
**BOARD OF SCHOOL EDUCATION
ACT, 1975**

(Act No. XXVIII of 1975)

**THE JAMMU AND KASHMIR BOARD OF SCHOOL EDUCATION
ACT, 1975**

Act No. XXVIII of 1975

CONTENTS

Preamble

Section

CHAPTER I

1. Short title, extent and commencement.
2. Interpretation.

CHAPTER II

CONSTITUTION OF BOARD

3. Incorporation of the Board.
4. Composition of the Board.
5. Term of office of members.
6. Filling of vacancies on expiry of term of office.
7. Vacancy of member owing to absence without permission.
8. Publication of names.
9. Headquarters of the Board and its two Divisions.
10. Powers and functions of the Board.
11. Officers of the Board.
12. Chairman.
13. Powers and duties of the Chairman.

Section.

14. Secretary.
15. Powers and functions of the Secretary.
16. Joint Secretary.
17. Powers and functions of the Joint Secretaries.
- 17A. Director Academics.
- 17B. Powers and functions of Director Academics.
18. Terms and conditions of service of employees.

CHAPTER III

FUNDS ACCOUNTS AND CONTRACTS

19. Constitution of Board Fund.
20. Custody and investment of Board Fund.
21. Application of Board Fund.
22. Audit of the Accounts of the Board.
- 22A. Financial Advisor.
23. Contracts.

CHAPTER IV

COMMITTEE OF THE BOARD

24. Appointment and constitution of Committees.
25. Powers and functions of the Committees.
26. Other Committees.

Section.

CHAPTER V

PROCEDURE OF THE BOARD AND OF ITS COMMITTEES

27. Casual vacancies.
28. Proceedings not invalidated by reason of vacancies and irregularities.
29. Quorum.
30. Members interested not to take part in discussion.
31. Powers of the Government.
32. Powers of the Government for removal of difficulty.

CHAPTER VI

MISCELLANEOUS

33. Powers of the Board to make regulations.
34. Omitted.
35. Copies of regulations and alterations thereof.
36. Provisions regarding institutions imparting secondary and higher secondary education recognised by the Board of Secondary Education.
37. Admission of institutions to privileges of Board.
38. Continuance of service of the existing employees.
39. Alteration in the designation of a Government Officer.
40. Meetings of Board.
41. Transitional arrangements.

Section.

42. Assets and liabilities.
 43. Legal proceedings.
 - 43A. Copy right.
 - 43B. Summary powers of recovery.
 44. Repeal and savings.
-

**JAMMU AND KASHMIR BOARD OF SCHOOL EDUCATION
ACT, 1975**

(Act No. XXVIII of 1975)

[Received the assent of the Governor on 27th August, 1975 and published in the Government Gazette dated 28th August, 1975.]

An Act to reform and re-organize School Education ¹[in the Union territory of Jammu and Kashmir] and 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
- (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—
 - (1) facilities are provided for ensuring universalisation of Elementary Education by arranging for a two point entry system in the new educational system ; and
 - (2) the existing institutional structure at the higher secondary stage be so co-ordinated as to provide for twelve years schooling, ten years of schooling in secondary education followed by two years in higher secondary education so as to achieve a uniform pattern of Secondary and Higher Secondary Education for laying the foundation of a society which is academically alert, scientific in outlook and forward looking ; and

1. Substituted for “in the State” by S.O. 3466 (E) dated 05.10.2020.

* Now Union territory of Jammu and Kashmir.

Whereas for securing the above objectives, it is necessary to reform, reorganise and reconstruct 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] up to the Higher Secondary level by providing varied course with a view to equipping pupils for different occupations for education in the Universities and other cultural purposes and to examine the candidates and to award certificates to successful candidates and doing all other things incidental thereto.

Be it enacted by the Jammu and Kashmir State Legislature in the Twenty-sixth Year of the Republic of India as follows :—

CHAPTER I

PRELIMINARY

1. *Short title, extent and commencement.* —(1) this Act may be called the Jammu and Kashmir Board of School Education Act, 1975.

(2) It extends to the ¹[whole of the Union territory 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 ²date as the Government may by notification in the ^{**}[Government Gazette] appoint.

³(4) Nothing in this Act shall affect the application of the Right of Children to Free Education Act, 2009 (35 of 2009)].

2. *Interpretation.*— In this Act unless there is anything repugnant in the subject or context,—

⁴(a) “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 purposes of admission to the privileges of the Board ;

* Now Union territory of Jammu and Kashmir.

1. Substituted for “whole of the State of Jammu and Kashmir” by S.O. 3466 (E) dated 05.10.2020.

2. Enforced with effect from 1-10-1975 vide SRO-474 dated 30-9-1975.

** Now Official Gazette.

3. Sub-section (4) inserted by S.O. 3466 (E) dated 05.10.2020.

4. Substituted for clause (a) *ibid.*

- (aa) “Board” means the Board of School Education established under section 3 ;]
- (b) “Chairman” means the Chairman of the Board ;
- ¹[(c) Elementary Education means education 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 education or in fine art courses or other examinations within the purview of and conducted by the Board ;
- ²[(da) “Head of the Institution” means Headmaster or Principal or any other Principal or 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 ³[in the Union territory 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 ;
- (g) “prescribed” means prescribed by regulations ;
- ⁴[(h) “Recognised” with its grammatical variations and cognate expressions, used with reference to institutions means recognised schools or institutions by the Government for imparting education to the students at Pre-primary, Elementary, Secondary, Higher Secondary or Teachers Training level ;]
- (i) “Regulations” means regulations made by the Board under this Act ;

1. Clause (c) substituted by S.O. 3466 (E) dated 05.10.2020.

2. Clause (da) inserted *ibid.*

3. Substituted for “in the State or outside” *ibid.*

4. Clause (h) substituted *ibid.*

- (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 ;
- (l) “Text Book” in relation to any standard or course means any book prescribed/approved by the Board or caused to be prepared/approved by the Board ;
- ¹[(m) “Training Institution” means a training institution run privately or by the Government, and recognised by the Government and affiliated to the Jammu and Kashmir Board of School Education].

CHAPTER II

CONSTITUTION OF 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 matters of policy relating to ²[Pre-primary Education, Elementary Education], Secondary Education and Higher Secondary 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 acquire, 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 be sued by its corporate name as aforesaid.

³[4. *Composition of Board.*—The Board shall consist of the following members, namely :—

- (i) Chairman, Jammu and Kashmir Board of School Education ;

1. Clause (m) substituted by S.O. 3466 (E) dated 05.10.2020.

* Now Official Gazette.

** Now Union territory.

2. Substituted for “Elementary Education” by S.O. 3466 (E) dated 05.10.2020.

3. Section 4 substituted *ibid.*

- (ii) Administrative Secretary, School Education Department ;
- (iii) Administrative Secretary, Youth Service and Sports Department ;
- (iv) Director School Education, Kashmir ;
- (v) Director School Education, Jammu ;
- (vi) Director State Council of Educational Research and Training, Jammu and Kashmir or representative of National Council of Educational Research and Training to be nominated by the Chairman, National Council of Educational Research and Training ;
- (vii)-(viii) Two representatives not below the rank of Head of Departments from Universities and institutes of eminence e.g. Indian Institute of Technology/Indian Institute of Management/All India Institute of Medical Sciences situated in Jammu and Kashmir to be nominated by the Lieutenant Governor of Jammu and Kashmir ;
- (ix)-(x) Two eminent educationist unconnected with the administration, to be nominated by the Lieutenant Governor of Jammu and Kashmir ;
- (xi)-(xii) Two officers to be nominated by the Lieutenant Governor from amongst the Principals, Headmasters and Headmistress of teaching institutions of the union territory.]

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 Gazette]* 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.

(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.

* Now Official Gazette.

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. *Vacancy of member owing to absence without permission.*— If a member of the Board or any committee thereof during the term for which he has been nominated, absents himself without the permission of the Board or the committee, as the case may be, from three consecutive meetings thereof, his office shall thereupon be declared by the Chairman 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 the two divisions of the Board shall be stationed permanently at Srinagar and Jammu.

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 institution, prepare curricula and detailed syllabi and also prescribe text books for the ¹[pre-primary], elementary, secondary school and higher secondary (school graduation), school examinations, ¹[Elementary Teachers Training Course] ;
- (ii) to conduct public examinations for persons who have pursued the secondary school and higher secondary (school graduation) school education courses, ¹[Teachers Training Education Courses] ;
- (iii) to publish the results of examinations conducted by the Board ¹[through electronic and print media] ;

* Now Official Gazette.

1. Inserted by S.O. 3466 (E) dated 05.10.2020.

- (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 recognise institutions for the purpose of providing instructions in the Secondary and Higher Secondary Courses ¹[and Teachers Training Courses] on such conditions and on receipt of such fees as may be fixed by the regulations ;
- (vi) to require schools recognised by the Board, to extend their co-operation in the conduct of examinations held by it, by placing their staff, equipment, halls and rooms, laboratories and other apparatus at the disposal of the Board ;
- (vii) to conduct inspection of the recognised schools/Institutions to ensure—
 - (a) that the recognised schools have the requisite facilities of playgrounds, furniture, laboratories, library, equipment, accommodation and qualified teaching staff as prescribed by the regulations ;
 - (b) that no recognised school/institution adopts books as courses of study other than those prescribed/approved by the Board ;
 - (c) that the recognised schools/institutions maintain the standard of education and impart instructions strictly in accordance with the regulations made under this Act ;
- (viii) to disaffiliate recognised schools which do not fulfil the conditions laid down in clause (vi) and sub-clauses (a), (b), and (c) of clause (vii) 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 by the Board ;

1. Inserted by S.O. 3466 (E) dated 05.10.2020.

- (xii) to receive bequests, donations, endowments, trusts and other transfers of any property or interest therein ;
- (xiii) to co-operate 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 on any matter with which it is concerned ;
- ¹[(xv) call for reports from the concerned Director of School Education 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 recognised institutions ;
- (xvii) to take such measures as the Board may think necessary to raise the standard of the education in the *State and advise the Government on matters of policy relating to ²[Pre-primary], elementary, secondary and higher secondary education ²[and Teachers Training Courses] ;
- ³[(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 ;

1. Clause (xv) substituted by S.O. 3466 (E) dated 05.10.2020.

* Now Union territory of Jammu and Kashmir.

2. Inserted *ibid.*

3. Clause (xviii) substituted *ibid.*

- (xxii) to issue instructions by correspondence ;
- (xxiii) to exercise full academic control over the recognised 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 Secretaries and such other officers as may be declared by the regulations to be the officers of the Board ;
- ¹[(xxvii) (a) to constitute or appoint different Boards of Studies for different subjects of studies at different stages including elementary teacher education ;
- (b) to undertake printing and publication of textbooks prepared or developed and approved by the concerned Courses Committee ;]
- ²[(xxviii) to liaise with different sister organisations at the national level including the Council of Boards of Secondary Education (COBSE), the National Council of Educational Research and Trainings (NCERT), the National Council for Teacher Education (NCTE) for furthering the objectives of this Act ;]
- (xxix) to constitute various divisions, units and committees for the furtherance of its objectives ; and
- (xxx) to do all 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.

1. Clause (xxvii) substituted by S.O. 3466 (E) dated 05.10.2020.

2. Clause (xxviii) substituted *ibid*.

* Now Union territory of Jammu and Kashmir.

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 to the Board ;
- (4) such other officers as may be declared by regulations to be the officers of the Board.

12. *Chairman.* —(1) The Chairman shall be whole-time paid officer of the Board and he will be appointed by the Government for such term as the Government may determine :

Provided that the person acting a Chairman of the Board immediately before the commencement of this Act, shall continue to act as such till the appointment of a Chairman under this section is made by the Government.

(2) The Chairman shall receive such salary not exceeding Rs. 2,500 P. M. and such other facilities as the Government may determine.

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 or decisions of the Board, as he deems necessary.

¹(4) If in the opinion of the Chairman any emergency has arisen which requires that immediate action should be taken, he shall take such action as he deems appropriate and shall thereafter, report the action taken to the Board at its next meeting or a meeting convened for the purpose :

1. Sub-section (4) substituted by S.O. 3466 (E) dated 05.10.2020.

Provided that the Chairman shall as soon thereafter as may be, report his action together with reasons thereof to the office, authority or other body of the Board or the Board, as the case may be, who or which would ordinarily have dealt with the matter :

Provided further that no appointment of any nature, whatsoever, shall be made under these powers :

Provided also that no promotions of any nature, whatsoever, shall be made under these powers.]

(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 thereunder to the Secretary of the Board.

14. *Secretary.*—The Secretary of the Board shall be a whole-time paid officer and shall be appointed by the Government with the concurrence of the Board 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 inferior 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/officers authorised 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 examination 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 form to the successful candidates who have passed the examination 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 thereunder and shall be responsible for keeping the minutes of their meetings :

Provided that he may authorise 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 no 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 thereunder, 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.

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 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.

¹[17A. *Director Academics.*— The Director Academics shall be the whole time paid officer of the Board and shall be appointed by the Government from amongst senior and competent academicians or educationists having a deep understanding on various issues including that of curriculum making, teaching-learning methodology, contemporary advances in cognitive learning and all such related matters.

17 B. *Powers and functions of Director Academics.*— Subject to the control and regulations of the Board, the Director Academics, shall head such Divisions of the Board as may be provided in the regulations for realisation of various educational objectives of the Board including that of—

- (a) preparation of curricula for different stages of education ;
- (a) (b) preparation of curricula for various Teacher Education Courses ;
- (b) (c) preparation of curricula for Vocational Courses and Physical Education ;
- (c) (d) development of material or books for various stages of education, promotion and development of quality education in the Union territory ;

1. Sections 17A and 17B inserted by S.O. 3466 (E) dated 05.10.2020.

- (e) reviewing, revising or preparing scheme or schemes of examinations ;
- (f) conducting orientation courses in new methods of evaluation ;
- (g) conducting refresher courses of teachers in new schemes/teaching new curricula.]

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 CONTRACTS

19. *Constitution 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 Savings Bank Account with a 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 in any of the approved securities or to place on 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 of 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 authorised 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 and 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 Government at the end of every year.

¹[22A. *Financial Advisor.* —(1) The Administrative Secretary, Finance Department, or any officer nominated by the Government of Union territory of Jammu and Kashmir shall be the *ex officio* Financial Advisor to the Board.

(2) The Financial Advisor shall be an *ex-officio* member of the Board and its Finance Committee.

(3) The Financial Advisor shall exercise such powers and perform such duties as may be prescribed by the Statutes and regulations made under this Act.]

23. *Contracts.*— All contracts 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 authorised by the Board or in such other manner as may be prescribed and shall if so signed, be binding on the Board.

CHAPTER IV

COMMITTEES OF THE BOARD

24. *Appointment and constitution of Committees.* —(1) The Board shall appoint the following Committees, namely :—

- (a) a Recognition Committee ;

1. Section 22A inserted by S.O. 3466 (E) dated 05.10.2020.

- (b) a Finance Committee ;
- (c) a Committee for Examinations ;
- (d) a Committee for Development and Research ;
- (e) an Academic Committee to consider general questions relating to preparations of curricula, syllabi and prescription of books for various courses from Class I to XII ; and
- (f) 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 person shall be a member of more than two of the following Committees :—

- (a) the Committee for Examination ;
- (b) the Finance Committee ;
- (c) the Recognition Committee ;
- (d) the Academic Committee ; and
- (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 recognised for purposes of an examination or examinations conducted by the Board, call for any information necessary for purposes of 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 purpose, whenever necessary.

- (b) Finance Committee—

- (i) the Finance Committee shall act as an advisory body in all matters concerning the finances 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 or 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 arrangement 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) propose the opening and closing of examination centres ;
- (iv) appoint tabulators and collectors for the examinations 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) authorise Secretary or any other officer to scrutinize applications from private candidates for permission to appear in the examinations of 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, to the Board ;
- (x) authorise 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, mal-practice, 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 organise orientation courses or training programmes for paper setters, moderators and examiners.

(e) An Academic Committee.—

The Academic Committee shall—

- (i) consider all 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) recommended 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-committee 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 of a committee appointed by it shall be invalidated merely by reason of a 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.

* Now Union territory of Jammu and Kashmir.

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 upon 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 any 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 by order do anything which appears to them necessary for the purpose of removing the difficulty.

CHAPTER VI

MISCELLANEOUS

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 admission to the examinations 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 service ;
- (l) the constitution of a 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 institution of scholarships, medals and prizes ;
- (o) the allowances of the members of the Board and all its committees ;

1. Substituted for "recognition" by S.O. 3466 (E) dated 05.10.2020.

- (p) the conditions of the pension of permanent employees of the Board ;
- (q) the curricula and 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 the records of the Board ;
- (s) all matters which by this Act are to be or may be prescribed or provided for by regulations.

¹34. Omitted.

²[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 recognised 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 ³[High School, Higher Secondary School and Elementary Teacher Training Education] shall after the commencement of this Act, be deemed to be admitted to the privileges of the Board under this Act.

⁴[37. *Admission of institutions to privileges of Board.* —(1) Any Institution, in or outside the Union territory, may apply to the Board for being admitted to the privileges of the Board and the Board may, subject to such conditions and restrictions as may be prescribed, admit such institution to the privileges of the Board.

(2) Where the Board is satisfied that its privileges are being abused by any affiliated institutions or that the prescribed conditions or restrictions are not being complied with by such institutions, the Board may withdraw its

1. Section 34 omitted by S.O. 3466 (E) dated 05.10.2020.

2. Section 35 substituted *ibid.*

3. Substituted for "High School and Higher Secondary School Education" *ibid.*

4. Section 37 substituted *ibid.*

privileges from the institutions, and thereon the institution shall cease to be an affiliated institution :

Provided that before withdrawing the privileges, the Board shall require the institution to showcase why such action should not be taken and consider any explanation which may be furnished by it.]

38. *Continuance of service of the existing employees.*— Notwithstanding anything contained in this Act or any regulation made thereunder 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 or 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 the Act or the regulation refers to any officer of 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.

¹[40. *Meetings of the Board.* —(1) The Board shall hold its meetings at least four times in a year but three months shall not intervene between its last meeting and the next following meeting.

(2) The Chairman shall preside every meeting of the Board.

(3) All matters in a meeting of the Board shall be decided by the vote of the 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) Two-third of the total membership shall form a quorum at a meeting of the Board :

Provided that if a meeting is adjourned for want of quorum, no quorum shall be necessary at the next meeting for transacting the same business.

1. Section 40 substituted by S.O. 3466 (E) dated 05.10.2020.

(5) 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.

(6) No action taken, or proceedings taken, under this Act by the Board shall be invalid merely on the ground of the existence of any vacancy amongst members, or by reason of defect or irregularity in its constitution or any irregularity in procedure not affecting the merits of the case.]

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 liabilities of the Board constituted under this Act.

¹[43. *Legal 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 purporting to have been done in pursuance of this Act or any rule or regulation made thereunder until the expiration of two months after notice, and in any other case, delivered to, or left at the office or place of abode of, the person to be sued and unless such notice state 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.

43A. *Copy right.* —(1) Copy right of all materials developed, printed and published by the Board shall vest with the Board itself.

(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.

43B. *Summary powers of recovery.*— In case any sum is recoverable by the Board of School Education from any person on account of purchase, sale transportation, printing, storage or transit shortage of books and printing material or other sums found to have been misappropriated by the officials of the Board, the said sum of money shall be recoverable from such person and the procedure of recovery shall be the same as prescribed under section 90 of the Land Revenue Act, 1996.]

1. Substituted for section 43 by S.O. 3466 (E) dated 05.10.2020.

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 deemed to have been done, taken, made or issued under this Act :

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.
