

Act No. 4/1992
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THE MANIPUR HIGHER SECONDARY EDUCATION ^{Ad-}BILL, 1992

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to provide for the establishment of a Council to regulate, supervise and develop the Higher Secondary Education in the State of Manipur.

BE it enacted by the Legislature of Manipur in the Forty-third Year of the Republic of India as follows :—

1. **Short title, extent and commencement.**—(1) This Act may be called the Manipur Higher Secondary Education Act, 1992.

(2) It extends to the whole of the State of Manipur.

(3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

(4) From the date on which this Act comes into force, the Manipur University or the Board of Secondary Education, Manipur shall cease to exercise its jurisdiction over the plus two stage of education imparted in the Colleges or the Higher Secondary Schools respectively in Manipur:

Provided that the Manipur University or the Board of Secondary Education, Manipur shall continue to have the same jurisdictions as is now exercised by it over the Colleges or Higher Secondary Schools till such time as the State Government may, by notification in the Official Gazette, appoint.

2. Admission of Institutions in other states and Administration to the privileges of the Council.—Notwithstanding anything contained in Section 1, any Government of a State or Territory or Administration other than the Government of Manipur may apply to the Council for being admitted to the privileges of the Council and the Council may, subject to such conditions as it may think fit to impose, admit such State or Territory or Administration to the privileges of the Council.

3. Definitions.—In this Act, unless there is anything repugnant to the subject or context :—

- (a) "Council" means the Council of Higher Secondary Education established under this Act ;
- (b) "Chairman" means the Chairman of the Council;
- (c) "Controller of Examinations" means the Officer conducting the Examinations of the Council;
- (d) "College" means a College or a Department of a College giving instructions in plus two or plus two plus three stage of education and preparing students for either Higher Secondary School Leaving Certificate Examination or Degree Examination of the University or both ;
- (e) "Education Department" means the Department of Education of the Government of Manipur;
- (f) "Fund" means the Higher Secondary Education Council Fund constituted under this Act;
- (g) "Government" means the State Government of Manipur;
- (h) "Higher Secondary Education" means such education as is designed to meet the needs of the plus two stage which follows immediately the stage of Secondary Education and precedes immediately the stage of Degree or Diploma Education controlled by a University established by law in India or a Council constituted by the Government for this purpose;
- (i) "Higher Secondary School" means a school or Department of a school giving instructions in Higher Secondary Education and preparing for the Higher Secondary School Leaving Certificate Examination;
- (j) "Notification" means a notification published in the Official Gazette;
- (k) "Principal" means the head of the teaching staff of a Higher Secondary School or College by whatever name he or she is designated;
- (l) "Regulation" means a regulation made by the Council under this Act;
- (m) "Rule" means a rule made by the State Government under this Act;
- (n) "Secretary" means the Secretary of the Council;
- (o) "State" means the State of Manipur;

4. Incorporation of the Council and its status.—(1) The Government shall as soon as may, after the commencement of this Act, establish by notification a Council to be called the Council of Higher Secondary Education, Manipur for regulation, supervision and development of Higher Secondary Education in accordance with the provisions of this Act.

(2) The Council shall be a body corporate having perpetual succession and a common seal and shall have power to acquire and hold property, both movable and immovable, and to transfer any property held by it and to do all other things necessary for the purpose of carrying out its duties and functions and shall by the said name sue or be sued.

5. Constitution of the Council.—(1) The Council shall consist of the following members, namely—

(a) EX-OFFICIO MEMBERS

- (i) The Chairman of the Council.
- (ii) The Director of Education (U), Manipur.
- (iii) The Director of Education (S), Manipur.
- (iv) The Director of State Council of Educational Research and Training, Manipur.
- (v) The Controller of Technical Education, Manipur.
- (vi) The Director, Sports and Youth Affairs, Manipur.
- (vii) The Chairman, Board of Secondary Education, Manipur.
- (viii) The Secretary of the Council.

(b) MEMBERS TO BE NOMINATED

- (i) One Principal from the Degree Colleges.
- (ii) One Principal from the Colleges having plus two courses.
- (iii) One Principal from the Higher Secondary Schools.
- (iv) One Principal from the Girls' Colleges or the Girls' Higher Secondary Schools.
- (v) One Principal from the Aided Colleges.
- (vi) One teachers' representative from the Colleges.
- (vii) One teachers' representative from the Higher Secondary Schools.
- (viii) One representative of the Manipur University on the recommendation of the Vice-Chancellor.
- (ix) One representative of the Manipuri Sahitya Parishad.
- (x) One Educationist who is not a Government employee.

(2) Notwithstanding anything contained in this section, the Council shall have the power to co-opt not more than three members from amongst the distinguished educationists of the State.

6. **Publication of names of the members of the Council.**—The names of person nominated or co-opted as members of the Council, shall be published by notification in the official Gazette by the Government.

7. **Terms of Office of members.**—(1) Nominated members shall hold office for a term of three years from the date of the notification published under section 6 and the term of office of co-opted members shall terminate on the same date as that of the nominated members:

Provided that the Government may, by notification in the Official Gazette, extend the term not exceeding one year.

(2) Notwithstanding the expiry of the term of three years specified in sub-section (1) the term of office of the outgoing members shall be deemed to extend to the date on which the names of the newly nominated members are published under section 6.

8. **Disqualifications for membership.**—(1) A person shall not be eligible for nomination or co-option as members of the Council or of the Committees formed by it, if he —

- (a) has been adjudged by a court of law to be of unsound mind;
- (b) is an undischarged insolvent; or
- (c) has been convicted by a court of law for an offence involving moral turpitude.

(2) If a nominated or co-opted member of the Council or any Committee formed by it, becomes, subject to any of the disqualifications specified in sub-section (1), his membership shall cease with immediate effect.

(3) All disputes relating to the eligibility of any person for nomination/co-option, shall be referred to the Government whose decision on such matters shall be final.

9. **Resignation of members and casual vacancy etc.**—(1) A member of the Council, other than an Ex-officio member, may resign his seat by giving notice thereof in writing to the Chairman, and such member shall be deemed to have vacated his seat from the date of acceptance of his resignation by the Chairman.

(2) The Government may, by notification, remove any nominated or co-opted member who remains absent from three consecutive meetings of the Council without the leave of the Council.

(3) In the event of a casual vacancy occurred by resignation, removal, death or disqualification of a member such vacancy shall be filled by nomination or co-option, as the case may be, in the manner provided in section 5.

(4) Any person nominated or co-opted to fill a casual vacancy shall, notwithstanding anything contained in section 7, hold office for the unexpired portion of the term of office of the member in whose place he is nominated or co-opted.

10. **Meetings of the Council.**—(1) **Ordinary meetings**—The Council shall meet not less than four times a year, but four months shall not intervene between two successive meetings.

(2) Special meetings.—The Chairman may, at any time and shall upon requisition made by not less than one-third of the members of the Council other than the ex-officio members and on a date not more than twenty-one days of the receipt of such requisition, call a special meeting of the Council.

(3) Fourteen days' notice shall be given for ordinary meetings and seven days' notice for special meetings of the Council.

(4) The Chairman shall preside over the meetings. In his absence one of the members selected by the members present may preside.

11. Quorum: Proceedings not invalidated by reason of vacancies.—(1) One-third of the total number of members of the Council shall form a quorum for a meeting of the Council.

(2) Subject to the provisions contained in sub-section (1) no act or proceedings of the Council shall be invalid merely by reason of the existence of any vacancy among the members of the Council.

12. Officers of the Council.—(1) The following shall be the officers of the Council.—

- (a) The Chairman
- (b) The Secretary
- (c) The Controller of Examinations
- (d) The Deputy Secretary (Academic)
- (e) The Deputy Secretary (Administration).

(2) The Government shall appoint on deputation an officer, who is working as the Director of Education (U) or the Director of Education (S) or a senior Principal of a Government College, as the Chairman of the Council for a term of three years which may be shortened or extended by one year each time by the Government.

(3) The Government shall appoint on deputation an officer of the Education Department, not below the rank of Additional Director or Selection Grade Lecturer in the College, who has rendered at least twenty-three years of service of which at least fifteen years in teaching and three years in administrative capacity, as the Secretary of the Council for a term of three years which may be shortened or extended by one year each time by the Government.

(4) The Government shall appoint on deputation an officer of the Education Department who has rendered at least twenty years service in teaching with at least five years experience of conducting public examinations in supervisory capacity, as the Controller of Examinations of the Council for a term of three years which may be shortened or extended by one year each time by the Government.

(5) The terms and conditions of services, qualifications and mode of recruitment of the Deputy Secretary (Academic) and the Deputy Secretary (Administration) shall be prescribed by the Council by regulations subject to the approval of the Government.

(6) The Council may appoint such other officers and employees as it may consider necessary for the efficient discharge of its functions under this Act on such terms and conditions as may be determined by regulations made by the Council subject to the approval of the Government.

13. Powers and duties of the Council.—Subject to the provisions of this Act and rules made thereunder, the powers and duties of the Council shall be as follows, namely—

- (i) to prescribe curriculum, syllabus and courses of instructions for plus two stage which may be imparted in a College or Higher Secondary School;
- (ii) to conduct examinations based on such courses;
- (iii) to conduct any other examination which the Government from time to time may by notification specify;
- (iv) to admit to its examinations, on such conditions as may be prescribed by regulations, candidates who have pursued the prescribed course of instructions and also to take such disciplinary action against candidates as may be prescribed by regulations;
- (v) to demand and receive such fees as may be prescribed by regulations;
- (vi) to publish the results of the examinations;
- (vii) to grant certificate to students passing the examinations;
- (viii) to institute and award scholarships, prizes etc.;
- (ix) to prepare, prescribe and publish text-books and supplementary books;
- (x) to lay down conditions of recognition of Higher Secondary Schools and Colleges having plus two courses;
- (xi) to recognise Higher Secondary Schools/Colleges running plus two courses and withdraw such recognition;
- (xii) to take such disciplinary action as it may think fit against institutions as prescribed by regulations;
- (xiii) to adopt measures for study and examination of problems in the field of Higher Secondary Education;
- (xiv) to advise the Government on physical, moral and social welfare of students in recognised institutions and to prescribe conditions of their residence and discipline;
- (xv) to prescribe necessary qualifications of teachers in recognised institutions;
- (xvi) to receive grants from the Government and donations from private individuals or associations for specific or general purposes;
- (xvii) to organise seminars and provide in-service teachers training courses;
- (xviii) to call for reports from the Directors of Education regarding the conditions of recognised institutions or of the institutions applying for recognition;
- (xix) to advise the Government on re-organisation and development of Higher Secondary Education;
- (xx) to advise the Government relating to any matter within the provisions of this Act on which the Government consult the Council;

- (xxi) to appoint officer and other employees of the Council, and prescribe by regulations the terms and conditions of their services;
- (xxii) to institute, by regulations, for the benefit of its officers and other employees, such schemes as pension, gratuity and provident fund as it may deem fit in such manner and subject to such conditions as may be prescribed by regulations;
- (xxiii) to delegate any of its powers to any Committee constituted under this Act;
- (xxiv) to administer the Higher Secondary Education Council Fund;
- (xxv) to receive, purchase and hold any property, movable and immovable which may become vested in it, and to dispose of all or any of the property, movable and or immovable belonging to it, and also to do all other acts incidental or appertaining thereto;
- (xxvi) to do all such acts and things as may be necessary to carry out the purposes of this Act;
- (xxvii) to perform such other functions as may be assigned to it by the Government.

14. Powers of the State Government.—Notwithstanding anything contained in this Act.—

- (1) The Government shall have the right to address the Council with reference to anything conducted or done by the Council and to communicate its views on any matter with which the Council is concerned.
- (2) The Council shall report to the Government such action, if any, as it proposes to take or has taken, on the communication of the Government.
- (3) The Government may after consultation with the Council issue such directions consistent with the provisions of this Act, as it may think fit and the Council shall comply with such directions.
- (4) The Government may, by order in writing specifying the reasons thereof, suspend the execution of any resolution or order of the Council and prohibit the doing of an act ordered to be done by the Council, if the Government is of the opinion that such resolution, order or act in excess of the powers conferred upon the Council by or under this Act.
- (5) The Government may, after consultation with the Council, suspend or remove a member whose continuance as a member of the Council is considered to be detrimental to the interest of the Council.

15. Constitution of Higher Secondary Education Council Fund.—A fund to be called Higher Secondary Education Council Fund shall be constituted and all sums received by or on behalf of the Council under this Act shall be placed to the credit thereof.

16. Custody and investment of the Higher Secondary Education Council Fund.—All moneys at the credit of the Fund shall be kept in the State Bank of India or the Manipur State Co-operative Bank Ltd. or in any nationalised Scheduled Bank as the Council may determine.

17. **Application of the Fund.**—Subject to the provisions of this Act, the Fund shall be applicable only to the payment of the charges and expenses incidental to matters specified in this Act.

18. **Audit of the Account of the Council.**—The accounts of the Council shall be audited only by such agency as may be specified by the Government and a copy of the audited accounts shall be submitted by the Council to the Government by such date each year as the Government may specify.

19. **Powers and duties of Chairman.**—(1) It shall be the duty of the Chairman to see that the provisions of this Act and the rules and regulations made under it are faithfully observed and the decisions of the Council are duly implemented and he shall have all the powers necessary for the purpose.

(2) The Chairman shall have the power to convene meetings of the Council.

(3) When any emergency arising out of administrative business of the Council requires, in the opinion of the Chairman, that immediate action should be taken the Chairman shall take such action as he deems necessary and report his action to the Council at its next meeting.

(4) The Chairman shall exercise such other powers as may be prescribed by regulations.

20. **Powers and duties of the Secretary.**—The Secretary of the Council shall be the Principal Administrative Officer, and shall be subject to the control of the Chairman, perform such duties as may be prescribed by regulations.

21. **Powers and duties of other Officers.**—Other officers shall have such powers and duties as may be prescribed by regulations.

22. **Committees of the Council.**—(1) The Council shall, for the purpose of carrying out its duties and functions imposed under this Act, appoint the following committees, namely,—

- (i) Curriculum and Syllabus Committee
- (ii) Examination Committee
- (iii) Recognition Committee
- (iv) Finance Committee
- (v) Administrative Committee
- (vi) Such other committees as may be found necessary.

(2) Every such committee shall consist of such members of the Council and such other persons as the Council may appoint.

(3) Every such committee except the Administration Committee and the Examination Committee, may co-opt. persons to be member to the extent of one-third of the members appointed to it.

(4) Members of such committees shall hold office for such time as the Council may determine.

(5) Subject to the provisions of this Act and the rules made thereunder the duties and functions of the committees shall be determined by regulations.

23. Exercise of powers delegated by the Council to Committees.—All matters relating to exercise of powers conferred upon the Council by this Act which are by regulations delegated to any committee appointed under section 22 shall stand referred to that committee, and the Council before exercising such powers shall receive and consider the report or recommendation of the committee with respect to the matter in question.

24. Powers of the Council to make regulations.—(1) The Council may subject to the approval of the Government make regulations for the purpose of carrying out the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing powers, the Council may make regulations providing for all or any of the following matters, namely.—

- (a) the constitution, powers and duties of committees appointed under section 22;
- (b) courses of study to be laid down for different examinations;
- (c) marks required for passing in any subject and the examination as a whole, and for credit and distinction in any subject;
- (d) qualification, appointment and remuneration of examiners, paper setters and others;
- (e) conducting examinations and publishing results;
- (f) conditions of recognition of Higher Secondary Schools and Colleges running plus two courses;
- (g) conditions under which candidates shall be admitted to the examinations of the Council;
- (h) disciplinary measures for malpractices in examinations;
- (i) fixing of fees and charges in respect of examinations;
- (j) provident fund etc., for the benefit of the employees of the Council;
- (k) rate of travelling and daily allowance to the non-official members of the Council or committees;
- (l) delegation of powers or assignment of functions to committees formed under this Act;
- (m) all matters which, by this Act are to be or may be provided for by regulations :

Provided that all regulations, alterations and revocations thereof shall be subject to the approval of the Government and published by notification.

25. Council to furnish reports, returns etc. to the Government.—The Council shall furnish to the Government such reports, returns and statements and such other information relating to any matter under the control of the Council as the Government may require.

26. Powers of the Government to constitute the Council.—If in the opinion of the Government, the Council has shown its incompetence to perform or persistently made default in the performance of the duties imposed, or exceeded or abused the powers conferred upon it by or under this Act, the Government shall formulate in writing specific charges against the Council in respect of those matters and shall forward a copy of such charges to the Council with direction to submit any comments or explanations in respect thereof to the Government within such period as may be specified in this behalf. After the consideration of the comments or explanations submitted by the Council, the Government may, if it thinks fit, by notification supersede the Council and thereafter reconstitute the Council in accordance with the provision of section 5.

27. Vesting of powers till reconstitution of the Council.—Until the Council is reconstituted after supersession, under section 26, the duties and powers of the Council shall be performed and exercised by and the property of the Council shall vest in such person or authority as the Government may specify by notification.

28. Power of the Government to make rules.—(1) The Government may make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid before the Manipur Legislative Assembly as soon as possible after it is made and shall be subject to such modifications, if any, as the Legislative Assembly may make during the session in which it is laid or the session immediately following.