

ASSAM STATE SCHOOL EDUCATION BOARD BILL, 2024.

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BILL

to provide for the establishment of the School Education Board, Assam to regulate, supervise and develop Secondary Education in the State of Assam by merging the existing Board of Secondary Education, Assam and Assam Higher Secondary Education Council.

Preamble

Whereas it is expedient to establish a Board to regulate, supervise and develop the system of Secondary School Education in the State of Assam.

It is hereby enacted in the Seventy-fifth year of Republic of India as follows: -

Short title, extent and commencement

1. (1) This Act may be called the Assam State School Education Board Act, 2024.
- (2) It extends to the whole of Assam.
- (3) It shall come into force on such date as the State Government may, by notification in the Official Gazette appoint.

Admission of Institutions in other States and Administration to the privileges of the Board

2. Notwithstanding anything contained in section 1 of this Act, any Government of a State or Territory or Administration other than the State Government may apply to the Board for being admitted to the privileges of the Board and the Board may subject to such conditions as it may think fit to impose, admit such State or Territory or Administration to the privileges of the Board.

In order to impart education at the secondary stage in the State, two separate divisions (i.e., Division-I and Division-II) for imparting education from Class VI to X and from Class XI to XII respectively shall be provided.

Definitions

3. In this Act, unless there is anything repugnant to the subject or context ;
 - (a) 'Board' means the Assam State School Education Board (ASSEB) established under section 4 of this Act;
 - (b) 'Chairman' means the Chairman of Assam State School Education Board (ASSEB) ;
 - (c) 'Vice-Chairman' means –
 - (i) the Vice-Chairman of Division-I for imparting education from Class VI to X;
 - (ii) the Vice-Chairman of Division-II for imparting education

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from Class XI to XII;

- (d) 'Secretary' means –
- (i) the Secretary of Division-I for imparting education from Class VI to X ;
 - (ii) the Secretary of Division-II for imparting education from Class XI and XII ;
- (e) 'Principal Chief Accounts Officer' means Financial Adviser to the Board or Chairman or Vice-Chairman or Secretaries of each Divisions ;
- (f) 'Controller of Examinations' means –
- (i) the officer of Division-I for conducting examinations of Class VI to VIII ;
 - (ii) the officer of Division-I for conducting examinations of Class IX and X ;
 - (iii) the officer of Division-II for conducting examinations to Class XI and XII ;
- (g) 'Fund' means the Assam State School Education Board Fund constituted under this Act for imparting education from class VI to XII :
- Provided that a consolidated fund shall be generated under this Act by merging the existing fund of Board of Secondary Education Board of Assam (SEBA) and Assam Higher Secondary Education Council (AHSEC) under such terms and conditions as deem fit and proper.
- (h) 'Education Department' means the Education department of the Government of Assam ;
- (i) 'Principal or Head Master' means the head of the teaching staff of a High School, Higher Secondary School, Senior Secondary School or College by whatever name he or she is designated;
- (j) 'High School' means a School or Department of School giving instructions in Class I to X or Class VI to X;
- (k) 'Higher Secondary School' means a School or Department of School giving instructions in Secondary Education from Class I to XII or VI to XII;
- (l) 'Senior Secondary School' means a School or Department of School giving instructions in Secondary Education in Class XI to XII;
- (m) 'Managing Committee' means a Managing Committee of a Secondary School ;
- (n) 'Governing Body' means a Governing Body of a Senior Secondary School or College ;
- (o) 'recognized' means recognized by the Board for the purpose of admission to the privileges of the Board or prior to recognition by the Board, by any University established by law in India or by any Board recognized by the State Government ;
- (p) 'regulation' means a regulation made by the Board under this Act ;
- (q) 'rules' means rules made by the State Government under this Act ;

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- (r) 'Secondary Education' means such education as is designed to meet the needs of the secondary stage (i.e., Class VI to XII) which follows immediately the stage of Foundational and Numerical Stage and precedes immediately the stage of Degree or Diploma Education controlled by the University established by law in India or by a Council constituted by Government for this purpose ;
- (s) 'notification' means a notification published in the Official Gazette ;
- (t) 'Government' means the Government of Assam;
- (u) 'State' means the State of Assam;
- (v) 'ASOS' means the Assam State Open Schooling imparting education at secondary stage in ODL (Open and Distant Learning) mode in the line of National Institute of Open Schooling (NIOS).

Establishment of the Board and its status

4. (1) The Government shall as soon as may be after the commencement of this Act, establish by notification a Board for regulation, supervision and development of Secondary Education in two divisions in accordance with the provisions of this Act.
- (2) The Board shall be a body corporate having perpetual succession and a common seal for Division-I and Division-II respectively and shall have power to acquire and hold property, both movable and immovable and to transfer any property held by it (of both the divisions) necessary for the purpose of carrying out their duties and functions and shall by the said name sue or be sued.

Constitution of the Board

5. (1) The Board shall consist of the following members, namely:-
- (i) A Chairman to be nominated by the Government;
 - (ii) Vice-Chairman of each Division to be nominated by the Government;
- EX-OFFICIO MEMBERS
- (iii) Senior most Secretary of the School Education, Assam;
 - (iv) Secretary of the Division-I;
 - (v) Secretary of the Division-II;
 - (vi) Mission Director, National Health Mission, Assam;
 - (vii) Chairman, State Council of Vocational Training;
 - (viii) Director of Employment and Craftsmen Training;
 - (ix) Director of Secondary Education, Assam;
 - (x) Director of Elementary Education, Assam;
 - (xi) Director of State Council of Educational Research and Training (SCERT) Assam;
 - (xii) Director of Social Justice and Empowerment;
 - (xiii) Director of Tea Tribe Welfare;
 - (xiv) Director of Bodo and Other Tribal Language;
- MEMBERS TO BE NOMINATED BY THE GOVERNMENT
- (xv) One Inspector of Schools;

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- (xvi) One Principal of Higher Secondary Schools;
- (xvii) One Headmaster and one Headmistress of High Schools;
- (xviii) One representative from any three Universities of the State of Assam on the recommendations of the respective Vice-Chancellors;
- (xix) One representative, either President or Secretary of Middle English (M.E) Schools Teacher's Association, High School Teachers Association, Madhaymik Sikshak Santha, Higher Secondary Teachers Association;
- (xx) Three Principals of Colleges, preferably from each stream;

CO-OPTED MEMBERS

- (xxi) The Board shall have the power to co-opt not more than three members from amongst the distinguished educationists, who shall consists of members otherwise than those nominated by Government.
- (2) The State Government shall appoint one officer of the State Government officiating in the rank of Joint Secretary in each division as Ex-officio Secretary of the respective Divisions of the Board who shall also be an Ex-officio member of the Board. The emoluments of the Secretary shall be determined by the Government and shall be paid from the Boards' Fund, if required.

Term of Chairman, Vice-Chairman and Members of the Board

6. The Chairman and the Vice-Chairman of the Board shall be nominated by the Government for a term of three years. The age of the members at the time of their appointment or re-appointment, shall be less than 70 (seventy) years and the member may be nominated for a second term which shall also be three years only.

Terms of the Nominated and Co-opted Members of the Board

7. (1) Nominated members shall hold office for a term of three years from the date of notification published under section 10 and the term of office of co-opted members shall be terminated on the same date as that of the nominated members or till they attain the age of sixty years (up to retirement), whichever is earlier:

Provided that the State Government may, by notification in the Official Gazette, extend the term not exceeding one year.

- (2) Notwithstanding the expiry of the term of three years specified in sub-section (1) above, the term of office of the outgoing members shall be deemed to extend to the date of which the names of the newly nominated members are published under section 10.

Emoluments of the Chairman and Vice-Chairman and other members

8. The emoluments of the Chairman, Vice-Chairman and other members shall be determined by the Government and such emolument shall be paid from the Boards' fund.

Removal of the Chairman or Vice-Chairman

9. (1) The Government may remove the Chairman or Vice-Chairman as the case may be before the expiry of his or her term of appointment by giving one month's notice thereto, in writing, if the Government considers his or her continuance as Chairman or Vice-Chairman for good and sufficient grounds, to be detrimental to the interest of the Board.

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- (2) The Chairman or Vice-Chairman shall be removed from his office by order of the State Government only on the grounds of proved misbehavior or incapacity, when established after an enquiry.
- (3) The inquiry against the Chairman and Vice-Chairman of the Board shall be conducted by a retired Judge of High Court.
- (4) The State Government may allow compulsory leave to the Chairman or Vice-Chairman from office, and if deems necessary prohibit them also from attending the office during inquiry.
- (5) Notwithstanding anything contained in sub-section(1) , the State Government may by order remove from office of the Chairman or Vice-Chairman, if the Chairman or Vice-Chairman,-
 - (i) is adjudged an insolvent; or
 - (ii) has been convicted of an offence which, in the opinion of the State Government, involves moral turpitude; or
 - (iii) engages during his term of office in any paid employment outside the duties of his office; or
 - (iv) is in the opinion of the State Government, unfit to continue in office by reason of infirmity of mind or body; or
 - (v) has acquired such financial or other interest as is likely to affect prejudicially his functions as Chairman or Vice-Chairman.

Publication of names of the members of the Board

10. The names of the person nominated or co-opted as members of the Board, shall be published by notification in the Official Gazette by the Government.

Emoluments of the Chairman and Vice-Chairman and other members

11. The emoluments of the Chairman, Vice-Chairman and other members shall be determined by the Government and such emolument shall be paid from the Boards' fund.

Disqualifications for membership

12. (1) A person shall not be eligible for nomination or co-option as a member of the Board or of the Committees formed by it, if he or she –
- (a) has been adjudged by a court of law to be of unsound mind ;
 - (b) is an undischarged insolvent ;
 - (c) has been convicted by a court of law for an offence involving moral turpitude ;
- (2) If a nominated or co-opted member of the Board or any Committee formed by it, becomes, subject to any of the disqualifications specified in sub-section (1), his or her membership shall cease.
- (3) All disputes relating to the eligibility of any person for nomination or co-option shall be referred to the Government whose decision on such matter shall be final.

Resignation of members and casual vacancy etc.

13. (1) The Chairman or Vice-Chairman as the case may be, may resign his or her seat by giving notice thereto in writing to the Government and he or she shall be deemed to have vacated

his or her seat from the date of acceptance of his or her resignation by the Government.

- (2) A member of the Board, other than the Ex-officio member may resign his or her seat by giving notice thereof in writing to the Chairman, and such member shall be deemed to have vacated his or her seat from the date of acceptance of his or her resignation by the Chairman.
- (3) The Government may, by notification, remove any nominated or co-opted member who remains absent from three consecutive meetings of the Board without the leave of the Board.
- (4) In the event of casual vacancy occurred by resignation, removal, death or disqualification of a member, such vacancy shall be filled up by nomination or co-option, as the case may be in the manner provided in section 6.
- (5) Any person nominated or co-opted to fill a casual vacancy shall hold office for the unexpired portion of the term of office of the member in whose place he or she is nominated or co-opted.

Meeting of the Board

14. (1) The Board shall generally meet not less than thrice a year, but four months shall not intervene between two successive meetings.
- (2) The Chairman may at any time and shall upon requisition made by not less than one third of the members of the Board other than the Ex-officio members and on a date of not more than twenty-one days of the receipt of such requisition, call a special meeting of the Board.
- (3) 'Twenty-one days' notice shall be given for ordinary meetings and ten days' notice shall be given for special meetings of the Board.

Quorum

15. (1) One-third members of the Board shall form a quorum for a meeting of the Board.
- (2) Subject to the provisions contained in sub-section (1) above, no act or proceedings of the Board shall be invalid merely by reason of the existence of any vacancy among the members of the Board.

Officers of the Board

16. (1) The following shall be the Officers of the Board :-
 - (i) The Chairman ;
 - (ii) The Vice-Chairman of each Divisions ;
 - (iii) The Secretaries of each Division ;
 - (iv) The Controller of Examinations for Class XI and XII ;
 - (v) The Controller of Examinations for Class IX and X ;
 - (vi) The Controller of Examinations for Class VI to VIII ;
 - (vii) Chief Account Officers of each Division ;
 - (viii) The Deputy Secretaries of the Board ;
 - (ix) The Academic Officers of the Board.
- (2) Notwithstanding anything contained in sub-section (1), the Board may continue with the above mentioned officers or abolish all or any of the above post or create new post after the retirement of any designated officer of the Board for

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smooth functioning of the Board.

- (3) The Board may appoint after creation of new posts for such other officers and employees as it may consider necessary for the efficient discharge of its functions under this Act on such terms and conditions as may be determined in the regulations made by the Board. The financial burden to the Board cannot be increased due to such creation of the post.
- (4) All the existing staff both regular and contractual shall continue to work as per their existing terms and conditions including payment of pension.

Power and Duties
of the Board

17. Subject to the provisions of this Act the powers and duties of the Board shall be as follows, namely :-

- (i) to prescribe curriculum, syllabus and courses of instructions for Grade-IV to Grade-XII stages ;
- (ii) to conduct examinations based on such courses ;
- (iii) to admit to its examinations, on conditions that may be prescribed by regulations, candidates who have pursued the prescribed course of instruction and also take such disciplinary action against candidates as may be prescribed by regulation ;
- (iv) to demand and receive such fees as may be prescribed by regulation ;
- (v) to publish the results of its examination ;
- (vi) to grant certificates to students passing the examinations ;
- (vii) to institute and award scholarships, prizes etc ;
- (viii) to prescribe and select textbooks and supplementary books ;
- (ix) to lay down conditions of recognition of Grade-VI to Grade-XII ;
- (x) to recognize Schools having Classes from VI to XII and to withdraw such recognition ;
- (xi) to take such disciplinary action as it thinks fit against institutions as may be prescribed ;
- (xii) to adopt measures for study and examinations, of problems in the field of School Education from Classes VI to XII ;
- (xiii) to advice the Government on physical, moral and social welfare of students in recognized institutions ;
- (xiv) to prescribe conditions of their residence and discipline ;
- (xv) to ascertain necessary qualifications of teachers in recognized Schools from Classes VI to XII in the manner as may be prescribed;
- (xvi) to organize seminars and provide in-service Teachers' Training Courses ;
- (xvii) to receive the grants from the Government and donations from private and individuals or associations for specific or general purposes ;
- (xviii) to call for reports from the Director of Secondary Education regarding the conditions of recognized institutions or of institutions applying for recognition ;

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- (xix) to advise Government on re-organization and development of School Education having classes from VI to XII ;
- (xx) to advise the Government, relating to any matter within the provisions of this Act on which the Government may consult the Board ;
- (xxi) to appoint officers and other employees of the Board and to prescribe by regulations the terms and conditions of their services ;
- (xxii) to provide for the benefit of its officers and other employees with Pension, Gratuity, General Provident Fund and National Pension System (NPS) as it may deem fit in such manner, and subject to such conditions as may be prescribed by the regulations ;
- (xxiii) to delegate any of its powers to any Committee constituted by this Act ;
- (xxiv) to administer the School Education Board Fund ;
- (xxv) to receive, purchase and hold any property, movable or immovable, which may become vested in it, and to dispose of all or any of the property, movable or immovable belonging to it, and also do all other acts incidental or appertaining thereto;
- (xxvi) to do such acts and things as may be necessary to carry out the purpose of this Act ;
- (xxvii) to prescribe curriculum, syllabus and courses of instructions of ASOS for Secondary Stage which may be imparted through an Accredited Study Centre (ASC) in a College or Higher Secondary School or Senior Secondary School or High School permitted or recognized by the Board for catering to the needs of Secondary School dropouts, working adults, housewives, socially disadvantage sections etc. through Open and Distant Learning (ODL) education system. The course curriculum, instructional process and evaluation system shall be as per the norms being followed by the National Institute of Open Schooling (NIOS) ;
- (xxviii) to hold any examinations other than Board examinations as entrusted by the State Government without affecting the Board Examinations ;
- (xxix) To exercise overall superintendence, direction and control over all the State Government officers whose services are placed at the disposal of the Board for posting as Secretary or Principal Chief Accounts Officer ; and
- (xxx) to recommend to the Disciplinary Authority any legal or departmental action against the Secretary or Principal Chief Accounts Officer for any misconduct or for commission or omission of any act detrimental to the Board or for any conduct unbecoming of a Government servant.

Preparation and publishing of Textbooks and Supplementary Books

18. Preparation and Publication of Textbooks and Supplementary Books shall be done by the Board as per direction of the State Government from time to time.

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Powers of the State Government

19. Notwithstanding anything contained in this Act-
- (1) The State Government shall have the right to address the Board with reference to anything conducted or done by the Board and to communicate its views on any matter with which the Board is concerned.
 - (2) The Board shall report to the State Government such action, if any, as it proposes to take or has taken, on the communication of the State Government.
 - (3) The State Government may after consultation with the Board issue such directions consistent with the provisions of this Act, as it may think fit, and the Board shall comply with such directions.
 - (4) The State Government may, by order in writing specifying the reasons thereof, suspend with execution of any resolution or order of the Board, and prohibit the doing of an act ordered to be done by the Board, if the State Government is of the opinion that such resolution, order or act is in excess of the powers conferred upon the Board by or under this Act.
 - (5) The State Government may, after consultation with the Board, suspend or remove a member whose continuance as a member of the Board, is considered to be detrimental to the interest of the Board.

Constitution of State School Education Board Fund

20. A fund to be called Assam State School Education Board Fund shall be constituted and all sums received by or on behalf of the Board under this Act shall be placed to the credit thereof.

Custody and investment of the State School Education Board Fund

21. All the moneys at the credit of the Fund shall be kept in the State Bank of India or the Assam Co-operative Apex Bank Ltd., as the Board may determine.

Application of the Fund

22. Subject to the provisions of this Act, the Fund shall be applicable only to the payment of the charges and expenses incidental to matters specified in this Act.

Internal Audit of the Accounts of the Board

23. (1) The accounts of the Board must be internally audited by a Chartered Accountant and proper final accounts are to be prepared as per income Tax Laws.
- (2) The State Government shall appoint one officer of the State Government officiating in the rank of Financial Advisor or above in the Board to advise on financial matters. The emoluments of the Principal Chief Accounts Officer shall be determined by the Government and shall be paid from the Boards' fund, if required.

Audit of the Accounts of the Board

24. The accounts of the Board shall be audited only by such agency as may be specified by the State Government, and a copy of the audited accounts shall be submitted by the Board of the State Government by such date of each year as the Government may specify, in addition to audit of Accounts by a Chartered Accountant.

Powers and duties of the Chairman

25. The Chairman of the Board shall have following powers and duties, namely :-
- (1) He or she shall have all powers necessary for the purpose of the Act.

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- (2) It shall be the duty of the Chairman to see that the provisions of this Act and the regulations made under it are properly observed, and the decisions of the Board are duly implemented and he or she shall have all powers necessary for this purpose.
- (3) The Chairman shall have the power to convene meeting of the Board.
- (4) In absence of the Chairman, he shall have the power to depute any of the Vice-Chairman to convene the meeting of the Board.
- (5) When any emergency arising out of administrative business of the Board requires, in the opinion of the Chairman, that immediate action should be taken, the Chairman shall take such action as he deems necessary and report his or her action to the Board at its next meeting.
- (6) The Chairman and Vice Chairman shall exercise such other powers as may be prescribed by the regulations.

Powers and duties of the Secretary

26. The Secretary of each Division of the Board shall be the Principal Administrative Officer for the Division concerned, and shall subject to the control of the Chairman and Vice-Chairman as the case may be, perform such duties as may be prescribed by regulations.
The senior-most Secretary of the Divisions shall function as the Secretary of the Board.

Powers and duties of other Officers

27. The Other Officers of the Board shall have such powers and duties as may be prescribed by the regulations.

Committees of the Board

28. (1) The Board shall for the purpose of carrying out its duties and functions imposed under this Act appoint the following Committees, namely-
- (i) Curriculum and Syllabus Committee ;
 - (ii) Examination Committee ;
 - (iii) Recognition Committee ;
 - (iv) Finance Committee ;
 - (v) Administrative Committee ;
 - (vi) Tender and Purchase Committee ; and
 - (vii) Technical and Information Technology (IT) Committee ;
 - (viii) Such other Committees, as may be found necessary.
- (2) Every such Committee shall consist of such members of the Board and such other members as the Board may appoint.
- (3) Every such Committee, except the Examination Committee and Administrative Committee may co-opt persons to be members to the extent of one-third of the members appointed to it.
- (4) Members of such Committee shall hold office for such time as the Board may determine.
- (5) Subject to provision of this Act and the rules made there under, the duties and functions of the Committees shall be as determined by the regulations.

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Exercise of powers delegated by the Board to Committees 29. All the matters relating to exercise of powers conferred upon the Board by this Act which are by regulations delegated to any Committee appointed under section 27 shall stand referred to that Committee and the Board before exercising such powers shall receive and consider the report or recommendation of the Committee with respect to the matter of question.

Powers of the Board to make regulations 30. (1) The Board may subject to the approval of the Government make regulations for the purpose of carrying out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing powers, the Board may make regulations providing for all and any of the following matters, namely, –

- (a) the Constitution, powers and duties of Committee appointed under section 27 ;
- (b) courses of study to be laid down for different examinations ;
- (c) marks required for passing in any subject and the examination as a whole and for credit and distinction in any subject ;
- (d) qualifications, appointment and remuneration of examiners, paper-setters and others ;
- (e) conducting examinations and publishing results ;
- (f) conditions of recognition of schools and secondary schools ;
- (g) conditions under which candidates shall be admitted to the examinations of the Board ;
- (h) disciplinary measures for malpractices in examinations ;
- (i) fixing of fees and charges in respect of examinations or registration etc ;
- (j) Pension, Gratuity, General Provident Fund, National Pension System (NPS), etc. for the benefit of the employees of the Board ;
- (k) rate of travelling and daily allowances to the non-official members of the Board or Committees ;
- (l) delegation of powers or assignment of functions to Committees formed under this Act ;
- (m) all matters, which by this Act, are to be or may be provided for by regulations:

Provided that all regulations and alterations and revocations thereof shall be subject to approval by the State Government and published in the Official Gazette.

Board to furnish reports, returns, etc. to the State Government 31. The Board shall furnish to the State Government such reports, returns and statements and such other information relating to any matter under the control of the Board as the State Government may require.

Powers of the government to constitute the Board 32. If in the opinion of the State Government, the Board has shown incompetence to perform, or persistently made default in the performance of the duties imposed or exceeded or abused the powers conferred upon it by or under this Act, the State Government shall formulate in writing specific charges against the Board in respect of those matters and shall forward a copy of such

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charges to the Board with direction to submit any comments or explanations in respect thereof to the State Government within such period as may be specified in this behalf. After the consideration of the comments or explanations of the Board, the State Government may, if it thinks fit, by notification supersede the Board and thereafter reconstitute the Board in accordance with the provision of section 5 and in every such case, the State Government shall, as soon as may be, lay before the State Legislative a copy of the said notification together with the statement of the reasons which led to such reconstitutions.

Vesting of powers till the reconstitution of the Board

33. Until the Board is reconstituted after supersession, under section 29, the duties and powers of the Board shall be performed and exercised by, and the property of the Board shall vest in, such person or authority as the State Government may specify by notification.

Power of State Government to make rules

34. (1) The State Government may make rules for carrying out the purpose of this Act.
(2) All rules made under this Act shall be laid for not less than fourteen days before the Assam Legislative Assembly as soon as possible after they are made, and shall be subject to such modification as the Legislative Assembly may make during the session in which they are so laid or the session immediately following.

Repeal and saving

35. The Assam Secondary Education Act, 1961 and the Assam Higher Secondary Education Act, 1984 and the rules corresponding to these Acts and in force immediately before the commencement of this Act are hereby repealed:

**Assam
Act No.
XXV of
1961**

Provided that all orders made or action taken under the Acts so repealed or under general orders ancillary thereto shall be deemed to have been validly made or taken under the corresponding provisions of these Acts.

**Assam
Act No.
XVII of
1984**

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STATEMENT OF OBJECT AND REASONS

The objective is to introduce the “The Assam State School Education Board Bill, 2024” to develop, regulate and supervise the standards and quality in School Education in the State of Assam.

Signed by
Ranoj Pegu



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(Dr. Ranoj Pegu)

Minister, Education, Assam



Principal Secretary

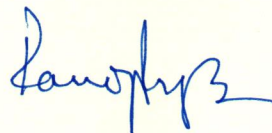
Assam Legislative Assembly

Financial Memorandum

There is no financial involvement in the proposed “the Assam State School Education Board Bill, 2024” from the consolidated fund of the State of Assam.

Memorandum of Delegated Legislation

There is provision of delegated Legislation in the proposed “the Assam State School Education Board Bill, 2024”, and proposes to delegate Legislative powers to the Executive.



(Dr. Ranoj Pegu)

Minister, Education