



# THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত

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GOVERNMENT OF ASSAM

ORDERS BY THE GOVERNOR

ASSAM LEGISLATIVE ASSEMBLY SECRETARIAT

## NOTIFICATION

The 2nd April, 2018

No. LLE.27/2018/514.- The following Bills introduced before the House **on 2<sup>nd</sup> April, 2018** together with the Statement of Objects and Reasons are to be published under Rule 71 of the Rules of Procedure and Conduct of Business in Assam Legislative Assembly for General information.

**THE ASSAM REPEALING BILL, 2018****A  
BILL**

to repeal the Assam Junior Colleges (Provincialisation) Act, 2012.

Preamble

Whereas it is expedient to repeal the Assam Junior Colleges (Provincialisation) Act, 2012;

Assam Act  
No. XV of  
2012

It is hereby enacted in the Sixty-ninth Year of the Republic of India as follows :-

Short title,  
extent and  
commencement.

1. (1) This Act may be called the Assam Repealing Act, 2018.
- (2) It extends to the whole of Assam.
- (3) It shall come into force at once.

Repeal of Assam  
Act No. XV of  
2012

2. The Assam Junior Colleges (Provincialisation) Act, 2012 shall stand repealed.

Assam Act  
No. XV of  
2012

Savings

3. The repeal by this Act of the enactment mentioned in section 2 shall not affect the validity, effect or consequences of anything already done under the enactment so repealed.

**STATEMENT OF OBJECTS AND REASONS**

The objectives to introduce the Bill namely the Assam Repealing Bill, 2018 is to repeal the Assam Junior Colleges (Provincialisation) Act, 2012.

The purpose of the Assam Junior Colleges (Provincialisation) Act, 2012 having been served with the provincialisation of services of the teaching and non-teaching staff of 53 nos. of Junior Colleges under deficit system of grants-in-aid, it has become redundant and has become necessary to repeal the said Act namely, the Assam Junior Colleges (Provincialisation) Act, 2012.

Hence, this Bill.

**HIMANTA BISWA SARMA,**  
Minister, Education.

**M. K. DEKA,**  
Principal Secretary,  
Assam Legislative Assembly.

**FINANCIAL MEMORANDUM**

This Bill does not entail any expenditure from the Consolidated Fund of the State once it comes into force.

**MEMORANDUM OF DELEGATED LEGISLATION**

This Bill does not propose to delegate legislative power to the Executive.

**THE ASSAM REPEALING (No. 3) BILL, 2018****A****BILL**

to repeal the Assam Secondary Education (Provincialisation) Act, 1977.

Preamble

Whereas it is expedient to repeal the Assam Secondary Education (Provincialisation) Act, 1977;

Assam Act  
No. XIX of  
1977

It is hereby enacted in the Sixty-ninth Year of the Republic of India as follows :-

Short title,  
extent and  
commencement.

1. (1) This Act may be called the Assam Repealing (No.3) Act, 2018.
- (2) It extends to the whole of Assam.
- (3) It shall come into force at once.

Repeal of Assam  
Act No. XIX of  
1977

2. The Assam Secondary Education (Provincialisation) Act, 1977, shall stand repealed.

Assam Act  
No. XIX of  
1977

Savings

3. The repeal by this Act of the enactment mentioned in section 2 shall not affect the validity, invalidity, effect or consequences of anything already done under the enactment so repealed.

**STATEMENT OF OBJECTS AND REASONS**

The objectives to introduce the Bill namely the Assam Repealing (No. 3) Bill, 2018 is to repeal the Assam Secondary Education (Provincialisation) Act, 1977.

The utility of the Assam Secondary Education (Provincialisation) Act, 1977 has been lost with the enactment of the Assam Education (Provincialisation of Services of Teachers and Re-Organisation of Educational Institutions) Act, 2017 and as such it has become redundant necessitating the repeal of the said Act namely, the Assam Secondary Education (Provincialisation) Act, 1977.

Hence, this Bill.

**HIMANTA BISWA SARMA,**  
Minister, Education.

**M. K. DEKA,**  
Principal Secretary,  
Assam Legislative Assembly.

**FINANCIAL MEMORANDUM**

This Bill does not entail any expenditure from the Consolidated Fund of the State once it comes into force.

**MEMORANDUM OF DELEGATED LEGISLATION**

This Bill does not propose to delegate legislative power to the Executive.

**M. K. DEKA,**  
Principal Secretary,  
Assam Legislative Assembly.

**THE ASSAM NON-GOVERNMENT EDUCATIONAL INSTITUTIONS  
(REGULATION AND MANAGEMENT) (AMENDMENT) BILL, 2018**

**A**

**BILL**

to amend the Assam Non-Government Educational Institutions  
(Regulation and Management) Act, 2006.

Preamble

Whereas it is expedient to amend the Assam Non-Government Educational Institutions (Regulation and Management) Act, 2006, hereinafter referred to as the principal Act, in the manner hereinafter appearing;

It is hereby enacted in the Sixty-ninth Year of the Republic of India as follows :-

Assam  
Act No.  
IV of  
2007

Short title,  
extent and  
commencement.

1. (1) This Act may be called the Assam Non-Government Educational Institutions (Regulation and Management) (Amendment) Act, 2018.
- (2) It shall have the like extent as the principal Act.
- (3) It shall come into force at once.

Substitution  
of section 2

2. In the principal Act, in section 2, for the existing provisions, the following shall be substituted, namely :-

“Definitions 2. (i) “Bigha” means standard measurement of land meaning Assam Bigha measurement 1338 square meter or 13.38 Are of land;

(ii) “Director” means the Director of Secondary Education, Assam, in respect of Secondary and Higher Secondary level of education and Director of Elementary Education, Assam in respect of Primary and Middle level of Education;

(iii) “employees” means the teaching and non-teaching staff of non-government educational institutions;

(iv) “existing non-government educational institutions” means the

non-government educational institutions as defined under clause (xiv) which are in existence on the date of commencement of this Act:

Provided that the non-government educational institutions established by the people of the locality prior to 01.01.2006 which have received permission and recognition from the competent authority on or before 01.01.2006 shall be excluded from the purview of this clause;

(v) "Executive Engineer PWD, Building Division" means the Executive Engineer of PWD, Building Department under whose jurisdiction a particular school is situated;

(vi) "fee" means all fees including tuition fee, development charges of any nature, capitation fee etc;

(vii) "Guwahati Metropolitan Development Authority (GMDA)" means the Guwahati Metropolitan Development Authority as established under the Guwahati Metropolitan Development Authority Act, 1985;

Assam  
Act No.  
XX of  
1987

(viii) "Guwahati Municipal Corporation" means the Guwahati Municipal Corporation established under the Gauhati Municipal Corporation Act, 1971;

Assam  
Act No. I  
of 1973

(ix) "Higher Secondary level of education" means education imparted from class XI to XII;

(ix) "institution" means non-government educational institutions as defined in clause (xiv) of this section;

(x) "Managing Committee" means committee constituted under section 12 to perform the duties and functions entrusted to it under the provisions of this Act, which term shall also include the Governing Bodies of the Senior Secondary Schools;

(xi) "Middle level of education" means education imparted from class VI to VIII;

(xii) "Municipal Town area" and "Town Committee area" means areas declared as Municipal Town and Town Committee area under the provisions of the Assam Municipal Act, 1956;

Assam  
Act No.  
XV of  
1957

(xiii) "National Commission for Minority Educational Institutions" means the National Commission for Minority Educational Institutions as constituted by the Central Government;

(xiv) "non-government educational institutions" means schools established and run by an individual or association of individuals or any Non-Government Organization or Society or Trust, except the schools established and maintained by minorities under clause (1) of Article 30 of the Constitution of India and imparting education at Primary, Middle, Secondary and Higher Secondary Level without receiving any grants-in-aid from the State Government excluding the educational institutions run or aided by the Central Government or the State Government. The word "institution" wherever it occurs in the Act shall be construed accordingly;

(xv) "permission" means permission accorded by the Director as required under section 4 of the Act;

(xvi) "prescribed" means prescribed by rules made under this Act;

(xvii) "Primary level of education" means education imparted from class I to V;

(xviii) "Secondary level of education" means education imparted from class VIII to X;

(xix) "State Government" means the Government of Assam.

Amendment  
of section 4

3. In the principal Act, in section 4, in sub-section (1), for the word "may" occurring after the word, figure and punctuation mark "section 10," the word "shall" shall be substituted.

Amendment  
of section 6

4. In the principal Act, in section 6,-
- (i) in sub-section (1), in between the word "Act" and the punctuation mark "." appearing at the end, the punctuation mark ":" shall be substituted;
- (ii) in sub-section (1), after punctuation mark ":" as so substituted, the following proviso shall be inserted, namely:-
- "Provided that in case of failure of any institution to register the institution under sub-section (1) of section 6 within the stipulated period, the institution shall be allowed registration on payment of the fees with 50% increase of prescribed rate, provided the institution is registered within a period of one year from the date of coming into force of this Amendment Act. In the event of failure of any institution to register within one year as stipulated above, the Director shall issue notice to close down the institution in a phased manner that there shall not be any admission in lowest class of the School from the next academic year and such institution shall be completely closed down after passing out the highest class of the institution."

Amendment  
of section 10

5. (1) In the principal Act, in section 10,-
- (i) for the existing clause (i), the following shall be substituted, namely :-
- "(i) The institution shall own and possess a minimum area of land with clear title of the institution over it as specified as under :-
- (a) For Lower Primary (LP) and Middle English (ME) level

(5) Teachers in a Non-government Educational Institutions employed for teaching, shall be qualified as per norms set by National Council for Teacher Education and the norms fixed under the respective Service Rules framed by the State Government.

(6) The Non-government Educational Institutions shall ensure imparting of training to teaching staff employed by it for the purpose of teaching.”

Amendment  
of section 18

7. In the principal Act, in section 18,-

“(i) in sub-section (4), for the word “Director”, the words “Deputy Commissioner of the concerned district” shall be substituted.

(ii) in sub-section(5), for the word “Director”, the words “appropriate authority of the Government” shall be substituted.

“(5) The students admitted against the reserved quota as provided in sub-section (4) shall pay such fees as may be fixed by the Appropriate Authority.”

Insertion of  
new section  
28A

8. In the principal Act, after section 28, the following new section 28A shall be inserted, namely:-

“Appeal 28A. Any non-government educational institution or any individual, Non-Government Organisation, Society or Trust, as the case may be, establishing any non-government educational institution, aggrieved by the order of Director passed under any of the provisions of this Act, may prefer an appeal before the State Government against the order of Director within 30 days from the date of receipt of such order. Decision of the State Government in such appeal, shall be final and binding on all concerned.”

Schools, the school shall have at least 2 (two) Bighas of land in one plot in case of rural areas and 1 (one) Bigha of land in one plot in case of Municipal and Town Committee areas including Guwahati Metropolitan Development Authority area and Guwahati Municipal Corporation Area.

(b) For High School, Higher Secondary School and Senior Secondary School including composite School, the School shall have at least 5(five) Bighas of land in one plot in rural areas and 3 (three) Bighas of land in one plot in Municipal Town and Town Committee areas, 2 (two) Bighas of land in one plot in Guwahati Municipal Corporation and Guwahati Metropolitan Development Authority areas :

Provided that non-government educational institutions already granted prior permission and administrative recognition with land requirement before coming into force of this Amendment Act shall be allowed to run;”;

(ii) in clause (ii), in the first line, for the word “toilets”, the words “separate toilets for Boys and Girls” shall be substituted;

(iii) in clause (xi), in between the word “premises” and the punctuation mark “,” appearing at the end, the words “and the institution shall make proper parking arrangement for the use of the institution” shall be inserted;

(iv) in clause (xvi), after clause (c), the following new sub-clauses (d) and (e) shall be inserted, namely:-

“(d) Executive Engineer of the Public Health Engineering Department or any officer authorized by him;

(e) The District Transport Officer of the concerned district or any officer authorized by him.”;

(v) in clause (xx), for the existing provisions, following shall be substituted, namely:-

“(a) All the non-government educational institutions registered under this Act shall provide adequate safety measures including fire safety measures in the institution premises and shall hold mock drills for preparedness for meeting any disaster at regular intervals. The school must have a Disaster Management plan for it duly published and the school authority should hold periodic review of the Plan so prepared and published. A certificate from the Disaster Management Authority shall have to be furnished as regards availability of adequate safety measures including fire safety measures in the School;

(b) In case of institutions situated in Municipal Towns, the institution must obtain and in possession of a certificate from the Municipal Board/Town Committee concerned to the effect that the building and class rooms have been constructed conforming to the building by-laws of such Municipal Board and Town Committee;

(c) In rural areas, a certificate from Executive Engineer, PWD (Building Division) under whose jurisdiction the school falls shall have to be obtained and in possession to the effect that the buildings and class rooms have adequate safety measures and construction is safe to house a school:

Provided that the Executive Engineer shall include Assistant Executive Engineer in respect of the locality where no Executive Engineer is available”;

Amendment  
of section 15

6. In the principal Act, in section 15, after sub-section (3), the following new sub-sections shall be inserted, namely:-

“(4) No teaching or non-teaching staff of a Non-government Educational Institution shall be paid emoluments less than the norms fixed by the appropriate authority.

(5) Teachers in a Non-government Educational Institutions employed for teaching, shall be qualified as per norms set by National Council for Teacher Education and the norms fixed under the respective Service Rules framed by the State Government.

(6) The Non-government Educational Institutions shall ensure imparting of training to teaching staff employed by it for the purpose of teaching.”

Amendment  
of section 18

7. In the principal Act, in section 18,-

“(i) in sub-section (4), for the word “Director”, the words “Deputy Commissioner of the concerned district” shall be substituted.

(ii) in sub-section(5), for the word “Director”, the words “appropriate authority of the Government” shall be substituted.

“(5) The students admitted against the reserved quota as provided in sub-section (4) shall pay such fees as may be fixed by the Appropriate Authority.”

Insertion of  
new section  
28A

8. In the principal Act, after section 28, the following new section 28A shall be inserted, namely:-

“Appeal 28A. Any non-government educational institution or any individual, Non-Government Organisation, Society or Trust, as the case may be, establishing any non-government educational institution, aggrieved by the order of Director passed under any of the provisions of this Act, may prefer an appeal before the State Government against the order of Director within 30 days from the date of receipt of such order. Decision of the State Government in such appeal, shall be final and binding on all concerned.”

**STATEMENT OF OBJECTS AND REASONS**

The objectives to introduce the Bill namely the Assam Non-Government Educational Institutions (Regulation and Management) (Amendment) Bill, 2018 is to amend the Assam Non-Government Educational Institutions (Regulation and Management) Act, 2006 in respect of amendment of some sections mainly,-

Section 2: for modification of some existing terms and definition of other terms;

Section 6(i): to make penal provision in realization of registration fees in case of default institutions;

Section 10(i): to fix the area of land holding for different categories of institutions;

Section 10(ii): to make provision for separate toilets for boys and girls;

Section 10(xi): to provide parking arrangement for use of the institution;

Section 10(xx): to make provision for school to have Disaster Management plan and necessity for obtaining certificate from the Disaster Management Authority by the School;

Section 15: to make new provision that the teaching and non-teaching staff of the institutions shall not be paid less than the norms fixed by the appropriate authority, the teachers shall have to be qualified as per norms as per NCTE and as per norms fixed under respective Service Rules frame by State Government;

Section 18(4): to make a provision that the students admitted against reserved quota shall pay such fees as fixed by the appropriate authority;

Section 28: to make a new provision that the State Government shall be the appellate authority against the order passed by the Director.

Hence, this Bill.

**HIMANTA BISWA SARMA,**  
Minister, Education.

**M. K. DEKA,**  
Principal Secretary,  
Assam Legislative Assembly.

## FINANCIAL MEMORANDUM

The Bill does not entail expenditure from the Consolidated Fund of the State once it comes into force.

## MEMORANDUM OF DELEGATED LEGISLATION

The Bill does not propose to delegate legislative power to the Executive

**Extract of relevant sections of the Assam Non- Government Educational Institutions  
(Regulation and Management) Act, 2006**

Section	Existing provisions
2	<p>(a) "Director" means the Director of Secondary Education, Assam in respect of Secondary and Higher Secondary level of education and Director of Elementary Education Assam in respect of Primary and Middle level Education;</p> <p>(b) "employees" means the teaching and non-teaching staff of non-government educational institutions;</p> <p>(c) "existing non-government educational institutions" means existing non-government educational institutions which are in existence on the date of commencement of this Act;</p> <p>(d) "Higher Secondary level of education" means education imparted from class XI to XII;</p> <p>(e) "Managing Committee" means committee constituted under section 12 to perform the duties and functions entrusted to it under the provisions of this Act, which term shall also include the governing bodies of the Junior Colleges;</p> <p>(f) "Middle level of education" means education imparted from class V to VII;</p> <p>(g) "non-government educational institutions" means schools, junior colleges established and run by an individual or association of individuals or any Non-Government Organisation or society or trust, except the schools established and maintained by minorities under clause (1) of Article 30 of the Constitution of India and imparting education at Primary, Middle, Secondary and Higher Secondary Level without receiving any grants-in-aid from the State Government excluding the educational institutions run or aided by the Central Government or the State Government; The word "institution" wherever it occurs in the Act shall be construed accordingly;</p> <p>(h) "permission" means permission accorded by the Director as required under section 4;</p> <p>(i) "prescribed" means prescribed by rules made under this Act;</p> <p>(j) "Primary level of education" means education imparted from class I to V;</p> <p>(k) "Secondary level of education" means education imparted from class VIII to X;</p> <p>(l) "State Government" means the Government of Assam.</p>
4(1)	<p>Any individual, association of individuals, Non-Government Organization, society or trust intending to establish and run a nongovernment educational institution and on given an undertaking to fulfill the requirements as laid down under section 10, may submit an application before the Director in such form containing such particulars and</p>

	information as may be prescribed, for obtaining, prior permission for establishment and running of such institution. The undertaking shall be the part and parcel of the application form and shall be prescribed.
6(1)	The existing non-government educational institutions shall submit application for registration of their institutions before the Director furnishing the full particulars and information and on payment of such fees as may be prescribed relating to the institution sought. to be registered and shall also furnish the copies of Government permission or recognition, if any, previously obtained before academic recognition from the respective Board or Council as the case may be, within six months from the date of commencement of this Act.
10(i)	<p>(i) The institution shall possess,-</p> <p>(a) not less than two bighas of land in one plot in case of rural areas, one bigha of land in one plot in case of urban areas, 2.5 katha of land in one plot in case of-Hill urban areas and one bigha in one plot in case of Hill rural areas, in respect of establishment and running of Primary or Middle level institutions;</p> <p>(b) not less. than 2 bighas of land for single-storey building in urban areas, not less than 1 bigha in one plot for multi-storeyed building in urban areas, not less than 4 bighas in one plot in rural areas, in respect of establishment and running the High School, Higher Secondary School and junior college;</p> <p><b>Explanation :</b> For the purpose of clause (i), the land includes a lease hold land a period of twenty years or more.</p>
10(ii)	(ii) Adequate number of class rooms, toilets and other facilities like library premises, reading room, laboratories etc. as may be prescribed, .shall be provided by the institution on the land possessed by it under clause (i) above;
10(xi)	(xi) There shall not be thoroughfare or public passage through any part of the institution premises;
10(xvi)	<p>(xvi) The institution shall be open to inspection by any of the following officers, namely:-</p> <p>(a) any officer authorised by the Director;</p> <p>(b) Director of Medical Services 'or Health Officer of the local authority concerned;</p> <p>(c) The Medical and Health Officer authorised by the appropriate authority or the Director to examine the health of students or the sanitary conditions of the institution and surroundings;</p>
10(xx)	(xx) The institution shall provide adequate fire safety measures in the institution premises as may be required and as instructed by the concerning authority from time to time; and
18(4)	Every recognised non-government educational institution shall reserve 5% seats for admission of meritorious pupils hailing from poor families as recommended by Director in this behalf. Such pupils shall be selected as per norms to be prescribed.

**THE ASSAM NON-GOVERNMENT EDUCATIONAL INSTITUTIONS  
(REGULATION OF FEES) BILL, 2018**

**A**

**BILL**

to make provision for fixation of fees for the non-government educational institutions in the State of Assam.

**Preamble**                   Whereas it is expedient to make provision for fixation of fees for the Non-Government Educational Institutions in the State of Assam and the matters connected therewith and incidental thereto.

It is hereby enacted in the Sixty-ninth Year of the Republic of India as follows:

**CHAPTER I  
PRELIMINARY**

**Short title, extent and commencement.**           1.   (1) This Act may be called the Assam Non-Government Educational Institutions (Regulation of Fees) Act, 2018;  
(2) It extends to the whole of the State of Assam.  
(3) It shall come into force at once.

**Definition**                   2.   In this Act, unless the context otherwise requires,-  
(a) “academic year” means the year specified by the Government or, as the case may be, by any Board or Council to which respective institution is affiliated;  
(b) “educational district” means an educational district, as may be specified by the Government in the Official Gazette;  
(c) “elementary education” means the education from Class I to Class VIII;  
(d) “employee” means a teacher and includes every other employee working in a non-government educational institution;  
(e) “existing school” means a recognized non-Government educational institution which is in existence at the commencement of this Act;  
(f) “Fee or Fee Structure” means any amount, by whatever name called, collected, directly or indirectly, by a school for admission of a student to any Standard or course of study and includes,-  
(i) Tuition fee;

- (ii) Term fee, which shall not exceed one month tuition fee per term;
- (iii) Library fee and deposit;
- (iv) Laboratory fee and deposit ;
- (v) Gymkhana fee where such facilities are available;
- (vi) Caution money;
- (vii) Examination fee;
- (viii) Admission fee, which shall not exceed one month tuition fee;
- (ix) Yoga and Physical Education fee where yoga and physical education are imparted ;
- (x) any other fee as determined by the Fee Regulatory Committee;
- (g) "Fee Regulatory Committee" means a committee constituted under section 3;
- (h) "Fee Revision Committee" means a committee constituted under section 13;
- (i) "Government" means the State Government;
- (j) "Government school" means a school established, owned or maintained by the Government;
- (k) "institution" means and includes the non-Government educational institution as defined under clause (p) of this Act;
- (l) "local authority" means,-
  - (i) a Gauhati Municipal Corporation constituted under the Gauhati Municipal Corporation Act, 1971; Assam Act No. I of 1973
  - (ii) All other Municipal Boards or Municipal Town Committees of the State constituted under the Assam Municipal Act, 1956 and Village Councils in case of Autonomous Council areas; Assam Act No. XV of 1957
  - (iii) a Panchayat constituted under the Assam Panchayat Act, 1994; Assam Act No. XVIII of 1994
- (m) "Lower Primary School" or "LP School" means a school imparting education upto class V;
- (n) "management" means,-
  - (i) in the case of a school managed by the Government, the Government;
  - (ii) in the case of school managed by any local authority, the respective local authority;

(iii) in any other case, maintaining committee or the governing body by whatever name called, of school to which the affairs of the school are entrusted and, a person, by whatever name or designation called, where such affairs are entrusted to such person and shall also include trust or company associated with the school in any manner whatsoever;

(o)“minority educational institution” means the Government approved institution established and administered by minority having right to do so under clause (1) of Article 30 of the Constitution of India;

(p)“ non-government educational institutions” means schools established and run by an individual or association of individuals or any Non-Government Organization or Society or Trust, except the schools established and maintained by minorities under clause (1) of Article 30 of the Constitution of India and imparting education at Primary, Middle, Secondary and Higher Secondary Level without receiving any grants-in-aid from the State Government which have been registered under sub-section (1) of section 6 of the Assam Non-Government Educational Institutions (Regulation and Management) Act, 2006 excluding the educational institutions run or aided by the Central Government or the State Government. The word “institution” wherever it occurs in the Act shall be construed accordingly;

Assam  
Act No.  
IV of  
2007

Provided that the institution established by any person or body of persons including trusts and received permission/recognition/ affiliation/ concurrence as the case may be, from the competent authority after 01.01.2006 shall be treated as non-government educational institution provided they are registered under sub-section (1) of section 6 of the Assam Non-Government Educational Institutions (Regulation and Management) Act, 2006 ;

Assam  
Act No.  
IV of  
2007

(q) “prescribed” means prescribed by rules made under this Act;

(r) “pre-primary school” means a Nursery, Junior Kindergarten, Senior Kindergarten level or any school imparting education up to pre-primary school level for children having age of 3 to 6 years, by whatever name called and of any medium attached in the prescribed manner to the school;

(s)“profiteering” means any amount accepted in cash or kind, directly or

indirectly which is in excess of the fee fixed or approved as per the provisions of this Act and shall include profit earned from school by trust or company associated with the school in any manner whatsoever;

(t) "public examination" means an examination conducted by the Board of Secondary Education, Assam, constituted under the Assam Secondary Education Act, 1961 and Assam Higher Secondary Education Council constituted under the Assam Higher Secondary Education Act 1984 or Central Board of Secondary Education or Council of Indian School Certificate Examinations or any other Board recognized by the Government;

Assam Act No. XXV of 1961  
Assam Act No. XVII of 1984

(u) "recognized school" means a school recognized by the competent Educational Authority of the State or the Central Government;

(v) "school" includes a Lower Primary School, Upper Primary School, High School/High Madrassa, Higher Secondary School, Senior Secondary School and also includes any other institution which imparts education or training below the degree level, but does not include an institution which exclusively imparts technical education;

(w) "school property" means all movable and immoveable property belonging to, or in the possession of, the school and all other rights and interests in, or arising out of, such property, and includes land, building and its appurtenances, playgrounds, hostels, furniture, books, apparatus, maps, equipments, utensils, cash, reserve fund, investments and bank balances;

(x) "secondary education" shall have same meaning as defined under clause (n) of section 2 of the Assam Secondary Education Act, 1961;

Assam Act No. XXV of 1961

(y) "Upper Primary School" or "UP School" including ME Madrassa means a school imparting education upto class VIII;

## CHAPTER II

### CONSTITUTION OF COMMITTEE, DETERMINATION OF FEE AND PROHIBITION OF COLLECTION OF EXCESS FEE

Constitution of 3. (1) The Government shall constitute a Fee Regulatory Committee for the

Fee Regulatory  
Committee.

purpose of determination of the fee for any standard or course of study in non-government educational institutions.

(2) The age of the Chairperson and the members shall not be more than 65 years at the time of appointment. The term of the Chairperson and other nominated members shall be three years.

(3) The honorarium and allowances payable to and other terms and conditions of service of member shall be such as may be prescribed by the Government.

(4) The Committee shall consist of the following members, namely:-

(a) retired District and Session Judge or a person who had been a member of All India Service, having retired from a post not below the rank of Commissioner and Secretary to Government or a person who had been a member of Indian Police Service, having retired from a post not below the rank of Additional Director General of Police, to be nominated by the Government, who shall be the Chairperson of the Committee;

(b) one Chartered Accountant, to be nominated by the Government;

(c) one Civil Engineer / Government approved valuer, to be nominated by the Government;

(d) the Secretary, Assam Higher Secondary Education Council and Board of Secondary Education;

(e) one representative from the non-government educational institution management to be nominated by the Government;

(f) one Academician of repute, to be nominated by the Government;

(5) The Director shall act as a co-ordinator to the Committee to provide administrative support.

Jurisdiction  
and  
headquarters  
of Committee.

4. (1) The jurisdiction of the Fee Regulatory Committee shall comprise of such districts or zones as the State Government by notification in the Official Gazette specify. There may be one or more such Committee as per need. These Committees have to be constituted as per section 3 of the Act.

(2) The Headquarter of the Fee Regulatory Committee shall be at such place specified by the State Government by notification in the Official Gazette.

- Vacancies, etc. not to invalidate proceedings of the committee.
5. (1) If any vacancy occurs by reason of death, resignation, expiry of term of office or termination of appointment of the member or for any other cause whatsoever, such vacancy shall be filled in by the State Government as soon as possible within a period of six months from the date of occurrence of the vacancy.
- (2) No act or proceeding of the Committee shall be questioned or shall be invalid merely on the ground of the existence of any vacancy or defect in the Constitution of the Committee.
- Procedure to be regulated by the Fee Regulatory Committee.
6. (1) The Fee Regulatory Committee shall meet as and when necessary but at least once in a quarter at such time and place as the Chairperson may think fit.
- (2) The Committee shall regulate its own procedure for the conduct of its business.
- (3) All orders and decisions of the Committee shall be authenticated by the Chairperson of the Committee or the person duly authorized by the Chairperson on his/her behalf.
- Disqualification of members of Fee Regulatory Committee.
7. The Government may terminate the appointment of the Chairperson or any member of the Fee Regulatory Committee before the expiry of the term of his office, if he-
- (i) has been adjudged an insolvent;
- (ii) has, in the opinion of the State Government, become physically or mentally incapable of acting as a member;
- (iii) has been convicted of an offence involving moral turpitude, or
- (iv) has been guilty of proven misbehavior :
- Provided that no member shall be removed from his office on the above grounds, unless he has been given a reasonable opportunity of being heard.
- Powers and Functions of the Fee Regulatory Committee.
8. (1) Subject to the provisions of section 10, the Fee Regulatory Committee shall determine the fee payable by students in the non-government educational institution.
- (2) The Committee shall have power to,-
- (a) require each non-government educational institution to place before the Committee, the proposed fee structure of such school along with all relevant documents and books of accounts for, scrutiny before such date

as may be specified by the Committee;

(b) verify whether the fee proposed by the non-government educational institution justified and whether it amounts to profiteering or charging of exorbitant fee;

(c) approve the existing fee structure or determine the fee which can be charged by the non-government educational institution;

(d) verify whether the non-government educational institution operating within the territory of the State of Assam is recognized by the competent Authority of the State Government or affiliated to the Assam Higher Secondary Education Council or Board of Secondary Education, Assam or the Central Board of Secondary Education or the Council for Indian School Certificate Examinations or any other Board constituted by the State or the Central Government, as the case may be, and the institution imparts instruction prescribed by the Assam Higher Secondary Education Council or Board of Secondary Education, Assam or any other Board, as referred to above as the case may be;

(e) hear complaints or initiate *suo moto* hearing with regard to collection of excess fee by a non-government educational institution, as referred to above in Clause (d);

(f) regulate the fees charged by the school and penal action as per the provisions of this Act;

(g) report the matter to the State Government that the institution has collected excess fee and it has not complied with the provisions of the respective applicable Acts and rules made thereunder of the concerned Board for appropriate action.

(3) (a) For the purposes of this Act, the Fee Regulatory Committee while holding inquiry shall have the powers of a Civil Court under the Code of Civil Procedure, 1908 while trying a suit in respect of the following matters, namely:- Act V of  
1908

(i) summoning and enforcing the attendance of any witness and examining him on oath;

(ii) requiring the discovery and production of any document;

(iii) receiving evidence on affidavit; and

(iv) issuing commission for examination of witnesses for local inspection.

(b) All inquiries and revisions under this Act shall be deemed to be the judicial proceedings within the meaning of sections 193, 219 and 228 of the Indian Penal Code, 1860. Act No. 45 of 1860.

Power of State Government to notify maximum limits of fees.

9. The Fee Regulatory Committee shall recommend maximum limits of fees to be charged by different categories of non-government educational institutions every year before starting of the academic session taking into account the factors as mentioned under section 10 and the State Government shall notify the same in the Official Gazette, from time to time.

Exemption from appearance before Committee.

10. (1) The Fee Regulatory Committee may exempt such non-government educational institutions that charge amount of fee lower than the fee as notified by the Government under section 9 from the determination of fee. Such non-government educational institutions shall file an affidavit to that effect:

Provided that if any such institution desires to revise the fee, it shall follow the procedure as laid down in section 8 :

Provided further that exclusive pre-primary classes, play groups and crèches not attached to any school shall be exempted from the application of the provisions of this Act.

(2) The Fee Regulatory Committee shall determine fee for all institution except the institution as referred to in sub-section (1), imparting pre-primary, primary, upper primary, secondary, and higher secondary education.

(3) The exemption shall remain operative till the prescribed fee is revised by the Government.

(4) The Fee Regulatory Committee may withdraw the exemption, after providing reasonable opportunity of hearing to the erring school, if it has reason to believe that the school has charged fee in excess of the fee, prescribed under sub-section (1) or has furnished false or misleading or incomplete information to the committee.

(5) The information regarding erring schools including details of their management shall be published by the Fee Regulatory Committee through an advertisement in the leading daily newspapers, in the best interest of students, parents, and society at large.

Factors for  
determination of  
fee.

11. (1) The Fee Regulatory Committee shall determine the fee leviable by different categories of non-government educational institutions categorized by the Committee after taking into account the following factors, namely :-
  - (i) location of the non-government educational institution where the school is situated;
  - (ii) investment incurred to setup the school;
  - (iii) infrastructure made available to the students for the quality education, facilities provided as mentioned in the prospectus or website of the school;
  - (iv) expenditure on administration, maintenance of services and utilities of the school;
  - (v) strength of students in the non-government educational institution;
  - (vi) classes of study and courses of study offered by the school;
  - (vii) qualification of teaching, and non-teaching staff (as per the relevant norms) their salary components, and reasonable amount for yearly salary increments;
  - (viii) expenditure incurred on the students against total income of the school which shall include profit earned from school by the trust or company associated with such school;
  - (ix) reasonable revenue surplus for the purpose of development, education and expansion of the institution;
  - (x) any other factors which may be prescribed by the Government from time to time.
- (2) The Fee Regulatory Committee shall, after determining the fee leviable by a non-government educational institution, communicate its decision to the institution concerned.
- (3) The Fee Regulatory Committee shall determine the total fees which shall be levied by considering all different fees charged by the institution.
- (4) The fee structure so determined by the Fee Regulatory Committee shall be binding on the non-government educational institution for a period of three years.

- Prohibition of collection of excess fee.
12. (1) No non-government educational institution shall collect any fee in excess of the fee fixed by the Fee Regulatory Committee for admission of students to any standard or course of study in that institution.
- (2) No excess fee shall be collected by any person either for himself or on behalf of such non-government educational institution or on behalf of the management of such non-government educational institution.
- (3) No institution itself or on its behalf shall collect any donation or capitation fee under any name whatsoever, or receive any deposit under any head from the parents to the school management, school trust, company, or any trustee or member of the school. If any parents or guardian of a student has paid voluntarily any above referred amount, he shall inform the concerned Fee Regulatory Committee, the details of such payment on affidavit. Such non-disclosure shall amount to abetment of the profiteering committed by the school management.
- (4) The institution shall open and operate separate and only one Bank account for individual non-government educational institution. The parents shall make payments of prescribed fees directly into the concerned school bank account, The acknowledgement of receipt of the total collected fee from the parents shall be given in the form of counter-foil from bank and concerned school, as the case may be.
- Fee Revision Committee.
13. (1) The Government shall constitute a committee for the purpose of revision against the order passed by the Fee Regulatory Committee. The headquarter of the Fee Revision Committee shall be at Guwahati or at such other place, as may be decided by the Chairperson of the Committee.
- (2) The Fee Revision Committee shall consist of the following members, namely :-
- (i) A retired Judge of the High Court, to be nominated by the Government shall be the Chairperson of the Committee;
  - (ii) The senior most Secretary to the Government of Assam, Secondary Education Department or Elementary Education Department;
  - (iii) The Commissioner and Secretary to the Government of Assam, Finance Department, or his nominee not below the rank of the Deputy Secretary;

- (iv) The Director of Secondary Education, *ex-officio*, who shall be the Member-Secretary;
  - (v) One representative from the non-government educational institution Management to be nominated by the Government;
  - (vi) One Chartered Accountant, to be nominated by the Government.
- (3) A person or any institution aggrieved by the order of the Fee Regulatory Committee made under section 11 may file revision application before the Fee Revision Committee within a period of twenty-one days from the date of receipt of such order:

Provided that if the Fee Revision Committee is satisfied that such institution was prevented for filing a revision application within prescribed time-limit for sufficient cause, it may condone the delay and shall allow the revision application but not later than three months

- (4) The orders passed by the Fee Revision Committee shall be final and binding on all concerned.

### CHAPTER III

#### REGULATION OF ACCOUNTS AND MAINTENANCE OF RECORDS

- Regulation of Accounts and Maintenance of Records.
14. (1) The Government shall regulate the maintenance of accounts by the non-government educational institutions in such manner as may be prescribed.
- (2) The non-government educational institution shall maintain such records in such manner as may be prescribed.
- (3) Every non-government educational institution shall maintain accounts for different kinds of transactions like the fees collected, the grants received, financial assistance received including funds from NRIs, payments of salary of staff, purchase of machinery and equipments, furniture, laboratory articles, sports equipments, library books, stationary and other expenditure incurred towards payments to the agencies companies hired or engaged by the school for different kind of services and these accounts shall be audited by the Chartered Accountant.

(4) Every non-government educational institution shall keep the accounts and the records within the premises of the educational institution and shall make them available at all reasonable times for inspection by the Fee Regulatory Committee or its authorized officer.

(5) The accounts maintained by the non-Government educational institution together with all vouchers relating to various items of receipts and expenditures shall be preserved by the schools for a period of at least seven years.

#### CHAPTER IV

#### CONTRAVENTIONS AND PENALTIES

- Contravention and penalties.
15. (1) For contravention of any of the provisions of this Act or the rules made thereunder, the school management shall, in addition to refund of twice the amount of fee to the parents or guardians or to the person who has made the payment, be liable,-
- (a) to pay fine which shall be upto five lakh rupees to the Government for the first contravention;
  - (b) to pay fine which shall not be less than five lakh rupees but which may extend to ten lakh rupees to the Government for the second contravention; and
  - (c) for cancellation or withdrawal of registration/ affiliation/ No Objection Certificate of the school, on third and subsequent contravention by the concerned authority on the recommendation of the Fee Regulatory Committee.
- (2) The amount of fine and the amount of refund shall be paid within fifteen days from the receipt of the order, failing which fine of one per cent of the total payable amount shall be levied each day till the refund of the total amount and fine is paid. However, if the school management fails to make the payment of fine and refund within three months, then the entire unpaid amount shall be recovered as an arrear of land revenue.
- Bar of jurisdiction of civil court.
16. No Civil Court shall have the jurisdiction to deal with or decide any question which the Fee Regulatory Committee or, as the case may be, the Fee Revision Committee is empowered to deal with or decide with by or

under this Act and no injunction shall be granted by any civil court in respect of any action taken or to be taken in pursuance of any of the provisions of this Act.

#### CHAPTER V MISCELLANEOUS

- Power of State Government to give directions. 17. The State Government may, from time to time, issue general or special directions consistent with the provisions of this Act and the rules made thereunder, as in its opinion are necessary or expedient for carrying out the purposes of this Act or for giving effect to any of the provisions contained therein or in any rules or orders made thereunder and the management of the non-government educational institution shall be bound by such directions.
- Operation of other laws. 18. Save as otherwise provided in this Act the provisions of this Act shall be in addition to, and not in derogation of any other law for the time being in force.
- Protection of action taken in good faith. 19. No suit, prosecution or other legal proceeding shall be instituted against the Fee Regulatory Committee and Fee Revision Committee or the members thereof, Government or any officer, authority or person empowered to exercise the powers or perform the functions by or under this Act for anything which is in good faith done or intended to be done under this Act or the rules made thereunder.
- Members of Committee, offences and employees to be public servant. 20. All the members of the Fee Regulatory Committee or the Fee Revision Committee, as the case may be, and the officers and employees while acting or purporting to act in pursuance of the provisions of this Act or rules made thereunder, be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, 1860.
- Power to remove difficulties. 21. (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by general or special order published in the *Official Gazette*, make such provisions not inconsistent with the provisions of this Act, as it appears to it to be necessary or expedient for the purposes of removing the difficulty:

Provided that no such order shall be made after the expiry of the

period of two years from the date of commencement of this Act.

(2) Every order made under sub-section (1) shall be laid, as soon as may be, after it is made, before the State Legislature.

Power to make  
rules.

22. (1) The State Government may, by notification in the *Official Gazette*, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-

(a) the honorarium and allowances payable to and other terms and conditions of service of members of the Fee Regulatory Committee under sub-section (3) of section 3;

(b) the fee to be levied by the non-government educational institution under sub-section (1) of section 10;

(c) the other factors under which the Fee Regulatory Committee shall determine the fees leviable by the non-government educational institution under clause (X) of sub-section (1) of section 11;

(d) to regulate the maintenance of accounts by the non-government educational institution under sub-section (1) of section 14;

(e) for maintenance of records of accounts of the Fee Regulatory Committee under sub-section (2) of section 14.

(3) All rules made by the State Government under this Act shall, as soon as may be after they are made, be laid before the Assam Legislative Assembly, while it is in session, for a total period of not less than fourteen days which may be comprised in one session or in two or more successive sessions, and shall, unless some later date is appointed, take effect from the date of their publication in the *Official Gazette* subject to such modifications or annulments as the Assam legislative Assembly may, during the said period agree to make, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done thereunder.

**STATEMENT OF OBJECTS AND REASONS**

The objectives to introduce the Bill namely the Assam Non-Government Educational Institutions (Regulation of Fees) Act, 2018 is to make provision for fixation of fees for the non-government educational in the State of Assam and the matters connected therewith and incidental thereto.

As there is pressing demand from various individual guardians of the student and the Association for fixation of fees of the non-government educational institutions in the State of Assam, it has been decided to constitute Fee Regulatory and Fee Revision Committee to fix the maximum fees to be charged from the students/guardians of these institutions.

Hence, this Bill.

**HIMANTA BISWA SARMA,**  
Minister in-charge, Education.

**M. K. DEKA,**  
Principal Secretary,  
Assam Legislative Assembly.

## FINANCIAL MEMORANDUM

The Bill does not entail any expenditure from the Consolidated Fund of the State once it comes into force.

## MEMORANDUM OF DELEGATED LEGISLATION

The Bill proposes to delegate legislative power to the Executive

**THE ASSAM MADRASSA EDUCATION (PROVINCIALISATION OF SERVICES OF EMPLOYEES AND RE-ORGANISATION OF MADRASSA EDUCATIONAL INSTITUTIONS) BILL, 2018**

**A  
BILL**

to provincialise the services of the employees of the Venture Madrassa Educational Institutions and also to re-organize and streamline the Madrassa Educational Institutions upto MM level in theological subjects in the State of Assam.

**Preamble**                 Whereas it is expedient to provincialise the services of the employee of the Venture Madrassa Educational Institutions and to re-organize and streamline the Madrassa Educational Institutions upto MM level in Assam so as to conform to the prevailing statutory norms and standards with a further objective to restrict any further growth of such Venture Madrassa Educational Institutions in the State of Assam;

It is hereby enacted in the Sixty-ninth Year of the Republic of India as follows:-

- |  |  |
|--|--|
| <b>Short title, extent and commencement.</b> | <p>1. (1) This Act may be called the Assam Madrassa Education (Provincialisation of Services of Employees and Re-Organization of Madrassa Educational Institutions) Act, 2018.</p> <p>(2) It extends to the whole State of Assam.</p> <p>(3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of the Act, or for different category of Madrassa Educational Institutions.</p> |
| <b>Application</b>                           | <p>2. The Act shall not apply to any Madrassa Educational Institution or Arabic College established or claiming protection under Article 30 of the Constitution of India.</p>  |
| <b>Definitions</b>                           | <p>3. In this Act, unless the context otherwise requires,-</p> <p>(a) 'Base Madrassa' means either an existing provincialised or a Venture Madrassa Educational Institution identified for the purpose of provincialisation of services of employee;</p>   |

(b) "Inspector of Schools" means the Inspector of School in the concerned District unless the context otherwise requires, it includes an Assistant Inspector of Schools of the same District;

Provided that in case of newly created districts, the concerned district shall mean the erstwhile district until the Inspector of Schools of the newly created district is appointed;

(c) "District Elementary Education Officer" means the District Elementary Education Officer of the concerned District;

Provided that in case of newly created districts, the concerned district shall mean the erstwhile district until the District Elementary Education Officer of the newly created district is appointed;

(d) "Deputy Inspector of Schools" means the Deputy Inspector of Schools in the concerned Sub-division;

(e) "District Scrutiny Committee" means the District Scrutiny Committee constituted under section 14 for each District to recommend names of Venture Madrassa Educational Institutions along with the names of teachers and tutors whose services are considered eligible for provincialisation under this Act;

(f) "DISE Code" means District Information System for Education Code prepared by the Sarba Sikhsa Abhijan, Assam and as available in the records of the National University of Educational Planning and Administration, New Delhi. It includes Unified District Information System (UDISE);

(g) "employee" means and includes all serving teaching faculty of Venture Madrassa Educational Institutions who have been appointed and joined in the concerned Venture Madrassa Educational Institution before the 1<sup>st</sup> day of January, 2011 and whose services are being or would be provincialised under this Act;

(h) "F.M. (Fadilul Ma'rif)" means a course of instruction recognized by the State Madrassa Education Board, Assam in Islamic education in respect of theological subjects which is equivalent to a theological Degree Course at graduate level and in

respect of general subjects equivalent to HSLC for the purpose of availing general education;

(i)“M.M (Mumtazul-Muhaddithin)” means a course of instruction recognized by the State Madrassa Education Board, Assam in Islamic education upto Post-Graduate level in theological subjects;

(j)“Governing Body” means the Governing Body of an Arabic College or a Title Madrassa approved by the appropriate authority as notified by the State Government for carrying out the management of the College or the Title Madrassa, as the case may be;

(k)“Managing Committee” means the Managing Committee constituted under the provisions of the Right of Children to Free and Compulsory Education Act, 2009 or the rules made there under in the case of a Pre-Senior Madrassa and in case of Senior Madrassa, the Managing Committee approved by the appropriate authority as notified by the State Government for carrying out the management of the concerned educational institution; Central Act No. 35 of 2009.

(l)“Madrassa Education” means a system of special education in which instruction is imparted in Arabic, Urdu, Persian, Quran, Tafsir, Hadith, Fiqh, Usul, Aquaid, Mantique, Hiqmat, Balagat, Islamic History alongwith same or all general subjects like Modern Indian Language, English, Hindi, Mathematics, General Science, Social Science, Computer, Technical and Vocational education upto Secondary School level; the syllabus, curriculum and examination for which are regulated by the Madrassa Education Board, Assam, upto the level of Fadilul-Ma’rif (F.M.) and Mumtaz-ul-Muhaddithin (M.M);

(m)“Madrassa Educational Institution” means Venture Madrassa Educational Institutions such as Pre-Senior Madrassa, Senior Madrassa, Title Madrassa and Arabic College which have been established by the people of the locality on or before 1.1.2006 and which has received permission and recognition from the State Madrassa Education Board, Assam on or before 1.1.2006 and

whereof the services of the teachers have not been provincialised under any Act enacted by the State Legislature so far;

(n)“Madrassa Teachers” means F.M., M.M., Intermediate and Hafiz and also includes Language Teachers, Graduate Teachers/Intermediate Teachers, Lecturers, Head Mudaris, Superintendent, Principal and any person of the Teaching faculty working in the Venture Madrassa Educational Institutions having required Educational qualifications and TET qualified, whose services are provincialised under this Act in the post of Madrassa Teachers or any other post in the Teaching faculty, but not as tutor under this Act;

(o) “Newly created district” means district created by the State Government by Notification in the Official Gazette on or after 01.01.2013;

(p)“Provincialisation” means taking over the liabilities for payment of salaries including dearness allowance, medical allowances and such other allowances to the Madrassa Teachers or tutors as admissible to the Government Servant of similar category and gratuity, pension, leave encashment etc. as admissible under the existing rules to the Government Servants of the similar category of the State of Assam;

(q)“Provincialised Madrassa” or ‘Provincialised Arabic College’ means an existing provincialised madrassa or a Venture Madrassa Educational Institution wherein the services of employees are provincialised under this Act;

(r)“State Government” means the State Government of Assam in the concerned Education Department i.e. Secondary Education Department;

(s) “State Level Scrutiny Committee” means the State Level Scrutiny Committee constituted under section 14(8) of this Act to cause physical verification of the institutions as recommended by the District Scrutiny Committee for final recommendation in the matter of provincialisation;

(t)“State Madrassa Education Board” means the “State Madrassa Education Board, Assam constituted under the provisions of the Assam Education Department Rules and Order;

(u)“Tutor” means F.M., M.M., Intermediate and Hafiz and also includes Language Teachers, Graduate Teachers/Intermediate Teachers, Lecturers, Head Mudaris, Superintendent, Principal working as teaching faculty in the Venture Madrassa Educational Institutions who are not eligible for provincialisation of their services as Madrassa Teachers under this Act due to lack of educational qualification. However, their services are provincialised as tutor with separate terms and conditions of service to be notified by the competent administrative Department:

Provided that a tutor shall not be eligible to hold the post of Head Mudarris, Superintendent, Principal as the case may be, in a Madrassa education under this Act;

(v)“Venture Arabic College” means a Venture Arabic College imparting Islamic education upto F.M.(Fadilul-Ma’rif) and upto M.M. (Mumtazul-Muhaddithin) level for Islamic education which has been established by the people of the locality on or before 1.1.2006 and which has received the required permission and recognition from the State Madrassa Education Board, Assam on or before 1.1.2006 and whereof the services of the teachers have not been provincialised under any of the Act enacted by the State Legislature so far;

(w)“Venture Pre-Senior Madrassa” means a Madrassa Educational Institution imparting Islamic-cum-General education upto Upper Primary level and which has been established by the people of the locality on or before 1.1.2006 and which has also received the required permission and recognition from the State Madrassa Education Board, Assam on or before 1.1.2006 and whereof the services of the teachers have not been provincialised under any of the Act enacted by the State Legislature so far;

(x)“Venture Senior Madrassa” means a Venture Senior Madrassa Educational Institution imparting Islamic and General education

upto F.M. (Fadilul-Ma'rif) and includes a Senior Madrassa imparting Islamic and General education upto Intermediate stage which has been established by the people of locality on or before 1.1.2006 and which has also received the required permission and recognition from the State Madrassa Education Board, Assam on or before 1.1.2006 and whereof the services of the teachers have not been provincialised under any of the Act enacted by the State Legislature so far;

(y)“Venture Title Madrassa” and “Venture Arabic College” means a Venture Title Madrassa and College respectively imparting Islamic education upto M.M.(Mumtazul-Muhaddithin) which has been established by the people of locality on or before 1.1.2006 and which has also received the required permission and recognition from the State Madrassa Education Board, Assam on or before 1.1.2006 and whereof the services of the teachers have not been provincialised under any of the Act enacted by the State Legislature so far.

Eligibility  
criteria for  
selection of  
Venture  
Madrassa  
Educational  
Institution for  
provincialisation  
of services of its  
employees .

4. (1) Subject to the provisions of Article 30 of the Constitution of India, the following categories of Venture Madrassa Educational Institutions shall be eligible for being considered for provincialisation of the services of their teachers and tutors:-
- (i) The Venture Madrassa Educational Institution which have been established by the people of the locality and which has received the required permission, recognition affiliation, concurrence as the case may be, upto the last highest class required for the concerned Institution from the State Madrassa Education Board on or before 1.1.2006:

Provided that the order for such permission, recognition, affiliation, concurrence etc. shall have to be issued on or before 01.01.2006 and any order issued thereafter with any retrospective effect, shall not be considered for the purpose of provincialisation of services of any teacher and tutor, as the case may be, of the institution;

(ii) The land, building and other infrastructure of such Venture Madrassa Educational Institutions in case of Venture Pre Senior Madrassa, shall be as far as practicable at par with the provisions under the Right of Children to Free and Compulsory Education Act, 2009 and Rules framed there under; Venture Madrassa Educational Institutions in case of Venture Senior Madrassa, Title Madrassa, Arabic Colleges shall be as far as practicable at par with the provisions under Assam Non-Government Educational Institutions (Regulation and Management) Act, 2006 and Rules framed thereunder,

Central Act No. 35 of 2009.  
Assam Act No. IV of 2007

(iii) The concerned Venture Madrassa Educational Institution must have land in the name of the Institution with clear and exclusive title and possession over the land before 01.01.2006 and any lease or rent or donor agreement executed at any point of time, shall not be considered in any manner, for this purpose:

Provided that in case of institutions situated in Forest area, Forest Possession Certificate from the competent Forest Authority certifying that the institution has been in possession of Forest Land prior to 01.01.2006 and in case of institutions situated in Tea Gardens, certificate from Tea Garden Authority certifying that the institution has been in possession of Tea Garden Land prior to 01.01.2006, shall have to be produced by the concerned educational institution before the District Scrutiny Committee constituted under section 14.

(iv) Venture Madrassa Educational Institution shall have a minimum total enrolment of 30 students in a Pre-Senior Madrassa /pre senior section of a Senior Madrassa, (from Class Pre-Senior 1<sup>st</sup> year to Pre-Senior 3<sup>rd</sup> Year), 25 students in each class of a Senior Madrassa, 15 students in FM final year class if it is Senior Madrassa and a minimum enrolment of 15 students in MM final year class if it is a Title Madrassa or an Arabic College, as on the date of coming into force of this Act;

(v) In case of Senior Madrassa (upto Intermediate stage or F.M. Stage) or an Arabic College or a Title Madrassa, the concerned

Madrassa Educational Institution shall have a consistent good academic performance which would mean at least 50% of the candidates appearing for the final examination as a whole must have passed in the last three consecutive examinations conducted by the Assam State Madrassa Education Board held during the previous three consecutive years prior to the date of coming into force of this Act;

(vi) In addition to the provision under clause (v) above, at least 25 (Twenty five) students in case of core subjects and atleast 5 (five) students in case of elective subjects shall have appeared in the last three years of Intermediate examination conducted by the Assam State Madrassa Education Board in each subject in case of Venture Senior Madrassa. Atleast 15(fifteen) students in each core subject and atleast 5 (five) students in case of elective subjects shall have appeared in last three years of FM examination conducted by the Assam State Madrassa Education Board, 5(five) students shall have appeared in last three years of MM examination conducted by the Assam State Madrassa Education Board, in case of a Title Madrassa or an Arabic College;

(vii) In case of Venture Pre-senior Madrassa there shall be six teachers or tutors, covering all theological and general subjects including Assamese Language subject Teacher/Tutor in respect of Madrassa under Brahmaputra Valley and seven teachers or tutors covering all theological and general subjects including Assamese Language subject Teacher/Tutor in respect of Madrassa in Barak Valley and there must be one Science teacher or tutor to teach Science and Mathematics subject.

(viii) In case of Senior Madrassa there must be one teacher or tutor to each core subject i.e. Mathematics, Science, English, MIL and Social Sciences :

Provided that for additional posts it shall be considered in accordance with the norms and standard stipulated in the Schedule under sections 19 and 25 of the Right of Children to Free and Compulsory Education Act, 2009, if the enrollment in a particular Madrassa is more than 180 students.

Central  
Act No.35  
of 2009

- (ix) The enrolment shall be verified with the records of the Examination authorities. There shall be physical verification of students and checking of records of attendance of students of last three years. The enrolment shall be verified with the data as per DISE/UDISE Code 2009-10 or before as available in the records of the National University of Educational Planning and Administration, New Delhi.
- (2) The concerned Venture Madrassa Educational Institution must have the required infrastructure as specified in the Schedule of the Right of Children to Free and Compulsory Education Act, 2009 as far as practicable and having DISE Code for the year 2009-2010 or prior to that in case of Venture Pre-Senior Madrassa and in case of all other Educational Institutions, the concerned institution must have the required infrastructure as specified in section 10 of the Assam Non-Government Educational Institutions (Regulation and Management) Act, 2006 as far as practicable. Central Act No. 35 of 2009 Assam Act No. IV of 2007
- (3) Subject to the provisions of the Right of Children to Free and Compulsory Education Act, 2009, in case of a Venture Pre-senior Madrassa and, in case of all other institutions, subject to the provisions of the Assam Non-Government Educational Institutions (Regulation and Management) Act, 2006, if an educational institution which does not fulfil the eligibility criteria as stated herein above on the date of coming into force of this Act, such institution, shall not be eligible to be considered for provincialisation of the services of its teachers, but, may be allowed to run as a Private Institution or a Non-Government Educational Institution as before subject to fulfilment of other statutory norms in force. Central Act No. 35 of 2009 Assam Act No. IV of 2007
- (4) If any Venture Madrassa Educational Institution established and administered under Article 30 of the Constitution of India prefers to come under the ambit of this Act and if the services of employees of such institutions are provincialised under this Act, such institutions shall not remain under the ambit of the provisions

of Article 30 of the Constitution of India with effect from the date of such provincialisation.

- (5) (a) The Government of Assam shall identify Base Madrassa/Arabic College for the purpose of provincialisation of services of employees of the Venture Madrassa Educational Institutions.
- (b) If any Provincialised Madrassa/Arabic College already exists within a nearby area accessible to the students of the locality, the existing provincialised Madrassa/ Arabic College shall be identified as the Base Madrassa/Arabic College:

Provided that in case of two or more existing provincialised Madrassa Educational Institutions are functioning within certain locality, the District Scrutiny Committee shall identify only one of such educational institutions as the Base Madrassa/Arabic College, considering the existing infrastructure and other amenities and facilities available in such madrassa educational institution.

- (6) All the employees and the students of an Educational Institution provincialised under this Act shall be merged with the Base Madrassa, to fulfil and maintain norms and all other Statutory requirements for the purpose to re-organise in education sector in all levels. The Base Madrassa/Arabic College can be an existing provincialised Madrassa or it may be a Venture Madrassa Educational Institution eligible for provincialisation under this Act having adequate infrastructure:

Provided that the existing provincialised Madrassa/Arabic College shall be preferred over a Venture Madrassa Educational Institution for identification as a Base Madrassa/Arabic College.

- (7) Madrassa Educational institutions which are running professional courses and private institution run with the fees realised from the students shall not be considered for provincialisation of services of the teachers under this Act.
- (8) Save and except an institution covered under Article 30 of the Constitution of India which is already getting financial assistance or grants-in-aid from the Government, no other Private or Non-Government Madrassa educational institution shall be entitled to

get any aid or assistance from the State Government in any form with effect from the date of coming into force of this Act.

- (9) If any eligible Venture Madrassa Educational Institution intends to remain outside the purview of provincialisation of services of their employees under this Act, such institution shall give their option in writing expressing their intention to remain outside the purview of this Act, before the District Scrutiny Committee within one year from the date of coming in to force of this Act. However, these institutions shall have to obtain permission and recognition as prescribed under section 16(1) of this Act.

Employees to be  
Government  
Servants.

5. (1) Subject to fulfillment of all other provisions of this Act, the services of the employees of all Venture Madrassa Educational Institutions eligible under section 4 of this Act, shall be deemed to have been provincialised on the date of publication of the provincialisation order by Notification in the Official Gazette and they shall become employees of the State Government with effect from such date.
- (2) The employees to be provincialised under this Act,-
- (i) Teachers must have been working as a teaching staff in the concerned Venture Madrassa Educational Institution that have been fully recognized upto the last and highest Class or as specified under section- 4 (IV), (V) required for such institution by the State Madrassa Education Board on or before 01.01.2006;
- (ii) must have minimum educational and professional qualification as laid down under different Act and Rules mentioned under section 7. The teachers must have passed in the Teacher Eligibility Test (TET) conducted by the State Government.
- (iii) must have rendered at least six years continuous service as on 01.01.2017 from the date of joining in the concerned Venture Madrassa Educational Institution;
- (iv) in case of Teacher/Tutor of the Senior Madrassa and above the number of students appeared in the concerned final examination as

the case may, shall not be less than 5 students in each of the respective subject per year during last three years.

Land, building etc. to vest with the Government.

6. (1) With effect from the date of provincialisation of the services of the employees of the Venture Madrassa Educational Institutions under this Act, the land, building and other assets of the concerned Madrassa educational institution shall vest with the Government.
- (2) In case of merger/or amalgamation of one educational institution with other educational institution, the land, building and other assets vacated by any such merged educational institution shall be used by the Government for other suitable purpose whatsoever.

Educational and Professional qualification of teachers.

7. (1) The services of teachers in a Venture Madrassa Educational Institution from the Pre Senior to MM level, shall be considered for provincialisation in the post of teachers or relevant teaching faculty in appropriate nomenclature, as the case may be, subject to fulfilment of the eligibility criteria relating to educational and professional qualifications as laid down under the following Acts, Rules and Regulations as applicable :-
- (a) The Right of Children to Free and Compulsory Education Act, 2009 and its Rules;
- (b) The National Council for Teachers Education Act, 1993 and its Regulations in force at the time of provincialisation of services;
- (c) The Assam Madrassa Education (Provincialised) Service Rules, 2016;
- (d) The Teaching faculty must be TET qualified.
- (2) The services of a teaching employee in a Venture Madrassa Educational Institution shall be considered for provincialisation as teacher only if they have the requisite academic and professional qualifications prescribed under the relevant Acts, Rules or Regulations as mentioned in sub-section (1) of this section which are applicable for the time being in force, otherwise their services shall be provincialized as tutor.

Central  
Act No. 35  
of 2009  
Central  
Act No. 73  
of 1993

- Professional qualification of tutor.
8. (1) The tutor must acquire the prescribed educational and professional qualifications within a period of five years from the date of publication of the order of provincialisation of services of the teachers and or tutors of the concerned Venture Educational Institutions in the Official Gazette and after acquirement of required qualification, they shall be upgraded to the post of teacher in appropriate cadre.
- (2) If such tutor fail to acquire such prescribed qualifications within a period of five years from the date of publication of the order of provincialisation in the Official Gazette, their cases shall not be considered for up-gradation to the post of teacher after the lapse of a period of five years from the date of publication of provincialisation order in the Official Gazette and they shall continue to function as tutor as per same terms and conditions which were applicable to them before provincialisation of the concerned Venture Educational Institution.
- Terms and conditions of service.
9. (1) Subject to the provisions of this Act and the Rules made hereunder all rules including service rules and rules of conduct and discipline which are applicable to State Government servant of corresponding ranks, shall be applicable to all teachers of educational institution whose services have been or are to be provincialised under the provisions of this Act.
- (2) The teachers whose services have been provincialised under this Act shall get full scale of pay and such emoluments as salary and allowances as per norms of the State Government applicable to the employees of the corresponding rank with effect from the date of provincialisation of their services, as if they are fresh appointees and they cannot claim any benefit whatsoever in respect of past services rendered by them before provincialisation and in respect of pension, they shall be governed by the New Pension Scheme applicable to the State Government teachers of the corresponding rank.

- (3) For the tutors whose services are provincialised as tutors under this Act, their scope of work and other condition of service shall be notified by the concerned administrative department separately. The emoluments for tutor shall be paid at the rate as specified in the Schedule appended to this Act subject to the condition that the enhanced emoluments after 2(two) years as per schedule shall be admissible in respect of a tutor on submission of a satisfactory performance report by the head of the concerned educational institution to the Drawing and Disbursing Officer after completion of 2(two) years service from the date of provincialisation. In the event of subsequent acquirement of educational and professional qualification by such tutors within 5 years from the date of provincialisation of the services of teachers in the concerned Venture Educational Institution, they shall be eligible for upgrading their posts as teachers. In the event of failure in acquiring required qualification within five years from the date of provincialisation of the Venture Educational Institutions, he shall continue as a tutor only under the terms and conditions of service including their salary and allowances as may be notified by the Government under sub-section(4) of this section.
- (4) The scope of work and other terms and conditions of service of the tutors shall be notified by the concerned administrative departments separately.
- (5) The employees, who have completed sixty years of age as on the date of coming into force of this Act, shall be deemed to have retired with effect from that date and they shall have no claim whatsoever from the State Government as regards their pay, allowances and retirement benefits for services already rendered by them in such educational institutions before the date of provincialisation.
- (6) The employees provincialised under this Act shall hold personal posts to be created for provincialisation of their services. These posts shall be outside the cadre which shall stand abolished on cessation of services by the concerned teacher or tutor, as the case

		may be, due to retirement, death, resignation or any other reason whatsoever.	
Management of the Madrassa Educational Institution where services of employees of Venture Madrassa Educational Institutions are provincialised.	10.	With effect from the date of publication of the Notification under sub-section(1) of section 5, the administration, management and control of all provincialised Madrassa Educational Institutions coming within the purview of this Act shall vest in the State Government.	
Managing Committee in respect of provincialised Pre-Senior Madrassa.	11	The constitution, composition, powers, functions and duties of the Managing Committee in respect of Pre-Senior Madrassa shall be governed by the provisions of the Right of Children to Free and Compulsory Education Act, 2009 and the rules framed thereunder.	Central Act 35 of 2009
Managing Committee/ Governing Body in respect of other Madrassa Educational Institutions.	12, (1)	The State Government or an officer authorized by the State Government, by an order, constitute a Managing Committee in respect of Senior Madrassa, Title Madrassa and a Governing Body in respect of a Arabic College for managing the affairs of such Madrassa Educational Institutions.	
	(2)	The Governing Body and the Managing Committee, as the case may be, of such institutions shall exercise such powers and shall perform such functions as specified in the relevant Acts and rules prescribed thereunder.	
	(3)	The State Government or the Officer so authorized by the State Government may, at any time, re-constitute the Managing Committee or the Governing Body, as the case may be, whenever it is considered necessary.	
	(4)	The composition of the Managing Committee or the Governing Body shall be such as may be prescribed by the State Government.	
	(5)	Subject to overall control and supervision of the Authority / Director, all teaching and non-teaching employees and/or tutors whose services are or would be provincialised, shall be	

accountable and remain subject to the control of the Managing Committee or the Governing Body, as the case may be.

- (6) All teachers whose services have been provincialised shall render their services under the control and supervision of the Head of the institution and if so required their services may be utilized in the lower classes for smooth running of the concerned Educational Institution.

Amalgamation/  
Merger and  
shifting or  
expansion of  
Madrassa  
Educational  
Institution.

13. (1) In appropriate cases, if there is already an existing Madrassa Educational Institution nearby, and the enrolment of the students does not justify more than one institution in the same locality, or there are other sufficient reasons so to do, the State Government, in the public interest and for reasons to be recorded in writing may, order merger or shifting of the institution from one place to another, or may order amalgamation of two or more existing institutions.
- (2) In appropriate cases, if the State Government is of the view that an existing Madrassa Educational Institution need be expanded so as to have more classes, the State Government may order expansion of an existing Madrassa institution from Pre-Senior to Senior (Intermediate Stage) or from Senior (Intermediate Stage) to Senior (F.M.) Stage, or from Senior (F.M.) stage to Arabic College or Title Madrassa.
- (3) All employees whose services have been provincialised under the provisions of this Act and who are working in one of the Madrassa Educational Institution in respect of which an order under sub-sections (1) and (2) above has been passed, shall be liable to be transferred and posted in any other provincialised Madrassa Educational Institution in the same rank and grade.
- (4) All teachers working on a higher grade in an institution in respect of which an order under sub-section (2) has been passed may be required to teach in the lower classes also.

- District Scrutiny Committee and State Level Scrutiny Committee.
14. (1) There shall be District Scrutiny Committees in each district for Pre-senior Madrassa, Senior Madrassa, Title Madrassa or Arabic College to scrutinize service records and other related issues of the serving teachers and other staff of Venture Madrassa Educational Institutions pertaining to provincialisation of their services.
- (2) The Deputy Commissioner of the District, by an order, shall constitute the District Scrutiny Committee for the respective district under preceding sub-section:
- Provided that in case of newly created districts, the Deputy Commissioner of the erstwhile district with the help of Deputy Commissioner of the newly created district shall scrutinize all cases of entire erstwhile district.
- (3) The District Scrutiny Committee shall be constituted with the following members, namely:-
- (i) The Deputy Commissioner or his nominee not below the rank of Additional Deputy Commissioner of the concerned district ---Chairman;
  - (ii) The Inspector of Schools of the concerned district----- Member-Secretary;
  - (iii) District Elementary Education Officer; ..... Member;
  - (iv) One nominee of the Deputy Commissioner of newly created district if the institution falls within the jurisdiction of newly created district; ..... Member;
  - (v) One Principal of Arabic College or Title Madrassa situated within the district to be nominated by the Inspector of Schools----Member;
  - (vi) One eminent person in the field of education who is an ordinary resident within the district to be nominated by the Deputy Commissioner-----Member.
  - (vii) One retired Principal/Superintendent of a Venture Madrassa Educational Institution situated within the district to be nominated by the Inspector of Schools---Member.

- (4) The District Scrutiny Committee shall first scrutinize and prepare a list of all Venture Madrassa Educational Institutions within the district, which are eligible in terms of the provisions of this Act and shall thereafter proceed to scrutinize and verify the service records of all the serving teachers, who are eligible or would become eligible for being considered for provincialisation of their services. The District Scrutiny Committee shall identify a Base Madrassa for each category of Madrassa and recommend the name of teacher/ tutor to be associated against each Base Madrassa.
- (5) The District Scrutiny Committee shall forward the verified list of eligible teachers Base Madrassa-wise in accordance with this Act, to the concerned Director who shall place the matter before the State Level Scrutiny Committee to be constituted under subsection (8) of this section and after making such further scrutiny as may be required, shall forward the same to the concerned Department of the State Government for consideration and for issuing Notification in respect of the eligible institutions and teachers eligible for getting their services provincialised.
- (6) The District Scrutiny Committee shall have the powers to inspect physical existence of Madrassa /or Arabic College and to inspect all documents and records produced before it and call for such further records and documents as may be required for the purpose of causing verification and scrutiny and examine witnesses for the purpose, if considered necessary and while doing so it shall have the powers of a Civil Court for the purpose of compelling attendance of persons and production of documents.
- (7) The State Government may, for reasons to be recorded in writing, by an order re-constitute the District Scrutiny Committee or may change in its composition, if the circumstances so warrant, from time to time.
- (8) There shall be one State Level Scrutiny Committee at State level for verification of recommendation received from the District Scrutiny Committees with the following member, namely :-

- (i) Director of the concerned Department of Education-.....  
Chairman.
  - (ii) Deputy Director of Madrassa Education - .....Member  
Secretary
  - (iii) One representative nominated by the concerned  
Administrative Department-.....Member.
- (9) The State Level Scrutiny Committee shall have to cause physical verification of all institution and will also inspect all documents and records produced before it and call for such other records and documents as may be required for the purpose of causing verification.
- (10) When there arises difference in between the recommendation of the District Scrutiny Committee and the Physical verification report caused by the State Level Scrutiny Committee, the matter shall be placed before the State Level Scrutiny Committee and the decision of the State Level Scrutiny Committee shall be final.

**Explanation**(1) For the purposes of this section, the Deputy Commissioner in relation to Districts included in the areas covered under the Sixth Schedule of the Constitution of India shall mean the Principal Secretary of the respective council.

(2) In case of autonomous Council, one additional member like Director of Education, Bodoland Territorial Council (BTC) or Officer of the Education Department of the Bodoland Territorial Council shall be nominated by the Council.

Appellate  
Authority.

15

The State Level Scrutiny Committee shall be the appellate authority against any recommendation of the District Scrutiny Committee and the State Government in the concerned administrative department shall be the Appellate Authority against any recommendation of the State Level Scrutiny Committee.

Madrassa Educational Institutions not provincialised to function as Private/Non-Government Institutions.	16. (1)	The services of teachers of the Venture Madrassa Educational Institutions which have not received recognition and permission etc from the State Madrassa Education Board or authority as declared by the State Government on or after 1-1-2006, shall not be provincialised and no such educational institution shall be allowed to remain functional unless it has obtained,-	Assam Act No. IV of 2007
		(i) permission under the provisions of the Assam Non-Government Educational Institutions (Regulation and Management) Act, 2006, in case of all other educational institutions; and	Central Act No. 35 of 2009
		(ii) certificate of recognition from the authority notified under the provisions of section 18 of the Right of Children to Free and Compulsory Education Act, 2009.	
	(2)	All such Venture Madrassa Educational Institutions, which have obtained the required permission and recognition as the case may be, shall be allowed to function as purely Private or Non-Government Educational Institution.	
Offences and Penalties.	17. (1)	Whoever provides misleading, incorrect or false information to and suppresses materials information from or abets the providing or suppression of such information to the District Scrutiny Committee or to any other authority under this Act shall commit an offence under this Act which shall be punishable with imprisonment for a term which may extend to two years.	
Offences to be cognizable and Non-bailable.	18.	Offences committed under this Act shall be cognizable and non-bailable under the provisions of the Code of Criminal Procedure, 1973.	Central Act. No. 2 of 1974
Trial of cases	19. (1)	Offences under section 17 shall be triable by a Judicial Magistrate of the Competent Jurisdiction under the Code of Criminal Procedure, 1973.	Central Act No. 2 of 1974
	(2)	Cases under this section shall be tried summarily under the Code of Criminal Procedure, 1973.	

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| Suits and Proceedings.   | 20. | <p>(1) No suit, prosecution or other legal proceeding shall lie for anything in good faith done under this Act, except with previous sanction of the State Government.</p> <p>(2) To adjudicate the disputes for redressal of grievances relating to the employees of the Non-Government Madrassa Educational Institution as well as disputes concerning disciplinary action, genuineness of establishment of Madrassa institution and claim for provincialisation in respect of teaching and non-teaching staff of Venture Madrassa Educational Institution, there shall be an Educational Tribunal for each District within the respective Territorial Jurisdiction. The District and Sessions Judges and the Additional District and Session Judges of each District shall be designated as Educational Tribunal.</p>  |
| Power of interpretation and removal of difficulties.             | 24. | <p>(1) If any difficulty arises in interpretation of any provisions of this Act, interpretation of the State Government shall be final.</p> <p>(2) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order do anything not inconsistent with the provisions of this Act which appear to be necessary or expedient for the purpose of removing the difficulty.</p>   |
| Creation of Personal post and maintenance of reservation Policy. | 22. | <p>(1) For the purpose of provincialisation of services of the teachers and tutors under this Act, the Government shall create and sanction such number of ex-cadre posts which shall be personal to the incumbents. These personal posts shall stand abolished on cessation of the services of the teacher for reason whatsoever including retirement, resignation, death etc. Since these are personal as well as ex-cadre posts. The present cadre strength of the concerned services shall not be impacted in any way due to creation of these posts.</p> <p>(2) The Administrative Department may retain the posts of any Madrassa Educational Institution provincialised under this Act, after cessation of the services of the teachers which may be deemed to be necessary to run the Institution.</p> <p>(3) The posts so retained as per sub-section (2), shall be en-cadre in appropriate cadre and shall continue as permanent posts.</p> |

- (4) While making retention of posts under sub-section (2) and in creating additional posts as may be required under this Act, the prescribed percentage of reservation for Scheduled Castes and Scheduled Tribes and other reservation categories, as applicable under the relevant Act and rules, shall be maintained.

- Creation of fund 23. (1) The State Government shall create a special pool of fund to facilitate implementation of the provisions of this Act in consultation with the Finance Department of the Government of Assam in due course of time.
- (2) For creation of the pool under sub-section(1), the following sources shall be considered:-
- (i) Proceed of State Lotteries;
  - (ii) Education cess on Petrol/ Diesel not exceeding Re.0.50 per liter.
  - (iii) 5% on exemption/re-imburement to any Industrial Entrepreneur under Industrial Policy or equivalent policy thereon;
  - (iv) State Excise duty i.e. duty on Alcohol/ Tobacco product etc.

- Power to make rules . 24. (1) The State Government may, by notification published in the Official Gazette, make rules for carrying out the provisions of this Act.
- (2) Without prejudice to the generality of the foregoing provisions, such rules may provide for all or any of the following matters, namely:-
- (i) prescribing service conditions and specifying the duties and responsibilities of all employees whose services have been provincialised under this Act;
  - (ii) preparation and maintenance of service records of the employees whose services have been provincialised;
  - (iii) for management of the Madrassa Educational Institution;
  - (iv) specifying the powers, functions, duties and responsibility of the Managing Committee or the Governing Body of the Madrassa

Educational Institutions, as the case may be.

(v) prescribing the scope of work, emoluments and remuneration and other terms and conditions of services of tutors provincialised under this Act.

- (3) All rules made by the State Government under this Act shall, as soon as may be after they are made, be laid before the Assam Legislative Assembly while it is in session, for a total period of not less than fourteen days which may be comprised in one session or two or more successive sessions and shall, unless some later date is appointed, take effect from the date of their publication in the Official Gazette subject to such modifications or annulments as the Legislative Assembly may, during the said period agree to make, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done thereunder.

Repeal and Savings.	25.	<p>The Assam Venture Madrassa Educational Institutions (Provincialisation of Services) Act, 2011 as amended vide the Assam Venture Madrassa Educational Institutions (Provincialisation of Services) (Amendment) Act, 2013 and the Assam Venture Madrassa Educational Institutions (Provincialisation of Services) (Amendment) Act, 2014 and all rules, orders, notification issued thereunder, shall stand repealed. However, all employees whose services were provincialised prior to coming into force of this Act shall continue and their cases would be governed by the Assam Madrassa Education (provincialisation) Service Act, 1995 and Assam Madrassa Education (provincialisation) Service Rules, 2016.</p>	<p>Assam Act No. III of 2012. Assam Act No. XII of 2013. Assam Act No. VII of 2014.</p>
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## Schedule

[See section 9(3)]

Fixed salary admissible to a tutor

Category of Institution	Category of Staff	Fixed salary for 1 <sup>st</sup> to 2 <sup>nd</sup> year. (in Rs)	Fixed salary for 3 <sup>rd</sup> to 5 <sup>th</sup> year. (in Rs)
Arabic College : (From Pre-Senior Section to M.M. Level containing 3 + 3 + 3 + 2 = 11 classes)	Principal	20700	23000
	Lecturer	16200	18000
	M. M. (Post Graduate Assistant Teacher)	16200	18000
	F. M. (Graduate Assistant Teacher)	12600	14000
	Arts (Graduate Assistant Teacher)	12600	14000
	Science (Graduate Assistant Teacher)	12600	14000
	Hindi language teacher (Graduate Assistant Teacher)	12600	14000
	Intermediate Assistant Teacher (General)	10800	12000
Senior Madrassa : (From Pre-Senior Section to F.M. Level containing 3 + 3 + 3 = 9 classes)	Intermediate and Hafiz (Assistant Teacher)	10800	12000
	Superintendent	16200	18000
	M. M. (Post Graduate Assistant Teacher)	16200	18000
	F. M. (Graduate Assistant Teacher)	12600	14000
	Arts Graduate (Assistant Teacher)	12600	14000
	Science Graduate (Assistant Teacher)	12600	14000
	Hindi language teacher (Graduate Assistant Teacher)	12600	14000
	Assamese language teacher (Senior Grade) (Only for Barak Valley)	12600	14000
Intermediate Assistant Teacher (General)	10800	12000	
	Intermediate and Hafiz (Assistant Teacher)	10800	12000

Pre-Senior Madrassa (Upper Primary Section) ( 3 classes)	Head Mudarris	10800	12000
	F. M. (Assistant Teacher)	10600	11800
	Higher Secondary (Assistant Teacher)	10800	12000
	Graduate/Intermediate Teacher (Science & Mathematics)	11700	13000
	Hindi Teacher (Junior Grade)	10800	12000
	Assamese language Teacher (Jr. Grade) (Only for barak Valley)	10800	12000
	Intermediate and Hafiz (Assistant Teacher)	10600	11800

**STATEMENT OF OBJECTS AND REASONS**

The objectives to introduce the Bill namely the Assam Madrassa Education (Provincialisation of Services of Employees and Re-Organization of Madrassa Educational Institutions) Act, 2018 to provincialise the services of the employee of the Venture Madrassa Educational Institutions and to re-organize and streamline the Madrassa Educational Institutions upto MM level in Assam so as to conform to the prevailing statutory norms and standards with a further objective to restrict any further growth of such Venture Madrassa Educational Institutions in the State of Assam. The Assam Venture Madrassa Educational Institutions (Provincialisation of Services) Act, 2011 was enacted on the basis of the Assam Venture Educational Institutions (Provincialisation of Services) Act, 2011 and as the said act has been repealed for which a separate Act has been enacted, it has been proposed to legislate this new Act repealing the earlier Act, 2011 for provincialisation of services of the employees of the Madrassa institutions in the State. Accordingly, the Assam Madrassa Education (Provincialisation of Services of Employees and Re-Organisation of Educational Institutions) Bill, 2018 has been prepared.

The basic principle for consideration of venture Madrassa educational institutions have taken into account as per principle for consideration of the venture educational institutions stipulated in the Assam Education (Provincialisation of Services of Teachers and Re-Organisation of Educational Institutions) Act, 2017.

Hence the Bill.

**HIMANTA BISWA SARMA,**  
Minister in-charge, Education.

**M. K. DEKA,**  
Principal Secretary,  
Assam Legislative Assembly.

## FINANCIAL MEMORANDUM

The Bill entails expenditure from the Consolidated Fund of the State once it comes into force.

## MEMORANDUM OF DELEGATED LEGISLATION

The Bill proposes to delegate legislative power to the Executive