

# The M.P. Madarsa Board Adhiniyam, 1998

MADHYA PRADESH

India

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### Act 21 of 1998

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The M.P. Madarsa Board Adhiniyam, 1998M.P. Act No. 21 of 1998Statement of objects and reasons.  
- There exist a large number of Madarsas in the State of Madhya Pradesh which are mainly imparting religious education to the children belonging specially to poor Muslim families. But only a few of them are registered with the Wakf Board or with the Registrar of Societies.<sup>2</sup> The children studying in the Madarsas are also given an opportunity to gain access to modern education and knowledge.<sup>3</sup> The Government of India has laid considerable emphasis of Modernization of Madarsa Education and is giving aid for Madarsa Education.<sup>4</sup> It is, therefore, felt necessary to establish and incorporate a Madarsa Board for the development and promotion of Madarsa Education in Madhya Pradesh.<sup>5</sup> The Board shall among others have power to grant recognition of Madarsas, prescribed syllabus, award certificate for classes V and VIII implement the schemes in regard to Madarsas Education etc.<sup>6</sup> It is, therefore, proposed to enact a law titled as "The Madhya Pradesh Madarsa Board Adhiniyam."<sup>7</sup> Hence this Bill.[Dated 10th September, 1998]Received the assent of the Governor on 10-9-1998; assent first published in the "Madhya Pradesh Gazette (Extraordinary)", dated 16-9-1998 at pp. 1034 (3-6).An Act to establish and incorporate a Board for the development and promotion of Madarsa education in Madhya Pradesh and to provide for matters connected therewith or incidental thereto.Be it enacted by the Madhya Pradesh Legislature in the Forty-Ninth Year of the Republic of India as follows :-

### 1. Short title.

- This Act may be called the Madhya Pradesh Madarsa Board Adhiniyam, 1998.

### 2. Definitions.

- In this Act, unless the context otherwise requires :-(a)"Board" means the Madhya Pradesh Madarsa Board established under Section 3;(b)"Madarsa" means an educational institution providing instructions in Arabic and Islamic studies and recognised as such by the Board;(c)"Chairman" means the Chairman of the Board;(d)"Advisory Committee" means the

Advisory Committee constituted under this Act;(e)"Management Committee" means the Management Committee constituted under this Act;(f)"Secretary" means the Secretary of the Board;(g)"Teacher" means a person appointed for imparting instruction in a recognised Madarsa and shall include the Shiksha Karmis and Head of the Madarsa.

### **3. Incorporation of Board.**

(1)With effect from such date as the State Government may by notification appoint there shall be established in the State of Madhya Pradesh a Board by the name of the Madhya Pradesh Madarsa Board with Head Quarters at Bhopal and jurisdiction over the whole of the State of Madhya Pradesh.(2)The Board shall be a body corporate with perpetual succession and a common seal with power to acquire and hold property, both movable and immovable and to transfer any property held by it and to contract subject to the approval of the Government and do all other things necessary for the purposes of its constitution and may sue or be sued in its corporate name.

### **4. Constitution of Board.**

- The Board shall consist of the Chairman and the following Members, namely :-Ex-Officio Members : (a)The Secretary in charge of the School Education Department, Madhya Pradesh;(b)The Secretary in charge of the Finance Department, Madhya Pradesh;(c)The Secretary in charge of the Backward Classes and Minorities Welfare Department, Madhya Pradesh;(d)The Secretary in charge of the Tribal and Scheduled Caste Welfare Department, Madhya Pradesh;(e)Commissioner of Public Instruction, Madhya Pradesh;(f)Director, State Council of Education Research and Training, Madhya Pradesh;(g)Managing Director, Rajiv Gandhi Prathamik Shiksha Mission, Bhopal;(h)Secretary, Board of Secondary Education, Madhya Pradesh;(i)Managing Director, Text Books Corporation, Madhya Pradesh;(j)Secretary, Minority Commission, Madhya Pradesh;(k)Chief Executive Officer, Wakf Board, Madhya Pradesh. Other Members nominated by the Government : (l)One Scholar in Urdu Language;(m)One Scholar in Arabic Language;(n)Three Chairpersons of well managed Madarsas;(o)Three social workers of repute from the Muslim Community.

### **5. Appointment of Chairman and term of office and conditions of his services.**

(1)The Chairman shall be an Eminent Educationist appointed by the State Government, by notification in this behalf.(2)The term of office and other conditions of service of the Chairman shall be such as may be prescribed.

### **6. Term of office and filling of casual vacancy.**

(1)The term of office and other conditions of service of the nominated members shall be such as may be prescribed.(2)The Chairman and the Members shall hold office during the pleasure of the State Government.(3)Any nominated Member of the Board may resign his office by a letter addressed to the State Government.(4)In the event of any casual vacancy in the office of the Members by reason

of death, resignation or termination of nomination or for any other reason, such vacancy shall be filled by nominations, and any person nominated to fill such vacancy shall hold office for the remainder of the term of the Member in whose place he has been so nominated.

## **7. Quorum.**

- The quorum for the meeting of the Board shall be one-third of the total number of members.

## **8. Powers and functions of the Board.**

(1) It shall be the duty of the Board to advise the State Government on all matters relating to Madarsa Education. (2) Subject to the provisions of this Act and the Rules made thereunder the Board shall have power to direct and supervise Madarsa Education and in particular have the following powers : (a) to grant recognition to Madarsas; (b) to withdraw recognition of Madarsa; (c) to maintain the record of recognition of Madarsas; (d) to appoint Management Committees of Madarsas in the prescribed manner; (e) to constitute recognition committee, examination committee, finance committee and such other committees as the Board may consider necessary for the proper and efficient functioning of the Board; (f) to prescribe the syllabus for primary and middle level Madarsa Education and to arrange for the conduct of the examination of Class V and VIII and to award certificates; (g) to develop mechanism for inspection of Madarsas, and to ensure proper utilization of funds; (h) to supervise implementation of Central and State Government schemes in regard to Madarsa Education; (i) to prepare annual budget estimates and accounts of the Board for the approval of the State Government; (j) to perform such other functions as may be entrusted to it by the State Government.

## **9. Advisory Committee.**

- There shall be constituted an Advisory Committee as under to advise the Board on policy matters, issues involving finance and to review the performance of the Board :-

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| 1. Chief Minister of Madhya Pradesh                      | - Chairman          |
| 2. Minister for School Education, Madhya Pradesh         | - Member            |
| 3. Minister for Finance, Madhya Pradesh                  | - Member            |
| 4. Minister for Minority Welfare, Madhya Pradesh         | - Member            |
| 5. Minister for Tribal Welfare, Madhya Pradesh           | - Member            |
| 6. Chairman, Wakf Board, Madhya Pradesh                  | - Member            |
| 7. Chairman, Madhya Pradesh Minority Commission          | - Member            |
| 8. Secretary in charge, School Education, Madhya Pradesh | - Member-Secretary. |

## **10. The Secretary.**

(1)The Secretary of the Board shall be appointed by the State Government.(2)Subject to the general control and supervision of the Chairman, the Secretary shall be the Principal Administrative Officer of the Board and shall be entitled to participate in the meetings of the Board but shall not be entitled to vote. He shall be responsible to record the proceedings of the meetings of the Board.

## **11. Accounts and Audits.**

(1)The Board shall keep the account of all its receipts and expenditure in the prescribed manner.(2)The accounts of the Board shall be examined and audited in such manner as may be prescribed.

## **12. Power of State Government to make rules.**

- The State Government may by notification make rules for carrying out the purposes of this Act.

## **13. Power of State Government for issuing directions.**

(1)The State Government may issue such directions to the Board as it may deem necessary for the fulfilment of the purposes of this Act and the Board shall comply with such directions.(2)The State Government shall have power to address the Board or express its views with respect to anything done or purported to be done by the Board.

## **14. Appeal against the decision of the Board.**

- Any person aggrieved by the decision of the Board may prefer an appeal within 60 days of the passing of the orders to the State Government.

## **15. Power to remove difficulty.**

- If any difficulty arises in giving effect to the provisions of this Act, the State Government may by order make such provisions not inconsistent with the provisions of this Act, as appear to them to be necessary or expedient for removing such difficulty.