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**REPORT
OF
THE COMMITTEE ON SUBORDINATE
LEGISLATION
ASSAM LEGISLATIVE ASSEMBLY**

FIFTEENTH ASSEMBLY

TWENTY EIGHT REPORT

Presented to the HOUSE on 30th August, 2024

**ASSAM LEGISLATIVE ASSEMBLY SECRETARIAT
DISPUR::GUWAHATI-6**

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**COMPOSITION OF THE COMMITTEE ON
SUBORDINATE LEGISLATION**

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1. Shri Ponakan Baruah, MLA

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SECRETARIAT

1. Shri Dulal.Pegu, Secretary
2. Shri Samir. Das, Deputy Secretary
- 3.Smti. Rinelin S.Momin, Under Secretary
4. Smti. Sewali Bhagawati Sarma, Committee Officer

INTRODUCTION

I, the Chairman, Committee on Subordinate Legislation, Assam Legislative Assembly have been authorized by the Committee to present the report on their behalf the **TWENTY EIGHT REPORT** of the Committee.

The Committee on Subordinate Legislation was re-constituted on 8th December,2023 by the Hon'ble Speaker, Assam Legislative Assembly to scrutinize the Rules, Sub-Rules, Regulations, Bye-Laws, Orders etc of its various provisions passed by the Assam Legislative Assembly from time to time.

Accordingly, the Committee in its sitting 4th January,2024 and 29th July,2024 respectively finalized its **TWENTY EIGHT REPORT** on 22nd August,2024.

The Committee places on records its appreciation to the Secretary and other Officials to the Government of Assam, Department of School Education for their kind cooperation during the deliberation on the meetings.

The Committee places on records its appreciation for the assistance rendered to the Committee by the Officers and staff of the Assam Legislative Assembly attached to the Committee on Subordinate Legislation, Assam Legislative Assembly.

Place: Dispur,
Date :22nd August,2024

Shri Ponakan Baruah
Chairman
Committee on Subordinate Legislation

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REPORT

The Committee on Subordinate Legislation Assam Legislative Assembly, in its meeting held on 4th January,2024 and 29th July ,2024 and decided to examine the Assam Non-Government Educational Institutions (Regulation on Fees) Rules, 2020 in accordance with the provisions of the relevant Acts.

The Committee has directed this secretariat to inform the School Education Department, Govt. of Assam to be present before the Committee meeting held on 4th January,2024 and 29th July ,2024. The Committee also directed to collect all the necessary relevant Rules etc. from the concerned Department.

Accordingly, the Department has submitted the Assam Non-Government Educational Institutions(Regulation of Fees) Rules 2020 to the Committee for its examination.

During the course of discussion, various queries were made by the Hon'ble Chairman and other Members of the Committee to the department in regards to framing of the Rules.

As desired by the Committee, the department concerns expressed their views as follow:-

- The Fee Regulation Act was passed in the year 2018 as "The Assam Non-Government Educational Institutions (Regulation of Fees) Act, 2018" to regulate the fees structure of the non-Govt. educational Institution in the State. As per the provisions of this act all the non- government educational Institutions are bound to register themselves in the FRC portal and should apply for the Fee Fixation certificate before the commencement of every academic year.

The purpose of this committee is to verify wheather the expenditure incurred towards the services/facilities provided to the students and the fees collected from the students by the institution for a particular academic year are proportionate or not. The next time when the institute increases the fees structure they have to provide the justification for such increase. The Fee Regulatory Committee has been running since last three years, and the committee have observed that the case of abnormal increase in the fee structure among the Non-Govt. institutions is being reduced.

As per the Constitution of India, no educational institute is established to earn profit from students since these are all established under trust for the welfare of the society. To examine this Fee Regulatory Committee asks the Schools to submit the Last 3-4 years Audited statement of accounts i.e. Income & Expenditures, Balance Sheets etc. in the FRC portal. Then the calculation is performed by the system automatically and the Committee sees whether the income from the fees and the expenditure incurred by the institute is equal or not.

- The said act was amended in the year 2022 to include penalty provision for the defaulter non-Govt educational institutions who have not applied for a Fee fixation certificate. There is also in the provision that if any Non-Govt. institutions made three continuous contraventions by in the provision that if any Non-Govt.institution made three continuous contraventions by not applying for a fee fixation certificate, the Govt.may cancel or withdraw the registration/affiliation/NOC of the School with the recommendation of the Fee Regulatory Committee.
- The Non-Govt.Educational Institutions not having Affiliation with the competent authority also come under the jurisdiction of the Fee Regulatory Committee and they also have the same procedure of obtaining a Fee fixation Certificate.
- As per the Non- Government Educational Institution Maintenance and Regulation Act,2006 every non-govt. educational institutions operating up to class VIII have to obtain permission from the Director of Elementary Education, Assam and the non-government institutions operating from class IX to XII have to obtain the permission from the Director of Secondary Education, Assam . A Non-Govt Educational Institution after geting registration as a private school under the Director of Elementary Education, Assam or Director of Secondary Education, Assam gets the affiliation from the concerned board.
- As per the provision of this Act two committees was formed, namely Fee Regulatory Committee and Fee Revision Committee.

The Fee Regulatory Committee shall consists of the following members:

- i. An all India service ,having retired from a post not below the rank of commissioner and secretary to the Govt.
- ii One chatered Accountant to be nominated by the Govt.
- iii One Civil Engineer nominated by Govt.

- iv The Secretary, Assam Higher Secondary Education Council and Board of Secondary Education.
- v One representative from the Non-Govt. Educational Institution management to be nominated by the Govt.
- vi One Academician of repute, to be nominated by the Govt.
- vii The Director shall act as a co-ordinator to the committee to provide administrative support.

The Fee Revision Committee shall consist of the following members: (It is an appellat authority on the order of the Fee Regulatory Committee)

- i. A retired judge of the High Court, to be nominated by the Govt. shall be the Chairperson of the Committee.
- ii. The Senior most Secretary to the Govt. of Assam, Secondary Education Department or Elementary Education Department.
- iii. The Commissioner and Secondary to the Govt. of Assam, Finance Department, or his nominee not below the rank of the Deputy Secretary.
- iv. Director of Secondary Education, Ex-Officio, who shall be the member Secretary.
- v. One representative from the Non- Govt. Education Institution Management to be nominated by the Govt.
- vi. One Chartered Accountant, to be nominated by the Govt.

Intially every non-govt educations institutions have to apply for a fee fixation certificate under Fee Regulatory Committee by submitting their proposal online through FRC portal. On successful verification of the details submitted by the Non-Govt Institution, the fee Regulatory Committee issues the Fee fixation certificate to such Institution.

If an Institution is 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 receipt of such order. After which the Fee Revision Committee reviews the proposal of such institution and may approve/reject or remand back to Fee Regulatory Committee for review the proposals based on the Committee's analysis if required.

OBSERVATION AND RECOMMENDATION

After a threadbare discussion with the concerning Department regarding the rule namely "The Assam Non-Government Educational Institution (Regulation and Fees), 2020" the Committee made the following observations and recommendations considering all aspects of the Rules.

OBSERVATION

The Committee observed that a lot of advantages are noticed on overall application of the Rules namely "The Assam Non-Government Educational Institution (Regulation and Fees), 2020" which bears equality in nature especially imposing fees upon those students who are pursuing their educational course under non-Government educational institution.

The Committee found that some schools are still remained out of the periphery of this Rule and have been experiencing various difficulties to pay their fees simultaneously during the days when prices of all essential commodities are skyrocketing. The Committee felt it's resentment to see that the fees imposed upon the students in different non-Government educational institution are in variation and not symmetrical which creates a boisterous phenomenon in the nature of students.

RECOMMENDATION

Considering the sanctity of students interest the Committee recommended that the School Education Department should apply this Rule equally in all non-Government Schools including which are still remained left out from the jurisdiction of this Rule without any discrimination.

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