

The U.P. Basic Education Act, 1972

UTTAR PRADESH

India

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Act 34 of 1972

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The U.P. Basic Education Act, 1972(U.P. Act No. 34 of 1972 as amended upto date)UP92Statement of Objects and Reasons. - (1) The responsibility for primary education has so far rested with the Zila Parishads in rural areas and with Municipal Boards and Mahapalikas in urban areas. The administration of education at this level by the local bodies was not satisfactory, and it was deteriorating day by day. There was public demand for the Government to take immediate steps for improving the education at this level. Hence, for reorganising, reforming and expanding elementary education it became necessary for the State Government to take over its control into its own hands.(2) Repeated demands had been made by all sections of the Legislature also for the take-over of the control of elementary education by the State Government from local bodies. Echoing this public demand, the Governor had also in his address to both the Houses of the Legislature on March 20, 1972 said that in order to strengthen the primary and junior high schools and to increase their usefulness Government was going to assume full responsibility for its control and management.(3) With a view to taking effective steps for securing the object of Article 45 of the Constitution, and fulfilling the assurances given in the Governor's address and respecting the popular demand it was necessary to entrust the conduct and control of elementary education to a virile institution which may be expected to inject new life into it and to make it progressive. It was, therefore, decided by the Government to transfer the control of primary education from the local bodies to the Uttar Pradesh Board of Basic Education with effect from the Educational Session 1972-73.(4) The educational session had commenced and the Legislative Council was not in session and if immediate action had not been taken, the matter would have had to be postponed till the educational session 1973-74, with the result that the desired object would not have been achieved. Therefore, in order to implement the said decision immediately, the Uttar Pradesh Basic Education Ordinance, 1972, was promulgated.(5) The Uttar Pradesh Basic Education Bill, 1972, is being introduced to replace the said ordinance.Statement of Objects and Reasons (U.P. Act No. 2 of 2018). - The Uttar Pradesh Basic Education Act, 1972 (U.P. Act 34 of 1972) has been enacted to provide for the establishment of a Board of Basic Education in the Sate of Uttar Pradesh. In clause (b) of Section 2 of the said Act, the expression "basic education" has been defined in this way that "basic education" means education upto the eighth class imparted in schools other than high schools or intermediate colleges, and the expression "basic schools" shall be construed accordingly. The expressions "junior basic school" and

"junior high school" were not defined therein due to which odd situations were being created before the State Government and the cases instituted in various courts were often being disposed off in favour of the plaintiffs. In view of the above, it has been decided to amend the said Act to define the expressions "junior basic school" and "junior high school". Since the State Legislature was not in session and immediate legislative action was necessary to implement the aforesaid decision, the Uttar Pradesh Basic Education (Amendment) Ordinance, 2017 (U.P. Ordinance 3 of 2017) was promulgated by the Governor on October 26, 2017. This Bill is introduced to replace the aforesaid Ordinance. (As passed by the Uttar Pradesh Legislature) Received the assent of the Governor on 17.8.1972 and published in the U.P Gazette, Extraordinary, dated 19.8.1972 An Act to provide for the establishment of a Board of Basic Education and for matters connected therewith. It is hereby enacted in the Twenty-third Year of the Republic of India as follows : -

1. Short title and extent. -

(1) This Act may be called the Uttar Pradesh Basic Education Act, 1972. (2) It extends to the whole of Uttar Pradesh.

2. Definitions. -

[(1)] [Re-numbered as sub-section (1) by U.P. Act No. 18 of 2000 (w.e.f. 21.6.1999).] In this Act, unless the context otherwise requires, - (a) "appointed day" means the date on which the Board is established; (b) "basic education" means education up to the eighth class imparted in schools other than high schools or intermediate colleges, and the expression "basic schools" shall be construed accordingly; (c) "Board" means the Uttar Pradesh Board of Basic Education constituted under Section 3; (d) "Director" and "District Basic Education Officers" means officers appointed by the State Government as the [Director of Education] [Substituted by U.P. Act No. 21 of 1975.], Uttar Pradesh and District Basic Education Officers respectively; [(d-1) "Junior Basic School" means a basic school in which education is imparted up to class fifth. [Inserted by U.P. Act No. 2 of 2018, dated 5.1.2018.]] (d-2) "Junior High School" means a basic school in which education is imparted to boys or girls or to both from class sixth to class eighth. (e) "local body" means the [Zila Panchayat or Municipality] [Substituted by U.P. Act No. 18 of 2000 (w.e.f. 21.6.1999).] as the case may be; (f) ["Municipality" means a Nagar Panchayat, Municipal Council or Municipal Corporation, as the case may be.] [Inserted by U.P. Act No. 18 of 2000 (w.e.f. 21.6.1999).] (2) [Words and expressions used in this Act but not defined shall have the meaning assigned to them in the United Provinces Panchayat Raj Act, 1947, the Uttar Pradesh Municipalities Act, 1916 or the Uttar Pradesh Municipal Corporation Act, 1959, as the case may be.] [Inserted by U.P. Act No. 18 of 2000 (w.e.f. 21.6.1999).]

3. Constitution of the Board. -

(1) With effect from such date as the State Government may, by notification in the Gazette, appoint, there shall be established a Board to be known as the Uttar Pradesh Board of Basic Education. (2) The Board shall be a body corporate having perpetual succession and a common seal, with power, subject to the provisions of this Act, to acquire and to hold property and may by its name sue and be used. (3) The Board shall consist of the following members, namely - (a) the Director,

ex officio, who shall be the chairman;(b)two persons to be nominated by the State Government from amongst the Adhyakshas, if any, of [Zila Panchayats established under Section 17 of the Uttar Pradesh Kshettra Panchayats and Zila Panchayats Adhiniyam, 1961] [Substituted by U.P. Act No. 18 of 2000 (w.e.f. 21.6.1999).];(c)one person to be nominated by the State Government from amongst the Nagar Pramukhs, if any, of the [Corporations constituted under Section 9 of the Uttar Pradesh Municipal Corporation Act, 1959] [Substituted by U.P. Act No. 18 of 2000 (w.e.f. 21.6.1999).];(d)one person to be nominated by the State Government from amongst the Presidents, if any, of the [Municipal Council and Nagar Panchayats established under the Uttar Pradesh Municipalities Act, 1916] [Substituted by U.P. Act No. 18 of 2000 (w.e.f. 21.6.1999).];(e)the Secretary to the State Government in the Finance Department, ex officio;(f)the Principal, State Institute of Education, ex officio;(f1)[the Secretary, Board of High School and Intermediate Education, Allahabad, ex officio; [Inserted by U.P. Act 21 of 1975.](f2)the President of the Uttar Pradesh Prathamik Shikshak Sangh, ex officio;](g)two educationists to be nominated by the State Government;(h)an officer not below the rank of Deputy Director of Education, to be nominated by the State Government, who shall be the Member Secretary.(4)An officer referred to in clause (e) of sub-section (3) may instead of attending a meeting of the Board himself depute an officer of his department not below the rank of Deputy Secretary to the State Government to attend the meeting. The officer so deputed shall have the right to speak in and otherwise to take part in the proceedings of the meetings and shall also have the right to vote.(5)The members of the Board other than ex officio members, shall ordinarily be entitled to hold office for the period specified in the order of appointment, unless the appointment is terminated earlier by the State Government :Provided that any member, other than an ex officio member, may at any time by notice in writing addressed to the State Government resign his office.(6)During any vacancy in the membership of the Board the continuing members may act as if no vacancy had occurred.(7)No act or proceeding of the Board shall be deemed to be invalid by reason merely of any vacancy in or any defect in the constitution of the Board.

4. Function of the Board. -

(1)Subject to the provisions of this Act it shall be the function of the Board to organise, co-ordinate and control the imparting of basic education and teachers' training therefor in the State, to raise its standards and to correlate it with the system of education as a whole in the State.(2)Without prejudice to the generality of the provisions of sub-section (1), the Board shall, in particular, have power -(a)to prescribe the courses of instruction and books for basic education and teachers' training therefor;(b)to conduct the junior high school and basic training certificate examinations and such other examinations as the State Government may from time to time by general or special order assign to it and to grant diplomas or certificates to candidates successful at such examinations;(c)[to lay down, by general or special orders in that behalf, norms relating to the establishment of institutions by [the Gaon Shiksha Samitis or Municipalities and to superintend Gaon Shiksha Samitis, Gram Panchayats and Municipalities] [Substituted by U.P. Act No. 21 of 1975.] in respect of the administration of institutions, for imparting instruction and preparing candidates for admission to examinations conducted by the Board];(cc)[to take over the management of all basic schools, which before the appointed day, belonged to any local body;] [Inserted by U.P. Act No. 5 of 1977 and shall be deemed always to have been inserted.](d)to exercise supervision and control over basic schools, [District Institute of Education and Training]

[Substituted by U.P. Act No. 18 of 2000 (w.e.f. 21.6.1999).], basic training certificate units and the State Institute of Education;(e)[to accord approval (with or without modification) to the schemes prepared by the [Gaon Shiksha Samitis, Zila Panchayats or Municipalities] [Substituted by U.P. Act 21 of 1975.] for the development, expansion and improvement of and research in basic education in any district or in the State or in any part thereof];(f)to acquire, hold and dispose of any property, whether movable, or immovable [* * *] [Omitted by U.P. Act No. 18 of 2000 (w.e.f. 21.6.1999).];(g)to receive grants, subventions and loans from the State Government;(g1)[subject to the general control of the State Government to issue directions not inconsistent with this Act, to Gaon Shiksha Samitis, Gram Panchayats, Zila Panchayats or Municipalities in the performance of their functions under this Act] [Substituted by U.P. Act No. 18 of 2000 (w.e.f. 21.6.1999).];(g2)[* * *] [Omitted by U.P. Act No. 18 of 2000 (w.e.f. 21.6.1999).](h)to take all such steps as may be necessary or convenient for, or may be incidental to the exercise of any power, or the discharge of any function or duty conferred or imposed on it by this Act :[Provided that the courses of instruction and books prescribed and institutions recognised before the commencement of this Act shall be deemed to be prescribed or recognised by the Board under this Act.] [Inserted by U.P Act No. 5 of 1977 and shall be deemed always to have been inserted.](3)[For the purposes of exercising powers of management, supervision and control over the basic schools under clause (cc) or clause (d) of subsection (2) which before the appointed day belonged to a local body, the powers and functions of a local body in respect of such schools shall stand transferred to the Board.] [Inserted by U.P Act No. 5 of 1977 and shall be deemed always to have been inserted.]

5. Conduct of business of the Board. -

(1)The business of the Board and of [* * *] [Omitted by U.P. Act No. 18 of 2000 (w.e.f. 21.6.1999).] Gaon Shiksha Samiti referred to in Section 11 shall be conducted in accordance with such regulations as the Board may, with the previous approval of the State Government, make in that behalf.(2)In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely -(a)the summoning and holding of meetings of the Board or of [the Samiti] [Substituted by U.P. Act No. 18 of 2000 (w.e.f. 21.6.1999).] referred to in sub-section (1), the conduct of business at such meetings and the number of members necessary to form a quorum thereat;(b)the powers and duties of the Chairman and of the Secretary and other officers of the Board;(c)[* * *] [Omitted by U.P. Act No. 12 of 1978 (w.e.f. 27.4.1978).];(d)the procedure for carrying out the functions of the Board or of [the Samiti] [Substituted by U.P. Act No. 18 of 2000 (w.e.f. 21.6.1999).] as aforesaid under this Act;(e)the management of the schools and other institutions held by or under the control of the Board.(3)Until any regulation is made by the Board under sub-section (1), any regulation which may be made under that sub-section may be made by the State Government, and any regulation so made may be altered or rescinded by the Board in exercise of its powers under sub-section (1).

6. Officers and other employees of the Board. -

(1)For the purpose of enabling it efficiently to discharge its functions under this Act the Board may appoint such number of officers, teachers and other employees as it may, with the previous approval of the State Government, think fit.(2)[* * *] [Omitted by U.P Act No. 12 of 1978 (w.e.f.

27.4.1978).](3)[* * *] [Omitted by U.P Act No. 21 of 1975 (w.e.f. 3.5.1975).]

7. Fund of the Board. -

(1)The Board shall have its own fund, and all receipts of the Board shall be carried thereto and all payments for the Board shall be made therefrom.(2)Subject to any general or special order of the State Government, the Board shall have the power, subject to the provisions of this Act, to spend such sum as it may think fit on objects or for purposes authorised by this Act.

8. Accounts and Audits. -

(1)The Board shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as the State Government may by general or special order specify.(2)The Board shall prepare an annual financial statement (budget) and submit it to the State Government for its approval.(3)The accounts of the Board shall be audited by such authority as the State Government may by general or special order specify.(4)The accounts of the Board as certified by the audit authority together with the audit report thereon shall be forwarded annually to the State Government.

9. Transfer of employees. -

(1)On and from the appointed day every teacher, officer and other employees serving under a local body exclusively in connection with basic schools (including any supervisory or inspecting staff) immediately before the said day shall be transferred to and become a teacher, officer or other employee of the Board and shall hold office by the same tenure, at the same remuneration and upon the same other terms and conditions of service as he would have held the same if the Board had not been constituted and shall continue to do so unless and until such tenure, remuneration and other terms and conditions are [altered by the rules made by the State Government in that behalf] [Substituted by U.P. Act No. 12 of 1978 (w.e.f. 27.4.1978).] :Provided that any service rendered under the local body by any such teacher, officer or other employee before the appointed day shall be deemed to be service rendered under the Board :Provided further that the board may employ any such teacher, officer or other employee in the discharge of such functions under this Act as it may think proper and every such teacher, officer or other employee shall discharge those functions accordingly.(2)Nothing in sub-section (1) shall apply to any teacher, officer or other employee, who by notice in writing in that behalf to the State Government within a period of two months from the appointed day intimates his option for not becoming an employee of the Board, and where any employee gives such notice, his service under the local body shall stand determined with effect from the appointed day and he shall be entitled to compensation from the local body, which shall be as follows -(a)in the case of a permanent employee, a sum equivalent to his salary (including all allowances) for a period of three months or for the remaining period of his service, whichever is less;(b)in the case of a temporary employee, a sum equivalent to his salary (including all allowances) for one month or for the remaining period of his service, whichever is less.(3)Notwithstanding anything in sub-section (1), any person referred to therein, who becomes an employee of the Board shall be liable to be transferred from the school or from the local area in which he was employed

immediately before the appointed day to any other school or institution belonging to the Board or, as the case may be, to any other local area at the same remuneration and on the same other terms and conditions of service as governed him immediately before such transfer [until such tenure, remuneration and other terms and conditions are altered by the rules referred to in sub-section (1)] [Inserted by U.P. Act No. 12 of 1978 (w.e.f. 21.4.1978).]: Provided that no teacher of a basic school [which before the appointed day belonged to a local body] [Substituted by U.P. Act No. 5 of 1977 (w.e.f. 21.4.1977).] shall be transferred to a basic school belonging to any other local body except with his consent.(4) If any question arises whether the services of any person stand transferred to the Board under sub-section (1) or as to the remuneration and other terms and conditions of service of such employee immediately before the appointed day, it shall be decided by the State Government whose decision shall be final.(5) Any provident fund maintained by any local body for the employees referred to in sub-section (1) along with all contributions of such employees as well as of the local body which ought to have been but have not been deposited therein before the appointed day, shall be transferred by the local body to the Board, which shall hold it in trust for the employees concerned in accordance with the terms and conditions governing such fund.(6) The transfer of services of any employee to the Board under sub-section (1) shall not entitle any such employee to any compensation and no such claim shall be entertained by any Court, Tribunal or Authority.[9A. Control of teacher and properties of basic schools. - (1) Notwithstanding anything contained to the contrary in any other provisions of this Act, on and from the date of commencement of the Uttar Pradesh Basic Education (Amendment) Act, 2000, -(a) every teacher of the basic school serving under, the Board immediately before such commencement shall be under the administrative control of the Gram Panchayat or the Municipality, as the case may be, within whose territorial limits the basic school, is situated;(b) all buildings, properties and assets of the Board in respect of a basic school shall stand transferred to, and vest in, the Gram Panchayat or the Municipality, as the case may be, within whose territorial limits the basic school is situated;(c) where any building or part thereof is occupied by a tenant by the Board for the purpose of a basic school immediately before such commencement, the tenancy in respect of such building or part thereof shall, notwithstanding anything contained in any contract, lease or other instrument, stand transferred in favour of the Gram Panchayat, or the Municipality, as the case may be;(d) the Board shall cease to be the licensee in respect of the building or part thereof referred to in sub-section (2) of Section 18-A and the Gram Panchayat or the Municipality, as the case may be, within whose territorial limits such building is situated shall, if it is not already owner thereof, be deemed to have become licensee in respect of such building or part thereof on such terms and conditions as may be determined by the State Government.(2) No Gram Panchayat or Municipality shall have the power to transfer by sale, gift, exchange, mortgage, lease or otherwise any building, property or assets transferred to, and vested in, such Gram Panchayat or Municipality, as the case may be, under sub-section (1)] [Inserted by U.P Act No. 18 of 2000 (w.e.f. 21.6.1999).].[10. Functions of Zila Panchayats. - Without prejudice to the powers and functions of Zila Panchayats under the Uttar Pradesh Kshettra Panchayats and Zila Panchayats Adhiniyam, 1961, every Zila Panchayat shall, subject to superintendence and directions of the Board or the State Government perform all or any of the following functions, namely :-(a) to prepare schemes for the development, expansion and improvement of basic schools in the rural areas of the district;(b) to supervise generally in such manner as may be prescribed the activities of Gram Panchayats in the district with regard to basic education;(c) to perform such other functions pertaining to basic education as may be entrusted to it by the State Government.][10A. Functions of

Municipalities. - Without prejudice to the powers and functions of Municipalities under the Uttar Pradesh Municipal Corporations Act, 1959 or the Uttar Pradesh Municipalities Act, 1916, as the case may be, every Municipality shall, subject to superintendence and control of the Board or the State Government, perform all or any of the following functions, namely :-(a)to establish, administer, control and manage basic schools in the Municipal area;(b)to take all such necessary steps as may be considered necessary to ensure punctuality and attendance of teachers and other employees of basic schools;(c)to prepare schemes for the development, expansion and improvement of such basic schools;(d)to promote and develop basic education, non-formal education and adult education in the Municipal area;(e)to make recommendation for minor punishment in such manner as may be prescribed on a teacher or other employee of a basic school situate within the limits of the municipal area.][11. Gaon Shiksha Samiti and its function. - (1) For each village or group of villages for which a Gram Panchayat is established under the United Provinces Panchayat Raj Act, 1947, there shall be established a committee to be known as Gaon Shiksha Samiti which shall consist of the following members, namely :-(a)the Pradhan of the Gram Panchayat, who shall be the Chairman;(b)three guardians of students of basic schools (of whom one guardian must be a woman) to be nominated by the Assistant Basic Education Officer;(c)the headmaster of the basic school situated in the Gram Panchayat and if there are more than one such schools, the senior-most of the headmasters thereof, who shall be the Member-Secretary.(2)Except as otherwise provided in any other provisions of this Act and subject to the supervision and control of the Gram Panchayat, the Gaon Shiksha Samiti shall perform the following functions, namely :-(a)to establish, administer, control and manage basic schools in the panchayat area;(b)to prepare schemes for the development, expansion and improvement of such basic schools;(c)to promote and develop basic education, non-formal education and adult education in the panchayat area;(d)to make suggestions to the Zila Panchayat for the improvement of basic schools, buildings and the equipment thereof;(e)to take all such necessary steps as may be considered necessary to ensure punctuality and attendance of teachers and other employees of basic schools;(f)to make recommendation for minor punishment in such manner as may be prescribed on a teacher or other employee of a basic school situate within limits of the panchayat area;(g)such other functions pertaining to basic education as may be entrusted to it by the State Government.]

12. Control over Basic Schools. -

(1)The Director may, from time to time, inspect or cause to be inspected any basic school [* * *] [Omitted by U.P. Act No. 5 of 1977 (w.e.f. 21.4.1977).] and also the records and proceedings of the local body concerning or connected with discharge of the functions of the local body in respect of basic education.(2)[The Director may direct the management of a basic school to remove any defect or deficiency found on inspection or otherwise.(3)If the management of a basic school fails to comply with any direction made under sub-section (2), the Director may, after considering the explanation or representation, if any, given or made by the management, refer the case to the Board for withdrawal of recognition of such school.(4)On receipt of a recommendation under sub-section (3) in respect of any basic school, the Board may withdraw the recognition of that school.] [Substituted for original sub-sections (2) to (9) by U.P. Act No. 5 of 1977 (w.e.f. 21.4.1977).]

12A.

[* * *] [Omitted by U.P Act No. 18 of 2000 (w.e.f. 21.6.1999).]

13. Control by the State Government. -

(1)The Board shall carry out such directions as may be issued to it from time to time by the State Government for the efficient administration of this Act.(2)If in, or in connection with, the exercise of any of its powers and discharge of any of the functions by the Board under this Act, any dispute arises between the Board and the State Government, or between the Board and any local body, the decision of the State Government on such dispute shall be final and binding on the Board or the local body, as the case may be.(3)The Board or any local body shall furnish to the State Government such reports, returns and other information, as the State Government may from time to time require for the purposes of this Act.[13A. Overriding effect. - Notwithstanding anything contained in the United Provinces Panchayat Raj Act, 1947, the Uttar Pradesh Municipalities Act, 1916 and the Uttar Pradesh Municipal Corporation Act, 1959, the provisions of this Act shall have effect.] [Inserted by U.P. Act No. 18 of 2000 (w.e.f. 21.6.1999).]

14. Power to delegate. -

(1)The State Government may delegate any of its [powers, except the power to make rules] [Substituted by U.P. Act No. 18 of 2000 (w.e.f. 21.6.1999).] under this Act to the Director or to any other officer or authority subordinate to it subject to such conditions, if any, as may be specified.(2)The Board may, by general or special order direct that any power exercisable by it under this Act, except the power to make regulations may also be exercised by its Chairman or by such Committee or officer, in such cases and subject to such conditions, if any, as may be specified therein.

15. Protection of acts done in good faith. -

No suit, prosecution or other legal proceeding shall lie against the State Government or the Board or any of its Committees or any member of the Board or of a Committee or any other person in respect of anything which is in good faith done or intended to be done in pursuance of this Act or any order or direction made thereunder.

16. Bar of jurisdiction of Court. -

No order or decision made by the Board or any of its Committees in exercise of the powers conferred by or under this Act shall be called in question in any Court.

17. Power to remove difficulties. -

(1) If any difficulty arises in giving effect to the provisions of this Act or by reason of anything contained in this Act the State Government may, as occasion requires, by notification in the Gazette, make such incidental or consequential provisions, including provisions for adapting or modifying any provisions of this Act or of any enactment by or under which any local body is constituted but affecting the substance as it may think necessary or expedient for the purposes of this Act. (2) No order under sub-section (1) shall be made [after the expiration of the period of two years from the date of commencement of the Uttar Pradesh Basic Education (Amendment) Act, 2000] [Substituted by U.P. Act No. 18 of 2000 (w.e.f. 21.6.1999)]. (3) Every order made under sub-section (1) shall be laid, as soon as may be before both the Houses of the State Legislature.

18. Amendment of Acts relating to Local Bodies. -

(1) With effect from the appointed day the enactments mentioned in sub-sections (2) and (3) shall stand amended as specified in the said sub-sections. (2) In the U.P. Kshettra Samitis and Zila Parishad Adhiniyam, 1961, in Section 43, in sub-section (2), for the words "teachers and any other" the words "such other" shall be substituted and in sub-section (3) clause (a) shall be omitted, and in the proviso thereto, for the words "the Shiksha Chunao Samiti or Chunao Samitis" as the case may be, the words "the Chunao Samiti" shall be substituted. (3) In the U.P. Municipalities Act, 1916 - (a) in Section 68, for sub-section (1) the following sub-section shall be substituted namely : "(1) A board may, and if so required by the State Government shall, by special resolution, appoint the principal officers of its technical departments such as Civil Engineer, Assistant Civil Engineer, Electrical Engineer, Assistant Electrical Engineer, Waterworks Engineer, Assistant Waterworks Engineer, Electrical and Waterworks Engineer, Assistant Electrical and Waterworks Engineer or Overseer and also Secretary where there is already an Executive Officer." (b) [Section 73 shall cease to apply in relation to basic schools] [Substituted by U.P. Act No. 5 of 1977 and shall be deemed always to have been substituted.] (c) in Schedule 1 for the entry in column (2) relating to Section 68 the following entry shall be substituted, namely : "To appoint Civil Engineer, Assistant Civil Engineer, Electrical Engineer, Assistant Electrical Engineer, Waterworks Engineer, Assistant Waterworks Engineer, Electrical and Waterworks Engineer, Assistant Electrical and Waterworks Engineer, qualified Overseer or Sub-Overseer, Secretary." [18A. Board to become tenant in respect of certain buildings. - (1) Where any building or part thereof was on the appointed day occupied as tenant by any local body for the purpose of any basic school, the tenancy in respect of such building or part shall, with effect from the said day, stand transferred in favour of the Board. (2) Where any building or part thereof belonging to a local body was on the appointed day occupied by it for the purposes of any basic school, the Board shall, with effect from the said day, be deemed to have become licensee on behalf of the local body in respect of such building or part on such terms and conditions as the State Government may by general or special order determine. (3) The provisions of this section shall have effect, notwithstanding anything contained in any contract, lease or other instrument, or any law for the time being in force.] [Inserted by U.P. Act No. 5 of 1977 and shall be deemed always to have been inserted.]

19. Power to make Rules. -

[(1) The State Government may, by notification, make rules for carrying out the purposes of this Act.(2)In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely -(a)the recruitment, and the conditions of service of persons appointed to the posts of officers, teachers and other employees under Section 6;(b)the tenure of service, remuneration and other terms and conditions of service of officers, teachers and other employees transferred to the Board under Section 9;(c)the recruitment, and the conditions of service of the persons appointed, to the posts of teachers and other employees of basic schools recognised by the Board;(d)any other matter for which insufficient provision exists in the Act and provision in the rules is considered by the State Government to be necessary;(e)any other matter which is to be or may be prescribed.]

20. Repeal of U.P. Ordinance No. 14 of 1972. -

The Uttar Pradesh Basic Education Ordinance, 1972 (U.P. Ordinance No. 14 of 1972), is hereby repealed.[Substituted by U.P. Act No. 12 of 1978.][Substituted by U.P. Act No. 18 of 2000 (w.e.f. 21.6.1999).][Substituted by U.P. Act No. 18 of 2000 (w.e.f. 21.6.1999).][Substituted by U.P. Act No. 18 of 2000 (w.e.f. 21.6.1999).]