

THE PUNJAB SCHOOL EDUCATION BOARD
ACT, 1969

(PUNJAB ACT NO. 24 OF 1969)

Arrangement of Sections.

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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 was first published for general information in the Punjab Government Gazette (Extraordinary) dated the 28th November, 1969.]

1	2	3	4
Year	No.	Short title	Whether affected by Legislation
1969	24	The Punjab School Education Board Act, 1969	..

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

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

- (a) "Board" means the Punjab School Education Board, established under section 3;
- (b) "Chairman" means the Chairman of the Board;
- (c) "examination" means an examination conducted by the Board;

¹For Statement of Objects and Reasons, see Punjab Government Gazette (Extraordinary) 1969, page 1082.

- (d) "Head of institution" means Headmaster or Principal or any other principal academic officer, by whatever designation called, of a recognised institution;
- (e) "institution" means an institution imparting school education in the State;
- (f) "member" means a member of the Board and includes the Chairman and Vice-Chairman thereof;
- (g) "prescribed" means prescribed by regulations made by the Board under this Act;
- (h) "recognised" with its grammatical variations used with reference to an institution means recognised or deemed to be recognised by the Board for the purpose of admission to the privileges of the Board;
- (i) "school education" means education from the first class to the eleventh class, that is, all education that precedes immediately the stage of education leading to entry to the first degree of a University established by law in India and includes junior basic training course, but does not include Pre-University and technical education;
- (j) "Secretary" means the Secretary of the Board;
- (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 recognised institution;
- (m) "Vice-Chairman" means the Vice-Chairman of the Board.

Establishment
and incorpora-
tion of the
Board.

3. (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. (1) The Board shall consist of a Chairman, Vice-Chairman and the following members :— Constitution
of the Board.

(a) *ex-officio* members, namely :—

(i) Vice-Chancellors of all the Universities established or that may be established by law in the State;

(ii) Director of Public Instruction, Punjab;

(b) nominated members, namely :—

(i) five persons from amongst Principals of colleges affiliated to any University established by law in the State, member of Punjab Education Service Class I and District Education Officers in the service of the State Government and Heads of the institutions of whom at least one shall be a Principal of a college of education, one Principal of arts or science college, one Head of a High School and one Head of a Higher Secondary School;

(ii) one eminent scholar or writer or scientist, as may be decided by the State Government;

(iii) Legal Remembrancer or Advocate-General, Punjab, as may be decided by the State Government.

(2) The Chairman and the Vice-Chairman shall be appointed by the State Government upon such terms and conditions as it may think fit.

(3) The members referred to in clause (b) of sub-section (1) shall be nominated by the State Government.

(4) The appointment of the Chairman and Vice-Chairman and the nomination of every member shall be notified by the State Government in the Official Gazette.

Term of office of Chairman Vice-Chairman and members.

5. (1) The term of office of the Chairman or Vice-Chairman shall be three years and of a nominated member two years from the date of publication of the notification under sub-section (4) of section 4 :

Provided that an outgoing member shall, unless the State Government otherwise directs, continue in office till the appointment or nomination of his successor is notified.

(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.

Qualifications for appointment of Chairman and Vice-Chairman.

6. No person shall be appointed as Chairman or Vice-Chairman, 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;
- (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 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. (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.

Filling of vacancies.

(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. (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—

Disqualifications.

- (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. 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

Circumstances under which a member shall vacate office.

- (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.

Resignation.

10. (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.

Headquarters of the Board.

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

Meetings of the Board.

12. (1) The Chairman or in his absence the Vice-Chairman, 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, 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 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. There shall be the following officers of the Board, namely :— Officers of the Board.

(a) the Chairman :

(b) the Vice-Chairman :

(c) the Secretary; and

(d) such other officers as may be appointed by the Board.

14. (1) The Chairman shall be the administrative head of the Board. Powers and duties of the Chairman and Vice-Chairman.

(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 powers of the Chairman.

Appointment of Secretary and other employees, their terms and conditions of service.

15. (1) The Board shall appoint a person to be its Secretary upon such terms and conditions of service as may be prescribed :

Provided that appointment of the first Secretary shall be made by the State Government on such terms and conditions as it may deem fit.

(2) The Secretary shall be—

(a) the principal Executive Officer of the Board and shall authenticate all orders and decisions of the Board ;

(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 accounts, 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 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.

Admission of institutions to privileges of Board.

16. (1) Any institution, in or outside the State, may apply to the Board for being admitted to the privileges of the Board and Board may, subject to such

conditions and restrictions as may be prescribed, admit such institution to the privileges of the Board.

(2) Any institution recognised by the Punjab University for Matriculation or Higher Secondary Examination at any time before the commencement of this Act, recognition whereof has not been withdrawn or cancelled by that University till such commencement shall be deemed to be an institution recognised by the Board and shall be subject to all the provisions of this Act and regulations made thereunder.

(3) Where the Board is satisfied, that privileges are being abused by any recognised institution 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 a recognised institution.

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. Subject to the provisions of this Act, the Board shall exercise and perform the following powers and other functions, namely—

Powers and functions of the Board.

- (1) prescribe the syllabi, courses of studies and text books for school education ;
- (2) arrange for the preparation, writing, compilation, printing, publishing and sale of text books, other educational material and undertake 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 recognised institutions or otherwise ;
- (6) prescribe conditions for recognition 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 recognised institutions 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 transfers 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 recognised institutions and the conditions of their residence and discipline;
- (15) encourage sports and health-building activities ;
- (16) organise and provide lectures, demonstrations, educational tours and exhibition, 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 Official Gazette ;
- (18) advise the State Government in all matters relating to school education ;
- (19) do such other acts and things as it may deem fit for the purpose of carrying out the provisions of this Act.

18. (1) The Board may for the purpose of carrying out the provisions of this Act and regulations made thereunder set up such committees as it may think fit or as may be prescribed :

Powers of Board to set up committees.

Provided that the Board shall set up the following committees, namely—

- (a) finance committee consisting of—
 - (i) the Chairman;
 - (ii) four persons elected by the members from amongst themselves ; and
 - (iii) the Secretary to Government, Punjab, Finance Department or such officers of that Department as may be nominated by the State Government ;

(b) examination committee consisting of—

(i) the Chairman ;

(ii) the Vice-Chairman;

(iii) two Vice-Chancellors nominated by the Board; and

(iv) the Director of Public Instruction, Punjab.

(2) The finance committee shall examine all financial matters pertaining to the Board including the budget estimates and the annual accounts and balance sheet and the examination committee shall consider the appointment of paper setters, examiners and supervisory staff for conducting examinations.

(3) A committee set up under sub-section (1), other than the finance committee or the examination committee, shall consist of such number of persons, not exceeding the prescribed number, as the Board may, from time to time, decide.

(4) The quorum and the manner of transacting the business of a committee shall be such as may be prescribed.

(5) Every committee shall submit its report to the Board for such decision thereon as it may think fit.

Constitution of
the Board
Fund.

19. (1) There shall be constituted a Fund to be known as the Board Fund which shall be credited—

(a) all fees, penalties, and charges levied by the Board;

(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 moneys 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 annual net savings, if any, shall be utilised by the Board for the development of school education, for raising the standard thereof and for such other educational purposes as the State Government may direct.

(5) The accounts of the Board shall be audited annually by such agency and on payment of such fees as may be specified by the State Government and a copy of the annual 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 and as soon as possible shall be laid on the Table of both the Houses of the State Legislature.

20. (1) The Board may, by regulations delegate— Delegation.

(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.

Control of the
State Govern-
ment over the
Board.

21. (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) The State Government may at any time appoint a committee consisting of such persons as it may think fit to enquire into the working of the Board.

(5) If on the report of the committee appointed under sub-section (4) or otherwise the State Government is of the opinion that 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 exceeds or abuses its powers, the State Government may, by notification and after giving an opportunity to the Board to show cause why such an order should not be made, supersede the Board for such period as the State Government may think fit :

Provided that such period shall in no case exceed one year in the aggregate.

(6) When the Board is superseded under sub-section (5), the following consequences shall ensue, namely :—

(a) all members of the Board and its committees shall, from the date of the notification, vacate their office ;

- (b) all powers, duties and functions, which under the provisions of this Act or any regulation made thereunder are to be exercised by the Board or any committee thereof or by any other officer of the Board, shall, during the period of supersession, 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 ;

- (c) all properties, including the Board Fund vested in the Board shall, until it is reconstituted, vest in the administrator.

(7) The State Government shall cause steps to be taken to reconstitute the Board in accordance with the provisions of this Act so as to enable it to start functioning immediately on the expiration of the period of supersession.

(8) Wherever any action is taken by the State Government under sub-section (3) or sub-section (5) a report thereof along with reasons therefor shall, as soon as may be, be laid on the table of each House of the State Legislature.

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

23. No order or decision made by the Board or any of its committees or 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. Bar of jurisdiction of courts.

Powers of Board to make regulations.

24. (1) Subject to the provisions of this Act, the Board may, by notification and with the previous sanction of the State Government, make regulations for carrying out 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 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 recognised institutions and the conditions of their residence and discipline;
- (g) the committees other than the finance committee and the examination committee which may be set up by the Board under

sub-section (1) of section 18 and the maximum number of members, the quorum of all committees set up under the aforesaid sub-section and the manner in which they shall transact their business;

(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. (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: ^{Repeal and savings.}

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.