

DRAFT BILL
ASSAM SCHOOL EDUCATION BILL, 2019

29/8/19

A
BILL

Preamble

To provide for a law for promoting, planning and development of all schools and for securing a greater measure of participation by parents, guardians, educationists, social workers and administrators in the affairs of such institutions and with a view to fostering harmonious development of the mental and physical capabilities and cultivating a scientific and secular outlook of the students;

whereas it is expedient to provide quality education to students;

it is hereby enacted in the Seventieth year of the Republic of India, as follows:

Section 1:

This Act may be called the Assam School Education Act, 2019.

Short title,
extent and
commencement:

(a) It extends to all the Government, Provincialised, Government aided Educational Institutions including private schools imparting education from pre-primary to class-XII or its equivalent, irrespective of the medium of instruction situated in the state of Assam except in the autonomous districts, provided that the State Government may, in consultation with the district Councils of the autonomous districts extend this Act to those autonomous districts by a notification in the Assam Gazette.

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

CHAPTER-1

PRELIMINARY

Section 2:

Definitions: In
this Act,
unless the
context
otherwise
requires,

(1)“Academic Year” means a period of one year (including vacations), notified as an academic year by the State or Central Government, or by Academic Authority, for the transaction of the course of study prescribed;

(2)“Academic Authority” means Boards, which prescribe the course curriculum and conduct Examinations, as prescribed;

(3)“AES” means the Assam Education Service;

(4)“AHSEC” means the Assam Higher Secondary Education Council established under Assam Higher Secondary Education Act 1984;

(5)“Appointed day” means the date on which this Act comes into force;

(6)“Appropriate Authority” means the authority who is authorised to appoint teaching and non teaching staff as per concerning Service Rule;

(7)“Area of operation” means as defined in section 1 (2)

(8)“ASTPPC” means the Assam State Textbook Production & Publication Corporation Ltd;

(9)“BBE” means Block Board of Education;

Assam Act
No XVII of
1984

- (10)“B. Ed College” means the College imparting training courses for Graduate and post Graduate teachers recognised by the NCTE;
- (11)“Capitation Fee” means any fee, donation or contribution other than fee or any payment that an aided or unaided school publicly notifies at the time of announcement for admission as being payable by all children or parents in the event of admission to the school;
- (12)“CBSE” means the Central Board of Secondary Education;
- (13)“Central Government” means the Government of India;
- (14)“Child in need of Care and Protection” shall have the meaning assigned to it in clause (d) of section 2 of the Juvenile Justice (Care and Protection of Children) Act, 2000;
- (15)“Competent Authority” means an authority designated by the Government of Assam as a competent authority for the purposes of this Act;
- (16)“Complaint” means any allegation in writing made by a complainant;
- (17)“Constitution” means the Constitution of India;
- (18)“Compulsory Education” means an obligation on the State Government to take all necessary steps in terms of this Act to educate children upto to a certain age;
- (19)“Composite Schools” means the educational institutions imparting education both in Elementary and Secondary sector;
- (20)“C.T.E” means College of Teacher Education;
- (21)“DAE” means the Director of Adult Education, Assam;
- (22)“Date of recognition” means the date from which the recognition is granted by the appropriate authority;
- (23)“DBE” means District Board of Education;
- (24)“DHE” means the Director of Higher Education, Assam;
- (25)“DLD” means the Director of Language Development.
- (26)“DSE” means the Director of School Education, Assam.
- (27)“DSCERT” means the Director of State Council of Educational Research and Training;
- (28)“DT” means the Director of Training;
- (29) “Disability” shall have the meaning assigned to it in clause (i) of section 2 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995; and shall include such other conditions as may be notified by the competent authority as a disability for the purposes of this Act;
- (30)“District Council” means the District Council constituted under the sixth schedule to the Constitution of India;
- (31)“Disadvantaged Group” means Scheduled Castes, Scheduled Tribes, other groups disadvantaged due to economic, social, cultural, linguistic, gender, administrative, locational, disability or other factors and notified as a disadvantaged group in relation to an area, in such manner, as may be prescribed;
- (32)“DIET” means District Institute of Education and Training;
- (33)“DME” means the Director of Madrassa Education, Assam;
- (34)“Education Department” means the Department of Education, Government of Assam;
- (35)“Educational Institution” means all Schools, Colleges, Madrassas etc imparting Education from Pre-Primary level to Class XII, including Madrassa Education;

Central Act
no 56 of
2000

- (36)“Elementary Education” means the education that starts from Class-I and goes up to Class-VIII;
- (37)“Equitable Quality” in relation to School Education means providing all children, opportunities of access to, participation in, and completion of School education in accordance with the provisions of this Act.
- (38)“Existing school” means all Government, Provincialised and other schools, which are in existence on the day of commencement of this Act;
- (39)“Existing employee” means an employee of the Government or Provincialised or other Schools in service on the day of the commencement of this Act;
- (40)“Examination” means the examination and evaluation conducted periodically, half-yearly, annually by the authority, as may be prescribed;
- (41)“Fees” means the fees, which may be levied on and collected from a student or a parent, as may be prescribed by the competent authority;
- (42)“First Generation Learner” means neither a child, nor his or her parents have completed elementary education;
- (43)“Free Education” means freedom for the child and her or his parent or guardian from liability to:
- i. pay any tuition fee or charges to the school where the child or ward is studying,
 - ii. Incur such other expenses, as may be prescribed, which are likely to prevent the child from participating in and completing elementary education,
- (44)“Fully-aided School” means a school, which receives grants from the Government or local authority to meet its expenses, or such part;
- (45)“Girls’ School or Institution” means an educational institution exclusively meant for girls;
- (46)“Governor” means the Governor of Assam;
- (47)“Grade”, in relation to the elementary stage means any of its eight annual sub-stages;
- (48)“Guardian” in relation to a Child means his or her natural guardian or any person having the actual charge or control over the child and recognized by the competent authority as a guardian in course of proceedings before that authority;
- (49)“Head of Institution” means Principal, Headmaster or Head Mistress, Head Teacher and Superintendent of Educational Institution;
- (50)“High Madrassa” means a school, which imparts education in special subjects like Arabic literature, Fiqh and Aquaid in addition to normal subjects of High School and affiliated to Board of Secondary Education, Assam;
- (51)“Higher Secondary Schools” means the educational institutions that impart education for the children up to class-XII;
- (52)“Institution” means a recognised educational institution that imparts education in a formal school or its alternative;
- (53)“ICC” means Internal Complaint Committee constituted in each School to deal with the complaints of students regarding sexual harassment and Drug abuse etc.;
- (54)“I.S” means the Inspector of Schools (to be re-designated as DEO);

- (55)“JTTI” means the Junior Teacher Training Institute (a Normal School or a Basic Training Centre shall be renamed);
- (56)“Juvenile in Conflict with Law” means a person who has not completed eighteenth year of age and is alleged to have committed an offence;
- (57)“Local area”, in relation to a Local Authority means the area comprised within the territorial jurisdiction of the authority, such as:
- (i)A Panchayat in respect of rural areas,
 - (ii)District Councils in respect of 2 Hill districts, BTAD in respect of Bodoland Territorial Autonomous Districts and village Councils thereof,
 - (iii)Guwahati Municipal Corporation, a Municipal Board or a Town Committee, and
 - (iv)Such other authorities as the Government may, by notification, specify for the areas mentioned therein;
- (58)“Madrassa Educational institution” means the Schools or Colleges imparting education in special theological subjects of Muslim religion, in addition to English, General Science and Mathematics and affiliated to State Madrassa Education Board or any other competent authority, as prescribed;
- (59)“Malpractice” means adopting unfair means by any examinee and any person entrusted with examination duties;
- (60)“Migrant Family” means a family that does not reside at any single location for at least such minimum number of days in a calendar year as may be prescribed;
- (61)“Minor Punishment”, in relation to a teacher means any punishment other than dismissal or removal from service or reduction in rank;
- (62)“NCTE” means the National Council of Teacher Education;
- (63)“Neighbourhood” means such area around the residence of a child as may be prescribed;
- (64)“Neighbourhood School”, in relation to a Child means any school located within the neighbourhood of the residence of the child;
- (65)“Notification” means a notification published in the Assam Gazette;
- (66)“Non-Government Educational Institution” means the institutions that impart school education with due permission and recognition from the competent authority as mentioned in the “Assam Non-Government Educational Institutions (Regulation & Management) Act 2006 and the schools which are neither Government nor Provincialised institutions;
- (67)“Non-educational purpose” means any purpose not connected with school education or participation in such activities which are detrimental to school including participation in Dharna, Demonstration etc, which are not related to school education;
- (68)“Out-of-School Child” means a child, who is either not currently enrolled in a school or, though enrolled, is not able to participate therein;
- (69)“Parent Teacher Association” means a Committee of parents and teachers of a school;
- (70)“Partially-aided School” means a school, which receives grants from the Government or local authority to meet its expenses, in part, as may be prescribed;
- (71)“Parent” means the father or the mother of a child and includes an

Assam Act
No IV of
2007

- adoptive father or mother;
- (72)“Participation” in School Education, in relation to a Child, means regular attendance in school, and effective participation in curricular and co-educational activities;
- (73)“PPTC” means Pre-Primary Teacher Training Centre;
- (74) “Pre-Primary Education” means the education that impart education to children before Class-I;
- (75)“Primary Education” means the education that starts at Class-I and goes up to Class-V;
- (76)“Prescribed” means prescribed by rules and regulations made under the Act or by a notification;
- (77) “Pre-primary Section”, in relation to a School means an establishment, which meets the educational needs, with or without other services, of children before the elementary stage of education, either as a part of a school or as an independent entity collaborating with it;
- (78)“Private School” means School other than Government and Provincialised School;
- (79)“Public Examination” means the examinations conducted by SEBA or AHSEC or State Madrassa Education Board or other bodies as may be prescribed;
- (80)“Ragging” means causing, inducing, compelling or forcing a student, whether by way of a practical joke or otherwise, to do any act which detracts from human dignity or violates his or her person or exposes him or her to ridicule or to forbear from doing any lawful act, by intimidating, wrongfully restraining, wrongfully confining or injuring him or her or by using criminal force to him or her or by holding out to him or her any threat of such intimidation, wrongful restraint, wrongful confinement, injury or the use of criminal force ;
- (81)“Recognised”, in relation to a School means recognised by a statutorily empowered authority, or by the Government, or by an authority empowered by the Government, in accordance with the law, rules, or executive instructions governing recognition of schools;
- (82)“Recognised school” means a school recognised by the appropriate authority of the state as may be prescribed;
- (83)“RSA” means Rajyik Siksha Ayog;
- (84)“RTE” means the Right of Children to Free and Compulsory Education Act, 2009 (Act No. 35 of 2009);
- (85) “Rules” means the rules as may be framed by the Government under this Act;
- (86)“SABE” means State Advisory Board of Education;
- (87)“SCTE” means the State Council of Teacher Education;
- (88)“SCERT” means the State Council of Educational Research and Training;
- (89)“School” means educational Institution i.e. Schools, Colleges, Madrassas etc imparting education from Pre-Primary level to Class XII, including Madrassa Education and recognised by the competent authority;
- (90)“Screening Procedure” for Admission to a School means any procedure that is used to select one child in preference to another, except in a random manner, for admission to a school;
- (91)“SEBA” means the Board of Secondary Education, Assam established

Central Act
No 35 of
2009

Assam Act
No XXIV of

- under Assam Secondary Education Act 1961. (Assam Act XXIV of 1961); 1961
- (92)“Secondary Education” means education that starts at the completion of elementary Education and goes up to Class- XII;
- (93)“Secondary Schools” means the educational institutions imparting education for the children up to class-X;
- (94) “Senior Secondary School” means the institutions imparting education at class XI and XII only;
- (95) “SMDC” means the School Management & Development Committee;
- (96)“Specified Category”, means the school known as Kendriya Vidyalayas, Navodaya Vidyalayas, and Sainik Schools, and such other categories of Schools as may be specified by notification by the Government, for the purposes of this Act;
- (97)“State School” means a school run by the State Government or a local authority;
- (98)“Teacher Training Institute” means an institution of State Government or Central Government or Private that has been duly recognised by the NCTE for imparting training to the teachers, as prescribed;
- (99)“Teacher” means a person who teaches full time in a school and includes the head teacher of such school;
- (100)“Unaided School” means private school which is neither Government school nor provincialised school;
- (101)“Upper Primary Education” means the education that starts at Class-VI and up to Class-VIII;
- (102)“Ward”, in relation to Child, means a child who is under the guardianship of someone, other than a parent;
- (103)“Weaker Section”, in relation to a Child means a child in need of care and protection, or a child, the annual income of whose parents or guardians is less than such minimum limit ,as may be notified by the government in this behalf from time to time ;
- (104)“Working Child” means a child who:
- (i) works for wages, whether in cash or in kind, or
 - (ii) works for her or his own family in a manner which prevents her or him from participation in elementary education;

NOTE

- (1) The female gender, wherever used in pronouns in relation to a child or young person includes the male and vice versa;
- (2) Words and expressions used but not defined but defined in the Constitution, shall have the meanings positively assigned to them in the Constitution.

CHAPTER – II

Section 3:

Regulation of School Education

State Government may regulate Primary, Upper Primary, Secondary, Higher Secondary and Senior Secondary education including +2 stage of Degree Colleges , Teachers Training Institutes and also Madrassa Institutions in accordance with the provisions of this Act, in accordance with the Assam Non-Government Educational Institutions (Regulation and Management Act), 2006 as amended up to date, RTE Act 2009 and also under The Assam Non-Government Educational Institutions (Regulation of Fees) Act ,2018, on the

Central Act No 35 of 2009 and Assam Act No IV of 2017 and Act No Xv of 2018

following aspects:

- (i) Registration of existing private schools imparting education from pre-primary to Class XII and Madrassa Schools in accordance with the provisions of this Act and in accordance with the Assam Non-Government Educational Institutions (Regulation and Management) Act 2006 as amended up to date , RTE Act 2009 and also under The Assam Non-Government Educational Institutions (Regulation of Fees) Act ,2018. However the Schools established exclusively for education of Pre-Primary Education has to register with appropriate authority, notified by the Government from time to time;
- (ii) Permission and recognition to Schools and those colleges imparting education in Class XI and XII by concerning Academic Authorities to Government Educational Institution and to private educational institution registered in accordance with the provision mentioned in clause (i) above;
- (iii) Permit establishment or establish formal educational institutions or its alternatives, for imparting education both in formal, Autonomous Schools, Distance Education or Open School, Education Guarantee Centre and Alternative Innovative Education (AIE) etc.;
- (iv) Permit establishment of Teachers Training Institutes including the Institutions imparting courses of B.Ed, M.Ed , provided necessary recognition obtained from NCTE or other appropriate authority of Government of India.
- (v) Such other steps or any other matter concerning education that the Government, may consider necessary from time to time; and
- (vi) Take such steps as necessary to bring about "Education for All" so that no child is left behind including dropouts from obtaining education.

Central Act
No 35 of
2009 and
Assam Act
No IV of
2017 and
Act No Xv
of 2018

Section 4:

Functions of
State
Government

- (1) Ensure quality education through academic assessments, accountability, teacher management and development, better curriculum, and instructional materials etc. as may be prescribed;
- (2) To narrow down the achievement gap between high and low performing children, especially the achievement gaps between advantageous region and disadvantageous regions by creating Special Education Zones;
- (3) Ensure Education for all including Children with special needs and Girls;

- (4) The State Government shall ensure that all teachers appointed in Educational Institutions must be qualified in accordance with the RTE Act, NCTE or UGC Regulations . The teachers appointed in Government and Provincialised Schools shall be in accordance with the Service Rules in force at the time of appointment or at the time of regularisation against a permanent vacancy.
- (5) The State Government may hold schools, educational agencies, and officers concerned accountable for low achievement in the results of final examinations, concerning to the School;
- (6) The State Government may ensure that, in case of CBSE or any other Board affiliated Schools, the norms laid down by the appropriate authority shall be applicable;
- (7) Provide children an enriched and accelerated educational programme, including the use of school wise programmes or additional services that increases the amount and quality of instructional time;
- (8) Promoting school wise reform and ensuring the access of children to effective, scientifically based instructional strategies and challenging academic content;
- (9) Significantly elevating the quality of instruction by providing staff in participating schools with substantial opportunities for professional development;
- (10) Coordinating services of all educational authorities with each other, with other educational services, and to the extent feasible, with other agencies providing services to youth, children, and families;
- (11) Affording parents substantial and meaningful opportunities to participate in the education of their children;
- (12) Amalgamation and merger of provincialised or Government schools including Madrassa Institutions, in accordance with the requirement of an area and students, by issuing suitable notifications from time to time;
- (13) Rationalisation of teachers in provincialised or Government schools, in accordance with the requirement in School or Madrassa. The requirement of teachers of a school shall be assessed strictly on enrolment of students and also in accordance with the provisions of the RTE Act, 2009, in case of elementary schools. While transferring excess teachers from a school to a deficient school, transfer shall be done with posts.

Central Act
No 35 of
2009

Central Act
No 35 of
2009

The exercise of rationalisation shall be done every year;

- (14) Creation of School Complex from Pre-Primary to Higher Secondary School. Such School complex will consist of one Higher Secondary School and all the Government or Provincialised schools in neighbourhood that offers education from Pre-Primary upto class VIII. The Principal of the Higher Secondary School shall be Academic Head of all these schools and he or she shall be empowered to utilise the services of teachers and resources of all schools for the benefit of all the students studying in his or her School Complex.
- (15) The Government shall notify at least seven difficult area zones in the state and in order to ensure quality education of students studying in Government and provincialised schools of these zones. The Government will notify rules to ensure serving for minimum five years by a teacher in one or more such zones, in his or her total service career;
- (16) The Government shall encourage institutions for introduction of skill development courses, games and sports, meditation, art and culture etc. to encourage students to grow according to their interest and improve their ability by arousing their talent. These shall be in addition to the core subjects prescribed by the state academic authority. Short term courses on such activities can also be introduced in schools during non-school hours by the Assam Skill Development Mission or any other appropriate authority;
- (17) The Government may take care of the out of school children, dropouts, low achievers, workers, house wives, service holders etc. through the distance education mode;
- (18) Government shall make endeavour to promote School Health Programme and to conduct regular Health check-up of School Students in collaboration with the Health Department;
- (19) The Government shall endeavour to declare a policy on Vocational Education keeping vertical and horizontal mobility for higher studies and to equip the students with skill and entrepreneurship, with the help and assistance of Assam Skill Development Department; and
- (20) The Government shall endeavour to utilise the available facilities in ITIs, Technical Schools and Polytechnics or Engineering Institutes within the State for promotion of Vocational Education in School Education.

CHAPTER –III

Section 5:

Syllabus and curriculum of Academic Authorities

- (1) Government may, subject to such rule as may be prescribed, provide syllabus, textbooks and curriculum for any course of instructions as may be applicable to different categories and stages of schools;
- (2) The SCERT Assam, SEBA and AHSEC respectively, shall act as an Academic Authority and shall prescribe curriculum, syllabus and textbooks for their affiliated schools. The SCERT shall prepare the curriculum and syllabus from Pre-Primary to Class VIII and relating to the undergraduate courses of Teachers' training institutions. Whereas SEBA will act as an academic authority for class IX and X including the High Madrassa and AHSEC for Class XI and XII. However Government of Assam may entrust the responsibility of preparing Text Books from Pre-primary to Class XII to SCERT , in case of need;
- (3) For the School affiliated to CBSE, ICSC or any other Board, the concerning Board shall be Academic Authority for that School;
- (4) The State Madrassa Education Board shall act as an Academic Authority for Madrassa Education in Pre- Senior Madrassa, Senior Madrassa, Title Madrassa and Arabic college etc;
- (5) The Kumar Bhaskar Varma Sanskrit and Ancient Studies University, Nalbari shall act as an Academic Authority for Sanskrit tols and similar Educational Institutions;
- (6) The working hours and school timing prescribed for different categories of schools shall be regulated in accordance with the Academic Calendar prepared by the concerned Academic authority;
- (7) The Academic Authorities shall make necessary arrangements for holding of Unit Tests, Half yearly and Annual Examinations, Pre-tests etc. They also shall be responsible for monitoring of the results of such examinations. In order to extend necessary help in conducting the above-mentioned examinations, the Government of Assam, shall constitute appropriate committees and notify accordingly;

Section 6(1):

State level
Administrative
Authorities

- (a) The Department of School Education to be headed by the Additional Chief Secretary or Principal Secretary or Commissioner and Secretary, School Education and Literacy Department, shall act as sole administrative authority of the School Education Department. There will be one separate Additional Chief Secretary or Commissioner & Secretary for the Higher & Technical Education;
- (b) Director of Higher Education, Assam shall act as sectoral executive and look after all matters relating to Higher Education i.e. beyond the class XII or its equivalent and Sanskrit Education but except the Technical Education. However, he or she will act as sectoral head of Colleges which are imparting Education for Class XI and XII;
- (c) Director of School Education, Assam shall act as sectoral executive and look after all matters relating to Elementary, Secondary, Higher Secondary and Senior Secondary Schools or its equivalent including matters of Adult Education. DSE will be assisted by four Additional Directors;
- (d) The Mission Director, Samagra Siksha Abhiyan shall act as Head of the Mission and look after all matters relating to Mission. The Mission Director shall be assisted by 2 (Two) Executive Directors not below the rank of Deputy Secretary to the Government of Assam;
- (e) Director of Teacher Training, Assam shall act as the Sectoral head for administering the Educational Institutions, who are imparting education on Teachers Training Courses for DL.Ed ,B.Ed and M.Ed degree etc. This Directorate shall be under the administrative control of Higher Education Department.
- (f) Director of Language Development shall act as Sectoral head for development of Sanskrit, Classical languages and all Regional languages of Assam. This Directorate shall administer the Madrassa Institutions and Sanskrit Tols.
- (g) Director of State Council of Educational Research and Training (SCERT), Assam shall look after all matters relating to curriculum, syllabus, and textbooks for the pre-primary class to class VIII or its equivalent for its affiliated schools. However Government of Assam may, by notification, entrust the responsibility of preparing Textbooks up to class XII and also to assist in preparation of the curriculum and syllabus relating to courses of teachers' training institutions. SCERT shall also be responsible for training of in- service teachers of Government and Provincialised Schools ,as directed by the Government from time to time;
- (h) Deputy Director, Adult Education shall act as sectoral Executive of Adult Education or its alternative under the supervision of Director

School Education;and

- (i) Additional Directors, Joint Directors, Deputy Directors and the Assistant Directors shall perform their duties under the administrative control of their respective Directors.

Section 6(2):

District And
Sub-Divisional
level
Administrative
Authorities

- (a) Chief District Education Officer (CDEO) equivalent to the rank of Joint Director of the Department of School Education shall act as Chief Executive for the entire School Education including Madrassa and Adult education at District level. In addition, he or she will act as Inspector of Colleges of his or her District. He will also assist the Higher Education Department in monitoring of Sanskrit Tols ;
- (b) District Education Officers (in lieu of present I/S & DEEO) shall perform their duties under the administrative control of the CDEO. There will be one post of District Education Officer in each District. Their rank will be equivalent to the Deputy Director of the Department; and
- (c) Associate Education Officers shall be Sub- divisional level Education Officers (in lieu of present Assistant I.S, District Adult Education Officer, D.I and Additional D.I). They will perform their duties under the administrative control of CDEO in each Civil and Sadar Sub-Division. Their rank shall be equivalent to the Assistant Director of the Department.

Section 6(3):

Block,
Municipal
and
Panchayat
Level Officers

- (a) There shall be one Block Education cum Inspecting Officer (BEIO) not below the rank and status of Post Graduate teacher in each Community Development Block and one BEIO against maximum two nos of village councils of Sixth Schedule areas;
- (b) There shall be one Urban Education cum Inspecting Officer (UEIO) not below the rank and status of Post Graduate teacher in all notified Municipal Board, Town Committees of the State including Guwahati Municipal Corporation;
- (c) The BEIO or UEIO shall act as Block heads in respect of all schools and perform their duties under the administrative control of CDEO.. They shall act as Inspector of all academic and administrative activities of all Schools teaching from Pre-Primary to class-XII. They shall also assist the Chief District Education Officer in collection of required information of Colleges which are imparting education for Class XI and XII;
- (d) The posts of existing Block Elementary Education Officer (BEEO) and Sub-Inspector of Schools shall be re-designated as BEIO in-charge or UEIO in-charge till these posts are filled up by direct recruitment;

- (e) The Government shall also notify one Principal of the Higher Secondary Schools as Panchayat Education Officer in each Gaon Panchayat in general areas and in each village council in case of Sixth Schedule Districts; and
- (f) The Government shall select and notify one Supervisor against 20 nos of schools from the Graduate teachers of High schools, to assist BEIO or UEIO. The existing CRC shall be re-designated as “Supervisor in-charge” till fresh selection is done.

Section 6(4):

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| Examination Boards | (a) For academic activities and holding of Examinations for Class XI and XII, Government of Assam has constituted “Assam Higher Secondary Educational Council” under the provisions of Assam Higher Secondary Education Act,1984; | Assam Act No XVII of 1984 |
| | (b) For Academic activities and holding of HSLC And AHM Examination for Class IX and X, Government of Assam has constituted “Board of Secondary Education, Assam (SEBA)” under the provisions of the Assam Secondary Education Act ,1961; | Assam Act No XXV of 1961 |
| | (c) For Academic activities and holding of Examination of Senior and Pre-senior Madrassa, Arabic College, Title Madrassa etc Government of Assam shall notify “State Board of Madrassa Education” in accordance with the following provisions: | |
- (aa)The Board shall be constituted by the Government with not more than fifteen members as follows:
 - (bb)
 - (i)An eminent academician or intellectual or administrator having knowledge of Muslim religion to be nominated by the Government -----Chairman
 - (ii)The Secretary to the Government of Assam School Education department – Vice Chairman
 - (iii)The Director of Language Development – Member secretary
 - (iv) Director of SCERT - Member
 - (v)Secretary SEBA- Member
 - (vi)One Principal of Title Madrassa or Arabic College – Member
 - (vii)One professor of Arabic or Persian Department of a recognised University of Assam (To be nominated by Director of Higher Education) – Member
 - (viii)One Superintendent of a Senior Madrassa (To be nominated by Government) – Member
 - (ix)Maximum three members from the distinguished academicians in Islamic Education (to be nominated by the Board)- Member

(cc)The term of the Board shall be maximum for three years. However, the Chairman and members are eligible for re-nomination maximum for next three years;

(dd)All other Officers and employees of the Board shall be appointed by the Board; and

(ee)The Board shall notify its Regulation for conducting Examinations and academic activities.

(d) The Government of Assam, may reconstitute or merge the Boards mentioned in clause (a),(b)and (c)above.

CHAPTER –IV

Section 7:

The Government shall constitute Rajyik Siksha Ayog (RSA) under the Chairmanship of Education Minister. The RSA will be responsible for developing, implementing, evaluating and monitoring of School Education. Minister of State for Education shall be the Vice Chairman of the RSA. The RSA shall be constituted with the members as may be prescribed;

Constitution
of Rajyik
Siksha Ayog

(i)All ministers, Commissioner and Secretaries of Education, Public Health Engineering, Health, Sports, Cultural Affairs, Panchayat and Rural Development, Social Welfare, Information and Technology, Skill Development, Labour and Employment, Finance and Planning Departments shall be members of the RSA;

(ii) The non-official members who may be included in the Board, among others shall include Vice Chancellors of Universities in Assam, eminent educationists, persons belonging to the Scheduled Caste, Scheduled Tribe, OBC, Minorities, with equal number of women, social workers etc. and as many members, as notified by the Government from time to time;

(iii) The Senior most Secretary of School Education Department shall be the Member Secretary;

(iv)The power and functions including the terms and conditions of the RSA shall be such as may be prescribed, in the line of Central Advisory Board of Education of Government of India; and

(v)The RSA may constitute such other sub committees, task force etc. as may be considered necessary.

Section 8:

In the light of the provisions made for RSA, the Government may constitute a District Board of Education (DBE). The composition and functions of the DBE may be as prescribed.

Constitution
of District
Board of
Education
(DBE)

(a) The Government may constitute District Board of Education with the Deputy Commissioner of the District as Chairperson, one eminent educationist as working Chairperson and the CDEO as the Member Secretary of the Board;

(b) The members of DBE shall consist of official and non-official representing all sections including Woman, Social Worker, Tea Tribe, representative of SC, ST, minorities, OBC, Zilla Parishad, Educationist, Public Sector under-takings, Chamber of Commerce, representative of recognised Private Educational Institutions and all District Heads of Departments, representative of Principals, Head Masters, DIET, Normal school, BTC, B.Ed., all UEIOs and BEIOs of the District and as may be notified by the Government;

(c) All the Honble Members of Parliament and Legislative Assembly of the concerned district shall be Advisors of the District Board of Education;

(d) The Board will monitor all educational activities of the District. They will advise Government on amalgamation or merger of Schools and rationalisation of teachers as per requirement of a school, in accordance with the number of students;

(e) The power and functions and terms of members and procedure of meeting shall be as such as may be prescribed; and

(f) Any existing Rule or Order in force relevant to any subject matter under this Chapter, shall continue to be in force as if made under this Act or unless otherwise prescribed.

CHAPTER V

Section 9:

Recruitment
Policy and Service
Rules

(1) For recruitment of Directors , Chief District Education Officer , District Education Officer, Associate Education Officer, Block Education cum Inspecting Officer (both Urban & Rural), selection of Principals of Higher Secondary Schools, Senior Secondary Schools including for promotion of certain category of officers and teachers, Government will constitute Separate Education Recruitment Board (ERB), an autonomous body under the School Education Department and shall notify the Rules including terms & conditions of appointments etc for the same.

1(a) The structure of the Board shall be as follows:

- (i) Chairman- A Government Servant in the rank of Commissioner & Secretary to the Government of Assam or above , serving or retired (age limit 65 years) with expertise in Administration or finance or education or law Department. The Chairman shall act as the Chief

Executive Officer of the Board.

- (ii) There shall be three members of the Board. One will be serving or retired faculty of University or Principal of a Government or Provincialised College, one will be a serving or retired Director of Education and one will be serving or retired officer in the rank of Joint Secretary of Government of Assam or above.
- (iii) There shall be one Secretary of the Board who will be deputed by the Government, either from State Civil Service or from Assam Education Service.
- (iv) The Board shall recruit one Deputy Secretary, one Accounts Officer, one Law Officer and one Computer Program Officer.

- (2) Recruitment to the Posts of Directors of the School Education Department shall be made by the Education Recruitment Board with qualification prescribed amongst the AES officers who have completed minimum 25 years of service equivalent to Deputy Director and above rank;

Provided that if no suitable person is found to fill up the post of Director and if it is necessary to fill up the post urgently but cannot be done in accordance with the procedure laid down, the appointing authority reserves the right to fill up the posts of Director or Directors temporarily from the members of Administrative Services of the State not below the rank of Joint Secretary of the Government and such appointment shall not extend beyond the period of three years at a stretch. For such appointment consultation with Education Recruitment Board shall not be necessary.

- (3) Recruitment to the Posts of Chief District Education Officer shall be made by the Education Recruitment Board 50 % through direct recruitment and 50% with qualification prescribed amongst the AES officers who have completed minimum seven years of service equivalent to Deputy Director and above rank;

Provided that if no suitable person is found to fill up the post of Chief District Education Officer and if it is necessary to fill up the post urgently but cannot be done in accordance with the procedure laid down, the appointing authority reserves the right to fill up the posts of Chief District Education Officer temporarily from the members of Administrative Services of the State not below the rank of Deputy Secretary of the Government and such appointment shall not extend beyond the period of three years at a stretch. For such appointment consultation with Education Recruitment Board shall not be necessary.

- (4) For recruitment and service conditions of the officers of the different categories mentioned in the Act, specific service rules shall be issued by way of gazette notification from time to time.

- (5) For recruitment and service conditions of the Heads of educational institutions, Teachers and staff of the different categories mentioned in the Act, specific service rules shall be issued by way of gazette notification from time to time.
- (6) The services of all the officers, teaching and non-teaching staff of all existing Government and Provincialised schools employed under the existing Acts and Rules before the commencement of this Act, shall continue to be in-force, as in the case of other Government employees serving in the Department of Education, as if the said provisions were made under this Act subject to conditions laid down under this Act, until the new Rules are framed under this Act.
- (7) All officers, teachers and employees who are Government servants serving till the date of commencement of this Act, shall continue to enjoy the same conditions of service as admissible to Government servants and other benefits as made available to them in accordance with the existing Act and all other rules including service rules and rules of conduct framed there under till the new Rules are framed under this Act.
- (8) Departmental Examination—The Government shall notify syllabus from time to time for departmental examination for all cadres of officers and teachers for consideration of their cases for promotion to higher grade. No promotion to any cadre shall be done without instituting Departmental Examination, as may be prescribed.

CHAPTER – VI

Section 10 :

Nomenclature of different categories of Schools

- (1) All the Primary, L.P, Junior Basic, Pre-Senior Madrassa or the institutions imparting equivalent level of education from pre-primary to class V, shall be known as Primary School;
- (2) All the M.E, M.E.M, M.V, Senior Basic or the institutions imparting equivalent level of education only up to class VIII, shall be known as Upper Primary School and will be termed as Elementary Education;
- (3) All Schools imparting education only up to class X or its equivalent shall be known as High Schools or High Madrassa and will be termed as Secondary Education;
- (4) All Educational Institutions imparting education up to class XII or its equivalent shall be known as Higher Secondary School and Schools imparting education only for Class XI and XII or at +2 stage shall be known as Senior Secondary School and will be termed as Secondary Education; and
- (5) All pre-senior Madrassa school shall be treated equivalent to Primary Schools and senior Madrassa and above shall be treated equivalent to the Secondary Schools.

Norms for opening of new Schools and Introduction of new subject

Section 11:

- (1) The Government shall establish new schools, Madrassa or upgrade an existing school or Madrassa, purely as fully Government School. State Government will not give any type of grants and assistance in future to any non-governmental school. New schools shall be established by Government to follow the norms for opening of new schools, and other specifications in respect of student enrolment, ratio of teachers to students, staffing pattern and other infrastructure as provided hereunder and as prescribed under the existing Acts or guidelines and in accordance with the need of a particular area.
- (2) The Government of Assam will discontinue the system of provincialisation of Schools or services of Teaching & Non-teaching staff. The schools or services of teachers of only those schools or staff who are found to be eligible as per “The Assam Education (Provincialisation of Services of Teachers and Re-organisation of Educational Institutions) Act 2017” and “The Assam Madrassa Education (Provincialisation of Services of Employees and Re-organisation of Madrassa Educational Institutions) Act, 2018” as amended up to 2018 only, shall be provincialized.
- (3) A new school can be established by any private organisation only in accordance with the “Assam Non-Government Education (Regulation & Management) Act 2006”, as amended up to date and Rules framed therein. All the private educational Institutions must follow the provisions contained in “the Assam Non-Government Educational Institutions (Regulation of Fees) Act, 2018”.
- (4) All schools setup in accordance with the provisions contained in Section 13 (1) & (2) above must be in accordance with the norms fixed by the Government of India under RTE Act 2009 or by NCTE, NCERT etc and as well as norms fixed by Government of Assam from time to time by notifications, regarding area, space available, buildings, infrastructures and qualification of teachers etc.
- (5) The Government shall create required number of posts in Government or Provincialised Schools before upgrading a school or before introduction of a new subject in a school.

Assam Act No XXV of 2017 and Assam Act No XVI of 2018

Assam Act No IV of 2007 and Act no XX of 2018 and Act no XV of 2018

Central Act No 35 of 2009

CHAPTER – VII

Section 12:

- (1) All the existing private recognised educational institutions including Madrassas, established on or before the commencement of this Act, and all the new schools established thereafter shall be required to register their names by furnishing the required details to the appropriate authority in accordance with the RTE Act 2009 and “Assam Non-Government Education (Regulation & Management) Act

Assam Act No IV of 2007 and Act no XX of 2018 and Act no XV of

Procedure for Registration and submission of Educational Statistics

2006”, as amended up to date and Rules framed therein. The schools which are imparting education at Pre-primary level along with Elementary or Secondary level have to obtain their registration for the Pre-Primary section also. However, schools established only for imparting education exclusively for Pre-primary section has to obtain approval of competent authority, notified by the Government.

- (2) Every educational institution shall maintain a record of its properties, both moveable and immovable owned or possessed by it.
- (3) Every educational institution, such as Government or Provincialised or Government aided or unaided or Non-Government Educational Institutions irrespective of affiliating or recognizing authority shall furnish all the Educational Statistics or Statistical Returns and such other information to the appropriate authority of the Government, within a specified time, as the authority may seek from time to time.

CHAPTER – VIII

Section 13:

Prohibition
of
transfer
of
properties
by
Educational
Institutions

- (1) No Educational Institution receiving grants-in-aid or once provincialised or land and buildings constructed with Government fund, shall transfer any property to any person or institution by way of sale, exchange, mortgage, charge, lease or gift without the permission of the Education Department;
- (2) Nor any part of the land or the building or a part thereof shall be used for any purpose excepting for education, without the permission of the Government, in the Education Department;
- (3) Any transfer of land and building without permission of the Government, shall be treated as irregular and legally void;
- (4) After giving an opportunity to the school authority to submit representation, where the provisions of this Chapter is contravened by the school authority, if the land and building belong to the Government, the Government may order that the land be taken over by the Deputy Commissioner of the District, when the land and the building shall vest in the Government absolutely, and where the land and building do not belong to Government, the school authority may be directed to repay in full the grants made by the State Government with interest from the date of contravention, as may be prescribed.
- (5) If any amount of money is to be recovered from the school authority, the amount shall be recovered as if it were an arrear of land revenue.

Section 14:

No court shall attach or sell or make a subject to charge in execution of a decree or order of the land and building in question unless the person seeking such relief from the Court has obtained the

permission of the Government.

CHAPTER IX

Section 15:

Provision of facilities for Pre-School Education

The Government shall endeavour to provide facilities for pre-school education in all schools having primary classes for children between the ages of 3 and 5 years. However, the same facilities shall be provided through and in consultation with Integrated Child Development Services (ICDS) or other Government programmes, in proximity with such schools.

CHAPTER X

Section 16:

Qualification of Teachers

- (1) Teachers appointed in Educational Institutions must be qualified in accordance with the RTE Act, NCTE or UGC Regulations .
- (2) Teachers appointed in the government and provincialised Elementary, Secondary and Madrassa schools must be qualified in accordance with the Service Rules in force at the time of any appointment against permanent posts or contractual or casual appointment.

Central
Act No
35 of
2009

Section 17:

Teacher Management and Development

- (1) The State Government shall assess the State's requirement of professionally trained teachers as prescribed under this Act, vis-à-vis the capacity of existing training institutions, and shall in the event of a deficit, take steps to augment such capacity, so as to match the requirement within such period, from the commencement of this Act, as the Government may notify.
- (2) The State Government shall also develop an appropriate training plan (both for pre-service & in-service teachers) for imparting quality education.
- (3) The Government will rationalise the requirement of teachers of each Government and Provincialised school in accordance with the number of students in the schools. The surplus teachers, on transfer, have to serve in the deficient schools.
- (4) In order to ensure quality education in the government and provincialised schools located in remotest part of the state, Government will notify certain difficult area zones in the State. Every teacher will have to serve minimum 5 (Five) years in one or more of the difficult area zones in his or her service life.
- (5) All the teachers serving in the government and provincialised Schools must impart education to students of all the classes of that school. Teachers of higher classes must teach the students of lower classes and they must guide the teachers of lower classes regarding methodology of teaching.

- (6) All teachers must remain present in school during the entire duration of the School hours.
- (7) All the teachers of schools and teachers of colleges who are imparting education for Class XI and XII, have to perform all examination and evaluation related duties conducted by the concerning academic authorities and examination authorities.
- (8) Child Care Leave (CCL) to teachers of government and provincialised schools will be granted on the following conditions:
 - a. Leave will be granted for a maximum period of 60 days at a time.
 - b. Only one teacher of a school shall be allowed to avail CCL at a time. However, one additional teacher may also avail CCL, provided that the number of teachers in that School is more than 20.
 - c. Head of Institution will have to recommend granting of CCL. Before recommending the CCL, he or she has to assess the actual requirement of leave of the applicant and has to ensure, that there is no academic loss of the students due to her absence.

CHAPTER XI

Section 18:

The Local Authority shall perform the following functions:

Responsibility of
Local Authorities
including
Panchayat

- (a) Maintain the record of all children in its area, who are in the age group of 4-18 years, with special reference to children belonging to each disadvantaged group, and weaker sections, in such manner as may be prescribed,
- (b) Ensure that every child in the age group of 4-14 years residing within its jurisdiction is enrolled in an elementary school, participates in it, and is enabled to complete elementary education,
- (c) They will monitor attendance of teachers of government and provincialised schools and if they found a teacher absent more than three times, they will submit a report to Chief District Education Officer. The Chief District Education Officer shall have to take immediate disciplinary action against the teacher.
- (d) The Local authority will extend all necessary help and guidance including financial help for maintenance of toilets in hygienic condition in all the Government and provincialised Schools.

CHAPTER XII

Section 19:

- (1) A School Management & Development Committee (SMDC) shall be constituted for every government and provincialised Educational Institution, for a period of three years with such representation of parents, teachers, the community and representatives of the local authority, as may be prescribed by the Government from time to time by notification.
- (2) Composition of the School Management & Development Committee shall be so prescribed that:
 - (a) At least three-fourths of its members are parents or guardians of children studying in the school, with proportionate representation among them of Scheduled Castes, Scheduled Tribes and other socially and educationally backward classes;
 - (b) The remaining members are drawn from other stakeholder sections of the community including representatives of the local authority, teachers, and persons or bodies working for education.
 - (c) For qualification of the Chairman of the School Management & Development Committee shall be prescribed by the Government by a Gazette notification.
- (3) The SMDC shall perform the following functions, namely:
 - (a) monitor and oversee the working of the school, plan and facilitate its development;
 - (b) managing the assets of the school;
 - (c) ensure that teachers of the school diligently perform the duties as prescribed;
 - (d) submit report to the authority to deduct payment from the monthly salary for the period of unauthorized absence, if any, in such manner as prescribed by the State Government;
 - (e) utilize other grants received from the State Government, local authority or any other source for the upkeep and development of the school, in accordance with the terms of such grant and the rules made in that case; and,
 - (f) Organising co-curricular activities in schools including providing of support and help in enhancing talents of students who have extraordinary talents in other fields like sports, music, culture etc.
 - (g) Ensure maintenance of cleanliness, hygiene and availability of drinking water and electricity in the school.
 - (h) Ensure discipline and punctuality in school both by the teachers and students.
 - (i) Such other functions as may be prescribed.
 - (j) All funds received by a School Management & Development Committee for the discharge of its functions under this Act, shall be kept in a separate account, and shall be utilized in such manner as may be prescribed.

Planning for schools and formation of School Management & Development Committees: -

- (k) Accounts of money received and spent by the SMDC shall be maintained and audited in such manner as may be prescribed.
- (l) The SMDC will create a good academic environment in the school and an excellent relationship of teachers and parents by holding regular parent teacher meeting and counselling of the parents , whenever necessary.

Section 20:

(a) Admission to Schools is to be generally done at the Commencement of the Academic Year but not be denied at other times and Children shall be admitted to schools as far as possible at the commencement of the academic year, or within such period thereof as may be prescribed:

(aa) Provided that a child entitled to be admitted at a neighbourhood school, shall not be denied admission to such a school, at any time of the academic year;

Section 21:

Prohibition of
Deployment of
Teachers for Non-
educational
Purpose

No teacher of a Government or Provincialised school or fully-aided school shall be deployed for any other non-educational purpose except for decadal population census, election to local authorities, State Legislatures and Parliament, and disaster relief duties. However the teachers shall not be appointed as Booth Level Officer in the Election process.

Section 22:

Prohibition of
Private Tuition by
Teachers

No teacher shall engage in any teaching activity or any other activity for economic gain, other than that assigned by his employer or supervisor. Otherwise, the appropriate authority may take disciplinary action against such teachers.

Section 23:

Internal
Complaint
Committee (ICC)

- (a) Head of Institution of each Educational Institution will form Internal Complaint Committee (ICC) to enquire into the complaints received from the students regarding sexual harassment and drug abuse etc in the school including intoxication of teachers during the school hours in the school.
- (b) The Committee should consist of three persons as follows:
 - i. The senior most teacher of the school.
 - ii. One lady teacher of the school.
 - iii. One reputed academician or practising advocate of the area.

Section 24:

(1) It shall be the duty of every teacher to:

- (a) Regularly attend school for its full duration and he or she must remain present in the school during the entire duration of school hours. During off period the teacher should keep him or her engaged in preparation of lesson plan for next day, taking remedial classes for the slow learners, special teaching for the meritorious students, checking of home works, planning for co-curricular activities, guidance to other teachers of school, rapport with the parents or guardians etc.
- (b) transact and complete the curriculum in accordance with the syllabus, as may be prescribed,
- (c) Transact the curriculum in accordance with the time schedule, decided by the School, subject to general guidelines of the Competent Academic Authority. In case of need, the course has to be completed by holding extra classes on holidays, or before or after the school hours,
- (d) report every case of non-attendance of the student to the parent or guardian concerned in the first instance, and in case it persists, to the SMDC constituted under this Act,
- (e) regularly assess the learning level of each child, and to provide supplementary instruction needed by the child,
- (f) regularly apprise every parent or guardian about the progress of learning and development of his or her child or ward studying in the school, and also regularly to report about such progress to the SMDC, in such manner as may be prescribed,
- (g) perform such other functions as the Government or the appointing authority may specify, consistent with the provisions made in this Act,
- (h) Identify of talents of each and every student and to encourage and guide him or her for enhancement of his or her talent,
- (i) Take class in all the classes of his or her school as far as practicable. Teachers of higher classes must teach the students of lower classes and they must guide the teachers of lower classes regarding methodology of teaching,
- (j) The teachers of government and provincialised schools are to provide service in difficult areas for a minimum period of 5 years,
- (k) Assist the different Examination Boards in holding their scheduled examinations and in evaluation of answer scripts thereof.

(2) Default by a teacher in the performance of any duty stipulated in sub-

section (1) shall amount to professional misconduct, and such teacher shall be liable to be punished in accordance with the provisions of this Act and the disciplinary actions as applicable.

Section 25:

Duties of Head of Institutions:

- (1) The Principal, Head Master or Mistress, Superintendent, Head teacher of educational institution shall be Administrative Head of the School or Madrassa. The Head of educational institution shall also be Academic Head of the School. He or she is responsible for the smooth conduct of classes in accordance with the academic calendar and guidelines of the academic authority. He or she should take at least one class every day as far as practicable. However, in an average he or she must take minimum three classes in a week,
- (2) He or She must hold Unit Tests, Half yearly, Annual Examinations and Board Examinations as per the instructions of the respective Boards.
- (3) He or She shall have the power to grant admissible casual leave to teaching and non teaching staff of government and provincilised schools and to keep a proper record thereof,
- (4) He or she shall have power for temporary suspension of a teacher of government and provincilised schools for dereliction of duty, but the same has to be ratified by the disciplinary authority within a period of 7 days of suspension,
- (5) He or she shall have to carry out all instructions of the Government and Academic Authorities .
- (6) He or she will have to recommend for grant of leave other than casual leave of teaching and non teaching staff of government and provincilised schools to the appropriate authority.
- (7) The Heads of the Educational Institutions shall be responsible for creating a healthy atmosphere and maintenance of cleanliness and hygiene in the entire school campus.
- (8) He or She must ensure that the directions contained in this Act are duly complied with.
- (9) He or she has to constitute an Internal Complaint Committee (ICC) in the school in accordance with the provisions contained in Section 23 of this Act.
- (10) No student shall be allowed to participate in any Demonstration, Dharna etc. However, this restriction shall not apply for raising any issue, pertaining to their own school.

Powers and
Duties of Head of
Institutions

(11) He or She must ensure that the provisions contained in Section 4 and 6 relating to Educational Institution under “The Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act 2003 (COTPA)” are complied with.

(12) The intervening period of students from completion of any public examinations till announcement of results, summer vacation etc may be utilized in some useful activities, like, arranging excursions, educational conducted tours, community value education camps, sports and cultural activities etc. for which a scheme shall be drawn up in collaboration with the departments of Sports and Youth Welfare, Cultural Affairs, Tourism, Planning and Development etc.

Section 26:

Redressal of
Teachers’
Grievances

It shall be the duty of the prescribed authority to redress teachers’ grievances to the extent they fall within its purview and to support the teacher in obtaining redressal of such grievances as it does not fall within its purview, by persuasion with the appropriate authority. State Government will notify its grievance redressal policy from time to time.

CHAPTER XIII

Section 27:

Values, Content
and Transaction
of School
Education

- (1) The Government of Assam, by issue of notification, prescribes class wise norms of teaching, subjects to be included, quantum of homework, weight of school bag etc.
- (2) Competent Academic Authorities while prescribing curriculum and evaluation procedures, and schools while transacting them, shall adhere to the following principles:
 - (a) they shall conform to the values enshrined in the Constitution,
 - (b) all schools shall function in a child friendly and child centred manner, and shall in particular,
 - (c) allow the child who is capable of forming her or his own views, the right to express and every child to be given due weightage, in accordance with his or her age and maturity,
 - (d) build on the child’s knowledge, environment and cultural identity, particularly linguistic, and develop the child’s personality, talents and mental and physical abilities to their fullest potential,
 - (e) use the child’s mother tongue partially as the medium of instruction as far as possible or practicable, during the first five years of the elementary stage,

- (f) would rely on activity, discovery, exploration, understanding and problem-solving,
- (g) create an environment free from fear, trauma and anxiety to the child, and
- (h) conduct learner friendly evaluation in a continuous and comprehensive manner such that it tests the child's understanding and ability to apply knowledge rather than rote learning.

CHAPTER XIV

Section 28:

(1) The State Government shall, by notification, constitute a Cabinet Sub-committee for School Education, to continuously monitor implementation of this Act, recommend corrective measures wherever necessary, and to exercise powers and perform other functions assigned to it under this Act.

(2) The Chairperson of the Cabinet Sub-committee shall be the Minister in charge of School Education.

Cabinet Sub-
committee for
School Education

(3) Minister in charge Finance, Planning and Development, Higher & Technical Education, WPT & BC, Social Welfare, Sports & Youth Welfare, Legal, Panchayat & Rural Development, Revenue etc. shall be the members of the Cabinet Sub-committee.

(4) The senior most Secretary of School Education shall act as Member-Secretary on Ex-officio basis.

(5) The Cabinet Sub-committee shall perform the following functions, namely:

- (a) To monitor all aspects, including quality, of school education;
- (b) To act as Ombudsman for the purposes of this Act, and to direct appropriate authorities to redress grievances of parents or citizens relating to school education;
- (c) To present an annual report to State Assembly on the status of implementation of this Act and such other issues pertaining to school education as may be prescribed;
- (d) To render policy advice to State Government or local authorities regarding effective implementation of this Act;
- (e) To commission such surveys, studies and research as it considers necessary for the discharge of its functions, especially in regard to provision of free and ? education to disadvantaged groups, and to disseminate their findings;
- (a) recommend to the Government or Local authority for initiation of disciplinary proceedings, or such other action as may deem fit, against the person or persons, who in the opinion of the committee violated any provision of this act; and
- (f) Such other functions as may be notified from time to time.
- (g) The Cabinet Sub-committee shall meet at least once in every six months or at such time as may be fixed by the Chairperson.

(h) The Member-Secretary shall be responsible for the proper

administration of the affairs of the Cabinet Sub-committee and its day-to-day management and shall exercise and discharge such other powers and perform such other duties as may be prescribed.

CHAPTER XV

Section 29:

Grievances
against
Government and
Private Schools

- (1) Anyone who has a grievance against a Government or Provincialised School relating to establishment, provisioning, management of schools and conduct of activities therein, are not being complied with, may submit a written representation in that behalf to, as the case may be, to the local Authority or the School Management & Development Committee concerned, which shall take appropriate action on it and inform the applicant within a period not exceeding ninety days from the date of receipt of the representation.
- (2) If the person preferring the representation under sub-section (1) above is not satisfied with the action taken thereon by the Local Authority or SMDC as the case may be, he may submit a representation in that behalf to such other authority as may be prescribed, which shall take appropriate action thereon and inform the applicant within a period not exceeding ninety days from the date of receipt of the representation.
- (3) As regards grievances against non-Government schools, the Government of Assam, in accordance of Guidelines of Hon'ble Guwahati High Court, all District & Session Judge courts are notified as Educational Tribunals.

Section 30:

State-Level and
District level
Regulatory
Authority

- (1) The State Government may, by notification in the Official Gazette, appoint State-Level Regulatory or enquiring Authority for inquiring into grievances which remain un addressed even after taking recourse to the remedies provided in relevant Section. The composition of the Authority shall be such as the State Government notify in its official Gazette.
- (2) On receipt of a representation under sub-section (1), the Regulatory Authority may either itself inquire into the matter, or may refer it, for further inquiry to such officer of the State Government or concerned local authority as may be prescribed.
- (3) For the purposes of the inquiry referred to in sub-section (2), the Regulatory Authority or, as the case may be, the officer to whom it refers the matter for inquiry, shall have the powers to record oral evidence of such persons, inspect such premises, examine such documents, as it thinks fit, in order to ascertain whether the provisions of this Act or rules made there-under have been complied with or not.
- (4) Every school and other institutions imparting education at school

level, and every employer shall afford the Authority/officer referred to in sub-section (3), provide all reasonable facilities for entering into and inspecting premises, examining documents and recording statements of persons, connected with the subject matter of the inquiry.

(5) Every officer of the Regulatory Authority or of the State Government/local authority to whom a matter is referred for inquiry under sub-section (2) shall be deemed to be a public servant within the meaning of Section 21 of the Indian Penal Code, 1860 (45 of 1860)

(6) If after inquiry as above the Regulatory Authority is satisfied that the provisions of this Act are not being complied with, it may, in its discretion, direct the Government, local authority or private management running a school to take such corrective action, and within such period, as it may deem fit, or direct that:

(a) Proceedings be instituted by the competent authority for withdrawal of recognition under relevant Sections of this Act, or

(b) Prosecution be initiated against the offender(s) under this Act.

Section 31:

Penalty for
Contravention of
provisions made
in this Act

(1) If a school contravenes the provisions of any Section of this Act, it shall be liable to fine, which may extend to rupees one lakh depending upon the degree of contravention and in case of continuous contraventions, to a fine of rupees one thousand for each day during which period such contravention continues;

(2) If a person including Head of Educational Institution and Teacher contravenes the provisions of this Act, she or he shall be punishable with fine which may extend up to rupees ten thousand , and in case of continuous contraventions, to a fine of rupees one hundred for each day during which such contravention continues.

Section 32:

Power to make
rules and issue of
Notifications

(1) The State Government may issue guidelines and give general directions to appropriate authority and the School Management & Development Committees regarding implementation of this Act, and

(2) The State Government may, by notification, make rules under this Act, for carrying out the provisions made in this Act.

CHAPTER – XVI

Section 33:

Annual audit and
accounts

(a) The account of each educational institution receiving assistance from Government shall be audited at the end of the financial year in such manner, such procedure and by such authority or authorities as may

be prescribed for different classes of educational institutions.

(b) The prescribed authority or the officers deputed for audit shall have full access to the accounts, Cash Books, Registers and documents required to be maintained by the Institution in respect of all money received from the Government and the Audit Officers shall submit the audit report to the competent authority for necessary action within such time as may be prescribed.

Social Audit

(c) The Competent Authority upon receipt of the audit report initiate action to be taken by the school authority concerned to meet the audit objections, particularly financial irregularity if any, and to take appropriate action against the school authority as necessary and issue such direction as may deem fit, which the Head of the Institution shall comply with.

(d) The accounts and every activities of each recognised government and provincialised educational institution receiving fund from Government including all funds collected from students, public and other agencies shall have to be audited by society in each financial year as may be prescribed. The audit report shall be submitted to the appropriate authority for corrective action if any. One copy of the report should also to be placed before the Gram Sabha of the Gaon Panchayat, if the School is situated in the rural area and in case of urban area to the Chief District Education Officer.

Section 34:

School Fund and utilisation

(1) The SMDC of Government and Provincialised Schools may create its own fund with the approval of the SMDC by collecting donation, subscription and contribution or other charges against proper receipt which shall be deposited into a Bank or Postal account to be operated jointly by the President and the Member Secretary. However, while accepting donation there cannot be any compromise in the entity of school or in violation of any provision of this Act.

(2) The school fund created in accordance with the provisions under Section 41, shall be utilised on the following: -

- (a) Award of scholarship,
- (b) Expansion or renovation/ or repairing of school building etc.,
- (c) Construction of Hostel for girls and students of weaker sections including students with special needs,
- (d) Conduct of Examinations and Evaluations,
- (e) Development of library, introduction of any new technology in the class room, Auditorium, Science laboratory, Drinking water, Sanitary facility, Common room, Provision for games and sports, Scouts and Guides, NCC etc.,
- (f) Co-curricular activities of the students, and
- (g) For any other activity as notified by the Government.

(3) Where fund is collected for a particular purpose no diversion of fund shall be made. Provided that for any emergency temporary diversion can be made with the approval of SMDC, which shall be replenished within a period of six months.

CHAPTER – XVII

Section 35:

Closure of
Government
Educational
Institution

(1) Save where otherwise provided in this Act, Government, may by a notification declare closure of any Government or Provincialised educational institutions repeating low performance (as may be defined) and enrolment below norms and where the school fails to show good performance continuously for a period of last three years;

(2) On the closure of an educational institution, the students shall be accommodated in nearby schools. In case of Government or provincialised schools, the teaching and non-teaching staff may be adjusted in any other schools or the teachers and staff may be retrenched as per rules of the Government and the assets of such schools shall vest with the Government;

(3) The Government by a notification may withdraw recognition and stop, reduce, and suspend grant in-aid to any school where the school authority fails to provide quality education to its students, fails to achieve more than 30% success in the final public examination or evaluation and fails to fulfil the conditions of recognitions, instructions and discipline.

CHAPTER – XVIII

Section 36:

Grant in-aid and
Incentives to
teachers

(1) The Government may provide maintenance grant and building grant and any other grants in aid to the government and provincialised schools.

(2) No grant in-aid is to be given to any school which fails to carry out the provisions of the Act and Rules and also the instructions issued by Competent Authority from time to time.

(3) The Government may award incentives to the schools and teachers for outstanding achievement for a period not less than 3 years continuously in the final public examination in form of advance increment to teachers or cash award or Certificate of Appreciation etc. as may be prescribed. The Government may however review the subject wise performance, continuously for a period not less than 3 years and accordingly decide on rewarding the teachers concerned.

(4) The state Government shall provide grant -in-aid to Regulatory Authority constituted under this Act and to Academic Authorities, as per need.

CHAPTER – XIX

Section 37:

Inspection of
Educational
Institution

(1) The Director of School Education shall be responsible for the supervision and inspection of all government and provincialised schools and the Director of Language Development shall be responsible for inspection of Madrassa educational institutions and Sanskrit tols .

(2) The concerned Director may delegate any of his functions relating to supervision and inspection to any officer, sub-ordinate to him and may authorise in his or her behalf.

(3) The Government shall make endeavour to ensure regular inspection of different categories of schools through its authorized officer or representative of community or the local self-governments or Autonomous bodies to ensure regular functioning of schools.

(4) Upon inspection of a school by any other authorized officer shall submit the inspection report to the Director within 15 days with a copy of the report to the Head of the School for compliance of the instructions as necessary.

(5) The State Government may prescribe specific formats for regular supervision and monitoring of different categories of schools.

(6) No advance notice shall be given for regular visit. However, in case of specific enquiry, notice shall be given to the school authority before such enquiry is conducted, with direction, as may be required.

(7) Every officer as prescribed shall, subject to such conditions as may be prescribed, be competent to enter at any time during the normal working hours of an educational institution, any premises of any such institutions within his or her jurisdiction and to inspect any record, register or other documents of any movable or immovable property relating to such institutions.

(8) Any person who obstructs an officer of the State Government in the exercise of any power conferred on him or her or in the performance of such functions entrusted to him under this Act or any other person lawfully assisting such officers in the exercise or in the performance of such functions or who fails to comply with any lawful direction made by such officer, or person, shall be liable for legal action.

Section 38:

Review of Order

The State Government or concerned Director may, in its own, at any time or on an application received from any interested person, within ninety days of passing of any order, under the provision of this Act may review, if it was passed by them or him or her when he

or she is satisfied that the order was passed without proper appreciation of facts.

Section 39:

Appellate
Authority

Any person aggrieved for any action or decision of his or her immediate higher authority, shall prefer an appeal to the next higher authority within 60 days. He or she may also appeal to the second higher authority and finally to the Government, as the case may be, after expiry of 60 days for each appeal for redress of the grievances. No person shall approach any Court directly before exhausting the appeal channels as stated above. The appellate authority shall dispose of the appeals referred to him or her within 30 days from the date of receipt.

Section 40:

Exemption

The Educational Institution established for the benefit of Minority Community under Article 30 of the Constitution shall be exempted from the purview of this Act, Provided that –

- (a) The Institute is duly registered with the Minority Commission of India, and
- (b) The Institution is not provincialised by the Government of Assam

Section 41:

Removal of
difficulties

If any difficulty arises, in giving effect to the provisions of this Act, the State Government may, by an order publish in the official Gazette, relax the provisions of the Act where Government is satisfied that such relaxation is necessary or expedient for the purpose of removing the difficulty.

Section 42:

Protection of
action taken in
good faith

No suit or other legal proceeding shall lie against the Government, the Commission, a local authority, a school Management & Development Committee, or any person acting under the direction of such Government or Commission or authority or Committee, in respect of anything which is done in good faith, or intended to be done, in pursuance of this Act, or any rules or any order made there under.

Section 43:

Repeal And
Savings

The Assam Education Department Rules and Orders 1955 and the Assam Education Service Rules 1982 as amended up-to-date shall stand repealed, however all orders and notifications issued there under, before the enactment of this act, shall remain valid, unless specifically prescribed.