

# The Meghalaya Board of School Education Act, 1973

MEGHALAYA

India

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### Act 10 of 1973

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The Meghalaya Board of School Education Act, 1973 (Meghalaya Act No. 10 of 1973) Last Updated 19th February, 2020 (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. 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 - 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 the Republic of India as follows:-

### 1. Short title, extent and commencement.

(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.

### 2. Definition.

- 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) [ "Chairman" means the Chairman of the Board; ] [Substituted by Meghalaya Act 5 of 2006, Section 2.] (c) "College" means any college or institution situated in Meghalaya and maintained or admitted to the privileges by the University; (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 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, 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 immediately starting from 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 include technical education and vocational instruction upto the diploma level and education in Higher Secondary Schools;(n)[(i) "Principal Director" means the Principal Director of the Board;] [Substituted by Meghalaya Act 5 of 2006, Section 2.](ii)"Director Administrative Wing" means the Director in-charge Administrative Wing of the Board ;(iii)"Director, Accreditation and Controller of Examination", means the Director in-charge Accreditation and Controller of Examination of the Board ;(iv)"Director, [Regional] Shillong Office" means the Director in-charge [Regional] Shillong MBOSE Office of the Board ;(v)"Chief Accounts Officer", means the Chief Accounts Officer in-charge Finance Wing of the Board ;(vi)"Chief Academic Officer" means the Chief Academic Officer in-charge 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.] [Substituted by Meghalaya Act 5 of 2006, Section 3.]

### **3. Incorporation of 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.[3A. "Headquarter". - The Headquarter of the Board shall be located at Tura.] [Inserted by Meghalaya Act 5 of 2006, Section 4.]

### **4. [ Constitution of the Board. - (i) 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 senior 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 and Secretary, Government of

Meghalaya, Education Department, Meghalaya.(iv)Principal Secretary/Commissioner and Secretary, Finance Department, Meghalaya.(v)Director of Higher and Technical Education, Meghalaya.(vi)Director, Educational Research and Training, Meghalaya.(vii)One representative of the 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 Secondary School, one from Higher Secondary School, 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)Co-opted member : The Board shall have the power to co-opt not more than one member from amongst distinguished/Academicians and Educationists.]

## **5. Publication of names of members of the Board.**

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

## **6. Term of office of members.**

- (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.

## **7. Disqualification for membership.**

(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 members 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.

## **8. Resignation of members and casual vacancy, etc.**

(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.

## **9. Meetings of the Board.**

- [(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 anything "and shall upon the requisition made by not less than one-third of the member 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.] [Substituted by Meghalaya Act 5 of 2006, Section 6.]

## **10. Quorum : proceedings not invalidated by reason of vacancies.**

(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 in valid merely by reason of the existence of any vacancy among the members of the Board.

## **11. Officers of the Board.**

- [(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 Officers,(vii)The Chief Academic Officer.(2)The Board may appoint such other Officers and employee as it considers necessary for efficient discharge of its functions under this Act on such terms and conditions as may be determined by regulations.] [Substituted by Meghalaya Act 5 of 2006, Section 7.]

## **12. Powers and duties of the Board.**

- Subject to any general or special order of the State Government, the provisions of this Act, and any rules made thereunder, 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 prescribe 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 examination ;(vii)to institute and award scholarships, prizes, etc. ;(viii)to prepare, publish and select text books and supplementary books or to cause to prepare, publish and select such books ;(ix)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 ;(x)to recognize High and Higher Secondary Schools and Professional and Vocational Schools and to withdraw such recognition ;(xi)to take such disciplinary action as it thinks fit against institutions as prescribed by regulations;(xii)to adopt measures for study and examination of problems in the field of Schools Education;(xiii)to advise Government on physical, moral and social welfare of students in recognised institutions and to prescribe conditions for their residence and discipline;(xiv)to prescribe necessary qualifications of teachers in recognised schools;(xv)to organise seminars and provide "in-service" Training Courses ;(xvi)to receive grants from Government and donations from private individual or Associations for specific or general purposes ;(xvii)to call for reports from the Director of Public Instruction on the conditions of recognised Institutions or of Institutions applying for recognition ;(xviii)to advise Government on re-organisation and development of School Education;(xix)to advise Government relating to any matter within the provisions of this Act on which the Government may consult the Board ;(xx)to appoint officers and other employees of the Board and to prescribe, by regulations, the terms and conditions of their service ;(xxi)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 ;(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;(xxv)to do such acts and 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 notification empowers the Board to exercise the powers aforesaid in respect of the Primary Schools mentioned above.

### **13. Powers of the State Government.**

- 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, [\* \* \*] [Deleted by Meghalaya Act 5 of 2006, Section 8.], 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.(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.

#### **14. Constitution of a Fund.**

- 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 at 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.

#### **16. Application of the Fund.**

- 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.

#### **17. Audit of the Accounts of the Board.**

- 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.

#### **18. Powers and duties of Executive Chairman.**

- [(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 to the Board as at its next meeting.(5)The Executive Chairman shall exercise all other powers as may be prescribed by Regulations.] [Substituted by Meghalaya Act 5 of 2006, Section 9.]

#### **19. [ Powers and duties of the Officers of the Board. [Substituted by Meghalaya Act 5 of 2006, Section 10.]**

- The Principal Director, the 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.] [Substituted, by Meghalaya Act 5 of 2006, Section 5.]

## **20. Powers and duties of other officers.**

- Other officers will have such powers and duties as may be prescribe by regulations.

## **21. [ Committees of the Board. - (1) The Board shall, for the purposes of carrying out its duties and functions imposed under this Act, appoint the following Committee 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.(2)Every such Committee shall consist of such members of the Board and of such persons as the Board may appoint;Provided that the 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.(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 woman :Provided further that any or all the Heads of the four Wings of he Board at Tura and the Regional Shillong MBOSE Office, Shillong may be invited to the meetings of the Executive Committee, at the Director of the Executive Chairman.] [Substituted by Meghalaya Act 5 of 2006, Section 11.]

## **22. Exercise of powers delegated by the Board to Committees.**

- 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.

## **23. Powers of the Board to make regulations.**

(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 examination 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 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 published in the Official Gazette.

## **24. Board to furnish reports, returns, etc., to the State Government.**

- 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.

## **25. Powers of the State Government to reconstitute the Board.**

- 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 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 provisions 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 to gather with the statement of the reasons which led to such reconstitution.

## **26. Vesting of powers till the reconstitution of the Board.**

- 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.

## **27. [ Powers of the State Government to make rules. - (1) The State Government may make rules for carrying out the purposes 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.] [Substituted by Meghalaya Act 5 of 2006, Section 12.]



## **28. Repeal of Assam Act 25 of 1961 and the Meghalaya Secondary Education Act.**

- 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.