

**THE NAGALAND BOARD OF SCHOOL EDUCATION AMENDMENT
Act, 2014(Act No. 5 of 2014)**

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An
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**NAGALAND BOARD OF SCHOOL EDUCATION
AMENDMENT ACT , 2014. (Act No.5 of 2014)**

Short title, extent and commencement

PREAMBLE

Whereas, the Nagaland Board of Secondary and Higher Secondary School Education Amendment act, 1990 was enacted laying down the provisions for regulating the Nagaland Board of Secondary and higher Secondary School in the State, and whereas over the years, the syllabus and the mode of governing the Secondary and Higher school in the country have undergone changes and whereas, there is a requirement to bringing out an act to replace the existing Principal Act 1973 and Amendment Act 1990 and matters connected herewith.

An
Act

To enact in the Sixty Fifth year of the Republic of India as follows:

1. (i) This Act may be called the Nagaland Board of School Education Act, 2014. It shall replace the principal Act 1973 and Amendment Act 1990.
- (ii) It shall extend to the whole of the State of Nagaland.
- (iii) It shall come into force on such date as the State Government may, By a Notification appointment.

Definitions

2. In this Act, unless there is anything repugnant to the subject or context:
 - (a) “Board” means the Nagaland Board of School Education established under the Nagaland Board of School Education Act 2014;
 - (b) “Chairman” means the Chairman of the Board;

- (c) "College" means an institution affiliated to the Nagaland University or any other recognized University by the University Grants Commission (UGC) having its jurisdiction in the State of Nagaland;
- (d) "School Education Department" means the Department of School Education of the Government of Nagaland;
- (e) "Fund" means the Nagaland Board of School Education fund constituted under this Act.
- (f) "High School" means an institution registered with the Board giving instruction in school education and preparing students for High School Leaving Certificate Examination at the end of class 10;
- (g) "Higher Secondary School" means an institution giving instruction in school education and preparing students for Higher Secondary School Leaving Certificate Examination or Senior Secondary School Leaving Certificate examination at the end of class 12;
- (h) "Managing Committee" means a Managing Committee of a School;
- (i) "Notification" means a notification published by the Board;
- (j) "Primary Education" means education imparted in a primary or Junior Basic School or its equivalent;
- (k) "Professional and Vocational School" means a school or institution imparting technical instruction upto the Diploma level;
- (l) "Recognised" means recognised by the Board, for the purpose of admission to the privileges of the Board, or prior to recognition by the Board, by any University established by law in India or by any Board recognized by the State Government;
- (m) "Regulation" means a regulation made by the Board under this Act;
- (n) "Rule" means a regulation made by the State Government under this Act;
- (o) "School Education" means such Education as is designed to meet the needs of the stage starting from the stage of Primary Education and precedes immediately the stage of Degree Education controlled by any University established by Law in India or by a Board constituted by Government for this purpose and it includes vocational instruction upto the Diploma level;
- (p) "Secretary" means Secretary of the Board;
- (q) "State Government" or "Government" means the State Government of Nagaland;
- (r) "University" means the University exercising jurisdiction in Nagaland.
- (s) "Institution" means a college with higher secondary section or a higher secondary school or a high school registered with the Board;

- (t) The word denoting masculine gender in these rules shall also represent/ connote the feminine gender and
- (u) "Governing Body" means the apex body of the Board that will take decisions for the Board;

Incorporation of the Board

- 3. (i) The State Government shall, as soon as may be after the commencement of the Act, establish by notification, a Board to be known as the Nagaland Board of School Education for regulation, supervision and development of school education in accordance with the provision of this Act.
- (ii) The Board shall, by the name of the Nagaland Board of School Education, be a body corporate with perpetual succession and common seal and shall have the power to acquire and hold any property, to transfer any property held by it, to enter into any contract and to do all other things necessary for the purpose of carrying out its duties and functions and by the said name sue or be sued.

Constitution of the Governing Body of the Board

- 4. (1) "There shall be a Governing Body of the Board, which shall consist of the following members, namely:-
 - (a) Chairman.....Chairman of the Board.
 - (b) Ex-officio members.
 - (i) The Director of School Education, Nagaland.
 - (ii) The Director of Higher Education, Nagaland.
 - (iii) The Director of State Council of Educational Research and Training, Nagaland.
 - (iv) The Director of Youth Resources and Sports, Nagaland.
 - (v) The Director of Technical Education, Nagaland.
 - (vi) The Director of Employment and Craftsmen Training, Nagaland
 - (vii) Joint Labour Commissioner, Nagaland.
- (2) The Secretary of the Board shall be the Member Secretary of the Governing Body of the Board.
- (3) "Members of the Board shall not depute representatives to the meetings of the Governing Body of the Board"
- (4) The Administrative Head of the School Education Department shall be the Controlling Authority of the Board.

Publications of names of the Members of the Board Terms of Office of members

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

6. The term of office members:-

- (i) Nominated members shall hold office for a term of three years from the date of the notification published under Section 5 and term of office of co-opted members shall terminate on the same date as that of the nominated members.
Provided that the State Government, may by notification, in the Official Gazette, extend the term of the office of all such members by a period not exceeding one year.
- (ii) Notwithstanding the expiry of the term of three years specified in clauses (i) the term of office of the out-going members shall be deemed to extend to the date on which the names of the newly nominated members are published under Section 5.

Disqualification/membership for.

7. (1) A person shall not be eligible for nomination or co-option as a member of the Governing Body of the Board or the Committees formed by it. If he;
- (a) has been adjudged by a court of law to be of unsound mind;
 - (b) is an undischarged insolvent;
 - (c) has been convicted by a court of law for an offence which is declared by the State Government to be an offence, involving moral turpitude, as provided in the rules.
- (2) if a nominated or co-opted member of the Board or any Committee formed by it becomes subject to any of the disqualification specified on sub-section (1), his membership shall thereupon cease.
- (3) All disputes relating to the eligibility of any person for nomination or co-option, shall be referred to the State Government whose decision on such matter shall be final.

Resignation of members and casual vacancy

8. (1) A member of the Governing Body of the Board, other than an Ex-officio member, may resign his seat by giving notice thereof in writing to the Chairman, and such member shall be deemed to have vacated his seat from the date of acceptance of his resignation by the Chairman.
- (2) The State Government may, by notification remove any nominated or co-opted members who remains absent from three consecutive meetings of the Governing Body of the Board without the leave of the Governing Body 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 unexpired portion of the term of office of the member in whose place he is nominated or co-opted.

Meetings of the Board

9. (i) Ordinary meetings:- The Governing Body of the Board shall meet not less than thrice a year, but four months shall not intervene between two successive meetings.
- (ii) Special meetings:- The Chairman or the Secretary may, at any time and shall upon the requisition made by not less than one-third of the members of the Governing Body 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 Governing Body of the Board.
- (iii) Seven days notice shall be given for ordinary meetings of the Governing Body of the Board and two days notice for special meetings
- (iv) "Sessional Chairman and Sessional Secretary":- In the absence of the Chairman holding the charge of the Secretary or vice versa, the senior-most Ex-officio member of the Governing Body shall act as Sessional Chairman and the senior-most officer of the Board shall act as Sessional Secretary for the meeting already notified.

Quorum Proceeding not invalidate by reason of vacancies.

10. (i) The quorum for every meeting of the Governing Body of the Board shall one third of the members.
- (ii) Subject to the provisions contained in sub-section (i) no act or proceeding of the Governing Body of the Board shall be invalid merely by reason of the existence of any vacancy among the members of the Board.

Officers of the Board

11. (1) The following shall be the officers of the Board:
- (i) The Chairman
- (a) There shall be a full-time Chairman who shall be appointed by the Government having held the post of Secretary for at least 5 (five) years;
- (b) In the event of the post of the Chairman becoming vacant due to any reason and the Board having no eligible candidate, the Secretary of the Board shall assume the charge of the Chairman till such time the post is filled. The Acting Chairman shall chair the meetings and control the normal functioning of the office.
- (ii) The Secretary:

- (a) There shall be a Secretary who shall be appointed by the Government from the immediate junior cadre of the Board possessing a minimum of ten years of administrative experience in the cadre equivalent to Class I Gazetted and is recommended by the Governing Body of the Board. Provided that, in the event of the Board having no eligible candidates for the post of the Secretary, the Chairman who is serving full time, shall assume the dual charge of the Chairman and Secretary till such time the post is filled.
- (2) The Board may appoint such other officers and employees as it necessary for the efficient discharge of its functions under this Act on such terms and conditions as may be determined by regulations.

Powers and duties of the Board

12. Subject to any general or special order of the State Government, the provisions of this Act, or any rules made thereunder, the Board shall have generally the powers to regulate, supervise and control school education; and in particular the powers and duties mentioned below:-
 - (i) to prescribe course of instruction for Primary, upto Higher Secondary and Vocational School.”
 - (ii) to conduct an supervise examinations based on such course or to cause to conduct and supervise such examinations;
 - (iii) to admit to its examinations, on conditions that may be prescribed by regulations, candidates who have pursued the prescribed courses of instruction and also to take such disciplinary action against candidates as may be prescribed by regulations;
 - (iv) to demand and receive such fees as may be prescribed by regulation;
 - (v) to publish the result of its examinations;
 - (vi) to demand and receive such fees as may be prescribed by regulation;
 - (vii) to institute and award scholarships and prizes;
 - (viii) to prepare, publish and select text books and supplementary books or to cause to prepare, publish and select such books;
 - (ix) to lay down conditions of recognition of high schools, higher secondary schools preparing candidates for high school course, higher secondary course and other courses prescribed by the Board;
 - (x) to recognize High Schools and Secondary Schools and Vocational schools and to withdraw such recognition.”
 - (xi) to take such disciplinary action as it thinks fit against institutions as prescribed by regulations;
 - (xii) to identify problems in the field of school education and to take remedial measures;

- (xiii) to advise Government on physical, moral and social welfare of students in recognised institutions and to prescribe conditions for their residence and discipline;
- (xiv) to prescribe necessary qualifications of teachers in recognised schools
- (xv) to organize seminars and workshops for "in-service Teachers";
- (xvi) to receive grants from Government and donations from private individuals or associations for specific or general purposes;
- (xvii) to call for reports from the Director of School Education on the conditions of recognised institutions or of institutions applying for recognitions;
- (xviii) advise Government on re-organisation and development of school education;
- (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 and other employees of the Board, and to prescribe by regulation, 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 any of its powers to any Committee constituted under this Act;
- (xxiii) to administer the Nagaland Board of School Education Fund;
- (xxiv) to receive, purchase and hold any property movable or immovable, which may become vested in it, and to dispose of all or any of the property, movable or immovable belonging to it and also do all other acts incidental or appertaining thereto; and
- (xxv) to do all such acts and things as may be necessary to carry out the purpose of this Act.

Powers of the State Government

13. Notwithstanding anything contained in this Act:-

- (i) The State Government shall have the right to address the Board with reference to anything conducted or done by the Board and to communicate its views on any matter which the Board is concerned.
- (ii) The Board shall report to the State Government such action, if any, as it proposes to take or has taken upon the communication of the Government.
- (iii) The State Government may, after consultation with the Board, issue such directions consistent with the provisions of this Act, as it may think fit, and the Board shall comply with such directions.
- (iv) The State Government may, by order in writing specifying the reasons thereof, suspend the execution of any resolution or order of the Board,

and prohibit the doing of any act or-dered to be done by the Board, if the State Government is of the opinion that such resolution, order or act is in excess of the powers conferred upon the Board by or under this Act.

- (v) The State Government may, after consultation with the Board, suspend or remove a member whose continuance as a member of the Board is considered to be detrimental to the interest of the Board.
- (vi) The State Government shall fund the Board by way of Grant-in-Aid to meet the financial requirement of the Nagaland Board of School Education through the yearly budget.

Constitution of School Education Board Fund.

14. A fund to be called the Nagaland Board of School Education Fund shall be constituted and all sums received by or on behalf of the Board under this Act shall be placed to the credit thereof.

Custody and investment of the School Education Board Fund

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

Applications of the Fund

16. Subject to the provisions of this Act, the Fund shall be applicable only to the payment of the charges and expenses incidental to matters specified in this Act.

Audit of the Accounts of the Board

17. The accounts of the Board shall be audited only by such agency as may be specified by the State Government and a copy of the audited accounts shall be submitted by the Board to the State Government by such date each year as the State Government may specify.

Power and duties of Chairman

18. (1) It shall be the duty of the Chairman as the Chief Executive Officer to see that the provisions of this Act and the regulations made under it are faithfully observed, and the decision of the Board are duly implemented and he shall have all powers necessary for the purpose.
- (2) The Chairman shall have powers to convene meetings of the Board.
- (3) When any emergency arising out of administrative business of the Board requires, in the opinion of the Chairman, that immediate action should be taken, the Chairman shall take such action as he deems necessary and report his action to the Board at its next meeting.

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

Powers and Duties of the Secretary

19. The Secretary of the Board shall be the principal administrative officer, and shall, subject to the control of the Chairman, perform such duties as may be prescribed by regulations.

Powers and duties of the other officers

20. Other officers will have such powers and duties as may be prescribed by regulations.

Committees of the Board

21. (1) The Board shall, for the purpose of carrying out its duties and functions imposed under this Act appoint the following committees, namely;-
- (i) Curriculum and Syllabus Committee,
 - (ii) Examination Committee,
 - (iii) Recognition Committee,
 - (iv) Administrative Committee,
 - (v) Finance Committee,
 - (vi) Professional and Vocational Education Committee
 - (vii) Such other committees as may be found necessary.
- (2) Every such committee shall consist of such members of the Board and of such other persons as the Board may appoint.
- (3) Every such committee except the Examination Committee may co-opt persons to be members to the extent of one-third of the members appointed to it.
- (4) Members of such committees shall hold office for such time as the Board may determine.
- (5) Subject to the provisions of this Act and the rules made thereunder the duties and function of the committees shall be determined by regulations.

Exercise of powers delegated by the Board to Committee.

22. All matters relating to exercise of powers conferred upon the Board by this Act which are by regulations delegated to any committee appointed under Section 21 shall stand referred to that committee and the Board before exercising such powers shall receive and consider the report or recommendation of the committee with respect to the matter in question.

Power of the Board to make regulation

23. (1) The Board may make regulations for the purpose of carrying out the provisions of this Act.
- (2) In particular and without prejudice to the generality of the foregoing powers, the Board may make regulations providing for all or any of the following matters, namely:-
- (a) the constitution, powers and duties of committees appointed under Section 21;
 - (b) courses of study to be laid down for different examinations;
 - (c) marks required for passing in any subject and the examination as a whole and for credit and distinction in any subject;
 - (d) qualifications, appointment and remuneration of examiners, paper setters and others;
 - (e) conduction examinations and publishing the results;
 - (f) conditions of recognition of schools;
 - (g) conditions under which candidates shall be admitted to the examination of the Board;
 - (h) disciplinary measures for malpractices in examinations;
 - (i) fixing of fees and charges in respect of examinations;
 - (j) providing fund for the benefit of the employees of the Board;
 - (k) rate of travelling and daily allowances to the non-official members of the Board or committee;
 - (l) delegation of powers or assignment of functions to committees formed under this Act, and
 - (m) all matters which, by this Act, are to be or may be provided for the regulations: Provided that all regulations, alterations and revocation thereof shall be subject to approval by the State Government and shall be published through Government Notification.

Board to furnish reports, returns, to the State Govt.

24. The Board shall furnish to the State Government such reports, returns and statements and such other information relating to any matter under the control of the Board as the State Government may require.

Power of State Govt. to reconstitute the Board

25. If, in the opinion of the State Government, the Board has shown its incompetence to perform, or persistently made default in the performance the duties imposed or exceeded or abuse the powers conferred upon it by or under this Act, the State Government shall formulate in writing specific charges against the Board in respect of those matters and shall forward a copy of such charges to the Board in

respect of those matters and shall forward a copy of such charges to the Board with directions to submit any comments or explanations in respect thereof to the State Government within such period as may be specified in this behalf. After the consideration of the comments and explanations of the Board, the State Government may, if it thinks fit, by notification supersede the Board and thereafter reconstitute the Board in accordance with the provisions of Section 4, and in every such case, the State Government shall, as soon as may be, lay before the State Legislature a copy of the said notification, together with the statement of the reasons which led to such reconstitutions.

Vesting of powers till the constitution of the Board

26. Until the Board is reconstituted after supersession under section 25, the duties and powers of the Board shall be performed and exercised by, and the property of the Board shall vest in such person or authority as the State Government may specify by notification.

Powers of State Govt. to make rules.

- 27 (1) The State Government may make rules for carrying out the purposes of this Act.
- (2) All rules made under this Section shall be laid in the Nagaland Legislative Assembly as soon as possible after they are made and shall be subject to such modification as the Legislative Assembly may make during the session in which they are so laid or the session immediately following.