

# State Regulatory Profile

# Assam

A look at the education sector

2024



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Authored by:  
Nitesh Anand  
Vagmi Sharma  
Centre for Civil Society

Contributors:  
Manas Kumar, Suha K., and Yesha Mehta

Cover design by,  
Ravi Kumar Yadav  
Centre for Civil Society

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For more information and other requests, write to:  
Centre for Civil Society  
A-69, Hauz Khas, New Delhi – 110016  
Phone: +91 11 26537456  
Email: [ccs@ccs.in](mailto:ccs@ccs.in) | Website: [www.ccs.in](http://www.ccs.in)



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# Executive Summary

This report examines the regulatory framework governing Assam's K-12 educational landscape, focusing on its structure, enforcement mechanisms and areas that require improvement. The report highlights discrepancies in the application of regulations across the different sets of schools and evaluates the effectiveness of the current regulations in fostering educational quality. Recognizing the need for an independent regulatory body to address these challenges, the National Education Policy (NEP) 2020 proposed the establishment of the State School Standards Authority (SSSA), an independent entity dedicated to setting and enforcing consistent school standards across Assam.

Through a detailed review, along with a legal analysis of the existing regulations and stakeholder feedback from a focus group discussion, this report offers a set of recommendations to improve the regulatory environment encompassing education. These include but are not restricted to the strengthening of grievance redressal mechanisms, standardizing inspection protocols and separating regulatory responsibilities from operational roles within the education sector.

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# INTRODUCTION

A school environment is the most productive when it is best supported by a constructive, holistic and encouraging regulatory ecosystem. Every school regulatory system must support its primary stakeholders, especially the students, through encouraging innovation, creativity and essentially offering the required support to its teachers.

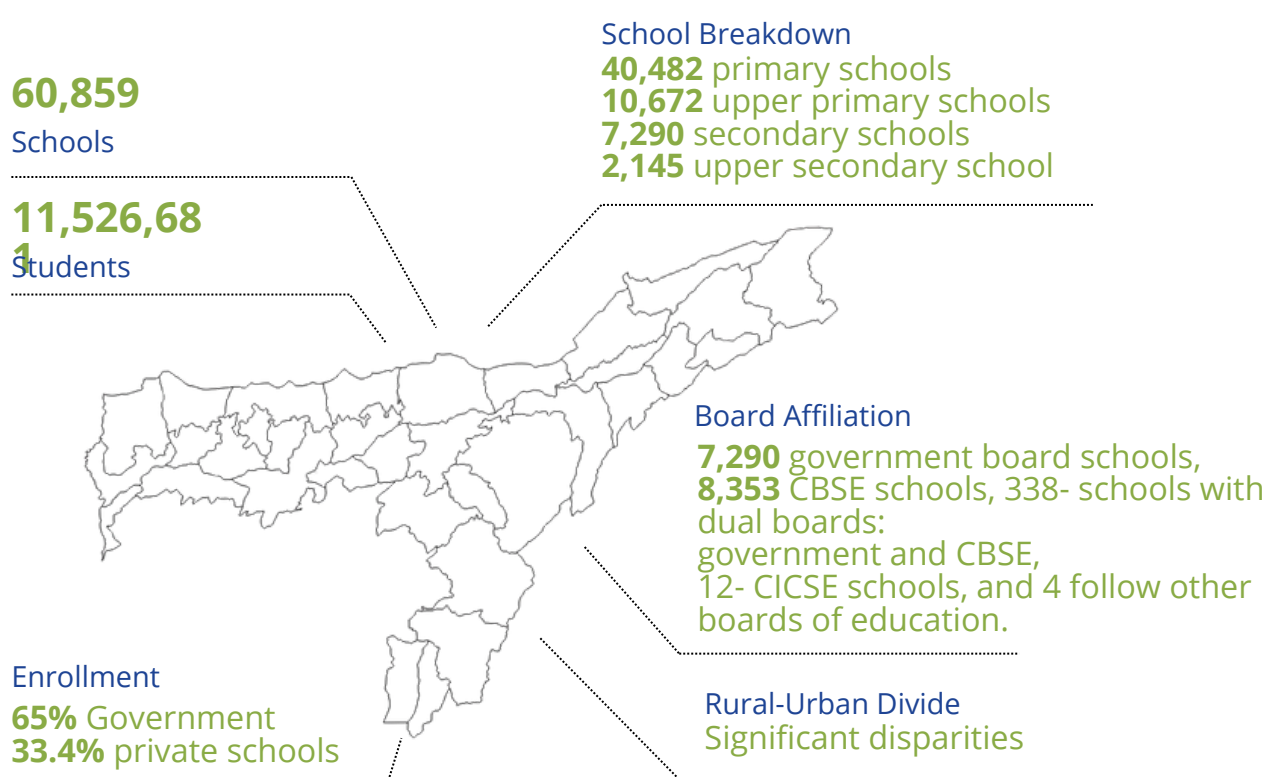
The latest National Education Policy was adopted in the year 2020. The policy, under chapter 8 identifies 'conflict of interest' in the regulatory architecture as the Department of Education happens to be an operator (runs schools) as well as a regulator, which leads to inefficiency in the system to deliver quality education.

This pattern also remains visible in the state of Assam. There are approximately 3.5 million children eligible for K-12 education in Assam. Of them, 11,526,681 children are enrolled in both government/provincialised schools (4792177) and private schools (6734504). The total number of schools in Assam are 60859 of which 40482 are primary schools, 10672 are upper primary schools, 7290 are secondary schools and 2145 are upper secondary schools. At secondary level, 7290 are government board schools, 8353 are CBSE schools, 338 have both government and CBSE board, 12 are CICSE schools and 4 follow other boards of education. At upper secondary level, there are 2144 government board schools, 191 are CBSE schools, 4 have both government and CBSE boards, 2 are CICSE schools and 68 follow other boards of education. When looking at the board-wise pass percentage, 88.64% passed the Assam Higher Secondary Education Council Examinations, 87.33% passed CBSE and 98.19% passed ISC. The average ASER for males is 74.9 and the average ASER for females is 78.36. Looking at the caste wise demographics, ST students have an average GER of 97.92, SC students have an average GER of 106.94, and OBCs have an average GER of 31.24. Looking at the reading proficiency, among children in Std III, 14.2% cannot even read letters, 25.7% can read letters but not words or higher, 27.1% can read words but not Std I level text or higher, 15.1% can read Std I level text but not Std II level text, and 17.9% can read Std II level text. Looking at the arithmetic proficiency, among children in Std III, 7.8% cannot even recognise 1-9, 35% can recognise numbers up to 9 but cannot recognise numbers up to 99 or higher, 32.8% can recognise numbers up to 99 but cannot do subtraction, 21.1% can do subtraction but cannot do division, and 3.3% can do division.

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- 1 Samagra Shiksha, Assam. (2022). Annual Report 2021-22.
  - 2 UDISE+, UDISEPLUS, UDISE, UDISE CODE, School Directory Management, School Data Capture. (n.d.). UDISE+. <https://udiseplus.gov.in/#/en/page/publications>
  - 3 UDISE+, UDISEPLUS, UDISE, UDISE CODE, School Directory Management, School Data Capture. (n.d.). UDISE+. <https://udiseplus.gov.in/#/en/page/publications>
  - 4 Government of India, Ministry of Education, Department of School Education and Literacy. (2022). UNIFIED DISTRICT INFORMATION SYSTEM FOR EDUCATION PLUS (UDISE+) 2021-22 FLASH STATISTICS. In UNIFIED DISTRICT INFORMATION SYSTEM FOR EDUCATION. UDISE+. [https://www.education.gov.in/sites/upload\\_files/mhrd/files/statistics-new/udise\\_21\\_22.pdf](https://www.education.gov.in/sites/upload_files/mhrd/files/statistics-new/udise_21_22.pdf)
  - 5 ASER. (2022). ASER 2022. [https://img.asercentre.org/docs/ASER%202022%20report%20pdfs/State%20pages/6%20paggers\\_English/assam\\_3.pdf](https://img.asercentre.org/docs/ASER%202022%20report%20pdfs/State%20pages/6%20paggers_English/assam_3.pdf)

A variety of laws at both the Union and state levels regulate K-12 education in Assam. The Department of School Education, Assam, consists of the directorate of elementary education along with the Assam State School Education Board. The department oversees the various education providers, including private-unaided and government schools, covering aspects such as fees, playground facilities, and teacher recruitment. The Department is the primary body responsible for enforcing these regulations. It also issues orders and notifications to further guide the operational parameters for all the schools. In addition, the Department also operates government schools. This, according to NEP, leads to a conflict of interests and consequently, it proposes the formulation of an independent regulatory entity, the State School Standards Authority (SSSA), to eliminate such conflicts.

## Understanding Assam's Education Landscape

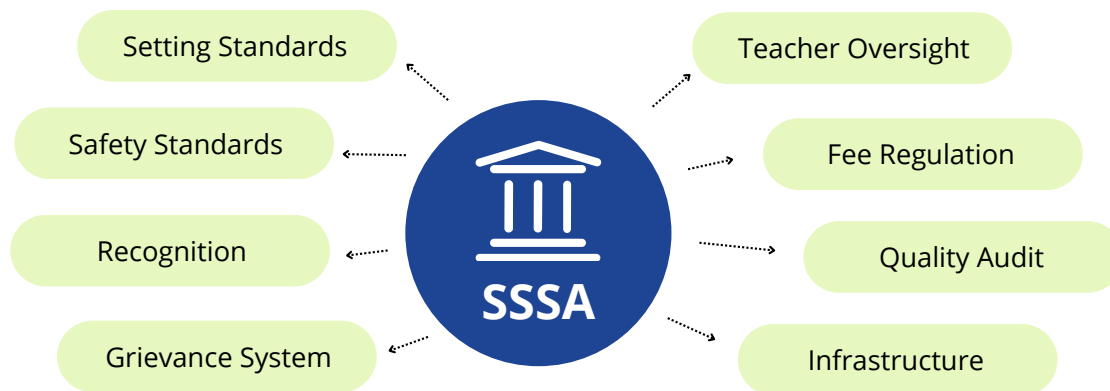


### State School Standards Authority: Key Responsibilities

The SSSA is envisioned as an independent regulatory body, separate from the Department of Education. Its objective, as outlined in NEP 2020, is to define basic standards that all schools, regardless of management type, must follow. It aims to establish a minimum set of prescribed standards with reference to: safety, security, basic infrastructure, number of teachers across subjects and grades, financial probity, and sound processes of governance. Amongst these functions, the SSSA will be primarily responsible for creating and implementing a grievance redressal mechanism. It will also be the main body responsible for overseeing a system of self-regulation and accreditation. Additionally, it has been directed to create a system of assessment that focuses on learning outcomes that prioritize competency based, continuous indicators. Lastly, the SSSA shall ensure an efficient system of the public disclosure of any information in relation to accreditation and assessments.



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



### Objective

The quality implementation of SSSA remains dependent on a comprehensive understanding of the existing regulatory architecture that shall better address any shortcomings alongside highlighting various strengths in the Assam educational ecosystem. The SSSA can then focus on reforming the aspects of the law that create the most issues while simultaneously adopting measures from the current regulatory framework that continue to create a positive impact.

### 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 Assam. 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 Assam. 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

A comprehensive literature review was conducted to understand the existing legislative and policy framework governing K-12 education in Assam. A total of 11 legislations were analyzed including the Assam Secondary Education Act, 1961, the Assam Non-Government Educational Institutions (Regulation and Management) Act, 2006 and The Assam Right of Children to Free and Compulsory Education Rules, 2011 amongst others.

## **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 does the current regulatory framework do?

The current regulatory framework governing K-12 schools in Assam is designed to provide comprehensive oversight through various authorities, including the State Government, local authorities and various governing bodies including the school management committee, amongst others. In this section, we outline the effect and operation of the regulatory framework in Assam. This outline provides an overview of specific implications of the regulatory framework<sup>6</sup>. Our outline focuses on key thematic areas inclusive of recognition, teacher salaries, appointments, fee regulations, welfare policies, academic authorities and grievance procedures implemented in Assam.

### Norms for School Recognition

#### Primary Schools Recognition Norms

The recognition processes for schools in Assam vary based on their management type. The terms of recognition for all primary schools, including the ones maintained or aided by the government were laid down by the state board for elementary education under Section 37 of the Assam Elementary Education Act, 1968 formerly and under Section 11 of the Assam Elementary Education (Provincialisation) Act, 1974 once the former Act was repealed. None of the acts, however, offered an explicit mention of the terms under which the government school must be recognised, an omission capable of generating anxiety amongst school administration. The Assam Elementary Education (Provincialisation) Act, 1974 was later repealed by the Assam Elementary Education (Provincialisation) (Repealing) Act, 2022. Since the repeal in 2022, the administration of all elementary government schools, including any recognition requirements, remain mandated under The Assam Right of Children to Free and Compulsory Education Rules, 2011, facilitated under the Right of Children to Free and Compulsory Education Act, 2009 (RTE rules). The RTE rules were formulated to impart free and compulsory elementary education to children between the ages of six and fourteen. Consequently, the rules also elucidate the various requirements for government schools providing primary education. While rule 11 outlines the recognition process for elementary schools, any elementary schools run by the government, autonomous council or local authority remain exempted from the recognition process. This omission invites confusion regarding whether government schools are required to follow any specific terms for recognition and, consequently, under what conditions the recognition may be withdrawn.

#### Secondary and Higher Secondary Schools Recognition Norms

##### The Assam Secondary Education Act, 1961

The Assam Secondary Education Act, 1961 governs the recognition process for all schools, including government schools, imparting secondary education in Assam. Section 4.1 mandates the creation of the Board of Secondary Education, which is delegated with the duty to regulate and supervise secondary education administration. The Board is accorded the power to establish the recognition requirements under Section 13 (ix) and accord recognition under Section 13(x). However, these norms of recognition are not mentioned in the Act itself, preventing a centralized repository of information. Lastly, while recognition of elementary schooling remains governed by the Assam RTE rules, the recognition of secondary schools continues to be mandated under separate legislation, increasing the compliance costs involved in the prerequisite legal literacy required to follow the said requirements. With the SSSA mandated to ensure the public dissemination of information, it would be promising to focus on the centralisation and streamlining of regulatory requirements.

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6 A detailed list of laws is available in the annex

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## Assam State School Education Board Act, 2024

The Assam Secondary Education Act, 1961 and the Assam Higher Secondary Education Act, 1984 have now, however, been repealed by the Assam State School Education Board Act, 2024. As stated in the preamble, the new Act consolidates the Assam Board of Secondary Education along with the Assam Higher Secondary Education Council. Through this consolidation of the Boards, the Act aims to offer a consolidated pathway for the regulation, supervision and development of Secondary Education in the state of Assam. Section 4 leads to the creation of the Assam State School Education Board (ASSEB). In accordance with Section 2, the board will be divided into two separate divisions. Division I will be responsible for classes VI to X whereas the regulation of classes XI and XII shall be overseen by Division II. In accordance with Section 17(ix), the Board is mandated to lay down the conditions of recognitions for classes VI to XII. Additionally, Section 17(x) confers the Board the power to carry out the recognition processes along with withdrawing such recognition, whenever necessary. Similarly, Section 30(2)(f) observes that the Board may make conditions for the recognition process. However, as the wording suggests, this mandate remains optional. Additionally, should any conditions for recognition be framed later, they will remain fragmented and detached from the respective act, leading to confusion and an additional compliance burnout.

At present, there exist different recognition requirements mandated under various, fragmented acts that govern the recognition process for the various levels of classes. The lack of a centralized act with a centralized authority generates confusion and leads to an exceptional amount of resource allocation targeted solely satisfying the regulatory norms. Instead, through the presence of a streamlined act, SSSA will offer the school administrations the opportunity to invest the resource allocation into producing and maintaining an exceptional service delivery for its students.

## Non-Governmental Schools Recognition Norms

### The Assam Right of Children to Free and Compulsory Education Rules, 2011

Additionally the recognition norms for non-governmental elementary schools in Assam are mentioned under the RTE Rules, 2011. While the objective of the Act is to deliver free and compulsory elementary education, the rules vis-à-vis recognition, underlined in Rule 11, do not reflect a legitimate connection to this objective. No satisfactory reasoning is presented for how a targeted recognition of private schools, which simultaneously omits any recognition procedure for government-led schools, will further this objective.

Rule 11 outlines the recognition procedure that private schools must follow. Rules 11(1) and 11(8) exempt any schools owned or administered by the government, the autonomous council or local authority from fulfilling these norms. However, no similar immunity against recognition is extended to private-led schools. To offer some instances, a recognition norm under 11(1)(b) mandates conformity to the values mentioned in the Indian Constitution. This embodies an ambiguous requirement that may lead to arbitrary consequences during the inspection process, which is thereafter mandated under 11(1)(d) and 11(3). Similarly, any privately-led school must remain open for inspection by any government authority under Rule 11(1)(d). The provision remains ambiguous because it does not specify guidelines for determining who the inspecting authority must be, leaving unwarranted leeway for abuse of power.

### **Process Mapping: Inspection**

To aid recognition, Rule 11(1) mandates any privately led school established before the Act's enactment to submit a self-declaration professing compliance within three months of the Act's commencement. The three-month time limit reflects the restrictive nature of the provision, for it penalizes legal illiteracy. Rule 11(2) obligates the District Elementary Education Officer to publish the self-declaration in the public domain within fifteen days of receipt. Under 11(3), an inspection must be conducted by the District Elementary Education Officer within three months from the receipt of the self-declaration. Per Rule 11(4), the District Elementary Education officer must submit an inspection report with recommendations to the District Level Board. Conclusively, recognition will be awarded to the school upon the satisfactory completion of these norms under 11(4). Unlike Rule 11(1), which requires the privately led school to submit the self-declaration within three months, no time limit is accorded regarding the maximum time the District Elementary Education officer may take to submit the inspection report. Similarly, no time limit is prescribed on how long the Board may take to award or reject the said recognition. One witnesses an unfettered degree of discretion awarded to the Officer and the Board, which may result in minimal accountability should there be a delay in granting recognition. Thus, while the objective of the Act could have been achieved through less constricting guidelines, the current rules in Assam imitate excessive constraints that, in turn, confine private schools from achieving the purpose of the Act itself, marking the current regulations for recognition futile.

### **Process Mapping: Recognition Withdrawal**

Accordingly, Rule 12 outlines the procedure for recognition withdrawal. Under 12(1)(a), the private school must reply to the notice of withdrawal issued by the District Elementary Education Officer within one month. Once again, the time-bound nature of this provision reflects the uncooperative nature of the Rules. If no satisfactory explanation is received within a month, the District Elementary Education Officer is conferred with the power to inspect the school under 12(1)(b). This inspection will be conducted by a committee comprising educationists, civil society officials, media and government representatives. However, the rules provide no criteria for how and on what basis these members will be selected and how any conflict of interest may be prevented. After the inspection, a report summarizing the inspection details must be submitted to the District Level Board, who is, in turn, mandated to offer recommendations on the report under 12(1)(c). Per 12(1)(d), the Director of Elementary Education shall examine the report and allow the school to communicate its grounds, if it so wishes. Post this, the Director of Elementary Education shall decide on the withdrawal. Unlike the school, which must offer any explanations within the time-restricted manner of one month, no such responsibility is conferred on the concerned officials under Rule 12.

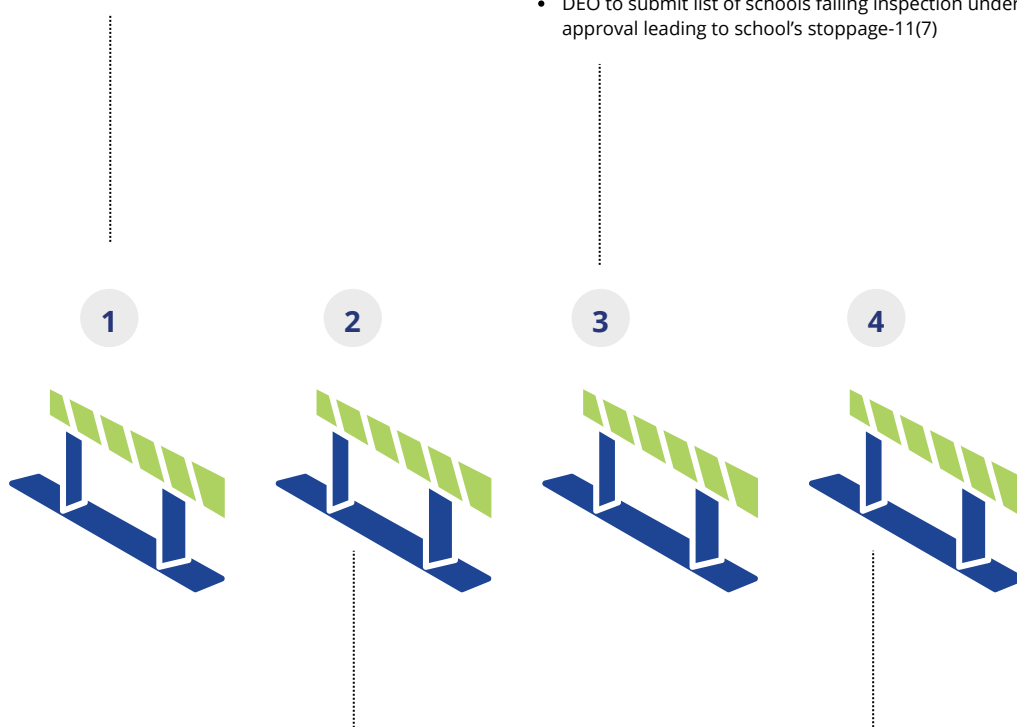
## Norms for School Recognition: The Assam Right of Children to Free and Compulsory Education Rules, 2011 (Assam RTE Rules, 2011)

### Self-Declaration Submission

- Only applicable to non-government schools-Rules 11(1) and 11(8)
- Submission of compliance forms and necessary documentation
- 3-month deadline from establishment

### Board Approval Process

- Review of inspection report by District level board-Rule 11 (4)
- Approval for recognition offered by Board
- List of schools failing inspection process under Rule 11(1) to be published through public order, schools may request for another inspection within two and a half years- 11(5)
- DEO to submit list of schools failing inspection under 11 (5) for board's approval leading to school's stoppage-11(7)



### District Level Inspection

- District Elementary Education Officer (DEO) to publish declaration within 15 days-Rule 11(2)
- DEO to inspect school- Rule 11(3)
- Inspection report to be submitted to District Education Board

### Grievance Redressal

- Any appeals against the District Level Board to be made within thirty days of receipt of order-Rule 11(9)

### School Recognition

- Successful completion grants:
- Official recognition status
- Permission to operate
- Board affiliation eligibility

### Research Insights:

- Timeline: 3-6 months average
- Renewals required periodically
- Different norms for government versus private schools
- Continuous compliance monitoring
- Recognition norms include:
  1. Schools must confirm to values under Indian Constitution-Rule 11(1)(b)
  2. Any government authority may conduct inspection- Rule 11(1)(d)

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## Assam Non-Government Educational Institutions (Regulation and Management) Act, 2006

An additional act that governs the recognition process for all private schools, regardless of whether they impart elementary, secondary or higher secondary education, is the Assam Non-Government Educational Institutions (Regulation and Management) Act, which came into enactment in 2006. As mentioned in the preamble, its objective is to establish and regulate non-government-run educational institutions. However, the preamble provides no rationale regarding the apparent indispensability of regulating privately led schools through an entirely separate Act.

### Process Mapping: Recognition

Section 4(1) mandates anyone establishing a private school to submit an undertaking declaring the fulfillment of requirements under Section 10 to the Director of Education. Accordingly, the director may approve or reject the application and communicate such reasoning in writing under Sections 4(2) and 4(3), respectively. However, no time limit is stipulated within which the Director is to make this decision, allowing for delays in securing permission. After this, Section 4(5) requires the school to register before the Director within two years of receiving the permission. Once again, we witness a pattern that reprimands legal awareness rather than constructively addressing it. After establishment and registration, section 5(1) requires the school to apply before the director for administrative recognition. In addition to the previously sought registration, administrative recognition obliges the school to fulfill the same requirements mentioned in Section 4 for a second time. Per Section 5(2), the Director must submit their report to the Administrative Recognition Committee formed under Section 7. Subsequently, the Committee shall consider this report and make their recommendations under Section 5(3). Should the Committee recommend a decision against the conferment of administrative recognition, reasons for the same will be provided under Section 5(4). Lastly, the Director shall issue an order granting or refusing administrative recognition under Section 5(5). The authorities mentioned under Section 5 are not obligated to follow a standard timeline within which they should decide on the administrative recognition, leaving privately led schools in a space of extreme ambiguity about the prescribed regulations.

### Requirements for Registration

The requirements for registration and administrative recognition are outlined under Section 10. These include having a minimum of two bighas of land in a rural area, meeting adequate hygiene standards, promoting a culture of utmost discipline, orderly behaviour, and high moral tone, along with maintaining the state's cultural heritage. It becomes difficult to resolve what a high moral tone must constitute, especially since the same is not defined in the Act. Additionally, an expectation to maintain the cultural heritage becomes a vague requirement, one that seems only obliquely connected to the functioning of a school. Per Section 10(xvi)(a), the school must remain prepared for an inspection by any officer authorized by the Director. Similarly, under Section 10 (xviii), any officer, as long as the Director of the State government authorizes them, is conferred with the authority to inspect school records. Permitting any officer to inspect, as underlined in Sections 10(xvi)(a) and 10 (xviii), reveals an abstruse regulatory ecosystem. The school is exposed to neglect due to the lack of protective mechanisms warranting a transparent inspection process. Section 10(xvii) orders the school to produce reports should the Director require them. Here, the school must fulfill any orders that the Director may issue to safeguard the continued recognition of the school. The incessant need for recognition leaves the school under constant threat of having its recognition revoked. Instead of establishing a stable environment that echoes an accountable policy design and allows schools to thrive, the never-ending need for recognition reveals an ineffective compliance framework. In accordance with Section 24, should a school fail to comply with the Act, the state government is authorized to withdraw administrative recognition after giving the school a chance to be heard.

The Assam State RTE Rules were enacted in 2011. Evidently, it was enacted after the Assam Non-Government Educational Institutions (Regulation and Management) Act, which had already been in operation since 2006. Nevertheless, both laws confer two separate recognition processes, leading to an exceptional increase in the administrative costs for private schools and government regulators.

## Norms for School Recognition :

### Assam Non-Government Educational Institutions (Regulation and Management) Act, 2006

#### Requirements for establishment- Section 10

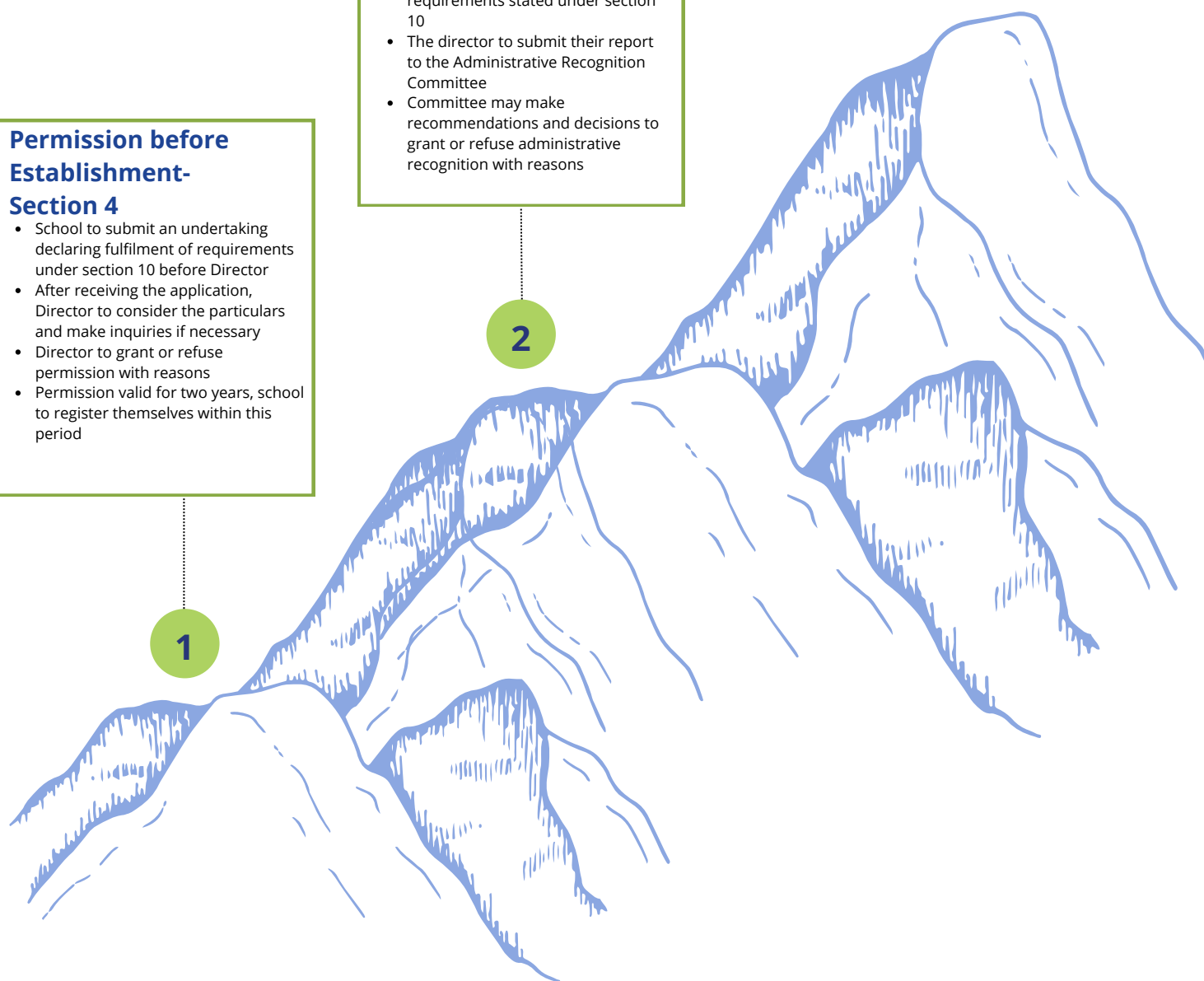
- Minimum of two bighas of land
- Adequate hygiene
- Promoting culture of utmost discipline, orderly behaviour and high moral tone
- Be prepared for inspection by any officer approved by director

#### Administrative recognition-Section 5

- After establishment, applicant may apply to director for administrative recognition after fulfilling requirements stated under section 10
- The director to submit their report to the Administrative Recognition Committee
- Committee may make recommendations and decisions to grant or refuse administrative recognition with reasons

#### Permission before Establishment- Section 4

- School to submit an undertaking declaring fulfilment of requirements under section 10 before Director
- After receiving the application, Director to consider the particulars and make inquiries if necessary
- Director to grant or refuse permission with reasons
- Permission valid for two years, school to register themselves within this period



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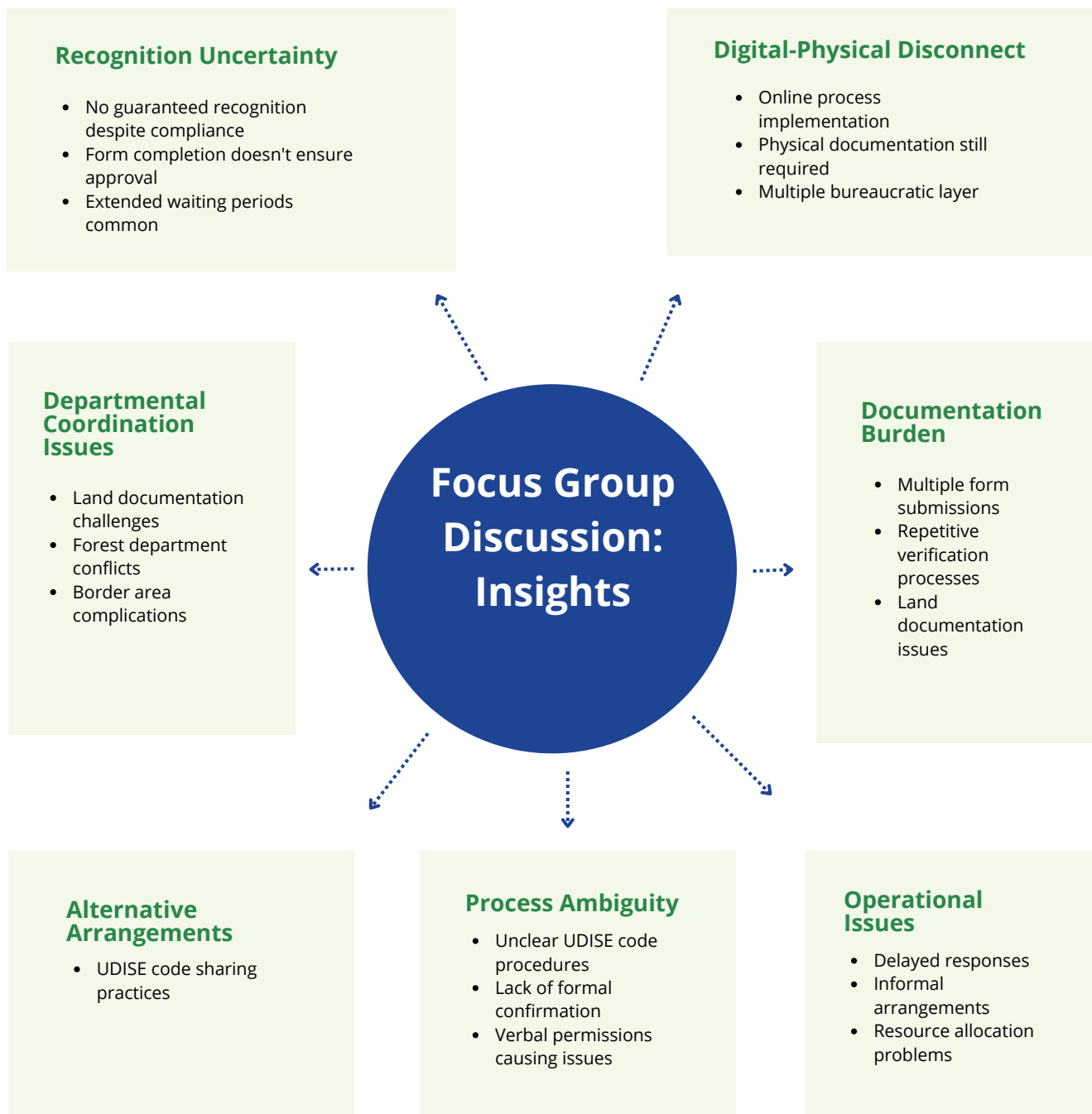


## FGD Insights: Recognition

Additionally, responses from the focus group discussion highlighted that there remains no assured guarantee that recognition will be guaranteed should the necessary steps be fulfilled. A school leader informed us that despite having filled out the required forms necessary for receiving recognition, including form four within six months, as stipulated by the Assam Non-Government Educational Institutions (Regulation and Management) Act, 2006, his school, while functioning, remains unrecognized. Additionally, while the recognition process can now be initiated online, it has not made a necessarily positive impact as the school leaders are still required to navigate through various bureaucratic processes, including requirements for land documentation. The lack of inter-departmental coordination and cooperation remains at the core of these delays. For example, due to a school being situated on the Assam-Nagaland border, acquiring recognition became increasingly difficult due to pre-existing land issues. While the education department insisted on receiving land documentation, the forest department did not grant the same, creating a challenging barrier as no documentation can be obtained for one department without the assistance of the other. A common issue brought to the attention of the local authorities, including the MLAs, it continues to pose a significant threat to efficient service delivery.

Currently, the participants added, there remain various administrative loopholes identified in the regulatory environment, leading to a constant dialogue of negotiations between the school leaders and government authorities. As certain schools continue to function without receiving recognition, they have found merit in collaborating with government schools to make certain ends meet, including ensuring that the students enrolled are able to appear for secondary examinations, a provision that would otherwise require recognition by the board of secondary education. An assumed and known fact by all including the district education board, the students in the private schools are registered as students from a government school on paper. Private schools are able to obtain an UDISE by generating the same under the name of a government school. The government schools are benefitted from this arrangement as an average government school has an approximate amount of 20 students compared to an approximate of 50 students found in a private school. As many government school students fail while a majority of private school students achieve the first division, having private school students enrolled as government school students benefits the records of the latter.

## Focus Group Discussion Insights: Recognition



## UDISE

Similarly, the role of the Permanent Education Number (PEN) in addition to the UDISE code was highlighted by the school leaders. The presence of PEN has positively facilitated student transfers between schools, due to the ease with which the student data can now be transferred. However, there still remains confusion regarding if PEN and the UDISE code are the same or distinct identifiers. Similarly, the implementation of the Assam Non-Government Educational Institutions (Regulation and Management), 2006 Act has remained quite inconsistent, with the government only becoming stringent in its implementation in recent times. If and once fully implemented, a majority of private schools would struggle to operate and survive, added a participant. For example, no UDISE code can be obtained by a school if they are not registered and recognised. Registration however requires applying for certification by filling the necessary paperwork. However, once a school applies for registration, it most often than not does not receive a response, allowing for schools to assume that they are registered. The most explicit way of granting registration includes the handing out for a number of affiliation, but nothing beyond. However, this, the participants mentioned, too creates problems for school leaders as whilst they never receive a formal confirmation of receiving the prior permission required to establish a school, they are still verbally informed by the education department that they are allowed to start operations. This, however, has led to instances where government officials have later claimed that no such verbal permission was given, consequently allowing them to secure bribes.

### **Affiliation and Accreditation: Accessibility**

Lastly, drawing attention to the recognition process for higher secondary classes, participants expressed the presence of ease in navigating the regulatory requirements. This stood in stark contrast to the recognition process for the predecessor classes, which they believe has become more complicated after the introduction of the Assam Non-Government Educational Institutions (Regulation and Management) Act. Should a school decide to get the higher secondary classes recognised, they are required to approach the local inspector who then holds a meeting where a resolution is passed acknowledging the need for the school in the specific geographical area.

Highlighting the affiliation processes on the ground level, participants from the focus group discussion noted that there remains no distinction between affiliation and accreditation, with the only process presently conducted in Assam being affiliation. Affiliation itself, participants noted, has been granted occasionally. Additionally, accreditation in venture schools often takes a curious route. In many rural areas and in different parts of Guwahati, private citizens establish schools and later request the government to recognise their employees as government employees as a common practice. Post provincialisation, while the assets of the school, including the land, furniture and building would remain under the ownership of the founding committee, the staff now would become government employees.

### **Accreditation of Venture Schools**

At present, Assam consists of approximately 40,000 primary venture schools along with 3,000 secondary venture schools. No accreditation process is followed when the government decides to take over a venture school. Due to the recent amalgamation of the Secondary Education Board of Assam (SEBA) and Assam Higher Secondary Education Council, a common list is produced with a list of schools accredited. The list solely, without any accreditation process, allows for the students to appear for their class X and class XII board examinations. The recent trend has however seen the government becoming more selective and stringent in initiating new venture schools. Local Assamese communities that had earlier established venture schools now find it increasingly challenging to secure the UDAIS codes. The demand for establishing schools, while still critical, does not seem as pressing as it was before. Provincialisation bears an increased financial burden on the government, the participants identified. While there is a need for schools in fragmented and less developed regions like the forest areas including the Gorbhanga Forest Reserve near Guwahati, these areas often do not have a population of more than 30 people residing with only five of them being children.

While this forces the students to travel for four-five kilometers to travel for school, a roadblock lies in investing in the physical infrastructure of schooling here. The participants recommended that one should consider potential solutions such as delivering tuition via satellite TV and other digital means.

## Madrasas

Here, writ petition (C) NO.3038 OF 2021 becomes significant to mention. The petition came as a response to the Assam government's decision, dated 13/11/2020 to convert all provincialised Madrasa schools into regular high schools. This decision was also legislated in the form of the Assam Repealing Act, 2020 that consequently repealed the Assam Madrasa Education (Provincialisation) Act, 1995 and the Assam Madrasa Education (Provincialisation of Services of Teachers and Reorganisation of Educational Institutions) Act, 2018. This policy action resulted in the prohibition of imparting any theological subjects in the schools. Additionally, any admissions under the now prohibited courses were barred from 01.04.2021. Teachers previously assigned the theological courses were now to be offered pedagogy training in other relevant subjects in accordance to their aptitude. Lastly, the state Madrasa Education Board also remained dissolved in accordance with the government notification dated 12.02.2021. The prohibition and replacement of theological subjects by a secular curriculum raised the primary issue concerning if this policy decision amounted to the violation of the fundamental rights guaranteed under the Articles 14,21,25, 26, 29 and 30 of the Indian Constitution. The court ruled in favor of the government and underscored the constitutional duty of the Indian state to impart and encourage secular education within any publicly funded institution. The Assam Repealing Act, 2020 was also reaffirmed as constitutional. A reference was also made to Article 28 of the Indian constitution, that puts a prohibition on the instruction of any religious instructions in institutions that remain fully funded by the State. Lastly, provincialisation was held to have the same meaning and effect as nationalization, as an act that ceased the previously held minority status of an institution.

To add on, a new trend showcases the government upgrading an increasing number of lower primary schools to the level of a senior secondary schools, especially in areas with a fewer number of students. The government handles these upgrades directly, with the school leaders, including the management committees remaining rather unclear about the precise documentation and regulatory requirements.

## Process Mapping: Inspection Process

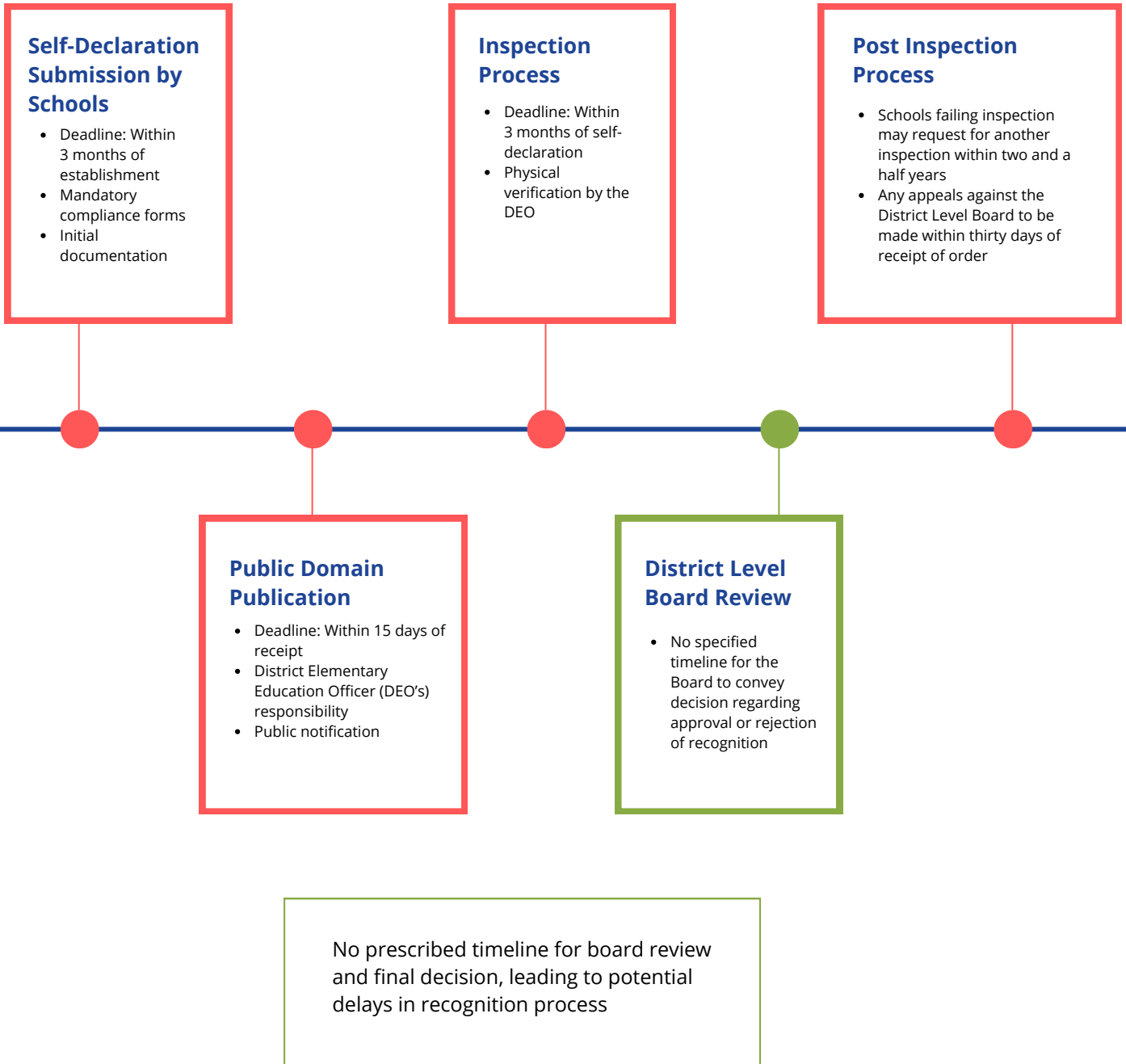
Taking note of the inspection process conducted in the Assam Non-Government Educational Institutions (Regulation and Management) Act , a participant noticed how the same is initiated with the school filling form four and completing all the manadates required. Once completed, the inspector either delegates the duty for inspection to an official or conducts the inspection themselves. An inspection report is created based on the inspection and submitted to the Director. Highlighting the various levels of inspection, a separate inspection is done at every stage of the recognition process; beginning from the permission to establish, to registration and ultimately to administrative recognition. These inspections, however, are never conducted impromptu, and only take place when a school has applied for the same.

Additionally, the inspection regulations mandated by the Central Board of Secondary Education(CBSE) remain stricter than those mandated by the Assam State Board, observed another participant. The schools are also required to submit a No Objection Certificate (NOC) from a minimum of two schools.

The attitude towards safety norms during the inspection process too depends on the authority inspecting the same, reported the participants from the discussion. While numerous safety norms have been mentioned in the Assam Non-Government Educational Institutions (Regulation and Management) Act, not much heed by the Assam State Board is given to whether these norms have actually been followed during the time of an inspection. The inspection authorities, more often than not, are only concerned with the presence of the necessary paperwork and certification and not if these safety norms have actually been followed. This approach of neglect stands in contrast with the CBSE authorities that conduct inspections and mandate the school concerned to submit the necessary documents regarding fire safety, hygiene standards, and water safety measures.

# Recognition Process Timeline: Assam RTE Rules, 2011

■ TIME-BOUND TASKS      
 ■ NON-TIME-BOUND TASKS



— Time limit which penalises legal illiteracy

— No time limit set for tasks hence there is lesser accountability

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## Norms for School Operations

The operational requirements for schools in Assam are detailed in various government acts, orders and rules.

### School Management Committee

Various operational requirements for schools imparting elementary education are mentioned in the RTE rules. The primary body responsible for implementing these requirements is the School Management Committee, formed under Rule 13. While compulsory for all government run schools, private schools remain exempted from creating this body. A permanent body mandated to function for three years, the committee is constituted of nine members that will be parents of students from the specific school, a local authority, one teacher and one village headman or a community nominee. The committee is responsible for overseeing the functioning of the school including monitoring its functioning by preparing a school development plan. It is directed to take all necessary steps required for the growth and development of a conducive academic environment, a welcome provision focusing on educational learning outcomes. It is also responsible for ensuring the quality attendance and retention of students until they complete their elementary education. The committee is also responsible for the academic development of its students by initiating micro-planning and school planning along with paying focused attention to students from disadvantaged backgrounds. Also responsible for monitoring the attendance of teachers along with the non-teaching staff, the committee is responsible for approving each staff member's monthly absentee statement and maintaining the attendance register. The committee may also report any teacher found in non-adherence to a child-centric learning process. Another encouraging measure focusing on the holistic and creative development of the student, it would be beneficial for the SSSA to elucidate further on what a child-centric learning environment may look like.

A participant mentioned that while the school must establish a school management committee under the RTE rules, no such committees exist on the ground.

### Secondary Education

When it comes to the operational requirements concerning secondary education, the board for secondary education plays an important role in its implementation. The duties and responsibilities of the board are mentioned under Section 13 of the Assam Secondary Education Act, 1961. It is the primary body responsible for formulating regulations for examinations along with conducting them and lastly, taking any disciplinary action if required. It is also responsible for recognising high schools, higher secondary schools and high madrassas. Any courses and examinations for undergraduate teachers training are deemed under the authority of the board. Lastly, it is the responsibility of the board to advise the government on any re-organisation and development of secondary education within Assam.

According to the participants, the Secondary Education Board of Assam (SEBA)'s authority remains predominantly focused on the examination process and how efficiently they are conducted. On the other hand, operational requirements such as the teaching staff qualifications and syllabus designs remain significantly under the authority of the schools. A participant mentioned how the implementation of such provisions can prove complex due to the physical locations of where the schools are located. With their school situated at the borders of Mizoram and Manipur, it becomes increasingly challenging for them to recruit qualified teachers. Due to SEBA itself not enforcing any strict regulatory requirements here, it comes down to the concerned school to ensure that their teachers remain certified and efficient. Lastly, textbook selection follows a different path. Here, schools remain at autonomy regarding which textbooks to prescribe until class eight. A participant mentioned their preference for selecting books that offer additional support in versions of digital content, allowing students ancillary support in case of contingencies. However, the textbook selection is done by SEBA which selects textbooks published by the Assam Textbook Corporation Limited.

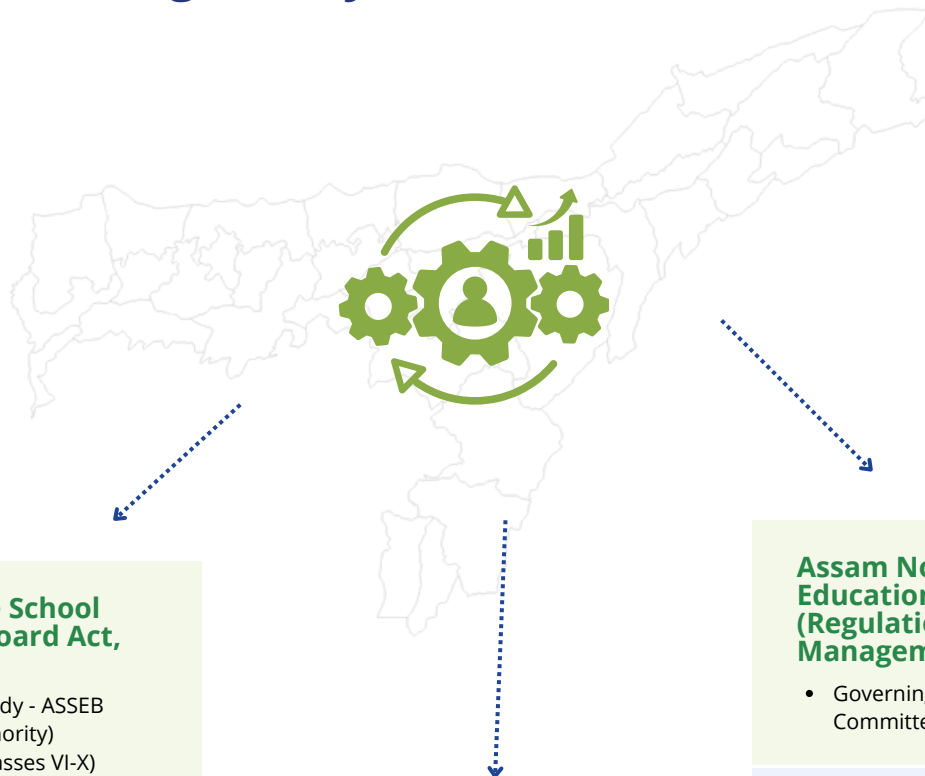
As mentioned previously, the Assam Secondary Education Act, 1961 now remains repealed. With the creation of the Assam State School Education Board (ASSEB) under the Assam State School Education Board Act, 2024, Section 17 nominates ASSEB as the body responsible for conducting examinations and publishing its results, granting certifications and scholarships. Additionally, ASSEB shall have the authority to receive any government grants along with donations from private individuals. It will also be responsible for offering any in-service teacher training programmes. Additionally, as section 28 observes, the Board is mandated to create different committees to carry out these functions. These are inclusive but not limited to the examination committee, the recognition committee, the finance committee, the curriculum and syllabus committee, and the administrative committee. The act offers no guidelines regarding how these committees shall carry out their functions, leaving scope for administrative inefficiency.

## Non-Governmental Schools

Certain operational requirements are only applicable to private unaided schools, as elucidated in the Assam Non-Government Educational Institutions (Regulation and Management) Act, 2006. In accordance with Section 8, should a private unaided school aim to establish further classes for higher education, it must adhere to the requirements for permission and administrative recognition under Sections 4 and 5. Such obligation for repeated recognition demonstrates administrative redundancy that stifles the relationship of trust between private schools and regulatory mechanisms.

Per Section 12, every private unaided school must constitute a Managing Committee that shall consist of the chairman or the principal managing agent of the society or trust, the headmaster or principal of the school, two representatives selected amongst the guardians, two teachers, an educationist and two members from the society of trust concerned. Constituted for two years, the committee must draft a Scheme of Management underlining the terms of service, including any salary structures, conditions of service and fee structures for all levels of education under Section 14(1). Any increase in the fee charged by the school must be in accordance with the fee fixed by the Director, as stated in Section 14 (2). Per Section 14 (3), the Director may use their discretion to approve a fee increase if the change is due to the introduction of new facilities in the school. Lastly, as stated in Section 14(4), the scheme must offer information on the necessary qualifications required for the teaching staff, including government, provincialised primary, middle, secondary or higher secondary schooling.

## School Operations Framework: Regulatory Structure in Assam



### Assam State School Education Board Act, 2024

- Governing body - ASSEB (Primary Authority)
- Division I (Classes VI-X)
- Division II (Classes XI-XII)

#### Tasks:

- Governing body - ASSEB (Primary Authority)
- Division I (Classes VI-X)
- Division II (Classes XI-XII)

### Assam RTE Rules, 2011

- Governing body- School Management Committee
- 9-member composition
- 3-year tenure

#### Tasks:

- Recognition procedure
- Elementary education norms
- Special training requirements
- School distance standards
- Transport facility provisions
- Student welfare measures
- Infrastructure requirements
- Monitor preparation of school development plan
- Monitor Academic development of its students by initiating micro-planning and school planning
- Monitor staff attendance

### Assam Non-Government Educational Institutions (Regulation and Management) Act, 2006

- Governing body- Managing Committee

#### Tasks:

- Draft a Scheme of Management
- Fee structure control
- Staff appointments
- Infrastructure maintenance
- Staff qualification standards
- Infrastructure norms



## Teacher Appointment and Salaries

The Assam Elementary Education (Provincialisation) Service and Conduct Rules, 1981 came into force after the creation of a vacuum due to the repeal of the Assam Elementary Education Act, 1968 that earlier regulated the service conditions of its employees. Post repeal, the 1981 Act ensured to provincialise the service conditions of various categories of employees, teaching and administrative staff combined, provided they were regulated under the state board and regional board of elementary education. Amongst other provisions, Section 3(v) mentions the attainment of matriculation as the minimum qualification for a post within elementary education. Additionally, any teacher on record must undertake junior basic or normal teachers training that has been recognised by the government. The act also makes a reference to Section 3 of the 1977 Act that highlights the recruitment process.

### Process Mapping: Teacher Recruitment

Here, annual applications for vacancies will be called out by the sub-inspector of a school. The applicant must be within the prescribed age limit, however the Act does not specify what this age limit might be. A character certificate must also be submitted by the applicant. The Act mandates the Sub Divisional Level Advisory Board for Elementary Education to create a Selection Committee in every educational sub-division. The Selection Committee is responsible for scrutinization of the applications along with marksheets and finalizing a list of selected candidates for interview. Post interviews, the Selection Committee will submit the list of successful candidates to the Board. Once approved by the Board, the same list must be sent to the Directory of Elementary Education for final approval. Based on this final level of approval, the final candidates will be appointed by the Deputy Inspector of the selected school. The act also mentions that the candidate must be of sound health, physically and mentally and must ensure that no defects interfere with the discharging of their duties. Here again, the lack of guidance on how such judgment on the health of a potential candidate shall be made invites for unfettered discretion by the selection committee.

Rule 18 of the Assam RTE declares that any regulations of salary, allowances and conditions of service for elementary school teachers will be decided by the government, autonomous council or the local authority.

Additionally, rule 15 of the RTE regulation also specifies any minimum qualifications for a teacher imparting elementary education must be decided in accordance with National Council for Teacher Education's notification no. F. No. 61- 03/20/2010/NCTE (N&S), that came into force on 23/8/2010.

In accordance with Section 17 of the Assam State School Education Board Act, Assam State School Education Board shall be the primary body responsible for prescribing the minimum qualifications required for the teaching staff for secondary education.

In ***Ranu Hazarika v State of Assam, the National Council for Teacher Education(NCTE)*** was granted statutory powers employing the National Council for Teacher Education Act, 1993. Per the Act, the NCTE made a regulation mandating that for a teacher to be qualified, they must have undergone the two-year diploma certification in basic teachers training. Based on this regulation, the Assam Government published a notification inviting interested candidates to undergo the training. However, they later discontinued the training and made it recommendatory instead of mandatory through the Assam Elementary Education (Provincialization) (Amendment) Rules, 2005. The aggrieved teachers who underwent the training filed a petition in the High Court challenging this decision. The High Court held that there was no justiciable reason given by the Government to deviate from the NCTE mandate and, therefore held such a decision remains ultra vires. It further directed the Government to reinstate the training course. Later, the Government decided to continue with the applications that resulted from the advertisement. This resulted in an appeal to the Supreme Court which held that the allowance of continuation of the recruitment process based on the now ultra vires Amendment Rules was improper and therefore allowed the petitions.

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In ***Dulu Deka v. State of Assam***, an assistant teacher had filed a petition to claim their unpaid salary since 2001. The Supreme Court however held that since her appointment had been declared void ab initio by the Director of Elementary Education of Assam, there was no legal standing or right for the petitioner to continue in service and hence no payment of salary could be made for the illegal continuance of posting regardless of the length of the tenure of service. When looking into the facts, the Court also found that while the appellant had claimed that she had been appointed to the post based on an advertisement, there was no evidence of the same.

Lastly, another relevant case law here comes in the form of ***Sultan Sadik v. Sanjay Raj Subba***<sup>9</sup>. Here, the appellant had been appointed as an Assistant Teacher at "Pabha Chariali ME Madrassa School" and was serving without pay. This school was not managed by any statutory authority. Later, the school was provincialised. Subsequently, the All Assam Middle English Schools Association submitted a writ petition to the Assam High Court seeking to regularize the employment of these dismissed teachers. The Court looking into the writ petition held that to facilitate the government's process of regularizing or provincializing assistant teachers, the appellants' association must submit all required documents and details, including the names of the assistant teachers in question, to Assam's Director of Elementary Education within two weeks. The state government may also consider the regularization or provincialization of additional assistant teachers who were excluded during the 1991-92 provincialization of ME and ME Madrassas, in addition to the previously identified assistant teachers, if the claims of these additional ME teachers are verified as genuine. The school's managing committee gave the relevant notices to which the Appellant did not respond to because of which he was dismissed from service.

Consequently, the Appellant contested in the election and won because of which, the first respondent filed an election petition in the High Court under Section 100(1) of the Representation of the People Act, 1951, challenging the appellant's election on grounds of disqualification, arguing that he was a government employee and thus ineligible to stand for election. The High Court upheld the election petition, concluding that the appellant was in government service as of 25-8-2000, and determined that the school's Managing Committee lacked the authority to dismiss him without official approval of Assam's Director of Elementary Education.

Later, the Appellant filed an appeal to the Supreme Court where there were two main issues, whether the appellant was disqualified from contesting the election and whether the termination of his employment was lawful. The Supreme Court overturned the High Court's judgment but did not award any costs as a result of the cases' particular circumstances. The Supreme Court further held that the High Court erred in disqualifying the appellant on the grounds of holding an office of profit under Article 191 of the Indian Constitution, given that he was working without pay and his employment terms were unclear. The High Court's decision was based on assumptions, and it was inappropriate to annul the election without solid evidence. Thus, the Supreme Court upheld the autonomy of the provincialised schools' Managing Committees for taking action in regards to whether they wanted to regularize teachers who were excluded in the 1991-92 provincialization and that it was an administrative decision that could not be used as a ground for challenging the election decision. Additionally, the legality of the termination was not a matter for the High Court to address within the context of an election petition, as any administrative challenges regarding the termination should be pursued in the proper forum by the affected party.

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8 *Dulu Deka v. State of Assam*, (2023) 9 SCC 749

9 *Sultan Sadik v. Sanjay Raj Subba* 2 SCC 377

## Welfare Provisions for Disadvantaged Communities

In accordance with Rule 3 of Assam RTE, all government schools must conduct special training classes. These classes must be specifically accompanied by age appropriate learning material. The classes are to be held for a minimum of three months and a maximum period of two years. Lastly, they must be conducted by teachers from the specific school or by specifically appointed teachers trained in offering remedial support. Additionally, per rule 4, any government schools for classes I-V must be within one kilometer. Similarly, any government school must be within 3 kilometers for classes VI-VIII. However, the government is offered the liberty to reduce these limits in areas with difficult terrain conditions. The government is also mandated to make arrangements for transport facilities for students with disabilities, offering them the adequate support to physically access classes. Also, per rule 5, the government along with the local authority shall undertake school mapping to identify all children, inclusive of students with disabilities and those belonging to any disadvantaged categories.

Lastly, Section 12.1.C. of the RTE Act directs all non-governmental unaided schools to reserve 25% of the entry level seats for students from disadvantaged communities.

A **Public Interest Litigation (PIL) filed by Debargha Roy** sought judicial intervention to ensure that the Government of Assam enforces compliance with Section 12(1)(c) of the Right of Children to Free and Compulsory Education Act, 2009. The petitioner highlighted that many unaided, non-minority schools in Assam have failed to meet this quota, thus denying equitable access to education mandated by law. Although guidelines to enforce this policy were issued in an office memorandum on September 2, 2021, their implementation has remained ineffective. The court directed the Elementary Education Department to ensure compliance and stipulated that any non-compliant schools should face appropriate action as per the Act. Consequently, the PIL was disposed of with directions for strict enforcement and action against defaulters. A subsequent PIL was later filed highlighting the inaction of the unaided, non-minority schools in lieu of the High Court Order. Presently, the case remains sub-judice with the next hearing scheduled for 25.11.2024.

## FGD Insights: Implementation of RTE's Welfare Provisions

The participants from the focus group discussion highlighted how the implementation of the welfare provisions under the RTE rules remain sporadic. A participant mentioned an instance where their school had admitted a student under the RTE quota. However, the school never received a reimbursement from the government, as has been mandated under the RTE Act. Another similar instance concerning the RTE quota drew attention to when a student was initially refused admission by the school due to their ineligibility to meet requirements. The concerned parent thereafter approached the District magistrate who advised the school to admit the said child. While the child was then admitted to the school, the school never received the reimbursement they had applied for. One reason for this repeated occurrence is that the Assam state government has still not set the per-child expenditure under the Act. A participant mentioned that the only RTE welfare provision that remains implemented is Section 12.1.C.

## Focus Group Insights: Implementation of RTE Welfare Provisions

### Focus Group Discussion: Insights

#### IMPLEMENTATION GAPS

##### Primary Findings:

- Section 12.1.C is the only actively implemented provision
- Most welfare schemes remain on paper
- Limited practical implementation
- Lack of monitoring mechanisms
- Special training programs inactive
- Transport arrangements non-functional
- School mapping incomplete
- Resource allocation unclear

#### REIMBURSEMENT ISSUES

##### Key Challenges:

- No reimbursement mechanism for RTE quota admissions
- Per-child expenditure not determined by state
- Schools bearing complete financial burden
- Reimbursement applications ignored
- No established timeline for processing

#### ADMINISTRATIVE CHALLENGES

##### Critical Issues:

- District magistrate directing admissions
- Unclear admission procedures
- Arbitrary authority decisions
- Poor inter-departmental coordination
- Lack of standardized processes

## Academic Authority

Per Section 17 of the Assam Non-Government Educational Institutions (Regulation and Management) Act, 2006 , the appropriate local authority opts for the curriculum, syllabus, and textbook selection followed by private schools. A rather coercive directive, the mandate prevents the creation of a creative environment that could boost innovative educational outcomes in private schools.

Per Rule 22 of the RTE rules, the State Council of Educational Research and Training is responsible for formulating the syllabuses, books, teacher training designs and guidelines for continuous and comprehensive improvement concerning elementary education. This practice sets an encouraging example for the SSSA to implement for learning should never be compromised. Additionally, by ensuring that the learning assessments remain continuous, pedagogy offers the unique opportunity for ensuring lifelong learning and growth of the student.

In accordance with the Assam Secondary Education Act, 1961, the board of secondary education is responsible for prescribing the curriculum, syllabus and the course of instruction for the high schools, higher secondary schools and the high madrassas.

Per Section 17 of the Assam State School Education Board Act, Assam State School Education Board remains responsible for prescribing the relevant textbooks. Additionally, any preparation and publication of the textbooks shall be done in accordance with the directions of the Assam state government, as mandated by Section 18 of the Act.

## Fee Norms

Per Section 13 of the Assam Secondary Education Act, 1961, the board of secondary education remains in charge of prescribing the fees. However, with the repeal of the Act, Section 17 of the Assam State School Education Board Act nominates the Assam State School Education Board as the body responsible for prescribing and receiving school fees.

Section 14 of the Assam Non-Government Educational Institutions (Regulation and Management) Act, 2006, regulates the fees in private schools. Schools must seek approval from the appropriate authorities for any fee increases, and there are specific guidelines regarding the maximum allowable fee hike. However, the act lacks clarity on certain aspects, such as the calculation of permissible fee increases, leading to inconsistencies in enforcement across different districts.

Certain provisions are also mentioned in the Assam Non-Government Educational Institutions (Regulation of Fees) Act, 2018. Enacted to regulate fee-related matters in private schools, the Act mandates the creation of a Fee Regulatory Committee under Section 3(1). The committee is entrusted to determine the suitable fee standards private schools may charge. Worryingly, no rationale is offered for why such regulation becomes vital, especially through the existence of yet another isolated legislation. Per Section 8(2)(a), every private school must present the Committee with its proposed fee structure. Any accompanying documents should be submitted within the committee's deadline. Based on the documentation provided, the Committee identifies any potential exorbitant under Section 8(2)(b). Should the Committee wish, it may initiate suo moto hearings or entertain complaints concerning any excess fees charged under Section 8(2)(e). Under Section 9, the committee determines the upper fee limit for every school category. While formulating any decisions under the Act, consideration must be given to the indicators stated under Section 11(1). These factors include the location, the initial investment needed to set up the school, the teaching and administrative staff qualifications, etc. Per Section 11(2), the Committee must communicate the decided fee amount to the concerned school. Lastly, as Section 11(4) states, the fee structure is binding on the private school for three years.

## FGD Insights: Fee Norms

A participant noted the tedious and exhaustive process of filling the necessary documentation required for registering with the fee regulatory committee. Labeled as an exhausting process, the participant mentioned having to fill an approximately ninety pages long application within a deadline. While the registration process was required to be renewed yearly, it later got modified once every two years, offering some relief to the participants. Another participant expressed their satisfaction towards the fee regulatory committee, largely because of its non interference in the school's functioning. They mentioned that a cutoff fee had been implemented by the Assam government for classes 1-6. Consequently, since only an approximate number of 200 out of 10,000 schools in Assam charge a fee of more than 27,000, most schools remain largely unaffected by the fee regulatory committee. Amongst these approximately 200 schools, ten schools were cited having faced conflicts with the fee regulatory committee. According to certain newspaper reports, one school was cited to have a surplus of 3 crore. As a response, the fee regulatory committee decreased their fee amount. This decision was appealed by the school before the Fees Revision Committee, who upheld the earlier decision. Ordered to offer the reimbursements to the parents, it was noticed that the school did not initiate the process promptly. Consequently, the school was directed to pay double the amount to the parents. The petition has now been directed before the Assam High Court, where a stay order has been currently granted.



# Fee Regulation Framework for Non-Government Educational Institutions in Assam

## GOVERNING ACTS

### The Assam Non-Government Educational Institutions (Regulation of Fees) Act, 2018

- Establishes regulatory framework
- Creates Fee Regulatory Committee
- Sets fee determination process
- Details compliance requirements

### The Assam Non-Government Educational Institutions (Regulation of Fees) (Amendment) Act, 2022

- Enhances regulatory powers
- Strengthens monitoring mechanisms
- Establishes penalty framework
- Provides specific exemptions

### The Assam Non-Government Educational Institutions (Regulation and Management) Act, 2006

- Section 14: Fee regulation
- Managing Committee roles
- Service conditions
- Basic operational framework

## REGULATORY BODIES

### Fee Regulatory Committee (Section 3(1), 2018 Act)

- Determines fee standards
- Reviews fee proposals
- Monitors compliance
- Issues directives

### Fee Revision Committee (Section 13, 2018 Act)

- Handles appeals within 21 days
- Reviews committee decisions
- Makes final determinations
- Issues binding orders

## FGD INSIGHTS

### Documentation Requirements

- 90-page comprehensive application
- Biennial renewal process
- Financial statements and audits
- Infrastructure documentation
- Staff qualification proofs
- Proposed fee structure details

### Implementation Framework

- Cutoff fee: ₹27,000 (Classes 1-6)  
Affected 200 of 10,000 schools
- Regular compliance checks
- Financial monitoring
- Penalty enforcement
- Double reimbursement directive
- Surplus fund monitoring

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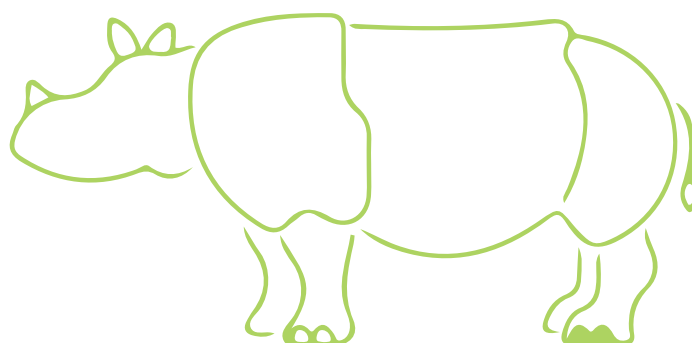
## Monitoring, Accountability and Grievances

### Grievance Redressal

The grievance redressal mechanisms in Assam are governed by several laws that offer mechanisms to ensure that the relevant authorities address complaints regarding violations of regulations, fee disputes, and other issues.

#### Process Mapping: Assam RTE Rules, 2011

The Assam State RTE Rules, 2011 establish a route for grievance redressal within Rules 11(5) and 11(9). Per Rule 11(5), schools not accorded recognition are listed publicly and offered an opportunity to request an inspection by the District Elementary Education Officer within the next two and a half years from the receipt of such rejection. Once an inspection is completed, the Officer shall submit a report to the District Level Board under Rule 11(6). A list of schools that do not satisfy the conditions under 11(1) is submitted to the Board under Rule 11(7), and upon approval by the Board, an order ceasing the school operations is made. However, with no mandated timelines under 11(6) and 11(7), the redressal mechanism lacks answerability. Any individual aggrieved by the decision under 11(7) may approach the Appellate Authority under Rule 11(9). However, such an appeal should be filed within 30 days of receiving the order for closure, a minimal time frame running the risk of being missed by the aggrieved party due to its restrictive nature. According to Rule 20, the school management committee is to remain the first platform for any grievance redressal whilst the District level board shall remain the second and final level of grievance resolution for any grievances faced by the teachers. Additionally, rule 24 draws attention to the State Commission for Protection of Child Rights that is mandated to set up a child helpline for any aggrieved student or their guardian should they face a situation of rights violation under the RTE.





## Grievance Redressal Timeline: Assam RTE Rules, 2011



**TIME-BOUND TASKS**



**NON-TIME-BOUND TASKS**



School must act within specific timeframes to maintain their rights to appeal or request re-inspection

Inspection and review phases have no mandated timelines, leading to potential delays in resolution

— Time limit which penalises schools for delayed responses

— No time limit set for authorities, reducing accountability

## Process Mapping: Other Statutes

No explicit grievance redressal mechanism is mentioned in the Assam State School Education Board Act, 2024. While according to Section 28, the Act mandates the board to create any additional committee should the board consider the same necessary, any explicit mentions of a grievance redressal committee remains lacking.

Per Sections 4(4) and 5(6) of the Assam Non-Government Educational Institutions (Regulation and Management) Act, any applicant may file an appeal before the State government should they be dissatisfied with the reasoning offered regarding the refusal of permission vis-à-vis permission or administrative recognition, respectively.

The Assam Non-Government Educational Institutions (Regulation of Fees) Act features its grievance redressal mechanism under Section 13. Per Section 13(1), the government is mandated to form a fee revision committee. Similarly, under Section 13(3), any individual distressed with the verdict of the fee regulatory committee may apply before the fee revision committee within twenty-one days of receipt of such decision. Should this deadline be missed, the committee may allow for applying no later than three months, provided sufficient reason is demonstrated. While grace is shown to the aggrieved here, no guidelines exist to separate a sufficient cause from an unreasonable one.

## FGD Insights: Grievance Redressal

In instances of a complaint filed by the parent against a private school under the RTE, participants mentioned a trend of the government authorities sympathizing with the parents and mandating the school to admit the students whilst remaining silent regarding the lack of reimbursements. Citing another instance, a participant shed light to when the SBOA (State Bank Officers Association School) reached out to a school inspector on clarity regarding the status of the reimbursements. The inspector further intimidated the secretary of education about the same, however, there was never a response received or no resolution that came to fruition.

While speaking of the presence of a grievance redressal mechanism for the parents should they wish to complain against the school, there exists no official system or a designated authority assigned for this process, noted the participants. Thus, while one witnesses the mentions of various grievance redressals that are to be taken refuge of in instances of conflict, the on-ground reality hints at the omission of a substantive grievance redressal. The presence of SSSA becomes a promising opportunity to focus on a clear implementation of a grievance redressal body that is client centric, constructive, transparent and accountable. Indeed, without a grievance redressal body, the lifecycle of the rights remains incomplete due to the lack of protection should they remain unreleased.

## Quality Audit

Quality audits in Assam are conducted by various authorities, including the State Council of Educational Research and Training (SCERT) and the Board of Secondary Education. The SCERT develops a quality monitoring framework to measure learning outcomes, while the Board of Secondary Education oversees the conduct of examinations and grants certificates to students.

Participants from the focus group discussion also mentioned that the schools in Assam decide their own evaluation criteria for determining the learning outcomes for their students. One participant referred to following a Continuous Comprehensive Evaluation (CCE) system in their school, allowing them to measure the impact of the co-curricular activities in addition to the academic parameters. Many schools in Assam use the Assessment of Scholastic Skills through Educational Testing (ASSET). The schools also have an option to use assessment models developed by organizations such as Open Door, UPS learning and Next Education. The facilitation of these assessments, that have been modeled upon CCE itself, marks a commitment to measuring sustainable impact in Education, just as the NEP warranted. Additionally, by measuring and amplifying learning outcomes rather than fixed inputs, SSSA will be able to envision a regulatory framework where the focus is on what a student is learning, how well they are learning the same and what improvements can be made. Currently, a majority of the regulatory landscape focuses on input based requirements that remain arbitrary and unreasonable. Indeed, the size of a school may not always determine the quality of education a student is getting but investing in teacher training definitely will.

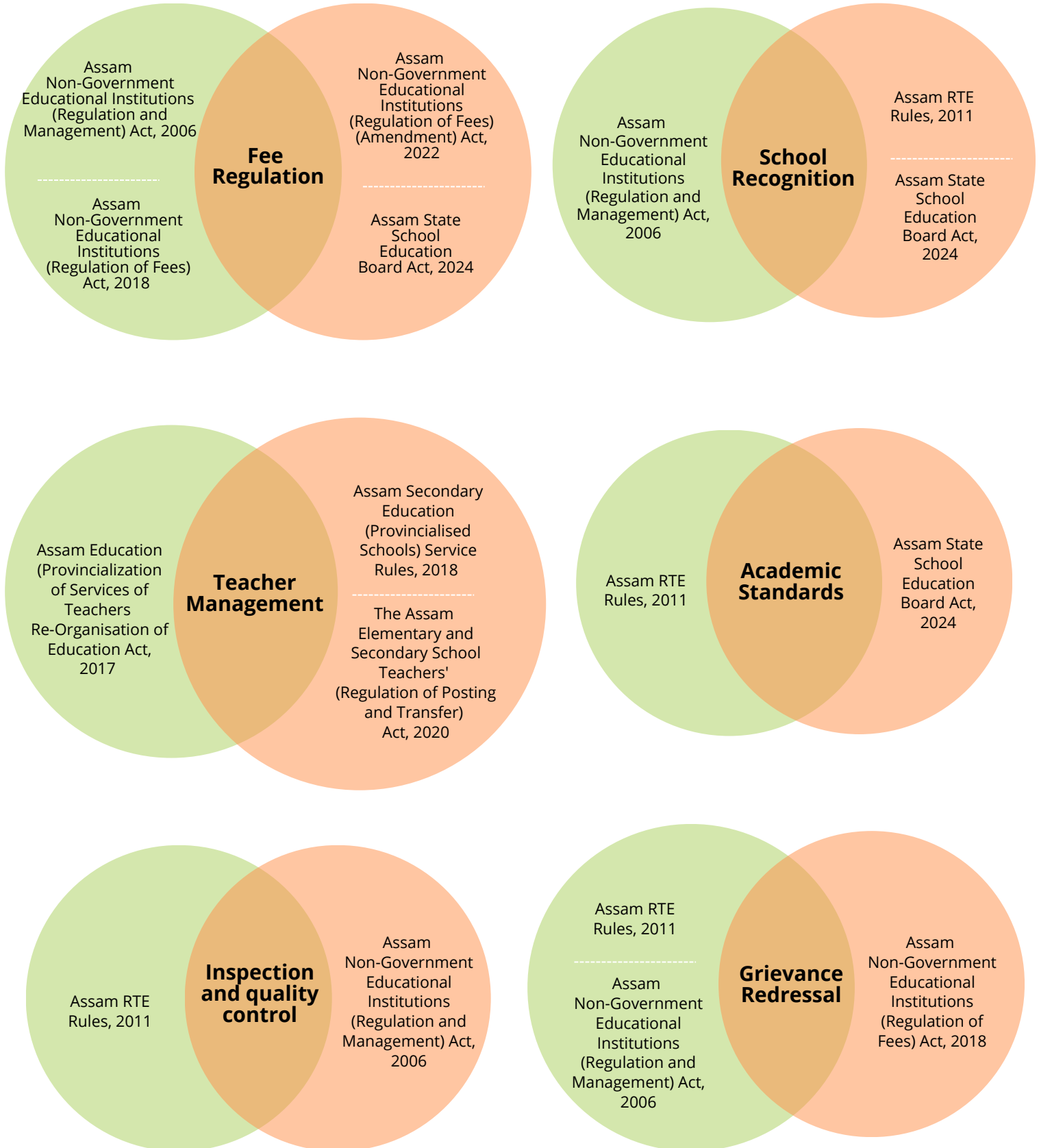
# Quality Audit Framework in Education: Assessment and Implementation



## Assam State Regulatory Profile: Brief Overview

Function	Applicable Statute(s)	Authority Assigned	Tasks/Responsibilities
School Recognition	<ul style="list-style-type: none"> <li>Assam Non-Government Educational Institutions (Regulation and Management) Act, 2006</li> <li>RTE Rules, 2011</li> <li>Assam State School Education Board Act, 2024</li> </ul>	<ul style="list-style-type: none"> <li>Board of Secondary Education</li> <li>Director of Education</li> <li>District Elementary Education Officer</li> </ul>	<ul style="list-style-type: none"> <li>Establishing recognition standards</li> <li>Processing applications for recognition</li> <li>Conducting inspections</li> <li>Granting/withdrawing recognition</li> <li>Regulation of secondary education</li> </ul>
Fee Regulation	<ul style="list-style-type: none"> <li>Assam Non-Government Educational Institutions (Regulation and Management) Act, 2006</li> <li>Assam Non-Government Educational Institutions (Regulation of Fees) Act, 2018</li> <li>Assam Non-Government Educational Institutions (Regulation of Fees) (Amendment) Act, 2022</li> <li>Assam State School Education Board Act, 2024</li> </ul>	<ul style="list-style-type: none"> <li>Fee Regulatory Committee</li> <li>Managing Committee</li> </ul>	<ul style="list-style-type: none"> <li>Setting fee structures</li> <li>Reviewing fee proposals</li> <li>Determining upper limits for fees</li> <li>Processing fee-related grievances</li> </ul>
Teacher Management	<ul style="list-style-type: none"> <li>Assam Education (Provincialization of Services of Teachers Re-Organisation of Education) Act, 2017</li> <li>Assam Secondary Education (Provincialised Schools) Service Rules, 2018</li> <li>The Assam Elementary and Secondary School Teachers' (Regulation of Posting and Transfer) Act, 2020</li> <li>Assam State School Education Board Act, 2024</li> </ul>	<ul style="list-style-type: none"> <li>State Level Committee</li> <li>Director of Education</li> <li>Public Service Commission</li> </ul>	<ul style="list-style-type: none"> <li>Teacher recruitment</li> <li>Transfer and posting</li> <li>Service conditions</li> <li>Maintaining pupil-teacher ratio</li> </ul>
Academic Standards	<ul style="list-style-type: none"> <li>RTE Rules, 2011</li> <li>Assam State School Education Board Act, 2024</li> </ul>	<ul style="list-style-type: none"> <li>Board of Secondary Education</li> <li>SCERT</li> <li>Academic Authority</li> </ul>	<ul style="list-style-type: none"> <li>Curriculum development</li> <li>Syllabus design</li> <li>Textbook selection</li> <li>Teacher training</li> <li>Conducting examinations</li> </ul>
School Management	<ul style="list-style-type: none"> <li>RTE Rules, 2011</li> <li>Assam Non-Government Educational Institutions (Regulation and Management) Act, 2006</li> </ul>	<ul style="list-style-type: none"> <li>School Management Committee</li> <li>Managing Committee</li> </ul>	<ul style="list-style-type: none"> <li>Monitoring school functioning</li> <li>Creating development plans</li> <li>Managing infrastructure</li> <li>Ensuring student welfare</li> </ul>
Inspection & Quality Control	<ul style="list-style-type: none"> <li>RTE Rules, 2011</li> <li>Assam Non-Government Educational Institutions (Regulation and Management) Act, 2006</li> </ul>	<ul style="list-style-type: none"> <li>District Elementary Education Officer</li> <li>Director of Education</li> <li>Authorized Officers</li> </ul>	<ul style="list-style-type: none"> <li>Regular school inspections</li> <li>Quality audits</li> <li>Record verification</li> <li>Infrastructure checks</li> </ul>
Grievance Redressal	<ul style="list-style-type: none"> <li>RTE Rules, 2011</li> <li>Assam Non-Government Educational Institutions (Regulation and Management) Act, 2006</li> <li>Assam Non-Government Educational Institutions (Regulation of Fees) Act, 2018</li> </ul>	<ul style="list-style-type: none"> <li>School Management Committee</li> <li>District Level Board</li> <li>State Government</li> <li>Fee Revision Committee</li> </ul>	<ul style="list-style-type: none"> <li>Addressing recognition-related appeals</li> <li>Handling fee-related complaints</li> <li>Resolving teacher grievances</li> <li>Protection of child rights</li> </ul>
Welfare Measures	<ul style="list-style-type: none"> <li>RTE Rules, 2011</li> </ul>	<ul style="list-style-type: none"> <li>State Government</li> <li>Local Authority</li> <li>SCPCR</li> </ul>	<ul style="list-style-type: none"> <li>Special training programs</li> <li>Transport arrangements</li> <li>School mapping</li> <li>Protection of child rights</li> </ul>

## Singular tasks, multiple laws



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## Recommendations

The Department of Education currently occupies the dual roles of an education service provider and service regulator. This creates an unavoidable conflict of interest. As identified by the NEP, a policy reconsideration foregrounded in this removal of bias becomes pressing. Using an uncoupling process, SSSA becomes an independent regulator for all Assamese education providers. This practice shall prevent one actor, the government, from occupying the contradictory roles of the judge and the party. Additionally, the current regulatory system continues to lack a client centric approach, negating the well-being of the parties it is serving. Due to this administrative oversight, various stakeholders, including the teaching staff, students and parents, continue to suffer. We believe that the SSSA witnesses in front of it a wonderful opportunity to redefine the boundaries of learning.

### Digitised and Real-Time Tracking Regulatory Processes

The Assam education sector copes with numerous dispensed regulations, resulting in overlapping and redundant regulatory requirements. This leads to an inevitable increase in error costs and an avertible depletion of limited resources that could have been utilized to achieve better learning outcomes. Thus, creating a centralized regulatory repository that can efficiently prioritize necessary regulatory processes over those that create impediments, is important. Digitisation of the regulatory landscape, including the adoption of real-time tracking mechanisms, will assist in minimizing the existing information asymmetry that exists between the stakeholders and the regulatory providers. While at present, a digitized knowledge access is provided through the National Portal of India, and India Code specifically, the repository remains outdated with a sporadic access to the relevant legislations and conflicting information through the continued access to repealed laws. While a welcome step, a dedicated real time digitized space within the educational ecosystem may amplify the current India Code model by adding to it live updates about modifications and changes to the existing legislations that occur in the forms of government orders, notifications and amendments. Similarly, a digitized dashboard showcasing the usability and relevancy of selected laws may encourage a dedicated knowledge accessibility by the stakeholders. Lastly, this could be accompanied by succinct summarization of all relevant laws, a practice undertaken by the Ministry of Justice, Government of the United Kingdom. This practice of a democratized digitisation shall ensure the public dissemination of information, a crucial function that the SSSA has been mandated to adopt.

### Comprehensive and Innovative Learning Design

#### Continuous and Comprehensive Innovations

No one student is identical and tailored incentives must be identified for ensuring that each student feels encouraged and supported for their unique aptitudes. Attention must be paid to ensuring that any inspection and quality improvement focuses on the comprehensive and continuous improvement of the learning outcomes. This may be achieved through making intentional attempts to create a welcoming space for the different models of learning, assessments and pedagogy. SSSA may accordingly engage in the adoption of guidelines enumerating assessment methods that track the student progress over a continued period of time. This shall assist in capturing a holistic performance review in comparison to a one time assessment that offers an isolated and limited perspective about the student performance. The SSSA may also recommend institutional collaboration with third party K-12 education solution providers such as Next Education that specialize in experimental educational outcomes and inclusive learning assessments. Such institutional collaborations may also be extended to research institutes specializing in pedagogical innovations. For instance, the Azim Premji University offers two courses including a training that aims to inculcate an 'educational judgment' amongst teachers along with another course that aims to facilitate Pre-service teacher education (PSTE), a skill necessary for continuous professional teaching development.

## Consultation Sessions

Investments must be made in ensuring that the teaching and administrative staff feel equipped and supported while discharging their duties. Regular consultation and anonymous feedback sessions must be conducted with the staff and measures must be taken to ensure that the feedback is considered. Lastly, a focus on learning outcomes rather than input based indicators may be achieved by the adoption of periodic consultation sessions empathetic to the needs of the students.

## Incentive Based Regulations

### Grants and Awards

Through the presence of an incentive-centered regulatory framework, the SSSA shall be able to facilitate a greater compliance performance across schools. Available in various forms, these incentives may be financial or non-monetary in nature. For instance, grants may be awarded to the best-performing schools on the basis of multiple categories inclusive of the best performing school (district-wise). A conditional grant, it may be further used to better learning outcomes by an intentional investment towards smart classrooms and immersive learning. Another potential category under which the grant may be offered could be for schools showcasing the most annual improvement. This strategic policy innovation remains in practice in the state of Tamil Nadu, where the state government offers two awards in the educational category. These include the Best School Award, which goes to the top three best-performing schools in the said district and the Perasiriyar Anbazhagan Award, which in turn is awarded to the best two schools in a specific district. Similarly, another category of awards offered by the Tamil Nadu government include the Arignar Anna Leadership Award and Shield of Appreciation awards, which are given to the best performing principals in the state.

### Inter-School Collaboration

The SSSA may also elucidate guidelines for the joint administration or collaboration of any ill-performing schools along with the best-performing schools in a particular socio-geographical jurisdiction. For example, a paired association of such schools will allow the identified ill-performing school to model and inculcate the best practices implemented by the model school. This will not only assist a greater environment of teamwork but also offer schools the incentive to perform positively and become the model school. For instance, a buddy system with regularly monitored progress would be a promising way to ensure sustainable indicator improvements across schools.

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## Effective Quality Assurance and Monitoring

Inspection processes allow for the easy identification of areas of improvement. However, the current inspection processes remain punitive and restrictive. By transforming inspections into a constructive mechanism that provides beneficial support to school institutions, the SSSA can deliver schools the encouragement they deserve. Inspections, presently, experience a negative reception due to their poor execution. A constructive approach may include replacing inspections with quality improvement sessions. Such sessions, conducted by a quality improvement resource person, will ensure that the improvement sessions become an opportunity eagerly awaited by all schools. Thus, this exercise shall change the intent with which the inspection practice was earlier conducted, ultimately creating a space where schools can evolve into the best version of themselves.

## Streamlined Quality Improvement Methodology

The quality improvement sessions should be guided by a transparent set of guidelines, which should be ideated collaboratively by all concerned stakeholders, including the private school leaders, government teachers, parents and students. These quality improvement sessions should be extended to all types of schools, regardless of the service provider. For example, the Assam Non-Government Educational Institutions (Regulation and Management) Act, 2006 only remains applicable to non-government schools. Similarly, per Rule 11 of Assam State RTE Rules, any schools under the government, local authority and autonomous council remain exempted from any inspection process. A common methodology will encourage SSSA to craft an uniform quality improvement methodology applicable to all service providers. Similarly, a streamlined approach to quality improvement may require the SSSA to offer one singular rather than multiple inspection processes, as they currently exist under various laws including the Assam State RTE Rules, 2011 and the Assam Non-Government Educational Institutions (Regulation and Management) Act, 2006. Lastly, the quality improvement methodology must encourage compliance based on a quest for improvement rather than force. At present, while several laws, including the Assam RTE rules, offer the most encouraging and democratic regulatory practices, they remain limited to paper. For instance, the school management committee remains non-functioning on the ground. A propitious compliance approach may resolve this implementary omission by offering the school management committee a crucial role in the quality improvement process. By initiating a collaborative assessment model with the presence of an external and internal assessor, the trained quality improvement resource person shall now be accompanied by the school management committee, that shall remain the internal assessor through the assessment process. This shall not only encourage the schools to administer the school management committee but also encourage a promising alliance between two parties, the quality improvement resource person and the school leaders, that have previously witnessed an unequal status quo between them.

## Prioritization of Learning Outcomes

The quality improvement guidelines should be designed to evaluate educational outcomes, such as foundational literacy & numeracy and student satisfaction, rather than focusing solely on stringent, input-based indicators. This may be implemented in the form of a pre-established inspection checklist that is accompanied by relevant questions. For instance, the Assam Non-Government Educational Institutions (Regulation and Management) Act mandates a requirement for a school to be a minimum of two bighas of land in a rural area. However, this requirement remains stringent and does not take into account the facts and circumstances under which the said school is working. While the school may not have the necessary capital for the physical infrastructure as mandated by the Act, it may still have a community of brilliant educational providers. Thus, by intentionally letting go of requirements that focus on arbitrary inputs, the checklist may include questions that focus on the end result of the school offering education. This shall also offer the school the space to implement the learning methods that best suit them. The checklist will reflect the trust the SSSA puts in a certain school because it is imperative to note that while various schools might have a different pedagogical style, what ultimately matters is student satisfaction. The checklist may thus include questions revolving around the absenteeism rate of teachers, the subjects most preferred by students, the most predominant career aspirations and goals harbored by the students and lastly, instances of bullying and intolerance.



Additionally, written feedback must be shared with the concerned school focusing on suggestive guidelines on how to improve and strive for continuous improvement and excellence. Thus, a critical review of the inspection checklist may offer the inspection authority an opportunity to offer feedback concerning instances of intolerance and allow the school to focus on tangible steps to navigate through the problem. A set feedback procedure where any area of improvement is accompanied by a tangible recommendation will encourage accountability, trust and knowledge based decision making between all parties involved. Lastly, the quality improvement report must be submitted to all stakeholders including the school going through the quality improvement process. This report should also be published digitally. This move shall democratize information access to school performance and offer all parties, including the parents, an assured access to knowledge resources, empowering them to make informed decisions about the schools to invest in.

## **Quality Improvement Resource Person Training**

Quality improvement is a critical exercise, the success of which, requires a dedicated expertise on the part of the facilitator. At present, the laws analyzed do not mention any training exercises for the quality improvement resource persons. Similarly, in accordance with Rule 11(1)(d) of the Assam RTE rules, any government authority may conduct these inspections. Acknowledging the sensitive nature of the quality improvement process, only trained officials must be encouraged to conduct the quality improvement process. School operations remain complex and accordingly, require officials knowledgeable of this operational infrastructure. The quality improvement resource persons must be trained to take a holistic and compassionate assessment approach that focuses on student wellbeing. Key attention must be extended to the creation of a set of behavioral guidelines encouraged, accepted and disallowed.

## **Enhanced Grievance Redressal Mechanisms**

### **Two-Tier Citizen Redressal Model**

A dedicated and transparent grievance redressal mechanism is crucial to upholding the credibility of SSSA. Pre-established guidelines ideated by all stakeholders must govern the redressal mechanism. Additionally, To encourage an accountability driven model, the regulatory bodies should be mandated to function within stipulated timelines, which must be decided in consultation with and made known to all the parties involved. To offer an example, no specific timeline is required to be followed by the relevant authorities while deciding on the administrative recognition under the Assam Non-Government Educational Institutions (Regulation and Management) Act.

To prevent any delays in decision making, any stipulated timelines may be implemented through a two-tier citizen redressal model. Here, the first tier shall include the authorities guaranteed under the relevant Act. However, with the inclusion of a timeline within which they are directed to function, they will be required to communicate their decision to the relevant party within a specific timeframe such as fifteen days. Tier two shall become functional should the timeline mentioned under tier one remains pending. Tier two may involve a participatory body, inclusive but not limited to government officials. This would encourage increased accountability through the shared ethic of participatory governance. Additionally, as recommended earlier, the digital dashboard could offer demographics concerning the usages of the two tier model, encouraging regulatory transparency.

## **Empathetic Overhaul**

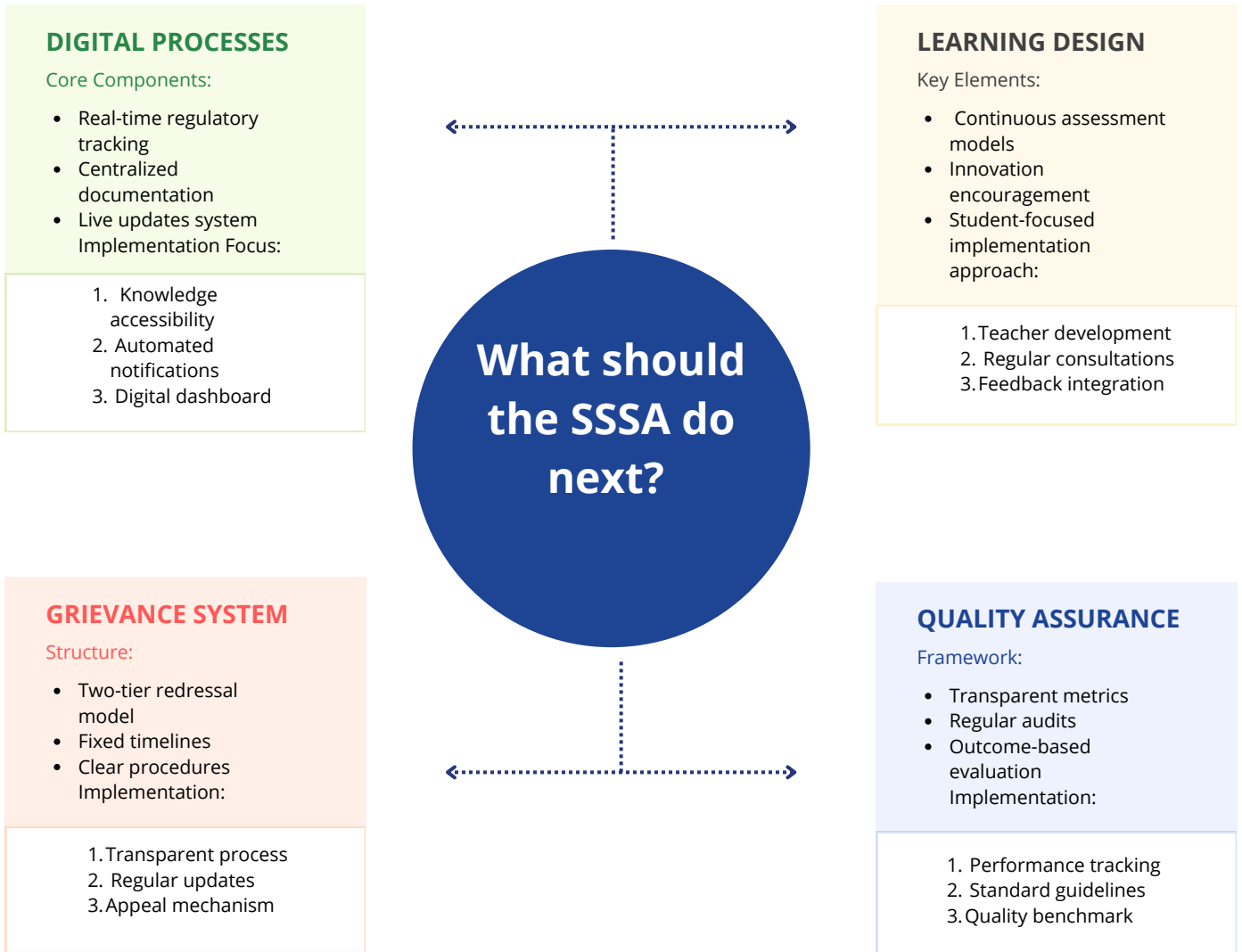
An empathetic outlook must be extended towards the aggrieved party, notably when they miss the prescribed timeframes. For instance, in accordance with Rule 11(9) of the Assam RTE rules, any appeal before the appellate authority should be filed within 30 days of receiving an order of recognition withdrawal. Instead, by removing the time barred nature of this provision, the redressal mechanism shall be able to ensure that no grievance is left unnoticed due to an information failure. By adopting the practice of ethical governance, the grievance redressal mechanism will be able to address the concerns of each party without compromise.

## **Information Transparency**

A transparent approach must be taken whilst the grievance process where all findings are shared with the concerned parties. Similarly, periodic reports must be published by the grievance committee with concise and accessible information about trends highlighting any concerns, challenges and pathbreaks. Lastly, compliance studies focusing on the efficiency and impact of the grievance redressal must be conducted, allowing all stakeholders an access to tangible evidence about the implementation of the regulatory provisions.

## **Dynamic and Adaptive Regulatory Framework**

A well-designed policy should prioritize the interests of its beneficiaries, and include regular reviews of existing legislation. Through the endorsement of such policy recommendations by the SSSA, informed reviews will keep the regulatory landscape relevant and adaptable to new challenges and opportunities. The periodic evaluations will bolster receptivity and reduce obstacles that would otherwise occur due to outdated policies not being addressed. The reviews must remain participatory, reflected in the sincere involvement of all stakeholders. To further institutionalize this practice, the SSSA may recommend the presence of a mandatory sunset clause in all relevant legislation. For instance, Article 334 of the Indian Constitution is accompanied by a sunset clause that limits any concerned policies for reservations to a period of ten years. This accordingly allows for a periodic stock taking of any new socio-political developments that may have an impact on the efficacy of the reservation policies implemented. A sunset clause in the educational policies shall encourage a reflective and introspective outlook, that currently remains lacking in the policy landscape.



## Conclusion

The SSSA shall be most supported in establishing a sound system of governance, including a successful grievance system and a holistic learning assessment, through the adoption of a receptive model of functioning. SSSA, if established as an accountability driven model, as suggested in the recommendations, will aid the most constructive incentive structures, including a safe and inspiring classroom design in every school of Assam. Through this redefined policy model, the SSSA will be able to operate from a position of curiosity rather than one of stringency. This, we remain positive, will foster the constitutional values of independence, impartiality and neutrality and lead to an intuitive recognition of all stakeholders' interests, especially the students who remain the future of tomorrow.

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## Annexure

### Laws Regulating School Education in Assam

- **The Assam Non-Government Educational Institutions (Regulation and Management) Act, 2006:** The governing body of non-government educational institutions under the Act comprises the Director and the Managing Committee. The Director is responsible for ensuring compliance with educational regulations, conducting inspections, and managing administrative oversight, including the authority to enter and examine institutional premises. The Managing Committee is tasked with the institution's administration and management, ensuring financial accountability and adherence to operational standards. Additionally, the State Government provides regulatory frameworks and guidelines to support the proper functioning of these institutions, holding them accountable for educational quality and compliance with legal provisions.
- **The Assam Right of Children to Free and Compulsory Education Rules, 2011:** The School Management Committee (SMC) acts as the governing body of the school, consisting of the President, Vice-President, Member-Secretary, teachers, parents, and local authority representatives. Its tasks include creating a conducive environment for learning, ensuring 100% student attendance and retention, and focusing on academic development through micro-planning and resource utilization. The SMC is responsible for monitoring the attendance of both teaching and non-teaching staff, approving monthly absentee statements, and endorsing casual leave applications. Additionally, it prepares a comprehensive three-year School Development Plan detailing class-wise enrollment, infrastructure needs, and financial requirements, while ensuring adherence to teacher qualification standards and maintaining a professional cadre of educators.
- **Assam Secondary Education Act, 1961:** The Act established the Assam Secondary Education Board as the Governing Body overseeing secondary education in the state. The Board's composition includes a Chairperson appointed by the State Government, along with educational experts, representatives from secondary schools, and government officials. Its main tasks are setting curricula, conducting examinations, granting certifications, and ensuring uniform educational standards across Assam's secondary schools.
- **The Assam Elementary Education (Provincialisation) Service and Conduct Rules, 1981:** This Act is governed by the Director of Elementary Education and designated authorities. It outlines service conditions for teachers and non-teaching staff, including pension and retirement benefits based on prior service. Key tasks include maintaining service records, managing seniority disputes, and ensuring compliance with minimum qualifications for teaching positions. Legal proceedings require government sanction, and all employees receive pay scales and allowances equivalent to corresponding government ranks, promoting standardized service conditions.
- **The Assam Non-Government Educational Institutions (Regulation of Fees) Act, 2018:** The governing body for this regulation is the Fee Regulatory Committee, which is established by the State Government. This Committee is composed of a Chairperson appointed by the State Government, along with representatives from relevant education departments and experts in finance and administration. Its key tasks include determining and revising fee structures, ensuring transparency in fee collection, and addressing complaints from stakeholders.
- **The Assam Non-Government Educational Institutions (Regulation Of Fees) (Amendment) Act, 2022:** This Act builds upon the original 2018 Act, enhancing the Fee Regulatory Committee's powers to monitor and set maximum fees for private institutions in Assam. It introduces detailed compliance mechanisms, stricter penalties for late submissions, and specific exemptions for certain institutions, such as preschools that meet lower fee criteria.

- **The Assam Education (Provincialisation of Services of Teachers and Re-Organisation of Educational Institutions) (Amendment) Act, 2018:** The Act is governed by the Assam government and amends the principal Act of 2017. It redefines "Venture Degree Colleges," setting criteria for provincialisation based on student enrollment and teachers must have been recognized by competent authorities before January 1, 2006. Additionally, it replaces terms like "Junior College" and "Lecturer" with "Senior Secondary School" and "Post Graduate Teacher," respectively, to better reflect the educational structure
- **Assam Secondary Education(Provincialised Schools) Service Rules, 2018:** It establishes a governing body that includes a School Selection Committee, District Selection Committee, State Selection Board, and District Promotion Committee. Each committee is composed of various members, including educational officials and community representatives, tasked with recruitment, promotion, and management of educational staff in provincialised schools. Key responsibilities include maintaining gradation lists, overseeing staff transfers, and ensuring compliance with educational policies.
- **The Assam Secondary Education (Provincialised Schools) (Amendment) Service Rules, 2021:** These rules brought essential reforms to the appointment process for school principals, emphasizing merit-based selection and transparent evaluation methods. The amendment also established seniority-based promotion guidelines for teachers and included provisions to recruit differently abled candidates, promoting inclusivity within the educational system.
- **The Assam Elementary And Secondary School Teachers' (Regulation Of Posting And Transfer), Act, 2020:** The Governing Body comprises the State Level Committee and the District Level Committee. The State Level Committee oversees inter-district transfers, while the District Level Committee, chaired by the Additional Deputy Commissioner (Education), handles intra-district transfers. Their tasks include evaluating transfer applications, ensuring compliance with PTR norms, and issuing recommendations for postings. The Appointing Authority is responsible for executing these transfer orders.
- **Assam State School Education Board Act, 2024:** The governing body is the Assam State School Education Board (ASSEB) which consolidates the functions of both SEBA and AHSEC. The board consists of a 21-member committee led by a Chairman and a Vice-Chairman, appointed for three-year terms, with options for renewal. It prescribes the curriculum and syllabi for Grades VI to XII, conducts examinations, and publishes results while granting certificates to successful candidates. The Board recognizes and regulates schools, ensuring compliance with educational standards, and sets qualifications for teachers, offering training programs to enhance teaching quality. It manages the School Education Board Fund and advises the government on student welfare and school development. The Board implements open and distance learning programs to accommodate diverse student needs.

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