

Tripura Board Of Secondary Education Act, 1973

12 of 1973

[02 November 1973]

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Tripura Board Of Secondary Education Act, 1973

12 of 1973

[02 November 1973]

AN ACT to provide for the regulation, control and development of secondary education in Tripura. Be it enacted by the Legislative Assembly of Tripura in the Twenty fourth Year of the Republic of India as follows :--

CHAPTER 1 PRELIMINARY

1. Short Title, Extent And Commencement :-

(1) This Act may be called the Tripura Board of Secondary Education Act, 1973.

(2) It extends to the whole of Tripura.

(3) It shall come into force on such date as the State Government

may, by notification in the Official Gazette, appoint.

2. Definitions :-

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

- (a) "Board" means the Tripura Board of Secondary Education established under this Act ;
- (b) "committee" or "sub-committee" means any committee or sub-committee constituted under this Act or in accordance with any rule, regulation or bye-laws thereunder ;
- (c) "Fund" means the Tripura Board of Secondary Education Fund constituted under section 20 of this Act ; (d) "Head of Institution" means the head of the teaching staff of an institution by whatever name he or she be designated ; (e) "institution" means a high or higher secondary school or an educational institution or part or department of such school or institution imparting instruction in secondary education.
- (f) "managing" committee" used in reference to any institution includes the Governor or the Government Body of such an institution ; (g) "notification" means a notification published in the Official Gazettee ;
- (h) "prescribed" means, unless the context indicates otherwise, prescribed by rules or regulations made under this Act ;
- (i) "President" means the President of the Board ;
- (j) "recognised" means recognised under this Act ;
- (k) "regulation" means a regulation made by the Board under this Act ;
- (l) "rule" means a rule made by the State Government under this Act ;
- (m) "secondary education" means general education above the primary education stage provided for students to qualify them for admission to certificate, diploma or degree course instituted by a University or Government or any other type of education that the State Government may include in by any general or special order ;
- (n) "Secretary" means the Secretary to the Board ; and
- (o) "section" means a section of the Tripura Board of Secondary Education Act, 1973.

CHAPTER 2 THE BOARD

3. Establishment And Incorporation Of The Board Of Secondary Education :-

(1) The State Government shall, as soon as may be after this Act comes into force, establish a Board named the Tripura Board of Secondary Education.

(2) The Board shall be a body corporate with perpetual succession and a common seal and shall be entitled to acquire, hold and dispose of property, to enter into contracts and to do all other things necessary for the purpose of this Act and shall sue and be sued by its name.

4. Constitution Of The Board :-

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

(i) the President ;

(ii) the 1[Director of School Education,] Tripura or if the State Government so directs, any other nominated by the State Government in this behalf, Ex-Officio;

(iii) the Director of Agriculture, Tripura, Ex-Officio ;

(iv) the Director of Industries, Tripura, Ex-Officio ;

(v) the Director of Health Services, Tripura, Ex-Officio ;

(vi) the Principal, Tripura Engineering College, Ex-Officio ;

(vii) One Principal from the Government Degree Colleges of Tripura, to be nominated by the State Government, Ex-Officio ;

(viii) the Principal of the Womens College, Agartala, Ex-Officio ;

(ix) 2[the Director of Higher Education,] Tripura, Ex-Officio ;

(x) the Principal, B.T. (S.T.T.) College, Agartala, Ex-Officio ;

(xi) the Principal, State Institute of Education Tripura, Ex-Officio ;

(xii) the Principal, Polytechnic Institute, Narsingarh, Tripura, Ex-Officio ;

(xiii) two heads of recognised high or higher secondary schools, including one from the Government aided high or higher secondary schools, nominated by the State Government ;

(xiii) two heads of recognised high or higher secondary schools, including one from the Government aided high or higher secondary schools, nominated by the State Government ;

(xiv) three teachers representatives, one from each district of Tripura, to be 1[nominated by the State Government ;]

(xv) three representatives of the Tripura Legislative Assembly nominated by the Speaker of the Tripura Legislative Assembly (85 of 1991)

(xvi) persons interested in education, numbering not more than 3[five], nominated by the State Government, one of them being a woman, one an advocate as defined in the Advocates Act, 1961,

and at least one belonging to Scheduled Castes 2[and] Scheduled Tribes ;

(xvii) not more than two persons to be co-opted by the Board in consideration of their expert knowledge of the subjects of study included in the course prescribed by the Board.

4[xviii) one representative of the student nominated by the State Government.]

2[xix) one representative of the Tripura Tribal Area Autonomous District Council nominated by the Chairman of the said council from amongst the members thereof ;

(xx) The Principal, Regional College of Physical Education, Panisagar, Tripura North, Ex-Officio ;

(xxi) The Principal, Govt. College of Arts & Crafts, Agartala, Ex-Officio ;

(xxii) The Principal, Govt. Music College, Agartala, Ex-Officio ;

5[(xxiii) One representative from the employee of Tripura Board of Secondary Education nominated by the Government.

2[(xxiv) One Principal from Basic Training College, Tripura nominated by the Government.

Explanation- In clause (xvi) of this sub-section, the words "Scheduled Castes" and "Scheduled Tribes" shall have the same meaning as are assigned to them under clauses (24) and (25) of article 366 of the Constitution of India.

(2) The Board as contained above excepting the co-opted members shall function as the Governing Body of the Board.

1. Inserted by The Tripura Board of Secondary Education (Amendment) Act, 1976, w.e.f. 1.1.1976.

2. Inserted ibid.

3. Inserted by The Tripura Board of Secondary Education (Second Amendment) Act, 1978, w.e.f. 1.1.1978.

4. Inserted by The Tripura Board of Secondary Education (Third Amendment) Act, 1985, w.e.f. 2.3.1986.

5. Inserted by the Tripura Board of Secondary Education (fourth Amendment) Act, 1989, w.e.f. 5.3.1990.

5. Term Of Office Of Members Of The Board And The Committee :-

(1) Members, other than ex-officio members of the Board or of any committee appointed 1[nominated or co-opted] under this Act shall hold office for a period of 2[two] years from the date of appointment, 3[co-option] or nomination, as the case may be :

Provided that a member appointed, 4[co-opted] or nominated in his capacity as a member of a particular body or as the holder of a particular appointment shall automatically cease to hold office if he or she ceases to be a member of that body or holder of that appointment, as the case may be.

(2) Any vacancy among the members (other than ex-officio members) of the Board or a committee appointed by the Board shall be filled, as soon as may be convenient, by the person or body who appointed, nominated or co-opted the member whose place has become vacant and all vacancies, other than causal vacancies, shall be filled for the full term as and when they arise.

(3) Notwithstanding anything contained in this section, an outgoing member, shall unless the State Government otherwise directs, continue in the office until the 5[appointment], nomination or co-option of his successor is notified.

(4) Any member of the Board may resign his office by a letter to the President and the resignation shall take effect from the date of acceptance by the President .

(5) The membership of a member of the Board other than an ex-officio member shall cease in case he remains absent from three consecutive meetings of the Board or any committee thereunder, or is convicted by a court of law on a criminal charge involving moral turpitude :

Provided that membership shall not cease for absence as mentioned hereto before if the State Government condones his absence on the basis of a written application from the member, submitted within one month from the date of cessation of the membership.

(6) In the event of a causal vacancy accruing by reason of death, resignation, termination of nomination or cessation of membership of a member, or for any other reason such vacancy shall be filled by 2[appointment], nomination or co-option, as the case may be, and any person 3[appointed] nominated or co-opted to fill such vacancy shall hold office for the term for which it was tenable by the person in whose place he has been so elected, nominated or co-opted and no longer.

(7) An outgoing member shall, if not otherwise disqualified, be eligible for re-appointment, re-nomination or re-co-option.

(8) The name of every person appointed, nominated or co-opted as a member of the Board shall be published by notification by the State Government as soon as may be after his appointment , nomination or co-option, as the case may be.

(9) A person shall not be eligible for nomination, appointment or

co-option as a member of the Board or the committee formed by it if he--

(a) has been adjudged by a court of law to be of unsound mind,

(b) is an un-discharged insolvent,

(c) has been convicted by a court of law for an offence involving moral turpitude.

(10) All disputes relating to the eligibility of any person for nomination, appointment or co-option shall be referred to the State Government whose decision on such matters shall be final.

1 . Inserted by The Tripura Board of Secondary Education (Third Amendment) Act, 1985, w.e.f. 2.3.1986. Amendment Act, 1985.

2 . Inserted by The Tripura Board of Secondary Education (Amendment) Act, 1976, w.e.f. 1.1.1976.

3. Inserted by The Tripura Board of Secondary Education (Second Amendment) Act, 1978, w.e.f. 1.1.1978.

4 . Inserted by The Tripura Board of Secondary Education (Third Amendment) Act, 1985, w.e.f. 2.3.1986.

5. Inserted *ibid*.

CHAPTER 3 POWERS AND FUNCTIONS OF THE BOARD

6. Powers And Functions Of The Board :-

The Board shall have the following powers, namely :--

(i) to conduct examination and grant diplomas and certificates to persons who, after passing a course of study in an institution recognised by the Board or having fulfilled such conditions as may be laid down by the Board, have passed the examination of the Board ;

(ii) to prescribe courses of instructions for examinations conducted by the Board ;

(iii) to admit candidates to the examinations conducted by it and prescribe the conditions for such examinations ;

(iv) to recognise institutions for the purpose of its examinations with the concurrence of the State Government ;

Note- The high and the higher secondary schools of Tripura enjoying recognition from the West Bengal Board of Secondary Education, immediately before the coming into force of this Act, shall be deemed to have been recognised under this Act ;

(v) to withdraw recognition from an institution if it is satisfied after inspection carried out under any regulation framed under this Act that the standard of management and instruction in the institution justifies such withdrawal ;

Provided that no recognition shall be withdrawn unless the institution concerned has been given scope to explain its case :
Provided further that in case of a Government institution the recognition shall not be withdrawn without prior approval of the State Government ;

(vi) to demand and receive such fees as may be prescribed by the regulations ;

(vii) to cause an inspection, to be made by such person or persons as the Board may nominate, of an unrecognised institution applying for recognition ;

(viii) to adopt measures to promote the physical and moral wellbeing of students of recognised institution and supervise their boarding houses, health and discipline ;

(ix) to organise and provide lectures, demonstrations, educational exhibitions and take such other measures as are necessary to promote the standards of secondary education ;

(x) to institute and award scholarships, medals and prizes under conditions that may be prescribed and to accept endowments for the same, subject to such conditions as the Board may deem fit ;

(xi) to make regulations for prescribing text-books or other books of study and to arrange for publication of such textbooks and readers ;

(xii) to make regulations for imposing penalties for misconduct of students, teachers examiners and examinees ;

(xiii) to prescribe qualifications for the appointment of teachers in the institutions recognised by the Board ;

(xiv) to submit to the State Government its views on any matter with which it is connected or which it is concerned or which the State Government or any educational organisation may refer to it for its advice ;

(xv) to advise the State Government as to the course of instructions and syllabi of the middle stage school education with a view to securing co-ordination between middle school and secondary education ;

(xvi) to invest surplus funds of the Board in Government securities or in banks approved by the State Government ;

(xvi) and to do all such or other things as may be necessary in order to further the objects of the Board as a body constituted for regulating and maintaining the standard of secondary education in the State.

CHAPTER 4 POWERS OF THE STATE GOVERNMENT

7. Powers Of The State Government :-

(1) The State Government shall have the right to address the Board with reference to any work conducted or done by the Board and communicate to the Board its views on any matter with which the Board is concerned.

(2) The Board shall report to the State Government such action, if any, as it proposes to take or has taken upon its communication.

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

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

8. Power Of The State Government To Respond The Board :-

(1) The State Government shall have the power to suspend the Board, if in its opinion the Board has persistently made default in the performance of duties imposed on it by or under this Act.

(2) In the event of suspension, all the members of the Board and its committees including the President shall vacate their offices, and the State Government shall appoint an Administrator who will exercise all the powers of the Board during the period of suspensions.

CHAPTER 5 OFFICERS OF THE BOARD AND THEIR POWERS AND FUNCTIONS

9. Officers Of The Board :-

The following shall be the officers of the Board, namely :--

(i) the President ;

(ii) the Vice-President ;

(iii) the Secretary ; and

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

10. Appointment, Election Powers And Functions Of The

President And The Vic-President :-

(1) (a) The President of the Board shall be appointed by the State Government.

(b) The President shall hold office for a term of 1[five] years but his services may be extended for a period not exceeding one year.

(c) The President may resign his office by giving notice in writing to the State Government.

(d) The other terms and conditions of service of the President shall be such as may be desired by State Government.

(2) It shall be the duty of the President to see that the provisions of this Act and the regulations made thereunder are faithfully observed, and he shall have all powers necessary for this purpose.

(3) If any emergency arises out of the administrative business of the Board which in the opinion of the President, requires that immediate action should be taken, the President may take such action as he deems necessary but he shall report his action to the State Government and to the Board at its next meeting.

(4) The President shall exercise such other power as may be prescribed by the regulations.

(5) (a) The Board shall, as soon as may be after its establishment and thereafter at each annual meeting, elect one of its members to be the Vice-President.

(b) The Vice-President shall hold office until the annual meeting next following his election and shall be eligible for re-election.

(c) If a vacancy occurs in the office of the Vice-President during the term of his office, another member of the Board shall be elected as Vice-President for the residue of such term.

(d) The Vice-President may resign his office by giving notice in writing to the President, and when such resignation is accepted by the Board, the Vice-President, shall be deemed to have vacated his office.

(6) Where the President is unable to perform the duties of his office, or if he vacates office, the Vice-President and, for that purpose, shall have all the powers of the President until the President is available for performance of his duties.

(7) The President, or in his absence the Vice-President, or in the absence of both the president and the Vice-President one member elected from among those present, shall preside at every meeting of the Board and shall be entitled to vote on any matter and shall have and exercise a second or casting vote in every case of equality of votes.

(8) Subject to such conditions as may be prescribed by regulations, the President may at any time, by an order in writing , delegate all or any of the powers conferred upon him by or under this Act, to the Vice-President, and may in like manner cancel any such order of delegation.

1. Inserted by The Tripura Board of Secondary Education (Amendment) Act, 1976, w.e.f. 1.1.1976.

11. Appointment, Powers And Functions Of The Secretary :-

(1) The Secretary to the Board shall be appointed by the State Government on such terms and conditions as the State Government may decide.

(2) The Secretary shall--

(a) Subject to the control of the Board, be the Chief administrative officer of the Board ;

(b) subject to the control of the President, be responsible for seeing that the orders of Board are carried out ;

(c) be empowered to enter into all contracts for and on behalf of the Board.

(3) The Secretary shall be responsible for seeing that all moneys are expended on the purpose for which they are granted or allotted.

(4) The Secretary shall prepare the annual statements of accounts and budget estimates.

(5) The Secretary shall exercise such other powers as may be prescribed by the regulations.

12. T. A., D. A. Etc. Of Members Of The Board, Committees And Sub-Committees For Attendance At Meetings Of The Board :-

Such members of the Board or of any committee or sub-committee constituted under this Act as are not in the service of the State Government, shall, in respect of expenses incurred by them in attending meetings of the Board, or of any such committee or sub-committee, or in exercising any powers or performing any duties conferred or imposed on them by or under this Act, be paid by the Board such allowances and at such rates as may be prescribed.

CHAPTER 6 COMMITTEES

13. Appointment Of Constitution Committees And Theirs Functions :-

(1) As soon as may be after the Board is established, it shall appoint the following committees, namely :--

- (a) the Examination Committees ;
- (b) the Finance Committee ;
- (c) the Syllabus Committee ;
- (d) the Recognition Committees ;
- (e) the Appeal Committee ;
- (f) the Physical Education Committee ; and
- (g) such other committees as it may deem necessary for the proper execution of its business.

(2) The committees shall consist of such members of the Board, and of such other persons, if any, as the Board in each case think fit to appoint, and a nominee of the State Government in case of the Finance Committee.

Provided that a person taken as a member of a committee in his capacity as a member of the Board or of any other body or as the holder of a particular appointment shall automatically cease to hold office if he ceases to be a member of the Board or that body or the holder of that appointment, as the case may be.

14. Board To Exercise Powers In Consultation With Committees :-

When the Board has constituted a committee to deal with any matter which the Board is empowered to deal with by this Act, the Board shall, before exercising its powers in any particular case, receive and consider the report of the committee concerned.

CHAPTER 7 MEETINGS

15. Meetings, Quorum And Voting :-

(1) The Board shall meet not less than thrice a year, but four months shall not intervene between two successive meetings.

(2) The 1[President] may at any time, and shall, upon the requisition by not less than one-third of the members of the Board and on a date not more than twenty one days from the date of the receipt of such requisition, call a special meeting of the Board.

(3) 2[Not less ten] days notice shall be given for ordinary meetings of the Board and 3[not less than seven] days notice for a special meeting or a requisition meeting.

(4) The quorum or very meeting of the Board shall be eight or

onethird of the total number of the members of the Board, whichever is less.

(5) No member of the Board shall vote on a matter in which he is interested, whether directly or indirectly.

(6) In all the meetings of the Board votes of the majority members present shall prevail.

(7) The President, Vice-President or any member presiding over the meeting of the Board shall decide any question arising under sub-sections

(5) and his decision shall final.

1. Inserted by The Tripura Board of Secondary Education (Amendment) Act, 1976, w.e.f. 1.1.1976.

2. Inserted by The Tripura Board of Secondary Education (Second Amendment) Act, 1978, w.e.f. 1.1.1978.

3. Inserted *ibid*.

CHAPTER 8 REGULATIONS

16. Powers Of The Board To Make Regulations :-

(1) Except in cases where the State Government is empowered to make rules under this Act Board may make regulations for the purpose of carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generally of the foregoing powers the Board may make regulations for all or any of the members, namely :--

(a) laying down the procedure to be observed for the conduct of its meet- ings other than those specified in section 15 ;

(b) the conduct of examination including the appointment of paper setters, examiners, moderators and tabulators and their duties, powers and remuneration ;

(c) the conditions under which candidates shall be admitted to the examinations of the Board ;

(d) the conditions under which the Board may recognise institutions for the purposes of its examinations ;

(e) the courses of study to be followed in the high or higher secondary classes and the courses of study for other examinations that may be conducted by the Board ;

(f) the conditions for the award of the certificates and diplomas of the Board;

(g) the institution of scholarships and prizes ;

(h) the election and co-option of member of the Board and its committees;

- (i) the constitution, powers and duties of committees set up by the Board;
 - (j) the creation of posts and appointment of employees of the Board and the conditions of their services ;
 - (k) the provision of provident fund and other retirement benefits for the employees of the Board ; and
 - (l) all matters which, by this Act, are to be or may be provided for by regulations :
- Provided that the regulations of the Board, or any amendments thereto, shall not take effect until they have received the sanction of the State Government.

17. Powers Of The Board And Its Committees To Make Bye Laws :-

The Board and its committees may make bye-laws, consistent with this Act and regulations, for the following purpose, namely :--

- (a) laying down the procedure to be observed at their meetings and the number of members required to form a quorum ;
- (b) providing for all matters solely concerning the Board and its committees and not provided for by this Act and its regulations.
- (c) providing for all other matters solely concerning the Board and its committees and not provided for by this Act, and its regulations.

CHAPTER 9 FINANCE AND AUDIT

18. Preparation Presentation And Sanction Of Budget Of The Board :-

- (1) The President shall place before the annual meeting of the Board, held in the year following the year in which it is constituted and before every annual meeting thereafter, a report on the working of the Board during the last preceding financial year together with a budget estimate showing, in such form as may be prescribed, the anticipated income and expenditure of the Board during the financial year in which such annual meeting is held.
- (2) The report shall be forwarded to the State Government within one month of the presentation thereof before the annual meeting of the Board together with such comments thereon as the Board may think fit to make.
- (3) The budget estimate shall, after confirmation by the Board, be forwarded to the State Government within such time as may be prescribed.

(4) (a) The State Government shall within three months of the receipt of the budget estimate either accord its approval to the same or return it to the Board with such comments and suggestions as it deems necessary if in its opinion such estimate--

(i) includes new items of recurring expenditure ascertainable facts or shows a deficit in the closing balance ;

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

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

(b) If the budget estimate is returned under clause (a), the Board shall consider the comments and suggestions made by the State Government and may--

(i) If it thinks fit, revise the said estimate, or

(ii) if it does not think fit to revise the estimate, resubmit it in its original form to the State Government within one month of receiving it, together with its replies on the comments and suggestions made by the State Government.

(c) If the State Government does not approve of the budget estimate as revised by the Board or without revision, the State Government may amend the budget estimate by making--

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

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

(iii) any alternation or modification in any provision which, in its opinion, is not in accordance with the provisions of the Act, and shall forward the budget estimate, so amended to the Board.

(5) If the State Government does not accord its approval to the said estimate within three months of the resubmission thereof with or without revision, the said estimate shall be deemed to have been approved by the State Government.

19. Government Grants To The Board :-

(1) The State Government may, after considering the Budget estimates, the accounts of the Board and such other reports as it may call for, make such annual and periodical grants to it as it may think fit.

(2) To enable the Board to function effectively as soon as it is

constituted, and any time thereafter, the State Government may make such grants to the Board as it may think necessary.

20. Funds Of The Board And The Use There Of :-

(1) The Board shall have a fund to be called the Tripura Secondary Education Board Fund to which shall be credited--

(a) all sums which may be paid by the State Government under section 19;

(b) all fees realized under any of the provisions of this Act ;

(c) all sums representing income from endowments or property owned or managed by the Board ; and

(d) all other sums received by or on behalf of the Board from any other source whatsoever.

(2) The Fund shall vest in the Board and shall be held by it trust for the purpose of this Act.

(3) All moneys payable to the credit of the Fund shall forthwith be paid into the State Bank of India to the credit of the Fund, and all cheques drawn on the Fund shall be signed by the President or by such other person as he may authorize in this behalf.

(4) The Board shall keep an account of all its receipts and expenditure in the manner prescribed.

(5) No expenditure shall be incurred from the Fund except for the purposes of this Act and unless such expenditure is provided for in the budget approved under this Act or can be met by re appropriation in the prescribed manner.

21. Audit Of The Accounts Of The Board :-

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

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

(a) require in writing the production before him of any document relating to the Board or the assets thereof which he considers necessary for the purpose of audit ;

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

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

(3) It shall be the duty of the Board, and of every member thereof,

and of the Secretary and the members of the staff in the service of the Board, to afford to the auditor every facility for the Examination and audit of the accounts of the Board and to comply with any requisition made by the auditor under sub-section (2) and with the requirement of any rule made in this behalf.

(4) Not more than three weeks after the completion of the audit the auditor shall submit to the State Government a report on the accounts audited and shall send a copy thereof to the Board which shall forward it to the State Government together with its observations thereon.

(5) The State Government shall take such action on the audit as it thinks fit.

(6) The annual audit report shall be laid on the Table of the Tripura Legislative Assembly as soon as may be after it is received by the State Government.

CHAPTER 10 SUPPLEMENTAL PROVISIONS

22. Submission Of Returns, Reports Etc. By The Board To The State Governments :-

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

23. Power Of Suspension By The State Government Of Execution Of Resolutions Or Orders Of The Board And Its Committees :-

The State Government may, by order in writing, specifying the reasons thereof, suspend the execution of any resolution or order of the Board or of any committee and prohibit the doing of any act which purports to be done or intended to be done under this Act, if the State Government is of opinion that such resolution, order or act is in excess of the powers conferred by or under this Act upon the Board or the committee, as the case be.

24. Members Of The Board And Committees And Employees To Be Public Servants :-

(1) The members of the Board or every committee or sub-committee, persons in the service of the Board, and any person appointed under this Act to audit the accounts of the Board, shall

be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.(45 of 1860)

(2) No suit., prosecution or other legal proceedings whatsoever shall be against any person for anything in good faith done or intended to be done under this Act.

25. Transitory Provisions :-

Subject to the provisions of section 27, every matter or thing required to be provided by regulations under this Act shall, until such regulations are made, be provided by rules made under this Act.

26. Rule Making Powers Of The State Government :-

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

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

(a) the acquisition, possession and disposal of property by the Board, the conditions of such acquisition, possession and disposal and the performance by the Board of any function referred to in sub-section (2) of section 3 ;

(b) the manner of election of the members of the Board specified under 1[clause (xiv)] of sub-section (1) of section 4, the constitution of electorates for such elections and the dates by which such elections shall be held ;

(c) the composition of managing committees of institutions ;

(d) the terms and conditions of appointment, the scale of pay and the rules of discipline relating to the officers and the staff of the Board ;

(e) the rates at which the Board shall pay travelling allowances to persons referred to in section 12 ;

(f) the provident funds and retirement benefits referred to in clause (k) of sub-section (2) of section 16 as may be instituted and administered by the Board ;

(g) the form in which the budget estimate of the Board shall be prepared ;

(h) the manner in which all payments to and from the Fund shall be made ;

(i) the manner and form in which accounts of receipts and expenditure shall be kept under sub-section (4) of section 20 ;

- (j) the manner of reappropriation under sub-section (5) of section 20 ;
 - (k) the manner in which examinations and audit of the accounts shall be made;
 - (l) the reports, returns and statements to be furnished by the Board under section 22 and the forms of such reports, returns and statements ;
 - (m) any other matter required to be prescribed or provided or made by rules.
- (3) Every rule made under this Act shall be laid as soon as may be after it is made before the Assembly while it is in session for a total period of not less than fourteen days which, may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session in which it is so laid or the sessions aforesaid the Assembly makes any modification in the rule or decides that the rule shall not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; ; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.
1. Inserted by The Tripura Board of Secondary Education (Amendment) Act, 1976, w.e.f. 1.1.1976.

27. Constitution Of Rules Next Books Syllabus Etc. Of The West Bengal Board Of Secondary Education Under The Act :-

All syllabuses, courses of studies and text books prescribed by the West Bengal Board of Secondary Education and all rules and regulations on matters of school administration followed in Tripura immediately preceding the commencement of this Act shall continue to be followed until other provisions are made under this Act.

28. Validity Of The Proceedings Of The Board Or A Committee Or A Subcommittee :-

No act or proceeding of the Board or a committee or a sub-committee shall be invalidated merely by reason of the existence of a vacancy or vacancies among its members or any defect or irregularity not affecting the merits of the case.

29. Power Of Supervision, Guidance And Control Of State

Government Over The Board :-

(1) The Board shall, in exercising its powers and performing its duties under this Act be guided by such directions, as the State Government may, by notification in the Official Gazettee, give from time to time regarding the scope and control of secondary education in Tripura.

(2) If any difficulty arises in giving effect to any of the provisions of this Act, the State Government may make such order to do such thing, not inconsistent with this Act, as appears to it to be necessary or expedient for removing the difficulty.

(3) Every order made under this section shall be laid as soon as may be after it is made before the Assembly while it is in session for a total period of not less than fourteen days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session in which it is so laid or the sessions aforesaid the Assembly makes any modification in the order or decides that the order shall not be made, the order shall thereafter have effect, only in such modified form or be of no effect, as the case may be ; so, however, that such modification or annulment shall be without prejudice to the validity of anything previously done under that order.

30. Exclusion Of Jurisdiction :-

On and from the date of enforcement of the Tripura Board of Secondary Education Act, 1973, the West Bengal Board of Secondary Education shall cease to have jurisdiction over the institution of Tripura in respect of any matter covered by the said Act.

31. Exemption :-

The State Government shall have power to exempt any institution or class of institutions affiliated to the Central Board of Secondary Education from the operation of this Act.