

Jharkhand Academic Council Act, 2002

CONTENTS

CHAPTER 1 :- PRELIMINARY

1. Short Title, Extent And Commencement
2. Definitions

CHAPTER 2 :- JHARKHAND ACADEMIC COUNCIL

3. Establishment And Incorporation Of Council
4. Constitution Of The Council
5. Vacancies In The Council Not To Invalidate Acts Or Proceedings
6. Conduct Of Business
7. Functions And Power Of The Council
8. Committee Of Courses
9. Enquiry Into The Working Of Council
10. Officers Of The Council
11. Appointment Of The Chairman And His Removal
12. Vacancy In The Office Of Chairman
13. Powers And Duties Of Chairman
14. Appointment Of Secretary And His Removal
15. Powers And Duties Of The Secretary
16. Power Of Supersede The Council

CHAPTER 3 :- JHARKHAND ACADEMIC COUNCIL FUND

17. Examination Fund
18. Application Of Examination Fund
19. Audit Of Accounts Of The Council

CHAPTER 4 :- EXAMINATIONS

20. Aims And Objective Of Examinations
21. Intermediate Or 10+2 Examination
22. Secondary Examination
23. Sanskrit Examination
24. Madarsa Examination

CHAPTER 5 :- SERVICE STATUTES

25. General Condition Of Service

CHAPTER 6 :- MISCELLANEOUS

26. Power Of State Government To Make Rules

27. Power Of Council To Make Regulations
28. Bar On Jurisdiction Of Court
29. Savings
30. Repeal And Savings

Jharkhand Academic Council Act, 2002

AN ACT Whereas it is expedient to establish an Academic Council in the State of Jharkhand for holding and conducting examinations at the end of Intermediate education, Secondary education, Sanskrit education and madaras education stage and for prescribing courses of studies for such examinations and for recommending for recognition of Intermediate Educational Institution, High Schools, Sanskrit Schools and Madarsa to the State Government and generally for craying out such other subjects or duties as may be considered necessary for purpose hereinafter appearing. It is hereby enacted in the Fifty Third Year of the Republic of India as follows:-

CHAPTER 1 PRELIMINARY

1. Short Title, Extent And Commencement :-

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

2. Definitions :-

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repugnant in the subject or context,- (a) "Administrator" means the Administrator of the Council, when the Council is superseded or not constituted.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

made by the State Government under section-26 (k) "Sanskrit Vidyalaya" means a recognised institution which imparts instructions in Sanskrit up to the Madhyama standard (of traditional or modern type) (l) "Secretary" means the Secretary to the Council. 1[(m) Joint Secretary means Joint Secretary of the Council. (n) Finance Officer means Finance Officer of the Council. (o) Controller of Examinations Controller of Examinations of the Council. (p) Academic Officer means Academic Officer of the Council. (q) Recognition Committee means Recognition Committee of the Council. (r) Courses Committee means Courses Committee of the Council. (s) Examination Committee means Examination Committee of the Council. (t) Finance Committee means Finance Committee of the Council. (u) Governing Body means the Governing Body of the Inter College. (v) Managing Committee means Managing Committee of Secondary School, Sanskrit Vidyalaya and Madrasa. (w) Institution means an institution imparting education of Intermediate (+2). Secondary School, Sanskrit Vidyalaya & Madrasa recognized under the provision of section 7(2)(i) of the Act. (x) Intermediate College means Institution imparting general education of Intermediate (+2), standard recognized by the Council. (y) Member means Member of the Council. (z) Notification means Notification published in the Gazette. (zz) Act means Jharkhand Academic Council Act. (zzz) Govt. means State Govt. of Jharkhand.] 1. Inserted by the Jharkhand Academic Council (Amendment) Act, 2006 (Act No. 02 of 2007).

CHAPTER 2

JHARKHAND ACADEMIC COUNCIL

3. Establishment And Incorporation Of Council :-

(1) There shall be established, by the State Government, a Council known by the name of the Jharkhand Academic Council, which shall be a body corporate with perpetual succession and a common seal and shall by that name sue and be sued. It will be an autonomous body. 1[(1)(A) The headquarter of the council shall be at Ranchi and a Regional Office at Dumka which will cater to the needs of Santhal Pargana Division.] (2) The Council shall have power to acquire and hold property, both movable and immovable and subject to the provisions of this Act and the rules made there under to transfer any property held by it and to contract and to do all other things necessary for the purpose of this Act. 1. Inserted by the Jharkhand Academic Council (Amendment) Act, 2006 (Act No. 02 of 2007).

4. Constitution Of The Council :-

1[1. The Council shall consist of the following members:- (a) Chairman, Jharkhand Academic Council. (aa) Vice Chairman, Jharkhand Academic Council. (b) Director, Secondary Education, Ex-officio member. (c) Director, J.C.E.R.T. Ex-officio member. (d) One representative of university nominated by State Govt. of Jharkhand State to be nominated for one year in rotation from each University of the State of Jharkhand. (e) One Headmaster of Secondary School to be nominated by the State Govt. (f) Six persons of Academic repute: at least one from among the scheduled Caste, Scheduled Tribe, Backward Class, Women and the minority to be nominated by the State Govt. (g) One Scholar of Sanskrit possessing at least 15 years teaching or administrative experience to be nominated by the State Govt. (h) One Scholar of Arabic, Persian or Urdu possessing at least 15 years of teaching or administrative experience to be nominated by the State Govt. (i) 3 (Three) members of the Jharkhand Legislative Assembly to be nominated by the State Govt. (j) One distinguished and experienced educationist to be nominated by the State Govt. (k) One Principal of (+2) School. The following proviso shall be added to section 4(4) as: Provided that any nominated members shall be deemed to vacate office with effect from the date on which he ceases to be a member of the category from which he was nominated. Provided that the term of office of nominated members under section 4, from legislative Assembly shall be till their membership in the legislature or three years whichever is earlier. Provided that – Any casual vacancy in the membership of the Council by reasons of death, resignation or otherwise shall be filled by the member of the same category or Body due to whose death, resignation otherwise the vacancy has occurred and the person so nominated shall be a member for the remaining duration of the term.] (2) (a) The State Government shall nominate for such period not exceeding the term specified in subsection (4) as it may think fit, not more than three persons to be members of the Council that they, in the opinion of the State Government, possess expert knowledge of examination system. (b) The State Government shall nominate one Chartered Accountant for a period of three years. (3) Subject to the provision of sub-section (2), the term of office of the Chairman and the members other than the ex-officio member, shall be for a period of three years at the pleasure of the Government from the date of the official notification. (4) A person who holds office as Chairman or Member shall, on the expiration of his term of

office, shall be eligible for reappointment to that office for next three years, subject to maximum of two terms of office. 1. Substituted by the Jharkhand Academic Council (Amendment) Act, 2006 (Act No. 02 of 2007) for the following : - "(1) The council shall consist of (a) The Chairman, (b) The Director, Secondary Education, Jharkhand, ex-officio; (c) One representative from each of the Universities in Jharkhand established by law, to be nominated by the State Government; Provided that if there are more than two such Universities the State Government shall nominate one representative from each of two such Universities in such rotation as may be prescribed by rule; (d) One scholar of Sanskrit, possessing at least fifteen years of teaching, or administrative experience to be nominated by State Government, (e) One scholar of Arabic, Persian or Urdu possessing at least fifteen years of teaching or administrative experience to be nominated by State Government; (f) One Scholar Principal of 10+2 institution to be nominated by the State Government having at least five years experience,"

5. Vacancies In The Council Not To Invalidate Acts Or Proceedings :-

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

6. Conduct Of Business :-

1[(a) Meeting of the Council shall be held on such dates as may be fixed by the Chairman. Every notice calling a meeting of the Council shall state the time & place where such meeting will be held and shall be served upon every member of the Council not less than fifteen days before the day appointed for the meeting provided that the Chairman may convene a special meeting of the Council whenever he thinks fit or at the written request of one fourth of the members of the Council. (b) The Annual meeting of the Council shall be held every year generally in the month of November/December. (c) Other meeting of the Council shall be held as many times as may be required for the work but the intervening period between any two consecutive meetings shall not exceed three months. (d) One-third of the members shall constitute the quorum at any meeting of the Council. No quorum shall be necessary for a meeting adjourned for want of quorum and the members present may transact the business for which the meeting

was called for. (e) The Council shall lay down the Rules of procedure to be followed in its meeting. (f) The Council may invite such person to attend its meeting who in its opinion is an expert in any field of education- Provided that the subject with which the expert is concerned is likely to be discussed in that meeting. Such invited person may participate in the deliberations of the Council, but he shall have no right to vote. (g) No member of the Council shall vote on any such subject in which his personal interest is involved or the subject is connected with such Institution of which he is a teacher or a member of the Governing Body. (h) All the issues in the meeting will be decided by majority vote. In the event of equality of votes, the Chairman shall have the right of casting vote. (i) Any note of dissent by any member shall be recorded in the minutes of the meeting.] 1. Substituted by the Jharkhand Academic Council (Amendment) Act, 2006 (Act No. 02 of 2007) for the following : - "The Council shall by regulation, prescribe the procedure to be followed in regulating the conduct of business at meetings of the Council and of any committee constituted by the Council under this Act."

7. Functions And Power Of The Council :-

(1) The Council shall (i) conduct following examinations (a) Intermediate or 10+2 examination (b) Secondary examination (c) Madhyama examination (Sanskrit Examination) (d) Madarsa examination, and (e) any other examination as assigned by the State Government from time to time. (ii) generally formulate ways and means for the purposes of improving the machinery and system for the assessment of the attainments of students appearing in the examination as described in the proceeding subsection. (2) In particular and without prejudice to the generality of the foregoing powers, the Council shall. (a) in consultation with the committees of courses for different subjects, prepare lists of persons suitable for appointment as paper setters, moderators, examiners, tabulators, supervisors and invigilators for examinations, and make such appointment; (b) consider, moderate, determine and publish the results of examinations and award diplomas, certificates, prizes and scholarships in respect thereof; (c) admit candidates to its examinations and may disqualify any candidate for appearing in such examinations for any reason which the Council considers fit; (d) demand and receive such fees as may be prescribed by the Council from time to time; (e) fix centres for such examinations; (f) evolve improved methods

of assessment of the attainments of candidates and carry out experiments in such method time to time. (g) take such disciplinary action as it thinks fit against students, teachers and head of the institutions for reasons of misconduct and disobedience. (h) arrange regular inspection of educational institutions with a view to ascertain that the prescribed academic and vocational standards are being maintained and report to the state Government for taking appropriate action; (i) recommend to the State Government or to other appropriate authorities for recognition as well as withdrawal, cancellation or suspension of recognition or any High School, Intermediate Education Institution, Madarsa and Sanskrit High School as per rule framed under this Act. (j) conduct such other examinations and perform such other duties as assigned by the State Government.

1[(3) Purpose and power of the Council.- (a) To advise the State Govt. on all such matters concerning Intermediate (+2) Education, Secondary Education, and such other institution like Sanskrit and Madrasa as may be referred to it for advice by the State Govt. (b) To advise the State Government for de-linking the Intermediate Education from Degree College. (c) To prepare syllabus, courses of study and curriculum for Intermediate (+2) Secondary, Madhyama and Madrasa Education and to prescribe the same after due approval of the Govt. (d) To promote physical, moral and social welfare of students of Institutions, to create sense of discipline amongst them. (e) To recommend for reduction or stopping maintenance grant or any other grant, if any recognized Institution has failed to implement any of the conditions of recognition, or the Institution is being run in such a way as may be prejudicial to the interest of education or fails to comply with any order issued by the Council for maintenance of the prescribed teaching standard. (f) To determine the requirements and standard in connection with laboratory, library, apparatus, writing materials and other articles. (g) To prescribe the number of students for admission in any class of any institution. (h) To prescribe academic session and holidays for the institutions with the approval of the State Govt. (i) To call for any report or information from any institution. (j) To consider Annual reports and Annual Accounts and to approve them and to prepare and forward financial estimate of the same to the State Govt. for approval. (k) To create, with the prior approval of the State Govt., posts of officers and employees of the Council. (l) To make Rules for the service conditions of officers and other employees of the Council other than the Chairman and the Secretary with the prior approval of the State Govt. (m) To

make appointments to the sanctioned posts of officers of the Council other than the Chairman and the Secretary, in the manner prescribed and to take disciplinary action against them. 4. Arrangement of teaching of Intermediate (+2) standard in the Colleges managed by or affiliated to University:- The Council may make for arrangements of proper teaching examinations etc. of Intermediate (+2) classes attached to Degree colleges in consultation with the concerned university authorities. 5. Review of the recognition of recognized Institutions:- (1) With a view to ascertaining whether or not the institution is fulfilling the prescribed conditions and maintaining the proper standard of teaching and discipline, the Council shall review the cases of recognition of institutions every three years or before that at such intervals as it may consider necessary. (2) As a result of the review for proper and sufficient reasons, if the Council considers it necessary. It shall be competent to recommend to the Government for withdrawal of permission given to the Institution concerned. (3) Where the recognition of any institutions is withdrawn and its name is removed from the register of the Council, the certificate of registration to the authority of the management of the institution shall be deemed to be cancelled. The Council shall notify the cancellation of recognition in the newspaper. 6 Power of the Council for constitution of Governing Body/Managing Committee of recognized Institutions.- (1) There shall be Governing body/Managing Committee constituted by the Council for the management and administration of each recognized Intermediate (+2), Secondary, Madhyama (Sanskrit) and Madrasa Institution other than an Institution maintained by State Govt. or an institution administered by a minority community on the basis of religion or language. It shall consist of following members. (i) Head of the institution Ex-officio Member. (ii) A representative of the Council to be nominated by the Council. (iii) A member of State Legislature, within whose constituency the institution is situated Ex-officio member. (iv) An officer of the State Govt. posted in the district not below the rank of a Sub-divisional officer nominated by the Deputy commissioner. (v) One member elected by and from amongst the teacher of the institution. (vi) One member to be elected by and from amongst donors as have donated at least Rs. 25,000/- to the institution. (vii) One member to be co-opted by the Governing Body/Managing Committee from amongst such educationists or persons reputed for Having academic interests who reside in the district, where the Institution is located. (viii) District

Education Officer of the District ex-officio. (2) The term of office of the members of the Governing Body/Managing Committee other than the ex-officio members shall be three years and their powers and functions shall be such as may be prescribed by the rules. (3) No proceedings of the Governing Body/Managing Committee of the recognized Institution shall be invalid merely by the existence of vacancy or vacancies amongst its members.] 1. Inserted by the Jharkhand Academic Council (Amendment) Act, 2006 (Act No. 02 of 2007).

8. Committee Of Courses :-

1[A. Constitution of Committees.- (1) The Council shall constitute one or more of the following committees from amongst its members:- (a) Recognition Committee (b) Courses Committee (c) Examination Committee (d) Finance Committee (2) The Chairman of each Committee shall either be the Chairman of the Council or any member nominated by the Chairman. Besides the Chairman the members of the Committee shall not be more than Four. (3) Save as otherwise provided in this Act there shall be a Secretary of each Committee who shall be nominated by the Chairman from amongst officers of the Council. B. Functions of the Committees.- 1. The functions of the Recognition Committee shall be to advise the Council on matters of recommending granting of recognition of institutions. 2. The function of the Courses Committee shall be to advise the Council on matters relating to preparation of courses of study and curriculum and selection of books for teaching in recognized Institutions. 3 The function of the Examination Committee shall be to advise the Council in the selection of examiners, paper setters, moderators, tebulators, invigilators, observers and other officers connected with the examinations conducted by the Council. 4. The following shall be the functions of the Finance Committee:- (a) Preparation of annual estimates of the Council. (b) Work relating to maintenance of budgets of the Council. (c) Discharge of such other functions of financial nature as may be entrusted from time to time by the Council, and (d) To advise the Council on matters related to the finances of the Council.] 1. Substituted by the Jharkhand Academic Council (Amendment) Act, 2006 (Act No. 02 of 2007) for the following :- "1) There shall be committee of courses constituted by the Council for each group of subjects or for each subject: 2) The committee shall give its recommendations to the Council for the approval of the State Government on the following subjects. a) scheme and

courses of study. b) preparations of text books in accordance with the approved courses of study. c) improvement in methods of teaching and suggest latest technique; and d) other functions consistent with the purposes of this act as may from time to time be entrusted to it."

9. Enquiry Into The Working Of Council :-

(1) The State Government could depute an officer not below the rank of Special Secretary to the Government to inspect, examine and report the findings on any of the following matters : (i) the functioning of the Council, (ii) the functioning of any wing of the Council, (iii) the financial matters, (iv) any departure and, or deviation in carrying out the provisions of the Act and rules framed therein, and (v) such other matter as may be referred by the State Government. (2) The council shall produce any record, correspondence, report, statement, account or statistics for the purpose of such inspections or examination as required by authorised inspecting officer so deputed for this purpose. Provided that such records or documents shall not be asked for such examination or inspections which the Council may think be detrimental to the confidentiality of the examination. (3) The State Government, shall, after considering the report and recommendation, if any, issue such directions to the Council as it may think fit and the Council shall comply with the directions, (4) Notwithstanding any thing contained in sub-sections (1) & (3) the State Government, may from time to time issue such general or special directions to the Council as it think fit and Council shall comply with such directions.

10. Officers Of The Council :-

The following shall be officers of the Council, namely, 1[(i) Vice Chairman (ii) The Joint Secretary (iii) Finance Officer (iv) Controller of Examinations (v) Academic Officer] 1. Inserted by the Jharkhand Academic Council (Amendment) Act, 2006 (Act No. 02 of 2007).

11. Appointment Of The Chairman And His Removal :-

1[(1) Appointment, terms and service conditions and removal of the Chairman : (A) No person shall be deemed to be qualified to hold the post of Chairman unless such person is reputed for his scholarship, academic interest and administrative capability. (B) The Chairman shall be a whole time officer of the council, appointed by the State Government and shall hold office for a term of three years. Provided that the State Government may by notification

remove the Chairman, if he refuses to act or is unable to act or if he act in a manner which the State Government considers, prejudicial to the interest of the Council (C) (i) The salary and other service conditions of the Chairman will be same as that of the Vice-Chancellor of the State University. Provided that if at the time of appointment as Chairman, the concerned person was in receipt of or had become entitled to receive retirement benefits by way of pension gratuity, contributory provident fund or otherwise, the pay specified in the rules shall be reduced by the gross amount of pension (including any portion of the pension which may have been commuted) and the pension equivalent of other forms of retirement benefits. (2) Disqualification of Chairman and members of the Council. No person shall be deemed to be qualified for appointment or to continue as Chairman, for nomination as member or to continue as member- (a) If he, indirectly, himself or through his partner, has- (i) Share or interest in any book published or recommended by or on behalf of the Council, or (ii) Share or interest in any work to be done on contract to be given by the order of or on behalf of the Council. (b) If he is a person against whom order has been passed for his removal from the Govt. service, he will not be eligible to be nominated to the Council. (c) If he- (i) has been declared in same by a judgment of a Court of Law. (ii) is insolvent. (iii) has been convicted by a Court of Law for any offence having punishment of more than three months. Explanation- For the purpose of sub - clause (i) of clause (a) (i) Publication of the course books includes its republication and reprint. (ii) Any person holding interest or share in the publication or business of such course books shall be deemed to be disqualified, and (iii) If any dispute arises in the matter of disqualification, the decision of the State Government shall be final and binding. (3) Appointment, term and service conditions of Vice Chairman:- (i) The Vice-Chairman shall be appointed by the State Government (ii) The Vice-Chairman shall be a whole-time officer and shall hold office at the pleasure of the State Govt. for a term not exceeding three years from the date on which he first assumes charge of the office. (iii) On the expiration of the first term he may be appointed at the pleasure of the State Government for a term not exceeding three years. (iv) The State Government shall appoint such person as Vice-Chairman who has sufficient experience of education administration. (v) The Salary and other service conditions of the Vice-Chairman shall be equivalent to the Pro-Vice-Chancellor of a University in Jharkhand. (vi) In addition to his own

duties he will be in charge of the Regional office of the Council at Dumka. (vii) He will act under the over all superintendence of the Chairman and perform such other duties as may be assigned to him by the Chairman from time to time. (viii) Other conditions of the service shall be determined by the State Government.] 1. Substituted by the Jharkhand Academic Council (Amendment) Act, 2006 (Act No. 02 of 2007) for the following : - "(1) The State Government, shall appoint the Chairman, who shall be a whole time officer of the Council. (2) The pay, allowances and other conditions of service of the Chairman shall be such as may be determined by the State Government. (3) The State Government may by notification remove the Chairman if he refuses to act or is unable to act or if he acts in a manner which the State Government considers it prejudicial to the interest of the Council."

12. Vacancy In The Office Of Chairman :-

(1) During the temporary absence of the Chairman by reason of leave, illness or any other cause or in case of vacancies in the office of Chairman, any other person appointed by the State Government, shall carry on the office of the Chairman. 1[(2) Vacancy of the post of Chairman or member due to disqualification. If the Chairman or any Member of the Council is disqualified under section 11(2) His post shall be deemed to have fallen vacant with effect from the date of disqualification. The vacancy caused on account of disqualification shall be published in the official Gazette by the State Government. (3) Resignation of members.- (A) Any member of the Council other than ex-officio Member may submit his resignation in writing to the Chairman of the Council who will forward it to the State Govt. with his comments. (B) The State Government shall, having accepted the resignation of the Member, notify it in official Gazette and the post of the member concerned shall fall vacant from the date of the notification in the Gazette. (4) Removal of the Member.- (A) The State Government may, on the recommendation of the Council or suo motto remove any member from his post if such a member has been found guilty of such conduct as would in the opinion of the State Government disqualified him to continue as member. (C) The name of the member removed under sub-section (A) shall be published in the official Gazette by the State government and the post of the member removed shall fall vacant with effect from the date of notification in the Gazette.] 1. Inserted by the Jharkhand Academic Council (Amendment) Act, 2006 (Act No. 02 of 2007).

13. Powers And Duties Of Chairman :-

(1) It shall be the duty of the Chairman to see that this Act and the rules and regulations made there under are faithfully observed and he shall have all powers necessary for these purposes. (2) The Chairman shall have power to convene meetings of the council. (3) He shall sanction all contracts of works of confidential natures viz. printing of question paper and, or question cum answer booklets including delivery to its destination. He shall sign only the confidential agreement for maintaining secrecy about the details of confidential printers and make payment thereof. (4) In any emergency arising out of the administrative business of the Council, which, in the opinion of the (Chairman, requires immediate action should be taken, the (Chairman shall take such immediate action as he deems necessary, and shall thereafter report the action taken by him to the Council at its next meeting. (5) The Chairman shall exercise such other powers as may be prescribed by the rules made under this act. 1[(6) The Chairman shall, subject to the provisions of this Act, the Rules and Regulations made there under, have power to make appointments subject to ratification by the Council to the posts within the sanctioned grades and scales of pay and within the sanctioned strength of the ministerial employees and other servants of the Council (not being officers of the Council) and have control and full disciplinary powers over such staff and servants. (7) The Chairman shall have the.- (a) Power of general supervision and control over the Secretary and other officers and employees of the Council. (b) Power to entrust such work as he deems fit to the members of the board of studies and committees and (c) Power to sanction travelling allowances at the rates approved by the State Govt. to the Secretary and members of the Council.] 1. Inserted by the Jharkhand Academic Council (Amendment) Act, 2006 (Act No. 02 of 2007).

14. Appointment Of Secretary And His Removal :-

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

15. Powers And Duties Of The Secretary :-

(1) The Secretary shall subject to the control of the Council, be the

Administrative Officer of the Council and shall be responsible for the presentation of the annual estimates and statements of accounts. (2) Be responsible for seeing that all moneys are spent as provided in the budget of the Council. (3) Be responsible for keeping the minutes of the meeting of the Council. (4) Issue certificate in the prescribed form on behalf of the Council to successful candidates of having passed examination conducted by the Council and other forms of certification, wherever necessary. (5) Exercise such other powers as may be prescribed in rules and regulation made under this Act. (6) He shall be entitled to be present and to speak at any meeting of the Council, but shall not be entitled to vote there at.

16. Power Of Supersede The Council :-

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

CHAPTER 3

JHARKHAND ACADEMIC COUNCIL FUND

17. Examination Fund :-

(1) There shall be established a fund to be called the Jharkhand Academic Council Fund, which shall be vested in the Council for the

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

18. Application Of Examination Fund :-

(1) The Examination Fund shall be applicable to the following objectives (a) to the repayment of debts incurred by the Council for the purpose of this Act and the rules and regulations made thereunder ; (b) to the payment of the salaries, allowances and honorarium of the officers and the employees, of the Council; (c) to the payment of the travelling and other allowances to the members of the Council and different committees; (d) to the payment of the District administration for conducting free, fair and peaceful examination (e) to the honorarium given to the selected officers engaged in conducting the examination; (f) to the payment of expenses incurred over the jobs related to examinations and performing the functions entrusted to the Council under this Act and the rules and regulations made thereunder; (g) to the payment of the cost of audit of the Examination Fund; (h) to the expenses of any suit or proceedings to which the Council and/or Officers of the Council are/is party; (i) to the payment of expenses incurred over repair and maintenance of the building of the Council,. (j) to meet the office expenses as well as rent for the office building. (k) to the payment of any other expenses not specified in any or the preceding clauses.

19. Audit Of Accounts Of The Council :-

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

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

CHAPTER 4 EXAMINATIONS

20. Aims And Objective Of Examinations :-

The examinations to be conducted by the Council shall aim at testing the training of the candidates as useful citizens of the Indian Union, their qualifications and preparedness for absorption in different vocations or services and their suitability of the receiving University Education. The objective of the examination shall be to evaluate the attainments of the students at the end of his study in Secondary, Intermediate, Madarsa and Madhyama level.

21. Intermediate Or 10+2 Examination :-

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

22. Secondary Examination :-

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

23. Sanskrit Examination :-

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

24. Madarsa Examination :-

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

CHAPTER 5

25. General Condition Of Service :-

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

CHAPTER 6

MISCELLANEOUS

26. Power Of State Government To Make Rules :-

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

27. Power Of Council To Make Regulations :-

The Council may, after previous publication and subject to confirmation by the State Government, make regulations consistent with this Act and the rules made there under to provide for all or any of the following matters, namely (a) the procedure to be followed in regulating the conduct of business at meetings of council and committees constituted by it under the Act; (b) the conditions under which students shall be admitted to the examination of the Council; (c) the fees to be charged for admission to the examination of the Council; (d) the conditions and mode of appointment and duties of Examiners and the conduct of examinations; (e) the powers to be exercised by the Secretary under sub-section - 5 of section-I 5; (f) the service code and conduct rules for the employees of the Council; and (g) all the

matters which by this Act or the rules made thereunder are to be or may be provided by regulations.

28. Bar On Jurisdiction Of Court :-

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

29. Savings :-

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

30. Repeal And Savings :-

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