

**THE ASSAM ELEMENTARY AND SECONDARY SCHOOL TEACHERS'  
(REGULATION OF POSTING AND TRANSFER) (AMENDMENT) BILL, 2023**

**A**

**BILL**

further to amend the Assam Elementary and Secondary School Teachers' (Regulation of Posting and Transfer) Act, 2020.

Preamble

Whereas it is expedient to amend the Assam Elementary and Secondary School Teachers' (Regulation of Posting and Transfer) Act, 2020, hereinafter referred as the principal Act, in the manner hereinafter appearing;

Assam Act  
No. III of  
2020

It is hereby enacted in the Seventy-fourth Year of the Republic of India as follows:-

Short title,  
extent and  
commencement

- 1 (1) This Act may be called the Assam Elementary and Secondary School Teachers' (Regulation of Posting and Transfer) (Amendment) Act, 2023.
- (2) It shall have the like extent as the principal Act.
- (3) It shall come into force at once.

Amendment of  
section 2

- 2 (1) In the principal Act, in section 2,-
- (i) for clause (g), the following shall be substituted, namely:-  
“(g) “High PTR” means a school where number of students are more than the teacher as per requirement of PTR norms;”
- (ii) for clause (h), the following shall be substituted, namely:-  
“(h) “Low PTR” means a school where number of students are less than the teacher as per the requirement of PTR norms;”.

Insertion of  
new Section  
5A

- 3 In the principal Act, after section 5, the following new section 5A shall be inserted, namely,-

“Transfer or  
shifting of  
Teacher for  
administrative  
exigencies

- 5A. The Government in the School Education Department, for administrative exigencies, may transfer or shift any teacher at any time during a year for rationalization or shifting of teachers which is done throughout the year.”

*Das*  
VETTERED TO THE  
LEGISLATIVE DEPARTMENT  
ON 3.3.2023

(21)

Amendment of section 7 4 In the principal Act, in section 7, in sub-clause (a), in first line, in between the words "district" and "continuously", the words "or district other than home district" shall be inserted.

Amendment of section 11 5 In the principal Act, in section 11, in third line, for the punctuation mark "." appearing at the end, the punctuation mark ":" shall be substituted and thereafter the following proviso shall be inserted, namely:-

"Provided the transfer of teacher made on his/her own request under this Act, shall entail forfeiture of seniority".

Amendment of section 12 6 In the principal Act, in section 12, the sub-section (2), in second line, for the words "rigorous imprisonment for a term which may extend to one year or a fine not exceeding rupees fifty thousand" appearing after the words "punished with", the words "with fine which shall not be less than rupees fifty thousand and may extend upto rupees one lakh" shall be substituted.

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NOTED  
LEGISLATION DEPARTMENT  
03.03.2023

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### **STATEMENT OF OBJECTS AND REASONS**

The objective to introduce the Bill, namely, the Assam Elementary and Secondary School Teachers' (Regulation of Posting and Transfer) (Amendment) Bill, 2023 is to further amend the Assam Elementary and Secondary School Teachers' (Regulation of Posting and Transfer) (Amendment) Act, 2020

With a view of proper streamlining and for taking effective measures in transfer and posting of teachers keeping in notice of the academic interest of the students community and for proper utilization of manpower for effective academic support and for prevention of adverse effect on academic activities in Schools it has been proposed to amend the definition of high PTR (Pupil Teacher Ratio) and low PTR (Pupil Teacher Ratio) in section 2, status of seniority on transfer in section 11 and deletion of sub-section (2) of section 12 which relates to panel provision of imprisonment or fine of rupees up to fifty thousand.

Hence, the Bill.



(Dr. Ranoj Pegu)  
Minister, Education



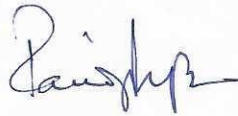
(Shri Hemen Das )  
Principal Secretary  
Assam Legislative Assembly

### **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**

The Bill does not provide to delegate legislative power to the Executive.



(Dr. Ranoj Pegu)  
Minister, Education

**EXTRACT OF THE RELEVANT SECTIONS OF THE ASSAM ELEMENTARY AND SECONDARY SCHOOL TEACHERS' (REGULATION OF POSTING AND TRANSFER) ACT, 2020 UNDER AMENDMENT**

The Department of School Education has proposed to amend the definition of high PTR (Pupil Teacher Ratio) and low PTR (Pupil Teacher Ratio) in section 2, status of seniority on transfer in section 11 and deletion of sub-section (2) of section 12 which relates to panel provision of imprisonment or fine of rupees up to fifty thousand.

Moreover, the Department has also proposed to insert a New Section as Section 5(A) which relates to Transfer or Shifting of Teacher for administrative exigencies which are illustrated below in tabular format.

<b>Section</b>	<b>Existing Provision</b>	<b>Proposed Provision</b>
<b>Section 2(g)</b>	High PTR means a School where number of Teachers are more than the requirement as per PTR norms.	High PTR means a School where number of Students are more than the teachers as per requirement of PTR norms
<b>Section 2(h)</b>	Low PTR means a School where number of Teachers are less than the requirement as per PTR norms.	Low PTR means a School where number of Students are less than the teachers as per requirement of PTR norms.
<b>Section 7</b>	A Teacher working in a district continuously for 10(ten) years or more can apply for transfer to his or her home district or to a nearest contiguous district	In the principal Act, in section 7, in sub-clause (a), in first line, in between the words "district" and "continuously" the word "or district other than home district" shall be inserted.
<b>Section 11</b>	Transfer of a teacher made under this Act, shall not in any way effect his original seniority in the respective cadre of the service.	In the principal Act, in section 11, in third line, for the punctuation mark "." appearing at the end, the punctuation mark ":" shall be substituted and thereafter the following proviso shall be inserted namely:- "Provided the transfer of teacher made on his/her own request under this Act, shall entail forfeiture of seniority".
<b>Section 12</b>	Whoever violates any one or more of the provisions of this Act shall be punishable with rigorous imprisonment for a term which may extend to one year or a fine not exceeding fifty thousand rupees	In the principal Act, in section 12, the sub-section (2), in second line, for the words "rigorous imprisonment for a term which may extent to one year or a fine not exceeding rupees fifty thousand" appearing after the words "punished with", the words "with fine which shall not be less than fifty thousand and may extend upto rupees one lakh" shall be substituted.
<b>Insertion of New Section 5(A)</b>	N/A	<u>Transfer or Shifting of Teacher for administrative exigencies</u> The Government in the School Education Department, for administrative exigencies, may transfer or shift any teacher at any time during a year for rationalization or shifting of teachers which is done throughout the year.