

**Mizoram Board Of School Education (Second Amendment)
Act, 2008**

9 of 2008

[03 April 2008]

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AN ACT To further amend the Mizoram Board of School Education Act, 1975 (No. 2 of 1976) It is enacted by the Legislative Assembly of Mizoram in the fifty ninth year of the Republic of India as follows:-

1. Short Title Extent And Commencement :-

- (1) This Act may be called the Mizoram Board of School Education (Second Amendment) Act, 2008
- (2) It shall extend to the whole of the State of Mizoram.

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

2. Amendment Of Section 1 :-

(1) In the Mizoram Board of School Education Act, 1975 (hereinafter referred to as the Principal Act), for sub-section(2) of section 1, the following sub-section shall be substituted namely:-

(2) It shall extend to the whole of the State of Mizoram:

Provided that the provisions of this Act relating to the education in the Primary, Middle, Secondary and Higher Secondary stages shall not be applicable to any institution which affiliates itself to the Council for the Indian School Certificate Examination or the Central Board of Secondary Education so permitted under section 11 of this Act.

3. Amendment Of Section 2 :-

In the principal Act, for section 2, the following section shall be substituted, namely:

"2. In this Act, unless the context otherwise requires:

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

(b) "Central Rules" means the Central Civil Services(Classification, Control and Appeal) Rules, 1965, the Central Civil Services (Conduct) Rules, 1972, the Central Civil Services(Temporary Service) Rules, 1965 and the Fundamental Rules and the Subsidiary Rules and such other Rules of the Central and the State Governments, as may be applicable to the employees of the Government of Mizoram;

(c) "Centre Superintendent" means a person appointed by the Board to conduct and supervise examinations of the Board and includes Additional Superintendent, Associate Superintendent and Assistant Superintendent;

(d) "Committee or Sub-Committee" means any Committee or Sub-Committee constituted under this Act or in accordance with any rules, regulations or bye-laws made thereunder;

(e) "Controlling Authority" means any authority designated as the Controlling Authority of the Board by the Government under sub-section (2) of section 3;

(f) "Director of Education" means the Director of School Education and shall include any other officer authorised by him to perform all or any of the functions of the Director;

- (g) "District Council" means an Autonomous District Council established by law within Mizoram;
- (h) "Education Department" means the Department of Education and Human Resources Development of the Government;
- (i) "Affiliation" means affiliation of schools by the Board;
- (j) "Employee" means an employee working under the Board.
- (k) "Examination" means an examination conducted by the Board;
- (l) "Funds" means the Mizoram Board of School Education funds constituted under this Act;
- (m) "Government" means the State Government of Mizoram;
- (n) "Primary School" means a school or a department of a school where general education is imparted to the pupils of classes I, II, III and IV and prepare pupils for Primary Scholarship Examination conducted by the Board held at the end of class IV;
- (o) "Middle School" means a school or a department of a school where general education is imparted to the pupils of classes V, VI and VII and prepare pupils for Middle School Leaving Certificate Examination in Mizo medium conducted by the Board held at the end of class VII;
- (p) "Middle English School" means a school where general education is imparted through English language medium to the pupils of classes I to VII and prepares pupils for the Middle English School Leaving Certificate Examination of the Board held at the end of class VII;
- (q) "High School" means a school where general education is imparted to the students of Classes VIII, IX and X and prepares students for Matriculation or High School Leaving Certificate Examination of the Board held at the end of Class X;
- (r) "Higher Secondary School" means a school where general, professional or vocational education is imparted to the students of Class XI and XII and prepares students, for Higher Secondary School Leaving Certificate Examination of the Board held at the end of Class XII;
- (s) "Institution" means any Primary, Middle, High School or Higher Secondary School and it shall include the District Institutes of Education and Training in the state of Mizoram;
- (t) "Invigilator" means a person who assists the Centre Superintendent in conducting and supervising the examination at an examination centre;
- (u) "Managing Committee" means a duly constituted Managing Committee and recognized by the Board or Government;
- (v) "Notification" means a notification published in the Official

Gazette of Mizoram;

(w) "Prescribed" means prescribed by rules or regulations made under this Act;

(x) "Chairman" means the Chairman of the Board;

(y) "Professional or Vocational School" means a school or an institution imparting technical or trade or craft education and vocational education;

(z) "Regulations" means regulations made by the Board under this Act;

(za) "Rules" means rules made under section 30 of this Act;

(zb) "School Education" means education imparted to the students in the Primary Schools, Middle Schools, Middle English Schools, High Schools and the Higher Secondary Schools in the State of Mizoram;

(zc) "Secretary" means the Secretary of the Board;

(zd) "State" means the State of Mizoram;

(ze) "University" means the Mizoram University.

4. Amendment Of Section 4 :-

In the Principal Act, for section 4, the following shall be substituted, namely:-

(1) The Board shall consist of the following members namely:-

(a) The Chairman

(b) The Secretary

(c) The Director of Higher and Technical Education Ex-officio Member

(d) The Director of School Education Ex-officio Member

(e) The Director of Art and Culture Ex-officio Member

(f) The Director of Sports & Youth Services Ex-officio Member

(g) The Director of Agriculture Ex-officio Member

(h) The Director of Health Services Ex-officio Member

(i) The Engineer-in-Chief, Public Works Department Ex-officio Member

(j) The Joint Director, State Council of Educational Research and Training Ex-officio Member

(k) One Principal of a Govt. College to be nominated by the Director of Higher & Technical Education Ex-officio Member

(l) The Principal, College of Teachers Education Ex-officio Member

(m) One of the Principals of the District Institute of Education & Training in Mizoram to be nominated by the Director of School Education Ex-officio Member

- (n) One of the District Education Officers in the state to be nominated by the Director of School Education Ex-officio Member
- (o) Registrar, Mizoram University Ex-officio Member
- (p) Members to be nominated by the Controlling Authority:-
 - (i) One Headmaster of High School;
 - (ii) One Principal of Higher Secondary School;
 - (iii) One representative from each of the Autonomous District Councils of Mizoram;
 - (iv) One member of the Mizoram Legislative Assembly on the recommendation of the Speaker of the Legislative Assembly; and
 - (v) One lady educationist.
- (2) The Board shall have power to co-opt not more than two from amongst the distinguished or eminent educationists
- (3) The Board as constituted in sub-section (1), except the co-opted members in sub-section (2), shall function as the Governing Body of the Board.
- (4) If by such date as may be prescribed, any of the concerned authorities fail to nominate member or members as provided in sub-section(1), the Controlling Authority shall have power to appoint such member or members:
Provided that in case of the Legislative Assembly, if the said Assembly has been dissolved, the Controlling Authority shall appoint a suitable person to be a member to hold office until the said Assembly is reconstituted and regular representative is recommended and a person appointed under this sub-section shall be deemed to be a member of the Board.

5. Amendment Of Section 8 :-

In the Principal Act, for sub-section (1) of Section 8, the following sub-sections shall be substituted namely:-

- (i) 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.

6. Amendment Of Section 9 :-

In the Principal Act, for clause (ii) of sub-section (1) of section 9, the following clauses shall be substituted namely:

- (ii) The Chairman or the Secretary may, at any time, 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.

7. Amendment Of Section 11 :-

In the Principal Act, for clauses (i) - (xxviii) of section 11, the following clauses (i)-(xxxi) shall be substituted namely:-

(i) to prescribe courses of instruction including practice teaching, practical work and the like, where necessary, for Primary Schools, Middle Schools, Middle English Schools, High Schools, Higher Secondary Schools, the District Institutes of Education and Training and Professional and Vocational Schools;

(ii) to conduct and supervise examinations based on such courses mentioned above or 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 whether at a school or privately, who may be eligible as per regulations, framed under this Act and also to take such disciplinary action against candidates as may be prescribed by regulations;

(iv) to register students and issue them Registration Cards on payment to the Board of such fees as may be prescribed;

(v) to demand and receive such fees as may be prescribed by regulations;

(vi) to publish the results of its examinations;

(vii) to grant certificates to person who:-

(a) have pursued a course of study in an institution admitted to the privilege of affiliation by the Board;

OR

(b) are teachers in affiliated schools in Mizoram

OR

(c) have studied privately under conditions laid down by the Board and have passed the examinations of the Board;

(viii) to institute and award scholarships, prizes and the like;

(ix) to prescribe, prepare, publish and select text books and supplementary books or to cause to prepare or publish selected text books for any or all of its prescribed courses for its various examinations;

(x) to lay down conditions for affiliation of schools, which are preparing candidates for various school courses and such other courses including District Institute of Education and Training as may be prescribed by regulations;

- (xi) to affiliate Primary Schools, Middle Schools, Middle English Schools. High Schools, Higher Secondary Schools, and District Institutes of Education and Training in Mizoram and Professional and Vocational Schools in Mizoram and to withdraw such affiliation on grounds considered reasonable by the Board subject to the provisions of this Act;
- (xii) to issue permission, in the form of a no-objection certificate, to any educational institutions, in Mizoram, desirous of seeking affiliation to any other Board or Council other than Mizoram Board of School Education;
- (xiii) to take such disciplinary action as it thinks fit against institutions as prescribed by regulations;
- (xiv) to adopt measures for study and examinations of problems in the field of school education and teachers training and professional and vocational schools;
- (xv) to advise government on physical, moral and social welfare of students in affiliated institutions and to prescribe conditions for their residence and discipline;
- (xvi) to organise seminars and provide In-service Teacher Training Courses;
- (xvii) to receive grants from the Government and donations from private individuals and other Non-Government or Semi-Government Bodies or Central Government for specific or general purposes;
- (xviii) to call for reports from the Director of Education on the conditions of affiliated institutions or other institutions applying for affiliation;
- (xix) to advise Government on re-organisation and development of School Education, Pre-service and In-service teacher training courses under the District Institutes of Education and Training and Professional or Vocational School courses;
- (xx) to advise Government relating to any matter within the provisions of this Act on which the Government may consult the Board;
- (xxi) to appoint officers except the Chairman and the Secretary who shall be appointed by the Government and other employees of the Board and prescribe, by regulations, the terms and conditions of their service;
- (xxii) to take such disciplinary actions as it thinks fit against the employees of the Board as may be prescribed;
- (xxiii) to enter into agreement with any Financial Institution or any scheduled Bank to enable its employees enjoy the facility of House Building and other advances.

(xiv) to institute by regulations for the benefits of its officers and other employees such as pension gratuity and provident fund as it may deem fit. in such manner, and subject to such conditions, as may be prescribed by regulations;

(xxv) to delegate all or any of its powers to any Committee or sub-committee constituted under this Act, and to any of its officers;

(xxvi) to administer the Funds;

(xxvii) to cause an inspection, to be made by such person or persons as the Board may nominate, of non-affiliated institutions applying for affiliation as also of any of its affiliated institutions if and as considered necessary;

(xxviii) to invest surplus funds of the Board in Government securities or Defence Bonds or in fixed deposits in approved Scheduled Banks or Reserve Bank;

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

(xxx) to do all such acts and things as may be necessary in order to further the objects of the Board as a body established to regulate, supervise and maintain the standard of school education, professional or vocational schools and District Institutes of Education and Training;

(xxxi) to issue order to all heads of its affiliated institutions and demand compliance thereof to render such cooperation and help as may be asked for by a Centre Superintendent in conducting Boards Examinations.

8. Amendment Of Section 13 :-

In the Principal Act, for sub-section (2) and (3) of section 13, the following sub-sections shall be substituted namely;

(2) In the event of suspension, all the member of the Board and its committee and sub-committees including the Chairman shall cease to be members of the Board and shall be deemed to have vacated any office of the Board held by them.

(3) In the event of such suspension of the Board the Government shall by an executive order appoint the Chairman or any other person as the administrator of the Board who shall exercise the power of the Board during the period of suspension.

9. Amendment Of Section 14 :-

In the Principal Act, for section 14, the following shall be substituted namely -

" The following shall be the officers of the Board namely:

(i) The Chairman,

(ii) The Secretary and

(iii) such other officers as may be declared by the Board to be the officers of the Board"

10. Amendment Of Section 15 :-

In the principal Act, for sub-section(1) to (7) of section 15, the following sub-section shall be substituted namely -

"(1) The Chairman shall be a full-time officer appointed by the Government on terms and conditions laid down by the Government. Provided that the person to be appointed as Chairman shall be at least a Master Degree holder with a professional degree from a recognised University and also must have at least twenty years of experience in the field of School Education out of which at least 5 years shall be in educational administration /Board in the rank and status of the Junior Administrative grade or above of the State Government.

Provided that the person so appointed as Chairman shall hold office for a maximum period of 6 (six) years or till his attaining 62 years of age, which ever is earlier, depending upon the satisfaction of the Government regarding his/her performance.

Provided further that the Government may appoint the Secretary to the Government of Mizoram, Department of Human Resources Development and Controlling Authority (of the Board) as Chairman in an ex-officio capacity in addition to his own duties, till such time Government may find a suitable person for appointment as Chairman on a full time basis as contemplated in this section,

(2) After superannuation of the incumbent to the post of Chairman and in the event of no eligible candidate found to the said post, the Government may extend the service of the Chairman for a period of 1 (one) year but no more.

(3) The Chairman may resign his office by giving notice in writing to the Government.

(4) It shall be the duty of the Chairman to see that the provisions of this Act, the rules and the regulations made thereunder are faithfully observed and he shall have all the powers necessary for this purpose.

(5) The Chairman shall have power to convene meetings of the

Board at any time after due notice or on a requisition signed by not less than one third of the members of the Board.

(6) If any emergency arises out of the administrative business of the Board which, in the opinion of the Chairman, requires that immediate action should be taken as he deems necessary but he shall report his action to the Controlling Authority immediately and to the Board at its next meeting.

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

11. Deletion Of Section 16 :-

In the Principal Act, the whole provision of section 16 shall be deleted.

12. Amendment Of Section 17 :-

In the Principal Act, after sub-section(1) of section 17, the following proviso shall be inserted, namely:

"Provided that the person to be appointed as Secretary should have not less than fifteen years of service in a responsible capacity in the Board." and sub-section (2)(ii) shall be substituted, namely: "(ii) Subject to the control of the Chairman, be responsible for seeing that the order of the Board are carried out;"

13. Amendment Of Section 21 :-

In the principal Act, for sub-section(1) Sl. No (iv) and Sub-section(2) of section 21, the following shall be substituted namely -

"(1) (iv) the Affiliation Committee

(2) A committee shall consist of such members of the Board and of such other persons, if any, as the Board may think fit to appoint and a nominee or the Controlling Authority in each of the Finance. Examination and Affiliation Committee".

14. Section 14 :-

In the principal Act. for clause (for) of subsection (2) of section 22, the following shall be substituted, namely:-

"(iv) the conditions under which the Board may affiliate institutions for the purpose of its examinations;

15. Amendment Of Section 22 :-

In the Principle Act, in the Sub-section (3) of Section 22 the following proviso shall be inserted namely,
"3(iv) laying down conditions and guidelines followed in the conduct of public examinations.

16. Amendment Of Section 23 :-

In the principal Act for clause (1) of section 23 the following shall be substituted, namely:-

(i) The Chairman shall place before the annual meeting of the Board, held in the year following the year in which it is established and before annual meeting thereafter, a report on the working of the Board during the preceding financial year together with a budget estimate showing, in such form as may be prescribed, the anticipated income and expenditure of the Board during the financial year in which such annual meeting is held".

17. Amendment Of Section 25 :-

In the Principal Act, for sub-section (3) of Section 25, the following shall be substituted, namely:-

"(3) All moneys payable to the credit of the Fund shall forthwith be paid into the State Bank of India to the credit of the relevant fund, and all cheques drawn on the Funds shall be signed by the Secretary and presented for encashment after obtaining the countersignature of the Chairman.