

NOTIFICATION

No. ESS.351/74/105, the 25th Oct., 1997. In exercise of the powers conferred under sub-section (3) of section 1 of the Mizoram Board of School Education Act, 1975, the Lt. Governor of the Mizoram is pleased to appoint 1st November, 1975, as the date on which the provision of the said Act except sub-sections (i) to (viii) and (xxviii) of section 11 and section 18 shall come into force.

Further, in pursuance of sub-section (4) of section 1 of the said Act, Lt. Governor is pleased to order that the Board of Secondary Education, Assam, shall continue to have the same jurisdiction over the High and Higher Secondary School in Mizoram as exercised by it immediately preceding the commencement of this Act until further orders.

V.Thangzama
Under Secy. To the Govt. of Mizoram,
Education & Social Welfare 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.
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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

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| <p>* Short title
Extent and
Commencement</p> | <p>1. (1) This may be called the Mizoram Board of School Education Act, 1975.
(2) It extends to the whole of the State of Mizoram: Provided that the provisions of this Act relating to the education in the Secondary and Higher Secondary stages shall not be applicable to any</p> |
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* Amended in 1996 & 2014

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) It shall come into force on such date as the Govt. by Notification in the Official Gazette appoint.

✿ Definitions :- 2.

In this Act, unless the context otherwise requires,

- (a) “Affiliated” means affiliated by the Board for the admission of privilege of the Board.
- (b) “Affiliation” means affiliation of schools by the Board;
- (c) “Board” means the Mizoram Board of School Education established under this Act;
- (d) “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 of the Subsidiary Rules and such other Rules of the Central and the State Government, as may be applicable to the employees of the Government of Mizoram ;
- (e) “Centre Superintendent” means a person appointed by the Board to conduct and supervise examinations of the Board and includes Assistant Superintendent;
- (f) “Chairman” means the Chairman of the Board ;
- (g) “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;
- (h) “Controller of Examinations” means an officer so designated under the Board;
- (i) “Controlling Authority” means any authority designated as the Controlling Authority of the Board

- by the Government under sub-section(2) of section 3;
- (j) “Director (Academic)” means an officer so designated under the Board;
 - (k) “Director of School Education” means the Director of School Education and shall include any other officer authorized by him to perform all or any of the functions of the Director ;
 - (l) “District Council” means an Autonomous District Council established by law within Mizoram ;
 - (m) “Education Department” means the School Education Department of the Government ;
 - (n) “Employee” means an employee working under the Board;
 - (o) “Examination” means an examination conducted by the Board;
 - (p) “Funds” means the Mizoram Board of School Education funds constituted under this Act;
 - (q) “Government” means the State Government of Mizoram.
 - (r) “High School” means a school where general education is imparted to the students of Classes IX and X and prepares students for Matriculation or High School Leaving Certificate Examination of the Board held at the end of Class X;
 - (s) “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;
 - (t) “Institution” means any High School or Higher Secondary School and it shall include the District Institute of Education and Training in the State of Mizoram;
 - (u) “Invigilator” means a person who assists the Centre Superintendent in conducting and supervising the
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- examination at an examination Centre;
- (v) “Managing Committee” means a duly constituted Managing Committee and recognized by the Board or Government;
 - (w) “Notification” means a notification published in the Official Gazette of Mizoram;
 - (x) “Prescribed” means prescribed by rules or regulations made under this Act ;
 - (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 High Schools and 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.”

CHAPTER – II THE BOARD

- Establishment 3. (1) The Government shall, as soon as may be after the and incorporation
- (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 of the Government may, by notification, empower, shall be the Controlling Authority of the Board.
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- (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 shall, by the said name, sue or be sued.

*Constitution
of the Board

4. (1) The Board shall consists of the following members namely :-
- (a) The Chairman Chairman
 - (b) The Secretary Member 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
SCERT Ex-officio Member
 - (f) The Director of
Sports & Youth
Services Ex-officio Member
 - (g) One Principal of a
Govt.College to be
nominated by the Controlling
Authority Ex-officio Member
 - (h) The Principal, Institute
of Advanced Studies in
Education Ex-officio Member
 - (i) One of the Principals
of the District Institute
of Education & Training
in Mizoram to be nominated
by the Director of
SCERT Ex-officio Member
 - (j) One of the District Education Officers in the
State to be nominated by the

- Director of School
Education Ex-officio Member
- (k) Registrar, Mizoram
University Ex-officio Member
- (l) Members to be nominated by the Controlling
Authority :
- (i) One member of the Mizoram Legislative
Assembly on the recommendation of the
Speaker of the Legislative Assembly ;
 - (ii) One Principal of Higher Secondary
School ;
 - (iii) One Headmaster of High School; and
 - (iv) One lady educationist.
- (2) The Director (Academic) and the Controller of
Examinations shall be entitled to attend and speak at
any meeting of the Board but shall not be entitled to
vote there at.
- (3) The Board shall have power to co-opt not more than
two from amongst the distinguished or eminent
educationists.
- (4) The Board as constituted in sub-section (1), except
the co-opted members in sub-section (3), shall
function as Governing Body of the Board.
- (5) 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
Chairman shall have power to appoint such member
or members:

Provided that in the 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.

- 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 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 by 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 newly nominated members are published under section 5.
- Disqualification for membership, removal of a member and filling of the vacancies.
7. (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-
- (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 an 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 disqualification specified in sub-section (1) (i) or sub-section (1) (ii) his membership thereupon cease.
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- (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 matter 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 subsection (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 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 Government may, by notification, remove any nominated or co-opted members 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.
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- Meeting of The Board
9. (1) (i) * The Board shall meet at least once a year and may be convened to meet more than once in the year.
- (ii) The Chairman 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 day's notice shall be given for ordinary meetings of the Board and seven day's notice for special meetings.
- Quorum
10. Ten members of the Board present at a meeting of the Board shall be 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 provision 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 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 in (i) above and to conduct and supervise such other examinations as may be decided by the Board from time to time;

- (iii) to admit to its examination 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 and passed a course of study in an institution admitted to the privilege of affiliation by the Board;
OR
 - (b) are teacher in affiliated schools in Mizoram and have passed the examinations of the Board
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 examination;
 - (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 High Schools, Higher Secondary Schools, and District Institute of Education and
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- Training in Mizoram and to withdraw such affiliation on grounds considered reasonable by the Board subject to the provision of the regulations made under 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 teacher's 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 organize seminars, trainings, workshops 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 seek for report from the Director of School 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 the Government relating to any matter within the provisions of this Act on which the Government may consult the Board;
 - (xxi) to appoint officers and other employees of the
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- Board except the Chairman and the Secretary who shall be appointed by the Government and prescribe, by regulations, the terms and conditions of their service;
- (xxii) to take such disciplinary actions as it thinks fit against the officers and employees of the Board as may be prescribed;
 - (xxiii) to enter into agreement with any financial institution or any scheduled bank to enable its officers and employees enjoy the facility of house building and other advances.
 - (xxiv) 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 immovable which may become vested in it, and to dispose of all or any of the property, moveable or immovable 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
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- 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 Board's Examinations.
- (xxxii) to cause an assessment of insitutions and to give accreditation accordingly.
- (xxxiii) to set up or close Regional Office or offices and delegate by regulations functions and powers to such office or offices for better and easier conduct of the Board's work within the region covered by it.

CHAPTER - IV
POWERS OF THE CONTROLLING
AUTHORITY AND THE GOVERNMENT

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| Power 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 may think fit and the Board shall comply with such directions. |
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- (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 the 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 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.
 - (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 view 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 provision of the Act, as it may think fit and the Board shall comply with such directions.
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- (6) The Government may, by order in writing specifying the reasons thereof suspend the execution of 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 power conferred upon the Board by or under this Act.

CHAPTER – V
OFFICERS OF THE BOARD AND THEIR
APPOINTMENT, POWERS AND FUNCTIONS

- * Officers of the Board. 14. (1) 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.

- * Appointment, Powers and functions of the Chairman 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 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 atleast a Master Degree holder from a recognised University and must have at least twenty years of experience in the field of education out of which at least 5 years shall be in educational administration or the Board.

Provided further that the person so appointed as Chairman shall hold office for a maximum period of six years or till he attains sixty five years of age, whichever 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 Resource 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 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.

Election and 16. Repealed. (*Ammended in 2008*)
functions
of Vice President.

- * Appointment, 17 Powers and Functions of the Secretary.
- (1) The Secretary shall be a whole-time officer appointed by the Government on such terms and conditions as may be prescribed by regulations.
 - (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 Chairman, be responsible for seeing that the order of the Board are carried out;
 - (iii) be empowered to enter in to 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 meeting.
 - (7) The Secretary 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 18 Controller of Examinations. Repealed. (*Ammended in 1996*)
- Powers of 19. other officers. Other officers shall have such powers and duties as may be prescribed by regulations.

- Allowances etc. of members of the Board, committees and sub-committees for attendance at meeting 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 meeting of the Board, or of any such committee or sub-committee, or in exercising any power 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 constitution of Committees and their functions. 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 Affiliation Committee;
(v) 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 such other person, if any, as the Board may think fit to appoint and a nominee of the Controlling Authority in each of the Finance, Examination and Affiliation Committee.
- (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 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 a 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 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 matter, 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 examination including the appointment of paper-setters, moderators, coders, examiners, scrutinizers, tabulators, centre-superintendents, invigilators and their duties, powers and remunerations;
 - (iii) the conditions under which candidates shall be admitted to the examinations of the Board;

- (a) the conditions under which the students shall be registered by the Board;
- (iv) the conditions under which the Board may affiliate institutions for the purposes of its examinations;
- (v) the courses of study to be followed in the higher secondary schools and high schools 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 scholarship and prizes;
- (viii) the selection or co-option of member of the Board and its committees;
- (ix) the constitution, powers and duties of 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 have received the approval of the Government.

(3) The Board and its committees may make bye-laws, consistent with 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 and guidelines followed in the conduct of public examination.
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CHAPTER – VIII
FINANCE AND AUDIT

Preparation,
Presentation
and sanction
of the Budget
of the Board.

23. (1) 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.
- (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 estimates 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 estimates :-
- (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.
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- (5) If the budget estimates 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 resubmit 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 estimates as revised by the Board, it may amend the budget estimate by making –
- (i) such modifications 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, alteration or modifications in any provision relating to new expenditure to recurring nature;
 - (iii) any alteration or modification in any provision which, in its opinion is not in accordance with the provision of the Act;
- (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 reports as it may call for, make such annual and periodical grants to it as it may think fit.
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- (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
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 realized under any of the provisions under this Act shall be deposited in the Operational Fund.
 - (v) All sum representing income endowments of property owned or managed by the Board shall be deposited in the Operational Fund.
 - (vi) The Board shall credit to the Board’s Reserve Funds Accounts all such grants from the Government or donations from any other source made or provided specifically for augmentation of the Reserve Fund immediately on receipt.
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- (3) All moneys payable to the credit of the Funds shall forthwith be paid into the State Bank of India to credit of the relevant Funds shall be signed by the secretary and presented for encashment after obtaining the countersignature of the Chairman.
 - (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 subsection (I), an auditor appointed under that subsection 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
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- (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 member 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 he shall submit to the Government a report on the account audited, and shall send a copy thereof to the Board which shall forward it to the Government together with observations thereon.
- (5) The Government shall take such action on the audit reports as it think fit.

CHAPTER – IX
SUPPLEMENTAL PROVISIONS

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| 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 .
<u>45 of 1860</u> | 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 accounts of the Board, shall be deemed to be public servants within the meaning of section 21 of the <u>Indian Penal Code.</u> |

- (2) No suit, prosecution or other local proceeding 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 on these things 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 provision of this Act.

- (2) In particular, and without prejudice to the generality of the forgoing 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 institution;
- (iii) the discipline relating to the officers and the staff of the Board;

Provided that until such rules are made, the Board shall have the power to adapt, extend and apply any Central or State Rules to the employees of the Board as it may think.

- (iv) Deleted. (*Ammended in 2014*)
 - (v) the form in which the budget estimate of the Board shall be prepared;
 - (vi) the manner in which all payments to and from
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the Funds shall be made;

- (vii) the manners and the forming 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 statement.
- (xi) Any other matter required to be prescribed or provided or made by rules.

Continuation of rules, text-books, Syllabi etc of the Board of Assam Secondary Education under this Act. 31. All syllabi, courses of studies and textbooks prescribed by the Assam Board of Secondary Education for High School Examination and 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.

Validity of the proceedings of the Board or a committee or a sub-committee 32. No Act or proceedings of the Board or a committee or a sub-committee shall be invalid merely by reason of the existence of any vacancy or vacancies among its member of any defect of irregularity not affecting the merits of the case.

Powers of supervision, guidance and control of the Government over the Board.

33. The Board shall, in exercising its powers and performing its duties under this Act be guided by such directions, as the Government may, by notification, give from time to time, regarding the scope and the content of school education in Mizoram.

Power to remove difficulties.

34. If any difficulty arises in giving effect to any of the provisions of this Act, the Government may, by order not inconsistent with the provisions of this Act, remove the difficulties.

Provided that no such order shall be made after the expiry of a period of two years from the commencement of this Act.

**THE MIZORAM BOARD OF SCHOOL
EDUCATION ACT, 1975**

&

AMENDMENTS

1996, 2008, 2011, 2012 (January & August) & 2014



MIZORAM BOARD OF SCHOOL EDUCATION

AIZAWL:796012
