

The 19th April, 1973

No.LL.172/72/53.-The following Act of the Meghalaya Legislative Assembly which received the assent of the Governor is hereby published for general information:-

MEGHALAYA ACT 10 OF 1973

THE MEGHALAYA BOARD OF SCHOOL EDUCATION ACT, 1973

Arrangements of Sections

Sections:

1. Short title, extent and commencement
2. Definitions
3. Incorporation of the Board
4. Constitution of the Board
5. Publications of names of members of the Board
6. Term of office of members
7. Disqualification for membership
8. Resignation of members and casual vacancy, etc
9. Meetings of the Board
10. Quorum: proceedings not invalidated by reason of vacancies
11. Officers of the Board
12. Powers and duties of the Board
13. Powers of the State Government
14. Constitution of a Fund
15. Custody and investment of the Fund
16. Application of the Fund
17. Audit of the Accounts of the Board
18. Powers and duties of Chairman
19. Powers and duties of the Secretary
20. Powers and duties of other officers
21. Committees of the Board
22. Exercise of powers delegated by the Board to Committees
23. Power of the Board to make regulations
24. Board to furnish reports, returns, etc. to the State Government
25. Powers of the State Government to reconstitute the Board
26. Vesting of powers till the reconstitution of the Board
27. Powers of the State Government to make rules
28. Repeal of Assam Act 25 of 1961 and the Meghalaya Secondary Education Act

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)

(Published in the Gazette of Meghalaya, Extraordinary)

dated the 21st April, 1973

**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 in the Twenty-fourth Year of Republic of India as follows:-

Short title and commencement

1.

1. This Act may be called the Meghalaya Board of School 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

- 1) "Board" means the Meghalaya Board of School Education established under this Act.
- 2) "Chairman" means the Chairman of the Board;
- 3) "College" means any college or institution situated in Meghalaya and maintained or admitted to the privileges by the University;
- 4) "Education Department" means the Department of Education of the Government of Meghalaya;
- 5) "Fund" means the Meghalaya Board of school Education Fund constituted under this Act;
- 6) "High School" means a school or department of a school giving instruction in School Education and preparing students for Matriculation or High School Leaving Certificate Examination;
- 7) "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;
- 8) "Primary Education" means education imparted in a Primary or Junior Basic School or its equivalent;
- 9) "Professional and Vocational School" means a school or institution imparting technical education and vocational instruction upto the diploma level;
- 10) "recognized" means recognized by the Board for the purpose of admission to the privileges of the Board or, prior to recognition by the Board, by any University established by law in India or by any Board recognized by the State Government;
- 11) "regulation" means a regulation made by the Board under this Act;
- 12) "rule" means a rule made by the State Government under this Act;
- 13) "School" means such education as is designed to meet the needs of the stage immediately starting from the stage of Primary Education and precedes immediately the stage of Degree Education including Pre-University, controlled 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 School;
- 14) "Secretary" means Secretary of the Board.
- 15) "University" means the University exercising jurisdiction in Meghalaya.

3. Incorporation the Board

- 1) The State Government shall, as soon as may be after the commencement of this Act, establish by notification, a 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 the 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 purposes of carrying out its duties and functions, and shall by the said name sue or be sued.

4. Constitution of the Board

Ex-Officio Members-

- 1) Director of Public Instruction, Meghalaya, Chairman
- 2) Director of Industries, Meghalaya
- 3) Director of Agriculture, Meghalaya
- 4) Director of Health Services Meghalaya
- 5) All Inspectors of Schools
- 6) Members to be nominated by Government:-
 - i. Five teachers of whom at least one is a Primary School Teacher and one is a College teacher.
 - ii. Two teachers from Professional and Vocational Schools.
 - iii. One representative from the University
 - iv. One representative from each of the District Councils of the State.
- 7) The Secretary of the board to be appointed by the Government.

Co-opted Members:-

- 8) The Board shall have the power to co-opt not more than two members from among distinguished 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

Terms of office of members

6. Term of office of member:-

- 1) 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.

- 2) 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-
 - i. has been adjudged by a court of law to be of unsound mind;
 - ii. 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.
 - iii.
- 2) If a nominated or co-opted member of the Board or of any Committee formed by it becomes subject to any of the disqualification specified in sub-section (1) his membership shall thereupon cease.
- 3) If a nominated or co-opted member of the Board or of any Committee formed by it becomes subject to any of the disqualification specified in sub-section (1) his membership shall thereupon cease.

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

9.

- 1) Ordinary Meetings-The Board Shall meet not less than four times a year but 3 months shall not intervene between two successive meetings.
 - I. 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 of the receipt of such requisition, call a special meeting of the Board.
 - II. Twenty-one days notice shall be given ordinary meetings of the Board and seven days' notice for special meetings.
- 2) Twenty-one days notice shall be given ordinary meetings of the Board and seven days' notice for special meetings.

Quorum: proceedings not invalidated by reason of vacancies

10. d

- 1) The quorum for every meeting of the Board shall be seven.
- 2) Subject to the provisions, contained in sub-section (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.
- 3)

Officer of Board

11.

- 1) The following shall be the officers of the Board, namely:-

- a. The Chairman, and
 - b. 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 of 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 Board Government, the provisions of this Act, and any rules made there under, the Board shall have generally power to regulate, supervise and control School Education, And in particulars the power and duties mentioned below:-

- 1) To prescribe courses of construction for Primary, High and Higher Secondary Schools and Professionals or Vocational Schools;
- 2) To conduct and supervise examinations based on such courses or cause to conduct and supervise such examination;
- 3) To admit to its examinations or conditions, that may be prescribed by regulations, candidates who have pursued the prescribed courses of the instruction and also to take such disciplinary action against candidates as may be prescribed by regulations;
- 4) To demand and receive such fees as may be prescribed by regulations;
- 5) To publish the results of its Examinations;
- 6) To grant Certificates to students passing the Examinations;
- 7) To institute and award scholarships, prizes, etc;
- 8) To prepare, publish and select text books and supplementary books or to cause to prepare, publish and select such books;
- 9) To lay down conditions of recognition of High Schools and other schools preparing candidates for High School courses and other courses prescribed by the Board;
- 10) To recognize High and Higher Secondary School and professional and Vocational Schools and to withdraw such recognition;
- 11) To take such disciplinary action as it thinks fit against institutions as prescribe by regulations;
- 12) To adopt measures for study and examination of problems in the field of School Education;
- 13) To advise Government on physical, moral and social welfare of students in recognized institutions and to prescribe conditions for their residence and discipline;
- 14) To prescribe necessary qualifications of teachers in recognized schools;
- 15) To organize seminars and provide "in-service" Training Courses;
- 16) To receive grants from Government and donations from private individuals or Associations for specific or general purposes;
- 17) To call for reports from the Director of [Public Instructions on the conditions of recognized institutions or of Institutions applying for recognition;
- 18) To advice Government on re-organization and developed of School Education;
- 19) To advice Government relating to any matter within the provisions of this Act on which the Government may consult the Board;
- 20) To appoint officers and other employees of the Board and to prescribe, by regulations, the terms and conditions of their service;
- 21) To institute by regulations for the benefit of its officers and other employees such pension, gratuity and provident fund as it may deem fit, in such manner, and subject to such conditions, as may be prescribed by regulations;
- 22) To delegate any of its powers to any committee constituted under this Act;
- 23) To administer the Meghalaya Board of School Education Fund;
- 24) To receive, purchase and hold any property, moveable or immovable, which may become vested in it, and to dispose of all or any of the property, moveable or immovable belonging to it, and also do all other acts incidental or appertaining thereto;
- 25) To do such acts an things as may be necessary to carry out the purposes of this Act.

Provided 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 the notification empowers the Board to exercise the powers aforesaid in respect of the primary Schools mentioned above.

Power 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, after consultation with the Board, issued 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.
- 5) The State Government may, after consultation with the 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 of School Education Fund shall be constituted and all sums received by, or on behalf of the Board under this Act shall be placed to the credit thereof.

15. Custody and investment of the Fund.

All moneys and the credit of the Fund shall be kept in the Government Treasury or the State Bank of India or the Meghalaya Co-Operative Apex Bank, Ltd; as the Board may determine.

Application of the Fund.

16. Subject of 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 Accounts 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 the 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 Chairman.

18.

- 1) It shall be the duty of the Chairman to see that the provisions 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 powers 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 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

Powers and duties of other officer.

20.

Other officers will have such powers and duties as may be prescribed by regulations

Committees of the Board

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

- 1) Curriculum and Syllabus Committee,
- 2) Examination Committee,
- 3) General Education Committee,
- 4) Professional and Vocational Education Committee, and such other Committees as may be found necessary.
- 5) Every such Committee shall consist of such members of the Board and of such other persons as the Board may appoint.
- 6) 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.
- 7) Members of such committees shall hold office for such time as the Board may determine.
- 8) Subject to the provisions of this Act and the rules made there under the duties and functions of the Committees shall be determined by regulations.

Exercise of Powers delegated by the Board of Committees

22. All the matters relating to exercise of powers conferred upon the 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 of recommendation of the Committee with respect to the matter in question.

Power of the Board to make regulation.

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 a 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 examination 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 charge in respect of examinations;
 - x. Provident fund, etc; for the benefit of the employees of the Board;
 - xi. Rate of traveling and daily allowances to the non-official members of the Board or Committees;
 - xii. Delegation of powers or assignment of functions to Committees formed under the Act ; and
 - xiii. All matters which, by this Act, are to be or may be provided for by regulations:
- 3) 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 a 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 examination 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 traveling and daily allowances to the non-official members of the Board or Committees;
 - xii. Delegation of powers or assignment 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 furnish 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 Board.

- 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 abused the powers conferred upon it by or under this Act; the State Government shall formulate in writing specific charges to 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 of 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 statement of the reason which led to 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 the notification.

Powers of the State Government to make rule.

27. The State Government may make rules for carrying out the purposes of this Act.

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 28th August, 1973

No.LL 172/72/62.-The following Act of the Meghalaya Legislative Assembly which received the assent of the Governor is hereby published for general information:-

MEGHALAYA ACT 24 OF 1973
THE MEGHALAYA BOARD OF SCHOOL EDUCATION
(AMENDMENT) ACT, 1973
(Received the assent of the Governor on the 24th August, 1973)
[Published in the Gazette of Meghalaya, Extraordinary,
dated the 29th August, 1973]

An
Act

to amend the Meghalaya Board of School Education Act, 1973

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

Short title and commencement.

1.

- a. This Act may be called the Meghalaya Board of School Education (Amendment) Act, 1973.
- b. It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

Amendment of section 15 of Meghalaya Act 10 of 1973.

2. In the Meghalaya Board of School Education Act, 1973, in section 15.

- a. The comma “(,)” after the abbreviation “Ltd.” Shall be omitted and between the abbreviation “Ltd.” and the word “as” the words “or any of the Nationalized Banks” followed by a COMMA “(,)” shall be inserted.
- b. The full stop “(.)” at the end shall be substituted by a colon “(:)”; and
- c. the following shall be inserted as proviso to the section, namely:-
“Provided that it will not be necessary for all the moneys to be kept in any one Bank or Treasury.

S.N. Phukan,
Deputy Secretary to the Govt. of Meghalaya
Law Department.

The 23rd December 1997

No. LL (B).88/88/81.-The Meghalaya Board of School Education (Amendment) Ordinance, 1997 promulgated by the Governor of Meghalaya on 21st December, 1997 is hereby published for general information.

MEGHALAYA ORDINANCE No. 3 OF 1997

Promulgated by the Governor on 21st December, 1997; published in the Extra Ordinary issue of the Gazette of Meghalaya, dated 23rd December, 1997.

The Meghalaya Board of School Education (Amendment) Ordinance 1997

An
Ordinance

To amend the Meghalaya Board of School Education Act, 1973

Whereas, the Legislative Assembly of Meghalaya is not in session and the Governor is satisfied that the circumstances exist which render it necessary for him to take immediate action;

Now, therefore, in existence of the powers conferred by clause (1) of Article 213 of the Constitution, the Governor of Meghalaya hereby promulgates in the Forty-eight Year of the Republic of India the following Ordinance, namely.-

Short title and commencement.

1.

- a. This Ordinance may be called the Meghalaya Board of School Education (Amendment) Ordinance, 1997.
- b. It shall come into force at once.
- c.

Amendment of section 4 of Act 10 of 1973.

2. For section 4 of the Meghalaya Board of School Education Act, 1973, the following members, namely.-

“Constitution of the Board”

a. “The Board shall consist of the following members, namely.-

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 and Technical Education, Meghalaya;
 - iii. Director of Elementary and Mass Education, Meghalaya;
 - iv. Director of Education Research Training, Meghalaya;
 - v. Director of Industries, Meghalaya;
 - vi. Director of Agriculture, Meghalaya;
 - vii. Director of Health Services, Meghalaya;
 - viii. One representative of NEHU;
 - ix. Secretary of the Board to be appointed by the Government.
Members to be nominated by Government.-
 - x. A Principal of one of the Teachers’ Training Institutes;
 - 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 Colleges;
 - xv. One of the Inspectors of Schools;
 - xvi. Five teachers drawn from Colleges, Higher Secondary Schools and Primary Schools of whom at least two are women.
- b. The Board may if it considers necessary, invite not more than two persons from among the distinguished educationists for dealing with any matter before it.”

Dated Raj Bhawan,
Shillong, the 21st December, 1997

M.M. JACOB,
Governor of Meghalaya

Dated Shillong,
The 23rd December, 1997

L. JYRWA,
Secretary to the Govt. of Meghalaya,
Law Department.