

**THE PUDUCHERRY BOARD OF SECONDARY AND HIGHER SECONDARY
EDUCATION ACT, 2003**

(Act No. 8 of 2004)

ARRANGEMENT OF SECTIONS

SECTION

CHAPTER - I

1. Short title, extent and commencement
2. Definitions

CHAPTER - II

3. Establishment and incorporation of the Board
4. Jurisdiction
5. Aims of the Board
6. Powers and duties of the Board

CHAPTER – III

7. Officers of the Board
8. Chairman and Vice-Chairman of the Board
9. Powers and duties of the Chairman
10. Appointment, duties and powers of Secretary, Under Secretary and Assistant Secretary
11. Appointment of other officers and servants of the Board

CHAPTER – IV

12. Authorities of Board
13. Board
14. Term of office and allowances of members of Board
15. Disqualification of Chairman, Vice-Chairman and members
16. Resignation of members
17. Removal of Chairman, Vice-Chairman and member
18. Vacancy of Chairman, Vice-Chairman or member
19. Casual vacancies
20. Acts and proceedings
21. Meetings of the Board
22. Power to invite experts and officers at meetings
23. The Executive Council
24. Duties and functions of the Executive Council
25. The Academic Council
26. Duties and functions of the Academic Council

- 27. The Finance Committee
- 28. Duties and functions of the Finance Committee
- 29. The Examination Committee
- 30. Duties and functions of the Examination Committee
- 31. The Affiliation Committee
- 32. Duties and functions of the Affiliation Committee
- 33. Board or Boards of Studies
- 34. Duties and functions of Board of Studies
- 35. Other Board authorities and committees

CHAPTER – V

Finance, Annual Accounts and Annual Report

- 36. Board's Fund, custody and investment
- 37. Procedure for withdrawal of Board's Fund
- 38. Annual Accounts and Financial Estimates
- 39. Annual Report

CHAPTER – VI

Miscellaneous Provisions

- 40. Submission of students by affiliated institutions or otherwise for examinations to be conducted by the Board
 - 41. Conditions of service
 - 42. Acting Chairman of the meetings
 - 43. Question regarding interpretation and disputes regarding Constitution of Board's authority or body, etc
 - 44. Protection of acts and orders
 - 45. Power of Government to make rules
 - 46. Power to make regulations
 - 47. First Regulations
 - 48. Information, returns, etc., to be provided by the Board
 - 49. Powers of Government to issue directions
 - 50. Transitional provisions
 - 51. Government's interpretation to be final
-

**THE PUDUCHERRY BOARD OF SECONDARY AND HIGHER SECONDARY
EDUCATION ACT, 2003**

(Act No. 8 of 2004)

(01-12-2004)

AN

ACT

to establish a Board of Secondary and Higher Secondary Education and matters connected therewith.

BE it enacted by the Legislative Assembly of Puducherry in the Fifty-fourth Year of the Republic of India as follows:-

CHAPTER - I
Short title, extent and commencement

1. (1) This Act may be called the Puducherry Board of Secondary and Higher Secondary Education Act, 2003.

(2) It extends to the whole of the Union territory of Puducherry.

† (3) This section shall come into force at once; and the remaining provisions of this Act shall come into force on such dates as the Government may, by notification appoint; and different dates may be appointed for different provisions of this Act and reference to the provision thereof shall be construed as a reference to the date on which that provision comes into force.

Definitions

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

(1) "Affiliation" means formal enrolment of a school into the list of approved schools of the Board for the purpose of admission to the privileges of the Board including its examination;

(2) "Appointed day" means the date or dates on which the remaining provisions of the Act are brought into force under sub-section (3) of section 1;

(3) "Board" means the Board established under the Act;

(4) "Chairman of the Board" means the person appointed as Chairman of the Board constituted under the Act;

† The provisions of section 2 to 49 and 51 of the Act came into force with effect from 01-05-2006 vide Notification published in the Gazette of Puducherry No.6 dated 07-02-2006

(5) "Director of School Education" means the Director of School Education, Puducherry and includes any other officer authorised by him to perform all or any of the functions of the Director under this Act;

(6) "Directorate of School Education" means Directorate of School Education, Government of Puducherry;

(7) "Final examination" means the Secondary School Leaving Examination or the Higher Secondary Course Certificate Examination or such other examinations as may be conducted or caused to be conducted by the Board;

(8) "Government" means the Administrator or the Union Territory of Puducherry appointed by the President of India under article 239 of the Constitution;

(9) "Headmaster" means the person incharge of the academic administration of a high school affiliated to the Board as such;

(10) "Higher Secondary Education" means such general, technical, vocational or special education (including any combined course thereof) which is designed to meet the educational needs of the period of adolescence and which follows, immediately the secondary education and precedes immediately the stage of education controlled by the University leading to grant of Bachelor's Degree but does not include such technical education as immediately follows secondary education, and affiliated to such educational authorities as are dealing exclusively with technical education and leading to grant of diplomas;

(11) "High School" means a school affiliated as such to the Board under clause (1) of section 6;

(12) "Higher Secondary School" means a school affiliated as such to the Board under clause (1) of section 6;

(13) "Institution" means an academic institution imparting secondary or higher secondary education or such other courses of education as are approved or dealt by the Board;

(14) "Prescribed" means prescribed by rules and regulations made under this Act;

(15) "Primary education" means education imparted in a primary school recognised as such by the Government;

(16) "Principal" means the person incharge of the academic administration of a higher secondary school affiliated to the Board as such;

(17) "Regulation" means regulation made by the Government under section 47 and by the Board under section 46 of the Act;

(18) "Secondary education" means such general, technical, vocational or special education (including any combined courses thereof) which is designed to meet the educational needs of the period of adolescence and which follows, immediately the primary education and precedes immediately higher secondary education;

(19) "Teacher" means a member of the teaching staff other than the Headmaster of a high school or Principal of a higher secondary school affiliated as such to the Board;

(20) "Territory" means the Union Territory of Puducherry;

(21) "Text-book" in relation to an examination under this Act means any book recommended or otherwise sanctioned by the Board for use in that examination.

CHAPTER - II

Establishment and incorporation of the Board

3. (1) The Government shall by notification in the Official Gazette, establish a Board for the territory by the name of "the Puducherry Board of Secondary and Higher Secondary Education"

(2) The Board shall be a body corporate by the name mentioned in sub-section (1) and shall have a perpetual succession and a common seal, and shall have power to acquire, hold and dispose of property and to enter into contracts, and may by the said name *sue* and be *sued*.

(3) The Board shall be open to persons of either sex and of whatever race, creed, caste or class and it shall not be lawful for the Board to adopt or impose on any person, any test whatsoever of religious belief or profession in order to entitle him to be admitted to its privileges, as a teacher or student or to hold any office therein, or to receive certificate thereof:

Provided that nothing in this section shall be deemed to prevent the Board from making special provisions for weaker sections of the people and, in particular, of the Scheduled Castes and Scheduled Tribes.

(4) French nationals of Indian origin who have been permitted long-term residence in the Territory under the provisions of Treaty of Cession shall also be eligible for admission to the privileges of the Board.

Explanation.- Treaty of Cession has the meaning assigned to it in the Puducherry (Administration) Act, 1962 (Central Act 49 of 1962).

Jurisdiction

4. (1) The jurisdiction of the Board shall extend to the whole of Union territory of Puducherry.

(2) Any institution admitted to the privileges of the Board shall cease to be associated with, or be admitted to the privileges of, any other Board.

(3) No institution situated within the local limits of the jurisdiction of the Board, but not admitted to its privileges shall be associated with, or be admitted to the privileges of, any other Board except with the previous approval of the Government.

Aims of the Board

5. The aims of the Board shall be to provide secondary and higher secondary and such other courses of education as it may deem necessary to provide and, for this purpose grant affiliation to the required number of such schools in the territory; to pay special attention to the improvement of the secondary and higher secondary education and such other courses of education as it may deem necessary to do, so that it meets the required needs and standards of economic and social development; to provide adequate facilities for educational and professional advancement of socially and educationally backward communities; to take such steps and such measures as may lead to intellectual, academic, physical and cultural development of the youth.

Powers and duties of the Board

6. Subject to conditions as may be prescribed and subject to such directions as may be issued by the Government from time to time, the Board shall have the following powers and perform the following duties, namely:-

(1) to grant and withdraw affiliation to the secondary and higher secondary schools, and such other institutions;

(2) to advise the Government on matters of policy relating to secondary and higher secondary education in general and on the following matters in particular :-

(a) ensuring a uniform pattern of education;

(b) maintenance of a uniform standard of education in secondary and higher secondary schools;

(c) co-ordination between the national policies and the policies of the Territory in respect of secondary and higher secondary education;

(d) co-ordination between primary, secondary, higher secondary and university education;

(3) to lay down guiding principles regarding curricula and syllabi for the entire secondary and higher secondary and such other courses as it may deem fit and to prescribe courses of instruction and to prepare the detailed syllabi for all standards of secondary and higher secondary education and such other courses as it may deem fit;

(4) to promote learning through French medium of instruction and take all necessary action in this regard;

(5) to formulate general principles for recommending text-books for sanction by the Board, and to sanction such text-books subject to such conditions, as it may deem fit to impose;

(6) to advise the Government in standard requirements in respect of staff, buildings, furniture, equipments, stationery and other amenities required for secondary and higher secondary schools and such other institutions;

(7) to prescribe and prepare text-books for all standards of secondary and higher secondary education;

(8) to conduct or caused to be conducted final examinations as the Board may deem fit, based on such courses as may be prescribed;

(9) to prescribe conditions for admission of regular and private candidates to the final examinations and such other examinations as may be conducted or caused to be conducted by the Board;

(10) to demand and receive payment of fees and other charges as may be prescribed from time to time;

(11) to grant, subject to such conditions as the Board may determine, diplomas or certificates to, and confer other academic distinctions on the basis of examinations, evaluation or any other method of testing, on persons and to withdraw any such diplomas, certificates or other academic distinctions for good and sufficient cause;

(12) to institute and award scholarships, stipends, medals, prizes and other rewards and to prescribe conditions therefor and prepare a list of eligible candidates according to merit for this purpose;

(13) to receive bequests, donations, endowments, trusts and other transfers of any property or interest therein, or right thereto;

(14) to hold any property, interest or right referred to in clause (13) above, and to manage and deal with the same;

(15) to apply for and receive grants;

(16) to appoint paper-setters, translators, examiners, moderators, supervisors, evaluators, invigilators and other necessary personnel for conducting final examinations in the Territory or such other examinations as may be conducted final examinations in the Territory or such other examinations as may be conducted by the Board, for evaluation of candidates' performance and for compiling and release of results and also to consider disqualification of all such categories of persons on the recommendation of Examination Committee and Executive Council;

(17) to open centers for the final examinations or such other examinations as are conducted or caused to be conducted by it;

(18) to declare the results of the candidates at the final examinations or such other examinations as are conducted or caused to be conducted by it;

(19) to regulate and enforce discipline among the employees of the Board and candidates appearing at the various examinations conducted or caused to be conducted by it;

(20) to lay down procedures to deal with cases of use of unfair means in the examinations and to prescribe penalties in such cases;

(21) to generally evaluate performance of students in all examinations in secondary and higher secondary schools including the final examinations and such other examinations conducted by it and make, from time to time, necessary recommendations in respect of the same to the Government;

(22) to lay down the manner in which affiliation would be granted to or withdrawn from institutions;

(23) to call for any information from secondary and higher secondary schools and to call for special reports and information from the Director of School Education generally and in particular in the matter of withdrawal of affiliation in cases of secondary schools and higher secondary schools which show poor academic results or commit grave or persistent academic or financial irregularities;

(24) to require institutions affiliated to it and the Department of Education to extend their co-operation in the conduct of final examinations or such other examinations as may be conducted or caused to be conducted by it;

(25) to recommend measures to promote intellectual, physical, moral and social welfare of students in the institutions affiliated to it and to lay down conditions of their residence, health and discipline;

(26) to make arrangements for promoting the health and general welfare of its employees;

(27) to appoint officers and servants of the Board, other than Chairman, Secretary, Under Secretary or Assistant Secretary, in its office and to regulate terms and conditions of their service;

(28) to constitute provident fund for the benefit of the officers and servants of the Board;

(29) to prepare and approve the annual financial statement;

(30) to conduct statistical and other research for the purpose of evaluation and reform of the curricular instruction and examination system;

(31) to appoint such committees as it may think necessary for the efficient discharge of its functions under this Act;

(32) to make regulations for the purpose of carrying into effect the provisions of this Act;

(33) to exercise such other powers and perform such other duties as may be conferred or imposed by or under this Act;

(34) to publish reports, papers, journals, bulletins, etc. giving information of the activities of the Board;

(35) to make special arrangements in respect of women students as the Board may consider desirable;

(36) to do all such acts and things as may be necessary to carry out the purposes of this Act.

CHAPTER – III

Officers of the Board

7. The following shall be the Officers of the Board:-

- (i) Chairman of the Board;
- (ii) the Secretary, Under Secretary and Assistant Secretary of the Board;
and
- (iii) such other Officers in the service of the Board, as may be declared by the regulations to be the Officers of the Board.

Chairman and Vice-Chairman of the Board

8. (1) The Chairman of the Board shall be appointed by the Government by a notification published in the official gazette.

(2) The Chairman shall possess a minimum educational qualification of a Master's Degree from a recognized University, with teaching and/or administrative experience of not less than fifteen years in a responsible position of which at least five years shall be in the rank of a Professor of a University or equivalent or in the rank of a Joint Secretary to Government of India or equivalent. The qualifications may, however, be relaxed by the Government in the case of exceptionally meritorious cases otherwise.

(3) The Chairman of the Board shall, subject to any terms and conditions in his contract of service, hold office for a term of four years from the date on which he enters upon his office:

Provided that notwithstanding the expiry of the said period of four years, he shall continue in office until his successor is appointed and enters upon his office.

(4) The Government may, from time to time, extend the term of Office of the Chairman of the Board:

Provided that the term shall not exceed in the aggregate a period of eight years.

(5) No person shall hold or continue to hold the Office of the Chairman of the Board after he completes the age of sixty-five years.

(6) The Chairman of the Board shall be a servant of the Government and shall draw his salaries and allowances from the funds of the Government. The salaries and allowances and other conditions of service of the Chairman of the Board shall be such as may be prescribed by the Government.

(7) The Government shall appoint a Vice-Chairman from amongst the members of the Board, to exercise the powers and duties of the Chairman in his absence.

(8) If the Office of the Chairman becomes vacant due to death, resignation, removal or otherwise, or if he is unable to perform his duties owing to absence, illness or any other cause, the Vice-Chairman shall attend to the duties of Chairman and in his absence, the Government shall nominate from among the members of the Board a person to perform the duties of the Chairman until a new Chairman assumes office or until the existing Chairman attends to the duties of his office, as the case may be:

Provided that the Government shall necessarily appoint a Chairman if the period of absence of the incumbent Chairman is for more than one month or for such other period as the Government may decide in this regard.

Powers and duties of the Chairman

9. (1) The Chairman of the Board shall be the principal academic and controlling officer of the Board and shall preside over the meetings of the Board and any convocation of the Board. He shall be the ex-officio member and the Chairman of the Executive Council, the Academic Council, the Examination Committee, the Finance Committee, the Affiliation Committee and any other committees which the Board may constitute and deem it necessary for him to chair.

(2) He shall be entitled to be present with the right to speak, at any meeting of any authority or body of the Board, but shall not be entitled to vote unless he is a member of that authority or body.

(3) The Chairman of the Board shall have the power to convene meetings of the Board, the Executive Council, the Academic Council, the Examination Committee, the Affiliation Committee and any other body or Committee of the Board. He may delegate, by a regulation, this power to any other officer of the Board.

(4) It shall be the duty of the Chairman of the Board to ensure that the regulations made are faithfully observed and he shall have all powers necessary for this purpose.

(5) If there are reasonable grounds for the Chairman of the Board to believe that there is an emergency which requires immediate action to be taken, he shall take such action as he deems necessary and shall at the earliest opportunity thereafter, report his action to the said authority or body which would have in the ordinary course dealt with the matter. In the event of a dispute arising between the Chairman of the Board and the authority or body as to whether there was an emergency, the matter shall be referred to the Board, the decision of which shall be final.

(6) The Chairman of the Board shall be responsible for the administration of the affairs of the Board in accordance with the regulations made and shall give effect to the decisions of the Executive Council and other authorities or bodies of the Board which are not inconsistent with this Act.

(7) It shall be lawful for the Chairman of the Board, as the principal Executive Officer, to regulate the work and conduct of the officers and members of the administrative and ministerial staff of the Board in accordance with the provisions of this Act and rules and regulations made thereunder.

(8) Where any matter is required to be regulated by a Regulation, the Chairman of the Board may for the time being regulate the matter by issuing such directives as he thinks necessary, and shall at the earliest opportunity thereafter, place them before the Executive Council or other authority or body concerned for approval.

(9) The Chairman of the Board shall exercise such other powers as may be prescribed.

Appointment, duties and powers of Secretary, Under Secretary and Assistant Secretary

10. (1) The Secretary of the Board shall be a whole time salaried officer of the Board. He shall be appointed by the Government. His emoluments and terms and conditions of service shall be as may be prescribed. The Secretary shall possess a minimum educational qualification of a second class Master's Degree from a recognized University. He shall preferably have a teaching and/or administrative experience of not less than ten years.

(2) Next to the Chairman of the Board, the Secretary of the Board shall maintain control and discipline over all the employees of the Board.

(3) The Secretary shall act as Secretary of the Board, the Executive Council, the Academic Council, the Examination Committee, the Finance Committee, the Affiliation Committee and all such other committees of the Board which the Board may desire him to do so, but he shall not be entitled to vote.

(4) Subject to the control of the Executive Council, the Secretary shall have the power to enter into agreements, sign documents and authenticate records on behalf of the Board.

(5) He shall be the custodian of the records, the Common Seal and such other properties of the Board as the Executive Council may commit to his charge.

(6) He shall keep the minutes of all meetings of the Board, the Executive Council, the Academic Council, the Examination Committee, the Affiliation Committee and all such other committees and bodies where he may be permitted to act as the Secretary by the Chairman of the Board.

(7) The Secretary shall ensure, in accordance with the directions of the Chairman of the Board, and wherever necessary in consultation with the Examination Committee, the proper organisation and conduct of final examinations and such other tests and examinations as may be conducted by the Board and declaration of results thereof.

(8) The Secretary shall exercise such other powers and perform such other duties as may be prescribed or are required from time to time by the Executive Committee or the Chairman of the Board.

(9) The Government may appoint one or more Under Secretaries and Assistant Secretaries for the Board on the recommendation of the Board. Such Under Secretaries and Assistant Secretaries shall exercise such powers and perform such duties as may be assigned to them by the Secretary under the general or special orders of the Board.

(10) When the Office of the Secretary of the Board falls vacant or when Secretary is, by reason of illness, or absence or any other cause, unable to perform the duties of his office, such duties shall be performed by such person as the Chairman of the Board may appoint for the purpose from among the Under Secretaries. The Secretary, Under Secretaries and Assistant Secretaries appointed under this Act, shall be the servants of the Government and shall draw their salaries and allowances from the Consolidated Fund of the Union Territory. The salaries and allowances of these officers shall be such as may be prescribed by the Government.

Appointment of other officers and servants of the Board

11.(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) The salaries and allowances and other terms and conditions of service of the officers and other servants appointed by the Board under sub-section (1) shall be such as may be determined by it by regulations made under this Act.

CHAPTER – IV

Authorities of Board

12.(1) The following shall be the Authorities of Board, namely:-

- (a) the Board;
- (b) the Executive Council;
- (c) the Academic Council;
- (d) the Finance Committee;
- (e) the Examination Committee;
- (f) the Affiliation Committee;
- (g) the Board or Boards of Studies; and
- (h) such other bodies of the Board as may be declared by the regulations of the Board to be authorities of the Board.

(2) The Board may appoint such other committees as it thinks necessary for the efficient performance of its functions.

(3) The Constitution of every committee appointed by the Board, the term of office of its members, the duties and functions to be discharged by it, shall be such as may be laid down by regulations made in this behalf.

Board

13.(1) The Board shall be the principal authority for all financial estimates and budgetary appropriations and shall consist of the Chairman and Vice-Chairman of the Board appointed by the Government under section 8, and of the following, namely:-

(i) Ex-officio Members:

- (a) The Director of School Education.
- (b) The Joint Director of Education (Higher Secondary)
- (c) The Deputy Director of Education (Elementary).
- (d) The Additional Director of Technical Education, Puducherry.
- (e) A nominee of the Finance Department, Puducherry.
- (f) The Head of the State Training Centre, Puducherry.

(ii) Nominated Members:

- (a) Principal of a higher secondary school.
- (b) Headmaster of a high school.
- (c) A teacher engaged in teaching at the level of higher secondary education.
- (d) A teacher engaged in teaching at the level of Secondary education.
- (e) A teacher engaged in teaching at the level of elementary education.
- (f) Principal of a private matriculation school.
- (g) Two representatives on academic side of the Puducherry University nominated by the Vice-Chancellor of the said University.
- (h) Five eminent educationists nominated by the government.
- (i) A nominee of the National Council of Education, Research and Training to be nominated by the Head of such organisation.
- (j) A nominee of the National Council for Teacher Education to be nominated by the Head of such organisation.
- (k) A college teacher with proven academic record.
- (l) One member representing Fine Arts:

Provided that, a person shall cease to hold office as a member of the Board if he ceases to be in the employ of the Puducherry University or the State Training Centre located in the Territory or, National Council of Education Research and Training or National Council for Teacher Education or to be a Principal or Headmaster or teacher of a secondary school or higher secondary school or elementary school as the case may be or, in the management of privately managed secondary/higher secondary school or matriculation school, as the case may be.

(2) The name of persons, not being the 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.

(3) No employee of the Board shall be eligible to be nominated to the Board.

(4) No person shall be nominated as member of the Board or continue to be such member for more than two consecutive terms.

(5) When a person ceases to be a member of the Board he shall automatically cease to be a member of any council/committee of the Board to which he has been appointed by the Board.

Term of office and allowances of members of Board

14. (1) The members nominated under section 13 shall hold office for a term of four years from the date on which the names are published in the official gazette:

Provided that, the term of office of the outgoing members shall extend to and expire, on the date immediately preceding the date on which the names of their successors are published in the official gazette.

(2) As near as may be one-fourth of the members nominated under section 13 shall retire at the end of each year after the first year in the manner to be prescribed.

(3) When the term of office of a member, other than an ex-officio member, expires, the vacancy so arising shall be filled as soon as may be, and to this end all necessary steps be taken by the Chairman of the Board within three months before expiry of the term of office of the said member.

(4) Members shall be entitled to such allowances as are determined by the regulations made by the Board.

Disqualification of Chairman, Vice-Chairman and members

15.(1) A person shall be disqualified whether appointed, nominated or designated as, or from continuing as a Chairman, Vice-Chairman or a member of the Board or of any Committee appointed under this Act, -

(a) if he directly or indirectly by himself or his partner has or had any share or interest in any text-book published:

Provided that a person who had any share or interest in the text-book concerned shall not be deemed to have incurred disqualification under this clause if five years had lapsed from the date of publication of such book;

(b) if he directly or indirectly by himself or his partner, has any share or interest in any work done by the order of, or any contract entered into on behalf of the Board;

(c) if he is an undischarged insolvent;

(d) if he is adjudged to be of unsound mind by a competent authority; or

(e) if he is a person against whom an order of removal from office has been made by the Government by specific proven charges involving moral turpitude or disgraceful conduct or action detrimental to the interest of the Board:

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

Explanation.- For the purpose of clause (a) –

- (i) the publication of text-book includes its republication;
- (ii) a person shall be deemed to have incurred disqualification by reason of his having any share or interest in the business of the publisher of such text-book.

(2) All cases of disqualification of incumbent Chairman, Vice-Chairman or members of the Board will have to be necessarily approved by the Board which may for the purpose, make such enquiry as it may deem fit. In the event of such approval being granted by the Board, in the case of incumbent member, he shall stand disqualified and removed from the office; and in the event of such approval being granted by the Board in the case of incumbent Chairman or Vice-Chairman, the Government shall remove from office on the recommendation of the Board:

Provided that, no such approval shall be given by the Board unless the incumbent Chairman, Vice-Chairman or member to whom it relates has been given a reasonable opportunity of showing cause why such disqualification should not be effected:

Provided further that when the Board considers the disqualification of any incumbent member, Vice-Chairman or Chairman, he shall not have any right to vote during such discussions and in the case of discussions regarding the disqualification of incumbent Chairman, he shall not chair the meeting and the post of the Chairman for the limited purpose of presiding over such meetings shall be filled up by the Government in accordance with the procedure laid down under sub-section (8) of section 8 of this Act.

Resignation of members

16. (1) A member of the Board not being an ex-officio member, may, resign his office at any time by tendering his resignation in writing to the Chairman of the Board, and such member shall be deemed to have vacated his office as soon as the Chairman has accepted his resignation.

(2) The name of any member whose resignation has been accepted by the Chairman under sub-section (1) shall be published by the Board in the official gazette.

Removal of Chairman, Vice-Chairman and member

17.(1) A person appointed to the post of Chairman shall, subject to the provisions contained in section 15, ordinarily hold office for the entire period of his tenure unless removed from office by the Government on specific proven charges involving moral turpitude or disgraceful conduct or actions detrimental to the interest of the Board.

(2) The Government may, on the recommendation of the Board and after making such further enquiry as it may think fit to make, remove the Vice-Chairman or any member of the Board or of any committee/council appointed from office, if such member has been convicted of an offence involving moral turpitude or has been guilty of any disgraceful conduct which in the opinion of the Board renders him unfit to be continued as a member or has acted in any manner detrimental to the aims and objectives of the Board.

(3) No such removal or recommendation for removal as contained in sub-sections (1) and (2) aforesaid shall be made unless the Chairman/vice-Chairman/member to whom it relates, has been given a reasonable opportunity of showing cause why such removal/recommendation for removal should not be made.

(4) The name of any Chairman/Vice-Chairman/member who has been removed from office under sub-sections (1) and (2) shall be published by the Board in the official gazette.

Vacancy of Chairman, Vice-Chairman or member

18.(1) If the Chairman or a member of the Board or any committee/ council appointed under this act, becomes, disqualified under section 15, his office shall become vacant.

(2) If the resignation tendered by the Chairman, Vice-Chairman or a member of the Board or of any committee/council appointed is accepted by the Government or the Chairman as the case may be, his office shall become vacant.

(3) If the Chairman, Vice-Chairman or a member of the Board or of any committee/council appointed is removed, his office shall become vacant.

(4) If a member nominated or designated by the Board remains absent without the permission of the Board from three consecutive meetings thereof, his office shall thereupon become vacant; and all such vacancies shall be notified by the Board in the official gazette.

(5) If any question arises as to whether the Office of the Chairman, Vice-Chairman or the member has become vacant under sub-sections (1) to (4) above, the question shall be referred to the Government and its decision in the matter shall be final.

Casual vacancies

19. Every casual vacancy among the members of the Board or any committee or council constituted under this Act, shall be filled up as soon as may be, by nomination or designation as the case may be, and the person nominated or designated under the casual vacancy shall hold office so long as the member in whose place he has been nominated or designated would have held it if the vacancy had not occurred.

Acts and proceedings

20. No Act or proceeding of the Board or the Executive Council or the Academic Council or any other authority or committee of the Board, shall at any time, be deemed invalid on the ground only that it is not duly constituted or that there is a defect in its constitution or that there is a vacancy in the membership thereof, and the validity of such act or proceedings shall not be questioned in any Court or before any authority merely on any such ground.

Meetings of the Board

21.(1) The Board shall, on a date to be fixed by the Chairman of the Board, meet not less than three times in every year, and not more than four months shall ordinarily intervene between two such consecutive meetings.

(2) The Chairman of the Board,-

- (a) if he thinks fit, may, and
- (b) upon a requisition in writing signed by not less than one-third of the total number of members of the Board, shall,

convene a special meeting of the Board, after giving a notice of seven days in the case of clause (a) and on a date not later than 21 days from the date of receipt of the request by the Chairman in the case of clause (b).

Power to invite experts and officers at meetings

22.(1) The Board may invite any person who in its opinion is an expert in some field of education or any official of the Government not below the rank of a Deputy Director or equivalent or any person who because of his knowledge or experience in some specific area, may, in the opinion of the Board, rendered valuable assistance in decision making, to attend its meeting or any meeting of its committees, if a subject with which the expert or the officer or such person is concerned with, is likely to come up or comes for discussion or consideration at such meetings.

(2) The experts, officers and persons invited under sub-section (1) to the meetings of the Board or its committees shall have no power to vote.

The Executive Council

23.(1) The Executive Council shall be the executive authority of the Board and shall consist of the following:-

- (i) the Chairman of the Board as the ex-officio Chairman,
- (ii) the Director of School Education,
- (iii) two members to be nominated by the Chairman of the Board from amongst the ex-officio members referred to in clause (i) of sub-section (1) of section 13,
- (iv) two members to be nominated by the Chairman of the Board from amongst the nominated members referred to in clause (ii) of sub-section (1) of section 13.

(2) The term of office of the nominated members shall be four years.

(3) If a member other than an ex-officio member nominated to the Executive Council remains absent without permission of the Council for three consecutive meetings thereof, his office shall be deemed to have been vacated.

Duties and functions of the Executive Council

24. (1) Subject to the provisions of this Act and the rules made thereunder, the Executive Council shall have the following duties and functions, namely:-

- (i) to determine the form, provide for the custody and regulate the use of the Common Seal of the Board;
- (ii) to transfer and accept transfer, hold, control, administer and deal with any property, movable or immovable and funds of the Board, and to enter into contract on behalf of the Board provided that no transfer of movable or immovable property shall be made without the previous sanction of the Board;
- (iii) to apply for and receive grants;
- (iv) to manage and regulate the finances, accounts and investments of the Board;

- (v) to invest, subject to the provisions of this order any money belonging to the Board, including any unapplied income, in any of the securities as may be prescribed or in the purchase of immovable property within India, or to place in fixed or call deposits in any Scheduled Bank, any portion of such money not required for immediate expenditure;
- (vi) to charge and collect such fees as may be prescribed by the rules and regulations framed hereunder;
- (vii) to accept, receive, hold, control, administer and deal with any funds, donations, endowments and other transfers of any property or interest therein or right thereto placed at the disposal of the Board for specific purpose;
- (viii) to consider the annual, revised or supplementary budget estimates and the annual accounts of income and expenditure of the Board and the recommendation of the Finance Committee of the Board thereon and to submit them to the Board;
- (ix) to recommend the number of Under Secretaries and Assistant Secretaries to be appointed by the Government among the officers of the Board;
- (x) to fix and determine the rates of traveling and other allowances to the members of the Board and its committees;
- (xi) to sanction –
 - (a) the number of posts of officers and servants to be appointed by the Board under section 11 and to suspend, hold in abeyance or abolish any such posts;
 - (b) the payment of special pay and other allowances at such rates and subject to such conditions as it may deem fit in respect of :-

(1) specialised nature of duties or additional duties performed by the employees of the Board;

(2) duties performed on Sundays and holidays by the employees of the Board;

(3) duties performed by the employees of the Board beyond normal hours;

(4) any remunerative jobs done by the employees of the Board outside their office hours;

- (xii) subject to the budget provisions approved by the Board under section 38 to sanction purchase or hire of stores, paper, forms, stationery, furniture or other equipments required for the Board's office, after calling for tender and to scrutinize them when received and to enter into contract:

Provided that it should not be necessary to call for any tender if the value of stores, papers, forms, stationery or other equipment required or the expenditure involved in the contract is less than ₹ 5,000 or such other amount as may be prescribed by the Board from time to time, or if the above articles are urgently required or the work in respect of which the contract is entered into needs to be urgently carried out or the Executive Council does not think it advisable to call for the tenders for reasons to be recorded by it;

- (xiii) to enter into, vary, carry out and cancel on behalf of the Board, a contract for the provisions of the buildings and supply of materials for proper discharge of duties assigned to it;
- (xiv) to write off irrecoverable sums due in respect of stores, priced publication, statement of marks and unserviceable articles of dead stock, if the amount of the dues in each case exceeds ₹ 100 but does not exceed ₹ 1,000;
- (xv) generally to advise the Chairman of the Board on any matter connected with the work of the Board which it deems fit or which the Chairman may refer to it;
- (xvi) to report to the Board upon any matter concerning which its view may be invited by the Board or in respect of which it considers that it should tender advice to the Board;
- (xvii) to make recommendations to the Board concerning framing or amending the rules and regulations of the Board after considering the recommendations, if any, from the committees of the Board;
- (xviii) to institute and make provisions for the grant of scholarships, awards, medals, prizes and other rewards and to prescribe conditions therefor;
- (xix) to accept, reject or refer back any proposal, recommendations or report from the Academic Council, the finance Committee, the Examination Committee, the Affiliation Committee or other committee of the Board;
- (xx) to recommend the Board, for approval, rates of travelling allowance and remuneration, etc. to the paper-setters, moderators, examiners, translators, invigilators and other personnel after taking into consideration the recommendations of the other committees of the Board;
- (xxi) to authorise such advance as it may from time to time consider necessary, to remain in the hands of the Secretary to meet legitimate petty expenditure;

- (xxii) to direct inspection of secondary and higher secondary schools and other affiliated institutions in order to assess academic performances and needs, to issue instructions where necessary, for maintaining efficiency and ensuring adequate amenities for students;
- (xxiii) to recommend to the Government, the withholding of grant or taking of such other disciplinary measures in respect of secondary and higher secondary schools and institutions which do not comply with the instructions issued from time to time by the Board;
- (xxiv) to undertake printing and publication of books prepared and/or compiled by the Board and approved as text-books by the Board.

(2) The quorum for the meeting of the Executive Council shall be one-half of the total number of the members of the Executive Council.

(3) The Executive Council shall report to the Board all acceptance or transfer of property done by the Executive Council.

The Academic Council

25. (1) The Academic Council shall be the Chief Academic Authority of the Board and shall consist of the following members, namely:-

- (i) the Chairman of the Board as ex-officio Chairman;
- (ii) three members to be nominated by the Chairman of the Board from amongst the ex-officio members referred to in clause (i) of sub-section (1) of section 13;
- (iii) three members to be nominated by the Chairman from eminent educationist;
- (iv) one member to be nominated by the Chairman of the Board from amongst the nominated members referred to in clause (ii) of sub-section (1) of section 13.
- (v) the convenors of the Board of Studies.

(2) The term of office of the members of the Academic Council shall be four years.

Duties and functions of the Academic Council

26. The Academic Council shall be the chief academic body and shall have the right to advise the Board on all academic matters. Without prejudice to the generality of this provision, the Academic Council shall have the following duties and functions, namely:-

- (i) to formulate guiding principles for determining curricula and syllabus for the entire secondary, higher secondary education and for such other courses as it may deem fit;
- (ii) to consider and submit its recommendations to the Executive Council on the detailed syllabi for all standards, after taking into consideration the recommendations of the respective Boards of studies thereon;
- (iii) to consider and submit its recommendations to the Executive Council on the curricula and detailed syllabi prepared by the Boards of studies for the final and other examinations;
- (iv) to formulate general principles for preparing text-books;
- (v) to prepare or recommend for prescription to the Executive Council text-books for the standard leading to the final examinations, after taking into consideration the recommendations of the respective Boards of Studies thereon;
- (vi) to recommend to the Executive Council standard requirements in respect of staff, building, furniture, equipment, stationery and other things required for secondary and higher secondary schools and such other institutions;
- (vii) to recommend to the Board measures to promote intellectual, physical, cultural, moral and social welfare of students in institutions affiliated to the Board and the conditions of their residence and discipline;
- (viii) to consider and submit its recommendations to the Executive Council on the following matters pertaining to the final examinations after receipt of the recommendations of the Boards of Studies –
 - (a) the total number of compulsory and optional subjects;
 - (b) proposals for introduction of new subjects and exclusion of existing subjects;
 - (c) the formation of groups of subjects and the alteration of such groups;
 - (d) the number of question papers to be set in each subject;
 - (e) the maximum and minimum marks, time, duration and standard length for written, oral or practical tests in different subjects or groups of subjects;
- (ix) to conduct statistical or other research for the purpose of evaluation and reform of curricula, instruction and examination system;

- (x) to co-ordinate the work of the Boards of Studies and to scrutinise the recommendations in regard to various matters with which each Board of Studies is concerned;
- (xi) to recommend to the Board, refresher course, lectures, demonstrations, educational exhibition and such other measures as are necessary to raise and maintain standard of secondary, higher secondary and such other forms of education.

The Finance Committee

27. There shall be a Finance Committee consisting of –

- (i) the Chairman of the Board as ex-officio Chairman;
- (ii) the Director of Accounts and Treasuries;
- (iii) two members to be nominated by the Chairman of the Board from amongst the ex-officio members referred to in clause (i) of sub – section (1) of section 13;
- (iv) one member to be nominated by the Chairman of the Board from amongst the nominated members referred to in clause (ii) of sub – section (1) of section 13;

Duties and functions of the Finance Committee

28. The Finance Committee shall act as an advisory body on all matters concerning the finance of the Board. Its duties and functions shall be as under:-

- (i) to prepare and submit to the Executive Council with its recommendations the annual, revised or supplementary budget estimate of the annual accounts of income and expenditure of the Board;
- (ii) to make recommendations to the Executive Council on matters relating to finances of the Board including investments and borrowings etc.;
- (iii) to examine every proposal of new expenditures and to advise the Executive Council thereon;
- (iv) to review and report periodically to the Executive Council on the financial position of the Board;
- (v) generally to devise means for effecting economy, without impairing efficiency;
- (vi) to consider proposals for fixation of pay scales for new posts and revision of pay scales and all proposals concerning allowances, remunerations, wages and honoraria and advise the Executive Council thereon.

The Examination Committee

29. The Examination Committee shall consist of -

- (i) the Chairman of the Board as the ex-officio Chairman;
- (ii) five members to be nominated by the Chairman of the Board from amongst the ex-officio members referred to in clause (i) of sub-section (1) of section 13;
- (iii) one member to be nominated by the Chairman of the Board from amongst the nominated members referred to in clause (ii) of sub-section (1) of section 13;

Duties and functions of the Examination Committee

30. Subject to provisions of the Act and the rules made thereunder, the Examination Committee shall have the following duties and functions, namely:-

- (i) to supervise and co-ordinate activities pertaining to the final examination and such other examinations conducted or caused to be conducted by the Board;
- (ii) to recommend to the Executive Council general principles to be followed by the Board in regard to the preparation of panel and appointment of paper-setters, moderators, translators, examiners, etc.;
- (iii) to fix the centers and dates for each examination;
- (iv) to lay down instructions to be issued to the candidates, superintendents of examination centers, examiners and others;
- (v) to recommend to the Executive Council suitable forms of applications to be filled by the candidates applying for permission to appear at the final examination and suitable forms of certificates and provisional certificates to be issued to successful candidates and statement of memorandum of marks to all candidates in respect of the final or such other examinations;
- (vi) to lay down the procedure and specific penalties to be imposed in dealing with cases of use of unfair means by the candidates seeking admission to or appearing at the examinations conducted under the authority of the Board;
- (vii) to consider and forward its observations to the Academic Council on any proposal to amend the scheme of the final examination and such other examinations as set out from time to time;

- (viii) to recommend to the Executive Council, the rates of travelling allowance, remuneration or honoraria for various items of work connected with the final and other examinations;
- (ix) to recommend to the Executive Council on qualification and disqualification of paper-setters, translators, moderators, examiners and other officials connected with the work of conduct of final and other examinations;
- (x) generally review the results of the final examinations on the declaration of the same and submit its observations to the Academic Council.

The Affiliation Committee

31. The Affiliation Committee shall consist of –

- (i) the Chairman of the Board as the ex-officio Chairman;
- (ii) two members to be nominated by the Chairman of the Board from amongst the ex-officio members referred to in clause (i) of sub-section (1) of section 13;
- (iii) one member to be nominated by the Chairman of the Board from amongst the nominated members referred to in clause (ii) of sub-section (1) of section 13.

Duties and functions of the Affiliation Committee

32.(1) The Affiliation Committee shall consider and make recommendations on all matters relating to the grant or withdrawal of affiliation of secondary and higher secondary schools and such other institutions in accordance with the prescribed procedure.

(2) It shall be competent for the Affiliation Committee to suggest and recommend any alterations or any additions to the regulations regarding condition of affiliation of institution for the purpose of admitting them to the privileges of the Board including examinations conducted by it.

Board or Boards of Studies

33.(1) The Board shall constitute a Board or Boards of Studies for different subjects or groups of subjects, as may be considered necessary from time to time.

(2) Each Board of Studies shall ordinarily consist of such number of members, but not less than five and not more than seven members all of whom need not be the members of the Board, as the Board may decide.

(3) The Convenor and the members of the Board of Studies shall be appointed by the Board.

(4) Any two or more Boards of Studies may, with the consent of the Chairman of the Board and shall, when so required by the Board, meet and act in concurrence and render a joint report on any matter with which they are severally and jointly concerned. In such cases the quorum of the joint meeting will be majority of the members of the Board of Studies meeting jointly. The Chairman of the joint session shall be elected by the joint meeting.

(5) All the proceedings of the Board of Studies shall be treated as confidential and in particular the discussions on the merits and demerits of text-books shall not be divulged.

Duties and functions of Board of Studies

34.(1) It shall be the duty of Board of Studies to consider and make recommendations to the Academic Council in respect of the subjects with which it is concerned, regarding –

- (i) the detailed syllabi for all standards;
- (ii) the curricula and detailed syllabi for the final examination and such other examinations as the Board may decide;
- (iii) the preparation or prescription of text-books in conformity with the syllabus and suggest such conditions, if any, as may be deemed fit, after considering the reports of the reviewers;
- (iv) any matter relating to the subject or subjects within its purview referred to it by the Executive Council, Academic Council or other authorities of the Board;
- (v) the standard and quality of question papers (including the model answers, if any) set for the final examination and such other examinations conducted by the Board and the observations of the respective Board of Studies thereon.

(2) A Board of Studies may bring to the notice of the appropriate authorities of the Board any matter connected with the final examination, the courses of studies laid down therefor, the text-books prepared or prescribed and other connected matters of academic importance.

Other Board authorities and committees

35.(1) The Executive Council may, by regulation, constitute and define the functions of such other committees or authorities as, it may, from time to time, think necessary, for the purposes of carrying out the work of the Board.

(2) The powers and duties of such authorities and committees and the procedure to be followed at their meetings, shall be indicated in the respective regulations.

CHAPTER – V

Finance, Annual Accounts and Annual Report

Board's Fund, custody and investment

36.(1) The Board shall establish a fund to be called Board's Fund.

(2) The following shall form part of, or paid into the Board's Fund:-

- (a) all contributions, assignments, loans and grants, if any;
- (b) all income of the Board from any source whatsoever including income from fees, royalties and charges levied by the Board;
- (c) all income or moneys from trusts, bequests, donations and endowments or other contributions, if any;
- (d) interest on, and sale proceeds of any securities vested in the Board;
- (e) any sums borrowed from the banks or other financial institutions, with the permission of the government; and
- (f) other moneys received by or on behalf of the Board.

(3) The Board's Fund shall, at the discretion of the Executive Council, be kept in any Scheduled Bank as defined in the Reserve Bank of India Act, 1934 (Central Act 2 of 1934.), or in such other manner as may be prescribed by the Government.

Procedure for withdrawal of Board's Fund

37. 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 serving under the Board duly authorised by the Board in this behalf.

Annual Accounts and Financial Estimates

38.(1) The Annual Accounts of the Board shall be prepared by the Finance Committee under the direction of the Executive Council and shall be audited by the auditors appointed by the Board.

(2) The accounts when audited shall be published by the Executive Council and a copy thereof shall, together with the copy of the audit report, be submitted to the Board.

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

(4) The annual accounts and the estimates as approved by the Executive Council, shall be submitted to the Board which shall consider and approve them with such modifications as it may deem fit.

(5) The Board shall, after the approval of the budget estimates forward the same to the Government for its information. The Government may on scrutiny of the budget communicate such advice with respect to the budget estimates of the Board as it thinks fit, and it shall be the duty of the Board to strive to implement such advice.

Annual Report

39. The annual report of the Board shall be prepared under the direction of the Executive Council and shall be submitted to the Board on or before such date as may be prescribed and which shall be considered by the Board in its annual meeting. The Board may pass resolutions thereon and communicate them to the Executive Council which shall consider and take such action thereon as it thinks fit; and the Executive Council shall then inform the Board in its next meeting, the actions taken by it or its reasons for taking no action on such resolutions, if any.

CHAPTER – VI

Miscellaneous Provisions

Submission of students by affiliated institutions or otherwise for examinations to be conducted by the Board

40. Only such candidates as are sent by the affiliated secondary or higher secondary or any such affiliated institutions and such other candidates as may be specifically permitted by the Board under the rules and regulations to be framed hereunder, shall be eligible to appear at the final examination or, any such examination to be conducted by the Board, subject to such conditions as may be specified from time to time by the Board and in such manner as may be prescribed.

Conditions of service

41.(1) The emoluments and terms and conditions of service of all the employees of the Board shall be as may be prescribed.

(2) All salaried officers and employees of the Board including those appointed by the Board for specified periods or for specified work or who receive remuneration such as allowances, fees or other payments from the Board's Fund shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860 (Central Act 45 of 1860).

Acting Chairman of the meetings

42. Where no provision is made by or under this Act, for the Chairman to preside over a meeting of any authority or committee of the Board or where the Chairman so provided for is absent, and no provision is made for any other person to preside, the members present shall elect a person from amongst themselves to preside at the meeting.

Question regarding interpretation and disputes regarding Constitution of Board's authority or body, etc

43. If any question arises regarding interpretation of any provision of the Act or the rules and regulations made thereunder, or as to whether a person has been duly appointed, as, or is entitled to be, a member of any authority or body of the Board, the matter may be referred, on petition by any person or body directly affected or by the Chairman of the Board, to the Government which shall, after taking such advice as it thinks necessary, decide the question, and the decision of the Government shall be final:

Provided that such reference shall be made by the Chairman of the Board to the Government upon a requisition signed by not less than 15 members of the Board.

Protection of acts and orders

44. All acts and orders duly and in good faith done or passed by the Board, or any of its authorities, bodies or officers shall be final and accordingly no suit or legal proceedings shall be instituted against or maintained, or damages claimed from the Board or its authorities, bodies or officers for anything done or passed in good faith or in pursuance of the provisions of this Act and the rules and regulations framed thereunder.

Power of Government to make rules

45.(1) The Government may, by notification in the official gazette, make rules for carrying into effect the provisions of this Act.

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

- (i) manner and time of preparation of Budget Estimates of the annual income and expenditure of the Board;
- (ii) various examinations that may be listed as final examinations to be conducted by the Board;

- (iii) the admission of candidates to the final examination and conditions governing such admissions;
- (iv) the fee for admission to the final examination and other fees and charges payable in respect of other matters connected with those examinations.
- (v) the arrangements for the conduct of final examinations and arrangements for the publication of results;
- (vi) the qualification of paper-setters, translators, examiners, moderators, supervisors and other necessary personnel, their powers and duties in relation to the final examination and their remuneration;
- (vii) the award of various certificates;
- (viii) the qualification and scale of pay of officers and servants of the Board in its office and the conditions of their service;
- (ix) the constitution of the provident fund for the benefit of the officers and servants of the Board;
- (x) the control, administration and safe custody and management in all respect of the finances of the Board;
- (xi) any other matter which is to be or may be prescribed under this Act.

Power to make regulations

46. The Board may make regulations consistent with this Act and the rules made thereunder 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 appointed by the Board and the number of members required to form a quorum for such meetings;
- (b) the allowances which may be drawn by members of the Board and the committees appointed by the Board;
- (c) any matter that solely concerns the Board and its authorities and has not been provided for by this Act and the rules made thereunder.

First Regulations

47. Notwithstanding anything contained in section 46, the first Regulations on the matters detailed therein, shall be made by the Government and they shall continue to be in force until new regulations on the same subject are duly made by the Board.

Information, returns, etc., to be provided by the Board

48.(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 matters connected with its work as the Government may call for.

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

Powers of Government to issue directions

49.(1) The Government shall have the power, after considering the suggestions or recommendations, if any, tendered by the Board, to issue to the Board such directions as it may consider necessary in regard to all or any of the matters specified in sub-clause (2) of section 6. The Board shall comply with such directions.

(2)(a) 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 do and to communicate to the Board its views in the matter.

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

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

(3) 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 ordered to be done by the Board, if the Government is of the opinion that such, resolution, order or act is in excess of the power conferred by or under this Act upon the Board.

Transitional provisions

50.(1) On the appointed day, all institutions affiliated and admitted to the privileges of the Tamil Nadu Board of Secondary Education or Andhra Pradesh Board of Secondary Education or the Kerala Board of Secondary Education before the appointed day as the case may be, shall be deemed to be affiliated and admitted to the privileges of the Puducherry Board of Secondary and Higher Secondary Education established under this Act, save in so far as such affiliation or privileges may be withdrawn, restricted or modified by or under the provisions of this Act.

(2) Notwithstanding anything contained in sub-section (1) above in particular and in this Act in general, any student prosecuting studies in the higher secondary education stage, and who immediately before the admission of such institution imparting such higher secondary education to the privileges of the Puducherry Board of Secondary and Higher Secondary Education was studying for Higher Secondary Course Certificate of the Tamil Nadu Board of Higher Secondary Education, Intermediate Course Certificate of the Andhra Pradesh Board of Intermediate Education and pre-degree Course Certificate of Calicut University, shall be permitted by the Puducherry Board of Secondary and Higher Secondary Education to complete his course for that certificate, as the case may be and such institutions shall provide for the instructions and examination of such student in accordance with the syllabi of studies of the respective affiliating bodies.

Government's interpretation to be final

51. If any question arises regarding the interpretation of any provision of any regulation made under section 46 or section 47, the matter may be referred by the Board to the Government for decision and in such circumstances, the decision of the Government shall be final.

STATEMENT OF OBJECTS AND REASONS FOR ACT NO.8 OF 2004

Presently, the educational institutions in the four regions of the Union Territory of Puducherry are affiliated to the respective Boards of the neighbouring States of Tamilnadu, Andhra Pradesh and Kerala. As a result, there is no uniformity in curriculum and standard of education. To overcome this problem, it is proposed to set up an independent Board of Secondary and Higher Secondary Education in the Union Territory of Puducherry.

2. The Bill sees to achieve the above objects.
