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राँची, मंगलवार 4 मार्च, 2003

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संख्या-एल0जी0-9/2002-04/लेज0- झारखण्ड विधान मंडल द्वारा यथा पारित और राज्यपाल द्वारा दिनांक 26 फरवरी, 2003 को अनुमत झारखण्ड अधिविद्य परिषद् अधिनियम, 2002 (झारखण्ड अधिनियम 02, 2003) का निम्नांकित अंग्रेजी अनुवाद झारखण्ड राज्यपाल के प्राधिकार से इसके द्वारा प्रकाशित किया जाता है, जिसे भारतीय संविधान के अनुच्छेद 348 के खण्ड (3) के अधीन उक्त अधिनियम का अंग्रेजी भाषा में प्राधिकृत पाठ समझा जायगा :-

JHARKHAND ACADEMIC COUNCIL ACT, 2002

AN

ACT

TO ESTABLISH AN ACADEMIC COUNCIL IN THE STATE OF JHARKHAND

Whereas it is expedient to establish an Academic Council in the State of Jharkhand for holding and conducting examinations at the end of Intermediate education, Secondary education, Sanskrit education and madarsa education stage and for prescribing courses of studies for such examinations and for recommending for recognition of Intermediate Educational Institution, High Schools, Sanskrit Schools and Madarsa to the

State Government and generally for carrying out such other subjects or duties as may be considered necessary for purpose hereinafter appearing.

It is hereby enacted in the Fifty Third Year of the Republic of India as follows :-

CHAPTER-1

PRELIMINARY

1. Short title, extent and commencement -

- (1) This act may be called Jharkhand Academic Council Act, 2001
- (2) It shall extend to the whole of the State of Jharkhand
- (3) It shall come into force at once.

2. Definitions – In this act unless there is any thing repugnant in the subject or context,-

- (a) “Administrator” means the Administrator of the Council, when the Council is superseded or not constituted.
- (b) “Chairman” means the Chairman of the Council.
- (c) “Council” means the Jharkhand Academic Council, established under section-3.
- (d) “Examination Fund” means the Jharkhand Academic Council Fund established under section-17;
- (e) “High School” means a recognised school imparting instructions in Secondary Education.
- (f) “Intermediate Education” means education of (+2) standard imparted according to Intermediate syllabus and it includes (+2) or the post 10th standard or the pre degree (three years) standard education of two years duration.
- (g) “Madarsa” means an institution where there is arrangement for the study of Arabic, Persian and Islamic;
- (h) “Prescribed” means prescribed by rules made by the State Government under section-26 and for regulations made by the Council under section-27;
- (i) “Regulation” means a regulation made by the Council under section-27;
- (j) “Rules” means a rule made by the State Government under section-26;

- (k) “Sanskrit Vidyalay” means a recognised institution which imparts instructions in Sanskrit up to the Madhyama standard (of traditional or modern type)
- (l) “Secretary” means the Secretary to the Council.

CHAPTER-2

JHARKHAND ACADEMIC COUNCIL

3. Establishment and incorporating of Council

(1) There shall be established, by the State Government, a Council known by the name of the Jharkhand Academic Council, which shall be a body corporate with perpetual succession and a common seal and shall by that name sue and be sued. It will be an autonomous body.

(2) The Council shall have power to acquire and hold property, both movable and immovable and subject to the provisions of this Act and the rules made there under to transfer any property held by it and to contract and to do all other things necessary for the purpose of his Act.

4. Constitution of the Council

- (1) The council shall consist of
- (a) The Chairman,
 - (b) The Director, Secondary Education, Jharkhand, ex-officio;
 - (c) One representative from each of the Universities in Jharkhand established by law to be nominated by the State Government;

Provided that if there are more than two such Universities the State Government shall nominated one representative from each of two such Universities in such rotation as may be prescribed by rule;
 - (d) One scholar of Sanskrit, possessing at least fifteen years of teaching, or administrative experience to be nominated by State Government,
 - (e) One scholar of Arabic, Persian or Urdu possessing at least fifteen years of teaching or administrative experience to be nominated by State Government;

- (f) One Scholar Principal of 10+2 institution to be nominated by the State Government having at least five years experience,
- (2) (a) The State Government shall nominate for such period not exceeding the term specified in subsection (4) as it may think fit, not more than three persons to be members of the Council that they, in the opinion of the State Government, possess expert knowledge of examination system.
- (b) The State Government shall nominate one Chartered Accountant for a period of three years.
- (3) Subject to the provision of sub-section (2), the term of office of the Chairman and the members other than the ex-officio member, shall be for a period of three years at the pleasure of the Government from the date of the official notification.
- (4) A person who holds office as Chairman or Member shall, on the expiration of his term of office, shall be eligible for reappointment to that office for next three years, subject to maximum of two terms of office.

5. Vacancies in the Council not to invalidate acts or proceedings

No act or proceedings of the Council or of any committee of the Council shall be called in question on the ground merely of the existence of any vacancy in or defect in the constitution of the Council or committee as the case may be.

6. Conduct of Business

The Council shall by regulation, prescribe the procedure to be followed in regulating the conduct of business at meetings of the Council and of any committee constituted by the Council under this Act.

7. Functions and Power of the Council

(1) The Council shall

- (i) conduct following examinations
 - (a) Intermediate or 10+2 examination
 - (b) Secondary examination
 - (c) Madhyama examination (Sanskrit Examination)
 - (d) Madarsa examination, and

- (e) any other examination as assigned by the State Government from time to time.
 - (ii) generally formulate ways and means for the purposes of improving the machinery and system for the assessment of the attainments of students appearing in the examination as described in the preceeding sub-section.
- (2) In particular and without prejudice to the generality of the foregoing powers, the Council shall
- (a) in consultation with the committees of courses for different subjects, prepare lists of persons suitable for appointment as paper setter, moderators, examiners, tabulators, supervisors and invigilators for examination, and make such appointment;
 - (b) consider, moderate, determine and publish the results of examinations and award diplomas, certificates, prizes and scholarships in respect thereof;
 - (c) admit candidates to its examinations and may disqualify any candidate for appearing in such examinations for any reason which the Council considers fit;
 - (d) demand and receive such fees as may be prescribed by the Council from time to time
 - (e) fix centres for such examination;
 - (f) evolve improved methods of assessment of the attainments of candidates and carry out experiments in such method time to time;
 - (g) take such disciplinary action as it thinks fit against students, teachers and head of the institutions for reasons of misconduct and disobedience.
 - (h) arrange regular inspection of educational institutions with a view to ascertain that the prescribed academic and vocational standards are being maintained and report to the state Government for taking appropriate action;
 - (i) recommend to the State Government or to other appropriate authorities for recognition as well as withdrawal, cancellation or suspension of recognition of any High School, Intermediate Education Institution, madarsa and Sanskrit High School as per rule framed under this Act.

- (j) conduct such other examinations and perform such other duties as assigned by the State Government.

8. Committee of courses

- (1) There shall be committee of courses constituted by the Council for each group of subjects or for each subject;
- (2) The committee shall give its recommendations to the Council for the approval of the State Government on the following subjects;
 - (a) scheme and courses of study
 - (b) preparations of text books in accordance with the approved courses of study.
 - (c) improvement in methods of teaching and suggest latest technique; and
 - (d) other functions consistent with the purposes of this act as may from time to time be entrusted to it.

9. Enquiry into the working of Council

- (1) The State Government could depute an officer not below the rank of Special Secretary to the Government to inspect, examine and report the findings on any of the following matters :-
 - (i) the functioning of the Council
 - (ii) the functioning of any wing of the Council
 - (iii) the financial matters,
 - (iv) any departure and, or deviation in carrying out the provisions of the Act and rules framed therein, and
 - (v) such other matter as may be referred by the State Government
- (2) The council shall produce any record, correspondence, report, statement, account or statistics for the purpose of such inspections or examination as required by authorised inspecting officer so deputed for this purpose.

Provided that such records or documents shall not be asked for such examination or inspections which the Council may think be detrimental to the confidentiality of the examination.

- (3) The State Government, shall, after considering the report and recommendation, if any, issue such directions to the Council as

it may think fit and the Council shall comply with the directions,

- (4) Notwithstanding any thing contained in sub-sections (1) & (3) the State government, may from time to time issue such general or special directions to the Council as it think fit and Council shall comply with such directions.

10. Officers of the Council

The following shall be officers of the Council, namely,

- (i) The Chairman
- (ii) The Secretary
- (iii) such other officers as may be prescribed by the rules and regulations made under this act to be officers of the Council.

11. Appointment of the Chairman and his removal

- (1) The State Government, shall appoint the Chairman, who shall be a whole time officer of the Council.
- (2) The pay, allowances and other conditions of service of the Chairman shall be such as may be determine by the State Government.
- (3) The State Government may by notification remove the Chairman if he refuses to act or is unable to Act or if he acts in a manner which the State Government considers it prejudicial to the interest of the Council.

12. Vacancy in the office of Chairman

- (1) During the temporary absence of the Chairman by reason of leave, illness or any other cause or in case of vacancies in the office of Chairman, any other person appointed by the State Government, shall carry on the office of the Chairman.

13. Powers and duties of Chairman

- (1) It shall be the duty of the Chairman to see that this Act and the rules and regulations made thereunder are faithfully observed and he shall have all powers necessary for these purposes.
- (2) The Chairman shall have power to convene meetings of the council.
- (3) He shall sanction all contracts of works of confidential natures viz. printing of question paper and, or question cum answer booklets including delivery to its destination. He shall sign only

the confidential agreement for maintaining secrecy about the details of confidential printers and make payment there of.

- (4) In any emergency arising out of the administrative business of the Council, which, in the opinion of the Chairman, requires immediate action should be taken, the Chairman shall take such immediate action as he deems necessary, and shall thereafter report the action taken by him to the Council at its next meeting.
- (5) The Chairman shall exercise such other powers as may be prescribed by the rules made under this act.

14. Appointment of Secretary and his removal

- (1) The State Government shall appoint one of the officers possessing such qualifications on such terms and conditions and for such period as may be prescribed in the rules to be the wholetime Secretary of the Council.
- (2) The State Government may remove the Secretary, at any time, if he refuses to act or is unable to act or acts in a manner which the state Government considers prejudicial to the interest of the Council.

15. Powers and duties of the Secretary

- (1) The Secretary shall subject to the control of the Council, be the Administrative Officer of the Council and shall be responsible for the presentation of the annual estimates and statements of accounts.
- (2) Be responsible for seeing that all moneys are spent as provided in the budget of the Council.
- (3) Be responsible for keeping the minutes of the meeting of the Council.
- (4) Issue certificates in the prescribed form on behalf of the Council to successful candidates of having passed examination conducted by the Council and other forms of certification, where ever necessary.
- (5) Exercise such other powers as may be prescribed in rules and regulation made under this Act.

- (6) He shall be entitled to be present and to speak at any meeting of the Council, but shall not be entitled to vote there at.

16. power of supersede the Council

- (1) If in the opinion of the State Government of the Council is unable to perform the duties imposed upon it by or under the Act or has repeatedly failed in its performance or has not complied with the directions issued under sub section (4) of section-9 by the State Government or has acted beyond its power or has abused its power, the State Government could by notification in its official gazette supersede the council for such period which could be specified in the notification.
- (2) Upon the publication of the notification under sub-section-1 for the supersession of the Council
 - (a) the Chairman and all the members of the Council shall vacate their posts as such with effect from the date of supersession.
 - (b) all the power and duties to be exercised or performed by or on behalf of the Council under the provisions of the Act during the period of supersession shall be exercised or performed by Administrator duly appointed by the State Government, and
 - (c) all the properties vested in the Council during the period of supersession shall vest in the State Government.
- (3) On the expiry of the period of supersession specified in the notification issued under subsections (1), the State Government
 - (a) may extend the period of supersession for such further time as it may consider necessary but this period shall not be more than one year, or,
 - (b) may reconstitute the Council as provided in section-4
- (4) The State Government shall appoint Administrator, when the Council is not constituted under Section-4.

CHAPTER-3

JHARKHAND ACADEMIC COUNCIL FUND

17. Examination Fund

- (1) There shall be established a fund to be called the **Jharkhand Academic Council Fund**, which shall be vested in the Council for the purpose of this Act subject to the provisions there in contained.
- (2) There shall be placed to the credit of the Jharkhand Academic Council Fund.
 - (a) all money received by or on behalf of the Council including all fees payable and levied under any provisions of this Act and the rules and regulations made thereunder;
 - (b) all sums borrowed by the Council for the purposes of carrying out the provisions of this Act and the rules and regulation made thereunder; and
 - (c) all other sums received by the Council, not included in the preceeding clauses.
- (3) All sums received under sub-section-2 shall be kept in any nationalised Scheduled Indian Bank and shall be credited to an account to be called the account of the Jharkhand Academic Council.

18. Application of Examination Fund

- (1) The Examination Fund shall be applicable to the following objectives
 - (a) to the repayment of debts incurred by the Council for the purpose of this Act and the rules and regulations made thereunder;
 - (b) to the payment of the salaries, allowances and honorarium of the officers and the employees of the Council;
 - (c) to the payment of the travelling and other allowances to the members of the Council and different committees;
 - (d) to the payment of the District administration for conducting free, fair and peaceful examination;

- (e) to the honorarium given to the selected officers engaged in conducting the examination;
- (f) to the payment of expenses incurred over the jobs related to examinations and performing the functions entrusted to the Council under this Act and the rules and regulations made thereunder;
- (g) to the payment of the cost of audit of the Examination Fund;
- (h) to the expenses of any suit or proceedings to which the Council and/or Officers of the Council are/is party;
- (i) to the payment of expenses incurred over repair and maintenance of the building of the Council;
- (j) to meet the office expenses as well as rent for the office building;
- (k) to the payment of anyother expenses not specified in any of the preceeding clauses.

19. Audit of accounts of the Council

The account of the Council shall be subject to audit under the Bihar and Orissa Local Fund Audit Act, 1925 (B&O Act II of 1925), and for this purpose of the said Act, the Council shall be deemed to be a local authority whose accounts have been declared by the State Government to be subject to Audit under section-3 of the said Act and the Examination Fund shall be deemed to be a local fund.

Provided that expenses incurred over confidential jobs related to examination such as setting of question paper, moderating of question papers, printing of question papers or question cum answer booklets, delivery of questions papers or question cum answer booklets to its destination as well as processing of result etc. shall not be audited to maintain the secrecy about the details of confidential printers.

CHAPTER-4

EXAMINATIONS

20. Aims and objective of examinations

The examinations to be conducted by the Council shall aim at testing the training of the candidates as useful citizens of the Indian Union,

their qualifications and preparedness for absorption in different vocations or services and their suitability of the receiving University Education. The objective of the examination shall be to evaluate the attainments of the students at the end of his study in Secondary, Intermediate, madarsa and Madhyama level.

21. Intermediate or 10+2 Examination

A student registered with the Council may be admitted to the final examination to be called Intermediate or 10+2 examination in the faculty and subject with which he has been registered and in which he has qualified for appearing at the examination, on payment of prescribed fee.

22. Secondary Examination

The Council shall conduct an examination to be called the Secondary examination at which may be allowed to appear all such candidates as shall have completed the prescribed courses of study taught at secondary stage in High Schools as well as registered with the Council.

23. Sanskrit Examination

A student registered with the Council may be allowed to appear at the examination to be called Madhyama Examination, if he shall have completed the prescribed courses of study taught in Sanskrit Vidyalaya.

24. Madarsa Examination

The Council shall conduct examinations for those students who shall be registered with the Council and shall have completed the courses of study to be taught at Madarsa.

CHAPTER -5

SERVICE STATUTES

25. General Condition of Service

The service conditions of the employees of the Council will be laid down in the regulation made under this Act, which will be framed within one year for the date of enforcement of this Act.

CHAPTER - 6
MISCELLANEOUS

26. Power of State Government to make rules

- (1) The State Government may by notification, and after previous publication, make rules for carrying out the purposes and object of this Act.
- (2) In particular and without prejudice to the generality of the foregoing power, the State Government may make rules for the followings
 - (a) Prescribing the powers to be exercised by the Chairman under sub-section-5 of the section-13;
 - (b) Prescribing the qualifications of the Secretary to the council and terms and condition on which he may be appointed;
 - (c) Prescribing the academic and vocational standards for examinations;
 - (d) Prescribing the instructions to be given to the authority responsible for preparing the text book for the preparation of text books;
 - (e) Prescribing the other examinations to be conducted by the Council and the duties to be performed by it, other than the duties specified in section-7
 - (f) Declaring officers to be officers of the Council under clause- (iii) of section-10 and
 - (g) for any other matter for which there is no clear provision or insufficient provision in this Act and for which provision is, in the opinion of the State Government, necessary for giving effect to the purposes of this Act.

27. Power of Council to make regulations

The Council may, after previous publication and subject to confirmation by the State Government, make regulations consistent with this Act and the rules made there under to provided for all or any of the following matters, namely-

- (a) the procedure to be followed in regulating the conduct of business at meetings of Council and committees constituted by it under the Act;
- (b) the conditions under which students shall be admitted to the examination of the Council;
- (c) the fees to be charged for admission to the examination of the Council;
- (d) the conditions and mode of appointment and duties of examiners and the conduct of examinations;
- (e) the powers to be exercised by the Secretary under sub-section-5 of section-15;
- (f) the service code and conduct rules for the employees of the Council; and
- (g) all the matters which by this Act or the rules made thereunder are to be or may be provided by regulations.

28. Bar on jurisdiction of Court -

- (1) No court or authority or forum shall have jurisdiction to entertain any complain or objection relating to any orders or judgment given by Council or its officers or its committees under this Act and no injunction in respect of any action taken or to be taken by the Council or its officers or its committees, shall be entertained by any court or authorities or forum.
- (2) No prosecution, suit or other proceedings shall lie against any officers of the Council for any thing done or intended to be done in good faith under this Act.

29. Savings

Until such time as the State Government makes rules and the council makes regulations under the appropriate provision of this Act within a maximum period of one year, any rule and regulation made under the Bihar Intermediate Education Council Act, 1992 (Bihar Act 26 of 1992), Bihar School Examination Act, 1952 (Bihar Board Act 7 of 1952) adapted as Jharkhand Secondary Examination Board Act, 2000, Bihar Sanskrit Education Board Act 1981 (Bihar Act 31 of 1982) and Bihar Madarsa Education Board Act 1981 (Bihar Act 32 of 1982) which were in force immediately before the said act ceased to be in force, shall continue to be in force subject to such modifications and adaptations, if any, as may be made there in by the competent authority and shall be deemed to be rules and regulations made under the corresponding provisions of this Act.

30. Repeal and Savings

- (1) The Bihar Intermediate Education Council Act, 1992 (Bihar Act 26 of 1992), Bihar School Examination Board Act, 1952 (Bihar Act 7 of 1952) (adapted as Jharkhand Secondary Examination Board Act, 2000). Bihar Sanskrit Education Board Act, 1981 (Bihar Act 31 of 1982) and Bihar Board of Madarsa Education Board Act-1981 (Bihar Act 1982) are hereby repealed.
- (2) Notwithstanding such repeal any thing done or any action taken in exercise of any power conferred by or under the said Act shall be deemed to have been done or taken in the exercise of power conferred by or under this Act, as if this Act were in force on the day on which such things or action was done or taken.

By order of the Governor of Jharkhand
Prashant Kumar,
Secretary-cum-Legal Remembrancer,
Law (Legislative) Department
Jharkhand, Ranchi