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Separate paging is given to this part in order that it may be
 filed as a separate compilation

PART IV

Acts of the Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 29th December 1963 is hereby published for general information.

B. V. PARANJAPE,
 Joint Secretary to the Government of Gujarat,
 Legal Department.

GUJARAT ACT NO. LVI OF 1963.

(First published, after having received the assent of the Governor in the "Gujarat Government Gazette" on the 31st December 1963).

An Act, to amend the Bombay Secondary School Certificate Examination Act, 1948.

It is hereby enacted in the Fourteenth Year of the Republic of India as follows:—

1. (1) This Act may be called the Bombay Secondary School Certificate Examination (Gujarat Amendment) Act, 1963. Short title and commencement.

(2) It shall come into force at once.

Bom. XLIX of 1948. 2. In the preamble to the Bombay Secondary School Certificate Examination Act, 1948 (hereinafter referred to as "the said Act"), after the words "high school education stage" the words "and the post basic education stage" shall be inserted. Amendment of preamble to Bom. XLIX of 1948.

Amendment
of section 2
of Bom. XL-
IX of 1948.

3 In section 2 of the said Act,—

(i) in clause (h) after the the words "established by law in the State" the words "and includes a recognised post basic school" shall be inserted;

(ii) after clause (h), the following clauses shall be inserted, namely :—

"(hh) "recognised post basic school" means a post basic school recognised by the Director of Education, Gujarat State or an officer authorised by him in this behalf;

(hhh) "secondary teachers" include teachers imparting instruction in recognised post basic schools."



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PART IV

Acts of the Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 10th April 1969 is hereby published for general information.

N. C. BUCH,
Deputy Secretary to the Government of Gujarat,
Legal Department.

GUJARAT ACT NO. 6 OF 1969.

(First published after having received the assent of the Governor in the "Gujarat Government Gazette" on the 11th April 1969.)

An Act to amend the Bombay Secondary School Certificate Examination Act, 1948 for certain purposes.

It is hereby enacted in the Twentieth Year of the Republic of India as follows :--

1. (1) This Act may be called the Bombay Secondary School Certificate Examination (Extension and Amendment) Act, 1969. Short title and commencement.

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

2. In section 1 of the Bombay Secondary School Certificate Examination Act, 1948 (hereinafter referred to as "the principal Act"),— Amendment of section 1 of Bom. XLIX of 1948.

Bom.
XLIX
of
1948.

(i) after sub-section (1), the following sub-section shall be inserted, namely:—

“(1A) It extends to the whole of the State of Gujarat.”;

(ii) in sub-section (2), clause (b) shall be deleted;

(iii) in the marginal note, for the words “Short title” the words “Short title, extent” shall be substituted.

Amendment
of section
2 of Bom.
XLIX of
1948.

3. In section 2 of the principal Act,—

(i) for clause (g), the following shall be substituted, namely :—

“(g) “State” means the State of Gujarat;”;

(ii) clause (j) shall be deleted.

Amendment
of section
3 of Bom.
XLIX of
1948.

4. In section 3 of the principal Act,—

(1) for sub-section (1), the following shall be substituted, namely :—

“(1) The State Government shall, by notification in the *Official Gazette*, establish for the purposes of this Act a Board by the name of the Gujarat Secondary School Certificate Examination Board. The Board shall consist of a Chairman appointed by the State Government and members as specified in sub-section (3).”;

(2) sub-section (2) shall be deleted;

(3) in sub-section (3),—

(i) the words “for the Gujarat region” shall be deleted;

(ii) in paragraph (A),—

(a) for the words “Six ex-officio members” the words “Seven ex-officio members” shall be substituted;

(b) for clause (f), the following clauses shall be substituted, namely :—

“(f) one officer of the Education Department not below the rank of Deputy Secretary designated by the State Government;

(g) the Inspector for Drawing and Craft.”;

(iii) for paragraph (B), the following shall be substituted, namely :—

“(B) Seven members elected —

(a) by the Academic Councils of the Universities established by law in the State and of the institutions recognised by the University Grants Commission or declared by the Central Government as Universities in accordance with the provisions of clause (f) of section 2 or of section 3, as the case may be, of the University Grants Commission Act, 1956, III of 1956.
and

(b) where there are no Academic Councils of any of such Universities or institutions, by the Academic Councils of the Universities or institutions having such Councils and by such authorities of the Universities or institutions having no Academic Councils as may be approved by the State Government, in such number as may be determined by the State Government by rules made in this behalf.”;

(iv) in paragraph (C),—

(A) in clause (a),—

(a) for the words “six members” the words “ten members” shall be substituted;

(b) for the words “not less than three” the words “not less than five” shall be substituted;

(c) for the words “Gujarat region” the word “State” shall be substituted;

(B) in clause (b), for the words “Gujarat region” the word “State” shall be substituted;

(4) in sub-section (4), the brackets, figure and word “(2) or” shall be deleted.

5. In section 12 of the principal Act,—

(i) for the words, brackets and figures “under sub-section (3) of section 3” occurring at two places the words, brackets and figures “under sub-section (4) of section 3” shall be substituted;

(ii) for the words, brackets and figures “sub-section (2) of section 3” the words, brackets and figures “sub-section (3) of section 3” shall be substituted.

6. In section 15 of the principal Act, in clause (d), for the word “remuneration” the words “duties, functions and remuneration” shall be substituted.

Amendment of section 12 of Bom. XLIX of 1948.

Amendment of section 15 of Bom. XLIX of 1948.

7. In section 23 of the principal Act, in sub-section (1), for the words “may make” the words, figures and letter “may, without prejudice to any other action that may be taken against him under section 27A, make” shall be substituted.

Amendment of section 23 of Bom. XLIX of 1948.

8. In section 26 of the principal Act, in sub-section (8), in clause (d), for the word “remuneration” the words “duties, functions and remuneration” shall be substituted.

Amendment of section 26 of Bom. XLIX of 1948.

9. After section 27 of the principal Act, the following new section shall be inserted, namely :—

Insertion of new section 27A in Bom. XLIX of 1948.

“27A. (1) All particulars contained in a question paper, answer-book, mark sheet or any other prescribed document relating to the examination shall be treated as confidential for such period as may be prescribed in relation to any particulars contained in any such document.

Penalty for disclosure of particulars of certain documents.

(2) If during the period prescribed in relation to any particulars under sub-section (1) any person having in his possession any document containing such particulars or information about any such particulars—

(a) wilfully communicates any such particulars to any person other than a person to whom he is authorised to communicate, or

(b) uses such particulars in a manner prejudicial to the secrecy thereof, or

(c) retains such document in his possession or control when he has no right to retain it or where it is contrary to his duty to retain it or wilfully fails to comply with any direction issued by lawful authority with regard to the return or disposal of such document, or

(d) fails or neglects to take reasonable care of, or so conducts himself as to endanger the secrecy of, such document,

he shall be guilty of an offence under this section.

(3) If during the period prescribed in relation to any particulars under sub-section (1) any person voluntarily receives any information about any such particulars, knowing or having reasonable ground to believe, at the time when he receives it, that such information is communicated in contravention of this Act, he shall be guilty of an offence under this section.

(4) A person guilty of an offence under this section shall on conviction be punishable with imprisonment for a term which may extend to two years or with fine which may extend to two hundred rupees or with both.”

Amendment of section 29 of Bom. XLIX of 1948.

10. In section 29 of the principal Act, for the words, brackets and figures “sub-section (2) of section 3” the words, brackets and figures “sub-section (3) of section 3” shall be substituted.

Retrospective extension and application of Act in certain areas and validation.

11. (1) The Bombay Secondary School Certificate Examination Act, 1948 shall be and shall be deemed always to have been extended to and to have come into force in those areas of the State of Gujarat to which it did not extend before the commencement of the Bombay Secondary School Certificate Examination (Extension and Amendment) Act, 1969 (hereinafter referred to as “the said Act”), and anything done or any action taken before the commencement of the said Act by the Board or any appointment made under the principal Act and all examinations held, certificates granted and proceedings conducted in such areas on the assumption that the principal Act extended to and was in force in those areas shall be valid and shall be deemed always to have been valid and shall not be called in question merely on the ground that the principal Act did not extend to or was not in force in those areas at the time when any such thing was done or action was taken.

Bom. XLIX of 1948.

Guj. 6 of 1969.

(2) The Board established under sub-section (1) of section 3 of the principal Act before the commencement of the Bombay Secondary School Certificate Examination (Extension and Amendment) Act, 1969 shall be deemed to have been established for the whole of the State and the members of the Board functioning as such immediately before such commencement shall, notwithstanding that the constitution of the Board has become inconsistent with the provisions of sub-section (3) of section 3 of the principal Act as amended by this Act, function and continue to function as members of the Board for the whole of the State for the unexpired portion of their term.”

Guj. 6 of 1969.