

# The Rajasthan Secondary Education Act, 1957

RAJASTHAN

India

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### Act 42 of 1957

- Published on 14 December 1957
- Commenced on 14 December 1957
- [This is the version of this document from 14 December 1957.]
- [Note: The original publication document is not available and this content could not be verified.]

The Rajasthan Secondary Education Act, 1957 Act No. 42 of 1957 Statement of Objects and Reasons - (Act No. 24 of 2015) - As per the guidelines issued by National Council for Teacher Education, it is necessary for a candidate to qualify the Teacher Eligibility Test before he can be considered for recruitment as a teacher in primary and upper primary schools. The guidelines provide that the State Government shall authorise any appropriate authority to conduct the Teacher Eligibility Test. Accordingly, it was decided to authorise the Rajasthan Board of Secondary Education to conduct the aforesaid Test. The Rajasthan Board of Secondary Education is a statutory body established under the Rajasthan Secondary Education Act, 1957 and it can carry out only the functions specified in section 9 of the said Act. Conducting examination for Teachers Eligibility Test had not been specified as the function of the Board under the said section. Therefore, it was considered necessary to amend aforesaid section 9 by inserting a new clause (2A) enabling the Board to conduct the Teacher Eligibility Test. Since, the Rajasthan Legislative Assembly was not in session and circumstances existed which rendered it necessary for the Governor of Rajasthan to take immediate action, he, therefore, promulgated the Rajasthan Secondary Education (Amendment) Ordinance, 2015 (Ordinance No. 5 of 2015) on 29th June, 2015, which was published in Rajasthan Gazette, Part IV(B), Extraordinary, dated 30th June, 2015. The Bill seeks to replace the aforesaid Ordinance. Hence the Bill. [Published in the Rajasthan Gazette, Extraordinary, Part IV-A, dated the 14th December, 1957.] [Received the assent of the Governor on the 4th day of December, 1957.] An Act to provide for the establishment of a Board for Secondary Education in Rajasthan Whereas, with a view to developing the system of Secondary Education in the State on modern, scientific and progressive lines, it is expedient to provide for the establishment of a Board to reorganise, regulate and superwise such education. Be it enacted by the Rajasthan State Legislature in the Eighth Year of the Republic of India as follows:-

## Chapter I

### Preliminary

## 1. Short title, extent and commencement.

(1) This Act may be called the Rajasthan Secondary Education Act, 1957. (2) It extends to the whole of the State of Rajasthan. (3) It shall come into force at once.

## 2. Interpretation.

(1) In this Act, unless the context otherwise requires—(a) 'Board' means the Board of Secondary Education for Rajasthan established under Section 3; (b) 'Chairman' means the Chairman of the Board; (c) [ "Director", used with reference to any department, means the Director of that department, and in cases where the office of the Director of any department is vacant, it includes the Additional Director of that department; ] [Substituted by Section 2 of Rajasthan Act No. 25 of 1964.] (d) 'Head of the Institution' means the Headmaster of a High or Higher Secondary School, or the Principal of an Intermediate College recognised by the Board; (e) 'Inspecting Officer' means an Inspecting Officer of the Education Department of the State Government and includes the Deputy Director of Education, Inspector of Schools, deputy Inspector of Schools and Inspectors of Schools and deputy Inspectors of Schools under the State Government; (f) 'Institution' means an institution imparting Secondary Education and includes a part of an institution; (g) 'Prescribed' means prescribed by regulations; (h) 'Principal' means the Head of a College; (i) 'Recognised' with its grammatical variations, used with reference institutions means recognised by the Board for the purpose of admission to the privileges of the Board; (j) 'Regulations' means regulations made under this Act; (k) [ "Secondary Education" means such general, special or vocational education forming in itself a complete and purposive whole, which follows immediately, the state of Middle School Education or education equivalent thereto, and precedes immediately the stage of education controlled by any University in Rajasthan: [Substituted by Rajasthan Act No. 25 of 1964, w.e.f. 1.3.1962 published in Rajasthan Gazette Part IV-A Extraordinary dated 5.10.1964.] Provided that it shall include and shall deemed to have included such special courses of study in—(i) physical education, (ii) technical education, (iii) professional education, including teachers training, (iv) industrial education, (v) commercial education, (vi) agricultural education, (vii) education for the physically or mentally handicapped, (viii) education in any Reformatory Schools, Jails and institutions for the protection of the fallen or destitute women, and (ix) any oriental language, arts, music or crafts, as the State Government may, by notification in the Official Gazette, direct with or without reference to any examination conducted by the Board with the approval of the State Government. ] (l) 'Secretary' means the Secretary to the Board; (m) 'State' means the State of Rajasthan as formed by Section 14 of the States Re-organisation Act, 1956 (Central Act 37 of 1956); (n) [ "University" means a University established by Law; ] [Substituted by section 2 (e) of Rajasthan Act No. 25 of 1964.] (o) 'Vice -Chairman' means the Vice-Chairman of the Board. (2) The Rajasthan General Clauses Act, 1955 (Rajasthan Act 8 of 1955) applies for the interpretation of this Act as it applies for the interpretation of a Rajasthan Law as defined therein.

## Chapter II

### Constitution of the Board

### 3. Incorporation of the Board.

(1)The State Government shall establish, by a notification in the Official Gazette, a Board of Secondary Education for Rajasthan.(2)The Board shall be a body corporate by the name of the Board of Secondary Education, Rajasthan, and shall have perpetual succession and a common seal with power to acquire and hold property, both movable and immovable, and subject to the provisions made under this Act, to transfer any property held by it and to contract & do all other things necessary for the purposes of its constitution and may sue or be sued in its corporate name.

### 4. Composition of the Board.

- [(1) The Board shall consist of a Chairman nominated in accordance with Section 16 and the following members namely:-Ex-Officio Members(a)[ the Director of Elementary Education, Rajasthan;(b)the Director of Secondary Education, Rajasthan;(c)the Director of College Education, Rajasthan;(d)the Director of Rajasthan State Educational Research and Training Institute;(e)the Director of Technical Education, Rajasthan;(f)the Director of Sanskrit Education, Rajasthan;(g)the Director of National Cadet Corps, Rajasthan;]II-Elected Members(h)[ [Since the serial Nos. of Ex-Officio Members are changed from '(a) to (f)' to '(a) to (g)' by amending Act 10 of 1999, the serial No. of other members are also changed from '(g) to (t)' to '(h) to (u)']-Author.] one person elected by the senate of each University in Rajasthan from each faculty of Arts, Science and Commerce by rotation;(i)two persons being Principals or Professors of degree or postgraduate Colleges affiliated to the University of Rajasthan, of whom one shall be a woman, elected by the senate of the University of Rajasthan Jaipur;(j)two persons being representatives of the State Teachers' Association elected by the Executive of that Association;III-A- Nominated Members (to be nominated the State Government)(k)one Principal of an Engineering College in the State or the Dean of the faculty of Engineering of any University in the State;(l)one Principal of a Medical College in the State or the Dean of the faculty of Medicine of any University in Rajasthan;(m)one Principal of an Agriculture College in the State or the Dean of the faculty of Agriculture or the dean of Technology and Agricultural Engineering or the Dean of Home Science, of any University in the State;(n)one Principal of a Veterinary College in the State or the Dean of Veterinary or Animal Science, of any University in the State;(o)one teacher being an expert in Physical Education;(p)two persons representing Inspecting Officers of the Education Department of the State Government;(q)eight persons representing the Heads of recognised institutions in the State of whom at least two shall be the Heads of girls institutions and two shall be the Heads of private institutions;(r)one person considered by the State Government fit and necessary to represent such academic interests as are not otherwise adequately represented;(s)one Principal of a Teachers' Training College in the State;III-B Nominated Members (to be nominated by the Speaker).(t)two Members of the State Legislature nominated by the Speaker;IV-Co-opted, Members(u)two persons being distinguished educationist co-opted by the Board.](2)If either of the bodies referred to in \*[clauses (g), (h) and (i) of sub-section (1) fails to elect any member to the Board within the prescribed time, the State Government shall nominate any person with the requisite qualifications to be such member; and every member so nominated shall for all the purposes of this Act be deemed to be a member elected by that body.

## **5. Headquarters of the Board.**

- The Board shall have Its headquarters at a place to be notified by the State Government in the Official Gazette;[Provided that the Board may establish Divisional offices and District level offices for performing such of its functions as it may consider appropriate but the Board shall do so only with the prior permission of the State Government and the decision to establish such offices as well as functions to be carried out there, shall be notified in the Official Gazette.] [Added by Rajasthan 6 of 2000, w.r.e.f. 10-2-2000.]

## **6. Terms of Office of Members.**

- Members other than ex-officio members of the Board, shall hold office for a term of three years from the date of the notification published under Section 8:Provided that even after the said period of three years such members shall continue to hold office till their successors have been notified under Section 5.

## **7. Filling of vacancies on expiry of term of office.**

- When the term of office of members, other than ex-officio members has expired, vacancies so caused shall be filled within one month in the prescribed manner.

## **8. Publication of names.**

- The names of persons who have been nominated or elected to be members of the Board, in accordance with Section 14, shall be published by the State Government by notification in the Official Gazette.

## **9. Powers and functions of the Board.**

- Subject to the provisions of this Act the Board shall-(1)prescribe courses of instructions for secondary education in the State for which candidates as:-(a)have pursued a course of study in an institution for secondary education in Rajasthan, recognised by the Board.(b)are teachers of institutions recognised by the Board in this behalf.(c)have studies privately under conditions laid down in the regulations,and have passed the examinations of the Board under the like conditions:(2)conduct public examinations [based on such courses of secondary Education as may be prescribed] [Substituted by Section 4 (a) of Rajasthan Act No. 25 of 1964.]:(2A)[ conduct eligibility test for teachers in accordance with the guidelines issued by National Council for Teacher Education established under section 3 of the National Council for Teacher Education Act, 1993 (Central Act No. 73 of 1993), in pursuance of section 23 of the Right of Children to Free and Compulsory Education Act, 2009 (Central Act No. 35 of 2009);] [Inserted by Act No. 24 of 2015, dated 29.6.2015.](3)publish the results of the examinations of the Board;(4)grant certificates and diplomas to such persons as-(a)have pursued a course of study in a recognised institution,(b)are teachers of recognised institutions, or(c)have studies privately under conditions laid down in the

regulations, and have passed the examination of the Board; (5) recognise institutions for the purposes of its examinations and admitting them to the privileges of the Board; (6) admit candidates to the examinations of the Board; (7) demand and receive such fees as may be prescribed; (8) co-operate with other authorities in such manner and for such purposes as the Board may determine [and particularly to take steps to coordinate Secondary Education with University Education on the one side and Primary or Middle School Education on the other;] [Inserted by section 4(b) of Rajasthan Act No. 25 of 1964.] (9) place before the State Government the views of the Board on any matter with which it is concerned; (10) call for reports from the Director on the conditions of recognised institutions or of institutions applying for recognition and to direct inspection of such institutions; (11) adopt measures to promote the physical, moral, cultural and social welfare of students in recognised institutions and to prescribe the conditions of their residence and discipline; (12) organise and provide lectures, demonstrations and educational exhibitions, seminars and symposiums and to take such other measures as are necessary to raise the standard of secondary education in the State; (13) institute and award scholarships, medals and prizes under conditions that may be prescribed; and (14) do all such other acts and things as may be requisite in order to further the objects of the Board as a body constituted for regulating and supervising secondary education in the State.

## **Chapter III**

### **Funds, Accounts and Contracts**

#### **10. Constitution of Board Fund.**

- A Board Fund shall be constituted and all sums received by or on behalf of the board under this Act or otherwise shall be placed to the credit thereof.

#### **11. Custody and investment of Board Fund.**

(1) All moneys at the credit of the Board Fund, except moneys required for day to day expenditure, shall be kept in the current or savings bank account with a Scheduled Bank: Provided that nothing in this section shall be deemed to preclude the Board from investing any such moneys as are not required for immediate expenditure in any of the securities described in Section 20 of the Indian Trust Act, 1882 (II of 1882) or from placing them in fixed deposit with a Scheduled Bank or from investing them in any other manner approved by State Government. Explanation. - In this sub-section the expression 'Scheduled Bank' means a Bank whose name is for the time being contained in the Second Schedule to the Reserve Bank of India Act, 1934 (II of 1934). (2) Accounts of the Board with a Bank may be operated upon by the Secretary of the Board or by such other officer, as may be prescribed.

#### **12. Application of Board Fund.**

(1) Subject to the other provisions of this Act, the Board Fund shall be applied as follows:-(i) for the payment of reasonable charges and expenses incidental to several matters specified in this act in

accordance with regulations made in this behalf;(ii)for other purposes for which by or under this Act powers are conferred or duties imposed upon the Board in accordance with regulations.(2)The annual net savings shall be placed at the disposal of the State Government exclusively for the development of secondary education in the State.

### **13. Audit of the Accounts of the Board.**

- The accounts of the Board shall be audited annually by such agency as may be specified by the State Government, a copy of the audited accounts and balance-sheet shall be submitted by the Board to the State Government each year by such date as the State Government may specify.

### **14. Contracts.**

- All contracts in writing and assurances of property of the Board shall be signed by the Secretary on behalf of the Board or in such other manner, as may be prescribed, and shall, if so signed, be binding on this Board.

## **Chapter IV**

## **Officers of the Board and their Duties and Powers**

### **15. Officer of the Board.**

- Subject to the other provisions of this Act, the following shall be the officers of the Board, namely:-(1)Chairman,(2)Vice-Chairman,(3)Secretary to the Board,(4)Such other officers as may be declared by the regulations to be the officers of the Board.

### **16. [Chairman. [Substituted by Section 3 of Rajasthan Act No. 7 of 1962, w.e.f. 16-12-1961.]**

(1)The Chairman of the Board shall be nominated by the State Government from among a panel of three persons recommended by Committee consisting of two persons elected by the Board and one person nominated by the State Government, who shall act as convener of the said Committee.(2)The Chairman so nominated shall hold office for a term of three years to be re-nominated for a second term.] [Substituted by Section 3(a) of Rajasthan Act No. 25 of 1964.]

### **17. Powers and duties of the Chairman.**

(1)The Chairman shall be the administrative head of the Board: it shall be the duty of the Chairman to see that this Act and the regulations are faithfully observed and he shall have all powers necessary for this purpose.(2)The Chairman may, at any time, and shall at prescribed intervals or on receipt of a requisition signed by not less than one third of the total number of members of the Board and stating the business to be brought before the Board, call a meeting of the Board in the prescribed

manner.(3)In any emergency arising out of the administrative business of the Board, which, in the opinion of the Chairman, requires that immediate action should be taken, 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 Chairman shall preside at every meeting of the Board at which he is present.

## **18. [Vice-Chairman. [Substituted vide Section 4 of Rajasthan Act No. 7 of 1962, w.e.f. 16-12-1962.]**

- The Director of Education (Primary and Secondary) Rajasthan shall ex-officio be the Vice-Chairman of the Board.]

## **19. Duties and powers of Vice-Chairman.**

- 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 powers of the Chairman.

## **20. Appointment, powers and duties of Secretary.**

(1)The Secretary shall be appointed by the State Government upon such conditions and for such period, as the State Government may deem fit.(2)The Secretary shall, subject to the control of the Board, be the Chief Executive Officer of the Board.(3)All meetings of the Board shall be convened through the Secretary in the manner provided by the regulations.(4)The Secretary shall be responsible for seeing that all moneys of the Board are expended for the purpose for which they are granted or allotted.(5)The Secretary shall be responsible for keeping the minutes of all meetings of the Board.(6)The Secretary shall be entitled to be present and to speak at any meeting of the Board, but shall not be entitled to vote thereat.(7)The Secretary shall exercise such other powers as may be prescribed.

## **21. Other Officers and Servants of the Board.**

- [(1) The State Government may appoint a Deputy Secretary to the Board and such number of Assistant Secretaries thereof on such conditions and for such period as it may deem fit.(2)The officers appointed under sub-section (1) shall perform such functions and exercise such Powers as may be prescribed.] [Substituted vide Section 3 of Rajasthan Act No. 6 of 1961 dated 3-4-1961.](3)The Board may [subject to any general or special directions issued by the State Government] [Added vide Rajasthan Act No. 21 of 1962, dated 15-12-1962.] appoint such other officers and servants, as it considers necessary for the efficient performance of its functions:[Provided that the Board may, subject as aforesaid direct that one person shall be appointed to discharge the duties of any two or more offices.] [Inserted vide Rajasthan Act No. 21 of 1962, dated 15-12-1962.](4)The qualifications, conditions of service and scales of pay of officers and servants of the Board other than the Secretary, [Deputy Secretary] [Substituted vide Section 3 of Rajasthan Act No. 6 of 1961, dated 3-4-1961.] Assistant Secretary, shall be determined by the

regulations.

## **Chapter V**

### **Committees of the Board**

#### **22. Appointment and constitution of Committees.**

(1)The Board shall appoint the following Committees, namely:-(a)Committees of courses,(b)An Examination Committee,(c)A Curriculum Committee,(d)A Recognition Committee,(e)An Evaluation Committee,(f)A Finance Committee, and(g)Such other Committees, as may be prescribed.(2)The Finance Committee shall prepare the annual budget of income and expenditure and submit it to the Board for its approval and a copy of the approved budget shall be forwarded to the State Government. No new items of expenditure shall be incurred by the Board of its administrative or executive head except with the prior permission of the Finance Committee.(3)Every Committee shall consist of such members of the Board and of such other persons as are prescribed by regulations.(4)The term of the members shall be as prescribed by Regulations.

#### **23. Exercise of powers delegated by Board to Committees.**

- All matters relating to the exercise of powers by the Board conferred upon it by this Act which have by the regulations been delegated by the Board to any Committee appointed under Section 22 shall be referred to that Committee, and the Board shall before exercising any such powers, receive and consider the report of the Committee with respect to the matter in question.

## **Chapter VI**

### **Procedure of the Board and of its Committees**

#### **24. Casual Vacancies.**

- All casual vacancies among the members other than ex-officio members of the Board or of a Committee appointed by the Board shall be filled, as soon as conveniently may be, by the person or body who appointed or elected the member whose place has become vacant, and the person appointed or elected to a casual vacancy shall be a member of the Board or of the Committee, as the case may be, for the residue of the term for which the person whose place he fills would have been a member.

#### **25. Proceedings not invalidated by reason of vacancies and irregularities.**

- No act or proceedings of the Board or of a Committee appointed by it shall be invalidated merely by reason of the existence of a vacancy or vacancies among its members, or by reason of a defect in its constitution or an irregularity in procedure not affecting the merits of the case.



## **26. Quorum.**

- No business shall be transacted at any meeting of the Board or any Committee thereof unless members numbering at least one-third of the total number of members of the Board or Committee are present at such meeting.

## **27. Members interested not to take part in discussion.**

- No member shall take part in the discussion of or exercise his vote on any matter, in which he has any personal interest.

# **Chapter VII**

## **Control**

## **28. Powers of the State Government to require any action to be taken or to suspend the execution of any resolution.**

(1)The State Government may address the Board with reference to any work conducted or done or about to be conducted or done by the Board and communicate to the Board views on any matter with which the State Government is concerned.(2)The Board shall report to the State Government such action, if any, as it proposes to take or has been taken upon the communication received under sub-section (1).(3)If the Board does not, within a reasonable time, take action to the satisfaction of the State Government with reference to the matter on which a communicating has been received under sub- section (1), the State Government may, after considering any explanation furnished or representation made by the Board, issue such directions, consistent with this Act, as it may think fit and the Board shall comply with such directions.(4)In any emergency which, in the opinion of the State Government, requires that immediate action should be taken, the State Government may take such action consistent with this Act, as it deems necessary without previous consultation with the Board and shall forthwith inform the Board thereof.(5)The State 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 an act ordered to be, or purporting to be ordered to be done by the Board, if the State Government is of the opinion that such resolution, order or act is in excess of the powers conferred by or under this Act upon the Board.

## **29. Supersession of the Board.**

- If at any time, in the opinion of the State Government, the Board is not competent to perform or persistently makes default in the performance of the duties imposed on it by or under this Act, or otherwise by law, or exceeds or abuses its powers, the State Government may, by notification in the Official Gazette, publish an order superseding the Board (hereinafter referred to as the supersession order) and such order shall be in force for such period as may be specified in the order, and the State Government may by like notification extend such period from time to time:Provided that the period

of such supersession shall in no case exceed one year in the aggregate.

### **30. Consequence of Supersession order.**

- When a supersession order has been made under Section 29, the following consequences shall ensue, notwithstanding anything contained in this Act or in any other law for the time being in force, namely:-(a)all the members of the Board and of its Committees, including the Chairman and the Vice-Chairman, shall vacate their offices;(b)all powers, duties and functions, which under the provisions of this act or any regulations made thereunder or of any other law for the time being in force, are to be exercised by the Board or any Committee thereof or by the Chairman, shall, so long as the supersession order continues to be in force, be exercised and performed by such person (to be called the Administrator) as may be appointed by the State Government in this behalf:Provided that the Administrator may, subject to the control of the State Government, delegate any of his powers, duties or functions to such other person as he may think fit or to such body as may be constituted by him;(c)representatives of the Board on all bodies (statutory or otherwise) shall vacate their offices as such representatives and shall, whatever may be their number, be replaced by the Administrator.

### **31. Salary and allowances of the Administrator.**

(1)The Administrator shall receive such salary and allowances as may be fixed by the State Government.(2)The salary and allowance fixed under sub-section (1) shall be paid out of the fund of the Board.

### **32. Powers of State Government to make orders to remove difficulties.**

- If any difficulty arises in giving effect to the provisions of Sections 29, 30 and 31 or of a supersession order, the State Government may, as occasion arises, by order, require any action to be taken not inconsistent with the provisions of this Act, which may be necessary for removing such difficulty.

### **33. Reconstitution of the Board.**

- Whenever a supersession order is issued, the State Government shall cause steps to be taken to ensure that the Board shall be constituted afresh in accordance with Section 4, so as to be ready to function on the expiry of the supersession order.

### **34. Indemnity.**

- No suit, prosecution or other proceedings shall lie against the administrator or against any person or body to whom the Administrator may delegate any of his powers, duties or functions under the proviso to clause (b) of Section 30 for anything done or intended to be done in good faith in execution of Section 30.

### **35. Board to continue as a body corporate.**

- Nothing in Section 29 to 33 shall be construed as affecting or implying in any manner the dissolution of the Board as a body corporate.

## **Chapter VIII**

### **Miscellaneous**

### **36. Powers of the Board to make Regulations.**

(1)The Board may make regulations for the purposes of carrying into effect the provisions of this Act.(2)In particular and without prejudice to the generality of the foregoing power, the Board may make regulations providing for all or any of the following matters, namely:-(a)the procedure of the Board and its Committees;(b)the conferment of diplomas and certificates;(c)the courses of study to be laid down for all certificates and diplomas;(d)the conditions under which candidates shall be admitted to the examinations of the Board and shall be eligible for diplomas and certificates;(e)the fees for admission to the examination of the Board;(f)the conduct of examinations;(g)the appointment of the examiners and their duties and powers in relation to the Board's examinations;(h)the admission of institutions to the privileges of recognition and the withdrawal of recognition;(i)the appointment of officers, clerks, and other servants of the Board;(j)the constitution of a Provident Fund for the benefit of officers, clerks and other servants employed by the Board;(k)the control, administration, safe custody and management in all respects of the finance of the Board;(l)the election or nomination of members to the Board;(m)the election and nomination of members to the Committee;(n)the institution of scholarships and prizes;(o)the constitution, powers and conditions and duties of the Committees set up by the Board;(p)the emoluments and allowances of members of the Board and all its Committees; and(q)all matters which by this Act are to be or may be prescribed or provided for by regulations.

### **37. First Regulations of the Board.**

- The first regulations shall be made by the State Government after previous publication, and they shall be deemed to have been made by the Board and shall continue in force until altered by the Board:Provided that the first regulations, if any made under Section 35 of the Rajasthan Secondary Education Ordinance, 1957 (Rajasthan Ordinance 5 of 1957) shall be deemed to be the first regulations of the Board made by the State Government under this Section.

### **38. Copies of regulations and alterations thereof.**

- A copy of every regulation made by the Board under Section 36 and of every modification or rescission thereof or of each of the first regulations of the Board made or deemed to have been made under Section 37 shall be submitted without undue delay to the State Government for information.

### **39. Repeal and Savings.**

(1)The Rajasthan Secondary Education Ordinance, 1957 (Rajasthan Ordinance 5 of 1957) is hereby repealed.(2)Notwithstanding such repeal-(i)the Board of Secondary Education for Rajasthan if established under Section 3 of the Ordinance here repealed shall be deemed to be the Board established for the purposes of this Act on and from the date on which it was so established as if this Act were then in force;(ii)such members of the said Board, whether holding office as ex-officio members or as elected or nominated members, as may lawfully continue to be the members thereof under Section 4 of this Act shall be deemed to be such members, whether appointed ex-officio or elected or nominated, as the case may require, under this Act as if it were then in force and as if they had been appointed ex-officio members or elected or nominated according to the requirements of this Act, notwithstanding the fact that originally they were not, or could not be, so appointed, elected or nominated:Provided that where any two or more such members represent any particular interest and the strength or the representation of such interest has been reduced by this Act, the State Government shall, immediately upon the commencement of this Act. declare by notification in the Official Gazette, the name or names of the members representing that interest who shall vacate office forthwith in consequence of such reduction;(iii)any members of the said Board as may not lawfully continue to be the members thereof as aforesaid shall be deemed to have vacated their offices immediately upon the commencement of this Act;(iv)any other persons who were not members of the said Board but are required by the provisions of this Act to be appointed as ex-officio members, or to be elected or nominated or co-opted as members of the Board shall be so appointed, elected, nominated or co-opted as soon as may be after the commencement of this Act and shall hold office for the residue of the term of the Board under Section 6; and(v)everything done or action taken by or under any provision of the Ordinance hereby repealed and not otherwise provided for shall be deemed to have been done or taken, as the case may be, by or under the corresponding provision of this Act.

### **40. Amendments to the University of Rajasthan Act.**

(1)The University of Rajasthan Act shall be amended in the manner directed in the First Schedule.(2)The amendments directed in the Second Schedule shall be made in the statutes of the said University.

### **41. Savings regarding powers of authorities of the University to carry out repeals and amendments for certain purposes.**

- Nothing in this Act or the Ordinance hereby repealed shall be construed as affecting the power of any competent authority or competent body of the University of Rajasthan to repeal, amend or add to the Statutes, Ordinances. Regulations and Rules of the said University in order to bring the provisions of such Statutes, Ordinances, Regulations and Rules in accordance with the provisions of this Act.

## **42. Provisions regarding institutions imparting Secondary Education affiliated to the University of Rajasthan.**

- Notwithstanding anything contained in this Act or the Ordinance hereby repealed all educational institutions admitted to the privileges of the University in respect of secondary education and situate within the State of Rajasthan shall, in respect of such education, with effect from the date of the commencement of this Act, be deemed to be admitted to the privileges of the Board, and the Board shall, as far as possible and consistent with this Act, admit such institutions to all such privileges in respect of secondary education as they had from the University before the said date.

## **43. Facilities to be afforded to students studying and eligible for examinations of the University of Rajasthan in Secondary Education.**

- Notwithstanding anything contained in this Act or the regulations made thereunder, the Board shall provide for such period and in such manner as may be prescribed for the instruction, teaching and training of students of institutions situated within the State and admitted to the privileges of the University of Rajasthan, who, before the date of the commencement of this Act were studying or were eligible for any examination of the said University in secondary education and for the examination of such students and others in accordance with the courses of studies of the said University.

## **44. Power to remove difficulties.**

- If any difficulty arises as to the first constitution of the Board or otherwise in first giving effect to the provisions of this Act, the State Government, as occasion may require, may by order do anything which appears to it necessary for the purpose of removing the difficulty. The First Schedule [See Section 40(1)] Amendments in the University of Rajasthan Act Section (2). - (1) in clause (d) the words "recognised schools" shall be omitted. (2) In clause (k) the words "or school" and "or recognised by" shall be omitted. Section 4. - (1) In clause (1A) the words "recognised schools" shall be omitted. (2) In clause (4A) the words "High Schools" shall be omitted. (3) In clause (7) the words "recognised schools" shall be omitted. (4) Clause (9) shall be omitted. Section 5. - For the words "or High Schools recognised by" the words "affiliated to" shall be substituted. Section 8. - (1) For clauses (a), (b) and (c) of sub-section (1) the following shall be substituted, namely: - "(a) affiliated colleges, and (b) approved institutions." (2) In sub-section (2) the words "and recognised High Schools" shall be omitted. Section 12. - In clause (i) the words "recognised school" shall be omitted. Section 17. - Clause (vi) shall be omitted. Section 18. - Clause (xxiv) of sub-section (1) shall be omitted. Section 21. - In clause (v) of sub-section (1) the words "other than Intermediate Colleges" shall be omitted. Section 22. - (1) In clause (i) the word "schools" shall be omitted. (2) In clause (1) before the word "colleges" the word "affiliated" shall be inserted and the words and figures "and of those teaching the IX and X classes in High Schools" shall be omitted. Section 23. - In clause (v) of sub-section (1) the words "or recognised school" shall be omitted. Section 24E. - (1) Sub-section (5) shall be omitted. (2) Clause (vii) of sub-section (8) shall be omitted. (3) In the Explanation the words "a recognised High School" shall be omitted. Section 24G. - The whole section shall be

omitted. Section 24H. - The whole section shall be omitted. Section 24J. - (1) In sub-section (1) the word "recognition" wherever occurring and the word "schools" shall be omitted. (2) For sub-section (2), the following shall be substituted namely:- "(2) The Board shall appoint two Committees consisting of five members each, one to deal with applications for affiliation of colleges and the other to deal with applications for approval of institutions. The Committees shall be appointed for a period of three years." (3) For sub-section (3), the following shall be substituted, namely:- "(3) Subject to approval by the Syndicate, the Board may make rules for the approval and affiliation of institutions and colleges." Section 24M. - (1) For the word "recognition" the word "approval" shall be substituted. (2) For the words "as a post-graduate college, degree or intermediate college or a High School", the words "as a post-graduate or a degree college" shall be substituted. (3) The word "or school" shall be omitted. Section 27. - In clause (7) the words "High School and" shall be omitted. Section 29. - In clause (8) the words "and recognised high schools" shall be omitted. The Second Schedule [See Section 40 (2)] Amendments in the statutes of the University of Rajasthan Statute 17. - In sub-clause (ii) of clause (2) for the words "or recognised High School", the words "or a high school recognised by the Board of Secondary Education for Rajasthan" shall be substituted. Statute 25. - (1) In sub-statute (3)-(a) in clause (a) the words "for any examination up to and inclusive of the Intermediate examination for more than two years consecutively and" shall be omitted. (b) in clause (b) the words "two or" shall be omitted. (2) In sub-statute (5) the word "school" shall be omitted. (3) In sub-statute (9) the word "Except in the case of the High School and intermediate examinations" shall be omitted. Statute 37A. - (1) In sub-statute (1)-(a) the words "High Schools" shall be omitted. (b) clause (a) shall be omitted. (c) in clause (b) the words "Intermediate and" shall be omitted. (d) in clause (d) the words "High Schools and" shall be omitted. (2) In sub-statute (2)-(a) clause (a) shall be omitted. (b) in clause (b) the words "Intermediate and" shall be omitted. (c) in clause (e) the words "one person for High Schools" and the words "intermediate and" shall be omitted. Statute 38. - The whole shall be omitted. Notifications [Notification dated 21-5-1965, published in Rajasthan Gazette part IV-C, dated 17-6-1965.] In exercise of the powers conferred by clause (k) of Section 2 of the Rajasthan Secondary Education Act, 1957 (Rajasthan Act 42 of 1957), the State Government hereby directs that the following special courses of study with reference to which the Board of Secondary Education for Rajasthan, Ajmer has conducted examinations from 1st day of March, 1962 shall be included and shall be deemed to have been included in Secondary Education as defined therein, namely:- (i) Praveshika; and (ii) Upadhaya, examination in Sanskrit. [Notification dated August 27, 1957, published in Rajasthan Rajpatra, part 1(b), dated September 12, 1957, page 340] In exercise of the powers conferred by Section 5 of the Rajasthan Secondary Ordinance, 1957 (Rajasthan Ordinance 5 of 1957), the Government of Rajasthan is hereby pleased to notify that the headquarters of the Board of Secondary Education for Rajasthan established under section 3 of the said Ordinance shall be at Jaipur for the time being. [Notification dated December 19, 1957, published in Rajasthan Rajpatra, part 1(b), dated January 2, 1958, page 962-963] In exercise of the powers conferred by Section 3 and 5 of the Rajasthan Secondary Education Act, 1957 (Rajasthan Act 42 of 1957), the State Government does hereby establish a Board of Secondary Education for Rajasthan which shall be called the Board of Secondary Education, Rajasthan and the headquarters of the said Board shall be at Jaipur.