

Higher Secondary Education Act, 2046

<u>Amending Acts</u>	<u>Date of Royal Assent and Publication</u>
1. Higher Secondary Education (First Amendment) Act, 2047 (1990)	2046-7-11 (Oct. 27, 1989 A.D.) 2047-6-4 (Sept. 20, 1990)
2. Higher Secondary Education (Second Amendment) Act, 2049 (1992)	2050-2-20 (May 2, 1993)

Act No. 21 of 2046 B.S.

An Act to Provide for Higher Secondary Education

Preamble: Whereas, it is expedient to provide for the form, level, operation and control of higher secondary education in order to make the sense of respect and loyalty to the nation and the crown sustainable and to further strengthen national unity and to maintain good conduct, friendliness and morality of people in general; in order to produce mid-level human resources of good quality having mobilized people's participation for expanding knowledge, science, skills in various sectors and in order to create a level of higher secondary education having added one academic level of two years in the 10-year education system which is in practice as the foundation of entry into higher education;

Be it enacted by **His Majesty the King Birendra Bir Bikram Shahdev** in consultation with and the consent of the *Rastriya Panchayat*.

1. **Short Name and Commencement:**

- 1.1 Name of this Act is "(the) Higher Secondary Education Act, 2046 (1989)".
- 1.2 This Act shall come into force in the areas prescribed in notification as published by His Majesty's Government in the Nepal Gazette[#].

2. **Definitions:**

- 2.1 "Higher Secondary Education" means the education to be imparted in classes eleven and twelve.
- 2.2 "Higher Secondary School" means a school imparting higher secondary education.
- 2.3 "Higher Secondary Education Examination" means the examination to be conducted at the end of the higher secondary education.

[#] Prescribed to be commenced since 12th of Phalgun, 2046 (Feb. 23, 1990 A.D.)
Nepal Gazette dated 2046-11-8 (Feb. 19, 1990 A.D.)

◇2.3a "Senate" means the Higher Secondary Education Senate formed under section 4A.

2.4 "Council" means the Higher Secondary Education Council formed under Section 5.

2.5 "Prescribed" or "as prescribed" means prescribed or as prescribed in the Rules or byelaws formed under this Act.

*3. **Schools Imparting Higher Secondary Education to get Affiliation:**

3.1 If a secondary school approved by His Majesty's Government fulfills, the prescribed terms and conditions, the Council may grant affiliation to such secondary school as a school to impart higher secondary education.

3.2 If any individual or organization willing to operate higher secondary education fulfills the prescribed terms and conditions, the Council may grant approval to the school to be established by such an individual or organization for imparting higher secondary education.

4. **Operation of Higher Secondary School:** Operation of a higher secondary school shall be as prescribed.

◇4A. **Formation of Senate of Higher Secondary Education:**

4A.1 There shall be a Higher Secondary Education Senate for policy formation for enhancement of standard of education to be imparted by a higher secondary school and for maintaining coordination amongst such schools.

4A.2 There shall be the following members in the Senate referred to in subsection 4A.1: –

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|---------|--|-------------------|
| 4A.2.1 | Minister or Minister for State for Education, Culture and Social Welfare | –Chairperson |
| 4A.2.2a | Person nominated by His Majesty's Government from amongst educationists | –Vice Chairperson |
| 4A.2.3 | President, Population and Social Committee, the House of Representatives | –Member |

◇ Inserted by the Second Amendment.

* Amended by the Second Amendment.

◇ Inserted by the Second Amendment

- 4A.2.4 Two persons nominated by His Majesty's Government from amongst the members of the National Assembly and the House of Representatives –Member
- 4A.2.5 Member, The National Planning Commission (Education) –Member
- 4A.2.6 Secretary, Ministry of Education, Culture and Social Welfare –Member
- 4A.2.7 Secretary, Ministry of Finance –Member
- 4A.2.8 Vice Chancellors of the Universities established as per law –Member
- 4A.2.9 Five persons nominated by His Majesty's Government from amongst the Headmasters of the higher secondary school getting affiliation –Member
- 4A.2.10 One Representative of the Nepal University Teachers Association –Member
- 4A.2.11 Two persons nominated by His Majesty's Government from amongst the presidents of recognized teachers' organizations and associations –Member
- 4A.2.12 Two persons nominated by His Majesty's Government from amongst educations –Member
- 4A.2.13 One person nominated by His Majesty's Government from amongst the donors donating higher secondary school getting affiliation and founders thereof –Member
- 4A.2.14 Person nominated by His Majesty's Government –Member- Secretary
- 4A.3 The term of office of nominated members shall be of four years and they may be re-appointed upon expiry of the term of office.
- 4A.4 Procedures relating to meeting of the Senate shall be as prescribed.

◇4B **Functions, Duties and Powers of the Senate:**

4B.1 The following shall be the functions, duties and powers of the Senate:-

4B.1.1 To guide the Council,

4B.1.2 To determine policies of the Council and to provide and cause to provide for its effective implementation,

4B.1.3 To evaluate or cause to evaluate whether or not there is quality development of higher secondary education,

4B.1.4 To approve annual budget and programs of the Council,

4B.1.5 To cause to prepare long-term plan and to make necessary arrangement for its implementation,

4B.1.6 To give necessary directives to any agency or authority under the Council,

4B.1.7 To carry out or cause to carry out other functions under this Act or Rules formed thereunder.

*5. **Formation, Functions, Duties and Powers of Higher Secondary Education Council:**

5.1 There shall be a Higher Secondary Education Council as follows for operation of functions of the Higher Secondary Education Senate: –

5.1.1 Chairperson of the Senate –Chairperson

5.1.2 Vice-Chairperson of the Senate –Vice „

5.1.3 Four persons nominated by the Chairperson on the recommendation of the Senate from amongst the members of the Senate –Member

5.1.4 Member-Secretary of the Senate –Member Secretary

5.2 The term of office of the members nominated to the Council shall be four years and they may be re-appointed upon expiry of their term of office.

5.3 Functions, duties and powers of the Council shall be as prescribed.

◇ Inserted by the Second Amendment

* Amended by the Second Amendment.

5.4 Functions, duties, powers and other terms of service of the Vice-Chairperson of the Council shall be as prescribed.

5.5 Procedures relating to meeting of the Council shall be as prescribed.

6. **Committees may be Formed:**

6.1 The Council may, in order for determination of curriculum operation of examination and affiliation of higher secondary education, form one or more committees.

6.2 Formation, functions, duties and powers of committees formed pursuant to sub-section 6.1 shall be as prescribed by the Council.

7. **Council to be an Autonomous Corporate Body:**

7.1 The Council shall be an autonomous body corporate with perpetual succession.

7.2 The Council shall have its own seal for transaction of business.

7.3 The Council may acquire, use, mortgage, sell or manage in other ways the movable and immovable property like an individual.

7.4 The Council may file case and cases may be filed against it like an individual.

7.5 Central office of the Council shall be located at Kathmandu valley.

8. **Qualification Required for Admission to Higher Secondary School:** Students having passed the School Leaving Certificate Examination or the equivalent shall be eligible for admission to higher secondary school.

9. **Recognition of Higher Secondary Education:** Certificate of having passed Higher Secondary Education Examination shall be recognized as equivalent to passing Proficiency Certificate level of universities in the Kingdom of Nepal.

10. **Provisions Relating to Employees:**

10.1 The Council may provide for necessary employees.

10.2 Functions, duties and powers of the employees of the Council shall be as prescribed.

10.3 Remuneration, terms and conditions and benefits of service of the employees of the Council shall be as prescribed.

◊10.A **Powers to Collect Financial Sources:** The Council may, with the prior approval of His Majesty's Government, secure loans and grants or collect financial sources in every other manner for the amount needed for smoothly operating its business.

11. **Fund of the Council:**

11.1 The Council shall have a separate fund. The following amounts shall be deposited in the said fund: –

11.1.1 Grants from His Majesty's Government

11.1.2 Amount to be received from donation

11.1.3 Amount to be received from other sources

11.2 Entire expenses to be made on behalf of the Council shall be borne by the fund referred in sub-section 11.1.

11.3 Operation of the fund referred to in sub-section 11.1 shall be as prescribed.

12. **Accounts of the Council and Auditing:**

12.1 Accounts of the Council shall be maintained as per the prevailing format and method of His Majesty's Government.

12.2 Accounts of the Council shall be audited by the office of the Auditor General.

12.3 His Majesty's Government may inspect documents, relating to accounts and cash and kind of the Council at anytime whatsoever.

13. **Classes of Proficiency Certificate Level may be Transferred to Higher Secondary School:**

13.1 The classes of proficiency certificate level being conducted at the campuses under the affiliation to, or as constituent of, *universities in the Kingdom of Nepal at the time of commencement of this Act may be transferred to higher secondary school.

*13.2 Notwithstanding anything contained in the prevailing law relating to universities, Tribhuvan University or any other university shall give approval or affiliation to any academic institution to conduct proficiency certificate level classes in the areas where this Act has been enforced.

◊ Inserted by the Second Amendment

* Amended by the Second Amendment.

- ⁺⁺13A. **Special Provision:** Notwithstanding anything contained in section 13, there shall be no hindrance for Tribhuvan University to give approval or affiliation to any academic institution to conduct proficiency certificate level classes in the area or areas in which this Act has been enforced for a period of four years from the date of commencement of this section.
14. **Delegation of Powers:** The Council may delegate all or some of the powers conferred on it by this Act or Rules made under this Act to *Regional Education Director, *District Education Officer or Committee or official of the Council.
15. **His Majesty's Government may Issue Directives:**
- 15.1 His Majesty's Government may issue directives to the Council with regard to higher secondary education from time to time.
- 15.2 It shall be the duty of the Council to abide by the directives issued under subsection 15.1
16. **Power to Frame Rules:** In order to implement objectives of this Act, His Majesty's Government may frame Rules.
17. **Power to Frame Byelaws:** Subject to this Act and Rules framed under this Act, the Council may, in order to make its internal functioning well organized, frame byelaws.
- [◇]18. **Liaison with His Majesty's Government:** While making contact with His Majesty's Government, the Council shall have to make contact through the Ministry of Education, Culture and Social Welfare.

⁺⁺ Inserted by the First Amendment.

[◇] Inserted by the Second Amendment.