



The Uttarakhand Madarsa Education Board Act, 2016

Act No. 6 of 2016

Amendment appended: 26 of 2016

DISCLAIMER: This document is being furnished to you for your information by PRS Legislative Research (PRS). The contents of this document have been obtained from sources PRS believes to be reliable. These contents have not been independently verified, and PRS makes no representation or warranty as to the accuracy, completeness or correctness. In some cases the Principal Act and/or Amendment Act may not be available. Principal Acts may or may not include subsequent amendments. For authoritative text, please contact the relevant state department concerned or refer to the latest government publication or the gazette notification. Any person using this material should take their own professional and legal advice before acting on any information contained in this document. PRS or any persons connected with it do not accept any liability arising from the use of this document. PRS or any persons connected with it shall not be in any way responsible for any loss, damage, or distress to any person on account of any action taken or not taken on the basis of this document.

कठिनाईयों को दूर करने की शक्ति

31(1) यदि, इस अधिनियम के उपबन्धों के कार्यान्वयन में कोई कठिनाई उत्पन्न हो तो राज्य सरकार, अधिसूचित आदेश द्वारा, ऐसे उपबन्ध, जो इस अधिनियम के उपबन्धों से असंगत न हो कर सकती है जो कठिनाईयों को दूर करने के लिए उसे आवश्यक या समीचीन प्रतीत हों।

(2) उपधारा (1) के अधीन कोई आदेश इस अधिनियम के प्रारम्भ के दिनांक से दो वर्ष की अवधि की समाप्ति के पश्चात् नहीं किया जाएगा।

(3) उत्तर प्रदेश साधारण खण्ड अधिनियम, 1904 (यथा उत्तराखण्ड राज्य में प्रवृत्त) की धारा 23-क की उपधारा (1) के उपबन्ध, उपधारा (1) के अधीन किये गये आदेश पर उसी प्रकार लागू होंगे जैसे वे किसी उत्तराखण्ड अधिनियम के अधीन राज्य सरकार द्वारा बनाये गये नियमों के सम्बन्ध में लागू होते हैं।

नियम बनाने की शक्ति

32. राज्य सरकार, अधिसूचना द्वारा इस अधिनियम के प्रयोजनों को कार्यान्वित करने के लिये नियम बना सकेगी।

आज्ञा से,

जय देव सिंह,
प्रमुख सचिव।

No. 107/XXXVI(3)/2016/11(1)/2016

Dated Dehradun, March 31, 2016

NOTIFICATION

Miscellaneous

In pursuance of the provisions of Clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of 'the Uttarakhand Madarsa Education Board Bill, 2016' (Adhiniyam Sankhya 06 of 2016).

As passed by the Uttarakhand Legislative Assembly and assented to by the Governor on 29 March, 2016.

THE UTTARAKHAND MADARSA EDUCATION BOARD ACT, 2016**(Uttarakhand Act no. 06 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 thereto.

IT IS HEREBY enacted in the Sixty seventh of the Republic of India as follows:-

Short Title and
commencement

Definitions

1. (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. 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 or 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 authorized 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 recognized 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 center in conducting and supervising the examinations at a Center;
 - (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
 - (k) "regulations" means regulations made under this Act;
 - (l) "Registrar" means the Registrar of the Board;
 - (m) "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;
 - (n) "Unfair-means" in relation to an examinee while answering questions in an examination, means the unauthorized 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 unauthorized telephonic, wireless or electronic or other instrument or gadget.

Constitution of the board

3. (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, who shall be the Vice-Chairperson of the Board;

(c) one Principal of a renown muslim educational institution, up to level of Intermediate/Degree level nominated 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 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 of 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 (f) 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 then 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.

Removal of
members

4. 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.

Term of Office
of members

5. (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 sub-section (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.
- Filling of vacancies on expiry of term of office 6. 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.
- Meeting of the Board 7. (1) The Board shall meet at such time and place and shall subject to the provisions of sub-section (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 at the meeting of the Board. In his absence, the Vice-Chairperson of the Board shall preside at the meeting. When Chairperson/Vice Chairperson both were absent then the Chairperson shall be the member nominated under clause (d) and he shall preside at the meeting.
(3) All questions arising in a meeting of the Board shall be decided by majority of votes 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.
- Vacancies etc. not to invalidate acts and proceedings 8. 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.
- Functions of the Board 9. 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 highschool), Munshi (highschool-persian), Maulavi (highschool-arabic), Alim (intermediate), Kamil (graduation), Fazil (post graduation) and other courses;
(b) prescribe the course books, other books and instruction material of courses of Arbi, Urdu and Pharsi for classes upto 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 & 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 recognize 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 recognized 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 recognized 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 upto Fazil;
- (p) to provide for research or training in any branch of Madarsa-Education and any other institution which the State Government may notify 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.

Powers of the Board

10. (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 bonafide 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 realization;
- (iv) to refuse recognition of an institution,-
- (a) which does not fulfill, or is not in a position to fulfill, 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.

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

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

Proper utilization of donation

12. 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 utilized 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.

Power of the State Government

13. (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.

Officers and other employees of the Board

14. 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.

Powers and duties of the Chairperson of the Board

15. (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

Powers and duties of the Director/Registrar

16. (1) The Director/Registrar of the Board shall be the Chief Executive Officer of the Board and shall, subject to the superintendence, control and directions of the Board, be responsible for the execution of its decisions. He shall exercise such other powers and perform such other duties as may be prescribed by regulations, and in particular:-

(a) be responsible to prepare and present the annual estimates and statement of accounts;

(b) be responsible to ensure that all moneys are spent for the purpose for which they are granted or allotted;

(c) be responsible for keeping the minutes of the meeting of the Board;

(d) shall exercise such powers as are necessary for the conduct of the examinations; and

(e) shall exercise such other powers as may be prescribed by the regulations.

Appointment and constitution of committees and Sub-Committees

17. (1) The Board shall appoint the following committees, namely;

(a) Curriculum Committee;

(b) Syllabus Committee;

(c) Examination Committee;

(d) Result Committees;

(e) Recognition Committee; and

(f) Finance Committee.

(2) Such a committee shall consist of the members of the Board only and shall be constituted in such a way that as far as possible at least one member from each of the following classes are represented in each of the committee:-

(a) head of institutions;

(b) teachers of institutions;

(c) Educationist:

Provided that no member of the Board shall serve on more than one of such committees, and the term of members of the committee shall cease with the cessation of the membership of the Board.

(3) In addition to the committees mentioned in sub-section (1) the Board may appoint such other committees and sub-committees as may be prescribed by regulations.

(4) The committees and sub-committees appointed under sub-section (3) shall be constituted in such manner and on such terms and conditions as may be prescribed by regulations.

Power to delegate

18. The Board may, by general or special order, direct that any power exercisable by it under this Act except the power to make regulations may also be exercised by its Chairperson or Vice-Chairperson or by such Committee or officer in such cases and subject to conditions, as may be specified therein.

Superintendent of a centre and invigilator to be public servant

19. The Superintendent of a Centre and an invigilator shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

Power of Board to make regulations

20. (1) The Board may make regulations for carrying out the purpose of this Act.
 (2) In particular and without prejudice to the generality of the foregoing powers, the Board may make regulations providing for all or any of the following matters, namely:-
 (a) constitution, power and duties of committees and sub-committees;
 (b) the conferment of Degrees, Diplomas and Certificates;
 (c) the conditions of recognition of institutions;
 (d) the courses of study to be laid down for all Degrees, Diplomas and Certificates;
 (e) the conditions under which candidates shall be admitted to the examinations and research programme of the Board and shall be eligible for Degrees, Diplomas and Certificates;
 (f) the fees for admission to the examination of the Board;
 (g) the conduct of examination;
 (h) the appointment of examiners, moderators, collators, scrutinizers, tabulators, Centre inspectors, Superintendents of Centers and invigilators and their duties and power in relation to the Board's examinations and the rates of their remuneration;
 (i) the admission of institutions to the privilege of recognition and the withdrawal of recognition;
 (j) all matters which are to be, or may, provided for by regulations.

Publication and Previous approval of Regulations made by the Board

21. (1) All regulations under section 21 shall be made only with the previous approval of the State Government and shall be published in the Gazette.
 (2) The State Government may approve any such regulations proposed by the Board with or without modification.

Scheme of Administration

22. (1) Notwithstanding anything contained in any law, document or decree or order of a court or other instrument, there shall be a Scheme of Administration for every institution, whether recognized before or after the commencement of this Act. The

Scheme of Administration shall amongst other matters provide for the constitution of a Committee of Management vested with authority to manage and conduct the affairs of the institution. The Head of the institution and two teachers thereof, belonging to Muslim-Minority, who shall be selected by rotation according to seniority in the manner prescribed by regulations, shall be ex-officio members of the Committee of Management with a right to vote.

(2) No member of the Committee of the Management shall either attend the meeting of the Committee or exercise his right to vote whenever a change concerning his personal conduct is under discussion.

(3) The Scheme of Administration shall also describe subject to any regulation, the respective powers, duties and functions of the Head of the institution and Committee of Management in relation to the institution.

(4) Where more than one recognized institutions are maintained by a body or authority, there shall be a separate Committee of Management for each institution unless otherwise provided in the regulations for any class of institutions.

(5) The Scheme of Administration of every institution shall be subject to the approval of the Board and no amendment to or change in the Scheme of Administration shall be made at any time without the prior approval of the Board:

Provided that where the management of an institution is aggrieved by an order of the Board refusing to approve an amendment or change in the Scheme of Administration, the State Government on the representation of the Management, may, if it is satisfied that the proposed amendment or change in the Scheme of Administration is in the interest of the institution, order the Board to approve the same and thereupon the Board shall act accordingly.

(6) Every institution shall be administered or managed in accordance with the Scheme of Administration framed under and in accordance with sub-section (1) to sub-section (5).

(7) In the case of an institution recognized before the commencement of this Act a draft of the Scheme of Administration shall be prepared and submitted to the Board for its approval within six months from such commencement alongwith the application for recognition.

(8) If an institution fails to comply with the provision of sub-section (7) within the period provided therefor, the Board shall, by notice in writing, require such institution to submit the Scheme of Administration within a further period of three months:

Provided that on a representation by the institution prior to the expiry of the extended period, the Board may in its discretion allow a further extension for a period of three months but not beyond that and the Committee of Management of the institution shall comply with the provisions of this section in such further extended period.

Procedure for appointment of head of institutions, teachers and other employees

23. Subject to the other provisions of this Act, the head of institution, teachers and other employees of an institution shall be appointed in accordance with the regulations.

Conditions of service of head of institution, teachers and other employees

24. (1) The head of institution, teachers and other employees of an institution shall be governed by such conditions of service as may be prescribed by regulations and any agreement between the Committee of Management and such head of institution, teachers or employees, as the case may be, in so far as it is inconsistent, with the provisions of this Act or the regulations, shall be void.

(2) Without prejudice to the generality of the powers conferred by sub-section (1) the regulations may provide for,-

(a) the code of conduct, the period of probation, the conditions of confirmation and the procedure and conditions for promotion and punishment including suspension pending or in contemplation of inquiry or during the pendency of investigation, inquiry or trial in any criminal case for an offence involving moral turpitude and the allowances for the period of suspension and termination of service with notice;

(b) the scales of pay and payment of salaries;

(c) grant of leave and provident fund and other benefits; and

(d) maintenance of record of work and service.

Casual vacancies

25. All casual vacancies among the Members other than *ex-officio* members of the Board or of a Committee appointed by the Board, shall be filled, as soon as may be, by the person or body who elected, or nominated, the member whose place has become vacant and the person elected or nominated to a casual vacancy shall be a member of the Board or Committee for the remaining term for which the person whose place he fills would have been a Member.

Power of the Board and Committees to make bye-laws

26. (1) The Board and its Committees may make bye-laws consistent with this Act, the rules and the regulations,-

(a) laying down the procedure to be observed at their meetings and the number of members required to form a quorum;

(b) providing for all matters which are to be, or may be, provided for by bye-laws;

(c) providing for all matters solely concerning the Board and its Committees and not provided for by this Act, the rules and the regulations.

(2) The Board and its Committees shall make bye-laws providing for the giving of notice, to the member of the Board or Committee, of the dates of meeting of the Board or Committee, and of the business to be considered at meetings, and for the keeping of a record of the proceedings of meetings.

(3) The Board may direct amendment or recession of any bye-law made by a Committee under this section and the Committee shall give effect to any such direction.

- Protection for acts done in good faith 27. No suit, prosecution or other legal proceedings shall lie against the State Government, the Board or any of its Committees and sub-Committee or any other person in respect of anything which is in good faith done or intended to be done in pursuance of this Act or any rule, regulation, bye-law, order or direction made thereunder.
- Bar of Jurisdiction of Courts 28. No order or decision made by the Board or any of its committees or sub-committees in exercise of the power conferred by or under this Act shall be called in question in any court.
- Fund of Board 29. (1) The Board shall have its own fund, and all receipts of the Board shall be credited thereto and all payments for the Board shall be made therefrom.
(2) Subject to any general or special order of the State Government, and subject to the provisions of this Act, the Board shall have the power to spend such sum as it may think fit on subjects or for purposes authorized by this Act.
- Account and Audit 30. (1) The Board shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as the State Government may, by general or special order, specify.
(2) The Board shall prepare an annual financial statement and submit it to the State Government for its approval.
(3) The accounts of the board shall be audited by such authority as the State Government may, by general or special order, specify.
(4) The accounts of the Board as certified by the audit authority together with the audit report there on shall be forwarded annually to the State Government.
- Power to remove difficulties 31. (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by a notified order, make such provisions, not inconsistent with provisions of this Act, as appears to it to be necessary or expedient, for removing the difficulty.
(2) No order under sub-section (1) shall be made after the expiry of the period of two years from the date of the commencement of this Act.
(3) The provisions of sub-section (1) of section 23-A of the Uttar Pradesh General Clauses Act, 1904 shall apply to the order made under sub-section (1) as they apply in respect of rules made by the State Government under any Uttarakhand Act.
- Power to make rules 32. The State Government may, by notification, make rules for carrying out the purposes of this Act.

By Order,

JAI DEO SINGH,
Principal Secretary.

उद्देश्य और कारणों का कथन

1- दिनांक 09 नवम्बर, 2000 को उत्तराखण्ड राज्य के गठन के पश्चात् प्रदेश के मुस्लिम अल्पसंख्यक समुदाय में दीनी शिक्षा व आधुनिक विषयों के शिक्षण एवं प्रशिक्षण प्रदान करने वाली मुस्लिम संस्थाओं के पंजीकरण, अधीक्षण एवं निर्देशन सम्बन्धी कार्य हेतु एक शासकीय निकाय की आवश्यकता प्रतीत हुई। यह अनुभव किया गया कि प्रदेश का अपना अरबी-फारसी मदरसा शिक्षा परिषद् हो। चूंकि नवगठित प्रदेश में संसाधनों एवं कर्मचारियों की कमी को देखते हुए परिषद् का गठन नहीं हो सका। वर्ष 2006 से वर्ष 2012 तक राज्य के मदरसों की परीक्षाएं उत्तर प्रदेश अरबी-फारसी मदरसा बोर्ड के सहयोग से संचालित की गई।

2- अब चूंकि प्रदेश का गठन हुए पन्द्रह वर्ष से अधिक समय व्यतीत हो चुका है। अतएव मदरसों के संचालन में उत्पन्न कठिनाईयों को दूर करने, उनमें गुणात्मक सुधार लाने, मदरसों में अध्ययनरत छात्रों को अध्ययन की अच्छी से अच्छी सुविधा प्रदान करने के उद्देश्य की पूर्ति हेतु उत्तराखण्ड अरबी फारसी मदरसा शिक्षा परिषद् का गठन किया गया है जिसे विधायी स्वरूप प्रदान किए जाने हेतु 'उत्तराखण्ड मदरसा शिक्षा परिषद् विधेयक लाया जाना प्रस्तावित है।

3- विधेयक उपरोक्त उद्देश्य की पूर्ति करता है।

हरीश रावत,
मुख्यमंत्री।

No. 342/XXXVI(3)/2016/74(1)/2016
Dated Dehradun, November 30, 2016

NOTIFICATION

Miscellaneous

In pursuance of the provisions of Clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of '**the Uttarakhand Madarsa Education Board (Amendment) Bill, 2016**' (Adhiniyam Sankhya 26 of 2016).

As passed by the Uttarakhand Legislative Assembly and assented to by the Governor on 29 November, 2016.

**THE UTTARAKHAND MADARSA EDUCATION BOARD (AMENDMENT)
ACT, 2016**

(Uttarakhand Act no. 26 of 2016)

An

Act

further to amend "THE UTTARAKHAND MADARSA EDUCATION BOARD (Amendment) Act, 2016"

Be it enacted by the Uttarakhand State Legislative Assembly in the Sixty Seventh Year of the Republic of India as follows,

- | | |
|---|--|
| Short Title and commencement | 1- (1) This Act may be called the Uttarakhand Madarsa Education Board (Amendment) Act, 2016
(2) It shall come into force at once. |
| Amendment of Sub section (b) of Sub section (3) of Section 3 | 2- The clause (b) of Sub Section (3) of Section 3 of the Uttarakhand Madarsa Education Board Act, 2016 (hereinafter referred to as principal Act) shall be substituted with insertion of a new clause (b-1) as follows; namely |

(b) In the field of traditional Madarsa-Education, or an eminent muslim social worker, Renowned Muslim educationist nominated by the State Government shall be One Acting-Chairperson and Two Vice-Chairperson of the Board;
(b-1) The Director, who shall be the ex-officio member of the Board ;

Amendment of 3- The Sub section (2) of Section 7 of the principal Act Shall be
Sub-section (2) of substituted as follows, namely
Section 7

7 (2) The Chairperson shall preside at the meeting of the Board. In his absence, Acting-Chairperson shall preside at the meeting. In absence of Chairperson and Acting-Chairperson, Vice-Chairperson of the Board, who would be senior by Age, shall preside at the meeting. In absence of above Senior Vice-Chairperson, the Junior Vice-Chairperson of the Board shall preside at the meeting. When Chairperson/ Acting-Chairperson/Vice-Chairpersons would be absent, then any senior most member nominated under clause (e) or (f) of sub-section (3) of Section 3 shall be the Chairperson and he shall preside at the meeting.

By Order,

RAMESH CHANDRA KHULBE,
Principal Secretary.

उद्देश्य और कारणों का कथन

1- प्रदेश के मुस्लिम अल्पसंख्यक समुदाय में दीनी शिक्षा व आधुनिक विषयों के शिक्षण एवं प्रशिक्षण प्रदान करने वाली मुस्लिम संस्थाओं के पंजीकरण, अधीक्षण एवं निर्देशन सम्बन्धी कार्य हेतु एक शासकीय निकाय की आवश्यकता के दृष्टिगत "उत्तराखण्ड मदरसा शिक्षा परिषद् अधिनियम, 2016" (अधिनियम संख्या-06, वर्ष 2016) प्रख्यापित किया गया है।

2- मूल अधिनियम की धारा-3 के अन्तर्गत निदेशक, उत्तराखण्ड मदरसा शिक्षा परिषद् पदेन उपाध्यक्ष हैं। वर्तमान में परिषद् में परम्परागत मदरसा शिक्षा के क्षेत्र के प्रख्यात मुस्लिम शिक्षाविदों या प्रतिष्ठित मुस्लिम समाजसेवा क्षेत्र के व्यक्तियों को अधिक प्रतिनिधित्व प्रदान किये जाने हेतु राज्य सरकार द्वारा नामित किये जाने वाले एक कार्यवाहक अध्यक्ष तथा दो उपाध्यक्ष के पद सृजित किये जाने हेतु मूल अधिनियम की धारा 3 (3) (ख) तथा धारा 7 (2) को संशोधित किये जाने के उद्देश्य से "उत्तराखण्ड मदरसा शिक्षा परिषद् (संशोधन) विधेयक, 2016" लाया जाना प्रस्तावित है।

3- विधेयक उपरोक्त उद्देश्य की पूर्ति करता है।

हरीश रावत
मुख्यमंत्री।