

The Punjab School Education Board Act, 1969

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Act 24 of 1969

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The Punjab School Education Board Act, 1969 Punjab Act No. 24 of 1969 Received the assent of the Governor of Punjab on the 25th November, 1969, and first published in the Punjab Government Gazette (Extraordinary), Legislative Supplement Part I, of the 28th November, 1969. The amendment Act of 1987 received the assent of the Governor of Punjab on the 17th April, 1987 and first published in the Punjab Government Gazette (Extra-ordinary), Legislative Supplement, Part I, of the 22nd April, 1987. An Act to provide for the establishment of Board of School Education in the State of Punjab. Be it enacted by the Legislature of the State of Punjab in the Twentieth Year of the Republic of India as follows :-

1. Short title.

- This Act may be called the Punjab School Education Board Act, 1969.

2. Definitions.

- In this Act, unless there is anything repugnant in the subject or context, -(a) ["affiliated" with its grammatical variations used with reference to an institution means affiliated or deemed to be affiliated to the Board for the purposes of admission to the privileges of the Board;] [Inserted vide Act 10 of 1987.](aa) ["Board" means the Punjab School Education Board, established under section 3] [Renumbered by Punjab Act 10 of 1987.];(b) "Chairman" means the Chairman of the Board;(c) "examination" means an examination conducted by the Board;(d) "Head of the institution" means Headmaster or Principal or any other principal academic officer, by whatever designation called of [an affiliated institution;] [Vide the Punjab Act 10 of 1987.](e) ["Institution" means an institution imparting school education in or outside the State;] [Substituted by Punjab Act 10 of 1987.](f) "member" means a member of the Board and includes the Chairman and Vice-Chairman thereof;(ff) ["plus two scheme" means the scheme of education whereunder education is imparted for two additional successive classes immediately following matriculation;] [Substituted by Punjab Act 10 of 1987.](g) "prescribed" means prescribed by regulations made by the Board under this

Act;(h)[-] [Omitted by Punjab Act 10 of 1987.](i)["School education" means all education from the first class to the twelfth class, immediately preceding the stage leading to entry to the first degree of a University established by law in India and includes plus two scheme but does not include technical education;] [Substituted by Punjab Act 10 of 1987.](j)"Secretary" means the Secretary of the Board;(jj)[***] [Omitted by Punjab Act No. 2 of 2018, dated 2.1.2018](k)"State" means the State of Punjab;(l)"text book" means any book or other printed material prescribed, recommended or otherwise approved by the Board for study in any [affiliated institution;] [Vide the Punjab Act 10 of 1987.](m)"Vice-Chairman" means the Vice-Chairman of the Board.

3. Establishment and incorporation of the Board.

(1)There shall be established for the purpose of this Act a Board to be known as the Punjab School Education Board.(2)The Board shall be a body corporate by the name aforesaid having perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold or dispose of property, both movable and immovable and to contract, and may by that name sue and be sued.

4. Constitution of the Board.

- [(1) The Board shall consist of a [Chairman, Vice-Chairman] [Substituted by Punjab Act 10 of 1987.] and the following members :-(a)ex-officio members, namely(i)Vice-Chancellors of all the universities established or that may be established by law in the State;(ii)Secretary to Government in the Department of Education or an officer of that Department not below the rank of a Deputy Secretary nominated by him;(iii)Director of Public Instruction (Colleges), Punjab;(iv)Director of Public Instruction (Schools), Punjab;(v)Director, State Council of Educational Research and Training, Punjab.(b)seven members to be nominated by the State Government out of the following categories of persons, namely :-(i)one member from amongst the District Education Officers and Circle Education Officers;(ii)two members from amongst the Principals of Colleges affiliated to the universities established by law in the State;(iii)one member from amongst the lecturers of Colleges affiliated to the universities established by law in the State;(iv)one member from amongst the Heads of Senior Secondary School affiliated to the Board;(v)one member from amongst the Heads of High Schools affiliated to the Board;(vi)one member from amongst the School lecturers and teachers who are State or National awardees;(c)one eminent scholar or writer or scientist, as may be nominated by the State Government; and(d)the Legal Remembrancer, Punjab or the Advocate General, Punjab as may be nominated by the State Government :Provided that the Legal Remembrancer, Punjab if nominated as ex- officio member by the State Government, may depute his nominee not below the rank of a Deputy Legal Remembrancer and Deputy Secretary to Government of Punjab to represent him on the Board; and(e)three members of the Punjab Legislative Assembly to be nominated by the Speaker of the Punjab Legislative Assembly.](2)[The Chairman and the Vice-Chairman] [Substituted 'The Chairman, the Senior Vice-Chairman and the Vice-Chairman' by Punjab Act No. 2 of 2018, dated 2.1.2018] shall be appointed by the State Government upon such terms and conditions as it may think fit.(3)[-] [Omitted by Punjab Act 10 of 1987.](4)The appointment of [the Chairman and Vice-Chairman] [Substituted 'the Chairman, the Senior Vice-Chairman and Vice-Chairman' by Punjab Act No. 2 of 2018, dated 2.1.2018] and the nomination of every member

shall be notified by the State Government in the Official Gazette.

5. Term of office of [Chairman, Vice-Chairman] [Substituted 'Chairman, Senior Vice-Chairman, Vice-Chairman' by Punjab Act No. 2 of 2018, dated 2.1.2018] and members.

- [(1) The term of office of the [Chairman and Vice-Chairman] [Substituted by Punjab Act 10 of 1987.] shall be three years from date of publication of the notifications in terms of the provisions of sub-section (4) of section 4, which in special circumstances may be extended for such further period not exceeding three years at a time:-Provided that no person appointed as Chairman or Vice-Chairman shall continue as such beyond the age of sixty-five years.(1-A) The term of office of a nominated member shall be two years commencing from the first day of July of the year of his nomination :Provided that an outgoing member shall unless the State Government otherwise directs, continue in office till the nomination of his successor is made.](2)Notwithstanding anything contained in sub-section (1) the term of office of an officer of the State Government sent on deputation as Chairman or Vice-Chairman shall be such as may be fixed by the State Government but shall in no case exceed three years.

6. Qualification for appointment of [Chairman] [Substituted 'Chairman, Senior Vice-Chairman and Vice-Chairman' by Punjab Act No. 2 of 2018, dated 2.1.2018].

- No person shall be appointed as [Chairman] [Substituted 'Chairman or Senior Vice-Chairman or Vice-Chairman' by Punjab Act No. 2 of 2018, dated 2.1.2018], unless :-(a)[he has served the Central Government or State Government or both on a gazetted post for a period of not less than fifteen years; or] [Substituted by Act No. 2 of 2018, dated 2.1.2018](b)he has an experience of teaching in any school, college or University established by law in India, or partly in one and partly in any other of the aforesaid institutions for a period of not less than twenty years, out of which he should have served as Principal of a college, or Registrar or Head of the Department of such a University for a period of not less than five years:Provided that nothing in this clause shall apply to an officer who is serving under the State Government and is sent on deputation as Chairman or Vice-Chairman.

7. Filling of vacancies.

(1)If a vacancy occurs in the office of member of the Board through death, resignation, removal, disqualification or otherwise, the vacancy shall be filled in the manner provided in section 4.(2)Any person appointed or nominated to fill the vacancy shall, notwithstanding anything in section 5, hold office for the unexpired portion of the term of his predecessor.

8. Disqualifications.

(1)A person shall be disqualified for being appointed or nominated or for continuing as a member, if he directly or indirectly, whether by himself or by his partner or by any person or body of persons in

trust for him or for his benefit or on his account, has or had any share or interest in -(a)any book published for use in an institution;(b)a firm engaged in printing, publishing or preparation of any book meant for use in an institution;(c)a contract with the Board :Provided that the disqualification referred to in clause (a) shall cease after the expiry of a period of ten years of the date on which the book in question was published.(2)If any question, dispute or doubt arises as to whether or not any person is eligible for membership of the Board or has incurred any disqualification, whether before or after becoming a member, it shall be determined by the State Government, whose decision shall be final.

9. Circumstances under which a member shall vacate office.

- If a member -(a)ceases to have the qualifications or ceases to hold the office by virtue of which he became member:(b)becomes subject to any disqualification referred to in section 8; or(c)absents himself, without permission of the Chairman from three consecutive meetings of the Board, the State Government shall declare his office to be vacant.

10. Resignation.

(1)If a member wishes to resign his office he shall send his resignation in writing to the State Government :Provided that every member other than the Chairman shall send such resignation through the Chairman.(2)If the State Government accepts the resignation, such acceptance shall be communicated to the Board, and thereupon the seat of the member resigning shall become vacant.

11. Headquarters of the Board.

- The Board shall have its headquarters at such place as may be notified by the State Government from time to time.

12. Meetings of the Board.

(1)The [Chairman or in his absence the Vice- Chairman] [Substituted by Punjab Act No. 2 of 2018, dated 2.1.2018], may, at any time, and shall at the prescribed intervals or on receipt of a requisition signed by not less than one-third of the members and stating the business to be brought before the Board, call a meeting of the Board in the prescribed manner.(2)The [Chairman, and in his absence the Vice-Chairman] [Substituted by Punjab Act No. 2 of 2018, dated 2.1.2018], shall preside at every meeting of the Board.(3)All questions at a meeting of the Board shall be decided by the votes of the majority of the members present and voting :Provided that in the case of equality of votes, the [Chairman, or the Vice-Chairman] [Substituted by Punjab Act No. 2 of 2018, dated 2.1.2018] when presiding, shall, in addition to his vote as a member, have a casting vote.(4)One-third of the total membership shall form a quorum at a meeting of the Board;Provided that if a meeting is adjourned for want of quorum no quorum shall be necessary at the next meeting for transacting the same business.(5)A copy of the proceedings of every meeting of the Board shall be sent to the State Government by the Secretary as soon as may be after the meeting is held.(6)No act done, or

proceedings taken, under this Act by the Board shall be invalid merely on the ground of the existence of any vacancy amongst members, or by reason of defect or irregularity in its constitution or any irregularity in procedure not affecting the merits of the case.

13. Officers of the Board.

- There shall be the following officers of the Board, namely-(a)the Chairman;(aa)[***] [Omitted by Punjab Act No. 2 of 2018, dated 2.1.2018](b)the Vice-Chairman;(c)the Secretary;(d)such other officers as may be appointed by the Board.

14. Powers and duties of the [Chairman and Vice-Chairman] [Substituted by Punjab Act No. 2 of 2018, dated 2.1.2018].

(1)The Chairman shall be the administrative head of the Board.(2)The Chairman shall exercise all powers necessary and be responsible for carrying out the provisions of this Act and the regulations made thereunder.(3)In any emergency arising out of the administrative business of the Board, which in the opinion of the Chairman requires immediate action the Chairman shall take such action as he deems necessary and shall thereafter report the action to the Board at its next meeting.(4)[The Vice-Chairman shall assist the Chairman in all matters, administrative and academic, shall discharge such duties and exercise such powers as may be delegated to him by the Chairman, and shall in the latter's absence, exercise all the power of the Chairman.] [Substituted by Act No. 2 of 2018, dated 2.1.2018][15. Appointment of Secretary and other employees, their terms and conditions of service. - [(1) The State Government shall appoint the Secretary of the Board, who shall be and officer from the Administrative Services (IAS) or the Punjab Civil Services (PCS), not below the rank of Additional Secretary.] [Substituted Punjab Act 10 of 1987.](1-A) The terms and conditions of appointment of the Secretary shall be such as may be prescribed.](2)The Secretary shall be -(a)[the Principal executive officer of the Board and shall - [Substituted by Punjab Act 10 of 1987.](i)authenticate all orders and decisions of the Board; and(ii)represent the Board in all legal proceedings except where the Board resolves otherwise.](b)entitled to be present and to speak at any meeting of the Board; and(c)responsible for -(i)the presentation of the annual estimates and statement of account, including the balance-sheet to the Board;(ii)the custody of the Board Fund and ensuring that all moneys of the Fund are expended for the purpose for which they are granted or allotted;(iii)keeping the minutes of the meetings of the Board and furnishing a copy thereof to the State Government; and(iv)discharging such other functions as may be prescribed.(3)The Board may appoint such other employees as may be considered necessary for carrying out the provisions of this Act and the regulations made thereunder, on such terms and conditions of service as may be prescribed.

16. Admission of institutions to privileges of Board.

(1)Any institution in or outside the State, may apply to the Board for being admitted to the privileges of the Board and the Board may, subject to such conditions and restrictions as may be prescribed, admit such institution to the privileges of the Board.(2)[Any institution affiliated to the Panjab

University, Chandigarh, the Punjabi University, Patiala, or the Guru Nanak Dev University, Amritsar, affiliation of which has not been withdrawn or cancelled by the concerned University before the commencement of the Punjab School Education Board (Amendment) Act, 1987 shall be deemed to be an institution affiliated to the Board for plus two scheme and shall be subject to all the provisions of this Act and the regulations made thereunder.] [Substituted by Punjab Act 10 of 1987.](3)Where the Board is satisfied that its privileges are being abused by [any affiliated institution] [Substituted by Punjab Act 10 of 1987.] or that the prescribed conditions or restrictions are not being complied with by such institution, the Board may withdraw its privileges from the institution, and thereupon the institution shall cease to be [an affiliated institution :] [Substituted by Punjab Act 10 of 1987.] Provided that before withdrawing the privileges the Board shall require the institution to show cause why such action should not be taken and consider any explanation which may be furnished by it.

17. Powers and functions of the Board.

- Subject to the provisions of this Act, the Board shall exercise and perform the following powers and other functions, namely-(1)[prescribe the syllabi and courses of studies in consultation with the State Council of Educational Research and Training (SCERT) Punjab] [Substituted by Act No. 2 of 2018, dated 2.1.2018];(2)arrange for the preparation, writing, compilation, printing, publishing and sale of text books, other educational material and under take the publication of any other educational work, book or periodicals;(3)organise research for grading of textual vocabulary and arrange for regular revision of text-books and other books;(4)hold examinations for school education, publish the results of such examinations and grant certificates to persons who have passed such examinations;(5)admit to the examinations, on the prescribed conditions, candidates who have pursued the prescribed courses of instruction, whether in [affiliated institutions] [Substituted by Punjab Act 10 of 1987.] or otherwise;(6)prescribe conditions for [affiliation] [Substituted by Punjab Act 10 of 1987.] of institutions in terms of teachers and their qualifications, curriculum, equipment, buildings, and other educational facilities;(7)cause enquiries to be made through such agency and in such manner as may be prescribed regarding the conditions prevailing in an institution before it is admitted to the privileges of the Board and require such agency to inspect [affiliated institutions] [Substituted by Punjab Act 10 of 1987.] and submit a report to the Board as to how far the conditions and restrictions on which the institution was admitted to the privileges of the Board are being complied with;(8)institute and award scholarships, medals and prizes;(9)prescribe penalties for misconduct pertaining to examinees, examiners and other persons engaged in the conduct of examination;(10)appoint examiners and supervisory staff and fix their remuneration;(11)fix, demand and receive such fees and other charges as may be prescribed;(12)lay down conditions and restrictions for admission of candidates to the examinations;(13)hold any property and receive bequests, donations, endowments, trusts and other transfer of any property or interest therein or right thereto;(14)prescribe measures for the intellectual, physical, moral and ethical promotion and for social welfare of students in [affiliated institutions] [Substituted by Punjab Act 10 of 1987.] and the conditions of their residence and discipline;(15)encourage sports and health-building activities;(16)organise and provide lectures, demonstrations, educational tours and exhibitions, seminars and symposia and take such other measures, as may be necessary to raise and promote the quality and standard of school teaching and education;(17)submit annual audited

accounts and balance sheets together with the report of the Board to the State Government and publish such accounts and balance sheets in the Office Gazette.(18)[to take measures for the welfare of teachers of affiliated institutions and employees of the Board; [Substituted by Punjab Act 10 of 1987.](19)to give grants to the State Council of Educational Research and Training for educational activities and research work; and(20)do such other acts and things as it may deem fit for the purpose of carrying out the provisions of this Act].

18. [Power of Board to set up committees and councils. [Substituted by Punjab Act 10 of 1987.]

(1)The Board shall for the purpose of carrying out the provisions of this Act and the Regulations made thereunder set up the following committees and councils, namely :-(a)finance committee consisting of -(i)[***](ii)the Vice-Chairman;(iii)the Secretary to Government in the Department of Education or an officer of that Department not below the rank of a Deputy Secretary nominated by him;(iv)the Secretary to Government in the Department of Finance or an officer of that Department not below the rank of a Deputy Secretary nominated by him; and(v)three persons elected by the members from amongst themselves;(b)examination committee consisting of -(i)[***] [Omitted 'the Chairman;' by Punjab Act No. 2 of 2018, dated 2.1.2018](ii)the Vice-Chairman;(iii)two persons to be nominated by the Board from amongst its members, out of whom one shall be a Vice-Chancellor; and(iv)the Director of Public Instruction (Schools), Punjab;(c)academic council consisting of -(i)[***] [Omitted 'the Chairman;' by Punjab Act No. 2 of 2018, dated 2.1.2018](ii)the Vice-Chairman;(iii)the Director of Public Instruction (Colleges), Punjab;(iv)the Director of Public Instruction (Schools), Punjab;(v)the Director, State Council of Educational Research and Training, Punjab;(vi)the Director of Languages, Punjab;(vii)the Director, Punjab State University Text Book Board;(viii)five heads of affiliated institutions to be nominated by the Board for a period not exceeding one year;(ix)five teachers of affiliated institutions having at least ten years' experience as such to be nominated by the Board for a period not exceeding one year;(x)three outstanding academicians to be nominated by the State Government for a period not exceeding one year; and(xi)the Secretary of the Board who shall also function as Secretary of the academic council.(2)The finance committee shall examine all financial matters pertaining to the Board including the budget estimates and the annual accounts and balance sheets.(3)The examination committee shall consider the appointment of paper setters and examiners and shall recommend measures to improve the mode of evaluation and conduct of examinations.(4)The academic council shall be academic body of the Board and shall :-(i)lay down guidelines for the maintenance of academic standards in the affiliated institutions;(ii)approve the syllabi for various classes and examinations;(iii)lay down policy and procedure for the conduct of examinations; and(iv)advise the Board in the matters of granting affiliations and all other academic matters.(5)The Board may, for the purpose of carrying out the provisions of this Act and the regulations made thereunder, set up in addition to the committees and council referred to in sub-section (1), such committees or councils as it may think fit or as may be prescribed.(6)The quorum and the manner of transacting the business of a committee and that of a council shall be such as may be prescribed.]

19. Constitution of the Board Fund.

(1) There shall be constituted a Fund to be known as the Board Fund to which shall be credited - (a) [all fees, sale proceeds of text-books, penalties, royalties and charges levied by the Board.] [Substituted by Punjab Act 10 of 1987.] (b) all bequests, endowments, donations, grants or contributions made to the Board by the State Government or any other Government, person, body or authority; (c) all rents and profits from the property vested in the Board; and (d) all money received by or on behalf of the Board from any other source. (2) All moneys at the credit of the Board shall be kept in the State Bank of India or such other Bank as the State Government may direct : Provided that the Board may invest such moneys as are not required by it for immediate expenditure, in any of the Government securities or, place them in fixed deposit in the State Bank of India. (3) Subject to the provisions of this Act, the Board Fund may be applied only for purpose of payment of the charges and expenses connected with or incidental to the several matters specified in this Act and the regulations made thereunder and for any other purpose for which powers are conferred or duties imposed on the Board by or under this Act. (4) [The net savings, if any shall be utilised by the Board for the development of school education and for raising the standard thereof.] [Substituted by Punjab Act 10 of 1987.] (5) [The accounts of the Board shall be audited annually or preaudited by such agency and on payment of such fees as may be specified by the State Government.] [Substituted by Punjab Act 10 of 1987.]

20. Delegation.

(1) The Board may, by regulations delegate - (a) any of its powers, except the power to make regulations, to any officer or committee of the Board; or (b) any of the powers vested by this Act in any officer of the Board to any other officer or committee thereof. (2) The officer or committee to whom such delegation is made shall, exercise such powers subject to such restrictions and conditions as may be prescribed.

21. Control of the State Government over the Board.

(1) The State Government shall have the power to make a reference to the Board with regard to any matter of policy or in respect of any act done by it in contravention of the provisions of this Act or the regulations made thereunder. (2) The Board shall report to the State Government such action, if any, as is proposed to be taken or has been taken on any such reference. (3) If the Board fails within a reasonable time to take action on such reference to the satisfaction of the State Government, it may, after considering any explanation furnished by the Board, issue such directions, consistent with this Act, as the State Government may think fit, and the Board shall comply with such directions. (4) [-] [Omitted by Punjab Act 10 of 1987.] (5) [-] [Omitted by Punjab Act 10 of 1987.] (6) [-] [Omitted by Punjab Act 10 of 1987.] (7) [-] [Omitted by Punjab Act 10 of 1987.] (8) [-] [Omitted by Punjab Act 10 of 1987.]

22. Protection for acts done, etc. in good faith.

- No suit, prosecution or other legal proceedings shall lie against the State Government, the Board or any of its committees or any member of the Board or a committee or the administrator appointed under section 21 or any other person in respect of anything which is in good faith done or intended to be done in pursuance of this Act or any regulation, order or direction made thereunder.

23. Bar of jurisdiction of courts.

- No order or decision made by the Board or any of its committee of the administrator appointed under section 21, in exercise of the powers conferred by or under this Act shall be called in question in any court.

24. Powers of Board to make regulations.

- [(1) Subject to the provisions of this Act, the Board may make regulations for carrying out the provisions of this Act and a copy of the regulations so made shall be submitted to the State Government;] [Substituted by Punjab Act 10 of 1987.](2)In particular, and without prejudice to the generality of the foregoing power, the Board may make regulations providing for all or any of the following matters, namely:-(a)the procedure in accordance with which the meetings of the Board shall be convened under sub-section (1) of section 12;(b)the other officers referred to in sub-section (3) of section 15 which the Board may have and the terms and conditions of service of such officers and the Secretary of the Board;(c)the courses of instruction, text books and other books of study for purposes of imparting school education and the holding and conduct of examinations including the appointment of examiners and their duties and powers;(d)the conditions on which candidates shall be admitted to the examinations and the fees to be paid by them;(e)the penalties for misconduct to which examinees, examiners and other persons engaged in the conduct of examinations shall be subjected;(f)the measures for the intellectual, physical, moral and ethical promotion and for social welfare of students in affiliated institutions and the conditions of their residence and discipline;(g)[the committees or councils which may be set up by the Board under sub-section (5) of section 18 and the maximum number of members, the quorum of all committees and councils set up under the aforesaid sub-section and the manner in which they shall transact their business;] [Substituted by Punjab Act 10 of 1987.](h)the control, administration, custody and management of the Board Fund;(i)the powers, duties and functions to be exercised or performed by the officers of the Board; and(j)any other matter which is to be or may be prescribed.

25. Repeal and savings.

(1)As from the commencement of this Act, the Punjab University Act, 1947, in so far as it is applicable to school education in the State shall stand repealed :Provided that unless and until the State Government otherwise directs, all statutes and regulations made under the Act so repealed appertaining to the system of school education including the conduct of examinations in respect thereof, which were in force immediately before such repeal, shall continue to be in force, so far as

they are not inconsistent with the provisions of this Act, subject to such modifications and adaptations if any, as may be made therein by the Board and approved by the State Government and shall be deemed to be the regulations made under the corresponding provisions of this Act :Provided further that nothing in this Act shall affect the powers, duties and functions of the Punjab University or any officer or authority thereof with regard to any examination, pertaining to school education held by that University at any time before the end of September, 1969, which but for this provision would have been held by the Board.(2)The Punjab School Education Board Ordinance, 1969 (Punjab Ordinance No. 8 of 1969), is hereby repealed.(3)Notwithstanding such repeal, anything done or any action taken or purporting to have been done or taken under the said Ordinance shall be deemed to have been done or taken under this Act as if this Act had commenced on the 11th August, 1969.