



The Assam Madrassa Education(Provincialisation of Services of Employees and Re-organisation of Madrassa Educational Institutions) Act, 2018

Act 16 of 2018

Keyword(s):

Base Madrassa, Inspector of Schools, DISE Code, Madrassa Education, Newly Created District, Provincialised Madrassa, Venture Arabic College

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THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

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NOTIFICATION

The 16th May, 2018

No. LGL. 215/2017/9.— The following Act of the Assam Legislative Assembly which received the assent of the **Governor on 9th May, 2018** is hereby published for general information.

ASSAM ACT NO. XVI OF 2018

(Received the assent of the Governor on 9th May, 2018)

THE ASSAM MADRASSA EDUCATION (PROVINCIALISATION OF SERVICES OF EMPLOYEES AND RE-ORGANISATION OF MADRASSA EDUCATIONAL INSTITUTIONS) ACT, 2018.

AN
ACT

to provincialise the services of the employees of the Venture Madrassa Educational Institutions and also to re-organize and streamline the Madrassa Educational Institutions upto MM level in theological subjects in the State of Assam.

Preamble

Whereas it is expedient to provincialise the services of the employee of the Venture Madrassa Educational Institutions and to re-organize and streamline the Madrassa Educational Institutions upto MM level in Assam so as to conform to the prevailing statutory norms and standards with a further objective to restrict any further growth of such Venture Madrassa Educational Institutions in the State of Assam;

It is hereby enacted in the Sixty-ninth Year of the Republic of India as follows:-

**Short title,
extent and
commencement**

1. (1) This Act may be called the Assam Madrassa Education (Provincialisation of Services of Employees and Re-Organization of Madrassa Educational Institutions) Act, 2018.
- (2) It extends to the whole State of Assam.
- (3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of the Act, or for different category of Madrassa Educational Institutions.

Application

2. The Act shall not apply to any Madrassa Educational Institution or Arabic College established or claiming protection under Article 30 of the Constitution of India.

Definitions

3. In this Act, unless the context otherwise requires,-
 - (a) "Base Madrassa" means either an existing provincialised or a Venture Madrassa Educational Institution identified for the purpose of provincialisation of services of employee;
 - (b) "Inspector of Schools" means the Inspector of School in the concerned District unless the context otherwise requires, it

includes an Assistant Inspector of Schools of the same District:

Provided that in case of newly created districts, the concerned district shall mean the erstwhile district until the Inspector of Schools of the newly created district is appointed;

(c) "District Elementary Education Officer" means the District Elementary Education Officer of the concerned District;

Provided that in case of newly created districts, the concerned district shall mean the erstwhile district until the District Elementary Education Officer of the newly created district is appointed;

(d) "Deputy Inspector of Schools" means the Deputy Inspector of Schools in the concerned Sub-division;

(e) "District Scrutiny Committee" means the District Scrutiny Committee constituted under section 14 for each District to recommend names of Venture Madrassa Educational Institutions along with the names of teachers and tutors whose services are considered eligible for provincialisation under this Act;

(f) "DISE Code" means District Information System for Education Code prepared by the Sarba Sikhsa Abhijan, Assam and as available in the records of the National University of Educational Planning and Administration, New Delhi. It includes Unified District Information System (UDISE);

(g) "employee" means and includes all serving teaching faculty of Venture Madrassa Educational Institutions who have been appointed and joined in the concerned Venture Madrassa Educational Institution before the 1st day of January, 2011 and whose services are being or would be provincialised under this Act;

(h) "F.M. (Fadilul Ma'rif)" means a course of instruction recognized by the State Madrassa Education Board, Assam in Islamic education in respect of theological subjects which is equivalent to a theological Degree Course at graduate level and in respect of general subjects equivalent to HSLC for the purpose of availing general education;

(i)“M.M (Mumtazul-Muhaddithin)” means a course of instruction recognized by the State Madrassa Education Board, Assam in Islamic education upto Post-Graduate level in theological subjects;

(j)“Governing Body” means the Governing Body of an Arabic College or a Title Madrassa approved by the appropriate authority as notified by the State Government for carrying out the management of the College or the Title Madrassa, as the case may be;

(k)“Managing Committee” means the Managing Committee constituted under the provisions of the Right of Children to Free and Compulsory Education Act, 2009 or the rules made there under in the case of a Pre-Senior Madrassa and in case of Senior Madrassa, the Managing Committee approved by the appropriate authority as notified by the State Government for carrying out the management of the concerned educational institution; Central Act No 35 of 2009.

(l)“Madrassa Education” means a system of special education in which instruction is imparted in Arabic, Urdu, Persian, Quran, Tafsir, Hadith, Fiqh, Usul, Aquaid, Mantique, Hiqmat, Balagat, Islamic History alongwith same or all general subjects like Modern Indian Language, English, Hindi, Mathematics, General Science, Social Science, Computer, Technical and Vocational education upto Secondary School level; the syllabus, curriculum and examination for which are regulated by the Madrassa Education Board, Assam, upto the level of Fadilul-Ma’rif (F.M.) and Mumtaz-ul-Muhaddithin (M.M);

(m)“Madrassa Educational Institution” means Venture Madrassa Educational Institutions such as Pre-Senior Madrassa, Senior Madrassa, Title Madrassa and Arabic College which have been established by the people of the locality on or before 1.1.2006 and which has received permission and recognition from the State Madrassa Education Board, Assam on or before 1.1.2006 and whereof the services of the teachers have not been provincialised

under any Act enacted by the State Legislature so far;

(n)“Madrassa Teachers” means F.M., M.M., Intermediate and Hafiz and also includes Language Teachers, Graduate Teachers/Intermediate Teachers, Lecturers, Head Mudaris, Superintendent, Principal and any person of the Teaching faculty working in the Venture Madrassa Educational Institutions having required Educational qualifications and TET qualified, whose services are provincialised under this Act in the post of Madrassa Teachers or any other post in the Teaching faculty, but not as tutor under this Act;

(o) “Newly created district” means district created by the State Government by Notification in the Official Gazette on or after 01.01.2013;

(p)“Provincialisation” means taking over the liabilities for payment of salaries including dearness allowance, medical allowances and such other allowances to the Madrassa Teachers or tutors as admissible to the Government Servant of similar category and gratuity, pension, leave encashment etc. as admissible under the existing rules to the Government Servants of the similar category of the State of Assam;

(q)“Provincialised Madrassa” or ‘Provincialised Arabic College’ means an existing provincialised madrassa or a Venture Madrassa Educational Institution wherein the services of employees are provincialised under this Act;

(r)“State Government” means the State Government of Assam in the concerned Education Department i.e. Secondary Education Department;

(s) “State Level Scrutiny Committee” means the State Level Scrutiny Committee constituted under section 14(8) of this Act to cause physical verification of the institutions as recommended by the District Scrutiny Committee for final recommendation in the matter of provincialisation;

(t)“State Madrassa Education Board” means the “State Madrassa Education Board, Assam constituted under the provisions of the

Assam Education Department Rules and Order;

(u)“Tutor” means F.M., M.M., Intermediate and Hafiz and also includes Language Teachers, Graduate Teachers/Intermediate Teachers, Lecturers, Head Mudaris, Superintendent, Principal working as teaching faculty in the Venture Madrassa Educational Institutions who are not eligible for provincialisation of their services as Madrassa Teachers under this Act due to lack of educational qualification. However, their services are provincialised as tutor with separate terms and conditions of service to be notified by the competent administrative Department:

Provided that a tutor shall not be eligible to hold the post of Head Mudaris, Superintendent, Principal as the case may be, in a Madrassa education under this Act;

(v)“Venture Arabic College” means a Venture Arabic College imparting Islamic education upto F.M.(Fadilul-Ma’rif) and upto M.M. (Mumtazul-Muhaddithin) level for Islamic education which has been established by the people of the locality on or before 1.1.2006 and which has received the required permission and recognition from the State Madrassa Education Board, Assam on or before 1.1.2006 and whereof the services of the teachers have not been provincialised under any of the Act enacted by the State Legislature so far;

(w)“Venture Pre-Senior Madrassa” means a Madrassa Educational Institution imparting Islamic-cum-General education upto Upper Primary level and which has been established by the people of the locality on or before 1.1.2006 and which has also received the required permission and recognition from the State Madrassa Education Board, Assam on or before 1.1.2006 and whereof the services of the teachers have not been provincialised under any of the Act enacted by the State Legislature so far;

(x)“Venture Senior Madrassa” means a Venture Senior Madrassa Educational Institution imparting Islamic and General education upto F.M. (Fadilul-Ma’rif) and includes a Senior Madrassa

imparting Islamic and General education upto Intermediate stage which has been established by the people of locality on or before 1.1.2006 and which has also received the required permission and recognition from the State Madrassa Education Board, Assam on or before 1.1.2006 and whereof the services of the teachers have not been provincialised under any of the Act enacted by the State Legislature so far;

(y)“Venture Title Madrassa” and “Venture Arabic College” means a Venture Title Madrassa and College respectively imparting Islamic education upto M.M.(Mumtazul-Muhaddithin) which has been established by the people of locality on or before 1.1.2006 and which has also received the required permission and recognition from the State Madrassa Education Board, Assam on or before 1.1.2006 and whereof the services of the teachers have not been provincialised under any of the Act enacted by the State Legislature so far.

Eligibility
criteria for
selection of
Venture
Madrassa
Educational
Institution for
provincialisation
of services of its
employees

4. (1) Subject to the provisions of Article 30 of the Constitution of India, the following categories of Venture Madrassa Educational Institutions shall be eligible for being considered for provincialisation of the services of their teachers and tutors:-

(i) The Venture Madrassa Educational Institution which have been established by the people of the locality and which has received the required permission, recognition, affiliation, concurrence as the case may be, upto the last highest class required for the concerned Institution from the State Madrassa Education Board on or before 1.1.2006:

Provided that the order for such permission, recognition, affiliation, concurrence etc. shall have to be issued on or before 01.01.2006 and any order issued thereafter with any retrospective effect, shall not be considered for the purpose of provincialisation of services of any teacher and tutor, as the case may be, of the institution;

(ii) The land, building and other infrastructure of such Venture Madrassa Educational Institutions in case of Venture Pre Senior Central Madrassa, shall be as far as practicable at par with the provisions Act No. 35 under the Right of Children to Free and Compulsory Education of 2009.

Act, 2009 and Rules framed there under; Venture Madrassa Educational Institutions in case of Venture Senior Madrassa, Title Madrassa, Arabic Colleges shall be as far as practicable at par with the provisions under Assam Non-Government Educational Institutions (Regulation and Management) Act, 2006 and Rules framed thereunder,

Assam
Act No. IV
of 2007.

(iii) The concerned Venture Madrassa Educational Institution must have land in the name of the Institution with clear and exclusive title and possession over the land before 01.01.2006 and any lease or rent or donor agreement executed at any point of time, shall not be considered in any manner, for this purpose:

Provided that in case of institutions situated in Forest area, Forest Possession Certificate from the competent Forest Authority certifying that the institution has been in possession of Forest Land prior to 01.01.2006 and in case of institutions situated in Tea Gardens, certificate from Tea Garden Authority certifying that the institution has been in possession of Tea Garden Land prior to 01.01.2006, shall have to be produced by the concerned educational institution before the District Scrutiny Committee constituted under section 14.

(iv) Venture Madrassa Educational Institution shall have a minimum total enrolment of 30 students in a Pre-Senior Madrassa /pre senior section of a Senior Madrassa, (from Class Pre-Senior 1st year to Pre-Senior 3rd Year), 25 students in each class of a Senior Madrassa, 15 students in FM final year class if it is Senior Madrassa and a minimum enrolment of 15 students in MM final year class if it is a Title Madrassa or an Arabic College, as on the date of coming into force of this Act;

(v) In case of Senior Madrassa (upto Intermediate stage or F.M. Stage) or an Arabic College or a Title Madrassa, the concerned Madrassa Educational Institution shall have a consistent good academic performance which would mean at least 50% of the candidates appearing for the final examination as a whole must

have passed in the last three consecutive examinations conducted by the Assam State Madrassa Education Board held during the previous three consecutive years prior to the date of coming into force of this Act;

(vi) In addition to the provision under clause (v) above, at least 25 (Twenty five) students in case of core subjects and atleast 5 (five) students in case of elective subjects shall have appeared in the last three years of Intermediate examination conducted by the Assam State Madrassa Education Board in each subject in case of Venture Senior Madrassa. Atleast 15(fifteen) students in each core subject and atleast 5 (five) students in case of elective subjects shall have appeared in last three years of FM examination conducted by the Assam State Madrassa Education Board, 5(five) students shall have appeared in last three years of MM examination conducted by the Assam State Madrassa Education Board, in case of a Title Madrassa or an Arabic College;

(vii) In case of Venture Pre-senior Madrassa there shall be six teachers or tutors, covering all theological and general subjects including Assamese Language subject Teacher/Tutor in respect of Madrassa under Brahmaputra Valley and seven teachers or tutors covering all theological and general subjects including Assamese Language subject Teacher/Tutor in respect of Madrassa in Barak Valley and there must be one Science teacher or tutor to teach Science and Mathematics subject.

(viii) In case of Senior Madrassa there must be one teacher or tutor to each core subject i.e. Mathematics, Science, English, MIL and Social Sciences :

Central

Provided that for additional posts it shall be considered in accordance with the norms and standard stipulated in the Schedule under sections 19 and 25 of the Right of Children to Free and Compulsory Education Act, 2009, if the enrollment in a particular Madrassa is more than 180 students.

Act No. 35
of 2009

(ix) The enrolment shall be verified with the records of the

Examination authorities. There shall be physical verification of students and checking of records of attendance of students of last three years. The enrolment shall be verified with the data as per DISE/UDISE Code 2009-10 or before as available in the records of the National University of Educational Planning and Administration, New Delhi.

- (2) The concerned Venture Madrassa Educational Institution must have the required infrastructure as specified in the Schedule of the Right of Children to Free and Compulsory Education Act, 2009 as far as practicable and having DISE Code for the year 2009-2010 or prior to that in case of Venture Pre-Senior Madrassa and in case of all other Educational Institutions, the concerned institution must have the required infrastructure as specified in section 10 of the Assam Non-Government Educational Institutions (Regulation and Management) Act, 2006 as far as practicable. Central Act No. 35 of 2009. Assam Act No. IV of 2007.
- (3) Subject to the provisions of the Right of Children to Free and Compulsory Education Act, 2009, in case of a Venture Pre-senior Madrassa and, in case of all other institutions, subject to the provisions of the Assam Non-Government Educational Institutions (Regulation and Management) Act, 2006, if an educational institution which does not fulfil the eligibility criteria as stated herein above on the date of coming into force of this Act, such institution, shall not be eligible to be considered for provincialisation of the services of its teachers, but, may be allowed to run as a Private Institution or a Non-Government Educational Institution as before subject to fulfilment of other statutory norms in force. Central Act No. 35 of 2009. Assam Act No. IV of 2007.
- (4) If any Venture Madrassa Educational Institution established and administered under Article 30 of the Constitution of India prefers to come under the ambit of this Act and if the services of employees of such institutions are provincialised under this Act, such institutions shall not remain under the ambit of the provisions of Article 30 of the Constitution of India with effect from the date of such provincialisation.

- (5) (a) The Government of Assam shall identify Base Madrassa/Arabic College for the purpose of provincialisation of services of employees of the Venture Madrassa Educational Institutions.
- (b) If any Provincialised Madrassa/Arabic College already exists within a nearby area accessible to the students of the locality, the existing provincialised Madrassa/ Arabic College shall be identified as the Base Madrassa/Arabic College:

Provided that in case of two or more existing provincialised Madrassa Educational Institutions are functioning within certain locality, the District Scrutiny Committee shall identify only one of such educational institutions as the Base Madrassa/Arabic College, considering the existing infrastructure and other amenities and facilities available in such madrassa educational institution.

- (6) All the employees and the students of an Educational Institution provincialised under this Act shall be merged with the Base Madrassa, to fulfil and maintain norms and all other Statutory requirements for the purpose to re-organise in education sector in all levels. The Base Madrassa/Arabic College can be an existing provincialised Madrassa or it may be a Venture Madrassa Educational Institution eligible for provincialisation under this Act having adequate infrastructure:

Provided that the existing provincialised Madrassa/Arabic College shall be preferred over a Venture Madrassa Educational Institution for identification as a Base Madrassa/Arabic College.

- (7) Madrassa Educational institutions which are running professional courses and private institution run with the fees realised from the students shall not be considered for provincialisation of services of the teachers under this Act.
- (8) Save and except an institution covered under Article 30 of the Constitution of India which is already getting financial assistance or grants-in-aid from the Government, no other Private or Non-Government Madrassa educational institution shall be entitled to get any aid or assistance from the State Government in any form with effect from the date of coming into force of this Act.
- (9) If any eligible Venture Madrassa Educational Institution intends to

remain outside the purview of provincialisation of services of their employees under this Act, such institution shall give their option in writing expressing their intention to remain outside the purview of this Act, before the District Scrutiny Committee within one year from the date of coming in to force of this Act. However, these institutions shall have to obtain permission and recognition as prescribed under section 16(1) of this Act.

- Employees to be Government Servants.
5. (1) Subject to fulfillment of all other provisions of this Act, the services of the employees of all Venture Madrassa Educational Institutions eligible under section 4 of this Act, shall be deemed to have been provincialised on the date of publication of the provincialisation order by Notification in the Official Gazette and they shall become employees of the State Government with effect from such date.
- (2) The employees to be provincialised under this Act,-
- (i) Teachers must have been working as a teaching staff in the concerned Venture Madrassa Educational Institution that have been fully recognized upto the last and highest Class or as specified under section- 4 (IV), (V) required for such institution by the State Madrassa Education Board on or before 01.01.2006;
- (ii) must have minimum educational and professional qualification as laid down under different Act and Rules mentioned under section 7. The teachers must have passed in the Teacher Eligibility Test (TET) conducted by the State Government.
- (iii) must have rendered at least six years continuous service as on 01.01.2017 from the date of joining in the concerned Venture Madrassa Educational Institution;
- (iv) in case of Teacher/Tutor of the Senior Madrassa and above the number of students appeared in the concerned final examination as the case may, shall not be less than 5 students in each of the respective subject per year during last three years.
- Land, building etc. to vest with the Government.
6. (1) With effect from the date of provincialisation of the services of the employees of the Venture Madrassa Educational Institutions under this Act, the land, building and other assets of the concerned

Madrassa educational institution shall vest with the Government.

- (2) In case of merger/or amalgamation of one educational institution with other educational institution, the land, building and other assets vacated by any such merged educational institution shall be used by the Government for other suitable purpose whatsoever.

Educational and Professional qualification of teachers

7. (1) The services of teachers in a Venture Madrassa Educational Institution from the Pre Senior to MM level, shall be considered for provincialisation in the post of teachers or relevant teaching faculty in appropriate nomenclature, as the case may be, subject to fulfilment of the eligibility criteria relating to educational and professional qualifications as laid down under the following Acts, Rules and Regulations as applicable :-

- (a) The Right of Children to Free and Compulsory Education Act, 2009 and its Rules; Central Act No. 35 of 2009
- (b) The National Council for Teachers Education Act, 1993 and its Regulations in force at the time of provincialisation of services; Central Act No. 73 of 1993
- (c) The Assam Madrassa Education (Provincialised) Service Rules, 2016;
- (d) The Teaching faculty must be TET qualified.

- (2) The services of a teaching employee in a Venture Madrassa Educational Institution shall be considered for provincialisation as teacher only if they have the requisite academic and professional qualifications prescribed under the relevant Acts, Rules or Regulations as mentioned in sub-section (1) of this section which are applicable for the time being in force, otherwise their services shall be provincialized as tutor.

Educational and Professional qualification of tutor

8. (1) The tutor must acquire the prescribed educational and professional qualifications within a period of five years from the date of publication of the order of provincialisation of services of the teachers and or tutors of the concerned Venture Educational Institutions in the Official Gazette and after acquirement of required qualification, they shall be upgraded to the post of teacher in appropriate cadre.

- (2) If such tutor fail to acquire such prescribed qualifications within a period of five years from the date of publication of the order of provincialisation in the Official Gazette, their cases shall not be considered for up-gradation to the post of teacher after the lapse of a period of five years from the date of publication of provincialisation order in the Official Gazette and they shall continue to function as tutor as per same terms and conditions which were applicable to them before provincialisation of the concerned Venture Educational Institution.

Terms and
conditions of
service

9. (1) Subject to the provisions of this Act and the Rules made hereunder all rules including service rules and rules of conduct and discipline which are applicable to State Government servant of corresponding ranks, shall be applicable to all teachers of educational institution whose services have been or are to be provincialised under the provisions of this Act.
- (2) The teachers whose services have been provincialised under this Act shall get full scale of pay and such emoluments as salary and allowances as per norms of the State Government applicable to the employees of the corresponding rank with effect from the date of provincialisation of their services, as if they are fresh appointees and they cannot claim any benefit whatsoever in respect of past services rendered by them before provincialisation and in respect of pension, they shall be governed by the New Pension Scheme applicable to the State Government teachers of the corresponding rank.
- (3) For the tutors whose services are provincialised as tutors under this Act, their scope of work and other condition of service shall be notified by the concerned administrative department separately. The emoluments for tutor shall be paid at the rate as specified in the Schedule appended to this Act subject to the condition that the enhanced emoluments after 2(two) years as per schedule shall be admissible in respect of a tutor on submission of a satisfactory performance report by the head of the concerned educational institution to the Drawing and Disbursing Officer after completion

institution to the Drawing and Disbursing Officer after completion of 2(two) years service from the date of provincialisation. In the event of subsequent acquirement of educational and professional qualification by such tutors within 5 years from the date of provincialisation of the services of teachers in the concerned Venture Educational Institution, they shall be eligible for upgrading their posts as teachers. In the event of failure in acquiring required qualification within five years from the date of provincialisation of the Venture Educational Institutions, he shall continue as a tutor only under the terms and conditions of service including their salary and allowances as may be notified by the Government under sub-section(4) of this section.

- (4) The scope of work and other terms and conditions of service of the tutors shall be notified by the concerned administrative departments separately.
- (5) The employees, who have completed sixty years of age as on the date of coming into force of this Act, shall be deemed to have retired with effect from that date and they shall have no claim whatsoever from the State Government as regards their pay, allowances and retirement benefits for services already rendered by them in such educational institutions before the date of provincialisation.
- (6) The employees provincialised under this Act shall hold personal posts to be created for provincialisation of their services. These posts shall be outside the cadre which shall stand abolished on cessation of services by the concerned teacher or tutor, as the case may be, due to retirement, death, resignation or any other reason whatsoever.

10. Management of the Madrassa Educational Institution where services of employees of Venture Madrassa Educational Institutions are provincialised

With effect from the date of publication of the Notification under sub-section(1) of section 5, the administration, management and control of all provincialised Madrassa Educational Institutions coming within the purview of this Act shall vest in the State Government.

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|---|----------------|---|-------------------------------|
| <p>Managing Committee in respect of provincialised Pre-Senior Madrassa</p> | <p>11.</p> | <p>The constitution, composition, powers, functions and duties of the Managing Committee in respect of Pre-Senior Madrassa shall be governed by the provisions of the Right of Children to Free and Compulsory Education Act, 2009 and the rules framed thereunder.</p> | <p>Central Act 35 of 2009</p> |
| <p>Managing Committee/
Governing Body in respect of other Madrassa Educational Institutions</p> | <p>12. (1)</p> | <p>The State Government or an officer authorized by the State Government, by an order, constitute a Managing Committee in respect of Senior Madrassa, Title Madrassa and a Governing Body in respect of a Arabic College for managing the affairs of such Madrassa Educational Institutions.</p> | |
| | <p>(2)</p> | <p>The Governing Body and the Managing Committee, as the case may be, of such institutions shall exercise such powers and shall perform such functions as specified in the relevant Acts and rules prescribed thereunder.</p> | |
| | <p>(3)</p> | <p>The State Government or the Officer so authorized by the State Government may, at any time, re-constitute the Managing Committee or the Governing Body, as the case may be, whenever it is considered necessary.</p> | |
| | <p>(4)</p> | <p>The composition of the Managing Committee or the Governing Body shall be such as may be prescribed by the State Government.</p> | |
| | <p>(5)</p> | <p>Subject to overall control and supervision of the Authority / Director, all teaching and non-teaching employees and/or tutors whose services are or would be provincialised, shall be accountable and remain subject to the control of the Managing Committee or the Governing Body, as the case may be.</p> | |
| | <p>(6)</p> | <p>All teachers whose services have been provincialised shall render their services under the control and supervision of the Head of the institution and if so required their services may be utilized in the lower classes for smooth running of the concerned Educational Institution.</p> | |

- Amalgamation/
Merger and
shifting or
expansion of
Madrasa
Educational
Institution**
13. (1) In appropriate cases, if there is already an existing Madrasa Educational Institution nearby, and the enrolment of the students does not justify more than one institution in the same locality, or there are other sufficient reasons so to do, the State Government, in the public interest and for reasons to be recorded in writing may, order merger or shifting of the institution from one place to another, or may order amalgamation of two or more existing institutions.
- (2) In appropriate cases, if the State Government is of the view that an existing Madrasa Educational Institution need be expanded so as to have more classes, the State Government may order expansion of an existing Madrasa institution from Pre-Senior to Senior (Intermediate Stage) or from Senior (Intermediate Stage) to Senior (F.M.) Stage, or from Senior (F.M.) stage to Arabic College or Title Madrasa.
- (3) All employees whose services have been provincialised under the provisions of this Act and who are working in one of the Madrasa Educational Institution in respect of which an order under sub-sections (1) and (2) above has been passed, shall be liable to be transferred and posted in any other provincialised Madrasa Educational Institution in the same rank and grade.
- (4) All teachers working on a higher grade in an institution in respect of which an order under sub-section (2) has been passed may be required to teach in the lower classes also.
- District Scrutiny
Committee and
State Level
Scrutiny
Committee**
14. (1) There shall be District Scrutiny Committees in each district for Pre-senior Madrasa, Senior Madrasa, Title Madrasa or Arabic College to scrutinize service records and other related issues of the serving teachers and other staff of Venture Madrasa Educational Institutions pertaining to provincialisation of their services
- (2) The Deputy Commissioner of the District, by an order, shall constitute the District Scrutiny Committee for the respective district under preceding sub-section:
- Provided that in case of newly created districts, the Deputy Commissioner of the erstwhile district with the help of Deputy

- Commissioner of the newly created district shall scrutinize all cases of entire erstwhile district.
- (3) The District Scrutiny Committee shall be constituted with the following members, namely:-
- (i) The Deputy Commissioner or his nominee not below the rank of Additional Deputy Commissioner of the concerned district ---Chairman;
 - (ii) The Inspector of Schools of the concerned district-----
Member-Secretary;
 - (iii) District Elementary Education Officer; Member;
 - (iv) One nominee of the Deputy Commissioner of newly created district if the institution falls within the jurisdiction of newly created district; Member;
 - (v) One Principal of Arabic College or Title Madrassa situated within the district to be nominated by the Inspector of Schools----Member;
 - (vi) One eminent person in the field of education who is an ordinary resident within the district to be nominated by the Deputy Commissioner-----Member.
 - (vii) One retired Principal/Superintendent of a Venture Madrassa Educational Institution situated within the district to be nominated by the Inspector of Schools---Member.
- (4) The District Scrutiny Committee shall first scrutinize and prepare a list of all Venture Madrassa Educational Institutions within the district, which are eligible in terms of the provisions of this Act and shall thereafter proceed to scrutinize and verify the service records of all the serving teachers, who are eligible or would become eligible for being considered for provincialisation of their services. The District Scrutiny Committee shall identify a Base Madrassa for each category of Madrassa and recommend the name of teacher/ tutor to be associated against each Base Madrassa.
- (5) The District Scrutiny Committee shall forward the verified list of eligible teachers Base Madrassa-wise in accordance with this Act,

to the concerned Director who shall place the matter before the State Level Scrutiny Committee to be constituted under sub-section (8) of this section and after making such further scrutiny as may be required, shall forward the same to the concerned Department of the State Government for consideration and for issuing Notification in respect of the eligible institutions and teachers eligible for getting their services provincialised.

- (6) The District Scrutiny Committee shall have the powers to inspect physical existence of Madrassa /or Arabic College and to inspect all documents and records produced before it and call for such further records and documents as may be required for the purpose of causing verification and scrutiny and examine witnesses for the purpose, if considered necessary and while doing so it shall have the powers of a Civil Court for the purpose of compelling attendance of persons and production of documents.
- (7) The State Government may, for reasons to be recorded in writing, by an order re-constitute the District Scrutiny Committee or may change in its composition, if the circumstances so warrant, from time to time.
- (8) There shall be one State Level Scrutiny Committee at State level for verification of recommendation received from the District Scrutiny Committees with the following member, namely :-
 - (i) Director of the concerned Department of Education-.....
Chairman.
 - (ii) Deputy Director of Madrassa Education -Member
Secretary.
 - (iii) One representative nominated by the concerned
Administrative Department-.....Member.
- (9) The State Level Scrutiny Committee shall have to cause physical verification of all institution and will also inspect all documents and records produced before it and call for such other records and documents as may be required for the purpose of causing verification.

- (10) When there arises difference in between the recommendation of the District Scrutiny Committee and the Physical verification report caused by the State Level Scrutiny Committee, the matter shall be placed before the State Level Scrutiny Committee and the decision of the State Level Scrutiny Committee shall be final.

Explanation(1) For the purposes of this section, the Deputy Commissioner in relation to Districts included in the areas covered under the Sixth Schedule of the Constitution of India shall mean the Principal Secretary of the respective council.

(2) In case of autonomous Council, one additional member like Director of Education, Bodoland Territorial Council (BTC) or Officer of the Education Department of the Bodoland Territorial Council shall be nominated by the Council.

Appellate
Authority

15.

The State Level Scrutiny Committee shall be the appellate authority against any recommendation of the District Scrutiny Committee and the State Government in the concerned administrative department shall be the Appellate Authority against any recommendation of the State Level Scrutiny Committee.

Madrassa
Educational
Institutions not
provincialised to
function as
Private/Non-
Government
Institutions

16. (1)

The services of teachers of the Venture Madrassa Educational Institutions which have not received recognition and permission etc from the State Madrassa Education Board or authority as declared by the State Government on or after 1-1-2006, shall not be provincialised and no such educational institution shall be allowed to remain functional unless it has obtained,-

- (i) permission under the provisions of the Assam Non-Government Educational Institutions (Regulation and Management) Act, 2006, in case of all other educational institutions; and
- (ii) certificate of recognition from the authority notified under the provisions of section 18 of the Right of Children to Free and Compulsory Education Act, 2009.

Assam Act
No. IV of
2007

Central
Act No. 35
of 2009

- (2) All such Venture Madrassa Educational Institutions, which have obtained the required permission and recognition as the case may be, shall be allowed to function as purely Private or Non-Government Educational Institution.
- Offences and Penalties 17. (1) Whoever provides misleading, incorrect or false information to and suppresses materials information from or abets the providing or suppression of such information to the District Scrutiny Committee or to any other authority under this Act shall commit an offence under this Act which shall be punishable with imprisonment for a term which may extend to two years.
- Offences to be cognizable and Non-bailable 18. Offences committed under this Act shall be cognizable and non-bailable under the provisions of the Code of Criminal Procedure, 1973. Central Act No. 2 of 1974
- Trial of cases 19. (1) Offences under section 17 shall be triable by a Judicial Magistrate of the Competent Jurisdiction under the Code of Criminal Procedure, 1973. Central Act No. 2 of 1974
- (2) Cases under this section shall be tried summarily under the Code of Criminal Procedure, 1973.
- Suits and Proceedings 20. (1) No suit, prosecution or other legal proceeding shall lie for anything in good faith done under this Act, except with previous sanction of the State Government.
- (2) To adjudicate the disputes for redressal of grievances relating to the employees of the Non-Government Madrassa Educational Institution as well as disputes concerning disciplinary action, genuineness of establishment of Madrassa institution and claim for provincialisation in respect of teaching and non-teaching staff of Venture Madrassa Educational Institution, there shall be an Educational Tribunal for each District within the respective Territorial Jurisdiction. The District and Sessions Judges and the Additional District and Session Judges of each District shall be designated as Educational Tribunal.
- Power of interpretation 21. (1) If any difficulty arises in interpretation of any provisions of this Act, interpretation of the State Government shall be final.

- and removal of difficulties
- (2) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order do anything not inconsistent with the provisions of this Act which appear to be necessary or expedient for the purpose of removing the difficulty.
- Creation of Personal post and maintenance of reservation Policy
22. (1) For the purpose of provincialisation of services of the teachers and tutors under this Act, the Government shall create and sanction such number of ex-cadre posts which shall be personal to the incumbents. These personal posts shall stand abolished on cessation of the services of the teacher for reason whatsoever including retirement, resignation, death etc. Since these are personal as well as ex-cadre posts. The present cadre strength of the concerned services shall not be impacted in any way due to creation of these posts.
- (2) The Administrative Department may retain the posts of any Madrassa Educational Institution provincialised under this Act, after cessation of the services of the teachers which may be deemed to be necessary to run the Institution.
- (3) The posts so retained as per sub-section (2), shall be en-cadred in appropriate cadre and shall continue as permanent posts.
- (4) While making retention of posts under sub-section (2) and in creating additional posts as may be required under this Act, the prescribed percentage of reservation for Scheduled Castes and Scheduled Tribes and other reservation categories, as applicable under the relevant Act and rules, shall be maintained.
- Power to make rules
23. (1) The State Government may, by notification published in the Official Gazette, make rules for carrying out the provisions of this Act.
- (2) Without prejudice to the generality of the foregoing provisions, such rules may provide for all or any of the following matters, namely:-
- (i) prescribing service conditions and specifying the duties and responsibilities of all employees whose services have been provincialised under this Act;

(ii) preparation and maintenance of service records of the employees whose services have been provincialised;

(iii) for management of the Madrassa Educational Institution;

(iv) specifying the powers, functions, duties and responsibility of the Managing Committee or the Governing Body of the Madrassa Educational Institutions, as the case may be.

(v) prescribing the scope of work, emoluments and remuneration and other terms and conditions of services of tutors provincialised under this Act.

- (3) All rules made by the State Government under this Act shall, as soon as may be after they are made, be laid before the Assam Legislative Assembly while it is in session, for a total period of not less than fourteen days which may be comprised in one session or two or more successive sessions and shall, unless some later date is appointed, take effect from the date of their publication in the Official Gazette subject to such modifications or annulments as the Legislative Assembly may, during the said period agree to make, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done thereunder.

Repeal and
Savings

24.

The Assam Venture Madrassa Educational Institutions (Provincialisation of Services) Act, 2011 as amended vide the Assam Venture Madrassa Educational Institutions (Provincialisation of Services) (Amendment) Act, 2013 and the Assam Venture Madrassa Educational Institutions (Provincialisation of Services) (Amendment) Act, 2014 and all

Assam Act
No. III of
2012.

Assam Act
No. XII of
2013.

Assam Act
No. VII of
2014.

rules, orders, notification issued thereunder, shall stand repealed. However, all employees whose services were provincialised prior to coming into force of this Act shall continue and their cases would be governed by the Assam Madrassa Education (provincialisation) Act, 1995 and Assam Madrassa Education (provincialisation) Service Rules, 2016.

Schedule

[See section 9(3)]

Fixed salary admissible to a tutor

Category of Institution	Category of Staff	Fixed salary for 1 st to 2 nd year. (in Rs)	Fixed salary for 3 rd to 5 th year. (in Rs)
Arabic College : (From Pre-Senior Section to M.M. Level containing 3 + 3 + 3 + 2 = 11 classes)	Principal	20700	23000
	Lecturer	16200	18000
	M. M. (Post Graduate Assistant Teacher)	16200	18000
	F. M. (Graduate Assistant Teacher)	12600	14000
	Arts (Graduate Assistant Teacher)	12600	14000
	Science (Graduate Assistant Teacher)	12600	14000
	Hindi language teacher (Graduate Assistant Teacher)	12600	14000
	Intermediate Assistant Teacher (General)	10800	12000
	Intermediate and Hafiz (Assistant Teacher)	10800	12000
Senior Madrassa : (From Pre-Senior Section to F.M. Level containing 3 + 3 + 3 = 9 classes)	Superintendent	16200	18000
	M. M. (Post Graduate Assistant Teacher)	16200	18000
	F. M. (Graduate Assistant Teacher)	12600	14000
	Arts Graduate (Assistant Teacher)	12600	14000
	Science Graduate (Assistant Teacher)	12600	14000
	Hindi language teacher (Graduate Assistant Teacher)	12600	14000
	Assamese language teacher (Senior Grade) (Only for Barak Valley)	12600	14000
	Intermediate Assistant Teacher (General)	10800	12000
	Intermediate and Hafiz (Assistant Teacher)	10800	12000

Pre-Senior Madrassa (Upper Primary Section) (3 classes)	Head Mudaris	10800	12000
	F. M. (Assistant Teacher)	10600	11800
	Higher Secondary (Assistant Teacher)	10800	12000
	Graduate/Intermediate Teacher (Science & Mathematics)	11700	13000
	Hindi Teacher (Junior Grade)	10800	12000
	Assamese language Teacher (Jr. Grade) (Only for barak Valley)	10800	12000
	Intermediate and Hafiz (Assistant Teacher)	10600	11800

S. M. BUZAR BARUAH,

Commissioner & Secretary to the Government of Assam,
Legislative Department, Dispur, Guwahati-6.