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NOTIFICATION

No. LJD. 85/73/62 dated 27th March, 1976 following Act of Mizoram Legislative Assembly which received the assent of the Administrator of Mizoram is hereby published for general information.

The Mizoram Act No. I of 1976.

(The Mizoram Urban Areas Rent Control (Amendment) Act, 1975)

Received the assent of the Administrator on
the 25th March 1976.

AN

ACT.

to amend the Mizoram Urban Areas Rent Control Act, 1974;

Be it enacted by the Legislative Assembly of Mizoram in
the Twenty-sixth year of Republic of India as follows:—

Short title
and extent.

1. (i) This Act may be called the Mizoram Urban Areas
Rent Control (Amendment) Act, 1975:

(ii) It shall have like extent as the Principal Act.

Amendment
of Section 2
of the Prin-
cipal Act.

2. The explanation appearing below the proviso to clause (e)
of Section 2 of the Principal Act shall be substituted by the
following:—

“Explanation : For the purpose of this clause, cost of con-
struction shall mean the estimated cost required for the con-
struction of the house less depreciation at one per cent for a
building with pucca structure and two per cent for a building
with non-pucca structure per annum of that amount from the
actual date of completion of construction of the house provided
that if the house was originally constructed as a smaller house
or semi-pucca or non-pucca structure and was subsequently
extended or developed into a pucca structure or semi-pucca
structure, the depreciation in respect of the portion so extended
or developed shall be calculated from the date of completion
of the extension or development”.

A. Sarkar
Secretary,

Law and Judicial Department.

NOTIFICATION

No. LJD. 18/75/70 dated 27th March, 1976. Following Act of Mizoram Legislative Assembly which received the assent of the Administrator of Mizoram is hereby published for general information.

The Mizoram Act No. 2 of 1976.

(The Mizoram Board of School Education) Act, 1975.

Received the assent of the Administrator on the 25th March 1976.

**THE MIZORAM BOARD OF SCHOOL EDUCATION
ACT, 1975.
ARRANGEMENT OF CLAUSES**

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AN
ACT

to provide for the establishment of a Board to regulate, supervise and develop School Education and matters connected therewith or incidental thereto.

Be it enacted by the Legislative Assembly in the twenty-sixth year of the Republic of India as follows :—

CHAPTER I

PRELIMINARY

Short title
extent and
Commence-
ment.

1. (1) This Act may be called the Mizoram Board of School Education Act, 1975.

(2) It extends to the whole of the Union territory of Mizoram :

Provided that the provisions of this Act relating to education up to the Primary stage shall not apply to any autonomous district specified in part III of the Table below paragraph 20 of the Sixth Schedule to the Constitution but the Administrator may, by notification and with the concurrence of the District Council of concerned autonomous district, apply all such provisions or any of them to that autonomous district.

(3) It shall come into force on such date as the Administrator may, by notification, appoint and different dates may be appointed for different provisions of this Act, and any reference to the commencement of this Act in relation to any provision thereof shall be construed as a reference to the date on which that provision comes into force.

- (4) On and from the date on which the whole of this Act comes into force, the Board of Secondary Education, Assam, shall cease to exercise jurisdiction over the educational institutions in Mizoram, and where, instead of the whole Act being brought into force, any provision thereof is brought into force, the Board of Secondary Education, Assam, shall cease to exercise jurisdiction over the educational institutions in Mizoram in respect of the matters covered by the corresponding provisions which have been so brought into force :

Provided that the Board of Secondary Education, Assam, shall continue to have the same jurisdiction as now exercised by it in Mizoram over the High and Higher Secondary Schools till such time as the Administrator may, by notification, appoint in this behalf.

Definitions:-

2. In this Act, unless the context otherwise requires,
- (a) "Administrator" means the Administrator of the Union territory of Mizoram appointed by the President under article 239 of the Constitution;
 - (b) "Board" means the Mizoram Board of School Education established under this Act;
 - (c) "Centre Superintendent" means a person appointed by the Board to conduct and supervise examinations of the Board and includes an additional Superintendent and an associate 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) "Controller of Examinations" means Officer so designated under the Board;
 - (f) "Controlling Authority" means any authority designated as Controlling Authority of the Board by the Government under sub-section (2) of section 3;

- (g) "Director" means the Director of Education, Mizoram and includes any other Officer authorised by him to perform all or any of the functions of the Director;
- (h) "District Council" means an Autonomous District Council established by law within Mizoram;
- (i) "Education Department" means the department of Education of the Government;
- (j) "Employee" means a teacher and includes every other employee working in a recognised school or under the Board;
- (k) "Funds" means the Board of School Education Funds constituted under this Act;
- (l) "Government" means the Government of Mizoram ;
- (m) "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 of the Board;
- (n) "Institution" means any recognized primary, middle, high, professional, or vocational school or under-graduate teachers' training institution in Mizoram;
- (o) "Inspector" means the District Inspector of Schools and includes an officer authorised by the Government of Mizoram to perform all or any of the duties of the Inspector;
- (p) "Invigilator" means a person who assists the Superintendent of a Centre in conducting and supervising the examination at a Centre;
- (q) "Middle School" means a school or department of a school giving instruction in school education and preparing students for Middle School Leaving Certificate Examination;
- (r) "Managing Committee" used in reference to any institution means a duly constituted Managing Committee

and recognised by the Board or the Government;

- (s) "Mizoram" means the Union territory of Mizoram;
- (t) "Notification" means a notification published in the Official Gazette of Mizoram;
- (u) "President" means the President of the Board;
- (v) "Primary School" means a school or a department of a school giving instruction in school education and preparing students for Primary School Leaving Certificate Examination;
- (w) "Pre-Primary School" means a school or a department of a school giving instruction in school education for students below Class I standard of Primary Schools.
- (x) "Professional or Vocational School" means a school or an institution imparting technical or trade or craft education and vocational instruction below Diploma level;
- (y) "Prescribed" means unless the context indicates otherwise, prescribed by rules or regulations made under this Act;
- (z) "Public Examination" means an examination conducted by the Board;
- (za) "Recognised" means recognised by Board for the purpose of admission to the privileges of the Board or prior to recognition by the Board, by the Government of Mizoram or any Board of Secondary Education recognised by Government of Mizoram;
- (zb) "Regulations" means regulations made by the Board under this Act;
- (zc) "Rules" means rules made by the Government under this Act;

- (zd) "School Education" means such education as is designed to meet the needs of the stages immediately starting from the stage of Pre-Primary education and preceding immediately the stage of degree education "including Pre-University education" controlled by any University established by law in India, or by a Board constituted by Government for this purpose and it includes teacher training of under-graduate teachers, pre-primary or primary and middle schools or technical or trade or craft education and vocational instruction upto Diploma level;
- (ze) "Secretary" means the Secretary of the Board.
- (zf) "School" includes pre-primary, Primary, Middle and High School and also includes any other institution which imparts education or training including under-graduate teacher training, technical or Professional or vocational education upto the level of High School Leaving Certificate examination.
- (zg) "University" means the university exercising jurisdiction in Mizoram.

CHAPTER II

THE BOARD

Establishment
and incorpo-
ration of the
Board.

3. (1) The Government shall as soon as may be after the commencement of this Act establish by notification a Board named "Mizoram Board of School Education" for the regulation, supervision and development of school education in Mizoram in accordance with the provisions of this Act.
- (2) The Secretary to the Government of Mizoram, Education Department, or such other authority as the Government may, by notification, empower, shall be the Controlling Authority of the Board.
- (3) The Board shall 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 purpose of carrying out its duties and functions and shall, by the said name, sue or be sued.

Constitution
of the Board.

4. (1) The Board shall consist of the following members namely :—
- (i) The President ;
- (ii) The Director of Education, Mizoram... Ex-Officio
- (iii) The Joint Director of Education,
Mizoram Ex-Officio
- (iv) The Director of Agriculture, Mizoram..... Ex-Officio
- (v) The Director of Health Services,
Mizoram..... Ex-Officio
- (vi) The Director of Industries, Mizoram Ex-Officio
- (vii) The Principal Engineer, Mizoram Ex-Officio
- (viii) The Principal, P.M.G. College, Mizoram Ex-Officio
- (ix) The Principal, Mizoram Institute of
Education ... Ex-Officio

- (x) One of the Principals of the Under-Graduate Teachers training institutions, to be nominated by the Director ... Ex-Officio
 - (xi) The Secretary of the Board ... Ex-Officio
 - (xii) The Controller of Examinations of the Board ... Ex-Officio
 - (xiii) One of the Inspectors of Schools, Mizoram to be nominated by the Director ... Ex-Officio
 - (xiv) Members to be nominated by the Government, namely :
 - (a) one Headmaster of a Primary School;
 - (b) one Headmaster of a Government Middle School;
 - (c) one Headmaster of a Non-Government Middle School;
 - (d) one Headmaster of a Government High School;
 - (e) one Headmaster of a Non-Government High School;
 - provided that at least one out of these shall be a woman;
 - (f) a representative of the University on the recommendation of its Vice-Chancellor
 - (g) one representative from each of the District Councils of Mizoram;
 - (h) one member of the Legislative Assembly of Mizoram on the recommendation of the Speaker of the Legislative Assembly; and
 - (i) one Lady educationists.
 - (xv) The Board shall have power to co-opt not more than two members from amongst distinguished or eminent educationist.
- (2) The Board as constituted above, excepting the co-opted members, shall function as the Governing Body of the Board.

(3) (i) If, by such date as may be prescribed, any of the concerned authorities fails 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 re-constituted and regular representative is recommended.

(ii) A person appointed under this sub-section shall be deemed to be member of the Board.

Publication
of names of
members of
the Board

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

Term of
Office of the
members

6. (1) Nominated members shall hold office for a period of three years from the date of publication of the notification under section 5 and the term of office of the co-opted members shall commence on the date of their co-option and terminate on the same date on which the term of office of the nominated members expires :

Provided that the Government may, by notification, extend the term of office of all such members by a period not exceeding one year.

(2) Notwithstanding the expiry of term of three years specified in sub-section (1), 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.

Disqualifica-
tion for
membership,
removal of
a member
and filling
of the
vacancies.

7. (1) A person shall not be eligible for nomination or co-optation as a member of the Board or of the Committees formed by it, if he —
- (i) has been adjudged by a court of law to be of unsound mind;
 - (ii) has been convicted by a court of law for an offence which is declared by the Government to be offence involving moral turpitude.
- (2) If 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) (i) or sub-section (1) (ii) 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 Controlling Authority whose decision on such matters shall be final.
- (4) The Government may remove from the Board a member who, in its opinion, has so abused his position as such member as to render his continuance on the Board detrimental to the public interest;
- Provided that the Government shall, before removing a member as aforesaid, give him an opportunity of being heard and shall place on record its reasons for the removal of such member.
- (5) When the prescribed term of office of members, other than Ex-Officio members, has expired the vacancies so caused shall be filled as soon as conveniently may be in accordance with sub-section (1) of section 4.

Resignation
of members
and casual
vacancy etc.

8. (1) A member of the Board, other than an ex-officio member, may resign his seat by giving notice thereof in writing to the President, and such member shall be deemed to have vacated his seat from the date of acceptance of his resignation by the President.
- (2) The 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 un-expired portion of the term of office of the member in whose place he is nominated or co-opted.

Meetings of
the Board

9. (1) (i) The Board shall meet not less than four times a year but 3 months shall not intervene between two successive meetings.
- (ii) The President or the Secretary may, at any time, and 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.
- (2) 'Twenty-one days' notice shall be given for ordinary meetings of the Board and seven days' notice for special meetings.

Quorum

10. Ten members of the Board present at a meeting of the Board shall be the quorum for such meeting of the Board.

CHAPTER III

POWERS AND DUTIES OF THE BOARD

Powers and
duties of the
Board.

11. The Board shall have, subject to any general or special order of the Government, the provisions of this Act and any rules made thereunder, the power to regulate, supervise and control School Education in Mizoram, and in particular the Board shall have the following powers and duties, namely :—
- (i) to prescribe courses of instruction including practice teaching, practical work and the like, where necessary, for Pre-Primary, Primary, Middle, High Schools and Professional or Vocational Schools and under-graduate teachers' training institutions;
 - (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 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 demand and receive such fees as may be prescribed by regulations;
 - (v) to publish the results of its examinations;
 - (vi) to grant certificates to persons who—
 - (a) have pursued a course of study in an institution admitted to the privileges of recognition by the Board, or

- (b) are teachers in recognized school in Mizoram, or
 (c) have studied privately under conditions laid down by the Board and have passed the examinations of the Board;
- (vii) to institute and award Scholarships, prizes and the like;
- (viii) to prescribe, prepare, publish and select textbooks 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;
- (ix) to lay down conditions for recognition of schools, preparing candidates for various school courses and such other courses including under-graduate teachers' training courses as may be prescribed by regulations;
- (x) to recognise High, Middle, Primary, Pre-Primary Schools, under-graduate teachers' training institutions in Mizoram and Professional and Vocational Schools in Mizoram and to withdraw such recognition on grounds considered reasonable by the Board subject to the provisions of this Act;

Provided that the under-graduate teachers' training institutions, High, Middle, Primary, Pre-Primary Schools and Professional and Vocational Schools in Mizoram, enjoying recognition from the Assam Secondary Education Board or the Government, or from both, immediately before the commencement of this Act, shall be deemed to have been recognized under this Act, subject to their conforming to the provisions of the Act within a period of one year from the commencement of this Act;

- (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 School Education and under-graduate teachers' training courses and professional and vocational schools;
- (xiii) to advise Government on physical, moral and social welfare of students in recognized institutions and to prescribe conditions for their residence and discipline;
- (xiv) to prescribe necessary qualifications of teachers in recognized schools, under-graduate teachers' training institutions and professional and vocational schools;
- (xv) to organise seminars and provide "in-service" Training Courses;
- (xvi) 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;
- (xvii) to call for reports from the Director on the conditions of recognized Institutions or other Institutions applying for recognition;
- (xviii) to advise Government on re-organisation and development of School Education, under-graduate teachers' training courses and Professional or Vocational School course;
- (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 except the President, the Secretary and the Controller of Examinations, who shall be appointed by the Government 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 all or any of its powers to any committee or sub-committee constituted under this Act, and to any of its officers;
- (xxiii) to administer the Funds;
- (xxiv) to cause an inspection, to be made by such person or persons as the Board may nominate, of an unrecognized institution applying for recognition, as also of any of its recognized institutions if and as considered necessary;
- (xxv) to invest surplus funds of the Board in Government securities or Defence Bonds or in fixed deposits in approved Scheduled Banks or Reserve Bank;
- (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 ;
- (xxvii) 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 under-graduate teachers' training institutions and to carry out the purpose of this Act;
- (xxviii) to issue orders to all heads of its recognized institutions and demand compliance thereof to render such cooperation and help as may be asked for by a Centre Superintendent in conducting Board's Examinations.

CHAPTER IV

POWERS OF THE CONTROLLING AUTHORITY AND
THE GOVERNMENT

Powers of the
Controlling
Authority

12. (1) The Controlling Authority shall have the right to address the Board with reference to any work conducted or done by the Board and communicate to the Board its views on any matter with which the Board is concerned.
- (2) The Board shall report to the Controlling Authority such action, if any, as it proposes to take or has taken upon its communication.
- (3) If the Board does not, within a reasonable time, take action to the satisfaction of the Controlling Authority, it may after considering any explanation furnished or representation made by the Board, issue such directions consistent with this Act, as it may think fit, and the Board shall comply with such directions.
- (4) In any emergency which, in the opinion of the Controlling Authority, requires that immediate action should be taken, the Controlling Authority may take such action, consistent with this Act, as it deems necessary without previous consultation with the Board and shall forthwith inform the Board of the action taken.

Powers of the
Government
to suspend
the Board etc.

13. (1) Notwithstanding anything contained in the Act, the Government shall have the power to suspend the Board, if in its opinion the Board has persistently made default in the performance of duties imposed on it by or under this Act.

- (2) In the event of suspension, all the members of the Board and its committees and Sub-committees including the President 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 President or any other person as the administrator of the Board who shall exercise the power of the Board during the period of suspension.
- (4) The 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 and the Board shall report to the Government such action, if any, as it proposes to take or has taken upon the communication of the Government.
- (5) The Government may, after consultation with the Board, issue such directions consistent with the provisions of the Act, as it may think fit, and the Board shall comply with such directions.
- (6) The 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 Government is of opinion that such resolution, order or act is in excess of the powers conferred upon the Board by or under this Act.

CHAPTER V

OFFICERS OF THE BOARD AND THEIR APPOINTMENT,
POWERS AND FUNCTIONSOfficers of
the Board

14. (1) The following shall be the officers of the Board namely :-

- (i) the President,
- (ii) the Vice-president,
- (iii) the Secretary,
- (iv) the Controller of Examinations and
- (v) such other officers as may be declared by the Board to be the officers of the Board.

Appointment,
powers and
functions of
the President

15. (1) The President shall be a wholetime officer appointed on contract service by the Government on terms and conditions agreed to between the persons selected and the Government :

Provided that the Government may appoint the Director of Education as Ex-Officio President of the Board in addition to his duties as Director of Education at the initial stage or may place the services of a Joint Director of Education for appointment as the President of the Board on a whole-time basis till such time as a suitable person is available for appointment as President on whole-time basis on contract service as contemplated in this section.

- (2) The President shall be appointed for a term of three years at the first instance; the Government may, however, extend the contract if mutually agreed upon for a second term of three years but not more.
- (3) The President may resign his office by giving notice in writing to the Government.

- (4) It shall be the duty of the President to see that the provisions of this Act, the rules and the regulations made thereunder are faithfully observed and he shall have all powers necessary for this purpose.
- (5) The President shall have power to convene meetings of the Board and shall call meetings 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 President, requires that immediate action should be taken, the President may take such action 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 President shall exercise such other powers as may be prescribed by regulations.

Election and
functions of
Vice-president

- 16. (1) (i) The Board shall, as soon as may be after its establishment and thereafter at each annual meeting, elect one of its members to be the Vice-President.
- (ii) The Vice-President shall hold office until the annual meeting next following his election and shall be eligible for re-election.
- (iii) The Vice-President may resign his office by giving notice in writing to the President, and when such resignation is accepted by the Board, the Vice-President shall be deemed to have vacated his office.
- (iv) If a vacancy occurs in the office of the Vice-President, another member of the Board shall be elected by the Board as Vice-President for the residue of such term.

- (2) Where the President is unable to perform the duties of his office, or if he vacates office the Vice-President shall act as President and for that purpose shall have all the powers of the President and shall enjoy such emoluments as the Government may decide until the President is available for performance of his duties.
- (3) The President, or in his absence, the Vice-President, or in the absence of both the President and the Vice-President, one member elected from among those present shall preside over a meeting of the Board and shall be entitled to vote on any matter and shall have and exercise a second or casting vote in every case of equality of votes.
- (4) Subject to such conditions as may be prescribed by regulations, the President may at any time, by an order in writing, delegate all or any of the powers, conferred upon him by or under this Act, to the Vice-President and may in like manner cancel any such order of delegation.

Appointment,
powers and
functions of
the Secretary

17. (1) The Secretary and the Controller of Examinations shall be whole-time officers and shall be appointed by the Government on such terms and conditions as it may decide.
- (2) The Secretary shall,
- (i) subject to the control of the Board, be the Chief Administrative Officer of the Board;
- (ii) subject to the control of the President, be responsible for seeing that the orders of the Board are carried out;

(iii) be empowered to enter into all contracts for and on behalf of the Board.

(3) The Secretary shall be responsible for seeing that all moneys of the Board are expended for the purpose for which they are granted or allotted.

(4) The Secretary shall prepare the annual statements of accounts and budget estimates.

(5) The Secretary shall exercise such other powers as may be prescribed by regulations.

(6) The Secretary shall be responsible for keeping the minutes of the Board's meeting.

(7) The Secretary and Controller of Examinations shall be entitled to be present and to speak at any meeting of the Board, but shall not be entitled to vote thereat.

Functions of
Controller of
Examinations

18. Under the over-all control of the Board, the Controller of Examinations shall be responsible for conduct of all examinations of the Board, issue of mark-sheets on payment of prescribed fees as also the certificates of the Board to successful candidates and shall, for the effective performance of his duties, be delegated with adequate powers by the Board.

Powers of
other Officers

19. Other Officers shall have such powers and duties as may be prescribed by regulations.

Allowances,
etc. of mem-
bers of the
Board, Com-
mittees and
Sub-Commit-
tees for atten-
dance at
meetings of
the Board.

20. Such members of the Board or any committee or sub-committee constituted under this Act as are not in the service of the Government, shall, in respect of expenses incurred by them in attending meetings of the Board, or of any such committee or sub-committee, or in exercising any powers or performing any duties conferred or imposed on them by or under this Act, be paid by the Board such allowances and at such rates as may be prescribed.

Appointment
and constitu-
tion of com-
mittees and
their func-
tions

21. (1) As soon as may be after the Board is established it shall appoint the following committees, namely :
- (i) the Examination Committee;
 - (ii) the Finance Committee;
 - (iii) the Syllabus Committee;
 - (iv) the Recognition Committee;
 - (v) the Appeal Committee;
 - (vi) the Physical Education Committee; and
 - (vii) such other Committees or sub-committees as it may deem necessary for the proper execution of its business.
- (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 of the Controlling Authority in each of the Finance, Examination and Recognition Committees.
- (3) A committee may, subject to the approval of the Board, co-opt persons upto the limit of one fourth of the total strength of the committee.
- (4) The term of office of those members of a committee who are members of the Board or are nominated by the Controlling Authority shall be three years and the other members, one year from the date of the first meeting of the committee :

Provided that a person taken as a member of a Committee in his capacity as a member of the Board or of any other body or as the holder of a particular appointment shall automatically cease to hold office if he ceases to be a member of the Board or of that body or the holder of the appointment, as the case may be.

- (5) When the Board has constituted a Committee to deal with any matter which the Board is empowered to deal with by this Act, the Board shall, before exercising its powers in any particular case, receive and consider the report of the committee concerned.

CHAPTER VII

REGULATIONS AND BYE-LAWS

Powers of the Board to make regulations and the Board and its committees to make bye-laws.

22. (1) Except in cases where the Government is empowered to make rules under this Act, the Board may make regulations for the purpose of carrying into effect the provisions of this Act.
- (2) In particular, and without prejudice to the generality of the foregoing powers, the Board may make regulations for all or any of the matters, namely :—
- (i) laying down the procedure to be observed for the conduct of its meetings and to fix the number of the members required to form a quorum in meetings of its committees;
 - (ii) the conduct of examinations including the appointment of paper-setters, examiners, moderators, tabulators, centre-superintendents, invigilators and their duties, powers and remuneration;
 - (iii) the conditions under which candidates shall be admitted to the examinations of the Board;

- (iv) the conditions under which the Board may recognize institutions for the purposes of its examinations;
- (v) the courses of study to be followed in the high, middle, primary and pre-primary classes and the courses of study for other examinations that may be conducted by the Board;
- (vi) the conditions for the award of the certificates and diplomas of the Board;
- (vii) the institution of scholarships and prizes;
- (viii) the selection or co-option of member of the Board and its committees or sub-committees;
- (ix) the constitution, powers and duties of committees or sub-committees set up by the Board;
- (x) the creation of posts and appointment of employees of the Board and the conditions of their services;
- (xi) the provision of provident fund and other retirement benefits for the employees of the Board; and
- (xii) all matters which, by this Act, are to be, or may be, provided for by regulations :

Provided that the regulations made by the Board or any amendments thereto, shall not take effect until they have received the approval of the Government.

- (3) The Board and its committees may make bye-laws, consistent with this Act, and rules and regulations made thereunder for the following purposes, namely:-
 - (i) laying down the procedure to be observed at their meetings;
 - (ii) providing for all other matters solely concerning the Board and its committees and not provided for by this Act, and rules and regulations made thereunder;
 - (iii) laying down conditions under which grants-in-aid shall be given to institutions recognized by the Board.

CHAPTER VIII

FINANCE AND AUDIT

Preparation,
presentation
and sanction
of the bud-
get of the
Board.

23. (1) The President shall place before the annual meeting of the Board, held in the year following the year in which it is established and before every 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.
- (2) The report shall be forwarded to the Government as soon as possible but not later than one month of its presentation before the annual meeting of the Board together with such comments thereon as the Board may think fit to make.
- (3) The Budget estimate shall, after confirmation by the Board, be forwarded to the Government within such time as may be prescribed.
- (4) The Government shall within three months of the receipt of the budget estimate either accord its approval to the same or return it to the Board with such comments and suggestions as it deems necessary if in its opinion such estimate:-
- (i) is not reasonably accurate with reference to ascertainable facts or shows a deficit in the closing balance;
 - (ii) includes new items of recurring expenditure which are likely to impose on the Board in the future financial liabilities which the Board is not likely to be able to meet from its income; or

- (iii) includes provisions for expenditure which are not in accordance with the provisions of this Act.
- (5) If the budget estimate is returned under clause (i) of sub-section (4), the Board shall consider the comments and suggestions made by the Government and may—
 - (i) if it thinks fit, revise the said estimate or
 - (ii) if it does not think fit to revise the estimate re-submit it in its original form to the Government within one month of receiving it, together with its replies on the comments and suggestions made by the Government.
- (6) If the Government does not approve of the budget estimate as revised by the Board, it may amend the budget estimate by making—
 - (i) such modifications as are in its opinion necessary to render the estimate reasonably accurate with reference to ascertainable facts or to balance the income and the expenditure;
 - (ii) additions, alterations or modifications in any provision relating to new expenditure of recurring nature;
 - (iii) any alteration or modification in any provision which, in its opinion is not in accordance with the provisions of the Act;and shall forward the budget estimate so amended to the Board.
- (7) The budget estimates as amended by the Government shall be the budget estimates of the Board for the concerned financial year.

Government grants to the Board.

24. (1) The Government may, after considering the budget estimates, the accounts of the Board and such other reports as it may call for, make such annual and periodical grants to it as it may think fit.
- (2) To enable the Board to function effectively as soon as it is established, and at any time thereafter, the Government may make such grants to the Board as it may think necessary.

Funds of the Board and the use thereof.

25. (1) The Board shall constitute funds as under:—
- (i) Reserve Fund, named as “Mizoram Board of School Education Reserve Fund”;
- (ii) Operational Fund, named as “Mizoram Board of School Education Operational Fund.”
- (2) (i) The initial constitution of these funds shall be made out of earmarked grants from the Government subject to the maximum extent of Rs. 5,00,000/- for the Reserve Fund and Rs. 50,000/- for the Operational Fund.
- (ii) Interest accruing on all moneys held in the Reserve Fund shall be transferred to the Operational Fund annually and shall be considered as income of the Board and taken into account in the preparation of Board's budget.
- (iii) All sums which may be paid by the Government for the Reserve Fund and the Operational Fund shall be forthwith deposited in the appropriate fund.

- (iv) All fees realised under any of the provisions under this Act shall be deposited in the Operational Fund.
 - (v) All sums representing income from endowments or property owned or managed by the Board shall be deposited in the Operational Fund.
 - (vi) The Board shall credit to the Board's Reserve Fund Accounts all such grants from the Government or donations from any other source made or provided specifically for augmentation of the Reserve Funds immediately on receipt.
- (3) All moneys payable to the credit of the Funds 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 counter-signature of the President.
 - (4) The Board shall keep account of all its receipts and expenditure in the manner prescribed.
 - (5) No expenditure shall be incurred from the relevant Fund of the Board except for the purposes of this Act and unless such expenditure is provided for in the budget approved under this Act or can be met by reappropriation in the prescribed manner.
 - (6) No drawal except interest accruing annually on the Reserve Fund shall be made at any time except with the specific approval of the Government.

Audit of the
Accounts of
the Board.

26. (1) The accounts of the Board shall be examined and audited annually in such manner as may be prescribed, by an auditor appointed by the Government, besides audit by the Accountant General concerned as and when he so desires.
- (2) For the purpose of examination and audit under sub-section (1), an auditor appointed under that sub-section may,—
- (a) require in writing the production before him of any document relating to the Board or the assets thereof which he considers necessary for the purposes of audit;
 - (b) require in writing the personal appearance before him of any person accountable for or having the custody or control of, any such document to answer any question relating thereto; and
 - (c) require any person so appearing before him to submit a statement in writing in respect of any such document.
- (3) It shall be the duty of the Board, and of every member thereof, and of the Secretary and the members of the staff in the service of the Board, to afford to the auditor every facility for the examination and audit of the accounts of the Board and to comply with any requisition made by the auditor under sub-section (2) and with the requirement of any rule made in this behalf.
- (4) Not more than three weeks after the completion of the audit the auditor shall submit to the Government a report on the accounts audited, and shall send a copy thereof to the Board which shall forward it to the Government together with its observations thereon.
- (5) The Government shall take such action on the audit report as it thinks fit.

CHAPTER IX

SUPPLEMENTAL PROVISIONS

- Submission of returns, reports etc. by the Board to the Government.
27. The Board shall furnish to the Government such reports, returns and statements as may be prescribed, and such further information on any matter relating to the Board, as the Government may require.
- Members of the Board and Committees and employees to be public servants.
- 45 of 1860
28. (1) The members of the Board or every committee or sub-committee, persons in the service of the Board, and any person appointed under this Act to audit the accounts of the Board, shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.
- (2) No suit, prosecution or other legal proceedings whatsoever shall lie against any person for anything in good faith done or intended to be done under this Act.
- Transitory Provisions.
29. Every matter or thing required to be provided by regulations under this Act shall, until such regulations are made, be provided by rules made under this Act.
- Rule-making powers of the Government.
30. (1) The Government may make rules for carrying out the provisions of this Act.
- (2) In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely :—
- (i) the acquisition, possession and disposal of property by the Board, the conditions of such acquisition, possession and disposal and the performance by the Board of any function referred to in sub-section (3) of section 3;
- (ii) the composition of managing committees of institutions;

- (iii) the discipline relating to the officers and the staff of the Board;
- (iv) the rates at which the Board shall pay allowances to persons referred to in Section 20;
- (v) the form in which the budget estimate of the Board shall be prepared;
- (vi) the manner in which all payments to and from the Funds shall be made;
- (vii) the manner and form in which accounts of receipts and expenditure shall be kept under sub-section (4) of section 25;
- (viii) the manner of reappropriation under sub-section (5) of section 25;
- (ix) the manner in which examinations and audit of the Accounts shall be made;
- (x) the reports, returns and statements to be furnished by the Board under section 27 and the forms of such reports, returns and statements.
- (xi) any other matter required to be prescribed or provided or made by rules.

Continuation
of rules, text-
books, syllabuses etc. of
the Board of
Assam
Secondary
Education
under the Act

31. All syllabi, courses of studies and textbooks prescribed by the Assam Board of Secondary Education for High School Examination and all rules and regulations on matters of school administration followed in Mizoram immediately preceding the commencement of this Act shall continue to be followed until other provisions are made under this Act.