

MEGHALAYA ACT 10 OF 1973

THE MEGHALAYA BOARD OF SCHOOL EDUCATION ACT, 1973.

(As passed by the Assembly)

(Received the assent of the Governor on the Seventeenth April, 1973)

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An

Act

to provide for the establishment of a Board of School Education to regulate, supervise and develop School Education in Meghalaya.

Be it enacted by the Legislature of Meghalaya in the Twenty-third Year of the Republic of India as follows:-

Short title and commencement. 1. (1) This Act may be called the Meghalaya Board of School of Education Act, 1973.

(2) It extends to the whole of Meghalaya.

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

(4) From the date on which this Act comes into force, the Board of Secondary Education, Assam, shall cease to exercise its jurisdiction over the educational institutions in the State of Meghalaya;

Provided that the Board of Secondary Education Assam, shall continue to have the same jurisdiction as now exercised by it in the State of Meghalaya over the High and Higher Secondary Schools till such time as the State Government by a notification in the Official Gazette, may appoint.

Definitions. 2. In this Act, unless there is anything repugnant in the subject or context, -

(a) "Board" means the Meghalaya Board of School Education established under this Act;

(b) ¹*"Executive Chairman" means the Executive Chairman of the Board.

(c) "College" means any college or institution situated in Meghalaya and maintained or admitted to the privileges by the University ;

¹ Subs by Amendment Act is 5 of 2006, Sec 2. Earlier the words read as "Chairman" means the Chairman of the Board."

(d) “Education Department” means the Department of Education of the Government of Meghalaya;

(e) “Fund” means the Meghalaya Board of School Education Fund constituted under this Act;

(f) “High School” means a school or department of a school giving instruction in School Education and preparing students for the Matriculation or High School Leaving Certificate Examination;

(g) “Higher Secondary School” means a school or department of a school giving instruction in School Education and preparing students for Higher Secondary School Leaving Certificate Examination;

(h) “Primary Education” means education imparted in a Primary or Junior Basic School or its equivalent;

(i) “Professional and Vocational Schools” means a school or institution imparting technical education and vocational instruction upto the diploma level;

(j) “recognised” means recognised by the Board for the purpose of admission to the privileges of the Board or, prior to recognition by the Board or, prior to recognition by the Board, by any University established by law in India or by any Board recognised by the State Government;

(k) “regulation” means a regulation made by the Board under this Act;

(l) “rule” means a rule made by the State Government under this Act;

(m) “School Education” means such Education as is designed to meet the needs of the stage of Primary Education and precedes immediately the stage of Degree Education (including Pre-University) controlled by any University established by law in India, or by a Board constituted by Government for this purpose and it includes technical education and vocational instruction upto the diploma level and Education in Higher Secondary Schools ;

(n) [i] *¹“Principal Director” means Principal Director of the Board;

¹Subs by Amendment Act No. 5 of 2006, Sec 2. Earlier the word read as “Secretary” means “Secretary of the Board.”

(n) *¹(ii) Director Administrative Wing, means the Director in-charge Administrative Wing of the Board;

(n) (iii) Director Accreditation & Controller of Examination means the Director in-charge Accreditation and Controller of Examinations of the Board.

(n) (iv) “Director, (Regional) Shillong Office” means the Director in-charge (Regional) Shillong MBOSE Office of the Board.

(n) (v) “Chief Accounts Officer” means the Chief Accounts Officer in-charge Finance Wing of the Board;

(n) (vi) “Chief Academic Officer” means the Chief Academic Officer in-charge of the Academic Wing of the Board;

(o) “University” means the University exercising “jurisdiction” in Meghalaya.

(p) “Regional Shillong MBOSE Office” means the Regional Office of the Board at Shillong.

Incorporation of the Board.

3. (1) The State Government shall, as soon as may be after the commencement of this Act, establish by notification, Board for regulation, supervision and development of School Education in accordance with the provisions of this Act.

(2) The Board shall, by the name of Meghalaya Board of School Education be a body corporate with perpetual succession and a common seal, and shall have the power to acquire and hold any property, to transfer any property held by it, to enter into any contract and to do all other things necessary for the purpose of carrying out its duties and functions, and shall by the said name sued or be sued.

¹ Subs by Amendment Act No.5 of 2006 Sec 2

*¹**Headquarter 3A**

3A. “The Headquarter of the Board shall be located at Tura”.

Constitution of the Board.

²*4. The Board shall consist of the following members, namely:-

- (i) The Executive Chairman to be appointed by the State Government from amongst Academicians/Educationists of reputed or seniority Civil Service Officer, with adequate experience and proven ability in administration.
- (ii) **Principal Director to be appointed by the Government Ex-Officio Members;**
- (iii) Principal Secretary/Commissioner & Secretary, Government of Meghalaya, Education Department, Meghalaya.
- (iv) Principal Secretary/Commissioner & Secretary, Finance Department, Meghalaya.
- (v) Director of Higher & Technical Education, Meghalaya.
- (vi) Director Educational Research & Training, Meghalaya.
- (vii) One Representation of North Eastern Hills University who should be reputed and experienced academician.
- (viii) **Members to be nominated by the Government:**
 - (a) One Principal of a Higher Secondary School.
 - (b) One Principal of a College which provides +2 level of Education.
 - (c) Two Head Masters/Head Mistresses of Secondary Schools.
 - (d) Four Teachers one each from Arts, Science, Commerce and Vocational Education Streams, of which two teachers shall be drawn from

¹ Inserted by Amendment Act No.5 of 2006 Sec 4

² Inserted by Amendment Act No.5 of 2006 Sec 5 Earlier the words read as Ex-Officio Members –

i. Secretary to the Government of Meghalaya, Education Department as Chairman;

Explanation:-The term “Secretary” includes the Additional Secretary, the Commissioner and Secretary and the Principal Secretary;

ii. Director of Higher Technical Education, Meghalaya.

iii. Director of Elementary and Mass Education, Meghalaya;

iv. Director of Educational Research and Training, Meghalaya;

v. Director of Industries, Meghalaya.

vi. Director of Agriculture, Meghalaya.

vii. Director of Health Services, Meghalaya. .

viii. One representative from North East Khasi Hill University;

ix. Secretary of the Board to be appointed by Government.

Members to be nominated by Government:-

x. a Principal of one of the Teachers’ Training Institute;

xi. a Headmaster of one of the Upper Primary Schools;

xii. a Headmaster of one of the Secondary Schools;

xiii. a Principal of one of the Higher Secondary Schools;

xiv. a Principal of one of the Degree College;

xv. one of the Inspectors of Schools;

xvi. five teachers drawn from Colleges, Higher Secondary, Secondary, Upper Primary and Primary School of whom at least two are women; and

xvii. two distinguished educationists.

Secondary School, one from Higher Secondary Schools, and one from College which provides + 2 level education provided that at least two of the four teachers, thus nominated, are women.

(e) Two persons from amongst distinguished Educationists or Social Workers, one of whom shall be a woman.

(ix) *¹Co-opted member:- The Board shall have the power to co-opt not more than one member from amongst distinguished/Academicians and Educationists”

Publication of names of members of the Board. 5. The names of the persons nominated or co-opted as members of the Board shall be published by notification by the State Government.

Term of office of members 6. Term of office of member:-

i. Nominated members shall hold office for a term of three years from the date of the notification published under section 5 and the term of office of the co-opted members shall terminate on the same date as that of the nominated members :

Provided that the State Government may, by notification, extend the term of office of all such members by a period not exceeding one year.

ii. Notwithstanding the expiry of the term of three years specified in clause (i), the term of office of the outgoing members shall be deemed to extend to the date on which the names of the newly nominated members are published under section 5.

Disqualification for membership. 7. (1) A person shall not be eligible for nomination or co-option as a member of the Board or of the Committees formed by it , if he –

- (a) has been adjudged by a court of law to be of unsound mind ;
- (b) has been convicted by a court of law for an offence which is declared by the State Government to be an offence involving moral turpitude as provided in the rules.

(2) If a nominated or co-opted member of the Board or of any Committee formed by it becomes subject to any of the disqualifications specified in sub-section (1) his membership shall thereupon cease.

(3) All disputes relating to the eligibility of any person for nomination or co-option shall be referred to the State Government whose decision on such matters shall be final.

¹ Subs by Amendment Act No.5 of 2006, Sec 5. Earlier the words read as “Board shall have the power to co-opt not more than two members from among distinguished educationists.”

Resignation of members and casual vacancy etc.

8. (1) A member of the Board, other than an ex-officio member, may resign his seat by giving notice thereof in writing to the Chairman, and such member shall be deemed to have vacated his seat from the date of acceptance of his resignation by the Chairman.

(2) The State Government may, by notification, remove any nominated or co-opted member who remains absent from three consecutive meetings of the Board without the leave of the Board.

(3) In the event of a casual vacancy occurring by resignation, removal, death or disqualification of a member, such vacancy shall be filled by nomination or co-option, as the case may be, in the manner provided in section 4.

(4) Any person nominated or co-opted to fill a casual vacancy shall hold office for the unexpired portion of the term of office of the member in whose place he is nominated or co-opted.

Meetings of the Board.

*¹9. (1) (i) Ordinary Meetings: The Board shall meet at least once every three months or more frequently, if necessary.

(ii) Special Meetings: The Executive Chairman may, at any time, and shall upon the requisition made by not less than one-third of the members of the Board and on a date, not more than twenty one days of the receipt of such requisition, call a Special Meeting of the Board.

(iii) Convener of the Board's Meeting: The Principal Director shall service the Board and act as the Convener of its meetings.

(2) Twenty one days Notice shall be given for Ordinary Meetings of the Board and seven days notice for special Meetings”.

Quorum: proceedings not invalidated by reason of vacancies.

10. (1) The quorum for every meeting of the Board shall be seven.

(2) Subject to the provisions contained in subsection (1) no act or proceedings of the Board shall be invalid merely by reason of the existence of any vacancy among the members of the Board.

¹ Subs. By Amendment Act No. 5 of 2006, sec 6. Earlier the words read as 9. (1) (i) Ordinary Meetings : - The Board shall meet not less than four times a year but 3 months shall not intervene between two successive meetings.

(ii) Special Meetings:- The Chairman or the Secretary may, at any time, and shall upon the requisition made by not less than one-third members of the Board other than the ex-officio members, and on a date not more than twenty-one days or the receipt of such requisition, call a special meeting of the Board.

(2) Twenty-one days' notice shall be given for ordinary meetings of the Board and seven days' notice for special meetings.

Officers of the Board ¹*11.(1) The following shall be the Officers of the Board who shall be appointed by the Government namely:-

- (i) The Executive Chairman.
- (ii) The Principal Director.
- (iii) The Director Administration.
- (iv) The Director Accreditation and Controller of Examinations.
- (v) The Director Regional Shillong MBOSE Office.
- (vi) The Chief Accounts, Officer.
- (vii) The Chief Academic Officer.

(2)The Board may appoint such other Officers and employees as it considers necessary for efficient discharge of its functions, under this Act on such terms and conditions as may be determined by regulations”.

Powers and duties of the Board

12. Subject to any general or special order of the State Government, the provisions of this Act, and any rules made there under, the Board shall have generally the power to regulate, supervise and control School Education, and in particular the powers and duties mentioned below:-

- (i) to prescribe courses of instruction for Primary, High and Higher Secondary Schools and Professional or Vocational Schools ;
- (ii) to conduct and supervise examinations based on such courses or to cause to conduct and supervise such examination;
- (iii) to admit to its examinations on conditions, that may be prescribed by regulations, candidates who have pursued the prescribed courses of instruction and also to take such disciplinary action against candidates as may be prescribed by regulations;
- (iv) to demand and receive such fees as may be prescribed by regulations ;
- (v) to publish the results of its examinations:-
- (vi) to grant certificates to students passing the examinations ;
- (viii) to institute and award scholarships prizes, etc;
- (viii) to prepare, publish and select text book and supplementary books or to cause to prepare publish and select such books ;

¹ Subs by Amendment 5 of 2006 , Sec.7 Earlier the words read as: 11. (1) The following shall be the officers of the Board, namely:-

(i) the Chairman, and

(ii) the Secretary.

(2) The Board may appoint such other officers and employees as it considers necessary for efficient discharge of its functions under this Act on such terms and conditions as may be determined by regulations.

(xxii) to delegate any of its powers to any Committee constituted under this Act ;

(xxiii) to administer the Meghalaya Board of School Education Fund ;

(xxiv) to receive, purchase and hold any property, movable or immovable, which may become vested in it, and to dispose of all or any of the property, movable or immovable belonging to it, and also do all other acts incidental or appertaining thereto ;

(xv) to do such acts and things as may be necessary to carry out the purposes of this Act ;

Provisions that the power of the Board shall not extend to the Primary Schools established, constructed or managed by the District Councils, unless the State Government, after consultation with the District Council concerned by notification empowers the Board to exercise the powers aforesaid in respect of the Primary Schools mentioned above.

Powers of the State Government.

13. Notwithstanding anything contained in this Act –

(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 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 of the State Government.

(3) The State Government may, *¹..... issue such directions consistent with the provisions of this Act, as it may think fit, and the Board shall comply with such directions.

(4) The State Government may, by order in writing specifying the reasons thereof, suspend the execution of any resolution or order of the Board, and prohibit the doing of an act ordered to be done by the Board, if the State Government is of the opinion that such resolution, order or act is in excess of the power conferred upon the Board by or under this Act.

¹ Deleted by Amendment Act No.5 of 2006, Section 8. Earlier the word read as “after consultation with the Board.”

(5) The State Government may, after consultation with Board, suspend or remove a member whose continuance as a member of the Board is considered to be detrimental to the interests of the Board.

Constitution of a Fund. 14. A fund to be called the Meghalaya Board School Education Fund, shall be constituted and sums received by, or on behalf of, the Board under this Act shall be placed to the credit thereof.

Custody and investment of the Fund. 15. All moneys at the credit of the Fund shall be kept in the Government Treasury or the Bank of India or the Meghalaya Co-operative Bank, Ltd., as the Board may determine.

Application of the Fund. 16. Subject to the provisions of this Act, the Fund shall be applicable only to the payment of the charges and expenses incidental to matters specified in this Act.

Audit of the Account of the Board. 17. The accounts of the Board shall be audited only by such agency as may be specified by the State Government and a copy of the audited accounts shall be submitted by the Board to the State Government by such date each year as the State Government may specify.

Powers and Duties of an Executive Chairman *¹18. (1) The Executive Chairman shall be the Chief Executive Officer of the Board.

(2) It shall be the duty of the Executive Chairman to see that the provisions of this Act and Regulations made under it are faithfully observed and the decisions of the Board are duly implemented and he shall have all powers necessary for this purpose.

(3) The Executive Chairman shall have powers to convene meetings of the Board.

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

(5) The Executive Chairman shall exercise all other powers as may be prescribed by Regulations.

¹ Subs by Amendment Act No.5 of 2006, Sec 9 earlier the words read as:

Powers and duties of Chairman

18. (1) *It shall be the duty of the Chairman to see that the provision of this Act and the regulations made under it are faithfully observed, and the decisions of the Board are duly implemented and he shall have all powers necessary for this purpose.*

(2) *The Chairman shall have power to convene meetings of the Board.*

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

(4) *The Chairman shall exercise such other powers as may be prescribed by regulations.*

“Powers and Duties of the Officers of the Board”. *¹19. The Principal Director, Administration, the Director Accreditation and Controller of Examinations, the Director Regional Shillong MBOSE Office, Shillong, the Chief Accounts Officer, the Chief Academic Officer, shall , subject to the control of the Executive Chairman, perform such duties as may be prescribed by the Regulations.

Powers and duties of other officer. 20. Other officers will have such powers and duties as may e prescribed by regulations.

“Committee of the Board”. *²21.(1) The Board shall , for the purpose of carrying out its duties and functions imposed under this Act, appointed the following Committees namely;

(i) Executive Committee, (ii) Academic Committee, (iii) Examination Committee, (iv) General Education Committee, (v) Professional and Vocational Committee and (vi) such other Committees as may be found necessary.

*³ (2) Every such Committee shall consist of such members of the Board and of such persons as the Board and of such persons as the Board may appoint.

Provided that Executive Committee of the Board shall consist of the following members namely:

- (i) The Executive Chairman
- (ii) The Principal Director;
- (iii) A representative of the State Education Department not below the rank of a Secretary.
- (iv) A representative of the State Finance Department not below the rank of a Secretary.

¹ Subs by Amendment Act No. 5 of 2006, Sec 10 earlier the words read as:

Powers and duties of the Secretary.

19. The Secretary of the Board shall be the principal administrative, officer and shall, subject to the control of the Chairman, perform such duties as may be prescribed by regulations.

² Subs by Amendment Act No. 5 of 2006, Sec 11 earlier the words read as:

Committee of the Board.

21.(1) The Board may, for the purposes of carrying out its duties and functions imposed under this Act, appoint the following Committees, namely:-

- (i) Curriculum and Syllabus Committee,
- (ii) Examination Committee,

³ Subs by Amendment Act No. 5 of 2006, Sec 11 earlier the words read as:

(iii) General Education Committee,

(iv) Professional and Vocational Education Committee, and

(v) such other Committee as may be found necessary.

(2) Every such Committee shall consist of such members of the Board and of such other persons as the Board may appoint.

(3) Every such Committee, except the Examination Committee, may co-opt persons to be members to the extent of one-third of the members appointed to it.

(4) Members of such Committees shall hold office for such time as the Board may determine.

(5) Subject to the provisions of this Act and three rules made there under the duties and functions of the Committees shall be determined by regulations.

- (v) The Director of Higher and Technical Education, Meghalaya.
- (vi) The Director of Educational Research and Training, Meghalaya.
- (vii) Two members to be nominated by the Executive Chairman from amongst Heads of Educational Institutions which provides +2 level of Education or Higher Secondary or Secondary Education one of which is a woman;

Provided further that any or all of the Heads of the four Wings of the Board at Tura and the Regional, Shillong MBOSE Office Shillong may be invited to the meeting(s) of the Executive Committee, at the direction of the Executive Chairman”.

Exercise of Powers delegated by the Board to Committees

22. All matters relating to exercise of powers conferred upon the Board by this Act which are by regulations delegated to any Committee appointed under section 21 shall stand referred to that Committee, and the Board before exercising such powers shall receive and consider the report or recommendation of the Committee with respect to the matter in question.

Power of the Board to make regulations.

23. (1) The Board may make regulations for the purpose of carrying out the provisions of this Act.

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

- (i) The constitution, powers and duties of Committees appointed under section 21;
- (ii) courses of study to be laid down for different examinations;
- (iii) marks required for passing in any subject and the examination as a whole, and for credit and distinction in any subject ;
- (iv) qualifications, appointment and remuneration of examiners, paper-setters and others;
- (v) conducting examinations and publishing the results ;
- (vi) conditions of recognition of Schools ;
- (vii) conditions under which candidates shall be admitted to the examinations of the Board;
- (viii) disciplinary measures for malpractices in examinations ;
- (ix) fixing of fees and charges in respect of examinations ;
- (x) provident fund, etc., for the benefit of the employees of the Board ;
- (xi) rate of travelling and daily allowances to the non-official members of the Board or Committees ;
- (xii) delegation of powers or assignments of functions to Committees formed under this Act, and
- (xiii) all matters which, by this Act, are to be or may be provided for by regulations;

Provided that all regulations, alterations and revocations thereof shall be subject to approval by the State Government and shall be published in the Official Gazette.

Board to furnish reports, returns, etc., to the State Government. 24. The Board shall further to the State Government such reports, returns and statements and such other information relating to any matter under the control of the board as the State Government may require.

Powers of the State Government to reconstitute the Boards. 25. If in the opinion of the State Government, the Board has shown its incompetence to perform , or persistently made default in the performance of the duties imposed, or exceeded or abuse the powers conferred upon it by or under this Act; the State Government shall formulate in writing specific charges against the Board in respect of those matters and shall forward a copy of such charges to the Board with direction to submit any comments or explanations in respect thereof to the State Government within such period as may be specified in this behalf. After the consideration of the comments or explanations of the Board, the State Government may, if it thinks fit, by notification supersede the Board and thereafter reconstitute the Board in accordance with the provision in section 4 and in every such case, the State Government shall, as soon as may be, lay before the State Legislature a copy of the said notification together with the statement of the reasons which led such reconstitution.

Vesting of powers till the reconstitution of the Board. 26. Until the Board is reconstituted after supersession under section 25, the duties and powers of the Board shall be performed and exercised by, and the property of the Board shall vest in, such person or authority as the State Government may specify by notification.

Powers of State Government to make rules. *¹27. (1) The State Government may make rules for carrying out of purpose of this Act.

(2) Notwithstanding anything contained under Section 27 (1) the State Government may make rules for performance of Examination related duties by all persons appointed by the Board to perform such duties and functions”.

Repeal of Assam Act 25 of 1961 and the Meghalaya Secondary Education Act. 28. As on the date on which this Act comes into force the Assam Secondary Education Act, 1961 in its application to the State of Meghalaya and the Meghalaya Secondary Education Act shall stand repealed.

THE UNDERLINED TEXT INDICATES THE INSERTION/SUBSTITUTION OF THE SUBSEQUENT AMENDMENTS TO THE MEGHALAYA BOARD OF SCHOOL EDUCATION ACT, 1973. (ACT NO. 10 OF 1973), AMENDED AND UPDATED UPTO THE YEAR OF ACT 5 OF 2006.

¹ Subs by Amendment Act No. 5 of 2006, Sec 12 earlier the words read as: "The State Government may make rules for carrying out the purposes of this Act."