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Central Provinces And Berar Vidya Mandir Act, 1939**3 of 1940****[07 March 1940]**

An Act to make provision for the establishment of Vidya Mandirs, the constitution of committees for their management and the incorporation of such committees. Whereas it is expedient to make provision for the establishment of Vidya Mandirs and Madina-tul-Ilms, the constitution of committees for their management and the incorporation of such committees; It is hereby enacted as follows :-

1 Received the assent of the Governor on the 7th March, 1940; assent first published in the "Central Provinces and Berar Gazette"

on the 15th March, 1940.

PART 1

PART I

1. Short Title, Extent And Commencement :-

(1) This Act may be cited as the Central Provinces and Berar Vidya Mandir Act, 1939.

(2) It extends to the whole of 1[Mahakoshal region].

(3) It shall come into force on such date² as the State Government may, by notification, direct.

1 Substituted by M.P. Adaptation of Laws Order, 1956.

2 W.e.f. 1-8-1941 vide Notification No. 705-A-Acd-5, dated 7-7-1941. Published in Part 1 of the Central Provinces and Berar Gazette, dated 11-7-1941 at p. 510.

2. Definitions :-

In this Act, unless there is anything repugnant in the subject or context,-

(a) "Managing Committee" means the Managing Committee of a Vidya Mandir constituted under Section 4;

(b) "prescribed" means prescribed by rules made under this Act;

(c) "Vidya Mandir" means an educational institution established or deemed to be established under Part I for the spread of literary in a village or group of villages.

3. Establishment Of Vidya Mandir :-

(1) When the State Government is satisfied that land of such extent as in its opinion is sufficient for the maintenance of a Vidya Mandir is offered for transfer as a gift, it may, by notification, establish a Vidya Mandir at the village in which such land or a major portion thereof is situate and shall specify in such notification the village or villages for which it has been established.

(2) The State Government may notify in the Gazette a list of Vidya Mandirs, which may have been established by it before the commencement of this Act, and all Vidya Mandirs specified in such list shall be deemed to be Vidya Mandirs established under this Act.

(3) A Vidya Mandir established under sub-section (1) or notified under sub-section (2) shall not commence to function under this Act until a deed of gift of the land offered for its maintenance has been duly executed in favour of the Managing Committee

constituted for such Vidya Mandir under Section 4.

4. Constitution Of Managing Committee :-

(1) For every Vidya Mandir, there shall be a Managing Committee which shall consist of eleven members as follows :-

(a) the District Inspector or Assistant District Inspector of Schools in charge of range in which the Vidya Mandir is situated;

(b) the Agricultural Assistant in charge of the tahsil in which the Vidya Mandir is situated;

(c) the teacher in charge of Vidya Mandir;

(d) the donor who has offered land under sub-section (1) of Section 3, or if there are several donors, any one of them nominated by the State Government, or, if the donor is dead, his legal representative or any one of the legal representatives nominated by the State Government, or if the donor is a co-operative society, any of its office-bearers nominated by the society;

(e) five members elected on the basis of adult franchise from among themselves by persons residing in the village or villages for which the Vidya Mandir is established :

Provided that if in such village or villages there is a village panchayat established under the Central Provinces and Berar Village Panchayat Act, 1920 (C.P. Act V of 1920) 3[x x x] such members shall be elected by the village panchayats from among its or their own members;

(f) two members co-opted by the members elected under clause (e) from among persons residing in the village or villages for which the Vidya Mandir is established.

(2) There shall be appointed by the State Government on the first Managing Committee of every Vidya Mandir seven members from among persons residing in the village or villages for which the Vidya Mandir is established and the persons so appointed shall be deemed to be members of the committee for the purposes of clauses (e) and (f) of sub-section (1) for such period as the State Government may direct.

(3) Anything done or any proceedings taken under this Act shall not be questioned on account of any vacancy in the Managing Committee or on account of any defect or irregularity not affecting the merits of the case.

1. Omitted by C.P. and Berar Act No. XV of 1941.

5. Provision For Incompetence Or Default Of Committee :-

(1) If in the opinion of the State Government, the Managing Committee of any Vidya Mandir is incompetent to perform its duties or has failed to perform them satisfactorily, it may remove the members elected and co-opted under clauses (e) and (f) of sub-section (1) of Section 3, and order that a fresh election and co-option shall take place within such time as may be specified in such order.

(2) Until members are elected and co-opted in accordance with any order made under sub-section (1), the members referred to in clauses (a), (b), (c) and (d) of sub-section (1), of Section 4 shall exercise all the powers and perform all the duties of the committee.

5A. Power To Take Over The Management Of Land :-

1[(1) If the State Government is of opinion that any land gifted to the Managing Committee of a Vidya Mandir should for the purpose of efficient cultivation be managed by it and not by the Managing Committee, it may, by an order in writing, exclude the Managing Committee from the control of such land for a period to be specified in the order and take over its management.

(2) Where the State Government takes over the management of land under sub-section (1), it shall pay to the Managing Committee the net income from the land to be calculated in such manner as may be prescribed.]

1. Inserted by C.P. and Berar Act No. XI of 1941.

6. Incorporation Of Managing Committee :-

(1) The Managing Committee of every Vidya Mandir shall be a body corporate and shall have perpetual succession and a common seal with power to acquire and hold property, both movable and immovable, and subject to such conditions as may be prescribed to lease, sell or otherwise transfer any such property held by it, and contract and to do all other things necessary for the purpose of this Act, and may sue and be sued in its corporate name.

(2) The Managing Committee shall hold all property in trust for the benefit of the Vidya Mandir.

7. Vidya Mandir Fund :-

(1) There shall be a Vidya Mandir fund which shall vest in the Managing Committee and the following moneys shall be placed to the credit thereof :-

(a) the receipts, in cash or kind, from all land held by the committee;

(b) grants-in-aid paid by Government;

(c) donations, in cash or kind, made by local authorities and private persons or associations;

(d) such other receipt as may be prescribed.

(2) This fund shall be applied to purposes which are for the benefit of the Vidya Mandir.

8. Gifts Of Land By Co-Operative Societies :-

Notwithstanding anything contained in the Co-operative Societies Act, 1912 1[x x x], a society registered under that Act may, with the previous sanction of the Registrar appointed under Section 3 of that Act, make gifts of land to the Managing Committee of any Vidya Mandir established or deemed to be established under this Act.

1. Omitted by C.P. and Berar Act No. XV of 1941.

9. Disestablishment Of Vidya Mandir :-

The State Government may disestablish a Vidya Mandir and on such disestablishment the property and fund belonging to such Vidya Mandir shall be disposed of in such manner as may be prescribed.

10. Power To Make Rules :-

(1) The State Government may make rules consistent with this Act, for carrying out the purpose and objects thereof.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for or regulate-

(i) the election and co-option of members of Managing Committees, the mode and time of such election and co-option, the preparation and revision of lists of electors from time to time, and the term of office of such members;

(ii) the qualifications and disqualifications of electors and the candidates for election;

(iii) the election of Chairmen and Vice-Chairmen of Managing Committees, their powers, duties and term of office;

(iv) the filling of casual vacancies in the office of members or in the office of Chairmen or Vice-Chairmen of Managing Committees;

(v) the removal of the members of Managing Committees under sub-section (1) of Section 5;

(vi) the power to be exercised and the duties to be performed by Managing Committees;

(vii) the appointment of secretaries and servants by Managing Committees;

- (viii) the form in which gifts of land shall be made in favour of Managing Committees under sub-section (1) of Section 3;
- 1[(vii-a) the manner in which the net income from the land payable to the Managing Committee under sub-section (2) of Section 5-A shall be calculated;]
- (ix) the transfer of any movable or immovable property by Managing Committees under sub-section (1) of Section 6;
- (x) the description of receipts that may be credited to the Vidya Mandir Fund under clause (d) of sub-section (1) of Section 7;
- (xi) the preparation of plans and estimates for works constructed partly or wholly at the expense of Managing Committees, and the grant of sanction to such plans and estimates;
- (xii) the form in which the accounts of the Vidya Mandir Fund shall be kept and the manner in which they shall be audited;
- (xiii) the custody and investment of Vidya Mandir Fund;
- (xiv) the preparation of an annual budget and its submission for sanction, and the reports and returns which shall be furnished by Managing Committees;
- (xv) the supervision, inspection and control of Vidya Mandirs; and
- (xvi) the disposal of the property and fund belonging to a Vidya Mandir when it is disestablished under Section 9.

1. Inserted by C.P. and Berar Act No. XI of 1941.

PART 2

PART II

11. Application For Applying Part I To Vidya Mandirs And Other Similar Institutions :-

(1) Any person or local authority or society registered under the Societies Registration Act, 1860 1[x x x], may make an application to the State Government for applying the provisions of Part I to any educational institution bearing the name of Vidya Mandir or Madina-tul-Ilm or any other similar name, which is established by the applicant and the objects of which are similar to the objects of a Vidya Mandir established under Part I.

(2) The State Government on receiving the application may require the applicant to furnish, within a time to be specified by it, such information as it may deem necessary.

1. Omitted by C.P. and Berar Act No. XV of 1941.

12. Application Of Part I To Institutions On Application Under Section 11 :-

(1) On receipt of the information, if any, the State Government may sanction the application made under Section 11, or refuse to sanction it.

(2) If the State Government sanctions the application, it may direct, by notification, that the provisions of Part I shall, with effect from such date as may be specified, apply to the institution in respect of which the application was made, subject to such modifications, and adaptations as it may think fit:

Provided that in the case of a registered society, the provisions so applied are not inconsistent with the rules and regulations of such society.

13. Application Of Part I To Institutions Established By Government :-

The State Government may notify in the Gazette a list of educational institutions bearing the name of Madina-tul-Ilm or any other similar name, which are established by it before or after the commencement of this Act and the objects of which are similar to the objects of a Vidya Mandir established under Section 3, and the provisions of Part I shall thereupon apply, in so far as they may be applicable, to the institutions so notified.

14. Amendment Of Section 3 Act Xxi Of 1860 :-

To Section 3 of the Societies Registration Act, 1860 1[x x x], the following proviso shall be deemed to be added, namely :-

Provided that no such fee shall be payable for the registration of a society formed with the object of running an educational institution whose objects are similar to the objects of a Vidya Mandir established under Part I of the Central Provinces and Berar Vidya Mandir Act, 1939.

1 Omitted by C.P. and Berar Act No. XV of 1941.