
**BOARD OF TECHNICAL EDUCATION
ACT, 2002**

(Act No. XXIV of 2002)

**THE JAMMU AND KASHMIR STATE BOARD OF
TECHNICAL EDUCATION ACT, 2002**

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**THE JAMMU AND KASHMIR STATE BOARD OF
TECHNICAL EDUCATION ACT, 2002**

(Act No. XXIV of 2002)

[Received the assent of the Governor on 21st April, 2002 and published in the Government Gazette dated 23rd April, 2002.]

An Act to provide for establishment of State Board of Technical Education to regulate matters pertaining to Diploma Level Technical Education in the ¹[Union territory of Jammu and Kashmir], to develop the standards of Technical Education and to monitor the performance of the affiliated institutions and for other matters connected therewith or incidental thereto.

Be it enacted by the Jammu and Kashmir State Legislature in the Fifty-third Year of the Republic of India as follows :—

1. *Short title, extent and commencement.* —(1) This Act may be called the Jammu and Kashmir State Board of Technical Education Act, 2002.

(2) It extends to the ²[whole of the Union territory of Jammu and Kashmir].

³(3) It shall come into force on such date as the Government may by notification in the *{Government Gazette}, appoint].

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

- (a) “Academic Committee” means the academic committee of the Board ;
- (b) “Affiliated Institution” means an institution affiliated to the Board in respect of any course of study in accordance with the provisions of this Act, or the rules or regulations made thereunder ;
- (c) “Affiliation and Accreditation Committee” means the affiliation and accreditation committee of the Board ;

1. Substituted for “State” by S.O. 1229 (E) of 2020 dated 31.03.2020.

2. Substituted *ibid* for “whole of the State of Jammu and Kashmir.”

3. Enforced vide SRO-143 dated 16th April, 2003 w.e.f. 20th April, 2003.

* Now Official Gazette.

- (d) “Board” means the Board of Technical Education established under section 3 of this Act ;
- (e) “Certificate” means a certificate awarded by the Board of any course of study in accordance with the provisions of this Act, or the rules or regulations made thereunder ;
- (f) “Chairman” means Chairman of the Board ;
- (g) “Council” means the All India Council for Technical Education, New Delhi established under section 3 of the All India Council for Technical Education Act, 1987 ;
- (h) “Department” means the Department of Technical Education of the ¹[Union territory of Jammu and Kashmir] ;
- (i) “Diploma” means a diploma awarded to a person for successfully completing, in an affiliated institution, such recognised course of study as may from time to time be specified by regulations ;
- (j) “Examination Committee” means the examination committee of the Board ;
- (k) “Executive Committee” means the executive committee of the Board ;
- (l) “Finance Committee” means the finance committee of the Board ;
- (m) “General Body” means the General Body of the Board and all other members of the Board as appointed, nominated or co-opted under section 5 and section 6 of this Act ;
- ²[(n) “Government” means Government of the Union territory of Jammu and Kashmir] ;
- (o) “Industrial Training Institute (ITI)” means an institution approved by the Government, Director General, Employment and Training, Government of India, National Council of Vocational Trainings or State Council for Vocational Trainings for imparting industrial training in any specified discipline ;

1. Construed for “State” by sub-clause (8) of clause (2) of S.O. 3912 (E) dated 30.10.2019.
 2. Clause (n) substituted by S.O. 1229 (E) dated 31.03.2020.

- (p) “Institution” means an institution imparting technical education or industrial training or both ;
- (q) “Member” means a member of the Board and includes the Chairman and Secretary thereof ;
- (r) “Prescribed” means prescribed by the rules made under this Act ;
- (s) “Recognised Course” means a course recognised by the Board under the provisions of this Act, or the rules or regulation made thereunder ;
- (t) “Regulations” means the regulations made under section 34 of this Act ;
- (u) “Rules” means the rules made under section 33 of this Act ;
- (v) “Secretary” means the Secretary of the Board ;
- ¹[(w) Omitted] ; and
- (x) “Technical Education” means programmes of education research and training in engineering, technology, architecture, town planning, management, pharmacy, applied arts and crafts and such other programmes or areas, as the Government may, by notification in the *[Government Gazette], declare from time to time.

3. *Establishment of Board.* —(1) The Government shall, by notification in the *[Government Gazette], establish a Board of Technical Education with effect from such date as may be specified in the notification.

(2) The Board shall be a body corporate by the name aforesaid and shall have perpetual succession and a common seal with power to contract and do all other things necessary for the purpose of its constitution and shall, by the said name, sue and be sued.

(3) The Board shall have its headquarters at such place as may be notified by the Government in the *[Government Gazette].

4. *Consequences of establishment of the Board.* —On the establishment of the Board under section 3 :—

1. Clause (w) omitted by S.O. 1229 (E) of 2020 dated 31.03.2020.

* Now Official Gazette.

- (a) the Jammu and Kashmir State Board of Technical Education (hereinafter referred to as ('Dissolved Board')) as existing on the commencement of this Act, shall stand dissolved ;
- (b) any property whether movable or immovable belonging to the Dissolved Board, shall vest in the Board ;
- (c) all rights and liabilities of the Dissolved Board shall be deemed to be the rights and liabilities of the Board ; and
- (d) every institution affiliated to the Dissolved Board, immediately before the date of establishment of the Board, shall be deemed to be affiliated to the Board, subject to provisions of this Act.

5. *Composition of the Board.*— The Board shall consist of the following members, namely :—

- (a) Minister incharge of Technical Education, J&K Chairman, *ex officio* ;
- (b) Secretary to Government, Education Department incharge of Technical Education, *ex officio* ;
- (c) Secretary to Government, Finance Department, *ex officio* ;
- (d) Secretary to Government, Planning and Development Department *ex officio* ;
- (e) Secretary to Government, I&C Department, *ex officio* ;
- (f) Secretary to Government, PWD, *ex officio* ;
- (g) Two Principals from amongst the principals of the approved/ recognised Engineering College nominated by the Government in rotation ;
- (h) Four Engineers or professionals representing various engineering disciplines not below the rank of Superintending Engineers or a Professor or a Senior lecturer of Engineering Colleges nominated by the Government ;
- (i) Director, Industries & Commerce, *ex officio* ;
- (j) An officer of the Government of India, Ministry of Human Resource Development to the nominated by the Government

of India ;

- (k) A representative of the Council to be nominated by it ;
- (l) Principal, T.T.T.I. Chandigarh or his representative not below the rank of a professor ;
- (m) Director, Technical Education, *ex officio* ;
- (n) Two industrialists of repute nominated by the Government ;
- (o) Secretary, J&K State Board of School Education ; *ex officio* ;
- (p) Three Principals from amongst the Principals of the Polytechnics (one each from Government, Private and Women's Polytechnics) nominated by the Government ;
- (q) Two representatives of teaching faculty of the Polytechnics nominated by the Government ; and
- (r) Member-Secretary, to be appointed by the Government.

6. *Co-option of Experts.*— The Board may co-opt experts in the field of technical education as members on such terms and conditions as may be prescribed.

7. *Term of office of the Members.*— The term of office of the members, other than the *ex officio* members, shall be three years :

Provided that a person shall cease to be a member if he ceases to hold the office by virtue of which he is appointed or nominated, as the case may be, as a member.

8. *Resignation of the Members.* —(1) Any member, not being an *ex officio*, may resign his office at any time by tendering resignation in writing to the Government and such member shall be deemed to have vacated his office as soon as the Government accepts his resignation.

(2) A co-opted member may resign his office at any time by tendering resignation in writing to the Secretary and such member shall be deemed to have vacated office on the acceptance of the resignation by the Board.

9. *Removal of Member.*— The Government may, by order in writing, remove any member from office on all or any of the following grounds, namely :—

- (i) that the member has abused his position ;
- (ii) that the member has been convicted by a court of law of an offence involving moral turpitude ;
- (iii) that the member is guilty of disgraceful conduct which in the opinion of the Government renders him unfit to continue as member ;
- (iv) that the member has continuously absented himself from three consecutive meetings of the Board without the prior permission of the Chairman :

Provided that before issuing such order the Government shall give such member an opportunity of being heard.

10. *Casual vacancies.*— The casual vacancies among the members of the Board shall be filled, as soon as may be, by appointment, nomination or election, as the case may be, and the person appointed, nominated or elected in the casual vacancy shall hold office only so long as the member in whose place he is appointed, nominated or elected, as the case may be, would have held it, as if the vacancy had not occurred.

11. *Re-nomination or re-co-option of a member.*— Subject to the provisions of this Act a member, except the one who is removed under section 9, shall be eligible for re-nomination or re-cooption, as the case may be.

12. *Acts and proceedings of Board not to be invalidated by vacancy, etc.*— No act or proceeding of the Board shall be invalid merely by reason of—

- (a) any vacancy or defect in the constitution thereof ;
- (b) any defect in the nomination or appointment of any person acting as a member thereof ; or
- (c) any irregularity in its procedure not affecting the merits of the case.

13. *Powers and duties of the Board.* —(1) The Board may ordinarily meet once in every six months but shall hold at least one meeting in a year.

(2) The Board shall, in addition to the meeting referred to in sub-section (1), hold a meeting to be known as annual meeting to consider and approve its annual report, audited annual accounts and balance sheets.

(3) Subject to the provision of this Act and the norms of guidelines, if any, laid down by the Council, the powers and duties of the Board shall be following, namely :—

- (i) to recognize or affiliate any Polytechnic situated within or outside the ¹[Union territory of Jammu and Kashmir] :

Provided that, where any Polytechnic situated outside the ¹[Union territory of Jammu and Kashmir] is recognised or affiliated, an intimation of such recognition/affiliation shall forthwith be given by the Board to the Council as well as to the Government and the Board of the State in which such recognised or affiliated institution is located ;

- (ii) to inspect or cause to be inspected any institution seeking affiliation ;
- (iii) to specify the nature of study and instructions leading to the examinations to be conducted by it ;
- (iv) to fix norms and standards for infrastructure and equipment for affiliated institution ;
- (v) to specify the educational and other qualifications of persons to be appointed on the faculty of recognised/affiliated polytechnics ;
- (vi) to refuse to affiliate any institution which :—
- (a) does not fulfil or is unable to fulfil the standards laid down by the Board for staff, instructions, equipment and building ; or
- (b) does not abide by the conditions for affiliation laid down by the Board :

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

- (vii) to withdraw affiliation of any institution which is unable to adhere to or make a provision for standards of staff, instruction, equipment or building as laid down by the Board

1. Substituted for "State" by S.O. 1229 (E) of 2020 dated 31.03.2020.

or on its failure to observe the conditions of affiliation to the satisfaction of the Board :

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

- (viii) to specify the educational and other qualifications for admission of students to recognised/affiliated Polytechnics and the terms and conditions upon which, and manner in which, students shall be admitted to such polytechnics ;
- (ix) to conduct examinations for the students admitted to recognised/affiliated polytechnics from time to time leading to the award of diplomas ;
- (x) to provide for the conditions including examinations fees for admission to examinations conducted by it ;
- (xi) to call report from Head of the affiliated institutions in respect of any act done in contravention of the rules, regulations, decisions, instructions or directions of the Board in such manner, as may be specified in the Regulations ;
- (xii) to inspect or cause to be inspected an affiliated institution for purpose of ensuring due observance of the specified courses of study and also to ensure that the facilities for instructions are fully provided and availed of ;
- (xiii) to provide for the publication of the results of the examinations and for the grant of certificates and diplomas to students who have satisfactorily completed the course of study in any recognised Polytechnic and passed the examination conducted for the purpose ;
- (xiv) to advise the Government on all matters relating to technical education and training in the ¹[Union territory of Jammu and Kashmir] at Polytechnic level ;
- (xv) to coordinate and maintain standards of technical education at Polytechnic level and to affect reorientation of such education in conformity with the norms and standards of

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courses laid down by the Council so as to serve the needs of commerce and industry and to promote cooperation amongst recognised Polytechnics and industrial and commercial organisations ;

- (xvi) to institute an award, fellowships (including travelling fellowships), scholarships, studentships and to award prizes and distinction certificates ;
- (xvii) to prescribe norms and procedure for grant of assistance to the affiliated institution for improving the quality of technical education ;
- (xviii) to cooperate with the Council and its regional Committee and Boards of Studies and other All India Organizations and authorities for the purpose of effective functioning of the Board, to effect uniformity in standards in recognised Polytechnics and to increase the potential for the employment of those successfully completing the course in a Polytechnic ;
- (xix) to exercise disciplinary jurisdiction over the students with regard to any matter pertaining to the conduct of examination or the award of certificates or diplomas ;
- (xx) to borrow money, with the prior approval of the Government and on the security of its property, for carrying out its duties imposed by or under this Act ;
- (xxi) to delegate, by notification, such of its powers and functions subject to such conditions as it may think fit, to any recognised Polytechnic ;
- (xxii) to recommend to Government introduction of new courses ;
- (xxiii) to refer any question arising in the course of exercise of its powers or in the discharge of its duties and functions under this Act, to any appropriate committee and consider the Committee's recommendations thereon ;
- (xxiv) to instruct the affiliated institution to make available infrastructure, faculty, and such other facilities as may be required by the Board for smooth conduct of examination and for proper discharge of functions under this Act or the rules or the regulations made thereunder ;

- (xxv) to develop and launch a job placement module, to be made available on the website, for the information of the prospective employees of the pass outs about the availability of the candidates for job in their organisation. The feed back on the job acceptability of the pass outs shall in turn be utilized in reorienting the course curriculum to the needs of the industry ;
- (xxvi) to formulate schemes for initial and in-service training of teachers and identify institutions or centres and set up new centers for staff development programmes including continuing education of teachers ;
- (xxvii) to take all necessary steps to prevent commercialization of technical institutions ;
- (xxviii) to lay down policy and procedures for migration or transfer of students from one institution to another ;
- (xxix) to carry out such other duties as may be imposed on it under this Act, or the rules or regulations made thereunder and also such other functions and powers as may be assigned or delegated to it by the Government. This may include conduct of examination of the students admitted in the Industrial Trainings Institutes (ITIs) in the ¹[Union territory of Jammu and Kashmir].

14. *Committees of the Board.*—(1) The Board shall for the purpose of carrying out the provisions of this Act, and the rules and regulations made thereunder, appoint the following committees, namely :—

- (a) Academic Committee ;
- (b) Finance Committee ;
- (c) Examination Committee ;
- (d) Affiliation and Accreditation Committee ;
- (e) Executive Committee ; and
- (f) Such other committees as may be prescribed.

(2) The Board shall, subject to the rules made in this behalf,

1. Substituted for “State” by S.O. 1229 (E) of 2020 dated 31.03.2020.

constitute the committees in such manner and for such period as it may deem fit.

(3) Each committee shall consist of such number of members as the Board may, subject to rules, determine.

(4) Every committee shall submit its report to the Board for such decisions thereon, as the Board may consider necessary.

15. *Powers and functions of the Committees.*— Subject to the control of the Board :—

(A) the Academic Committee shall—

- (i) consider all academic matters relating to the examination conducted by the Board, including the conditions to be fulfilled and tests to be passed by the candidates and report thereon to the Board ;
- (ii) recommend to the Board syllabi and courses of study for the examination held by the Board after considering the recommendation of the committee on courses ;
- (iii) constitute sub-committees for preparation and revision of syllabi in various courses ;
- (iv) advise the Board on general matters relating to technical and vocational education ; and
- (v) constitute such other sub-committee and delegate such powers to it as it may consider necessary ;

(B) the Finance Committee shall—

- (i) act as advisory body in all matters relating to the finances of the Board ;
- (ii) prepare the annual Budget of income and expenditure and submit it to the Board for its approval ; and
- (iii) perform such other functions as may be prescribed or delegated to it by the Board ;

(C) the Committee for Examination shall—

- (i) make arrangement for conduct of the examination in conformity with the provisions of this Act, and rules and regulations made thereunder ;
- (ii) constitute a sub-committee for appointment of paper setters and examiners after considering the recommendation of the Committee on Courses ;
- (iii) propose the opening and closing of examination centres ;
- (iv) appoint supervisory and other related staff for smooth conduct of the examinations of the Board ;
- (v) appoint vigilance squads and inspectors for various examinations of the Board ;
- (vi) authorise declaration and publication of results of the examination conducted by the Board ;
- (vii) amend or cancel the results of an examination for any *bonafide* error of the Board in the declaration of the result of the examination :

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

- (viii) consider and decide the case relating to misconduct and use of unfair means in the examination conducted by the Board and cancel an examination or withhold results of an examination of a candidate or disallow him from appearing in any examination who is found to be guilty of :—
 - (a) using unfair means in the examination ; or
 - (b) making any incorrect statement or suppressing material information or fact in the application form for admission to the institution or to the examination ; or
 - (c) fraud or impersonation at the examination ; or
 - (d) securing admission to the examination in contravention of the rules or regulations governing admissions to such examinations ; or

- (e) any act of gross indiscipline in the examination :

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

- (ix) constitute such other sub-committee and delegate such powers to it as it may consider necessary ;

(D) the Affiliation and Accreditation Committee shall—

- (i) fix norms and standards for building, equipment and faculty for affiliation of institution ;

- (ii) scrutinize applications received from institution desiring to be affiliated or recognised for purposes of an examination conducted by the Board, call for any information necessary for purposes of affiliation or recognition, appoint panel or experts inclusive of the officers of the Board, conduct the inspection of the institution and to make such recommendation to the Board as may be considered appropriate for affiliation or otherwise of institution ;

- (iii) conduct inspection of an institution affiliated with the Board at such intervals as may be prescribed to assess whether the institution has adhered to or made a provision for standards of staff, instructions, equipment and buildings as laid down by the Board and on its failure to observe the conditions of affiliation, shall make appropriate recommendation to the Board for withdrawal of affiliation of an institution ;

- (iv) based on the annual inspection of the affiliated institution, submit annual report to the Board regarding the working of all affiliated/recognised institutions ; and

- (v) constitute such other sub-committee and assign such responsibility to it as it may be considered necessary ;

(E) the Executive Committee shall—

- (i) consider all matters of importance concerning the functioning of the Board and take appropriate decision or make suitable recommendation to the Chairman or to the Board, as the case may be, for consideration ;

- (ii) consider all issues related to the service matters of the employees of the Board and take appropriate decision thereon as per the delegation prescribed ;
 - (iii) exercise disciplinary jurisdiction over the employees of the Board in all matters ;
 - (iv) arrange to prepare and submit the annual report of the Board to the General Body of the Board for approval under section 21 of this Act ;
 - (v) constitute such other sub-committee and delegate such powers to it as it may be necessary ; and
 - (vi) perform such other functions as may be prescribed or delegated to it by the Board ;
- (F) the other committees constituted by the Board under clause (f) of sub-section (1) of section 14 of this Act shall exercise such power and discharge such duties as the Board may, subject to rules or regulations made in this behalf, determine.

16. *Powers and duties of Chairman.* —(1) The Chairman shall, subject to the superintendence, control and direction of the Board, have power to—

- (a) do all acts required for implementing the decisions of the Board and perform such other duties in relation thereto as may be prescribed ; and
- (b) make such orders, as he may deem fit, on the decisions of the Committees appointed under section 14 or any matter falling within the jurisdiction of the Board.

(2) The Chairman, and in his absence a Member nominated by him, shall convene and preside over the meetings of the Board.

(3) Subject to the provisions of this Act, and the rules and regulations made thereunder, if the Chairman is satisfied that immediate action has to be taken on any matter which is within the competence of the Board, he may by order in writing take such action as he may deem necessary.

(4) The Chairman shall at the earliest meeting thereafter of the Board, inform the Board of every action taken by him under clause (b) of sub-section (1) or sub-section (3).

(5) The Chairman shall consider and approve migration or transfer of students from one institution to another in accordance with such policy or procedures as may be prescribed.

17. *Powers and duties of Secretary.* —(1) The Secretary shall, subject to the superintendence, control and direction of the Chairman and the Board, be the Principal Executive of the Board and shall be :—

- (a) responsible for the preparation of the estimates of accounts and annual statement of income and expenditure of the Board ;
- (b) responsible for ensuring that the money allotted to the Board is spent for the purpose for which it is allotted ;
- (c) responsible for keeping the minutes of the meeting of the Board ;
- (d) responsible of preparation of the annual report of the Board under section 21 for submission to the General Body for its approval ; and
- (e) entitled to be present at the meetings of the Board and take part in its proceedings and shall have the right to vote.

(2) The Secretary shall exercise all such other powers, as may either be conferred on him under the rules or the regulations, or delegated to him by the Board.

18. *Conditions of service of new employees.* —(1) Every person who is appointed to the services of the Board shall be appointed on such terms and conditions and in such manner as may be prescribed :

Provided that such officers/officials who will be on deputation to the Board, their terms and conditions of services shall be governed by standard terms of deputation provided in the Jammu and Kashmir Civil Service Regulations.

19. *Payment to the Board.*— The Government may, after the due appropriation made by the ¹[Legislature of the Union territory of Jammu and Kashmir] by law in this behalf, pay to the Board in each financial year such sums as may be considered necessary for the performance of functions of the Board under this Act.

1. Construed by S.O. 3912(E) of dated 30.10.2019 for “State Legislature”.

20. *Fund of the Board.* —(1) The Board shall have its own fund, and the following moneys shall be credited thereto—

- (a) amounts placed at its disposal, from time to time, by the Government by way of grants ;
- (b) the fees and other charges leviable under this Act ; and
- (c) the other money received by or on behalf of it.

(2) The fund, except permanent advance as may be authorised by the Board to meet petty expenditure, shall be kept in the Jammu and Kashmir Bank or at the discretion of the Board, be invested in securities authorised by the Government.

(3) The funds of the Board shall be utilised only for the payment of charges and expenses authorised by or under this Act or for carrying out any of the purposes of this Act and shall be operated in such manner as may be prescribed.

21. *Annual Report.* —(1) The Annual Report of Board shall be prepared by the Secretary under the direction of the Executive Committee and shall be submitted to the General Body of the Board for approval within such time as may be prescribed and the General Body of Board shall consider the same at its annual meeting.

(2) The Board shall submit the annual report together with its comments, to the Government within such time as may be prescribed.

22. *Annual Accounts.* —(1) The annual accounts and balance sheet of the Board shall be prepared by the Secretary under the supervision of the Finance Committee.

(2) The annual accounts and balance sheet as prepared by the Secretary shall be audited every year by such auditor as may be appointed by the Government on payment of such amount as may be specified from amongst persons qualified for appointment as auditors of companies under section 226 of the Companies Act, 1956 and there shall not be interval of more than fifteen months between two successive audits.

(3) The audited annual accounts shall be published by the Secretary in the Gazette and a copy thereof together with the auditors reports shall be presented by him to the General Body and forwarded to the Government together with the comments, if any, of the Finance Committee.

(4) The Government may make such comment on the annual

accounts as it may deem appropriate and every such comment shall be placed by the Secretary before the Chairman and the General Body for their observations. The observations made by the Chairman and the General Body shall be placed by the Secretary before the Finance Committee which shall duly consider them and make its own observations and forward them to the Government.

(5) The Government shall soon after the submission of annual report alongwith audited annual accounts and balance sheet of the Board cause the same to be laid before ¹[the Legislative Assembly of the Union territory of Jammu and Kashmir] before the close of the financial year following the year to which the report relates.

23. Authentication of decisions and other instruments of the Board. —

(1) All the decisions of the Board shall be taken by the Board by passing resolutions and shall be authenticated by the signature of the Chairman or in his absence by such other Member as may be authorised by the Board in this behalf.

(2) All instruments on behalf of the Board shall be authenticated under the signature of the Secretary :

Provided that the Board may, by order, authorise any Member or officer of the Board to authenticate an instrument by affixing signature in the absence of Secretary or where the Board consider it necessary under the circumstance of any case that the instrument should be authenticated by any such Member or officer of the Board.

24. Powers of revision by Government. — Without prejudice to the generality of the powers conferred on it under this Act, the Government may, by order in writing annul any proceeding of the Board or of any of its authorities, which on the face of it is not in conformity with the provisions of this Act or the rules or regulations or bye-laws made thereunder :

Provided that before making any such order the Government shall give the Board an opportunity to show cause why such an order shall not be made.

25. Finality of orders by Government. — Every order passed by the Government under section 24 or section 28 or section 29 shall be final and binding.

26. Powers to supersede the Board. —(1) If the government is of the opinion that the Board is unable to perform, or has persistently made default

1. Construed for "both houses of the State Legislature" by S.O. 3912 (E) dated 30.10.2019.

in the performance of, the duty imposed in it by or under this Act or has exceeded or abused its powers, or has wilfully or without sufficient cause, failed to comply with any direction issued by the Government under section 28 or section 29, the Government may, by notification in the *Government Gazette, supersede the Board for such period as may be specified in the notification :

Provided that before issuing a notification under this sub-section, the Government shall give a reasonable time to the Board to show cause why it should not be superseded and shall consider the explanation and objections, if any, of the Board.

(2) Upon the issuance of the notification under sub-section (1) superseding the Board :—

- (a) all the members of the Board shall, notwithstanding that their term of office had not expired, as from the date of supersession, vacate their offices as a members ;
- (b) all the powers and duties which may, by or under the provisions of this Act, be exercised or performed by or on behalf of the Board shall, during the period of supersession be exercised and performed by such persons as the Government may direct ; and
- (c) all property vested in the Board shall, during the period of supersession, vest in the government.

(3) On the expiration of the period of supersession specified in the notification issued under sub-section (1), the Government may—

- (a) extend the period of supersession for such further period as it may consider necessary ; or
- (b) reconstitute the Board in the manner provided in section 5 of this Act.

27. *Appeals.*—(1) Any employee of the Board or any student of a recognised Polytechnic who is aggrieved by any action taken by any of the committees of the Board constituted under section 14 of this Act, may within thirty days from the date of issue of the communication about the action taken, appeal to the Chairman who shall pass such orders thereon as he may deem fit.

(2) Any recognised Polytechnic whose recognition is withdrawn by the Board under clause (vii) of sub-section (3) of section 13 may, within

* Now Official Gazette.

thirty days from the date on which Board issued a communication about the withdrawal of its recognition, appeal to the Government which may, after making such inquiry as it may deem fit and after giving the Board and the polytechnic a reasonable opportunity to state their case, pass such order as it may deem fit and every such order shall be binding on the Board and the polytechnic.

28. *Directions by the Government.*—(1) In the discharge of its functions under this Act, the Board shall be guided by such directions on questions of policy as may be given to it by the Government.

(2) If any dispute arises between the Government and the Board as to whether the question is or is not a question of policy, decision thereon of the Government shall be final.

29. *Inspection.*—The Government may, at any time, arrange for an inspection of or inquire into the affairs of the Board by such authority or person as it may specify, to satisfy about the proper and effective functioning of the Board and also upon any matter connected with the administration or the finance of the Board.

(2) The Board may authorise any person to represent it at the inspection or inquiry referred to above.

(3) On receipt of the report of inspection or inquiry referred to in sub-section (1), the Government may examine the same and give such directions as it may consider necessary to the Board.

30. *Certain Persons to be public servant.*—(1) Every person entrusted with the duty of supervising or doing invigilation work at any centre where an examination is conducted by the Board, shall for one month prior to the date of commencement of, and two months immediately after the closing of, such examination be deemed to be public servant within the meaning of section 21 of the ¹[Indian Penal Code (45 of 1860)].

(2) An assault on, or the use of criminal force to, any person entrusted with the duty of supervising or doing invigilation work at any such centre shall, during the period mentioned in sub-section (1), be deemed to be an obstruction voluntarily caused to a public servant in the discharge of his public functions, punishable under section 186 of the ¹[Indian Penal Code 45 of 1860]] and shall notwithstanding anything contained in the ²[Code of Criminal Procedure, 1973 (2 of 1974)] be a cognizable offence.

1. Substituted for “Jammu and Kashmir State Ranbir Penal Code, Samvat 1989” by S.O. 1229 (E) dated 31.03.2020.

2. Substituted for “Code of Criminal Procedure, Samvat 1989” *ibid*.

31. *Protection of action taken in good faith.*— No suit or other local proceeding shall lie against the Board, its authorities, or any employee or officer of the Board for anything which is in good faith done or intended to be done in pursuance of the provisions of this Act or of the rules, regulations or bye-laws made thereunder.

32. *Removal of difficulties.*—(1) If any difficulty arises in giving effect to the provisions of this Act, particularly in relation to the first constitution of the Board and its functions the Government may, by order published in the *Government Gazette, make such provisions not inconsistent with the purpose of this Act as appear to it to be necessary or expedient for removing the difficulty.

(2) No order under sub-section (1) shall be made after the expiration of three years from the commencement of this Act.

(3) Every order made under this section shall be laid, as soon as may be after it is made, before each House of the State Legislature.

33. *Power to make rules.*—(1) The Government may, by notification in the *Government 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 all or any of the following matters, namely :—

- (a) the term of office of the members of various committees constituted under section 14 of this Act ;
- (b) the number of members of the Finance Committee, Academic Committee, Affiliation and Accreditation Committee, Examination Committee, Executive Committee and Other Committees referred to in section 14 and the manner of their selection ;
- (c) the powers which the Chairman shall exercise and the duties which he shall perform under section 16 ;
- (d) the time within which the Annual Reports of the Board shall be submitted to the General Body under section 21 ;
- (e) the period within which the intimation referred to in section 22 shall be sent to the Government ; and

* Now Official Gazette.

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

34. *Powers to make regulations.*—(1) The Board may make regulations consistent with this Act and the rules made thereunder.

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

- (a) the admission of students to recognised polytechnics ;
- (b) the courses of study and training to be provided by recognised polytechnics ;
- (c) the award of diplomas, certificates and other academic distinctions and the requirements which students should fulfil for obtaining the same ;
- (d) the fees to be charged for admission to the examinations leading to diplomas and certificates of the Board ;
- (e) the conditions for the award of fellowships, scholarships, studentship and academic distinctions ;
- (f) the conduct of examination, including the terms of office, manner of appointment and duties of the examining bodies, examiners and moderator ;
- (g) the conditions and criteria for grant of assistants, if any, to the affiliated/recognised institution to promote technical education ;
- (h) the remuneration to be paid to paper setters, examiners, moderators, supervisors, invigilators and tabulators etc. who assist in the conduct of the examination ;
- (i) the manner of recognition of the courses of study and the type of training and examinations to be conducted by recognised polytechnics for the purposes of eligibility for the diplomas, certificates and other academic distinctions ;
- (j) the collaboration with universities with a view to effecting coordination and avoiding conflicts ; and
- (k) any other matter which may be connected with or incidental to any of the matters aforesaid.

(3) No regulation shall take effect until it has been confirmed by the Government and published in the *Government Gazette, and the Government in confirming the regulation may make any change therein which appears to be necessary.

(4) The Government may, by notification in the *Government Gazette, cancel or modify any regulation, which it has confirmed and thereupon such regulation shall cease to have effect or be effective with such modifications, as the case may be.

35. *Bye-laws.*—The Board may make its own bye-laws not inconsistent with the provisions of this Act or the rules or regulations made thereunder for the following matters, namely :—

- (a) the procedure to be followed at its meeting ;
- (b) the number of members required to constitute a quorum at its meetings ;
- (c) the manner in which decision shall be taken at any of its meetings on any subject coming before it for decisions ;
- (d) the period of notice to be given to the members regarding the dates fixed for meeting and the agenda for the same ;
- (e) the manner of keeping record of the proceedings of the meetings ;
- (f) any other matter solely concerning the conduct of its proceedings and matters connected therewith ; and
- (g) any matter which is required to be laid down in the bye-laws in accordance with the provisions of the Act, rules of regulations made thereunder.

36. *Savings.*—The Examination Rules of 1979 of Jammu and Kashmir Board of Technical Education will remain in force for carrying out day-to-day work till rules/regulations under this Act come into force.

* Now Official Gazette.