

**THE BOARD OF OPEN SCHOOLING AND SKILL EDUCATION SIKKIM
(AMENDMENT) BILL, 2026
(BILL NO. 06 OF 2026)**

**A
BILL**

to amend the Board of Open Schooling and Skill Education Act Sikkim, 2020 (Act No.14 of 2020).

Be it enacted by the Legislature of Sikkim in the Seventy-Seventh Year of the Republic of India as follows: -

Short title, extent and commencement	1.	(1) (2) (3)	This Act may be called the Board of Open Schooling and Skill Education, Sikkim Act (Amendment) Act, 2026. It shall extend to the whole of Sikkim. It shall come into force on such date as the State Government may, by notification in the Official Gazette appoint.
Substitution of reference to certain expressions by certain other expressions	2.	(1)	In the Board of Open Schooling and Skill Education, Sikkim Act, 2020 (hereinafter referred to as the "principal Act") throughout the principal Act, unless otherwise expressly provided, for the words "Board of Open Schooling and Skill Examination, Sikkim Act, 2025," wherever they occur, the words " Board of Open Schooling and Skill Education, shall be substituted.

Amendment of section 2	3.	(1)	In the principal Act, in section 2,-
		(i)	for clause (a), the following shall be substituted, namely:- “(a) “Academic Year” means the academic year as decided by the Board after due consultation with the National Institute of Open Schooling (NIOS) and the State Government;
		(ii)	for clause (b), the following shall be substituted, namely:- “(b) “Affiliation” together with its grammatical variations, means and includes, in relation to study-cum-examination centre, located in the State of Sikkim, and the Board including for the purpose of conducting the formal and informal secondary and senior secondary education, open and distance secondary and senior secondary education, vocational education, skill development programs of the Board;
		(iii)	for clause (c), the following shall be substituted, namely:- “(c) “Board” means the Board of Open Schooling and Skill Education, Sikkim, established under section 3;
		(iv)	for clause (e), the following shall be substituted, namely:- “(e) “Centre” means a counselling centre or a study centre or information centre or a facilitation centre or examination centre, established or maintained or accredited by the Board within Sikkim for the purpose of teaching, advising, counselling, examination or

		(v)	for rendering any other assistance required by the students; for clause (i), the following shall be substituted, namely:- “(i) “Distance Education” includes open and distance or informal education and means education imparted by means of face-to-face communication and e-learning source viz broadcasting, telecasting, correspondence courses, seminars, contact programmes and any other such methodology;
		(vi)	after clause (i), the following clause shall be inserted, namely:- “(ia) “Department” means Education Department, Government of Sikkim;
		(vii)	for clause (k), the following shall be substituted, namely:- “(k) “Examination” means an examination conducted through pen and paper mode and face-to-face mode at centres within the State of Sikkim, in accordance with the directions issued by the State Government from time to time;
		(viii)	for clause (m), the following shall be substituted, namely:- “(m) “Fee” means monetary collection made by the board from the students;

		(ix)	after clause (m), the following clause shall be inserted, namely:- “(ma) “Government” means the State Government of Sikkim;
		(x)	for clause (o), the following shall be substituted, namely:- “(o) “Head of the Centre” means the person in-charge of the centre as appointed by the board.
		(xi)	clause (p) shall be omitted, namely:- after clause (t), the following clause shall be inserted, namely:-
		(xii)	“(ta) “Local Student” means a student in possession of Certificate of Identification issued by the State Government or whose natural guardian is a holder of Certificate of Identification; for clause (t), the following shall be substituted, namely:-
		(xiii)	“(t) “Local Bodies means Gram Panchayat, Zilla Panchayat, Municipal Corporations, Municipal Councils and Nagar Panchayats; for clause (v), the following shall be substituted, namely:-

		(xiv)	“(v) “Managing Committee” means the Managing Committee constituted by the society or the governing body of the Centre;
		(xv)	In the principal Act, in section 2, after clause (v), the following clause shall be inserted, namely:- “(va) “Non Local Student” is one who is not local under sub section (t1) of section 2;
		(xvi)	for clause (y), the following shall be substituted, namely:- “(y)” “Open School” means all the schools, institution or centre of the board located within Sikkim including itself for conduct of informal and open and distance school education;
		(xvii)	after clause (aa), the following clause shall be inserted, namely:- “(aaa1) “Permission Certificate” means the certificate issued by the State Government under clause (a) of sub-section (9) of section 3; “(aab) “Private Open Board” means the Board of Open Schooling and Skill Education, Sikkim established under section 3; “(aac) “Recognition” means the formal acknowledgment, approval, or accreditation granted by the appropriate Government, the

			Council of Boards of School Education in India (COBSE), National Institute of Open Schooling (NIOS), or any other competent statutory or regulatory authority, authorising the Board to conduct its academic programmes, examinations, and to issue certificates, subject to such terms and conditions as may be prescribed or imposed under any law for the time being in force;
		(xix)	for clause (cc), the following shall be substituted, namely:-
		(xx)	“(cc) “Regional Campus” means the campus of the board located in Sikkim; Clause (ll) shall be omitted.
Amendment of section 3	4.	(1)	In the principal Act, in section 3,- for sub-section (2), the following shall be substituted, namely:- “(2) The first Chairman, first Vice-Chairman, first members of Board of Management and first members of Executive Board and all persons who may hereafter become such members or officers of any authority and/or

			committee of the board, so long as they continue to hold such membership or office, are hereby constituted body corporate by the name of the Board of Open Schooling and Skill Education, Sikkim;
		(2)	for sub-section (3), the following shall be substituted, namely:- “(3) The Board shall be established as a private, self-financed body corporate, having perpetual succession and a common seal, with power to acquire, hold and dispose of property, and to sue and be sued by the said name, subject to the regulatory oversight of the State Government, which shall be limited to matters concerning grievance redressal, academic standards, public interest, and compliance with applicable laws.
		(3)	after sub-section (5), the following sub-sections shall be inserted, namely:- “(6) The board shall establish centres in all the districts of the state of Sikkim and shall establish such additional centres within the state as may be deemed necessary;
		(4)	“(7) The building infrastructure shall have a total built-up area of not less than 8,000 (Eight Thousand) square feet. This area shall be distributed to include, at a minimum: (i) Administrative offices for the Chairperson, Secretary, and staff;

			(ii) A secure, fire-proof Strong Room (up to 800 sq. ft.) for the custody of sensitive examination materials; (iii) A Record Room for the permanent archival of learner data and tabulation registers; (iv) An Information Technology or IT Server Room and a Public Grievance Redressal Counter. “(8) The State Government may, at any time, call for records, documents and reports relating to the Board’s compliance with Council of Boards of School Education in India (COBSE) and other regulatory requirements, and may issue such directions as it deems necessary in the interest of students and the integrity of public certification; (9) The Board shall prominently publish on its website all public materials, inclusive of student details, the status of its recognition from the appropriate Government, Council of Boards of School Education in India (COBSE) or other statutory authorities to ensure transparency for students, parents and other stakeholders; “(10) (a) Notwithstanding anything contained in this Act, the Board shall not commence any academic programs, admissions, or examinations
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			unless and until a "Permission Certificate" to operate is issued by the State Government. (a) The State Government may impose such conditions in the permission certificate as it may deem fit in the interest of students and the public, and the board shall be bound to comply with all such conditions. (b) The State Government may, after giving an opportunity of being heard, withdraw, suspend or modify the permission certificate for breach of any of the provisions of this Act; (11) No certificate, mark-sheet, or other academic award issued by the Board shall be deemed valid for any purpose whatsoever, including admission, employment, higher studies or public certification unless the Board obtains and maintains due recognition from the appropriate Government, Council of Boards of School Education in India (COBSE) and such other regulatory bodies or competent authorities as may be required under any law for the time being in force.
Amendment of section 4	5.	(1)	(i) in the Principal Act, in section 4; for sub-section (2), the following shall be substituted, namely:- "(2) The constitution of the Board of Management shall be notified by the Secretary of the Board to the State Government."

		(ii)	after sub-section (2), the following sub-section shall be inserted, namely:- “(3) The nominees of the Government of Sikkim shall be present in each meeting in which decisions on issues involving government policies or instructions are to be taken.
Amendment of section 5	6	(1)	In the principal Act, in section 5, after sub-section (2), the following sub-section shall be inserted, namely:- “(3) Notwithstanding anything contained in this provision or the statutes made hereunder, all members nominated by the State Government shall continue to be governed exclusively by the service conditions, orders, instructions, and regulations issued by the Government of Sikkim from time to time and no provision of this Act or of any statute made hereunder shall be construed to alter, diminish, or otherwise affect the applicability of such orders or service conditions to them.
Amendment of section 6	7.	(1)	In the principal Act, in section 6, the existing section shall be re-numbered as sub-section (1) of section 6 and after sub-section (1) as 20after clause (1), the following clause shall be inserted, namely:- “(2) Notwithstanding anything contained in this provision or the statutes made hereunder, all members nominated by the State Government shall continue to be governed exclusively by the service conditions, orders,

		(3)	members, along with the agenda prepared in consultation with the Chairperson. However, in case of any emergency, the Chairperson may direct the Secretary to convene an urgent meeting at shorter notice of not less than two days, to consider specified urgent matters. sub-section (5) shall be omitted.
Amendment of section 16	10.	(i) (ii) (iii) (iv)	In the principal Act, in section 16, in sub-section 2; for clause (b), the following shall be substituted, namely:- “(b) to promote open schooling at state level by networking with existing educational institutions and through capacity building, resource sharing, and quality assurance measures; for clause (f), the following shall be substituted, namely:- “(f) to take steps for developing strategy plans for promoting and up scaling the Open Schooling programme in Sikkim; for clause (g), the following shall be substituted, namely:- “(g) to encourage, promote and conduct a system of Open School Education relevant to the students/learners and to organise training programmes in Sikkim. for clause (i), the following shall be substituted, namely:- “(i) to provide sustainable inclusive learning with universal and flexible access to quality school education i.e., Secondary, Senior Secondary education as well as vocational education and training programmes and skill

		(v) development programs through open and distance education within the state of Sikkim; for clause (l), the following shall be substituted, namely:- “(l) to open/establish schools for study of various branches of knowledge for secondary, senior secondary education, as well as vocational education and training and programmes and to conduct examinations thereof within the state. (vi) for clause (o), the following shall be substituted, namely:- “(o) to open training camps and workshops for the development of arts, plays and culture and raise funds through subscriptions, donations, trade with the prior permission of the State Government to fulfil the aims and objects, to publish books, encyclopaedias, monographs and study materials; (vii) for clause (q), the following shall be substituted, namely:- “(q) to develop and prescribe or offer a wide spectrum of course of study, for purposes of general vocational and continuing education, either leading to certification at secondary and senior secondary level or for life and job enrichment and without certification; (viii) Clause (s) shall be omitted. (ix) for clause (w), the following shall be substituted, namely:- “(w) to establish centres in the state to promote education of art, science, or other related fields and to communicate and coordinate with the Government, Local and public authorities on various issues related to development, welfare
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			and public interest on different subjects and for efficient working of the Board and achievement of the above aims and objectives as per Government Policy;
		(x)	for clause (x), the following shall be substituted, namely:- “(x) to establish regional centres in Sikkim for the purposes of supervising the proper functioning of the learning support centres and study centres;
		(xi)	for clause (y), the following shall be substituted, namely:- “(y) to set up, establish and administer and maintain offices/chapters in Sikkim;
		(xii)	for clause (z), the following shall be substituted, namely:- “(z) to conduct examinations within the state, strictly in offline or pen-an-paper mode for the courses and programmes offered by the Board and to evaluate and publish the results of such examinations in a timely manner;
		(xiii)	for clause (ff), the following shall be substituted, namely:- “(ff) to collaborate with institutions, schools, skill knowledge and training providers at the state level such as State Council of Educational Research and Training, Sikkim and management and Training, Sikkim and also with other institutions, schools, skill knowledge and training providers.
		(xiv)	clause (gg), shall be omitted.
		(xv)	clause (jj) shall be omitted.

		(xvi) for clause (ss), the following shall be substituted, namely:- “(ss) with the prior permission of the State Government to seek, obtain or accept grants, assistance, subscriptions, donations, securities, gifts, bequests and properties both movable and immovable properties from the private institutions, private corporations, private companies, or private trusts/corporations/companies and foundations or from any person for the purposes of the Board to manage efficient, effective and permissible fund flow and fund fund utilization in consonance with the laws prevalent in the state of Sikkim; (xvii) for clause (uu), the following shall be substituted, namely:- “(uu) with the prior permission of the state government to invest and deal with any money/surplus funds and/or securities of the Board not immediately required for any of its activities, purposes and objectives, in such a manner, as may be provided, by the rules of the Board as may be laid down from time to time; (xviii) after clause (aaa), the following clauses shall be inserted, namely:- (bbb) to develop and prescribe the curriculum, syllabus, study materials (including self-instructional materials), and assessment methodologies for the courses of study offered by the Board, aligning them with the National Education Policy and the guidelines of the State Government and national bodies such as
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			National Institute of Open Schooling (NIOS) wherever applicable; (ccc) to conduct examinations in the study centres in pen and paper mode and to evaluate and publish the results of such examinations in a timely manner; (ddd) to seek and obtain permission or No Objection Certificates from the State Government, as required by law or policy, for establishing new study centers, for introducing new courses or programs up to the pre-degree level, and for conducting examinations for such programs; (eee) to establish and maintain study centers across the State, for providing academic support, contact classes, and counseling to students enrolled in the Board's programs; (fff) to design, develop, and offer courses of study and training programs in the areas of secondary education, senior secondary education, vocational education and skill education training, as identified and approved by the State Government from time to time;
Amendment of section 20	11.		In the principal Act, in section 20, in sub-section (1) clause (c) shall be omitted.
Amendment of section 21	12.	(1)	In the principal Act, for the following section 21, shall be substituted, namely:-

				"The Syllabus Committee, shall follow and recommend syllabi, courses of study, modes of examination, and assessment frameworks, which may be in line with those of the National Institute of Open Schooling (NIOS) or as prescribed by the State Government, with suitable modifications for the State's needs."
Omission of section 23	13.	(1)		In the principal Act, section 23 shall be omitted.
Amendment of section 26	14.	(1)		In the principal Act, for section 26 the following shall be substituted, namely; "(1) Admission to any study center established or affiliated with the Board shall be open to all persons above the age of fourteen years who shall possess an Automated Permanent Academic Account Registry (APAAR) ID, subject to fulfillment of the prescribed eligibility criteria and payment of the requisite fees. No eligible learner shall be denied admission on the basis of religion, race, caste, sex, or place of birth. (2) The Board shall prescribe, by regulations, the detailed conditions, criteria and procedure for admission of students to the various courses offered by the Board (including requirements of prior qualifications for secondary or senior secondary courses, if any, and the maximum number of subjects or attempts allowed):

			Provided that students who are not residents of Sikkim (non-local students) and who enroll in the Board's programs shall not be entitled, by virtue of such enrollment, to any special benefits, reservations, quotas or scholarships that are extended by the Government of Sikkim exclusively to the domiciled residents of Sikkim."
Amendment of section 28	15.	(1)	In the principal Act, section 28 the following shall be substituted, namely; (1) The Board of Management shall, at the end of each financial year, prepare an Annual Report on the working and activities of the Board during that year. (2) The Annual Report shall detail the steps taken by the Board towards fulfillment of its objectives, full details of the child inclusive of name, full address, parents details and contact details of the child enrolled, programs offered, examinations conducted, results published, and other significant achievements or challenges. (3) The Annual Report, duly approved by the Board of Management, shall be submitted to the State Government by 31st August of each year."
Amendment of section 32	16.		In the principal Act, in section 32, after sub-section (2), the following sub-section shall be inserted, namely:-

				“(3) A copy of the annual accounts together with the audit report and the annual report shall be submitted to the State Government by 31 st August of each year.
Omission section 38	of	17.		In the principal Act, section 38 shall be omitted.
Amendment section 43	of	18.		In the principal Act, for section 43 the following shall be substituted, namely; “(43) The Board shall, in exercising its powers and performing its duties under this Act, be guided by such directions but not superseding the government’s instructions or directions, laws, rules notified by the state government from time to time.
Amendment section 45	of	19.	(1)	In the principal Act, for section 45 the following shall be substituted, namely; (1) If the sponsoring body proposes to dissolve itself according to the provisions of law governing its constitution or incorporation, it shall record reasons thereof and give at least 1 (one) year prior notice to the State Government. (2) Notwithstanding, anything contained in the provisions of this Act, where the sponsoring body intends to dissolve the Board, the dissolution process there under shall be as follows:

			(a) resolution to be passed by the sponsoring body that it intends to dissolve and halt operations of the Board; (b) after the passage of the resolution as described in clause (a), a notice will thereafter be issued by the sponsoring body to the Government, 1 (one) year prior to cessation of operations; (c) the sponsoring body shall halt intake of fresh admissions, upon passage of resolution under clause (a) and issuance of notice under clause (b) above; (d) upon completion of syllabus of the last batch of students admitted in the Board and in addition to the passage of one year after the notice period, the State Government shall by way of notification dissolve the Board; (e) the Board shall, at all times, maintain an up-to-date, complete and verifiable database/record repository of all matters relating to the Board, including— (i) student particulars and enrolment records; (ii) attendance, examination forms, and other individual documents of individual child; (iii) question papers, answer sheets, assessment records, tabulation registers, test papers, test question papers and all results; (iv) mark sheets, certificates, migration/transfer documents and all other
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			credentials issued; and (v) any other record, document or data as may be prescribed. (f) the custody, preservation and maintenance of the database and records referred to in clause (e), including their indexing, security, integrity and retrieval, shall, upon dissolution of the Board, vest in the owners or controlling shareholders of the Company or the individual members of the Trust, and the individuals shall be the custodian thereof; (g) every office bearer, employee or person-in-charge authorised by the Sponsoring Body for maintenance of records under this section shall be individually responsible to ensure that the database and records remain up-to-date, accurate and readily retrievable, in such manner as may be prescribed; (h) upon dissolution of the Board, the individual member or members of the Sponsoring Body shall ensure that verification services and access to records are provided, and that information/documents required for verification, whether by a student, institution, employer, authority or any person, are made readily available; (i) the State Government shall not be liable or responsible, either directly or indirectly, for maintenance, custody, verification,
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			issuance of duplicates, authentication, or any consequence arising out of non-availability, deficiency or tampering of records after dissolution of the Board, and all such responsibility and liability shall rest solely upon the Sponsoring Body; (j) subject to the laws prevalent in the State of Sikkim, where upon the dissolution of the Board, there remains, after the satisfaction of all its issues, debts and liabilities any movable property whatsoever, the same shall vest upon each individual of the sponsoring body: Provided that in the event of dissolution of the Board there remain any issues, debts or liabilities exceeding the valuation of the movable and immovable properties of the Board, the said outstanding debts and liabilities shall vest upon the Sponsoring Body.
Amendment section 46	of	20.	(1) In the principal Act, for section 46 the following substituted, namely; (1) Where the State Government is of the opinion that the Board has contravened any of the provisions of this Act, the rules, or the regulations made hereunder or has violated any of the directions or guidelines issued by it under this Act or a situation of financial mismanagement or mal-administration has arisen in the Board, it shall issue the notice requiring the Board to show cause within 45

			(forty-five) days as to why the Board should not be dissolved or the Act be repealed. (2) On receipt of reply of the Board on the notice issued under sub section (1), if the State Government is satisfied that there is a prima facie case of contravention of any of the provisions of this Act, the rules or the regulations made hereunder or violation of any directions or guidelines issued by it or there is financial mismanagement or maladministration, it shall make an order of such inquiry as it may consider necessary. (3) The State Government may, by notification for the purposes of any such inquiry under sub-section (2), appoint an inquiry officer or officers to inquire into any of the allegations and to make report thereon. (4) The inquiry officer or officers appointed under sub-section (3) shall have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 while trying a suit in respect of the following matters, namely:- (a) summoning and enforcing the attendance of any person and examining him on oath; (b) requiring the discovery and production of any such document or any other material as may be predicable in evidence;
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		(c) requisition of any public record from any office. (5) On receipt of the inquiry report from the officer or officers appointed under sub-section(3), if the State Government is satisfied that the Board has contravened all or any of the provisions of this Act, the rules, the regulations made hereunder or has violated any of the directions or guidelines issued by it or a situation of financial mismanagement and maladministration has arisen in the Board which threatens the academic standard of the Board, it may appoint dissolve the Board. (6) The administrator appointed under sub-section (5) shall exercise all the powers and perform all the duties of the Board of Management under this Act and shall administer the affairs of the Board until the last batch of the students have completed their courses and they have been awarded with pass certificates or awards. (7) After having been awarded the pass certificates or awards, as the case may be, to the last batches of the students of the courses, the administrator shall make a report to that effect to the State Government. (8) On receipt of the report under sub-section (7), the State Government may, repeal the Act.
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			(9) Notwithstanding, anything contained in the provisions of this Act, the Board shall, at all times, maintain an up-to-date, complete and verifiable database/record repository of all matters relating to the Board, including— (i) student particulars and enrolment records; (ii) attendance, examination forms, and other individual documents of individual child; (iii) question papers, answer sheets, assessment records, tabulation registers, test papers, test question papers and all results; (iv) mark sheets, certificates, migration/transfer documents and all other credentials issued; and (v) any other record, document or data as may be prescribed. (k) The custody, preservation and maintenance of the database and records referred to in sub-section 9 of section 46, including their indexing, security, integrity and retrieval, shall, upon dissolution of the Board, vest in the owners or controlling shareholders of the Company or the individual members of the Trust, and the Individuals shall be the custodian thereof. (l) Every office bearer, employee or person-in-charge authorised by the Sponsoring Body for maintenance of records under this section shall be individually responsible to ensure that the database and records remain up-to-date, accurate and readily
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			retrievable, in such manner as may be prescribed. (m) Upon dissolution of the Board, the individual member or members of the Sponsoring Body shall ensure that verification services and access to records are provided, and that information/documents required for verification, whether by a student, institution, employer, authority or any person, are made readily available. (n) The State Government shall not be liable or responsible, either directly or indirectly, for maintenance, custody, verification, issuance of duplicates, authentication, or any consequence arising out of non-availability, deficiency or tampering of records after dissolution of the Board, and all such responsibility and liability shall rest solely upon each individual of the Sponsoring Body. (o) Subject to the laws prevalent in the State of Sikkim, where upon the dissolution of the Board, there remains, after the satisfaction of all its issues, debts and liabilities any property whatsoever, the same shall vest upon the sponsoring body:
Insertion of new sections 46 A, 46 B, 46 C, 46 D	21.	(1)	In the principal Act, after section 46, the following section shall be inserted, namely:-

Examination 47-Examination 46-A			(1) All examinations of the Board shall be conducted in pen-and-paper mode at the designated study-cum-examination centres, within Sikkim under the supervision of invigilators and officials appointed by the Board. (2) Physical attendance of each candidate at the examination centre shall be compulsory and shall be recorded by the invigilator. (3) The invigilator at such venue shall verify and mark the physical attendance of every candidate, and all other safeguards and protocols prescribed by the State Government shall be strictly followed. (4) The Board shall take all necessary measures to prevent unfair practices in the conduct of examinations and shall impose strict penalties on any misconduct as per the regulations. (5) Any use of unfair means or indiscipline during examinations by a candidate or at a study centre shall be dealt with in accordance with the provisions of this Act and the rules made thereunder.
46-B	23.	(1)	(1) the Board shall, at all times, maintain an up-to-date, complete and verifiable

			database/record repository of all matters relating to the Board, including— (i) student particulars and enrolment records; (ii) attendance, examination forms, and other individual documents of individual child; (iii) question papers, answer sheets, assessment records, tabulation registers, test papers, test question papers and all results; (iv) mark sheets, certificates, migration/transfer documents and all other credentials issued; and (v) any other record, document or data as may be prescribed. (2) The custody, preservation and maintenance of the database and records, including their indexing, security, integrity and retrieval, shall, vest in the owners or controlling shareholders of the Company or the individual members of the Trust, and the Individuals shall be the custodian thereof. (3) Every office bearer, employee or person-in-charge authorised by the Sponsoring Body for maintenance of records under this section shall be individually responsible to ensure that the database and records remain up-to-date, accurate and readily retrievable, in such manner as may be prescribed.
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			(4) The individual member or members of the Sponsoring Body shall ensure that verification services and access to records are provided, and that information/documents required for verification, whether by a student, institution, employer, authority or any person, are made readily available. (5) The records shall be maintained in a manner that is verifiable and easily auditable. (6) The Board shall preserve these records for such period as may be prescribed and shall make them available for inspection by the State Government or any authority authorized by the State Government, as and when required. (7) The Board shall, after the completion of every Board examination, furnish a certified hard copy of all relevant records, including but not limited to tabulation registers, results, and such other documents as may be prescribed, to the Education Department, Government of Sikkim, within one month of the declaration of result.
46-C	24.	(1)	(1) The State Government may, for the purpose of ascertaining the standards of teaching, course materials, study centers, syllabus, examination and research or any other

			matter relating to the Board, cause an assessment to be made in such manner as may be prescribed, by such person or persons as it may deem fit. (2) The State Government shall communicate its recommendations to the Board on the basis of such assessment for corrective action. The Board shall adopt such corrective measures and make efforts so as to ensure the compliance of the recommendations. (3) The State Government may give such directions as it may deem fit if the Board fails to comply with the recommendation made under sub-section (2) within a reasonable time. The directions given by the State Government shall be immediately complied by the Board.
Section 46-D Liability of the Board and the Sponsoring Body.	25	(1)	Liability for certificates, awards and credentials and exclusion of State Government.— (1) Notwithstanding anything contained in this Act or in any other law for the time being in force, every certificate, mark sheet, award, diploma, course certificate, migration/transfer certificate, result, or any other credential (by whatever name called) issued, published, authenticated, counter-signed, digitally generated, or represented by the Board at any time, shall be and shall always be deemed to have been issued solely on the responsibility and authority of the Board and the Sponsoring

			Body, and not on behalf of the State Government. (2) The Sponsoring Body, and each individual member thereof (including owners, trustees, directors, office-bearers, controlling persons, or persons having management or decision-making control, by whatever designation called) shall be jointly and severally liable and accountable, with retrospective effect, for— (a) the truthfulness, legality, validity and verifiability of every credential referred to in sub-section (1); (b) the maintenance, custody, integrity, auditability and timely retrieval of all underlying records, data and documents supporting such credential; (c) any misrepresentation, suppression, fraud, forgery, manipulation, tampering, irregularity, or unfair practice, whether by act or omission, in relation to admissions, examinations, evaluation, publication of results, issue of credentials, or any allied process; and (d) all civil consequences, including but not limited to refunds, restitution, compensation, damages, costs, penalties, and claims arising from or connected with the Board's credentials and operations. (3) For removal of doubts, it is hereby declared that the liability under sub-section (2) shall apply to and shall be deemed always to have applied to—
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		(a) all credentials issued before the commencement of the Board of Open Schooling and Skill Education, Sikkim (Amendment) Act, 2026; and (b) all credentials issued after such commencement; and such liability shall be continuing and shall not be extinguished by resignation, cessation of membership, dissolution, winding up, closure of operations, repeal of the Act, or any change in the constitution or control of the Sponsoring Body. (4) The State Government and its officers shall not be liable or responsible, either directly or indirectly, for— (a) the issue, genuineness, validity, equivalence, recognition, or acceptability of any credential of the Board; (b) any misrepresentation or assurance made by the Board, the Sponsoring Body, any centre, or any person claiming under them; (c) any loss, prejudice, or adverse consequence suffered by any student, parent, institution, employer, authority or any person due to any act or omission of the Board or the Sponsoring Body; or (d) maintenance, custody, verification, issuance of duplicates, authentication, correction, or re-issuance of any credential or record of the
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			Board, whether during the subsistence of the Board or thereafter. (5) The Sponsoring Body and each individual member thereof shall indemnify and keep indemnified the State Government, its officers and instrumentalities from and against all claims, proceedings, liabilities, costs, losses and expenses of whatsoever nature arising out of— (a) any act, omission, representation, advertisement, promise or conduct of the Board/Sponsoring Body; or (b) any credential referred to in sub-section (1) and any record connected therewith. (6) Without prejudice to any other action under this Act, where the State Government is satisfied that any misrepresentation, fraud, or irregularity has occurred in relation to any credential, it may, after recording reasons in writing— (a) direct the Board/Sponsoring Body to issue public clarification, undertake verification, and take corrective measures within a stipulated time; (b) recover costs/expenses incurred by the State Government for any inquiry, verification, or protective action, from the Sponsoring Body, and where necessary; and
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		(c) initiate such proceedings as may be permissible in law against the Sponsoring Body and/or the individual members thereof. (7) The provisions of this section shall have effect notwithstanding anything inconsistent therewith contained in this Act, the rules, regulations, statutes, or any agreement, memorandum, undertaking or arrangement.”
Section 50 Endowment Fund	26	In the principal Act, after section 49, the following section shall be inserted, namely:- (1) The sponsoring body shall establish an Endowment Fund for the Board with an amount of Rs.2,00,00,000/- (two crore), which shall be pledged to the Government of Sikkim. (2) The Endowment Fund shall be used as security deposit to ensure that the Board complies with the provisions of this Act and functions as per the provisions of this Act. (3) The State Government shall have the power to forfeit, a part or whole of the Endowment Fund in case the Board or the sponsoring body contravenes with any of the provisions of this Act, the regulations or the rules made there under. (4) The Board may with the permission of the State Government utilize the income from the Endowment Fund for the development of infrastructure of the Board and not to meet the recurring expenditure of the Board.

			(4) The amount of Endowment Fund may be invested in such instruments as the Government may prescribe and kept invested until the dissolution or winding up of the Board. (5) In case of investment in long term security, the certificates of the securities shall be kept in the safe custody of the Government and in case of deposit in the interest-bearing Personal Deposit account in the Government Treasury, deposit shall be made with the condition that the amount shall not be withdrawn without the permission of the Government. (6) All fines imposed under this act, if not paid within the time specified, can be recovered from the Endowment Fund by the State Government.
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STATEMENT OF OBJECTS AND REASONS

The Board of Open Schooling and Skill Education Act, Sikkim, 2020 (Act No. 14 of 2020) was enacted to provide for the establishment of a Board for the promotion of open schooling and for imparting secondary, senior secondary, vocational and skill education in the State of Sikkim.

In the course of giving effect to the principal Act, it has been felt necessary to amend certain of its provisions so as to bring greater clarity, strengthen the regulatory oversight of the State Government, ensure accountability and transparency in the functioning of the Board, safeguard the integrity of examinations and public certification, and align the provisions of the Act with the National Education Policy and the requirements of recognition by the appropriate authorities.

Accordingly, the present Bill, inter alia, seeks to—

- (a) rationalise and update the definitions contained in section 2 and harmonise the nomenclature used throughout the principal Act, including the substitution of references to “Skill Examination” by “Skill Education”;
- (b) amend section 3 to provide that the Board shall function as a private, self-financed body corporate subject to the regulatory oversight of the State Government in matters of grievance redressal, academic standards, public interest and compliance with applicable laws; to require the establishment of centres in all districts of the State together with the prescribed minimum infrastructure; to make the commencement of academic programmes, admissions and examinations conditional upon a Permission Certificate issued by the State Government; and to provide for recognition, disclosure and transparency requirements;
- (c) ensure that members nominated by the State Government continue to be governed exclusively by the service conditions, orders and instructions issued by the Government of Sikkim from time to time;
- (d) strengthen the conduct of meetings of the Board of Management, including the quorum and the mandatory presence of the State Government nominees in matters involving academic policy;

- (e) revise the powers and functions of the Board, with emphasis on promotion of open schooling within the State, conduct of examinations in pen-and-paper mode, and development of curriculum and study materials in alignment with the National Education Policy and the National Institute of Open Schooling;
- (f) provide for the admission of learners through the Automated Permanent Academic Account Registry (APAAR) identity, while protecting the special benefits, reservations, quotas and scholarships available exclusively to the domiciled residents of Sikkim;
- (g) provide for the preparation and timely submission of the Annual Report and the audited annual accounts to the State Government;
- (h) insert new provisions relating to the conduct of examinations, the maintenance of records and database, assessment by the State Government, and the liability of the Board and the Sponsoring Body, while excluding the liability of the State Government in respect of the credentials and operations of the Board;
- (i) provide for the establishment of an Endowment Fund pledged to the Government of Sikkim to serve as a security deposit for ensuring compliance with the Act; and
- (j) make consequential omissions and other changes of a clarificatory and procedural nature.

The Bill seeks to achieve the above objectives.


(RAJU BASNET)
Minister-in-Charge,
Education Department,
Government of Sikkim.

MINISTER
Education, Sports & Youth Affairs
Law and PA Department
Government of Sikkim

FINANCIAL MEMORANDUM

(NIL)

Se Tambe
(SANDEEP TAMBE)
Principal Secretary,
Education Department,
Government of Sikkim.
Principal Secretary
Education Department
Govt. of Sikkim

MEMORANDUM REGARDING DELEGATED LEGISLATION

1. Clause 4 of the Bill, amending section 3 of the principal Act—the proposed sub-section (8) empowers the State Government to call for records, documents and reports and to issue such directions as it deems necessary; and the proposed sub-section (10) empowers the State Government to issue a Permission Certificate, to impose conditions therein, and to withdraw, suspend or modify the same.
2. Clause 14 of the Bill, substituting section 26 of the principal Act—sub-section (2) empowers the Board to prescribe, by regulations, the detailed conditions, criteria and procedure for admission of students.
3. Clause 19 of the Bill, substituting section 45 of the principal Act—empowers the State Government to dissolve the Board by notification upon completion of the dissolution process, and provides for the maintenance of records in such manner as may be prescribed.
4. Clause 20 of the Bill, substituting section 46 of the principal Act—empowers the State Government to appoint an inquiry officer or officers by notification, to take action thereon, and provides for the maintenance of records in such manner as may be prescribed.
5. Clause 21 of the Bill, inserting new section 46-A—empowers the State Government to prescribe the safeguards and protocols for the conduct of examinations, and provides for the imposition of penalties for misconduct as per the regulations.
6. Clause 21 of the Bill, inserting new section 46-B—provides for the maintenance and preservation of records and database in such manner, and for such period, as may be prescribed.
7. Clause 21 of the Bill, inserting new section 46-C—empowers the State Government to cause an assessment to be made in such manner as may be prescribed and to issue directions to the Board.

8. Clause 21 of the Bill, inserting new section 46-D—empowers the State Government to direct corrective measures, recover costs and expenses, and initiate proceedings against the Sponsoring Body and its members.
9. Clause 26 of the Bill, inserting new section 50 relating to the Endowment Fund—empowers the State Government to prescribe the instruments in which the Endowment Fund may be invested, and to forfeit the whole or any part of the Fund in case of contravention of the Act, the rules or the regulations.

The above delegations are of a normal character and relate mainly to matters of procedure and detail.