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LEGISLATIVE SUPPLEMENT

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HARYANA GOVERNMENT
LEGISLATIVE DEPARTMENT
Notification

The 2nd September, 2015

No. Leg.13/2015.— The following Act of the Legislature of the State of Haryana received the assent of the Governor of Haryana, on the 31st August, 2015 and is hereby published for general information :-

HARYANA ACT NO. 7 OF 2015

THE HARYANA STATE BOARD OF TECHNICAL EDUCATION
(AMENDMENT AND VALIDATION) ACT, 2015

AN
ACT

*further to amend the Haryana State Board of Technical Education Act, 2008
and to validate certain actions taken and things done in connection therewith.*

Be it enacted by the Legislature of the State of Haryana in the Sixty-sixth Year of the Republic of India as follows :—

1. (1) This Act may be called the Haryana State Board of Technical Education (Amendment and Validation) Act, 2015.

Short title and commencement

(2) It shall be deemed to have come into force on the 6th May, 2008.

2. Sub-section (3) of section 1 of the Haryana State Board of Technical Education Act, 2008 (hereinafter called the principal Act) shall be omitted.

Amendment of section (1) of Haryana Act 19 of 2008.

3. After section 48 of the principal Act, the following section shall be inserted, namely:—

Insertion of section 49 in Haryana Act 19 of 2008.

“49. Validation:— Notwithstanding that no notification was issued under sub-section (3) of section 1 of the principal Act for appointing a day for its enforcement the principal Act shall be deemed to have come into force with effect from the 6th May, 2008 in view of amendment made by this Act and notwithstanding any judgment, decree or order of any court, tribunal or authority, all actions taken, things done, rules made, notifications issued under the said Act by the Government or the Board, shall be deemed to have been validly taken, done, made and issued under the principal Act, as if the Act was in force and shall not be called in question in any court, or before any authority on this ground.”

KULDIP JAIN,
Secretary to Government, Haryana,
Law and Legislative Department.

PART I

HARYANA GOVERNMENT

LEGISLATIVE DEPARTMENT

Notification

The 6th May, 2008

No. Leg. 20/2008.—The following Act of the Legislature of the State of Haryana received the assent of the Governor of Haryana on the 18th April, 2008, and is hereby published for general information :—

HARYANA ACT NO. 19 OF 2008

**THE HARYANA STATE BOARD OF TECHNICAL EDUCATION
ACT, 2008**

AN

ACT

to provide for establishment and constitution of the Haryana State Board of Technical Education for coordinated development of technical education in polytechnic institutes in the State of Haryana and for matters connected therewith or incidental thereto.

BE it enacted by the Legislature of the State of Haryana in the Fifty-ninth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Haryana State Board of Technical Education Act, 2008.

Short title,
extent and
commencement.

(2) It extends to the whole of the State of Haryana.

(3) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.

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

Definitions.

(a) "appointed day" means the day on which the provisions of this Act shall come into force;

(b) "Board" means the Haryana State Board of Technical Education established under section 6;

(c) "bye-laws" means bye-laws made by the Board under section 41;

- (d) "diploma level technical education" means such technical education to attain Diploma or Post Diploma or Advanced Diploma Level;
- (e) "Secretary" means the Secretary of the Board appointed under sub-section (1) of section 9;
- (f) "examination" means one or more examinations conducted by the Board;
- (g) "Government" means the Government of the State of Haryana in the Administrative Department;
- (h) "Governing Council" means the Governing Council of the Board established under section 3;
- (i) "Head of Institution" or "Principal" means the head of the teaching staff of a polytechnic or institution recognized by the Board, by whatever name designated;
- (j) "polytechnic or institution" means an institution imparting Diploma or Post-Diploma or Advanced Diploma in Engineering or Technology or Management Education or Computer Applications or Applied Arts and Craft or Pharmacy or Town Planning and Architecture recognized by the Board under this Act;
- (k) "prescribed" means prescribed by regulations made under this Act;
- (l) "regulations" means the regulations made by the Board under section 40;
- (m) "teacher" means a member of the teaching staff other than Principal or the Head of Institute recognized by the Board.

CHAPTER II

ESTABLISHMENT, CONSTITUTION, POWERS AND DUTIES OF THE GOVERNING COUNCIL

Establishment
of Governing
Council.

3. The Government shall, by notification in the Official Gazette, establish the Governing Council which shall be an apex body to control and monitor the matters pertaining to diploma level technical education.

Constitution of
Governing
Council.

4. (1) The Governing Council shall consist of Chairman and the following members, namely:—

1. Financial Commissioner and Principal Secretary : Chairman to Government, Haryana, Technical Education Department or nominee of the Government

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|-----|--|-------------------------|
| 2. | Financial Commissioner and Principal Secretary to Government, Haryana, Finance Department | : Member
ex officio |
| 3. | Financial Commissioner and Principal Secretary to Government, Haryana, Education Department | : Member
ex officio |
| 4. | Financial Commissioner and Principal Secretary to Government, Haryana, Industries Department | : Member
ex officio |
| 5. | Financial Commissioner and Principal Secretary to Government, Haryana, Information Technology Department | : Member
ex officio |
| 6. | Vice-Chancellor, Guru Jambheshwar University of Science and Technology, Hisar | : Member
ex officio |
| 7. | Vice-Chancellor, Deen Bandhu Chhotu Ram University of Science and Technology, Murthal | : Member
ex officio |
| 8. | Chairman All India Council of Technical Education or his nominee | : Member
ex officio |
| 9. | Engineer-in-Chief, Public Works Department (Building and Roads), Haryana | : Member
ex officio |
| 10. | Managing Director, Haryana Vidyut Parsaran Nigam Limited | : Member
ex officio |
| 11. | Nominee of Progress Harmony and Development Chamber of Commerce and Industries (PHDCCI) | : Member |
| 12. | Nominee of Confederation of Indian Industries (CII) | : Member |
| 13. | Nominee of Federation of Indian Chamber of Commerce and Industries (FICCI) | : Member |
| 14. | Nominee of National Association of Software and Services Companies (NASSCOM) | : Member |
| 15. | Secretary | : Member-
ex officio |
| 16. | Director, Technical Education Department, Haryana | : Member
Secretary |

(2) In addition to the members under sub-section(1), two members shall be nominated by the Chairman from amongst social activists, educationists and industrialists.

(3) The names of the persons other than the ex officio members who have been nominated from time to time as members of the Governing Council shall be published by the Government in the Official Gazette.

(4) The term of the nominated members of the Governing Council shall be for a period of three years unless terminated earlier by the Government.

(5) The Governing Council shall meet not less than once every year, and a period of not more than 12 months shall intervene between two successive meetings.

(6) The nominated members shall receive such allowances as may be determined by the Government, for meeting the personal expenditure in attending the meetings or in performing any other functions as members.

5. Subject to the provisions of this Act, the powers and duties of the Governing Council shall be as follows, namely:—

- (a) to act on the matters referred by the Board and to approve the regulations, recommendations and decisions of the Board for implementation;
- (b) to prepare perspective development plan in consultation with the industry;
- (c) to approve procedures and regulations for appointment of officers of Group A and B of the Board, their qualifications, terms and conditions of service including conduct, discipline and duties, mode of recruitment, pay scales except for the Secretary;
- (d) to appoint officers of Group A and B of the Board as per the provisions of sub-section (2) of section 26;
- (e) to recommend to the Government for carrying test audit of accounts of the Board regularly or at such intervals as the Governing Council may deem fit;
- (f) to decide accreditation and gradation policy of the polytechnic or institution;
- (g) to approve the budget recommended by the Board;
- (h) to give directions to the Board in respect of implementation of various policy decisions taken by the Government from time to time;
- (i) to recommend to the Government to conduct an inquiry in respect of any matter concerning the proper conduct, working and finances of the institution under the Board.

CHAPTER III

ESTABLISHMENT, CONSTITUTION, POWERS AND DUTIES OF THE BOARD

6. The Government shall, by notification in the Official Gazette, establish a Board for the purposes of this Act.

Power and
duties of
Governing
Council.

Establishment
of Board.

7. The Board established under section 6 shall be a body corporate having perpetual succession and a common seal, and shall have the powers to contract, acquire, hold and dispose of property, both movable and immovable, and to do all things necessary for the purpose of this Act and may sue and be sued, by its corporate name.

Incorporation
of Board.

8. (1) The Board shall consist of a Chairman and the following members, namely:—

Constitution of
Board.

1. Financial Commissioner and Principal Secretary to Government, Haryana, Technical Education Department : Chairman
2. Director, Technical Education Department, Haryana : Member ex officio
3. Director, Secondary Education Department, Haryana : Member ex officio
4. Director, Industrial Training Department, Haryana : Member ex officio
5. Director, Young Men Christians Association (YMCA) College of Engineering : Member ex officio
6. Nominee of Confederation of Indian Industries (CII) : Member
7. Nominee of Progress Harmony and Development Chamber of Commerce and Industries (PHDCII) : Member
8. Regional Officer, North West Region, All India Council of Technical Education (AICTE) : Member ex officio
9. One senior most Principal of Government Polytechnic to be nominated by Director, Technical Education Department, Haryana : Member
10. One Principal of Women Polytechnic to be nominated by Director, Technical Education Department, Haryana : Member
11. One Principal of Unaided Polytechnic to be nominated by Director, Technical Education Department, Haryana amongst the Principals of top three well performing unaided affiliated Polytechnic(s) : Member

12. One Teacher of polytechnics amongst the best teacher awardees to be nominated by Director, Technical Education Department, Haryana : Member

13. Secretary : Member-Secretary

(2) The names of persons (not being ex officio members) who have been nominated from time to time as members of the Board, shall be published by the Board in the Official Gazette.

Appointment
and term of
Secretary.

9. (1) The Board shall have a Secretary who shall be appointed by the Government.

(2) The Secretary shall hold office for a term of three years from the date of the publication of his name in the Official Gazette.

(3) Nothing in sub-section (2) shall affect the power of the Government to transfer, in the exigencies of public service, the Secretary to any other post under the Government during such term; and if the Secretary is superannuated in the service of the Government, he shall cease to be Secretary, unless his services are extended or he is re-employed in the services of the Government or he is not transferred to some other post.

(4) The Government may from time to time, extend the term of office of the Secretary. However, the aggregate period of the term shall not exceed six years.

(5) The Secretary shall be an employee of the Government. The service conditions shall be notified by the Government.

(6) Where a temporary vacancy of the Secretary occurs by reason of leave, illness or other cause, the Government may appoint other person to be the Secretary.

(7) The Secretary shall, subject to the control of the Chairman, be the Chief Executive Officer of the Board, and all other officers and servants, for the time being serving under the Board shall be subordinate to him.

(8) The Secretary shall be entitled to be present at the meetings of the Board.

(9) The Secretary shall exercise such other powers and perform such other duties as may be made by regulations.

Term of office
and allowances
of members of
Board.

10. (1) The members of the Board, other than the ex officio members, shall hold office for a term of three years from the date on which their names are published in the Official Gazette.

(2) The term of office of outgoing member shall extend to, and expire with, the day immediately preceding the date on which the name of his successor is published in the Official Gazette.

(3) The members shall be entitled to such compensatory allowances as may be determined by regulations.

11. A person shall be disqualified for being appointed or nominated as, or for continuing as, the Chairman or a member of the Board or any Committee appointed under this Act—

Disqualification
of Chairman
and members
of Board.

- (a) if he directly or indirectly, has any share or interest in any work done by order of, or in any contract entered into on behalf of the Board;
- (b) if he is a person against whom an order of removal from office has been made under section 14:

Provided that a person against whom such order is made, shall not be deemed to have been disqualified under this clause, if five years, or such lesser period as the Government may specify, has elapsed from the date of his removal from office.

12. All casual vacancies of the members of the Governing Council or Board or any Committee constituted by the Board shall be filled as soon as may be, by nomination or appointment, as the case may be; and the person nominated or appointed in a casual vacancy shall hold office so long only as the member in whose place he is nominated or appointed would have held it, if the vacancy had not occurred.

Casual
vacancies.

13. A member of the Board or Governing Council, except an ex officio member, may resign from his office at any time by tendering his resignation in writing to the Chairman of the Board or Chairman of the Governing Council, as the case may be, and such member shall be deemed to have vacated his office as soon as the Chairman has accepted his resignation.

Resignation of
members.

14. (1) The Government may, on the recommendation of the Board and after making such further inquiry, as it may think fit, by order, remove any member of the Board or Governing Council or any Committee thereof, if such member,—

Removal of
member.

- (a) has been convicted by a court for any offence involving moral turpitude; or
- (b) is an undischarged insolvent; or
- (c) has been declared physically disabled by such medical authority as the Government may specify; or
- (d) is of unsound mind and stands so declared by the competent court; or

- (e) is acting in a way detrimental to the aims and objects of the Board:

Provided that no such recommendation shall be made by the Board or no order shall be made under clause (e) unless he has been given a reasonable opportunity of showing cause why such recommendation or order should not be made.

(2) The Government may *suo motu* by order remove any member of the Board or Governing Council or any Committee, nominated or appointed, whose activities are, in the opinion of the Government detrimental to or obstruct, the proper functioning of the Board or Governing Council or of any Committee thereof:

Provided that no member shall be removed from office unless he has been given a reasonable opportunity of showing cause why such order should not be made against him.

(3) Notwithstanding anything contained in sub-sections (1) and (2), the nominated member of the Board shall hold office during the pleasure of the Government and shall be removed at any time by the Government, if it deems fit.

Meeting of Board.

15. (1) The Board shall meet not less than twice in every year and period of not more than six months shall intervene between two successive meetings.

(2) The Chairman of the Board may at any time if the exigencies so demand, and upon a written request made by not less than one-third of the total members of the Board, shall call a special meeting of the Board, on a day not later than twenty-one days after the receipt of such request by the Chairman.

Vacancy of Chairman or member owing to disqualification.

16. If the Chairman or a member of the Board or Governing Council or any Committee is disqualified under section 11, his office shall thereupon be declared vacant by the Government.

Vacancy of member owing to absence without permission.

17. If a member nominated or appointed to the Board or Governing Council remains absent without permission of the Board or Governing Council from three consecutive meetings thereof, his office shall thereupon become vacant and shall be so declared by the Chairman of the Board or Governing Council, as the case may be.

Decision on question as to vacancy.

18. In case of any dispute as to whether the office of the Chairman or a member has become vacant under section 13 or section 14, the decision of the Government shall be final.

Acts and proceedings not invalidated by vacancies or defects in constitution.

19. No act or proceeding of the Board or any Committee shall be invalid merely by reason of any vacancy in or any defect in the constitution of the Board or Committee.

20. The Board may invite any person who in its opinion is an expert in the field of education or any officer of the Government, to attend its meeting or of its Committee, if the subject with which the expert or officer is concerned is likely to come up for discussion or consideration at such meeting.

Power to invite experts and officers at meeting.

21. (1) The Board shall constitute the following Committees, namely:—

Constitution of Committees.

- (a) Academic Committee;
- (b) Finance Committee;
- (c) Affiliation Committee;
- (d) Examination Committee.

(2) The Board may constitute such other Committees as it thinks necessary for efficient performance of its functions.

(3) The number of members of every Committee constituted by the Board, the term of office of its members and the duties and functions to be discharged by such Committee shall be such as may be prescribed.

22. Subject to the provisions of this Act, the powers and functions of the Academic Committee shall be as follows, namely:—

Powers and functions of Academic Committee.

- (a) to deal with policy matters relating to teaching and training of students;
- (b) to frame general rules for admissions and migration of students;
- (c) to recommend syllabi of various courses for approval of the Board;
- (d) to recommend to the department for creation or abolition of posts in the interest of effective teaching in various disciplines;
- (e) to recommend equivalency for various courses to the Board;
- (f) to constitute sub-committees to discharge its functions.

23. Subject to the provisions of this Act, the powers and functions of the Affiliation Committee shall be as follows, namely:—

Powers and functions of Affiliation Committee.

- (a) to recommend grant of affiliation to new institution or new courses with intake capacity to the Board for approval;
- (b) to recommend grant/withdrawal of extension of affiliation to existing institution/ courses with intake capacity to the Board for approval;
- (c) to recommend grant/withdrawal of accreditation of affiliated institution/courses to the Board for approval;
- (d) to recommend for gradation/ranking of affiliated institutions/ courses;

Powers and
functions of
Examination
Committee.

(e) to constitute sub-committees to discharge its functions.

24. Subject to the provisions of this Act, the powers and functions of the Examination Committee shall be as follows, namely:—

- (a) it shall be responsible for making all arrangements for smooth conduct and supervision of examination including moderation of papers, publication of results, appointment of examiners, invigilators, superintendent, deputy superintendent, paper setters, moderators and other employees connected thereto;
- (b) it may impose any of the punishment after making the inquiry and giving an opportunity provided in sub-section (1) of section 37.

Powers and
functions of
Finance
Committee.

25. Subject to the provisions of this Act, the powers and functions of the Finance Committee shall be as follows, namely:—

- (a) to prepare the annual budget and recommend for approval to the Board;
- (b) to accept the audit report;
- (c) to exercise such financial and other powers as delegated by the Board or by the Governing Council;
- (d) to recommend creation/abolition of the posts to the Board;
- (e) to approve the expenditure and purchase proposals for various requirements of the Board except for the secrecy work.

Other officers and
servants of Board.

26. (1) The Board may appoint such other officers and servants as it considers necessary for the efficient performance of its functions under this Act.

(2) All Group A and Group B officers shall be appointed on deputation from Government Departments, University, Statutory Boards and Corporations after approval of the Governing Council. The salaries, allowances and other conditions of service of the officers appointed under this section shall be such as may be determined by the Governing Council under clause (c) of section 5.

(3) For all other category of employees except as mentioned in sub-section (2), appointment shall be made by the Board and the salaries, allowances and other conditions of service of the employees appointed under this sub-section shall be such as may be determined by the Board by regulations.

(4) All officers of the Board shall exercise such powers and perform such duties as are respectively assigned to them by the Secretary under the general or special orders.

(5) All officers and staff appointed under this Act except Secretary shall be the employees of the Board.

27. Subject to the provisions of this Act, the powers and duties of the Board shall be as follows, namely:—

Powers and duties
of Board.

- (a) to advise the Government on matters of policy relating to diploma level technical education in general, and on the following matters, namely:—
 - (i) to coordinate between national policies and State policies in diploma level technical education;
 - (ii) to coordinate between secondary, higher secondary, degree education and diploma level education;
 - (iii) to maintain uniform standard of diploma level technical education;
 - (iv) to promote industry institute interaction;
- (b) to lay down guiding principles for determining curricula and syllabi and also to prepare the detailed curricula and syllabi for diploma level technical education, for all categories, such as, regular, sandwich, part-time, correspondence course, yearly, semester pattern and the like;
- (c) to prescribe and regulate standard requirements in respect of staff buildings, furniture, equipment, stationery and other things required for diploma level institutions;
- (d) to prescribe and develop any book as text book and reference book or to prepare or cause to be prepared any book and print, or non-print material or to publish directly or in collaboration with any other agency, any kind of learning material for diploma level courses;
- (e) to prescribe the general conditions governing admission of regular candidates and ex-candidates to the examinations and to specify the conditions relating to eligibility, attendance, term-work and character, on the fulfillment of which a candidate shall have a right to be admitted to and to appear at any such examination;
- (f) to award certificates to candidates passing the final examination;
- (g) to institute and to award scholarships, fellowships, stipends, medals, prizes and other rewards and to prescribe conditions therefor;
- (h) to receive bequests, donations, endowments, trusts and other transfers of any property, or interest therein, or right thereto;
- (i) to hold any property, interest or right referred to in clause (h) and to manage and deal with the same;

- (j) to fix demand and receive such fees and penalties as may be prescribed;
- (k) to call for special reports and information from the Director or from officers of the Technical Education Department, and to call for any information from any institution recognized by the Board to ensure maintenance and improvement in academic standard;
- (l) to recommend measures to promote physical, moral and social welfare of students in institutions recognized by the Board, and to prescribe conditions of their residence and discipline;
- (m) to appoint officers and employees as per the provisions of section 26;
- (n) to constitute provident fund for the benefit of the officers and employees of the Board;
- (o) to approve the annual financial statement pertaining to the Board and to recommend to the Governing Council for sanction, the annual budget;
- (p) to inspect and supervise generally the working of the Regional Officer, if any, and to inspect periodically the accounts thereof;
- (q) to conduct statistical and other research, or training programmes for the purposes of design, development, implementation and evaluation of the curriculum, teaching learning process and examination in collaboration with any agency within or outside India;
- (r) to appoint such Committees as it may think necessary for the efficient discharge of its functions under this Act;
- (s) to plan and monitor academic performance;
- (t) to propose the need based courses, special courses for self-employment, courses of rural, deprived persons and women;
- (u) to grant affiliation, accreditation, autonomous status, equivalence and reviewing, or revoking affiliation or accreditation, equivalence, or autonomous status as per regulations made under the provisions of this Act;
- (v) to make regulations with the approval of Governing Council for granting of academic autonomy to institute, reviewing or revoking of autonomy granted;
- (w) to carry out all such acts as may be necessary to achieve the objective of this Act so as to improve, extend, expand the diploma level technical education in the State and to maintain and improve standard of diploma level technical education;

- (x) to make regulations for granting affiliation; accreditation, autonomous status, equivalence, eligibility to institutes and reviewing, or revoking affiliation or accreditation, equivalence, or autonomous status or eligibility;
- (y) to demand and receive such fees as may be prescribed for candidates admitted to the examination, affiliation, to accredit, conferring autonomy, equivalence;
- (z) to conduct the examinations of the Board;
- (za) to appoint paper-setters, examiners, moderators, supervisors and other necessary personnel for conducting examination, assessment of candidates, performance and for compiling and release of results;
- (zb) to admit candidates for the examination according to the regulations;
- (zc) to open centres within its jurisdiction for examination conducted by it;
- (zd) to declare the results of the candidates appearing at the examinations conducted on such date or dates as may be fixed;
- (ze) to prepare a list of candidates according to merit;
- (zf) to deal with cases of use of unfair means according to the procedure laid down;
- (zg) to evaluate generally the performance of students and institution in all examinations including the final examination in diploma level technical institution;
- (zh) to call for any information from any institution recognized by it to ensure maintenance of academic standard, to call for special reports and information from the Regional office, if any, and from Director, Technical Education Department about the recognized institution not maintaining the required academic standard and to recommend to the Directorate, Technical Education Department, withdrawal of recognition granted under the administrative order of the Technical Education Department in cases of poor academic results and grave academic irregularities;
- (zi) to require institutions recognized by the Technical Education Department to extend co-operation in the conduct of the examination and to withdraw the privileges of the Board from any institution which fails to place at its disposal the facilities required to conduct examination, after giving it a reasonable opportunity of showing cause why such orders should not be made;

- (zj) to create, own, hold or hire any property or infrastructure required for—
 - (i) functioning of the office of the Board;
 - (ii) functioning of regional offices;
 - (iii) providing residential accommodation to officers and staff of the Board;
- (zk) to make regulations for the purpose of carrying out effectively the provisions of this Act;
- (zl) to make bye-laws relating to matters such as procedure to be followed by the Board, their Committees and any other matter solely concerning the Board and their Committees that are not provided for, by or under this Act and the regulations made thereunder;
- (zm) to exercise such other powers and perform such other duties as may be conferred or imposed on it by or under this Act.

Powers and duties
of Chairman of
Board.

28. (1) It shall be the duty of the Chairman of the Board to ensure that the provisions of the Act and the regulations and bye-laws made thereunder are faithfully observed and he shall have all the powers necessary for this purpose.

(2) In an emergency, which, in the opinion of the Chairman of the Board, requires that immediate action should be taken, the Secretary shall take such action as he deems necessary and shall thereafter report his action to the Board at its next meeting.

(3) The Chairman shall exercise such other powers and perform such other duties as may be prescribed.

Powers of
Government to
issue directions.

29. (1) The Government shall have the power, after considering the advice tendered by the Board, to issue such directions as it may consider necessary, with regard to all or any of the matters specified in clause (a) of section 27. The Board shall comply with such directions.

(2) The Government shall have also the right to address the Board with reference to anything it has conducted or done, or is conducting or doing or intends to conduct or to do, and to communicate to the Board its views in the matter.

(3) The Board shall report to the Government such action, if any, as it proposes to take or has taken upon the communication, and shall furnish an explanation if it fails to take action.

(4) If the Board does not take action within a reasonable time, to the satisfaction of the Government, the Government may, after considering any explanation furnished or representation made by the Board, issue such directions consistent with this Act, as it may think fit, and the Board shall comply with such directions.

(5) In an emergency which, in the opinion of the Government requires that immediate action should be taken, the Government may take such action consistent with this Act, as it deems necessary, without previous consultation with the Board and shall forthwith inform it of the action taken.

(6) The Government may, by order in writing, specifying the reasons thereof, suspend the execution of any resolution or order of the Board and prohibit the doing of the action ordered to be or purporting to be done by the Board, if the Government is of the opinion that such resolution, order or act, is in excess of the powers conferred by or under this Act.

CHAPTER IV

FUND, FINANCE, ACCOUNTS AND AUDIT

30. All property, fund and other assets vesting in the Board shall be held and applied by it, for the purposes of this Act. Application of assets.

31. (1) The Board shall have its own fund, and the following moneys shall be credited thereto :— Custody and investment of fund.

- (a) fees, royalties and charges, including penalties, levied and collected by the institution;
- (b) grants, assignments, contributions and loans, if any, made to it by the Government;
- (c) bequests, donations and endowments or other contributions, if any;
- (d) interest and sale proceeds of any securities vested in it;
- (e) all rents and profits from the property vested in it;
- (f) other moneys received by or on behalf of the Board.

(2) The Board may keep money in current account or deposit it in an account in any scheduled bank as defined in the Reserve Bank of India Act, 1934 (2 of 1934). The sum as may be specified and any money in excess of the said sum shall be invested in such manner as may be approved by the Government.

(3) Such accounts shall be operated upon by such officers of the Board as may be prescribed.

32. Subject to the provisions of this Act, the fund of the Board shall be applied only for the payment of charges and expenses incidental to the matters specified in this Act. General application of fund.

33. No payment shall be made by a bank out of the Board's fund except upon a cheque or letter of credit signed by an officer authorized by the Board in this behalf. How fund shall be drawn against.

Allotments of
regional offices.

34. The Board shall pay, from time to time, to each regional office such sums as the Board may determine, for enabling the regional offices to discharge the duties and functions imposed on them by the Board for completion of works or development schemes.

Preparation of
annual budget
estimates.

35. (1) The Board shall prepare, before such date and in such manner as may be prescribed, the budget estimates of the income and expenditure for the next financial year.

(2) The Board shall, on or after the date referred to in sub-section (1), consider the estimates, budget estimates prepared by it and submit them to the Government for sanction. The Government may pass such orders with reference to the budget estimates as it thinks fit, and communicate the same to the Board. The Board shall give effect to such orders.

Annual accounts
and audit.

36. (1) The Board shall keep accounts in such form and in such manner as may be prescribed.

(2) The accounts of the Board shall be audited by Auditor appointed by the Board with the previous approval of the Governing Council.

(3) The Government may if it thinks necessary, appoint a Special Auditor to audit the accounts of the Board.

(4) The Auditor or the Special Auditor, as the case may be, shall submit his report to the Board and shall forward a copy thereof to the Governing Council.

(5) The cost of the audit under sub-section (2) or sub-section (3), if any, shall be borne by the Board.

Inspection and
inquiry.

37. (1) The Government shall have the right to cause an inspection to be made, by such person or persons as it may direct, of the Board, of the buildings, hostels, laboratories, libraries and equipments of any diploma level institutions affiliated and accredited to the Board, of the teaching or other work conducted by any such polytechnic or institution and of the conduct of any examination held on behalf of the Board and to cause an inquiry to be made in like manner in respect of any matter connected with the Board:

Provided that the Government shall, in every case, give due notice to the Board of its intention to cause an inspection or inquiry to be made and the Board shall be entitled to appoint a representative, who shall have the right to be present and be heard at such inspection or inquiry.

(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 opinion 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, it has taken or proposes to take upon the results of the inspection or inquiry. Such

report shall be submitted, with the opinion of the Board, within such time as the Government may direct.

(4) Where the Board does not within the time fixed, take action to the satisfaction of the Government, the Government may, after considering any explanation furnished or representation made by the Board, issue such directions as it may think fit, and the Board shall comply with such directions.

38. (1) The Board shall furnish to the Government such reports, returns and statements as may be required by the Government and such further information relating to any matter connected with its work as the Government may call for.

Information, returns, etc. to be furnished by Board.

(2) The Government may, after considering any such report, returns or statements or information furnished, give such directions consistent with this Act as may be necessary, and the Board shall comply with such directions.

CHAPTER V

SUPPLEMENTARY AND MISCELLANEOUS PROVISIONS

39. All matters relating to the exercise of powers by the Board conferred upon it by the Act, which have by regulation been delegated by the Board to a Committee shall stand referred to that Committee and the Board before exercising such powers shall receive and consider the report of that Committee with respect to the matter in question.

Manner of exercise of power delegated to committee.

40. (1) The Board may make regulations with the approval of Governing Council for the purpose of carrying into effect the provisions of this Act.

Power to make regulations.

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

- (a) the constitution, powers and duties of the Committees constituted under section 21 ;
- (b) the subjects and curricula for the examinations;
- (c) the general conditions governing admission of regular and external candidates for the examinations and particular conditions regarding eligibility, attendance, term and character, on the fulfillment of which a candidate shall have a right to be admitted to and to appear at any such examination;
- (d) the marks required for passing in any subject and the examination as a whole and for exemption, credit and distinction in any subject;
- (e) the fees for admission to the examinations and other fees and charges payable in respect of other matters connected with these examinations;

- (f) the arrangements for the conduct of examinations and publication of results;
- (g) the appointment of examiners, their powers and duties in relation to the examination and their remuneration and mode of payment;
- (h) the qualifications and disqualifications of examiners;
- (i) the award of certificates;
- (j) the appointment of officers and employees of the Board and the conditions of their service;
- (k) the constitution of provident fund for the benefit of the officers and servants of the Board;
- (l) the control, administration, safe custody and management of the finances of the Board ;
- (m) the date before which and the manner in which the Board shall prepare its budget estimates;
- (n) the compensatory allowance which may be drawn by the members of the Board and the Committees;
- (o) appointment of officers and employees from Government and from aided and unaided institutions or polytechnics for smooth conduct of examination;
- (p) conditions and provisions for grant/withdrawal of provisional/permanent affiliation/accreditation and recognition;
- (q) conditions and procedure for grant/withdrawal of academic autonomy, conferment of autonomous status, equivalence and eligibility of various courses;
- (r) conditions/ procedure for closure of institution;
- (s) criteria/procedure for inspection of institutions including submission of report;
- (t) any other matter which is to be or may be prescribed.

(3) No regulations made under this section shall have effect until the same have been approved by Governing Council.

First regulations.

41. Notwithstanding anything contained in section 40, the first regulations shall be made by the Government and shall continue to be in force until new regulations are duly made by the Board.

Power of Board to make bye-laws.

42. The Board may make bye-laws consistent with this Act to provide for

all or any of the following matters, namely :—

- (a) the procedure to be followed at the meetings of the Board and the Committees and the number of members required to form a quorum at such meetings ;
- (b) any other matter solely concerning the Board and Committees, not provided for by this Act and the regulations made thereunder.

43. If any question arises regarding the interpretation of any provision of this Act or of any regulations or bye-laws made thereunder, the matter may be referred for decision to the Government, if not less than three members of the Board so require. The decision of the Government shall be final. Interpretation in case of doubt.

44. All affiliated and autonomous diploma level institutions shall render such help and assistance to the Board as the Board may require to perform and discharge its duties and functions under this Act. Assistance from polytechnic and institution.

45. No suit, prosecution, or other legal proceedings shall lie against the Governing Council, the Board or the members of any officer or servant of the Governing Council or of the Board for anything which is in good faith done or purported or intended to be done in pursuance of the provisions of this Act or any regulations or bye-laws made thereunder. Protection of action taken in good faith.

46. All members, officers and employees of the Board shall, when acting or purporting to act in pursuance of any of the provisions of this Act, be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860 (Act 45 of 1860). Members, officers and employees of Board to be public servant.

47. (1) Every Committee of the existing Board shall, as soon as practicable, but within a period of six months from the date of commencement of this Act, be reconstituted in accordance with the provisions of this Act. Savings.

(2) All institutions affiliated to the existing Board immediately before the appointed day shall be deemed to be affiliated to the Board under this Act till their affiliation is withdrawn or reconsidered under the provisions of this Act.

(3) All the educational institutions which were entitled to any privileges of the existing Board shall be deemed to be entitled to similar privileges under the Board established under this Act.

(4) All benefactions accepted or received by the existing Board and held by it immediately before the appointed day, shall be deemed to have been accepted, received or held by the Board under this Act and the conditions on which such benefactions were accepted, received or held shall be deemed to be valid under this Act, notwithstanding that such conditions may be inconsistent with any of the provisions of this Act.

(5) All debts, liabilities and obligations incurred before the appointed day and lawfully subsisting against the existing Board shall be discharged and satisfied by the Board.

(6) Any will, deed or other document made before the appointed day, which contains any bequest, gift, term or trust in favour of existing Board shall, on and from the commencement of this Act, be construed as if the Board is named therein instead of the existing Board.

(7) All references to the existing Board in any enactment or other instruments issued under any enactment, shall be construed as references to the Board established under this Act.

(8) The appointment of examiners validly made under the orders and subsisting immediately before the appointed day shall be deemed to have been made under and for the purposes of this Act for the Board, and such examiners shall continue to hold office and discharge their duties and functions until fresh appointments are made under this Act.

(9) All notices and orders made or issued by any authority and orders, circulars of the existing Board shall, in so far as they are not inconsistent with the provisions of this Act, continue to be in force and be deemed to have been made or issued under this Act.

Powers to remove
difficulties.

48. (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order published in the Official Gazette, make provisions, not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for removing the difficulty.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before the House of the State Legislature.

M. S. SULLAR,
Secretary to Government Haryana,
Legislative Department.