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NOTIFICATION

No.A.23022/10/2006-EDN/I, the 20th April, 2007. Whereas it is considered necessary to provide for the planned development of educational institutions, inculcation of healthy educational practice, maintenance and improvement in the standards of education and better organization, discipline and control over the recognized Private Educational Institutions in the state;

And whereas it is expedient to provide for certain other matters also to ensure better discipline and control in order that standards of education are maintained;

Now, therefore, in exercise of powers conferred by section 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21 read with sub-section (I) of section 30 of the Mizoram Education Act, 2003 (Act No. 5 of 2003) the Governor of Mizoram is pleased to make the following rules, namely :-

1. Short Title, application and commencement :

- (a) These rules may be called the Mizoram Recognised Private Schools (Regulation) Rules, 2006.
- (b) These rules shall apply to all employees (teaching and non-teaching) working in the recognized Private Schools, namely: Primary, Middle, High and Higher Secondary Schools under private management.
- (c) They shall come into force on the date of their publication in the official gazette.

2. Definitions :

(1) In these rules, unless the context otherwise requires-

- (a) 'Act' means the Mizoram Education Act, 2003 (Act no 5 of 2003).
- (b) 'Appointing Authority' in relation to an employee means the school management committee or such other authority as the management may, by order, authorize in that behalf.
- (c) 'Board' means Mizoram Board of School Education.
- (d) 'Department' means the Department of School Education.
- (e) 'Director' means Director of School Education.
- (f) 'District Education Officer' means an officer of the School Education Department working at the district level in charge of the district.
- (g) 'Educational Agency' in relation to a private educational institution, means any person or body of persons permitted to establish and maintain any private school under the Mizoram Education Act.
- (h) 'Educational Institution' means an institution imparting education recognised by the State Government and includes a private educational institution but does not include an institution under the direct management of the university or of the Central Government or a tutorial institution;
- (i) 'Government' means the Government of Mizoram.
- (j) 'Management' means management of the private schools by the Managing Committee;
- (k) 'Managing Committee' means the body of individuals who are entrusted with the management of the affairs of the school;
- (l) 'Prescribed' means prescribed by rules under the Act;
- (m) 'Prescribed authority' means the authority to be notified by the State Government from time to time in the official gazette;
- (n) 'Private School' means a school which is not run by the Central Government, State Government, a local authority or any other authority designated or sponsored by the Central Government, State Government or local authority;
- (o) 'Recognised' in relation to a school means recognised by a statutorily empowered authority or an appropriate government, or by an authority empowered by such government, in accordance with a law, rules or executive instructions governing recognition of schools;
- (p) 'School' means an institution or part of an institution, which imparts education at various stages of school education, and is recognised as a school by a competent authority;
- (q) 'Teacher' means a person, who teaches full time in a school and includes the Headmaster or Principal of such school;

(2) Words and expressions used but not defined in these rules shall have the same meaning respectively assigned to them in the Act.

3. Establishment of Private Schools :

The State Government may, for the purpose of providing such facilities -

- (a) Establish and maintain schools.
- (b) Permit any person or body of persons, to establish and maintain schools and recognize such schools when so established in accordance with the provisions of these rules;
- (c) After the commencement of these rules, the establishment and recognition of any private schools shall be subject to the provisions of the Act and to rules made there under.
- (d) All existing private schools shall be deemed to have been established in accordance with these rules.

4. Recognition of Schools :-

- (1) Every school seeking recognition shall make an application in Form I to the Prescribed Authority and every such application shall either be delivered to the appropriate authority through an individual or sent to that authority by registered post or speed post. However, all existing recognised schools, subject to the provisions of these rules, shall be deemed to have been recognised under these rules.
- (2) No private schools shall be eligible for recognition unless it has been established with prior permission under the Act.
- (3) Every application for recognition shall be made in the prescribed form accompanied by such documents and information as may be prescribed. The applicant shall furnish a statement indicating the extent to which conditions specified in the order granting permission and conditions for recognition as specified in these rules have been fulfilled.
- (4) The Prescribed Authority shall scrutinise the applications. Such of the applications as are found to be complete in all respects and have been submitted in conformity of these rules shall be considered, and thereafter the Prescribed Authority shall inspect or cause to be inspected the school in respect of which recognition has been applied for, and shall make report with his recommendation which shall be placed before a committee constituted by the state Government in this behalf.
- (5) The State Government may constitute one or more Committees for consideration of applications for recognition and such Committee may be constituted for the whole state or for any part thereof or for different categories of private school and may make regulation for conduct of business of such committees.
- (6) The Committee shall consider the application for recognition together with the report and the recommendation of the Prescribed Authority and may call for such additional information or may direct such further inspection as it deems necessary. The Committee having considered all aspects shall, make an order either granting recognition or temporary recognition with or without condition, or rejecting the application for reasons to be recorded. The Prescribed Authority shall communicate the order made by the committee in such manner and with such particulars, if any as may be prescribed.

- (7) The Committee may refuse to recognise a private school which has been permitted to be established if it is found guilty of improper competition with other schools or of deliberate violation of any provision of the rules, or any direction duly issued by the State Government or the Director.
- (8) Grant of recognition may be restricted to any standard or class or any stream or subjects or may extend to the whole of institution.
- (9) No School shall be eligible for affiliation or recognition by the Board unless it has received recognition under these rules and continues to be recognised. When the recognition granted to any private school is withdrawn the recognition or affiliation granted by the Board shall be deemed to have been withdrawn.
- (10) Any applicant aggrieved by an order refusing to accord recognition, may within one month from the date of Communication of such order file a review petition before the committee constituted under sub-section (5). The Committee after calling for such information and causing such further enquiry as may be necessary and after giving an opportunity of being heard to the petitioner shall take decision and dispose of the petition.

5. Conditions for recognition:-

- (1) No school shall be eligible for recognition under section(4) unless it fulfills the following conditions namely,
 - (i) such extent of land as may be prescribed has been provided for the school under a valid title and the school is under lawful and valid possession of the land;
 - (ii) the school has been provided with a fire-proof building of its own with adequate ventilation and lighting consisting of such accommodation as may be prescribed for classrooms, laboratories, libraries, office accommodation, staff common room and toilets for men and women;
 - (iii) adequate land is available and sufficient facilities have been provided for physical education, game and sports;
 - (iv) adequate provision has been made for supply of clean drinking water and sanitation;
 - (v) the land and the buildings of the school are located in sanitary and healthy surroundings with suitable access from public roads.

In case the school has no land of its own, it may obtain within two years such extent of land prescribed by authority. And pending construction of its own building the institution can temporarily procure building as per requirement on rent for running the classes, office, library and laboratories.

- (vi) qualified teachers and non-teaching employees selected in accordance with the prescribed procedure as per the prescribed yard stick have been appointed;
- (vii) such equipments and teaching aids as are required have been provided;
- (viii) required furniture including Black boards or Chalk boards have been provided;

- (ix) the school follows approved courses of instruction as prescribed by Government or by the Board;
- (x) the school is open to inspection by any officer authorized by the Director of School Education;
- (xi) the school furnishes such reports and information as may be required by the Directorate of School Education, or the officers of the Department from time to time and complies with such instructions of the Directorate of School Education; from the Department Officers as may be issued to secure the continued fulfillment of the conditions of recognition or the removal of deficiencies in the working of the school;
- (xii) the school is so conducted as to promote discipline and orderly behaviour and to maintain high moral tone;
- (xiii) the management undertakes to make provision to the satisfaction of the Department, that the general rules of discipline as laid down by the government from time to time are duly observed by the management, the teachers as well as the pupils.

6. Facilities to be provided by a school seeking recognition of the Department:

Every private school seeking recognition shall provide for the following facilities namely:-

(i) Physical Education :

- (a) suitable playground as specified by the Department, for the purposes of games and sports, and materials for such games and sports;
- (b) where no such playground is available, due to the location of the school in an area where no suitable space is available, the school arrange for a playground in a nearby area where the students could be provided the facilities for games and sports;
- (c) Where such arrangement as referred to in clause (b) is possible, the school shall make arrangement for gymnastics or any other physical exercises,

(ii) Library Service :

- (a) (i) Adequate library facilities in the case of the primary school, and middle school, and
- (ii) in the case of High and Higher Secondary Schools, a separate room for the Library, to be used exclusively for the purpose and on no account such room shall be considered as available for class teaching;
- (b) a reading room attached or adjacent to the library, wherever possible;
- (c) the library has a stock of books specified by the affiliating board and such other books as may meet the needs of the students and of the teachers;
- (d) the library has also books suitable for the use of teachers in their professional work and reference work.

(iii) Laboratory work :

In the case of a school above the middle level introducing to run either science course or courses in subject which involve practical work, accommodation, equipment and apparatus according to such specifications as may be laid down from time to time by the affiliating Board or the Directorate of School Education for the laboratory of each subject.

(iv) Co-curricular activities :

As many cocurricular activities, as may be possible, so as to give to every student an opportunity of participating in one or more of the following activities, namely -

- (a) Debates;
- (b) Recitation or Elocution;
- (c) Dramatics;
- (d) Music (including folk songs) dancing (including folk dances);
- (e) Hobbies of different types;
- (f) House system;
- (g) Class competition;
- (h) Scouting and Guiding;
- (i) Any other co-curricular activity.

7. **Power to grant exemption** : The Director of School Education may, for good and sufficient reason, exempt provisionally any private school seeking recognition from one or more of the provisions of rule 5 for such period as it may consider necessary, provided that the Director is satisfied that the school will be in a position to fulfill in the near future, the requirements from which it is provisionally exempted.

8. **Date of Recognition** : The recognition given to a school shall be effective from the date decided upon by the Director of School Education and ordinarily recognition shall be given from the date of commencement of the school year.

9. **Withdrawal of Recognition** :

- (1) Recognition accorded under these rules may be withdrawn on one or more of the following grounds; namely -
 - (a) the school no longer fulfills the condition for recognition;
 - (b) the school, its Managing Committee, or the Governing Body, as the case may be, contravenes any of the provisions of the Act or the rules or directions of the State Government or of the Prescribed Authority.
 - (c) the school fails to maintain proper standard of education and discipline;
 - (d) the school or its Managing Committee, as the case may be, misutilises the funds of the institutions or utilises it for any purpose other than management of the school;
 - (e) the school fails to conduct examinations held by the Board fairly and properly, or the management or any of its employees assists or abets in such examination or fails to prevent malpractices.

- (f) the school has obtained recognition by fraud or misrepresentation of facts or through a false declaration.

Where the Prescribed Authority is satisfied on own information or otherwise that circumstances exist for taking action for withdrawal of recognition of any school, he shall make an enquiry or cause an enquiry to be made into the grounds on which recognition is proposed to be withdrawn and give an opportunity to the management to make representation within a period of thirty days against the proposed action. The Prescribed Authority shall furnish his report and recommendation to the committee constituted under Sub-section (5) of section 4.

- (2) The committee after considering the records, report and recommendation of the Prescribed Authority and affording an opportunity to the management of being heard, pass an order either withdrawing or suspending the recognition granted to the said school.
- (3) Notwithstanding the withdrawal or suspension of recognition under sub-section (3), the students admitted to that school till the dates of such withdrawal or suspension shall be allowed to continue as if the said school continues to be recognised till that batch of students appear in the examination conducted by the Board. The school shall not admit fresh students during the period of suspension or after withdrawal of recognition.
- (3) Any school aggrieved by an order of the committee withdrawing or suspending the recognition may prefer an appeal within a period of thirty days of the receipt of the order before the state Government whose decision therein shall be final.

10. Lapse of recognition :

- (1) If a recognised school ceases to function or is shifted to a different locality or is transferred to a different trust society, individual or a group of individuals without the approval of the Director of School Education, its recognition shall lapse on such ceasing, shifting or transfer, as the case may be, and it shall, for the purpose of future recognition, be treated as a new school.
- (2) Where one or more of the conditions of recognition specified in rule 5 are not complied with by any recognised school, the Director of School Education shall by a written notice, draw the attention of the school to such non-compliance; and, if within 30 days from the date of service of such notice, any such condition for the recognition is not complied with, the recognition granted to such school shall, on the expiry of the said period of 30 days, stand lapsed.
- (3) Where a recognition has been granted to a private school for a limited period, such recognition shall lapse on the expiry of that period unless such recognition is renewed before the expiry of that period.

11. Suspension or withdrawal of recognition :

- (1) If a school ceases to fulfill any requirement of the Act or any conditions specified in rule 6 or fails to provide any facility specified in rule 6, the appropriate authority may, after giving to the school a reasonable opportunity of showing cause against the proposed action, withdraw, for reason to be recorded in writing, recognition from the school.

Provided that where the appropriate authority is satisfied that the deficiencies or defects are capable of immediate or early removal, it may, instead of withdrawing the recognition suspend the recognition for such period as it may think fit to enable the Managing Committee of the school to remedy the deficiencies or defects to the satisfaction of the appropriate authority.

Provided further that where the recognition of a school has been withdrawn or suspended, no appropriate authority shall grant recognition of such school whether run by the name of which it was known at the time of such withdrawal or suspension or by any other name, unless the school has removed the deficiencies or defects for which the recognition has been withdrawn or suspended.

- (2) A recognised school which provides for hostel facilities shall comply with the provisions of relevant rule 20 and the instructions made thereunder, and in case of any default in complying with such provisions or instructions, the appropriate authority may for reasons to be recorded in writing, withdraw the recognition in relation to the school itself.
- (3) Where recognition of any school is withdrawn, the reasons for withdrawal of such recognition shall be communicated to the Managing Committee within seven days from the date on which the recognition is withdrawn.
- (4) Any Managing Committee aggrieved by the withdrawal of recognition of the school managed by it may within thirty days from the date of communication to it of the withdrawal of recognition, prefer an appeal against such withdrawal to the authority specified in rule 13.

12. Restoration of Recognition : Recognition once withdrawn or lapsed shall not be restored until the Director of School Education is satisfied that the reasons which led to the withdrawal or lapse of recognition have been removed and that in all other respects the school complies with the provisions of the Act and the rules made thereunder.

13. Authorities to which appeals may be preferred :

- (1) Every appeal against refusal by the appropriate authority to accord recognition to a school or withdrawing recognition from an existing school shall be preferred to the Government.
- (2) Every such review application shall be made in writing within 30 days of the receipt of the communication of refusal or withdrawal and shall be accompanied by a copy of the reasons for the refusal to accord recognition or withdrawal of recognition, as the case may be, communicated to the applicant.

14. Opening of new classes in schools :

- (1) No recognised school, not being an unaided school, without giving full justification shall open any new class other than the ones which has received approval from the appropriate authority.
- (2) In these case of unaided schools, opening of new classes shall be subject to such norms as may be specified by the appropriate authority.

15. Closing down of a school or any class in a school :

- (1) No Managing Committee shall close down a recognised school, not being an unaided school, or an existing class in such school without giving full justification and without the prior approval of the Director.

16. Pupils strength :

- (1) The Private Education institutions shall have minimum roll strength of pupils for each standard or class as hereinafter provided.
- (2) In the case of Higher Secondary School, the minimum roll strength of pupils in each class or section there of shall be.
 - (i) Seventy in relation to faculty of Arts,
 - (ii) Fifty in relation to faculty of commerce,
 - (iii) Thirty in relation to faculty of science.

Provided that in the case of Higher Secondary Schools located in the rural areas, such minimum roll strength shall be half of respective roll strength as specified in this sub-section.

- (3) In the case of High Schools, the minimum roll strength of pupils for each standard or class shall be thirty, which shall be twenty if such schools are located in rural areas.
- (4) In the case of Primary and Middle Schools the minimum roll strength of pupils in each standard or class shall be twenty five in urban areas and fifteen in rural areas.

17. Fees and other charges :

- (1) The fees payable in any recognised private school or in respect of pupils thereof (here in after called the prescribed fees) shall be such, and shall be payable in respect of such matter as may be prescribed by the Prescribed authority under these rules and the state Government may, at any time and for such period as they shall think fit direct that the prescribed fees shall be increased or reduced in any recognised private school.
- (2) No fee or other charge or donation of any kind shall be collected either from the pupils or from parents or from public, except with prior permission of the competent authority. In respect of special fees, the levy of which has been specified by the prescribed authority, there shall be no deviation from the permitted rate or the purpose for which such levy was authorised. All moneys that accrue to the school by way of special fees or any other payment authorised shall be brought to the school account and accounted properly.

- (3) All the moneys received by any educational institution by way of fee or capitation fee or deposits or other amount shall be deposited in the account of the institution, in any scheduled Bank and shall be applied and expended for the improvement of the educational facilities and for such other related purpose and to such extent and in such manner as may be specified by order by the Government.
- (4) A bank account referred to in sub-section (3) shall have two signatories, namely, Chairman, 'School Managing Committee and Headmaster or Principal of the School.

18. Accounts :

Every Private School shall maintain registers and records specified in Annexure II. The registers and records in respect of Primary Schools and Middle Schools shall be produced to Sub-Divisional Education Officer and in respect of High Schools and Higher Secondary Schools to the District Education Officer whenever required. The Director may add, revise or modify the list of registers and records.

19. Annual Audit of Accounts :

- (1) The authorities to audit the account of every private school shall be the following, namely

Schools	Competent Authority
(1)	(2)
(a) Primary and Middle Schools	Sub-Divisional Education Officer
(b) High Schools and Higher Secondary Schools	District Education Officer or Department auditors

- (2) (a) A copy of the reports on the audit of accounts shall be sent to the District Education Officer, who shall forward the same to the educational agency,
- (b) The educational agency shall within a period of one month from the date of receipt of the report, submit the same with its comments to the District Education Officer, which will be reviewed by the District Education Officer.

20. Maintenance or establishment of hostels in schools :

- (1) Recognised aided or unaided schools may, if they consider it necessary, establish hostel subject to the fulfillment of such conditions as may be specified by the Government.
- (2) Admission of any student shall not be refused on ground only of religion, caste, place of birth, or any one of them.

- (3) (a) A hosteller shall be liable to be expelled at any time for serious misconduct or when his retention in the hostel is likely to endanger its moral tone and discipline.
- (b) Before expelling a hosteller, the head of the school shall send a detailed report to his parent or guardian and to the Director for his approval of such expulsion.
- (c) On receipt of the Director's approval, orders for expulsion shall be passed by the head of school under intimation to the parent or guardian.

Provided that no student shall be expelled from a hostel except after giving the parent or guardian of the student reasonable opportunity of the student reasonable opportunity of showing cause against proposed action.

- (4) Detailed instructions regarding the scale of hostel fees, facilities furniture, scale of hostel fees, facilities to the Hostel Superintendent, duties of wardens, medical and other care of the hostellers and other facilities; and conditions for admission in any hostel shall be specified by the Director of School Education.
- (5) The Director of School Education shall specify what registers and records are to be maintained and what returns and records shall be submitted by a school.

21. **Management of Private Recognised School:**

- (1) Private recognised schools may be classified into two categories viz.
 - (i) Those under individual Educational Agency and
 - (ii) those under corporate Educational Agency. Where the right to conduct the school is vested in an individual in his own right or as the legal representative of a joint family, the Educational Agency shall be termed 'Individual Educational Agency' and in all other cases the Educational Agency shall be termed 'Corporate Educational Agency', Corporate Educational Agency shall include cases where the right is vested in
 - (a) Two or more persons jointly with written registered agreement;
 - (b) a board or society or institution registered under a statute or created by a statute;
 - (c) an institution of Trust and
 - (d) an ecclesiastical office of any religions denomination. A school established by the general public of a locality will fall under the class of institution, namely, under corporate Educational Agency.-

22. **Constitution of the School Managing Committee :**

- (1) Every private school shall have a Managing Committee constituted in accordance with the rules.
- (2) The Managing Committee constituted for any private school shall obtain the approval of its constitution by the Prescribed Authority, in the prescribed manner failing which the school shall not be eligible for recognition.

- (3) The Managing Committee shall be responsible for the proper management of the school and shall exercise such powers and perform such functions as may be prescribed.
- (4) A Managing Committee shall continue in office for a term of two years from the date of its approval by the Prescribed Authority under sub-section (2).
- (5) The Managing Committee shall consist of not more than the following number of members
 - (i) Representatives of the Educational Agency who shall be nominated by such educational agency. Provided that the employees of the school shall not be nominated under the category - 5
 - (ii) Principal/Headmaster of the School (Ex-officio) - 1
 - (iii) Senior most teachers of the School - 2
 - (iv) Parent/Teacher Association nominee - 1
 - (v) Senior most non-teaching staff (if available) - 1

Explanation I :

Non-teaching staff shall mean the ministerial staff belonging to group C and above.

Explanation II:

For the purpose of this rule the seniority shall be determined with reference to the total service rendered by teachers are non-teaching staff as the case may be in any recognised school or schools.

Provided that the number of representative of teachers shall not be reduced on account of any decrease in the strength of teachers during the two years term of the committee.

Provided further that the educational agency shall increase the representation for the teachers on the above scale, if the strength of the teachers is increased. The teachers so nominated shall be a member of the committee for the residual period of the tenure of the committee and shall be eligible for renomination.

Provided further that when a vacancy of teachers representatives in the committee rises, the next seniormost teacher shall be nominated to the committee. However, there shall be no change in the membership of the teacher representative during the tenure of the committee on account of the appointment of another senior teacher.

23. Chairman and Secretary ;

- (i) There shall be a chairman and a secretary for every Managing Committee appointed from among its members.

Provided that no employee of the private recognised school other than its academic head shall be chosen as the secretary.

Provided further that every person who, on the date of commencement of these rules, is exercising the powers of the secretary, shall be deemed to be the secretary of the School Managing Committee.

If the educational agency intends to change the chairman, within a period of two years, it shall do so only with the prior approval of the District Education Officer in the case of High and Higher Secondary School and the Sub-Divisional Education Officer in the case of Middle School.

24. The following persons shall not be eligible to become members of the committee -

- (a) Minors;
- (b) Mentally unsound persons;
- (c) Persons convicted for criminal offence involving moral turpitude;
- (d) Insolvents;
- (e) A person who has been found responsible for any serious irregularity, as a result of enquiry by the Education Department.

25. Powers of the chairman of the Managing Committee

- (1) The chairman shall ensure that the decisions taken in the meeting of the Managing Committee are implemented by the secretary and the Managing Committee functions properly and holds its meetings regularly.
- (2) In case the secretary defaults in calling a meeting of the Managing Committee as directed by the chairman, the chairman shall be competent to make such arrangement as he deems appropriate so that the meeting may take place.

26. Secretary of the Managing Committee

The secretary shall, subject to the general superintendence and control of the Managing Committee be the chief executive of the school in all matters pertaining to the private school and shall be competent to -

- (a) make correspondence on behalf of the Managing Committee;
- (b) convene meetings of Managing Committee with the approval of the chairman and draw up the proceedings of each meeting and forward a copy of the same to the District Education Officer or to the Sub-Divisional Education Officer as the case may be after confirmation.
- (c) give effect to the decision of the Managing Committee and subject to its control do all things incidental thereto;
- (d) remain in charge of the properties, documents and records related to the needs of the school and shall be responsible for their proper custody, maintenance and safety;
- (e) make all payments and sign receipts other than receipt from fees and fines on behalf of the Managing Committee;
- (f) receive donations, if authorized by the Managing Committee;
- (g) exercise such other powers and performs such other functions as may from time to time be assigned by the Managing Committee.

27. Meetings of the Managing Committee

- (1) For the efficient management of the affairs of the school, the Managing Committee shall meet as often as considered necessary provided that there shall be at least four general meetings in a year. The date of such

meetings shall be fixed by the secretary in consultation with the chairman of the Managing Committee. A special meeting may be convened at any time by the secretary on receipt of a requisition in writing from not less than seven members of the Managing Committee. At least seven clear days notice shall be given to the members of the Managing Committee both in case of general and special meeting. An emergent meeting may, however, be convened by the secretary by giving a shorter notice when so required by the chairman of the Managing Committee or by the District Education Officer or Sub-Divisional Education Officer as the case may be.

- (2) Any urgent resolution may be approved by the Managing Committee by circulation of such a resolution shall be deemed to have been approved by the Managing Committee if it is approved by at least seven members thereof. A resolution so approved by circulation shall be placed before the Managing Committee in its next meeting for ratification.
- (3) The chairman shall preside over the meetings of the Managing Committee. In the absence of the chairman, one of the members other than secretary shall be elected to preside. The chairman shall have a casting vote in addition to his vote as a member of the Managing Committee in case of a tie.
- (4) The secretary of the Managing Committee shall record the proceedings of the meeting and shall obtain the approval of the chairman thereon. The proceeding shall be placed for confirmation in the next meetings of the Managing Committee. Minutes of the proceedings of every meeting shall be recorded serially for each academic session in a register containing continually machine-numbered and certified to that effect by the secretary of the Managing Committee.

28. Powers and Functions of the Managing Committee

Subject to the provisions of the Act and these Rules, the Managing Committee shall exercise the powers and discharge the functions, as follows :-

- (a) to ensure proper management, maintenance and custody of the school relating to land, building, equipments, funds of school including grants sanctioned by Government or any authority;
- (b) to ensure that instructions are imparted according to the standard prescribed by the Board and concerned authorities.
- (c) to ensure that the buildings, premises, functions and equipments of the school are used for any non-educational purpose nor for holding any meeting of political character or other character for which the feelings of the community is likely to be divided or excited;
- (d) to ensure observance and compliance of instructions issued by Government, the Board and other concerned authorities regarding smooth management of the schools in all respects from time to time;
- (e) appointment of teaching and non-teaching staff in accordance with the provisions contained in these Rules and instructions of the Department;
- (f) implementation of the provisions of the Rules and instructions issued

- by the Department, the Director or any subordinate officer in the matter of conditions of service of staff relating to their appointment, salary, leave, provident funds, age of retirement and disciplinary action etc;
- (g) to submit report and returns required by Government, the Director, District Education Officer and the Board from time to time;
 - (h) to provide reasonable facilities to the persons authorize for inspection;
 - (i) to ensure observance of instruction of Government Director and the Board regarding smooth management of the institution; and
 - (j) to ensure compliance of such instruction as may be issued by the Government, Director, District Education Officer and the Board from time to time.

29. Payment of Grants-in-Aid -

- (1) The state Government shall within the limits of its economic capacity, set apart a sum of money annually for being given as grant-in-aid (herein after in this rule referred to as grant) to private schools in the state recognised for this purpose in accordance with rules made in th is behalf.
- (2) Every aided school shall, so long as it fulfils the conditions for receiving aid, continue, subject to the provisions of these rules, to receive such aid.
- (3) The state Government or any other officer authorised by the Government in this behalf shall determine, every year, the total number of recognised unaided schools to which grant may be given.
- (4) The state Government may sanction such grant or for good and sufficient reason or refuse to sanction such grant.
- (5) Subject to other provisions of the Act any order passed by the State Government refusing sanction of the grant shall be final and shall not be questioned in any court of law.
- (6) Every grant sanctioned under sub-section (2) shall be disbursed by the Director or such other officer subordinate to the Director as the state Government may, by general or special order, authorise in this behalf in such manner and subject to such conditions as may be prescribed.
- (7) Every application for the sanction of grant shall be made in Form II appended to these rules and shall be addressed to Director of School Education or any officer authorised by him in this behalf.
- (8) Proprietary schools (i.e schools not registered under either Society Registration Act XXI of 1860 or any other Act that may be specified in this behalf of Government), and community schools which have been permitted by Government or Non grant-in-aid basis, will not be eligible for any grant-in-aid from public funds.
- (9) Aid shall be of two categories, namely:-
 - (a) Maintenance grant; and
 - (b) Building grant.

Explanation : Maintenance grants shall be of two kinds, namely :-

- 1) Recurring maintenance grant; namely, staff grant, provident fund grant, pension and retirement benefit grant;

- 2) Non-recurring maintenance grant namely contingent grant, rent grant, hostel grant, grant for equipment, furniture, biennial or triennial grants for purchase of books for the library.
- (10) Notwithstanding anything contained in any rule, executive order or any judgement decree or order of any court, the following categories of private schools shall be eligible for consideration for payment of grant.
 - (a) Middle schools imparting instructions or course prescribed by the board in standards or classes V, VI, and VII.
 - (b) High schools imparting instructions or course for high school leaving certificate examination conducted by the Mizoram Board of Secondary Education.
 - (c) Higher Secondary schools imparting instructions or course for Higher Secondary School leaving certificate examination conducted by the Mizoram Board of School Education.
- (11) No educational institutions imparting any other courses of studies except those provided in sub section (8) shall be eligible for grant from Government.

Managing Committee desirous of availing the facility of grant shall make an application for the purpose within such period and shall furnish such information and documents including audited, statement of accounts of the schools as may be prescribed. It shall furnish with the application an undertaking to the effect that grant sanctioned for the purpose or meeting part or whole of the salary costs shall be disbursed directly to employees concerned and to refund any excess in admissible payment that may have been made.

30. **Withdrawal of grant -**

- (1) The prescribed authority may withdraw the grant-in-aid of private school if-
 - (i) The recognition of the institution has been suspended or withdrawn;
 - (ii) The percentage of students passing the examinations conducted by the board falls short of half of the percentage of the entire Board for three consecutive years;
 - (iii) the Managing Committee or the secretary is found to be misutilising the funds of the school concerned including grant-in-aid received, if any, or utilising it for any purpose other than meeting the legitimate cost of running the school, development of the school or employees of that school;
 - (iv) there has been persistent default in maintaining correct account of the receipts and expenditure of the school or there has been persistent default in submitting audited statement of its accounts within the specified period;
 - (v) the school fails to conduct the examination of the Board or any other examining bodies fairly and properly or if the managing committee or any of its employees assists or abets in adoption malpractice in such examinations or fail to prevent adoption of malpractices;

- (vi) unless otherwise permitted, the school is found to be admitting students or any criteria other than merit;
- (vii) the private schools utilise the grant-in-aid for any purpose other than the purpose for which such grant-in-aid was paid specifically or fails to render satisfactory and timely accounts of its proper utilization.
- (2) Before withdrawing the grant the Managing Committee shall be given a notice of the action proposed to be taken and required to show cause within a period of thirty days from the date of receipt of the notice as to why such action shall not be taken.
- (3) The managing Committee aggrieved by an order of the prescribed authority withdrawing grant may, in such manner and within such period not exceeding sixty days, as may be prescribed, prefer an appeal before the state Government, whose decision thereon shall be final.

31. Accounts and Audits -

- (1) The accounts of aided schools shall be maintained in the prescribed manner and shall be subject to yearly audit.
- (2) For the purpose of these rules, the state Government or the Director may appoint any officer to be examiner of the accounts of the school.

32. Inspection and Supervision of Schools —

- (1) The Director shall be responsible for the supervision and inspection of all recognised schools, whether aided or not.
- (2) For the purpose of sub-rule (1), the Director may assign all or any of the functions relating to inspection and supervision to such officers subordinate to him, and as may be authorised by him in this behalf.
- (3) Every Officer authorised by the Director under sub-rule (2) shall discharge his powers of inspection and supervision under the direction, control and supervision of the Director.
- (4) The Director may also form a team or panel of persons with special knowledge and experience of different subjects taught in schools, to carry out inspection of a school.
- (5) The Director may also carry out surprise inspections through any officer authorised by him in this behalf.
- (6) Where the Director himself makes the inspection, he shall make a note of the defects or deficiencies noticed by him and shall send a copy of that note to the head of the concerned school.
- (7) The Managing Committee or the concerned school shall make every effort for the improvement or removal of deficiencies in the management of the school in accordance with the direction or suggestions given by the Director or the authorised officer.

33. Recruitment -

- (1) Recruitment of employees in each recognised private school aided or unaided shall be made on the recommendation of a selection committee to be constituted by the managing committee of the school. The selection committee shall consist of-
 - (a) in the case of the head of the school-

- (i) the chairman of the managing committee;
 - (ii) the District Education Officer of the District or Department Officer nominated by Director of School Education;
 - (iii) an educationist or a person having experience of administration of schools nominated by the Managing Committee.
- (b) In the case of recruitment of any teacher other than the head of the school-
 - (i) the chairman of the Managing Committee;
 - (ii) the head of the school; and
 - (iii) the District Education Officer or his representative to be nominated by him and
 - (iv) in the case of recruitment of teacher, high school or higher secondary school subject expert may be co-opted by the committee.
- (c) In the case of recruitment of any other employee-
 - (i) the chairman of the Managing Committee or any member of the Managing Committee nominated by the chairman;
 - (ii) the head of the school;
 - (iii) the District Education Officer of the district or his nominee.
- (3) The selection committee shall regulate its own procedure, and, in the case of any difference of opinion amongst the members of the selection committee on any matter, it shall be decided by the trust or society running the school or the Director of School Education as the case may be.
- (4) Where a candidate for recruitment or promotion to any post in the recognised school is related to any member of the selection committee, the member to whom he is related shall not participate in the selection and a new member shall be nominated by the Managing Committee of the School or the Director of School Education.
- (5) No Managing Committee shall entertain any application for employment from a person who is already serving as a teacher or otherwise in a recognised school, whether aided or not, unless the application from such person is duly forwarded by the chairman of Managing Committee of the school in which such applicant is serving.
- (6) Where any selection made by the selection committee is not acceptable to the Managing Committee of the school, the Managing Committee shall record its reasons for such non acceptance and refer the matter to the trust or society running the school and the trust or society, as the case may be, shall decide the same.

34. Appointing Authority and Appointment -

- (1) The Appointing Authority for every employee shall be the School Managing Committee.

The appointment of every employee of a school shall be made by the Chairman of the Managing Committee on behalf of the Managing Committee in a form to be specified by the Director of School Education.

- (2) Every appointment made by the Managing Committee of a recognised school shall initially be provisional and shall require approval of the Director of School Education.
- (3) The particulars of every appointment made by the Managing Committee of an aided school shall be communicated by such committee to the Director of School Education within 7 days from the date as which the appointment is made.
- (4) The Director of School Education shall be deemed to have approved an appointment made by the Managing Committee of an aided school within one month from the date on which the particulars of the appointment are received by him under sub-rule (3) he does not intimate the managing committee his disapproval of the appointment.

35. Minimum qualification for the appointment of teaching staff :

- (1) No person shall be eligible for an appointment in any institution unless he/she possesses the minimum qualifications prescribed to corresponding posts in Government Schools.
- (2) No person, who is not within the age limit prescribed for recruitment to corresponding posts in the Government Schools, shall ordinarily be eligible for appointment to any post in any institution.
- (3) The Director of School Education may, in case of non availability of trained or qualified teachers in particular subjects relax the minimum qualifications prescribed for such period as the Director may think fit provided that no such appointments shall be made, except with the previous relaxation of the Director of School Education.

36. Pay and allowances of teachers and other employees :

Pay and allowances of any teachers and other person employed in any recognised private school shall not be lower than the minimum wages prescribed by the State Government under the minimum wages Act, 1948 (Act No. XI of 1948) and the minimum wages (Central) Rules 1950. Such pay and allowances shall be paid in such manner and by or through such authority or person, as may be prescribed by competent authority.

37. Penalties and Disciplinary Authorities :

- (1) The following penalties may, for good and sufficient reasons, including breach of one or more of the provisions of the code of conduct, be imposed upon an employee of a recognised private school, whether aided or not. namely:
 - (a) Minor penalties
 - (i) censure
 - (ii) withholding of increment of pay not exceeding 2(two) at a time, without cumulative effect;
 - (b) Major penalties :
 - (i) removal from service, which shall not be a disqualification for future employment,

- (ii) dismissal from service, which shall ordinarily be a disqualification for future employment in any recognised School or a Government Service.
- (2) The chairman of the Managing Committee shall be the disciplinary authority for all remployees, except the head of a recognised private school whether aided or not and the managing committee shall be the disciplinary authority in the case of head of the school.
- (3) In case of doubts regarding the interpretation, the penalties, their imposition, functioning of the disciplinary authority etc., the detailed instructions and interpretations given by the Government in that behalf in respect of Government servants of corresponding status shall be followed.

38. Authority to impose penalties :

- (1) The Managing Committee being the disciplinary authority shall be competent to impose any of the penalties prescribed under rule 32(1).
- (2) The disciplinary authority as specified under rule 33 shall be competent to institute disciplinary proceedings as per the procedure laid down under rule 35, against any employee for the imposition of any of the major penalties specified under rule 32(1)(b) but shall not be competent to impose any of the major penalties except with prior approval of the Director of School Education.

39. Procedure for imposing minor penalty :

No other imposing of minor penalty shall be made except after informing the employee in writing of the proposal to take action against him and the allegation on which such action is proposed to be taken and except after giving to the employee an opportunity to make any representation to the disciplinary authority against the proposed action.

40. Procedure for imposing major penalty :

- (1) The procedure for imposing penalties specified in rule 32(1)(b) shall be as applicable to the Government employees of the corresponding status.

Provided that notwithstanding anything contained in the rules applicable to Government employees of corresponding status, the enquiry into such charges as are not admitted by the employees shall be made by an enquiry officer appointed for the purpose by the Disciplinary Authority.

- (2) No order with regard to the imposition of a major penalty shall be made by the disciplinary authority except after the due approval of the Director.

Provided that the Director of School Education may, if found necessary, hear both the parties concerned, before granting/refusing his approval.

- (3) Any employee of a recognised private school who is aggrieved by any order imposed on him he may prefer an appeal to the Government.

41 Teachers and other persons employed in private schools to be governed by Code of Conduct

- (1) The teachers and other persons employed in private school, aided or unaided, shall be governed by the code of conduct as specified in Annexure.
- (2) A teacher or other person employed in a private school shall be liable to disciplinary action and punishment, if he/she violates any provision of the code of conduct which may include dismissal or termination from service.

ANNEXURE-I

[See Rule 41 (1)]

Code of conduct for teachers and other persons employed in a private school

1. Every teacher or other person employed in a private school shall discharge his duties efficiently and diligently and shall conform to the rules and regulations.
2. No teacher or other person employed in a private school shall absent himself from his duties without prior permission. In cases of sickness or absence on medical grounds a medical certificate to the satisfaction of the school authorities shall be produced within a week.
3. No teacher or other person employed in a private school shall engage directly or indirectly in any trade or business. In the case of remuneration work like private tuitions specific written sanction of the school authorities shall be obtained.
4. Prior permission of the school Managing Committee shall be obtained in a case where any teacher or other person employed in a private schools seeks to accept honorary work without detriment to his duties as a teacher.
5. No teacher or other person employed in a private school engage himself or participate in any demonstration or activity which is prejudicial to the sovereignty and integrity of India, the security of the state public orders decency or morality or which involves contempt of court.
6. No teacher or other person employed in a private school shall indulge in any criticism of the policies of the Government either directly or indirectly or participate in any activity which brings disrepute to the Government.

Adoption of legitimate methods of ventilating grievances however shall not be considered as criticism of the Government.

7. No teacher shall indulge in or encourage or abet, any form of malpractice connected with examination or any other school activity.
8. No teacher shall show any negligence neglect in correcting class work or home-work done by the student.
9. No teacher or person employed in a private school shall engage himself in any political activity. He shall not be associated with any political party or any organization which takes part in politics or shall subscribe to or assist in any other manner any political movements.
10. No teacher or other person employed in a private school shall contest or participate in or canvas for any elections.

ANNEXURE-II

1. List of registers to be maintained by Primary and Middle Schools
 - (1) Register of admission and withdrawals.
 - (2) Register of Attendance of pupils.
 - (3) Register of Attendance of teachers.
 - (4) Acquaintance roll of teachers.
 - (5) Leave registers.
 - (6) Register of fines
 - (7) Stock Register of Articles purchased or recieved without Government grants
 - (8) Register of furniture, books and equipments purchased out of Government grants.
 - (9) Stock Register of Science equipments.
 - (10) Cash Books.
2. List of registers to be maintained by High Schools and Higher Secondary Schools.
 - (1) Admission Register.
 - (2) Pupils Attendance Register.
 - (3) Fee Collection Register.
 - (4) General Cash Book.
 - (5) General Ledger.
 - (6) Stock Registers of Science Equipments and Games Articles.
 - (7) Staff Attendance Registers - Teaching Staff.
 - (8) Staff Attendance Register - Non-Teaching Staff.
 - (9) Leave Registers - C.L and E.L.
 - (10) Register of furniture, books and appliances purchased out of Government grants.
 - (11) Library Stock Register.

FORM I
APPLICATION FOR GRANT OF RECOGNITION PROFORMA

1. Name of the School : _____
2. Name of the District to which it is situated : _____
3. Date of First opening of the school : _____
4. State upto which educational facilities provided : _____
(Primary, Middle, High or Higher Secondary)
5. Medium of instruction at various stages : _____
6. Stage of education upto which recognition : _____
desired (Primary, Middle, High or Higher
Secondary)
7. Number and categories of recognised schools : _____
already functioning in that locality
8. General desirability of the school with : _____
special reference to the suitability
and sufficiency of the existing schools
in the locality and the probable effect on them
9. Whether the school is run on commercial basis : _____
for profit to any individual or group of individuals
10. Constitution of the Managing Committee of the : _____
school together with the names of the members
of the committee and their occupations
11. (a) In the society running the school : _____
registered under the societies
Registration Act, 1860
- (b) Whether the school has a duly : _____
approved scheme of the Management
12. Has the school its own building or is : _____
housed in a rental building?
13. Total area of the school campus : _____
with the total built-up area
14. (a) Number of class room with seating : _____
capacity in each.
- (b) Details of furniture, ventilation, : _____
provided in each class room.
- (c) School library and reading room : _____
- (d) Science laboratories : _____
- (e) School Hall : _____
- (f) Staff room : _____
- (g) Room for Head of School : _____
- (h) Office room : _____
- (i) Store room : _____
- (j) Refreshment room for student : _____
- (k) Drinking water facilities : _____

- (l) Bath room and lavatories for day scholars: _____
15. Total area of play grounds and the games played : _____
16. Details of apparatus and equipment for _____
- (a) Physics : _____
- (b) Chemistry : _____
- (c) Biology : _____
- (d) Music : _____
- (e) History/Geography : _____
- (f) Any other : _____
17. Number of books in the library : _____
18. Financial position of the school _____
- (a) Reserve Bank : _____
- (b) Total monthly income (i) Fees : _____
- (ii) Other source (sources to be specified) : _____
- (c) Average monthly expenditure : _____
19. Number of students _____

Name of Class	Number of sections	Number of Student in each section	Average attendance in each section
1	2	3	4

20. Whether the management maintain a provident fund scheme or any other similar scheme for the staff. : _____
21. Rates of fees and other funds charged (class-wise) : _____
22. Details of staff including Head of school : _____

Name	Date of Birth	Academic Qualification	Subject teaching present	Date of appointment	Present pay
1	2	3	4	5	6

23. Details of cocurricular cultured and other activities organised in the school : _____
24. Any other information : _____

Place:
Note :

Chairman
Managing Committee

FORM - II APPLICATION FOR GRANT-IN-AID

1. Name of the School (In Blocks letters) : _____
2. Address : _____
3. Type of school (Higher Secondary,
High School or Middle School) : _____
4. The date on which recognition has
been accorded to this school : _____
5. The staff strength of the school (List of
teaching and non-teaching staff alongwith
posts and qualification be appended) : _____
6. Year from which grant-in-aid is prayed for : _____
7. Amount required towards minimum grant-in-aid : _____
8. Whether managed by any Trust/Society or
the Managing Committee : _____
9. Any other special claim for grant-in-aid : _____
10. Details of examination conducted by the Board
or other Examining bodies in which the
students have appeared and passed. : _____

Year	Name of the Examination	No. of Students appeared	No. of Students Passed
1	2	3	4

Signature of Secretary
Managing Committee

Sd/-

L.TOCHHONG

Commissioner to the Govt. o Mizoram