

[Bihar Ordinance No. 73, 1981]

**THE SANSKRIT EDUCATION BOARD SECOND
ORDINANCE, 1981.**

AN
ORDINANCE

To Provide For The Constitution Of An Autonomous Board For Development And Better Supervision Of Sanskrit Education Up To Madhyama Standard In The State Of Bihar.

Preamble.—WHEREAS the Legislature of the State of Bihar is not in session;

AND, WHEREAS the Governor of Bihar is satisfied that circumstances exist which render it necessary for him to take immediate action to provide for the Constitution of an autonomous Board for the development and better supervision of Sanskrit Education up to 'Madhyama' Standard in the State of Bihar.

Now, THEREFORE, in exercise of the powers conferred by Clause (1) of Article 213 of the Constitution of India, the Governor is pleased to promulgate the following Ordinance:—

1. *Short title, extent and commencement.*—(1) This Ordinance may be called the Bihar Sanskrit Education Board Second Ordinance, 1981.

(2) It extends to the whole of the State of Bihar.

(3) It shall be deemed to have come into force on the 17th January, 1981.

2 *Definitions.*—In this Ordinance, unless there is anything repugnant in the subject or context—

(a) "Board" means the Bihar Sanskrit Education Board established under section 3 of this Ordinance;

(b) "Chairman" means Chairman of the Bihar Sanskrit Education Board;

- (c) "Sanskrit Vidyalaya" means such institutions which are recognised by the Board as Sanskrit Primary School/Sanskrit Middle School/Sanskrit High School;
- (d) "MANAGING COMMITTEE" means such committees constituted under the provision of this Ordinance for the management of all the Tols and non-Government Sanskrit Schools up to "Madhyama" Standard.
- (e) "PRESCRIBED" means prescribed by the rules made under this Ordinance;
- (f) "REGULATION" means a regulation made by the Board under this Ordinance;
- (g) "RULES" means a rule made under this Ordinance;
- (h) "SECRETARY" means Secretary of the Board;
- (i) "TEACHER" means a member of the teaching staff of the recognised Sanskrit Tols and High Schools including their head;
- (j) "TOL" means recognised sanskrit institution imparting education up to or below Madhyama Standard;
- (k) "RECOGNISED" means recognised by the Bihar Sanskrit Education Board; and
- (l) "SANSKRIT UNIVERSITY" means Kameshwari Singh Darbhanga Sanskrit University, Darbhanga.

3. Establishment of Bihar Sanskrit Education Board.—(1)

With effect from such date as the State Government may by notification in the official Gazette appoint, there shall be established a Board to be called the Bihar Sanskrit Education Board (hereinafter referred to as the Board) with headquarters at Patna and having its jurisdiction over whole of the State of Bihar.

(2) The Board shall be a body corporate by the said name and shall have perpetual succession and a common seal and shall sue and be sued by the said name shall and have power to acquire, hold and dispose of property, to enter into

contract, and to do all other things necessary for the purposes of this Ordinance.

4. *Constitution of the Board.*—The Board shall consist of the following members, namely :—

- (1) "CHAIRMAN" who shall be appointed by the State Government under section 8 of this Ordinance;
- (2) DIRECTOR, EDUCATION incharge of Sanskrit Education or his nominee not below the rank of Deputy Director of Education (Ex-officio);
- (3) Vice-Chancellor, Sanskrit University or his nominee— Ex-Officio;
- (4-5) Two members of the Syndicate of Sanskrit University nominated by the Vice-Chancellor;
- (6-8) Three teachers nominated by the State Government from recognised Sanskrit institutions imparting education up to Madhyama Standard (one each from Government Sanskrit High School, non-Government Sanskrit High School, and Sanskrit Tol);
- (9-10) Two teachers nominated by the State Government from constituent Sanskrit Colleges or colleges affiliated with Kameshwar Singh Darbhanga Sanskrit University; and
- (11-12) Three members having interest in Sanskrit education to be nominated by the State Government.

5. *Term of Office.*—(1) The term of office of the members of the Board other than Chairman and ex-officio members shall be for a period of three years with effect from the date of their respective appointment or nomination and shall include any period that may elapse between the date of expiry of the term and the date of appointment or nomination to fill the vacancy caused by the expiration of the said term.

(2) A member of the Board may on expiration of his term of office, under sub-section (1) be renominated for another term

not exceeding three years, but shall not be eligible for nomination for more than two terms.

6. *Powers and functions of the Board.*—(1) It shall be the duty of the Board to advise the State Government on all matters relating to Sanskrit Education up to Madhyama Standard.

(2) Subject to the provision of this Ordinance and the regulations and rules made thereunder, the Board shall have the power to direct, supervise and control Sanskrit Education up to Madhyama Standard in the State and in particular have the following powers—

- (a) To grant recognition to Sanskrit Schools and Tols up to Madhyama Standard, with the prior approval of the State Government and within the number fixed by the State Government, in accordance with such rules as may be made in this behalf;
- (b) To withdraw recognition of recognised Sanskrit institutions in accordance with such rules made in this behalf;
- (c) To maintain a register of recognised Sanskrit Schools and Tols;
- (d) To provide by regulation the syllabi, the courses of studies and the books to be studied in recognised Sanskrit Schools and Tols for Examinations instituted by the Board up to Madhyama Standard;
- (e) To undertake, if necessary, with the prior approval of the State Government, the preparation, publication, or sale of text-books and other books for use in Sanskrit Schools and Tols;
- (f) To maintain and publish from time to time list of books approved for use in Sanskrit Schools and Tols for examinations instituted by the Board and to remove the name of any such book from any such list;

- (g) To institute and conduct different Sanskrit examinations up to Madhyama standard and such other examination as it may think fit and make regulations in this behalf;
- (h) To publish results of the examination instituted by the Board and to award certificates, prizes and scholarships in this behalf.
- (i) To provide by regulation the rates of remuneration to be paid to the paper-setters, moderators, tabulators, examiners, invigilators, Centre Superintendent, Supervisors and others employed in connection with the examination instituted by the Board and the fees to be paid by candidates for such examination;
- (j) To grant permission to candidate to appear at an examination up to Madhyama Standard instituted by the Board and to refuse or withdraw such permission in accordance with such regulation as may be made in this behalf;
- (k) To administer the Sanskrit Education Fund;
- (l) To institute and administer such provident funds as may be prescribed;
- (m) To prepare regulations regarding service conditions of the employees of the Board;
- (n) Subject to the rules made under this Ordinance to constitute, and dissolve the managing committees of the Sanskrit Schools and Tols;
- (o) To perform such other functions as may be entrusted to it by the State Government.

7. *Officer of the Board.*—The following shall be the officers of the Board, namely :—

- (i) The Chairman;
- (ii) The Secretary; and

(iii) Such other person or persons as may be declared by the State Government to be the officer of the Board.

8. *Chairman*—(1) Subject to the provision of this Ordinance, the Chairman shall be appointed by the State Government for a term not exceeding three years from the date he assumes office and on the expiration of the said term, he shall be eligible to be re-appointed for a period not exceeding three years. No person shall be eligible for appointment as a Chairman, unless in the opinion of the State Government he is a reputed scholar in Sanskrit learning (Sanskrit Vidya) having interest in Sanskrit Education.

(2) Other terms and conditions for appointment of the Chairman shall be such as may be determined from time to time by the State Government.

9. *Removal of the Chairman*.—(1) If at any time and after such enquiry as may be considered necessary it appears to the State Government that the Chairman—

- (a) has failed to discharge any duty imposed upon him by or under this Ordinance, or
- (b) has acted in a manner prejudicial to the interest of the Board, or
- (c) is incapable of managing the affairs of the Board, the State Government may require the Chairman by an order in writing stating the reasons therefor, to resign his post from the date as may be specified in the Order.

(2) No order under sub-section (1) shall be passed unless notice stating the specific grounds on which such action is proposed, has been served and a reasonable opportunity to show cause against the proposed Order has been given to the Chairman.

(3) On and from the date specified in sub-section (1), it shall be deemed that the Chairman has resigned his post and the office of Chairman shall be deemed to have fallen vacant.

10. *Arrangement of work during temporary absence of the Chairman.*—During the temporary absence of the Chairman by reason of leave, illness or any other cause, it shall be lawful for the Director (incharge of Sanskrit Education) to exercise the powers and perform the duties of the Chairman.

11. *Powers and functions of the Chairman.*—(1) The Chairman shall be the principal executive and academic officer of the Board and shall preside at the meetings of the Board :

Provided that the Chairman shall not vote at the first instance but shall have and exercise casting vote in the case of an equality of votes.

(2) The Chairman, shall subject to the provision of this Ordinance and the regulations and rules made thereunder, have powers to make appointments to posts within the sanctioned grades and scales of pay and within the sanctioned strength of the ministerial staff and other servants other than teachers and officers of the Board and have control and full disciplinary powers over such staff and servants.

(3) The Chairman shall have the right to visit and inspect the Sanskrit Schools and other institutions affiliated with the Board or cause such inspections to be made by such persons as may be authorised by him.

(4) If at any time, except when the Board is in session, the Chairman is satisfied, that an emergency has arisen requiring him to take immediate action involving the exercise of any powers vested in the Board, by or under this Ordinance, the Chairman shall take such action as he deems fit and shall report the action taken by him to the Board in the next meeting.

(5) Subject to the provisions of this Ordinance, it shall be the duty of the Chairman to see that the proceedings of the Board are carried on in accordance with the provisions of this Ordinance and the regulations and rules made thereunder and the Chairman shall report to the State Government every such proceeding which is not in conformity with such provisions. Till

such time as the orders of the State Government are not received on the report of the Chairman, the Chairman shall have the powers to stay the proceeding reported against.

(6) The Chairman shall exercise other powers and perform such other duties as are conferred or imposed on him by this Ordinance, the regulations and rules made thereunder.

12. *Secretary.*—(1) There shall be a Secretary of the Board to be appointed by the State Government.

(2) The terms and conditions of appointment of the Secretary shall be such as may from time to time be determined by the State Government.

(3) Subject to the general control and supervisions of the Chairman, the Secretary shall be the principal administrative officer of the Board.

(4) He shall exercise such powers as vested in him or delegated by the Board.

(5) The Secretary shall be entitled to participate in the meetings of the Board but shall not be entitled to vote.

(6) The Secretary shall maintain the proceedings of the meetings of the Board.

13. *The Bihar State Sanskrit Education Fund.*—The Board shall have a fund to be called the Bihar State Sanskrit Education Fund to which shall be credited—

- (a) all sums which may be paid to the Board by the Government of India/State Government for purposes of this Ordinance;
- (b) all fees realised under any of the provisions of this Ordinance;
- (c) all sums representing income from endowments or from properties owned or managed by the Board; and
- (d) all other sums received by or on behalf of the Board from any other source.

14. *Application of the Bihar Sanskrit Education Fund.*

The Bihar Sanskrit Education Fund shall, subject to such rules as may be made by the State Government be applicable to the following objects :—

- (a) Payment of salaries and allowances to teachers and non-teaching staff of recognised Sanskrit Schools and Tols in the manner prescribed by the State Government.
- (b) Cost of such items of the establishment of the recognised Sanskrit Schools, as may be approved by the State Government or the Bihar Sanskrit Education Board.
- (c) Construction, maintenance and repairs of any works connected with the recognised Sanskrit Schools and Tols which has been sanctioned by the State Government.
- (d) Acquisition of land for any recognised Sanskrit Schools/Tols for which sanction has been duly accorded by the State Government.
- (e) Payment of contribution towards provident fund of the teachers and other employees of recognised Sanskrit Schools and Tols.
- (f) Payment of any other expenses in connection with Sanskrit Education as may be determined by the State Government from time to time :

Provided no expenditure shall be incurred from the fund except for the purposes of this Ordinance and unless such expenditure has been provided for in the budget as approved under this Ordinance or can be met by reappropriation sanctioned in the prescribed manner.

15. *Accounts.*—The Board shall keep an account of all its receipts and expenditure in the manner prescribed.

16. *Audit.*—The accounts of the Board shall be examined and audited in such manner as may be prescribed by the State Government.

17. *The Audit Report.*—(1) After completion of the audit the auditor shall submit to the State Government a report on the accounts audited and shall send a copy thereof to the Board which shall forward it to the State Government together with its observation thereon.

(2) The State Government shall issue such direction on the audit report to the Board as it thinks fit, and it shall be the duty of the Board to comply with such direction within the time-limit specified in the Order.

18. *Furnishing information by the Board.*—The Board shall furnish to the State Government such other reports, returns and statements as may be prescribed and such further information may be required by the State Government.

19. *Proceeding of the Board not to be invalid.*—No act or proceeding of the Board under this Ordinance shall be invalid, merely on the ground of existence of any vacancy in the membership of the Board.

20. *Services of the teachers and non-teaching employees.*—The services of teachers and non-teaching employees of the recognised Sanskrit Schools and Tols may be placed under the Board by the State Government from a date fixed by notification in the official Gazette and from that date such teachers and employees shall be deemed under the services of the Board.

21. *Arrangements for appointment of teachers.*—The State Government shall, by notification in the official Gazette, make arrangements for appointment and promotion to the posts of teachers in Sanskrit Schools and other institutions attached to the Board and shall prescribe rules and procedures in this behalf.

22. *Power of the State Government to make rules.*—(1) The State Government may by notification in the official Gazette

make rules for carrying out the purposes of this Ordinance; and

(2) In particular, and without prejudice to the generality of the foregoing provisions of this Ordinance such rules may provide for all or any of the following matters, namely :—

- (a) The acquisition, possession and disposal of property by the Board, the condition of such acquisition, possession and disposals;
- (b) The manner of the nomination of the members of the Board specified in section 4;
- (c) The composition, powers and functions of managing committees of Sanskrit Schools and Tols;
- (d) The terms and conditions of appointments, the scale of pay and the rules of discipline and other conditions of service relating to the officers and servants of the Board ;
- (e) The form of Budget preparation of the Board ;
- (f) The manner in which all payments to and from the Bihar State Sanskrit Education Fund shall be made;
- (g) The manner of re-appropriation under section 14 ;
- (h) The manner and form in which accounts of income and expenditure shall be kept ;
- (i) The manner in which examination and audit of the accounts of the Board shall be made ;
- (j) The reports, returns and statements to be furnished by the Board and the form of such reports, returns and statements ;
- (k) The service conditions and appointments of the teachers and other staff of the recognised Sanskrit Schools and Tols ;
- (l) The procedures and conditions of recognition of Sanskrit Schools; and
- (m) Any other matter which is required to be prescribed by this Ordinance.

(3) All rules made under this Ordinance shall be laid for not less than fourteen days before the State Legislature as soon as possible after they are made and shall be subject to such modifications as the State Legislature may make during the session in which they are so laid.

23. *Powers of State Government to issue directions.*—(1) The State Government shall have the powers to issue to the Board such directions as it may consider necessary.

(2) The State Government shall also have the right to address the Board for any act which the Board may do or has done or is conducting or doing or intends to conduct or do and to communicate to the Board its views in the matter.

(3) The Board shall report to the State Government such action, if any, as it proposes to take or has taken on receipt of such communication or direction from the State Government and shall furnish an explanation if it fails to take necessary action.

(4) If the Board fails to take action to the satisfaction of the State Government within a reasonable time, the State Government may, after considering any explanation furnished or representation made by the Board, issue such directions consistent with this Ordinance, as it may think fit, and the Board shall comply with such direction.

(5) If any emergency exists which, in the opinion of the State Government, requires that immediate action be taken, the State Government may take such action consistent with this Ordinance as it deems necessary, without previous consultation with the Board and shall forthwith inform it of the action taken.

(6) 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 the action ordered to be or purported to be done by the Board, if it is of

the opinion that such resolution, order or act is in excess of the powers conferred upon the Board or under this Ordinance.

(7) If the State Government is satisfied that conditions exist in which recognition granted by the Board to Sanskrit Schools and other institutions appointments made in them, or any act done by the Board need review, the State Government shall have powers to review them and issue such directions as it deems fit and such directions shall be binding on the Board.

24. Appeal against the order of Board—Any person or Managing Committee aggrieved with the orders of the Board or the Chairman of the Board can file an appeal for final decision within 60 days of the passing of such order to an officer appointed by the State Government. The appeal shall be disposed of according to the prescribed procedure and such decision shall be final against which no appeal or suit shall be in any court of law

25. Dissolution of existing Bihar Sanskrit Education Board.—

(1) With effect from the date, the Board is established under section 3, the Bihar Sanskrit Education Board constituted under Government notification no. 322, dated the 24th January, 1961 shall be dissolved and the assets and properties owned or possessed by the said Board shall vest in the Board established under this Ordinance.

(2) All legal proceedings or remedies instituted or enforceable by or against the former Bihar Sanskrit Education Board or its servants before the commencement of this Ordinance may be continued or enforced, as the case may be.

(3) All officers or other persons in the employ of the Bihar Sanskrit Education Board immediately, before the commencement of this Ordinance, shall be deemed to have been transferred to the Board established under this Ordinance and they shall hold their offices or services therein on the same terms and on the same remuneration as previously until their remuneration or other terms and conditions of service are revised or altered by the Board under any rule or regulation made in this behalf.

(4) All recognised Sanskrit Schools and Tols shall be deemed to have been recognised under this Ordinance until the expiration of

the period of recognition subject however to the power of the Board to withdraw recognition, in accordance with the provisions of this Ordinance.

(5) All syllabi, courses of studies and text-books in force shall, until other provision is made under this Ordinance, continue to be followed.

26. *Temporary Provision*—Until such time as the Board is duly constituted in accordance with the provisions of this Ordinance, the Chairman and *ex-officio* members shall constitute the Board.

27 *Power of State Government to remove difficulties* If any difficulty arises in giving effect to the provisions of this Ordinance, the State Government may make such order to do such thing not inconsistent with the provisions of this Ordinance as appears to it to be necessary or expedient for removing the difficulty.

28. *Repeal and Saving*—(1) The Bihar Sanskrit Education Board Ordinance, 1981 (Bihar Ordinance no. 43 of 1981) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in exercise of any power conferred by or under the said Second Ordinance shall be deemed to have been done or taken in the exercise of powers conferred by or under this Ordinance as if this Ordinance were in force on the day on which such thing or action was done or taken.

A. R. KIDWAJ,
Governor of Bihar

विं नां मेहरोत्ता,
सरकार के उप-सचिव ।

Dated the 22nd April, 1981