

# State Regulatory Profile

# Bihar

A look at the education sector

2026





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# Executive Summary

In consonance with the essence of the New Education Policy, our education governance needs major reforms in order to align itself with the needs of the 21st century. Bulk of this responsibility lies with state governments since they are deeply connected with the educational realities that shape learning outcomes on ground. The case of Bihar presents an opportunity to test these propositions as it is a state having a substantial share of India's school going population, having resource constraints and visible socio-economic vulnerabilities.

In line with this, it is the state government, local government, and local institutions of Bihar that have a substantial capacity to streamline educational delivery and outcomes in line with 21st century goals, specifically the New Education Policy.

This report examined the state of education in Bihar, building on its historical landscape surrounding education and present status. It also identified major laws, key institutions, and policies governing education in the state, with a focus on how the educational laws in Bihar are experienced in practice. Based on the research, the study finds that Bihar's educational framework is markedly dense yet fragmented with a greater emphasis on input-based regulation and a limited focus on learning outcomes and institutional accountability.

Most importantly, the framework is found to be patchy with foundations being led by the Bihar Education Code, and other laws satisfying ad-hoc executive focus. The dispersion of roles and responsibilities for executive authorities is unclear with a lot of overlaps in the legal mandates. This results in duplication of oversight increasing 1) compliance burden of schools 2) inefficiency in the overall administration, weakening effectiveness of the educational governance. The study also finds a lack of mechanism to govern institutional or executive accountability. As a result, the responsibility that comes with authority is diluted at many levels.

These issues weaken overall educational governance, creating problems in educational delivery and the resultant learning outcomes. The report recommends establishing the State Schools Standards Authority (SSSA) as a way to bridge these gaps and introduce greater efficiency in the system. The institution can act as an independent authority, which helps consolidate fragmented regulations, clarify accountability, reduce discretionary overreach, providing a much-needed assistance to streamline the regulatory framework with the aspirations of the New Education Policy. All this could be done while being sensitive to Bihar's socio-cultural and administrative context.

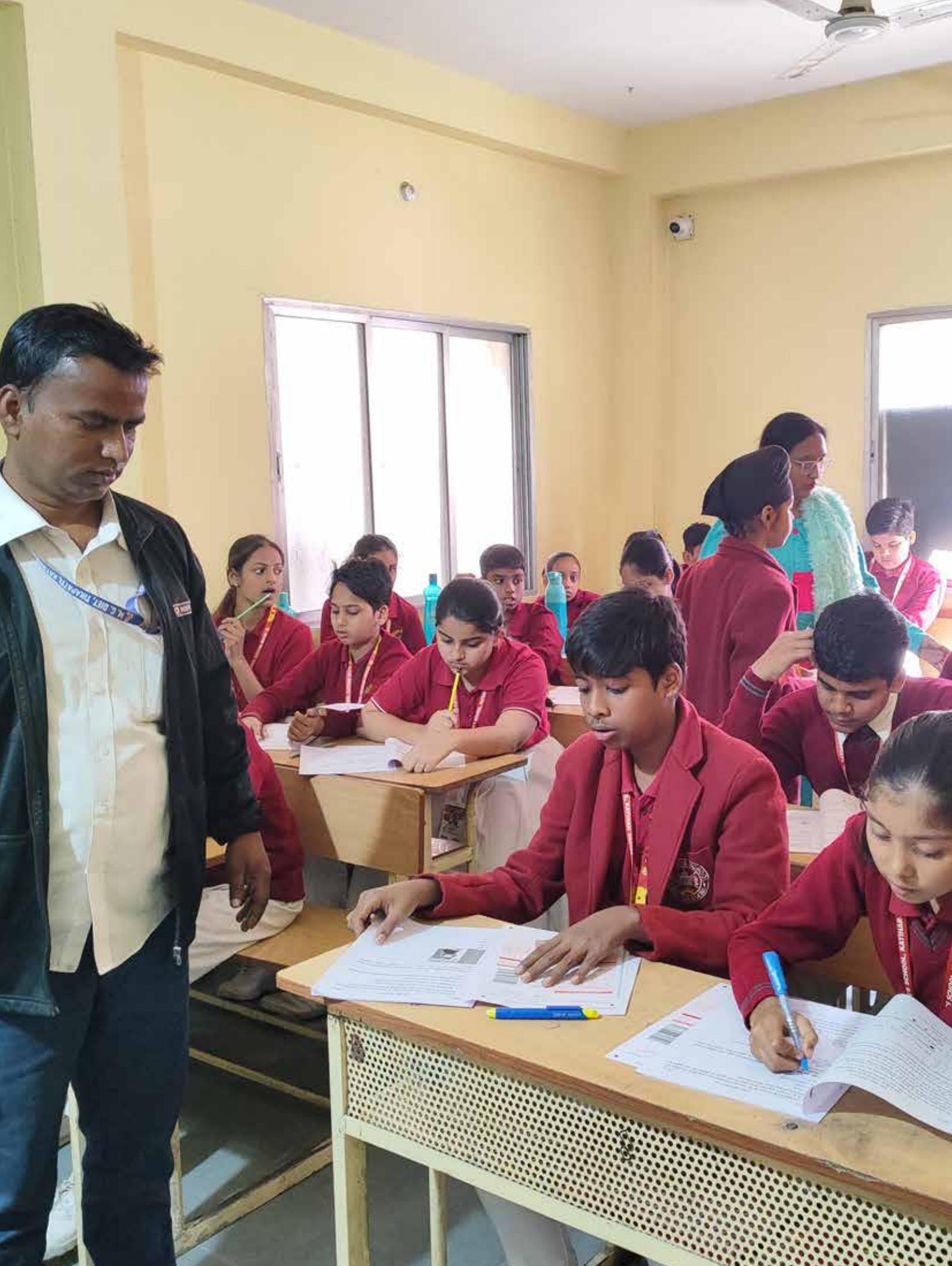
Thus, for the purpose of driving meaningful institutional consolidation, setting up a SSSA is very necessary. Without it, education reforms may remain procedural, as opposed to transformational and in line with the aspirations of the New Education Policy.

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# 1. Introduction

Education is pivotal to developing a country's human capital, social mobility, and economic growth. The New Education Policy (NEP) addresses this by creating an ecosystem that supports full human potential. At the foundational level, the policy advocates revamping the entire education structure, replacing it with a system better suited to 21st-century goals.<sup>[1]</sup> Educational governance, including regulatory reforms, makes up a major part of this revamping. As without it, any affirmative actions will lack teeth, reducing them to bare-bones, surface-level changes. Any meaningful transformation requires regulatory reforms,<sup>[2]</sup> consisting of both introducing what is required as well as abandoning what isn't working well with the policy's vision.

Bulk of this responsibility lies on the shoulders of state governments as education falls under the concurrent list of the Indian Constitution.<sup>[3]</sup> While the central government delineates the broader policies and guidelines such as the NEP, it is the state governments that form the backbone of local-level governance. Their regulations are often context-sensitive, reflecting needs and priorities suited to local realities, including the imperatives of local administration.<sup>[4]</sup>

The above construct makes a particularly relevant and interesting case for Bihar, as it possesses a substantial share of the country's school-going population, with visible capacity constraints. Successfully implementing the NEP policy in Bihar can be an important example of demonstrating how an ambitious national policy can be operationalised in a state with marked socio-economic deprivation.

Taking this into account, the above premise suggests that for a state like Bihar, success of implementing NEP hinges on the state's ability to introduce locally crafted, yet impactful regulatory reforms. These should be better suited to contemporary visions. Traditionally, Bihar's education ecosystem has faced unique challenges in terms of lower enrolments and high dropouts.<sup>[5]</sup> These challenges co-exist with issues of teacher quality and their overall availability.<sup>[6]</sup>

Taken together, these issues make it difficult to realise the student-centred pedagogy envisioned in the NEP, as it ultimately depends on students being in classrooms and teachers having received adequate levels of training. On a broader level, these issues can also hinder NEP's objective of strengthening children's foundational learning, which will allow them to develop their true creative potential.<sup>[7]</sup>

Needless to say, it is imperative to bring reforms that not only suit the socio-cultural context of Bihar but also ensure some benchmark quality standards in education. The NEP envisions such change through the State School Standards Authority ("SSSA"). As per the policy, SSSA should be constituted as an autonomous body, to maximise accountability among educational institutions. This would be done while ensuring some benchmark quality standards in educational governance.

[1] Ministry of Education, National Education Policy 2020 (Government of India 2020) 3.

[2] World Bank, World Development Report 2018: Learning to Realize Education's Promise (World Bank 2018).

[3] Constitution of India, Seventh Schedule, List III, Entry 29.

[4] UNESCO, Transforming Education Towards SDG 4: Report of a Global Survey on Country Actions to Transform Education (UNESCO 2024) 54-55.

[5] Arun C Mehta, Status of School Education in Bihar 2020-21 (Education for All in India 2022). 'Bihar schooling crisis: survey report' Frontline (23 December 2023).

[6] Saumya Anand, 'Bihar's Elementary Education Crisis: A Call for Action' (2025) Kautilya School of Public Policy.

[7] Ministry of Education, National Education Policy 2020 (Government of India 2020).

## 2. Objectives

This study tends to achieve following objectives:

- To provide a contextual understanding of the state of K-12 education in Bihar, highlighting major trends, emerging issues, and distinctive characteristics of the sector.<sup>[8]</sup> Based on this evaluation, the study provides a clear picture of gaps between educational inputs and outputs.
- To analyse and clarify the regulatory architecture governing K-12 education in Bihar, focusing on major laws, key institutions, and judicial interpretation. This is done while pinpointing critical issues within the framework to enable a clearer understanding that would attract effective solutions.
- To assess the effectiveness of regulatory mechanisms in core thematic areas, including the opening, operation, and closure of schools in the state. This part enables a stronger understanding of schools' regulatory experience enabling an evaluation of how regulatory design functions in practice.
- To assess the alignment of the regulatory framework with the NEP policy and evaluate the need for establishing a State School Standards Authority (SSSA) in Bihar.
- To guide state administrators, policymakers, and civil society in advancing regulatory reforms that foster quality school education in the state of Bihar. This would allow them to strengthen the current framework and produce an outcome-oriented governance in school education.

## 3. Methodology

This study undertakes a doctrinal analysis of legal and policy frameworks applicable to K12 education in Bihar, with a particular focus on:

- Qualitative studies on Bihar's state of education that take the state's demographic context into account. These studies highlight persistent challenges that the state continues to face such as weak student retention, poor learning outcomes, and levels of teacher absenteeism.
- Mapping of laws applicable to government, private aided, and private unaided schools. These include central and state level acts, rules, regulations, and executive orders. The laws are first analysed generally to give a broad overview of the regulatory framework, followed by a targeted review of selected thematic areas viz - recognition of schools, upgradation and maintenance requirements, fee regulations, and de-recognition or closure of schools.
- Reviewing following laws - Bihar Education Code, 1961; Bihar School Examination Board Act, 2019; Bihar School Examination Board Affiliation Bye-laws, 2011; Bihar Private Schools (Fee Regulation) Act 2019; Bihar Non Govt. Secondary School (Taking over of Management and Control) Act, 1981; Bihar Private Educational Institution (Taking Over) Act, 1987; The Bihar High School (Control and Regulation of Administration) Act, 1960. These laws collectively govern entry, operation, fees, and closure of schools.
- Examining the state's institutional set-up that oversees school education. The study highlights the role and responsibilities of major governance bodies such as the Department of school education, Bihar School Examination Board, SCERT (Bihar), District Education Superintendent, etc. It also places a special emphasis on the accountability mechanisms created by these bodies.
- Assessing recent state policies aimed at improvising school education in the state, with a particular emphasis on their alignment with the NEP 2020. The study also reviews whether any dedicated steps or initiatives have been undertaken to implement the NEP in the state. Based on this assessment, the study explores the scope of constituting an SSSA in Bihar.

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[8] K-12 education refers to the formal school education system covering Kindergarten (or pre-primary) through Class 12, encompassing early childhood, primary, secondary, and senior secondary schooling as recognised by national and state education authorities.

Apart from this, the study also incorporates primary data collated through consultations with school leaders and educational administrators. These consultations enabled the study to identify implementation gaps and validate preliminary findings of the research. Overall, the study is guided by evaluative criteria like clarity, coherence, coordination, and strong accountability mechanisms, which together produce sound and effective laws. Their NEP alignment is also evaluated to ensure adequate implementation of the policy through state's regulatory frameworks.

## 4. State of School Education in Bihar - A Snapshot

# 2,11,33,228

Enrolments

**36,74,380**

Enrolment in Foundational

**69,53,812**

Enrolment in Preparatory

**56,93,809**

Enrolment in Middle

**48,11,227**

Enrolment in Secondary



### Pupil Teacher Ratio

PTR at Foundational Level:

**9:1**

PTR at Preparatory level

**18:1**

PTR at Middle level:

**19:1**

PTR at Secondary level:

**34:1**



While student enrolment and retention have long been persistent issues in Bihar's education ecosystem,<sup>[9]</sup> latest data indicates visible progress, indicating a dedicated focus of the state to improvise on this front.

Class-wise pattern in student retention	Year		
	2022-2023	2023-2024	2024-2025
% of students who transition from Preparatory to Middle	77.41%	72.53%	81.9%
% of students who transition from Middle to Secondary	80.77%	73.4%	84.5%

\*According to the latest pedagogical curricular structure - Foundational level of learning constitutes pre-primary and primary classes; while secondary level reflects the secondary and higher secondary classes. Data has been collected from UDISE+ report of 2024-2025, 2023-2024 and 2022-2023.

However, even though the state may have made significant strides on bringing children to schools, there are gaping concerns regarding the quality of learning and educational outcomes. According to the Parakh Rashtriya Sarvekshan 2024 report<sup>[10]</sup> Bihar's student competencies fall below the national averages both at foundational and higher levels. Data shows that the learning gap is widest at the foundational stage (Grade 3) with a difference of 8% in language and 6% in mathematics with the national level. This narrows to 2% at higher levels (Grade 9) although the numbers still fall below the national average.<sup>[11]</sup> Poor learning outcomes indicate issues with educational delivery, indicating deeper problems than school access and enrollment.

The report also demonstrates a widening gap in performance by gender with male students outperforming their female counterparts in almost all levels of education. This is also complemented by an apparent rural-urban divide with students in urban areas outperforming their rural counterparts. The situation does not correspond with NEP's vision of ensuring equitable and inclusive education, in which each student regardless of his background has an equal opportunity to learn.<sup>[12]</sup>

Another persistent issue is the shortage of teachers in classrooms.<sup>[13]</sup> While the Right to Education (RTE Act) mandates a pupil-teacher ratio (PTR) of 30:1 in primary and 35:1 in upper primary classes,<sup>[14]</sup> A Lok Sabha response given in the year 2021 showed Bihar's PTR stood at 56:1 at primary level, a number significantly higher than the mandate ratio and the national averages.<sup>[15]</sup> Although the latest UDISE+ demonstrates progress on this front, Bihar's PTR numbers have arguably been higher than the national averages even in the recent past.<sup>[16]</sup> Yet, more studies are needed to conclude that the availability of teachers translated into achieving optimum levels of student capabilities.

[9] Arun C Mehta, Status of School Education in Bihar 2020-21 (Education for All in India 2022). 'Bihar schooling crisis: survey report' Frontline (23 December 2023). Parakh Rashtriya Sarvekshan 2024 report

[10] National Council of Educational Research and Training (PARAKH), Parakh Rashtriya Sarvekshan 2024 (2024).

[11] Ibid.

[12] Ministry of Education, National Education Policy 2020 (Government of India 2020).

[13] Centre for Budget and Governance Accountability (CBGA) 'Severe Shortage of Teachers in Public Schools; Most Vacant Posts in UP, Bihar: Report' (CBGA India, December 2018) <https://www.cbgaindia.org/inthe-media/severe-shortage-teachers-public-schools-vacant-posts-bihar-report/> accessed 1 January 2026.

[14] Right of Children to Free and Compulsory Education Act 2009, Sch para 1.

[15] Lok Sabha, Unstarred Question No 195 (2 August 2021). <https://sansad.in/getFile/loksabhaquestions/annex/176/AS195.pdf?source=pqols> accessed 5 December 2025.

[16] In the 2022-2023 UDISE+ report, Bihar's PTR was 43:1 for primary classes, 54:1 for secondary, and 52:1 for Higher Secondary. Department of School Education & Literacy, Report on Unified District Information System for Education Plus (UDISE+) 2022-23 - Existing Structure (Government of India 2023).



Image Credit: St. Karen's School, Katihar

While these problems persist, Bihar shows a consistent increase in the number of schools,<sup>[17]</sup> indicating that the problem might not be the quantity of schools but the quality of educational delivery. This means that while establishing schools in Bihar might not be an issue, ensuring effective delivery of education might be. The expansion of schools has not translated into improved classroom performance, something that the NEP deeply aspires for. Problems like these could be tied to the regulatory design failures, strongly indicating that regulatory focus on establishment and infrastructure could not translate into classroom quality.

Another peculiarity about Bihar's K-12 education lies in the division of public and private schools in the state. Traditionally, government schools have been in majority in the state, accounting for over 82.5% of all schools in 2023-2024.<sup>[18]</sup> The remaining share comprises private unaided and aided institutions, which continue to be a minority, according to the latest Samagra Shiksha State Report Card.<sup>[19]</sup> Private schools have made a steady, albeit slow, headway in their establishment. Data also indicates a slow decline of government schools in the state.<sup>[20]</sup> Their participation increases possibilities for diversifying schooling options, enabling greater access and improved educational delivery through competitive pressures.

Conclusively, the overall scenario of education in Bihar indicates major issues in teaching and pedagogy, especially in government schools, which hold the majority share in the state. Naturally, this shapes the broader learning outcomes, which remain in a poor state. The situation is not significantly better in private schools either,<sup>[21]</sup> though their smaller share means their impact on the overall picture is limited. In this scenario, it becomes essential to delve deeper into Bihar's regulatory architecture to uncover whether the mechanism is adequate enough to translate into meaningful learning outcomes.

[17] Arun C Mehta, Status of School Education in Bihar 2020-21 (Education for All in India 2022). 'Bihar schooling crisis: survey report' Frontline (23 December 2023).

[18] Department of School Education & Literacy, Report on Unified District Information System for Education Plus (UDISE+) 2023-24 - Existing Structure (Government of India, 2024).

[19] Arun C. Mehta, Samagra Shiksha State Report Card - Bihar 2020-21 (Education for All in India, 2021) <https://educationforallinindia.com/wp-content/uploads/2022/09/samagra-state-report-card-Bihar-2020-21-aruncmehta.pdf> accessed 05 December 2025.

[20] Ibid.

[21] Sanjay Maurya, '10k unrecognised schools operating in Bihar, Jharkhand' (Hindustan Times, 2 June 2025) <https://www.hindustantimes.com/india-news/10k-unrecognised-schools-operating-in-bihar-jharkhand-101748802599293.html> accessed 5 December 2025.

# 5. Regulatory Architecture

## 5.1 Major laws governing education

Bihar's regulatory framework signifies a patchwork of old and new laws. While the Bihar Education Code, 1961 lays out the foundational regulatory framework, governing establishment, operations, and recognition of schools; Bihar RTE complements it by listing out educational rights and quality-related checks. A closer look reveals a discernible lack of harmony between both laws, paving the way for overlaps and inconsistencies in governance and implementation. For instance - while Rule 259 of Bihar's Education Code mandates that admission needs to be completed before the last day of February,<sup>[22]</sup> Rule 10 of Bihar's Right to Education allows schools to extend periods of admission by 6 months.<sup>[23]</sup> Such overlapping rules, which can be contradictory as in this case, can create confusion regarding compliance requirements, making it difficult for schools to navigate regulatory requirements. Conversations with private school owners in Bihar also revealed that these timelines are rarely followed, as it depends on opening of the department's website portals.

The Bihar School Examination Board (BSEB) Act runs in parallel to these laws for schools that wish to get affiliated with the state Board. While it is not mandatory for schools to get affiliated by the Bihar state board, the Act chalks out criteria for affiliation with the Board. The affiliation criteria includes multiple requirements such as land and infrastructure based requirements, financial resources, academic performance, etc.<sup>[24]</sup>

Private schools in Bihar are also governed by the Fee Regulation Act of 2019.<sup>[25]</sup> The Act constrains schools from increasing fees beyond 7% per annum.<sup>[26]</sup> Non-compliance with the act could result in imposition of penalties.<sup>[27]</sup> Even though the groundwork and policy appears to have been laid by the Bihar Education Code, these acts have evolved in silos, signifying added layers of procedural control.

Adding to this are some older and underdeveloped laws, such as the Bihar Non-Government Elementary Schools (Taking over of Control) Act, 1976. These acts allow the state government to intervene and assume control of school management where educational standards are found lacking.<sup>[28]</sup> While such acts could strengthen education quality, they lack procedural safeguards and appeal mechanisms, which disables schools from making a fair case for themselves. Lack of adequate representative rights in this manner undermines principles of natural justice, conferring excessive discretion to executive authorities.

Overall, a cursory review of Bihar's laws suggests a considerable focus on inputs and administrative requirements. This co-exists with a lack of focus on quality assurance and improving student-learning outcomes. As a result, there are gaps between regulatory aspirations and what can realistically be achieved through current legal design. Moreover, lack of coherence between laws can create confusion regarding legally binding requirements. The implementation of these laws is largely carried out by institutions engaged in regulating education in the state. Their roles and responsibilities have been explained in the section below.

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[22] Rule 259, Bihar Education Code 1961.

[23] Rule 10, Bihar Right of Children to Free and Compulsory Education Rules 2011.

[24] Rule 3, Bihar School Examination Board Affiliation Bye-laws, 2011.

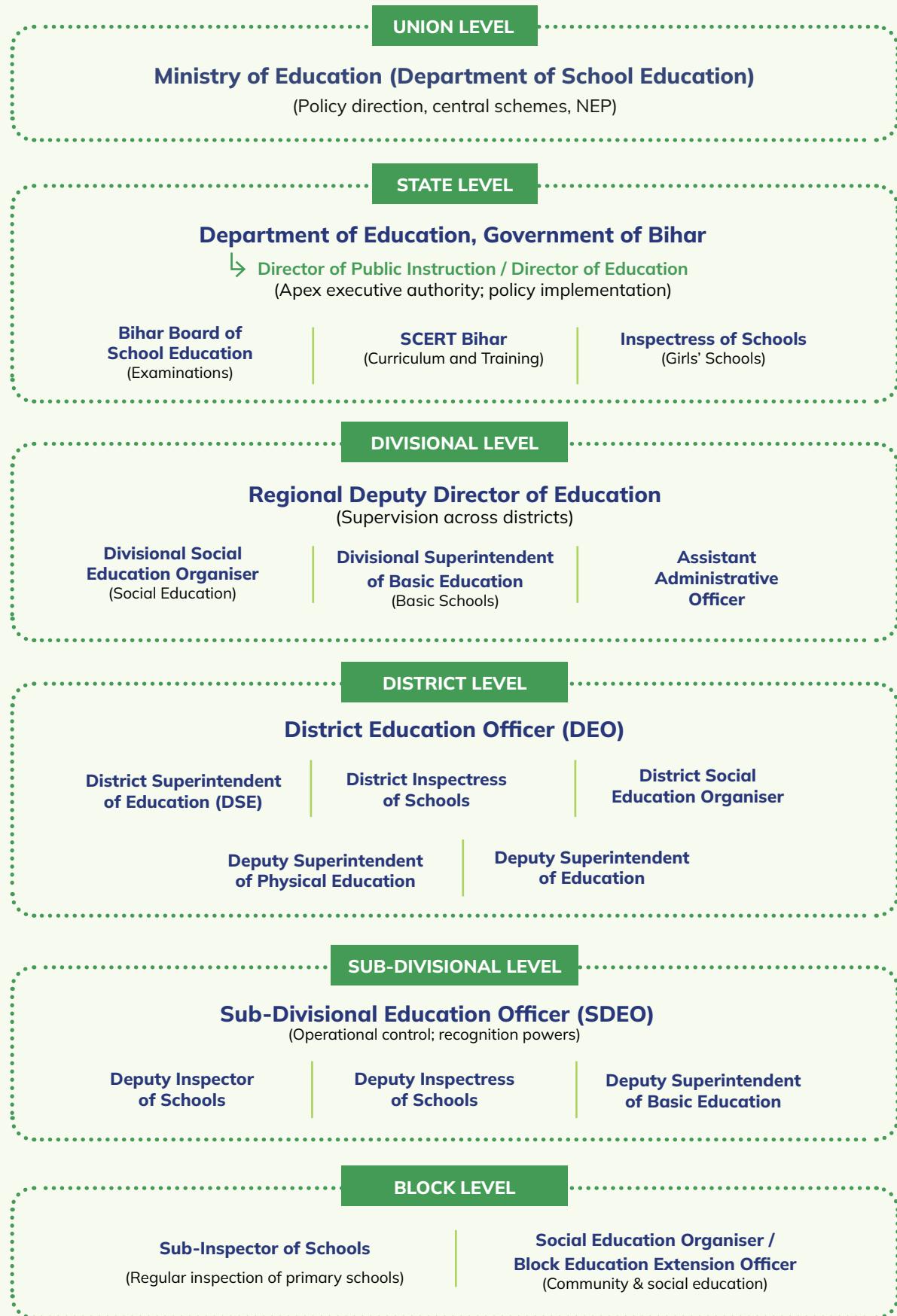
[25] The Bihar Private Schools (Fees Regulation) Act, 2019.

[26] Section 4 (2), The Bihar Private Schools (Fees Regulation) Act, 2019.

[27] Section 7, The Bihar Private Schools (Fees Regulation) Act, 2019.

[28] See Bihar Non-Government Elementary Schools (Taking over of Control) Act, 1976.

## 5.2 Key Institutions and their roles



## 5.3 Department of School Education (Ministry of Education)

The Department of School Education is one of the multiple divisions of the Ministry of Education. It oversees the implementation of overall education policy in the country. For this purpose, the department keeps a repository of all central level acts applicable to schools, and routinely publishes regulations, orders, guidelines, and notifications as compliance directives.

## 5.4 The Department of Education, Bihar

Bihar's department of education acts as the nodal authority for administering and regulating school education in the state.<sup>[29]</sup> By setting compliance requirements on school infrastructure, teacher deployment, inspections, and state of delivery of government schemes; it allows schools to have clarity on their regulatory expectations. The department's website also maintains accessible portals in which schools can submit their applications for recognition and affiliation. If they satisfy the department on their compliance, their names are published on the department's website. Though the department makes its expectations and decisions clear through its website, there is visible ad-hoc decision-making in terms of approvals and compliance checks. For instance, conversations with local school owners revealed the existence of ad-hoc demands like providing school land for the purpose of conducting elections.

## 5.5 Bihar Board of School Education

The Bihar Board of school education regulates examination processes of affiliated schools. Affiliated schools are those that comply with the bye-laws published by the board. These bye-laws lay down several criteria for seeking its recognition, including infrastructure-based requirements, availability of qualified teaching staff, registration as a society/trust or management, and adhering to syllabi prescribed by the Board, etc.<sup>[30]</sup>

Once the school seeks its affiliation, the Board regulates the conduct of secondary and senior-secondary examinations.<sup>[31]</sup> It centralises the examination process, by merging student registration, admit-card generation, and exam form submissions at a single platform. It publishes answer keys, objection windows, and results, enabling transparency of evaluation processes in examination.

To ensure accountability and educational standards, the Board holds authority to constitute an Inspection Committee empowered to conduct inspections in schools that seek affiliation from it.<sup>[32]</sup> These schools have to remain open to inspections at all times in order to retain their affiliation. As a part of this process, schools are required to furnish information or documents demonstrating following details to the Board:<sup>[33]</sup>

- Proof of having registered as a Society/Trust.
- Composition of School Management Committee (SMC).

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[29] State Government of Bihar, 'Citizen Home - EducationBihar' (EducationBihar portal) <https://state.bihar.gov.in/educationbihar/CitizenHome.html> accessed 05 December 2025.

[30] Bihar School Examination Board, Affiliation Bye-Laws cl 3.

[31] Bihar School Examination Board, 'About Us' (BSEB) <https://state.bihar.gov.in/educationbihar/CitizenHome.html> accessed 5 December 2025.

[32] Bihar School Examination Board, Affiliation Bye-Laws cl 11.

[33] Bihar School Examination Board, Affiliation Bye-Laws App A.

- Statements showcasing school's income and expenditure, and its balance sheet
- Proof of academic subjects studied by teachers in their graduation, especially for teachers teaching classes IX-X and XI-XII.
- Employee service agreements. These agreements should showcase that employee salaries are at par with what is offered in government institutions. They should also demonstrate that teachers are provided with Provident Fund and other benefits.
- Maintenance of reserve funds.
- Proof that land area, building, and classrooms are as per the legally prescribed norms.
- If library facilities, laboratories, physical and health education centres follow the norms prescribed by Affiliation Bye-Laws.
- Details on enrolment of students, including pupil teacher ratio.
- Records of internal assessments carried out by the school.
- Proof of optimum health and sanitary conditions, including certificate for fire safety.
- Plans for prospective school expansions.
- Compliance with Board's earlier directions.

Though the Affiliation Bye-laws do not explicitly mention any repercussions if schools fail to satisfy the Inspection Committee on these parameters, the language of the law suggests that such a situation might lead to withdrawal of affiliation from the Board. Affiliation may also be withdrawn if the school or its property is transferred to any other entity through a sale agreement.<sup>[34]</sup> However, as per the conversations held with private school owners in Bihar, inspections by the Committee rarely take place. Rather, they are conducted in an ad-hoc manner by ESIC officials, the fire department, and the local police, etc.

## 5.6 State Council of Educational Research & Training, Bihar (SCERT Bihar)

Bihar's SCERT serves as the premier academic body for maintaining educational standards in the state. It supports curriculum development, preparation of textbooks, teacher training, academic research and advises the state government in increasing the quality of education in schools. Through this, Bihar's SCERT allows streamlining of curriculum, allowing schools to have similar learning objectives across the state. However, in practice only government school teachers attend these trainings.

One of the functions of SCERT is to assist the education department in implementing its policies and programmes. Although there is no visible evidence of SCERT supporting implementation of state policies in the public domain.

### Institutional SetUp

One of the core focus areas of SCERT is teacher training, for which it sets up Teacher Education Institutions (TEIs) at different levels of coverage areas. TEIs currently in existence are- District Institutes of Education & Training (DIETs), Colleges of Teacher Education (CTEs), Primary Teacher Education Colleges (PTECs) and Block Institutes of Education & Training (BIETs). Each body performs a different function and is facilitated differently by the SCERT.

[34] Bihar School Examination Board, Affiliation Bye-Laws cl 13.

1. **DIETs (District Institutes of Education & Training)** - The DIETs exist at the district level wherein they act as centres for pre-service and in-service teacher training. According to SCERT Bihar, DIETs are needed to provide academic and resource support at the level of grassroots, and they specifically target elementary and adult education.
2. **BIET (Block Institutes of Education & Training)** - BIETs exist at block level to provide training/ academic support at block levels. BIETs are situated in areas dominated by SC/ST/other minority communities, as they aim to provide quality education to weaker communities.
3. **PTECs (Primary Teacher Education Colleges)** - PTECs aim to provide educational training to teachers for primary schooling. These trainings are provided residentially in the campus of these colleges.
4. **CTEs (Colleges of Teacher Education)** - CTEs provide training to secondary school teachers to ensure quality education in secondary classes. The state aims to build CTE for every three districts.

Though the functions of SCERT have been broadly clarified, there are lack of details regarding the accountability mechanisms created by the body. There are no visible registries or databases specifying post-training performances of teachers. It is also unclear whether the schools have to provide information regarding their compliance with the curriculum standards set by the Body.

## 5.7 District Education Superintendent

The District Education Superintendent is primarily responsible for overseeing the quality of dissemination of education within their respective districts. Broadly, he performs three functions: (i) supervision (ii) inspection (iii) administration.<sup>[35]</sup> Accordingly, he carries out inspecting duties in both government and non-government schools. He also oversees compliance with departmental regulations, which includes proper maintenance of accounts.<sup>[36]</sup> This allows him to act as a bridge between the district and higher level authorities, as he supplies crucial information regarding the administration of education to the District Commissioner/ Magistrate.<sup>[37]</sup>

Other than this, the district education officer also takes up administrative positions crucial to implementing laws in Bihar. This includes the Fee Regulation Committee responsible for regulating fees in private schools, the district level committee under Bihar's non-government schools taking over act, committee for granting recognition to schools, the establishment committee that sanctions teachers' promotions who have been working in schools taken over by the government.

Bihar's RTE also entrusts the district education officer with various responsibilities. He receives reports and information from schools on their compliance with recognition norms. He is also responsible for sending out reports to the state government regarding the performance of school education committees.

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[35] Government of Bihar, Bihar Education Code ch 1, cl 65.

[36] Government of Bihar, Bihar Education Code ch 1, cl 69, 70.

[37] Government of Bihar, Bihar Education Code ch 1, cl 69, 72.w

In addition, several other authorities that perform different tasks through the Bihar Education Code:

Level	Authority / Officer	Core Responsibilities under the Code
State Level	Director of Public Instruction / Director of Education	Overall administrative control of school education; supervision of government and aided schools; sanction of grants; staffing approvals; policy implementation; exercising powers delegated by the State Government.
	Inspectress of Schools, Bihar	State-level inspection and supervision of girls' schools; oversight of district and sub-divisional inspectresses.
Divisional Level	Regional Deputy Director of Education	Coordination and supervision of educational administration across districts within the division; acts as intermediary between the State Directorate and district authorities.
	Divisional Superintendent of Basic Education	Supervision and inspection of basic (primary/elementary) education across the division; oversight of infrastructure and functioning of basic schools.
	Divisional Social Education Organiser	Supervision of social education programmes through district-level organisers.
	Assistant Administrative Officer	Administrative assistance at the divisional level in education-related matters.
District Level	District Education Officer (DEO)	Primary authority for inspection, supervision, and administration of schools (excluding colleges/research institutions); ensures compliance with departmental rules; oversees recognised schools, social education centres, and basic schools.
	District Superintendent of Education (DSE)	Administrative functions including maintenance of records, school accounts, staff records, grants, infrastructure supervision.
	District Inspectress of Schools	Inspection and supervision of girls' schools at district level.
	District Social Education Organiser	Implementation of social education programmes at district level.
	Deputy Superintendent of Physical Education	Assistance in physical education and sports activities in district schools.
	Deputy Superintendent of Education	Assists district heads in administrative and supervisory duties as assigned.
Sub-Divisional Level	Sub-Divisional Education Officer (SDEO)	Control over schools within the subdivision; inspection and supervision; granting or withdrawal of recognition to middle schools; supervision of subordinate inspection staff.
	Deputy Inspector of Schools	Conducts inspections under the supervision of SDEO; compliance monitoring.
	Deputy Inspectress of Schools	Inspection and supervision of girls' schools within sub-division.
	Deputy Superintendent of Basic Education	Supervision and inspection of basic education schools within the sub-division.
Anchal / Block Level	Sub-Inspector of Schools	Regular inspection of primary and indigenous schools; monitoring attendance, infrastructure, staffing, and instructional functioning.
	Social Education Organiser / Block Education Extension Officer	Organisation and supervision of social education activities; community-focused education initiatives (designation varies due to later restructuring). They also work at the Divisional level.

Although the Code generally establishes a layered control, with supervisory authorities distributed across various administrative levels, there is a lot of duplication in their responsibilities. For instance, school inspections can be carried out by District Education Officer, Sub-Divisional Education Officer, Deputy Inspector, and Sub-Inspector of Schools. These authorities usually assess schools on the basis of similar parameters like staffing,

records, and infrastructure. This is complemented by an absence of mechanism to assist these authorities in coordinating their activities. As a result of this, schools might have to send out multiple reports, without any harmonised structure that guides the process and protocol of inspection.

Similarly, the District Education officer has multiple responsibilities without any streamlined framework that clearly demarcates jurisdictions, or balances performing both supervisory and administrative tasks. This can lead to a diluted work coordination, ultimately affecting the performance of the regulatory frameworks.

An additional issue is the lack of accountability mechanisms. While officers are assigned duties, the Code is largely silent on performance benchmarks, timelines, or consequences for administrative failure by authorities. This lies in contrast with NEP's idea of having clear role expectations and performance assessments of participants that empower or guide the education system.

## 5.8 Gram Panchayat

Section 22(xiii) of the Bihar Panchayati Raj Act entrusts the gram panchayat with the responsibility of spreading public awareness to increase participation in primary and secondary education.<sup>[38]</sup> It also says that they should work towards increasing attendance and enrolment in primary schools.<sup>[39]</sup> This responsibility exists without clarifying what steps have to be taken to achieve these objectives.

# 6. Thematic Focus Areas

In order to establish and operate, a school goes through different forms of regulatory interactions, which can involve routine procedures or major approvals. These interactions shape a school's experience in meeting regulatory expectations while running their day-to-day operations, providing insights on their operational autonomy. A snapshot of major themes constituting such interactions is provided below:

## 6.1 Recognition of schools

In Bihar, recognised schools are those which satisfy the educational authorities on their standards of efficiency, openness to inspections, and eligibility of their students to sit for public examinations.<sup>[40]</sup> These standards are provided in the Bihar Education Code and Bihar Right to Education Rules. Although both private aided and unaided schools are required to meet some specific standards in order to become eligible for recognition; government schools are exempted from these conformity requirements.<sup>[41]</sup>

For schools which are unexempted, it is required to comply with the following standards:

- **Financial Transparency:** The schools are required to maintain financial transparency by getting their accounts audited and certified by a Chartered Accountant annually. A copy of such statements must

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[38] Bihar Panchayati Raj Act, s 22(xiii).

[39] Ibid.

[40] Government of Bihar, Bihar Education Code ch 1, cl 1(iv).

[41] Rule 11(1), The Bihar State Free and Compulsory Education of Children Rules, 2011

be submitted to the District Education Officer.<sup>[42]</sup>

- **Infrastructure Standards:** Private schools are required to report details regarding their physical infrastructure through Form 1 of the Bihar RTE Rules. Apart from this, the Bihar Education Code creates requirements as per school types. These rules mostly pertain to infrastructural norms and administrative set up in schools as per the norms set out through state regulations and government orders.
- **Personnel Requirements:** Bihar's RTE rules reiterate that recognized schools are required to have teachers with minimum qualifications as laid down in section 23(1) of the Act.<sup>[43]</sup> Although, it allows relaxation in scenarios where the state government does not have training institutes to match those standards.<sup>[44]</sup> It stipulates that schools which do not have teachers possessing such minimum qualifications are required to acquire them within a period of 5 years.<sup>[45]</sup>
- **Fee Collection:** The rules disallow schools from collecting capitation fees.<sup>[46]</sup> In addition, fee rates for government and aided schools have been prescribed under the Bihar Education Code.<sup>[47]</sup>
- **Abiding by the right to education mandate:** Bihar RTE rules reiterate that schools are required to admit 25% of the total strength of Class I from the EWS category and disadvantaged group. This rule is also applicable for pre-primary classes according to Form I of the annexure of the RTE rules.<sup>[48]</sup>

## 6.2 Maintenance and upgradation requirements

In Bihar, different school types are governed by different acts vis a vis their maintenance and upgradation requirements. Although the Bihar Education Code through Chapter IV gives general operational guidelines for all schools, it specifically regulates schools receiving grants from the District Education Funds. These schools are required to submit their periodic and annual returns as and when required by the department or the District Superintendent.<sup>[49]</sup> Surplus funds should be deposited in approved accounts with jointly held signatures of the Secretary and members of the committees. Aided schools are also required to maintain an attendance register, admission register, a visitor's book, and a record of transfer certificate.<sup>[50]</sup>

This is complemented by Chapter IV, wherein the Code stipulates additional operational requirements of instruction, textbooks, and curricula. These have to be in line with the instructions given by the Department of Education. Schools are also required to fulfil supplementary civil instructional duties like explaining the significance of the national flag and national anthem.<sup>[51]</sup> Moreover, students should be familiarised with the preamble of the Indian Constitution.<sup>[52]</sup>

Overall, the Code regulates the day-to-day functioning of schools, with detailed obligations for aided institutions. These obligations are particularly in relation to the management and use of government grants.

[42] Form-2: Recognition Certificate for the School under sub-rule (5) of Rule 11 of the Free and Compulsory Education of Children Rules, 2011 for the purposes of Section 18 of the Right of Children to Free and Compulsory Education Act, 2009 (Bihar RTE Rules, Form-2, English translation).

[43] Rule 14, The Bihar State Free and Compulsory Education of Children Rules, 2011.

[44] Rule 15, The Bihar State Free and Compulsory Education of Children Rules, 2011.

[45] Rule 15(4), The Bihar State Free and Compulsory Education of Children Rules, 2011.

[46] Form-2: Recognition Certificate for the School under sub-rule (5) of Rule 11 of the Free and Compulsory Education of Children Rules, 2011 for the purposes of Section 18 of the Right of Children to Free and Compulsory Education Act, 2009 (Bihar RTE Rules, Form-2, English translation).

[47] Government of Bihar, Bihar Education Code ch 4, cl 306-311.

[48] Form-1: Self-declaration of compliance with norms and standards under sub-rule (2) of Rule 11 of the Free and Compulsory Education of Children Rules, 2011, including that the school is not run for profit (Bihar RTE Rules 2011).

[49] Government of Bihar, Bihar Education Code ch 2, cl 15.

[50] Government of Bihar, Bihar Education Code ch 2, cl 17.

[51] Government of Bihar, Bihar Education Code ch 3, cl 215.

[52] Government of Bihar, Bihar Education Code ch 2, cl 216.

Parallel to this, Bihar RTE rules mostly create guidelines to implement operational obligations created by the RTE Act. Subsequently, since section 12(1)(c) of the RTE Act requires private unaided to admit 25% of students belonging to the disadvantaged category and weaker sections, Bihar's RTE rules mandate that these students should not be segregated from or discriminated against in classrooms.<sup>[53]</sup>

Similarly, in line with section 23 of the Act, school managements are required to make arrangements for achieving minimum qualifications of teachers within 5 years of notifying the Act. This is applicable for private schools, both aided and unaided.

Thus, while the Education Code makes elaborate operational requirements, the RTE rules mostly translate the Act's substantive guarantees into implementable procedures.

Adding to this, Bihar's Provident Fund Rules require non-government schools to maintain employee service books, which are verified annually by the Sub-Divisional Officer.<sup>[54]</sup> This is another procedural compliance requirement to support obligations created by the Triple Benefit Scheme.

## 6.3 Fee regulation

Fee regulation of schools in Bihar is majorly governed by the Fee Regulation Act of 2019. The Act regulates fee collection in private unaided schools. Section 4 of the Act makes it mandatory for schools to publicly display fees collected in the preceding as well as the present year for greater transparency. It also puts a ceiling limit of 7% over the amount collected as fees in the preceding academic year.<sup>[55]</sup> Beyond this ceiling, schools are required to take approvals from the Fee Regulatory Committee, at least 6 months before the start of the academic year.<sup>[56]</sup> The Committee is required to review applications 3 months before the start of the year, failing which the application receives a deemed approval, enabling timely disposal of pending applications.<sup>[57]</sup> The FRC has also been granted quasi-judicial powers, which enables it to adjudicate complaints and impose penalties in case of excess fee collection.

On the other hand, regulation of fees in government and aided schools arises from a collection of general laws lacking proper administrative set up for fee control. For instance, clause 49 of Chapter 1 of Bihar Education Code regulates how fees will be collected in specific government schools. It says that fees will be charged according to parents' income in accordance with the terms of the schedule. This has to be looked after by the District Magistrate of the area concerned. Hence, although the act specifies who will be the controlling authority, it lacks guided steps on how such control is to be exercised. This gap is also evident in later sections which specify fee rates for government and government-aided schools.

Apart from this, one can find a patchwork of rules that govern parts of how fee collection would take place. For instance, clause 260 bars primary schools from collecting admission fees, and clause 284 mandates that for other schools, the amount of admission fees should not exceed fees charged for one month.<sup>[58]</sup> Similar stipulations have also been made for fees paid during the beginning of the session, for re-admission, and examinations. Although these rules regulate fee collection, they fail to define clear fee structures, allowance for hikes, or penalties for violation. Moreover, since these rules fall under Chapter IV, they are applicable to all schools, including private unaided schools.

Thus, fee regulation presently appears asymmetrical, with clear regulatory expectations and administrative

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[53] Rule 7(1), The Bihar State Free and Compulsory Education of Children Rules, 2011.

[54] Bihar Non-Government School Employees' Provident Fund, Insurance and Pension (Triple Benefit Scheme) Rules 1962, Rule 23.

[55] Section 4(2), The Bihar Private Schools (Fees Regulation) Act, 2019.

[56] Section 4(3), The Bihar Private Schools (Fees Regulation) Act, 2019.

[57] Ibid.

[58] Government of Bihar, Bihar Education Code ch 3, cl 260,284.

oversight for private unaided schools, and a patchwork of regulations for others. This makes the current mechanism less structured.

## 6.4 Withdrawal of recognition and take over of schools

While Bihar Education Code and RTE Rules allow the authorities to withdraw a school's recognition, they have different scope and applicability. These differences have been highlighted in the table below:

Aspect	Rule 12 - Bihar RTE Rules, 2011	Clause 205 - Bihar Education Code
Applicability	Applies to schools not owned or controlled by the State Government or local authority, i.e., mainly private aided and unaided schools.	Applies to all recognized schools - Government, Board, Municipal, Aided, and Unaided. Separate rules govern schools under District Superintendents of Education.
Authority	The District Committee for Recognition Approves recognition; final approval for withdrawal of recognition lies with the Human Resource Development Department.	The recognition-granting authority (usually the Education Department or its delegate) exercises direct control.
Grounds for Withdrawal	Violation of conditions of recognition or failure to meet RTE-prescribed norms and standards. Grounds are compliance and quality oriented.	Broad administrative reasons - inefficiency, poor discipline, mismanagement, political involvement, or anything deemed "injurious to education."
Procedure	Requires notice, explanation, inspection, and an opportunity to be heard before any order. Departmental approval is mandatory.	Requires reasons in writing but does not mandate notice or hearing. Lacks a structured decision process.
Effect of Withdrawal	Takes effect from the next academic year. The order must identify a neighbourhood school for transfer of students. No appeal allowed.	Can take effect immediately. No mention of continuity measures or appeal mechanisms.
Regulatory Focus	Rights-based and child-centric, aimed at ensuring minimum standards without disrupting schooling.	Administrative and disciplinary, focused on control and compliance.

The analysis shows that while both statutes clearly prescribe the authorities and procedure involved, they operate differently in terms of their administrative approach. While the RTE Rules require adopting a proper administrative procedure which involves timely notice, and a fair opportunity of hearing, the Code provides a sweeping power to the authorities to pass orders. Therefore, the exercise of power under the Bihar Education Code may undermine principles of natural justice, as decisions affecting parties are taken without providing them a fair opportunity to present their case. Such broad powers may lead to an imbalance wherein greater control exists without adequate means of redressal.

Moreover, these rules are overlapping for private schools since both of the regulations are applicable to them. This can create confusion regarding their compliance requirements and repercussions for non-compliance,

undermining predictability of the system.

Recognition can also be withdrawn by the Board, if the school authorities fail to comply with its requisite standards or have acted in a manner prejudicial to the interests of its students, or education in general.<sup>[59]</sup> However, before their passing orders, the Boards provide schools with an opportunity of hearing.

Apart from withdrawal of recognition, Bihar's schools can also be taken over by state governments, allowing them to take control of institutions' management. This is made possible by the Bihar Non-Government Elementary Schools Taking over of Control Act of 1976 ("Elementary Schools Taking Over Act") and Secondary schools (Taking Over of Management and Control) Act, 1981 ("Secondary Schools Taking Over Act"). These acts provide sweeping powers to the state to take over the assets and properties owned by or in possession of the schools. Conversations with school owners revealed that schools have been taken over by making use of these acts in cases where criminal activities have occurred in school premises.

## 7. Summary of Laws and Rules relevant for educational governance

### 7.1 Bihar School Examination Board Act, 1952

The Act establishes Bihar School Examination Board, and specifies its powers and responsibilities. One of the major responsibilities entrusted with the Board is conducting Secondary and Senior-Secondary Board examinations.<sup>[60]</sup> According to the act, these exams should test the competence, accomplishment, and readiness of students to pursue different vocations/higher education.<sup>[61]</sup> Yet, not all students are allowed to appear in these examinations; only those who have enrolled with the Board and have completed its prescribed courses of study.<sup>[62]</sup>

Under section 4, the Act prescribes that the Board shall consist of 9 members in total with the Director of Secondary Education as its ex-officio member. It also prescribes state Universities' representatives, nominated Government Teacher Training College principal, and subject matter experts as members.

Once the Board is established, it is required to make arrangements for examination. To this end, Section 11 entrusts specific functions to the Board such as publishing results, providing certificates, permitting students who can appear, and debarring students from appearing if they engage in unfair means of conduct during examinations. The Board also has power to provide financial assistance so that institutions can improve their infrastructure and performance.<sup>[63]</sup> Exercised judiciously with a student centric intent, this power can allow schools to strengthen their educational delivery, enabling a better learning environment for students.

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[59] Section 19(2), The Bihar School Examination Board Act, 2019.

[60] Bihar School Examination Board Act 1952, s 25, 26.

[61] Bihar School Examination Board Act 1952, s 28.

[62] Bihar School Examination Board Act 1952, s 25, 26.

[63] Bihar School Examination Board Act 1952, s 11(n).

One important aspect is that the Act does not differentiate between private and public schools, which means that all schools should equally comply with its requirements. Overall, the Act has an exam-centric focus, with a lack of dedicated focus on improving delivery of education or improving educational outcomes.

### **Bihar School Examination Board Regulation, 1964.**

These regulations are read with the Act as they provide procedural clarity on the administration of Board's functions and responsibilities. Other than clarifying how the Board will conduct its own business, the regulations, in Chapter IV, prescribe eligibility of schools and candidates who can appear for Board examinations. Clause 1 says that only the schools which observe Board's instructions, supply required information in a timely manner, maintain proper records, and sustain adequate teaching are eligible to send their candidates for Board examinations. Moreover, candidates are only eligible if they have regularly attended their courses, have adequate work records, and have registered themselves with the Board.<sup>[64]</sup>

Apart from this, the regulations also cover how examinations will be conducted, including mechanisms that will be put in place to avoid malpractices. Taken together, the Act and the regulations govern conduct of examinations with sincerity and integrity. However, a lot of concentrated power rests with the Board, which can lead to discretionary application of norms across different schools.

## **7.2 The Bihar High School (Control and Regulation of Administration) Act, 1960**

This act aims to regulate the administration of private schools by creating a Board of Secondary Education. The Board has power to inspect schools, grant and withdraw recognition, govern service conditions of employees, and give general directions to managing committees.<sup>[65]</sup>

Other than this, the act formally directs private schools to constitute their managing committees. These committees should work towards maintaining discipline and should also manage their finances properly.<sup>[66]</sup> If they fail to fulfil these conditions, the Board can give directions to dissolve them.<sup>[67]</sup>

The act is silent on any functions of the Board other than broadly managing the affairs of managing committees. Its objective appears vague and largely undefined.

## **7.3 Bihar Education Code, 1961**

Bihar's Education Code sets out the administrative policy for educational governance in Bihar. It establishes administrative hierarchy, classifies institutions, and outlines standards required for official recognition and state control. One of the core objectives of the state's education policy is to establish a basic system of education in the first eight years of study and diversified courses of study during high school. This shall enable the state to build strong foundational learning during the early years of learning and offer broader academic and vocational options at the secondary stage.

To secure these aspirations, the Code specifies accountability mechanisms, including administrative hierarchies to oversee if schools remain compliant with the Code's norms. The top authority rests with the

[64] Bihar School Examination Board Regulation, 1964, cl 2.

[65] service conditions of employees, and give general directions to managing committees.

[66] Bihar High Schools (Control and Regulation of Administration) Act 1960, s 4(b).

[67] Ibid.

Director of Public Instruction, who receives and reviews annual inspection reports. He also holds the principal supervisory authority for implementing the policies delineated in the Code as most operational rules are carried out under his broader supervision. Divisional Deputy Directors of Education lie below him on the hierarchy as they oversee accountability mechanisms at the regional level. They advise district officials and implement divisional schemes. This is followed by District Superintendent officials who manage grants-in-aid financial supervision of aided schools, teacher appointments, and recognition/withdrawal.<sup>[68]</sup> Apart from these, the Code also appoints specialised inspectors like District Inspectress / Deputy Inspectress of Schools. These officers have been charged with the responsibility of supervising and inspecting girls' schools.

Though the Code establishes a formal chain of command, it gives wide mandates without clarifying how these authorities interact with each other. For instance, very broad powers have been provided to the Director, particularly in matters relating to supervision, inspection, and issuance of executive instructions. Yet, there is limited guidance on how these powers are to be exercised in coordination with regional level authorities. Giving wide intervention powers in such a manner might lead to lack of efficient administration, as it leaves scope for either too much oversight or discretionary interference from the top administration.

Apart from this, the Code classifies institutions under the state, broadly categorizing them as institutions for general and special instruction.<sup>[69]</sup> Under the category of general instruction lie high schools, higher secondary schools, Sarvodaya Multipurpose schools, Sanskrit High Schools, Middle schools, and primary schools.<sup>[70]</sup> Schools for specialised training include all schools that have been established to serve a specialised purpose like art schools, engineering schools, commercial schools, etc. Further categorization is made on the basis of funding status schools wherein, aided schools are those which receive financial assistance from government sources. Whereas, unaided schools are those that raise funds from other sources.

The Bihar Education Code also overlaps with the Bihar Right to Education Rules, especially in terms of the recognition norms. For instance, the Code mentions that schools should have mandatory 5 acres land for recognition, and 8 pucca rooms, and additional rooms such as Headmaster's room, teacher common rooms.<sup>[71]</sup> These infrastructural requirements are not clearly mentioned in Bihar RTE Rules, as it requires schools to submit forms detailing the infrastructural facilities it provides. Such duality can create confusion on compliance requirements. There is also a lack of dedicated focus on improving student learning outcomes.

## **7.4 Bihar Non-Government School Employees Provident Fund, Insurance and Pension (Triple Benefit Scheme) Rules, 1964**

These Rules implement the Triple benefit scheme that entitles employees of non-government schools to avail service-related benefits. Accordingly, Rule 3(1) recognizes that employees of schools run by private management or local bodies will be entitled to Contributory Provident Fund, pension, or gratuity as applicable. The implementation of these rules is overseen by the District Education Officer or any other authorised officer.

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[68] Government of Bihar, Bihar Education Code ch 1, cl 45.

[69] Government of Bihar, Bihar Education Code ch 1, cl 6.

[70] Government of Bihar, Bihar Education Code ch 1, cl 6(b).

[71] Government of Bihar, Bihar Education Code ch 4, cl 200-203.

Chapter V mandates that the benefits of pension and gratuity can only be availed of by employees who<sup>[72]</sup>:  
 a) retire after attaining the age of superannuation b) Voluntary retire after completing 30 years of service  
 c) Are discharged because of medical reasons d) Are discharged because of abolition of post. Apart from this, the Act adds other conditions like length of service, satisfaction from service, and verification in the manner delineated under the Act.

Overall, the rules lay down clear entitlements with administrative responsibilities, making it easier for schools to implement them. However, they do not account for employment realities such as contract-based hiring, or mobility between schools. This may leave the staff of private schools outside the safety net provided by the scheme.

## 7.5 Bihar Non-Government Elementary Schools (Taking Over of Control) Act, 1976

This act empowers the state government to take control of elementary schools, which are not run by the government. While the schools run by the District Board, Zila Parishad, the Municipal Board, and the Patna Municipal Corporation are already considered to have been taken over by the state, private schools are taken over only after publication in the official gazette (for unaided)<sup>[73]</sup> and decision of the district Committee (for aided).<sup>[74]</sup>

Once the school is taken over, all its assets and properties are transferred to the government. Moreover, teachers and other employees of the school are also deemed employees of the state government, with designations as determined by the state government.<sup>[75]</sup>

## 7.6 Bihar Non-Government Secondary Schools (Taking Over of Management and Control) Act, 1981

The Act aims to bring uniformity in secondary school management by removing the administrative control of private management. According to the act, this will allow an overall state-led management, leading to better regulation of staffing, finances, and academic functioning of secondary schools.

Section 3 of the Act allows the state government to take over management and control of secondary schools. However, some schools were exempted from the Act's coverage.<sup>[76]</sup>

Once the school has been taken over, the ownership and possession of its assets are transferred to the state government.<sup>[77]</sup> Moreover, separate directions to form new management committees which will have the composition and functions as delineated by the Act.<sup>[78]</sup>

## 7.7 Bihar Taken over Elementary School Teachers'

[72] Bihar Non-Government School Employees' Provident Fund, Insurance and Pension (Triple Benefit Scheme) Rules 1964, ch V, r 11.

[73] Bihar Non-Government Elementary Schools (Taking Over of Control) Act 1976, s 3(3).

[74] Bihar Non-Government Elementary Schools (Taking Over of Control) Act 1976, s 3(2).

[75] Bihar Non-Government Elementary Schools (Taking Over of Control) Act 1976, s 4.

[76] Bihar Non-Government Secondary Schools (Taking Over of Management and Control) Act, 1981 s 3.

[77] Bihar Non-Government Secondary Schools (Taking Over of Management and Control) Act, 1981 s 3,4.

[78] Bihar Non-Government Secondary Schools (Taking Over of Management and Control) Act, 1981 s 6,7.

## Promotion Rules, 1993

These rules lay down procedures for promoting teachers who have worked at schools taken over by the government. To fulfil this purpose, the rules establish a District Establishment Committee which approves such promotions.<sup>[79]</sup> Approvals are only made after the employees fulfil eligibility criteria, including training requirements.<sup>[80]</sup>

The Divisional Commissioner sits as an appellate authority against orders for promotion.<sup>[81]</sup> Yet the complaints should be made within 30 days passing the order.

Though the rules lay out a formal procedure for promoting teachers, they leave considerable discretion with administrators. This may impact fairness and uniformity in promotion outcomes.

## 7.8 The Bihar State Free and Compulsory Education of Children Rules, 2011

### Mandate to provide special trainings to out-of school children

At the outset, Bihar's RTE rules require the school management committees (SMC)/local authorities to address the needs of out of school children through special training. Committees should do this by designing special training and age-appropriate learning materials as approved by academic authorities.<sup>[82]</sup> Furthermore, they should only be provided by school teachers in protected environments like school premises or safe residential facilities. The rules require that these training sessions should be conducted for a minimum period of three months although schools hold the liberty to extend them for two years.<sup>[83]</sup>

After undergoing these training sessions, children are given special attention by their teachers in their classrooms. This is done to ensure their successful academic and emotional integration with their classes.<sup>[84]</sup> Since SMCs are only required to be established in government schools, private schools are exempted from these obligations.<sup>[85]</sup>

### Mandate to establish schools in the neighbourhood

According to section 6 of the Right to Education Act, state governments and local authorities are responsible for determining areas in the neighbourhood for establishing primary schools. These requirements aim to maximise access to elementary education, which is in line with the goals of the RTE Act. To implement this, Bihar's RTE rules require the state government to establish primary schools within 1 km of all habitations where at least 40 students between the ages of 6-14 years reside.<sup>[86]</sup> For secondary schools, this availability must be within 3 kms of every establishment.<sup>[87]</sup> Authorities are however at the liberty to relax these norms for areas with difficult terrains.

One special requirement is for children with disabilities. Here, the governments (both state and local) are

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[79] Bihar Taken-over Elementary School Teachers' Promotion Rules 1993, r 9(2).

[80] Bihar Taken-over Elementary School Teachers' Promotion Rules 1993, r 13.

[81] Bihar Taken-over Elementary School Teachers' Promotion Rules 1993, r 10.

[82] Rule 3, The Bihar State Free and Compulsory Education of Children Rules, 2011.

[83] Rule 3(1)(d), The Bihar State Free and Compulsory Education of Children Rules, 2011.

[84] Rule 3(1)(e), The Bihar State Free and Compulsory Education of Children Rules, 2011.

[85] Rule 3(1), The Bihar State Free and Compulsory Education of Children Rules, 2011.

[86] Rule 4(1)(a), The Bihar State Free and Compulsory Education of Children Rules, 2011.

[87] Rule 4(1)(b), The Bihar State Free and Compulsory Education of Children Rules, 2011.

required to take steps to make arrangements for their safe transportation as this would allow them to complete their elementary education.<sup>[88]</sup>

## Obligations to facilitate Right to Education

Rule 5 entitles children to be provided with free textbooks, writing materials, and a uniform. This responsibility rests with the government in case of government schools and private management in case of private (aided and unaided) schools. With private schools, however, the responsibility only extends to students admitted under sections 12(1)(b) and(c) of the RTE Act.<sup>[89]</sup>

The governments are also required to undertake school mapping exercises that allows them to identify children belonging to disadvantaged groups or having disabilities.<sup>[90]</sup> Through these mandates, Bihar's RTE Rules successfully implement sections 8 and 9 of the RTE Act, that aim to provide free and compulsory elementary education for all children who are considered eligible by the Act.

## Norms for recognition and Operation

Every private school in the state is required to form a three member committee, consisting of the district education officer, District Education Superintendent, and an appointed officer on the rank of Deputy Collector that it complies with the following requirements:<sup>[91]</sup>

- The school runs as a non-profit entity, and is registered as a society or a public trust.
- It runs as a not-for-profit institution.
- It conforms to the values of the Constitution.
- Its buildings and infrastructure are only used for the purpose of education.
- The school is open for authorised inspections.
- It sends periodic or ad hoc reports if they are required by the Director of Primary Education, District Education Superintendent, or any authorised government officer.

Other than these requirements, schools also have to submit a self-declaration (Form 1), attached in the Appendix of Bihar's RTE Rules. The form requires them to submit general information regarding the school's formation, its nature and area, enrollment details, infrastructural set-up, details regarding the teaching staff, and its curriculum and syllabus. Further, it requires the schools to certify that they are open to inspections, and will furnish reports and information =necessary for improving its performance or discharging its obligations.

Once these details have been submitted, the committee makes an on-site inspection to ensure that the school complies with the statutory requirements. The schools which fail to meet the requirements are listed out in the public domain. These schools can apply for the recognition again within 3 years of complying with the listed requirements.<sup>[92]</sup>

## Withdrawal of recognition

The district committee can withdraw recognition of schools on two grounds: first, if they fail to comply with the conditions for recognition,<sup>[93]</sup> and second, if they fail to fulfil the standards specified in the Schedule.<sup>[94]</sup>

[88] Rule 4(7), The Bihar State Free and Compulsory Education of Children Rules, 2011.

[89] Rule 5, The Bihar State Free and Compulsory Education of Children Rules, 2011.

[90] Rule 5(2), The Bihar State Free and Compulsory Education of Children Rules, 2011.

[91] Rule 11, The Bihar State Free and Compulsory Education of Children Rules, 2011.

[92] Rule 11(6), The Bihar State Free and Compulsory Education of Children Rules, 2011.

[93] Rule 12(1), The Bihar State Free and Compulsory Education of Children Rules, 2011.

[94] Ibid.

This process can be initiated by the committee on its own volition or a complaint.

In such cases, the committee issues a formal notice, to which an explanation has to be provided within one month.<sup>[95]</sup> In case of unsatisfactory explanations, the committee carries out a school inspection based on which it decides whether it wants to continue with the recognition.<sup>[96]</sup> Yet, before passing any order, an approval is taken from the Human Resource Development Department. Once the decision is passed, it becomes binding as the rules specifically state that an appeal cannot be made to set aside the decision of the committee.<sup>[97]</sup>

The order for de-recognition specifies the name of the neighbourhood school to which students will be transferred and is only operative from the succeeding academic year. This is done to ensure continuous and uninterrupted education for the students. Overall, the Act elaborates how Central RTE Rules will be implemented in the state, providing a landscape in which the Act could be smoothly implemented.

## 7.9 Bihar Private Schools (Fee Regulation) Act, 2019

Bihar's fee regulation strives to regulate fee collection in private schools. To achieve this, it directs the government to constitute a fee regulation committee whose members include Divisional Commissioner, Regional Deputy Director Education, District Education Officer of divisional headquarters, nominated representatives of private schools, and two guardian representatives.<sup>[98]</sup> These committees are constituted at the divisional level to ensure adequate implementation.

Substantial accountability mechanisms have been created through the Fee Regulatory Committee as they have the power to maintain constant vigilance over fee increments. The Committee also has quasi-judicial powers to address written complaints in case of violations.<sup>[99]</sup> In such cases, section 5(3) empowers it to assume powers of a Civil Code under the Code of Civil procedure 1908 and try the matter as a civil suit.

Though the Act appears to be driven by the interest of preventing commercialisation of education, it enforces a targeted control over private unaided schools. This is clarified through section 2(viii), which says that aided/ government schools are not covered under the Act's purview. This leaves out accountability requirements from government or private aided schools. Another gap is the absence of detailed executive provisions that could guide the committee in determining "reasonable fees", which keeps the term open-ended. This issue has also been highlighted by the Patna High Court in the case of *Association of Independent Schools, Bihar v. State of Bihar*.

## 7.10 Judicial Interpretation of State Education Laws

The overlapping regimes created by Bihar's education laws, have been repeatedly clarified by the court. The judgments strengthen two arguments 1) the regime is utterly complex, creating confusion regarding applicable norms, 2) There is absence of any structured guidance on implementation, making space for an indiscriminate decision-making power by authorities.

Complexity of the regime has been visibly highlighted in the case of *Chandra Nath Thakur v. The Bihar*

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[95] Rule 12(1)(a), The Bihar State Free and Compulsory Education of Children Rules, 2011.

[96] Rule 12(1)(b), The Bihar State Free and Compulsory Education of Children Rules, 2011.

[97] Rule 12(1)(d), The Bihar State Free and Compulsory Education of Children Rules, 2011.

[98] Bihar Private Schools (Fee Regulation) Act 2019, s 3.

[99] Bihar Private Schools (Fee Regulation) Act 2019, s 5(2).

Sanskrit Shiksha Board<sup>[100]</sup> In this case, an executive order passed by the Chairman of Bihar's Board of Education was declared ultra vires as neither the Board Act, 1981,<sup>[101]</sup> nor the Condition of Service Rules<sup>[102]</sup> empowered him to pass the order.<sup>[103]</sup> This judgment implicitly highlighted absence of a statutory backing in such orders, acknowledging uncertainty in routine governance. The case showed how powers might be exercised by executive authorities even though they are not legally conferred onto them.<sup>[104]</sup>

Similarly, in the case of Sanjay Kumar Yadav v. State of Bihar, the Patna High Court invalidated a directive passed by the State Education Department, which rejected validity of a centrally recognized course for recruitment of primary teachers. The court highlighted the ad-hoc nature of the directive, which was being misrepresented as legal by making use of the overlapping nature of co-existing rules. The judgment showed lack of clarity which introduces scope for patchwork regulatory guidance, leading to an unpredictable regime.

At the same time, indiscriminate decision-making was highlighted in the case of The Association of Independent Schools v. State of Bihar.<sup>[105]</sup> It was noted that the requisitioning school's accommodation and subsequent closure of schools through an order, did not have adequate sanction of law.<sup>[106]</sup> In fact, the court termed the state's action as something akin to the power of 'Contractors Raj' since the affected parties were not given prior notice or adequate time to respond.<sup>[107]</sup> The need for having adequate procedure and its compliance has also been highlighted in the case of Association of Independent Schools. Here, the court noted the need for the Fee Regulatory Committee to follow guidelines on fixing fees. It opined that in absence of those, the Committee would have "unbridled powers", which could seriously prejudice the interests of private schools. Through this, the court once again stressed on the need for authorities to be guided by rules, and not arbitrary decisions.

Apart from this, Courts have likewise observed broader concerns regarding school conditions in Bihar, especially in relation to teaching quality and patterns of teacher absenteeism. For instance, in the case of Nand Kishore Ojha v. State of Bihar,<sup>[108]</sup> the court noted how instead of relying on the statutory procedure for teachers' appointment, the state government relied on executive instructions passed in an ad-hoc manner by the state. The court specifically pointed out issues of missing official data, administrative confusion, which was responsible for delay in appointments and unnecessary vacancies even though trained teachers were available.<sup>[109]</sup> The case highlights diluted accountability in which there are informational gaps. This could bring inefficiency in the system.

The issues highlighted by case law interpretations reveal a visible lack of planning in how the regulatory regime would function. If the complexity of the regime is observed in judicial interpretations, it should definitely be a difficulty for authorities and institutions to carry out their roles and responsibilities in line with the regulatory mandates.

Executive overreach is another issue highlighted by the court, wherein those powers are exercised by authorities even though they are not legally conferred. An independent institution can definitely bridge these gaps by introducing clarity in regulatory expectations and overseeing the exercise of power. It can ensure that accountability goes hand in hand with strong enforcement mechanisms. Such a body can also review

[100] Chandra Nath Thakur And Ors. vs The Bihar Sanskrit Shiksha Board 1999(1)BLJR456.

[101] Education was declared ultra vires as neither the Board Act, 1981

[102] Bihar State Non-Government Sanskrit High School (Condition of Service) Rules, 1976.

[103] Chandra Nath Thakur v The Bihar Sanskrit Shiksha Board AIR 1989 Pat 183 (Patna HC) para 13.

[104] Sanjay Kumar Yadav v. State of Bihar (2002) 1 PLJR 494.

[105] The Association of Independent Schools v State of Bihar AIR 2002 PATNA 9, (2001).

[106] The Association of Independent Schools v State of Bihar AIR 2002 PATNA 9, (2001) para 25.

[107] The Association of Independent Schools v State of Bihar AIR 2002 PATNA 9, (2001) para 28.

[108] Nand Kishore Ojha v. State of Bihar (2004) 3 PLJR 782.

[109] Nand Kishore Ojha v. State of Bihar (2004) 3 PLJR 782 para 12, 13.

the regulatory structure to identify inconsistencies, and provide clarity on how powers should be exercised within the educational system of the state. Since there would be clarity in how powers are exercised, legal compliances would finally drive meaningful changes, allowing a shift of focus towards educational outputs as opposed to disparate input-based norms. Only then can the regulatory architecture begin to support meaningful improvements in school education.

## 7.11 Latest State Policies and Alignment with NEP

Given the recent developments, it appears that the state of Bihar is taking conscious steps to align itself with the NEP goals. Yet, its focus is more towards addressing the challenges that the state currently faces. For instance, in recent years, teacher recruitment and training has attracted the majority of the state's attention, especially in terms of filling vacancies and addressing gaps in teacher's qualifications. In 2025, the state introduced STET/TRE reforms to ensure transparency and continuity in teacher recruitment.<sup>[110]</sup> These initiatives are carried out by the BSEB and the state public service commission (BPSC). Although roles are clarified, there isn't a dedicated institution having responsibility to oversee how these schemes are implemented. Accountability is largely created through standardising criterias and publicly notifying recruitment processes.

At the same time, training sessions are organised to build teachers' capacity in the state. This is in line with NEP's emphasis on building teacher capacity and ensuring adequate staffing.<sup>[111]</sup>

Similarly, in 2022, Bihar launched the NIPUN Bihar mission, aimed at addressing the learning-deficit problem especially in the early years of education.<sup>[112]</sup> This is closely related to the NEP's emphasis on Foundational Literacy and Numeracy (FLN), which aims to lay the groundwork for all future learning of pupils.<sup>[113]</sup> Both implementation and assessment are carried out by the Bihar government, which hampers bringing an independent character to the policy's implementation. Several reports highlight gaps in implementation, which indicates the need to have stronger systems for achieving the desired results.



[110] What changes for Bihar's schools? Sunil Kumar's STET 2025 plan, hiring drive, and reforms explained Times of India (11 October 2025) <https://timesofindia.indiatimes.com/education/news/sunil-kumars-education-drive-in-bihar-focuses-on-stet-2025-teacher-hiring-and-school-reforms/articleshow/124476143.cms> accessed 19 December 2025.

[111] National Education Policy, 2020 (Ministry of Education, Government of India) 4 [https://www.education.gov.in/sites/upload\\_files/mhrd/files/NEP\\_Final\\_English.pdf](https://www.education.gov.in/sites/upload_files/mhrd/files/NEP_Final_English.pdf) accessed 19 December 2025.

[112] Strategies in the NIPUN Bharat Mission IMPRI Insights (IMPRI India, 13 November 2023) [https://www.impriindia.com/insights/strategies-in-the-nipun-bharat-mission/#google\\_vignette](https://www.impriindia.com/insights/strategies-in-the-nipun-bharat-mission/#google_vignette) accessed 2 January 2026.

[113] National Education Policy, 2020 (Ministry of Education, Government of India) 4 [https://www.education.gov.in/sites/upload\\_files/mhrd/files/NEP\\_Final\\_English.pdf](https://www.education.gov.in/sites/upload_files/mhrd/files/NEP_Final_English.pdf) accessed 2 January 2026.

Similar drives on improving student enrolment rates have faced challenges in recent years primarily because of weak operational mechanisms.

In recent years, the Bihar government has also prioritised child safety by initiating interventions like Mukhyamantri School Safety Programme (MSSP). These initiatives aim to foster training among students to respond to disasters and other risks, allowing them to acquire skills which are useful to respond in such situations.<sup>[114]</sup> In some cases, they also train school teachers to deliver such preparedness sessions. This aligns with NEP's idea of safe and inclusive learning.<sup>[115]</sup>

DBT has also attracted a special focus in Bihar's educational policy between 2024-2025. In line with this, the state has rolled out programs like Mukhyamantri Balika Posak Yojana, Mukhyamantri Balak/Balika Cycle Yojana, and Mukhyamantri Balak Balika Protsahan Yojana.<sup>[116]</sup> Although official data lacks reasons for rolling out these schemes, sources suggest that they aim to decrease barriers to accessing education. These schemes are also implemented and overseen by the state government, which can lead to diluted accountability through lack of independent assessments. Sources already suggest that there is an absence of clear, official data which gives proper details regarding the entitlements and beneficiaries under the scheme.

In these circumstances, an independent body can greatly assist in streamlining education programs, making them more transparent and accountable. Although Bihar's idea of taking into account the contextual understanding of the state in education policies is commendable, policies can take better shape through guided operational mechanisms and follow through in implementation. Moreover, the body can also help in establishing coherence with the larger visions of the policy, such as instilling deep-rooted Indian values in children and preparing them to be global citizens.



Image Credit: St. Karen's School, Katihar

[114] Mukhyamantri School Safety Program (Bihar State Disaster Management Authority, Version 2) 7-12 <http://bsdma.org/images/global/Mukhyamantri%20School%20Safety%20Program%20Ver%202.pdf> accessed 2 January 2026.

[115] Ibid.

[116] Last Update - Schemes | Department of Building Technology, Government of Bihar [https://dbt.bihar.gov.in/wp/LastUpdate\\_Scheme.aspx](https://dbt.bihar.gov.in/wp/LastUpdate_Scheme.aspx) accessed 2 January 2026.

# 8. State School Standards Authority (SSSA)

NEP envisions SSSA as a body that would ensure compliance with essential quality standards. According to the policy, this body will help standardise core expectations of educational quality and its delivery. Given these ideas, SSSA appears to be a perfect platform to bring in uniformity, consistency, and quality to Bihar's education ecosystem. The analysis demonstrates that the educational framework in Bihar currently has a lot of overlaps, with unclear statutory procedures and institutional responsibilities. This co-exists with problems in student retention, teacher deployment, and learning outcomes. Establishment of SSSA will address these gaps in an impartial manner as it is an independent body tasked with creating standard frameworks through a consultative process. This will also ensure that no unevenness remains between the intended reforms and the outcomes.

## 8.1 Composition

In accordance with the institutional framework for education in Bihar and the envisioned of SSSA, following members should constitute membership of the body:-

- Chairperson (Retd. Judge of High Court) - To maintain quasi-judicial character of the body
- Ex Officio members:
  - a. Director of School Education
  - b. Director of Bihar SCERT
  - c. 2 nominated experts (Schools, civil societies, activists)

## 8.2 Mandate and Functions

Core Mandate - Primarily, SSSA should act as an impartial body that bridges policy aspirations and institutional expectations. It should harmonise existing rules, to streamline the regulatory process into producing expected results. In this process, the body should also look into the contextual underpinnings of Bihar's education governance - key institutions, how has education traditionally been in the state, local problems, and historically rooted regulatory aspirations. Doing so will allow the body to introduce reforms which are well-suited to Bihar socio-cultural context.

### Functions:

#### Standard-setting

- Set clear, uniform standards applicable to all school types on parameters like infrastructure, safety, security, financial processes, etc, as suggested by the NEP policy. Since these parameters appear indicative in the policy, SSSA can also go beyond them to set standards on additional parameters identified in consultation with the SCERT.

## Coordination

- Coordinate across agencies involved in education to streamline communication and decision-making.

## Oversight

- Clarify existing procedures and issue binding guidelines for implementing existing laws. These should be made publicly available to induce transparency in the system.
- Undertake a thorough review of existing laws to remove outdated laws and give recommendations regarding the need for new laws or amendments.
- Minimizing ad-hoc instructions that create overlaps or contradict with the existing norms.
- Undertake periodic evaluations to monitor regulatory compliance of schools.

## Data and transparency

- Consolidate credible data from schools on their compliance with regulatory norms and disseminate it in the public domain.
- Coordinate across agencies involved in education to streamline communication and decision-making.

## 8.3 Coming into Force

Since no specific law/rules create space for developing an institutional body which is of similar nature as SSSA, the state government should draft a new law that provides statutory recognition to this body. The law should specify the composition, structure, and functions of this body, including rules that govern its administrative matters. It should also have a sunset clause to review the bodies' functioning and ascertain if changes are needed in its mandate or operations. However, prior to enacting this law, SSSA body can be created through a government order or notification passed by Bihar's education department.

## 8.4 Key Recommendations

Based on the discussion and analysis of this study, it is suggested that:

- The state government recognizes the need for establishing SSSA in Bihar to bridge persistent gaps surrounding educational governance.
- Introduce the State Standard Schools Authority through a statute, highlighting its mandate, structure, and functions in alignment with the suggestions of this study. The statute should also set up a review mechanism to assess efficacy in functioning of the body.
- Take steps to harmonize the legal and institutional overlaps, and introduce procedural guidelines to minimise the scope of discretion in decision-making.
- Introduce accountability in the functioning of institutions responsible for overseeing education quality.
- Align regulatory expectations strictly with RTE and NEP, ensuring that they apply consistently to all schools regardless of their management or category.
- Introduce transparent mechanisms for regulatory compliance to bridge current gaps in information regarding school education
- Introduce consolidated systems to collate data on student enrollment, retention, and teacher deployment from schools and districts. These databases should be regularly tracked to oversee progress. This will enable evidence-based decision-making and support targeted policy interventions across state.



Image Credit: St. Karen's School, Katihar

Below are some actionable suggestions roadmap for implementing these ideas:

- Set up a task force to define the scope and timelines for institutionalizing SSSA.
- Constitute the SSSA on an interim basis through a government order.
- Work on drafting an overarching legislation that specifies the mandate, powers, functions of the Body in line with the recommendations of this study.
- Conduct a comprehensive review of existing legislations, recognising their redundancy, overlaps, and procedural gaps. Identify inconsistencies in regulatory expectations across schools
- Introduce new laws that strengthen educational governance and assist in implementing the New Education Policy.
- Clarify procedures such as approval processes, compliance requirements, and decision-making through guidelines and notifications.
- Integrate mandatory data collection on student enrolment, retention, teacher deployment, and school infrastructure with compliance procedures. Develop accessible portals and dashboards to track progress and identify gaps.

## 9. Conclusion

Bihar's contextual history of school education reflects persistent deficiencies in student learning outcomes (an output-based problem), coexisting with problems in student enrolment and teacher absenteeism (input-based issues). While the state has taken several initiatives to tackle input-based issues, a similar focus on increasing learning outputs has been missing from the policy focus. This makes the current system asymmetrical as the current investments in education do not create corresponding gains in student abilities.

Bulk of this problem exists because of the current legal and regulatory framework surrounding education in Bihar. The analysis of Bihar's state education laws highlights that even though the schools are densely regulated, the framework is fragmented, with lack of clearly articulated procedures to exercise control. This leaves scope for discretionary power, having the potential to affect decisions affecting school operations. Laws also lack uniformity as the regulatory expectations do not align across schools, which can lead to irregular student learning outcomes depending on the type of school. The report also finds frequent overlaps in regulatory obligations which increases administrative burdens of schools and creates uncertainty regarding institutional accountability.

The redundancy, incoherence, and lack of clarity can be tied, at least in part to the absence of an integrated planning, which focuses more on educational outcomes as opposed to procedural compliance and inputs. This planning can come through an institution that guides regulatory reform through more focused, outcome-oriented planning. In light of the above, the report recommends establishing the State School Standards Authority (SSSA), which broadly remains independent in its working, and seeks to bridge gaps between policy aspirations and on-ground outcomes.

The move is also aligned with the recommendations of the New Education Policy, which emphasises bringing educational reforms that are better suited to the goals of the 21st century. By introducing initiatives that firmly tie NEP's vision with Bihar's education framework, the state can act as a model to demonstrate how policy intent can be translated into demonstrable reforms in learning. Moreover, since the body will work at the state level, it will allow regulatory reforms to be tailored in a way that suits specific socio-cultural and institutional contexts of Bihar.

