

THE UTTAR PRADESH STATE OPEN SCHOOL BOARD
ACT, 2008¹

[U. P. Act No. 27 of 2008]

[As passed by the Uttar Pradesh Legislature, assented to by the Governor on August 28, 2008, under Article 201 of the Constitution of India and was published in the Uttar Pradesh Gazette Extraordinary, dated August 29, 2008.]

AN

ACT

to establish and incorporate the State Open School Board in the State of Uttar Pradesh and to provide for matter connected therewith or incidental thereto..

IT IS HEREBY enacted in the Fifty-ninth Year of the Republic of India as follows:

CHAPTER-1

Preliminary

**Short title,
extent and
commencement**

1. (1) This Act may be called the Uttar Pradesh State Open School Board Act, 2008.

(2) It extends the whole of Uttar Pradesh.

(3) It shall come into force on such date as the State Government may by notification appoint in this behalf.

Definitions

2. In this Act, unless the context otherwise requires.—

(a) "Board" means the State Open School Board. Uttar Pradesh established under section 3:

(b) "Centre Superintendent" means a person appointed as such by the Board for supervision of the examinations to be conducted by the Board;

(c) "Chairperson" means the Chairperson of the Board appointed by the State Government under Clause (a) of section 4;

(d) "Director" means the Director of the Board appointed under Clause (b) of section 4:

(e) "Executive Committee" means the Executive Committee of the Board constituted under Section 5;

(f) "Head of the Institution" means the Principal, the Head Master or the Head Mistress of a Study Centre of the Board:

1. For Statement of Objects and Reasons please see at the end of this Act.

(g) "Inspector" means a District Inspector of Schools:

(h) "Open School" means all the study centers under the Board including the Board;

(i) "Regulation" means the regulations made under this Act:

(j) "Regional Joint Director of Education or the Deputy Director of Education (Secondary)" means the Joint Director of Education or the Deputy Director of Education of a region;

(k) "Secretary" means the Secretary of the Board appointed under sub-section (1) of section 17;

(l) "Study Centre" means an institution identified and approved by the Board as a unit of the open school.

CHAPTER - II

The Board

Establishment & incorporation of the Board

3. (1) The State Government shall, as soon as may be after the commencement of this Act, by notification, establish a Board to be called the State Open School Board, Uttar Pradesh.

(2) The Board shall be a body corporate.

Constitution of the Board

4. (1) The Board shall consist of the following members:-

(a) The Chairperson who shall be an officer appointed by the State Government not below the rank of the Director of Education,-

Ex. Officio Chairperson

(b) The Director who shall be appointed by State Government not below the rank of Additional Director of Education-

Member-Secretary

(c) The Director of Education (Secondary) Uttar Pradesh or his nominee not below the rank of Additional Director of Education-

Ex. Officio member

(d) The Director of Education (Basic) Uttar Pradesh or his nominee not below the rank of the Additional Director-

Ex. Officio member

(e) The Director of the State Council of Educational Research and Training or his nominee not below the rank of the Joint Director -

Ex. Officio member

(f) The Director Technical Education, Uttar Pradesh-or his nominee not below the rank of the Joint Director-

Ex. Officio member

(g) The Director Information Department, Uttar Pradesh or his nominee not below the rank of Joint Director

Ex. Officio member

(h) The Director, Television Centre, Allahabad.

Ex. Officio member

(i) The Director, Radio Station, Allahabad

Ex. Officio member

(j) The Vice Chancellor, Rajarshi Tandon Open University Allahabad or his nominee not below the rank of a Reader of any Department of the University.

Ex. Officio member

(k) The Director, Institute of Correspondence Education. Allahabad University, Allahabad.

Ex. Officio member

(l) The Field Advisor National Council of Educational Research and Training New Delhi,

Ex. Officio member

(m) A representative of National Institute of Open Schooling, New Delhi

Member

(n) Three elite educationists of which one shall be a female educationist nominated by the State Government

Member

(o) Three representative who shall be the Principals of Study Centres, having at least 15 years experience as a Principal nominated by the State Government

Member

(p) The Director Industries, Kanpur or his nominee not below the rank of the Joint Director

Member

(q) The Director, Government Printing Press Uttar Pradesh, Allahabad or his nominee not below the rank of the Joint Director

Ex. Officio member

(r) The Secretary, Madhyamik Shiksha Parishad, Uttar Pradesh

Ex. Officio member

(s) The Secretary, Basic Education Board, Uttar Pradesh

Ex. Officio member

(2) The Constitution of the Board shall be published in the Gazette.

**Executive
Committee**

5. (1) There shall be an Executive Committee of the Board consisting of following members:-

(a) The Chairperson of the Board-

Ex Officio

Chairperson

(b) The Director of Education (Secondary) or his nominee.-

Ex Officio member

(c) The Director, State Open School Board. Uttar Pradesh

Ex.Officio member Secretary

(d) The Vice Chancellor, Rajarshi Tandon Open University, Allahabad

Member

(e) The Director, State Council of Educational Research and Training or his nominee

Ex. Officio member

(f) The Director Government Printing Press Uttar Pradesh. Allahabad or his nominee

Member

(g) The Director of Education (Basic) U.P. or his nominee

Ex. Officio Member

(h) A representative of National Open Schooling Institute, New Delhi

Ex.Officio member

(2) The Chairperson shall preside over the meetings of the Executive Committee.

**Powers and
functions of
the Board**

6. (1) The Board shall advise the State Government on all matters relating to the school and distance learning system;

(2) Subject to, any general or special order of the State Government, the provisions of this Act, and the rules made there under, the Board shall have generally the power,—

(i) to direct, superwise and control activities of school and distance learning system.

(ii) to design and develop a series of courses of studies leading to certification at the secondary levels; & higher secondary levels;

(iii) to design, develop prescribe and offer courses of studies in Vocational areas to the students of the Board;

(iv) to design and develop self learning materials in print, audio, video, compact disc, rom and other formates;

(v) to offer courses of studies through distance learning mode;

(vi) to collaborate with institutions at the State level such as State Council of Educational Research and Training, Uttar Pradesh, Board of High School and Intermediate Education Uttar Pradesh, Institutions of Education in Uttar Pradesh and State Institute of Educational Training and Management and Training Uttar Pradesh, Allahabad and other such Institutions.

(vii) to collaborate with national and International agencies like the Institute of National Open Schooling, Indira Gandhi National Open University, National Council of Educational Research and Training, National Institute of Educational Planning and Administration, Common-Wealth of Learning, United Nations Educational, Scientific and Cultural Organization, United Nations International Children's Emergency Fund and similar other agencies for continuing efforts at improvement of quality and standard of distance Educations Process and materials.

(viii) to undertake research, and in particular, action research, for solving diagnostic problem, and for developmental thrust, in building the open school;

(ix) to collaborate with agencies and institutions for opening learning support - centres or study centres for the students of the open school and to accord approval to such learning support - centres and study centres;

(x) to establish regional centres in Uttar Pradesh for the purpose of supervising the proper functioning of the learning support centres and study centres.

(xi) to publish or cause to be published, and to print, the learning and other materials developed by the Board;

(xii) to prescribe the regulations the conditions of registration of students, the eligibility criteria for appearing at the examinations of the Board and the procedures of conduct of such examinations, and all other matters necessary for proper fulfillment of teaching and examination, and also to award certificates;

(xiii) to prescribe regulations for fees and other charges and the method of collection thereof;

(xiv) to organize training programmes for the members of the staff of the open school the co-ordinators. the teachers of open school and such other persons as may be engaged as teaching assistants by study centres and as a resource centre in State training of personnel related open schooling;

Explanations:-

(a) "Co-ordinator" shall mean any person appointed or recognized by the Board as Co-ordinator for the purposes of this Act and;

(b) "Teachers of Schools" shall mean the teachers of open school imparting education in Basic secondary and Higher Secondary schools and shall include Principals and Head Masters or Head Mistresses.

(xv) to purchase or otherwise acquire or take on lease or on hire for the Board;

(xvi) to invest and deal with funds and monies of the Board;

(xvii) to set up a Library containing books and learning materials in other media;

(xviii) to obtain or accept grants, subscriptions, fees, donations, gifts, bequests and properties both movable and immovable from the Government, or from any person for the purposes of the Board;

(xix) to build, construct and maintain building and alter, extend, improve, repair or modify any existing building and suitably equip such building, for the use of Board;

(xx) to appoint committees or sub-committees as may be deemed fit for carrying out the objects of the Board and to prescribe by regulations and guidelines for the proper functioning of such committees or sub committees;

(xxi) to make service regulations for the personnel related administration of the Board and for the proper management of the functions of the Board including welfare measures for the staff of the Board;

(xxii) to delegate any of its powers to any of the officers of the school or to any of the committees or sub-committees constituted by the Board, for more effective management and functioning of the Board;

(xxiii) to do all such lawful acts and things; whether incidental to the powers as aforesaid or not, as may be required to be done in order to further the aims and objectives of the Board;

(xxiv) to create administrative, technical and other posts under the Board, other than the Post of Director, and to make appointment thereto, with prior approval of the State Government;

(xxv) to co-operate with educational or other institutions having objects wholly or partly similar to those of the Board by exchange of teachers and scholars, generally in such manner as may be conducive to such objects;

(xxvi) to make regulations for the conduct of affairs for the Board;

(xxvii) to maintain the fund of the Board;

(xxviii) to deposit all monies credited to the fund referred to in clause (xxvi) in such banks, or to invest them in such manner, as the Board may, with the approval of the State Government, decide;

(xxix) to meet out of the fund as aforesaid the expenses of the Board, including the expenses incurred while exercising its powers and discharging its functions under this Act;

(xxx) to prepare and maintain accounts and other records and to prepare an annual statement of accounts (including the balance sheet) of the Board in such form as may be prescribed by rules by the State Government;

(xxxi) to forward annually to the State Government the accounts of the Board as certified by such competent authority as the State Government may decide;

(xxxii) to grant or refuse recognition to study centres and to withdraw such recognition, if it thinks fit, after considering the recommendation of the Recognition Committee, if any, in accordance with such regulations as may be made in this behalf;

(xxxiii) to maintain a register of recognized study centres;

(xxxiv) to provide for inspection of the recognized study centres;

(xxxv) to provide, by regulations, after considering the recommendations of the Syllabus committee, if any, the curriculum, the syllabus, the courses of studies to be followed, and the books to be studied for examinations conducted by the Board.

(xxxvi) to undertake, if necessary, with the approval of the State Government, the preparation, publication or sell of text books and other books for the use of the students of the open school.

(xxxvii) to maintain and publish from time to time list of books approved for the use of the students of the open school and for the examinations conducted by the Board and to remove the name of any such book from any such list;

(xxxviii) to conduct examinations and to make regulations in this behalf;

(xxxix) to publish results of the examinations conducted by the Board and to award diploma, certificates, prizes and scholarships in respect thereof;

(xl) to provide, by regulations, after considering the recommendations of the Examinations Committee, if any, the rates of remuneration to be paid to the paper setters, tabulators, examiners, invigilators, supervisors and other employed in connection with the examinations conducted by the Board and the fees to be paid by the candidates for such examinations;

(xli) to grant permission to candidates to appear at the examinations conducted by Board and to refuse, or to withdraw, such permission, if it thinks fit, in accordance with such regulations as may be made in this behalf;

(xlii) to institute, and to administer, such provident fund for the benefit of the officers and other employees of the Board as may be prescribed by rules made under this Act;

(xliii) to associate with in such manner and for such purpose as may be determined by regulations any persons, body, whose assistance or advices consider necessary for carrying out any of the provisions of this Act;

(xliv) to perform such other functions as may be assigned to it by the State Government.

(3) (a) Notwithstanding anything contained in any other law for the time being in force, but without prejudice to the provision of sub-section (1) it shall be the duty of the Board to take all such steps as it may deem fit for the promotion of the distance education system and for the determination of standard of teaching evaluation and research in such system.

**Salary,
Honorary &
Allowances of
Chairperson &
other members
of the Board**

7. The Chairperson or any other member, of the Board shall receive such honorarium from the Fund of the Board referred to in sub-section (1) of section 30 as may be determined from time to time by the State Government.

**Terms of Office
of other
members of the
Board**

8. (1) A member, other than an ex-officio member, shall hold office for a term of five years, from the date he assumed office.

(2) On expiry of the term of office as specified under sub-section (1), a member may be re-nominated.

**Casual
Vacancies**

9. If the Chairperson or any other member, other than an ex-officio member dies or resigns his office or otherwise ceases to be the Chairperson or other member, the vacancy shall be filled up by a fresh appointment or nomination, as the case may be.

**Terms of Office
of Chairperson**

10. The appointment of Chairperson under clause (a) of subsection (1) of section 4 shall be for such period, not exceeding six years, as the State Government may, by notification, specify. On the expiry of the period of appointments as aforesaid, the Chairperson may be re-appointed for such period as the State Government may determine so, however, the total period of appointment (including the period of re-appointment) as Chairperson shall not exceed ten years.

**Disqualification
supervening
membership of
the Board**

11. The Chairperson or any other member if becomes subject to any of the disqualifications specified in section 14 he shall cease to be the Chairperson, or other member, as the case may be, with effect from such date as the State Government may direct.

**Resignation of
Chairperson
and other
members**

12. (1) The Chairperson may resign his office by giving a notice in writing to the State Government, stating his intention so to do, and on such resignation being accepted by the State Government, the Chair person shall be deemed to have vacated his office.

(2) Any other member may resign his office by giving a notice in writing to the Chairperson, stating his intention so to do, and on such resignation being accepted by the Executive Committee such member shall be deemed to have vacated his office.

**Temporary
arrangement
for the office of
the
Chairperson.**

13. If the Chairperson dies or resigns his office or ceases to hold office or is temporarily absent or, for any reason, is unable to exercise the powers and perform the duties of his office, the State Government shall authorize the Director to exercise the powers and perform the duties of the Chairperson until the Chairperson resumes office or a new Chairperson is appointed, as the case may be.

Disqualification

14. A person shall be disqualified for being appointed or nominated as a member of the Board if he-

(a) has been adjudged by a competent court to be of unsound mind;

(b) is an un-discharged insolvent;

(c) is a discharged insolvent who has not obtained from the court a certificate that his insolvency was caused by misconception without any misconduct on his part;

(d) has been convicted by a court of an offence involving moral turpitude;

(e) directly or indirectly himself or in his partnership:

(i) holds any share or interest in any text book approved by the board or published by or under the authority of the Board, or

(ii) has any interest in any work by order of or in any contract entered into by or on behalf of, the Board, provided that a person who having any share or interest in any text book referred to sub-clause (i) shall not be deemed to have incurred the disqualification under the said sub clause, if five years have elapsed from the date of publication or republication of such Text Books.

**Conduct of
meeting**

15. The Chairperson or, in his absence the Director shall preside over the meetings of the Board and the Chairperson or the Director, as the case may be shall be entitled to vote on any matter and shall have a second or casting vote in every case of equality of votes, at any such meeting.

**Restriction on
Vote**

16. (1) No member of the Board shall vote on any matter in which he has any personal interest.

(2) The Chairperson, or the Director, presiding over at the meeting of the Board shall decide any question arising under sub-

section (1), and his decision thereon shall be final.

**Person in the
service of the
Board**

17. (1) The Board shall have a Secretary who shall be appointed by the State Government from amongst the Provincial Education Service Officers of Group A. The Secretary shall exercise such powers and perform such functions as may be assigned to him by the Director. The Secretary shall also preside over the committee in the absence of the Director.

(2) The State Government may appoint such other officers as it may consider necessary for carrying out the purposes of this Act from amongst the Provincial Education Services of the State of Uttar Pradesh, Officers.

(3) The Board may appoint its employees as it may consider necessary for carrying out the purposes of this Act and shall determine, subject to the approval of the State Government, the terms and conditions of such appointment including officers of State Financial Services of Uttar Pradesh.

(4) Mode of recruitment in respect of the posts to be created for the Board shall be either transfer on deputation or short term contract or regular basis as the Board may think fit. For work related specific assignments persons would be deployed on fixed emoluments with provision for revision each year if considered appropriate.

(5) Scales of pay in respect of the posts to be created by Executive Committee shall correspond to State Government scales of pay.

CHAPTER-III

Committees of the Board

**Academic
advisory
Committee**

18. (1) The Board shall constitute an Academic Advisory Committee thereof for advising it on the courses of studies.

(2) The Advice given by the Academic Advisory Committee shall not be binding on the Board but if the board does not accept the advice of the Academic Advisory Committee the Board shall record the reasons for not accepting the advice given by the Academic Advisory Committee.

(3) Subject to the other provisions of this section, the Academic Advisory Committee shall consist of seven members including eminent academicians in different branches of knowledge to be nominated by the Board.

(4) The Chairperson shall be the Chairman of the Academic Advisory committee, and the Head of the Academic Department shall be the Secretary of the Academic Advisory Committee. The Board shall not nominate more than three members of the Board excluding the Chairperson in the Academic Advisory Committee.

(5) The Chairperson shall preside over the meetings of the Academic Advisory Committee and, in his absence, the Director shall preside over such meetings.

(6) A member of the Academic Advisory Committee, who is also a member of the Board, shall continue to hold office as a member of the Academic Advisory Committee till he ceases to be a member of the Board.

(7) Any member of the Academic Advisory Committee may resign after giving fifteen days notice to the Director and the Board shall have the power to remove any member of the Academic Advisory Committee after recording reasons there for at a meeting.

**Other
Committees
of the Board**

19. (1) The Board may also constitute the following Committees:—

- (a) Syllabus Committee
- (b) Examination Committee
- (c) Recognition Committee
- (d) Finance Committee

(2) The Board may constitute such other committee or committees as it may think fit.

(3) Each of the Committees constituted under sub-section (1) shall consist of the Director as its Chairman and such other members, not exceeding seven as the Board may think fit.

(4) Each such committee shall have a Secretary thereof who shall be deputed by the Director from amongst the officers of the Board. Provided that the Examination Committee shall have the Secretary to be known as the Examination Controller. Such Secretary shall be an officers of the Provincial Education Service appointed by the State Government.

(5) Any member of the Board may be appointed to be a member of any Committee constituted under sub section (4) but the total number of members of the Board, including Director in any such committee shall not exceed four.

**Functions of
syllabus
Committee**

20. The Syllabus Committee shall advise the Board;

(a) on matters relating to the Syllabus; the courses of studies to be followed, and the books to be studied for examinations conducted by the Board, and

(b) on any other matter which is connected with or incidental to the matter referred to in clause (a) which may be referred to it by the Board.

**Functions of
examination
Committee**

21. (1) The Examination Committee shall advise the Board on:-

(a) the selection of examination centres, paper setters, moderators, tabulators, examiners, invigilators, supervisors or others engaged in connection with the examinations conducted by the Board and the rates of remunerations to be paid to them.

(b) the fees to be paid by the candidates for such examinations, and

(c) such other matters relating to the examinations as aforesaid as may be referred to it by the Board for advice.

(2) The Examination committee shall be responsible for the Conduct of Examinations under the supervision of the Examination controller and prepare the Certificates of Secondary and Higher Secondary standard and also vocational certificates to be issued to the successful students by the Secretary.

**Functions of
the
Recognition
Committee
Functions of
the Finance
Committee**

22. The Recognition committee shall advise the Board on all matters relating to the recognition of study centres.

23. The Finance Committee shall prepare the budget of the Board and shall advise the Board on such matters relating to finance as may be referred to it by the Board for advice.

**Functions of
other
Committee**

24. The committee, if any, constituted by the Board under sub section (2) of section 19 shall perform such functions as may be assigned to it by the Board.

CHAPTER IV

Powers and functions of Chairperson and Director

**Powers and
functions of
Chairperson
and the
Director**

25. (1) (a) The Chairperson shall exercise general supervision and control over the Board: -

(b) The Chairperson may, in any emergency, exercise any of the powers of the Board provided, that he shall not act contrary to any decision of the Board and shall, as soon as thereafter may be, report to the Board the action taken by him in exercise of any such power with the reason therefor.

(2) The Director shall,-

(a) be responsible for carrying out, and for giving effect to, the decisions of the Board or of any committee constituted under this Act;

(b) sanction such claims for allowances, and at such rates, as the State Government may determine;

(c) take such other action, not inconsistent with any decisions of the Board, as he considers necessary for the proper functioning of the Board.

CHAPTER - V

Meetings

Meetings of the Board

26. (1) The annual meeting of the Board shall be held in the month of December in every calendar year.

(2) The Board may hold meetings at such other times as the Chairperson may decide.

(3) One third of the total number of members of the Board shall form the quorum of a meeting of the Board.

(4) The meeting of the Board shall be convened by the Director after giving ten days notice to the members along with the agenda to be prepared by the Director in consultation with the Chairperson.

(5) The Director may, on the advice of or in consultation with the Chairperson convene an emergent meeting of the Board, after giving two days' notice to the members, for transacting any urgent matter.

CHAPTER - VI

Finance & Audit

Annual Report

27. (1) The Chairperson shall place at the first annual meeting of the Board in the year next following the year in which it is constituted and at every annual meeting thereafter a report on the working of Board during the last preceding financial year. He shall also place annual accounts of the Board of that year.

(2) The report and the annual accounts shall be forwarded to the Board before one month of its presentation at the annual meeting of the Board with such comments thereon as the Chairperson may think fit to make.

Budget

28. (1) The Chairperson shall place at every annual meeting a Budget estimate in such form as may be prescribed, showing the anticipated income and expenditure of the Board during the financial year in which the annual meeting is held.

(2) The Budget estimate shall, after confirmation by the Board, be forwarded to the State Government within such time as may be prescribed.

(3) The State Government shall, within one month of the receipt of the Budget Estimate, either accord its approval thereon or return it to the Board with such comments and suggestions as it may deem necessary if, in its opinion such estimate,—

(i) is not reasonable or accurate with reference to the ascertainable facts,

(ii) includes new items of recurring expenditure which are likely to impose upon the Board in the future financial liabilities which the Board is not likely to be able to meet from its income; or

(iii) includes provisions for such expenditure which are not in accordance with the provisions of this Act.

(4) If the Budget Estimate is returned under sub section (3), the Board shall consider the comments and suggestions made by the State Government and may, if it thinks fit, revise the said estimate. The Board shall then, submit the Budget estimate as so revised to the State Government or the Board shall, if it does not think fit to revise the estimate, submit it in its original form to the State Government within one month of receiving it together with its comments.

(5) If the State Government does not approve the Budget estimate as revised by the Board or if the Budget Estimate is returned by the Board without revision, the State Government may amend the Budget Estimate by making,

(i) such modifications as are, in its opinion, necessary to render the Estimate reasonably accurate with reference to ascertainable facts or to balance the income and the expenditure;

(ii) additions, alterations or modifications in any provision relating to new expenditure of a recurring nature;

(iii) any alterations or modifications in any provisions for expenditure, which in its opinion, are not in accordance with the provisions of this Act;

and shall forward the Budget estimate as so amended to the Board, and the Budget estimate so returned shall be the Budget Estimate of the Board for the relevant financial year.

(6) If the State Government does not accord its approval to the Budget Estimate referred to in sub section (5) such Estimate shall within three months of receipt thereof by the State Government for such approval or within two month of re-submission thereof by the Board with or without revision, be deemed to have been approved by the State Government.

**Grant by the
State
Government**

29. The State Government may, after considering the Budget Estimate, the accounts of the Board and such revision of the Budget Estimate as it may think necessary, make such annual or periodical grant to it as it may think fit. provided, that on the establishment of the Board and before the first budget estimate is forwarded to the State Government, the State Government may, after considering such report as it may call for from the Board, make such initial grant to Board as it may consider necessary.

**Fund of the
Board**

30. (1) The Board shall create a fund to be called the State Open School Board Fund (hereinafter referred to in this Act as the Fund of the Board) to which shall be credited -

(a) all sums which may be paid by the State Government under section 29,

(b) all fees and other charges realised under any of the provisions of this Act,

(c) All moneys received by the Board from a study centre or by way of grants, gifts, donations, benefactions, bequests or transfer.

(d) all sums representing income from endowments, if any, or from property owned or managed by the Board, and

(c) all other sums received by the Board on behalf of the open school from any other sources.

(2) The Fund shall vest in the Board and shall be under its control and be held in trust for the purposes of this Act.

(3) All moneys payable to the credit of the Board shall forthwith be paid into the Allahabad Bank or any Nationalised Bank to the credit of the Fund and all cheques drawn on the fund shall be signed by the Director or by such other person as may be authorised by him in writing on his behalf.

**Expenditure
from the
fund**

31. No expenditure shall be incurred from the Fund of the Board except for the purposes of this Act and unless such expenditure is provided for in the Budget as approved under this Act or may be met by re-appropriation in such manner as may be prescribed.

Accounts

32. The Board shall keep an account of all its receipts and expenditure in such manner as may be prescribed.

Audit

33. (1) The account of the Board shall be examined and audited annually by an auditor or auditors appointed by the State Government in such manner as may be prescribed.

(2) For the purposes of examination and audit under sub section (1), an auditor appointed under that sub-section may,-

(a) require, in writing the production before, him of any document relating to financial matter of the Board or the assets thereof which he considers to be necessary for the proper conduct of the audit;

(b) require, in writing, the personal appearance before him of any person accountable for, or having the custody or control of, any such document to answer any question relating thereto; or

(c) require any person for appearing before him to submit a statement in writing instead of any such document.

(3) It shall be the duty of the Board and every member thereof and of the Secretary and other officers and employees in the service of the Board to afford to the auditor every facility for the examination and audit of the accounts of the Board and to comply with any requisition made by auditor under sub section (2) and the requirements of any rule made in this behalf;

(4) Any person who willfully suppresses, or refuses to comply with, any requisition made under sub-section (2) or refuses to comply with the requirement of any rule made in this behalf shall, on

conviction, be punished with fine which may extend to five thousand rupees.

(5) No complaint in respect of any offence punishable under sub-section (4) shall be made except with the previous sanction of the State Government.

(6) No Magistrate other than the Judicial Magistrate of First Class shall try any offence punishable under sub section (4).

Audit Report

34. (1) After the completion of the audit, the auditor shall submit within 14 days to the State Government a report on the accounts audited, and shall send a copy thereof to the Board and there upon, the Board shall forward the report to the State Government with its comments thereon.

(2) The State Government shall take such action on the report submitted under section (1) as it thinks fit.

CHAPTER - VII

Supplemental Provisions

Payment of allowances

35. (1) Subject to the provisions of section 7 the members of the Board or of any committee constituted under this Act shall receive such allowances for attending the meetings of the Board or the committee, as the case may be and for other such purposes, as the State Government may determine.

(2) As per the provision of sub section (1) of section of 6 of the Right to Information Act, 2005 the Secretary shall be the Information Officer to provide informations to the public.

Board to furnish information

36. The Board shall furnish to the State Government such reports, returns, and statements as may be prescribed and such further information or any matter relating to the Board as the State Government may require.

Power of State Government to suspend proceedings.

37. The State Government may, by order in writing and stating the reasons therefore, suspend: the execution of any resolution or order of the Board or of any committee constituted under this Act and prohibit the doing of any act which is purported to be done or is intended to be done under this Act, if the State Government is of opinion that such resolution, order or act is in excess of the powers conferred by or under this Act on the Board or any committee, as the case may be.

Certain persons deemed to be public servants.

38. The members of the Board or of any committee constituted under this Act, persons in the service of the Board and any other person appointed under this Act to Audit the accounts of the Board shall be deemed to be public servants within the meaning of section 21 of Indian Penal Code, 1860.

Indemnity

39. No suit, prosecution or other legal proceeding shall lie against any person for anything in good faith done or intended to be done under this Act.

Savings

40. No Act or proceeding under this Act shall be invalid merely on the ground of-

(a) the existence of any vacancy in, or any defect in the constitution of the Board or any committee constituted under this Act; or

(b) any member of the Board having cast his vote in any matter in contravention of the provisions of section 15; or

(c) any defect or irregularity not affecting the merit of any case.

Transitory provisions

41. (1) The Chairperson shall make the first regulations for the purposes of this Act.

(2) The first regulations shall remain in force for a period of one year or until regulations are made by the Executive Committee under this Act, whichever is earlier.

Powers to make rules

42. (1) The State Government may, make rules for carrying out the purposes of this Act.

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

(a) the acquisition, possession and disposal of property by the Board, the conditions of such acquisition, possession and disposal, and the doing of any other thing referred to in sub section (2) of section 6;

(b) The provident fund referred to in clause (xlii) of sub-section (2) of section 6 as may be instituted and administered by the Board;

(c) The form in which the Budget Estimate of the Board shall be prepared as referred to in sub-section (1) of section 28;

(d) The time within which the Budget Estimate shall be forwarded to the State Government as referred to in sub section (2) of section 28;

(e) the manner in which all payments to and from the fund of Board shall be made;

(f) The manner of re-appropriation under section 31;

(g) The manner of keeping of accounts of receipts and expenditure under section 32;

(h) The manner in which examinations and audit of accounts of the Board shall be made under section 33;

(i) The reports, returns and statements to be furnished by the Board under section 36 and the form of such reports, returns and statements; and

(j) Any other matter required to be prescribed, or to be provided for, by rules.

**Power to
make
regulations**

43. The Executive Committee may, with the approval of the Board and by notification, make regulations not inconsistent with the provisions of this Act or the rules made there under in respect of any matter relating to the proper exercise of its powers and discharge of its functions under this Act or any other matter.

**Board to be
guided by
directions of
State
Government**

44. The Board shall, in exercising its powers and performing its duties under this Act, be guided by such directions in the matter of scope and content of courses of studies as the State Government may by notification give from time to time.

STATEMENT OF OBJECTION AND REASON

In order to provide facility of distance education upto the higher secondary level to all those persons who cannot get themselves admitted to any recognized educational institution, it has been decided to make a law to provide for the establishment of a Board to be known as the Uttar Pradesh State open School Board consisting of a Chairperson and 18 other members including the Director to advise the State Government on all matters relating to the school and distant learning system. The Board shall have the powers to direct, superwise and control the activities of the distant learning system. It shall design and develop a series of courses of study leading to certification at the secondary and higher secondary levels it shall have also the power to collaborate with educational institution the state level, national level as well as international agencies. The Board shall establish regional centers in Uttar Pradesh for the purpose of supervising the proper functioning of the learning support centers and study centers.

The Uttar Pradesh State Open School Board Bill, 2008 is introduced accordingly.
