

THE MIZORAM EDUCATION ACT, 2003

Assembly Bill No. 2 of 2003

Act No. 5 of 2003

Passed on 28.03.2003

An Act

To provide for better organisation, development, discipline and control of educational institutions in the State of Mizoram and for matters connected therewith or incidental thereto.

Be it enacted in the Legislative Assembly of Mizoram in the Fifty fourth Year of the Republic of India as follows: -

CHAPTER - I

1. Short title, extent, application and commencement.

(1) This Act may be called the Mizoram Education Act, 2003

(2) It shall extend to the whole of the State of Mizoram;

Provided that this Act shall not apply to primary schools and primary education within the areas of the Autonomous District Council set up under the Sixth Schedule to - the Constitution in the State.

(3) It shall apply to all educational institutions and tutorial institutions in the State except

(a) Institutions for scientific or technical education financed by the Central Government and declared by Parliament by law to be institutions of national importance;

(b) Institutions of higher education which shall be deemed to be University as declared by the Central Government by a notification under section 3 of the University Grants Commission Act, 1956(Central Act III of 1956); and,

(c) Institutions established by the Central Government under any other law, or institutions established and administered by minorities in the State.

(4) It shall come into force on such date as the State Government may, by notification, in the official Gazette, appoint and different dates may be appointed for different provisions of this Act.

2. Definitions: - In this Act, unless the context otherwise requires: -

(1) "academic year" means the year beginning on such date as the State Government or the appropriate authority may, by notification, specify with respect to any specified areas or with respect to any educational institution or class of educational institutions;

(2) "Advisory Board" means the Board referred to in section 26;

(3) **“Aided Educational Institution”** means a recognised private educational institution which receives aid in the form of maintenance and/or development grant from the Government or any other authority designated by the Government;

(4) **“appropriate authority”** means any person, officer or authority authorised by the Government, by notification, to perform the functions and discharge the duties of the appropriate authority under all or any of the provisions of this Act for such area or for such purposes or for such classes of institutions as may be specified in the notification;

(5) **“Board”** means the Mizoram Board of School Education or any other Board, which may hereafter be established for the purpose and recognised by the Government;

(6) **“College”** means an educational institution imparting instruction in higher education leading to any degree conferred by any University or Council established by law and recognised by the Government;

(7) **“Constitution”** means the Constitution of India;

(8) **“Director”** means the Director of School Education, or any officer in the Education and Human Resource Development Department, authorised by the Government to perform all or any of the functions of the Director under this Act,

(9) **“educational institution”** means a college or a Higher Secondary School or a recognised school or institution defined in this Act, including a boarding house or hostel or all other premises attached to it other than a college, school or an institution imparting religious education only, but whatever be called, the management of which is carried on, either exclusively or among other activities, the activity of imparting education therein;

(10) **“employee”** means a teacher and includes all other employees working in a recognised educational institution;

(11) **“existing educational institution”** means a recognised educational institution which is in existence at the commencement of this Act;

(12) **“Governing Body”** means any body of individuals, by whatever name called, in which the management of a college vests;

(13) **“Government”** means the Government of the State of Mizoram;

(14) **“grant” or “grant-in-aid”** means any sum of money paid as aid out of the Government funds to any educational institution;

(15) **“Head of educational institution”** means the principal academic officer, by whatever name called, of a recognised educational institution;

(16) **“High School”** means an educational institution imparting a course of studies in secondary education leading to a High School Leaving Certificate Examination after completion of Class X standard and it may have lower standards or classes attached to it;

(17) **“Higher Secondary School”** means an educational institution imparting education in higher secondary course leading to the Higher Secondary School Leaving Certificate Examination after completion of Class XII standard and it may have lower class attached to it;

(18) **“Managing Committee”** means any body of individuals, by whatever name called, in which the management of a school vests;

(19) **“Middle School”** means an educational institution imparting education in a course of studies in Upper Primary Education and it may have Primary or Pre-Primary classes attached to it;

(20) **“Minority educational institution”** means educational institution of their choice established and administered, or administered by such minorities having the right to do so under clause (1) of Article 30 of the Constitution, as recommended by the National Minority Commission in respect of the State;

(21) **“Pre-Primary Education”** means formal or informal or non-formal education imparted prior to primary education;

(22) **“prescribed”** means prescribed by rules made under this Act;

(23) **“Primary Education”** means education of elementary nature in and upto such classes and standards as are prescribed;

(24) **“Primary School”** means an educational institution imparting primary education and it may have pre-primary state or class attached to it;

(25) **“Private educational institution”** means an educational institution which is not run by the Central Government, State Government, a District Council or any other Authority designated or sponsored by the Government;

(26) **“Properties or educational institution”** means all movable and immovable properties belonging to, or in the possession of the educational institution and all other rights and interests in, or arising out of such property and includes land, building and its appurtenances, playgrounds, hostels, furniture, books, apparatus, maps, equipment, utensils, cash, reserved funds, investments and bank balances;

(27) **“Public examination”** means an examination conducted by the Mizoram University or any other University which may hereafter be established for the purpose, or Mizoram Board of School Education or any other Board or Council which may hereafter be established for the purpose, and recognised by the Government or any officer or authority authorised by the Government in this behalf;

(28) **“recognised educational institution”** means an educational institution recognised by an appropriate authority under this Act;

(29) **“rules”** means the rules made under this Act;

(30) **“School”** includes Pre-Primary School, Primary School, Middle School, High School and Higher Secondary School or any institution which imparts technical or vocational education or training upto certificate or diploma-level;

(31) **“teacher”** includes the Head of educational institution;

(32) **“technical and professional education”** means any course of studies in engineering, technology, architecture, ceramics, mining, fine arts, law, management, library science, computer science, teaching or teacher education or any other subject which may be notified by the Government in this behalf;

(33) **“tutorial institution”** means an unrecognised institution established or run for systematically imparting education or instruction to twenty or more than twenty persons in any subject with a view to preparing them to appear at an examination in any branch of education conducted or recognised by the Government or any University in the State of authority under this Act or any other law for the time being in force in the State.

CHAPTER - II

ESTABLISHMENT, RECOGNITION, MANAGEMENT OF, AND AID TO EDUCATIONAL INSTITUTIONS

3. Power of the Government to regulate education:-

(1) The Government may, subject to the provisions of clause (1) of Article 30 of the Constitution and sub-section (3) of section 1 of this Act, regulate education in all the educational institution in the State in accordance with the provision of this Act and the rules made thereunder.

(2) The Government may establish and maintain any educational institution in the State and may permit any person, authority or educational agency to establish and maintain any educational institution in the State, subject to compliance with the provision of this Act and the rules made thereunder.

(3) On and from the commencement of this Act, the establishment of a new educational institution or the continuance or closing down of an existing educational institution or the opening of higher class or the closing down of an existing class in any existing educational institution shall be subject to the provisions of this Act and the rules made thereunder,.

4. Recognition and Affiliation of Educational Institutions

(1) The appropriate authority may, on an application made to it in the prescribed form and in the prescribed manner, accord recognition to an educational institution under this Act:

Provided that no educational institution shall be recognised unless-

- (a) it has adequate funds to ensure its financial stability and regular payment of salary and allowances to its employees;
- (b) it has duly approved scheme of management as required by section 5;
- (c) it has suitable or adequate accommodation and sanitary facilities having regard, among other factors, to the number, age and sex of the pupils/students attending it;
- (d) it provides for approved course of study and efficient instruction;
- (e) it has teachers with prescribed qualifications;
- (f) it has prescribed facilities for physical education, library service, laboratory work, workshop practice or co- curricular activities;

- (g) the area has the need for providing educational facilities to the people in the locality;
- (h) the educational institution is not run for profit to any individual, group or association of individuals or any other persons.

(2) Every application for recognition of educational institution shall be entertained and considered by the appropriate authority and the decision thereon shall be communicated to the applicant within a period of six months from the date of the receipt of the application, and where recognition is not granted, the reason for not granting such recognition shall also be communicated to the applicant within the said period.

(3) Where recognition to an educational institution is refused, any person or persons aggrieved by such refusal may, within thirty days from the date of communication to him or them, for such refusal, appeal against such refusal, in the prescribed manner to the Government and the decision of the Government thereon shall be final.

(4) Where the Managing Committee or the Governing Body, as the case may be, of an educational institution obtains recognition by fraud, misrepresentation or suppression of material particulars or where, after obtaining recognition, the educational institution fails to continue to comply with any of the conditions specified in the proviso to sub-section (1), the authority granting the recognition may, after giving the Managing Committee or the Governing Body, as the case may be, of the educational institution one month's notice to show cause against the proposed action, withdraw the recognition.

(5) The recognition granted under sub-section (1) shall not, by itself, entitle an educational institution to receive aid from the Government.

(6) Every existing recognised educational institution shall be deemed to have been recognised under this section and shall be subject to the provisions of this Act and the rules made thereunder:

Provided that where any educational institution does not satisfy any of the conditions specified in the proviso to sub-section (1), the appropriate authority may require the educational institution to satisfy such conditions and such other conditions as may be prescribed, within a specified period, and if any such condition is not satisfied, recognition may be withdrawn for such educational institution.

(7) Every educational institution whose recognition is withdrawn under sub-section (6), may appeal within one month from the date of communication of the order of withdrawal of recognition, to the Government who shall dispose of the appeal within three months from the date of presentation of the appeal in such manner as may be prescribed.

(8) The Government as appellate authority under sub-section (3) and sub-section (7) may, after giving the appellant a reasonable opportunity of being heard, pass such order, as it may deem fit and proper.

(9) For the purpose of public examinations, every recognised educational institution shall be affiliated to the Board, Council or University, approved by the Government, conducting such examinations and shall fulfill the conditions specified by such Board, Council or University in this behalf.

(10) The students of recognised educational institutions shall be prepared for and presented to the public examinations or such other means of evaluation, prescribed by the approved Board, Council or University.

5. Managing Committee or Governing Body of Educational Institutions.

(1) Every educational institution shall have a Managing Committee or Governing Body, as the case maybe, constituted in accordance with the rules made under this Act. Such educational institutions shall enjoy autonomy and flexibility in their function to such extent as may be provided in the rules.

(2) Notwithstanding anything contained in any other law for the time being in force or in any instrument having effect by virtue of any such law, the Managing Committee or the Governing Body, as the case may be, of every recognised educational institution shall make, in accordance with the rules made under this Act and with the previous approval of the appropriate authority, a scheme of management for such educational institution :

Provided that in the case of recognised private educational institution which does not receive any aid from the Government, the scheme of management shall apply with variation and modification as may be prescribed.

(3) A scheme may be made in like manner, to add, to vary or modify any scheme under sub-section (2).

6. Aid to Recognised Educational Institutions

(1) The Government may, after due appropriation made by the State Legislature by law in this behalf, set apart a sum of money annually for payment of grant-in-aid to recognised private educational institutions, as considered necessary and justified:

Provided that no existing educational institution receiving aid immediately before the commencement of this Act, shall be eligible for the continuance of such aid unless it complies, within such period as may be specified by an appropriate authority, with the conditions specified under sub-section (1) of section 4 of this Act.

(2) No order according permission or approval or recognition under this Act shall entitle any private educational institution to receive grant-in-aid.

(3) Save as otherwise provided, no private educational institution which has not been recognised by the Government under this Act shall be entitled to receive any aid from the Government.

(4) The appropriate authority under this Act may stop, reduce or suspend aid to any educational institution for violation of any of the conditions prescribed in this behalf.

(5) The Government may set standards of quality and administration and provide grants to private educational institutions on the condition that a certain proportion of children as may be prescribed by the Government shall be admitted from disadvantaged background.

C H A P T E R - I I I

PROPERTY OF EDUCATIONAL INSTITUTION

7. Submission of list of properties

(1) On and from the commencement of this Act, the Managing Committee or the Governing body, as the case may be, of every aided educational institution shall furnish to the appropriate authority, annually a statement containing a list of all movable and immovable properties of such institution with such particulars and within such time as may be prescribed.

(2) If an aided institution commits default in furnishing the statement under sub-section (1) or furnishes a statement which is false or incorrect in any material particular, the Government may withhold aid to such an institution.

8. Restriction on Alienation of Property of Aided Institution.

(1) Without prejudice to the generality of the provisions contained in any other law for the time being in force, no transfer, mortgage or lease of any movable or immovable property of an aided educational institution, not being the property specified in the rules, shall be made except with the previous permission of the Government:

Provided that where the Government omits or fails to dispose of the application for such permission within sixty days from the date of receipt of the application in this behalf, the permission shall, on the expiry of the said period, be deemed to have been granted.

(2) Any transaction made in contravention of sub-section (1) shall be null and void.

CHAPTER - IV

CONDITIONS OF SERVICE OF EMPLOYEES ETC.

9. Terms and conditions of Service of Employees of Recognised Educational Institutions.

(1) The Government may make rules regulating the minimum qualifications for recruitment and the conditions of service of employees of recognised educational institutions, whether Government or aided private educational institutions;

Provided that neither the salary nor the service conditions of an employee in the employment of an existing recognised educational institution at the commencement of this Act shall be varied to the disadvantage of such employee;

Provided further that no such rules shall be repugnant to any of the relevant provision of the National Council for Teacher Education (Determination of Eligibility Qualifications for Recruitment of Teachers) Regulations, 2000 in so far as they relate to teachers in all such schools, or to any such Regulations made subsequently under the National Council for Teacher Education Act, 1993 (73 of 1993).

(2) Subject to any rules that may be made in this behalf, no employee of a recognised educational institution shall be dismissed, removed or reduced in rank nor shall his service be otherwise terminated except with the prior approval of the appropriate authority.

(3) Any employee of a recognised educational institution, who is dismissed, removed or reduced in rank may, within 3 (three) months from the date of communication to him of the order of such dismissal, removal or reduction in rank, appeal against such order to the Secretary to the Government in the Education and Human Resource Development Department and the decision of the Secretary on it shall be final and binding.

(4) Where the Managing Committee or the Governing Body, as the case may be, of a recognised educational institution intends to suspend any of its employees, it may do so under intimation to the appropriate authority:

Provided that the Managing Committee or the Governing Body, shall strictly follow relevant provision of the Central Civil Service (Classification, Control and Appeal) Rules, 1965 as amended from time to time as adapted by the Government for its employees while taking disciplinary action against any delinquent staff.

10. Employees to be governed by a Code of Conduct

Every employee of a recognised educational institution whether Government or aided private educational institution shall be governed by such Code of Conduct as may be prescribed by the Government under this Act, and violation of any of the provisions of such code of conduct shall under an employee concerned to be liable to such disciplinary action as may be prescribed.

11. Salaries of employees

The scale of pay and allowances and other benefits for the employees of a recognised educational institution, whether Government or Aided educational institution, shall be determined as may be prescribed by the Government from time to time.

C H A P T E R - V

PROVISIONS APPLICABLE TO UNDIVIDED EDUCATIONAL INSTITUTION

12. Power to prescribe minimum qualifications for recruitment

Subject to the regulations framed under clause (d) (i) of sub-section (2) of section 32 read with section 12 (d) of the National Council for Teacher Education Act, 1993 (73 of 1993) the State Government may make rules regulating the minimum qualifications for, and the method of recruitment of employees of unaided private educational institutions.

13. Power to prescribe Code of Conduct

Every employee of an unaided educational institution shall be governed by such Code of Conduct as may be specified by the Managing Committee or the Governing Body, as the case may be.

14. Power to regulate admission and collection of fees and other charges.

(1) Admission rules, norms and procedures in unaided educational institutions shall strictly conform to those as may be prescribed by the Government.

(2) Unaided Educational institutions may collect fees and other charges as may be prescribed by the Government.

CHAPTER - VI

ADMISSION TO EDUCATIONAL INSTITUTIONS AND FEES

15. Admission to recognised educational institutions

(1) A child who has not attained the age of six years shall not be admitted to class I or any class higher than Class I, in a recognised educational institution.

(2) A child seeking admission for the first time in a recognised educational institution in a Class higher than Class I shall not be admitted to the Class if his age reduced by the number of years of normal school study between that Class and Class I or an equivalent class, falls short of six years.

(3) Admission to a recognised educational institution or to any class thereof shall be regulated by rules.

16. Strength of Enrolment

(1) Every recognised educational institution shall abide by the prescribed strength of enrolment for each class and the prescribed maximum of pupils for each Class or Section.

(2) There may be different maximum numbers of pupils for educational institutions located in urban areas and rural areas.

17. Fees and other charges

(1) No recognised educational institution shall levy fees or collect any other charges except those as may be prescribed.

(2) No recognised educational institution desirous of levying different rates of fees or other charges or collecting different funds shall do so without the approval of the appropriate authority.

(3) The Managing Committee or Governing Body, as the case may be, of every recognised educational institution shall, before the commencement of each academic session, submit to the appropriate authority full statement of the fees to be levied by such institution during the ensuing academic session.

18. Educational Institution Fund.

(1) There shall be a fund to be called "Educational Institution Fund" in every recognised aided educational institution and there shall be credited thereto -

(a) any aid granted by the Government;

(b) income accruing to the institution by way of fees, other charges or other receipts; and

(c) any other contributions, endowments and the like.

(2) The Educational Institution Fund and all other funds, including the student's fund established with the approval of the appropriate authority shall be accounted for and operated in accordance with rules made under this Act.

(3) There shall be a fund to be called "the Unaided Educational Institution Fund" and there shall be credited thereto, income accruing to the institution by way of -

(a) fees,

(b) any charges and payments which may be realised by the institution for other specific purposes, and

(c) any other contributions, endowments, gifts and the like.

(4) (a) Income derived by recognised unaided educational institution by way of fees shall be utilised only for such educational purposes as may be prescribed, and

(b) Charges and payments realised and all other contributions, endowments and gifts received by such educational institution shall be utilised only for the specified purposes for which they are realised or received.

C H A P T E R - V I I

ACCOUNTS, AUDIT, INSPECTIONS, RETURNS, ETC.

19. **Accounts.** Every educational institution receiving grants out of State funds and other sources shall maintain accounts in such manner and containing such particulars as may be prescribed.

20. **Annual audit of account.**

(1) The accounts of every educational institution receiving grants out of State funds and other sources shall be audited at the end of every academic year in such manner after following such procedure and by such authority, officer or person as may be prescribed and different authorities, officers or persons may be prescribed for different classes of educational institutions.

(2) The authority, officer or person as may be prescribed shall have full access to the account books and other documents required to be maintained by the educational institution in respect of grants received by it out of State funds and other sources and shall send a copy of the report on the audit of the accounts under sub-section (1) to the appropriate authority who shall forward the report to such other authority as may be prescribed.

21. **Inspection of Educational Institutions.**

(1) Every recognised educational institution shall be subject to inspection as may be prescribed.

(2) The appropriate authority may arrange special inspections of any recognised educational institution on such aspects of its working as may from time to time be considered necessary by him.

(3) The appropriate authority may also give direction to the Managing Committee or the Governing Body, as the case may be, requiring the management to rectify any defect or deficiency as may be found at the time of such inspection or otherwise.

(4) If the Managing Committee or the Governing Body as the case may be, fails to comply with any direction given under sub-section (3), the appropriate authority may, after considering the explanation or report, if any, given or made by such Managing Committee or Governing Body, as the case may be, take such action as it may think fit including -

- (a) stoppage of aid,
- (b) withdrawal of recognition, or
- (c) any other action as may be prescribed.

22. Maintenance of Academic Excellence in Educational Institutions

(1) The Government may, by notification, direct the appropriate authority to have thorough revision and renewal of the entire curricula including the courses of study and text books of each subject incorporating the latest trends and social needs.

(2) The Government may so direct every educational institution to meticulously follow the courses of study and text books prescribed for each class and stage of education.

(3) The Government may direct each educational institution to adopt a system of evaluation that forms an integral part of academic instruction in the educational institutions.

(4) The Government may prescribe a system of built-in academic supervision so as to make the Head of each educational institution involved and responsible for the maintenance of academic progress and achievement of excellence in the institution.

23. Health care for Student

The Government may prescribe arrangements and appropriate action for health care services for the students of recognised educational institutions.

CHAPTER - VIII

TAKING OVER OF MANAGEMENT OF EDUCATIONAL INSTITUTIONS

24. Taking over by the Government of the management of educational institution.

(1) Whenever the Government is satisfied that the Managing Committee or the Governing Body, as the case may be, of a recognised educational institution has neglected to perform any of the duties and functions prescribed for it by or under this Act or any rule made thereunder, and that it is expedient in the interest of maintenance of academic excellence, to take over the management of such institution, the Government may, after giving the Managing Committee or the Governing Body, as the case may be, of such institution, reasonable opportunity of showing cause against the proposed action, take over the management of such institution for a limited period not exceeding two years.

(2) Whenever the management of any recognised educational institution is taken over under sub-section (1), every person in charge of the management of such institution, immediately before its management is taken over, shall deliver possession of the properties of such institution to the Director concerned or any other officer authorised by the Government in this behalf.

(3) After taking over the management of any recognised educational institution under this section, the Government may arrange to manage the institution through the Director concerned or any other officer authorised by the Government in this behalf, hereafter referred to as "the authorised officer".

(4) Where the management of any recognised educational institution has been taken over under sub-section (1), the Managing Committee or the Governing Body, as the case may be, may, within one month from the date of taking over, appeal to the Government who may after considering the representation made by the Managing Committee or the Governing Body, as the case may be, pass such orders, including an order for the restoration of the management or for the reduction of the period during which the management of such institution shall remain vested in the Government, as it may deem fit.

(5) During such period as any recognised educational institution remains under the "authorised officer" -

- (a) the service conditions, as approved by the Government, of all the employees of the institution who were in employment immediately before the date on which the management was taken over, shall not be varied to their disadvantage;
- (b) all educational facilities which the institution had been affording immediately before such management was taken over, shall continue to be afforded;
- (c) the Educational Institution Fund, the students' Fund, the Management Fund and other existing Funds shall continue to be available to the "authorised officer" to be spent for the purposes of the institution; and
- (d) no resolution passed at any meeting of the Managing Committee or the Governing Body, as the case may be, of such institution shall be given effect to, unless approved by the Government.

CHAPTER - IX

MISCELLANEOUS PROVISIONS

25. Provision of Free and Compulsory Primary Education.

The Government shall declare, by a notification, Primary Education to be free and compulsory from a specified date for children of a specified age-group and make rules for the successful implementation of the programme of free and compulsory Primary Education specifying the agencies to be involved and the obligation of each of such agencies towards the fulfillment of the programme.

Provided that the programme shall commence from the beginning of the academic year and also that sufficient period of time shall be made available for preparation for the programme.

26. State Advisory Board of Education

(1) The Government may, by notification, establish a State Advisory Board of Education (hereinafter called Advisory Board) to advise the Government on matters pertaining to educational policy and administration.

(2) The Board shall consist of the following members, namely :-

(a) Chairman, to be nominated or appointed by the Government;

(b) Vice Chancellor, Mizoram University or Vice Chancellor of any other University recognised by the Government – Ex-Officio Member;

(c) Secretary to the Government of Mizoram, Education & Human Resource Development Department and Convener of the Advisory Board;

(d) President, Mizoram Board of School Education or any other Board or Council recognised by the Government – Ex-Officio Member;

(e) Director, Higher & Technical Education, Government of Mizoram – Ex-Officio Member;

(f) Director, School Education, Government of Mizoram – Ex-Officio Member;

(g) Six non-official members, at least two of whom to be female, to be nominated by the Government from among persons who are distinguished educationists or having special experience or expertise in education – Members;

(h) One representative from each of the recognised Associations namely – the Mizoram Primary School Teachers Association, Mizoram Middle School Teachers Association, Mizoram High School Teachers Association and Mizoram College Teachers Association to be nominated by the respective Association – Members;

(i) One representative from each of the Autonomous District Councils – Members.

(3) The term of office of the Chairman and the Members of the Advisory Board specified under clauses (g), (h) and (i) of sub-section (2) shall be three years.

(4) The business of the Advisory Board shall be conducted in such manner as may be prescribed.

(5) The Secretary for the Advisory Board shall be nominated by the Government.

(6) No act or proceedings of the Advisory Board shall be invalid merely by reason of any vacancy amongst its Members or by reason of any defect in the constitution or membership of the Advisory Board.

(7) Notwithstanding anything contained in sub-section (2), on the failure of any of the Associations mentioned in clause (h) to nominate a Member, the Director concerned shall give notice in writing to the concerned Association to nominate a Member within a date to be specified therein and, if the Association fails to nominate member within the dates so specified, the Director concerned shall nominate a person or persons, as the case may be, on behalf of the Association as Member or Members of the Advisory Board.

(8) The Advisory Board shall meet at least twice in a calendar year.

27. Delegation of Powers

(1) The Government may, by notification, delegate to any officer of the Education & Human Resource Development Department all or any of the powers vested in it by this Act, except the powers under sections 24 and 30 and to withdraw any powers so delegated.

(2) The Government may, by notification, and with effect from such date as may be fixed, direct that such of its powers and functions under this Act, except the powers under section 30, be exercised by the Autonomous District Councils of Mizoram and their officers to the extent to which they are necessary for the performance of the functions vested in them under the Sixth Schedule to the Constitution.

28. Power of the Government to give direction

The Government may give such directions to any educational institution or tutorial institution as in its opinion are necessary or expedient for carrying out the purposes of this Act or to give effect to any of the provisions contained therein or of any Rules or Orders made thereunder and the Managing Committee or the Governing Body, as the case may be, of such institution shall comply with every such direction.

29. Power to enter and inspect

An officer of the Education & Human Resource Development Department authorised in this behalf shall be competent to enter at any time during the normal working hours of any educational institution including tutorial institutions and to inspect any record or other document or any movable or immovable property relating to such institution for the purpose of exercising his powers and performing his functions as prescribed in this behalf.

30. Power to make rules

(1) The Government may, by notification, make rules to carry out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-

- i) the manner in which education may be regulated and conducted in Mizoram;
- ii) the terms and conditions which every existing educational institution shall be required to comply with;
- iii) the establishment of a new educational institution or opening of higher class or the closing down of an existing educational institution or the closing down of an existing class in any existing educational institution;
- iv) the form and manner in which an application for recognition of an educational institution shall be made;
- v) the facilities to be provided or condition to be fulfilled by an educational institution to obtain recognition;
- vi) the manner in which and the authority to which, an appeal against the refusal or withdrawal of recognition shall be made;
- vii) the authorities to be specified for the purposes of the different provisions of this Act;
- viii) the particulars which a scheme of management shall contain and the manner in which such a scheme shall be made;
- ix) variations and modifications which may be made in the scheme of management for recognised institutions which does not receive any aid;
- x) the conditions under which aid may be granted to recognised educational institutions, and on the violation of which aid may be stopped, reduced or suspended;
- xi) the part of the expenditure of recognised educational institutions which is to be covered by aid;

- xii) the particulars of properties of an educational institution which should be furnished to the appropriate authority;
- xiii) the form in which, and the time within which, an appeal shall be preferred to the appropriate authority against an order made in relation to the transfer, mortgage or lease of any institutional property;
- xiv) the form and the manner, including fees, for preferring any other appeal under this Act;
- xv) the Code of Conduct for employees and the disciplinary action to be taken for the violation thereof;
- xvi) the benefits which should be granted to the employees of aided educational institutions;
- xvii) the regulations for admission into educational institutions of pupils for the academic courses, private study and other special courses and the attendance thereat;
- xviii) fees and other charges which may be collected by an aided or unaided recognised educational institution;
- xix) the inspection of educational institutions;
- xx) the terms of office, traveling and other allowances payable to the members of the State Advisory Board of Education;
- xxi) the financial and other returns to be filed by the Managing Committee or the Governing Body, as the case may be, of aided educational institutions and authority by which such returns shall be audited;
- xxii) the educational purposes for which income derived by way of fees by recognised unaided educational institutions shall be spent;
- xxiii) the registers, statements, reports and other information to be maintained or furnished by the Managing Committee or the Governing Body, as the case may be, in respect of educational institution's fund;
- xxiv) the manner of accounting and operation of educational institution fund and other funds of aided and unaided educational institutions and also the auditing authority thereof;
- xxv) the manner in which any enquiry under this Act shall be made;
- xxvi) the powers and functions of the officers and other supporting staff of the Education and Human Resources Development Department;

- xxvii) the declaration as to what constitute Pre-Primary and Primary Education for the purpose of free and compulsory primary/elementary education covering 6-14 years age group; the various stages of formal education, professional education, vocational education, technical education, special education and other types of education;
- xxviii) The maintenance and administration of aided educational institutions under this Act, and the constitution and functions of their Managing Committee or Governing Bodies, as the case may be, other than those of minority institutions;
- xxix) The steps to be taken for providing necessary facilities for imparting compulsory Primary education before notifying its implementation;
- xxx) The steps to be taken and infrastructure to be provided for implementing free and compulsory Primary Education;
- xxxi) The preparation and sanction of plans and estimates of a new educational building or extensions to be constructed with Government aid, and the requirements to be fulfilled by the Managing Committee or the Governing Body, as the case may be, of the institution in this regard;
- xxxii) the regulations for the use of text books, maps, plants, instruments and other laboratory and sports equipment in the institutions;
- xxxiii) the opening of special morning or night classes and the conditions of their working and of parallel sections or classes in the institutions for linguistic minorities;
- xxxiv) the control of fees or other charges, or the manner of fixing fees or other charges payable in respect of any certificate, permission, marksheets or other documents for which such fees may be collected; and
- xxxv) all matters expressly required or allowed by this Act to be prescribed or in respect of which this Act makes no provision, or makes insufficient provision is, in the opinion of the Government, necessary for the proper implementation of this Act.

(3) Every rule made under this Act shall be laid as soon as it may be after it is made before the Legislative Assembly of Mizoram, while it is in session for a period not less than seven days which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, the Legislative Assembly agree in making any modification in the rule or the Legislative Assembly agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

31. Power to remove difficulties

If any difficulty arises in giving effect to the provisions of this Act, the Government may, by an Order not inconsistent with the provisions of this Act, remove the difficulty;

Provided that no such order shall be made after the expiry of a period of three years from the commencement of this Act.

**STATEMENT OF OBJECTS AND REASONS TO
THE MIZORAM EDUCATION BILL, 2003**

The School Education in Mizoram was started and established initially by the Missionaries towards the end of 19th Century. In those days the school administration and management were carried out by Missionaries through verbal instructions and executive orders issued from time to time since there were no separate Acts or Rules for Education Department. Even after the schools established by Missionaries were taken over by the then Mizo District Council, no Legislative enactment was made for the then Education Department and as such the schools were run in accordance with the executive orders and instructions. Even after the Mizoram attained Statehood and till now, no such legislative enactment has been passed for the development of Education Department. With the passage of time, there has been rapid increase of schools, with more and more children enrolled in the schools, with more teachers appointed from time to time to meet the demands of the situation without any formulated laws for their control and that has naturally resulted in various problems. In the absence of Acts, the Department found it difficult to solve such problems easily, thereby creating administrative problems. The situation thus compels the department to prepare a legislative Bill for consideration in the Legislative Assembly.

In the meantime, it is learnt that the Central Government and most of the State Government have such Act and rules for their own for Education and Human Resource Development Department. With a view to ensuring efficient management, proper administration and control etc. the Education and Human Resource Development Department of the State of Mizoram examined such Acts and rules of the neighbouring states carefully for quite sometime. After consulting experts in the Central Government, Ministry of Human Resource Development Department and different Acts/Rules of other States the Department prepares this draft.

Hence the Bill.

Education Minister

**FINANCIAL MEMORANDUM OF
THE MIZORAM EDUCATION BILL, 2003**

Enactment of the Bill by the Legislative Assembly as proposed will cause additional financial demand immediately after passing of the Bill, since creation of new posts and other schemes requiring additional funds and expenditures would be taken up after sometime.

Education Minister

MEMORANDUM OF DELEGATION OF LEGISLATIVE POWERS

Clause 30 of the Bill attempts to delegate to the State Executive Department to make rules under this Bill.

Education Minister