

**Jharkhand Academic Council, (Amendment) Act, 2006****02 of 2007**

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**Jharkhand Academic Council, (Amendment) Act, 2006****02 of 2007**

An Act to amend the Jharkhand Academic Council Act, 2002 (Jharkhand Act, 02 of 2003) Whereas, Jharkhand Academic Council Act (Jharkhand Act 2 of 2003) was enacted to establish an Academic Council in the State of Jharkhand for conducting examination of Intermediate Education (+2), Secondary Education, Sanskrit Education and Madrasa Education. The Academic Council shall recommend courses of studies for such examination and recommend recognition of Intermediate Education Institutions, High Schools, Sanskrit Schools and Madrasa to the State Government and generally for carrying out such other subjects or duties as may be considered necessary for the purpose hereinafter stated. And, where as after the enactment of Jharkhand Academic Council Act 2002 during the course of execution of functions assigned to the Council, it was felt that some important provisions

such as appointment and removal/disqualification of Chairman and members of the Council, conduct of the business of the Council, provision of important officers essential for the execution of functions assigned to the Council, constitution of managing committee/Governing body of the institutions etc. were not there or provisions were not clearly spelt out, due to which the council was experiencing difficulties in the smooth discharge of its function and duties and so it became necessary to amend certain provisions of Jharkhand Academic Council Act, 2002. Now, THEREFORE Be it enacted by the legislature of the state of Jharkhand in the fifty seventh year of the Republic of India as follows:-

**1. Short Title, Extent And Commencement :-**

(a) This Act may be called the Jharkhand Academic Council (Amendment) Act, 2006. (b) It shall extend to the whole of the State of Jharkhand. (c) It shall come in to force from the date of notification in the official Gazette.

**2. In Section 2 Of Chapter (1) The Following Shall Be Inserted :-**

(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.

**3. The Following Shall Be Inserted After Section 3(1) Of The Act As Section 3(1)(A) :-**

3(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.

**4. The Following Shall Be Substituted In Section 4 Of The Act As Section 4(1) In Place Of The Existing Section 4(1) Of Chapter -2 :-**

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.

**5. Section 6, Be Substituted As :-**

6. Conduct of Business (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.

**6. The Following Shall Be Inserted In Section 7 Of Chapter 2 Of The Act As Section 7(3), 7(4), 7(5) & 7(6) :-**

7.(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.

7.6 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.

**7. The Provisions Of Section 8 Of The Act Shall Be Deleted And Substituted By The Following :-**

"8(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. 8.(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.

**8. In Section 10 Of The Act The Following Be Added As :-**

(i) Vice Chairman (ii) The Joint Secretary (iii) Finance Officer (iv) Controller of Examinations (v) Academic Officer

**9. Section 11 Shall Be Substituted As :-**

11(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 form 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. 11 (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. 1(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.

**10. The Following Shall Be Added To Section 12 :-**

12(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. 12(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. 12(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.

**11. In Section 13 Of The Chapter (2) Of The Act The Following Be Added As :-**

13(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. 13(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.

**12. Section 14 Be Read As 14 A And In Section 14 The Following Be Added As 14(B), (C), (D) & (E) :-**

14(B) Qualification & duties of Joint Secretary. (i) The Joint Secretary shall be a whole-time officer. He shall be not below the rank of District education Officer and shall be deputed by the State Govt. (ii) He shall work under the control of the Chairman and shall perform such duties as may be assigned to him from time to time. (iii) There shall be two posts of Joint Secretary. One Joint Secretary shall be in charge of the work relating to establishment and administration of the Council and other Joint Secretary shall be in charge of the work relating to establishment of Intermediate Colleges, Secondary Schools, Madrasa and Sanskrit Vidyalayas. 14(C) Qualification & duties of the Finance Officer. (a) The Finance Officer shall be a whole-time officer of the Council. (b) He shall be a person having ten years experience of Financial Administration and sound knowledge of accountancy, auditing and budgetary procedures. (c) He shall possess at least a second class bachelor

degree in Commerce and have M.B.A. degree in financial management from recognised institution. (d) He shall be appointed by the Council. (e) He shall act as Secretary to the Finance Committee and shall exercise such powers and perform such duties as may be assigned to him by the Chairman. (f) His pay scale shall be the same as admissible to the Joint Secretary. 14(D) Qualification and Duties of Controller of Examinations: (i) The Controller of examinations shall be a whole-time officer of the Council. (ii) He shall be person having 10 years experience of University administration or as a teacher in a University or College, possessing a high second class masters degree of the University or an equivalent qualification. (iii) He shall be appointed by the Council. (iv) The Controller of Examinations shall assist the Council in the conduct of all examinations (Intermediate +2, Secondary, Madrasa and Madhyama Sanskrit) and the timely publication of the result thereof. 14(E) Qualification and Duties of the Academic Officer: (i) The Academic Officer shall be a whole-time officer of the Council appointed by the Council. (ii) He shall possess a high second class Masters Degree of a University or an equivalent qualification and not less than 10 years experience of teaching in a degree College or the administration in the Council or similar organizations. 3. Savings: In Section 29 the following shall be deleted in line two of the text: "Within a maximum period of one year" 4. Section 28 (i) stand deleted.