

DRAFT BILL FOR ENACTMENT "THE RAJASTHAN MADARSA BOARD ACT-2018"
FOR INFORMATION AND SUGGATIONS OF THE PUBLIC

THE RAJASTHAN MADARSA BOARD BILL, 2018

A

Bill

to establish a Rajasthan Board of Madarsa Education in the State of Rajasthan and to provide for matters connected therewith or incidental thereto.

Be it enacted by the Rajasthan State Legislature in the Sixty-ninth Year of the Republic of India, as follows:-

CHAPTER I

Preliminary

1. Short title, extent and commencement.- (1) This Act may be called the Rajasthan Madarsa Board Act, 2018.

(2) It extends to the whole of the State of Rajasthan.

(3) It shall come into force on such date as the State Government may by notification in the *Official Gazette*, appoint.

2. Definitions.- In this Act, unless the context otherwise requires,-

(a) "Advisory Committee" means the Advisory Committee constituted under section 21;

(b) "Board" means the Rajasthan Madarsa Board established under section 3;

(c) "Chairperson" means the Chairperson of the Board;

(d) "Competent Authority" means the Authority specified by notification in the *Official Gazette* by the State Government to hear the appeal preferred under section 26;

(e) "Fund" means the Fund constituted under section 18;

Authenticated

12/4/18

संयुक्त भारत सचिव
राजस्थान सरकार एवं वयस विभाग
राजस्थान सचिवालय, जयपुर

- (f) "Principal/Head Master" means the head of the teaching staff of a Madarsa, by whatever name he may be designated;
- (g) "Madarsa" means an educational institution registered with the Madarsa Board and imparting instruction in Madarsa Education;
- (h) "Madarsa Education" means a system of education which includes studies in Islamic history and culture, and theology, and also includes general education which prepares the student to appear for exams conducted by Central Board of Secondary Education, Indian Certificate of Secondary Education, Rajasthan Board of Secondary Education or Secondary Education Boards of other States;
- (i) "Madarsa Management Committee" means the person or the body of persons for the time being entrusted with the management of the affairs of the Madarsa;
- (j) "member" means a member of the Board under this Act;
- (k) "prescribed" means prescribed by rules made under this Act;
- (l) "regulations" mean regulations made under this Act;
- (m) "rules" mean rules made under this Act;
- (n) "Secretary" means the Secretary of the Board;
- (o) "*Sadar*" means the head of the Madarsa Management Committee; and
- (p) "teacher" means a person appointed for imparting instruction and includes a Shiksha Sahyogi and the Principal/Head Master.

CHAPTER II

The Board

3. Establishment and incorporation of the Board.- (1) With effect from such date as the State Government may, by notification in the *Official Gazette*, appoint, establish a Board to be called the Rajasthan Madarsa Board.

(2) The headquarters of the Board shall be at Jaipur.

(3) The Board shall be a body corporate with perpetual succession and a common seal and shall have power to acquire and hold property, both movable and immovable, and subject to the approval of the State Government, to transfer any property held by it and to enter into contract and to do all other things necessary for, or conducive to the purposes of this Act and may sue or be sued in its corporate name.

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

- (a) Chairperson appointed by the State Government;
- (b) the Secretary Incharge of the Minority Affairs and Waqf Department, Rajasthan, *ex-officio member*;
- (c) the Secretary Incharge of the Finance Department, Rajasthan, *ex-officio member*;
- (d) the Secretary Incharge of the School Education (Primary) Department, Rajasthan, *ex-officio member*;
- (e) the Secretary Incharge of the Social Justice Department, Rajasthan, *ex-officio member*;
- (f) the Director, Directorate of Minority Affairs, Rajasthan *ex-officio member*;

- (g) the Director, Primary Education, Rajasthan, *ex-officio member*;
- (h) the Director, Secondary Education, Rajasthan, *ex-officio member*;
- (i) the Director, State Council of Educational Research and Training, Rajasthan *ex-officio member*;
- (j) the Secretary, Board of Secondary Education, Rajasthan, *ex-officio member*;
- (k) the Managing Director, Text Book Board, Rajasthan, *ex-officio member*;
- (l) the Chief Executive Officer, Waqf Board, Rajasthan, *ex-officio member*;
- (m) one person from Teaching Faculty of Urdu Language from any State University of Rajasthan, nominated by the State Government, member;
- (n) one person from Teaching Faculty of Arabic Language from any State University of Rajasthan, nominated by the State Government, member;
- (o) six *Sadars*, at least one of them shall be a woman, of the Madarsa Management Committee nominated by the State Government, member; and
- (p) four social workers, at least one of them shall be a woman, of repute from the Muslim Community nominated by the State Government, member.

(2) All the appointments and nominations under sub-section (1) shall be made by the notification published in the *Official Gazette*.

5. Terms and conditions of the service of Chairperson.- (1)

The Chairperson shall be an eminent educationist or a social worker of repute.

(2) The Chairperson shall hold office for a period of three years from the date of his appointment or until the pleasure of the State Government, whichever is earlier:

Provided that the State Government may, by notification in the *Official Gazette*, extend the term of office of the Chairperson for a period not exceeding six months at a time, however, the total extended period shall not exceed two years.

(3) The Chairperson may resign his office by writing under his hand addressed to the State Government, and shall vacate his office with effect from the date on which his resignation is accepted by the State Government.

(4) The Chairperson shall cease to hold office if, at any time, he becomes subject to any of the disqualifications, referred to in sub-section (1) of section 7.

(5) The salary and allowances payable to the Chairperson shall be such as may be prescribed.

(6) The other conditions of service of the Chairperson shall be such as may be prescribed.

6. Terms and conditions of the service of the members.- (1)

A member, other than *ex-officio* member, shall hold office for a period of three years from the date of his nomination or until the pleasure of the State Government, whichever is earlier:

Provided that the State Government may, by notification in the *Official Gazette*, extend the term of office of a member for a period not exceeding six months at a time, however, the total extended period shall not exceed two years.

(2) A member, other than *ex-officio* member, may resign his office by writing under his hand addressed to the State Government and shall vacate his office with effect from the date on which his resignation is accepted by the State Government.

(3) A member, other than *ex-officio* member, shall cease to hold office if, at any time, he becomes subject to any of disqualifications referred to in sub-section (1) of section 7.

(4) The salary and allowances payable to the nominated members shall be such as may be prescribed.

(5) The other conditions of service of the members shall be such as may be prescribed.

7. Disqualifications.- (1) A Chairperson and a member shall be disqualified for being appointed or nominated as a Chairperson or, as the case may be, a member of the Board, if he-

- (i) has been adjudged by a competent court to be of unsound mind ;
- (ii) is an undischarged insolvent;
- (iii) has been convicted and sentenced to imprisonment for an offence which, in the opinion of the State Government, involves moral turpitude;
- (iv) has, in the opinion of the State Government, so abused the position of Chairperson or member as to render that person's continuance in office detrimental to the interest of minorities or the public interest.

(2) If a Chairperson or a member becomes after his appointment/nomination, subject to any of the disqualifications specified in sub-section (1), his membership shall thereupon cease with effect from such date as the State Government may direct.

8. Filling of Vacancies.- (1) In the event of any vacancy in the office of the Chairperson or a nominated member by reason of death, resignation or otherwise, such vacancy shall be filled by fresh appointment or, as the case may be, nomination.

(2) Where the office of the Chairperson becomes vacant by reason of leave, suspension or otherwise, the State Government may, by order, authorize a member to exercise the powers and perform duties of Chairperson till the new Chairperson assumes his duties.

9. Meetings of the Board.- (1) The annual general meeting of the Board shall be held in the month of July each year.

(2) The Board shall meet at such other times, not less than four times in a year, as may be decided by the Chairperson.

(3) In the absence of the Chairperson or a member authorized under sub-section (2) of section 8, as the case may be, any member chosen by the members amongst themselves shall preside over a meeting of the Board.

(4) In case of an emergency, the Chairperson may call a meeting, after giving not less than clear two days notice thereof.

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

(6) All questions which come up before any meeting of the Board shall be decided by a majority of the votes of the members including Chairperson, present and voting.

CHAPTER III

Powers and Duties of the Chairperson

10. Powers and duties of the Chairperson.- (1) It shall be the duty of the Chairperson of the Board to ensure the faithful observance of this Act and the rules thereof.

(2) The Chairperson shall be responsible for carrying out, and giving effect to, the decisions of the Board and of any Committee constituted under this Act.

(3) The Chairperson shall exercise general supervision over the Secretary and the other officers and employees appointed by the Board.

(4) The Chairperson may, in any emergency, exercise powers of the Board provided that he shall not act contrary to any decision of the Board and shall, as soon thereafter as may be, report to the Board the action taken by him together with the reason therefor. The powers such exercised by the Chairperson shall be consistent with this Act.

(5) The Chairperson of the Board shall exercise such other powers and discharge such other duties as may be prescribed.

CHAPTER IV

Powers and Functions of the Board

11. 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, any general or special orders of the State Government, the Board shall have power to direct and supervise Madarsa Education and in particular shall exercise the following powers and discharge the following functions, namely:-

- (a) to grant or refuse registration to Madarsa and to deregister a Madarsa, if it thinks fit and necessary, after considering the recommendations of the Registration and Upgradation Committee, in accordance with the regulations made in this behalf;

- (b) to upgrade an existing Madarsa, if it thinks fit and necessary, after considering the recommendations of the Registration and Upgradation Committee, in accordance with the regulations made in this behalf;
- (c) to maintain all records relating to registered Madarsas in accordance with the regulations made in this behalf;
- (d) to prescribe curriculum and pedagogy;
- (e) to prescribe text books and other teaching material;
- (f) to arrange for the conduct of examinations including Board level examinations;
- (g) to develop mechanism for inspection of Madarsas, and to ensure proper utilization of funds granted by the State Government;
- (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; and
- (k) to make regulations relating to conduct and discipline of teachers of Madarsas.

12. Power to delegate.- 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 by such Committee or officer in such cases and subject to such conditions, as may be specified therein.

CHAPTER V

Officers of the Board

13. The Secretary.- (1) The Secretary shall be appointed by the State Government, who shall be an officer of the Selection Scale of the Rajasthan Administrative Service.

(2) Subject to the general control and supervision of the Chairperson, 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 thereat. He shall be responsible for recording the proceedings of the meetings of the Board.

14. The Accounts Officer.- (1) The State Government shall appoint an Accounts Officer not below the rank of an officer in senior scale of the Rajasthan Accounts Service to supervise and control the finances and accounts of the Board. He shall work under the overall supervision of the Secretary of the Board.

(2) He shall be the Member-Secretary of the Budget and Finance Committee and Procurement Committee.

(3) He shall-

- (i) be responsible for the preparation of the Budget and for the presentation thereof to the Board;
- (ii) administer the Fund of the Board;
- (iii) supervise and control the expenditure of the Board; and
- (iv) ensure that no expenditure not authorized in the Budget is incurred by the Board.

15. Other officers and employees of the Board.- For the purpose of enabling the Board to efficiently discharge its functions under this Act, the State Government may depute such number of officers and other employees, as it may deem fit.

16. District Level Office.- Subject to the control and supervision of the Board, the office of the District Minority Welfare Officer, under the Department of Minority affairs, shall also function as the district level office for the purpose of implementing schemes and programmes of the Board and to inspect and monitor Madarsas on behalf of the Board.

CHAPTER VI

Budget and Finances of the Board

17. Budget.- (1) The Board shall cause to be prepared, in such form and at such time in each financial year as may be prescribed, its budget for the next financial year, showing the estimated receipts and expenditure of the Board and after its approval forward the same to the State Government.

(2) No sum shall be expended by or on behalf of the Board unless the expenditure of the same is covered by the budget provisions approved by the State Government.

18. Fund.- (1) There shall be established a Fund to be called Madarsa Board Fund, hereinafter referred to as the 'Fund'.

(2) The following moneys shall form part of, and be paid into, the Madarsa Board Fund, namely:-

(i) any grants received from the State Government or the Central Government;

(ii) any trust, bequests, donations, endowments and other grants; and

(iii) any other sums received on behalf of the Board.

(3) The Fund shall be applied strictly for the purposes of this Act and not otherwise.

19. Accounts and Audit.- (1) The accounts of the Board shall be prepared and maintained in such form and in such manner as may be prescribed.

(2) The Accounts of the Board shall be subject to audit by the Director Local Fund Audit in accordance with the provisions of the Rajasthan Local Fund Audit Act, 1954 (Act No. 28 of 1954) or in the manner as may be prescribed by the rules.

(3) The Board shall pay from their funds the charges for the audit as may be prescribed by the rules.

20. Annual Report.- (1) The Board shall prepare every year a report of its activities under this Act during that year and submit the report to the State Government.

(2) The State Government shall, as soon as may be after the receipt of a report under sub-section (1), cause the same to be laid before the House of the State Legislature.

CHAPTER VII

Committees of the Board

21. Advisory Committee.- (1) An Advisory Committee shall be constituted as provided hereunder to advise the Board on policy matters, issues involving finance and to review the performance of the Board from time to time:-

- (i) Chief Minister of Rajasthan *ex-officio* Chairperson;
- (ii) Minister for Minority Affairs, Rajasthan *ex-officio* Vice-Chairperson;
- (iii) Minister for School Education, Rajasthan *ex-officio* Member;

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|--------|--|---------------------------|
| (iv) | Minister for Finance,
Rajasthan | <i>ex-officio</i> Member; |
| (v) | Minister for Social Justice
and Empowerment,
Rajasthan | <i>ex-officio</i> Member |
| (vi) | Chairperson, Waqf Board,
Rajasthan | <i>ex-officio</i> Member; |
| (vii) | Chairperson, Rajasthan
Minority Commission | <i>ex-officio</i> Member; |
| (viii) | Chairperson, Madarsa Board,
Rajasthan | <i>ex-officio</i> Member; |
| (ix) | Secretary Incharge, Minority
Affairs, Rajasthan | Member-Secretary. |

(2) The Chairperson may authorize the Vice-Chairperson of the Advisory Committee to chair any meeting of the Committee.

22. Other Committees.- (1) The Board shall constitute the following Committees to assist in proper and efficient functioning of the Board, namely:-

- (a) Academic Committee;
- (b) Budget and Finance Committee;
- (c) Procurement Committee;
- (d) Registration and Upgradation Committee; and
- (e) Sports and Cultural Committee.

(2) The composition and the terms and conditions of the services of the members of the Committees shall be such as may be prescribed.

(3) The Board may, in addition to the statutory Committees, constitute such other Committees as it may consider necessary for its proper and efficient functioning.

(4) The Board may make regulations to regulate the powers, functions and procedure of the Committees constituted under this section.

CHAPTER VIII

Miscellaneous

23. Chairperson, Members, officers and employees of the Board to be public servants.- The Chairperson and all members, officers and employees of the Board shall, when acting or purporting to act in pursuance of the provisions of this Act or of any rules or regulations made thereunder, be deemed to be public servant within the meaning of section 21 of the Indian Penal Code, 1860 (Central Act No. 45 of 1860).

24. Protection of acts done in good faith.- No suit, prosecution or other legal proceedings shall lie against the State Government, the Board or any of its Committees or any other person in respect of anything which is intended to be done in good faith in pursuance of the provisions of this Act or any rule or regulation, order or direction made thereunder.

25. Power of the State Government to issue 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.

(3) The State Government may by order in writing, specifying the reasons thereof, suspend the execution of any resolution or order of the Board and any Committee thereof and prohibit the execution of

any act intended to be done under this Act, if the State Government is of the opinion that such resolution, order or act is in excess of the powers conferred by this Act or is prejudicial to the purposes of this Act.

26. Appeal against the decisions of the Board.- Any person or body aggrieved by any decision of the Board may prefer an appeal within sixty days of passing of such order to the Competent Authority:

Provided that the Competent Authority may admit the appeal after the expiry of the said period of sixty days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

27. Reports.- The Board shall furnish to the State Government such reports, returns and statements as may be prescribed and such further information on any matter relating to the Board as the State Government may require.

28. Power of State Government to make rules.-The State Government may, by notification in the *Official Gazette*, make rules to carry out the purposes of this Act.

29. Power of Board to make regulations.- The Board may, with the previous approval of the State Government, make regulations consistent with this Act and the rules made thereunder, as necessary for the exercise of its powers and the discharge of functions under this Act.

30. Rules and regulations to be laid before the House of the State Legislature.- Every rule and regulation made under this Act shall be laid, as soon as may be after it is so made, before the House of the State Legislature, while it is in session, for a period of not less

than fourteen days which may be comprised in one session or in two or more successive sessions and if before the expiry of the session in which it is so laid or of the sessions immediately following, the House of the State Legislature makes any modification in the rule or regulation or resolves that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done thereunder.

31. Power to remove difficulties.- (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may by order, published in the *Official Gazette*, make such provisions not inconsistent with the purposes of this Act as may appear to be necessary for removing the difficulty:

Provided that no such order shall be made under this section after the expiry of two years from the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made before the House of the State Legislature.

32. Savings.- Any madarsa registered with the Rajasthan Madarsa Board, constituted vide order _____/a registered society registered under the Rajasthan Societies Registration Act, 1958 (Act No. of 1958) and stands so registered immediately before the commencement of this act shall be deemed to be registered in accordance with the provisions of this Act.

STATEMENT OF OBJECTS AND REASONS

A large number of Madarsas exist in the State of Rajasthan for imparting education in Arabic, Islamic, Modern and Scientific Studies and also religious education, to children belonging to poor muslim families.

However, only a few are registered with the Rajasthan Madarsa Board or the Registrar of Societies, which hampers the implementation of the development schemes run by the Government of India and the State Government for the growth and development of Madarsas. This is because the Rajasthan Madarsa Board in its present form lacks autonomy and necessary administrative coherence to effectively monitor Madarsas, roll out development schemes and promote Madarsa Education.

It has, therefore, been felt necessary to bring about legislation in order to establish the Rajasthan Madarsa Board as an autonomous corporate body with an administrative structure aimed at effective governance of Madarsas and promotion of modernization, development and growth of Madarsa Education in the State. The reconstituted Board shall have powers to register and upgrade Madarsas, prescribe curriculum for Madarsa Education and implement the schemes related to Madarsas.

The Bill seeks to achieve the aforesaid objectives.

Hence this Bill.

Authenticated

Prati

12/4/18

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अल्पसंख्यक मामलात एवं वक्फ विभाग
शासन सचिवालय, जयपुर

Minister Incharge.