

The Uttarakhand Madarsa Education Board Act, 2016

UTTARAKHAND

India

The Uttarakhand Madarsa Education Board Act, 2016

Act 6 of 2016

- Published on 1 January 2016
- Commenced on 1 January 2016
- [This is the version of this document from 1 January 2016.]
- [Note: The original publication document is not available and this content could not be verified.]

The Uttarakhand Madarsa Education Board Act, 2016(Uttarakhand Act No. 6 of 2016)An Act to provide for the establishment of a Board of Madarsa Education in the State and for the matters connected therewith or incidental theretoIt is hereby enacted in the Sixty-seventh Year of the Republic of India as follows -

1. Short title and commencement.

(1)This Act may be called the Uttarakhand Madarsa Education Board Act, 2016.(2)They shall come into force on the date of their publication in the Official Gazette.

2. Definitions.

- In this Act unless the context otherwise requires -(a)"Board" means the Uttarakhand Madarsa Education Board established under Section 3;(b)"Centre" means an institution or a place fixed by the Board for the purpose of holding its examinations and includes the entire muslim educational premises attached thereto;(c)"Director" means the Director, Uttarakhand Madarsa Education Board, as well as (ex officio) Registrar Uttarakhand Madarsa Education Board, Uttarakhand;(d)"head of institution" in relation to an institution means the Principal of the Head Master, as the case may be, of that institution;(e)"inspector" means the inspector, Arbi-Farsi Madarsa Board, Uttarakhand and includes an officer authorised by the State Government to perform all or any of the functions of the inspector under this Act;(f)"institution" means a Madarsa or an Oriental college established and administered by Muslim-Minorities and recognised by the Board for imparting Madarsa Education;(g)"Legislator" means any member of the State Legislative assembly;(h)"Madarsa-Education" means education in Arabic, Urdu, Persian, Islamic-studies, Tibb, logic, Philosophy and includes such other branches of learning as may be specified by the Board from time to time;(i)"Invigilator" means a person who assists the Superintendent of a centre in conducting and supervising the examinations at a centre;(J)"recognition" means recognition for the purpose of preparing candidates for admission to the Board's Examination;(k)"Deputy Registrar"

means Deputy Registrar of Uttarakhand Madarsa Education Board;(l) "regulations" means regulations made under this Act;(m) "Registrar" means the Registrar of the Board;(n) "Superintendent of a Centre" means a person appointed by the Board to conduct and supervise an examination of the Board and includes an Additional Superintendent;(o) "Unfair-means" in relation to an examinee while answering questions in an examination, means the unauthorised help from any person directly or indirectly or from any material written, recorded, copied or printed in any form whatsoever, or the use of any unauthorised telephonic, wireless or electronic or other instrument or gadget.

3. Constitution of the board.

(1) With effect from such date as the State Government may, by notification, appoint, there shall be established at Dehradun a Board to be known as the Uttarakhand Madarsa Education Board. (2) The Board shall be a body corporate. (3) The Board shall consist of the following members, namely - (a) a renowned Muslim educationist in the field of traditional Madarsa-Education, or an eminent Muslim social worker, nominated by the State Government who shall be the Chairperson of the Board; (b) [the Director, Uttarakhand Madarsa Education Board, who shall be the Ex-officio Vice-Chairperson of the Board] [Substituted by Uttarakhand Act No. 7 of 2018, dated 9.1.2018.] (c) one Principal of a renowned Muslim educational institution, up to level of Intermediate/Degree level nominated (sic from) time to time, by the State Government; (d) one person either from Urdu University established by Uttarakhand Government or from Central Urdu University (i.e. Jamia Milia University, Delhi or Aligarh Muslim University, Aligarh) or any affiliated degree college, Health or technical education related educationist nominated by State Government; (e) one Sunni-Muslim member State legislative Assembly to be elected (sic from the) House of the State legislature; (f) one Shia-Muslim member State Legislative Assembly elected by the House of the Legislature; (g) one representative of National Council for Educational Research and Training; (h) one Sunni members from head of Institution/teacher of the institutions established and administered by Sunni Muslim, nominated by the State Government; (i) one Shia members from head of Institution/teacher of the Institutions established and administered by Shia Muslim, nominated by the State Government; (j) one Science or Tibb (Ayush) teacher or an institution, nominated by the State Government; (k) the Account and Finance Officer in the Directorate of Minority Welfare, Uttarakhand; (l) 'the inspector', Arbi-Farsi Madarsa, Uttarakhand; (m) Deputy Registrar of Uttarakhand Madarsa Education Board (ex-officio), who shall be the co-ordinator member. (4) As soon as may be after the election and nomination of the members of the Board is completed, the State Government shall notify that the Board has been duly constituted: Provided that a notification under this sub-section may be issued even before the nomination of the member specified in clause (e) or (/) of sub-section (3) has been completed. (5) (a) Where there is only a one member of legislative assembly of Shia or Sunni community then each one of them shall be nominated by State Government. (b) If there is no member from Shia Muslim community in legislative assembly then two Sunni Muslim member shall be elected as the members of board and a condition will be mentioned in the nomination letter of one of the Sunni member that he shall be relieved from board membership from the date on which Shia member is elected as a board member and if there is no legislator of Sunni Muslim community in legislative assembly the two Shia Muslim legislators shall be elected as the members of board and a condition will be mentioned in the nomination letter of one of the Shia legislator that he shall be

relieved from board membership from the date on which sunni legislator is elected as a board member.(c)If there is no muslim member in legislative assembly then the Ex-legislator (muslim) shall be nominated as board's member by State Government.(6)On and from the date of the establishment of the Board under sub-section (1), the Uttarakhand Madarsa Board functioning immediately before such establishment, hereinafter referred to as the erstwhile Board, shall stand dissolved and upon such dissolution -(a)all the properties and assets of the erstwhile Board shall stand transferred to, and vest in the Board;(b)all debts, liabilities and obligations of the existing Board, whether contractual or otherwise, shall stand transferred to the Board;(c)all the officers and employees of the erstwhile Board shall become the officer and employees of the Board on the same terms and conditions and with the same rights and privileges as to retirement benefits and other matters as would have been applicable to them immediately before such dissolution till their employment under the Board is duly terminated or until their remuneration and other conditions of service are duly altered not to their disadvantage:Provided that an officer or employee of the erstwhile Board may by notice addressed to the Board served within a period of thirty days from such dissolution, intimate his option not to become an officer or employee of the Board and upon receipt of such notice, the post held until then by him shall stand abolished and his services shall stand terminated and he shall be paid an amount equivalent to his three month's salary as compensation.

4. Removal of members.

- The State Government may remove from the Board a member other than an ex-officio member who in its opinion, has so flagrantly abused his position as such member as to render his continuance on the Board detrimental to the public interest:Provided that the State Government shall, before removing a member as aforesaid, give him an opportunity for submitting explanation and shall place on record reasons for his removal.

5. Terms of office of member.

(1)A member, other than ex-officio member, shall hold office for a term of three years from the date of the notification under sub-section (4) of Section 3:Provided that this sub-section shall not be valid in case mentioned in clause (b) of subsection (5) of Section 3:Provided that the State Government may, by notification, extend the term of any such member for a period not exceeding six months at a time in the manner that the total extended period should not exceed one year.(2)A member of the Board shall cease to be such member upon his ceasing to have the capacity in which he was elected or nominated, and his seat shall there upon become vacant.

6. Filling of vacancies on expiry of term of office.

- The State Government shall take step for the reconstitution of the Board before three months of the expiry of the term of office of members under Section 5.

7. Meeting of the Board.

(1)The Board shall meet at such time and place and shall subject to the provisions of sub-sections (2) and (3) observe such procedure in transacting the business at its meeting, including the quorum thereat, as may be provided by bye-laws made in this behalf.(2)[The Chairperson shall preside the meeting of the Board. In his absence, the Vice-Chairperson of the Board shall preside the meeting. when chairperson/Vice-Chairperson both are absent, then any elected senior most member under clause (e) or clause (f) shall be chairperson and he shall preside the meeting.] [Substituted by Uttarakhand Act No. 7 of 2018, dated 9.1.2018.](3)All questions arising in a meeting of the Board shall be decided by majority of votes of the members present and voting and in case of equality of votes, the person presiding at such meeting shall have a second or casting vote.

8. Vacancies etc. not to invalidate acts and proceedings.

- No act or proceeding of the Board or of a committee appointed by it, shall be invalid on the ground merely on the existence of any vacancy or defect in the constitution of the Board or the Committee.

9. Functions of the Board.

- Subject to the other provisions of this Act the Board shall have the following functions, namely
-(a)to prescribe course of instructions, text-books, other books and instructional material, if any, for Tahtania (primary), Faukquania (junior high school), Munshi (high school-persian), Maulavi (high school-arabic), Alim (intermediate), Kamil (graduation), Fazil (postgraduation) and other courses;(b)prescribe the course books, other books and instruction material of courses of Arbi, Urdu and Pharsi for classes up to High School and Intermediate standard in accordance with the course determined there for by the Board of High School and Intermediate Education;(c)to prepare manuscript of the course books other books and instruction material referred to in clause (b) by excluding the matters therein wholly or partially or otherwise and to publish them;(d)prescribe standard for the appointment of Urdu translators and Basic Urdu Teachers in the various offices of the State and ensure through the appointing authority necessary action with respect to filling up of the vacant posts;(e)to grant Degrees, Diplomas, Certificates or other academic distinctions to persons, who -(i)have pursued a course of study in an institution admitted to the privileges or recognition by the Board;(ii)have studied privately under conditions laid down in the regulations and have passed an examination of the Board under like conditions;(f)to conduct examinations of the Munshi, Maulavi, Alim and of Kamil and Fazil courses;(g)to recognise institutions for the purposes of its examination;(h)to admit candidates to its examination;(i)to demand and receive such fee as may be prescribed in the regulations;(j)to publish or withhold publication of the result of its examinations wholly or in part;(k)to co-operate with other authorities in such manner and for such purposes as the Board may determine;(l)to call for reports from the Director on the condition of recognised institutions or of institutions applying for recognition;(m)to submit to the State Government its views on any matter with which it is concerned;(n)to see the schedules of new demands proposed to be included in the budget relating to institutions recognised by it and to submit if it thinks fit, its views thereon for the consideration of the State Government;(o)to do all such other acts and things as may be requisite in order to further the objects of the Board as a body

constituted for regulating and supervising Madarsa Education up to Fazil;(p)to provide for research or training in any branch of Madrasa Education and any other institution which the State Government may notify (sic from) time to time;(q)to constitute a committee at district level consisting of not less than three members for education up to Tahtania or Faukania standard, to delegate such committee the power of giving recognition to the educational institutions under its control;(r)to take all such steps as may be necessary or convenient for or as may be incidental to the exercise of any power, or the performance or discharge of any function or duty, conferred or imposed on it by this Act.

10. Powers of the Board.

(1)The Board shall subject to the provisions of this Act and the rules made thereunder, shall have all such powers as may be necessary for the performance of its functions and the discharge of its duties under this Act, or the rules or regulations made thereunder.(2)In particular and without prejudice to the generality of the foregoing powers, the Board shall have the powers -(i)to cancel an examination or withhold the result of an examination of a candidate, or to disallow him from appearing at any future examination who is found by it to be guilty of -(a)using unfair means in the examinations; or(b)making any incorrect statement or suppressing material information or fact in the application form for admission to the examination; or(c)fraud or impersonation at the examination; or(d)securing admission to the examination in contravention of the rules governing admission to such examination; or(e)any act of gross indiscipline in the course of the examination;(ii)to cancel the result of an examination of any candidate for all or any of the acts mentioned in sub-clauses (a) to (d) of clause (i) or for any bona fide error of the Board in the declaration of the result;(iii)to prescribe fees for the examinations conducted by it and provide for the mode of its realisation;(iv)to refuse recognition of an institution, -(a)which does not fulfil, or is not in a position to fulfil, or does not come up to the standards for staff, instructions, equipment or buildings laid down by the Board in this behalf; or(b)which does not, or is not, willing to abide by the conditions of recognition laid down by the Board in this behalf;(v)to withdraw recognition of an institution not able to adhere to, or make provisions for, standards of staff, instructions, equipment or building laid down by the Board or on its failure to observe the conditions of recognition to the satisfaction of the Board;(vi)to call for reports from the head of institution in respect of any act of contravention of the rules or regulations or decisions, instructions or directions of the Board and take suitable actions for the enforcement of the rules or regulations or decisions, instructions or directions of the Board, in such manner as may be prescribed by regulations;(vii)to inspect an institution for the purpose of ensuring due observance of the prescribed courses of study and that the facilities for instructions are duly provided and availed of; and(viii)to fix the maximum number of students that may be admitted to a course of study in an institution.(3)The decision of the Board in all matters mentioned in sub-sections (1) and (2) shall be final.

11. Recognition of an institution in any new subject or for a higher class.

- Notwithstanding anything contained in sub-clause (a) clause (zv) of sub-section (2) of Section 10, the Board may, with the prior approval of the State Government, recognise any institution in any new subject or group of subjects for a higher class.

12. Proper utilisation of donation.

- Where a contribution or donation, either in cash or in kind, is taken or received by an institution, the contribution or donation so received shall be utilised only for the purpose for which it was given to it and in the case of an institution maintained exclusively by the State Government, the cash contribution or donation shall be credited to personal ledger account of such institution which shall be operated in accordance with general or special orders of the State Government.

13. Power of the State Government.

(1)The State Government shall have the right to address the Board with reference to any work conducted or done by the Board and to communicate to the Board its views on any matter with which the Board is concerned.(2)The Board shall report to the State Government such action, if any, as it is proposed to be or has been taken upon its communication.(3)If the Board does not, within a reasonable time take action to the satisfaction of the State Government, the State Government may after considering any explanation furnished or representation made by the Board, issue such directions consistent with this Act, as it may think fit, and the Board shall comply with such direction.(4)Whenever, in the opinion of the State Government, it is necessary or expedient to take immediate action, it may, without making any reference to the Board under the foregoing provisions, pass such order or take such other action consistent with this Act as it deems necessary and in particular, may by such order, modify or rescind or make any regulation in respect of any matter and shall forthwith inform the Board accordingly.(5)Any action taken by the State Government under sub-section (4) shall not be called in question in any court.

14. Officers and other employees of the Board.

- For the purpose of enabling it efficiently to discharge its functions under this Act, the Board may appoint such number of officers and other employees, with the previous approval of the State Government as it may think fit.

15. Powers and duties of the Chairperson of the Board.

(1)It shall be the duty of the Chairperson of the Board to ensure the observance of this Act and the regulations, faithfully and he shall have all the powers necessary for this purpose.(2)The Chairperson of the Board shall exercise such other powers as may be prescribed by the regulations.