

The Goa, Daman and Diu Secondary and Higher Secondary Education Board Act, 1975

GOA

India

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Act 13 of 1975

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The Goa, Daman and Diu Secondary and Higher Secondary Education Board Act, 1975(Act No. 13 of 1975)[Dated 27th May, 1975]LD/Bill/2/75. - An Act to establish a Board for secondary and higher secondary education and matters connected therewith;Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Twenty-sixth Year of the Republic of India as follows:-

Chapter I

1. Short title, extent and commencement.

(1)This Act may be called the Goa, Daman and Diu Secondary and Higher Secondary Education Board Act, 1975.(2)It extends to the whole of the Union territory of Goa, Daman and Diu.(3)This section shall come into force at once; and the remaining provisions of this Act shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.

2. Definitions.

- In this Act, unless the context otherwise requires,-(1)"appointed date" means the date on which the remaining provisions of the Act are brought into force under sub-section (3) of section 1;(2)"Board" means the Board established under the Act;(3)"Chairman of the Board" means a person appointed as Chairman of the Board constituted under the Act;(4)"Designated area" means area specified under the rules;(5)"Director of Education" means the Director of Education, Government of Goa, Daman and Diu;(6)"final examination" means the secondary school certificate examination or the higher secondary school certificate examination conducted or caused to be conducted by the Board;(7)"Government" means the Government of Goa, Daman and Diu;(8)"head master" means the person in-charge of the academic administration of a secondary or a higher secondary school

recognised by the Board;(8a)["higher secondary education" means such general or combinations of general and technical or vocational or special education which is designed to meet the educational needs of students in classes XI and XII.] [This clause has been inserted by (Amendment) Act 1996 (No. 19 of 1997).](9)"higher secondary school" means a higher secondary school recognised as such by the Board under clause (1) of section 5;(10)"institution" means an academic institution imparting secondary or higher secondary education;(11)["management" in respect of Government run institution means the Director of Education and in case of other institutions means the trustees or the managing or governing body, by whatever name called, of any Trust or of any Society registered under the Societies Registration Act, 1860 (Central Act 21 of 1860) under whose management one or more schools or institutions are run;] [Clause 11 of the principal Act has been substituted by (Amendment) Act, 1996 (No. 19 of 1997).](12)"prescribed" means prescribed by rules made under this Act;(13)"primary education" means education imparted in a primary school recognised by the Government;(14)"regulation" means the regulation made by the Government under section 48 and by the Board under section 47;(15)"secondary education" means such general, technical, vocational or special education (including any combined course thereof) which is designed to meet the educational needs of the period of adolescence and which follows, immediately the primary education and precedes immediately the higher secondary education;(16)"secondary school" means a school recognised as such by the Board under sub- -section (1) of section 5;(17)"teacher" means a member of the teaching staff other than the head master of a secondary or higher secondary school recognised by the Board;(18)["State" means the State of Goa;] [Clause 18 of the principal Act has been substituted by (Amendment) Act, 1996 (No. 19 of 1997).](19)"text-book" in relation to an examination under this Act, means any book recommended or otherwise sanctioned by the Board for use of that examination.

Chapter II

Board

3. Establishment and Incorporation of Board.

(1)The Government shall, by notification in the Official Gazette, establish a Board for the territory by the name of "the Goa, Daman and Diu Board of Secondary and Higher Secondary Education".(2)The Board shall be a body corporate by the name mentioned in sub-section (1) and shall have a perpetual succession and a common seal, and shall have power to acquire, hold and dispose of property, and to enter into contracts, and may by the said name sue and be sued.

4. Aims of Board.

- The aims of the Board shall be to provide secondary and higher secondary education and, for this purpose grant recognition to the required number of such schools in the territory; to pay special attention to the improvement of the secondary and higher secondary education so that it meets the required needs and standards of economic and social development; to provide adequate facilities for educational and professional advancement of socially and educationally backward communities; to take such steps and such measures as may lead to intellectual, academic, physical and cultural

development of the youth.

5. Powers and Duties of Board.

- Subject to such conditions as may be prescribed and subject to such directions as may be issued by the Government from time to time the Board shall have the following powers and perform the following duties, namely:-(1)to grant and to withdraw recognition to the secondary and higher secondary schools;(2)to advise the Government on matters of policy relating to secondary and higher secondary education in general and on the following matters in particular: -(a)ensuring a uniform pattern of education;(b)maintaining of a uniform standard of education in secondary and higher secondary schools;(c)co-ordination between the national policies and the policies of the territory in respect of secondary and higher secondary education;(d)co-ordination between primary, secondary, higher secondary and university education.(3)to lay down guiding principles regarding curricula and syllabi for the entire secondary and higher secondary courses and to prepare the detailed syllabi for all standards of secondary and higher secondary education;(4)to formulate general principles for recommending text-books for sanction by the Board, and to sanction such books subject to such conditions, as it may deem fit to impose;(5)to advise the Government in standard requirements in respect of staff, buildings, furniture, equipment, stationery and other amenities required for secondary and higher secondary schools;(6)to prescribe and prepare text-books for all standards of secondary and higher secondary education;(7)to prescribe conditions for admission of regular and private candidates to the final examinations;(8)to demand and receive such fees as may be prescribed, from candidates to be admitted to the final examinations;(9)to award certificates to candidates passing the final examinations;(10)to institute and award scholarships, stipends, medals, prizes and other rewards and to prescribe conditions therefor;(11)to receive bequests, donations, endowments, trusts and other transfers of any property or interest therein, or right thereto;(12)to hold any property, interest or right referred to in sub-clause (11) above, and to manage and deal with the same;(13)to demand and receive such fees as may be prescribed, from secondary and higher secondary schools recognised by the Board;(14)to appoint paper-setters, translators, examiners, moderators, supervisors and other necessary personnel for conducting the final examinations in the territory, for evaluation of candidates' performance and for compiling and release of results;(15)to open centers for the final examinations conducted by it;(16)to declare the results of the candidates at the final examinations conducted by it;(17)to prepare a list of candidates according to merit for the purpose of award of scholarships, stipends, medals, prizes and other awards;(18)to lay down procedures to deal with cases of use of unfair means in the examinations and to deal with such cases;(19)to generally evaluate the performance of students in all examinations in secondary and higher secondary schools including the final examinations and make, from time to time, necessary recommendations in respect of the same to the Government;(20)to lay down the manner in which recognition would be granted to or withdrawn from secondary and higher secondary schools;(21)to call for any information from secondary and higher secondary schools and to call for special reports and information from the Director of Education generally and in particular in the matter of withdrawal of recognition in cases of secondary schools and higher secondary schools which show poor academic results or commit grave academic irregularities;(22)to require institutions recognised by it and by the Department of Education to extend their co-operation in the conduct of the final examinations;(23)to recommend

measures to promote physical, moral and social welfare of students in the institutions recognised by the Board and to lay down conditions of their residence and discipline;(24)to appoint officers and servants of the Board, other than the Chairman, Secretary, Joint Secretary or Assistant Secretary, in its office and to regulate terms and conditions of their service;(25)to constitute provident fund for the benefit of the officers and servants of the Board;(26)to prepare the annual financial statement and to recommend to the Government for sanction, the annual budget;(27)to conduct statistical and other research for the purpose of evaluation and reform of the curricular instruction and examination system;(28)to appoint such Committees as it may think necessary for the efficient discharge of its functions under this Act;(29)to consider recommendations made by Committees appointed under this Act;(30)to make regulations for the purpose of carrying into effect the provisions of this Act;(31)to exercise such other powers and perform such other duties as may be conferred or imposed by or under this Act;(32)to publish reports, paper, journals, bulletins etc. giving information of the activities of the Board;(33)to do all such acts and things as may be necessary to carry out the purposes of this Act.

Chapter III

Officers of Board

6. Officers of Board.

- The following shall be the officers of the Board:-(i)The Chairman of the Board;(ii)The Secretary, Joint Secretary and Assistant Secretary of the Board; and(iii)Such other officers in the service of the Board, as may be declared by the regulations to be officers of the Board.

7. Chairman and Vice-Chairman of Board.

(1)The Chairman of the Board shall be appointed by the Government, by a notification published in the Official Gazette.(2)The minimum qualifications and experience required for the purpose of appointment to the post of Chairman of the Board are:(i)Second Class Master's degree of a recognised University; and(ii)Teaching or administrative experience of not less than 20 years in the field of education.(3)The Chairman of the Board shall subject to any terms and conditions in his contract of service, hold office for a term of four years from the date on which he enters upon his office.(4)The Government may from time to time, extend the term of office of the Chairman of the Board:Provided that the term shall not exceed in the aggregate a period of eight years.(5)The Chairman of the Board shall be a servant of the Government and shall draw his salaries and allowances from the funds of the Government. The salaries and allowances and other conditions of service of the Chairman shall be such as may be prescribed by the Government.(6)No person shall hold, or continue to hold the office of the Chairman of the Board after he completes the age of sixty years.(7)The Government shall appoint a Vice-Chairman, from amongst the members of the Board, to exercise the powers and duties of the Chairman in his absence of not less than one month.

8. Powers and Duties of Chairman.

(1)The Chairman of the Board shall be the principal academic and controlling officer of the Board and shall preside over at the meetings of the Board and any convocation of the Board. He shall be an ex-officio member and the Chairman of the Executive Council, the Academic Council, the Examination Committee, the Finance Committee and the Recognition Committee. He shall be entitled to be present, with the right to speak at any meeting of any authority or body of the Board, but shall not be entitled to vote there at, unless he is a member of that authority or body. (2)The Chairman of the Board shall have power to convene meetings of the Board, the Executive Council, the Academic Council, the Examination Committee, the Recognition Committee, the Finance Committee and the other bodies or committees of the Board. He may delegate, by a regulation, this power to any other officer of the Board. (3)It shall be the duty of the Chairman of the Board to ensure that the Act, the rules and regulations made thereunder are faithfully observed and he shall have all powers necessary for this purpose. (4)If there are reasonable grounds for the Chairman of the Board to believe that there is an emergency which requires immediate action to be taken, he shall take such action as he deems necessary and shall, at the earliest opportunity thereafter, report his action to such authority or body as would have in the ordinary course dealt with the matter. In the event of dispute arising between the Chairman of the Board and the authority or body as to whether there was in fact an emergency, the matter shall be referred to the Board, the decision of which shall be final. (5)The Chairman of the Board shall be responsible for the administration of the affairs of the Board in accordance with the Act, the rules and regulations made thereunder and shall give effect to the decisions of the Executive Council and other authorities or bodies of the Board which are not inconsistent with the provisions aforesaid. (6)It shall be lawful for the Chairman of the Board, as the principal executive officer, to regulate the work and conduct of the officers and members of the administrative and ministerial staff of the Board in accordance with the provisions of this Act, and the rules and regulations made thereunder. (7)Where any matter is required to be regulated by a regulation, the Chairman of the Board may, for the time being, regulate the matter by issuing such directives as he thinks necessary, and shall at the earliest opportunity thereafter, place them before the Executive Council or other authority or body concerned for approval. (8)The Chairman of the Board shall exercise such other powers as may be prescribed.

9. Appointment, Duties and Powers of Secretary, Joint and Assistant Secretaries.

(1)The Secretary of the Board shall be a whole time salaried officer of the Board. He shall be appointed by the Government. [The eligibility criteria, mode of recruitment and terms and conditions of service for appointment of the Secretary shall be such as may be prescribed.] [Substituted by (Amendment) Act, 1996 (No. 19 of 1997).] (2)[The minimum qualifications and experience required for the purpose of appointment to the post of Secretary of the Board are that-(a)(i)he should possess a Second Class Master's degree or Diploma in Higher Education of a recognised University in Arts, or Science and Bachelor's degree in Education with experience both in teaching and administration of not less than 15 years; and(ii)he should have held a responsible post not below the rank of Education Inspector or its equivalent under the Directorate of Education of any State Government or Union Territory Administration, for not less than five years, or;(b)a Grade

I Officer of the Goa Civil Service.](3)Next to the Chairman of the Board, the Secretary of the Board shall maintain control and discipline over all the employees of the Board.(4)The Secretary shall act as Secretary of the Board, the Executive Council, the Academic Council, the Examination Committee, the Finance Committee and the Recognition Committee, but he shall not be entitled to vote.(5)Subject to the control of the Executive Council, the Secretary shall have power to enter into agreements, sign documents and authenticate records on behalf of the Board.(6)He shall be the Custodian of the records, the common seal and such other property of the Board as the Executive Council may commit to his charge.(7)He shall keep the minutes of all meetings of the Board, the Executive Council, the Academic Council, the Examination Committee, the Finance Committee, the Recognition Committee and of such other committees and body where he may be directed to act as a Secretary by the Chairman of the Board.(8)The Secretary shall ensure, in accordance with the directions of the Chairman of the Board, the proper organisation and conduct of final examinations and other tests and declaration of results.(9)The Secretary shall exercise such other powers and perform such other duties as may be prescribed, or are required from time to time by the Executive Council or the Chairman of the Board.(10)The Government may appoint one or more Joint and Assistant Secretaries for the Board on the recommendation of the Board. Such Joint and Assistant Secretaries shall exercise such powers and duties as may be assigned to them by the Secretary under the general or special orders of the Board.(11)When the office of the Secretary of the Board falls vacant, or when the Secretary is, by reason of illness, or absence or any other cause, unable to perform the duties of his office, such duties shall be performed by such person as the Chairman of the Board may appoint for the purpose from among the Joint Secretaries.(12)The Secretary, Joint Secretaries, and Assistant Secretaries appointed under this Act shall be the servants of the Government, and they shall draw their salaries and allowances from the consolidated fund of the territory. The salaries and allowances shall be such as may be prescribed by the Government.

10. Other Officers and servants of Board.

(1)The Board may appoint such other officers and servants as it considers necessary for the efficient performance of its functions under this Act;(2)The salaries and allowances and other conditions of service of the officers and other servants appointed by the Board under sub-section (1) shall be such as may be determined by it by regulations made under this Act.

Chapter IV

Authorities of Board

11. Authorities of Board.

(1)The following shall be the authorities of the Board, namely:-(a)The Board;(b)The Executive Council;(c)The Academic Council;(d)The Finance Committee;(e)The Examination Committee;(f)The Recognition Committee;(g)The Board or Boards of Studies; and(h)Such other bodies of the Board as may be declared by the regulations of the Board, to be the authorities of the Board.(2)The Board may appoint such other Committees as it thinks necessary for the efficient performance of its functions.(3)The Constitution of every Committee appointed by the Board, the

term of office of its members, and the duties and functions to be discharged by it shall be such as may be laid down by regulations made in this behalf.

12. Board.

(1) The Board shall be the principal authority for all financial estimates and budgetary appropriations, and shall consist of the Chairman and the Vice-Chairman of the Board appointed by the Government under section 7 and of the following members namely:-Ex-officio Members Class A - [(i) The Director of School Education or his nominee not below the rank of a Deputy Director;(ii)The Director of Sports and Youth Affairs;(iii)The Director of Arts and Culture;(iv)The Director of Craftsman Training;(v)The Director of Technical Education;(vi)The Director of State Institute of Education; and(vii)The Director of Higher Education.]Elected Members Class B - (i) Two members of the Legislative Assembly elected by the members of the Legislative Assembly of the [State] [The word 'territory' has been substituted by (Amendment) Act, 1996 (No. 19 of 1997).] from amongst themselves;(ii)[Two members one each from Science and Arts faculties to represent the University of Goa, to be elected by the Academic Council of the University from amongst its members of whom at least one member shall represent the colleges and until the first such elections are held, persons nominated by the Government from amongst the Principals and teachers of the colleges in the State;] [Class B (ii) substituted by (Amendment) Act, 1996 (No. 19 of 1997).](iii)[(a) Four Principals of Higher Secondary Schools, of which two each to represent North Goa and South Goa Districts respectively; and [Class B (iii) substituted by (Amendment) Act, 1996 (No. 19 of 1997).](b)two representatives from vocational stream of which one each to represent North Goa and South Goa Districts respectively elected by the teachers of vocational Stream in such schools in the State recognised by the Board from amongst themselves;](iv)[Two Grade I teachers from Higher Secondary Schools to represent North Goa and South Goa Districts respectively, elected by the teachers of such schools in the State recognised by the Board, from amongst themselves;] [Class B (iv) substituted by (Amendment) Act, 1996 (No. 19 of 1997).](v)Six head masters of secondary schools other than higher secondary schools, one each from each designated area, elected by the head masters of such school in the designated area from amongst themselves;(vi)Six teachers of secondary schools other than higher secondary schools, one each from each designated area, elected by the teachers of such school in the designated area from amongst themselves; and(vii)[Two representatives of the management of Secondary and Higher Secondary schools elected by the managements of such schools in the State recognised by the Board, from amongst themselves;] [Class B (vii) substituted by (Amendment) Act, 1996 (No. 19 of 1997).]Nominated Members Class C - [six] [For the word 'Five' the word 'six' has been substituted by (Amendment) Act, 1996 (No. 19 of 1997).] members to be nominated by the Government:-(i)[One representative of visual/performing arts;] [Class C (i) substituted by (Amendment) Act, 1996 (No. 19 of 1997).](ii)[One representative from those who have contributed towards education/rehabilitation of the handicapped;] [Class C (ii) substituted by (Amendment) Act, 1996 (No. 19 of 1997).](iii)One Principal of a secondary teachers' training college from amongst the principals of secondary teachers' training colleges in the [State] [For the word 'territory' the word 'State' has been substituted by (Amendment) Act, 1996 (No. 19 of 1997).]; and(iv)[Two persons, other than the staff of colleges, heads and teachers of Secondary and/or Higher Secondary Schools to be nominated by the Government from amongst reputed educationists of whom one shall be a woman in case no woman member is represented in above

classes;] [Class C (iv) substituted by (Amendment) Act, 1996 (No. 19 of 1997).](v)[One nominated member to represent vocational education] [Inserted by (Amendment) Act, 1996 (No. 19 of 1997).]:Provided that, a person shall cease to hold office as a member of the Board if he ceases to belong to the Academic Council of the University or the Legislative Assembly, or ceases to be a head master or teacher of a secondary or higher secondary school or a principal of a secondary training college or representative of the management, where he is elected or nominated from amongst such persons.(2)The names of persons, not being ex-officio members, who have been elected or nominated, from time to time, as members of the Board shall be published by the Board in the Official Gazette.(3)No employee of the Board shall be eligible to be elected to the Board.(4)No person shall be nominated as member of the Board or continue to be such member for more than two consecutive terms.(5)Notwithstanding anything contained in sub-section (1), for the purpose of the first constitution of the Board, Government may also nominate all or any of the members to be elected under Class B but, in such cases, the member so nominated shall vacate office as soon as the corresponding member is duly elected by the electing body. The member so elected shall then hold office only for the remaining period of the term.

13. Term of Office and allowances of members of the Board.

(1)Members of Class B and Class C in section 12 above shall hold office for a term of four years from the date on which their names are published in the Official Gazette:Provided that the term of office of the outgoing members shall extend to and expire, on the day immediately preceding the date on which the names of their successors are published in the Official Gazette.(2)Members shall be entitled to such allowances as are determined by regulations made by the Board.

14. Disqualifications of Chairman and Members.

- A person shall be disqualified for being appointed, elected, nominated or designated as, or from continuing as a Chairman or a member of the Board or of any Committee appointed under this Act-(a)if he directly or indirectly by himself or his partner has or had any share or interest in any text-book published:Provided that a person who had any share or interest in the text-book concerned shall not be deemed to have incurred the disqualifications under this clause if five years have elapsed from the date of publication of such book;(b)if he directly or indirectly, by himself or his partner, has any share or interest in any work done by order of, or any contract entered into on behalf of the Board;(c)if he is an un-discharged insolvent;(d)if he is declared physically disabled by any medical authority as Government may specify;(e)if he is adjudged to be of unsound mind by a competent authority;(f)if he is acting in any manner detrimental to the aims and objectives of the Board;(g)if he is a person against whom an order of removal from office has been made under sub-section (2) of section 17:Provided that a person against whom, such order is made shall not be deemed to be disqualified under this clause, if five years or such lesser period as the Government may specify has elapsed from the date of his removal from office.Explanation: For the purpose of clause (a)-(i)the publication of text-book includes its republications;(ii)a person shall be deemed to have incurred disqualification by reason of his having any share or interest in the business of the publisher of such text-book.

15. Vacancy of Chairman or Member.

(1) If the Chairman or a member of the Board or any Committee appointed under the Act, becomes disqualified under section 14 his office shall become vacant. (2) If a member elected or nominated or designated to the Board remains absent without permission of the Board from three consecutive meetings thereof, his office shall thereupon become vacant. (3) If any question arises as to whether the office of the Chairman or a member has become vacant under clause (1) and (2) of this section, the question shall be referred to the Government and its decision in the matter shall be final. (4) The vacancy under this section shall be notified by the Board in the Official Gazette.

16. Resignation of members.

- A member of the Board, not being an ex-officio member, may, resign his office at any time by tendering his resignation in writing to the Chairman of the Board, and such member shall be deemed to have vacated his office as soon as the Chairman has received his resignation.

17. Removal of Member.

(1) The Government may, on the recommendation of the Board and after making such further inquiry, if any, as it may think fit to make, remove any member of the Board or of any Committee appointed under this Act, from office, if such member has been convicted of an offence involving moral turpitude or has been guilty of any disgraceful conduct which in the opinion of the Board renders him unfit to be continued as a member or an undischarged insolvent or declared physically disabled by any medical authority as Government may specify or adjudged to be of unsound mind by a competent authority or acting in any manner detrimental to the aims and objectives of the Board: Provided that, no such recommendation shall be made by the Board, unless the member to whom it relates has been given a reasonable opportunity of showing cause why such recommendation should not be made. (2) The name of any member who has been removed from office under sub-section (1) shall be published by the Board in the Official Gazette.

17A. [Removal of Chairman. [Inserted by (Amendment) Act, 1996 (No. 19 of 1997).]

- The Government may, after inquiry as deemed necessary by a retired judge of the High Court, remove from office the Chairman of the Board, if he/she, - (a) has been convicted of an offence involving moral turpitude; or (b) has been found guilty of any lapse, misconduct, misbehaviour or disgraceful conduct which in the opinion of the Government renders him unfit to be continued as Chairman; or (c) has been adjudged as undischarged insolvent; or (d) has been declared physically disabled by any medical authority as the Government may specify in this behalf; or (e) has been adjudged to be of unsound mind by a competent authority; or (f) has been acting in any manner detrimental to the aims and objects of the Board.]

18. Casual Vacancies.

- Every casual vacancy among the members of the Board or of any committee constituted under this Act, shall be filled as soon as may be, by election or nomination as the case may be; and the person elected or nominated in a casual vacancy shall hold office so long as the member in whose place he is elected or nominated, would have held it, if the vacancy had not occurred.

19. Acts and proceedings.

- No act or proceeding of the Board or of the Executive Council or of the Academic Council or any other authority or Committee of the Board, shall at any time, be deemed invalid on the ground only that it is not duly constituted or that there is a defect in its constitution or that there is a vacancy in the membership thereof, and the validity of such act or proceedings shall not be questioned in any Court or before any authority or officer merely on any such ground.

20. Meetings of the Board.

(1)The Board shall on a date to be fixed by the Chairman of the Board, meet not less than twice in every year, and six months shall ordinarily intervene between two consecutive meetings.(2)The Chairman of the Board -(a)if he thinks fit, may, and(b)upon a requisition in writing signed by not less than one-third of the total number of members of the Board shall,convene a special meeting of the Board after giving a notice of seven days in the case of clause (a) and on a date not later than twenty one days from the date of receipt of the request by the Chairman in the case of clause (b).

21. Power to invite experts and officers at meetings.

- The Board may invite any person who in its opinion is an expert in the field of education or any officer of the Government not below the rank of a Deputy Director of Education to attend its meeting or a meeting of its Committee, if a subject with which the expert or officer is concerned is likely to come up or comes up for discussion or consideration at such meeting.

22. The Executive Council.

(1)The Executive Council shall be the Executive authority of the Board and shall consist of the following:-(i)The Chairman of the Board - Ex-officio Chairman;(ii)The Director of Education or his nominee not below the rank of a Deputy Director;(iii)Four members to be elected by the Board from amongst the elected members referred to in class B of sub-section (1) of section 12.(iv)One member to be elected by the Board from amongst the nominated members referred to in class C of sub-section (1) of section 12;(v)One member to be elected by the Board from amongst all its members irrespective of their Class; and(vi)One member to be elected by the Board from amongst the Ex-officio members referred to in class A of sub-section (1) of section 12.(2)The term of office of the elected members shall be two years.(3)If a member elected to the Executive Council remains absent without permission of the Council for three consecutive meetings thereof, his office shall be

deemed to have been vacated.(4)No person [other than those specified in clause (i) and (ii) of sub-section (1)] [Inserted by (Amendment) Act, 1996 (No. 19 of 1997).] shall be a member of the Executive Council, or continue to be such member, for more than two consecutive terms.

23. Powers and Duties of Executive Council.

(1)Subject to the provisions of the Act and the Rules made thereunder, the Executive Council shall have the following duties and functions, namely:-(i)to determine the form, provide for the custody and regulate the use of the common seal of the Board;(ii)to transfer and accept transfer, hold, control, administer and deal with any property, movable or immovable and funds of the Board and to enter into contract on behalf of the Board provided that no transfer of immovable property shall be made without previous sanction of the Board;(iii)to manage and regulate the finances, accounts and investments of the Board;(iv)to invest, subject to the provisions of the Act, any money belonging to the Board, including any unapplied income, in any of the securities as may be prescribed or in the purchase of immovable property in India, with the like power varying such investments or to place in fixed or call deposits in any Scheduled Bank, any portion of such money not required for immediate expenditure;(v)to accept, receive, hold, control, administer and deal with any fund, bequests, donations, endowments, trusts and other transfers of any property or interest therein or right thereto, placed at the disposal of the Board for specific purposes;(vi)to consider the annual, revised or supplementary budget estimates and the annual accounts of income and expenditure of the Board and the recommendations of the Finance Committee of the Board thereon and to submit them to the Board;(vii)to recommend the number of Joint Secretaries and Assistant Secretaries to be appointed by the Government under sub-section (10) of section 9;(viii)to sanction -(a)the number of posts of officers and servants to be employed by the Board under section 10 and to suspend, hold in abeyance or abolish any such posts;(b)the payment of special pay and other allowances at such rates and subject to such conditions as it may deem fit in respect of:(1)specialised nature of duties or additional duties performed by employees of the Board;(2)duties performed on Sundays and holidays by the employees of the Board;(3)duties performed by the employees of the Board beyond normal hours;(4)any remunerative jobs done by the employees of the Board outside their office hours;(ix)subject to the budget provision sanctioned under section 39 to sanction the purchase or hire of stores, paper, forms, stationery, furniture or other equipment required for the Boards office, after calling for tender and to scrutinise them when received or enter into a contract for the purposes of the Act:Provided that it shall not be necessary to call for any tender if the value of the stores, paper, forms, stationery or other equipment required or the expenditure involved in the contract is less than Rs. 1,000/- or if the above articles are urgently required or the work in respect of which the contract is entered into needs to be urgently carried out or if the Executive Council does not think it advisable to call for the tenders for reasons recorded by it;(x)to enter into, vary, carry out and cancel on behalf of the Board a contract for the provision of the buildings and supply of materials for proper discharge of duties assigned to it by the Act and the Rules;(xi)to write-off irrecoverable sums due in respect of stores, priced publications, statements of mark and unserviceable articles of dead-stock, if the amount of the dues in each case exceeds Rs. 100/- but does not exceed Rs. 1000/-;(xii)generally to advise the Chairman of the Board on any matter connected with the work of the Board which it deems fit or which the Chairman may refer to it;(xiii)to report to the Board upon any matter concerning which its view may be invited by Board or

in respect of which it considers that it should tender advice to the Board;(xiv)to make recommendations to the Board concerning the framing or amending the rules and regulations of the Board after considering the recommendations, if any, from the Committees of the Board;(xv)to institute and make provision for the grant of scholarships, medals, prizes and other rewards and to prescribe the conditions therefor;(xvi)to accept, reject or refer back any proposal, recommendation or report from the Academic Council, Finance Committee, Examination Committee, Recognition Committee, or other Committees of the Board;(xvii)to recommend to the Board, for approval, rates of travelling allowance and remuneration to Paper-Setters, Moderators, Examiners, Translators and other personnel after taking into consideration recommendations of the Committee of the Board, if any;(xviii)to lay down the procedure and specify the penalties to be imposed in dealing with cases of use of unfair means by persons seeking admission to or appearing at the Examinations conducted under the authority of the Board;(xix)to authorise such advance as it may from time to time consider necessary, to remain in the hands of the Secretary, to meet legitimate petty expenditure;(xx)direct inspection of the secondary schools and higher secondary schools and other recognized institutions in order to assess the academic performance and needs, issue instructions where necessary, for maintaining efficiency and ensuring adequate amenities for students and proper terms and conditions of employment of the teachers and other employees;(xxi)recommend to the Government the withholding of grants of secondary schools and higher secondary schools and institutions which do not comply with the instructions issued from time to time.(2)The quorum for the meeting of the Executive Council shall be one-half of the total number of the members of the Executive Council.(3)The Executive Council shall report to the Board all acceptances or transfers of property done by the Executive Council.(4)The Executive Council shall not transfer any movable property without the sanction of the Board.

24. Academic Council.

(1)The Academic Council shall be the principal academic authority of the Board and shall consist of the following members, namely:(i)The Chairman of the Board- Ex-Officio Chairman;(ii)Two members to be elected by the Board from amongst the ex-officio members, referred to in Class A of sub-section (1) of section 12;(iii)Five members to be elected by the Board from amongst the elected members referred to in Class B of sub-section (1) of section 12;(iv)One member to be elected from the nominated members referred to in Class C of sub-section (1) of section 12;(v)Convenors of the Board of Studies.(2)The term of office of the members of the Academic Council shall be two years.

25. Powers and Duties of Academic Council.

(1)The Academic Council shall be the chief academic body and shall have the right to advise the Board on all academic matters. Without prejudice to the generality of this provision, the Academic Council shall have the following duties and functions, namely:-(i)to formulate guiding principles for determining curricula and syllabi for the entire secondary and higher secondary education;(ii)to consider and submit its recommendations to the Executive Council on the detailed syllabi for all standards except the final standard, after taking into consideration the recommendations of the respective Boards of studies thereon;(iii)to consider and submit its recommendations to the Executive Council on the curricula and detailed syllabi prepared by the Boards of Studies for the

final examinations;(iv)to formulate general principles for preparing text-books;(v)to prepare or recommend for prescription to the Executive Council text-books for the standard leading to the final examinations, after taking into consideration the recommendations of the respective Boards of Studies thereon;(vi)to recommend to the Executive Council standard requirements in respect of staff, building, furniture, equipment, stationery and other things required for secondary and higher secondary schools;(vii)to recommend to the Board measures to promote physical, moral and social welfare of students in institutions recognized by the Board and the conditions of their residence and discipline;(viii)to consider and submit its recommendations to the Executive Council on the following matters pertaining to the [examinations] [Substituted by (Amendment) Act, 1996 (No. 19 of 1997).] after receipt of the recommendations of the Boards of Studies:-(a)the total number of compulsory and optional subjects;(b)proposals for introduction of new subjects and exclusion of existing subjects;(c)the formation of groups of subjects and the alteration of such groups;(d)the number of question papers to be set in each subject;(e)the maximum and minimum marks, time, duration and standard length for written, oral or practical tests in different subjects or groups of subjects;(ix)to conduct statistical or other research for the purposes of evaluation and reform of curricula, instruction and examination system;(x)to co-ordinate the work of the Boards of Studies and to scrutinize the recommendations in regard to various matters with which each Board of Studies is concerned.

26. The Finance Committee.

(1)There shall be a Finance Committee consisting of:-(i)The Chairman of the Board- Ex-officio Chairman;(ii)Director of Accounts or his nominee not below the rank of a Deputy Director of Accounts;(iii)Two members to be elected by the Board from amongst the elected members referred to in Class B of sub-section (1) of section 12;(iv)Two members to be elected by the Board from amongst the nominated members referred to in Class C of sub-section (1) of section 12.

27. Powers and Duties of Finance Committee.

(1)The Finance Committee shall act as advisory body on all matters concerning the finance of the Board. Its duties and functions shall be as under:-(i)to prepare and submit to the Executive Council with its recommendations the annual, revised or supplementary budget estimates of the annual accounts of income and expenditure of the Board;(ii)to make recommendations to the Executive Council on all matters relating to the finance of the Board;(iii)to examine every proposal of new expenditure and to advise the Executive Council thereon;(iv)to review and report periodically to the Executive Council on the financial position of the Board;(v)generally to devise means for effecting economy, without impairing efficiency;(vi)to consider proposals for fixation of pay scales for new posts and revision of pay scales and advise the Executive Council thereon.

28. Examination Committee.

- The Examination Committee shall consist of:-(i)The Chairman of the Board- Ex-officio Chairman;(ii)One member to be elected by the Board from amongst the ex-officio members referred to in Class A of sub-section (1) of section 12;(iii)Four members to be elected by the Board from

amongst the elected members referred to in class B of sub-section (1) of section 12;(iv)One member to be elected by the Board from amongst the nominated members referred to in Class C of sub-section (1) of Section 12;(v)One member to be elected by the Board from amongst all the members of the Board irrespective of their Class.

29. Powers and Duties of Examination Committee.

(1)Subject to the provisions of the Act and the Rules made thereunder, the Examination Committee shall have the following duties and functions, namely:-(i)to consider and forward its observation to the Academic Council on any proposal to amend the schemes of the final Examination as set out from time to time;(ii)to recommend to the Executive Council, the rates of travelling allowance, remuneration or honoraria for various items of work connected with the final examinations;(iii)to recommend to the Executive Council qualifications and disqualifications of and rates of remuneration payable to Paper-setters, Translators, Moderators, Examiners etc.:(iv)to recommend to the Executive Council, general principles to be followed by the Board, in regard to the preparation of panels and appointment of Paper-Setters, Moderators, Translators, Examiners etc.:(v)to generally review the results (after they are declared) of the final examinations and submit its observations to the Academic Council;(vi)to recommend to the Executive Council suitable forms of certificates and provisional certificates to be issued to successful candidates and statement or memorandum or marks to all candidates in respect of the final examinations.

30. Recognition Committee.

- The Recognition committee shall consist of:-(i)the Chairman of the Board- Ex-officio Chairman;(ii)one member elected by the Board from amongst the ex-officio members referred to in Class A of sub-section (1) of section 12;(iii)three members to be elected by the Board from amongst the elected members referred to in Class B of sub-section (1) of section 12;(iv)one member to be elected by the Board from amongst the nominated members referred to in Class C of sub-section (1) of Section 12.

31. Powers and Duties of Recognition Committee.

- The Recognition Committee shall consider and make recommendation [to the Executive Council] [Inserted by (Amendment) Act, 1996 (No. 19 of 1997).] on all matters relating to the grant or withdrawal of recognition of secondary and higher secondary schools in accordance with the prescribed procedure.

32. Board or Boards of Studies.

(1)The Board shall constitute a Board or Boards of Studies for different subjects or groups of subjects, as may be considered necessary from time to time.(2)Each Board of Studies shall ordinarily consist of such number of members, but not less than five and not more than seven members all of whom need not be members of the Board, as the Board may decide.(3)The Convenor

and the members of the Board of Studies shall be appointed by the Board.(4)Any two or more Boards of Studies may, with the consent of the Chairman of the Board and shall, when so required by the Board, meet and act in concurrence and render a joint report on any matter with which they are severally and jointly concerned. In such cases the quorum of the joint meeting will be the majority of the members of the Board of Studies meeting jointly. The Chairman of the joint session shall be elected by the joint meeting.(5)All proceedings of the Board of studies shall be treated as confidential, and in particular, the discussion on the merits and demerits of text-books shall not be divulged.

33. Power and Duties of Board of Studies.

(1)It shall be the duty of the Board of Studies to consider and make recommendation to the Academic Council in respect of the subjects with which it is concerned, regarding -(i)the detailed syllabi for all Standards except the final Standard;(ii)the curricula and detailed syllabi for the final examination;(iii)the preparation or prescription of textbooks in conformity with the syllabus and suggest such conditions, if any, as may be deemed fit, after considering the reports of the reviewers;(iv)any matter relating to the subject or subjects within its purview referred to it by the Executive Council, Academic Council or other authorities of the Board;(v)the standard and quality of the question papers (including the model answers, if any) set for the final examination conducted by the Board and the observations of the respective Board of Studies thereon.(2)A Board of Studies may bring to the notice of the appropriate authorities of the Board any matter connected with the final Examination, the Courses of Studies laid down therefor, the textbooks prepared or prescribed and other connected matters of academic importance.

34. Other Board authorities and Committees.

(1)The Executive Council may, by regulation, constitute and define the functions of such other Committees or authorities as, it may, from time to time, think necessary, for the purposes of carrying out the work of the Board.(2)The powers and duties of such authorities and Committees and the procedure to be followed at their meetings, shall be indicated in the respective regulations.

35. Recognition of Schools.

(1)A secondary or higher secondary school desiring to be recognised for the purposes of admission to the privileges of the Board shall, not later than fifteenth day of the month of July of the year which precedes by two years, the year in which it proposes to present candidates for the final examination conducted by the Board, apply for recognition to the Secretary of the Board in the form which may be prescribed:Provided that the Chairman of the Board may, for special reasons to be recorded in writing condone the delay if the delay does not exceed a period of six months.(2)An application for recognition shall be made in such manner as may be prescribed.

36. Schools eligible to send candidates for Examination.

- A recognised secondary or higher secondary school shall be eligible to send up candidates for final examination for which such recognition has been granted to it by the Board, subject to such conditions as may be specified from time to time by the Board and in such manner as may be prescribed.

Chapter V

Finance, Annual Account and Annual Report

37. Board's Fund, Custody and Investment.

(1)The Board shall establish a fund to be called Board's Fund.(2)The following shall form part of, or paid into, the Board's Fund:-(a)all contributions, assignments, loans, grants by the Government, the Central Government and the University Grants Commission, if any;(b)all income of the Board from any source whatsoever including income from fees, royalties and charges levied by the Board;(c)all income or moneys from trusts, bequests, donations and endowments or other contributions, if any;(d)interest on, and sale proceeds of any securities vested in the Board;(e)any sums borrowed from the banks or other financial institutions, with the permission of the Government; and(f)other moneys received by or on behalf of the Board.(3)The Board's Fund shall, at the discretion of the Executive Council, be kept in any Scheduled Bank as defined in the Reserve Bank of India Act, 1934 (Central Act 2 of 1934) or in such other manner as may be prescribed.

38. How Board's Fund shall be drawn against.

- No payment shall be made by a Bank out of the Board's Fund except upon a cheque or letter of credit signed by an Officer serving under the Board duly authorised by the Board in this behalf.

39. Annual Accounts and Financial Estimates.

(1)The annual accounts of the Board shall be prepared by the Finance Committee under the direction of the Executive Council and shall be audited by the auditors appointed by the Government.(2)The accounts when audited shall be published by the Executive Council and a copy thereof shall, together with the copy of the audit report, be submitted to the Board.(3)The Finance Committee shall prepare, before such date and in such manner as may be prescribed, the budget estimates of income and expenditure for the next financial year.(4)The annual accounts and the estimates as approved by the Executive Council, shall be submitted to the Board which shall consider and approve them with such modifications as it may deem fit.(5)The Board shall, after the approval of budget estimates forward the same to the Government for its approval. The Government may pass such orders with respect to the budget estimates of the Board as it thinks fit, and communicate the same to the Board and the Board shall give effect to such orders.

40. Annual Report.

- The annual report of the Board shall be prepared under the direction of the Executive Council and shall be submitted to the Board on or before such date as may be prescribed and which shall be considered by the Board [* * *] [The words 'in its annual meeting' have been omitted by (Amendment) Act, 1996 (No. 19 of 1997).]. The Board may pass resolutions thereon and communicate them to the Executive Council which shall consider and take such action thereon as it thinks fit; and the Executive Council shall then inform the Board at its next meeting of the action taken by it or its reasons for taking no action on such resolutions, if any.

Chapter VI Miscellaneous Provisions

41. Conditions of Service.

(1)The emoluments and terms and conditions of service of all the employees of the Board shall be as may be prescribed.(2)All salaried officers and employees of the Board including those appointed by the Board for specified periods or for specified work or who receive remuneration such as allowances, fees or other payments from the Board's Fund shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860 (Central Act 45 of 1860).

42. Election to be by secret ballot.

- Every election to the Board, the Executive Council, the Academic Council or any other authority of the Board under this Act shall be held by secret ballot by means of a single transferable vote and in such manner as may be prescribed.

43. Acting Chairman of meetings.

- Where no provision is made by or under this Act, for the Chairman to preside over a meeting of any authority or Committee of the Board or where the Chairman so provided for is absent, and no provision is made for any other person to preside, the members present shall elect a person from amongst themselves to preside at the meeting.

44. Question regarding interpretation, and disputes regarding constitution of Board's authority or body etc.

- If any question arises regarding interpretation of any provision of the Act or the rules and regulations made thereunder, or as to whether a person has been duly elected or appointed, as, or is entitled to be, a member of any authority or body of the Board, the matter may be referred, on petition by any person or body directly affected or suo moto by the Chairman of the Board, to the Government, which shall, after taking such advice as it thinks necessary, decide the question, and

the decision of the Government shall be final: Provided that such reference shall be made by the Chairman of the Board to the Government upon a requisition signed by not less than 15 members of the Board.

45. Protection of acts and orders.

- All acts and orders duly and in good faith done or passed by the Board, or any of its authorities, bodies or officers shall be final; and accordingly no suit or legal proceedings shall be instituted against or maintained or damages claimed from the Board or its authorities, bodies or officers for anything done or passed in good faith or in pursuance of the provisions of this Act and the rules and regulations framed thereunder.

46. Power of Government to make Rules.

(1) The Government may by notification in the Official Gazette, make rules for carrying into effect the provisions of this Act. (2) In particular and without prejudice to the generality of the foregoing provisions, such rules may provide for all or any of the following matters, namely: -(i) manner of preparation of Budget estimates of the annual income and expenditure of the Board; (ii) the subjects and the curricula for the final examinations; (iii) the admission of candidates to the final examination and conditions governing such admissions; (iv) the marks required for passing in any subject and the examination conducted by it as a whole and for exemption, credit and distinction in any subject; (v) the fees for admission to the final examinations and other fees and charges payable in respect of other matters connected with those examinations; (vi) the arrangements for the conduct of final examination and publications of results; (vii) the appointment of paper-setters, translators, examiners, moderators, super-visors and other necessary personnel, their powers and duties in relation to the final examinations, their remuneration, and their qualifications; (viii) the award of certificates; (ix) the appointment of officers and servants of the Board in its office and the conditions of their service; (x) the constitution of the provident fund for the benefit of the officers and servants of the Board; (xi) the control, administration and safe custody and management in all respect of the finances of the Board; (xii) the date before which and the manner in which the Board shall prepare its budget estimates; (xiii) any other matter which is to be or may be prescribed under this Act. (3) Every rule made under this section shall be laid as soon as may be after it is made, before the Legislative Assembly of the Union territory while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, the Assembly makes any modification in the rule or the Assembly states that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

47. Power to make Regulations.

- The Board may 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 at the

meetings of the Board and the Committees appointed by the Board and the number of members required to form a quorum for such meetings;(b)the allowances which may be drawn by members of the Board and the Committees appointed by the Board;(c)any matter solely concerning the Board and its Committees not provided for by this Act and the rules made thereunder.

48. First Regulations.

- Notwithstanding anything contained in the last preceding section, the first regulations shall be made by the Government and they shall continue to be in force until new regulations are duly made by the Board.

49. Information, returns, etc. to be provided by Board.

(1)The Board shall furnish to the Government such reports, returns and statements as may be required by the Government and such further information relating to any matters connected with its work as the Government may call for.(2)The Government may, after considering any such report, return, statements or information furnished, give such directions consistent with this Act as may be necessary and the Board shall comply with such directions.

50. Powers of Government to issue direction.

(1)The Government shall have the power, after considering the advice, if any, tendered by the Board, to issue to the Board such directions as it may consider necessary in regard to all or any of the matters specified in sub-section (2) of section 5. The Board shall comply with such directions.(2)(a)The Government shall have also the right to address the Board with reference to anything it has conducted or done or is conducting or doing or intends to conduct or do and to communicate to the Board its views in the matter;(b)The Board shall report to the Government such action, if any, as it proposes to take or has taken upon the communications and shall furnish an explanation if it fails to take action;(c)If the Board does not, within a reasonable time, take action to the satisfaction of the Government, the Government may, consider explanation, furnished if any, or representation made by the Board and issue such directions consistent with this Act as it may think fit, and the Board shall comply with such directions.(3)The Government may, by order in writing specifying the reasons thereof, suspend the execution of any resolution or order of the Board and prohibit the doing of the action ordered to be or purporting to be ordered to be done by the Board, if the Government is of the opinion that such resolution, order or act is in excess of the power conferred by or under this Act upon the Board.

51. Saving.

- On the appointed day, all institutions recognised and admitted to the privilege of the Maharashtra Secondary Education Board or Gujarat Secondary Education Board before the appointed day shall be deemed to be recognised and admitted to the privileges of the Goa, Daman and Diu Secondary and Higher Secondary Education Board established under this Act, save in so far as such recognition

or privileges, may be withdrawn restricted or modified by or under the provisions of this Act.

52. Government's interpretation to be final.

- If any question arises regarding the interpretation of any provision of any regulation made under sections 47 or 48 the matter may be referred by the Board to the Government for decision and in such circumstances the decision of the Government shall be final.[Clause A items (i), (ii), (iii), (iv), (v) and (vi) substituted by (Amendment) Act 1996 (No. 19 of 1997).][Sub-section (2) substituted by (Amendment) Act, 1996 (No. 19 of 1997).]