

রেজিস্টার্ড নং ডি এ-১

বাংলাদেশ



গেজেট

অতিরিক্ত সংখ্যা
কর্তৃপক্ষ কর্তৃক প্রকাশিত

বৃহস্পতিবার, নভেম্বর ১৪, ২০১৯

**Government of the People's Republic of Bangladesh
Ministry of Primary and Mass Education**

NOTIFICATION

Dated : 14-11-2019

S.R.O. No. 357-Law/2019.—In exercise of the power conferred by section 35 of the Non-formal Education Act, 2014, the Government is pleased to publish the following Authentic English Text of the Act, and it takes effect from the date on which the Act comes into force under sub-section (2) of section 1 of this Act :—

(Act No. XIV of 2014)

An Act to make provisions for providing literacy knowledge to the communities deprived of the opportunities of education, creating opportunities for life-long education, developing their livelihood through technical and vocational training, converting them into skilled human resources, building up their competencies for self-employment and creating alternative opportunities of education for the children out-of-school and dropped out

WHEREAS, it is necessary for providing literacy knowledge to the communities deprived of education, creating opportunities for their life-long education and developing their livelihood through technical and vocational training; and

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WHEREAS, it is necessary for converting the communities into skilled human resources and creating opportunities for their self-employment; and

WHEREAS, it is necessary and expedient to make provisions for creating opportunities of alternative education for the children out-of-school and dropped out;

THEREFORE, it is hereby enacted as follows:—

Chapter-1

Preliminary

1. Short title and commencement.—(1) This Act may be called the Non-formal Education Act, 2014.

(2) It shall come into force on such date as the Government may, by notification in the official Gazette, appoint.

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

- (1) “continued education” means arrangement of training for development of skills and livelihood, besides basic education (literacy, primary education and life-efficiency), and opportunities of higher education within the score of life-long education process with a view to improving the socio-economic condition of the disadvantaged persons or communities of the society;
- (2) “non-formal education” means the methodologically organized learning system beyond the scope of formal education which is stretched to life-long education and conducted with a view to developing the capacities of the disadvantaged communities and of the persons dropped out;
- (3) “community learning centre” means the learning centres which are established beyond the system of formal education for the urban and the rural communities and which are conducted by the local people to improve the standard of living of the communities and the persons concerned with the provisions of organizing need-based different forms of education and training;
- (4) “Chairman” means the Chairman of Non-formal Education Board and shall also include any member in charge of the Chairman;

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- (5) “National Skills Development Framework” means the National Skills Development Framework determined by the Government;
 - (6) “life-long education” means the education, received throughout life on different areas which may be institutional or non-formal or non-institutional or informal or individual initiative of learning and which enhances intellectual faculty of mind and gradually develops the skills acquired earlier, or supports the continued development of the standard of life;
 - (7) “fund” means fund established under section 24;
 - (8) “prescribed” means prescribed by rules and regulations;
 - (9) “Director” means the Director of the Board;
 - (10) “regulations” means regulations made under this Act;
 - (11) “rules” means rules made under this Act;
 - (12) “child and young men and women with special needs” means such child and young men and women who have any of the disabilities mentioned below, namely :—
 - (a) autism and autism-spectrum disorders;
 - (b) physical disabilities;
 - (c) disabilities due to mental illness;
 - (d) disabilities of sight;
 - (e) disabilities of speech;
 - (f) disabilities relating to intellectual retardation;
 - (g) disabilities of hearing;
 - (h) disabilities of hearing and vision;
 - (i) cerebral palsy;
 - (j) down syndromes;
 - (k) multi-dimensional disabilities; and
 - (l) any other disability;
 - (13) “vocational institution or school” means any institution providing courses relating to non-formal education, life-long education or pre-vocational training;

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- (14) “Board” means the Non-formal Education Board established under section 15;
 - (15) “Bureau” means Bureau of Non-formal Education;
 - (16) “Director General” means the Director General of the Bureau;
 - (17) “member” means member of the Board and shall also include the Chairman;
 - (18) “equivalent education” means the prescribed competency-based education for different levels of non-formal education, by keeping consistency with prescribed primary competencies, to ensure the equivalence of non-formal education with different grades of formal education;
 - (19) “general education” means all forms of formal education except technical education provided by the Technical Education Act, 1967 (Act No. I of 1967); and
 - (20) “literacy” means abilities of reading, comprehending, explicating various matters orally and in writing, communication and numeracy.

3. Overriding effect of the Act.—Notwithstanding anything contained in any other law for the time being in force, the provisions of this Act shall prevail.

Chapter-2

Classification of non-formal education, coverage and scope, etc.

4. Classification of non-formal education and age-limit.—(1) On the basis of nature and form, the classification of non-formal education shall be as follows, namely :—

- (a) non-formal primary education; and
- (b) non-formal adult and life-long education.

(2) The age-limit of non-formal primary education shall be for children from 8 (eight) to 14 (fourteen) years, who have never been to schools or dropped out from the schools without completion of primary education.

(3) The age-limit of non-formal adult and life-long education shall be for men and women of 15 (fifteen) years or above, who have never been to schools or dropped out from primary education or become neo-literates and who desire to continue acquisition of life-efficiency or livelihood skills.

5. Non-formal education.—The non-formal education shall include the following aspects, namely :—

- (a) literacy, basic education or non-formal education equivalent to class VIII and vocational education up to pre-vocational grade II of National Skills Development Framework;
- (b) sharpening, revision and extension of acquired literacy, livelihood, skills and basic education;
- (c) continued education programmes to develop skilled human resources through the enhancement of life-efficiency and livelihood skills;
- (d) creating opportunities for life-long education through the delivery of all forms of continued education and giving assistance to vocational, entrepreneurship development and employment-generating training in non-formal education;
- (e) educational programmes based on the history of the Liberation War;
- (f) literacy in information technology;
- (g) agriculture, health, nutrition, family planning, forest and environment, fisheries and livestock, cottage industries, technical and vocational education and training, use of roads or roads safety, climate change disaster management, gender, democracy, values, reproductive health education, HIV-AIDS or any other life-oriented issue;
- (h) disability and autism.

6. The scope of non-formal education.—The scope of non-formal education shall be as follows, namely :—

- (a) to create opportunities of equivalent basic education through non-formal education for the children who have been deprived of primary education in the formal schools for various reasons;
- (b) to create opportunities of second or alternative basic education of equivalent standard through non-formal education for the adolescents who have not been enrolled in, or dropped out from the schools;
- (c) to create opportunities of livelihood and skills, continued education and literacy through pre-vocational grade II of National Skills Development Framework for all aged men and women who are deprived opportunities of education;

- (d) to create opportunities for the people belonging to small ethnic groups, inhabitants of backward areas, haors, coastal and hilly areas, tea-gardens or any communities living in such areas who are deprived of the opportunities of education for socio-economic and geographical reasons;
- (e) to create opportunities for the distressed communities (like street children, slum-dwellers, unemployed young men and women, low-income laborers and working men and women etc.);
- (f) to create opportunities of special non-formal education for child and young men and women with special needs.

7. The standard of non-formal education.—(1) The Board shall determine the class and standard of non-formal education against formal education.

(2) All persons, organizations and institutions conducting non-formal education of equivalent standard within the territory of Bangladesh shall follow the prescribed curriculum and course contents.

(3) All persons, organizations and institutions conducting non-formal education within the territory of Bangladesh shall appoint trained teachers having specified qualification.

(4) The Board of Non-Formal Education shall award certificates to the persons who have completed non-formal education courses of equivalent standard, after verifying their qualification in such manner as may be determined.

(5) If any person desires to have recognition of his learning acquired in the past, shall have to sit for a test of equivalent standard of non-formal education to justify his acquisition of the standard of learning and he may be admitted into the next grade on the basis of the certificate received by participating in the test.

(6) Any student may be admitted into the next grade of formal education on the basis of the certificate received under sub-section (4) and similarly, any student having certificate in formal education may be admitted into the next grade of non-formal education.

8. The medium of non-formal education.—(1) The medium of instruction of non-formal education shall be Bangla :

Provided that arrangement of instruction may be made for the people belonging to small ethnic groups in their own languages in accordance with their desire in prescribed manner.

(2) Use of Bangla sign language or prescribed methods may be allowed for the learning of the child and young men and women with special needs.

(3) Notwithstanding anything contained in sub-sections (1) and (2), students may be instructed in English and, if necessary, such other languages as may be prescribed.

Chapter-3

Curriculum and Equivalence

9. Curriculum of non-formal education.—(1) All kinds of curricula for non-formal education of equivalent standard and the Curriculum of pre-vocational gades I and II of National Skills Development Framework shall be approved by the Bureau.

(2) Primary competencies of each grade of pre-vocational I and II of National Skills Development Framework shall be fixed in accordance with the equivalent standard of formal education, and accordingly such a Curriculum shall jointly be developed by representatives and specialists of different organizations.

(3) The curriculum of pre-vocational gardes I and II of National Skills Development Framework shall be developed in accordance with the needs of the job market and requirement of the employers and accordingly such curriculum shall jointly be developed by the representatives of various government and non-government organizations, employing organizations and specialists.

(4) Interested persons, institutions and organizations engaged in implementing non-formal education may determine and develop need-based new curriculum, training programmes and other matters relating thereto and it shall be submitted to the Bureau within next 3 (three) years for approval of the same.

10. Equivalence.—(1) The equivalence of non-formal education shall be ascertained with different grades of formal education.

(2) The competencies of non-formal education shall be determined by keeping consistency with the primary competencies prescribed for each grade of formal education and the curriculum shall be made on the basis of the primary competencies.

Chapter-4

Implementation Structure

11. Bureau of Non-formal Education.—(1) For carrying out the purposes of this Act, the Government shall establish a Bureau to be called the Bureau of Non-formal Education, which shall be headed by the Director General.

(2) The Director General shall be appointed by the Government and the term and conditions of his service shall be determined by the Government.

(3) Such number of officers and employees as may be necessary for the efficient performance of the functions of the Bureau shall be appointed in such manner and on such terms and conditions as may be prescribed by rules.

(4) The Head Office of the Bureau shall be located in Dhaka and the Government may establish its branch office at any place in Bangladesh.

(5) The existing Bureau of Non-formal Education established in accordance with the decision of the Government, immediately before the commencement of this Act, shall be deemed to be the Bureau established under sub-section (1) and the Director General and other officers and employees working in the Bureau shall be deemed to be the Director General, officers and employees appointed under this Act.

12. Functions of the Bureau.—The functions of the Bureau under this Act shall be as follows, namely:—

- (a) to develop and implement co-operative methods in co-ordination with various public organizations providing non-formal education, partner non-government organizations, organizations providing training, commercial institutions, employers or organizations, and institutions or organizations involved in developing initiatives and providing assistance in marketing;
- (b) to give advice, training and co-operation of all kinds for skill development including creation of a congenial environment to all government departments and organizations or non-government organizations interested or involved in the area of non-formal education;
- (c) to establish and conduct a database and management information system with a view to collecting and conserving necessary data and information on the activities of non-formal education undertaken by all the government organizations, departments and non-government organizations;
- (d) to provide information in such methodology as may be required by the persons, institutions or organizations involved in non-formal education, life-long education and continued education for the management information system of the Bureau;
- (e) to develop appropriate implementation method of non-formal education for facilitating the opportunities for easy participation of student of different environments, different types and different ages;
- (f) to conduct research work, training, planning, monitoring and assessment to strengthen the programmes of non-formal education;
- (g) to constitute, if necessary, subject-based committee and sub-committee for implementing the programmes of non-formal education.

13. Local co-ordination.—(1) The Deputy Commissioner and the Non-formal Education officer at the district level, the Upazila Nirbahi Officer and the Upazila Non-formal Education officer at the upazila level, and the local government within its jurisdiction, shall co-ordinate and provide necessary assistance in the matters of non-formal education programmes directed by the Government.

(2) All matters relating to co-ordination under sub-section (1) shall be prescribed by rules.

14. Public-private partnership.—In addition to the involvement of the government, non-government organizations, institutions and persons passionately interested in education in the society, private partnership in non-formal education shall be encouraged.

Chapter-5

Establishment of Non-formal Education Board, etc.

15. Establishment of Non-formal Education Board.—(1) As soon as may be, after the commencement of this Act, the Government may, by notification in the official Gazette, establish one or more Non-formal Education Boards for carrying out the purposes of this Act.

(2) The Board shall be a body corporate having perpetual succession and a common seal with power to acquire, hold and transfer property, both movable and immovable, and shall by the said name sue and be sued.

16. Constitution of the Non-formal Education Board.—(1) The Non-formal Education Board shall consist of the following members, namely:—

- (a) the Director General of the Bureau, who shall also be its Chairman, ex-officio;
- (b) an officer, not below the rank of a Joint Secretary, to be nominated by the Ministry of Primary and Mass Education;
- (c) the Secretary, Non-formal Education Board, who shall also be its Member-Secretary, ex-officio;
- (d) one Professor of the Open University to be nominated by the University;
- (e) one director or officer of equivalent rank of the Department of Secondary and Higher Education to be nominated by the Department;

- (f) one director or officer of equivalent rank of the Department of Primary Education to be nominated by the Department;
- (g) one director or officer of equivalent rank of the Department of Technical Education to be nominated by the Department;
- (h) one director or officer of equivalent rank of the Madrasa Education Board to be nominated by the Board;
- (i) the Managing Director of National Disability Development Foundation or one director or officer of equivalent rank of the Foundation to be nominated by him;
- (j) three representatives as experts in non-formal education to be nominated by the Government;
- (k) the executive Director of the central body representing the non-government organizations conducting non-formal education, to be nominated by the Government.

(2) The members nominated under clause (j) and (k) of sub-section (1) shall hold their respective offices for 3 (three) years from the date of nomination:

Provided that the Government may cancel their nominations at any time without assigning any reason.

(3) Any member nominated under sub-section (1) may, at any time, resign from his office by writing under his hand addressed to the Chairman:

Provided that the resignation shall not take effect until it is accepted by the Chairman.

17. Disqualification and removal of the nominated members.—
Notwithstanding the provisions under sub-section (2) of section 16, the Government may, at any time, remove any of the nominated member by a notice in writing, if he—

- (a) fails or refuses to discharge his responsibilities under this Act, or becomes unfit to discharge the same, in the opinion of the Government; or
- (b) abuses his office, in the opinion of the Government; or
- (c) knowingly acquires or takes into his possession, without the permission in writing of the Board, directly or indirectly or through any partner, any share or interest relating to any contract or employment on behalf of the Board.

18. Vacancies not to invalidate act or proceedings of the Board.—No act or proceeding of the Board shall be invalid, or be called in question merely on the ground of any vacancy in, or any defect in the constitution of, the Board.

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

(2) The meetings of the Board shall be held at such time and place as may be determined by the Chairman.

(3) At least 1(one) meeting shall be held in every 3 (three) months, but meetings may be convened through a notice of the shortest time in emergency cases.

(4) To constitute a quorum at a meeting of the Board, not less than one-third of the total number of members of the Board shall be present, but in case of adjourned meeting no quorum is required.

(5) The Chairman shall preside over all the meetings of the Board and in his absence, any nominated member from among the members present in the meeting shall preside over the meeting.

(6) Each member of the Board shall have one vote and the decision of the meeting shall be taken by the majority, but in the event of equality of votes, the person presiding over the meeting shall have a second or casting vote.

20. Functions of the Board.—The functions of the Board shall be as follows, namely :—

- (a) to approve an equivalent structure for each of the pre-vocational grades I and II of National Skills Development Framework on the basis of primary competencies of the equivalent standard of formal education;
- (b) to give approval to implementation of programmes of non-formal education and pre-vocational training, taking into account the capabilities and infrastructural facilities of the government organizations, non-government organizations or institutions interested in delivering non-formal education of equivalent standard with various grades of formal education;
with a view to implementing the programmes of equivalent standard of non-formal education and to give approval to such teachers having specific standard;
- (d) to determine the specific standard of the skills of the trainers of pre-vocational grades I and II of National Skills Development Framework and to give approval to such teachers having specific standard;

- (e) to give approval to the pre-vocational testing centres on the basis of the capacity and infrastructural facilities and to give approval to the persons as examiners on the basis of their personal skills, capabilities and trustworthiness;
- (f) to conduct examination and award of certificates at different levels of non-formal education and grades I and II of pre-vocational education of National Skills Development Framework as may be determined by the Government.
- (g) to take initiative regarding resolution or arbitration of disputes between teachers and members of governing bodies or managing committees of the institutions delivering non-formal education;
- (h) to provide suggestions to the regulatory authority on any relevant matter;
- (i) to regulate all administrative affairs and to take decisions thereby for the creation or abolition of posts upon following the existing public rules and regulations;
- (j) to determine, claim and receive such fees as may be prescribed by rules;
- (k) to enter into any contract and implement the same for exercising power and discharging duties entrusted upon it by this Act, rules and regulations.

21. Committees, etc.—(1) The Board may constitute such number of committees as may be required for carrying out the purposes of this Act.

(2) The formation of the committees, responsibilities and duties, meetings and other matters relating thereto mentioned in sub-section (1) shall be prescribed by rules.

Chapter 6

Chief Executive, Officers and Employees, etc. of the Board

22. The Chief Executive and the Secretary of the Board.—(1) The Chairman shall be the Chief Executive of the Board.

(2) The Board shall have a Secretary, not below the rank of a Joint Secretary in the public services, who shall be appointed by the Government on such terms and conditions as may be determined.

(3) The Secretary shall be a full-time officer of the Board.

(4) The Secretary shall perform such functions as may be prescribed including the duties entrusted upon him by the Board and Chairman from time to time.

(5) If any vacancy occurs in the office of the Secretary or if he becomes unable to perform his functions on account of illness or for any other cause, the Government shall, until the newly appointed Secretary has entered upon the office or the Secretary has resumed the functions of his office, take appropriate measures for performing the functions of the Secretary.

23. Appointment of officers and employees, etc.—(1) The Board may appoint such number of officers and employees as it considers necessary for the efficient performance of its functions in accordance with the organogram approved by the Government and the terms and conditions of their services shall be prescribed by regulations.

(2) Notwithstanding anything contained in sub-section (1), the Chairman may, in case of urgency, appoint such number of employees through outsourcing as may be necessary for a period not exceeding 3 (three) months.

Chapter 7

Funds of the Board, etc.

24. Funds of the Board, etc.—(1) There shall be a fund of the Board to which the sums shall be credited from the following sources, namely :—

- (a) grants made by the Government;
- (b) grants from any foreign governments, organizations or international bodies, subject to prior approval of the Government;
- (c) income accrued from the investment of the property of the Board;
- (d) fees collected from various services rendered by the Board under this Act; and
- (e) sums received from any other source approved by the Government.

(2) Necessary expenditure of the Board shall be borne from the fund.

(3) The sums shall be deposited in any scheduled bank approved by the Board.

(4) The sums of the fund may be invested in any head approved by the Government.

(5) The accounts of the fund shall be operated under the joint signatures of the Secretary and the Chief Accounting Officer of the Board.

25. Budget.—The Board shall, by such date in each year as may be directed by the Government, submit to the Government the annual budget statement and the revenue budget statement for the next financial year showing the sums which are likely to be required from the Government for that financial year.

Chapter 8

Advisory Council

26. Advisory Council.—(1) The Government shall, by notification in the official Gazette, constitute a National Advisory Council comprising professionals, specialists, representatives of the Government and non-government organizations and persons connected therewith to advise the Government in policy-making at the national level and in matters of non-formal education as well as for the assessment of on-going activities.

(2) The minister in charge of the Ministry of Primary and Mass Education shall be the President of the Council.

(3) The terms of reference and manner of meetings of the Advisory Council shall be prescribed by rules.

Chapter 9

Accounts and Audit, etc.

27. Accounts and Audit.—(1) The Board shall maintain proper accounts of its expenditure and prepare an annual statement of accounts in such manner as may be directed by the Government.

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

(3) For the purposes of sub-section (2), the Auditor-General or any person authorized by him in this behalf shall have access to the records, documents and papers, cash or bank deposits, securities, stores and other properties of the Board and may examine any member, officer or employee of the Board.

(4) In addition to the audit in sub-section (3), the accounts of the Board shall be examined and audited in each financial year by the Board as well as by a Chartered Accountant within the meaning of section 2 (1) (b) of Bangladesh Chartered Accountants Order, 1973 (PO No. 2 of 1973).

(5) The audit of the Board shall be approved within 6 (six) months of the end of each financial year.

Chapter 10

Offence and Penalty

28. Offence and Penalty.—If any person contravenes any provision of this Act or deliberately prevents an officer or employee from discharging his responsibilities or duties under this Act, it shall constitute an offence and he shall be punished with a simple imprisonment for a term which may extend to 6 (six) months, or with fine which may extend to 50 (fifty) thousand taka, or with both.

29. Application of Criminal Procedure.—Subject to other provisions of this Act, the provisions of the Code of Criminal Procedure, 1898 (Act No.V of 1898) shall be applicable to any investigation, trial, appeal and all other matters related to any offence committed under this Act.

30. Cognizance of offences.—No court shall take cognizance of any offence under this Act, except upon a complaint made in writing by the Director General or any officer authorized by him.

Chapter 11

Miscellaneous

31. Annual Report.—(1) The Board shall submit to the Government an annual report on the conduct of its affairs in each financial year within 31 January of the next financial year.

(2) The Government may, if it deems necessary, require at any time the Board to furnish a statement, return and report of any of its matter and the Board shall be bound to furnish it to the Government.

32. Delegation of Power.—(1) The Board may, subject to such conditions as may be prescribed by this Act or rules or regulations made thereunder, delegate any of its power to the Chairman or any officer.

(2) The Chairman may, in accordance with this Act or rules or regulations made thereunder, delegate any of his power conferred upon him, other than the power under sub-section (1), to any officer of the Board.

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

34. Power to make regulations.—For carrying out the purposes of this Act, the Board may, with prior approval of the Government, and by notification in the official Gazette, make regulations not inconsistent with this Act or rules.

35. Publication of Text of Translation in English.—(1) After the commencement of this Act, the Government shall, by notification in the official Gazette, publish an Authentic Text of translation in English of this Act.

(2) In case of any conflict between the Bangla and the English text, the Bangla text shall prevail.

By order of the President

Md. Akram-Al-Hossain

Secretary.