

The 28th December, 1988

No. LL(B) 88/88/59.- The following Act of the Meghalaya Legislative Assembly which received the assent of the Governor/President is hereby published for general information.

MEGHALAYA ACT NO. 13 OF 1988

**THE MEGHALAYA BOARD OF PRIMARY SCHOOL EDUCATION ACT,
(As passed by the Assembly)**

[Received the Assent of the Governor on the 25th December, 1988]

An

Act

To provide for the establishment of a Board of Primary School Education to supervise, regulate and develop primary education in the State.

Be it enacted in the Thirty-ninth Years of the Republic of India as follows:-

Short title, extent and commencement	1	(1) This Act may be called the Meghalaya Board of Primary School Education Act, 1988 (2) It extends to the whole of the State of Meghalaya. (3) It shall come into force on such date as Government may by notification appoint.
Definitions	2	In this Act unless there is anything repugnant in the subject or context:- (a) 'Board' means the Meghalaya Board of Primary School Education constituted under Section 3; (b) 'Chairman' means the Chairman of the Board; (c) 'Committee' mean a Committee appointed by the Board under Section 13; (d) 'Government' means the Government of the State of Meghalaya; (e) 'Fund' means the Meghalaya Board of Primary School Education Fund constituted under Section 14; (f) 'notification' means a notification published by Government in the Official Gazette; (g) 'Prescribed' means prescribed by rules or regulations, as the case may be, made under this Act; (h) 'Primary education' means education imparted in a primary or junior basic school or its equivalent in the State; (i) 'Primary School' includes any school where primary education is imparted; (j) 'regulation' means regulation made by the Boards under this Act; (k) 'rules' means rules made by Government under this Act; (l) 'Secretary' means the Secretary of the Board, and (m) 'section' means a section of this Act.
incorporation of the	3	(1) Government shall as soon as may be after the Constitution and compencement of this Act, establish by notification, a Board to be known as the Meghalaya Board of Primary Board School Education to supervise, regulate and develop

primary education in the State in accordance with the provision of this Act.

(2)The Board shall be a body corporate with perpetual succession and a common seal and shall by the said name sue and be sued.

(3)The headquarters of the Board shall be at Shillong

of the
Board

(1)The Board shall consist of the following members , Membership
4 namely-

(i) Ex-officeo members:

(i)The Director/Additional Director of Public Instruction (Primary Education) as its Chairman;

(ii)The Director, State Council for Educational Research and Training;

(iii)The District Inspectors of Schools;

(iv)The Secretary of the Meghalaya Board of School Education;

(v)The Secretary of the Board.

(ii) Members to be nominated by Government:

(vi)One officer from each of the Autonomous District Council;

(vii) One Principal of a Basic Training Centre; and

(viii) One representative from the recognised Primary School Teachers' Association of each District.

(2)The Board may, if it thinks necessary, co-opt. Two other members, one of whom is or has been a distinguished educationist and another from amongst the linguistic minority groups in the State.

(3)The quorum for any meeting of the Board shall be six.

(4)Subject to the provisions of sub-section (3) no act or proceeding of the Board shall be invalid only by reason of the existence of any vacancy in the membership thereof.

Term of office of
nominated members.

5 (1)The members nominated by Government under clause (ii) of sub-section (1) or co-opted under sub-section (2) of Section 4 shall hold office for a term of three years from the date of the nomination or, as the case may be, co-option and shall be eligible for re-nomination or re-co-option.

(2)Notwithstanding the expiration of their term of membership as referred to in sub-section (1) such members may continue to hold office until fresh appointments are made in their places.

Disqualification from
membership

6 (1)A person shall not be eligible to be or continue to be a member of the Board or any Committee if he-
(a)Is of unsound mind.
(b)Has been convicted by a court of law an offence involving moral turpitude.

		(2) If a nominated or co-opted member of the Board or of any committee appointed by it becomes subject to any of the disqualifications specified in sub-section (1) his membership shall thereupon cease.
		(3) Any question relating to the eligibility or otherwise of any person for membership in the Board or any committee shall be referred to Government whose decision shall be final.
Officers of the Board.	7	(1) The Chairman and the Secretary who is to be appointed by Government shall be the officers of the Board. (2) The Board may, subject to prior approval of Government, appoint such other officers and staff as it considers necessary for the discharged of its functions and on term and conditions as may be prescribed.
Power and function of Board.	8	Subject to any general or special order of the Government, the the Board shall have the powers to supervise, regulate and develop primary education in the State and, in part (a) To prescribed courses of study and syllabi, including the use of mother tongue in Primary Schools; (b) To conduct examinations and declare the results, thereof; (c) To award certificates, prizes, scholarships and other incentives to the students; (d) To publish or select text or supplementary books for the primary schools; (e) To grant recognition of primary schools for various purposes; (f) To advise Government on recognition and development and on other matters concerning primary education including matters relating to physical, moral and social welfare of all students; (g) To prescribed qualifications for teachers; (h) To receive and administer grants from Government and donations from private individual or associations; (i) To hold property, movable or immovable, and to dispose such property with prior approval of the Government; and (j) To do all such things as may be necessary for the purpose of this Act or the rules or regulations framed there under.
Government to be kept informed of important matters.	9	In all important matters the Board shall keep Government informed of the action it proposes to take.
Power of the Government	10	(1) Government may call for reports or issue directions to the Board on any matter concerning Primary education and the Board shall comply with such direction. (2) Government may by order specifying the reasons thereof, suspend the execution of any resolution or order of the Board or prohibit the doing of any act if it is of the opinion that such resolution, order or act is beyond the power or the Board or is considered undesirable to be implemented.

		(3)Government may suspend or remove a member of the Board if it considers that his continuance as such member is detrimental to the interests of the Board.
		(4)Government may if it thinks fit by notification dissolve supersede or reconstitute the Board and until such reconstitutions the powers and functions of the Board shall be exercised by such person or authority as it may by notification specify.
Powers and duties of Chairman	11	(1)The Chairman shall have all necessary powers over the the administrative affairs of the Board and to ensure that its decisions are duly implemented. (2)When any emergency arises in the course of the administrative business of the Board and the Chairman is of the opinion that immediate action should be taken, and which action should have been with approval of the Board, the Chairman shall take such action as be deems necessary and report the action so taken to the Board at its next meeting.
Powers and duties of Secretary	12	The Secretary shall be the principal administrative officer of the the Board performing, subject to the control of the Chairman, such duties as may be entrusted by the Board.
Appointment of Committee.	13	(1)The Board may appoint one or more of the following committees for such period as it may think necessary, namely- (a)Curriculum and syllabus Committee; (b)Examination Committee; (c)Academic Committee; and (d)Such other Committees as may be found necessary for purposes of the Board. (2)Each Committee shall consist of such members of the Board and of such other persons not exceeding two in number, as the Board may appoint.
Constitution of a Fund	14	There shall be constituted fund to be called the Meghalaya Board of primary School education Fund into which all moneys received by or on behalf of the Board shall be credited into and expenses of the Board met from.
Custody of the Fund	15	All moneys at the credit of the Fund shall be kept in Government Treasury or Banks as the Board may determine.
Audit of the accounts	16	The Accounts of the Board shall be audited by the of the Board Examiner of the Local Accounts of the Government and a copy of the audited accounts along with the audit report submitted by the Board to Government by such date as may be prescribed
Powers and duties of	17	(1)Government may by notification make rules for the Secretary carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power such rules may provide for all or any of the following matters, namely-

- (a) The term and conditions of appointment of the members, the Secretary and other officers and staff of the Board;
- (b) The preparation and submission of budget and annual statements of accounts;
- (c) Submission of reports to Government;
- (d) Any other matter which required to be prescribed for by rules.

Power to make regulations

18 (1) The Board may, with previous approval of the Government, make regulations not inconsistent with the rules framed under Section 17 for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely-

- (a) The procedure for holding and conducting meetings of the Board and its committees;
- (b) Courses of study and syllabi for different stages of primary education;
- (c) The conduct of primary school examinations and conditions for admission of students to such examinations;
- (d) Fixing pass-marks for any subject and examination;
- (e) Appointment of question setters, examiners and their remuneration;
- (f) Conditions for recognition of primary schools by the Board;
- (g) Terms and conditions of appointment of members of the committees;
- (h) Provident funds for the offices and staff of the Board;
- (i) Delegation of powers or assignment of functions to committees;
- (j) Purposes for application of funds of the Board;
- (k) Custody of the Fund and operation of the accounts of the Board; and
- (l) Any other matter that is required to be prescribed for by regulations.

Amendment of Meghalaya Act 10 of 1973

19 In the Meghalaya Board of Schools Education Act 1973-

i. In Section 2-

(a) Clause (b) shall be deleted.

(b) In clause (m) for the words "Primary Education" occurring therein the words "Post Primary Education" shall be substituted;

ii. In Section 12-

(a) In clause (i), the word "Primary" occurring therein shall be deleted; and

(b)The proviso occurring at the end and below clause
(xxv) shall be deleted.

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