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NOTIFICATION

No. C. 31030/3/2014-DCA (M), the 29th April 2016 : In pursuance of paragraph 11 of the Sixth Schedule to the Constitution of India, the following Regulations passed by the Mara Autonomous District Council which received approval of His Excellency the Governor of Mizoram on 16.4.2016 is hereby published for general information, namely :-

“THE MARA AUTONOMOUS DISTRICT (ESTABLISHMENT AND MANAGEMENT OF ELEMENTARY SCHOOLS) REGULATIONS, 2014.

R. Thanga,
Secretary to the Government of Mizoram,
District Council Affairs Department.

THE MARA AUTONOMOUS DISTRICT COUNCIL
(ESTABLISHMENT AND MANAGEMENT OF ELEMENTARY SCHOOLS)
REGULATIONS, 2014

A

REGULATIONS

to provide for establishment and management of Elementary Schools within Mara Autonomous District.

WHEREAS it is expedient to provide for the regulations of establishment and management of Elementary Schools in the Mara Autonomous District.

AND WHEREAS by virtue of the powers conferred by sub-paragraph (1) of Paragraph 6 of the Sixth Schedule to the Constitution of India, the Mara Autonomous District Council is empowered to make Regulations for establishment and management of Elementary Schools within the Mara Autonomous District.

NOW, THEREFORE, in exercise of the said powers and other powers enabling it in that behalf, the Mara Autonomous District Council, with the previous approval of the Governor, is pleased to make the following regulations in the Sixty-fifth Year of the Republic of India as follows:-

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| Short title,
extent and
commencement. | 1. | <ul style="list-style-type: none"> (1) These Regulations may be called the Mara Autonomous District Council (Establishment and Management of Elementary Schools) Regulations, 2014. (2) They shall extend to the whole of the Mara Autonomous District. (3) They shall come into force from the date of their publication in the Mizoram Gazette. |
| Definitions. | 2. | <p>In these Regulations unless the context otherwise requires:-</p> <ul style="list-style-type: none"> (i) "Authorised Officer" means an officer duly authorised by the Executive Committee to deal with any of the provisions of these Regulations. (ii) "Board" means the Board of School Education constituted by the Mara Autonomous District Council. (iii) "Child" means a person of the age of six to fourteen years. (iv) "Concerned Authority" means the Executive Committee or Executive Member in-charge of Education of the Mara Autonomous District Council, as the case may be. (v) "Concerned Department" means the Education Department of the Mara Autonomous District Council. |

- (vi) “District Council” means the Mara Autonomous District Council.
- (vii) “Education Officer” means any Officers of the Education Department of the Mara Autonomous District Council as designated from time to time by the Executive Committee to deal with any of the provisions of these Regulations.
- (viii) “Executive Committee” means the Executive Committee of the Mara Autonomous District Council.
- (ix) “Government” means the Government of Mizoram and Government of India.
- (x) “Local Authority” means Village Council of the concerned locality constituted under the provisions of the Mara Autonomous District (Village Councils) Act, 1974 as amended from time to time.
- (xi) “Mara Autonomous District” means an area deemed as such under Paragraphs 2, 20 and 20B of the Sixth Schedule to the Constitution of India.
- (xii) “Prescribed” means prescribed by these Regulations or rules, if any, made under these Regulations.
- (xiii) “Elementary School” means a school in which children receive primary or elementary education from the ages of about six to fourteen, coming before high school or secondary school and after pre-school.
- (xiv) “Teacher” means a person who teaches, especially one employed or appointed by the Executive Committee of the Mara Autonomous District Council in any elementary schools.

Application of
Regulations

3. (1) These Regulations shall apply to all elementary schools, whether recognised or unrecognised, established within the Mara Autonomous District.
- (2) Notwithstanding anything contained in sub-section (1) of this Section, the Executive Committee may, by Official Notification or by Special Order, exempt certain elementary schools from application of these Regulations:

Provided that there existed sufficient and reasonable ground for such purpose.

Application for establishment of elementary school.

4. (1) Any person, group of persons, registered society, etc. intending and willing to establish elementary school within the Mara Autonomous District may submit his application in a prescribed form in the Annexure-I to Senior Officer for inspection of the concerned department of Mara Autonomous District Council. The inspection team shall conduct inspections on the following grounds :
 - (a) the place or locality where the applicant(s) intend(s) to establish school;
 - (b) the experience and expertise of the applicant(s);
 - (c) the population of the place or locality where the applicant(s) intend(s) to establish school;
 - (d) the location and site of the building, if any, to be used for the purpose of establishment of school, etc.
- (2) The elementary school, which has been established before the commencement of these Regulations shall apply as provided in sub-section (1) of Section 4, within a period of 3 (three) months.
- (3) After the concerned department conducted inspection, the report shall be submitted to the Senior Education Officer for consideration of the Executive Committee.

Grant of permission and recognition of school.

5. (1) On receipt of its inspection report for permission under Section 4, the Executive Committee may decide whether the applicant(s) is/are eligible or not for grant of permission.
- (2) A permission shall be issued in a prescribed form as shown in Appendix-II of these Regulations. The terms and conditions to be fulfilled by the grantee are laid down in the Annexure attached to the Appendix-II of these Regulations.
- (3) Any elementary school established with and under the permission of the Executive Committee shall be deemed to be duly recognised school.

Explanation.— All terms and conditions incorporated to these Regulations shall be treated as parts of these Regulations and shall have the force of law.

Revocation of permission.

6. (1) The Executive Committee may, on its own motion or on any reference made to it by any person(s) in writing, revoke permission already granted under Section 5, where:—
 - (a) permission has been obtained by misrepresentation of material and essential facts or;

- (b) the holder of permission has without reasonable cause, failed to comply with the terms and conditions subject to which the permission has been granted;
- (c) the holder of permission has violated any of the provisions of these Regulations or any other law in force in the Mara Autonomous District.

Control, regulation and restriction on elementary school.

7. (1) No elementary school shall be established within the Mara Autonomous District except under the permission issued by the Executive Committee or in that behalf as per the provisions of these Regulations or Rules, if any, made thereunder.
- (2) The Executive Committee may, by public notification or special order, impose certain regulations, control and restriction on elementary schools established within the Mara Autonomous District for the purpose of carrying out any of the provision of these Regulations:

Provided that the Executive Committee may also be competent under this Section, to prescribe and fix medium of instruction, by public notification or by special order, for all elementary schools within the Mara Autonomous District.

- (3) Subject to the provisions set–forth in other Sections of these Regulations and any other law in force in the Mara Autonomous District, such regulations, control and restriction may provide for all or any of the following matters:–
- (a) the fixation, limitation and prescription of building construction, storeys of building, etc. to be used for the purpose of elementary school on the basis of site and location of such building;
 - (b) the requirement and prescription of space of campus to be spared by elementary school so as to ensure healthy environment and surroundings for the pupils in particulars and the school at large;
 - (d) the prescription, specification and requirement of the nature and style of building mainly to ensure desirable system of drainage and disposal of wastes and sewages, etc;
 - (e) the inspection and verification of the process, procedure and progress of any school.

Special powers of the Executive Committee and procedure thereof.

8. (1) The Executive Committee shall be competent to exercise special powers and control over teaching and non-teaching staff with their appointment, promotion, degradation, transfer, termination, suspension, retirement, leave, allowances and dismissal, etc.
- (2) In particular and without prejudice to the general public, the power and control as provided under sub-section (1) of this Section shall be carefully and prudently exercised in the following manner:-
- (a) in case, any appointment of teachers in elementary schools maintained, funded and aided by the District Council, the same should be made in a regular and fair manner and ensure that only qualified persons have to be appointed to the posts;
- (b) whenever a vacancy or vacancies required to be filled to the post of teachers, the Executive Committee or any authorised officer in this behalf shall make open advertisement and filling up of the post must be in order of merit from among the eligible candidates for the post:
- Provided that among the candidates, trained teachers shall be given preferences to the posts.
- (c) the applicant for the post of vacant teacher in any elementary school shall be a person who had passed Class 12th Standard or its equivalent with at least 45% from a Board or University recognised by the State/ Central Government, for lower primary school and Bachelor Degree holder with 45% from a University recognised by the State/Central Government, for upper primary school:
- Provided that the teachers already in service, as regular teachers shall be presumed to have duly qualified under these Regulations;
- (f) in the event of selection between two persons of equal rank in all aspects, priority should be given to a person older in age.
- (3) The Executive Committee shall also be competent to promote a teacher to the higher grade on the basis of merit-cum-seniority.
- (4) The Executive Committee shall further have the powers in respect of posting and transfer, termination, degradation, suspension and dismissal, etc. of a teacher on proven misconduct, indiscipline and in accordance with the order of competent Court to that effect:

Provided that no action against teacher shall be taken until and unless Departmental Proceeding has been properly initiated against such teacher and give him/her an opportunity of being heard.

- (5) The Executive Committee shall be the sole competent authority to determine pay and allowances of teachers from time to time as per the provisions of any law for the purpose in force in the Mara Autonomous District.
- (6) The Executive Committee or any authorised officer in this behalf, may also be competent to fix and prescribe Pupil–Teacher Ratio from time to time for a school or schools, on the basis of the status and strength of such a school or schools, as the case may be, by an Office Order, particularly for the welfare and benefit of the pupils concerned.
- (7) The Executive Committee or any authorised officer in this behalf shall determine and fix admission fee and monthly fee to be collected by unaided and unfunded school by the District Council from students admitted therein.

Composition and functions of school management committee.

9. (1) An elementary school established, irrespective of aided or unaided, funded or unfunded, etc. by the District Council within the Mara Autonomous District shall constitute a School Management Committee (hereinafter referred to as the “SMC”) within six months from the commencement of these Regulations:

Provided that the SMC constituted, if any, under any other law in force within the Mara Autonomous District, shall be deemed to be duly constituted under these Regulations.

- (2) The composition and functions of the SMC constituted under subsection (1) of this Section shall be as follows:–
 - (a) total number of members of the SMC shall be seven (7) and after the commencement of these Regulations which may be increased from time to time, on the basis of total strength of the concerned school, by the Executive Committee;
 - (b) two of the members shall be from parents or guardians of the students, one each from local Non–Governmental Organisation and Local Authority respectively, two other members from the school concerned and one shall be a person from the locality preferably with deep experience and knowledge in the fields of education, social aspects and child management, etc;

- (c) it shall function as an agency to communicate in simple and creative ways to the population in the locality of the school, the rights of the child as enunciated in these Regulations and any other law in force in the Mara Autonomous District, and also the duties of the Government, Local Authority, school, parents and guardians;
 - (d) to ensure the implementation of the provisions of these Regulations and any other law in force in the Mara Autonomous District;
 - (e) to ensure and achieve high level of enrolment rate and continued attendance of all the children from the locality of school;
 - (f) to bring to the notice of the concerned authority any deviation from the rights of the child, in particular mental and physical harassment of children, denial of admission and timely provision of free entitlements to children as per the provisions of any law in force;
 - (g) to identify the needs and prepare plan for the progress and development of the concerned school;
 - (h) to monitor the identification and enrolment of, and facilities for learning by disabled children, and ensure their participation in, and completion of elementary education;
 - (i) to monitor that teachers are not burdened with non-academic duties;
 - (j) to monitor the implementation of mid-day meal in the school;
 - (k) to prepare an annual accounts of receipt and expenditure of the school.
- (3) The day to day management of elementary school concerned shall be vested with the SMC constituted under these Regulations. To manage its affairs and also to ensure efficiency and transparency, the SMC shall elect a chairperson and vice chairperson from amongst the parent members. The Head Teacher of the school or where the school does not have a Head Teacher, the senior most teacher of the school shall be the ex-officio member of the SMC.
- (4) The SMC shall meet at least once in three months and the minutes and decisions of the meetings shall be properly recorded and made available to the public.

- Responsibilities and duties of School.
10. (5) Any grant received by the SMC for the discharge of its functions under these Regulations and any other law in force, shall be kept in a separate account to be made available for inspection by any member of the SMC at any time during office hour.
- (6) The accounts referred to in this Section should be signed by the chairperson, vice chairperson and ex-officio member of the SMC and made available to the concerned authority for inspection at least once in every three months.
- (1) A school established under the provisions of these Regulations or any other law in force, shall ensure that children belonging to weaker section and disabled group are not segregated from other children in the class rooms and that their classes are not held at places and timings different from the classes held for the other children.
- (2) The school referred to in sub-section (1) above shall ensure that children belonging to weaker section and disabled groups are not discriminated from the rest of the children in any manner pertaining to all kinds of entitlements and facilities, if any, such as textbook, uniform, etc.
- (3) Every school, aided and funded by the District Council, shall provide free and compulsory elementary education to all children admitted therein.
- (4) No school shall, while admitting a child, collect any capitation fee and subject the child or his or her parents or guardian to any screening test or procedure.
- (5) Every school shall provide such information as may be required by the Government, concerned authority or local authority, as the case may be
- (6) No child shall be denied admission in a school for lack of age proof.
- (7) For the purposes of admission to elementary education, the age of a child shall be determined on the basis of the Birth Certificate issued in accordance with the provisions of the Births, Deaths and Marriages Registration Act, 1886 or on the basis of such other documents as may deem appropriate and reasonable.
- (8) No child shall be denied admission in a school if such admission is sought at the commencement of academic year or within such period as may deem reasonable by the school concerned, local authority or concerned authority, as the case may be.

- (9) No child admitted in a school shall be held back in any class or expelled from school till the completion of elementary education.
- (10) No child shall be subjected to any kind of physical or mental harassment.
- (11) No child shall be required to pass any Board examination till completion of elementary education.
- (12) A child completing elementary education shall be awarded a certificate, in such a form, as may be prescribed by the Board.
- Responsibilities and duties of parents/guardians and teachers.
11. (1) It shall be the duty and responsibility of every parent or guardian to admit or cause to be admitted his/ her child or ward, as the case may be, to an elementary education in the nearest or in any other elementary school.
- (2) No teacher shall, while admitting a child, collect and receive any capitation fee and subject the child or his/her parents or guardian to any screening test or procedure.
- (3) Every teacher shall ensure that no child is denied admission in his/ her school without reasonable and sufficient reason.
- (4) A teacher must also ensure that no child is held back in his/her class or expelled from school till the completion of elementary school.
- (5) Every teacher must also ensure that a child in his /her school is not subjected to any kind of physical or mental harassment.
- (6) It shall be the duty and responsibility of teacher to ensure that the child belonging to weaker section and the child belonging to disabled group are not discriminated against and prevented from pursuing and completing elementary education on any grounds.
- (7) No teacher shall engage himself/herself in private tuition or private teaching activity.
- (8) The teacher shall not only impart elementary education to his/her students, but also instill good moral character and manner in them and must try his/her level best to be a role model to his/her pupils in all his/her way of life and conduct.
- Penalty of these provisions
12. (1) Whosoever contravenes any of the provisions of sub-section (1) of Section 7 of these Regulations shall be liable to be punished with a fine of not less than Rs. 10,000/- (Rupees Ten thousand) only which may be increased to such an amount by the Executive Committee from time to time.

- (2) A teacher who commits default in performance of duties and responsibilities specified in sub-sections (2) to (8) of Section 11 of these Regulations on proof may be liable to disciplinary action under the service rules applicable to him/her.
- Power to make Rules . 13. (1) The Executive Committee may make rules to carry out the purposes of these Regulations.
- (2) The rules, if any, made by the Executive Committee under sub-section (1) of this Section shall come into force on their publication in the Mizoram Gazette.
- Protection of action taken in good faith. 14. No suit, prosecution or other legal proceeding shall lie against the Executive Committee or any officer duly authorised by the Executive Committee before any Court of Law for anything done or intended to be done under these Regulations.
- Saving of other laws. 15. The provisions of these Regulations shall be in addition and not in derogation of any of the provisions of any other laws for the time being in force within the Mara Autonomous District regulating any of the matter dealt with in these Regulations.

APPENDIX – I

[See Section 4(3)]

APPLICATION FORM FOR ESTABLISHMENT OF ELEMENTARY SCHOOL

- 1. Name of the Applicant. (in block letters)
- 2. Father’s/Mother’s Name
- 3. Date of Birth
- 4. EPIC No. (attested photo copy to be attached)
- 5. Permanent Address of the Applicant and school to be established or Address of school in existence.
- 6. In case of rented building, the following documents should be enclosed:

 - (i) Lease agreement in original to be attached.
 - (ii) Name of the owner, if any, with permanent address of the owner.

- 7. Residential Certificate of the Applicant (s) issued by the concerned authority under Mara Autonomous District Council.

Date:

Place:

Yours faithfully,

Signature of Applicant

APPENDIX – II

[See Section 5(2)]

No.

EDUCATION DEPARTMENT
MARA AUTONOMOUS DISTRICT COUNCIL, SIAHA

.....

OFFICE ORDER

Dated Siaha, the

Permission is hereby granted for opening and establishment of _____ (*Name of School*) _____ with immediate effect and until further order subject to fulfillment of conditions as laid down in the Annexure attached herewith within 2 (two) years from the date of issue of this order failing which the permission is liable to be cancelled.

The school should be established and governed in accordance with the Mara Autonomous District Council (Establishment & Management of Elementary School) Regulations, 2014. Failure to comply with these Regulations shall entail to cancellation of permission.

The permission shall not bestow on them any right to claim financial aids from Mara Autonomous District Council.

Change of name and location of the School is not permitted without the prior approval of the Executive Committee of Mara Autonomous District Council.

SEAL

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Senior Education Officer
Mara Autonomous District Council
Siaha

Memo No. _____ : Dated Siaha, the _____

Copy to:

1. The P.S. to Chief Executive Member for information.
2. The P.A. to Executive Member i/c Middle/Primary School for information.
3. The Principal/Headmaster/Headmistress _____ School for information and necessary action with reference to his letter No. dt.
4. The Chairman/ Secretary _____ School Management Committee for information and necessary action.
5. The Circle Education Officer, MADC for information and necessary action.

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Senior Education Officer
Mara Autonomous District Council
Siaha

ANNEXURECONDITIONS TO BE FULFILLED BY ELEMENTARY SCHOOLS

1. The School shall have Managing Committee duly constituted and the Managing Committee binds itself to follow rules and instruction of the Department and that the institution shall follow the course, curricula, syllabi and text books prescribed by the Education Department, Mara Autonomous District Council.
2. The building and the class rooms shall be safe for students from all angles. Each class room shall be well lighted and well ventilated.
3. The School shall have toilet facilities separately for boys and girls.
4. It shall not employ any teaching staff or other allied staff possessing qualification less than what has been prescribed and approved. The number of teachers in Middle Section shall be at least 5 (five) and equal number of teacher in Primary Section.
5. The School shall appoint two IVth Grades.
6. It shall pay salary to teaching and non-teaching staff as approved by the Executive Committee of Mara Autonomous District Council.
7. It shall be an institution which is considered by the Mara Autonomous District Council as one serving the real needs of the people of the area to which the permission is granted. Therefore, the area/village/location of permission is not transferable.
8. The institution shall be open to inspection by any Officer authorized to do so by the Executive Committee of Mara Autonomous District Council or District Council or Senior Education Officer or any Officers authorized to do so.
9. The School shall promptly and accurately furnish statistics, monthly reports and other information as may be called for by the Education Department Mara Autonomous District Council or by authorized Officers/ Agencies.
10. The fees and fine and other charges shall be the same as may be prescribed by the Department from time to time and shall not increase fees, fine and other charges without the prior approval of the Executive Committee.
11. The School shall follow School calendar strictly.
12. It shall not make any discrimination in admitting students on grounds of sex, religion, caste or creed and ailment.

13. It shall take effective steps to promote discipline and orderly behaviour on the part of the students and staff and also strive to maintain a high moral standard in its over all administration.
14. The School is expected to have its own land and building within 2 (two) years.
15. Pending construction of its own School building, the institution shall temporarily procure building on rent or otherwise for running the classes and the Office for the period of 2 (two) years.

Senior Education Officer
Mara Autonomous District Council
Saiha