

Haryana Board Of School Education Act, 1969

11 of 1969

[26 February 1969]

CONTENTS

1. Short Title Extent And Commencement
2. Definitions
3. Establishment And Constitution Of Board
- 3A. Transfer Of Assets And Liabilities
4. Term Of Office
- 4A. Chairman, Vice-Chairman And Members To Hold Office During Pleasure Of State Government
5. Vacancies, Etc. Not To Invalidate Proceedings Of Board
6. Disqualifications
7. Resignation
8. Office Of Certain Members To Be Declared Vacant
9. Power To Remove Members
10. Vacancies
11. Meetings Of Board And Procedure Thereof
12. Officers And Other Employees Of Board And Their Appointment, Powers And Duties
13. Powers And Functions Of Board
14. Powers Of Board To Set Up Committees
15. Constitution Of The Board Fund
16. Control Of State Government Over Board
17. Powers Of State Government To Appoint Committees
18. Delegation
19. Powers Of Board To Make Regulations
20. Repeal And Savings

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An ACT to provide for the establishment of a Board of School Education in the State of Haryana. Be it enacted by the Legislature of the State of Haryana in the Twentieth Year of the Republic of India as follows: -- 1 For Statement of Objects and Reasons, see Haryana Government Gazette (Extra.), 1969, page 2 For Statement of Objects and Reasons, see Haryana Government Gazette (Extra.),

dated 9-2-70, page 94. 3 For Statement of Objects and Reasons, see Haryana Government Gazette (Extra.), dated 22-11-1974, page 1616. 4 For Statement of Objects and Reasons, see Haryana Government Gazette (Extra.), dated 21-9-1979, page 1674. 5 For Statement of Objects and Reasons, see Haryana Government Gazette (Extra.), dated 3-7-1980, page 1302.

1. Short Title Extent And Commencement :-

(1) This Act may be called the Haryana Board of School Education Act, 1969

(2) It extends to the whole of the State of Haryana.

(3) It shall come into force on such date as the State Government may, by notification, appoint in this behalf.

2. Definitions :-

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

(a) "Board" means the Board of School Education, Haryana, established and constituted under section 3;

(b) "examination" means an examination conducted by the Board;

(c) "institution" means an educational institution imparting school education;

(d) "managing committee" means the managing committee constituted by the foundation society or the Governing body of a recognised institution not owned or controlled by the State Government;

(e) "prescribed" means prescribed by regulations made under this Act;

(f) "recognised" with its grammatical variations used with reference to institutions, means recognised by the Board for the purpose of admission to the privileges of the Board; and

(g) "school education" means education from the first class to the eleventh class, that is, all education that precedes immediately the stage of education leading to entry to the first degree of a university establishment by law in India, but does not include technical education.

3. Establishment And Constitution Of Board :-

1[(1) On and with effect from the 31st January, 1970, the Board as it existed immediately before such date shall stand dissolved and the State Government shall by notification establish for carrying out

the purposes of this Act a new Board to be known as "the Board of School Education, Haryana" with headquarters at such place as the State Government may by notification specify.

(2) The Board shall be a body corporate with the name aforesaid having perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold or dispose of property, and to contract, and may by that name sue and be sued.

(3) The Board shall consist of a Chairman, Vice-Chairman and the following other members: --

(a) ex-officio members, namely :--

(i) Director of Public Instruction, Haryana;

(ii) Director of Technical Education, Haryana;

(iii) Director of Health Services, Haryana;

(iv) Director of Industrial Training, Haryana;

(v) Director of Agriculture, Haryana;

(vi) Deputy Secretary, Finance Department, Haryana;

2[(vii) Director of Public Instruction (Schools), Haryana; and]

(viii) District Education Officer authorised by the State Government:

Provided that in the case of alteration of any designation, the person holding for the time being the altered designation shall be deemed to be the ex-officio member; --

(b) nominated members; namely: -

(i) two persons from amongst the members of the Haryana Legislative Assembly one of whom shall be a woman;

(ii) two persons from amongst the Heads of the recognised High and Higher Secondary Schools one of whom shall be a woman;

(iii) one person from amongst the Heads of Teachers Training Colleges;

(iv) one person, being not lower in rank than a Dean or Professor from amongst the Universities situated in the State of Haryana;

(v) two persons who are distinguished educationists residing in the State of Haryana, one of whom shall be a woman; and

(vi) one person from amongst the members of the managing committees;

(4) The Chairman and the Vice-Chairman of the Board shall be appointed by the State Government upon such terms and conditions as it may think fit.

(5) The members referred to in clause (b) of sub-section (3) shall be nominated by the State Government.

(6) The Board may co-opt not more than two persons on account of their distinction in the subjects of study included in the prescribed

courses as co-opted members for any special purpose, but no such member shall have a right of vote.

(7) No person shall be eligible for being nominated as a member unless he is a graduate of any university in India or holds an equivalent qualification from any university outside India.

(8) Every nomination of a member and every vacancy in the office of such member shall be notified by the State Government in the Official Gazette.

(9) A person shall assume office as a member from the date his nomination is notified under sub-section (8).

1 Substituted for section 3 by Haryana Act 2 of 1970.

2 Substituted by Haryana Act 33 of 1980.

3A. Transfer Of Assets And Liabilities :-

On and with effect from the 31st January, 1970 all assets and liabilities and all property, movable or immovable, and all other rights and interests arising out of such property as were immediately before that date in the ownership, possession, power or control of the Board as it existed immediately before such date shall be transferred to, and shall vest in, the new Board.]

4. Term Of Office :-

1[(1) The term of office of a nominated member shall be three years:

Provided that an outgoing member shall unless the State Government otherwise directs, continue in office until the nomination of his successor is notified].

(2) The term of office of an ex-officio member shall continue so long as he holds the office by virtue of which he is a member.

(3) An outgoing member shall be eligible for being 2[* * * *] nominated again.

1 Substituted for sub-section (1) by Haryana Act 2 of 1970 section 3(i)

2 The words "elected or" omitted by ibid section 3 (ii).

4A. Chairman, Vice-Chairman And Members To Hold Office During Pleasure Of State Government :-

Notwithstanding anything contained in section 3 or section 4 or any other provision of this Act, the Chairman, Vice-Chairman and members of the Board shall hold office during the pleasure of the State Government.]

5. Vacancies, Etc. Not To Invalidate Proceedings Of Board :-

No act done, or proceeding taken, under this Act by the Board shall be invalid merely on the ground--

- (a) of any vacancy or defect in the constitution of the Board, or
- (b) of any defect or irregularity in 1[nomination] or co-option of a person acting as a member thereof, or
- (c) of any defect or irregularity in such act or proceeding not affecting the merits of the case.

1 Substituted for the words "election, nomination" by Haryana Act 2 of 1970, section 4.

6. Disqualifications :-

A person shall be disqualified for being 1[nominated] or co-opted, or for continuing, as a member if he, directly or indirectly, by himself or by his partner, --

- (a) has any share or interest in any publication prescribed as a textbook or other book of study for use in any High School or Higher Secondary School; or
- (b) has any share or interest in any work done for or on behalf of the Board

1 Substituted for the words "elected, nominated", by ibid, section5.

7. Resignation :-

A member of the Board may at any time resign his office by a letter addressed to the Chairman of the Board, or, in his absence, to the Vice-Chairman of the Board, and the resignation shall take effect from the date on which it is accepted by him.

8. Office Of Certain Members To Be Declared Vacant :-

Where any member--

- (a) ceases to have the qualification on the basis of which he becomes such member, or
- (b) absents himself, without permission of the Chairman of the Board, from three consecutive meetings thereof, the Board shall declare his office to be vacant.

9. Power To Remove Members :-

If, in the opinion of the State Government, the continuance in office of any person as a member is not in the interest of the Board, the State Government may, in consultation with the Board, make an order removing such person from such membership:

Provided that before making such order, the reasons for his proposed removal shall be communicated to him and he shall be given an opportunity of tendering an explanation in writing which shall be duly considered by the State Government.

10. Vacancies :-

(1) If a vacancy occurs in the office of a member of the Board through death, resignation, removal or otherwise, the vacancy shall be filled in the same manner as is provided in section 3.

1[(2) Any person nominated to fill the vacancy shall, notwithstanding anything in section 4, hold office only so long as the member in whose place he is nominated would have held office if the vacancy had not occurred.]

1 Substituted for sub-section (2) by Haryana Act 2 of 1970 section 6.

11. Meetings Of Board And Procedure Thereof :-

(1) The Board shall meet at least once in every three months at its headquarters or at such other place as the State Government may direct, and the Chairman of the Board shall have power to convene meetings of the Board:

Provided that, where a requisition signed by not less than five members for calling a meeting of the Board and stating the business to be transacted thereat is received by the Chairman of the Board, he shall convene such a meeting in accordance with the prescribed procedure.

(2) A copy of the proceedings of every meeting of the Board shall be sent to the State Government as soon as may be after the meeting is held.

(3) The Chairman of the Board and, in his absence, the Vice-Chairman of the Board, and in the absence of both, a person elected by the members from amongst themselves, shall preside at a meeting of the Board.

(4) All questions at a meeting of the Board shall be decided by the votes of the majority of the members present and voting:

Provided that in the case of equality of votes, the Chairman of the Board, the Vice-Chairman of the Board or the person presiding, as the case may be, shall, in addition to his vote as a member, have a second or casting vote.

(5) Seven members shall form a quorum at a meeting of the Board: Provided that if a meeting is adjourned for want of quorum, no

quorum shall be necessary at the next meeting called for transacting the same business.

12. Officers And Other Employees Of Board And Their Appointment, Powers And Duties :-

(1) There shall be the following officers of the Board, namely: --

- (a) the Chairman;
- (b) the Vice-Chairman;
- (c) the Secretary; and
- (d) such other officers as may be prescribed.

(2) The Chairman of the Board shall be the administrative head of the Board.

(3) The Chairman of the Board shall exercise all powers necessary and be responsible for carrying out the provisions of this Act and the regulations made thereunder.

(4) The Vice-Chairman of the Board shall exercise and perform such powers, duties and functions as may be entrusted to him by the Board by regulations and shall assist the Chairman of the Board in all the matters for the purpose of carrying out the provisions of this Act and the regulations made thereunder.

1[(5) The Secretary of the Board shall be appointed by the State Government upon such terms and conditions as it may think fit.]

(6) The Secretary so appointed shall be--

- (a) the principal Executive Officer of the Board and shall authenticate all orders and decisions of the Board;
- (b) entitled to be present and to speak at any meeting of the Board; and
- (c) responsible for --
 - (i) the presentation of the annual estimates and statements of accounts, including the balance sheet, to the Board;
 - (ii) the custody of the Board Fund and ensuring that all moneys of the Fund are expended for the purpose for which they are granted or allotted;
 - (iii) keeping the minutes of the meetings of the Board and furnishing a copy thereof to the State Government; and
 - (iv) discharging such other functions as may be prescribed.

(7) The Board may appoint on such terms and conditions of service it may think fit such other employees as may be considered necessary for carrying out the provisions of this Act and the regulations made thereunder.

1 Substitute for sub-section (5) by Haryana Act 2 of 1970, section

7.

13. Powers And Functions Of Board :-

Subject to the provisions of this Act, the Board shall exercise and perform the following powers and other functions, namely: --

(1) prescribe the courses of instruction, text-books and other books of study for school education;

(2) conduct examinations for school education, admit to such examinations, on the prescribed conditions, candidates who pursue the prescribed courses of instruction, whether in recognised institutions or otherwise, and demand and receive the prescribed fees;

(3) publish the results of such examinations, grant certificates and diplomas to persons who have passed such examinations and institute and award scholarships, medals and prize;

(4) prescribe conditions for recognition of schools and other institutions which send candidates to the examinations conducted by the Board in terms of teachers and their qualifications, curriculum, equipment, buildings and other educational facilities;

(5) call for reports from the Education Directorate or the District Education Officers on the conditions applying for recognition and to direct inspection of such institutions;

(6) prescribe measures to promote physical, moral, cultural and social welfare of students in recognised institutions and conditions of their residence and discipline;

(7) organise and provide lectures, demonstrations and educational exhibitions, seminars and symposiums and to take such other measures as may be necessary to raise and promote the quality of school education;

(8) take necessary steps with regard to the modernizing of school curricula, strengthening of science and mathematics education, work, experience and vocationalisation by making investigation and researches into the latest evaluation processes or other experiments;

(9) withdraw recognition from the institution, where the Board is satisfied after enquiry that its privileges are abused by it or that the conditions imposed by the Board for the recognition of such institution are not complied with :

Provided that before withdrawing recognition the Board shall require the institution to show cause why such action should not be taken and consider any explanation which may be furnished by it;

- (10) submit annual audited accounts and balance sheet together with the annual report of the Board to the State Government and publish such accounts and balance-sheet in the Official Gazette; and
- (11) do such other acts and things as it may deem fit for the purpose of carrying out the provisions of this Act.

14. Powers Of Board To Set Up Committees :-

(1) The Board may, for the purpose of carrying out the provisions of this Act and the regulations made thereunder, set up such committees as it may think fit or as may be prescribed:

Provided that the Board shall set up a finance committee which shall examine all financial matters pertaining to the Board, including the budget estimates and the annual accounts and balance-sheet.

(2) A committee set up under sub-section (1) shall consist of such number of members not, exceeding the prescribed number, as the Board may, from time to time, decide:

Provided that the member referred to in sub-clause (vi) of clause (a) of sub-section (3) of section 3 shall always be a member of the finance committee:

Provided further that a committee may, subject to the approval of the Board, co-opt as members of the committee, not exceeding one-third of the total number of members of the committee, persons having special knowledge of the subjects to be dealt with by the committee.

(3) The quorum and the manner of transacting the business of a committee shall be such as may be prescribed.

(4) Every such committee shall submit its report to the Board for such decision thereon as it may think fit.

15. Constitution Of The Board Fund :-

(1) There shall be constituted a Fund to be known as the "Board Fund" to which shall be credited--

(a) all fees received by the Board and all endowments, donations, grants or contributions made to it by the State Government or by any other Government, person, body or authority; and

(b) all moneys received from any other source.

(2) All moneys at the credit of the Board shall be kept in the State Bank of India or such other bank as the State Government may specify

1[Provided that the Board may invest such moneys, as are not required by it for immediate expenditure, in any of the Government securities or grant loan out of them to any Government company as defined in the Companies Act, 1956, and on such terms and conditions, as the State Government may approve in this behalf or place them in the fixed deposit in any bank approved by the State Government.]

(3) Subject to the provisions of this Act, the Board Fund may be applied for purposes of payment of the charges and expenses connected with or incidental to the several matters specified in this Act and the regulations made thereunder and for any other purpose for which by or under this Act powers are conferred or duties imposed on the Board.

(4) The annual net savings shall be used by the Board for the development of school education and raising the standards thereof and for such other educational purposes as the State Government may direct.

(5) The accounts of the Board shall be audited annually by such agency and on payment of such fees as may be specified by the State Government and a copy of the annual audited accounts and balance-sheet shall be submitted by the Board to the State Government within a period of six months from the close of the financial year.

1 Substituted by Haryana Act 6 of 1974.

16. Control Of State Government Over Board :-

1[(1) The State Government shall exercise superintendence and control over the Board and its officers and may call for such information as it may deem necessary and, in the event of its being satisfied that the Board is not functioning properly or is abusing its powers or is guilty of corruption or mismanagement, it may, by notification, suspend the Board;

Provided that the Board shall be reconstituted within a period of one year from the date of its suspension.

(2) When the Board is suspended under sub-section (1), the following consequences shall ensue, namely: --

(a) all members of the Board and its committees, including the Chairman and Vice-Chairman thereof, shall, from the date of the notification, vacate their offices;

(b) all powers, duties and functions, which under the provisions of this Act or any regulation made thereunder, are to be exercised by

the Board or any committee thereof or by the Chairman or Vice-Chairman of the Board or by any other officer of the Board, shall, during the period of suspension, be exercised and performed by such person (to be called the administrator) as may be appointed by the State Government, in this behalf :

Provided that the administrator may, subject to the approval of the State Government, delegate any of his powers, duties or functions to such other person as he may think fit;

(c) all properties, including the Board Fund, vested in the Board shall, until it is reconstituted, vest in the State Government.]

1 Substituted by Haryana Act 26 of 1979.

17. Powers Of State Government To Appoint Committees :-

(1) The State Government may at any time appoint a committee consisting of such number of persons as it may think fit to enquire into and to report on any one or more of the following matters, namely: -

(a) the working of the Board;

(b) the financial position of the Board;

(c) the change to be made in the provisions of this Act or the regulations made thereunder;

(d) any other matter which the State Government may think fit to refer.

(2) The manner in which a committee appointed under sub-section (1) shall hold its meetings and transact its business shall be such as may be determined by the State Government.

(3) The State Government may, after considering the report of the committee, issue, such directions to the Board as it may think fit; and the Board shall comply with such directions.

18. Delegation :-

The Board may by regulations made under this Act delegate-

(a) any of its powers, except the powers to make regulations, to any officer or committee of the Board; or

(b) any of the powers vested by this Act in any officer of the Board to any other officer or committee thereof;

and the officer or committee to whom such delegation is made shall also exercise such powers subject to such restrictions and conditions as may be prescribed.

19. Powers Of Board To Make Regulations :-

(1) Subject to the provisions of this Act, the Board may, by notification and with the previous sanction of the State Government, make regulations for carrying out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, the Board may make regulations providing for all or any of the following matters, namely: --

(a) 1[xxx]

(b) the manner in which persons shall be co-opted as members under 2[sub section (6)] of section 3;

(c) the procedure in accordance with which the meetings of the Board shall be convened under sub-section (1) of section 11;

(d) the other officers referred to in clause (d) of sub-section (1) of section 12 which the Board may have and the terms and conditions of service of such officers 3[xxx];

(e) the courses of instructions, text-books and other books of study for purposes of imparting school education and the holding and conduct of examinations including the appointment of examiners and their duties and powers;

(f) the conditions on which candidates shall be admitted to the examinations and the fees to be paid by them;

(g) the penalties for misconduct to which examinees, examiners and other persons engaged in the conduct of examinations shall be subjected;

(h) the measures to promote intellectual, physical, moral and social welfare of students in recognised institutions and the conditions of their residence and discipline; (i) the committee which may be set up by the Board under subsection (1) of section 14 and the maximum number of members thereof, the quorum of such committees and the manner in which they shall transact their business;

(j) the control, administration, custody and management of the Board Fund;

(k) the powers, duties and functions to be exercised or performed by the officers of the Board; and

(l) any other matter which is to be or may be prescribed.

(3) The State Government shall communicate either its sanction or refusal to a draft regulation submitted by the Board, or suggest modifications therein.

1 Clause (a) omitted by Haryana Act 2 of 1970, section 8 (i).

2 Substituted for "sub-section (8)" by *ibid*, section 8 (ii).

3 The words "and the Secretary of the Board" omitted by Haryana Act 2 of 1970, section 8 (iii).

20. Repeal And Savings :-

As from the date appointed under sub-section (1) of section 3, the Punjab University Act, 1947, in so far as it is applicable to school education in the State of Haryana shall stand repealed:

Provided that unless and until the State Government otherwise directs, all statutes and regulations made under the Act so repealed appertaining to the system of school education, including the conduct of examinations in respect thereof, which were in force immediately before such repeal, shall continue to be in force, so far as they are not inconsistent with the provisions of this Act, subject to such modifications and adaptations, if any, as may be made therein by the Board and approved by the State Government and shall be deemed to be the regulations made under the corresponding provisions of this Act.