

Jammu and Kashmir Board of School Education Act, 1975

Extra ordinary

Regd. No. JK-33

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Laws, Regulations and Rules passed thereunder

Government of Jammu and Kashmir

Civil Sectt. Law Department.

Srinagar the 28th August, 1975

The following Act as passed by the "Jammu and Kashmir State Legislature received the assent of the Governor on 27th August, 1975 and is hereby published for general information : -

The Jammu and Kashmir Board of School Education Act 1975

Act No. XXVIII of 1975

(27 August, 1975)

The Jammu and Kashmir Board of School Education (Amendment) Bill, 2012.

Bill No. _____ of 2012.

A Bill to amend the Jammu and Kashmir Board of School Education Act, 1975.

Be it enacted by the Jammu and Kashmir State Legislature in the **Sixty-fourth** Year of Republic of India as follows:-

1. Short title and commencement.- (1) This Act may be called the Jammu and Kashmir Board of School Education (Amendment) Act , 2012.

(2) It shall come into force from the date of its publication in the Government Gazette.

“An Act to reform and improve School Education in the State and further consolidate” and amend the law relating thereto.

Whereas, with a view to securing that education should –

a) relate intimately to the development of the potentialities of youth, to the National needs and to the aspirations of the people, and

b) discover talent and nurture it, and

“(bb) develop thinking and life skills; and” ;

c) promote equality of opportunity by providing necessary facilities; and

d) help generally to raise the standard of living and productivity of the State and achieve closer and willing participation of the people in democratic processes.

It is expedient that :-

“(i) facilities are provided for ensuring universalization of pre-primary and elementary education comprising universal access and universal enrolment; universal retention of children upto 14 years of age; and a substantial improvement in the quality of education to enable all children to achieve essential levels of learning; and

(ii) the existing institutional structure at the higher secondary stage be so coordinated as to provide for one year of pre-primary education and eight years of elementary education; two years of secondary education; and two years of higher secondary education so as to have a uniform pattern of education for laying the foundation of a society equipped to realize the millennium development goals; and ”

Whereas, for securing the above objectives, it is necessary to **reform and improve** the existing system of school education, and for that purpose, to consolidate and amend the law relating thereto ; and

Whereas it is expedient to establish a Board to regulate, control and develop Education in the State of Jammu and Kashmir upto the Higher Secondary level by providing varied courses with a view to equipping pupils for different occupations for **higher education and other social and cultural purposes and to assess the candidates for award of certificates**”and doing all other things incidental thereto.

Be it enacted by the Jammu and Kashmir State Legislature in the **Sixty- fourth** year of the Republic of India as follows :-

Chapter I

Preliminary

I. *Short title, extent and commencement*

1. This Act may be called the Jammu and Kashmir Board of School Education (Amendment) Act, 2012.
2. It extends to the whole of the State of Jammu and Kashmir.
3. This section shall come into force at once and the other provisions of this Act shall come into force on such date as the Government may by notification in the Government Gazette appoint.

2. *Interpretation*

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

“(a) “Board” means the Jammu and Kashmir State Board of School Education established under Section 3.

b) “Chairman” means the Chairman of the Board.

(ba) “member” means a member of the Board and includes the Chairman;

c) “elementary education” means education imparted at the elementary stage in a school corresponding to grades I to VIII as per courses of study prescribed by a competent academic authority; ” ;

d) “Examination” means any examination in general, technical, **vocational and teacher education** or

in Fine Art Courses or other examinations within the purview of, and conducted by, the Board;

“(da) “Government” means the Government of Jammu and Kashmir;

(db) “Head of the institution” means the Headmaster or Principal or any other principal academic officer, by whatever designation called, of an affiliated institution;” ;

e) “Higher Secondary Education” means such general, technical, vocational or special education (including any combined course thereof) which follows the stage of secondary education and is imparted in classes XI and XII and precedes the education controlled by a University or any other examining body established by law in the State or outside;

f) “Institution / School” means an institution / school imparting primary, secondary and / or higher secondary (school graduation) education and includes the part of an institution imparting instructions in the said course.

(fa) “affiliated” with its grammatical variations and cognate expressions used with reference to an institution means affiliated or deemed to be affiliated to the Board for the purpose of admission to the privileges of the Board ;” ;

(fb) “plus two scheme” means the scheme of education whereunder education is imparted for two additional successive classes immediately following secondary school examination;”

g) “Prescribed” means prescribed by regulations.

h) “Recognized” alongwith its grammatical variations and cognate expressions, used with reference to institutions means the schools/institutions recognized by the Government for imparting education to the students at pre-primary, elementary, secondary, higher secondary or teacher training level;” ;.

i) “Regulations” means regulations made by the Board under this Act.

j) “Secretary” means the Secretary of the Board.

k) “Secondary Education” means such general, technical, vocational or special education (including any combined course thereof) which follows the stage of elementary education and is imparted in classes IX and X and precedes the higher secondary education.

“(kk) “study material” means any type of study material prescribed/provided to the students in the shape of print/multi-media by the Board;” ;

l) “text book” in relation to any standard or course means any book/workbook/worksheet prescribed or approved, or caused to be prepared/approved, by the Board for the study in any affiliated institution;” ;

and

m) “training institution” means a training institution recognized by the Government for offering courses like D.Ed/ ETT etc., run privately or by the Government and affiliated to the Board .”.

Chapter II

Constitution of the Board

3. *Incorporation of the Board :-*

1. The Government shall, by notification in the Government Gazette, establish a Board of School Education for the State to advise the Government on matter of policy “relating to pre-primary education, elementary education, secondary education, higher secondary education and teacher education” and in respect of matters specified by or under this Act.

2. The Board shall be a body corporate by the name of the “Jammu and Kashmir State Board of School Education” and shall have perpetual succession and a common seal and shall have power to acquired, hold and dispose of property and to enter into contracts and do all other things necessary for the purpose of its constitution and may sue or to be sued by its corporate name as aforesaid.

“4. Composition of the Board.– The Board shall consist of the following members, namely:-

- (a) Chairman;
- (b) Administrative Secretary, School Education Department;
- (c) Administrative Secretary, Finance Department;
- (d) Director, School Education, Jammu;
- (e) Director, School Education, Kashmir;
- (f) a representative each of the Universities of Kashmir and Jammu, to be nominated by the concerned University Council;
- (g) four school teachers to be nominated by the Government, of whom two shall be female teachers having experience in respect of girls education and two shall be male teachers having experience in respect of boys education;
- (h) two eminent educationists, unconnected with the administration, to be nominated by the Government;
- (i) a representative of one of the teachers’ training institutions in the State, to be nominated by the Government;

- (j) two persons to be nominated by the Government, one female and one male, from among Principals and Headmasters of teaching institutions of the State;
- (k) one officer of the Board to be nominated by the Chairman; and
- (l) Director, Youth Services & Sports.”.

5. Term of office of members :-

1 Members of the Board shall hold office for a period of three years from the date of the notification published in the Government under Section 8.

Provided that even after the said period of three years such members shall continue to hold office till their successors have been notified under Section 8.

Provided further that the Chairman shall hold office for such term as may be determine by the Government.

2 A member nominated under any of the provisions of Section 4 shall retain membership of the Board only so long as he holds the office by virtue of which he was nominated.

6. Filling of vacancies on expiry of term of office :-

When the term of office of any member has expired, vacancy so caused shall be filled without delay.

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

- (a) is, or at any time has been, adjudicated insolvent or has suspended payment of his debts or has compounded with his creditors; or
- (b) is of unsound mind and stands so declared by a competent authority /court; or
- (c) is, or has been, convicted of any offence which in the opinion of the Government involves moral turpitude; or
- (d) is, or has been, removed or dismissed from the service of any State Government or the Central Government or a corporation owned or controlled by any State Government or the Central Government; or
- (e) directly or indirectly, whether by himself or by his partner or by any person or body of persons in trust for him or for his benefit or on his account, has or had any share or interest in,-
 - (i) any book published for use in an institution; or
 - (ii) a firm engaged in printing, publishing or preparation of any book meant for use in an institution; or

(iii) a contract with the Board:

Provided that the disqualification referred to in sub-clause (i) shall cease after the expiry of a period of ten years from the date on which the book in question was published.

(2) If any question, dispute or doubt arises as to whether or not any person is eligible for membership of the Board or has incurred any disqualification, whether before or after becoming a member, it shall be determined by the Government whose decision shall be final.

(3) If a member,-

- a) ceases to have the qualification or ceases to hold the office by virtue of which he became a member; or
- b) becomes subject to any disqualification under this section; or
- c) absents himself, without permission of the Chairman, from three consecutive meetings of the Board,

the Government shall declare his office to be vacant.”.

8. *Publication of names :-*

The names of persons who have been nominated to be members of the Board under Section 4 shall be published by the Secretary by a notification in the Government Gazette.

9. *Headquarters of the Board and its two Divisions :-*

The Headquarters of the Board shall be at Srinagar and Jammu for such periods as the Chairman may from time to time determine.

“Provided that two Divisions of the Board and their sub offices/branch offices shall be stationed permanently at Srinagar and Jammu and at District/Tehsil level respectively.”

10. *Powers and functions of the Board :-*

Subject to the provisions of this Act and also subject to the broad educational policies and such directions and instructions as the Government may adopt and issue, from time to time, the Board shall have the following powers and functions :-

- i) to prescribe the courses of instructions, prepare curricula and detailed syllabi and also prescribe text books for “pre-primary, elementary, secondary, higher secondary (school graduation), school examinations and elementary teacher training courses”.
- ii) to conduct public examinations for persons who have pursued “secondary school, higher

secondary (school graduation) education and teachers training/ education courses ”.

- iii) to publish the results of examinations conducted by the Board “through electronic and print media”.
- iv) to grant diplomas or certificates to persons who have passed the examinations of the Board under conditions laid down in the regulations.
- v) to affiliate institutions for the purpose of providing instructions in “secondary, higher secondary and teacher training courses etc.” on such conditions and on receipt of such fees as may be fixed by the regulations.
- vi) to require schools recognized by the Board, to extend their cooperation in the conduct of examinations held by it, by placing their staff, equipment, hall and rooms, laboratories and other apparatus at the disposal of the Board.
- vii) to conduct inspection of the recognized schools/ institutions to ensure -
 - a. that the recognized schools have the requisite facilities of play grounds, furniture, laboratories, library, equipment, accommodation and qualified teaching staff as prescribed by the regulations.
 - b. that no recognized school/institution adopt books as courses of study other than those prescribed/ approved by the Board.
 - c. that the recognized schools/ institutions maintain the standard of education and impart instructions strictly in accordance with the regulations made under this Act.
- viii) to disaffiliate recognized schools which do not fulfill the conditions laid down in clause (vi) and sub-clauses (a), (b) and (c) of this Section.
- ix) to admit candidates to the examination of the Board under the conditions laid down by the Regulations.
- x) to demand and receive such fees as may be prescribed by the regulations.
- xi) to hold, control and administer the funds and property owned by the Board.
- xii) to receive, bequests, donations, endowments, trusts and other transfers of any property of interest therein.
- xiii) to cooperate with the University of Jammu, University of Kashmir, other Boards and with other authorities and with other institutions in such manner and for such purposes as the Board may determine.
- xiv) to place before the Government the views of the Board or any matter with which it is concerned.
- xv) to call from the concerned Director of School Education report about the working and facilities available in a school applying for affiliation with the Board;” ;
- xvi) to adopt measures to promote the physical, moral, cultural and social welfare of the students in

recognized institutions.

xvii) to take such measures as the Board may think necessary to raise the standard of education in the state and advise the Government on matters of policy relating to pre-primary, elementary, secondary, higher secondary and teacher education.

xviii) to frame regulations for implementing various provisions of this Act;”.

xix) to institute and award medals and prizes and scholarships under conditions that may be prescribed.

xx) to approve the annual financial estimates of the Board after having been endorsed by the Finance Committee.

xxi) to appoint Committees consisting of such members of the Board and such other persons, if any, as the Board in each case may deem fit for carrying out specified purposes and to delegate to these committees such powers as it may consider necessary.

xxii) to issue instructions by correspondence.

xxiii) to exercise full academic control over the recognized institutions.

xxiv) to obtain loans in furtherance of the objects of the Board.

xxv) to delegate such of its powers to any officer or committee of the Board as it may deem fit, provided that such delegation is made by a majority of not less than two thirds of the members of the Board.

xxvi) to appoint save as otherwise provided in this Act, the Joint Secretary and such other officers as may be declared by the Regulations to be the officers of the Board.

xxvii) to ,-

(a) appoint different “boards of studies” for different subjects/streams at different stages, including elementary teacher education, drawing experts from the University system ,SIEs and DIETs ,besides any other academics of repute ; and

(b) undertake printing and publication of textbooks prepared/developed and approved by the concerned Committee of Courses to be constituted with appropriate representation from the University system ,SIEs and DIETs”. ;

xxviii) to liaise with different sister organizations at the national level including the Council of Boards of Secondary Education, the National Council of Educational Research and Training, the National Council for Teacher Education for furthering the objectives of this Act;”.

xxix) to constitute various divisions, units committees for the furtherance of its objectives, and

xxx) to do such other acts and things as may be necessary for furtherance of the objectives of the

Board as a corporate body constituted for regulating and supervising elementary, secondary and higher secondary education in the State.

11. Officers of the Board:-

Subject to the other provisions of this Act, the following shall be the officers of the Board, namely :-

- (1) The Chairman.
- (2) The Secretary to the Board.
- (3) The Joint Secretaries
- (4) **The Director Academic;**
- (5) Such other officers as may be declared by regulations to be the officers of the Board.

12. Chairman.-

(1) The Chairman shall be a whole time paid officer of the Board and shall be appointed by the Government for such term as the Government may determine

(2) The Chairman shall be entitled to such salary, allowances and facilities as the Government may determine from time to time.

13. Powers and duties of the Chairman :-

1. The Chairman shall be the Head of the Board and shall ensure that this Act and the regulations are faithfully observed and shall have all powers necessary for the purpose.
2. The Chairman may at any time, and shall at prescribed intervals or on receipt of a requisition signed by not less than 1/3rd of the total number of the members of the Board and stating the business to be brought before the Board, call a meeting of the Board in the prescribed manner.
3. The Chairman shall have the power to seek a review of previous decision of decisions of the Board, as he deems necessary.
4. If, in the opinion of the Chairman, any emergency has arisen which requires immediate action, he shall take such action as he deems appropriate and shall, thereafter, report the action taken to the Board for approval at its next meeting **or a meeting convened for the purpose:**

Provided that such action shall not be contrary to any decision of the Board or any provision of this Act or the regulations:

Provided further that no appointment or promotion of any nature, whatsoever, shall be made under this sub-section.”

5. Subject to such rules and Procedure as may be prescribed by the Government the Chairman shall have the power to appoint the ministerial, technical and inferior staff of the Board.

6. The Chairman shall preside at every meeting of the Board at which he is present.

7. The Chairman may subject to the approval of the Board delegate any of his powers prescribed under the provisions of this Act or regulations made there under to the Secretary of the Board.

14. Secretary:-

The Secretary of the Board shall be whole time paid officer and shall be appointed by the Government on such terms and conditions, as the Government may determine;

Provided that the person acting as the Secretary of the Board immediately before the commencement of this Act shall continue to act as such till a Secretary under this Section is appointed by the Government.

15. Powers and functions of the Secretary :-

1. The Secretary shall, subject to the control of the Board, be the Chief Executive Officer of the Board.

2. The Secretary shall, subject to the regulations prescribed in this behalf, control the ministerial, technical and other sub-ordinate staff of the Board and shall maintain discipline in all the Units of the Board and take action whenever needed for the purpose.

3. The Secretary shall be responsible for the preparation and presentation of the annual estimates and statements of accounts.

4. The Secretary shall be the custodian of the records, the common seal and such other property of the Board as the Board or Chairman may commit to his charge.

5. The Secretary or any other officer authorized by him shall under the authority of the Chairman conduct the official correspondence of the Board.

6. Subject to the control of the examination Committee, the Secretary shall be responsible for making arrangements for holding the examinations of the Board and shall in order to ensure the smooth and efficient conduct of the examinations take such action as he deems necessary for the purpose.

7. Subject to the control of examination Committee, the Secretary shall be responsible for making arrangements connected with setting and printing of question papers for all examinations held by the Board including their safe custody and all other matters connected therewith.

8. The Secretary shall, on behalf of the Board, issue diplomas and certificates in the prescribed for to the successful candidates who have passed the examinations of the Board.

9. All meetings of the Board shall be convened through the Secretary in the manner provided in the regulations.

10. The Secretary shall be responsible for seeing that all moneys of the Board are expended for the

purpose for which they are granted or allotted.

11. Unless otherwise ordered by the Board, the Secretary shall also act as the Secretary of the Committees constituted under this Act or regulations made there under and shall be responsible for keeping the minutes of their meetings:

Provided that he may authorize any officer of the Board to keep the minutes of the various committees.

12. Unless otherwise ordered by the Chairman, the Secretary shall participate in all the meetings of the Board but shall have not right to vote.

13. The Secretary may, with the previous approval of the Chairman, delegate any of his powers, prescribed under the provisions of this Act or regulations made there under to any officer of the Board.

14. The Secretary shall exercise such other powers as may be prescribed by rules or regulations or as may be delegated to him by the Chairman.

15-A. Director Academic.- (1) The Director Academic shall be a whole time paid officer of the Board and shall be appointed by the Government ,for such term as the Government may determine, from amongst senior and competent Officers/academicians/educationists having a deep understanding of various problems and issues relating to curriculum-making, teaching-learning methodology, contemporary advances in cognitive learning and related matters.

(2)The Director Academic shall, subject to the control of the Board and subject to the regulations, head the academic division, the research division, in-service training division, vocational education division and sports and co-curricular division of the Board for realization of various educational objectives like.-

- a) preparation of curricula for different stages of education;
- b) preparation of curricula for various teacher education courses;
- c) preparation of curricula for vocational and physical education courses;
- d) development of material/books for various stages of education. promotion and development of quality education in the State;
- e) review, revision and preparation of scheme of examination;
- f) conduct orientation courses in new methods of evaluation; and
- g) conduct refresher courses of teachers in new schemes/teaching new curricula.”

16. Joint Secretary:-

The Board shall appoint one or more Joint Secretaries on such terms and conditions and for such period as

the Board may deem fit.

17. Powers and Functions of the Joint Secretaries:-

The Joint Secretary shall in absence of the Secretary act as the Secretary of the Board and various other committees and shall perform such other duties and exercise such other powers of the Secretary as may be assigned to him by the Chairman of the Board.

Provided that when there are more than one Joint Secretaries the Senior most shall act as the Secretary.

18. Terms and Conditions of service of employees :-

The Board may make regulations providing for the minimum qualifications for recruitment and the conditions of service of the employees of the Board, provided that the conditions of service applicable to an employee of the Board of Secondary Education before the commencement of this Act shall not be varied to his disadvantage.

Chapter III

Funds, Accounts and Contract

19. Situations of Board Fund:-

A Board fund shall be constituted and all sums received by or on behalf of the Board under this Act or otherwise shall be placed to the credit thereof.

20. Custody and Investment of Board Fund:-

1. All moneys at the credit of the Board fund except permanent advance required to meet petty expenditure shall be kept in the current or Saving Banks Account with scheduled bank :-

Provided that nothing in this section shall be deemed to preclude the Board from investing any moneys belonging to the Board including any unapplied income any of the approved securities or to place any fixed deposit in any scheduled Bank, any portion of such moneys not required immediately for expenditure.

Explanation :- In this sub-section, the expression Scheduled Bank means a Bank included in the Second Schedule to the Reserve Bank India Act, 1934.

2. Subject to the direction of the Chairman the accounts of the Board with a Bank shall be operated upon by the Secretary of the Board or by such other officer as may be authorized by the Chairman for the purpose.

21. Application of Board Fund:-

Subject to the provisions of this Act, the Board fund shall be applied as follows :-

(i) For payment of charge and expenses incidental to several matters specified in this Act in accordance with the regulations made in this behalf.

(ii) For other purposes for which by or under this Act powers are conferred duties imposed upon by

the Board in accordance with the regulations.

22. *Audit of the Accounts of the Board :-*

The accounts of the Board shall be audited annually by such agency as may be specified by the Government and a copy of audited accounts and balance sheet shall be submitted by the Board to the Govt. at the end of every year.

23. *Contracts:-*

All “contracts, memoranda of understanding and assurances” of property of the board shall be in writing for and on behalf of the Board and shall be signed by the Secretary or a person authorized by the Board or in such other manner as may be prescribed and shall if so signed, be binding on the Board.

“23-A. Financial Advisor.- (1) The Administrative Secretary of Finance Department, or any other officer as may be nominated by the Government, shall be the ex-officio Financial Advisor to the Board.

(2) The Financial Advisor shall be the ex-officio-member of the Finance Committee.

(3) The Financial Advisor shall exercise such other powers and perform such other duties as may be prescribed by the regulations.”

Chapter IV

Appointment of the Board

24. *Appointment and Constitution of Committees:-*

1. The Board shall appoint the following Committees namely :-
 - (a) an Affiliation Committee with Sub-Committees thereof for Kashmir and Jammu Divisions;”;
 - (b) a Finance Committee;
 - (c) a Committee for Examinations with Sub-Committees for ‘unfair means Cases’ and ‘review and appellate Committees’ for Kashmir and Jammu Divisions;”;
 - (d) a Committee for Development and Research;
 - (e) an Academic Committee to consider general questions relating to preparation of curricula, syllabi and prescription of books for various courses from Class I to XII.
 - (f) an “Equivalence” Committee;

- (g) a Textbook Publication Committee;
- (h) a Correction Committee;
- (i) an Appellate Committee and
- (j) such other committees, if any, as may be prescribed”.

2. The Board shall constitute the committees in such manner and for such period as it may prescribe by regulations.

3. The term of office of the members of the committees shall be such as may be prescribed by regulations.

4. Unless otherwise provided in the regulations, no persons shall be a member of more than two of the following committees :-

- (a) the Committees for Examinations;
- (b) the Finance Committees;
- (c) the Recognition Committee.
- (d) the Academic Committee;
- (e) the Development and Research Committee.

25. Powers and Functions of the Committees:-

(a) Recognition Committee – The Recognition Committee shall scrutinize applications received from schools desiring to be recognized for purposes of an examination or examinations conducted by the Board, call for any information necessary for purposes recognition, appoint panels of inspectors inclusive of the Officers of the Board, to conduct the inspection of various schools and perform such other duties as may be prescribed or delegated to it by the Board. It may appoint sub-committees for the purposes, whenever, necessary.

(b) Finance Committee :-

- i. The Finance Committee shall act as advisory body in all matters concerning the finance of the Board.
- ii. The Finance Committee shall prepare the Annual Budget of Income and Expenditure and submit it to the Board for its approval.
- iii. No new item of expenditure shall be incurred by the Board of its administrative or executive head without the prior concurrence of the Finance Committee.
- iv. The Finance Committee shall perform such other functions as may be prescribed or delegated to it by the Board.

(c) A Committee for Examinations :-

The Committee for Examinations shall subject to the control of the Board :-

- i. make arrangements for the conduct of the examinations in conformity with the regulations;
- ii. constitute a sub-committee for appointment of paper setters and examiners after considering the recommendations of the committee of courses;
- iii. purposes the opening and closing of examination centres;
- iv. appoint tabulators and collators for the examination conducted by the Board;
- v. consider and decide the cases relating to misconduct and use of unfair means in the examination conducted by the Board;
- vi. authorize Secretary or any other officer to scrutinize applications from private candidates for permission to appear in the examinations of the Board.
- vii. appoint Superintendents, Deputy Superintendents, Assistant Superintendents and Invigilators for the conduct of the various examinations of the Board.
- viii. appoint vigilance squads and inspectors for the various examinations of the Board.
- ix. consider all other matters arising out of the conduct of examinations and make recommendations, where necessary, of the Board;
- x. authorize declaration and publication of results of the examinations conducted by the Board;
- xi. quash the result of a candidate after it has been declared if he is disqualified for having used unfair means in the examination;
- xii. amend or quash the result of a candidate after it has been assessed and published, when found to have been effected by error, malpractice, fraud, misrepresentation or any other misconduct; and
- xiii. constitute such other sub-committee and delegate such powers to it as it may consider necessary.

(d) Development and Research Committee :-

The Committee shall deal with all matters relating to development and research of new techniques and procedures especially those relating to examination reforms. It shall also organize orientation courses or training programmes for paper setters, moderators and examiners.

(e) An Academic Committee :-

The Academic Committee shall

- i. consider academic questions relating to examinations conducted by the Board, including the conditions to be fulfilled and the tests to be passed by the candidates and report thereon to the Board;
- ii. recommend to the Board syllabi and courses of study for the examinations held by the Board

- except such text books as may be got edited by the Board itself; after considering the recommendations of the committee of courses;
- iii. constitute sub-committees for preparation of syllabi in various courses;
 - iv. advise the Board on general matters relating to technical and vocational education;
 - v. make arrangements for editing, printing and publication of such books as may be decided by the Board;
 - vi. make suggestions and recommendations to the Board for the dissemination and promotion of Women's Education in the State;
 - vii. constitute such other sub-committees and delegate such powers to it as it may consider necessary.

26. Other Committees:-

The other committees shall exercise such powers and discharge such duties as may be prescribed by regulations.

Chapter V

Procedure of the Board and of its Committees

27. Casual Vacancies :-

All casual vacancies among the members of the Board, or of a committee appointed by the Board; shall be filled as soon as convenient, by the Government or body or person who nominated the member whose place has become vacant and the person nominated or appointed to a casual vacancy shall be a member of the Board or the Committee, as the case may be, for the residue of the term for which the person whose place he fills would have been a member.

28. Proceedings not invalidated by reason of vacancies and irregularities :-

No act or proceedings of the Board or a Committee appointed by it shall be invalidated merely by reason of vacancy or vacancies among its members, or by reason of a defect in its constitution or an irregularity in procedure not affecting the merits of the case.

29. Quorum :-

The quorum to constitute a meeting of the Board or any Committee shall be one third of the total number of members of the Board or the Committee as the case may be .

30. Members interested not to take part in discussion:-

No member shall take part in the discussion of, or exercise his vote on, any matter in which he has any personal interest.

31. Powers of the Government:-

1. The Government shall have the right to cause an inquiry to be made by such person or persons as it

may direct in respect of any matter connected with the affairs or functioning of the Board.

2. The Government shall communicate to the Board its views with reference to the results of the inspection or inquiry and may, after ascertaining the views of the Board thereon, advise it on the action to be taken and fix a time limit for taking such action.

3. The Board shall report to the Government such action, if any, as it proposes to take or has taken up on the communication received under sub-section (2).

4. If the Board does not, within a reasonable time, take action to the satisfaction of the Government with reference to the matter on which a communication has been received under sub-section (2), the Government, may, after considering any report which the Board may, furnish, issue such directions consistent with the provisions of this Act as it may think fit and the Board shall comply with such directions.

32. Powers of the Government for removal of difficulty : -

If an difficulty arises as to the first constitution of the Board and of any of its committees after the commencement of this Act, or otherwise in giving effect to the provisions of this Act, the Government, as occasion may require, may be order to anything which appears to them necessary for the purpose of removing the difficulty.

Chapter VI

M i s c e l l a n e o u s

33. Powers of the Board to make regulations :-

1. The Board may make regulations for the purposes of carrying into effect the provisions of this Act.

2. In particular and without prejudice to the generality of the foregoing powers, the Board may make regulations providing for the following matters, namely :

- a) the procedure of conduct of business of the Board and its committees;
- b) the constitution, powers and duties of the committees set up by the Board;
- c) the conferment of the diplomas and certificates;
- d) **the conditions for admission of institutions to the privileges of affiliation and withdrawal of affiliation;”.**
- e) the courses of study to be laid down for all certificates including such courses of study as may be printed, edited and published by the Board;
- f) the conditions under which the candidates shall be admitted to the examinations of the Board and shall be eligible for diplomas and certificates;
- g) the fees for admissions to the examination of the Board;

- h) the remuneration for paper setters, examiners, supervisory staff etc. engaged for the conduct of the examinations of the Board;
- i) the appointment of examiners and their powers and duties;
- j) the conduct of examinations;
- k) the appointment of officers, ministerial staff and other staff of the Board and the conditions of their services;
- l) the constitution of the Provident Fund for the benefit of officers, officials and other staff employed by the Board;
- m) the control, administration, safe custody and management in all respects of the finances of the Board;
- n) the institutions of scholarships, medals and prizes;
- o) the allowances of the members of the Board and all its committee;
- p) the conditions of the pension of permanent employees of the Board;
- q) the conditions of the courses of study to be laid down and books prescribed for the elementary, secondary and Higher Secondary education.
- r) procedure for effecting corrections in date of birth, name and parentage of a candidate having passed an examination of the Board in records of the Board;
- s) all matters which by this Act are to be or may be prescribed or provided for by regulation;

34. *First Regulations of the Board :-*

The first regulations shall be made by the government after previous publication and they shall be deemed to have been made by the Board and shall continue to be in force until altered by the Board;

Provided that till such time as the Government publishes the first regulations, the regulations and procedures prescribed and adopted by the Board of Secondary Education constituted under the Jammu and Kashmir Secondary Education Act, 1965, shall be acted upon for organizing, regulating and supervising the Secondary School and Higher Secondary School Education in the Jammu and Kashmir State unless otherwise those are repugnant to the provisions of this Act.

35. *Copies of regulations and alterations thereof :-*

A copy of every regulation made by the Board under Section 33 and of every modification or revision thereof* shall be submitted to the Government for information.

36. *Provisions regarding institutions imparting Secondary and Higher Secondary Education recognized by the Board of Secondary Education:-*

Notwithstanding, anything contained in this Act, all educational institutions admitted to the privileges of the Board of Secondary Education “**in respect of high school, higher secondary school and teacher training education**” shall after the commencement of this Act, be deemed to be admitted to the privileges of the Board under this Act.

37. *Facilities to be offered to students studying and eligible for examinations of the Board of Secondary Education, University of Jammu or University of Kashmir in Secondary or Higher Secondary Education:-*

Notwithstanding anything contained in this Act or the regulations made there under, the Board shall provide (for such period as may be prescribed) for the instruction of the students of institution admitted to the privileges of the University of Jammu or University of Kashmir or the Jammu and Kashmir Board of Secondary Education, who before the commencement of this Act were eligible for P.U.C. or B.A., B. Sc., B. Com., Part –I of the said Universities or Matriculation or Higher Secondary Core of Elective of the said Board of Secondary Education in Secondary or Higher Secondary Education, as the case may be, and for the examination of such students and other students in accordance with the prospectus of studies of the said University and the Board of Secondary Education.

38. *Continuance of Service of the existing employees:-*

Notwithstanding anything contained in this Act or any regulation made there under or in any other law for the time being in force, all employees of the Board of Secondary Education, constituted under the Jammu and Kashmir Secondary Education, Act, 1965, who immediately before the commencement of this Act, were holding or discharging the duties of any post of office in connection with the affairs of the said Board shall continue in service on the same terms and conditions as regulated their service before such commencement.

39. *Alteration in the designation of a Government Officer:-*

Where any provision of this Act or the regulation refers to any officer or Government by designation, then if that designation is altered or the office held by such officer ceases to exist the reference shall be construed as reference to the altered designation, or as the case may be to such corresponding officer as the Government may direct.

40. *Meetings of the Board.- (1) The Board shall hold its meetings at least two times in a year but six months shall not intervene between its last meeting and the next meeting.*

(2) The Chairman shall preside over the meetings of the Board.

(3) All questions/matters at a meeting of the Board shall be decided by the vote of majority of the members present and voting:

Provided that in the case of equality of votes, the Chairman shall, in addition to his vote as a member, have a casting vote.

(4) A copy of the proceedings of every meeting of the Board shall be sent to the Government by the Secretary as soon as the meeting is held.

(5) No action or proceedings taken by the Board under this Act shall be invalid merely, on the ground of existence of any vacancy in the Board or, by reason of a defect or irregularity in its constitution or, by

reason of any irregularity in procedure not affecting the merits of the case.”

41. Transitional arrangements:-

Till such time as the Board and committees are constituted under the provisions of this Act, the Chairman shall have power to perform such duties and exercise such powers, as have been conferred upon the Board and the committees under the provisions of this Act.

42. Assets and Liabilities:-

The assets and liabilities of the Board of Secondary Education existing immediately before the commencement of the Act shall form the assets and liability of the Board constituted under this Act.

43. Legal Proceedings:-

Where immediately before the commencement of this Act, the Board of Secondary Education was a party of any legal proceedings with respect to any property, rights or liabilities, the Board which succeeds to acquire that property or those rights or liabilities by virtue of this Act shall be deemed to be substituted for the Board of Secondary Education as a party to those proceedings and the proceedings may continue accordingly.

43-A. Material to be published by the Board.- (1) Copy rights of all material developed, printed or published by the Board shall vest with the Board.

(2) The Board may get material pertaining to school education developed, published or printed from any agency as it may consider appropriate in the public interest.

43-B. Suits and Proceedings.- No suit shall be instituted against the Board, or any member thereof, or any of its officers or other employees, or any person acting under the directions of the Board or any member or any officer or other employees of the Board in respect of any act done or purported to have been done in pursuance of this Act or any rule or regulation made thereunder until a notice is served on the Board, and in any other case, delivered to, or left at the office or place of abode of the person to be sued and until the expiration of two months after such notice, and unless such notice states explicitly the cause of action, the nature of relief sought, the amount of compensation claimed and the name and place of residence of the intending plaintiff and unless the plaint contains a statement that such notice has been so left or delivered.

43-C. Summary Powers of Recovery.-In case any sum is recoverable by the Board from any person on account of purchase, sale, transportation, printing, storage or transit, shortage of books or printing material or other sums found to have been misappropriated by any official of the Board, the said sum of money shall be recoverable from such a person as arrears of land revenue in accordance with the procedure prescribed under the Jammu and Kashmir Land Revenue Act, Samvat,

1996”.

44. *Repeal and Savings:-*

1. The Jammu and Kashmir Secondary Education Act, 1965 is hereby repealed.
2. Notwithstanding such repeal.
 - a. All diplomas, certificates and privileges granted by the Board of Secondary Education under the Jammu and Kashmir Secondary Education Act, 1965 shall be as good and valid as if conferred and granted by the Board under this Act; and
 - b. Anything done, any action taken, any appointment made or order issued under the Act so repealed shall be as good and valid as if conferred and granted by the Board under this Act; and

Provided that if any appointment was made under the Act so repealed subject to any condition, such appointment shall continue subject to that condition under this Act.