

THE JAMMU AND KASHMIR BOARD OF PROFESSIONAL ENTRANCE EXAMINATION ACT, 2002

[ACT No. XXV 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 conduct of entrance tests and making selection for admission to various professional courses and 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 and commencement. — (1) This Act may be called the Jammu and Kashmir Board of Professional Entrance Examinations Act, 2002.

(2) It shall come into force from the date of its publication in the Government Gazette.

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

- (a) 'Act' means the Jammu and Kashmir Board of Professional Entrance Examinations Act, 2002;
- (b) 'Board' means the Board of Professional Entrance Examinations constituted under section 3;
- (c) 'Chairman' means the Chairman of the Board of Professional Entrance Examinations;
- (d) 'Government' means the Government of Jammu and Kashmir;
- (e) 'Member' means the member of the Board of Professional Entrance Examinations;
- (f) 'Prescribed' means prescribed by rules made under this Act;
- (g) 'Professional courses' means the courses prescribed as professional courses from time to time by the Government and shall initially include MD, MS, Diploma Courses (PG), MBBS, BDS, B.SC. Agriculture, B.V.Sc, and A.H., B.A.M.S, BUMS, B.E. and Diploma Courses;
- (h) 'Professional Institutions' means the institutions prescribed as such by the Government from time to time and shall initially include Government Medical Colleges, Jammu/Srinagar, SKIMS, Srinagar, Government Dental College, Srinagar, Regional Engineering College, Srinagar, Government College of Engineering and Technology, Jammu, Government Polytechnic Male/Female, Srinagar/Jammu, Government College of Education, Jammu/Kashmir, Sher-i-Kashmir University of

Agricultural Sciences and Technology, Jammu/Srinagar and all other private recognized Professional Colleges for which seats are allotted by the Government;

- (i) 'Section' means a section of this Act;
- (j) 'State' means the State of Jammu and Kashmir.

3. Constitution of Board. — (1) There shall be a Board to be called 'Board of Professional Entrance Examinations' for conducting entrance tests and making selection of candidates for admission to various professional courses in the State.

(2) The Board shall consist of a Chairman and such other members as the Government may appoint.

4. Chairman. — ¹[(1) The Chairman shall be a whole time paid officer of the Board and shall be appointed by the Governor on the recommendations of the Screening Committee consisting of the Vice Chancellors of Kashmir and Jammu Universities to be headed by the Chief Secretary to Government.]

(2) A person shall not be eligible for appointment as Chairman unless he is—

- (a) a permanent resident of the State; and
- ²[(b) an academician or educationist of high repute having served for not less than 25 years or a person who holds or has held the post of a Secretary to the Government or its equivalent.

(3) A person shall not be eligible for appointment as Member unless he is—

- (a) a permanent resident of the State; and
- ³[(b) an academician of repute having served in the State for not less than 20 years or a person having served as Special Secretary to the Government or against equivalent post or Professor of a University or a College.]

5. Remuneration. — The Chairman and members shall receive such salary and shall be entitled to such allowances and facilities as may be prescribed.

6. Terms of office. — (1) The Chairman and Member shall hold office for two years and shall be eligible for re-appointment for another such term or until he attains the age of 65 years whichever is earlier.

(2) The Chairman or Member may at any time, by writing under his hand addressed to the Chief Minister, resign his office and on such resignation being accepted, he shall be deemed to have vacated his office.

¹ Sub-section (1) substituted by Act No. VI of 2007, s. 2.

² Clause (b) to sub-section (2) substituted *ibid*.

³ Clause (b) to sub-section (3) substituted by Act No. III of 2003, s. 2.

7. Removal. — The Chairman or a Member shall not be removed from his office except by the order of the Government passed on the recommendations of the Council of Ministers on grounds of misconduct or incapacity or if it appears to the Government that the continuance of the Chairman or such a Member in office is detrimental to the public interest.

8. Powers and duties of Chairman. — (1) The Chairman shall be the Principal Executive Officer of the Board and shall preside at the meetings of the Board, Advisory Committee and of such bodies or authorities as might be provided under the provisions of this Act and the Regulations made thereunder.

(2) The Chairman shall ensure that the provisions of this Act and Regulations made thereunder are faithfully observed and he shall have powers necessary for the purpose.

9. Powers and duties of the Board. — (1) The Board shall have the following powers and duties:—

- (a) to conduct written tests and hold interviews/counselling and take such other steps as may be considered necessary for making selection of candidates to the professional courses in the professional institutions;
- (b) to select and invite experts and appoint examiners for the purpose specified in clause (a);
- (c) to appoint Committees of persons specified in clause (b) for the purpose of assisting the Board in making selection to professional courses; and
- (d) to incur such expenditure as shall be necessary for the due discharge of its powers under this section out of the funds placed at its disposal by the Government, from time to time.

(2) Subject to the orders issued by the Government in this behalf from time to time, the Board shall be fully independent for exercise of the powers vested in it under this Act.

10. Officers of the Board. — The following shall be the officers of the Board:—

1. Secretary;
2. Controller of Examination;
3. Financial Advisor;
4. Law Officer;
5. Such other officer(s) as the Regulations may declare to be the officers of the Board or as the Government may appoint.

11. Secretary. — (1) The Secretary shall be a whole time officer of the Board appointed by the Government.

(2) The Secretary shall be appointed from amongst the Principals of Degree Colleges or members of the Jammu and Kashmir Administrative Service Officers of equivalent rank in other ¹[State Services or an academician from any University or Institute not below the rank of Reader.

(3) The Secretary shall conduct official correspondence on behalf of the Board.

(4) The Secretary shall be the administrative officer for the ministerial and other staff.

(5) The Secretary shall have powers to realise the fees and other dues and disburse the salary and other expenditure on account of the Board, subject to the provisions of Regulations and approval of the Chairman.

(6) The Secretary shall have a term of office for three years and shall be eligible for re-appointment for another term of three years.

12. Controller of examinations. — (1) The Controller of Examinations shall —

- ²(a) be a whole time officer of the Board and shall be appointed by the Government from amongst the officers not below the rank of Principal of a Degree College or an academician from any University or Institute not below the rank of Associate Professor or Assistant Professor or Reader with at least 15 years experience in teaching and conduct of examinations];
- (b) make arrangements connected with the conduct of examinations including setting and printing of question papers for all tests to be held by the Board including maintenance of secrecy and safe custody and all other matters connected therewith;
- (c) arrange all items of examination work such as despatch and transit of Question Booklets, Answer Scripts, their evaluation, tabulation of results, publication of results and other related matters;
- (d) discharge such other duties and exercise such powers as may be prescribed under rules and regulations framed from time to time.

(2) In the execution of his duties and exercise of his powers, the Controller of Examinations shall be subject to the immediate direction and control of the Chairman and shall render such assistance to the Chairman as may be required by him in the performance of his official duties.

¹ Substituted for the words "State Services" by Act No. VI of 2007, s. 3.

² Clause (a) to sub-section (2) substituted *ibid*, s. 4.

(3) The term of office of Controller of Examinations shall be three years.

13. Financial Advisor. — The Financial Advisor shall —

- (a) be a whole time salaried officer of the Board and shall be appointed by the Government from amongst the members of the Jammu and Kashmir Accounts (Gazetted) Service not lower than the rank of Chief Accounts Officer;
- (b) be responsible to Chairman and shall advise him on financial matters;
- (c) be responsible for the preparation of the annual budget and maintenance of income and expenditure accounts;
- (d) exercise such other powers and perform such other duties as may be assigned to him by the Chairman or prescribed by Regulations.

14. Law Officer. — (1) The Law Officer shall be a whole time salaried officer of the Board and shall be appointed by the Government from amongst the members of the Jammu and Kashmir Legal (Gazetted) Service not lower than the rank of Deputy Legal Remembrancer.

(2) The Law Officer shall advise the Board on the legal issues and shall take all such steps as are necessary for conduct of cases on behalf of the Board.

15. Conduct of Examinations. — (1) The Board shall conduct entrance test annually for such professional courses in the State as the Government may, from time to time, notify in this behalf.

(2) The Board shall take decisions from time to time, on the following aspects of the entrance test, namely:—

- (a) pattern of the question papers which should be in English and which should as far as possible consist of objective type questions;
- (b) fixing up of maximum marks for each paper;
- (c) fixing up of duration of the test for each of the papers in Physics, Chemistry, Mathematics and Biology and any other paper;
- (d) syllabus content, provided that it shall not be more than the Syllabus of Higher Secondary Part II;
- (e) centres for conducting the test;
- (f) fixing dates and time for conducting the test;
- (g) date of announcement of results;

- (h) norms for payment of remuneration for different items of work connected with the entrance test;
- (i) approval of merit list for Engineering Colleges, Medical/Dental Colleges and other Colleges/Professional Institutions;
- (j) general guidelines and directions in regard to all matters connected with the conduct of the test;
- (k) appointment of Chief Superintendent, Deputy Chief Superintendents for each Examination Centre;
- (l) appointment of Supervisors/Invigilators for each Centre of the Examination;
- (m) to appoint paper setters, moderators, printing presses and other matters connected with preparation of question papers; and
- (n) such other issues as may be referred to it by its Chairman or Government from time to time.

16. Eligibility of candidates. — No candidate shall be eligible to appear for the entrance test for any professional course unless he possesses such eligibility and qualification as the Government may prescribe for such professional course.

17. Ranking. — Candidates shall be assigned the ranking in such manner as may be laid down by Regulations.

18. Fee. — The candidates shall be entitled to appear in the entrance test on payment of such fee as the Board may fix in respect of any professional course.

19. Funds of the Board. — The fee collected from the candidates appearing for the entrance test towards cost of application forms and examination fee shall be deposited in the Jammu and Kashmir Bank Limited by opening an account in the name of the Financial Advisor. The Financial Advisor or such officer as the Chairman may authorize in this behalf shall operate the account on behalf of the Board.

20. Chairman, Members etc. to be public servants. — The Chairman, Members and other officers of the Board shall be deemed to be public servants within the meaning of section 21 of the Ranbir Penal Code, Samvat 1989.

21. Casual vacancy. — No act or proceedings of the Board shall be questioned or shall be invalidated merely on the ground of existence of any vacancy or defect in the constitution of the Board.

22. Committees. — (1) The Government may appoint an Advisory Committee to formulate policies regarding selection of candidates to various professional courses.

(2) The Board may constitute a Committee of Experts for each professional course to be called the Curriculum Committee to formulate syllabus for conduct of entrance test for section to such course.

23. Power to make rules. — The Government may, by notification in the Government Gazette, make rules for carrying out the purpose of this Act.

24. Powers to make Regulations. — The Board may, subject to the provisions of this Act and the Rules made thereunder, make Regulations for carrying out the objects of this Act.

25. Removal of difficulties. — (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order, do anything which appears to it necessary for the purpose of removing the difficulty.

(2) No order made under sub-section (1) shall be questioned in any Court of Law on the ground that no difficulty, as is referred to in the said sub-section, existed to be removed.

26. Reports of the Board. — It shall be the duty of the Board to present annually to the Government a report as to the work done by the Board and the Government on receipt of such report, shall cause a copy thereof to be laid before the Legislature.

Compiled and updated by

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