

GOVERNMENT OF PUNJAB

Department of Legal and Legislative Affairs

**The Punjab State Board of Technical
Education and Industrial Training**

Act, 1992

(PUNJAB ACT NO. 2 OF 1993)

AMENDMENT ACT 2011

(PUNJAB ACT NO. 34 OF 2011)



Punjab Act 2 of 1993

**THE PUNJAB STATE BOARD OF TECHNICAL EDUCATION
AND INDUSTRIAL TRAINING ACT, 1992**

(Punjab Act No. 2 of 1993)

CONTENTS

<u>Sections</u>	<u>Pages</u>
1. Short title, extent and commencement	1
2. Definitions	1-2
3. Establishment of the Board	3
4. Consequences of establishment of the Board	3
5. Constitution of the Board	3-4
6. Headquarters of the Board	5
7. Term of office of a member	5
8. Resignation by a member	6
9. Removal of a member	6
10. Casual vacancy	6
11. Re-nomination or re-co-option of a member	6
12. Quorum	7
13. Member debarred from taking part in discussion	7
14. Meeting of the Board	7
15. Authentication of decisions and other instruments	7
16. Acts and proceedings of the Board not to be invalidated by vacancy	8
17. Functions and duties of the Board	8-9
18. Powers of the Board	9-12
19. Constitution of Committees of the Board	12
20. Officers of the Board	13

21.	Appointment of Chairman	13
22.	Powers and duties of Chairman	14
23.	Appointment of Secretary	15
24.	Powers and duties of Secretary	15
25.	Conditions of service of employees	15
26.	Fund of the Board	15-16
27.	Preparation and audit of annual accounts	16
28.	Preparation and submission of annual report	16
29.	Powers of Government	17
30.	Communication of resolution to the Government	18
31.	Powers of the Government to suspend or cancel resolution of the Board	18
32.	Power of the Government to give directions	18
33.	Appeal	18
34.	Certain persons to be public servants	18
35.	Protection of action taken in good faith	19
36.	Bar on suit in absence of notice	19
37.	Removal of difficulties	19
38.	Power to make rules	19-20
39.	Power to make regulations	20
40.	Saving and repeal	21

¹THE PUNJAB STATE BOARD OF TECHNICAL EDUCATION AND INDUSTRIAL TRAINING ACT, 1992.

(Punjab Act No. 2 of 1993)

[Received the assent of the Governor of Punjab on the 8th January, 1993, and was first published for general information in the Punjab Government Gazette (Extraordinary), Legislative Supplement, dated the 19th January, 1993.]

An Act to provide for the establishment of a State Board of Technical Education and Industrial Training for promotion and co-ordination of technical education and industrial training in polytechnics and industrial training institutes in the State of Punjab and for subjects connected therewith.

Be it enacted by the legislature of the State of Punjab in the Forty-third year of the Republic of India, as follows :-

- | | |
|--|--|
| <p>1. (1) This Act may be called the Punjab State Board of Technical Education and Industrial Training Act, 1992.</p> <p>(2) It shall extend to the whole of the State of Punjab.</p> <p>(3) it shall come into force on such date² as the State Government may, by notification in the Official Gazette, appoint.</p> <p>2. In this Act. unless the context otherwise requires, --</p> <p>(a) "affiliated institution" means an institution affiliated to the Board respect of any course or courses of study in accordance with the provisions of this Act or the rules or the regulations made thereunder;</p> | <p>Short Title, extent and commencement</p> <p>Definitions</p> |
|--|--|

-
1. For Statement of objects and Reasons, see the Punjab Government Gazette (Extraordinary), dated the 18th December, 1992, page 2225
2. It has came into force on the first day of February 1993 vide Government of Punjab, Department of Technical Education and Industrial Training, Notification No. SO 13/PA. 2/93/S.1/93, dated the 28th January, 1993.

- (b) "All India Council for Technical Education" means the All India Council for Technical Education as Set up by the Government of India;
- (c) "Board" means the Punjab State Board of Technical Education and Industrial Training established under section 3;
- (d) "Chairman" means the Chairman of Board ;
- (e) "Certificate" means a certificate awarded by the Board in respect of any course or courses of study in accordance with the provisions of this Act or the rules or the regulations made thereunder;
- (f) "Committee" means a committee constituted by the Board under section 19;
- (g) "diploma" means a diploma awarded to a person for successfully completing, in an affiliated institution such courses of study as may from time to time be specified by regulations;
- (h) "Government" means the Government of the State of Punjab, in the Department of Technical Education and Industrial Training;
- (i) "industrial training" means a training imparted to students in an institution of industrial training;
- (j) "institution" means an institution imparting technical education or industrial training or both;
- (k) "member" means a member of the Board and includes the Chairman and Secretary thereof ;
- (l) "prescribed" means prescribed by rules made under this Act;
- (m) "regulation" means a regulation made by the Board under this Act ;
- (n) "rule" means a rule made by the Government under this Act;
- (o) "Secretary" means Secretary of the Board;
- (p) "section" means a section of this Act;
- (q) "State" means the State of Punjab
- (r) "technical education" means programs of education,

research and training in engineering, technology, architecture, town-planning management, pharmacy and applied arts and crafts and such other programs or areas, as the Government may, by notification in the Official Gazette, declare from time to time.

3. (1) The Government may, by notification in the Official Gazette, establish a Board of Technical Education and Industrial Training with effect from such date and under such means as may be specified in the notification. Establishment of the Board.
- (2) The Board shall be a body corporate with perpetual succession and a common seal and shall have power to acquire, hold and dispose of property and to enter into contracts and may, by the said name sue or be sued.
4. On the establishment of the Board under section 3, Consequences of establishment of the Board
 - (a) the Punjab Stale Board of Technical Education (hereinafter referred to as the Dissolved Board) as existing on or before the commencement of this Act, shall stand dissolved ;
 - (b) any property whether movable or immovable, belonging to the Dissolved Board, shall vest in the Board;
 - (c) all the rights and liabilities of the Dissolved Board shall be deemed- to be the rights and liabilities of the Board;
 - (d) all persons employed in the Dissolved Board immediately before the date of establishment of the Board, shall be deemed to be employed by the Board and shall hold office under the Board on the same terms and conditions as were applicable to them under the Dissolved Board; and ;
 - (e) every institution affiliated to the Dissolved Board immediately before the date of establishment of the Board, shall be deemed to be affiliated to the Board, subject to the provisions of this Act.
5. (1) The Board shall consist of the Chairman and following Constitution of members, namely :- Constitution of the Board

I. EX-OFFICIO MEMBERS t

- (i) Secretary to Government, Punjab, Department of Technical Education and Industrial Training;
- (ii) Secretary to Government, Punjab, Department of Finance;
- (iii) Secretary to Government, Punjab, Department of Planning;
- (iv) One representative of All India Council for Technical Education
- (v) One representative of Government of India in the Ministry of Human Resource Development, dealing with subject of technical education;
- (vi) One representative of Government of India in the Ministry of Labour, dealing with the subject of craftsman training;
- (vii) Director of Industries, Punjab;
- (viii) Principal, Technical Teachers Training Institute, Chandigarh; and
- (ix) Director, Technical Education and Industrial Training, Punjab

II. NOMINATED MEMBERS

- (A) Two members of the Punjab Legislative "Assembly to be nominated by the Speaker, Punjab Legislative Assembly.
- (B) The Government shall nominate the following members, namely :-
 - (i) One Chief Engineer of the Department of Public Works, Punjab;
 - (ii) two industrialists of repute ;
 - (iii) one Principal from amongst the Principals of the Engineering Colleges in the State;
 - (iv) one Principal from amongst the Principals of the Government Polytechnics in the State;
 - (v) one Principal from amongst the Principals of private polytechnics in the State ;

- (vi) one Principal from amongst the Principals (Class I) of Industrial Training Institutes in the State ;
- (vii) one Vice-Chancellor, or his representative not below the rank of a Professor, of a university in the state; and
- (viii) one eminent educationist or technologist or scientist.

III. CO-OPTED MEMBER

The Board shall co-opt a person as its member having sufficient and adequate knowledge of technical education and industrial training.

IV. MEMBER-SECRETARY

- (1) The Secretary to the Board shall be its Member-Secretary.
- (2) The *Ex-officio* members specified in items (i), (ii) and (iii) of category I of sub-section (1), instead of attending meeting of the Board by themselves, may depute an officer subordinate to them, not below the rank of a Deputy Secretary and the officer so deputed shall be entitled to take part in the proceedings of a particular meeting for which they are deputed and shall also be entitled to vote at such meeting.

- 6. The Board shall have its headquarters at such place as may be notified by the Government in the Official Gazette. Headquarters of the Board
- 7. (1) The term of office of members other than the Ex-officio members, shall be three years. Term of office of the members
- (2) If a member of the State Legislative Assembly nominated to the Board by the Speaker ceases for any reason whatsoever, to be a member of the Legislative Assembly, he shall also cease to be a member of the Board.
- (3) Notwithstanding anything contained in this section, a member whose term of three years has expired, shall, unless Government otherwise directs, continue to hold office till his successor is nominated.

- Resignation by a member. 8. (1) Any member, other than the co-opted and the Ex-officio members, may, resign his office at any time by tendering his resignation in writing to the Government, and such member shall be deemed to have vacated his office on the acceptance of resignation by the Government.
- (2) The co-opted member may resign his office at any time by tendering his resignation in writing to the Board and such member shall be deemed to have vacated his office on the acceptance of the resignation by the Board.
- Removal of a member. 9. The Government in the case of a member other than the Chairman and the *Ex-officio* member, and the Board in the case of a co-opted member may, by an order, in writing, by recording reasons therefore remove any member from office on the grounds that he,
- (i) has abused his position ; or
- (ii) has been convicted by a court of law for an offence involving moral turpitude or has otherwise become insane or of unsound mind; or
- (iii) is guilty of misconduct which in the opinion of the Government or the Board, as the case may be, renders him unfit to continue as member , or
- (iv) has continuously absented himself from three consecutive meetings of the Board without the permission of the Board;
- Provided that before issuing an order, the Government, or the Board, as the case may be, shall give such member a reasonable opportunity of being heard.
- Casual vacancy 10. A casual vacancy occurring due to death, resignation or removal of a member, shall be filled by nomination or co-option, as the case may be, and the person so nominated or co-opted to fill such vacancy, shall hold office for the remaining term.
- Re-nomination or re-co-option of a member 11. Subject to the provisions of this Act, every member except the one, who is removed under section 9, shall be eligible

for re- nomination or re-co-option, as the case maybe,

12. No business shall be transacted at a meeting of the Board unless at least one-third of the total members are present, Quorum
13. No member shall take part in the discussion of, or exercise his vote on, any matter in which he has any personal or pecuniary interest. Member de- barred from taking part in discussion.
14. (1) The Board shall meet at such time and place and shall observe such procedure in transacting the business at its meeting, as may be prescribed. Meeting of the Board
(2) The Chairman, and in his absence, the Secretary to Government, Punjab, Department of Technical Education and Industrial Training, shall preside over the meeting of the Board. In the case of absence of both, any member chosen by the members, present in the meeting, shall preside over the meeting,
(3) All the matters in a meeting shall be decided by majority; of votes of the members present and in the case of equality of votes, the person presiding over such meeting, shall have a casting vote.
(4) The Board will ordinarily meet once in a quarter, but shall & hold at least two meetings in a year.
(5) The Board shall, in addition to the meetings referred to in sub-section (4), hold a meeting to be known as annual meeting to consider its annual report, audited annual accounts and balance sheet on or before the 30th of September of the following year.
15. (1) Every decision of the Board shall be taken by passing a resolution and shall be authenticated by the signatures of the Chairman or in his absence by such other member as may be authorized by the Board in this behalf. Authentication of decisions and other in- struments.
(2) Every instrument on behalf of the Board shall be authenticated by the signature of the Secretary: Provided that in the absence of Secretary, or when it' is considered necessary under the circumstances of a

case, the Board may, by an order in writing and by recording reasons therefor, authorise any member or officer of the Board to authenticate any instrument.

Acts and proceedings of the Board not to be invalidated by vacancy.

16. No act or proceeding of the Board shall be invalid merely by reason of,
- (a) any vacancy or defect in the constitution thereof ; or
 - (b) any defect in the nomination or co-option of a member; or
 - (c) any procedural irregularity not affecting the merits of a case.

Functions and duties of the Board.

17. Subject to the provisions of this Act, the functions and duties of the Board shall be to,
- (i) affiliate an institution whether situated within or outside the State ;
 - (ii) inspect or cause to be inspected any institution seeking affiliation ;
 - (iii) specify course of study and instruction leading to the examination conducted by it ;
 - (iv) fix standards for buildings and equipment for affiliated institution? ;
 - (v) specify conditions including educational qualifications for admission of students to affiliated institutions ;
 - (vi) specify conditions, including examination fees for admission to examination conducted by it;
 - (vii) conduct Annual and Semester examinations for assessing the performance of students belonging to the affiliated institutions and for awarding diplomas and certificates.
 - (viii) publish results of examinations conducted by it :
 - (ix) grant certificates or diplomas, as the case may be, to students who have satisfactorily completed courses of study in any affiliated institution and have passed the examination conducted for the purpose;
 - (x) authorise any affiliated institution or other authority to conduct examinations in respect of any specified

course and to specify the manner for holding such examination and standard to be maintained by such institution;

- (xi) specify educational qualifications and other standards for the members of staff of the affiliated institutions;
- (xii) coordinate and maintain standards of technical education and to effect re-orientation of such education on the specified lines so as to serve the needs of commerce and industry and promote co-operation amongst the institutions and industrial and commercial establishment;
- (xiii) co-operate with the All India Council for Technical Education and its Regional Committees and other bodies in such manner and for such purposes, as may be necessary to carry out the purposes of this Act;
- (xiv) advise the Government on all matters relating to Technical education and Industrial Training;
- (xv) do all other such acts and deeds as may be necessary for proper discharge of functions under this Act or the rules or the regulations made thereunder ; and
- (xvi) carry out such duties as may be imposed on it under this Act or the rules or the regulations made thereunder.

18. (1) The Board shall subject to the provisions of this Act and the rules made thereunder, have all such powers as may be necessary for the discharge of its functions and the performance of its duties under this Act or the rules or the regulations made thereunder. Powers of the Board
- (2) Subject to the provisions of sub-section (1), the Board shall have the power to,
- (i) cancel an examination or withhold result of an examination of a candidate or disallow him from appearing in any examination who is found to be guilty of,
 - a) using unfair means in the examination ; or
 - b) making any incorrect statement or suppressing material information or fact in the application form for admission to the

- institution or to the examination; or
- c) fraud or impersonation at the examination ;
or
- d) securing admission to the examination in
contravention of the rules or regulations
governing admissions to such examination ;
or
- e) any act of gross indiscipline in the
examination :

Provided that the candidate against whom an action under this section is proposed to be taken, shall be given a seasonable opportunity of being heard before passing final order in this behalf;

- (ii) deduct marks at any examination of any candidate found by it to be guilty of an act of indiscipline during the examination;
- (iii) cancel the result of a examination for any *bona fide* error of the Board in the declaration of the result of the examination;

Provided that the result of an examination shall not be cancelled on the ground of a *bona fide* error of the Board, after the expiry of a period of ninety days from the date of declaration of the result of the examination;

- (iv) specify fees for the examination conducted by it and provide for the manner of their realization;
- (v) refuse to affiliate an institution which,
 - (a) does not fulfil or is unable to fulfil the standards laid down by the Board for staff, instructions, equipment and buildings; or
 - (b) does not abide by the conditions for affiliation laid down by the Board

Provided that the affiliation to an institution shall not be refused without giving it a reasonable opportunity of being heard and without passing an order in writing and after recording reasons therefor;

- (vi) withdraw affiliation of an institution which is unable to adhere to or make a provision for standards of staff, instructions, equipment or buildings as laid down by the Board or on its failure to observe the conditions of affiliation to the satisfaction of the Board ;

Provided that affiliation of an institution shall not be withdrawn without giving it a reasonable- opportunity of being heard and without passing an order in writing by recording reasons therefor ;

- (vii) lay down norms and standards for course, curricula, physical and instructional facilities, staff, equipment, admissions, assessment and examinations ;
- (viii) call reports from Heads of the affiliated institutions in respect of any act done in contravention of the rules, regulations, decisions, instructions or directions of the Board in such manner, as may be specified ;
- (ix) inspect or cause to be inspected an affiliated institution for the purpose of ensuring due observance of the specified courses of study and to ensure that the facilities for instructions are duly provided and availed of ;
- (x) institute and grant fellowships and scholarships and award, prizes and certificates of distinction;
- (xi) create technical, professional, administrative, ministerial and other posts required for the performance of its duties and responsibilities and to appoint persons to such posts ;
- (xii) borrow money for carrying out the purposes of this Act with the prior approval of the Government;
- (xiii) recommend to the Government introduction of new courses and development of appropriate curricula in connection therewith ;
- (xiv) provide guidelines for granting academic

autonomy to institutions of Technical Education and grant academic autonomy to such institutions, as it may consider necessary ;

- (xv) specify norms and guidelines for charging tuition and other fees in order to prevent commercialisation of technical education and industrial training;
- (xvi) refer any question arising in the courses of exercise of its powers or in the discharge of its duties and functions under this Act. to any appropriate Committee constituted under section 19 and consider the committee's recommendations or suggestions thereon.
- (xvii) delegate by notification such of its powers subject to such conditions, as it may Consider necessary to any affiliated institution or other authority constituted under the Act or the rules or the regulations made thereunder.

Constitution of
Committees of
the Board

19. (1) The Board may for the purpose of carrying out the provisions of this Act and the rules and regulations made thereunder, set up such Committees, as may be prescribed:

Provided that the Board shall set up the following Committees, namely :

- (i) Academic Committee;
 - (ii) Affiliation and Accreditation Committee;
 - (iii) Examination Committee; and
 - (iv) Finance Committee.
- (2) The Committees shall consist of such members and of such other persons, as the Board may consider necessary or as may be prescribed.
 - (3) The term of the Committees and its members shall be such as may be prescribed.
 - (4) Every Committee shall submit its report to the Board for such decisions thereon, as it may consider necessary.

20. Subject to the other provisions of this Act, there shall be the following officers of the Board, namely : Officers of the Board.
- (1) the Chairman;
 - (2) the Secretary to the Board; and
 - (3) any other officer or officers, as may be notified by the Government to be the officer or officers of the Board from time to time.
21. (1) The Government shall by notification in the Official Gazette appoint a person to be the Chairman from amongst the following, namely : Appointment of Chairman
- (i) a serving or retired Vice-Chancellor of a university; or
 - (ii) a serving or retired member of the Indian Administrative Service who is or has been a Financial Commissioner ; or
 - (iii) an eminent educationist having an experience as Professor or its equivalent post in a recognised university or Degree College for a minimum period of ten years; or
 - (iv) an eminent scientist or technologist having an experience of teaching in the rank of a professor or its equivalent post in an Institution of Technical Education and Training for a minimum period of ten years; or
 - (v) a person, who is or has been a Cabinet Minister or a Minister of State in the Punjab Government for a minimum period of two years Inserted by Amendment Act, 2003 (Punjab Act No. 23 of 2003).
- (2) "No person shall be appointed as Chairman if he has attained the age of sixty-two years.
 - (3) Subject to the provisions of sub-section (2). the term of the office of the Chairman shall be three years and he shall be eligible for re-appointment.
 - (4) The Chairman shall be entitled to such salaries and allowances and shall be governed by such conditions, as may be prescribed

- (5) The Chairman may be removed from the office by the Government, if he,
- (a) wilfully refuses to carry out the provisions of this Act; or
 - (b) abuses the powers vested in him; or
 - (c) is adjudged an insolvent; or
 - (d) is convicted by a court of law for an offence involving moral turpitude ; or
 - (e) if it appears to the Government that his continuation in office is detrimental to public interest:

Provided that no order under this sub-section shall be passed without giving him a reasonable opportunity of being heard and after recording reasons therefor.

Powers and
duties of Chair-
man

22. (1) Subject to the superintendence, control and direction of the Board, the Chairman shall have powers to,
- (i) do all acts required for implementing the decisions of the Board and shall exercise such powers and perform such other duties, in relation thereto, as may be prescribed;
 - (ii) make such orders, as he may consider necessary on the recommendation of the Committees constituted under section 19 on any matter falling within the jurisdiction of the Board:

Provided that where such orders are inconsistent with the recommendations, of the Committee or Committees, as the case may be, the same shall be placed before the Board within a period of thirty days from the date such orders are passed for its ratification.

- (2) If the Chairman is satisfied that action is, required to be taken on any matter which is within the jurisdiction of the Board, then he may, by an order in writing, take such action, as he may consider necessary keeping in view the facts and circumstances of each case :

Provided that such order shall be placed before the Board for ratification in its next meeting.

- (3) The Chairman shall convene and preside over the meeting of the Board at which he is present.

- | | | |
|-----|---|-------------------------------------|
| 23. | The Government shall appoint a person to be the Secretary to assist the Board in carrying out the purposes of this Act. | Appointment of Secretary. |
| 24. | (1) The Secretary shall, subject to the superintendence, control and direction of the Chairman, be the Chief Executive Officer of the Board.
(2) The Secretary shall be responsible for preparation of the estimate of accounts and annual statement of Receipt and Expenditure and balance sheet of the Board.
(3) The Secretary shall be responsible for ensuring that all moneys of the Board are spent for the purposes for which these are meant.
(4) The Secretary shall be responsible for maintaining the record of the Board including the proceedings of its meetings.
(5) The Secretary shall be entitled to be present and to speak at the meeting of the Board, but he shall not have the right to vote.
(6) The Secretary shall exercise all such other powers, as may either be conferred on him under the rules or the regulations made under this Act or delegated to him by the Board. | Power and duties of Secretary. |
| 25. | The Board may appoint such employees, as it may consider necessary for carrying out the provisions of this Act. on such terms and conditions of services, as may be prescribed. | Conditions of service of employees. |
| 26. | (1) There shall be a fund of the Board to be known as the Technical Education Development Fund (hereinafter referred to as the Fund).
(2) all receipts of the Board shall be credited into the fund. | Fund of the Board. |

- (3) All expenditure incurred by the Board shall be defrayed out of this Fund, which shall be operated in such manner, as may be prescribed.
- (4) All moneys lying in the credit of the Fund, shall be kept in any Scheduled Bank as defined in the Reserved Bank of India Act. 1934 (Act 2 of 1934) or the same may also be invested in securities of Central Government, State Government or a Public Sector Undertaking.
- (5) The Fund shall be utilized for payment of charges and expenses authorised by or under this Act or for carrying out the purposes of this Act.

Preparation and audit of annual accounts. 27. The accounts of the Board shall be got prepared by the Secretary and audited annually by such an agency on payment of such amount, as may be specified by the Government.

Preparation and submission of annual report. 28. (1) The annual report of the Board shall be prepared by the Secretary and shall be submitted for the Board within such time, as may be prescribed.

(2) The Board shall consider the annual report in its annual meeting for approval thereof.

(3) The Board shall submit its approved annual report alongwith audited annual accounts and balance sheet to the Government within a period of thirty days of the meeting.

(4) The Government shall, soon after the submission of the annual report along with audited annual accounts and balance sheet of the Board under sub-section (3), cause the same to be laid before the State Legislative Assembly:

Provided that when the report and accounts are to be laid in the Budget Session, these shall be laid before the House on the first sitting of the Session :

Provided further that the said report shall be laid before the State Legislative Assembly before the close of the

financial year following the year to which the report relates.

29. (1) The 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 the Board in contravention of the provisions of this Act or the rules or the regulations made thereunder. Powers of Government.
- (2) The Board shall report to the Government about the action, if any, as it proposes to take or has taken upon the reference made under sub-section (1), and shall furnish an explanation, if it fails to take action.
- (3) If, the Board fails within a reasonable time to take action on such reference to the satisfaction of the Government, it may after considering explanation submitted by the Board, issue such directions consistent with this Act, as the Government may consider necessary and the Board shall comply with such directions.
- (4) The Government may, at any time, arrange for an inspection of or inquiry into the affairs of the Board by such authority or person, as it may Specify, to satisfy about the proper and effective functioning of the Board and also upon any matter connected with the administration and finances of the Board.
- (5) The Board may authorise any person to represent it at the inspection or inquiry referred to in sub-section (4),
- (6) On receipt of the report of inspection or inquiry referred in sub-section (4), the Government may examine the same and give such directions, as it may consider necessary to the Board.
- (7) The Chairman shall within a period of thirty days from the date of the receipt of the directions given under sub-section (6), send an intimation to the Government about the action taken by the Board in pursuance of the said directions.
- (8) On the expiry of the period specified in sub-section (7), the Government may after considering the

intimation, if any, received from the Chairman, issue such directions to the Board, as it may consider necessary and the Board shall comply with such directions.

Communication of resolution to the Government.

30. Every resolution of the Board shall be communicated to the Government within a period of thirty days from the date of passing such resolution.

Powers of the Government to suspend or cancel resolution of the Board.

31. If in the opinion of the Government, a resolution of the Board is not in public interest or is not in conformity with the provisions of this Act or the rules or the regulations made thereunder, it may by an order in writing, suspend the execution of such resolution :

Provided that the resolution, the execution of which is suspended by the Government, shall not be cancelled without giving a reasonable opportunity to the Board to explain its position.

Power of the Government to give directions.

32. The Government may issue to the Board such directions. as in its opinion are necessary or expedient for carrying out the purposes of this Act or rules or regulations made thereunder and the Board shall comply with all such directions.

Appeal.

33. An institution aggrieved by an order of the Board to refuse or withdraw affiliation, may prefer an appeal within a period of thirty days from the date of communication of such order to such authority. as may be specified by the Government in this behalf.

Certain persons to be public servants.

34. (1) Every member, officer and employee of the Board shall be deemed to be a public servant within the meaning of section 21 of servants within the meaning of section 21 of the Indian Penal Code, 1860.
- (2) Every person entrusted with the duties of supervision or doing invigilation work at any centre where examination is conducted by the Board, shall during the period of such examination as well as for a period

of one month prior to the date of commencement of and two months after the closing of such examination, be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code 1860 (Act 45 of 1860)

35. No suit or other legal proceedings shall lie against the Board or its authorities, or any employee or officer of the Board for anything which is done or intended to be done in good faith under this Act or the rules or the regulations made thereunder. Protection of action taken in good faith,
36. (1) No suit shall be instituted in a court of law against the Board or authority or any member or an officer or an employee hereof for anything done or purported to be done under this Act until a prior notice of two months in writing has been given to the Board, authority, member, officer or employee, as the case may be. Bar on suit in absence of notice.
- (2) No such suit shall be instituted in a court unless it is instituted within six months from the date of accrual of cause of action.
37. Notwithstanding anything contained in this Act, with a view to remove any difficulty in giving effect to the provisions of this Act, the Government may, at any time, after the commencement of this Act, regulate by an order in writing, any matter which is to be prescribed or specified by a regulation under this Act, as the case may be. Removal of difficulties.
38. (1) The Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act. Power to make rules.
- (2) Without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :-
- (a) the salary and allowances payable to the Chairman and other members;
 - (b) the term, composition and number of members of the Committees referred to in section 19 and

the manner of their selection; and

(c) any other matter in relation to which a rule is required to be or may be made.

- (3) Every rule made under this section shall be laid as soon as may be, after it is made, before the House of the State Legislature, while it is in session for a total period of ten days, which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session in which it is so laid or the successive sessions aforesaid, the House agrees in making any modification in the rule or the House agrees, that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.

power to make regulations

39. (1) The Board may, with the prior approval of the Government, make regulations consistent with this Act and the rules framed thereunder.
- (2) Without prejudice to the generality of the foregoing power, such regulations may provide for,
- (a) the admission of students to affiliated institutions;
 - (b) the courses of study and training to be provided by the affiliated institutions;
 - (c) the award of diplomas, certificates and other academic distinctions and the requirements which students should fulfil for obtaining the same ;
 - (d) the fees to be charged for admission to the examination :
 - (e) the conditions for the award of fellowships, scholarships, student-ships and academic distinctions ;
 - (f) the conduct of examination including the terms of office, manner of appointment and duties of examining bodies, examiners and moderators;
 - (g) the remuneration to be paid to the paper setters,

examiners, moderators, supervisors, invigilators and tabulators, who assist in the conduct of the examination ;

- (h) the manner of affiliation of an institution ;
- (i) the manner of recognition of the courses of study, the type of training and examinations to be conducted by an institution for the purposes of eligibility for the diplomas, certificates and other academic distinctions ;
- (j) the collaboration with a recognised university with a view to effecting co-ordination and avoiding conflict;
- (k) the procedure to be followed at the meetings of the committees;
- (l) the number of members required to constitute a quorum at the meetings of the committees ;
- (m) the manner in which decision shall be taken at any of the meetings of the committees ;
- (n) the period of notice to be given to the members of a committee regarding the dates fixed for meetings and the agenda for the same;
- (o) the manner of keeping record of the proceedings of the meetings of the committees ;
- (p) any other matter concerning the conduct of proceedings of the meetings of the committees and matters connected therewith ;
- (q) any other matter which may be connected with or incidental to, any of the matters as aforesaid; and
- (r) any matter which is required to be laid down in the regulations in accordance with the provisions of this Act.

40. Save as otherwise provided in this Act, any rule or regulation with regard to affiliation, admission, migration, curricula, staff, examination or any other matter, as applicable before the commencement of this Act, shall remain applicable as such, till rules or regulations are framed under this Act. Saving and repeal