

Higher Secondary Education Rules, 2052 (1996)

Published in Nepal Gazette

2053-2-7 (May 20, 1996)

In exercise of powers conferred by Section 16 of the Higher Secondary Education Act, 2046, Government of Nepal has framed the following Rules:-

1. **Short Name and Commencement:** (1) These Rules shall be called the "Higher Secondary Education Rules, 2052."
(2) These Rules shall come into force immediately.
2. **Definition:** Except the subject or context otherwise requires, in these Rules, -
 - (a) "Act" means the Higher Secondary Education Act, 2046.
 - (b) "Chairperson" means the Chairperson of the Senate and the Council.
 - (c) "Vice-Chairperson" means the Vice-Chairperson of the Senate and the Council.
 - (d) "Member-Secretary" means the Member-Secretary of the Senate and the Council.
 - (e) "Management Committee" means the Higher Secondary School Management committee formed pursuant to Rule 8.
 - (f) "Teacher" means a teacher teaching at a Higher Secondary School.
3. **Application to be submitted for Affiliation:** (1) A secondary school approved by Government of Nepal, individual or organization willing to have affiliation to the Council as a school imparting Higher secondary education pursuant to Section 3 of the Act have to submit an application to the Council in a format prescribed in Schedule-1 within the time-limit prescribed by the Council through a public notice.
(2) While submitting an application pursuant to Sub-rule (1) such school, individual or organization must have the following infrastructure and have to fulfill the following terms and conditions: -
 - (a) Having a concrete (*Pakki*) building and appropriate and adequate rooms for running classes;

- (b) Having a library along with text books and other reference books and Journals as per the curriculum approved by the Council for higher secondary education;
- (c) Having a laboratory with all facilities and equipped with necessary instruments and equipments that may be necessary for the operation of practical classes;
- (d) Having adequate facilities of playground necessary for extra activities, drinking water and toilets and so on;
- (e) Having adequate furniture for students and teachers;
- (f) Having subject teachers with academic qualifications as prescribed by the Council;
- (g) Having proof that the amount determined by the Council has been deposited in a fixed account at a bank in the name of the school.
- (h) In case of a secondary school approved by Government of Nepal, having the students passed as per the percent prescribed by the Council in the School Leaving Certificate Examination in the last Three years; and
- (i) Having fulfilled other necessary terms and conditions determined by the Council from time to time.

4. **Granting Temporary Affiliation:** With reference to the application submitted pursuant to Rule 3, the Council may grant temporary affiliation to the secondary school approved by Government of Nepal, individual or organization upon conducting an inquiry whether or not the determined terms and conditions are fulfilled based on the population and geographical situation of the area and having considered whether or not the higher secondary school may be operated in that area.

Provided that, if academic activities of a school which has affiliation to run a school to impart higher secondary education are affected, the Council may grant temporary affiliation to such school, individual or organization.

5. **Granting Permanent Affiliation:** (1) If the higher secondary school having affiliation pursuant to Rule 4 completes one academic level of Two years upon fulfilling the terms and conditions as referred to in these Rules and prescribed by the Council, the Council may grant permanent affiliation upon considering the results of such schools.

(2) Prior to granting permanent affiliation pursuant to Sub-rule (1), the Council shall conduct a field study on the academic, physical and other necessary aspects of the concerned higher secondary school.

6. **Approved Curriculum and Examination to be applied:** The affiliated higher secondary school shall implement the curriculum and examination system approved by the Council.

7. **Suspension or Revocation of Affiliation:** (1) In case any higher secondary school imparts higher education contrary to the Act and these Rules or does not abide by the directives of the Senate or Council or does not fulfill any terms or condition determined by the Council, the Council may suspend or revoke the affiliation it has granted.

Provided that, no affiliation shall be suspended or revoked without giving such higher secondary school an opportunity to defend itself.

(2) In case any higher secondary school wants itself to suspend or revoke the affiliation it received from the Council, it may submit an application to the Council.

(3) In case an application is filed pursuant to Sub-rule (2), the Council may, upon considering the application and academic condition of the concerned higher secondary school suspend or revoke such affiliation.

(4) While suspending or revoking affiliation by the Council pursuant to Sub-rule (1), an inspection team shall be deputed and the suspension or revocation shall be made also on the basis of the report of the said team.

(5) While suspending or revoking affiliation by the Council pursuant to Sub-rules (1) or (3), the suspension or revocation shall be made without affecting the academic session of such school to the extent possible.

(6) No new student shall be admitted in the higher secondary school whose affiliation has been suspended or revoked pursuant to Sub-rules (1) or (3).

Provided that, it shall be mandatory for such higher secondary school to run classes for a minimum period required for completing higher secondary level for the students already admitted.

(7) In case suspension or affiliation of a higher secondary school is not released till the last date of any academic session, the affiliation granted pursuant to Rules 4 or 5 shall *ipso facto* be deemed to have revoked upon completion of the said period.

8. **Management of Higher Secondary School:** (1) The secondary school management committee formed pursuant to Education Rules, 2049 shall carry out acts relating to the management of the higher secondary school having had affiliation pursuant to sub section 3.1 of Section 3 of the Act.

(2) The management committee as mentioned hereunder shall carry out managerial functions of the higher secondary school affiliated pursuant to Sub-section 3.2 of Section 3 of the Act: -

- (a) A person nominated by the Council from amongst three persons recommended by the District Education Officer from amongst the local parents, donors, persons having interest education and social activists - Chairperson
- (b) A representative of officer level of the District Education Office
- (c) Chairperson of the concerned Village Development Committee or the concerned Ward Member of the Municipality -Member

- (d) Two persons nominated by the Council on the recommendation of the Regional Education Director from amongst local social activists, intellectuals, and persons having interest education including at least a woman -Member
- (e) Two persons nominated by the Council on the recommendation of the District Education Committee representing one each from parents and the donors - Member
- (f) One teacher representative selected by teachers engaged in the concerned higher secondary school from amongst themselves - Member
- (g) Headmaster of the concerned higher secondary school -Member-Secretary

(3) The tenure of Office of the nominated office-bearers of the management committee formed pursuant to Sub-rule (2) shall be of two years.

9. **Procedures Relating to Meetings:** (1) The procedures relating to the meetings of the management committee referred to in Sub-rule (1) of Rule 8 shall be as provided for in the Education Rules, 2049.

(2) The procedures relating to meeting of the Management Committee formed pursuant to Sub-rule (2) of Rule 8 shall be as follows: -

- (a) Meetings of the Management Committee shall be held at least once in Two months.
- (b) Meetings of the Management Committee shall be held on such date and time and venue as appointed by the Chairperson of the committee.

- (c) The Member-Secretary of the committee shall, as per the direction of the Chairperson of the Management Committee, provide a notice along with agenda items of the meeting to all members of the committee normally Twenty-Four hours in advance of the time of the meeting.
- (d) The Chairperson of the committee shall preside over meeting of the Management Committee and in his/her absence; the person selected by members from amongst themselves shall preside over the meetings.
- (e) If at least Fifty percent of the members in the Management Committee are present, it shall be deemed to have constituted the quorum for meetings of the Management Committee.
- (f) The majority decision shall be valid in meetings of the Management Committee and in case of equal division of votes, the person presiding over the meeting shall exercise casting vote.
- (g) Decisions of meetings of the Management Committee shall be authenticated and retained by the Secretary.
- (h) Other procedures relating to meetings of the Management Committee shall be as determined by the Management Committee itself.

10. **Functions, Duties and Powers of Management Committee:** (1) The functions, duties and powers of the Management Committee formed pursuant to Sub-rule (1) of Rule 8 shall, in addition to the functions, duties and powers of Secondary School Management Committee referred to in the Education Rules, 2049 be as follows: -

- (a) To manage for necessary teachers for the operations of the higher secondary education;

- (b) To make appropriate provisions for study and teaching according to the curricula and academic programmes approved by the Council;
- (c) To collect necessary financial resources for the operation of the higher secondary education and to utilize the available sources in maximum;
- (d) To carry out and cause to carry out the activities as per the policies, decisions and direction of the Council with regard to the operation of higher secondary education.

(2) The functions, duties and powers of the Management Committee formed pursuant to Sub-rule (2) of Rule 8 shall be as follows: -

- (a) To carry out or cause to carry out entire activities relating to operation, supervision, control and management of higher secondary school;
- (b) To make appropriate provision for teachers and employees necessary for teaching;
- (c) To make provisions of financial, physical and technical resources necessary for the operation of higher secondary school;
- (d) To make provisions for study and teaching according to the curricula and academic programmes approved by the Council;
- (e) To establish coordination amongst the Council, the universities in Nepal and other academic institutions for the promotion of academic standard;
- (f) To approve the budget of the higher secondary school;
- (g) To protect and promote or cause to protect and promote the movable and immovable property of the higher secondary school;
- (h) To appoint auditor and to take actions on his/her report;

- (i) To hold meetings involving local parents, donors and persons interested in education each year and to introduce the income and expenditures and academic activities of the higher secondary school in the meeting;
- (j) To involve higher secondary school in various constructive activities in order to maintain sound academic atmosphere;
- (k) To take necessary actions against teachers, employees and students involved in unwarranted activities;
- (l) To involve teachers and employees in programmes like seminars, workshop, training and so on organized for the promotion of academic standard;
- (m) To carry out or cause to carry out other functions according to the policies, decisions and directions of the Council;

11. **May be Dissolved:** (1) In case a Management Committee formed pursuant to Sub-rule (2) of Rule 8 does not fulfill the responsibility or does not abide by the Act, these Rules or direction of the Council, the Council may, having consultation with the Regional Education Director of the region where higher secondary school is located and the District Education Officer, dissolve such Management Committee.

Provided that, such Management Committee shall not be dissolved without giving it an opportunity to defend itself.

(2) The Council may, if it deems necessary, conduct an inquiry or investigation prior to the dissolution of the Management Committee.

(3) In case the Management Committee is dissolved pursuant to Sub-rule (1) or the Management Committee is no more existing for any reason whatsoever, the Council may form a temporary Management Committee.

12. **Referral to Dissolution:** In case a Management Committee referred to in Sub-rule (1) of Rule 8 does not fulfill its responsibility or does not abide by the Act,

these Rules or direction of the Council, it may be referred to the concerned body of the Council to dissolve such Management Committee.

13. **Consultation with the Council to be sought:** The District Education Committee shall have consultation with the Council prior to form or dissolve the Management Committee of a secondary school approved by Government of Nepal amongst the schools imparting higher education.

14. **Research and consultation may be carried out:** The Council may, upon entering into the agreements with national or international governmental or non governmental organizations, carry out necessary functions on the matters regarding research, consultation and trainings.

Provided that, while entering into agreements with international governmental or non governmental organizations with regard to research, consultation and trainings, prior approval of Government of Nepal shall be obtained.

15. **Procedures Relating to Meetings of Senate:** (1) The meetings of the Senate shall be held at least once in a year.

(2) Meetings of the Senate shall be held on such date, time and place as appointed by the Chairperson.

(3) The Member-Secretary shall, at least Seven days in advance, give a notice to all members along with agenda to be discussed at the meeting of the Senate.

(4) If at least Fifty percent existing members of the Senate attend, it shall be deemed to have constituted the quorum.

(5) The Chairperson shall preside over the meetings of the Senate and in his/her absence, the Vice-Chairperson shall preside over. In the absence of the Chairperson and Vice-Chairperson, the member selected by the members of Senate from amongst themselves shall preside over the meeting of the Senate.

(6) The Member-Secretary shall authenticate the decisions of the Senate.

(7) Other procedures relating to the meetings of the Senate shall be as determined by the Senate itself.

16. **Functions, Duties and Powers of the Council:** The functions, duties and powers of the Council shall be as follows: -

- (a) To formulate policies and programmes relating to management and operation of the higher secondary schools having affiliation;
- (b) To conduct appropriate programmes for the development of higher secondary education and to conduct or cause to conduct necessary research with regard to higher secondary education;
- (c) To grant affiliation to the school, individual or organization imparting higher secondary education;
- (d) To approve curricula necessary for higher secondary education and cause to prepare text books;
- (e) To make provision of human resources necessary for the Council;
- (f) To approve the posts of employees necessary for the Council;
- (g) To form sub-committees or task force as may be necessary to perform the functions of the Council and to determine the functions, duties and powers of such sub-committee or task force;
- (h) To maintain or cause to maintain updated record along with entire documents of the higher secondary schools having affiliation;
- (i) To approve the study and extraordinary leaves of the employees of the Council;
- (j) To implement or cause to implement policies, directives and decisions of the Senate;
- (k) To carry out or cause to carry out other functions necessary for the operation of the higher secondary school.

17. **Procedures Relating to Meetings of the Council:** (1) Meetings of the Council shall be held as may be necessary.

(2) Meetings of the Council shall be held on such date, time and place as appointed by the Chairperson.

(3) The Member-Secretary shall, at least Seven days in advance, give notice to all members along with agenda to be discussed at the meetings of the Council.

(4) If at least fifty percent of the existing members of the Council attend, it shall be deemed to have constituted the quorum for the meetings of the Council.

(5) The Chairperson shall preside over meetings of the Council and in his/her absence, the Vice-Chairperson shall preside over. In the absence of the Chairperson and Vice-Chairperson, the member selected by the members of Council from amongst themselves shall preside over the meetings of the Council.

(6) Majority opinion in the meeting of the Council shall be binding and in the case of a tie of votes, the person presiding over the meeting may exercise the casting vote.

(7) The Member-Secretary shall authenticate the decisions of the Council.

(8) Other procedures relating to the meetings of the Council shall be as determined by the Council itself.

18. **Power to Issue Directions:** The Chairperson may inspect on any matter or task and issue necessary directions to any office-bearer or employee of the Council in regarding the Council.
19. **Functions, Duties and Powers of the Vice-Chairperson:** Functions, duties and powers of the Vice-Chairperson shall be as follows: -
- (a) To render assistance to the Senate and the Council in formulating short-term and long-term policies, plans and programmes of the Council;
 - (b) To maintain coordination with the native and foreign governmental and non-governmental organization or individual;
 - (c) To carry out or cause to carry out evaluation of progress of the plans and programmes being conducted under the Council;
 - (d) To inspect or cause to inspect higher secondary school having affiliation and to issue necessary directives in the functioning of such schools;
 - (e) To take necessary actions in litigation (lawsuits) relating to the Council or Senate on behalf of the Council or Senate; and

- (f) To cause to introduce resolutions before the Council and Senate.

20. **Functions, Duties and Powers of Member-Secretary:** (1) Functions, duties and powers of the Member-Secretary shall be as follows: -

- (a) To prepare or cause to prepare resolutions to be introduced before the Senate and the Council;
- (b) To implement or cause to implement the decisions made by the Senate and the Council;
- (c) To prepare estimates of annual income and expenditure (budget) and programmes of the Council and to submit them before the Council; and
- (d) To carry out or cause to carry out the functions relating to mobilization of the funds, management, protection and operation of property of the Council.

(2) While exercising his/her powers and performing his/her duties pursuant to Sub-rule (1), the Member-Secretary shall do it subject to the control and directives of the Vice-Chairperson.

21. **Terms and Conditions of Service of Vice-Chairperson and Member-Secretary:** (1) The Vice-Chairperson shall be the chief officer serving full time at the Council.

(2) The Member-Secretary shall be the officer serving full time at the Council.

(3) The Vice Chairperson and Member-Secretary shall be entitled to remuneration from the date of assuming their offices.

(4) Until a Bye-law relating to remuneration, other terms and conditions of service and benefits of Vice Chairperson and Member-Secretary is made, it shall be as prescribed by Government of Nepal.

22. **Delegation of Powers:** The Vice Chairperson may delegate some of its powers to the Member Secretary, any employee of officer rank of the Council or any agency as may be necessary.

23. **Logo of the Council:** The logo of the Council shall be as prescribed in Schedule-2.
24. **Saving:** The acts and activities carried out by the Council subject to the Act prior to the commencement of these Rules shall be deemed to have been carried out under these Rules.

NEPAL LAW COMMISSION

Schedule – 1

(Relating to Rule 3)

Application to be submitted for getting affiliation from the Council

Higher Secondary Education Council,
.....

Since Higher Secondary Level (10+2) classes are going to be conducted in this school/organization from the academic session of the year, therefore, we submit this application along with the following details. We request the Council to grant affiliation to this school/organization as a school imparting higher secondary education.

1. Particulars of the School/Organization:

- (a) Name: –
- (b) Address: –
 - (1) District
 - (2) Municipality/VDC
 - (3) Ward No.
- (c) Year of Establishment of Secondary School
.....
- (d) Year of Registration, if it is an organization
.....
- (e) If it is a secondary school, –
 - (1) Year of commencement of study: –
 - (2) If grant is available from Government of Nepal, full or part: –
 - (3) Private: –

2. Physical Details of Secondary School/Organization :

- (a) Building: –
 - (1) Concreted/raw: - (2) Stores: – (3) Rooms: –
 - (4) Ownership/on Rent
 - (5) Area of Land Covered by the Building: –
- (b) Furniture (Types and numbers)
- (c) Is there Library Building: – Yes/No

(d) Is there separate provision of reading room: Yes/No

(e) Is there Toilet: – Yes/No

3. Documents to be enclosed with the application:

(a) Copy of the Decision of Management Committee.

(b) Copy of the land ownership certificate of the land which is in the name of the school, individual or organization.

(c) Copy of the agreement if the house is on rent.

(d) Copy of evidence of the bank balance amount.

(e) Copy of the receipt of the deposit of amount in bank for getting affiliation.

(f) Copies of agreements by the newly appointed teachers of the higher secondary school for engaging in teaching for a period of three years and copies of academic certificates of such teachers.

(g) If financial arrangement has to be made from other sources, the bases of arranging such sources.

Applicant

Date: Signature: –

Name: –

Post: –

Schedule – 2

(Relating to Rule 24)

Logo of the Council.

The logo of the Council shall be a figure with a book in between and a lamp held by a hand inside a hexagon figure within a round circle, in upper part of the circumference the words "Higher Secondary Education Council" in Nepali and the year 2046 written below it and in the lower half of the circumference, "Higher Secondary Education Board" and above it the year 1989 encrypted.