Managing Committee decides for financial reason to abolish the post of a teacher :

Provided that the service of a teacher shall not be terminated for ill health without obtaining the report of a Medical Board constituted by the Governing Body or Managing

16 **Leave**—No teacher shall be entitled to any leave other than casual leave unless he has served the Madrasah for two years :

Provided that a teacher may be allowed leave not exceeding fifteen days during these two years on medical ground.

17. **Casual leave.**— A teacher shall be entitled to such casual leave as are applicable to a teacher of a Government Madrasah.

18. **Earned leave.**— Subject to the provisions of these regulations the earned leave rules applicable to the teachers serving in Government Madrasah shall apply to teacher serving in affiliated non-Government Madrasah.

19. **Medical leave** (1) Subject to the provisions of regulation 16, a teacher shall be entitled to ten days' medical leave for each complete year of service.

(2) **Medical leave** may be granted for a period not exceeding seven days at a time on production of medical certificate from a registered medical practitioner.

(3) **Medical leave** may be granted to a teacher for not more than one month with full average pay and not more than three months with half-average pay subject to production of medical certificate and availability of such leave at the credit of the teacher. In exceptional circumstances, medical leave without pay may be granted by the Governing Body or Managing Committee for such period as it considers necessary for the recovery of the teacher.

20 **Maternity leave.**— A woman teacher may be granted maternity leave on full pay for a period not exceeding two months at a time and not exceeding four months during the total period of her service in the Madrasah.

21. **Extraordinary leave.**— Extraordinary leave for a period not exceeding two years may be granted to a teacher without pay. The period of extraordinary leave shall not be counted towards service or seniority.

22 **Duty leave.**—Duty leave may be granted to a teacher if he is required to—

- (a) conduct such examinations or attend such meetings as may be approved by the Governing Body or Managing Committee, or the Board or any other lawful authority ;
- (b) attend as juror or appear as state witness in a court of law where the summons are served through the Madrasah ;
- (c) attend as member of any Committee or Body appointed by the Government or by Government Organisation or any academic body, without remuneration ;
- (d) represent the Madrasah or the Board or the Government in any organisation, association, conference, etc ;
- (e) deliver lectures at the invitation of any Department of Education or any educational institution or any learned body or association of established reputation.

23. **Study leave.**— (1) Study leave may be granted to a teacher who has put in at least 5 years' continuous service in the Madrasah, if such studies are considered necessary by the Governing Body or Managing Committee for the improvement of the professional qualification of the teacher :

Provided that—

- (a) study leave shall not exceed a period of three years during his entire period of service ;
- (b) the teacher shall be paid full average pay for the first year, half-average pay for the second year if the financial resources so permit and no salary shall be paid for the third year ; and
- (c) the teacher shall give an undertaking in writing to the effect that he will serve the Madrasah for at least five years after completion of his study or in the case of failure to do so shall refund the money drawn.

24. **Leave not right.**—Notwithstanding anything contained in regulations 16 to 23, no leave may be claimed as a matter of right.

25. **Contributory provident fund.**—Every confirmed teacher in a Madrasah shall be given the benefit of contributory provident fund. The teacher shall contribute towards the contributory provident fund every month at the rate of 10% of his pay and the Madrasah shall contribute an equivalent amount

26. **Age of retirement.**—The age of superannuation of a teacher shall be sixty years and a teacher may be permitted by the appointing authority to continue in the service of the Madrasah till the end of the year in which he attains sixty years.

27. **Extension.**—(1) A teacher may in exceptional circumstances, be allowed extension in service of the Madrasah on receipt of prayer from the teacher concerned.

(2) In the case of Principal or Superintendent, the Board on the recommendation of the Government Body or Managing Committee by two-thirds majority, and in the case of other teachers, the Chairman of the Board on the recommendation of the Governing Body or Managing Committee, may grant the extension of service to a teacher under sub-regulation (1).

(3) The grant of extension under this regulation shall be subject to the following conditions, namely :

(a) no extension shall be granted beyond the age of 65 years ;

(b) no extension shall be granted for a period of more than two years at a time ; and

(c) no extension shall be granted unless a certificate of physical and mental fitness is produced by the teacher from a registered medical practitioner approved by the Governing Body or Managing Committee.

28. **Gratuity.**—(1) There shall be provision for gratuity in every Madrasah for the benefit of the teachers.

(2) Unless discharged or removed or dismissed from service, the teachers of a Madrasah shall in case of untimely death, disablement by accident or prolonged illness or when his service is terminated as a result of abolition of the post due to financial reason, get gratuity in accordance with the following principles, namely :

(a) if his total service is 5 years or more but less than 10 years, 3 month's pay for first complete 5 years of service *plus* one month's pay for each two additional complete years of service.

(b) if his total service is 10 years or more but less than 20 years, 5 month's pay for first 10 complete years of service *plus* one month's pay for each 3 additional complete years of service ;

(c) if his total service is more than 20 years, 8 month's pay for first 20 complete years *plus* one month's pay for each 3 complete years of service.

(3) In case of retirement on attaining the age of superannuation, a teacher shall be paid one month's pay for each 3 complete years of service.

29. **Group insurance.**—Every Madrasah shall introduce Group Insurance for the benefit of the teachers in accordance with such instructions as the Board may issue in this behalf from time to time.

SCHEDULE

Name of post.	Qualification and experiences.
(a) Principal of Kamil Madrasah	<p>(i) A first class Kamill degree from a recognised Madrasah with adequate knowledge of Bengali and English languages ;</p> <p style="text-align: center;"><i>Or</i></p> <p>A First Class Master degree in the relevant subject or an equivalent degree from a recognised University and a Kamil degree not below second class from a recognised Madrasah.</p> <p>(ii) 12 years' experience in educational administration and teaching in Kamil classes.</p>

Name of the post.	Qualification and experiences.
(b) Principal of Fazil Madrasah	(i) A second Class Kamil degree from a recognised Madrasah with adequate knowledge of Bangali and English languages ; <i>Or</i> A second class Master's degree in the relevent subject or equivalent degree from a recognised Madrasah. (ii) 10 years experience in educational administration and teaching in Fazil Classes.
(c) Superintendent of Alim Madrasah.	(i) A second Class Kamil degree from a recognised Madrasah with adequate knowledge of Bangali and English languages or equivalent degree from a recognised University or a recognised Madrasah. (ii) 7 years' experience in educational administration and teaching in a Madrasah.
(d) Superintendent of Dakhil Madrasah.	(i) A second class Kamil degree from a recognised Madrasah with adequate knowledge of Bengali and English languages or an equivalent degree from a recognised University or a recognised Madrasah. (ii) 5 years' experience in educational administration and teaching in a Madrasah.
(e) Mufassir or Muhaddis or Faquih or Adib for Kamil classes.	(i) A first class Kamil degree from a recognised Madrasah and evidence of research/scholarship in Tafsir/Hadith/Fiqh/Adab ; <i>Or</i> A first class Master's degree with specialisation in relevant field and a Kamil degree from a recognised Madrasah or equivalent qualification that may be recognised by the Board. (ii) 5 years' experience in teaching in the Fazil classes.
(f) Assistant Moulana for Kamil or Fazil classes.	(i) A second class Kamil degree from a recognised Madrasah or its equivalent qualification as may be recognised by the Board. (ii) 5 years' experience in teaching in a Madrasah.
(g) Lecturer for Science, Arts or Commerce subjects in Fazil classes.	(i) A second class Master's degree in the relevant subject from a recognised University. Preference will be given to those having Second Class Honours in degree course.
(h) Demonstrator	... A Second Division Bachelor's degree in Science in the relevant subject from a recognised University.
(f) Assistant Moulana for Alim classes.	A second class Kamil degree from a recognised Madrasah or its equivalent degree that may be recognised by the Board. Preference will be given to those with degree or diploma in education or teacher training course.

Name of the Post.	Qualification and experiences.
(j) Junior Moulana	... A Fazil certificate or a First Division Alim certificate from a recognised Madrasah preferably with a teacher training certificate from an institute recognised by the Board.
(k) Qurl	... A Certificate in quirat and tajwid from an institute recognised by the Board.
(l) Senior teacher	... A Bachelor's degree with B Ed. or its equivalent from a recognised University.
(m) Assistant teacher	... A Bachelor's degree from a recognised University preferably with a degree or diploma in teaching from a recognised University/institute.
(n) Junior teacher	... H.S.C. or S.S.C. in 2nd Division from a recognised Board with training from an institute recognised by the Board.

Md. ABDUL KHALIQUE
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 Dhaka.