

II of 1996

পঞ্জীকৃত নম্বৰ ক ১২

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EXTRAORDINARY

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GOVERNMENT OF ASSAM

ORDERS BY THE GOVERNOR

LEGISLATIVE, DEPARTMENT : LEGISLATIVE BRANCH

NOTIFICATION

The 26th March, 1996

NO. LGL. 193/95/34.—The following Act of the Assam Legislative Assembly which received the assent of the Governor is hereby published for general information.

ASSAM ACT NO. II OF 1996

(Received the Account of the Governor on 26th March 1996)

THE ASSAM COLLEGE EDUCATION  
(PROVINCIALISATION) ACT, 1996

AN  
ACT

to provide for provincialisation of the services of employees of certain colleges covered by deficit scheme of grants-in-aid in the State of Assam.

Preamble.

Whereas it is expedient to provincialise the services of the employees of certain colleges covered by deficit scheme of grants-in-aid in the State of Assam.

It is hereby enacted in the Forty-seventh Year of the Republic of India as follows:

Short title,  
extent and  
Commence  
ment.

1 (1) This Act may be called the Assam College Education (Provincialisation) Act, 1996.

(2) It extends to the whole of Assam.

(3) It shall come into force at once.

Definition.

2. In this Act, unless the context otherwise requires.

(a) "College" means an institution imparting general education in Arts, Commerce or Science stream in Degree level and receiving grants from the Government under the deficit scheme of grants-in-aid;

(b) "employee" means a person in the teaching or non-teaching employment of a college against a regularly sanctioned post as per standard staffing pattern and whose appointment has been approved by the Director of Higher Education, Assam;

(c) "existing employee" means an employee who is in the regular pay roll, employed against a regular sanctioned post as per the standard staffing pattern on the date of commencement of this Act or the date

of provincialisation of the college, as the case may be, and whose appointment has been approved by the Director of Higher Education, Assam ;

- (d) "Governing Body" means the body of members constituted by the Government in accordance with the provisions of the Assam Aided College Management Rule, 1976 ;
- (e) "Government" means the Government of Assam ;
- (f) "prescribed" means prescribed by rules made under this Act.
- (g) "provincialisation" means taking over the liabilities for payment of salaries including dearness allowance, medical allowance and such other allowances as admissible to the Government employees of similar category and gratuity, pension, leave encashment, etc., as admissible, under the existing rules, to the employees of the State Government serving under the Government of Assam ;
- (h) "Schedule" means Schedule appended to this Act.

Employee to  
be Govern-  
ment Servants.

3. Subject to the provisions of Articles 30 and 309 of the Constitutions of India and section 7 of this Act, all employees of the colleges selected on the basis of seniority in the district in accordance with the date of establishment and specified in the Schedule and now covered by the deficit scheme of grants-in-aid under the Government shall be deemed to have become the employees of the Government on and from the date of this Act coming into force, in the following terms and conditions, namely :

- (a) all rules including the rules of conduct and discipline, which are applicable to the Government servants of corresponding grade, similarly placed, shall be applicable to all employees of the colleges ;
- (b) all employees shall be entitled to such emoluments as salary and allowances, etc,

as admissible to them as per orders of the Government ;

Provided that no employees shall get as emoluments any amount which is less than the amount he was lawfully getting immediately before the coming into force of this Act.

- (c) notwithstanding anything contained in the Assam Public Service Commission (limitation of Functions) Regulations, 1951 services of all employees against sanctioned posts and whose appointments have been approved by the Director, Higher Education, Assam, shall be encadred in the appropriate cadres in accordance with the rule as may be prescribed by the Government for this purpose ;
- (d) the inter-se-seniority of the employees in a cadre or class shall be determined on the basis of the rules as may be prescribed by the Government.
4. (1) Notwithstanding anything contained in the preceding section but subject to the provisions of sub-sections (3) and (4), all employees other than Grade-IV employees of a college coming within the purview of this Act, shall, on attaining the age of 58 years, go on superannuation. Grade-IV employees shall go on superannuation on attaining the age of 60 years.
- (2) All employees going on superannuation under sub-section (1) shall be eligible to pension or gratuity or both in accordance with the pension rules applicable to the Government servants or equivalent rank subject, however, to the condition that for the pensionery benefits of the employees whose services are provincialised under the provisions of this Act. the services of such employees, who have joined the service on regular appointment in the College receiving deficit system of grants-in-aid, shall be counted ;

Superannuation  
and pension  
etc.

- (a) in case such employees has joined the College subsequent to the date of this College receiving the grants under ad-hoc system of grants-in-aid from the date of his joining the service on regular appointment in the College receiving grants under ad-hoc system of grants-in-aid ; or
- (b) in case such employees has joined the College on regular appointment prior to the Institution receiving grants under ad-hoc system of grants-in-aid, from the date of this College receiving the grant under ad-hoc system of grants-in-aid ;
- (3) Any existing employees other than the Grade -IV employee who does not intend to go on superannuation on attaining the age of 58 years, shall have the option to continue upto the completion of the age of 60 years under the same terms and conditions, which were applicable to him immediatly before the date of provincialisation, in which case he shall not be entitled to any pension or gratuity or leave encashment benefit.
- (4) Any existing employee, other than Grade— IV employees, who does not intend to go on superannuation on attaining the age of 58 years but wants to continue till the completion of 60 years shall give on option in writing to that effect in the manner prescribed within a period of six months from the coming into force of this Act. Any employee who does not exercise such option in writing within the period specified shall be deemed to have opted for going on superannuation on attaining the age of 58 years.
5. (1) On the date of coming into force of this Act., the administration, management and control of all employees of the Colleges provincialised under section 3 or section 7, as the case may be , shall vest in the Government

Government  
to take over  
the services  
of employees.

and the Governing body of such College shall exercise such functions as may be specified by the Government or under the rules made under this Act, until such Governing Body is either reconstituted or replaced under the rules prescribed.

- (2) The recruitment and other conditions of service of the employees, shall be made in accordance with the rules as may be made by the Government.

Suits and proceeding.

6. No suit, prosecution or other legal proceeding shall lie for anything done in good faith under this Act, except with the previous sanction of the Government.

Provincialisation of new college.

7. The Government may, by notification in the Official Gazette, provincialise on the same terms and conditions as provided in sections 3 and 4 the services of the employees of the colleges which may be recognised and brought under deficit or ad-hoc system of grants-in-aid after this Act has come into force.

Power to give option.

8. (1) Any employee who does not intend to come within the purview of this Act, but wants to continue in existing terms and conditions of service, shall give an option in writing to the Director, Higher Education, Assam in the manner prescribed within a period of six months from the date of coming into force of this Act. Any employee who does not exercise such option shall be deemed to have opted for provincialisation under this Act.
- (2) Provision of exercising the option under sub-section (1) shall be applicable to the employees of the colleges which may be provincialised under section 7.

Power to make rules.

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

- (2) Every rules made under this Section 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 if, before the expiry of the session it is so laid or the session immediately following, the Assam Legislative Assembly agree that the rules should not be made, the rules shall, thereafter, have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of any thing previously done under that rule.

Power of interpretation and removal of difficulties.

10. (1) If any difficulty arises as to interpretation of the provisions of this Act, the interpretation of the Government shall be final.

- (2) If any difficulty arises in giving effect to the provisions of Act, the Governor may, by order do anything not inconsistent with provisions of this Act, such which appear to him to be necessary or expedient for the purpose of removing the difficulty.

- (3) Every order made under sub-section (2) shall be laid before the Assam Legislative Assembly in manner laid down in sub-section (2) of Section 9.

Vesting of land, buildings and other properties

11. The land, buildings or any other property owned by any college, whose employees services are provincialised as per the provisions of this Act, shall continue to be owned by the respective colleges after such provincialisation.

## SCHEDULE

List of the College Name	District	Stream
1. D. H. S.K. College	Dibrugarh	Arts and Science
2. Tinsukia College	Tinsukia	Arts, Science and Commerce.
3. North Lakhimpur College	Lakhimpur	Arts and Science.
4. Dhemaji College	Dhemaji	Arts and Science.
5. Sibsagar College	Jaysagar	Arts and Science.
6. J. B. College	Jorhat	Arts, Science and Commerce.
7. D. R. College	Golaghat	Arts, Science and Commerce.
8. Nogaon College	Nagoan	Arts, Science and Commerce.
9. Morigaon College	Morigaon	Arts.
10. Handique Girls College	Kamrup	Arts and Science.
11. Nalbari College	Nalbari	Arts and Science.
12. M. C. College	Barpeta	Arts and Science.
13. Goalpara College	Goalpara	Arts and Science.
14. B. N. College	Dhubri	Arts and Science.
15. Kokrajhar College	Kokrajhar	Arts and Science.
16. Darrang College	Sonitpur	Arts and Science, Commerce.
17. Mangaldoi College	Darrang	Arts and Science.
18. G. C. College	Silchar	Arts, Science and Commerce.
19. S. S. College	Hailakandi	Arts and Science.
20. Karimganj College	Karimganj	Arts, Science and Commerce.
21. Bongaigaon College	Bongaigaon	Arts and Science.

M. K. DEKA,  
i/c. Secy.

to the Govt. of Assam, Legislative Deptt.