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Orissa Act No. 10 of 1953

*ODISHA SECONDARY EDUCATION ACT, 1952

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AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF A BOARD TO
REGULATE, CONTROL AND DEVELOP SECONDARY
EDUCATION IN THE STATE OF ORISSA.

WHEREAS it is expedient to establish a Board to regulate, control and develop Secondary Education in the State of Orissa by providing varied courses with a view to equipping pupils for different occupations, for education in the University and for other cultural purposes, and to examine those who have completed a prescribed course of study and to award certificates to successful candidates and doing all other things incidental thereto ;

It is hereby enacted as follows :-

1. Short title, extent and commencement:- (1) This Act may be called the Orissa Secondary Education Act, 1953. . . ‘

(2) It extends to the whole of the State of Orissa.

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

2. Definitions:- In this Act and in all regulations made thereunder, unless there is anything repugnant in the subject or context:

(a) “ *Board* ” means the Board of Secondary Education constituted under section 3 ;

(b) “ *examination* ” means examination conducted by the Board of Secondary Education ;

(c) “ *examiner* ” shall include a paper setter;

(d) “ *Government* ” means Government of the State of Orissa ;

* For Statement of Objects and Reasons, see Orissa Gazette Extraordinary/27th May 1953.

(e) “*Headmaster*” or “*Headmistress*” means the head of the teaching staff of a recognised Secondary School by whatever name he or she may be designated ; -

(f) “*High School*” means an Educational Institution preparing candidates for the final examination of the Board and recognised as such by the Board ;

(g) “*institution*” means an institution imparting Secondary Education and includes part of an institution ; .

(h) ¹[x x x]

(i) “*prescribed*” means prescribed by regulations made by the Board under this Act ;

(j) “*registered teacher*” means a teacher who is registered in pursuance of all regulation made in that behalf by the Board and is engaged in teaching ;

(k) “*recognition*” means recognition for the purpose of admission to the privileges of the Board including its examination and “*recognise*” with its grammatical variations shall be construed accordingly ;

(l) “*regulation*” means regulation made or deemed to have been made by the Board under this Act ;

(m) “*Secondary Education*” means such general, special and vocational education forming in itself complete and purposive whole, which follows immediately such stage of education as has been defined as primary or basic education in the Orissa Basic Education Act, 1951 and precede immediately the stage of education controlled by the University established by law in the State of Orissa ;

(n) “*State*” means the State of Orissa ;

(o) “*Secondary School*”. shall include the following:-

¹[x x x] High School, ²[Higher Secondary School] Post Basic School, Agricultural High School, Technical High School, Trade School, Industrial School, Senior Technical School, School of Art and Crafts, School of Music, School of Physical Education and such other Institutions as may be recognised by the Board.

(p) “*text book*” means any book prescribed or recommended for the examination.

3. Constitution of the Board:- (1) The Government shall constitute a Board called the Board of Secondary Education to regulate, control and develop of Secondary Education in the State of Orissa.

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

1. Deleted vide Orissa Act 14 of 1968

2. Inserted vide Orissa Act 23 of 1961

¹[(3) The Board shall consist of the following members, namely :-

- (a) Ex officio members -
 - (i) President;
 - (ii) Vice-President;
 - (iii) all Inspectors of Schools;
- (b) Members to be nominated by the State Government :-
 - (i) one officer of the Directorate of Public Instruction not below the rank of a Deputy Director;
 - (ii) three Principals of Training Colleges, one from each of the groups of colleges affiliated to the Utkal University, Berhampur University and Sambalpur University;
 - (iii) three District Inspectors of Schools, one from each of the three Revenue Divisions of the State;
 - (iv) three Headmasters of recognised High Schools and one Headmistress of a recognised Girls' High School;
 - (v) five registered teachers of recognised High School and two registered lady teachers of recognised Girls' High Schools;
 - (vi) four teachers of Middle Schools of whom one shall be a lady teacher;
 - (vii) four teachers of Primary Schools of whom one shall be a lady teacher;
 - (viii) one eminent educationist who has made special contribution in the field of secondary education ;
 - (ix) not more than eight specialists in subjects forming part of secondary education of whom one shall be a woman and two shall be representing the subjects Arts, Crafts and Physical Education;
- (c) Elected members-
 - (i) three members of the Orissa Legislative Assembly to be elected from among themselves;
 - (ii) one representative from each of the Universities in the State to be elected by the members of the respective Academic Councils from among themselves.]

4. The Board may co-opt person not exceeding ¹[five] as extraordinary members for any special purpose

4. Term of office members and filling up of vacancies etc.:- ¹[(1) Members other than *ex officio* and co-opted members, shall hold office for a term of five years from the date of the notification under section 5.]

(2) The term of office of co-opted members shall terminate on completion

1. *Substituted vide Orissa Act 6 of 1979*

of one year from the date of co-option.

(3) ¹[x x x]

(4) When the term of office of members other than *ex officio* members has expired, the vacancies so arising shall be filled as soon as may be and to this and all necessary steps shall be taken by the Secretary of the Board within three months before the expiry of the said term of office :

Provided that the term of office of the outgoing members shall be deemed to extend to and expire with the date on which the names of their successors elected or nominated, as the case may be, are notified under section 5.

5. Publication of names :- The names of persons elected, nominated or co-opted to be members of the Board under section 3 or section 4 shall be notified in the Gazette.

6. Disqualifications for membership :- A person shall be disqualified for being elected, nominated or co-opted as a member of the Board or for being appointed as, and for being member of, any Committee under this Act-

(i) if he directly or indirectly, by himself or by his partner-

- (a) has any share or interest in any book published or republished which is intended to be prescribed or recommended as a text-book for the Secondary School course;
- (b) has any share or interest in the business of the publisher of such books;
- (c) has any share or interest in any work done by order of or in any contract entered into on behalf of the Board;

(ii) if he is a person against whom an order has been made by the Board terminating his appointment directing that such person shall not be eligible for appointment as an examiner at any time or for any specified period :

Provided that such a person being appointed as an examiner under this Act has been found guilty of negligence or misconduct or of both which has rendered his appointment as an examiner inexpedient:

Provided further that when the order has been made on the ground that such person has been found guilty only of negligence, the disqualification shall cease to have effect after the expiry of the period to be specified in the order.

7. Vacancies:- ¹[(1) If any member, other than an *ex officio* members of the Board or of any Committee absents himself from three consecutive meetings of the Board or the Committee, as the case may be, without permission of the Presidents, the office held by him shall thereupon become vacant.]

(2) If any member of the Board or Committee appointed under this Act during the term for which he has been elected, nominated or co-opted or appointed,

1. Deleted vide Orissa Act 6 of 1979
2. Substituted vide Orissa Act 6 of 1979

as the case may be, becomes subject to any of the disqualification under section 6, his office shall thereupon become vacant.

(3) Any vacancy caused in pursuance of sub-section (1) or (2) shall be published by the Board in the Gazette. -

8. (1) The State Government may on recommendation of the Board, remove any member of the Board or Committee, if he has been convicted by a court of law, of any offence which in the opinion of the Board, is a serious offence involving moral turpitude or if he has been found guilty of gross misconduct :

Provided that no recommendation for the removal of any member shall be made by the Board unless the person concerned is given a reasonable opportunity to be heard.

(2) The name of any member who has been removed from the Board or Committee under sub-section (1) shall be published in the Gazette.

9. Acceptance or resignation:- (1) No resignation tendered by a member of the Board other than elected members shall valid until it has been accepted by the State Government and no resignation tendered by a member of a Committee appointed under section 19 shall be valid until it has been accepted by the President of the Board.

(2) Any elected member may resign his seat by writing under his hand addressed to the President and his seat shall thereupon become vacant.

10. Filling up of casual vacancies:- All casual vacancies arising out of disqualification, death, resignation or removal among members of the Board or of any Committee appointed by the Board under section 19 other than *ex officio* members shall be filled as soon as may be by election, nomination, co-option or appointment, as the case may be, according to the nature of the vacancy and the person succeeding to such vacancy shall hold office as long as the member in whose place he is elected, nominated, co-opted or appointed would have held it if the vacancy had not occurred.

11. Power and functions of the Board :- Subject to the provisions of this Act, the Board shall have the following powers and functions, namely-

(a) to prescribe courses of instruction for recognised institutions in such branches of Secondary Education as it may think fit ;

¹[(b) to take steps to co-ordinate Secondary Education with University Education on the one side and Primary or Basic Education on the other and if necessary for this purpose, to take such steps as it deems proper for preparing syllabi and text books for primary and middle school classes.]

(c) to make regulations for the purpose of prescribing and recommending any book as a text-book or a handbook and to undertake compilation and publication of such books ;

(d) to make regulations for imposing penalties for acts of misconduct of

1. *Substituted vide Orissa Act 6 of 1979*

Students, teachers, examiners, examinees, printers of text-books or question papers and of persons connected with an examination of the Board ;

(e) to conduct examinations based on such courses as may be prescribed;

(f) to admit candidates to its examinations in accordance with regulations;

(g) to publish the results of its examinations;

(h) to grant diplomas or certificates to successful candidates;

(i) to recommend to Government in respect of teachers and other employees of Secondary Schools or other institutions controlled by it, conditions of service such as appointment, promotion, punishment, ¹[appeal against order of punishment], transfer, pay, allowances, provident fund, pension and gratuity, if any, age of superannuation, etc., and to incorporate such conditions as approved by Government in the regulations;

(j) to recommend to Government scales of pay or allowances if and when required by the Government for such of the employees of the Industrial Institutes, Agricultural Farms, Vocational Institutes, Animal Husbandry Centres or Fish Culture Institutes or Laboratories, who may be appointed as part-time teachers or instructors in the Secondary School or Institutions duly recognised by the Board;

(k) to establish, control, regulate or administer new Secondary Schools or Post-Basic Schools subject to approval of the State Government ;

(l) to bring about practical co-ordination between State-owned Industrial Institutes, Factories or Workshops or Vocational Institutes and the Secondary Schools, also between Industrial Establishments and Secondary or Technical Institutions by way of providing systematic practical training which will be complementary to the theoretical instructions at the schools or institutions ;

(m) to bring about practical co-ordination between the State Agricultural Farms either model or experimental, or laboratories, Sylviculture Farms or Nurseries or State Animal Husbandry Centres, Poultry Farms, Dairy Farms or Laboratories or Fish Culture Institutes or Laboratories and the Secondary Schools or Institutions either general, industrial vocational or technical ;

(n) to provide for the use of land, buildings, implements, instruments, tools and plants, etc., on such terms and conditions as may be agreed upon between the Board and parties, Farms, Departments, institutes or institutions concerned subject to the approval of the State Government ;

(o) to frame regulations regarding the management of Secondary Schools such its constitution or reconstitution of Managing Committees dissolution thereof when and where necessary, to take over the period as may be considered necessary, to assume the ownership of properties of such institutions which would be under its direct control;

(p) to call for reports from the Department of Public Instruction on the

1. *Inserted vide Orissa Act 23 of 1961*

conditions of recognised institutions or of institutions applying for recognition and to direct inspection of such institutions ;

(q) to recognise institutions for the purposes of admitting them to the privileges of the Board including examinations conducted by it ;

(r) to adopt measures to promote the intellectual, physical, moral and social welfare of the students in recognised institutions and to supervise and control the conditions of their residence, health and discipline;

(s) to organise and provide for lectures, demonstrations, educational exhibitions and to take other measures such as provision of refresher courses for teachers as may be necessary to promote the standard of Secondary Education;

(t) to institute end award scholarships, medals and prizes according to a scheme or schemes framed by the Board and approved by the Government ;

(u) to demand and receive such fees as may be prescribed ;

(v) to submit annual accounts and balance sheet together with the annual report of the Board to the State Government for audit and to publish the audited accounts and balance sheet in the Gazette ;'

(w) to submit to the State Government its views on any matter with which it is concerned ;

(x) to co-operate with other authorities in such manner and for such purposes as the Board may determine ;

(y) to take measures necessary to provide military education, opportunities for organised social service and such other activities as the Board considers necessary to inculcate in the minds of students enrolled in recognised institutions a high sense of citizenship and to train end prepare them to discharge their civic obligations effectively ;

(z) to furnish to the State Government such, reports, returns and statements as may be prescribed by regulations and such other information relating to any matter under the control of the Board as the State Government may require; and

(z-i) to do such other acts and things as may be requisite in order to further the object of the Board as e Body constituted to regulate end supervise Secondary Education.

12. Constitution of Board Fund :- The Board shall have e fund called the Board Fund to which shall be credited-

(i) its income from fees, endowments, donation and grants, if any ;

(ii) contributions which may be made by the State Government under such conditions as they may impose ; and

(iii) receipts from other sources.

13. Custody and investment of Board Fund :- All moneys st the credit of the Board Fund shall be kept in the Government treasury or at any bank as the Board may with the previous approval of the State Government determine :

Provided that nothing in this section shall be deemed to preclude the Board from investing with the previous sanction of the State Government, any such moneys as are not required for immediate expenditure in any of the securities described in section 20 of the Indian Trusts Act, 1882 (Act II of 1882) or placing them in fixed deposit in a, bank approved by the State Government.

14. Application of Board Fund:- Subject to the provisions of this Act, the Board Fund shall be applicable only to the payment of the charges and expenses incidental to the several matters specified in this Act and to any other purposes for which by or under this Act powers are conferred or duties impose upon the Board.

¹[14-A. Officers of the Board :- The following shall be the officers of the Board, namely -

- (i) President;
- (ii) Vice-President;
- (iii) Secretary;
- (iv) Finance Officer;
- (v) Deputy Secretary and Assistant Secretary, if any;
- (vi) Such other officers as may be declared by the State Government.

14-B. Academic Staff :- (1) The Board may, with the prior approval of the State Government, create posts of academic staff which shall include teachers of institutions directly managed by the Board, with such designation and such terms and conditions as may be determined by the Board with the concurrence of the State Government.

(2) Persons belonging to the academic staff shall remain incharge of the academic programmes and activities of the Board.

(3) Appointment to tlre posts so created will be made by the President on the recommendation of the Selection Committee to be constituted by the Board for the purpose.]

²[15. President and power of functions :- (1) The President shall be appointed by the State Government under such terms and conditions as they may determine and he shall be either a whole-time or a part-time officer of the Board.

(2) The executive authority of the Board shall vest in the President and it shall be his duty to see that the provisions of this Act and the Regulations made thereunder are faithfully carried out and he shall have all powers necessary for that purpose.

(3) The President shall have power to convene meetings of the Board and shall call a meeting at any time after due notice on a requisition stating tie business to be brought before the meeting signed by not less than one-third of the total number of members of the Board.

1. *Inserted vide Orissa Act 6 of 1979*

2. *Substituted vide Orissa Act 6 of 1979*

(4) When any emergency arising out of the administrative business of the Board requires in the opinion of the President that immediate action should be taken, the President shall take such action as he deems necessary and report his action to the Board at its next meeting.

(5) The President shall exercise such other powers as may be prescribed.]

¹[16. Vice-President and his powers and functions:- (1) The Vice-President shall be appointed by the State Government under such terms and conditions as they may determine and he shall be either a whole-time or a part-time officer of the Board.

(2) The State Government may, subject to such conditions as they may impose, delegate such of the powers of the President conferred upon him by or under this Act to the Vice-President as they consider necessary.

(3) Without prejudice to the delegation made under sub-section (2), the President may delegate any of the powers conferred upon him by or under this Act to the Vice-President.

(4) The powers so delegated may, at any time, be withdrawn in like manner and the Vice-President shall, in exercising the said power, be subject to the control of the President.]

¹[17. The President, or in his absence the Vice-President or in the absence of both the President and Vice-President, a member elected from among those present, shall preside at every meeting of the Board or of any Committee of which the President or Vice-President is a member, and the person so presiding shall be entitled to exercise a second or casting vote in every case where votes are equally divided.]

18. Appointment of Secretary :- (1) There shall be a Secretary to the Board and he shall be appointed by the State Government on such terms and conditions as they may determine.

¹[(2) The Secretary shall -

- (a) manage the properties and investments of the Board;
- (b) remain in custody of the properties and funds of the Board ;
- (c) execute all contracts made on behalf of the Board;
- (d) subject to the control of the President, be the Heads of the office of the Board;
- (e) maintain the minutes of the Board and its Committees
- (f) generally render such assistance to the President as may be desired by him in the performance of his duties; and
- (g) exercise and perform such other powers and duties as may be prescribed.

(3) The Secretary shall have the right to speak and otherwise take part in the proceedings at a meeting of the Board and the Executive Committee but

1. *Substituted vide Orissa Act 6 of 1979*

shall not be entitled to vote at any such meeting.]

¹[18-A. Finance Officer :- (1) The Finance Officer shall be appointed by the State Government from amongst the members of the Orissa Finance Service, on such terms and conditions as they may determine.

(2) The Finance Officer shall -

- (a) be responsible for the proper investment of the funds of the Board ;
- (b) exercise general supervision of such funds;
- (c) tenderd advice with regard to financial transactions of the Board ;
- (d) be responsible for preparation and presentation of the annual financial estimates and statements of accounts to the Board; and
- (e) exercise such other powers and perform such other functions as may be prescribed.

18-B. Other Officers :- (1) The Board may, with the prior approval of the State Government, create one or more posts of officers of the Board as may be necessary to assist the Secretary in the performance of his official duties.

(2) The President may appoint persons to the posts so created on the recommendation of the Selection Committee constituted by the Board with the approval of the State Government.

(3) The officers so appointed shall exercise such powers and perform such functions as may, from time to time be assigned to them by the President.]

²[19.(1) The Board shall appoint the following Committees. namely :-

- (a) Executive Committee;
- (b) Education Committee;
- (c) Examination Committee;
- (d) Recognition and Grants Committee;
- (e) Finance Committee;
- (f) Syllabus Committee; and
- (g) such other committees as may be prescribed.

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

(3) The members of the Committees shall hold office for such period, not exceeding three years, as may be prescribed.]

(4) When a person ceases to he a. member of the Board, he shall automatically cease to be a member of the Committee to which he had been appointed by the Board.

20. Exercise of power delegated by the Board to committees etc.:-

(1) If the Board exercises any powers conferred on it by this Act ih any matter

1. *Inserted vide Orissa Act 6 of 1979*

2. *Substituted vide Orissa Act 6 of 1979*

which have been delegated by the Board to a Committee by a regulation, the Board before exercising any such powers shall receive and consider the report of the Committee with respect to the matter in question.

(2) The members of the Board, and of every Committee constituted under this Act and any person appointed under this Act to inspect the office of the Board, or any Secondary School or, to audit the accounts of the Board shall be deemed to be at public servant within the meaning of section 21 of the Indian Penal Code.(Act XLV of 1860).

(3) No suit, prosecution or other legal proceedings whatsoever shall lie against any person for anything said, done, or intended to be done in good faith under this Act.

21. Power of Board to make regulations :- (1) The Board may make regulations for the purpose of carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power the Board may make regulations providing for all or any of the following matters, namely :-

- ¹[(a) the constitution, term of office, powers and duties of the Committees, constituted in pursuance of section 19;]
- (b) the conferment of diplomas and certificates ;
- (c) the conditions of recognition of institutions for the purposes of admission to the privileges of the Board including its examinations;
- (d) the admission of institutions to the privileges or recognition and the withdrawal of recognition;
- (e) the conditions under which grants-in-aid shall be given to institutions recognised by the Board:
- (f) ¹[x x x] pay and allowances for teachers and other employees of the Secondary Schools or other institutions controlled by it and conditions of service such as appointment, promotion, punishment,¹[appeal against order of punishment], transfer, pay, pension, provident fund, gratuity, if any, and age of superannuation;
- (g) the courses of study to be laid down for all certificates and diplomas;
- (h) the conditions under which candidates shall be admitted to the examinations of the Board and shall be eligible for diplomas and certificates ;
- (i) the fees for admission to the examination of the Board ;
- (j) the conduct of examinations ;
- (k) the appointment of examiners and their duties and powers in relation to the Boards examinations ;

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1. *Substituted vide Orissa Act 6 of 1979*
 2. *Ommited vide Orissa Act 23 of 1961*
 3. *Inserted vide Orissa Act 23 of 1961*

- ¹[(l) the appointment of officers (other than the President, Vice- president, Secretary and Finance Officer) members of the Academic Staff and other employees of the Board and the conditions of their service;
- (m) the constitution of Provident Fund for the benefit of the officers and employees of the Board ;]
- (n) the control, administration, safe custody and management in all respects of the finance of the Board ;
- (o) the co-ordination of Agricultural Farms, Industrial or Vocational Institutes, Animal Husbandary Centres, Fish Culture Centres or institutes with the Secondary Schools as and where necessary;
- (p) retirement by rotation of members of the Board nominated or elected ; and
- (q) all matters which by this Act are to be or may be provided for by Regulations.

(3) No regulation or addition or amendment to or repeal of the Regulations made by the Board shall be valid without approval of the State Government.

(4) If the State Government do not approve of any regulation, amendment to or repeal of the Regulations submitted by the Board, they shall refer the matter back to the Board for reconsideration and resubmission. In doing so the State Government may give such directions as they consider it. If the Board do not comply with the said directions within reasonable time, the State Government may make such regulations, addition, amendment or repeal as they consider it and such regulations, addition, amendment or repeal shall be deemed to have been made by the Board.

²[(5) Notwithstanding anything contained in the foregoing sub-sections, the State Government shall have power to amend the Regulations or to repeal any provision thereof and any amendment or repeal so made shall be deemed to have been made by the Board.]

22. First regulations of the Board :- The first set of Regulations shall be made by the State Government after previous publication, and they shall be deemed to have been made by the Board and continue in force until Regulations are framed by the Board as required under section 21 of this Act, either by revision, addition, alteration or modification.

23. Proceedings not invalidated by reasons of vacancies :- No act or proceeding of the Board or of a Committee appointed by it shall be invalid merely by reason of the existence of a vacancy or vacancies among the members of the Board or of the Committee or by reason of any defect in the constitution of the Board or of the Committee.

24. Power of Board to make by-Laws :- (1) The Board may make by-laws consistent with this Act and the Regulations-

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- 1. *Substituted vide Orissa Act 6 of 1979*
 - 2. *Added vide Orissa Act 6 of 1979*

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

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

25. Continuance of University Statutes and Regulations, pending Regulations under this Act :- All Statutes and Regulations made under the Utkal University Act, 1943, so far as they relate to the conduct of Matriculation Examinations, shall subject to such adaptations and modifications, if any, as may be made therein by the Board with the approval of the State Government remain in force until the Board makes its Regulations for the said purpose and shall thereafter cease to operate.

26. Annual grant to the Utkal University :- If in accordance with the provisions of this Act the Utkal University ceases to hold the Matriculation Examination from any particular year, the State Government shall make an annual grant of One lakh and twenty five thousand of rupees to the said University from and out of the Consolidated Fund of the State with effect from the commencement of the financial year immediately following such year, for a period of five years on the termination of which the State Government may consider whether such grant will be continued and if so, whether unaltered or altered and for what period.

27. Annual report and budget estimate:- (1) Except in the year in which the Board is constituted, the President shall present to the annual meeting of the Board a report on the work of the Board during the last preceding financial year, together with a budget estimate showing in the form, proscribed by regulations, the anticipated income and expenditure of the Board during the next succeeding financial year and such report shall be forwarded to the State Government within such time as may be proscribed.

(2) The budget estimate referred to in sub-section (1) shall be presented in such manner as would not result in a deficit :

Provided that the State Government may under special circumstances sanction a deficit estimate subject to such terms and limitations as they may deem it to impose.

28. Accounts :- The Board shall keep accounts of its receipt and expenditure in the manner and form proscribed.

29. Audit :- The accounts of the Board shall be examined and audited at least once each year by an Auditor appointed by the State Government. A copy of the audited accounts together with the Auditor's report shall be published in the Gazette.

30. Power of the Auditor :- (1) The Auditor shall-

- (i) disallow any payment which is in contravention of the provisions of this Act or any regulations or by laws thereunder or any law for the time being in force and charge it against the person making or authorising it ;
- (ii) charge the amount of any deficiency or loss against the person by whose default or negligence such deficiency or loss resulted ;
- (iii) charge the amount of any sum which should have been, but has not been brought into account against the person failing to account for it ;
- (iv) in every case of disallowance and charge under this section, certify in writing the amount due from the person against whom the charge is made ;
- (v) send a copy of such certificate to the Board and to the person concerned.

(2) Any person aggrieved by any order of the Auditor under sub-section (1) may prefer an objection in writing to the Auditor within thirty days from the date of the order.

(3) The Auditor may accept or overrule such objection but in case the objection is overruled he shall forthwith send a copy of his order overruling the objection to the person who preferred the objection.

31. Appeal :- An appeal shall lie against the Order of' the Auditor-

(i) in the case of the President, Vice-President, any member of the Board and the secretary to the State Government within one month from the date of communication of the order ;

(ii) in the case of any employee of the Board other than the Secretary, from whom an Auditor has certified any sum to be due under section 30 and in the case of any person whose objection has been overruled by the Auditor to the Board within one month from the date of communication of the order complained of;

(iii) the Board or the State Government shall make on such appeal such order as they think fit, which shall be final:

Provided that the State Government or the Board with the previous sanction of the State Government, as the case may be, may at any time direct that any sum certified under section 30 shall not be realised and such direction shall be final.

32. Payment of certified sums:- (1) Every sum certified under section 30 to be due from any person shall, within two months from the receipt by such person of a copy of the certificate and unless within that period he prefers an appeal under section 31, be paid by him into the Board Fund.

(2) Any sum not paid in accordance with the provisions of sub-section (1) or if the appeal has been made under section 31 such sum as the State

Government or the Board as the case may be, may order to be due, shall be recoverable :

- (a) in the case of a person in the service of the State Government or a person in the service of the Board by deduction from his salary in accordance with such conditions as may be prescribed, and
- (b) in any other case as an arrear of land revenue.

33. Power 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 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, the State Government may, after considering any explanation furnished or representation made by the Board, issue such directions consistent with this Act and Regulations as they may think fit, and the Board shall comply with such directions.

(4) When any emergency 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 and the Regulations as they deem necessary without previous consultation with the Board, and shall forthwith inform the Board of the action taken.

(5) The State Government may, by order in writing specifying the reasons thereof, suspend the execution of any resolution or order of the Board, the Executive Committee or any Committee constituted under this Act and prohibit the doing of any act which purports to be done or to be intended to be done under this Act, if the State Government, after calling for a report from the Board and considering the same, are of opinion that such resolution, order or act is in excess of the powers conferred by or under this Act upon the Board, the Executive Committee or such committee, as the case may be.

(6) The State Government may by an order in writing direct the Board to pay out of the Board Fund the salaries and allowances of its President, Vice-President and the Secretary.

34. Power to remove difficulties :- If any difficulty arises in giving effect to the provisions of this Act, the State Government may, as occasion may arise, by order, do anything which appears to them necessary for the purpose of removing the difficulty.