

GOVERNMENT OF HIMACHAL PRADESH
DEPARTMENT OF TECHNICAL EDUCATION, VOCATIONAL &
INDUSTRIAL TRAINING

**THE HIMACHAL PRADESH
TAKNIKI SHIKSHA BOARD**



ACT, 1986

THE HIMACHAL PRADESH TAKNIKI SHIKSHA BOARD BILL, 1986

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THE HIMACHAL PRADESH TAKNIKI SHIKSHA BOARD BILL, 1986

(AS INTRODUCED IN THE LEGISLATIVE ASSEMBLY)

A

BILL

to provide for the establishment and constitution of Himachal Pradesh Takniki Shiksha Board in the State of Himachal Pradesh and for matters connected therewith.

BE it enacted by the Himachal Pradesh Legislative Assembly in the Thirty-seventh Year of the Republic of India as follows :—

1. *Short title, extent and commencement.*—(1) This Act may be called the Himachal Pradesh Takniki Shiksha Board Act, 1986.

(2) It shall extend to the whole of Himachal Pradesh State.

(3) It shall come into force on such date as the State Government may, by notification published in the Official Gazette, appoint.

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

(a) "affiliated institution" means an institution affiliated to the Board in respect of any course or courses of study in accordance with the provisions of the Act or regulations made thereunder;

(b) "Board" means the Himachal Pradesh Takniki Shiksha Board established under section 3;

(c) "bye-laws" means bye-laws made by the Board under this Act;

(d) "centre" means the institution or the place fixed by the Board for the purpose of holding its examinations and includes the premises attached or appurtenant thereto;

(e) "certificate" means the certificate awarded by the Board to a person for successfully completing in an affiliated institution such courses of study as may from time to time be prescribed by regulations;

(f) "Chairman" means the Chairman of the Board;

- (g) "diploma" means a diploma awarded by the Board to a person for successfully completing in an affiliated institution such courses of study as may from time to time be prescribed by regulations;
- (h) "director" means the Director of Technical Education, Vocational and Industrial Training, Himachal Pradesh;
- (i) "industrial training" means training imparted to students in Industrial Training Institutions;
- (j) "institution" means institution imparting technical education and industrial training;
- (k) "invigilator" means a person who assists the Superintendent of a centre in conducting and supervising the examination at the centre and includes a project observer in relation to a project examination;
- (l) "member" means a member of the Board and includes the Chairman and the Vice-Chairman thereof;
- (m) "Official Gazette" means the Rajpatra, Himachal Pradesh;
- (n) "Principal" means the Head of the Institution;
- (o) "regulation" means regulation made by the Board under this Act;
- (p) "Secretary" means the Secretary to the Board;
- (q) "State" means the State of Himachal Pradesh;
- (r) "Superintendent of centre" means the person appointed by the Board to conduct and supervise examination of the Board and includes an Additional Superintendent and an Associate Superintendent;
- (s) "technical education" means the education imparted to students in the technical institutions; and
- (t) "Vice-Chairman" means the Vice-Chairman of the Board.

3. *Establishment of the Board.*—(1) There shall be established by the State Government by notification in the Official Gazette a Board to be called "THE HIMACHAL PRADESH TAKNIKI SHIKSHA BOARD" and such a notification may be made at any time after the commencement of this Act, notwithstanding the fact that one or more of the seats of members are yet to be filled.

(2) The Board incorporated under sub-section (1) shall be a body corporate having perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire and hold property, both movable and immovable, to transfer any property held by it, enter into contracts and to do all other things necessary for the purpose of its constitution and may sue or be sued in its corporate name.

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

I. *Ex-officio* Members :

- (i) one representative of the Ministry for the time being dealing with technical education in the Government of India;
- (ii) one representative of the Northern Regional Committee of All India Council of Technical Education;
- (iii) the Secretary (Technical Education) to the Government of Himachal Pradesh;
- (iv) the Secretary (Finance) to the Government of Himachal Pradesh;
- (v) the Labour Commissioner, Himachal Pradesh;
- (vi) the Director of Industries, Himachal Pradesh;
- (vii) the Registrar, Himachal Pradesh University;
- (viii) the Principal, Regional Engineering College, Hamirpur, Himachal Pradesh;

II. Elected Members :

- (ix) two persons elected by the Himachal Pradesh Vidhan Sabha from amongst its members in the manner prescribed by the Speaker;

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

- (x) one Chief Engineer of the Public Works Department, Himachal Pradesh Government;
- (xi) one Chief Engineer, Himachal Pradesh State Electricity Board;

- (xii) two industrialists;
- (xiii) one Principal of Polytechnics in the State;
- (xiv) one Principal of Industrial Training Institutes;
- (xv) one member to secure representation of such interests as are not otherwise represented;

IV. Co-opted Members :

- (xvi) one member to be co-opted by the Board for his expert and wide knowledge of technical education.

(2) The members mentioned in sub-clauses (iii) and (iv) of sub-section (1) may, instead of attending any meeting of the Board themselves, depute any officer subordinate to them, not below the rank of the Under Secretary to the Government of Himachal Pradesh and the officers so deputed shall be entitled to take part in the proceedings of the particular meeting for which they are deputed and shall also be entitled to vote at such meeting.

5. *Headquarters of the Board.*—The Board shall have its headquarters at place to be notified by the State Government in the Official Gazette.

6. *Term of office of members and filling of casual vacancies.*—(1) The term of the office of members other than *ex-officio* members shall be three years.

(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.

(3) Notwithstanding anything contained in this section, an 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, after giving him a reasonable opportunity of being heard, 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 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.

(7) An outgoing member shall be eligible for re-election, re-nomination or re-co-option.

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

7. *Quorum.*—No business shall be transacted at a meeting of the Board unless at least seven members are present.

8. *Proceedings not to be 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.

10. *Meeting of the Board.*—(1) The Board shall meet at such times and places and shall observe such procedure in transacting the business at its meetings, including the quorum thereat, as may be provided by bye-laws made in this behalf.

(2) The Chairman, and in his absence, the Vice-Chairman, shall preside at the meetings of the Board. In the absence of both, any member chosen by the members present in the meeting shall preside at that meeting.

(3) All questions arising in a meeting of the Board shall be decided by majority of votes of the members present and voting and, in case of equality of votes, the person presiding at such meeting shall have a second or casting vote.

11. *Secretary of the Board.*—The State Government shall appoint a Secretary to the Board to assist the Board in carrying out the purposes of this Act.

12. *Functions and duties of the Board.*—Subject to the provisions of this Act and

the rules and regulations made thereunder, the functions and duties of the Board shall be.—

- (i) to affiliate institutions and prescribe courses of study and instructions leading to examinations conducted by it;
- (ii) to prescribe standards for buildings and equipment of affiliated institutions;
- (iii) to prescribe educational qualifications and other standards for the members of the staff of the affiliated institutions;
- (iv) to prescribe educational qualifications for admission of students to affiliate institutions;
- (v) to prescribe the manner of admission of students to affiliated institutions;
- (vi) to admit candidates to examinations conducted by it;
- (vii) to conduct examination for promotion from lower to higher classes and also for awarding certificates and diplomas;
- (viii) to publish results of examinations conducted by it;
- (ix) to grant certificate and diplomas to students who have completed the prescribed course of study in an affiliated institution and have passed the examinations conducted by it;
- (x) to co-operate with other authorities and bodies in such manner and for such purposes as may be necessary for giving effect to the provisions of this Act;
- (xi) to advise the State Government on co-ordinated development of technical education and training regarding the same;
- (xii) to do all other such acts and things as may be necessary for the proper discharge of its functions under this Act or the rules or regulations made thereunder; and
- (xiii) to carry out such other duties as may be imposed upon it under this Act or the rules or regulations made thereunder.

13. Power of the Board.—(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 and or regulations made thereunder.

(2) In particular and without prejudice to the generality of the foregoing powers, the Board shall have the powers—

- (i) after giving the candidate a reasonable opportunity of being heard, to cancel an examination, or withhold the result of an examination, of a candidate, or to disallow him from appearing at any future examination who is found by it to be guilty of—
 - (a) using unfair means in the examination;
 - (b) making any incorrect statement or suppressing material information or fact in the application form for admission to the institution or to the examination;
 - (c) fraud or impersonation at the examination;
 - (d) securing admission to the examination in contravention of the rules governing admission to such examination; or
 - (e) any act of gross indiscipline in the course of the examination;
- (ii) to deduct marks at any examination of any candidate found by it to be guilty of any act of indiscipline in the course of the examination;
- (iii) to cancel the result of an examination of any candidate found by it to be guilty of all or any of the Acts mentioned in sub-clauses (a) to (d) of clause (i) or for any bonafide error of the Board in the declaration of the result :

Provided that the result of an examination shall not be cancelled on the ground of a bonafide error of the Board, after the expiry of 90 days from the date of announcement of the result of the examination;

- (iv) to prescribe fees for the examinations conducted by it and provide for the manner of their realisation;
- (v) to refuse affiliation of an institution—
 - (a) which does not fulfil, or is not in a position to fulfil or does not come upto the standards for staff, instruction, equipment or buildings laid down by the Board in this behalf; or
 - (b) which does not or is not willing to abide by the conditions of affiliation laid down by the Board in this behalf;

- (vi) after giving the institution concerned a reasonable opportunity of being heard, to withdraw affiliation of an institution not able to adhere to or make a provision for standards of staff, instruction equipment or buildings laid down by the Board, or on its failure to observe the conditions of affiliation to the satisfaction of the Board;
- (vii) to call for reports from the heads of affiliated institutions in respect of any act done in contravention of the rules or regulations or decisions, instructions or directions of the Board, and take suitable action for the enforcement of the rules or regulations or decisions, instructions or directions of the Board, in such manner as may be prescribed by the regulations;
- (viii) to inspect an affiliated institution for the purpose of ensuring due observance of the prescribed courses of study and to ensure that facilities for instructions are duly provided and availed of; and
- (ix) to fix the maximum number of students that may be admitted to courses of study in an affiliated institution.

(3) The decision of the Board in all matters mentioned in sub-sections (1) and (2) shall be final.

14. Powers of the State Government.—(1) The State 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 State Government such action, if any, as it 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 State Government with reference to the matter on which a communication has been received under sub-section (1) the State Government may, after considering the explanation furnished or representation, if any, made by the Board issue such directions consistent with this Act, as may think fit and the Board shall comply with such directions.

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

(5) The State Government may, after giving the Board a reasonable opportunity of being heard and 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 State Government is of the opinion that such resolution, order or act is in excess of the powers conferred by or under this Act upon the Board.

15. *Power to make regulations.*—(1) The Board may, for carrying out purposes of this Act, make regulations consistent with the provisions of this Act and the rules framed thereunder and submit the same for approval of the State Government. The State Government may approve, modify or vary the regulations. The regulations, as approved by the State Government, shall be published in the Official Gazette and shall take effect from the date of publication, and where a date has been specified from that date.

(2) Without prejudice to the generality of the foregoing powers, the regulations may provide for—

- (a) the appointment, constitution, powers and duties of the committees and sub-committees constituted under this Act;
- (b) the manner and conditions of conferment of certificates and diplomas;
- (c) the conditions for affiliations of institution;
- (d) the courses of study to be prescribed for certificate and diploma examinations;
- (e) the conditions under which candidates shall be admitted to the examinations of the Board and shall be eligible for certificates and diplomas;
- (f) the fees for admission to the examinations of the Board and the manner of their realisation;
- (g) the conduct of examinations;
- (h) the appointment of examiners, moderators, collators, scrutinizers, tabulators, centre inspectors, superintendents of centres and invigilators, and their duties and powers in relation to the Board's examinations, and the rates of their remuneration;
- (i) standards for buildings including land, appurtenant thereto, the equipment and apparatus necessary for institutions seeking affiliation;
- (j) publication of results of examinations conducted by the Board;

- (k) the minimum educational and other qualifications for admission of students to an affiliated institution;
- (l) admission of students to affiliated institution;
- (m) the inspection of affiliated institutions with a view to ensuring due observance of the prescribed courses of study and that facilities for instruction are duly provided and availed of;
- (n) the conditions under which a candidate may be disallowed admission to the examination of the Board in courses of study in an affiliated institution;
- (o) withholding or cancelling results of an examination conducted by the Board and cancelling an examination conducted by it in respect of any candidate;
- (p) the circumstances under which affiliation of an institution may be withdrawn or refused;
- (q) inspection of a centre; and
- (r) any other matter which under this Act or rules made thereunder is to be or may be prescribed by regulations.

16. Power to make bye-laws.—(1) The Board may make bye-laws for giving effect to the provisions of this Act and the rules and the regulations made thereunder.

(2) Without prejudice to the generality of the foregoing powers, such bye-laws may provide for—

- (a) the procedure to be observed at meetings of the Board;
- (b) the giving of notice to members of the Board, a committee or a sub-committee of the date of a meeting and of the business to be considered thereat; and for the keeping of the record of proceedings of such meeting; and
- (c) any other matter which, under this Act or the rules or regulations made thereunder, is to be or may be prescribed by bye-laws.

17. 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.

18. Custody and investment.—(1) All moneys at credit of the Board Fund, except moneys required for day-to-day expenditure, shall be kept in the Current or Savings Accounts 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 or in fixed deposits in a Scheduled Bank.

Explanation.—For the purposes of this sub-section "Scheduled Bank" means a bank included in the Second Schedule to the Reserve Bank of India Act, 1934 (2 of 1934).

(2) Accounts of the Board with a bank may be operated by the Secretary of the Board or by such other officers as may be specified by the Board.

19. Application of Board Fund.—Subject to the provision of this Act, the Board Fund shall be applicable—

- (i) only to the payment of the charges and expenses in connection with or 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 are imposed upon the Board.

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

21. Contracts.—All contracts in writing and assurances in respect 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.

22. Officers of the Board.—Subject to other provisions of this Act, the following shall be the officers of the Board namely :—

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

23. *Chairman.*—(1) The State Government shall nominate/appoint a person to be the Chairman of the Board from amongst eminent educationists or persons having administrative experience 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 powers 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, after giving him a reasonable opportunity of being heard, by order remove the Chairman.

(3) The Government will have the right to terminate the services of the Chairman at any time, even before the expiry of his term of office.

24. *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 rules and regulations framed thereunder are strictly followed and he shall have all necessary powers 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 that 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 vested in him by the regulations.

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

26. *Powers and duties of the Vice-Chairman.*—The Vice-Chairman shall assist the Chairman in all matters, administrative and academic, and 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.

27. Powers and duties of the Secretary.—(1) The Secretary shall, subject to control of the Chairman, be the Chief Executive Officer of the Board.

(2) All the meetings of the Board shall be convened through the Secretary in the manner provided by the regulations.

(3) The Secretary shall be responsible for ensuring that all moneys are expended for the purposes for which they are granted or allotted.

(4) The Secretary shall be responsible for keeping the minutes of all meetings of the Board.

(5) The Secretary shall be entitled to be present and to speak at any meeting of the Board but shall not be entitled to vote thereat.

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

28. Other officers and servants of the Board.—(1) The State Government may appoint Deputy Secretaries to the Board and such number of Assistant Secretaries thereof, on such conditions and for such period as the 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 such other officers and servants as it considers necessary for the efficient performance of its functions.

(4) The qualifications, conditions of service and scales of pay of officers and servants of the Board, other than Secretary/Deputy Secretary and Assistant Secretary shall be determined by the Regulations.

29. Appointment and constitution of committees.—(1) The Board may appoint such committees as are deemed proper for the furtherance of any of its objectives.

(2) Every such committee shall consist of such members of the Board and of such other persons, if any, as the Board may think fit.

(3) Every such committee may co-opt persons to be members from amongst the members of the Board to the extent of one-third of the members appointed to it.

(4) The term of the members shall be as prescribed by regulations.

30. Exercise of powers delegated by Board to 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 29 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.

31. First regulations of the Board.—(1) First regulations shall be made by the State 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) not take effect until these have been published in the official Gazette.

32. Copies of regulations and alterations thereof.—A copy of every Regulation made by the Board under section 15 and of every modification or revision thereof or of each of the First Regulations of the Board made or deemed to have been made under section 31 shall be submitted without undue delay to the Government for information.

33. 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 technical educational institutions admitted to the privileges of the State Board of Technical Education Haryana in respect of technical education and situate within Himachal Pradesh shall in respect of such technical 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 technical education as they had from the State Board of Technical Education Haryana before the said date; and
- (ii) notwithstanding anything contained in this Act or the rules and regulations made thereunder, the Board shall provide for such period, and in such manner, as may be prescribed, for the instruction, teaching and training of students of institutions situated within Himachal Pradesh and admitted to the privileges of the State Board of Technical Education Haryana who before the date of the commencement of this Act were studying or were eligible for the examination of the said Board in technical education and for examination of

such students and others in accordance with the courses of studies of the said Board.

34. Power to remove difficulties.—Notwithstanding anything contained in this Act with a view to removing any difficulty in giving effect to the provisions of this Act, the State Government may, at any time after the commencement of this Act, regulate by order any matter which is to be regulated by a rule or regulation under this Act.

35. Laying of the annual and audit reports of the Board.—(1) The Board shall prepare once in a year, in such form at such times, as may be directed by the State Government, an annual report, giving a true and full account of its activities during the preceding year, and a copy thereof shall be forwarded to the State Government.

(2) Soon after the submission of the audit report under section 20, and the annual report under sub-section (1), of the Board, the State Government shall cause the said reports to be laid before the State Legislative Assembly :

Provided that when these reports are to be laid in the Budget Session, those shall be laid on the Table of the House on the first sitting of the said session :

Provided further that the period intervening between the close of the financial year to which the reports pertain and the laying of the reports shall not exceed nine months.

36. Powers to make rules.—(1) The State Government may, by notification and after previous publication in the Official Gazette, make rules to carry out the purposes of this Act.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for—

(a) the rates of travelling and daily allowance payable to members of the Board, committees, sub-committees and the persons co-opted thereto, and the manner of their payment;

(b) the powers, duties and functions of the Board, the Chairman, the Vice-Chairman and the Secretary; and

(c) any other matter which under this Act is to be or may be prescribed by rules.

37. Statutes, Regulations and certain orders to be laid before the State Legislative Assembly.—Every rule, First Regulations or order made by the State Government under sections 36, 31 and 34 and every Regulation or bye-law made by the Board under sections 16 and 32 shall be laid, as soon as may be after it is made, before the State Legislative

Assembly, 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 Legislative Assembly agrees in making any modification in it or agrees that it should not be made, the rule, regulation, bye-law or order shall 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 under that rule, regulation, bye-law or order as the case may be.