

**THE
CENTRAL MADARSA BOARD
BILL, 2009**

**Submitted by the National Commission for
Minority Educational Institutions to the
Ministry of Human Resource Development**

THE CENTRAL MADARSA BOARD BILL, 2009

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THE CENTRAL MADARSA BOARD BILL, 2009

**An Act to provide for the coordination and standardization of the
non-theological education in certain Madarsas and, for that
purpose, to establish a
Central Madarsa Board**

Be it enacted by Parliament in the Fifty Ninth Year of the Republic of India as follows :-

Chapter I
PRELIMINARY

1. Short title and commencement.- (1) This Act may be called the Central Madarsa Board Act, 2009.

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

2. Definitions.- (1) In this Act, unless the context otherwise requires, -

- (a) "Board" means the Central Madarsa Board established under Section 3;
- (b) "Member" means a Member of the Central Madarsa Board, and includes the Chairperson;
- (c) "Registrar" means the Registrar of the Central Madarsa Board;
- (d) "Madarsa" means an educational institution for imparting instruction in Madarsa education and applying for affiliation with, or granted affiliation by, the Board;
- (e) "Centre" means an institution or a place fixed by the Board for the purpose of holding its

examinations and includes the entire premises attached thereto;

- (f) “Head of Madarsa” means the head of the teaching staff of a Madarsa, by whatever name he or she may be designated;
- (g) “Primary Madarsa” means a Madarsa where primary Madarsa education system is followed upto Class Vth, or education equivalent thereto;
- (h) “Upper Primary Madarsa” means a Madarsa where upper primary Madarsa education system is followed, i.e., from Class VI to Class VIII or education equivalent thereto;
- (i) “Secondary Madarsa” means a Madarsa where senior Madarsa education system is followed i.e., from Class IX to Class X or education equivalent thereto;
- (j) “Senior Secondary Madarsa” means a Madarsa where senior secondary Madarsa education system is followed i.e., from Class XI to Class XII or education equivalent thereto;
- (k) “Madarsa education” means a system of education in which instruction is imparted , inter alia, in Arabic, Islamic history. culture, philosophy and theology, and includes –
 - (i) Secondary Madarsa education system which, in addition to covering Arabic language and Islamic history and culture, imparts general education above the

primary stage with a view to qualifying students for admission to Senior Secondary Madarsa education or to a certificate, diploma or degree course instituted by a University or by a Government or by any statutory authority;

- (ii) Senior Secondary Madarsa education system which imparts instruction in Arabic language and literature, theology, history, culture and jurisprudence and some general education with a view to qualifying students for a certificate, diploma or degree of the Board or a University or a Government or any other statutory authority
- (l) “Primary Education” means education imparted in a primary school as defined in any other law for the time being in force or education equivalent thereto;
- (m) “Managing Committee” used in reference to a Madarsa means the person or the body of persons for the time being entrusted with the management of the affairs of the institution;
- (n) “Examination” means examination conducted by the Board;
- (o) “Unfair means” in relation to an examinee, while answering questions in an examination, means the unauthorized help from any source or person, directly or indirectly, from any material written,

recorded, copied or printed in any form whatsoever, or the use of any unauthorized instrument or gadget;

- (p) “Recognition” means recognition for the purpose of preparing candidates for admission to the Board’s examination;
- (q) “Affiliation” together with its grammatical variations, includes, in relation to a Madarsa, recognition of a Madarsa by, association of such a Madarsa with, and its admission to the privileges of the Board;
- (r) “Affiliated Madarsa” means a Madarsa affiliated to the Board;
- (s) “Extension” means extension of provisional/regular affiliation granted to a Madarsa by the Board;
- (t) “Affiliation fee” means charges payable by the Madaras to the Board in connection with affiliation;
- (u) “Grant-in-aid” means a sum of money paid by the Central Government or the State Government or the local authority or Administration of a Union Territory, as the case may be, to the Board for the performance of its functions under the Act;
- (v) “Composite affiliation” means affiliation from Classes I to VIII or Classes IX to XII.

- (w) “Teacher” means a person, by whatever name designated, employed in a Madarsa affiliated to the Board, for teaching purposes;
- (y) “Upgradation” means upgradation of a Secondary Madarsa to a Senior Secondary Madarsa, i.e., Classes XI and XII.
- (z) “Fund” means the fund established under Section 26;
- (aa) “Remuneration” includes salary or wages, allowances, medical benefits and other privileges capable of being valued in money;
- (bb) “Notification” means a notification published in the Official Gazette;
- (cc) “Prescribed” means prescribed by the rules made under this Act.

(2) In this Act, unless the context otherwise requires, any reference to a failure to do any act or thing shall include a reference to a refusal to do that act or thing.

Chapter II

ESTABLISHMENT AND INCORPORATION OF THE BOARD

3. (1) The Central Government shall, as soon as may, after this Act comes into force, establish a Board to be called the “Central Madarsa Board”

(2) The Board shall be a body corporate with perpetual succession and a common seal; shall be entitled to acquire, hold and

dispose of property, to enter into contracts and to do all such other things necessary for the purposes of this Act; and shall by its name sue and be sued.

COMPOSITION OF THE BOARD

4. (1) The Board shall consist of:–

- (1) A Chairperson, and
- (2) The Following Members:

- (a) A renowned Muslim religious scholar of Deobandi School of theology;

- (b) A renowned Muslim religious scholar of Bareilvi School of theology;

- (c) A renowned Muslim religious scholar of Ahl-i-Hadith School of theology;

- (d) A renowned Muslim religious scholar of Imam Shafae's Sect.

- (e) A renowned Muslim religious scholar of Shia sect;

- (f) A renowned Muslim religious scholar of Dawoodi Bohra Sect;

- (g) A renowned Muslim religious scholar in the field of traditional Madarsa education;

- (h) Three renowned Muslim educationists, of whom at least one shall be a woman;

- (i) A renowned Muslim philanthropist;

(2) Every appointment under this Section shall take effect from the date it is notified by the Central Government in the official gazette.

5. Removal of Members.– (1) The Central Government may remove from the Board a member other than an ex officio member, if that member –

- (a) Becomes an un-discharged insolvent;

- (b) Is convicted and sentenced to imprisonment for an offence which, in the opinion of the Central Government, involves moral turpitude;
- (c) Becomes of unsound mind and stands so declared by a competent court;
- (d) Refuses to act or becomes incapable of acting;
- (e) Is, without obtaining leave of absence from the Chairperson, absent from three consecutive meetings of the Board; or
- (f) In the opinion of the Central Government, has so abused the position of Chairperson or Member as to render that person's continuance in office detrimental to the public interest :

Provided that no person shall be removed from the position of Chairperson or Member, as the case may be, until that person has been given a reasonable opportunity of being heard in the matter.

(2) A vacancy caused under sub-section (1), or otherwise, shall be filled by fresh nomination from among persons belonging to the relevant School of theology, Sect or education as the case may be, and a person so nominated shall hold office for the unexpired period of the term for which his predecessor in office would have held office if such vacancy had not arisen.

6. Terms of Office and conditions of service of Chairperson and members. - (1) The Chairperson and Members of the Board shall hold office for a term of three years from the date on which he assumes office.

(2) A member may, by writing under his hand, addressed to the Central Government, resign from the office of the Chairperson or Member, as the case may be, at any time;

(3) A vacancy caused under sub-section (2) or otherwise shall be filled by fresh nomination from among persons belonging to the relevant School of theology, Sect or education as the case may be, and a person so nominated shall hold office for the unexpired period of the term from which his predecessor in office would have held office, if such a vacancy had not arisen;

(4) The salaries and allowances payable to, and the other terms and conditions of service, of the Chairperson and Members shall be such as may be prescribed.

7. Temporary and acting arrangement for the office of the Chairperson.- If the Chairperson dies or resigns his office or ceases to hold office or is absent temporarily, the Central Government shall authorize a Member of the Board to exercise the powers and perform the duties of the office of the Chairperson until the Chairperson resumes office or a new Chairperson is appointed, as the case may be.

Chapter III

MEETINGS

8. Conduct of Meetings.- The Chairperson or, in his absence, one of the Members of the Board elected from amongst those present shall preside at the meeting of the Board, and the Chairperson or such member shall be entitled to vote on any matter and shall have a second or casting vote in every case of equality of votes.

9. Restriction on voting.- (1) No member of the Board shall vote on any matter in which he has any personal or pecuniary interest or if it relates to any institution with which he is, at the time of casting such vote, associated or likely to be associated in any capacity.

(2) The Chairperson of the Board presiding at a meeting of the Board shall decide any question arising under sub-section (1), and his decision thereon shall be final.

10. (1) The annual meeting of the Board shall be held in the month of March every year.

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

(3) The Chairperson shall, except in the case of an emergency meeting, referred to in sub-section (6) give to each member not less than seven days' notice of each meeting, including the annual or special meeting :

Provided that the Chairperson shall, on receipt of a requisition signed by not less than five members of the Board, call a meeting within 15 days from the date of receipt of such requisition and no business, other than that on account of which the requisition has been received, shall be transacted at such a meeting.

(4) On receipt of a requisition signed by not less than five members of the Board, the Chairperson shall place before a meeting of the Board for discussion any decision of any Committee constituted under this Act to which such requisition relates, and the Board may revise such decision if not less than $2/3^{\text{rd}}$ of the total number of Members of the Board are in favour of such revision.

(5) No matter which has been decided by the Board shall, within the period of six months from the date of such decision, be reconsidered except at a special meeting of the Board convened for the purpose upon the requisition of five Members and unless not less than 2/3rd of the total number of Members of the Board vote in favour of such reconsideration.

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

(7) No business shall be transacted at any meetings of the Board unless a quorum of five members is present.

(8) The Board shall make regulations relating to meetings of any Committee constituted under this Act and the procedure to be followed at such meetings.

11. Meetings of the Board. - (1) The Board shall meet at such times and places and shall observe such rules of procedure in regard to the transaction of business at its meetings as may be provided by regulations made under the Act.

(2) The Chairperson or, in his absence, the member elected by the members present shall preside over the meeting.

(3) The minutes made of meetings of the Board shall, if duly signed, be receivable in evidence in all legal proceedings without further proof and every meeting of the Board in respect of which minutes have been so made shall be deemed to have been duly convened and held and all members thereat to have been duly qualified to act.

12. Disclosure of interest in transaction with the Board.- (1)

Any member of the Board, who has or acquires, directly or indirectly, by himself or his partner or his agent;

(a) Any share or interest –

(i) In any contract made with the Board;

(ii) In any work done for the Board; or

(iii) In any company or firm with which the Board proposes to enter into a contract, which he knows to be affected, or likely to be affected by any project, scheme or enterprise approved or proposed to be approved by the Board –

Shall declare the nature and extent of his share or interest to the Board.

(2) For the purposes of this section, a general notice given to the other members by a member to the effect that he is a shareholder or director of any specified company or firm and is to be regarded as having an interest in any contract which may, after the date of notice, be made with or by that company or firm, shall be deemed to be a sufficient declaration of interest in relation to any contract so made.

(3) Every declaration made under sub-section (2) shall be recorded in the minutes of the meeting of the Board after it is given.

(4) No member of the Board shall vote upon any resolution or question relating to any contract, acquisition, purchase, lease, dealing, project or scheme in which he has any share or interest, or take part in any deliberation or decision relating thereto or to any matter incidental thereto.

13. Vacancy among members or defect in constitution not to invalidate acts or proceedings of the Board.- No act or proceeding of the Board shall be questioned or shall be invalid on the

ground merely of the existence of any vacancy or defect in the constitution of the Board.

14. Officers and other employees of the Board.- (1) In consultation with the Chairperson, the Central Government shall provide the Board with a Registrar and such other officers and employees as may, in the opinion of the Central Government, be necessary for the efficient performance of the functions of the Board under this Act.

(2) The salaries and allowances payable to, and other terms and conditions of service of, the Registrar, officers and other employees appointed for the purpose of the Board shall be such as may be prescribed.

15. Salaries and allowances to be paid out of grants.- The salaries and allowances payable to the Chairperson and members and the administrative expenses, including salaries, allowances and pensions payable to the Registrar, officers and other employees, shall be paid out of the fund referred to in sub-section (3) of Section 26.

16. Authentication of orders and other instruments of the Board.- All orders and decisions of the Board shall be authenticated by the Registrar or any other officer of the Board duly authorized by the Chairperson in this behalf.

17. Common Seal of the Board.- (1) The common seal of the Board shall bear such device as the Board may approve and such seal may from time to time be broken, changed, altered and made anew by the Board, as it may think fit.

(2) The common seal shall be kept in the custody of the Registrar and shall be authenticated by him or by any officer authorized by the Chairperson in writing.

(3) All deeds, documents and other instruments purporting to be sealed with the common seal and authenticated in accordance with sub-section (2) shall, until the contrary is proved, be deemed to have been validly executed.

(4) Notwithstanding sub-section (3), any document or instrument which, if executed by a person not being a body corporate, would not be required to be under the seal, may in like manner be executed by the Board, and any such document or instrument may be executed on behalf of the Board by any officer of the Board, generally or specially authorized by the Board in that behalf.

(5) The common seal of the Board shall be officially and judicially noticed.

Chapter IV

POWERS AND FUNCTIONS OF THE BOARD

18. Functions of the Board. - Subject to the provisions of this Act, the Board shall have the following functions, namely –

(1) It shall be the general duty of the Board to take all such steps as it may think fit for the standardization of the non-theological aspects of Madarsa system education and its comprehensive, systematic and integrated development. For the purpose of performing its functions under this Act, the Board may -

- (a) Oversee and promote education consistent with the core Islamic vision of the Madarsa system with an emphasis on the liberal, universalist and contextually proactive genius of Islam, without interfering in any manner in the theological content of Madarsa education.
- (b) Devise and implement such measures, schemes and facilities as are necessary to promote and popularize the

education of Muslim girls so as to eradicate gender-based educational disparity.

- (c) Institute and administer freeships, scholarships and appropriate financial assistance to children from the economically most backward sections enrolled in a Madarsa
- (d) Grant or refuse affiliation to a Madarsa and withdraw such affiliation if it thinks fit and necessary, after considering the recommendations of the Affiliation Committee in accordance with such regulations as may be made in this behalf;
- (e) Maintain a register of affiliated Madarsas;
- (f) Enquire into the financial needs of an affiliated Madarsas;
- (g) Allocate and disburse, out of the funds of the Board, grants to an affiliated Madarsa for the maintenance and development of such Madarsa or for any other general or specific purpose as may be prescribed;
- (h) Recommend to an affiliated Madarsa the measures necessary for standardization of the Madarsa system of education and advise the Madarsa upon the action to be taken for the purpose of implementing such recommendations;
- (i) Advise the Central Government or any State Government on the allocation of any grant to a Madarsa for any general or specific purpose out of the Consolidated Fund of India or the Consolidated Fund of the State, as the case may be;

- (j) Advise any authority, if such advise is asked for, on the establishment of a new Madarsa or on a proposal connected with the expansion of the activities of any Madarsa;
- (k) Undertake an evaluation of the curriculum framework once in five years so as to make the Madarsa system of education a fit and effective tool for the educational empowerment of Muslims;
- (l) Recommend introduction of modern text books on any subject, other than religious texts, as extra reading to complement students' knowledge of such subject and enhance overall modern scholarship;
- (m) Provide in Urdu or a language prescribed by the Board all relevant books on the subject;
- (n) Provide, by regulations, after considering the recommendations of the Syllabus Committee, if any, the curriculum, the syllabus, the courses of studies to be followed and books to be studied in affiliated Madarsas for examinations instituted by the Board;
- (o) Undertake, if necessary, the preparation, publication or sale of text-books and books, other than books on theology or religious texts, for use in affiliated Madarsas;
- (p) Maintain and publish, from time to time, list of books, other than books on theology or religious texts, for use in affiliated Madarsas and for examinations instituted by the Board and to remove the name of such book from any such list;

- (q) Prescribe, if necessary, any book or instructional material of courses of Arabic, Urdu and Persian for classes upto Senior Secondary Madarsa for affiliated Madarasas in accordance with the courses prescribed or approved by any Board of Education of the concerned State;
- (r) Make regulations regarding the conditions to be fulfilled by the candidates presenting themselves for examinations instituted by the Board;
- (s) Grant or refuse permission to candidates to appear at examinations instituted by the Board and to withdraw such permission if it thinks fit in accordance with such regulations as may be made in this behalf;
- (t) Provide, by regulations, after considering the recommendations of the Examination Committee, if any, the rates of remuneration to be paid to the paper setters, moderators, tabulators, examiners, invigilators, supervisors and others employed in connection with the examination instituted by the Board, and prescribe the fees to be paid by candidates for such examinations;
- (u) Set up facilities for training teachers for Madarasas and initiative programmes for their continuous professional development;
- (v) Establish equivalency standardization with other educational institutions;
- (w) Conceptualize and initiate programme for the consolidation of the inclusive society, marked by religious and cultural diversity, through proper interfaith understanding in society;

- (x) Grant certificates or other equivalent academic distinctions to persons who have-
 - (i) successfully pursued a course of study in an affiliated Madarsa; and
 - (ii) studied privately under conditions laid down in the regulation and have passed an examination of an educational Board of the concerned State;
- (y) Recognize institutions for the purpose of its examination;
- (z) Admit candidates to its examinations;
- (aa) Demand and receive such fee as may be prescribed in the regulations;
- (bb) Publish or withhold publication of results of examinations, wholly or in part;
- (cc) Cooperate with other authorities in such manner and for such purposes as the Board may determine;
- (dd) Provide for research or training in any Branch of Madarsa education in any premier Madarsa or Darul Uloom of the country with the prior approval of such educational institutions;
- (ee) Provide guidelines for –
 - (i) application of modern methodology for the preparation of text books and other educational material;
 - (ii) use of modern methodology for the teachers training of an affiliated Madarsa at various levels;

- (iii) use of computers, information communication technology (ICT), multi-media and audio-visual aids in the development of programmes and teaching methodology;
 - (iv) adoption of a non-polemical approach to other religions and non-sectarian institutions, in a state of fidelity to the Islamic spiritual tradition;
- (ff) Advise the National Council for Educational Research and Training on text book writing in respect of Urdu text books as well as relevant aspects of curriculum formation relating to Madarsa education;
- (gg) Subject to, and for the purposes of this Act, enter into contracts and acquire, purchase, take hold and enjoy movable and immovable property of every description and convey, assign, surrender, yield up, charge, mortgage, demise, reassign, transfer, or otherwise dispose of, or deal with, any movable or immovable property or any interest therein vested in the Board upon such terms as it deems fit;
- (hh) Enter into any partnership, joint venture, undertaking or any other form of cooperation or arrangement for sharing revenues or to carry on its activities in association with, or otherwise, any person, public authority or government carrying on, or engaged in such activities;
- (ii) Take or otherwise acquire shares and securities in any public authority, public corporation or other public body and may sell, hold or reissue such shares or securities or otherwise dispose of or deal with them; and

- (jj) Such other functions as may be prescribed or as may be deemed necessary by the Board for standardization of Madarsa system and also for comprehensive integrated development and mainstreaming Madarsa education or may do such other acts, as may be necessary, incidental or conducive to the attainment of all or any of the objects of the Board.

19. Powers and duties of the Chairperson.- (1) The Chairperson shall be responsible for carrying out, giving effect to, the decisions of the Board and of any Committee constituted under this Act.

(2) The Chairperson may, in any emergency, exercise any other power of the Board, provided, however, 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 reasons therefor.

(3) The Chairperson shall –

- (a) Exercise general supervision over the Registrar, other officers and employees appointed by the Board, and post and transfer the members of the staff;
- (b) Sanction all claims of traveling allowances; and
- (c) Take such action not inconsistent with the decisions of the Board that he considers necessary for the proper and effective functioning of the Board under this Act.

20. Powers of the Board.- (1) The Board shall, subject to the provisions of this Act and the rules made thereunder, 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) Without prejudice to the generality of the foregoing provisions, the Board shall have powers -

- (a) To cancel an examination or withhold the result of a candidate in an examination, or disallow him from appearing in any future examination if he has been found to be guilty of -
 - (i) Using unfair means in the examination; or
 - (ii) Making any incorrect statement or suppressing material information about any fact in the application form for admission to the examination; or
 - (iii) Committing fraud or impersonation at the examination; or
 - (iv) Securing admission to the examination in contravention of the rules governing admission to such examination; or
 - (v) Committing any act of gross indiscipline in the course of examination;
- (b) To cancel the result of any examination of any candidate for all or any of the acts mentioned in sub-clauses (i) to (v) of clause (a) or for any bona fide error of the Board in the conduct of the examination and declaration of the results thereof;
- (c) To prescribe fee for the examinations conducted by it and provide for the mode of its realization;

- (d) To call for reports from the Head of Institution in respect of any act or contravention of any rule or regulation or direction of the Board and to take suitable action to ensure the due observance of the rules, regulations, instructions or directions of the Board in such manner as may be prescribed therefor;
- (e) To inspect an affiliated Madarsa for the purpose of ensuring due observance of the rules or regulations prescribing courses of study;
- (f) To fix the maximum number of students that may be admitted to a course of study and in each division in an affiliated Madarsa;
- (g) To review the infrastructure requirements, including faculty position and to evaluate the academic health of the Madarsa and to make appropriate recommendations to the Madarsa concerned;
- (h) To accord upgradation to an affiliated Madarsa upto Senior Secondary level; and
- (i) To appoint Observers for examination.

21. Right of a Madarsa to seek affiliation –

- (1) A Madarsa may seek affiliation to the Board.
- (2) Any person who is authorised in this behalf by the Madarsa, may file an application for affiliation under Sub Section (1) to the Board in the manner prescribed by the regulations of the board;

Provided that such authorised person shall have right to know the status of such application after the expiry of 90 days from the date of filing of such application.

22. Power of withdrawal of permanent or regular affiliation.- The Board may, after giving a reasonable opportunity of being heard to an affiliated Madarsa, withdraw its affiliation if it is found to be guilty of any of the following acts :-

- (a) Non-payment of salaries and allowances, in full or in part, to members of the teaching and non-teaching staff in accordance with the relevant rules obtained in the State or Union Territory, as the case may be;
- (b) Financial irregularities in respect of any grants provided by the Board, including channeling of such funds for purposes other than those provided for in the rules or regulations;
- (c) Refusal or failure to cure deficiencies even after due notice from the Board;
- (d) Violation of rules and conditions of affiliation;
- (e) Deterioration in the standard of academic performance of the affiliated Madarsa for three consecutive years;
- (f) Non-availability of proper infrastructure and staff for teaching a particular subject prescribed in the curriculum; and
- (g) Any other misconduct in connection with appointments, admissions, examinations or any other aspect of administration, which in the opinion of the Board warrants immediate dis-affiliation of such Madarsa

23. Proper utilization of grant-in-aid.- Where any amount by way of grant-in-aid is received by an affiliated Madarsa from the Board, the same shall be utilized only for the purpose for which it is granted, and the amount so received shall be credited to a separate bank account to be opened by the Madarsa and operated in accordance with the procedure prescribed by the Regulations.

24. Prohibition regarding giving any grant to a Madarsa not declared by the Board to be fit to receive such grant.- No grant shall be given by the Central Government to an affiliated Madarsa unless the Board has, after satisfying itself as to such matters as may be prescribed, declared such Madarsa to be fit for receiving such grant.

25. Inspection.- (1) For the purpose of ascertaining the financial needs of an affiliated Madarsa or its standards of teaching and/or examination, the Board may, after consultation with the Head of Institution, cause an inspection thereof to be made in such manner as may be prescribed and by such person or persons as it may direct.

(2) The Board shall communicate to the Madarsa the date on which any inspection under sub-section (1) is to be made and the Madarsa shall be entitled to be associated with the inspection in such manner as may be prescribed.

(3) The Board shall communicate to the Madarsa its views in regard to the findings of any such inspection and may recommend to the Madarsa, the remedial action to be taken as well as for a reasonable time-frame for compliance.

(4) All communications to the Madarsa under this section shall be made to the Executive Authority thereof and the Executive Authority of the Madarsa shall report to the Board the action taken, if any, by

way of implementing the recommendations referred to in sub-section (3).

26. Consequences of failure of a Madarsa to comply with the recommendations of the Board.- If any affiliated Madarsa fails within a reasonable period of time to comply with the recommendation made by the Board under sub-section (1)(l) of Section 18 or under clauses (d) and (g) of sub-section (2) of Section 20, or contravenes the provisions of any rule made under Section 45, or of any regulation made under Section 37 of the Act, the Board may, after taking into consideration the cause, if any shown by the Madarsa for such failure or contravention, withhold from the Madarsa the grants proposed to be made out of the funds of the Board, and may also initiate action for disaffiliation of such Madarsa under section 22 of this Act.

Chapter V
FINANCE, ACCOUNT AND AUDIT

27. Fund of the Board.- (1) There shall be established, for the purposes of this Act, a fund to be administered and controlled by the Board.

(2) The Fund shall consist of –

- (a) All grants, donations, gifts, contributions and bequests made to or in favour of the Board;
- (b) Such sums as may be paid from time to time to the Board from any financing agency or financial assistance made by the Board and all sums, from time to time, falling due to the Board in respect of the repayment from any financing agency or financial assistance made from the Fund;
- (c) Moneys earned by the operation of any project, agency, scheme or enterprise financed from the fund;

- (d) Such fees and other moneys as may be prescribed;
- (e) Any property, investment, mortgage, lease, tenancy, charge or debenture acquired by or vested in the Board and moneys earned or arising therefrom;
- (f) All income from the investment of the Reserve Fund; and
- (g) All other sums or property which may, in any manner, become payable to or vested in the Board in respect of any matter incidental to its functions, powers or duties.

(3) The Fund may be expended for all or any of the following purposes:-

- (a) Allocation and disbursement of grants to a Madarsa affiliated to the Board for the maintenance and development of such Madarsa, or for any other general or specific purposes, as may be prescribed;
- (b) Administrative expenses including remuneration and honorarium;
- (c) Other expenses incidental to the management of the Fund and the functions of the Board, including any moneys required to satisfy any decree, order or award of any court or tribunal against the Board; and
- (d) The granting of loans and making of advances to officers and other employees of the Board as permitted by regulations made under this Act.

(4) All moneys belonging to the Fund shall be deposited in such banks or invested in such manner as may, subject to the approval of the Central Government, be decided by the Board.

(5) The Board may spend such sum as it thinks fit for performing its functions under this Act, and such sums shall be treated as expenditure.

28. Provision for Financial Experts/Advisors.- The Central Government shall, in consultation with the Board, provide Financial Experts/Advisors as requested by the Board or other persons to transact any business or to do any act required to be transacted or done in the execution of its functions, or for the better carrying into effect the purposes of this Act, and the Board shall pay from the fund all charges and expenses so incurred.

29. Budget.- The Board shall prepare, in such form and at such time, each year as may be prescribed, a budget in respect of the financial year next ensuing, showing the estimated receipts and expenditure and copies thereof shall be forwarded to the Central Government.

30. Payment to the Board by the Central Government.- The Central Government may, after considering the budget estimates, the accounts of the Board and such other reports as it may call for, make such annual or periodical grants to the Board as it may think fit.

Provided that on the establishment of the Board and before the first budget estimate is forwarded to the Central Government, it may, after considering such report as it may call for from the Board, make such initial grant to the Board as may be considered necessary.

31. Annual report.- The Board shall prepare once every year, in such form and at such time, as may be prescribed, an annual report giving a true and full account of its activities during the previous year, and copies thereof shall be forwarded to the Central Government, and the Government shall cause the same to be laid before both Houses of Parliament.

32. Account and audit.- (1) The Board shall cause to be maintained such books of account and other books in relation to its accounts in such form and in such manner as may in consultation with the Comptroller and Auditor General of India, be prescribed.

(2) The Board shall, as soon as may be after closing its annual accounts, prepare a statement of account in such form and forward the same to the Comptroller and Auditor General of India by such date, as the Central Government may, in consultation with the Comptroller and Auditor General, determine. .

(3) The accounts of the Board shall be audited by the Comptroller and Auditor General of India at such times and in such manner as he thinks fit.

(4) The annual accounts of the Board, together with the audit report thereon, shall be forwarded to the Central Government and the Government shall cause the same to be laid before both Houses of Parliament and shall also forward a copy of the audit report to the Board for taking suitable action on the matters arising out of the audit report.

33. Financial and administrative powers of Chairperson.- The Chairperson shall exercise such financial and administrative powers as may be vested in him by the rules made under this section :

Provided that the Chairperson shall have authority to delegate such of the financial and administrative powers as he may think fit to any member or Registrar or any other officer of the Board, subject to the conditions that such member or Registrar or officer, while exercising such delegated powers, continue to act under the direction, control and supervision of the Chairperson.

34. Powers and duties of the Registrar.- The Registrar of the Board shall be the Chief Executive Officer of the Board and shall, subject to the superintendence, control and directions of the Chairperson, be responsible for the execution of decisions of the Board. He shall exercise such 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 to the Board;
- (c) be responsible for keeping the minutes of the meeting of the Board;
- (d) Shall exercise such powers as may be necessary for the conduct of examinations; and
- (e) Shall exercise such other powers as may be prescribed by the rules or regulations.

35. Committees of the Board.- (1) As soon as the Board is established, the Board may constitute any or more of the following committees, namely –

- (a) Affiliation Committee;
- (b) Curriculum Committee;
- (c) Examinations Committee;
- (d) Finance Committee; and
- (e) Such other committee or committees as it may think necessary.

(2) Each of the Committees referred to in clauses (a) to (e) of sub-section (1) shall be composed of the Chairperson as its Chairman

and wholly, or partly, all members of the Board and the total number of members of each such Committee, including the Chairperson, shall not exceed five.

(3) The Registrar of the Board shall act as the Secretary to each such Committee.

36. Functions of the Committees.- (1) It shall be the duty of the Affiliation Committee to advise the Board on all matters concerning affiliation of Madarsas.

(2) It shall be the duty of the Curriculum Committee to advise the Board on all matters relating to the syllabus, courses of studies to be followed and the books to be studied in affiliated Madarsas and for examinations instituted by the Board;

Provided that the Board shall not interfere with the theological curriculum of an affiliated Madarsa.

(3) It shall be the duty of the Examinations Committee to advise the Board on –

- (a) Matters relating to selection of paper setters, moderators, tabulators, examiners, invigilators, supervisors and others to be employed in connection with examinations instituted by the Board in respect of courses of studies other than theological studies, and the rates of remuneration to be paid to them;
- (b) The fees to be paid by candidates for such examinations; and
- (c) Any other matter relating to such examinations which may be referred to it by the Board for advice.

(4) It shall be the duty of the Finance Committee to prepare the budget of the Board and to advise the Board on such matters relating to finance as may be referred to it by the Board for advice.

(5) Any other Committee or Committees that may be constituted under clause (e) of sub-section (1) of Section 35 shall have such powers or functions, not inconsistent with the provisions of this Act, as the Board may confer or impose on such Committee or committees.

(6) Persons, who are disqualified for being appointed to be persons under Section 5 of this Act, shall also be disqualified from being appointed to be members of a Committee.

(7) Member of a committee shall hold office for such terms as may be specified in his letter of appointment and is eligible for re-appointment for a term.

(8) A member of a Committee shall not be entitled to any remuneration but may be paid such honorarium and traveling and subsistence allowance as the Board may determine.

(9) The Board may revoke the appointment of any member of any Committee without assigning any reason therefor.

(10) A member of the Committee may, at any time, resign by giving notice in writing to the Chairperson.

(11) If a member of a Committee –

(a) fails to attend three consecutive meetings of the Committee without permission of the Chairperson;
or

(b) becomes disqualified under sub-section (6),

his office as a member of the Committee shall become vacant.

Chapter VI
Miscellaneous

37. Power to make regulations.- (1) The Board may make regulations, consistent with this Act and the rules made thereunder providing for all or any of the following matters, namely –

- (a) Constitution, power and duties of a Committee under sub-section (e) of Section 35;
- (b) Conferment of degrees, diplomas or certificates;
- (c) Conditions of affiliation of a Madarsa;
- (d) Course of study to be laid down for all degrees, diplomas and certificates;
- (e) Conditions under which a candidate can be admitted to the examinations and research programme of the Board and shall be eligible for a degree, diploma or certificate;
- (f) Fee for admission to the examination of the Board;
- (g) Conduct of examinations;
- (h) Appointment of examiners, moderators, collators, scrutinizers, tabulators, central inspectors and Observers of centres and prescribe their duties and powers in relation to the Board's examinations and the rates of their remuneration;
- (i) Regulating the meetings of the Board and the procedure for conduct of business there at;
- (j) All matters which are to be, or may be provided for by the regulations or which are necessary or expedient to give effect to this Act;

- (k) Prescribing educational qualifications for appointment of any member of the teaching staff of an affiliated Madarsa;
- (l) Prescribing the minimum standards of instructions for the grant of any certificate or equivalent award;
- (m) Regulating the maintenance of standards and the coordination of work or facilities in affiliated Madarsas; and
- (n) Prescribing the terms and conditions and the procedure for the grant of loans or advances to any officer or employee of the Board.

(2) No regulation shall be made under this Section except with the previous approval of the Central Government.

38. Observer of a centre to be public servant.- The Observer of a centre shall be deemed to be public servant within the meaning of Section 21 of the Indian Penal Code, 1860.

39. Directions by the Central Government.- (1) In the discharge of its functions under this Act, the Board shall be guided by such directions on questions of policy relating to national interests as may be given to it by the Central Government.

(2) If any dispute arises between the Central Government and the Board as to whether a question is or is not a question of policy relating to national interests, the decision of the Central Government shall be final.

40. Returns and information.- The Board shall furnish to the Central Government such returns or other information with respect to

its property or activities as the Central Government may, from time to time, require.

41. Procedure for appointment of teachers and other employees.- Subject to the provisions of this Act, teachers and other employees to be provided to an affiliated Madarsa by the Board shall be appointed by such Madarsa in accordance with the regulations.

42. Conditions of service teachers and other employees.- The teachers and other employees thereof shall be governed by such conditions of service as may be prescribed by regulations and any agreement between the committee of management and the head of such institution, teachers or employees, as the case may be, in so far as it is inconsistent with the provisions of this Act or regulation, shall be void.

43. Casual vacancies. - 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, by fresh nomination and a person so nominated shall hold office for the unexpired period of the term for which his predecessor in office would have held office if such vacancy has not arisen.

44. Protection of acts done in good faith.- No suit, prosecution or other legal proceedings shall lie against the Central Government, the Board or any of its committees and sub-committees, Chairperson, members, Registrar or any officer or other employee of the Board for anything which is in good faith done or intended to be done under this Act.

45. Power to make rules. - (1) The Central Government may, by a notification in the official gazette, make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely -

- (a) The disqualifications for continuing as a member of the Board;
- (b) The terms and conditions of service of the Chairperson and members of the Board;
- (c) The terms and conditions of service of employees of the Board;
- (d) The additional functions which may be performed by the Board under clause (hh) of Section 18;
- (e) The written information which are to be furnished by the Board in respect of their financial position or standards of teaching and examination maintained therein;
- (f) The form and manner for which the budget and report sought to be prepared by the Board;
- (g) The manner in which the accounts of the Board are to be maintained;
- (h) The form and manner in which returns or other information are to be furnished by the Board to the Central Government;
- (i) The acquisition, possession and disposal of property by the Board, the conditions of such acquisition, possession and disposal, and performance by the Board of any function referred to it in sub-section (2) of Section 3; and
- (j) Any other matter which has to be or, or may be prescribed.

(3) The power to make rules conferred by this Section shall include the power to give retrospective effect from a date, not earlier than the date of commencement of this Act, to the rules or any of them but no retrospective effect shall be given to any rule so as to prejudicially affect the interest of any person to whom such rules may be applicable.

46. Power to remove difficulties.- (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the official gazette, make such provisions not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient, for removing the difficulty :

Provided that no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

47. Savings. - No act or proceeding taken under this Act shall be invalid on the ground merely of –

- (a) The existence of any vacancy in, or defects in the initial or subsequent constitution of, the Board or any Committee constituted under this Act;
- (b) Any member of the Board having voted on any matter in contravention of the provisions of Section 9; or
- (c) Any defect or irregularity not affecting the merits of the case.

48. Laying of rules and regulations before Parliament.- Every rule and every regulation made under this Act shall be laid, as soon as may be possible after it is made, before each House of Parliament while it is in session, for a total period of 30 days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session, immediately following

the session, or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation or both Houses agree 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 under that rule or regulation.