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NOTIFICATION

No. 17011/8/99-EDN, the 31st July, 2001 : Whereas universal elementary education is a Constitutional directive and a fundamental right as per the Hon'ble Supreme Court's observations and Govt. obligation arises thereby in securing the entitlement to education of every child up to the age of 14 years.

And whereas in the light of the Government of India, Ministry of Human Resource Development's D.O. No. F. 2-9/2000-Desk(EE) dt 24.3.2000 the Government of Mizoram deems it expedient to frame rules relating to the universalisation of elementary education in Mizoram.

Now, therefore, in exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Mizoram is pleased to make the following rules relating to the universalisation of elementary education in Mizoram, namely :-

1. Short title : These Rules may be called "The Mizoram Sarva Shiksha Abhiyan Rajya Mission" Rules 2001.
2. Scope and application : These rules shall extend to all the units and activities of the Mission within the State of Mizoram.
3. Date of Commencement : These rules shall come into force from the date on which the "Mizoram Sarva Shiksha Abhiyan Rajya Mission" is registered under the Societies Registration Act.
4. Definition : In these rules, unless the context otherwise requires :
 - i) "Alternative and Innovative Education" means any educational arrangement for children up to the age of 14 years, outside the formal school curriculum, funded under the scheme of Alternative and Innovative Education or as per its norms;
 - ii) "Basic Education" means the following activities, viz :
 - a) Early childhood care and education;
 - b) Elementary Education of children up to the age of 14 years, whether through the formal school system or the non-formal education programmes;

- c) Educational and other programmes aimed at women's equality and empowerment;
- iii) "Block Unit" shall mean a Block level unit of the Mission;
 - iv) "Central Government" means Government of India in the Ministry of Human Resource Development, Department of Elementary Education and Literacy;
 - v) "Chairman" shall mean the Chairman of the Executive Committee of the Mission;
 - vi) "District Unit" means a District-level unit of the Mission
 - vii) "Elementary Education" means education corresponding to Classes I to VIII.
 - viii) "Executive Committee" shall mean the body which is constituted under Rule 21 of these Rules as the Executive Committee of the Mission.
 - ix) "Governing Body" means the body constituted under Rule 5 of these Rules;
 - x) "Mission" means the Mizoram Sarva Shiksha Abhiyan Rajya Mission.
 - xi) "Officers and staff" means all whole time and part-time employees of the Mission appointed by the Government, Executive Committee or by any authority or Officer, duly empowered to do so, and would include consultants, fellows and research staff;
 - xii) "President" means the President of the Governing Body of the Mission;
 - xiii) "Project" means the Sarva Shiksha Abhiyan of which all interventions in the elementary education sector, including DPEP, shall be a part.
 - xiv) Sarva Shiksha Abhiyan will mean all efforts at universalisation of elementary education.
 - xv) "State Project Director" means the Project Director of the Mission appointed by the Government of Mizoram;
 - xvi) "State Government" means the Government of Mizoram;
 - xvii) "Technical Resource" shall mean (i) development of curriculum and teaching/learning materials, ii) instructional methods; iii) training of teachers, iv) development of educational technology; v) media and communication; and vi) learner evaluation.
 - xviii) "Upper Primary Education" means education corresponding to Classes VI to VIII.
 - xix) "Vice Chairman" means the Vice President of the Mission.
 - xx) "Vice President" mean the Vice President of the Governing Body of the Mission.
 - xxi) "Voluntary Agencies" means Non-Government Organisation working in the area of the basic education or in other areas relevant to the project, and would include registered societies, public trusts and non profit making companies.

5. The Mission :

The Mission shall consist of a Governing Body with the following members :-

President : Chief Minister, Mizoram
Vice President : Minister, School Education, Mizoram.

Members :

A. Ex-Officio Member :-

- 1) Chief Secretary, Govt. of Mizoram.
- 2) Commissioners/Secretaries of the following Departments :
 - i) Planning Department
 - ii) Finance Department
 - iii) School Education Department
 - iv) Social Welfare Department
 - v) Health & Family Welfare Department
 - vi) Local Administration Department
 - vii) Information & Public Relations Department
 - viii) Rural Development Department.
- 3) Director/Joint Director, SCERT
- 4) President, Mizoram Board of School Education

B. Nominated Members

- 1) Pre-Primary, Primary and Non-formal Education Personnel - 3 (at least one to be women)
- 2) Elementary Teacher Educators - 1
- 3) Educationists - 2
- 4) Voluntary Agencies - 2 (at least one to be women)
- 5) Distinguished Persons in the area of Education for Disabled Children - 2
- 6) Women working in women Development - 2
- 7) Social Workers - 1
- 8) Literacy figures - 1

C. Central Government's Nominee

- 1) Representatives of Central Govt. nominated by the Ministry of Human Resource Development - 3
- 2) Representatives of the following categories nominated by the Central Government
 - i) Educationists - 3
 - ii) Voluntary Agencies - 3
 - iii) Distinguished Women - 2
- 3) Director, NCERT or his nominee
- 4) Director, NIEPA or his nominee

- D. Two persons nominated by the Chairman, Executive Committee from amongst the Chairman and CEOs of District and Block Units of the Society.**

Member Secretary - State Project Director.

6. Term of Ex-Officio Members -

- i) Ex-officio members of the Mission and the Member Secretary shall continue to be members so long as they hold their office as such and shall cease to be members as soon as they cease to hold such Office. The successor in office of the person so ceasing to be a member, shall become member from the date of his assuming charge of the new office, subject to like condition as to the term of membership.
- ii) In the event of any office held by such member of the Mission being abolished or differently designated or in the event of any doubt as to whether a particular person holds a particular office or not, a duly authenticated communication from the Government to the Mission conveying the decision of the Government as to the successor in office or as to the incumbent holding the office shall be final and conclusive.

7. Term of Nominated Members -

The term of members nominated shall be two years. Such members shall be eligible for re-nomination. A member so nominated shall become such member as from the date of acceptance by the President, or duly authenticated communication by the nominating authority conveying that such person has been nominated as a member.

8. Termination of Membership -

Members of the Mission shall cease to be such members if they resign or become of unsound mind, or are insolvent or are convicted of any criminal offence involving moral turpitude.

9. Resignation from Membership -

Resignation from the membership of the Mission shall be tendered to the member-secretary and shall not take effect until it is accepted by the President.

10. Premature vacancies in the Nominated category -

Any vacancy in the membership of nominated category of the Mission occurring prematurely due to resignation or otherwise shall be filled by nomination by the authority competent to make such nomination, and the person so nominated shall hold office only for the unexpired period of the term of the prematurely terminated membership.

Validity of acts of the mission despite vacancies therein -

11. The Mission shall function notwithstanding that any person who is entitled to be a member by reason of his/her office, is not a member of Mission for the time being and notwithstanding any other vacancy whether due to non-appointment or otherwise, and no act of the Mission shall be invalidated merely by reason of the happening of any of the above events or any defect in the appointment of any of the members of the Mission.

12. Functions of the Mission -

To achieve the objectives of the Sarva Shiksha Abhiyan, the Mission shall perform the following functions, viz

- i) to suggesting norms for opening alternate school/schools
- ii) to approving district plans
- iii) to evaluating performance of districts
- iv) to monitoring performance of educationally backward districts.
- v) to ensuring fund flows.
- vi) to mobilising financial resources.

13. Powers of the Mission -

In order to carry out its functions, the Mission shall have the power :-

- i) To create duly empowered administrative mechanisms, through such participation as may be deemed necessary of various departments and autonomous agencies of the Central and State Governments for the achievement of the objects of the Mission.
- ii) To establish, for the implementation of Sarva Shiksha Abhiyan, administrative arrangement at Divisional, District, Sub-Divisional, Block and village levels, and to delegate to them necessary powers to enable them to discharge their responsibilities.
- iii) To create academic, technical, administrative, managerial, and other responsibilities in the Mission by converging existing posts in the education sector.
- iv) To make rules and regulations for conduct of the affairs of the Mission and to amend vary or rescind them from time to time, in consultation with the State Government.
- v) To accept grant of money, securities or property of any kind and to undertake and accept the management of any endowment, trust, fund or donation not inconsistent with the objectives of the Mission.
- vi) To purchase, hire, take on lease, exchange or otherwise acquire property, moveable or immovable, and to construct, alter and maintain any building or buildings as may be necessary for carrying out the objects of the Mission.
- vii) To delegate to the Executive Committee or to any officers and authorities of the Mission, (as defined in Rule 15) such powers and impose such duties as it deems proper.
- viii) To consider the annual report prepared by the Executive Committee.;
- ix) To undertake all such activities and to take all such actions as may appear necessary or incidental for achievement of the objects of the Mission.

14. PROCEEDINGS OF THE MISSION -

- 1) Meetings of the Mission shall be held at such time, date and place as may be determined by the President. Meetings shall be held at least once in a financial year.

- 2) Except as otherwise provided in these Rules, all meetings of the Mission shall be called by the notice under the signature of the Member Secretary.
- 3) Meetings of the Mission shall be presided over the President, and in his absence, by the Vice-Presidents.
- 4) One third of the members of the Mission present shall form the quorum at every meeting provided that no quorum shall be necessary in respect of an adjourned meeting.
- 5) All disputed questions at meetings of the Mission shall be determined by vote and in case of equality of votes, the person chairing the meeting shall have a casting vote.

15. OFFICERS AND AUTHORITIES OF THE MISSION

- 1) The Officers of the Mission shall be the President, the Vice-President, the Chairman, the Vice-Chairman, the State Project Director and such other persons as may be designated as such by the Executive Committee and;
- 2) The following shall be the authorities of the Mission :
 - i) Executive Committee AND;
 - ii) Such other authorities as may be constituted by the Mission or the Executive Committee.

16. Executive Committee :

- 1) The affairs of the Mission shall be administered, subject to Rules and Regulations and orders of the Mission, by an Executive Committee, which shall consist of the following :

| | |
|---------------|--|
| Chairman | : Chief Secretary, Govt. of Mizoram |
| Vice-Chairman | : Secretary to the Govt. of Mizoram, Department of Education & Human Resource Development. |

Members :

- a) Commissioners/Secretaries of the following Department :-
 - i) Planning & implementation Department
 - ii) Finance Department
 - iii) Social Welfare Department
 - iv) Rural Development Department.
- b) Director/Joint Director, SCERT
- c) Three persons from among the members of the Mission nominated under category (B) mentioned in Rule 5, to be nominated by the chairman such that
 - i) at least one of them belongs to one of sub-categories (1) to (3),
 - ii) at least one of them belongs to one of the sub-categories (4) and (5), thereof and,
 - iii) At least one of the three is a woman.
- d) Three representatives of the Central Government to be nominated by the Ministry of Human Resources Development, Department of Education.

- e) Three persons from among the members of the Mission nominated under category (C)(2) mentioned in Rule 5, to be nominated by the Central Government such that one each belongs to the three sub-categories mentioned thereunder.
- f) One person to be nominated by the Chairman from amongst members of the Mission belonging to category (D) mentioned in Rule 5.

Member Secretary : State Project Director.

- 2) The term of members nominated under categories (e) to (f) of this Rule shall be two years. Such members shall be eligible for re-nomination. A member so nominated shall become such member as from the date of issue of duly authenticated communication by the Nominating Authority conveying that such person has been nominated as a member of Executive Committee.
- 3) Members of the Executive Committee shall cease to be such members if they resign, or become of unsound mind, or are insolvent or are convicted of criminal offence involving moral turpitude.
- 4) Resignation from the membership of the Executive Committee shall be tendered to the State Project Director and shall not take effect until it is accepted by the Chairman.
- 5) Any vacancy in the membership of nominated category of the Executive Committee occurring pre-maturely, due to resignation or otherwise shall be filled by nomination by the authority competent to make such nomination, and the person so nominated shall hold office only for the unexpired period of the term of the pre-maturely terminated membership.
- 6) The executive Committee shall function notwithstanding that any person who is entitled to be a member by reason of his office is not a member of the Executive Committee for the time being and notwithstanding any other vacancy in the Committee whether on account of non-appointment by the authority entitled to make the appointment or otherwise and no act or proceedings of the Executive Committee shall be invalidated merely by reason of the happening of any of the above events or defects in the appointment of any of its members.

17 PROCEEDINGS OF THE EXECUTIVE COMMITTEE :

- 1) meetings of the Executive Committee shall be presided over by the Chairman.
- 2) one-third of the members of the Executive Committee present in person, shall constitute the quorum at any meeting of the Executive Committee, provided that no quorum shall be necessary in respect of an adjourned meeting.
- 3) Not less than seven clear days' notice of every meeting of the Executive Committee shall be given to each member of the Executive Committee provided that :
 - a) The Chairman may call an emergency meeting at the notice of 24 hours, and
 - b) Any inadvertent omission to give notice of the meeting or its non-receipt by any member shall not invalidate the proceedings of any meeting.
- 4) Every notice calling a meeting of the Executive Committee shall state the date, time and place at which such meeting will be held and shall, except otherwise provided in these Rules, be issued under the signature of the Member-Secretary.

- 5) The Executive Committee shall meet as often as necessary but at least once in each quarter of the years.
- 6) Each member of the Executive Committee including the Chairman shall have one vote and if there shall be an equality of votes on any question to be decided by the Executive Committee, the Chairman shall, in addition, have a casting vote.

18. FUNCTIONS OF THE EXECUTIVE COMMITTEE :

It shall be the responsibility of the Executive Committee to endeavour to achieve the objects of the Mission and to discharge all its functions subject to Rules and Regulations of the Mission.

19. POWERS OF THE EXECUTIVE COMMITTEE

The Executive Committee shall :-

- i) exercise all administrative, financial and academic powers including powers to rationalize posts of all description in; the education sector.
- ii) control the management of all the affairs and funds of the Mission.
- iii) have powers and responsibilities in respect of the following :
 - a) to frame Regulations in consultation with the State Government.
 - b) to frame Bye-laws for the conduct of activities of the Mission in furthering its objects.
- iv) have power to enter into agreements with other public or private organisations or individuals for furtherance of its objects.
- v) have powers to secure and accept endowments, grants-in-aid, donations or gifts to the Mission on mutually agreed terms and conditions, provided that conditions of such grants-in-aid, donation or gifts shall not be inconsistent or in conflict with the objects of the Mission or with the provisions of these Rules.
- vi) have power to take over and acquire by purchase, gift or otherwise from Government and other public bodies, from private individuals, movable and immovable properties or other funds together with any attendant obligations and engagements, not inconsistent with the objects of the Mission and the provisions of these Rules.
- vii) have power to undertake or give contract for construction of buildings required for use of the Mission and to acquire stores and services required for the discharge of the functions of the Mission.
- viii) have, subject to the provisions of the Article 4 of the Memorandum of Association, power to sell or lease any movable and immovable property of the Mission, provided, however, that no assets of the Mission created out of Government grants shall, without prior approval of the Government, be disposed of encumbered or utilized for purposes other than those for which the grant was sanctioned.
- ix) have powers to constitute standing/adhoc committees or task forces/groups etc., for various areas of Sarva Shiksha Abhiyan and decided in regard to their membership power and functions.

- x) have the power to appoint Advisory Boards or other special committees for such purposes and with such powers as the Executive Committee may think fit, and to dissolve any such committee or Board.
- xi) have the power to delegate to the Chairman, Vice-Chairman, State Project Director, or any of its members and/or to a committee/group or any other officer of the Mission such administrative, financial and academic powers and impose such duties as it deems proper and also prescribe limitations within which the powers and duties shall be exercised or discharged.

20. POWER TO MAKE REGULATIONS :-

Subject to any specific directions of the Mission and keeping in view; the overall advice of the Central and State Governments, the Executive Committee shall have powers to frame and amend Regulations, not inconsistent with these Rules, for the administration and management of the affairs of the Mission, and without prejudice to the generality of this provision, such Regulations may provide for the following matters.

- i) Service matters pertaining to officers and staff including creation of posts, qualifications, selection procedure, service conditions, pay and emoluments, discipline and control rules.
- ii) Important financial aspects including formulation of budget, purchase procedures, delegation of financial powers, investment of funds, maintenance of accounts and audit, TA and DA rules etc. and
- iii) Such other matter as may be necessary for the furtherance of the objects and the proper administration of the affairs of the Mission.

21. POWER TO FRAME BYE-LAW

Subject to the specific directions of the Mission and the provisions in these rules and regulations to be framed thereunder, the Executive Committee shall have powers to frame and amend by-laws for the conduct of activities of the Mission for achievement of its objects and these bye-laws may include matters relating to :-

- a) Establishment of offices of Block and District Units.
- b) Conduct of business of the Mission, Executive Committee and other Committees and Sub-Committees.
- c) Grant-in-aid to voluntary Agencies.
- d) Involvement of individuals and contractual arrangements with them.
- e) School mapping and establishment of new schools, NFE Centres and other elementary education facilities.
- f) Facilities and incentives to be provided to improve access and participation of children in elementary education.
- g) All aspects of technical resource support.
- h) Such other activities as may be necessary for implementation of the Sarva Shiksha Abhiyan.

22. POWERS AND FUNCTIONS OF THE CHAIRMAN

- i) shall ensure that the affairs of the Mission are run efficiently and in accordance with the provisions of the Sarva Shiksha Abhiyan, and Memorandum of Association, Rules, Regulations and Bye-laws of the Mission;
- ii) shall preside over the meetings of the Executive Committee;
- iii) may himself call, or by a requisition in writing signed by him may require the Member Secretary to call, a meeting of the Executive Committee at any time.
- iv) in case, the votes for and against a particular issue are equal, may exercise his casting vote.
- v) shall be the sole and absolute authority to judge the validity of the vote cast by members at all the meetings of the Executive Committee.
- vi) shall be entitled to invite any other person to attend any meeting of the Executive Committee provided that such persons shall have no power of voting.
- vii) may delegate to the Vice-Chairman such of his functions and powers as he may deem fit.

23. POWERS AND FUNCTIONS OF THE STATE PROJECT DIRECTOR :-

- 1) The State Project Director for Sarva Shiksha Abhiyan shall be appointed by the State Government which shall prescribe his remuneration and other conditions of service. He/she may be the Project Director already appointed under DPEP or an officer of the Department of Education, as may be decided by the concerned State Government.
- 2) The state Project Director shall be the Chief Executive Officer of the Mission and shall be responsible for proper administration of the affairs and funds of the Mission and implementation of its various activities in a mission mode under the direction and guidance of the Chairman of the Executive Committee.
- 3) For the effective discharge of his function, he shall have powers to :-
 - a) constitute Steering Groups, with the approval of the Chairman, for each of the programme components and functional areas.
 - b) constitute a Task Force, comprising heads of the Steering Groups, which would function as a cohesive team for achievement of the objects of this Mission.
 - c) appoint with the approval of the Chairman, consultants and Resource Persons.
 - d) prescribe the duties of all officers and staff of the Mission.
 - e) exercise such supervision and disciplinary control as may be necessary;
 - f) co-ordinate and exercise general supervision over activities of the Mission including its branches/units set up in the districts/blocks.
 - g) arrange meetings of the Mission and its Executive Committee and keep a record of proceedings of these meetings in accordance with these rules; and
 - h) discharge such other functions as may be assigned to him by the Executive Committee in furtherance of the objects of the Mission.

24. DISTRICT & BLOCK LEVEL MANAGEMENT STRUCTURES :-

- 1) A District Unit of the Mission shall be set up for every district, and a Block Unit shall be set up for every Block in which the project will be implemented.
- 2) The District, unit will be a body at the district level to which well-defined powers will be delegated. The Deputy Commissioner shall be the Chairman of the District Unit.
- 3) Constitution, functions and powers of the District and Block units shall be as laid down by the Executive Committee through Bye-laws.
- 4) A District Project coordinator shall be appointed by the Executive Committee for every District Unit. He shall have the same powers and responsibilities in relation to the project at the District level as the State Project Director would have at the state level.

25. FUNDS OF THE MISSION :-

- 1) The funds of the Mission shall consist of the following :
 - i) Grants-in-aid made by the Central Government and the State Government for furtherance of the objects of the Mission;
 - ii) Contributions from other sources;
 - iii) Income from the assets of the Mission
 - iv) Receipts of the Mission from other sources; and
 - v) Grants, Donations or assistance of any kind from any external agencies with prior approval of the Central Government.
- 2) The Bankers of the Mission shall be as may be decided by the Executive Committee. All funds shall be paid into the Mission's account with the bank and shall not be withdrawn except through a cheque signed by such officers as may be duly empowered in this behalf by the Executive Committee.

26. ACCOUNTS AND AUDIT :

- (1) The Mission shall maintain proper accounts and other relevant records and prepare annual accounts comprising the receipts and payment accounts, statement of liabilities in such form as may be prescribed by the Registrar of Societies of the State Government in accordance with the rules in force under the Societies Registration Act, 1867 subject to the condition that in respect of grants from the Central Government, directions of the Central Government shall be adhered to,
- (2) The accounts of the Mission shall be audited annually by a chartered Accountant appointed by the Executive Committee, and in accordance with the provisions of the Societies Registration Act, 1867

- (3) The audited accounts shall be communicated to the Mission which will submit a copy of Audit Report along with its observations to the State Government.
- (4) The Accountants of the Mission shall also be subject to the provision of the Comptroller and Auditor General (Duties, Powers and Condition of Service) Act, 1971, as amended from time to time.

27. ANNUAL REPORTS :-

The Annual Report on the working of the Mission and the work undertaken by it during the year together with Balance sheet, Audited Account, shall be prepared by the Executive Committee and placed before the annual general meeting of the Mission each year together with the Auditor's Report. After approval by the Mission, these shall be submitted to the State Government, which will furnish one set thereof to the Central Government not later than six months from the expiry of the financial year.

28. AMENDMENTS :-

- 1) Amendments to these Rules shall be effected by the Mission by a majority or not less than half of the total members.
- 2) With the approval of Central Government and the State Government, the Mission; may alter, extend or abridge the purpose for which it is established, or amalgamate the Mission either wholly or partly with any other Society in accordance with the provisions of the Societies Registration Act. 1867
- 3) As and when there is any change in the nomenclature of Ministries, departments, or Institution(s) and Designation(s) mentioned in the Rules, such changes shall automatically stand incorporated in these Rules.

29. DISSOLUTION ETC :-

- 1) If the Mission needs to be dissolved, it shall be dissolved as per provisions laid down in Chapter VIII of the Societies Registration Act
- 2) If, on the winding up or dissolution of the Mission there remains, after the satisfaction of all debts and liabilities, any property whatsoever, the same shall not be paid to or distributed amongst the members of the Mission or any one of them but shall accrue to the State Government which will decide about its utilisation or otherwise in consultation with the Central Government.

30. POWERS OF STATE AND CENTRAL GOVERNMENTS AND THE STATE GOVERNMENT :-

The State Government and the Central Government may jointly appoint one or more persons to review the work and progress of the Mission, and to hold inquiries into the affairs thereof and to report thereon in such manner as the Governments may stipulate; and upon receipt of any such report, the State Government may, in consultation with the Central Government issue such

direction as it may consider necessary, in respect of any of the matters dealt with in the report, and the Mission shall be bound to comply with such directions. In addition, the State Government may, in consultation with the Central Government at any time, issue directives on matters of policy to the Mission and the latter shall be bound to promptly comply with; such directives. Where there is any divergence of views between the State Government and Central Government, the views of the Central Government would prevail.

31. MISCELLANEOUS :

- 1) A list of members of the Executive Committee shall be filed with the Registrar of Societies within 14 days of the Annual General Meeting of the Mission as required under Section 27 of the Societies Registration Act, 1867
- 2) All the provision of Societies Registrar Act, shall apply to the Mission.

**Secretary,
Education & Human Resources Development Department,
Mizoram : Aizawl**