

MIZORAM EDUCATION (ESTABLISHMENT AND MANAGEMENT OF PRIVATE MIDDLE SCHOOL) RULES 2006

I. SHORT TITLE, EXTENT AND COMMENCEMENT:

- (1) These rules may be called the Mizoram Education (Establishment and Management of Private Middle Schools) Rules, 2006.
- (2) They shall extend to the whole of Mizoram excepting the area under the jurisdiction of the three Autonomous District Councils.
- (3) They shall come into force on the date, as the State Government may by notification in the Official Gazette, appoint.

2. DEFINITIONS:

In these rules unless the context otherwise requires -

- (a) "Act" means the Mizoram Education act, 2003 (Act No.5 of 2003)
- (b) "Board" means the Mizoram Board of School Education to which an Institution is affiliated;
- (c) "Chairman" means Chairman of School Managing Committee.
- (d) "Department" means the Department of School Education.
- (e) "Director" means the Director of School Education, Mizoram.
- (f) "District Education Officer" means the education officer in charge of an Educational District and includes such other Officers as the State Government may from time to time notify in that behalf.

- (g) "Educational Agency" means any person or body of persons desirous of establishing a Private Middle School in accordance with the provision of the Act.
- (h) "Form" means a form appended to these rules.
- (i) "Government" means the Government of Mizoram.
- (j) "Managing Committee" means any body of individuals by whatever name called, in which the management of a School vests.
- (k) "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 (Nursery or Kindergarten) classes attached to it.
- (l) "Prescribed authority" means the authority to be notified by the State Government from time to time in the official Gazette.
- (m) "Secretary" means the secretary of the Managing Committee.
- (n) "Session" means the Academic session.
- (o) "Sub-Divisional Education Officer" means the education officer in charge of a Sub-Education District or Sub-Educational Division.

3. ESTABLISHMENT OF NEW MIDDLE SCHOOLS :

- (1) No Private Middle School shall be established without the permission of the Government.
- (2) The Government shall grant permission for establishment of Private Middle School on the following conditions.
 - (a) Application for permission to establish Private Middle School shall be made in Form 1 appended to these rules at least four months prior to the commencement of the concerned session and shall be addressed to the prescribed authority.
 - (b) The school shall not admit students unless permission has been granted by the Government or the Department.

4. APPLICATION FOR PERMISSION :

- (1) Any educational agency desirous of establishing a Private Middle School shall make an application to the prescribed authority before 31st August of the year immediately preceding the academic year in which the Middle school is proposed to be opened. Applications received after the 31st day of August shall be taken into consideration for the succeeding academic year.
- (2) All applications for permission to establish new Private Middle School shall be made to the Prescribed authority in Form 1. The applications and the enclosures thereto shall be submitted in triplicate.
- (3) The permission to establish Private Middle Schools shall be accorded by the Director on behalf of the Government and the director shall be the prescribed authority for the purpose of the Act and these rules.

5. DOCUMENTS TO ACCOMPANY THE APPLICATION :

Every application made under Rule 4 shall be accompanied by -

- (a) a sketch map of the village or the locality or the notified area, as the case may be showing the location of the proposed schools, the location of the nearby schools which have been serving the area and their distance from the proposed school.
- (b) a sketch map of the proposed school.

6. FORWARDING OF APPLICATION :

- (1) The prescribed authority shall send copy of the applications with their enclosures received in due time to the Sub-Divisional Education Officer for spot verification and submit his report.
- (2) The Sub-Divisional Education Officer shall record his findings about -
 - (a) the correctness of the facts and information furnished in the applications,
 - (b) justification for establishing Private Middle School at the proposed place in view of the educational needs of the area,
 - (c) the viability of the proposed institution, roll strength calculated on the basis of existing feeder Primary Schools.
 - (d) the financial viability of the Educational Agency proposing to establish the school and
 - (e) such other matter that the concerned authority may require to specify.

7. GRANT OF PERMISSION :

- (1) The prescribed authority shall scrutinize each application to see that -
 - (a) the applications are complete in all respects
 - (b) all documents as per rule 5 have been enclosed; and
 - (c) three sets alongwith copies of the enclosures have been furnished.
- (2) The prescribed authority shall consider if the educational need of the local area justifies the establishment of a private Middle School and shall make an order to that effect.

8. CONTENT OF THE ORDER OF PERMISSION :

In the order of granting permission the prescribed authority shall specify the followings -

- (a) The Educational Agency in whose favour the permission or approval is granted.
- (b) The location of the School, that is, the village or such local limits as he may find appropriate are to specify in case of urban area.
- (c) The Academic year from which the school is to start functioning.

- (d) The conditions to be fulfilled by the Educational Agency in respect of the following :
- (i) Site,
 - (ii) Area,
 - (iii) Building,
 - (iv) Equipment,
 - (v) Staff
 - (vi) Fixed deposits to be made.
 - (e) Such other matter as the Prescribed authority may specify in the said order.

9. FUNCTIONING OF THE SCHOOL :

- (1) When permission is given to establish a Private Middle School, the school shall start functioning from the academic year specified in the order issued under rule 8.
- (2) On an application, made by the Educational Agency in whose favour permission has been granted for extension of the date of functioning the Director may extend this date by a period not exceeding one month if he is satisfied that there are good reasons for doing so.
- (3) In cases where the extension of the date of starting the school is allowed under sub-rule(2) and the school opens on a date fixed in the order and by that reason alone. Certain violations of rules and regulations become inevitable to the disadvantage of the students or the school, it shall be competent for the Prescribed Authority to relax the operations of those rules and regulations in the case of that School.

10. REPORT REGARDING FUNCTIONING OF THE SCHOOL :

- (1) The Educational Agency, immediately after establishing the Private Middle School on the basis of permission granted by the Director shall, within thirty days from the date on which the School starts functioning submit a report to the Director with copy to the District Education Officer and the concerned Sub-Divisional Education Officer.
- (2) The report under sub-rule (1) shall mention in particular :
 - (i) the name of School,
 - (ii) the place of location of the school,
 - (iii) the class or classes opened, and
 - (iv) the date on which the school started functioning
 - (v) Class-Wise enrolment of students

11. VISIT TO THE SCHOOL :

- (1) The Sub-Divisional Education Officer shall visit all the schools which have been reported to have been established within his jurisdiction immediately after their establishment and shall report to the Director by the 31st March each year in which schools permitted to be established within their jurisdiction have started functioning and which have failed to start functioning within the stipulated period.

- (2) The Sub-Divisional Education Officer may, during the visit to the school, direct the Educational Agency having established the school to take steps to give effect to any provision of these Rules or to do any other things consistent with the provision of these rules and the Act.

12. CONSTITUTION OF SCHOOL MANAGING COMMITTEE :

- (1) As soon as a Private Middle School has been established in accordance with these Rules, the Educational Agency in whose favour permission had been granted for establishment of the school, shall constitute a School Managing Committee (SMC) for managing the affairs of the school
- (2) The Managing Committee shall consist of ten members, namely,
 - (a) The President of Village Council of the Village.
 - (b) The Headmaster of the School or the teacher in-charge of Headmaster in his ex-officio capacity.,
 - (c) One teacher representative to be nominated by rotation
 - (d) seven other members to be nominated by the person or body of persons in whose favour the permission had been granted to start the school, from amongst themselves or from out of the persons in the local area interested in the field of education.

Provided that where a Private Middle School is established by a charitable Trust, the seven other members shall be nominated by the Trust.,

- (3) On constitution of the School Managing Committee in the aforesaid manner, the members as specified in sub-rule (2) shall elect among themselves a Chairman and Secretary of the Managing Committee.

13. REPORT OF THE CONSTITUTION OF THE SCHOOL MANAGING COMMITTEE :

- (1) The Educational Agency in whose favour permission had been granted to establish the school, shall furnish in Form II the details of the Managing Committee Constituted in accordance with the provisions of these rules for the approval of the Director.
- (2) The Sub-Divisional Education Officer shall also furnish to the Director his recommendation as regards the constitution of the Managing Committee.

14. APPROVAL OF THE SCHOOL MANAGING COMMITTEE :

- (1) The Director after considering the proposal of the School and the recommendations of the Sub-Divisional Education Officer shall approve the Managing Committee constituted after making any substitutions if he deems necessary.
- (2) The order of approval shall clearly mention -
 - (a) the names of the President, the Secretary and other members of the Committee, and
 - (b) the date of approval.

15. POWERS AND FUNCTIONS OF THE SCHOOL 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, buildings, equipments, funds of the school including grants sanctioned by Government or any other authority.,
- (b) To ensure sanitary conditions of the buildings and premises of the schools.
- (c) To ensure that instructions are imparted according to the standards prescribed by the Board and concerned authorities.,
- (d) Appointment of teaching and non-teaching staff in accordance with the provision contained in the Rules and instructions of the Department.,
- (e) Implementation of the provisions of the Rules and instructions issued by the Department or the Director or any subordinate officer in the matter of conditions of service of staff relating to their appointment, salary, leave, pension, provident fund, age of retirement and disciplinary action etc.,
- (f) To ensure observance and compliance of instructions issued by Government, the Mizoram Board of School Education and other concerned authorities regarding smooth management of the school in all respects, from time to time.,
- (g) To maintain discipline in the School.,
- (h) To observe holidays and vacations according to instructions of the Department.,
- (i) To ensure that the buildings, premises, furniture and equipments of the institutions are not used for any non-educational purpose nor for holding any meeting of political character or any special or other character for which the feelings of the community is likely to be divided or excited.
- (j) To submit report and returns required by Government, the Director, District Education Officer or Sub-Divisional Education Officer and the Mizoram Board of School Education from time to time.
- (k) To provide reasonable facilities to the Officers or persons authorized for inspection.,
- (l) To ensure observance of instructions of Government, Director, District Education Officer and Sub-Divisional Education Officer regarding smooth management of the school.

16. MEETINGS OF THE SCHOOL 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. At least seven clear days notice shall be given to the members of the Managing Committee. 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 Sub-Divisional Education Officer concerned as the case may be.

- (2) Any urgent resolution may be approved by the Managing Committee by circulation. Such a resolution shall be deemed to have been approved by the Managing Committee if it is approved by the least eight members thereof. A resolution so approved by circulation shall be placed before the Managing Committee in its next meeting for ratification.
- (3) The quorum for the meeting of the Managing Committee shall be six.
- (4) The Chairman shall preside over all the meetings of the Managing Committee. In the absence of the Chairman, one of the members other than the 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 tie.
- (5) The Secretary of the Managing Committee shall record the proceedings of the meetings 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 pages continually membered and certified to that effect by the Secretary of the Managing Committee.

17. POWERS OF THE CHAIRMAN OF THE SCHOOL MANAGING COMMITTEE :

- (1) The Chairman shall ensure that the decision taken in the meetings 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 arrangements as he deems appropriate so that the meeting may take place.

18. SECRETARY OF THE SCHOOL MANAGING COMMITTEE :

The Secretary of the Managing Committee of a Private Middle School shall be its principal executive and shall be competent to -

1. make correspondence on behalf of the Managing Committee.
2. 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 Sub-Divisional Education Officer or District Education Officer as the case may be after confirmation.
3. give effect to the decision of the Managing Committee and subject to its control do all things incidental thereto.,
4. remain in charge of the properties, documents and papers related to the needs of the school.,
5. make all payments and sign receipts on behalf of the Managing Committee.
6. operate any account of the School in the nationalized Bank or Post Office.
7. exercise such other powers and perform such other functions as may, from time to time, be assigned by the Managing Committee.

19. STAFF :

- (1) All Private Middle Schools recognized by the Government shall appoint at least five qualified teacher including Headmaster. If Pre-Primary and Primary classes are opened in the school the management shall appoint at least five qualified teachers for this stage.
- (2) A recognized Middle School shall have two Group 'D' employees.
- (3) The salary and allowances of the teaching and non-teaching staff shall be the same as may be as prescribed by the Department with approval of Government.

FORM - I
[[See Rule 4 (2)]]

1. Name of the Middle School :
2. Classes/Standards opened :
3. (i) Whether Managing Committee formed : (Yes/No)
(ii) If so, name of the (a) Chairman : _____
(b) Secretary : _____
4. (i) Whether Managing Committee is registered under the Societies Registration Act, 1860 : (Yes/No)
(ii) If so, Registration No. and date of registration : _____
5. Postal Address at which correspondence may be made : _____
6. Name of the District, Block and village/Habitation in which the School is proposed to be located. With population and number of Schools in the Village/habitation : _____
7. Name of the nearby Middle Schools with approximate distance : _____

8. Name of the feeder Primary School (s)
(1) _____
(2) _____
(3) _____
(4) _____
9. (i) Whether the School has its own land and building : (Yes/No)
(ii) What is the area of the site or which the School is proposed to be located : _____

10. Reasons why permission should be given : _____

11. Teachers appointed for the School (Detailed information in respect of teachers of the School is to be furnished as per proforma below)

FORM - II
(See Rule 13)

Composition of the School Managing Committee of the Private Middle School.

1. President, Village Council of the village.

2. Headmaster/Teacher-in-charge of Headmaster of the school.

3. Seniormost Teacher of the School.

4. Seven members nominated under Rule 12(2)(d).

- 1) _____
- 2) _____
- 3) _____
- 4) _____
- 5) _____
- 6) _____
- 7) _____

5. Full name and addresses of the President and Secretary elected under Rule 13(3)

Signature of the sponsor(s) with
full name(s) and addresses

Sd/-
L. Toehhong,
Commissioner to the Govt. of Mizoram.