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NOTIFICATION

No.B.13019/18/96-EDN, the 19th December, 1997. With a view to placing the Schools of Mizoram on sound financial base and for achieving better administrative control and uniform qualitative improvement in education, the Governor of Mizoram is pleased to make the following Rules, namely :-

Short title,
extent and
commencement.

- (1) These Rules may be called the Government of Mizoram Education and Human Resources Deptt. Adhoc Recurring Grants-in-Aid for General Maintenance of Schools Rules, 1997.
- (2) They shall extend to the whole of the State of Mizoram except in the autonomous district councils and shall apply to all High Schools and Middle Schools except in District Council areas which are not in receipt of any other grants from the Govt. under the Mizoram Aided Schools (Recurring and Non-Recurring Grants-in-Aids) Rules, 1990 or any other similar Rules in force in Mizoram.
- (3) It shall come into force on the date as the Govt. may, by Notification in the Official Gazette, appoint. Different dates may be appointed for different Schools.

Definitions.

2. (i) 'Board' means the Board of School Education to which an institution is affiliated.
- (ii) 'Chairman' means the Chairman of Managing Committee.
- (iii) 'Committee' means the Managing Committee of the institution, duly constituted and approved by the Director of School Education.
- (iv) 'Department' means the Department of School Education.

- (v) 'Directorate' means the Directorate of School Education, Mizoram.
- (vi) 'Director' means the Director of School Education Mizoram.
- (vii) 'D.E.O.' means the District Education Officer, Mizoram and includes for the purposes of these Rules. Assistant District Education Officer and Sub-Divisional Education Officer, Mizoram.
- (viii) 'Government' means the Government of Mizoram.
- (ix) 'Institution' means any educational institution in Mizoram recognised by the Government.
- (x) 'Recurring Grants-in-Aid' means Recurring Grants-in-Aid for payment of pay and allowances of both teaching and non-teaching staff of the schools as specified in Rule 6.
- (xi) 'Secretary' means the Secretary of the Committee.
- (xii) 'Treasurer' means Treasurer of the Managing Committee.

Eligibility.

3. (i) A School to be eligible for grant-in-aid under these Rules shall have a Managing Committee duly constituted and approved by the Director.
- (ii) It shall normally have its own buildings and lands, the ownership of which should be legally vested in its duly constituted Managing Committee and such lands and buildings being considered adequate by the Department for effective education at various levels. Provided that the Govt. may, in every deserving cases, relax these conditions.
- (iii) The Managing Committee of the Institutions shall get itself registered under the Societies Registration Act, 1980 (XXI of 1860) or as a Public Trust Constituted under law for the registered under any of these.
- (iv) The School shall serve the real need of the locality/ area where it is situated.
- (v) It shall not start functioning without prior approval of the Department
- (vi) It shall not adversely affect the enrolment of any institution of the same type within two kilometres of its location.

- (vii) It shall follow courses, curriculae, syllabi and text books for the various stages of education as prescribed by the authority competent to do so.
- (viii) It shall not run for profit to any individual or group of individuals.
- (ix) It shall not make any discrimination in admitting students on grounds of religion, caste or creed.
- (x) It shall take adequate arrangement for class room accommodation, playfield and sanitation.
- (xi) It shall take effective steps to promote discipline and orderly behaviour on the part of the students and the staff and maintain high moral tone in the institution. Failure in this respect may result in suspension or withdrawal of the grant.
- (xii) It shall be open to inspection by any officer authorised to do so by the Department
- (xiii) It shall maintain such records and registers as directed by the Director of School Education.
- (xiv) It shall promptly and accurately furnish such statistical reports, and informations as may be called for by the Director or any other officer authorised by him.
- (xv) It shall maintain full account of all its income and expenditure the latter being supported by duly maintained acquittance roll/vouchers. This must be annually audited by the competent person/officers approved by the Director. The Annual Audit Report shall be considered by the Managing Committee of the Institution in a regular meeting soon after the submission of the report and attested copies of the audit report and Managing Committee's resolution adopting the same shall be submitted to the Director copies to District Education Officer/Sub-Divisional Education Officer as the case may be.
- (xvi) It shall not employ any teaching and or other allied staff having qualification less than what has been prescribed for the Govt. School.
- (xvii) It shall not normally levy tuition and other approved fees from the students at rates higher than those charged from their counterparts in a Govt. Institution of equivalent level.

Provided that such fees may be allowed to be raised by the institutions in exceptional circumstances to a limited extent on grounds considered valid by the Director.

Provided further that in addition to the approved fees, the Managing Committee of an institution may levy fees for School development/building construction from the parent/guardian of each student, once a year, upto the extent of two times the monthly tuition fee of his/her ward. A separate account of such collection shall be utilised without prior approval of the Director.

- (xviii) The Managing Committee constituted under Rule 3 (i) above shall receive the adhoc Recurring Grants-in-Aid sanctioned by the Government and it shall be constituted in the manner prescribed in Annexure-I.
- (xix) The Government shall have the power to decide the number of Institutions to be brought under this Rule keeping in view the eligibility and availability of funds.

Other conditions of Adhoc Recurring Grants-in-Aids for general maintenance.

4. Besides conforming to the general conditions of eligibility as detailed under Rule 3, any institution brought under Adhoc Grants-in-Aid shall conform to the following other conditions :—
 - (i) It shall not have under its employment, any unqualified staff. However, those unqualified staff already employed and serving in the institution for more than three years may be institution for more than three years may be temporarily retained for a further period of two years to enable them to qualify themselves according to requirements. In case they fail to do so, they must be replaced by qualified persons.
 - (ii) It shall not keep under its employment any staff beyond the age of 60(sixty) except with the specific approval of the Government.
 - (iii) It shall have a minimum enrolment of 40 and 80 students in rural and urban areas respectively for Middle and High Schools.
 - (iv) It must have been in existence for a minimum period of 3(three) years running effectively on its own resources.
 - (v) It shall also ensure that no staff under its employment accept and Office not connected with the institution or indulges in active politics.

- (vi) The staff under its employment shall give written undertaking agreeing to be governed by the CCS (Conduct) Rules, 1964 in spirit and to perform all curricular and co-curricular duties entrusted to them by the Head of the Institutions.
- (vii) It shall not add or terminate any section of a class without prior approval of the Director nor shall enroll more than 40 (forty) students in section if any class in case of institutions upto class X level without prior approval of the District Education Officer.
- (viii) It shall not appoint any of its staff on scale of pay and allowances higher than what may be applicable in case of his counterpart in the Govt. services nor shall it allow any higher start or grant any premature increment to any of its staff except with the prior approval of the Government.
- (ix) Before any institution is brought under Adhoc Grants-in-Aid System, the teaching staff already in position in the institution shall be subject to a screening process by a committee duly constituted for the purpose within the relevant provision of these rules and the Managing Committee of the institution shall undertake to dispense with the services of such members of the teaching and ministerial staff as may be considered unsuitable for continuance in the institution after being brought under Adhoc grants-in-aid except under very special circumstances in which case Government's specific approval shall have to be obtained.
- (x) It shall not make appointment of any new teaching staff except from the prepared list on the recommendation of Selection Committee duly constituted under these rules for making approved panel which shall remain in force for one year from the date of its approval or till the same gets exhausted, whichever is earlier.
- (xi) The Managing Committee duly constituted under these Rules shall have power to appoint non-teaching staff of the institution subject to the limit of the strength authorised and approved by the Director.
- (xii) All appointment shall be made by the Managing Committee purely on a temporary basis for a period of one year at the first instance during which period they will furnish six monthly review reports on the work and suitability of the appointments to the chairman of the respective Selection Committee for consideration of the

Committee and in case the Committee recommends retention of the services of the staff concerned, he shall then be deemed to be on probation for another period of one year. After successful completion of probation period, he shall be confirmed.

In case the services of any employee is found not suitable by the Managing Committee during the period of temporary appointment, his services may be terminated by the Committee after giving him one month's notice, with the approval of the Chairman of the Committee which selected the incumbent.

- (xiii) Teaching staff of the institution within the authorised strength shall be approved by the District Education Officer in case it is upto or below Class X and by the Director of School Education in case of Higher Secondary Schools. All changes in the staff, whether due to additional appointments or removal etc. shall be notified to the Director.
- (xiv) The school shall follow the rules and orders laid down for the corresponding type of institution under the Government in respect of concession to Scheduled Tribe/Scheduled Castes students, management of Hostels, disciplines, Holidays/Vacations etc.
- (xv) The Managing Committee shall not dispose off any of its immovable properties without prior approval of the Government.
- (xvi) In the event of any disagreement between the Managing Committee on the one hand the Sub-Divisional Education Officer/District Education Officer on the other hand in case of institutions upto and below Class XII level, the matter shall be referred to the Director whose decision shall be final and binding.
- (xvii) In the event of any difference of opinion regarding interpretation and/or scope of any of the rules framed herein, the decision of the Government shall be final and binding.
- (xviii) The Managing Committee of an institution brought under Adhoc grants-in-Aid shall pass a resolution binding itself severally and collectively to observe all the rules and regulations for the same and to carry out all instructions, directions that may be issued by the Govt./Directorate from time to time.

- (xix) It shall maintain a minimum reserve fund of Rs. 5,000/- for institutions upto Middle School level, Rs. 10,000/- for any institutions upto Class X-level. The Managing Committee shall not draw any amount from the reserve funds without prior approval of the Director.

**Constitution of
Selection Com-
mittee.**

5. The following Selection Committee which will also act as Screening Committee, shall stand constituted with immediate effect.

(a) IN CASE OF TEACHERS OF MIDDLE SCHOOLS:

Sub-Divisional Education Officer	—	Chairman.
Concerned Circle Education Officer	—	Member Secretary.
Chairman of the Managing Committee of the School	—	Member.
Secretary of Managing Committee	—	Member.

(b) IN CASE OF HEADMASTERS OF MIDDLE SCHOOLS

District Education Officer	—	Chairman
Sub-Divisional Education Officer concerned	—	Member Secretary.
Chairman of the Managing Committee of the School	—	Member.
One representative of the Managing Committee to be nominated by them.	—	Member.

(c) IN CASE OF HEADMASTERS OF HIGH SCHOOLS

Director of School Education	—	Chairman.
One Deputy Director, School Education nominated by Director of School Education	—	Member.
District Education Officer	—	Member Secretary.
A representative of the Managing Committee to be nominated by it.	—	Member.

Chairman of the Managing Committee of the School. — Member.

(d) IN CASE OF TEACHERS OF HIGH SCHOOLS :

District Education Officer — Chairman

Asst. District Education Officer of the area — Member Secretary

Chairman of the Managing Committee of the School — Member

Secretary of the Managing Committee of the School — Member

Limits of Adhoc Grants-in-Aid.

6. (i) Adhoc Grants-in-Aid shall be limited to the basis pay plus 50 percent of the total allowances admissible to the teaching and non-teaching staff of each such school, actually appointed within the authorised strength of the School provided that Government may give lumpsum on the date of bringing an institution under in coverage of the adhoc Grants-in-Aid, the initial pay of all members of the staff shall be fixed in the corresponding scales of pay by taking into account the annual increment actually paid to them from the date of affiliation of the school by the Mizoram Board of School Education.
- (ii) The Adhoc recurring Grants-in-Aid shall normally be continued from year to year and shall be payable to the Institution subject to its submission of attested copies of acquittance Rolls in respect of authorised staff actually employed and paid during the period.
- (iii) The coverage of adhoc Grants-in-Aid shall be liable for withdrawal, if any institution is found to have violated any of the provisions of these Rules, after giving one month's notice to the Managing Committee. The coverage shall also be liable for withdrawal if the performance of the Institution is in the opinion of the Government found not satisfactory.

Sanctioning Authority.

7. (i) The Government shall be the competent authority to sanction any grants under these rules.
- (ii) The Government may, if it considers necessary delegate the power to the extent deemed appropriate to any of its subordinate authorities.

Power to
Relax

8. Notwithstanding anything contained in these Rules, the Governor shall have the power to relax the conditions in cases where he considers such action is necessary to ensure faster development of any area or tribes belonging to the weaker sections of the society residing in Mizoram.

R.K. Singha,
Joint Secretary to the Govt. of Mizoram,
Education & Human Resource Department.

APPENDIX—I

CONSTITUTION OF COMMITTEE FOR ADHOC RECURRING GRANTS-IN-AID SCHOOLS IN MIZORAM

1. In order to be eligible to receive adhoc recurring grant-in-aid, every High and Middle Schools shall have a Managing Committee to be constituted as below :—

2. The Managing Committee shall consist of one Chairman and one Secretary and not more than eight other members as follows :—

- i) Prominent leader of the locality, to be nominated by the Director of School Education on the recommendation of the District Education Officer in case of High/Higher Secondary Schools and the Sub-Divisional Education Officer in case of Middle School—Chairman.
- ii) President, Village Council of the locality, if not already nominated as Chairman in (i) above, In case he is already nominated as Chairman, another Village Council member duly elected amongst themselves shall be a member of the Committee—Member.
- iii) The Teacher representatives to be elected from amongst themselves in rotation, each being allowed to serve not more than one term at a time—Member.
- iv) A donor representative—Member.
- v) Block Development Officer/Administrative Officer of the Village (in case he was not made Chairman)—Member.
- vi) The official of the Education Department nominated by District Education Officer in the case of High/Higher Secondary Schools and Sub-Divisional Education Officer in case of Middle Schools on the recommendation of the Head of Institution concerned—Member.
- vii) The Guardian's representative, elected by the parents/guardians of the students attending the Schools—Member.

viii) Head of the Institution—Member Secretary.

If found necessary, one or two more members (who take keen interest in the school) may be nominated by the Director of School Education from amongst the prominent leaders of the locality concerned.

3. **TREASURER** : The Managing Committee shall elect a Treasurer from amongst the members. The Treasurer shall keep all the funds of the school in safe custody and ensure proper maintenance of all accounts of the school.

4. **TERM OF OFFICE** : The term of office of the Managing Committee shall be for a period of two years from the date of its constitution.

5. **DISSOLUTION** : On the recommendation of the District Education Officer, the Director of School Education, may if satisfied after due notice and enquiry, order dissolution of the Managing Committee.

6. **EX-OFFICIO MEMBERS** : A member shall automatically cease to be a member as soon as he vacates the particulars office by virtue of which he is appointed as member and his successor will be deemed to have been appointed a member of that Managing Committee.

7. **QUORUM** : Five members shall form a quorum. In case of a Committee with less than eight members, four members shall form a quorum.

8. The Government shall have power to re-adjust membership of committee of Institution to bring the same in conformity with the requirement of the affiliating board in consultation with the authorities concerned.

A N N E X U R E - II

I.D.NO.LJ. 6()/97/253

Dated 8. 9. 97.

The draft "Mizoram Adhoc Recurring Grant-in-Aids for General Maintenance of Schools Rules. 1997" were re-examined. As per the extent clause i.e. rule 1(2) these Rules are meant to apply to the autonomous districts and the Schools therein. But under the notification No.B.17012/3/92-DCA dt.22.9.1993 published in the Mizoram Gazette, Extra -Ordinary issue No.198 dt.27.9.1993, the Governor of Mizoram entrusted the subjects viz. Primary Schools Adult Education and Middle Schools to the three District Councils from the Education Department of the State Govt. Moreover, necessary budget-provisions have been made for the three District Councils to manage the Middle Schools in the respective autonomous districts. If these Rules again are intended to extend the coverage to these autonomous districts and the Middle Schools situated therein, it would be a duplicacy. This has to be taken care of in the draft Rules.

2. A private school is generally run through a Managing Committee with required to be formed as a Society and registered under the Societies Registration Act. The General Body or Assembly of such society is legally entitled to adopt a Constitution for society and has the unfettered powers within the Societies Registration Act to amend such Constitution. If a Constitution is thrust upon the Society or the Managing Committee or such School, the very private entity of such school is bound to be lost, and there may be a time in near future school would claim the status of Govt. School, not of Private or Govt. Aided school any longer. This aspect, with reference to rules 3(iii), 3(AIX) and Appendix-I to the Rules, needs adequate and serious examination.

3. Certain other observations have been made on the margins of the various rules, and certain corrections have also been made in red ink in the draft Rules, which may be taken into due consideration.

4. Subject to above, the draft Rules returned as vetted.

5. The Department is advised to obtain concurrence of the Finance Deptt. and approval of the Council of Ministers to these Rules.

L.R./Secretary, Law.
8. 9. 97.

A N N E X U R E - III

I.D.NO.FIN(F) 58/97

13. 10. 97.

Finance Department approved to the draft "The Government of Mizoram Adhoc recurring Grants-in-aid for General Maintenance of Schools Rule, 1997".

Under Secretary,
Finance Department.