

# Manipur Elementary and Secondary Education Act, 1972

MANIPUR

India

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### Act 7 of 1972

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Manipur Elementary and Secondary Education Act, 1972(Manipur Act No. 7 of 1972)Last Updated 25th February, 2020[Dated 2.8.1972.]An [Act] [The word 'Preamble' which is the first marginal note on the principal Act, has been omitted by the First Amendment Act, 1973] to establish a Board of Secondary Education to regulate, supervise and develop the system of Secondary Education in the State of Manipur.It is hereby enacted in the Twenty-third Year of the Republic of India as follows:-

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

(1)This Act may be called the Manipur [Elementary and Secondary Education Act, 1972.] [The words 'Elementary and Secondary Education' substituted for the words 'Secondary Education' by the Fifth Amendment Act, 2004](2)It extends to the whole of Manipur.(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 Secondary Education Board of Assam or Central Board of Secondary Education, New Delhi or any other Board of Secondary Education or University shall cease to exercise its jurisdiction over the institutions of Secondary Education recognised by the Government of Manipur.Provided that the Secondary Education Board of Assam and Central Board of Secondary Education, New Delhi shall continue to have the same jurisdiction as now exercised by them over the High/Higher Secondary Schools till such time as the State Government, by notification in the Official Gazette, may appoint.

#### 2. Admission of Institutions in other States and Administrations to the privileges of the Board.

- Notwithstanding anything contained in section 1, any Government of a State or Territory or Administration other than the Government of Manipur may apply to the Board for being admitted to the privileges of the Board and the Board may, subject to such conditions as it may think fit to

impose, admit such State or Territory or Administration to the privileges of the Board.

### 3. Definitions.

- In this Act, unless there is anything repugnant to the subject or context : -(a)"Board" means the Board of Secondary Education established under this Act;(b)"Chairman" means the Chairman of the Board;(c)"Controller of Examination" means the Officer conducting examinations for the Board;(d)"Education Department" means the Department of Education of the Government of Manipur;(da)[ "Elementary Education" means education imparted at the primary stage (classes 1 to V) and the upper primary stage (classes VI to VII)] [Clause (da) inserted by the Fifth Amendment Act, 2014](e)"Fund" means the Secondary Education Board Fund constituted under this Act;(ea)[ "Government" means the Government of Manipur.] [Clause (ea) inserted by the First Amendment Act, 1973](f)"Headmaster or Headmistress" means the head of teaching staff of a High or Higher Secondary School by whatever name he or she is designated;(g)"High School" means a school or department of a school giving instruction in Secondary Education and preparing students for Matriculation or High School Leaving Certificate Examination;(ga)[ "Higher Secondary Education" means Higher Secondary Education as defined in the Manipur Higher Secondary Education Act, 1992 (Manipur Act No. 4 of 1992);] [Clause (ga) inserted by the Fifth Amendment Act, 2004](h)"Higher Secondary School" means a school or department of a school giving instruction in [Higher Secondary Education] [The words 'Higher Secondary Education' substituted for the words 'Secondary Education' by the Fifth Amendment Act, 2004] and preparing students for Higher Secondary School Leaving Certificate Examination;(i)"Managing Committee" means a Managing Committee of a High School or a Higher Secondary School;(ia)[ "Notification" means notification in the Manipur Gazette;] [Clause (ia) inserted by the First Amendment Act, 1973](j)[ \*\*\*] [Clause (j) deleted by the Fifth Amendment Act, 2004.](k)"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.(l)"Regulation" means regulation made by the Board under this Act;(m)"Rule" means a rule made by the State Government under this Act;(n)[ "Secondary Education" means such education as is designed to meet the need of the stages which follows immediately the stages of Elementary Education and precedes immediately the stage of Higher Secondary Education;] [Clause (n) substituted by the Fifth Amendment Act, 2004.](o)"Secretary" means Secretary of the Board; and[(p) \*] [Clause (p) omitted by the First Amendment Act, 1973]

### 4. Incorporation of the Board.

(1)The State Government shall, as soon as may be after the commencement of the Act establish by notification, a Board for regulation, supervision and development of [Elementary Education and Secondary Education] [The words 'Elementary Education and Secondary Education' substituted for the words 'Secondary Education' by the Fifth Amendment Act, 2004.] in accordance with the provisions of this Act.(2)The Board shall, by the name of the Board of Secondary Education, [Manipur] [The word 'Manipur' and the comma has been inserted by the First Amendment Act, 1973.], be a body corporate with perpetual succession and a common seal, shall have power to acquire and hold property, both movable and immovable, 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.

#### **4A. [ Vesting of property fund. [Section 4A inserted by the First Amendment Act, 1973]**

- Subject to any reservation that may be made by the State Government all property acquired by or transferred to the Board and the fund thereof shall vest in the Board.]

#### **5. [ Constitution of the Board. [Section 5 substituted by First Amendment Act, 1973 and again substituted by the Second Amendment Act, 1979]**

(1)The Board shall consist of a full time Chairman, appointed under Sub-Section (1) of Section 12 and the following ex-officio members and other nominated members:-(a)The ex-officio members shall be :-(i)The Director of Education of the State (in-charge of Secondary Education).(ii)The Director of Industries, Manipur.(iii)The Director of Agriculture, Manipur.(iv)The Director of Medical, Health and Welfare Services, Manipur.(v)The Deans of the Faculties of Arts and Science, Gauhati University.(vi)Principal, Government Polytechnic, Imphal.(vii)Principal, F.G.T. College.(viii)Secretary, Manipur State Kala Academy.(b)The other members who shall be nominated by the Government in the manner herein provided, namely : (i)Two Headmasters/Headmistresses of High Schools.(ii)Two Principals of Higher Secondary Schools.(iii)One Principal of a College.(iv)One nominee of the University to which the Colleges in the State are affiliated.(v)Four nominees of the State Government from among Educationists.(vi)One representatives of Manipur Sahitya Parishad.(c)Notwithstanding anything contained in this Section, the Board may co-opt not more than three members from amongst distinguished educationists.(2)The Secretary shall be appointed by the State Government who shall also be ex-officio member of the Board].

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

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

#### **7. Term of Office of members.**

- Term of Office of Members:[notification] [[Subsection (1) of section 7 substituted by the First Amendment Act, 1973">[(1) A member of the Board other than an ex-officio member shall, subject to the provisions of section 9 and clause (5) of section 14, hold office for a term of three years from the date of the notification published under section 6;]</span></a></p><provided that the State Government may, by <span class=amd2><a title =]], extend the term of the office of all such members [for] [The words 'by a period' substituted for die words 'by a period' by the Fiat Amendment Act, 1973] 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 6.

## **8. Disqualification for membership.**

(1) A person shall not be eligible for nomination or co-option as a member of the Board or of the Committee formed by it [or] [The words 'or for continuing to be such a member' inserted by the First Amendment Act, 1973] for continuing to be such a member, if he/she -(a) has been adjudged by a court of law to be of unsound mind ;(b) is an undischarged insolvent;(c) 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) [The Board and the member who is disqualified under sub-section (1) shall be informed by the State Government that his membership ceases with immediate effect.] [Sub section (2) of section 8 substituted by the First Amendment Act, 1973](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.

## **9. 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 5.(4) Any person nominated or co-opted to fill a casual vacancy shall, [notwithstanding] [The words 'and the comma' inserted by the First Amendment Act, 1973.] anything contained in section 7, hold office for the unexpired portion of the term of office of the member in whose place he is nominated or co-opted.

## **10. Meetings of the Board.**

- Ordinary meetings - The Board shall meet not less than thrice a year, but four months shall not intervene between two successive meetings.(2) Special meetings - The Chairman may, at any time, and shall, upon the requisition made by not less than one third of the 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.(3) Twenty-one days' notice shall be given for ordinary meetings of the Board and ten days' notice for special meetings.

## **11. Quorum Proceedings not invalidated by reason of vacancies.**

- The quorum for every meeting of the Board shall be nine.(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.

## **12. [ Officers of the Board. [Subsection (1), (1A) and (2) of section 12 substituted by the Second Amendment Act, 1979 and again substituted by the Third Amendment Act, 1983.]**

- The following shall be officers of the Board who shall be appointed by the State Government.(i)The Chairman;(ii)The Secretary; and(iii)The Controller of Examinations.(2)The Board may appoint such other officers and employees as it considers necessary for the efficient discharge of its functions under the Act on such terms and conditions as may be determined by regulations.][and] [[Sub-section (3) of Section 12 inserted by the Fourth Amendment Act, 1998.">[(3) The terms and conditions of services, qualifications and mode of recruitment of the Chairman, Secretary, Controller of Examinations shall be prescribed by the State Government by Rules.]</span></a></p><a name="13"></a><b>13. Powers and duties of the Board.</b> - Subject to the Provisions of this Act <SPAN class=amd1><A TITLE = "The words ]] the rules made thereunder the powers and duties of the Board shall be as follows, namely: -(i)[ to prescribe courses of the instruction for the Elementary Education and the Secondary Education;] [Clause (1) of section 13 substituted by the Fifth Amendment ACT, 2004.](ii)to conduct examinations based on such courses,(iii)to admit to its examinations, [on such conditions as ] [The words 'on such conditions as' substituted for the words 'on condition, on that' by the First Amendment Act, 1973.] 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 candidates passing the examinations,(vii)to institute and award scholarships, prizes etc.,(viii)to prepare, publish and select text books and supplementary books,(ix)[ to lay down conditions of recognition of schools for the Elementary Education] [Clause (ix) of Section 13 substituted by the Fifth Amendment Act, 2004.];(x)to recognize schools for the Elementary Education and the Secondary Education;(xi)[ to take such disciplinary action as it thinks fit against institutions as prescribed by regulations,] [Clause (4) of Section 13 substituted by the Fifth Amendment Act, 2004.](xii)to adopt measures for study and examination of problems in the field of Secondary Education,(xiii)to advise Government on physical, moral and social welfare of students of recognised institutions, and to prescribe conditions of their residence and discipline,(xiv)to prescribe necessary qualifications of teachers in recognised schools,(xv)to prescribe courses of instruction in Under-graduate Teachers Training Institutions and to hold examinations on such courses and to award certificates,(xvi)to recognize Under Graduate Teachers Training Institutions and to withdraw recognition,.(xvii)to organize seminars and provide in-service Teachers Training courses,(xviii)to receive grants from Government and donations from private individuals or associations for specific or general purposes,(xix)to call for reports from the Director of Education on the conditions of recognised institutions or of institutions applying for recognition,(xx)to advise Government on re-organization and development of [Elementary Education and Secondary Education] [The words 'Elementary Education and Secondary Education' substituted for the words 'Secondary Education' by the Fifth Amendment Act, 2004],(xxi)to advise Government relating to any matter within the provisions o f this Act on which the Government may consult the Board,(xxii)to appoint officers and other employees of the Board [under] [The words 'under sub-section (2) of section 12' inserted by the First Amendment Act, 1973.] sub-section (2) of section 12, and to prescribe by regulations the terms and conditions of their service,(xxiii)to institute

by regulations for the benefit of its officers and other employees pension [\*] **[The words 'such as' and 'as it may deem fit' omitted by the First Amendment Act, 1973.], gratuity and provident fund** [\*] [The words 'such as' and 'as it may deem fit' omitted by the First Amendment Act, 1973.] in such manner, and subject to such conditions, as may be prescribed by regulations,(xxiv)to delegate any of its powers to any Committee constituted under this Act,(xxv)to administer the Secondary Education Board Fund,(xxvi)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 ; and(xxvii)to do all such acts and things as may be necessary to carry out the purposes of the Act.

#### **14. 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 proposed to take or has taken upon the communication of the State Government.(3)The State Government may after consultation with the Board 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 powers 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 interest of the Board.

#### **15. Constitution of Secondary Education Board Fund.**

- A fund to be called Secondary Education Board 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.

#### **16. Custody and investment of the Secondary Education Board Fund.**

- All moneys at the credit of the Fund shall be kept in the Government Treasury or the State Bank of India or the Manipur State Co-operative Bank Ltd., as the Board may determine.

#### **17. 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.

## **18. 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.

## **19. Powers and duties of the Chairman.**

(1)It shall be the duty of the Chairman to see that the provisions of this Act and the [rules] [The words 'rules and' inserted by the First Amendment Act, 1973.] and regulation 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 [the meetings] [The words 'the meetings' inserted by the First Amendment Act, 1973.] 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 this action to the Board at its next meeting.(4)The Chairman shall exercise such other powers as maybe prescribed by the regulations.

## **20. Powers and duties of the Secretary.**

- 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.

## **21. Powers and duties of other Other officers officers.**

- Others officers [shall] [The word 'shall' substituted for the word 'will' by the first Amendment Act, 1973.] have such powers and duties as may be prescribed by regulations.

## **22. Committees of the Board.**

(1)The Board shall, for the purpose of carrying out its duties and functions imposed tinder this Act appoint the following committees, namely(i)Curriculum and Syllabus Committee,(ii)Examination Committee,(iii)Physical Education Committee,(iv)Girl's Education Committee, and(v)such other Committees 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 total number of members] [The word 'one-third of the total number of members' substituted for the word 'one third of the Members' by the First Amendment Act, 1973.] appointed to it.(4)Members of such Committee shall hold office for such time as the Board may determine.(5)Subject to the provisions of this Act and the rules made thereunder the duties and functions of the Committees shall be determined by regulations.

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

- All matters relating to the exercise of powers conferred upon the Board by this Act which are by regulations delegated to any committee appointed under section 22 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.

### **24. Power of 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 :-(a)the constitution, powers and duties of Committees appointed under Section 22,(b)courses of study to be laid down for different examinations,(c)marks required for passing in any subject and the examination as a whole, and for credit and distinction in any subject,(d)qualifications, appointment and remuneration of examiners, paper-setters and others,(e)conducting examinations and publishing the results,(f)[ conditions of recognition of schools for imparting the Elementary Education and the Secondary Education;] [Clause (f) of Section 24 substituted by the Fifth Amendment Act, 2004.](g)conditions under which candidates shall be admitted to the examinations of the Board,(h)disciplinary measures for malpractices in examinations,(i)fixing of fees and charges in respect of examinations,(j)provident fund, etc., for the benefit of the employees of the Board,(ja)[ the procedure for meetings of the Board and its committees;] [Clause (ja) in sub-section (2) of section 24 inserted by the First Amendment Act, 1973.](k)rate of travelling and daily allowances to the non-official members of the Board or Committees,(l)delegation of powers or assignment of functions to Committees formed under this Act,(m)all matters which, by this Act, are to or maybe provided for by regulations :Provided that all regulations, alterations and revocations thereof shall be subject to approval by the State Government and published [by notification.] [The words 'by notification' substituted for the words 'in the Official Gazette' by the First Amendment Act, 1973.]

### **25. Board to furnish 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.

### **26. Power of 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 provision of section 5. [\*\*\*] [The words and commas '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 to such reconstitution' omitted by the First Amendment Act, 1973.]

## **27. Vesting powers till the re-constitution of the Board.**

- Until the Board is reconstituted after supersession under section 26, 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.

## **28. Powers of State Government to make rules.**

- The State Government may make rules for carrying out the purposes of this Act.(2)[ Every rule made under this Act shall be laid as soon as may be after it is made before the Legislative Assembly of Manipur while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if before the expiry of the session immediately following, the Assembly resolves that any modification shall be made in the rule or that the rule shall not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be so, however that any such Modification or annulment shall be without prejudice to the validity of anything previously done under the rule.] [Sub-section (2) of section 28 substituted by the First Amendment Act, 1973.]