



# THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

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GOVERNMENT OF ASSAM  
ORDERS BY THE GOVERNOR  
LEGISLATIVE DEPARTMENT ::: LEGISLATIVE BRANCH :: DISPUR

## NOTIFICATION

The 16th May, 2018

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

**ASSAM ACT NO. XVI OF 2018**  
(Received the assent of the Governor on 9th May, 2018)

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

**AN  
ACT**

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

**Preamble**

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

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

**Short title,  
extent and  
commencement**

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

**Application**

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

**Definitions**

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

includes an Assistant Inspector of Schools of the same District:

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

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

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

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

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

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

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

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

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

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

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

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

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

under any Act enacted by the State Legislature so far;

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

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

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

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

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

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

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

**Assam Education Department Rules and Order;**

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

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

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

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

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

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

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

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

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

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

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

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

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

Assam  
Act No. IV  
of 2007.

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

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

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

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



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

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

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

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

Central

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

Act No. 35  
of 2009

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