

Jharkhand Academic Council Act, 2002

JHARKHAND

India

Jharkhand Academic Council Act, 2002

Act 2 of 2003

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Jharkhand Academic Council Act, 2002(Act No. 2 of 2003)Last Updated 13th December, 2019Published in Jharkhand Gazette (extra-ordinary) dated 4.3.2003.An Act to establish an Academic Council in the State of Jharkhand.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 Madarsa Education stage and for prescribing courses of studies for such examinations and for recommending for recognition of Intermediate Educational Institution, High Schools, Sanskrit School and Madarsa to the State Government and generally for carrying 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, 2002.(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 anything repugnant in the subject or context:-(a)"Administrator" means the Administrator of the Council, when the Council is superseded or not constituted;(b)"Chairman" means the Chairman of the Council;(c)"Council" means the Jharkhand Academic Council, established under Section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 recognized school imparting instructions in Secondary Education;(f)"Intermediate Educations" means education of (+2) standard imparted according to Intermediate syllabus and it includes (+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 of 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.(m)[" Joint Secretary" means Joint Secretary of the Council. [Inserted by Act No. 02 of 2007.](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.]

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.(1A)[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.] [Inserted by Act No. 02 of 2007.](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 thereunder to transfer any property held by it and to contract and to do all other things necessary for the purpose of this Act.

4. Constitution of the Council.

- [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.](2)(a)The State Government shall nominate for such period not exceeding the term specified in sub-section (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.[Provided that any nominated members shallbe 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.] [Added by Act No. 02 of 2007.]

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. [Substituted by Act No. 02 of 2007.]

- (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 convenc a special meeting of the Council whenever the 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 (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.] [Substituted by Act No. 02 of 2007.]

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 preceding sub-section. (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 of 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. (3)[Purpose and power of the Council. [Inserted by Act No. 02 of 2007.] - (a) To advice 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 advice 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 exofficio 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.]

8. Committee of courses.

(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 anything 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-(i)The Chairman(ii)The Secretary(iii)Such other officers as may be prescribed by the rules and regulations made under this Act to be officers of the Council.

11. [Appointment, terms and service conditions and removal of the Chairman. [Substituted by Act No. 02 of 2007.]

(1)(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.(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.]

12. Vacancy in the office of Chairman

- 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.(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.] [Added by 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 thereunder 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.(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.]

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.

14B. [Qualification & duties of Joint Secretary. [Added by Act No. 02 of 2007.] - (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.]

14C. [Qualification & duties of the Finance Officer. [Added by Act No. 02 of 2007.]

(a)The Finance Officer shall be a whole-time officer of the Council.(b)He shall be a person having ten year's 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.]

14D. [Qualification and Duties of Controller of Examinations. [Added by Act No. 02 of 2007.]

- (i) The Controller of examinations shall be a whole-time officer of the Council.(ii)He shall be person having 10 year's experience of University administration or as a teacher in a University or College, possessing a high second class master's 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.]

14E. [Qualification and Duties of the Academic Officer. [Added by Act No. 02 of 2007.]

- (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 Master's 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.]

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 certificates 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 thereat.

16. Power to 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-section (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 therein 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 thereunder;(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 of 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 student 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

Service Statutes

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 from 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 subsection 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 thereunder 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 15;(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 judgement given by Council or its officers or its committees under this Act and 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 anything 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 adaptations, if any, as may be made therein 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 Madarsa Education Board Act, 1981 (Bihar Act 1982) are hereby repealed.(2)Notwithstanding such repeal anything 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 thing or action was done or taken.[Added by Act No. 02 of 2007.]