

**THE HIMACHAL PRADESH BOARD OF SCHOOL EDUCATION  
ACT, 1968**

**ARRANGEMENT OF SECTIONS**

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**THE HIMACHAL PRADESH BOARD OF SCHOOL EDUCATION  
ACT, 1968**

**(Act No. 14 of 1968)<sup>1</sup>**

(Received the assent of the President of India on the 5<sup>th</sup> August, 1968, and was published in R.H.P. Extra., dated the 28<sup>th</sup> September, 1968, at p. 1037-1045.

**An Act to provide for the establishment of a Board of School Education in Himachal Pradesh.**

*Amended, repealed or otherwise affected by,---*

- (i) A.O. 1973 published in R.H.P. Extra., dated the 20<sup>th</sup> January, 1973 at p. 91-112.
- (ii) H.P. Act No. 18 of 1983<sup>2</sup> assented to by the Governor of H.P. on 15-12-1983 and published in R.H.P. Extra., dated 21-12-1983 p. 1260.
- (iii) H.P. Ordinance No. 5 of 1985 replaced by H.P. Act No. 6 of 1986<sup>3</sup> assented to by the Governor, H.P. on 23.6.1986 and published in R.H.P. Extra. dated 27.1.1986, p. 85-86 effective w.e.f. 28.11.1985.
- (iv) H.P. Act No 15 of 1992<sup>4</sup>, assented to by the Governor, H. P. on 25-6-1992 and published in R.H.P. Extra., dated 27-6-1992 p. 2242-2245.

**BE** it enacted by the Himachal Pradesh Legislative Assembly in the Nineteenth Year of the Republic of India as follows :-

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1. For Statement of Objects and Reasons, see R.H.P. Extra., dated the 2<sup>nd</sup> April 1968, p. 442. For its Authoritative Hindi Text see R.H.P. Extra, dated 22-11-1986.
  2. For Statement of Objects and Reasons see R. H. P. Extra., dated 19-8-1983 p. 812.
  3. For Statement of Objects and Reasons see R.H.P. Extra., dated 18.12.1985, p. 2951.
  4. Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see R. H. P. Extra., Dated 28-3-1992, p. 1730-1739.

**1. Short title, extent and commencement.**- (1) This Act may be called the Himachal Pradesh Board of School Education Act, 1968.

(2) It extends to the whole of Himachal Pradesh.

(3) It shall come into force at once.

**2. Definitions.**- In this Act, unless the context otherwise requires,-

- <sup>1</sup>[(a) "affiliated" with its grammatical variations used with reference to an institution means affiliated or deemed to be affiliated to the Board for the purposes of admission to the privileges of the Board";
- (aa) "Board" means the Board of School Education established under section 3;
- <sup>2</sup>[(b) "Bye-law" means a Bye-law made under this Act by the Board or its Committees;]
- (c) "Chairman" means the Chairman of the Board;
- <sup>3</sup>[(cc) "committee" means the committee set-up under section 24 of the Act;]
- (d) "Director" means the Director of Education, Himachal Pradesh;
- <sup>4</sup>[(e) "examination" means an examination conducted by the Board;]
- <sup>5</sup>[(f) "Head of the institution" means the Headmaster or Principal or other Principal academic officer, by whatever designation called of an affiliated institution;]
- (g) "Inspecting Officer" means the District Education Officer, Deputy District Education Officer, Block Education officer or any other officer appointed for the inspection of schools by the Education Department of the Himachal Pradesh Government;
- (h) "Institution" means institution imparting school education;
- (i) "Local Bodies" means Municipalities, Panchayat Samitis, Zila Parishads, Small Town Committees or Notified Area Committees;
- (j) "Managing Committee" means the Managing Committee constituted by the foundation society or the governing body of a recognised institution;

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1. In section 2 clause existing (a) renumbered as (aa) and before clause (aa) new clause (a) inserted vide Act No. 15 of 1992.
  2. Clause (b) substituted vide Act No. 15 of 1992.
  3. Clause (cc) inserted vide Act No. 15 of 1992.
  4. Clause (e) omitted vide A. O. 1973 and again inserted vide Act No. 15 of 1992.
  5. Clause (f) substituted vide Act No. 15 of 1992.

- <sup>1</sup>[(jj) "member" means a member of the Board and includes the Chairman and Vice-Chairman thereof;]
- (k) "Official Gazette" means the Rajpatra, Himachal Pradesh;
- <sup>2</sup>[(kk) "plus two scheme" means the scheme of education whereunder education is imparted for the two additional successive classes immediately following matriculation;]
- (l) "prescribed" means prescribed by Regulations;
- <sup>3</sup>[(m) "Principal" means the Head of the College/Senior Secondary School/Junior Basic Training School;]
- (n) "Regulations" means Regulations made by the Board under this Act;
- <sup>4</sup>[(o) x x x x ]
- <sup>5</sup>[(p) "School Education" means all education upto the twelfth class, immediately preceding the stage of entry to course leading to the first degree of a University established by law in India and includes plus two scheme but does not include technical education;]
- (q) "Secretary" means the Secretary to the Board; <sup>6</sup>[xxxxxxx]
- <sup>7</sup>[(r) "State" means the State of Himachal Pradesh;
- (s) "State Council of Educational Research and Training" means the State Council of Educational Research and Training constituted by the State Government;
- (t) "State Government" means the Government of Himachal Pradesh;
- (u) "text book" means any book or other printed material prescribed, recommended or otherwise approved by the Board for study in any affiliated institution ;
- (v) "technical education" means the education imparted to students in the technical institutions; and
- (w) "Vice Chairman" means the Vice Chairman of the Board.]

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1. Clause (jj) added vide Act No. 15 of 1992.
  2. Clause (kk) added vide Act No. 15 of 1992.
  3. Clause (m) subs. vide Act No. 15 of 1992.
  4. Clause (o) omitted vide Act No. 15 of 1992.
  5. Clause (p) subs. vide Act No. 15 of 1992.
  6. The word "and" at the end of Clause (q) omitted vide Act No. 15 of 1992.
  7. Existing Clause (r) renumbered as Clause (w) and new Clauses (r), (s), (t), (u) and (v) added vide Act No. 15 of 1992.

**3. Incorporation of the Board.**-- (1) The Government shall establish, by notifications<sup>1</sup> in the Official Gazette, a Board of School Education for Himachal Pradesh with effect from such date as may be specified in the notification.

(2) The Board shall be a body corporate by the name of the Board of School Education for Himachal Pradesh 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 and to 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.**<sup>-2</sup>[(1) The Board shall consist of the Chairman and of the following members, namely:-

*I. Ex-Officio Members:*

- (a) the Secretary (Education) to the Government of Himachal Pradesh or his representative ;
- (b) the Secretary (Finance) to the Government of Himachal Pradesh or his representative;
- <sup>3</sup>[(c) Vice-Chancellors of each University as established or that may be established by law in the State or his nominee who shall not be of the rank less than that of Professor/Dean of Faculty in that University;]
- (d) the Director of Education, Himachal Pradesh ;
- (e) the Director of Primary Education, Himachal Pradesh ;
- (f) the Director-*cum*-Principal, Medical College, Himachal Pradesh;
- (g) the Director of Technical Education, Himachal Pradesh;
- <sup>4</sup>[(gg) the Principal of Regional Engineering College, Hamirpur (Himachal Pradesh);]

*II. Elected Members:*

- (h) three persons elected by the Himachal Pradesh Legislative Assembly from amongst its members;

*III. Nominated Members (to be nominated by the Government):*

- (i) one Inspecting Officer of the Education Department of Himachal Pradesh ;

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1. The Board established vide Not. No. 3-1/69 Edu. (U & B) dated 3-7-1969.  
 2. Section 4(1) subs. vide Act No. 6 of 1986 w.e.f. 28-11-1985.  
 3. Clause (c) subs. vide Act No, 15 of 1992.  
 4. Clause (gg) added vide Act No. 15 of 1992.

- (j) one Principal representing Government Colleges of Himachal Pradesh;
- (k) one representative of Managing Committees of privately managed Schools in Himachal Pradesh;
- <sup>1</sup>[(l) three Heads of High or Senior Secondary Schools one each of the Government, non-Government and Girls Senior Secondary Schools or High Schools;]
- (m) <sup>2</sup>[two members] to secure representation of such interests as are not otherwise represented; and
- <sup>3</sup>[ x x x x x x ]
- (n) one member <sup>4</sup>[x x x x x x] for his expert and wide knowledge of school education from the winners of national awards for teachers failing which from the winners of State awards for teachers.

(2) If the Legislative Assembly fails to elect any member to the Board as required under clause <sup>5</sup>[(h)] of sub-section (l) within the prescribed time, the Government shall nominate any member of that Assembly to be such member.

**5. Headquarters of the Board.-** The Board shall have Headquarters<sup>6</sup> at a place to be notified by the Government in the Official Gazette.

**6. Terms of office of Members and filling of Casual Vacancies.-** (1) The term of the office of members other than ex officio members shall ordinarily be three years :

<sup>7</sup>[Provided that the members nominated under section 4 shall cease to be nominated members on their retirement from the service and on their ceasing to hold office or position, the interest of which they are representing and in their place new members may be nominated.]

(2) If any elected member ceases for any reason to be a member of the Legislative Assembly from which he was elected, he shall cease to be a member and his office shall become vacant.

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1. Clause (l) subs. vide Act No. 15 of 1992.
  2. Subs. for the words "one member" vide Act No. 15 of 1992.
  3. The figure, signs and words "*IV. Co-opted Member.*" deleted vide Act No. 15 of 1992.
  4. The words "to be co-opted by the Board" deleted vide Act No. 15 of 1992.
  5. Subs. for brackets and word "(e)" vide Act No. 6 of 1986.
  6. Head-quarter fixed vide Not. 3-1/69 Edu. (U&B), dated 3-7-69 published in R.H.P. dated 12-7-69, p. 554 and shifted to Dharamsala vide Not. Shiksha-II (1)1/82 dt. 16-6-1983.
  7. Proviso to Section 6 (1) added vide Act No. 15 of 1992.

(3) Notwithstanding anything contained in this section, and outgoing member shall, unless the Government otherwise directs, continue in office until the election, nomination or co-option of his successor is notified in the Official Gazette.

(4) If the Government considers that the continuance in office of any nominated member is not in the interest of the Board, the Government may make an order terminating his nomination and thereupon he shall cease to be a member of the Board notwithstanding that the term for which he was nominated has not expired.

(5) Any member of the Board may resign his office by a letter addressed to the Chairman. The resignation shall take effect from the date of acceptance of his resignation by the Chairman.

(6) In the event of a casual vacancy occurring by reason of the death, resignation or termination of nomination of a member or for any other reason, such vacancy shall be filled by election, nomination, or co-option as the case may be, and any person so elected, nominated or co-opted to fill such vacancy shall hold office for the term for which it was tenable by the person in whose place he has been so elected, nominated or co-opted and no longer.

(7) An outgoing member shall, if otherwise qualified, be eligible for re-election, re-nomination or re-cooption.

(8) The name of every person elected, nominated or co-opted shall be notified in the Official Gazette.

<sup>1</sup>[**7. Quorum.**- No business shall be transacted at a meeting of the Board unless at least one third members are present :

Provided that if the meeting is adjourned for want of quorum, no quorum shall be necessary at the next meeting transacting the same business.]

**8. Proceedings not invalidated by reasons of vacancies and irregularities.**- Subject to the provisions contained in section 7, no act or proceeding of the Board or a Committee thereof shall be invalid merely by reason of the existence of a vacancy among its members or by reason of a defect in its constitution or an irregularity in procedure not affecting the merits of the case.

**9. Members debarred from taking 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 or pecuniary interest.

<sup>2</sup>[**9-A. Admission of institutions to the privileges of the Board.**- (1) Any institution, in the State, may apply to the Board for being admitted to the privileges of the Board and the Board may, subject to such conditions and

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1. Section 7 subs. vide Act No. 15 of 1992.

2. Section 9-A ins. vide Act No. 15 of 1992.

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

(2) Any institution affiliated to the Himachal Pradesh University, affiliation of which has not been withdrawn or cancelled by the aforesaid University before the commencement of the Himachal Pradesh Board of School Education (Amendment and Validation) Act, 1992, shall be deemed to be an institution affiliated to the Board for plus two scheme and shall be subject to all the provisions of this Act and the regulations made thereunder.

(3) Where the Board is satisfied that its privileges are being abused by any affiliated 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 an affiliated 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].

**10. Powers and functions of the Board.-** Subject to the provisions of this Act, the Board shall-

- <sup>1</sup>[(1) prescribe syllabi courses of instructions and text-books for School Education in Himachal Pradesh;]
- (2) conduct examinations based on such courses;
- (3) admit to its examinations, on conditions that may be prescribed, candidates who pursue the prescribed courses of instructions-
  - (i) in recognised institutions; and
  - (ii) privately;
- (4) publish the results of such examinations;
- (5) grant diplomas or certificates to persons who have passed the examinations of the Board;
- (6) prescribe courses of instructions for its diploma and certificate courses;
- <sup>2</sup>[(7) prescribe standards that the School and other institution seeking affiliation with the Board ought to fulfil in terms of teachers and their qualifications, curriculum, equipment, buildings and other educational facilities;]
- (8) demand and receive such fees as may be prescribed;
- (9) co-operate with other authorities in such manner and for such

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1. Clause (1) subs. vide Act No. 15 of 1992.

2. Clause(7) subs. vide Act No. 15 of 1992.



- purposes as the Board may determine;
- (10) place before the Government the views of the Board on any matter with which it is concerned;
  - <sup>1</sup>[(11) cause enquiries to be made through such agency and in such manner as may be prescribed regarding the conditions prevailing in an institution before it is admitted to the privileges of the Board and require such agency to inspect affiliated institutions 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;]
  - (12) arrange for the preparation, writing, compilation, printing, publishing and sale of textbooks, other educational material and undertake the publication of any other educational work, books or periodicals;]
  - (13) adopt measures to promote the physical, moral, cultural and social welfare of students in recognised institutions and to prescribe conditions of their residence and discipline;
  - (14) organise and provide lectures, demonstrations and educational exhibitions, seminars and symposiums and to take such other measures as are necessary to raise and promote the quality of school education in Himachal Pradesh;
  - (15) institute and award scholarships, medals and prizes under conditions that may be prescribed;
  - (16) conduct the departmental examinations;
  - (17) take necessary steps with regard to the modernising of school curricula, strengthening of science and mathematics education, work experience and vocationalisation; <sup>2</sup>[xxxx]
  - <sup>3</sup>[(18) prescribe penalties for misconduct pertaining to examinees, examiners and other persons engaged in the conduct of examination;
  - (19) appoint the examiners and supervisory staff and fix their remuneration;
  - (20) hold any property and receive bequests, donations, endowments, trusts and other transfer of any property or interest therein or right thereto;

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1 Clauses (11) and (12) subs. vide Act No. 15 of 1992.

2. The word "and" omitted vide Act No. 15 of 1992.

3. Existing clause (18) renumbered as clause (23) and new clauses (18), (19), (20), (21) and (22) ins. vide Act No. 15 of 1992.

- (21) to give grants to the State Council of Educational Research and Training for educational activities and research work;
- (22) to take measures for the welfare of teachers of affiliated institutions and employees of the Board; and
- (23) do all such other acts and things ancillary to any of the purposes specified above or for the purpose of carrying into effect the provisions of this Act.]

**11. Powers of the Government.**- (1) The Government shall have the right to address the Board with reference to anything conducted or done by the Board and to communicate to the Board its views on any matter with which the Board is concerned.

(2) The Board shall report to the Government such action, if any, as proposes to take or has taken upon the communication received under sub-section (1) and shall furnish an explanation if it fails to take action.

(3) If the Board does not, within a reasonable time, take action to the satisfaction of the Government with reference to the matter on which a communication has been received under sub-section (1), the Government may, after considering the explanation, if any 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 Government, requires that an immediate action should be taken, the Government may take such actions, consistent with this Act, as it deems necessary without previous consultation with the Board and shall forthwith inform the Board thereof.

(5) The Government may, by order in writing specifying the reasons therefor, suspend the execution of any resolution or order of the Board and prohibit the doing of any act ordered or purporting to be ordered, to be done by the Board, if the Government is of opinion that such resolution, order or act is in excess of the powers conferred by or under this Act upon the Board.

(6) Whenever any action is taken by the Government under sub-sections(3), (4) or (5), a report thereof shall be laid on the Table of the Legislative Assembly at the earliest possible opportunity stating the reasons for such action.

**12. 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.

**13. 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 such moneys as are not required for immediate

expenditure in any of the Government securities.

(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 by the Board.

**14. Application of Board Fund.**- (1) Subject to the provisions of this Act, the Board Fund shall be applicable,-

- (i) only to the payment of the charges and expenses incidental to the several matters specified in this Act; and
- (ii) to any other purposes for which by or under this Act powers are conferred or duties imposed upon the Board.

(2) The annual net savings shall be placed at the disposal of the Government exclusively for the development of school education in Himachal Pradesh.

**[15. Annual report and the audit of the accounts of the Board.**- (1) The Board shall prepare once in every financial year, in such form and at such time as may be directed by the State Government, an annual report giving a true and full account of its activities during the previous financial year.

(2) The Board shall cause to be maintained such books of accounts and other books in relation to its accounts and shall, as soon as may be after closing its annual accounts, prepare a statement of accounts in such form and in such manner as the State Government may, by general or special order, direct.

(3) The accounts of the Board shall be audited annually by such agency<sup>2</sup> as may be specified by the State Government.

(4) The annual report prepared under sub-section (1) and the audit report prepared under sub-section (2) shall be submitted by the Board to the State Government immediately after the close of each financial year and the State Government shall, as soon as may be after furnishing of these reports by the Board to it, but within a period of nine months after the close of financial year to which these reports pertain, cause such reports to be laid before the State Legislative Assembly].

**16. 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 the Board.

**17. Officers of the Board.**- Subject to other provisions of this Act, the following shall be the officers of the Board, namely:-

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1. Section 15 subs. vide Act No. 18 of 1983.

2. The agency specified vide Not. No. 21-3/70-Edu.-II, dated the 18<sup>th</sup> March 1971.

- (1) Chairman,
- (2) Vice-Chairman,
- (3) Secretary to the Board, and
- (4) such other officers as may be declared by the Regulations to be the officers of the Board.

<sup>1</sup>[**18. Chairman.**-(1) The Government shall nominate appoint a person to be the Chairman of the Board from amongst eminent educationists or administrators, on such terms and conditions and for such period as may be prescribed by the Government.

(2) If the Chairman (a) wilfully omits or refuses to carry out the provisions of the Act, or (b) abuses the power vested in him, or (c) if it appears to the Government that the continuance of the Chairman in office is detrimental to the interests of the Board, the Government may by order remove the Chairman.]

**19. 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 the 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 his action to the Board at its next meeting.

(4) The Chairman shall preside at every meeting of the Board at which he is present.

(5) The Chairman shall exercise such other powers as may be invested in him by Regulations.

**20. Vice-Chairman.**-The Director of Education, Himachal Pradesh, shall be the ex-officio Vice-Chairman of the Board.

**21. Powers and duties of the 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.

**22. Appointment, powers and duties of the Secretary.**-(1) The

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1. Section 18 subs. vide H. P. Act No. 6 of 1986-(Sec. 3) w. e. f. 28-11-1985.

Secretary shall be appointed by the Government upon such conditions and for such period as the 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 are expended for the purposes 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 there at.

(7) The Secretary shall exercise such other powers as may be laid down in the Regulations.

<sup>1</sup>**[23. Appointment of officers and employees of the Board, their terms and conditions of service.-** (1) The Government may appoint Joint Secretary to the Board and such number of Deputy Secretaries thereof, on such conditions and for such period as Government may deem fit.

(2) The officers appointed under sub-section (1) shall perform such functions, and exercise such powers as may be prescribed.

(3) The Board may appoint Assistant Secretaries, such other officers and employees as it considers necessary for the efficient performance for its functions.

(4) The qualifications, conditions of service and pay-scales of officers and employees of the Board, other than Secretary, Joint Secretary and Deputy Secretaries, shall be such as may be prescribed].

<sup>2</sup>**[24. Powers of the Board to set up committees.-**(1) The Board shall for the purpose of carrying out the provisions of this Act and the regulations made thereunder set up the following committees, namely:-

(a) Finance Committee consisting of-

(i) the Chairman;

(ii) the Vice-Chairman;

(iii) the Secretary to the Government of Himachal Pradesh in the Department of Education or an officer of that Department not below the rank of an Under Secretary nominated by him;

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1. Section 23 subs, vide Act No. 15 of 1992.

2. Section 24 subs. vide Act No. 15 of 1992.

- (iv) the Secretary to the Government of Himachal Pradesh in the Department of Finance or an officer of that Department not below the rank of Deputy Secretary nominated by him; and
  - (v) two persons nominated by the Board from amongst its members;
- (b) Examination Committee consisting of-
- (i) the Chairman;
  - (ii) the Vice-Chairman;
  - (iii) three persons to be nominated by the Board from amongst its members; and
- (c) Academic Committee consisting of-
- (i) the Chairman;
  - (ii) the Vice-Chairman;
  - (iii) the Director of Primary Education;
  - (iv) The Head of the State Council of Educational Research and Training;
  - (v) one head of affiliated institutions to be nominated by the Board;
  - (vi) one teacher of affiliated institutions having at least ten year's experience as such to be nominated by the Board;
  - (vii) two outstanding academicians to be nominated by the State Government and one of which may be drawn from Central Board of Secondary Education or National Council of Educational Research and Training.

(2) The term of nominated members of the committees shall be such as may be prescribed.

(3) The Board may, for the purpose of carrying out the provisions of this Act and the regulations made thereunder, set up in addition to the committees referred to in sub-section (1), such other committees as it may think fit or as may be prescribed.

(4) Each committee constituted under this section shall perform such functions, duties and exercise such powers as may be prescribed.

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

(6) The Secretary of the Board shall function as Secretary of the committees].

**25. Exercise of the powers delegated by Board to the committees.-**

All matters relating to the exercise, by the Board, of powers conferred upon it by this Act which have, by Regulations, been delegated by the Board to any Committee appointed under section 24 shall stand referred to that Committee, and the Board, before exercising any such powers, shall receive and consider the report of the Committee with respect to the matter in question:

Provided that where, in the opinion of the Board, immediate action is necessary with respect to any such matter, it may proceed to deal with it without the report of the Committee in respect thereof and pass such orders thereon as it considers necessary.

<sup>1</sup>[**25-A. Protection for acts done etc. in good faith.**-No suit, prosecution or other legal proceedings shall lie against the State Government, the Board or any of its committees or any member of the Board or a Committee or 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.

**25-B. Bar of jurisdiction of courts.**-No order or decision made by the Board or of any its committees in exercise of the powers conferred by or under this Act shall be called in question in any Court].

**26. Power 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;
- (b) the constitution, powers and duties of Committees <sup>2</sup>[set up] under section 24;
- (c) the award of diplomas and certificates;
- (d) the courses of study to be laid down for all diplomas or certificates;
- (e) the conditions of <sup>3</sup>[affiliation] of institutions for the purposes of admission to the privileges of the Board and framing of a School Education Code to ensure a minimum standard of efficient and uniform management of schools;
- (f) the conditions under which candidates shall be admitted to the examinations of the Board and shall be eligible for diplomas and

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1. Sections 25-A and 25-B added vide Act No. 15 of 1992.

2. Subs. for the word "appointed" vide Act No. 15 of 1992.

3. Subs. for the word "recognition" vide Act No. 15 of 1992.

certificates;

- (g) the conduct of examinations;
- (h) the fees for admission to examinations of the Board;
- (i) the appointment of officers, clerks and other servants of the Board and the conditions of their service;
- (j) the appointment of examiners and their duties and powers in relation to the Board examinations;
- (k) the constitution of a Provident Fund for the benefit of officers, clerks and other servants employed by the Board;
- (l) the framing of service, conduct and discipline rules for the employees of the Board;
- (m) the control, administration, safe custody and management in all respects of the finances of the Board;
- (n) the election or nomination of members to the Board;
- (o) the institution of scholarships and prizes;
- (p) the emoluments and allowances of members of the Board and all its Committees; <sup>1</sup>[xxx]
- <sup>2</sup>[(q) the penalties for misconduct to which examinees, examiners and other persons engaged in the conduct of examinations shall be subjected;
- (r) the powers, duties and functions to be exercised or performed by the officers of the Board;
- (s) the quorum and the manner of transacting the business of committees set up under section 24; and]
- <sup>3</sup>[(t) all matters which by this Act are to be or may be prescribed provided for by Regulations.

**27. First Regulations of the Board.**- (1) The first Regulations shall be made by the Government and they shall be deemed to have been made by the Board and continue in force until altered or modified by the Board.

(2) The Regulations made under sub-section (1) shall not take effect until they have been published in the Official Gazette.

**28. Copies of Regulations and alterations thereof .-** A copy of every Regulation made by the Board under section 26 and of every modification or revision thereof or of each of the first regulations of the Board made or

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1. The word "and" at the end of clause (p) omitted vide Act No. 15 of 1992.  
 2. New clauses (q), (r) and (s), added vide Act No. 15 of 1992.  
 3. Clause (q) renumbered as clause (t) vide Act No. 15 of 1992.



deemed to have been made under section 27 shall be submitted without undue delay to the Government for information.

**29. Power of the Board etc. to make Bye-laws.**-(1) The Board and Committees appointed by it may make Bye-laws consistent with this Act and the regulations-

- (a) laying down the procedure to be observed at meetings and the number of members required to form quorum; and
- (b) providing for all other matters solely concerning the Board and Committees appointed by it and not provided for by this Act and the Regulations.

(2) The Board and the Committees appointed by it shall make Bye-laws providing for the giving of notice to their members, of dates of meetings, and of the business to be considered at meetings and for the keeping of a record of the proceedings of meetings.

(3) The Board may direct the amendment or revision of any Bye-law made under this section by a Committee appointed by it, and such Committee shall give effect to the direction.

**30. Consequences to ensue on commencement of the Act.**- As from the date specified for the establishment of the Board in the notification under sub-section (1) of section 3, the following provisions shall have effect, namely:-

- (i) notwithstanding anything contained in this Act, all educational institutions admitted to the privileges of the Punjab University, Chandigarh in respect of secondary education and situated within Himachal Pradesh shall, in respect of such education, with effect from the date of 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 Punjab University, Chandigarh before the said date; and
- (ii) 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 instructions, teaching and training of students of institutions situated within Himachal Pradesh and admitted to the privileges of the Punjab University, Chandigarh, who before the date of the commencement of this Act were studying or were eligible for the 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.

**31. Power to remove difficulties.**-If any difficulty arises as to the first constitution of the Board or otherwise in giving effect to the provisions of this Act, the Government, as occasion may require, may, by order, do anything which appears to it necessary for the purpose of removing the difficulty.

**<sup>1</sup>[The Himachal Pradesh Board of School Education (Amendment) Act, 1992**

**(Act No. 15 of 1992)**

**12. Validation.**- Notwithstanding anything contained in any judgment, decree or order of any court, the resolution of the Board passed on the 14<sup>th</sup> February, 1986, in so far as the said resolution relates to the approval of the introduction of plus two pattern of Education with effect from the academic session 1986-1987 and adoption of regulations, syllabus, and text books thereof and anything done or any action taken (including examinations conducted, admissions made, certificates issued, scholarships, prizes and medals instituted and awarded, fees prescribed, institutions recognised, action taken relating to unfair means and any other acts and things ancillary thereto) by the Board or its authority or a person acting or purporting to act in pursuance of the said resolution during the period beginning from the 14<sup>th</sup> February, 1986 and ending with the commencement of this Act shall deemed to be and always to have been for all purposes validly and effectively done or taken under the principal Act as if the provisions of clause (p) of section 2 of the principal Act as amended by clause (j) of section 2 of this Act, had been in force at all material times and accordingly:-

- (a) all resolutions passed, proceedings taken, examinations conducted, admissions made, diplomas and certificates issued, scholarships, prizes and awards instituted and awarded, fees prescribed and collected, institutions recognised, action taken relating to unfair means and other acts or things done ancillary thereto, shall, for all purposes be deemed to be, and to have always been, done or taken in accordance with the law;
- (b) no suit or other proceedings shall be instituted, maintained or continued in any court against the Board, or any person or authority, whatsoever for setting aside any action taken or thing done merely on the ground that the Board, the person or the authority was not competent to do so and amendments made in the principal Act by clause (j) of section 2 of this Act were not in force at all material times when such action was taken or thing was done; and
- (c) no court shall enforce any decree or order setting aside any action taken or thing done by the Board or its authority in pursuance of

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1. Sections 1 to 11 of the Himachal Pradesh Board of School Education (Amendment) Act, 1992 (Act No. 15 of 1992) incorporated in the principal Act.

resolution passed on 14<sup>th</sup> February, 1986 for the introduction of plus two pattern of education with effect from the academic session 1986-1987.

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