

BILL NO 18 OF 1978  
THE SIKKIM BOARD OF SCHOOL EDUCATION BILL, 1978.

A  
BILL

To provide for the establishment of a Board of School Education to prescribe curricula, text-books and other instructional materials for school and to conduct examinations at the school level in the State of Sikkim.

Be it enacted by the Legislature of the State of Sikkim in the Twenty-ninth year of the Republic of India as follows:-

1. (1) This Act may be called the Sikkim Board of School Education Act, 1978. Short title & Commencement
- (2) It shall come into force on such date as the State Government may, by notification, appoint.
2. In this Act and in all Regulations made hereunder, unless there is anything repugnant in the subject or context:
  - (a) "Board" means the Sikkim Board of School Education established under this Act.
  - (b). "Fund" means the Sikkim Board of School Education fund, constituted under Section 22 of this Act,
  - (c) "Notification" means a notification under this Act published in the Official Gazette,
  - (d) "President" means the president of the Board,
  - (e) "Regulation" means Regulation made under this Act,
  - (f) "Secretary" means the Secretary of the Board,
  - (g) "State Government" means the Government of the State of Sikkim,
  - (h) "Prescribed" means prescribed under the Regulations made under this Act,
  - (i) "Head of Institution" means the head of an educational institution of school level in the State by whatever name he be designated,
  - (j) "Employee" means a full or part-time employee engaged permanently or temporarily for the purpose of assisting in the work of the Board,
  - (k) "Text-book" means any book prescribed or recommended for an examination by the Board,
  - (l) "Registered Teacher" means a teacher who is registered as a teacher in pursuance of a regulation made in that behalf by the Board.
3. (1) The State Government shall, as soon as may be, after this Act comes into force, establish a Board named the Sikkim Board of School Education. , Incorporation

of the Board.

(2).The Board shall be a body corporate, with perpetual succession and a common seal and shall be entitled to acquire, hold and dispose of property, to enter into contract and to do all other things necessary for the purpose of this act and shall by the said name sue and be sued.

Constitution of  
The Board

3. (1) The Board shall consists of the following:-
  - (II) The principal of the Government Degree College, Gangtok- Member ((ex-officio)
  - (III) The Principal, T. N. Academy, Gangtok- Member (ex-officio)
  - (IV) Seven heads of institutions nominated by Government, at least two of whom shall be women-Members,
  - (V) Two District Education Officers nominated by the State Government-Members,
  - (VI) Three persons interested in education nominated by the Government,
  - (VII) A representative of the Finance Department of the Government not below the rank of a Deputy Secretary nominated by the Government.
5. The names of the persons nominated as members of the Board shall be published

by notification by the State Government.

6. (1) A person shall not be eligible for nomination or co-option the Board or of the Committees formed by it, if he
- Publication of the as a member of  
Names of members.
- (a) has been adjudged by a court of law to be unsound mind;
  - (b) has been convicted by a court of law for an offence which is declared by the State Government to be an offence involving moral turpitude;
  - (c) has directly or indirectly, any interest in publication of text-books intended to be prescribe or recommended by the Board for use in schools recognized by the Board.

(2) If a nominated or co-opted member of the Board or of any Committee formed by it becomes subject to any of the disqualifications specified in sub-section (1) his membership shall there-upon cease.

(3) All disputes relating to the eligibility of any person for nomination or co-option shall be referred to the State Government whose decision on such matters shall be final.

7. (1) Nominated members of the Board shall hold office for a term of three. **Term of office of members**  
Year from the date of Notification published under Section5.

(2) A member nominated in his capacity as holder of particular appointment, shall cease to be a member if he ceases to hold that appointment.

- 8.(1) A member of the Board, other than ex-officio member, may resign **Resignation of member and**

His seat by giving notice thereof in writing to the President, and

Such member shall be deemed to have vacated his seat from the **filling up of vacancies etc**

Date of acceptance of his resignation by the State Government.

(2). In the event of a vacancy occurring by resignation, disqualification or death of a member, such vacancy shall be filled up, by nomination, as soon as may be, in the manner provided in Section4..

- 9..The Board shall meet as frequently as would be necessary to **Meetings of the Board.**

Transact its business, but the intervening period between any two consecutive meetings shall not ordinarily exceed fortyfive days.

10. (1) The quorum for every meeting of the Board shall be five members. **Quorum: Proceedings not invalidated by reasons of vacancies.**

(2) Subject to the provisions contained in sub-section (1) no act or proceedings of the Board shall be invalid merely by reason of the existence of any vacancy among the members of the Board.

11. Subject to any general or special order of the State Government, the provisions **Powers and du-ties of the Board.**  
of this Act and any regulations made thereunder, the Board shall have the follow-  
ing powers:-

- (1) to conduct examinations and grant diplomas and certificates to successful candidates;
- (2) to prescribe courses of instruction and text-blocks for examinations conducted by it;
- (3) to prescribe conditions for admission to examinations conducted by it;
- (4) to recognize institution for purposes of its examinations with the concurrence of the State Government;
- (5) to demand and receive such fees as may be prescribe;
- (6) to make regulations for prescribing courses of institution and text-books for study in institutions of school level in the State;
- (7) to make regulations for imposing penalties for misconduct of examinees, students and teachers and for negligence in work of examiners, paper setters and printing presses in connection with work done relating to examinations;
- (8) to submit to the State Government its views on any matter with which it is concerned for which the State Government may refer to it for advice;

- (9) to appoint part-time employees of the Board as may be necessary from time to time;
- (10) to institute and award scholarships, medals and prizes under conditions that may be prescribed and to accept endowments for the same, subject to such conditions as the Board may deem fit;
- (11) to organize and provide lecturers, demonstrations educational exhibitions, educational excursions and to take such other measures as are necessary to promote the standards of school education in the State;
- (12) to appoint subject Committees to advise the Board in framing the courses of studies, prescription of text-books appointment of paper-setters, moderators and examiners in different subjects of study, and.
- (13) To do such other things may be necessary to further the objects for which the Board has been constituted.

12. Notwithstanding anything contained in this Act-

**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 such communication.

(3) If the Board does not, within a reasonable time, take action to the satisfaction of the State the Board, issue such directions consistent with this Act, as it may think fit, and the Board shall comply with such direction.

(4) In an emergency which, in the opinion of the State Government requires that immediate action Regulations it deems necessary without prior consultation with the Board and shall forth with inform the Board of the action taken.

(5) The State Government shall have the power to suspend the Board and take over its functions, if in its opinion, the Board has persistently made default in the performance of the duties imposed upon it by under this Act.

13. (1) The following shall be the officers of the Board: -

**Officers of the Board.**

(i) The President

(ii) The Secretary

(iii) Such other Officers appointed to assist the Secretary, as may be necessary, from time to time.

(2) The State Government shall appoint the Secretary of the Board and such other officers to assist him as it considers necessary.

14. The full time employees of the Board other than officers shall be appointed by the Board with the prior approval of the State Government.

**Employees of The Board.**

15 (1) The President shall be the Chief Executive Officers of the Board. **Powers and duties of the President**

(2) The President shall, when present, preside over all meetings of the Board and the subject Committees constituted by the Board under this Act.

(3). In case the President is unable to attend and preside over any meetings of the Board or meeting of a Subject Committee, he may nominate in advance a member of the Board to preside in his place. In circumstances where such a nomination cannot be made, the members of the Board or Subject Committee present may elect one member from among themselves, to preside at the meeting.

(4). It shall be the duty of the President to see that the provisions of this Act and the Regulations framed thereunder, are faithfully observed and he shall have all powers necessary for the purpose.

(5). In case any emergency arises out of the administrative business of the Board, which in the opinion of the President requires that immediate action should be taken, he may take any action as he deems fit and report his action immediately to the State Government and to the Board at its next meetings.

(6). The President shall have such powers as may prescribe.

16. The Secretary shall:-

(1) Subject to the control of the President, act as the Head of the Board office **Powers and duties**

- (2) be responsible for seeing that the orders of the Board are carried out, **of the Secretary**
- (3) be empowered to enter into all contracts on behalf of the Board,
- (4) be the custodian of the common seal and all properties and records of the Board,
- (5) be responsible for preparation of the Annual Report, Annual Statement of Accounts and Budget Estimates of the Board,
- (6) remain in charge of the funds of the Board and shall see that all moneys are expended on the purpose for which they are granted or allotted,
- (7) be the drawing and disbursing officer of the Board,
- (8) be responsible for keeping the minutes of the Board, its Subject Committees and Sub-Committees,
- (9) be responsible for the discipline and conduct of the Board Officer,
- (10) conduct all official correspondence of the Board,
- (11) make all arrangements for conducting examinations of the Board,
- (12) deal with the applications and fees received from the candidate for admission to the examinations of the Board in accordance with the Regulations.
- (13) on behalf of the Board, issue under his signature, certificates to successful candidates,
- (14) remain in charge of the Library of the Board,
- (15) issue notice announcing text books prescribed and recommended for examinations of the Board,
- (16) render such assistance to the President as required by him, for performance of his duties,
- (17) perform such other duties as may be required by the Board from time to time,
- (18) delegate, with the permission of the Board, such of his powers and functions to officers junior to him as will be considered by him to be necessary, and
- (19) exercise such other powers and perform such other duties as may be prescribed.

17. As soon as may be after the Board is established, it shall appoint, at a meeting of **Subject** the Board Subject Committees for different subjects taught at the school stage in **Committees.** the State.

18. (1) Each Subject Committee shall consist of not less than three and not more **Membership,** than seven members, chosen so as to represent as far as possible, teachers **term. Quorum,** in the subject from different type of institutions spread over the State. **meetings etc.**

(2). The President and the Secretary shall be ex-officio members of all Subject Committees. The President shall preside over the meetings of every Subject Committee and the Secretary shall convene the meetings of the Committees.

(3). The Board may, whenever it considers necessary, co-opt upto a maximum of two experts to any subject Committee. The co-opted members shall have right to vote.

(4) . The term of membership Subject Committee shall be three years for an ordinary member and one year for a co-opted member.

(5). The quorum for a meeting of any subject Committee shall be as near as one-third of the total membership of the Committee including the President, the Secretary and the co-opted members, if any.

(6). The Subject Committee shall meet as often as it will be necessary to transact their business.

19. The first set of Regulations under this Act shall be made by the State Government **First set of Re-** to facilitate the initial working of the Board and shall be deemed to have been made **gulations.** by the Board.

20. Without prejudice to the generally of the foregoing powers, the Board may make **Power to make** regulations for all or any of the following matters, namely:- **regulations**

- (1) the constitutions, powers and duties of committees appointed under section 17;
- (2) marks required for passing in any subject and examinations as a whole, and for credit and distinction in any subject,
- (3) disciplinary measures for malpractice in examinations,
- (4) fixing of fees and charges in respect of examinations,
- (5) rate of traveling and daily allowances to the non-official members of the Board or Committees;
- (6) laying down procedure to be observed for conduct of meetings of the Board, other than what has been provided in this Act;

- (7) the conduct of examinations, publishing results including qualifications, appointment of paper-setters, moderators, examiners, tabulators and their duties, powers, remuneration and the rate of traveling and daily allowance;
- (8) the conditions under which candidates shall be admitted to the examinations of the Board;
- (9) the conditions under which the Board may recognize institutions for the purposes of presenting candidates for its examinations;
- (10) the courses of study to be followed in the primary, junior high, and higher secondary classes and the courses of study for teachers training and other examinations that may be conducted by the Board;
- (11) the conditions for award of certificates and diplomas;
- (12) the control, administration, safe custody and management of the finances of the Board, and
- (13) all matters which by this Act are to be or may be provided for by the Regulations;

21. (1) No regulation of addition or amendment to or repeal of a regulation made **Power of the**  
By the Board shall be valid without the approval of the State Government. **State Government**  
**to make regulation,**  
**repeal, amend etc**

Provided, however, that in case of disapproval by the State Government, they shall refer the matter back to the Board for reconsideration and resubmission.

(2). The State Government may, with or without consulting the Board when they deem it necessary and expedient, make amend or repeal any regulation and such regulation shall be deemed to have been made, amended or repealed by the Board.

22. (1) The Board shall have a fund called the Sikkim Board of School Education **Board Fund**  
Fund to which shall be credited-
- (i) all income from fees, endowments, donations and grants for specific purposes, if any,
  - (ii) annual contributions which may be made by the State Government under such conditions as they may impose and
  - (iii) receipt from other sources.

(2) All moneys at the credit of the Board shall be kept in the State Bank of Sikkim or any other Bank approved by the State Government, at Gangtok.

23. (1) The State Government shall make an initial contribution of such amount **Contribution by the**  
as it may deem fit to the Board immediately after its establishment **State Government**  
**to the Board Fund**

(2). Thereafter, early year, taking into consideration the estimates of receipts and expenditure for the year prepared and presented to the State Government by the Board, the State Government shall make such contribution available to the Board as it may deem necessary.

24. The Board shall keep accounts of its receipt and expenditure in the manner and form **Accounts.**  
prescribed.

25. The accounts of the Board shall be examined and audited at least once each year **Audit of acco-**  
by an Auditor appointed by the State Government, copies of the audited **unts**  
accounts, together with the auditor's report, shall be forwarded to the Board and to State Government  
for taking such action as may be necessary.

26. The Board shall furnish to the State Government such reports, and returns **Board to fur-**  
and statements and such other information relating to any matter under **nish reports,**  
the control of the Board as the State Government may require. **returns etc. to the State Go-**

- vernment**
27. All regulations, syllabus, courses of studies and text-books prescribed by the Central Board of Secondary Education for the High School and Higher Secondary School Examinations shall continue to be followed until provisions to replacing them are made by the Board through its own regulations. **Central Board of Secondary Educations**
28. The State Government shall have power to exempt any institution or class of institution from the operation of this Act in whole or in part. **Exemption**
29. To dispose of business quickly, the Board shall have the power to appoint ad-hoc Sub-committees for specific purposes. The term of a Sub-committee shall expire as soon as the report is prepared and submitted by it to the Board. The Board, Before taking a decision on the matter for which a Sub-committee was appointed, shall take into consideration the report of the Sub-Committee. **Power to appoint Sub-Committees.**
30. If any difficulty arises in giving effect to any of the provision of this Act, the State Government may make such order or do such thing, not inconsistent with this Act as appears to it be necessary or expedient, to remove the difficulty. **Removal of difficulty.**
31. The State Government may make rules for carrying out the purposes of this Act in respect of all matters which are not required to be provided for by regulations under this Act. **Power to make rules**

#### STATEMENT OF OBJECTS AND REASONS

The Schools in Sikkim are affiliated to the Central Board of Secondary Education and as such they have to follow the Syllabus and text-books prescribed by the Central Board. This does not give any scope for the State Government to modify the syllabus or the prescribed text-books to suit the needs of the Students of Sikkim. The school session in Sikkim is also different from the school session of the Central Schools. As such the examination timings of the Central Board do not suit our schools and the conditions prevailing here. On account of this difference in examination timings and the school sessions, the text-books prescribed are not easily procurable in Sikkim. This puts the students to a great lot of inconvenience and hardship.

It is, therefore, felt necessary that the State of Sikkim should have its own Board of School Education for the propose of enabling the State to regulate, control and improve the standards of school Education in Sikkim.

The Bill has been framed with the above objects in view.

B.P.Dahal  
Minister-in-charge,  
Department of Education.