

The Bihar School Examination Board (Amendment) Act 2007

Preamble

An Act to amend the Bihar School Examination Board Act, 1952.

Whereas in order to reorganize and expand its scope, power to grant affiliation to secondary and senior secondary schools and conduct examinations for certification at both the stages of school education, and for matters connected therewith or incidental thereto;

Whereas with a view to achieve the objective of reorganization and restructuring, it is expedient to establish a School Examination Board in the State of Bihar for holding and conducting examinations at the level of secondary and senior secondary stages, for prescribing courses of studies for such examination, and for granting affiliation to secondary and senior secondary schools established by non-governmental organisations, and generally for carrying out such other objects or duties as may be considered necessary for purpose hereinafter appearing.

Be, it enacted by the Legislature of the State of Bihar in the fifty eighth year of the Republic of India as follows:

1. Short title and commencement.- (1) This Act may be called the Bihar School Examination (Amendment) Act, 2007.

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

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

2. Amendment of Section 2 of Bihar Act 7 of 1952.- (1) In Section 2 of Bihar School Examination Board Act, 1952 (Bihar Act 7 of 1952), hereinafter referred to as the Principal Act after clause (g) following new clauses shall be added.

(h) "Non-Governmental Organisation" means any organisation or institution or society or trust or any other body with any such name and registered under Society Registration Act, 1860 or created under Indian Trusts Act, 1882 or registered under Section 25 of the Companies Act, 1956 for educational and social purposes.

(i) "Secondary School" means a school imparting education of courses up to grade 10 as prescribed by the Board.

(j) "Senior Secondary School" means a school imparting education of courses up to grade 12 as prescribed by the Board, and includes institutions of Intermediate (+2) Education, duly recognised under Section 39 of the Bihar Intermediate Education Council Act, 1992.

(k) 'Government' means Government of State of Bihar.

(2) Clause (d) of section 2 of Bihar Act 7 of 1952 shall be deemed to be omitted.

3. Amendment of Section 6 of Bihar Act 7 of 1952.- In Sub section(1) and in clause (g) and (j) of sub section (2) for the words "High Schools" the words' "Secondary Schools" or "Senior Secondary Schools" shall be substituted.

4. Amendment of Section 7 of Bihar Act 7 of 1952.- In clause (a) and (d) of sub section 3 of section 7 the words "High Schools" the words "Secondary Schools" or "Senior Secondary Schools" shall be substituted.

5. Amendment of Section 14 of Bihar Act 7 of 1952.- In section 14 the words "High Schools" the words "Secondary Schools" or "Senior Secondary Schools" shall be substituted.

6. Insertion of new Chapter II A after Section 10A of Bihar Act 7 of 1952.- After section 10A of Bihar Act 7 of 1952, the following Chapter shall be inserted namely:-

CHAPTER II A

Grant and Withdrawal of Affiliation

10B: Committee of Affiliation.- (1) A Committee of Affiliation shall be constituted by the Board for granting and withdrawing affiliation of Secondary and Senior Secondary Schools established by non-governmental organisations.

- (2) The Committee of affiliation shall consist of the following:
- (i) Chairman of the Board;
 - (ii) Secretary, Human Resource Development Department or his nominee;
 - (iii) A person to be nominated by the Board;
- (3) The Chairman of the Board shall function as the Chairman of the Committee, and the Secretary of the Board shall function as Secretary of the affiliation Committee.

10C: Power to Grant and Withdraw Affiliation.- The Board shall have power to grant and withdraw affiliation of Secondary and Senior Secondary Schools established or to be established by the non-governmental organisations on the basis of recommendation of Committee of affiliation, constituted under section 10B above and it shall have power to make regulations in this regard with the approval of the State Government.

Provided that the Institutions imparting education of Intermediate (+2) standard deemed to have been recognised under Section 39 or the Institutions established and recognised or granted permission for establishment under Section 41 of the Bihar Intermediate Education Council Act, 1992, shall be deemed to have been affiliated with Board for the senior secondary examination.

Provided further that all such Institutions of Intermediate (+2) Education shall reorganize and rename themselves as senior secondary schools with facilities and teachers for imparting education at secondary stage and senior secondary stage as prescribed by the Regulations to be made by the Board in this regard, and within the time frame indicated in it.

Provided also that before withdrawing affiliation the Board shall give to the school or the institutions concerned a reasonable opportunity of being heard, and the students admitted into such schools or institutions shall be allowed to

complete their academic sessions and appear at the next examination conducted by the Board.

7. Insertion of a new Chapter IV A after Section 15 of Bihar Act 7 of 1952.- After Section 15 of Bihar Act 7 of 1952, the following Chapter shall be inserted, namely:-

"CHAPTER IV A

The Senior Secondary School Examination

15 A Senior Secondary School Examination.- The Board shall conduct an examination to be called the Senior Secondary School Examination at which all such candidates who may have completed the prescribed courses of studies in senior secondary schools affiliated with the Board shall be allowed to appear.

Provided that the courses of studies shall be in accordance with such regulation or instructions as may, from time to time, be prescribed by the Board. "

8. Insertion of new Sections after Section 19 of Bihar Act 7 of 1952.- The following new sections 20, 21 and 22 shall be inserted after section 19 of Bihar Act 7 of 1952, respectively :-

"20 Board to take over assets and liabilities of the Bihar Intermediate Education Council.- Board shall take over all the assets and properties of Bihar Intermediate Education Council, whether movable or immovable including lands, building, stores, vehicles, cash balance, reserve fund, investments, furniture and others, and all liabilities shall stand transferred to and vested on, and be deemed to have come in the possession of the Board. All the liabilities and obligations of the council under any agreement or contract entered into, bonafide before the commencement of this Act, shall devolve and shall be deemed to have been devolved on the Board.

21 Board to cancel or vary contract entered into in bad faith.- Board may cancel or vary any contract or agreement entered into any time before the commencement of this Act between the Bihar Intermediate Education Council and any person if it is satisfied that such contract or agreement were malafide, and had been entered into in bad faith and was detrimental to the interest of the council.

22 Power of State Government to remove difficulties.- The Government shall have the authority to issue such orders/directions which is deemed expedient, with a view to carry out objectives of the Act and in case any difficulty arises State Government may issue orders/directions for removal thereof which shall be binding on the Board."