

Prime Minister's Education Assistance Trust Act, 2012

(Act No. XV of 2012)

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Prime Minister's Education Assistance Trust Act, 2012

(Act No. XV of 2012)

[14 March, 2012]

An Act to make provisions for the establishment of a trust to be called the Prime Minister's Education Assistance Trust for ¹[awarding fellowships and scholarships for higher research in post-graduation level] and ensuring education of the poor, meritorious students deprived of education due to financial inability.

WHEREAS it is expedient and necessary to make provisions for the establishment of a trust to be called the Prime Minister's Education Assistance Trust for ²[awarding fellowships and scholarships for higher research in post-graduation level] and ensuring education of the poor, meritorious students deprived of education due to financial inability;

THEREFORE it is hereby enacted as follows:

1. Short title and commencement.- (1) This Act may be called the Prime Minister's Education Assistance Trust Act, 2012.

(2) It shall come into force at once.

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

- (a) "Trust" means a Trust established under section 3 of this Act;
- (b) "Board of Trustees" means the Board of Trustees constituted under section 8 of this Act;
- (c) "fund" means the fund referred to in section 12;
- (d) "regulation" means regulation made under this Act;
- ³[(dd) "public university" means any university established as body corporate under or by any law for the time being in force, and also includes any institution declared as public university by the Government for carrying out the purposes of this Act;]
- (e) "rule" means rule made under this Act;
- (f) "member" means a member of the Board of Trustees;

¹ The words "awarding fellowships and scholarships for higher research in post-graduation level" were inserted by section 2 of the Prime Minister's Education Assistance Trust (Amendment) Act, 2016 (ACT NO. XL of 2016).

² The words "awarding fellowships and scholarships for higher research in post-graduation level" were inserted by section 3 of the Prime Minister's Education Assistance Trust (Amendment) Act, 2016 (ACT NO. XL of 2016).

³ Clause (dd) was inserted by section 4 of the Prime Minister's Education Assistance Trust (Amendment) Act, 2016 (ACT NO. XL of 2016).

(g) “Chairman” means the Chairman of the Board of Trustees.

3. Establishment of the Trust.- (1) As soon as may be after the commencement of this Act, the Government shall establish a Trust to be called the Prime minister’s Education Assistance Trust in accordance with the provisions of this Act.

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

4. Office of the Trust.- The head office of the Trust shall be at Dhaka, and the Board of Trustees may, if necessary, establish its branch office at any place of Bangladesh with the prior approval of the Government.

5. General direction.- The direction and administration of the affairs of the Trust shall vest in a Board of Trustees which may exercise all powers and perform all functions which may be exercised or performed by the Trust.

6. Chief Patron.- The Prime Minister of Bangladesh shall be the patron-in-chief of the Board of Trustees.

7. Advisory Council.- (1) The Board of Trustees shall have an Advisory Council consisting of the following members, namely:-

- (a) the Prime Minister;
- (b) the Minister-in-charge of the Ministry of Finance;
- (c) the Minister-in-charge of the Ministry of Education;
- (d) the Minister-in-charge of the Ministry of Planning; and
- (e) the Minister-in-charge of the Ministry of Primary and Mass Education.

(2) The Prime Minister or any other Minister nominated by the Prime Minister, who is also the member of the Advisory Council, shall be the Chairman of the Advisory Council.

(3) The Advisory Council constituted under sub-section (1) shall, if necessary, from time to time, give instructions and advice to the Board of Trustees.

8. Constitution of the Board of Trustees.- (1) The Board of Trustees shall consist of the following members, namely:-

- (a) the Minister-in-charge of the Ministry of Education who shall also be its Chairman;
- (b) the Minister-in-charge of the Ministry of Primary and Mass Education who shall be its Vice-chairman;
- (c) the Chairman of the University Grants Commission;

- (d) the Principal Secretary of the Prime Minister's Office;
- (e) the Secretary of the Ministry of Education;
- (f) the Secretary of the Finance Division;
- (g) the Secretary of the Economic Relations Division;
- (h) the Secretary of the Ministry of Primary and Mass Education;
- (i) the Member, Socio-Economic Infrastructure Division;
- (j) the Director General, Directorate of Secondary and Higher Education;
- (k) the Director General, Directorate of Technical Education;
- (l) the President, Federation of Bangladesh Chambers of Commerce and Industries (FBCCI);
- (m) the President, Bankers Association of Bangladesh;
- (n) minimum two reputed educationists, to be nominated by the Government;
- (o) seven teachers, to be nominated by the Government, among whom one shall be from government college, one from non-government college, one from government secondary school, one from non-government secondary school, one from government madrasa, one from non-government madrasa and one from technical education institute;
- (p) the Managing Director, Prime Minister's Education Assistance Trust Fund, *ex officio*, who shall also be its Member-Secretary.

(2) The members nominated under sub-section (1) (n) and (o) shall hold office for a term of three years from the date of their nomination:

Provided that the Government may remove any of such nominated members from his office without showing any cause before the expiration of such term:

Provided further that such a member may resign his office by writing under his hand addressed to the Government.

9. Duties and functions of the Trust.- The duties and functions of the Trust shall be as follows, namely:-

- (a) to create opportunities of receiving free education by poor, meritorious students from class six to graduation or equivalent level and to provide stipends;

- ¹[(aa) to award fellowships and scholarships for higher research in post-graduation level to the researchers engaged in research or enrolled in MPhil or PhD course under public universities;]
- (b) to collect money for the Trust and maintain and invest thereof;
 - (c) to fix standard for selecting institutions and students;
 - (d) to determine the rate and amount of ²[fellowship, scholarship or stipend];
 - (e) to maintain, and take custody of, the moveable-immovable properties of the Trust;
 - (f) to perform all functions including taking different development projects for fulfilling the aims and objectives of the Trust;
 - (g) to conduct research activities under the Trust;
 - (h) to engage field level officers and employees of the Directorate of Secondary and Higher Education; the Directorate of Technical Education and Madrasa Education Board in the activities related to the Fund of the Trust;
 - (i) to engage the government and non-government organizations and wealthy persons of the society in educational activities;
 - (j) to ensure qualitative standard of education in all levels including preventing dropout of students³;
 - (k) to formulate policies, with the prior approval of the Government, by notification in the official Gazette, for carrying out the purposes of this Act.]

10. Committees.- (1) The Board of Trustees may, for the purpose of assisting in any affair of the Trust's functions, form one or more committees.

(2) The committee shall consist of such number of members as may be determined by the Board of Trustees.

11. Meetings of the Board.- (1) The Board of Trustees may, subject to other provisions of this section, prescribe the procedure of its meeting.

(2) The meeting of the Board shall be convened by the Member-Secretary with the approval of the Chairman and shall be held at such times and places as may be determined by the Chairman:

Provided that, at least one meeting of the Board shall be held in every four months.

¹ Clause (aa) was inserted by section 5(a) of the Prime Minister's Education Assistance Trust (Amendment) Act, 2016 (ACT NO. XL of 2016).

² The words and comma "fellowship, scholarship or stipend" were substituted for the word "stipend" by section 5(b) of the Prime Minister's Education Assistance Trust (Amendment) Act, 2016 (ACT NO. XL of 2016).

³ The semi-colon ";" was substituted for the full stop "." and clause (k) was added by section 5(c) of the Prime Minister's Education Assistance Trust (Amendment) Act, 2016 (ACT NO. XL of 2016).

(3) The Chairman shall preside over the meeting of the Board and, in his absence, the Vice-chairman, and in absence of both of them, a member nominated by the members present in the meeting among themselves shall preside over the meeting of the Board.

(4) To constitute a quorum at a meeting of the Board, the presence of at least one third of the total members shall be required, but no such quorum shall be required for an adjourned meeting.

(5) At a meeting of the Board, each member shall have one vote and the decisions of the meeting shall be taken in accordance with the majority votes of the members present in the meeting, and in case of equality of votes, the person presiding over shall have a second or casting vote.

12. Fund of the Trust.- (1) There shall be a fund for the Trust and it shall be divided into the following two parts, namely:-

- (a) Permanent fund; and
- (b) Current fund.

(2) For the purpose of fulfilling the objectives of the Trust, the Government shall, as soon as may be after the establishment of the Trust, sanction a certain amount of money as grant.

(3) The following sum of money shall be deposited to the permanent fund constituted under sub-section (1) (a), namely:-

- (a) grants made by the Government at a time; and
- (b) profit gained from the above deposited money.

(4) The money of the permanent fund shall be kept in a scheduled Bank and money of such fund cannot be used for any activities of the Trust:

Provided that, with the prior approval of the Board, money of such fund can be used for giving stipends to poor and meritorious students.

(5) The following sum of money shall be deposited to the current fund constituted under sub-section (1) (b), namely:-

- (a) grants made by the Government;
- (b) donations and grants from the local authorities;
- (c) financial assistance by different financial intermediaries (bank, insurance etc.);
- (d) lottery (subject to the Government approval);
- (e) grants received from wealthy persons of the society, industrialists and businessmen;
- (f) financial assistance from expatriates;

- (g) grants from foreign development partner organizations approved by the Government;
- (h) money received from local and foreign sources approved by the Government; and
- (i) money received from any other source approved by the Government.

(6) The money of the current fund as mentioned in sub-section (5) shall be kept in a scheduled Bank and such money may be used for bearing the entire cost of any activity of the Trust.

(7) The bank accounts of the fund as mentioned in sub-section (1) shall be maintained by the Board of Trustees in such manner as may be prescribed by rules.

(8) The money of the fund may be invested in any sector approved by the Government.

13. Officers and employees of the Trust.- The Trust may, as per the organizational structure approved by the Government, appoint such number of officers and employees as may be required for efficient performance of the Trust, and the terms and conditions of their services shall be prescribed by regulations.

14. Managing Director.- (1) There shall be a Managing Director of the Trust.

(2) The Managing Director shall be appointed by the Government, and the terms and conditions of his service shall be determined by the Government.

(3) The Managing Director shall be the fulltime chief executive officer of the Trust and he shall-

- (a) be responsible for implementing the decisions of the Board;
- (b) perform the duties and functions assigned by the Board;
- (c) deal with the administration of the Trust.

(4) If a vacancy occurs in the office of the Managing Director or if the Managing Director is unable to discharge the functions of his office on account of absence, illness or any other reason, the person nominated by the Government shall act as the Managing Director until the newly appointed Managing Director takes over the charge against the vacant post or the Managing Director becomes capable of resuming the functions of his office.

15. Budget.-The Board shall, by such date in each year as may be specified by the Government, submit to the Government an annual budget statement of the next financial year showing the sums which are likely to be required for the Trust from the Government during that financial year.

16. Audit and accounts.- (1) The Trust shall maintain its accounts of income and expenditure properly and prepare an annual statement of such accounts.

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

(3) For the purpose of an audit under sub-section (2), the Auditor-General or any person authorized by him in this behalf shall have access to all records, books, documents, cash or bank balances, securities, stores and other property of the Trust and may examine any member, officer or employee of the Trust.

17. Report.- (1) The Trust shall, within 30th June of the next financial year, send to the Government a report on the functions of the Trust during each financial year.

(2) The Government may, if necessary, at any time, require from the Trust any report or statement regarding any of its affairs, and the Trust shall be bound to comply with such requisition.

18. Delegation of power.- The Board may, if necessary, delegate any of its powers under this Act or rules or regulations to the Chairman or any member or any other officer subject to such conditions as may be prescribed.

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

20. Power to make regulations.- The Board may, with the prior approval of the Government and by notification in the official Gazette, make regulations not inconsistent with the provisions of this Act or the rules.
