

Higher Secondary Education Act, 2046

<u>Amending Acts</u>	<u>Date of Royal Assent and Publication</u>
	2046-7-11 (Oct. 27, 1989 A.D.)
1. Higher Secondary Education (First Amendment) Act, 2047 (1990)	2047-6-4 (Sept. 20, 1990)
2. Higher Secondary Education (Second Amendment) Act, 2049 (1992)	2050-2-20 (May 2, 1993)
3. Education and sports Related some Nepal Acts Amendment Act, 2063	2063-9-14 (Dec 29, 2006)

Act No. 21 of 2046 B.S.

An Act to Provide for Higher Secondary Education

Preamble: Whereas, it is expedient 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 ten-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**
the advice with and consent of the *Rastriya Panchayat*.

1. **Short Name and Commencement:**

1.1 This Act may be called "Higher Secondary Education Act, 2046 (1989)".

1.2 This Act shall come into force in the areas and on such date as prescribed in Notification as published by Government of Nepal in the Nepal Gazette[#].

[&] Deleted by Education and sports Related some Nepal Acts Amendment Act, 2063

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

2. **Definitions:** In this Act, unless the subject or the context otherwise requires;

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.

◊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 framed under this Act.

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

3.1 If a secondary school approved by Government of Nepal fulfills, the prescribed terms and conditions, the Council, TM on the recommendation of District Education Committee and Department of Education 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 TM on the recommendation of District Education Committee and Department of Education may grant approval to the school to be established by such an individual or organization for imparting higher secondary education.

◊ Inserted by the Second Amendment.

* Amended by the Second Amendment.

TM Inserted Education and sports Related some Nepal Acts Amendment Act, 2063

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 Sub-section 4A.1: –

◊ 4A.2.1 Minister or Minister for State for Education
and Sport –Chairperson

™ 4A.2.1a Person nominated by Government of Nepal from
amongst educationists –Vice
Chairperson

4A.2.2 ✕

4A.2.3 President, Population and Social Committee, the House
of Representatives® –Member

4A.2.4 Two persons nominated by Government of Nepal from
amongst the members of the National Assembly and
the House of Representatives* –Member

4A.2.5 Member, The National Planning
Commission (Education) –
Member

◊ Inserted by the Second Amendment

◊ Amended by the Education and sports Related some Nepal Acts Amendment Act, 2063

™ Inserted Education and sports Related some Nepal Acts Amendment Act, 2063

✕ Deleted by Education and sports Related some Nepal Acts Amendment Act, 2063

® Interim Constitution of Nepal, 2063 does not provide for House of Representatives.

* At present there is a Constituent Assembly in Nepal.

- 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 Government of Nepal 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 Government of Nepal from amongst the presidents of recognized teachers' organizations and associations –Member
- 4A.2.12 Two persons nominated by Government of Nepal from amongst the educations –Member
- 4A.2.13 One person nominated by Government of Nepal from amongst the donors donating higher secondary school getting affiliation and founders thereof –Member
- ◊4A.2.14 Person nominated by Government of Nepal –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.

* At present this Ministry has been named as "Education Ministry".

◊ Amended by the Education and sports Related some Nepal Acts Amendment Act, 2063

◊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 framed 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 the 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

◊ Inserted by the Second Amendment

* Amended by the Second Amendment.

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.

TM5.3a Functions, Duties, Powers and other condition of service of the vice chairperson shall be as prescribed.

5.4 ^{SK}

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 ^{SK}..... operation of examination and affiliation of higher secondary education, form one or more committees.

6.2 Composition, 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 the transaction of its 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 a case and a case may be filed against it as an individual.

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

TM Inserted Education and sports Related some Nepal Acts Amendment Act, 2063

^{SK} Deleted by Education and sports Related some Nepal Acts Amendment Act, 2063

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 Nepal.

TM9A. **Approval of Curricula and Determination of Text Book :**

9A.1 Council shall submit the curricula to be taught in the Higher Secondary School before the Education and Sports Ministry for its approval.

9A.2 Ministry of Education and Sports may examine the curricula submitted to it pursuant to Sub-section 9A.1 and approve it .

9A.3 Higher Secondary School shall conduct the teaching process as per the curricula approved by the Ministry of Education and Sports pursuant to Sub-section 9A.2 .

10. **Provisions Relating to Employees:**

10.1 The Council may manage 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 of service facilities of the employees of the Council shall be as prescribed.

[◇]10.A **Powers to arrange Financial Resources:** The Council may, with the prior approval of Government of Nepal, secure loans and grants or collect financial resources from any other manner for the amount needed for smooth operation its business.

11. **Fund of the Council:**

TM Inserted Education and sports Related some Nepal Acts Amendment Act, 2063

[◇] Inserted by the Second Amendment

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

11.1.1 Grants from Government of Nepal

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 Government of Nepal.

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

12.3 Government of Nepal 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 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 not give approval or affiliation to any academic institution to conduct proficiency certificate level classes in the areas where this Act has been enforced.

* 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.

TM 13b. **Power to Supervision and monitoring:**

13b.1 Notwithstanding anything contained in this Act and Rules framed under this Act, Director General of the Education Department shall have the following powers:

13b.1.1 to supervise and monitor the Higher Secondary school .

13b.1.2 to manage for any of the amount provided by the Government of Nepal to the Higher Secondary school .

14. **Delegation of Powers:** The Council may delegate all or some of the powers conferred on it by this Act or Rules framed under this Act to ^{*}Regional Education Director, ^{*}District Education Officer or Committee or officer of the Council.

15. **Government of Nepal may Issue Directives:**

15.1 Government of Nepal 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 pursuant to Sub-section 15.1

16. **Power to Frame Rules:** To implement the objectives of this Act, Government of Nepal may frame Rules.

⁺⁺ Inserted by the First Amendment.

TM Inserted Education and sports Related some Nepal Acts Amendment Act, 2063

17. **Power to Frame Byelaws:** Subject to this Act and Rules framed thereunder Council may, in order to make its internal functioning well organized, frame byelaws.
- [◊]18. **Liaison with Government of Nepal:** Ministry of Education, Culture and Social Welfare shall liaison to the council while making contact with the Government of Nepal.

[◊] Inserted by the Second Amendment.