




# State Regulatory Profile Uttar Pradesh

A look at the education sector



2024



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First published in December 2024  
By Centre for Civil Society

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Please cite the work as follows:  
Anand, N., & Thakre, S. 2024. Uttar Pradesh State Regulatory Profile: A look at  
the education sector. Centre for Civil Society

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# Executive Summary

This report critically examines the regulatory framework over K-12 sector education in Uttar Pradesh along with its structure, mechanisms and enforcement areas. Analysis has further been done on the differential application of rules in both public and private schools to find out the effectiveness of regulatory policies in improving quality in education. It was observed that an independent authority will be needed to respond to these challenges, which the National Education Policy (NEP) 2020 sees in the form of the State School Standards Authority (SSSA), which aims at having an independent body for setting and enforcing uniform standards of schools in Uttar Pradesh.

Through a detailed examination of existing laws and regulations, stakeholder feedback from focus group discussions and an assessment of practical challenges, this report offers a set of recommendations to improve the regulatory environment. These include improving fee regulation policies, strengthening grievance redressal mechanisms, standardizing inspection protocols and separating regulatory responsibilities from operational roles within the education sector.

# INTRODUCTION

The K-12 education sector is regulated by various laws at the Union and state levels. This body of law regulates private-unaided and government schools in all aspects, including fees, playground facilities, and recruitment of teachers. Uttar Pradesh is one of the largest and most complex educational ecosystems in India, representing India's most populous state with over 2.5 lakh schools and nearly 5 crore students. The state faces unique challenges including significant rural-urban disparities, varied socio-economic conditions and a large proportion of first-generation learners.

The most significant proportion of these regulations falls on the shoulders of the state-level Department of Education. In UP, however, the task is particularly Herculean as there are over 1.59 lakh government schools and nearly 91,000 private schools. The K-12 education system in Uttar Pradesh (UP) is vast and heterogeneous with around 30 million children who come under the age bracket that is eligible for schooling. More than 25 million students are enrolled within the educational system from the primary to higher secondary levels, out of which about 18 million are enrolled in government or provincial schools and 7 million in private institutions. The state owns a significant number of educational institutes, which includes around 100,000 primary schools, 40,000 upper primary schools, 15,000 secondary schools, and 6,000 higher secondary schools. In terms of board affiliation, almost 80-85% of the secondary schools are affiliated to the UP Board, around 4,000-5,000 to CBSE schools, and approximately 150-200 to ICSE schools. The UP Board also dominated the higher secondary level with around 500-600 CBSE schools and approximately 20-30 ICSE schools. Generally, at the board-wise level, pass percentage is about 75-85 for the UP Board, 90-95 for CBSE, and 95% and above for ISC.

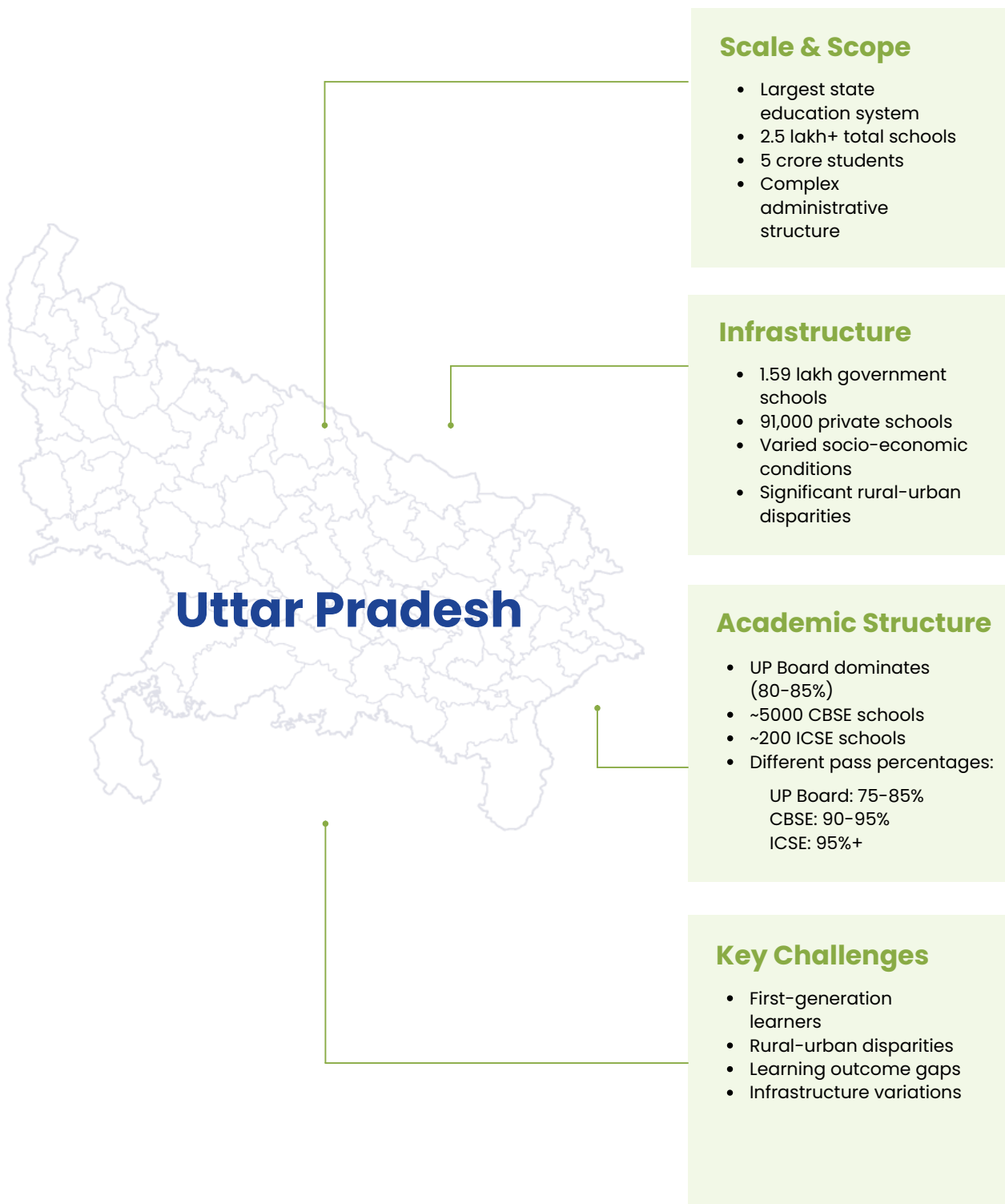
ASER-based learning outcomes reflect the problem in both literacy and numeracy: 15-20% of Std III students could not read letters; numbers up to 99 accounted for 35-40% literacy; 8-10% could not recognize numbers 1-9, and only 3-5% could do division work. The GER of ST students is about 90-95%, while for SC and OBC students is much higher. GER for SC students is about 105-110% and for OBC 105-115%. Gender-wise, the female outperforms the male child in basic reading proficiency, and according to the ASER data, 76-78% females are found outperforming 72-74% males.

The Department of Basic Education controls elementary and secondary education through schemes such as RTE and midday meals. Uttar Pradesh Madhyamik Shiksha Parishad, UPMSP controls secondary and higher secondary education. The state also governs private schools including those following CBSE and ICSE curricula. Overall, Uttar Pradesh's educational system serves a large student population, with significant room for improvement in learning outcomes, particularly in rural areas.

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- 1 Department of Basic Education, Uttar Pradesh. (n.d.). Educational landscape in Uttar Pradesh. <http://upbasiceducation.org/>
  - 2 National Institute of Educational Planning and Administration (NIEPA). (n.d.). UDISE+ (Unified District Information System for Education). <https://udiseplus.gov.in/>
  - 3 Pratham Foundation. (2021). Annual Status of Education Report (ASER). <https://www.asercentre.org/>
  - 4 Uttar Pradesh Madhyamik Shiksha Parishad (UPMSP). (n.d.). Secondary and higher secondary education in Uttar Pradesh. <http://upmsp.edu.in/>

The Department, however, serves as a school operator as well. This dual role-both regulatory and operational-gives rise to a conflict of interest; it's especially acute in Uttar Pradesh, where the Department oversees one of the largest public school chains in India, while simultaneously managing an ever-growing private school market. Recognizing this, NEP 2020 proposed the establishment of an independent body called State School Standards Authority (SSSA) that would bring an end to these conflicts.

## Understanding Uttar Pradesh's Education Landscape





## State School Standards Authority: Key Responsibilities

In concept, SSSA is visualized as an independent regulatory entity out of the Department of Education. Its purpose under NEP 2020 is to standardize some basic parameters that all educational institutions must have irrespective of management structures. That is a radical departure from the existing law applicable to Uttar Pradesh, wherein government-managed, privately operated and minority educational institutions are governed on different standards set forth by various enactments, including the UP Basic Education Act of 1972 and the UP Self Financed Independent Schools (Fee Regulation) Act of 2018. Furthermore, the National Education Policy has proposed relief against the heavy regulatory burden schools are facing today.

An effective SSSA in UP needs first to identify the existing education regulations within the state. This exercise will be useful in that and it will help us understand the extent of conflicting normative regulations and requirements imposed upon UP's diverse educational landscape, specific issues affecting particular schools within regions or serving different populations. The SSSA may then concentrate on the areas that will require the greatest effort in achieving reform in light of the unique context and goals of development that UP seeks to pursue.

In the following section, we outline the impact and functionality of the regulatory framework in Uttar Pradesh. This outline summarizes specific consequences related to the regulatory framework. We conclude by outlining recommendations regarding what the department can do to build an equitable and effective SSSA that attends to the unique challenges that UP faces in terms of education while promoting quality and equity across its vast and different form of education system.

## State School Standards Authority (SSSA): Envisioned Responsibilities



## Objective

The purpose of this report is to review and enhance the regulatory framework that governs Uttar Pradesh's educational institutions for the overall betterment of education through innovation and creativity. Our initiatives are in tune with the National Education Policy (NEP) 2020 wherein it is pointed out that the current skill sets and workload associated with regulating educational institutions, policymaking, and public education are concentrated within the Department of School Education.

It is the Boards of Basic Education and the Board of Secondary Education, respectively, which regulate all private and aided schools and manage the government institutions in the state of Uttar Pradesh. Such a concentration of power leads to various kinds of conflicts of interest—a concern targeted by the NEP, with a recommendation for SSSA.

Our report shall postulate that successful implementation of the SSSA will depend largely on a comprehensive understanding of an existing regulatory architecture. Currently we seek to assess strengths and shortcomings within the ecosystem of education and translate those into actionable insights that span focus group discussions across gaps and opportunities so that we might understand legislative frameworks and actual practices within educational institutions. This outcome will guide the development of better strategies for an effective regulatory environment that serves the cause of teachers and students and promotes an innovative-creative education-friendly atmosphere.

## Methodology

This study utilized a mixed-methods design by integrating qualitative analysis and legal analysis in order to assess the regulatory framework of K-12 education in the state of Uttar Pradesh. The methodology was in accordance with three components. Firstly, it included an extensive review of existing scholarly works, legislative and policy frameworks pertaining specifically to Education in the State of Uttar Pradesh. Subsequently, an exhaustive legal review of the aforementioned literature was carried out. The study process ended with facilitating stakeholder engagement through a focused group discussion.

## Literature Review

In order to understand the existing laws and policies about Uttar Pradesh K-12 education, a detailed study of literature was undertaken. Out of the many documents reviewed, the UP Primary Education Act of 1972, the UP Secondary Education Service Selection Board Act of 1982 and National Education Policy 2020 constituted the main focus of this analysis. This evaluation has been based on demonstrating the existing regulations including their inherent limitations, vagueness, redundancy, and the impact of those on enforcement of these policies.

## Legal Analysis

This analysis focused on identifying gaps, ambiguities and areas of overlap within the current regulations, with specific attention to how these legal inconsistencies impact policy implementation. Attention was given to see how principles of administrative law were reflected in the existing legislations.

## Focus Group Discussion

In order to collect qualitative data focus group discussions were carried out with the education leaders who are among the implementers of the education policies. The purposive sampling technique was applied to select the stakeholders in order to ensure that there is representation from the public and private sectors as well as urban and rural schools. A moderator guided the FGD session which was also semi structured in order to incorporate both close end and open end questions. The objective of these discussions was to assess the understanding that the stakeholders have on the regulatory frameworks, the challenges they experience and their recommendations for the bettering of the existing policies. Detailed notes and transcripts were taken and then a thematic analysis was carried out on the data in which major and minor issues, recurring themes, and trends raised by the participants were inserted into the analysis.

## Recommendations Development

To develop actionable recommendations, an iterative process was employed after considering the findings of the literature review and the inputs from the stakeholders. Data synthesis included comparing the legal analysis results with stakeholder feedback so that any recommendations proposed would fill the gaps already identified. Furthermore, drafts of the recommendations were also checked against the criteria posed by the regulations of the area in order to ensure that the proposals were practical and relevant. The conclusive recommendations relate to addressing the issues of regulatory uncertainty, designing an effective grievance redressal mechanism, and developing comprehensive quality assurance systems.

## Key Findings

### What are the roles of the existing framework?

The existing regulatory framework for K-12 education in Uttar Pradesh (UP) has been designed to provide support and control through the involvement of a number of different actors, including the State Government, its local administrative units and various regulatory agencies. This has established frameworks to help to set a minimum threshold of requirements, however, a major question still remains about the internal efficiency, consistency and fairness of those balancer's. Filling in these loopholes may result in a more orderly and efficient network of regulation governing K-12 schools in UP, allowing for uniform application to both public and private institutions. Adherence to the underscored framework is however more intense for private schools with additional layers of requirements related to recognition, fee control and complaints management while the scenarios with government schools are less severe.

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## Norms for School Recognition

Several regulations are present in the legal structure of the school recognition process in the state of Uttar Pradesh, and primarily these are the **UP Right of Children to Free and Compulsory Education Rules, 2011** and different orders related to non-aided English medium schools. The completion of the recognition process entails a number of considerations and these include pupil population minimums that vary with place and level of the institution. These standards, which set out minimum standards for recognition and establishment of the schools in the hierarchy, as such, require that of pre-primary and primary schools, a catchment area with a population of not less than two hundred (200) is guaranteed, while for primary and junior grade secondary schools a minimum population of two hundred and twenty five (225) is maintained within the catchment area. There are recognition procedures which clarify the contention between both public as well as private institutions, whereby private schools have been found to have more restrictive conditions and regulations application including in house visits and self-declarations of compliance to local education officers.

### Recognition Requirements Under UP RTE Rules, 2011:

The UP RTE Rules, 2011, provide an intricately elaborated framework aimed at regulating the processes of recognition of schools, particularly private ones. Most of these rules require adherence to particular guidelines with respect to the physical infrastructure, the safety levels and the manner of operations. Nevertheless, the said regulatory regime provides for a dual system that treats the government-run schools differently and waives many of the requirements for such schools.

The recognition process for private schools is dealt with **Rule 11** of these regulations, which focuses on the need to adhere to and sustain within the set parameters as far as infrastructure, safety and other operational requirements are concerned before, during and after the recognition. However, a substantial regulatory disparity arises due to **Rule 11(2)** which provides that these criteria shall not be applicable to government or local authority managed schools. This exclusion gives rise to an imbalance in legislation as it enables government schools to function without observing uniform standards of compliance, hence concerns in regard to regulation or accountability of the sector are raised.

The UP RTE Rules in **Rule 11(3)** further provide for the specific conditions for recognition of private schools, which come with a number of operational and financial obligations for these institutions. The requirement to comply with the provisions of **Rule 11(3)(a)** relating to fire safety, means that private schools are expected to install fire fighting equipment and earn a fire safety certificate in accordance with the National Building Code while government schools are not required to comply with any such financial and operational burdens. Further, in accordance with **Rule 11(3)(b)** which touches on building tenure, private institutions unlike government institutions, are required to have a building set aside for a period of not less than ten years. This period was meant to promote operational continuity, yet limits the dynamics for younger schools.

Furthermore, **Rule 11(3)(c)** states that all such private schools should be run on a non-profit basis and shall further their objectives in accordance with the national values and the Constitution of India, while on the other hand, Government schools are indisputably public services. The clause on inspection accessibility in **Rule 11(3)(d)** makes it mandatory for private schools to allow any government officer to go for inspection, although the scope of the appointment of such inspectors is not clearly defined and may therefore be subject to abuse of power. On the other hand, Government schools are not subject to any of the inspection regimes revealing a continuation of regulatory inequities. In addition, **Rule 11(4)** provides for a scheme of provisional recognition under which private schools are granted recognition for a period of three years within which period the private schools must be able to comply with the requisite standards in order to be granted full recognition. This has very clearly placed a mechanism of control in relation to those private institutions.

### **Recognition Standards Augmentation Under Government Order 419/79-6-201318(20)/91**

Government Order 419/79-6-201318(20)/91 is also an improvement over the existing framework to enhance the recognition of private schools by introducing further compliance measures which create a better regulatory structure. The order states that private schools must comply with some minimum requirements in their operational costs and resource allocations by providing proper classrooms, toilets and clean drinking water among others. In addition to this, there are demands for certain levels of teacher qualifications, and a specified number of students that are allowed per the instructor (student-teacher ratio), so that the quality of teaching is improved. In contrast these requirements are not imposed on government run schools resulting in inequalities in the education standards. Schools are also required to have regular inspections done and are expected to provide these local education authorities with regular updates on their activities such as student numbers and the state of their facilities over the infrastructure. This creates a situation where if there are any issues within the private sector such measures help in ensuring consequences for the actions taken by those schools. This is not the case within government institutions, hence showing the absence of a level playing ground.

### **Recognition and operational standards under UP Basic Education Act, 1972:**

The substantive and operational aspects of basic education including the curriculum, the selection of textbooks and teachers training standards are defined in the UP Basic Education Act, 1972. The Director of Basic Education is empowered under the Act, specifically **Section 12**, to visit schools, look into local records, and order compliance. **Section 12(2)** of the act also provides that in the event that private schools resist correction of blemishes revealed during inspection, the said recognition may then be withdrawn. However, as is the case with the RTE Rules, the Basic Education Act is mainly concerned with private player and local body operated primary schools and provides very scant and nonexistent regulation to the state pre-schools. On the one hand, there is no regulatory requirement for government funded schools and on the other hand, the Act stipulates the requirements of operation for private schools which creates a regulatory imbalance.

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## Recognition requirements for Secondary Schools

The UP Secondary Education Services Selection Board Act, and other state-based acts, govern secondary education institutions in relation to the recruitment of teachers and the administration of schools. Nevertheless, no specific recognition framework has been outlined for secondary government schools, which inevitably creates administrative challenges and higher management costs in ensuring compliance for private secondary schools. With the anticipated establishment of the State School Standards Authority (SSSA) in the state of UP, there exists a possibility of consolidating and streamlining the recognition requirements for all K-12 institutions, presenting a 'fair share' of standards.

The case ***The State of Uttar Pradesh v. IN RE Constitution of Education Tribunals (SUO MOTO), C.A. No. 1424/2024*** investigates the issues related to the establishment of education tribunals within the state of Uttar Pradesh.<sup>5</sup> In 2021, the Allahabad High Court ruled that Uttar Pradesh Educational Service Tribunals may be constituted only with the court's permission, because of a conflict between Allahabad High Court Bar Association and Awadh Bar Association on where the tribunal would be located.

Nonetheless, the most recent ruling of the Supreme Court granted a stay on this order, claiming that the High Court's mandate, which de facto made the action by the state subject to the court's approval, was beyond the scope of its powers. The Court explained that such concerns related to the establishment and operation of the present institutions for education are purely legislative and executive matters, not judicial. In light of the fact that the bill on the establishment of the tribunal is still in the pipeline, this situation highlights the legal challenges that shape the establishment and operations of educational institutions, which in turn may affect the larger processes of school recognition and governance in the state.

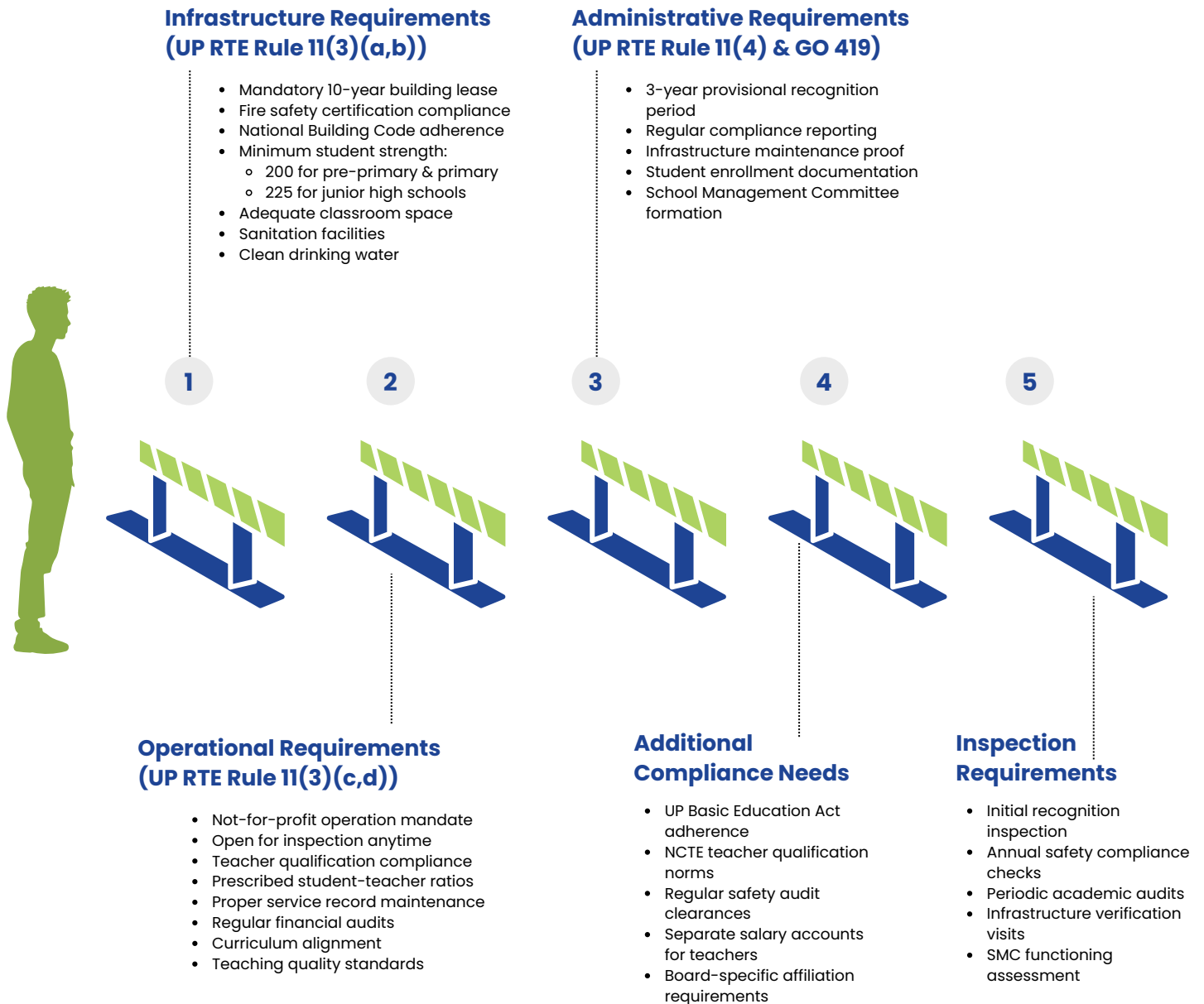
## FGD Insights: Norms for School Recognition

There was a general consensus among the FGD participants that there are significant gaps between the expectations and the actual outcomes in government and private society schools. They pointed out that there is no uniformity in the quality standards and regulation which often work against the private schools especially in the areas of teacher qualifications and infrastructure requirements. The participants pointed out that the process of school recognition is poorly conceived and especially burdensome, noting specific problems such as the minimum 10 year lease for premises and delays associated with issuing different papers. A number of them were annoyed by inspection regimes characterized by uncertainty and inconsistency with respect of timelines and outcomes.

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5 The State of Uttar Pradesh v. IN RE Constitution of Education Tribunals (SUO MOTO), C.A. No. 1424/2024 (2024). Supreme Court of India.  
<https://www.supremecourtfindia.nic.in/>

## Key Hurdles in School Recognition in Uttar Pradesh



### Norms for School Operations

The legal and institutional framework regulating basic education in the state of Uttar Pradesh has been outlined in two documents, namely the U.P. Basic Education Act of 1972 and the Uttar Pradesh Right of Children to Free and Compulsory Education Rules, 2011.

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## U.P. Basic Education Act, 1972

The Uttar Pradesh Board of Basic Education has been assigned the responsibility of managing and coordinating basic education and teacher training activities as provided for under **Section 3** of the U.P. Basic Education Act, 1972. This body also ensures that the quality of education is uniform in all the basic schools within the state. The Act also provides the Director of Basic Education with the power to inspect basic education institutions which includes investigating the records of the institution and the activities of the school's committees (**Section 12**). These types of activities are fundamental for checking whether certain educational standards and rules are being adhered to. On the other hand, the regulations provide for withdrawal of a school's recognition status if after the inspection, the resolving of issues in a certain school has not taken place after the school has been directed by the Director to do so, hence promoting compliance with standards.

## Uttar Pradesh Right of Children to Free and Compulsory Education Rules, 2011

In addition to the 1972 Act, the Uttar Pradesh Right of Children to Free and Compulsory Education Rules, 2011 provides for the establishment of School Management Committees (SMCs) in each school composed of parents, one representative of local authority and persons from the anganwadi community (**Rule 13**). SMCs have a prominent function in the day-to-day operations of the school, with powers and functions such as evaluating management performance of the school in terms of maintaining a conducive environment to learning and supporting attendance of students and staff as well as monitoring their performances. In addition, they coordinate the preparation of the Annual School Development Plan which estimates student enrollment, teacher and physical facilities and funds required. This is necessary in planning so that the resources of the school are in line with the expectations of the school in terms of education and in preparation of the schools to serve its students. Such operational requirements prescribed by the U.P. Basic Education Act of 1972 and the Right of Children to Free and Compulsory Education Rule of 2011, they form all-inclusive structures for enhancing accountability, participation and effective management of basic education in the state of Uttar Pradesh.

## Teacher Appointment and Salary Regulations

In 2023, the **UP Education Service Selection Commission Act** made it mandatory for all the teachers to be recruited and appointed following the same procedure across structures, which includes both public and private sides in order to enhance fairness. The Act further established the UP Education Service Selection Recruitment Commission (UPESSC) which would manage recruitment across all levels including basic, secondary, and vocational schools. Some key provisions include a centralised recruitment procedure in which the UPESSC conducts the tests, makes the recruit lists and forward appointments on grounds of superiority, thus ensuring consistency in the selection process of teachers (**Section 4**). This model seeks to harmonize recruitment benchmarks between different educational institutions.

The Government of Uttar Pradesh in **Section 9** of the Act has also conferred the Board with power in relation to teacher recruitment and teacher appointment, for instance, organizing the UP Teachers Eligibility Tests, evoking and appointing the examiners and induction data collection exercise, if it is necessary to do so. Therefore, the board is conferred with powers to manage all the teacher's examination and recruitment processes. Further, the Act states that the Commission shall keep such records of available posts as well as implement such provisions of the recruitment policy as the Commission shall supervise on behalf of the state. This entails also periodic inspections and evaluations of the recruitment process in order to check the compliance with the regulations in place. The Commission has measures in place for handling grievances associated with recruitment as an added layer of accountability (**Section 8**), which includes establishing a specific grievance redressal mechanism for aggrieved candidates during the recruitment process to report any inconsistencies or injustices.



The **U.P. High Schools and Intermediate Colleges (Payment of Salaries of Teachers and Other Employees) Act, 1971**, as well as the **UP Junior High Schools Act, 1978**, govern the processes involved in the disbursement of teachers' salaries whereby each school is expected to open a salary account and the District Inspector of Schools (DIOS) and District Basic Education Officer is empowered to oversee the process. Schools are required not to breach the prescribed salary disbursement policies and in case such a situation arises, the DIOS has the power to take action. According to the Act, the disbursement of salaries shall be through a separate salary account which shall be created for that purpose (**Section 3**); it also provides the role of the DIOS in ensuring adherence to the salary payment provisions, and steps in where there is violation of such provisions (**Section 5**); and further, it provides that there shall not be any downward review of salaries unless otherwise provided for by rules or special orders of government (**Section 6**).

In Uttar Pradesh, the recruitment policies in place for Private Madrasas are different from each other as indicated in the **UP Non-Governmental Arabic and Persian Madrasa Recognition, Administration and Services Regulation, 2016**. This regulation provides for specific appointment procedures (**Section 5**) which relate to the appointing authority, who are the eligible persons and their services but still respect the cultural and religious functions of the Madrasas. For madrasas, there is a separate process for appointing teachers who are members of a Selection Committee (**Section 6**) in which candidates are approved by the selection panel based on the set criteria specific to the educational and cultural heritage of the Madrasas. The provision explains a position that intends to reconcile the need for quality education in such institutions and the need for regulation at the state level in regards to their administration.

The Supreme Court in ***The State of Uttar Pradesh & Ors. v. Rachna Hills & Ors. 2019 SCC ONLINE ALL 133***, opined on the vital aspects of the teacher appointment procedures under the Uttar Pradesh Intermediate Education Act, 1921, and the regulations framed therein. In particular, section 16-FF of the Act and regulation 17 relates to selection and appointment of teachers in the minority educational institutions and the appointment can be made only after obtaining the approval of the District Inspector of Schools (DIOS).<sup>6</sup> The recruitment procedures for Assistant Teachers were commenced by the two minority institutions and their proposals were forwarded to the DIOS for ratification. But prior to the granting of approval, the entirety of the process was amended by the introduction of new regulations, such as Regulation 17 which placed a written test within the confines of the selection criteria. The DIOS sent back the proposals requesting for adherence to the new mode of selection. The institutions sought to challenge this directive and the High Court at the start ruled in favor of the institution's stance arguing that the process of selection had been completed all inclusive and that there was no need for the new regulations to be followed.

The Supreme Court explained that the entire selection process is still unfinished until the DIOS formally confirms the recommendation of appointment. It ruled that the candidates do not acquire a vested right to be appointed simply because the selection process has been completed. The Court added that DIOS's approval is a prerequisite, and revised rules, including the written examination, shall apply to all vacancies for appointments pending approval, even those which arose before the come into operation of the new regulations.

This case throws light on the significance of obtaining DIOS' consent prior to confirming teachers' appointments, as well as underlines the fact that even a teacher's appointment cannot be done without that appointment, thereby influencing the schools' compliance to the rules on the selection and appointment of teachers.

## Operational Challenges



### Key Challenges:

- Lengthy documentation
- Multi inspections
- Financial burden

## FGD Insights

Teachers in private schools face recruitment challenges and compression in salary ranges. The discussants pointed out that there is limited adherence to the suggested salary scales and salary distribution is opaque, so teachers were advised that it would be wise to maintain separate bank accounts for teacher salaries in educational institutions.

In another case of **Ram Kumar Patel v. State of U.P.**, the Supreme Court examined a 2016 Allahabad High Court's judgment of 2016 which struck down the 16th Amendment in U.P. Basic Education (Teachers) Service Rules, 2012, which had sought to amend Teacher Eligibility Test (TET) score weightage in teacher recruitment.<sup>7</sup> The High Court relied on the decision from the case of **Shiv Kumar Pathak v. State of U.P.**, wherein it was held that modifications in the rules framed for the recruitment of teachers were contrary to the NCTE regulations.<sup>8</sup> In 2011, the government of Uttar Pradesh made some changes to its regulations in the first instance so as to meet the requirement of the National Council for Teacher Education that TET be prescribed as a minimum qualification. However, the other amendments reduced the weightage of TET score, resulting in the controversy.

The Supreme Court highlighted that the NCTE's advice of giving importance to TET scores was of recommendatory nature. It ruled that the NCTE directives and the U.P. state revisions were not in direct opposition to one another. Therefore, the Court annulled the decision of the High Court, granting permission to the U.P. state to implement its recruitment policies in accordance with the revised legislation.

In the case of the Basic **Education Board, U.P. v. Upendra Rai (2008)**<sup>9</sup>, the interpretation of the Supreme Court on the issue of validity of government advertisement and notice concerning filling in vacancies of Assistant Masters or Assistant Mistresses in junior basic schools in the state of Uttar Pradesh was considered. The Government Circular and the Advertisement were quashed by the Division Bench of the High Court which allowed the appeal. This decision of the Court of Appeals was however overruled by the Supreme Court which held that the respondent was not eligible for appointment to the position of Assistant Master or Assistant Mistress as the respondent lacked the qualification training as envisaged under Rule 8 of the U.P. Basic Education Rules.

The Court explained that the NCTE Act deals with the teacher training institutions and does not cover the requirements of qualifications for primary school teachers which are regulated by the respective state laws. The purpose of the NCTE Act is consultative so far as it relates to the qualifications of teachers in training colleges, and ordinary non-training colleges such as primary schools, do not come within the ambit of the Act. Also, the Court was not in agreement with the position taken by the High Court which referred to Article 254 of the Constitution addressing the issue of primacy of central versus state legislation and also found that there was no infringement of Article 14 (Right to Welfare). The Appeals are rejected.

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7 Ram Kumar Patel v. State of U.P., Supreme Court of India. (n.d.).  
<https://www.sci.gov.in/>

8 Shiv Kumar Pathak v. State of U.P., *Allahabad High Court*. (n.d.).  
<https://www.allahabadhighcourt.in/>

9 Basic Education Board, U.P. v. Upendra Rai (2008)  
<https://main.sci.gov.in/jonew/judis/35661.pdf>

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## Welfare

**The Uttar Pradesh Right of Children to Free and Compulsory Education Rules, 2011**, provides essential guidelines designed to promote the welfare of children within the education system. These rules are child-oriented, inclusive, and accessible and ensure that adequate educational resources are provided to all children, with emphasis to those who are disadvantaged.

An important provision is **Rule 3**, which requires the introduction of special classes for children who need extra help regarding their education. These classes have a requirement of having specially constructed, suitable learning materials for the age. Such classes should be conducted for a minimum of 3 months and a maximum of 2 years. In addition, the instruction has to be given either by the teachers of the particular school or by specially assigned teachers to ensure that it is geared towards the specific needs of the learners.

As per **Rule 4**, government schools, in particular, preschools and primary schools for classes I to V, are required to be located within a radius of one kilometer from the residence of the children. In the case of schools for classes VI to VIII, the distance is at most three kilometers. The government, however, reserves the right to reduce these distances, especially in terms of difficult terrain and increasing the reach for all children.

The guidelines also highlight the duty of the government to provide transport services to enable learners with disabilities to have equal educational opportunities as any other learner. Additionally, the above **Rule 5** requires the state together with the local authorities to undertake school mapping exercises. This entails including all children in the community within the net especially those from disadvantaged groups making sure each child is not only accounted for but also has access to the education resources promoting equity in education.

In general, the Uttar Pradesh Right of Children to Free and Compulsory Education Rules, 2011 stand out as an advocate for the provision of a harmonized educational framework that fulfills the different needs of all children.

Improved provisions for special training, closer location of schools, provision of transport facilities to learners with disabilities and extensive school mapping, are the principles outlined in these rules that aim at enhancing the quality education for all children in the State of Uttar Pradesh.

## Welfare Provisions: Ensuring Education for All


**Inclusivity Focus**

### Uttar Pradesh RTE Rules, 2011


**Transport Accessibility**

Rule 3:  
Special Training Programs




- Educational support for children needing additional help (3 months to 2 years).
- Age-appropriate learning materials tailored for effective understanding.
- Conducted by school teachers or specially appointed educators.



Rule 4:  
Proximity to Schools


- Schools for Classes I–V must be within 1 km of children’s residences.
- Schools for Classes VI–VIII must be within 3 km.
- Flexible distance requirements for hilly or challenging terrains.
- Transportation facilities for children with disabilities.



Rule 5:  
School Mapping

- Identification of children in the community, especially disadvantaged groups.
- Focus on providing access to education for marginalized communities.
- Collaboration between the government and local authorities for mapping.



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## Academic Authority

**The Uttar Pradesh Right of Children to Free and Compulsory Education Rules, 2011** builds a solid structure for the facilitation of education for children between the ages of 6 to 14 years in the state. One of the major aspects of such rules is the provision for academic authority which deals with aspects like curriculum, teacher training and overall standards of quality in education.

Several important provisions are included, especially **Rule 22** of the Uttar Pradesh Right of Children to Free and Compulsory Education Rules, 2011 which outlines that the development of syllabuses, textbooks, teacher training programmes and guidelines for continuous and comprehensive education improvement is the responsibility of the State Council of Educational Research and Training (SCERT) as highlighted in section 22. In addition, **Rule 22** of the Act entails that the SCERT bears the responsibility of carrying out curriculum development that is in line with the National Curriculum Framework and is designed in an inclusive manner with focus on the appropriateness of learning environments. This includes the development of students' textbooks, which are aimed at improving the practical and analytical aspects of students.

The Board of High School and Intermediate Education is empowered considerably in relation to student examination by the Uttar Pradesh Intermediate Education Act, 1921 under the educational framework of Uttar Pradesh. The board has the power as well as responsibility to carry out high school and intermediate course completion (Section 3), allow candidates to sit for an examination (Section 5) and approve institutions for examining candidates (Section 4). This in essence positions the Board as the superior authority in meaning examinations. In addition, SCERT has the responsibility of training teachers so that they are able to teach the curriculum effectively. Finally, it also prescribes a system for sustaining the quality enhancement process, which includes systematic evaluation, assessment and feedback about the education provided in schools.

There are other provisions as well, which include **Rule 23**, which provides that there must be monitoring mechanisms to assess the implementation of school syllabi and educational standards. This means that there will be officials of the government who will also carry out periodic inspections and evaluations to ascertain whether the SCERT's norms are being followed or not.

**Rule 24** is another key component, which highlights the function of local authorities in the implementation of the syllabus and educational contents supplied by SCERT. These local supervising authorities play a critical role in making sure that the schools operate within the set limits and relaying any pertinent information back to SCERT for further enhancement of quality.

Moreover, **Rule 25** highlights the need for parents and the surrounding community to participate in the education process. This team effort seeks to create a conducive learning atmosphere and illustrates how education is appreciated in the society.

## Coaching Centres

**The Uttar Pradesh Regulation of Coaching Act, 2002** prescribes the detailed procedure and framework for the registration, inspection and regulation of coaching institutes within the state. This Act mainly seeks to enhance the standard of coaching services and at the same time encourages responsibility and fairness within their operations. It is also important for the management of coaching centers because it provides rules on how to register such centers, carry out inspections and handle complaints. The primary objective of the Act is to enhance the educational standards provided by the coaching centres and also protect the students' rights all over the state of Uttar Pradesh.

The Act has many salient points, including Section 3, which mandates that no coaching center shall commence operations without registering with the Competent Authority. The application for registration shall provide the composition of the institution, its facilities and staff and the courses offered. Section 5 provides the Competent Authority with powers to carry out routine inspections of the registered coaching centres. Inspections as such are carried out with a view to checking whether the quality of the coaching centres and operational norms are being followed. These inspections evaluate the quality of instruction and the degree to which the standard operating procedures are adhered to.

In Section 7, a process is outlined to address the issues of coaching institutes by making it easy for people including students or their parents to lodge a complaint. The Competent Authority is charged with the assessment of these issues and containment of the issues, if any. Finally, section 9 states that any teacher providing such coaching will be required to register with the Competent Authority who will vet the registration for the appropriate qualifications and ethical requirements.

### Fee Regulation Norms

The UP Self-Financed Independent Schools (Fee Regulation) Act, 2018 and its amendment in 2020 provide for the regulations governing tuition fees in private schools. These legislations tend to inhibit the financial operational capacities of the majority of the private schools, particularly the low fee paying institutions, by limiting the fee hikes and allowing the changes to cater with salary increments only to the teachers.

The act prescribes the compliance of private educational institutions with certain conditions among which is the requirement to submit proposed increase in fees for the consideration of a District Fee Regulatory Committee (Section 8), which is tasked with ensuring compliance with the set fee limits in the region. As such, any adjustment in these fees may not be higher than 10% over a span of three years and can only be related to changes in teachers' salaries with no other cost adjustments being entertained for any other operational or physical infrastructure concerns .

Schools are allowed to increase the annual composite fee by an additional 5%, based on the Consumer Price Index (CPI); however, the act does not stipulate a uniform calculation of what constitutes the CPI, resulting in different meanings of the term in a number of districts. The Divisional Self-Financed Independent Schools Authority is also responsible for handling appeals and grievances, particularly those pertaining to the payment of fees. It provides schools with an opportunity to contest district committee decisions. While these regulations are helpful in ensuring affordability, they however impede the capacity of private schools to channel resources towards infrastructural developments and other necessary resources thereby creating some financial constraints which in turn affects the quality of service offered. In the case of government schools, there are no such restrictions that are imposed causing an imbalance in the regulatory framework.

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## FGD Insights: Fee Regulation Norms

In the Focused Group Discussion, the participants emphasized the high cost burden faced while adhering to regulatory requirements imposed on low-fee private schools. Incurring operational recurrent expenses related to inspection services, certification and certification services and abiding to evolving standards proved to be expensive for a considerable number of schools who cannot operate without such financial support.

They also felt that there was no coherence in the policies that governed the setting of fees and the admission of students. The discussions highlighted the importance and necessity of advocating for and establishing a more transparent and standardized fee structure especially in the regional contexts and more so a speedy admission processes that are in accordance with the provisions of the Right to Education Act.

## Monitoring, Accountability and Grievances

### Grievance Redressal

Grievance redressal mechanisms are especially important and need to be efficient in maintaining the rights of children and families to the education system. The Uttar Pradesh Right of Children to Free and Compulsory Education Rules, 2011, together with a number of legislations provides specific procedures on how complaints in the education sector are handled.

In this process, the District Education Officer (Zila Shiksha Adhikari) has an important role to play. **Rule 3(1)** of the Uttar Pradesh Right of Children to Free and Compulsory Education Rules also states that the District Education Officer shall be responsible for meeting the admission of children of weaker and disadvantaged groups. This involves handling grievances associated with admissions, discrimination as well as practices that may inhibit access to education to the vulnerable populations. Moreover, the District Education Officer inspects schools from time to time to assess compliance with the provisions of the Admission Policy as well as the fair treatment of all pupils, thus fostering an inclusive education system.

The School Management Committee (SMC) is the main forum for dealing with the complaints of parents, teachers and the school practices. **Rule 21 (1)**, SMC is responsible to resolve any concerns raised by teachers about their work and the work conditions and requirements of the organisation. It provides for a localized mechanism for addressing issues in an immediate way. The clause further mentions that the committee comprises fifteen (15) total members, including eleven (11) of which are parents or guardians of the children placed in the school and four(4) are nominated members. It is mandatory for at least 50% of the total members of the committee to be women.

If the issues are not addressed at the SMC level, it is the local authority that becomes the center for redressing the complaint. As stated in **Rule 21(2)** the local authority then steps in for any such unresolved issues as it does so to escalate the issues to a higher administration level to be addressed effectively.



# Grievance Redressal Procedures

## Schools Responsibilities

- Establish School Management Committee
- Maintain grievance register
- Document all complaints received
- Address complaints within SMC first
- Escalate unresolved issues to authority
- Submit monthly grievance reports

## Government Responsibilities

- Monitor SMC formation and functioning
- Establish District Education Officer role
- Review escalated complaints
- Conduct periodic school inspections
- Issue improvement directives
- Enforce compliance measures

*A timeline arrow at the bottom showing the progression of grievance handling*

**Initial Filing**

**SMC Review**

**District Review**

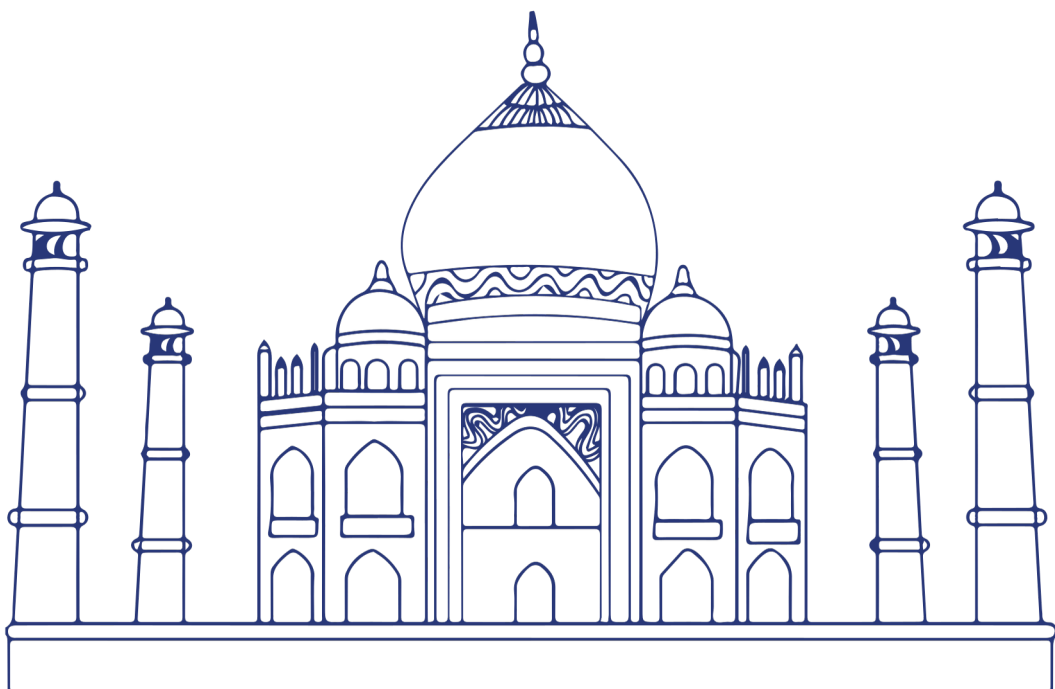
**Resolution**

*All grievance must be addressed mandates timeline as per UP RTE Rules, 2011*

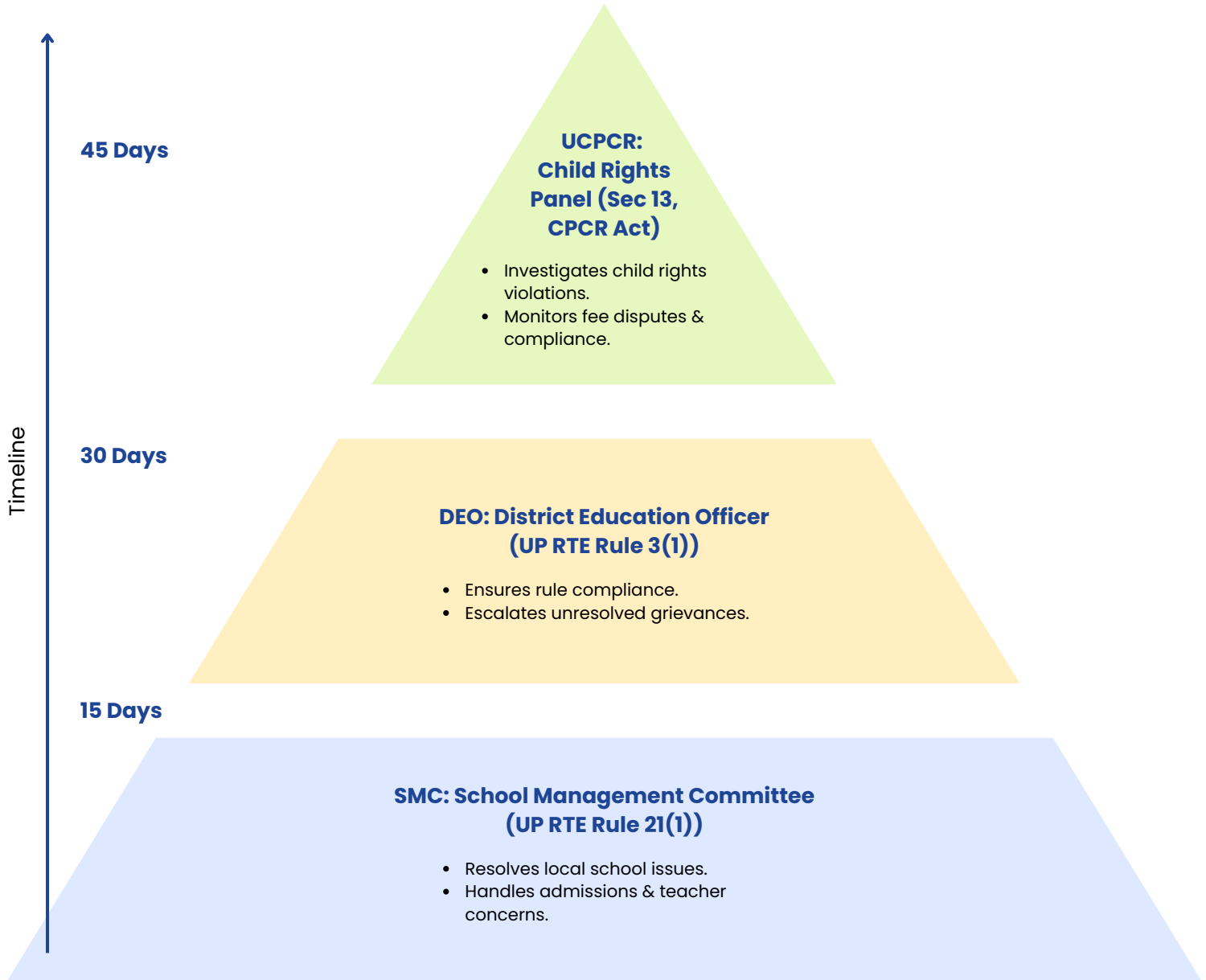
**The Commission for Protection of Child Rights (CPCR) Act, 2005** further reinforces grievance redressal mechanisms by providing for the establishment of national and state commissions, which also includes the Uttar Pradesh Commission for Protection of Child Rights (UCPCR). Subsection (1) of **Section 13** of the UCPCR states that it may investigate all complaints regarding violation of the child rights including the one on the regulation of fees charged by educational institutions. **Section 14** requires the Commission to do child rights monitoring in education ensuring schools do not engage in unethical practices.

The Uttar Pradesh Self-Financed Independent Schools (Fee Regulation) (Amendment) Act, 2020 also puts restrictions on the fee structures of self-financed independent schools and includes measures for complaints redressal. The **section 8** empowered the Divisional Self-Finance Independent School Authority to deal with the appeals from the District Fee Regulatory Committee's decisions pertaining to grievances, in particular those concerning fee disputes, assuring orderliness and equity.

The complaints and grievance redressal mechanisms laid down by the Uttar Pradesh Right of Children to Free and Compulsory Education Rules, 2011 and other related statutes, as mentioned, are geared towards addressing complaints within the ambit of child rights in education. This system contains the designation of authorities and procedures to be followed for grievance redressal and such a system encourages a fair and inclusive education for all children, particularly those from marginalized groups.



## Grievance Redressal Hierarchy in UP Education



### FGD Insights: Grievance Redressal

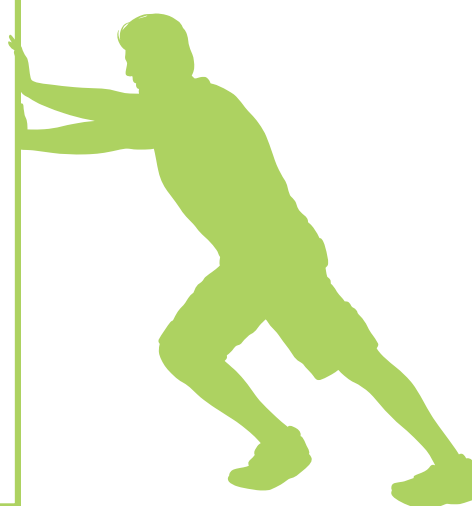
The participants also enumerated the difficulties that schools face in getting reimbursements in the time limits provided under the RTE provisions, in addition to the cumbersome eligibility verification process for the students. It was noted that such challenges discourage schools from actively pursuing the provisions of the RTE to the fullest, hence negatively impacting the overall objective of the RTE which is to improve access to education.

The discussion outlined the need for a flexible and open system of dealing with complaints. The participants suggested that local bodies and School Management Committees should be allowed to deal with issues at the local level as this will improve the accountability and trust of the stakeholders involved.

## Grievance Redressal Hierarchy in UP Education

### Challenges Schools Face

- Delays in Reimbursements** discourage RTE participation.
- Complex Verification** of student eligibility adds to difficulties.

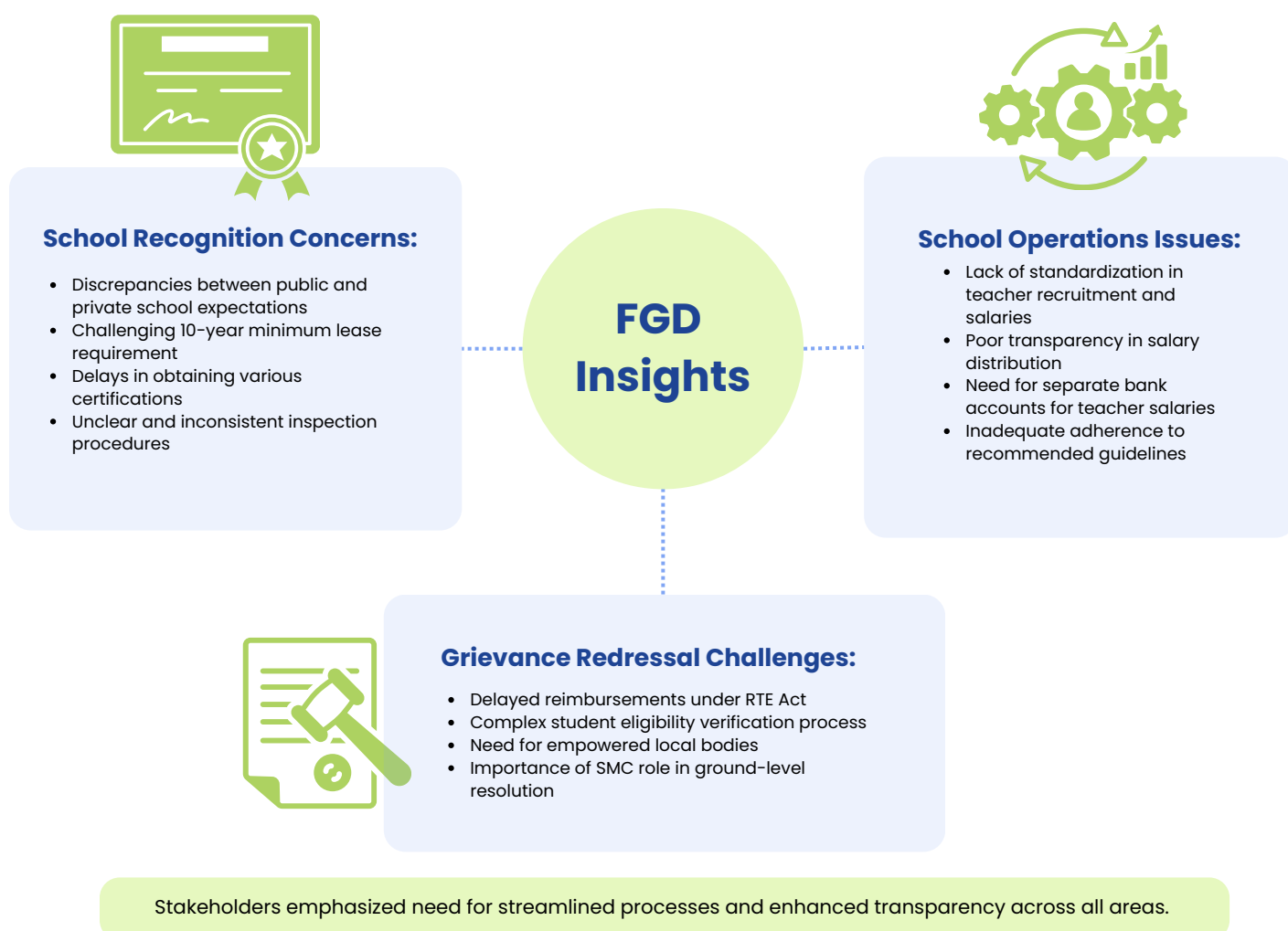


### Empowering Local Bodies

- Strengthen **School Management Committees (SMCs)** for quick issue resolution.
- Promote **accountability** and rebuild **trust** among stakeholders.



## Focus Group Discussion (FGD) Insights



### Quality Audit

Quality education is one of the main components of the educational framework in Uttar Pradesh. It is ensured through the effective functioning of the **State Council of Educational Research and Training (SCERT)**.

#### SCERT: Role in Quality Monitoring

The responsibility of creating a Quality Monitoring Framework to be used at all educational levels for the purpose of assessing and improving learning outcomes, rests upon the SCERT. Specific rule 22 which is found in the Uttar Pradesh Right of Children to Free and Compulsory Education Rules 2011 states that SCERT shall develop Syllabi, Text books, Teacher Training modules and strategies pegged on the principle of quality enhancement for the purpose of strengthening the education system.

The SCERT also sets academic performance standards and this helps schools and other educational institutions to assess how effective they are in imparting knowledge. In order to enhance this evaluation, SCERT adopts different data collection techniques to obtain information regarding the performance of the student, teaching practices and implementation of the curriculum. An in depth analysis of this data allows the SCERT to fully appreciate the positive aspects while also identifying some of the possibilities of improvement.

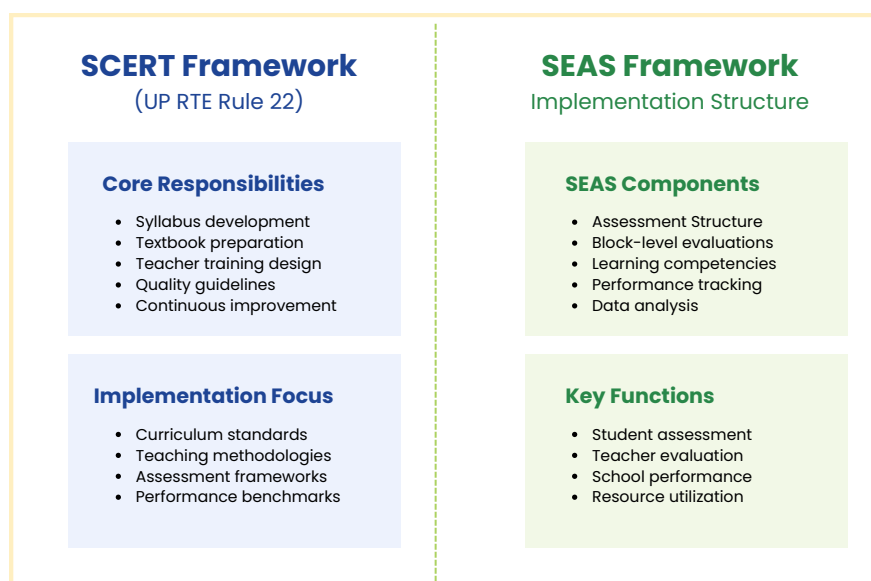
### State Educational Achievement Survey (SEAS): Structure and Scope

Moreover, SCERT has established a feedback mechanism for assessment of outcomes of the respective schools and teachers, with the aim of promoting specific measures designed to improve the overall process of teaching and learning. In addition, the **State Educational Achievements Survey (SEAS)**<sup>10</sup> is a systematic attempt aimed at measuring the educational competencies of children at the block level in India. Also surveys are prepared and conducted by PARAKH NCERT under the Ministry of Education for students of grade 3 as well as for students of grade 6 and grade 9. The assessment is restricted to General language and Mathematics only in order to measure the foundational, preparatory and middle level education.

The most recent survey, using a method of probability proportional sampling, spans around 6416 educational blocks and includes about 8.4 million students in all government, government-aided, and private institutions.

Its main goal is to assess the overall health of the education system in all the blocks. The survey is not designed to evaluate the achievements of specific students. On the contrary, it focuses on the education system performance as a whole, which represents a big change from the previous assessment practice. The shift from the district level in NAS to the block level for the state-level survey reflects an emphasis on learning competencies in a more detailed and localized manner. This allows for more focused action and policies based on evidence. After the assessment is completed and the results are obtained, the SEAS prepares block-level report cards that outline the educational achievements in the most detailed manner. The report cards illustrate the sociodemographic and educational aspects of the block's population, including the literacy rate, male-to-female ratio, the urban and rural distribution, administrative control, and management of schools in the block.

## Quality Audit



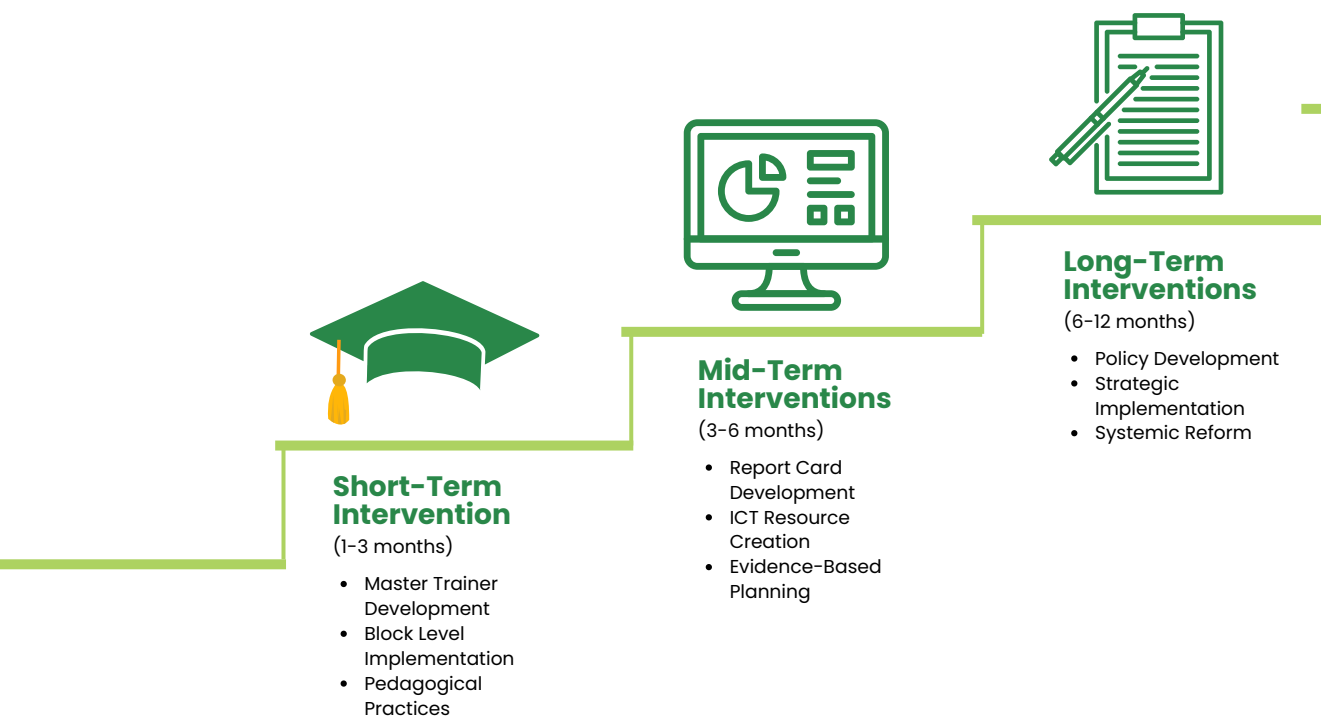
## SEAS: Implementation and Intervention Strategies

The intervention stage employs a three-tier approach to improve educational outcomes - Short term, Mid term and Long term intervention levels. Short-term intervention is concerned with preparing the master trainers at the state level to convey the outcome to the block level as well as to showcase best practices of teaching. Mid-term interventions include preparation of composite report cards; development of electronic learning materials and supporting planning efforts through the use of evidence within the context.

The interventions focused on the long-term changes naturally involve creating policy briefs towards a systemic reform. The intervention includes multiple actors such as teachers, principals and parents. SEAS engages the actors in the cause through workshops and training of teachers for improved quality of education through effective use of resources.

The survey's diverse content collection mechanism aided through three diverse questionnaires gives a well-rounded picture of the entire education sector. The Pupil Questionnaire (PQ) provides socio-demographic data of students and practices in class and perception of the entire school, as the number of parameters differed (five parameters for class 3 and seven parameters each for classes 6 and 9) for class level. Teacher Questionnaire (TQ) gives the profile and teachers' practices with the purpose of gauging the wellbeing of the educational system and its shortcomings with regard to the enhancement of teaching strategies. In addition, the School Questionnaire (SQ) provides information on the school context and available facilities in order to evaluate the educational system as a whole and the assessment of the existing systemic strengths and weaknesses.

## SEAS: A Three-Tier Intervention Strategy for Education Improvement



## Synopsis

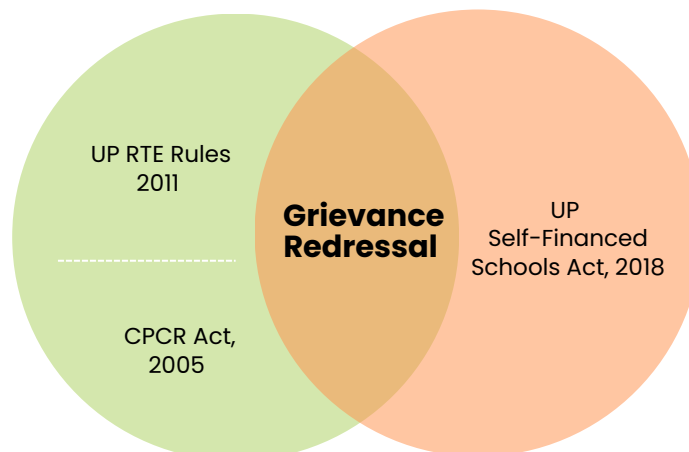
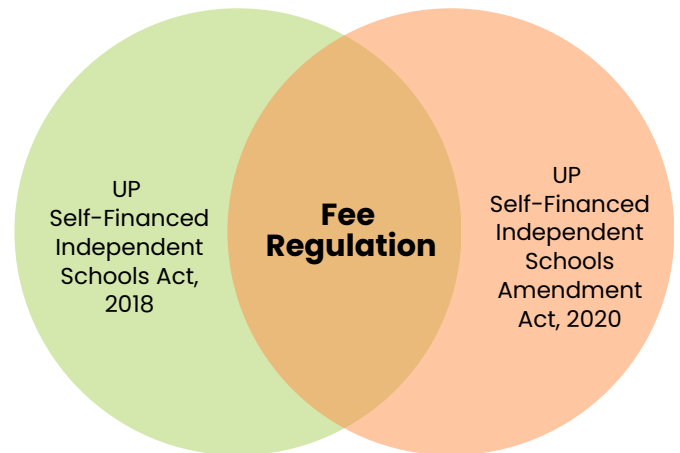
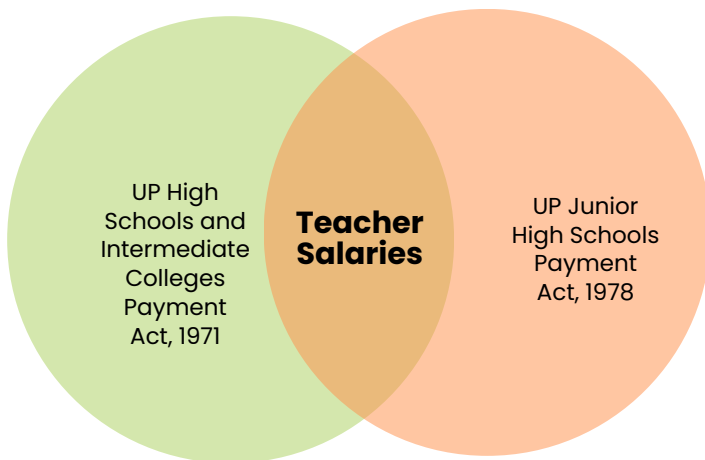
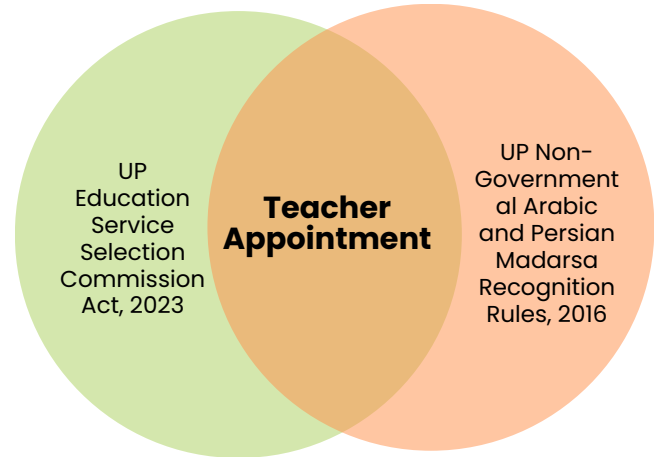
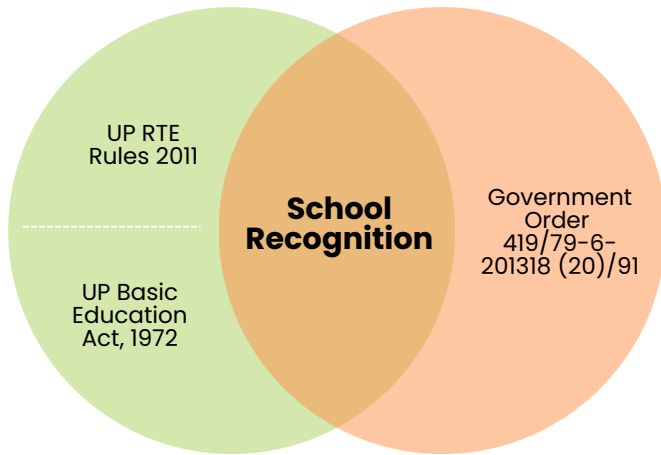
| Function                    | Applicable Statute(s)   | Authority assigned  | Tasks  | Applicable to   |
|-----------------------------|---|---|--|---|
| School Recognition          | <ul style="list-style-type: none"> <li>UP RTE Rules 2011</li> <li>Government Order 419/79-6-201318 (20)/91</li> <li>UP Basic Education Act, 1972</li> </ul>                           | <ul style="list-style-type: none"> <li>Zila Shiksha Adhikari</li> <li>Recognition Committee (divisional level)</li> </ul>   | <ul style="list-style-type: none"> <li>Self-declaration submission</li> <li>On-site inspection (Rule 11(3))</li> <li>List non-conforming schools</li> <li>2-year window for inspection requests</li> <li>3-year limit for corrections</li> <li>Student population requirements:               <ul style="list-style-type: none"> <li>Pre-primary &amp; primary: 200 (7 classes)</li> <li>Primary: 150 (5 classes)</li> <li>Pre-primary to junior high: 275 (10 classes)</li> <li>Primary &amp; junior high: 225 (8 classes)</li> </ul> </li> <li>3-year provisional recognition</li> </ul> | PRIVATE SCHOOLS (Government schools exempt)                 |
| Basic Education             | <ul style="list-style-type: none"> <li>UP Basic Education Act, 1972</li> </ul>  | <ul style="list-style-type: none"> <li>The Director</li> <li>UP Board of Basic Education</li> </ul>   | <ul style="list-style-type: none"> <li>Control basic education delivery</li> <li>Teacher training oversight</li> <li>School inspections</li> <li>Issue improvement orders</li> <li>Recognition withdrawal power</li> </ul>   | ALL SCHOOLS   |
| Teacher Appointment         | <ul style="list-style-type: none"> <li>UP Education Service Selection Commission Act, 2023</li> <li>UP Non-Governmental Arabic and Persian Madarsa Recognition Rules, 2016</li> </ul> | <ul style="list-style-type: none"> <li>UP Education Service Selection Commission (UPESSC)</li> <li>Selecti on Committee (Madrasas)</li> </ul>   | <ul style="list-style-type: none"> <li>Conduct examinations</li> <li>Create eligible candidates list</li> <li>Make appointment recommendations</li> <li>Ensure transparent recruitment</li> <li>Special Madrasa appointments</li> </ul>  | GOVERNMENT SCHOOLS AND AIDED NON-MINORITY SCHOOLS MA DRASAS |
| Teacher Salaries            | <ul style="list-style-type: none"> <li>UP High Schools And Intermediate Colleges Payment Act, 1971</li> <li>UP Junior High Schools Payment Act, 1978</li> </ul>                       | <ul style="list-style-type: none"> <li>District Inspector of Schools (DIOS)</li> </ul>  | <ul style="list-style-type: none"> <li>Regulate salary payments</li> <li>Ensure compliance</li> <li>Handle payment defaults</li> <li>Control salary accounts</li> <li>Monitor reductions</li> </ul>  | GOVERNMENT AIDED SCHOOLS                                    |
| School Management Committee | <ul style="list-style-type: none"> <li>UP RTE Rules 2011</li> </ul>   | <ul style="list-style-type: none"> <li>Committee with:               <ul style="list-style-type: none"> <li>Parents</li> <li>Local authority</li> <li>Anganwadi member</li> </ul> </li> </ul> | <ul style="list-style-type: none"> <li>Monitor school operations</li> <li>Ensure learning environment</li> <li>Track attendance</li> <li>Develop annual plans</li> <li>Plan infrastructure</li> </ul>  | ALL SCHOOLS   |
| Fee Regulation              | <ul style="list-style-type: none"> <li>UP Self-Financed Independent Schools Act, 2018</li> <li>UP Self-Financed Independent Schools Amendment Act, 2020</li> </ul>                    | <ul style="list-style-type: none"> <li>District Fee Regulatory Committee</li> </ul>   | <ul style="list-style-type: none"> <li>Review fee increases</li> <li>Link to teacher salaries</li> <li>Monitor 20% surplus cap</li> <li>Enforce 3-year freeze</li> <li>Limit increases to 10%</li> </ul>   | PRIVATE SCHOOLS   |



| Function            | Applicable Statute(s)   | Authority assigned  | Tasks  | Applicable to    |
|---------------------|---|---|--|------------------|
| Quality Audit       | •UP RTE Rules 2011  | • SCERT • CBSE  | • Develop monitoring framework • Assess learning outcomes • Conduct Achievement Survey • Provide system analysis   | ALL SCHOOLS      |
| Academic Authority  | •UP RTE Rules 2011  | State Council of Educational Research and Training                                  | • Create syllabuses • Develop textbooks • Design teacher training • Create improvement guidelines  | ALL SCHOOLS      |
| Grievance Redressal | • UP RTE Rules 2011 • CPR Act, 2005 •UP Self-Financed Schools Act, 2018 | • Zila Shiksha Adhikari • School Management Committee •UPCPCR •Divisional Authority | • Monitor admissions • Handle complaints • Check discrimination • Resolve fee disputes • Protect child rights  | ALL SCHOOLS      |
| Coaching Centers    | •UP Regulation of Coaching Act, 2002                                    | •Competent Authority  | • Register institutions • Register teachers • Handle complaints •Conduct inspections   | COACHING CENTERS |
| Welfare             | •UP RTE Rules 2011  | •Government and Local Authority   | • Special training classes •Ensure accessibility (within 1-3km) • Provide transport for disabled students • Map school needs • Identify disadvantaged students | ALL SCHOOLS      |



## Singular tasks, multiple laws



## Recommendations

On the basis of analyzed data and insights from CSF and FGD, the following course of action has been recommended to ensure the efficient functionality of SSSA:

### Uniform Recognition Standards:

The current system has proven to be a dysfunctional and ineffective mechanism of communicating with all relevant stakeholders, leading to inefficient implementation. The corrective measure is providing, developing and publishing thorough recognition standards applicable to both public and private schools through an easy and swift online portal. The portal would have a step-by-step guide for applying and checklists of documents according to different types of schools. It would also include regular orientation meetings for school administrators and a helpline for application processing issues. This systematic method will standardize the dissemination of information and uniform application of standards across the state.

### Localized Teacher Retention Policies:

Being the lead regulatory body, the SSSA ought to put in place the necessary framework to strengthen the retention of teachers in rural areas. These should include establishing a structured incentive system and also having a clear transfer policy document that elaborates on the eligibility criteria and duration for posting.

Beside these, the SSSA should also focus on creating a conducive and supportive environment for teachers in rural primary and secondary schools. Probably the most effective way for such an environment is to ensure smaller-size classrooms, as less crowded classes would ease the burden on any teacher, creating conditions for better individual attention for students.

On the contrary, SSSA needs to facilitate development of such a collaborative school culture wherein the best leadership will allow both parents and the community to be actively involved in important decisions. Involve principals who stress the importance of teachers' welfare and support parents who contribute positively to the school environment which will enhance job satisfaction for rural teachers. Such an arrangement would help offset some of these challenges posed by extremely remote and poorly serviced locations.

Additionally, SSSA should strive toward minimizing non-teaching administrative burden for teachers and thus making it possible for them to devote much time and attention to instructional duties and student learning. Recognition programs that appreciate and reward teachers for their good performance along with long-term incentives such as performance linked bonuses, sabbaticals and opportunities for career growth would be appreciable for the improvement and retention of teachers.

SSSA should develop a monitoring mechanism for the attendance and performance of teachers in rural schools with the help of local education authorities for effective implementation. The Allahabad High Court has also recently taken cognizance of this issue in the case of ***Drapadi Devi vs. District Basic Education Officer And 4 Others***<sup>11</sup>, wherein it stated that rampant teacher absenteeism needs to be curbed and directed the government to inform the Court of measures taken to address this issue. The case is still pending in the court and therefore the Government has not presented the measures yet before the Court.

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### **Flexible Fee Regulations for Low-Fee Schools:**

In the capacity of a regulatory body, the SSSA could install a system of standardized fee regulations by creating guidelines for CPI-linked fee adjustments. Such guidelines would have to include publication of detailed procedures related to fee revision processes and creation of SOPs standards operating procedures aimed at maintenance of operational quality and affordability. SSSA should have an independent cell to review matters concerning the fees and provide its opinion so that implementation is consistent across all districts.

### **Transparent Grievance Mechanisms:**

The SSSA should take charge of establishing the multi-tier grievance redress mechanism with specific time periods of resolution for each level. An independent adjudicating authority ought to be set up that is composed of retired judges and eminent educationists, dispensed from officials of government or school representatives at the application level to ensure impartiality and avoid conflict of interest.

The complaint redressal procedure should involve a thorough documentation and tracking system for all complaints. SSSA should also conduct regular review meetings with the relevant stakeholders: parents, teachers, and school leaders-for addressing the significant systemic issues.

Keeping a detailed record of all complaints and their resolutions would be crucial in ensuring accountability and identifying areas for improvement. Periodic publications of grievance data, trends and actions taken would further enhance the transparency and credibility of SSSA in long-term reporting.

SSSA will have a fair, transparent and responsive grievance redressal mechanism by bringing independent and respected adjudicators to the grievance process and institutionalising regular stakeholder consultation. This would help in resolving individual grievances and also provide important inputs that can further strengthen the whole regulatory framework.

### **Safety Compliance Audits:**

SSSA shall require generation and publication of standard safety documentation for all kinds of schools. Such documentation will include elaborated safety compliance documents and regular monitoring procedures. For safety compliance-online record keeping and periodic reviews of the safety status across all schools shall be the responsibility of SSSA.

### **Outcome-Centered Quality Audits:**

SSSA will work together with the SCERT to form comprehensive frameworks designed to put student learning and quality educational outcome priority outcomes-focused-assessment within an input-based compliance rather than outcome-based assessment policy. This would further involve developing assessment tools that would be used to supervise educational quality and develop periodic reviews. SSSA should also create feedback and improvement guidelines for schools based on such assessment within them to increase their educational quality.

### **Judicial Clarity on Fee and Grievance Policies:**

The SSSA will have to set up a distinct legal cell for following, tracking, and analyzing various relevant judicial orders. It has to develop implementation guidelines based on court judgements and maintain regular communications to keep all schools informed of legal requirements that affect their operations.

The Legal Cells are to develop regular communication channels for expeditious clarification on legal matters for school administrators so as to achieve uniform implementation of policies across the state. The cell should also put up digests on highlights of important judgments and their implications for school fee structures, admission process and grievance mechanism.

SSSA will proactively issue notifications and provide legal interpretation support to equip schools with the required information to comply with the constantly changing judicial directives. Such actions will minimize conflict and equally apply the rules while enhancing the overall credibility of the regulatory framework.

## Key Recommendations for Reform



Implementation Timeline: Short-term (6 months) to Long-term (2years). Prioritise based on impact and feasibility

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## Conclusion

The Focus Group Discussion underscores the urgent need for the SSSA to transition into a more supportive role within the education system. By evolving from a compliance enforcer to a proactive resource provider, SSSA can significantly enhance the quality of education while reducing the bureaucratic burden on private schools. A robust governance framework and an efficient grievance resolution system will facilitate this advancement, positioning SSSA as an accountability driven model. This strategic shift aims to foster innovative, safe and inspiring classroom environments across Uttar Pradesh, reinforcing the constitutional principles of independence, impartiality and neutrality and prioritizing the interests of all stakeholders particularly the students who are the architects of our future.

## Annexure

### Laws Regulating School Education in Uttar Pradesh

The following laws govern the K-12 education sector in Uttar Pradesh. These laws govern infrastructure standards, teacher hiring and pay, recognition norms, reimbursement processes, and board affiliation standards, among other things.

- **Uttar Pradesh Intermediate Education Act, 1921:** This act established the regulatory framework for secondary education in Uttar Pradesh, India. This Act created the Board of High School and Intermediate Education, Uttar Pradesh, one of the oldest educational boards in the country, responsible for supervising and regulating high school and intermediate (10+2) education in the state. Its main objective was to ensure standardized education and conduct examinations for these levels.
- **The U.P. High Schools And Intermediate Colleges (Payment Of Salaries Of Teachers And Other Employees) Act, 1971:** This Act aims to address issues related to delayed or inconsistent salary payments in non-government-aided educational institutions. This Act applies to high schools and intermediate colleges that receive government aid, ensuring financial accountability for these institutions in providing salaries.
- **Uttar Pradesh Basic Education Act, 1972:** This Act aims to to promote the development, expansion, and standardization of basic education in Uttar Pradesh. The Act focuses on establishing a robust infrastructure, enhancing teaching standards, and making elementary education accessible to all children, especially in rural and underprivileged areas.
- **Uttar Pradesh Educational Institutions (Prevention of Dissipation of Assets) Act, 1974:** This Act aims to to prevent the dissipation of assets of educational institutions in the state.
- **Uttar Pradesh Educational Institutions (Taking over of Management) Act, 1976:** The Uttar Pradesh Educational Institutions (Taking over of Management) Act, 1976 aims to ensure the proper management and utilization of educational institutions in the state. The primary purpose is to prevent the mismanagement and dissipation of assets of these institutions by allowing the state government to take over their management if necessary.
- **The U.P. Junior High Schools (Payment of Salaries of Teachers and other Employees) Act, 1978:** This act's aim is to ensure that teachers and other employees of junior high schools in Uttar Pradesh receive their salaries promptly and without unauthorized deductions. The Act aims to guarantee timely payment, prevent unauthorized deductions, maintain financial accountability, empower inspectors and provide legal recourse.

- **Uttar Pradesh Public Examinations (Prevention of Unfair Means) Act, 1998:** This Act was enacted to prevent the leakage of question papers and the use of unfair means during public examinations
- **The Uttar Pradesh State Open School Board Act, 2008:** Uttar Pradesh State Open School Board Act, 2008 was enacted to provide educational opportunities to those who are unable to attend formal schools. The Act established the Uttar Pradesh State Open School Board (UPSOSB), replacing the Patrachar Shiksha Sansthan Allahabad. Its main objectives are to integrate marginalized groups, provide flexible learning options and to ensure quality education.
- **The U.P. Prohibition of Ragging in Educational Institutions Act, 2010:** This Act aims to eliminate ragging in educational institutions across Uttar Pradesh with the help of penal provisions.
- **Uttar Pradesh Right of Children to Free and Compulsory Education Rules, 2011:** The general purpose of the Uttar Pradesh Right of Children to Free and Compulsory Education Rules, 2011 is to ensure that every child in the state has access to free and compulsory education from the ages of 6 to 14 years. The rules aim to implement the RTE Act, promote inclusivity, maintain standards, provide special training, give children access to neighborhood schools, establish a grievance redressal system and ensure that teachers meet the minimum qualifications.
- **Uttar Pradesh Board of Madarsa Education Act, 2004:** It aims to integrate Madarsa education with mainstream education while preserving the religious curriculum. Its main tasks are regularization, standardization, integration with mainstream education, establishment of Uttar Pradesh Board of Madrasa education, recognition of Madrasas, funding and support and enhancing the quality of education. Recently, the Allahabad High Court has struck down the entire act on the ground that it violated the principles of secularism. The Supreme Court however held that striking down the entire Madarsa education act is wrong and that only violative provisions need to be nullified. This case is still sub judice and no final decision has been made by the Supreme Court.<sup>12</sup>
- **Uttar Pradesh Regulation of Coaching Act, 2002:** The Act provides a legal framework for the registration, inspection, and regulation of coaching centers within the state. This Act is designed to enhance the quality of coaching services while ensuring accountability and transparency in their operations. It plays a crucial role in regulating coaching centers by setting clear guidelines for registration, inspection, and complaint management.
- **Uttar Pradesh Regulation of Coaching Rules, 2002:** These rules were established to provide a framework for regulating coaching centers within the state, ensuring that they operate within certain standards to maintain quality education and protect students' interests. It aims to ensure quality education and protection of students.
- **The U.P. High Schools And Intermediate Colleges (Payment Of Salaries Of Teachers And Other Employees) Rules, 1993:** These rules were established to ensure the timely and proper payment of salaries to teachers and other employees in aided high schools and intermediate colleges in Uttar Pradesh. It mainly looks into timely payment of salaries and financial accountability.
- **Uttar Pradesh Arbi, Farsi Madarsa Recognition, Administration and Service Rules 2016:** These rules were established to regulate and standardize the recognition, administration, and services of non-governmental Arabic and Persian Madarsas in Uttar Pradesh.
- **UP Self-Financed Independent Schools (Fee Regulation) Act, 2018:** This Act mainly looked into transparency and regulation of fees charged by self-financed private schools in the state.
- **Uttar Pradesh Education Service Selection Commission Act, 2023:** This Act was enacted to establish a dedicated commission for the selection of teachers and other educational staff in the state. Its key objectives were to streamline the selection process and to ensure the quality of education.

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