

# **The Nagaland Board of Secondary and Higher Secondary Education Act, 1973**

NAGALAND

India

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### **Act 4 of 1973**

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The Nagaland Board of Secondary and Higher Secondary Education Act, 1973 Nagaland Act No. 4 of 1973 Last Updated 17th February, 2020 An Act to provide for the establishment of a State Board of School Education to regulate, supervise and develop school education in the State of Nagaland. It is hereby enacted in the twenty-fourth Year of the Republic of India as follows :

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

- (i) This Act may be called the Nagaland Board of Secondary and Higher Secondary School Education Act, 1973. (ii) It extends to the whole of Nagaland. (iii) It shall come into force on such date as the State Government may, by notification in the official Gazette, appoint. (iv) 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 Institution in the State of Nagaland : Provided that the Board of Secondary Education, Assam, shall continue to have the same jurisdiction as now exercised by it in the State of Nagaland over the High Schools till such time as the State Government by notification in the official Gazette, may appoint.

### **2. Definitions.**

- In this Act, unless there is anything repugnant to the subject or context- (a) "Board" means the Nagaland Board of Secondary and Higher Secondary School Education established under this Act ; (b) "Chairman" means the Chairman of the Board ; (c) "College" means any college or institution situated in Nagaland and maintained or admitted to the privileges by the University ; (d) "Education Department" means the department of Education of the Government of Nagaland ; (e) "Fund" means the Nagaland Board Secondary and Higher Secondary Education fund constituted under this Act ; (f) "High School" means a school or department of a School giving instructions in school

education and preparing students for Matriculation or High School Leaving Certificate Examination ;(ff)"Higher Secondary School" means a School giving instructions for Higher Secondary School Leaving Certificate Examination ;(g)"Managing Committee" means a Managing Committee of a School;(h)"Notification" means a notification of the Board published in the official Gazette ;(i)"Primary Education" means education imparted in a Primary or Junior Basic School or its equivalent;(j)"Professional and Vocational School" means a school or institution imparting technical instruction up to the Diploma level;(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)"School education" means such education as is designed to meet the needs of the stage starting from the stage of Primary Education and precedes immediately the stage of Degree ;(o)"Secretary" means Secretary of the Board ;(p)"State Government or Government" means the State Government of Nagaland ; and(q)"University" means the University exercising jurisdiction in Nagaland.

### **3. 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 school education in accordance with the provisions of this Act.(2)The Board shall by the name of the Nagaland Board of Secondary and Higher Secondary Education, be a body corporate with perpetual succession and 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 by the said name sue or be sued.

### **4. Constitution of the Board.**

(1)The Board shall consist of the following members, namely : (a)Chairman of the Board-Chairman ;(b)Ex-officio members ;(i)The Director of School Education ;(ii)The Director of Industries Nagaland ;(iii)The Director of Agriculture, Nagaland ;(iv)The Director of Health Services, Nagaland ;(v)The Director of Employment and Crafts Training, Nagaland ;(vi)The Director of Higher and Technical Education, Nagaland.(vii)One of the Inspectors of Schools, Nagaland to be nominated by the Director of School Education, Nagaland ;(c)Members to be nominated by the Government:(i)Five teachers of whom at least two are women and at least one shall be Primary School teacher and one a College teacher ;(ii)Two teachers from Professional and Vocational Schools.(d)Co-opted Members :(i)The Board shall have powers to co-opt not more than two members from amongst the distinguished educationists.(2)The Secretary of the Board shall be the Member-Secretary of the Board.

### **5. 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.

## **6. Terms 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 3 and the term of office of co-opted members shall terminate on the same date as that of the nominated members :Provided that the State Government may by notification in the official Gazette, extend the term of the 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)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)It 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 matter shall be final.

## **8. Resignation of members and casual vacancies.**

(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 members who remain 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-options as this 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. Meeting of the Board.**

- (i) Ordinary meetings. - The Board shall meet not less than thrice a year, but four months shall not intervene between two successive meetings.(ii)Special meetings. - The Chairman of the Secretary 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.(iii)Twenty-one days notice shall be given for ordinary meetings of the Board and ten days notice for special meetings.

## **10. Quorum-Proceedings not to invalidate by reason of vacancies.**

- (i) The quorum for every meeting of the Board shall be five.(ii)Subject to the provisions contained in sub-section (i) 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.

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

(1)The Chairman. - (a) There shall be a Chairman who shall be appointed by the Government either on contract basis or on deputation to be agreed to between the Government and the appointee.(b)The term of appointment shall initially be for a period of 3 (three) years only ; provided that the Government may extend his services for 1 (one) year at a time subject to the condition that the period of initial appointment and the subsequent extensions shall in no case exceed 5 (five) years.(2)The Secretary. - (a) There shall be a Secretary who shall be appointed by the Board from the immediate Junior Cadre of the Board possessing a minimum of ten year's administrative experience in the cadre of Class I Gazetted :Provided that in the event of the Board having no eligible candidates for the post of the Secretary the Board may appoint such person either on contract basis or on deputation provided such candidate possesses a minimum of fifteen years of administrative experience in the cadre of Class I Gazetted besides the qualifications as may be laid down in the regulations.(b)The term of appointment for such candidates shall be initially for a period of 3 (three) years at the first instance ; provided that the Board may extend his services one year at a time subject to the condition that the period of initial appointment including such extension shall in no case exceed 5 (five) years.

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

- Subject to any general or special order of the State Government the provisions of this Act, or any rules made thereunder, the Board shall have generally the powers to regulate, supervise and control school education ; and in particular the powers and duties mentioned below :(i)to prescribe courses of instruction for Primary up to Higher and Vocational Schools;(ii)the conduct and supervise examination based on such course or to cause to conduct and supervise such examinations ;(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 demand and receive such fees as may be prescribed by regulations ; (sic)(vii)to publish the results of its examinations ; (sic)(viii)to grant certificates to students passing the examinations ;(ix)to recognise High Schools and Higher Secondary Schools and Vocational Schools and to withdraw such recognition ;(x)to prepare, publish and select text books supplementary books or to cause to prepare, publish and select such books ;(xi)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 ;(xii)to recognise High Schools and Professional and Vocational Schools and to withdraw such recognition ;(xiii)to take such disciplinary action as it thinks fit against institutions as prescribed by regulations ;(xiv)to prescribe courses of studies and to hold examination on such courses and to award

certificates ;(xv)to recognise seminars and workshops for in service teachers ;(xvi)to prescribe necessary qualifications of teachers in recognised schools ;(xvii)to prescribe courses of training in Under-graduate Teachers Training Institutions and to hold examinations on such courses and to award certificates ;(xviii)to recognise Under-graduate Teacher's Training Institutions and to withdraw recognitions ;(xix)to organise seminars and provide "in service" Teachers Training courses ;(xx)to receive grants from Government and donations from private individuals or associations for specific or general purposes ;(xxi)to call for reports from the Director of Education on the conditions of recognised institutions or of institutions applying for recognition ;(xxii)to advise Government on re-organisation and development of school education ;(xxiii)to advise Government relating to any matter within the provisions of this Act on which the Government may consult the Board ;(xxiv)to appoint officers and other employees, of the Board, and to prescribe, by regulations the terms and conditions of their service ;(xxv)to institute by regulation 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 ;(xxvi)to delegate any of its powers to any Committee constituted under this Act;(xxvii)to administer the Nagaland Board of School Education Fund ;(xxviii)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(xxix)to do all such acts and things as may be necessary to carry out the purposes of this Act.

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

- Notwithstanding anything contained in this Act-(i)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.(ii)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.(iii)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.(iv)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 or order or act in excess of the powers conferred upon the Board by or under this Act.(v)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.

### **14. Constitution of School Education Board Fund.**

- A fund to be called the Nagaland 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 School Education Board Fund.**

- All moneys at the credit of the Fund shall be kept in the Government Treasury or any Scheduled Bank as the Board may determine.

## **16. Applications 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 the Chairman.**

(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 decision 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 should 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 the regulations.

## **19. 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.

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

- Other officers will have such powers and duties as may be prescribed 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 Committees namely :(i)Curriculum, and Syllabus Committee,(ii)Examination Committee,(iii)General Education Committee,(iv)Professional and Vocational 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 Executive Committee may co-opt persons to be members to the extent of one-third of the members 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 determined by regulations.

## **22. Exercise of powers delegated by the Boards 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. 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 21;(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 setter and others;(e)conducting examinations and publishing the results ;(f)conditions or recognition of school;(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 for the benefit of the employees of the Board ;(k)rate of travelling and daily allowances to the non-official members of the Board or Committee ;(l)delegation of powers or assignment of functions to Committees formed under this Act; and(m)all matters which, by this Act, are to be or may be provided for by regulations :Provided that all regulations alterations and revocation thereof shall be subject to approval by the State Government and shall be 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. Power 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 explanation in respect thereof to the State Government within such period as may be specified in this behalf. After the consideration of the comments and 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 together with the statement of the reasons

which led to such reconstitution.

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

- Untill 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. Power of State Government to make rules.**

(1)The State Government may make rules for carrying out the purposes of this Act.(2)All rules made under this section shall be laid for not less than seven days before the Nagaland Legislative Assembly as soon as possible after they are made and shall be subject to such modification as the Legislative Assembly may make during the session in which they are so laid or the session immediately following.