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2013 EDITION

# **EDUCATION (NATIONAL MINIMUM STANDARDS AND ESTABLISHMENT OF INSTITUTIONS) ACT**

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EDUCATION (NATIONAL MINIMUM STANDARDS AND ESTABLISHMENT OF INSTITUTIONS) ACT

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An Act to deal amongst other things with the specification of various authorities empowered to prescribe minimum standards of education in Nigeria; and to impose penalties for any contravention of its provisions.

[1985 No. 16.]

[6th August, 1985] [Commencement.]

## PART I

Minimum standards, etc., in institutions

Primary education

### 1. Minimum standards for pre-primary and primary institutions

- (1) The responsibility for the establishment and maintenance of minimum standards in pre-primary and primary schools and similar institutions in the Federation is hereby vested in the Minister.
- (2) In prescribing the minimum standards mentioned in subsection (1) of this section, the Minister shall have regard to the matters mentioned in sections 2 and 3 of this Act.

### 2. Purpose of pre-primary education

The purpose of pre-primary education shall be-

- (a) to effect a smooth transition from home to school;

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- (b) to prepare the child for the primary level of education;
- (c) to provide adequate care and supervision for children while their parents are away from home either at work, on the farms, in the markets or in offices or otherwise howsoever;
- (d) to inculcate in the child the best of social norms;
- (e) to inculcate in the child the spirit of inquiry and creativity through the exploration of nature and the local environment, playing with toys and indulging in artistic and musical activities;
- (f) to instil in the child the need for co-operation with others and team spirits;
- (g) to teach children the rudiments of numbers, colours, shapes and forms through play; and
- (h) to teach children good habits, especially good health habits.

### 3. Purpose of primary education

(1) The purpose of primary education shall be-

- (a) the inculcation of permanent literacy and numeracy and the ability to communicate effectively;
- (b) the laying of a sound basis for scientific and reflective thinking;
- (c) citizenship education as a basis for effective participation in and contribution to the life of the society;
- (d) character and moral training and the development of sound attitudes;

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- (e) to develop in the child the ability to adapt to his changing environment;
  - (f) to give the child opportunities for developing manipulative skills that will enable him to function effectively in the society within the limits of his capacity;
  - (g) to provide basic tools for further educational advancement, including preparation for trades and crafts of the locality.
- (2) The medium of instruction in primary schools shall initially be in the mother tongue or in the language of the immediate community and at a later stage in English.

#### Secondary and teacher education

4. Minimum standards in secondary schools and certain categories of teacher education
- (1) The responsibility for the establishment and maintenance of minimum standards in secondary schools and similar institutions in the Federation shall be vested in the Minister.
  - (2) The responsibility for the establishment and maintenance of minimum standards in the Federation in respect of teacher education not carried out as part of higher education is hereby vested in the Minister.
  - (3) In prescribing the minimum standards mentioned in subsections (1) and (2) of this section, the Minister shall have regard to the matters mentioned in sections 5 to 7 of this Act.
5. Purpose of secondary education

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The purpose of secondary education shall be-

- (a) to provide an increasing number of primary school pupils with opportunity for education of a higher quality, irrespective of sex, social, religious, or ethnic background;
- (b) to equip students to live effectively in the modern age of science and technology;
- (c) to develop and project Nigerian culture, art and language as well as the universal and cultural heritage;
- (d) to raise a generation of people who can think for themselves, respect the views and feelings of others, respect the dignity of labour and appreciate those values specified under our broad national aims so as to enable them to live and function as good citizens;
- (e) to foster Nigerian unity with emphasis on the common ties that unite us in our diversity;
- (f) to inspire students with a desire for achievement and self-improvement both at school and later on in life.

#### 6. Structure of secondary education

- (1) Secondary education shall be of six years' duration and be given at two stages of three years' duration each, that is-
  - (a) junior secondary stage; and
  - (b) senior secondary stage.

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- (2) Curricula activities of the junior secondary school shall be both pre-vocational and academic and shall include all basic subjects which will enable pupils to acquire further knowledge and develop skills.
  - (3) The senior secondary school shall be comprehensive and shall have a core curriculum designed to broaden pupils' knowledge and outlook.
  - (4) In order to ensure that minimum standards are complied with, the Minister may by notice published in the Federal Gazette give directives in respect of the curriculum to be followed in junior and senior secondary schools.
  - (5) The core and optional subjects specified in any directives given under subsection (4) of this section, shall be subject to revision from time to time by the Minister.
7. Purpose of teacher education
- (a) to produce highly motivated, conscientious and efficient classroom teachers for all levels of the educational system mentioned in this Act;
  - (b) to encourage the spirit of inquiry and creativity in teachers;
  - (c) to help teachers fit into the social life of the community and society at large and to enhance their commitment to national objectives;
  - (d) to enhance teachers' commitment to the teaching profession.



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## Technical education

### 8. Minimum standards in respect of technical education

- (1) The responsibility for the establishment of minimum standards in polytechnics, technical colleges and other technical institutions in the Federation shall be vested in the Minister after consultation with the National Board for Technical Education and thereafter that Board shall have responsibility for the maintenance of such standards.
- (2) The Board shall have power to accredit programmes of all institutions mentioned in subsection (1) of this section for the purpose of award of national certificates and diplomas and other similar awards and for entry into national and zonal examinations in respect of such institutions.
- (3) In exercising the powers conferred under or pursuant to the foregoing provisions of this section, the Minister or, as the case may be, the Board, shall have regard to the matters mentioned in section 9 of this Act.

### 9. Purpose of technical education

- (1) The purpose of technical education shall be-
  - (a) the provision of trained manpower in engineering, applied Science, technology and commerce at all professional grades;

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- (b) the provision of technical knowledge and vocational skills necessary for agricultural, industrial, commercial and economic development;
  - (c) the provision of qualified and well-equipped personnel to apply scientific knowledge to the improvement and solution of environmental problems for use and convenience of man;
  - (d) the introduction of professional studies in engineering and other technologies;
  - (e) the provision of training to impart the necessary skills leading to the production of craftsmen, technicians, technologists and engineers and other skilled personnel who will be enterprising and self-reliant;
  - (f) to enable men and women to have intellectual understanding of the increasing complexity of technology and the role technology plays in the world around them.
- (2) All students of specialised engineering, technical, business, applied science or applied arts programmes shall be required to have compulsory supervised industrial attachment as part of their regular studies in such a manner as may be prescribed by the Board.

### Higher education

#### 10. Minimum standards in universities

- (1) The power to lay down minimum standards for all universities and other institutions of higher learning in the Federation and the accreditation of their degrees and other academic awards is hereby vested in the

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National Universities Commission in formal consultation with the universities for that purpose, after obtaining prior approval therefor through the Minister, from the President.

[1993 No.9.]

- (2) In the exercise of the powers conferred under and pursuant to subsection (1) of this section, the Commission shall have regard to the matters mentioned in section 11 of this Act.
- (3) Nothing in this section shall be construed as preventing or restricting the National Board for Technical Education from carrying out its functions under section 8 of this Act.

#### 11. Purpose of higher education

The purpose of higher education shall be-

- (a) the acquisition, development and inculcation of the proper value-orientation for the survival of individuals and society;
- (b) the development of the intellectual capacities of individuals to understand and appreciate their environment;
- (c) the acquisition of both physical and intellectual skills to enable individuals to develop into useful members of the community;
- (d) the acquisition of an objective view of local and external environment;

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- (e) the making of optimum contributions to national development through the training of higher level manpower;
- (f) the promotion of national unity by ensuring that admission of students and recruitment of staff into universities and other institutions of higher learning shall, as far as possible, be on a broad national basis;
- (g) the promotion and encouragement of scholarship and research.

#### Special and adult education

#### 12. Minimum standards in respect of special and adult education

- (1) The Minister shall have responsibility for the establishment of minimum standards in respect of the following, that is to say-
  - (a) special education; and
  - (b) adult and non-formal education.
- (2) In prescribing the minimum standards mentioned in subsection (1) of this section, the Minister shall have regard to the matters mentioned in sections 13 and 14 of this Act.
- (3) Before prescribing any of the aforementioned standards, the Minister shall have consultations with interested parties and may set up such committees as he considers appropriate to advise him in the discharge of his responsibilities under this section.

#### 13. Purpose of special education

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The purpose of special education shall be-

- (a) to provide adequate education for all handicapped children and adults in order to enable them to fully play their roles in the development of the nation; and
- (b) to provide opportunities for exceptionally gifted children to develop at their own pace in the interest of the nation's economic and technological development.

14. Purpose of adult and non-formal education

The purpose of adult and non-formal education shall be-

- (a) to provide functional literacy education for non-literate adults;
- (b) to provide functional and remedial education for those young people who prematurely dropped out of the formal school system;
- (c) to provide further education for different categories of those who have completed formal education to any level in order to further improve their basic knowledge and skills;
- (d) to provide in-service training on the job and also vocational or professional training for different categories of workers or professionals in order to improve their skills; and
- (e) to give adult citizens the necessary aesthetic, cultural and civic education for public enlightenment.

PART II

Administration

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## Powers of inspection

### 15. Powers of inspection

(1) It shall be the duty of the appropriate authority to keep himself or itself informed of the nature of-

- (a) the instruction given at approved institutions to persons attending courses of training; and
- (b) the examinations as a result of which approved qualifications are attained and appropriate certificates are awarded,

and for the purposes of performing that duty, the appropriate authority may appoint inspectors to visit institutions or to oversee such examinations.

(2) It shall be the duty of an inspector appointed under this section to report to the appropriate authority-

- (a) the sufficiency or otherwise of the instruction given to persons attending courses of training at the institution inspected by him;
- (b) the sufficiency or otherwise of the examinations overseen by him; and
- (c) any other matter relating to the institutions or examinations on which the appropriate authority may, either generally or in a particular case, request their inspector to report,

but no inspector shall interfere with the giving of any instruction or the holding of any examination.

(3) An inspector appointed under this section shall have power-

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- (a) to require the authorities of any institution or any employee thereof to produce any books, registers or documents relating to any institution which he has been authorised to inspect and to inspect any such book, register or document which would enable him discharge his duties efficiently and to remove any such book, register or document which he inspects as evidence of contravention of any provision of this Act or of any subsidiary legislation made thereunder;
  - (b) to require the authorities of any institution or any employee thereof to provide any information which in the opinion of the inspector would assist in the inspection and ascertainment of compliance with the standards prescribed by or pursuant to this Act;
  - (c) to enter the premises of any institution upon which he has reason to suspect that a contravention of this Act or of any subsidiary legislation made thereunder has been, or is being made; and
  - (d) to do all such other things as may be necessary or expedient for the purpose of any inspection authorised to be carried out by him under this section.
16. Procedure after adverse report
- (1) Where, after an inspection under section 15 of this Act, a report is received by the appropriate authority that any provision of this Act or of any subsidiary legislation issued thereunder has been infringed, the appropriate authority shall as soon as may be send a copy of the report to the person appearing to the appropriate authority to be in charge of the institution or responsible for examinations to which the report relates requesting that person to make observations on the report to the appropriate authority within such period as may be specified in the request, not being more than sixty days beginning with the date of the request.

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- (2) After receipt of the observations from the institution concerned, the appropriate authority may issue to such institution directions as to necessary adjustments to be made by the institution concerned to reach prescribed minimum standards and where such institution fails within such time as may be contained in the directions for implementation thereof, the appropriate authority may withdraw recognition for any academic or other award thereafter issued or made by such institution.

#### 17. Offences

- (1) If any person required to furnish returns pursuant to section 15 of this Act fails to furnish those returns as required under this Act, he shall be guilty of an offence and liable on conviction to a fine not exceeding N500 or imprisonment for a period not exceeding six months or to both such fine and imprisonment.
- (2) If a person in purported compliance with a requirement to furnish returns as aforesaid, knowingly or recklessly makes any statement in the return which is false in a material particular, he shall be guilty of an offence and liable on conviction to a fine not exceeding N250 or imprisonment for a period not exceeding three months or to both such fine and imprisonment.
- (3) Any person who wilfully obstructs, interferes with, assaults or resists any inspector appointed pursuant to section 15 of this Act in the execution of his duty under this Act or who aids, invites, induces or abets any other person to obstruct, interfere with, assault or resist any such inspector, shall be guilty of an offence and liable on conviction to a fine not exceeding N500 or imprisonment for a period not exceeding six months or to both such fine and imprisonment.

#### 18. Offences by bodies corporate, etc.



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Where an offence under this Act is committed by a body corporate or firm or other association of individuals-

- (a) every director, manager, secretary or other similar officer of the body corporate;
- (b) every partner or officer of the firm;
- (c) every person concerned in the management of the affairs of the association; or
- (d) every person who was purporting to act in any such capacity as aforesaid,

shall severally be guilty of that offence and liable to be proceeded against and punished for the offence in like manner as if he had committed the offence, unless he proves that the act or omission constituting the offence took place without his knowledge, consent or connivance.

Conditions for establishment of institutions

#### 19. Conditions for ownership or proprietorship of certain institutions

(1) Any institution in the Federation to which this section applies, irrespective of the ownership, shall be established under or pursuant to an Act:

Provided that where any such institution is established or is to be established by the government of a State or a local government council then it shall be established pursuant to a law of the State concerned.

(2) The institutions to which this section applies are-

- (a) those established or to be established with respect to university education, technological education or professional education; and

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- (b) in the case of the Federal Capital Territory, Abuja, any educational institution of any description whatsoever.
- (3) Any institution aforesaid established before the coming into force of this Act otherwise than in compliance with the provision of this section shall, as soon as may be after the commencement of this Act, take steps to ensure compliance therewith.

20. Persons who may establish institutions of higher learning

An institution of higher learning may be sponsored or owned by the Government of the Federation or of a State or by a local government or by any of the following, that is-

[1993 No.9.]

- (a) by a company incorporated in Nigeria; or
- (b) by an individual or association of individuals who are citizens of Nigeria and who satisfy the criteria set out in the Schedule to this Act for establishment of institutions.

[Schedule.]

21. Application for establishment of institutions of higher education

- (1) Application for the establishment of an institution of higher learning shall be made to the Minister-
  - (a) in the case of a university, through the National Universities Commission;

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- (b) in the case of a polytechnic, or college of agriculture, through the National Board for Technical Education;
  - (c) in the case of a college of education, through the National Commission for Colleges of Education; and
  - (d) in any other case, through the Permanent Secretary of the Ministry of Education, in accordance with guidelines prescribed for making the application.
- (2) No State, local government or tertiary institution shall benefit from the education tax with respect to a tertiary institution unless the application for the establishment of the tertiary institution was made in accordance with the provisions of subsection (1) of this section.
- (3) No person shall be granted approval to establish an institution of higher education unless the criteria set out in the Schedule to this Act have been satisfied.

[Schedule.]

22. Power to close down erring institutions

- (1) Any institution established otherwise than in compliance with section 19, 20 or 21 of this Act may be liable to closure by the appropriate authority but before closing down any such institution, the appropriate authority shall afford the proprietor of the institution an opportunity to make representations for consideration by the appropriate authority not later than sixty days after receipt of notice by the proprietor from the authority of the intention to close down the institution:

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Provided that the powers conferred under this subsection shall not be exercised by the appropriate authority in respect of any institution belonging to any government in the Federation without the prior approval of the President.

[1993 No.9.]

- (2) Where an institution is closed down, the appropriate authority may appoint a qualified person, to be known as a receiver, to take charge of the assets and liabilities of any such institution and to apportion same in an equitable manner to persons entitled thereto, so however that this subsection shall not apply to any institution belonging to any government in the Federation or in any case where provisions have been made in that behalf by law or any other written instrument.
- (3) Any person aggrieved by any decision taken under or pursuant to this section shall have a right to apply to the court for a review of the matter.

### PART III

#### Supplementary provisions

#### 23. Jurisdiction

Every offence under this Act or any other proceeding arising therefrom or in connection with any subsidiary legislation made thereunder shall be triable in the Federal High Court and references in this Act to "court" or "the court" shall be construed accordingly.

#### 24. Issue of guidelines

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- (1) The appropriate authority shall have power to issue guidelines to relevant institutions in respect of the following that is to say-
  - (a) the maximum number of pupils or students that may occupy each class by reference to its physical dimension;
  - (b) the ratio of pupils or students to each teacher;
  - (c) the minimum number of weeks in each school year or academic session during which instruction would be given to pupils or students;
  - (d) the records to be kept by the institution concerned;
  - (e) the accommodation to be maintained by the institution by reference to the total number of persons under instruction in the institution concerned and the optimum space to be reserved to each pupil or student, inclusive of teaching space in every classroom or lecture hall;
  - (f) the amenities to be maintained by the institution;
  - (g) the laboratories, workshops, technical drawing-rooms, typewriting rooms, model workshops, home economics rooms, art rooms and libraries to be maintained by the institution;
  - (h) the administrative blocks, staff rooms, assembly halls, kitchens, dining halls and other special buildings to be maintained by the institution;
  - (i) the staff quarters and other living accommodation to be maintained for teaching, administrative, technical and other staff on the school grounds or campus;

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- (j) the boundary walls or fences to be maintained by the institution; and
  - (k) such other physical structures as would be required to ensure or would be conducive to the maintenance of the minimum standards prescribed in respect of any such institution.
- (2) Every guideline or amendment thereof issued pursuant to subsection (1) of this section shall be published by notice in the Federal Gazette and given additional publicity apart from such publication in such manner as the appropriate authority may determine.

## 25. Interpretation

In this Act, unless the context otherwise requires-

"Academic year" means any period of twelve months as may be declared as such by any university or other institution of higher learning;

"Adult and non-formal education" means education consisting of functional literacy or remedial, continuing, vocational, aesthetic, cultural and civic education for youths and adults outside the formal school system;

"The appropriate authority" means-

- (a) the Minister in respect of pre-primary, primary and secondary education and in respect of teacher education not given as part of higher education;
- (b) the Minister or, as the case may require, the National Board for Technical Education in respect of technical education; and

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(c) the National Universities Commission in respect of higher education;

"Higher education" mean education which is given at the tertiary stage which covers the post-secondary section of the national education system and which is given at institutions such as universities, polytechnics, colleges of technology, colleges of education, advanced teachers colleges, professional institutions and such other institutions as may be allied to any of the foregoing;

"Minister" means the Minister of the Government of the Federation for the time being charged with the responsibility for education;

"Pre-primary education" means education given in an educational institution to children aged three to five plus, prior to their entering primary school;

"Primary education" means education given in an institution for children aged six to eleven plus;

"Proprietor" includes the person who is or holds himself out to be the owner of school buildings or premises or the lessee or tenant of the same in case of leased property or person using the buildings or premises for the purpose of a school or any person recognised or registered as a proprietor immediately before the coming into operation of this Act or the Federal Government or any State government or local government councilor any other public body (whether corporate or unincorporate) which owns or runs any institutions;

"School" includes any assembly often or more persons for the receipt of regular instruction in any form of education;

"Secondary education" means education given in an institution to children after primary education and before higher education in institutions including-

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- (a) secondary school;
- (b) technical school;
- (c) commercial school; and
- (d) grade II teacher training college;

"Special education" means education either in the normal schools or in special institutions established-

- (a) for children and adults who have learning difficulties because of certain handicaps such as blindness, partial sightedness, deafness, hardness of hearing, mental retardation or other physical or mental handicap including social maladjustment due to circumstances of birth, inheritance, social position, mental or physical health pattern or accident in later life; or
- (b) in respect of children who are specially gifted;

"Teacher education" means the professional training given to teachers entering or already in the teaching profession either as part of secondary education or of higher education;

"Technical education" means education given in institutions other than the universities, that is, polytechnics, technical colleges and other technical and technological institutions providing both the scientific knowledge and practical skills required for a specific trade, employment or profession as craftsman, technician, technologist, engineer, scientist or similar levels in business, in the fields of engineering, applied science, agriculture or business.



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26. Short title, etc.

- (1) This Act may be cited as the Education (National Minimum Standards and Establishment of Institutions) Act.
- (2) The provisions of this Act are in addition to and not in derogation of the provisions of any other enactment or law relating to education.

## SCHEDULE

[Sections 20,21.]

Criteria for establishing an institution of higher education

1. The academic structure and spread of discipline of the institution shall be such as would cater for areas of felt needs.

[1993 No.9.]

2. (1) Evidence shall be provided to show that the institution would be provided with adequate-
  - (a) funding, both capital and recurrent; and

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(b) academic and support staff.

(2) The proposed staffing guidelines shall meet with current guidelines of-

- (a) the National Universities Commission;
- (b) the National Board for Technical Education; or
- (c) the National Commission for Colleges of Education,

as the case may be, staff ratio based on the courses contemplated.

3. The Federal Government must be satisfied that, on approval being given, the sources of funding and necessary funds will be available.

4. The Federal Government or its accredited agency shall ascertain and be satisfied itself that-

(a) the fixed and enabling assets, that is, funds, land, movable and immovable assets are appropriate for establishing the institution in the light of such factors as-

- (i) the type of institution envisaged;
- (ii) its philosophy and objectives; and
- (iii) the costs of goods and services prevailing at the time;

(b) the assets shall be assigned to the institution on approval being given for the institutions to be established; and

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- (c) that the applicant has supplied a concrete and guaranteed source of financial support to the university to the tune of N200 million, N100 million for polytechnic or monotechnic and N50 million for a college of education over a period of five years.
5. (1) A proposed institution shall have a clearly spelt-out master plan for infra structural and programme development for at least 20 to 25 years which shall make adequate provision for-
- (a) plan space, aesthetic beauty and fixed financial assets; and
  - (b) minimum land area of 100 hectares for a university, 50 hectares for a polytechnic or a monotechnic and 25 hectares for a college of education in a salutary site.
- (2) The site distance from an urban complex shall take into account availability of municipal services including water, transportation, private accommodation, communication and other services.
6. (1) A proposed institution shall have an adequate enrolment base and shall be open to all Nigerians irrespective of ethnic derivation, social status, religious or political persuasion.
- (2) Accordingly, its laws and statutes shall not conflict with the conventional responsibilities in academia or interfere with avowed traditional institutional autonomy.
7. To prevent problems of inadequate municipal facilities, the proposed institution shall have a clear policy on student and staff accommodation and catering services.

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8. The proposed institution shall have a well-articulated mission and set of objectives which may be original and innovative but unequivocally in consonance with the socio-economic and political aspirations of Nigeria.
9. To create and sustain confidence and credibility from the start, the administrative structure of the proposed institution shall not depart too radically from established norms.
10. The library, laboratory and workshop facilities, including instructional tools and consumables shall be adequate and there shall be long-range plans for sustaining them.
11. The planning and feasibility report of the proposed institution shall include proposed contacts and affiliation with existing similar institutions and plans for cooperation and interaction.
12. The criteria set out in this Schedule shall also apply to a proposed institution which is an open university except that-
  - (a) the minimum land area requirement shall not apply; and
  - (b) guidelines prescribed by the appropriate authority as regards technical infrastructure for functional and effective operation, shall be satisfied.

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SUBSIDIARY LEGISLATION

No Subsidiary Legislation