

ASSAM ACT IX OF 1972

(Received the assent of the Governor on the 29th February 1972)

**THE ASSAM NON-GOVERNMENT SCHOOL AND COLLEGE
EMPLOYEES CENTRALISED PROVIDENT FUND SCHEME
(AMENDMENT) ACT, 1971**

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An

Act

**to amend the Assam Non-Government School and College
Employees Centralised Provident Fund Scheme Act, 1969**

Preamble. WHEREAS it is expedient further to amend the Assam Non-Government School and College Employees Centralised Provident Fund Scheme Act, 1969 hereinafter called the principal Act, in the manner hereinafter appearing ;

It is hereby enacted in the Twenty-second year of the Republic of India as follows:—

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Assam Non-Government School and College Employees Centralised Provident Fund Scheme (Amendment) Act, 1971.

(2) It shall have the like extent as the principal Act.

(3) It shall be deemed to have come into force on the fourth day of April, 1970.

Amendment
of Preamble
of Assam
Act, XV of
1969.

2. In the preamble to the principal Act, for the word "employees" the words "Provident Fund Subscribers" shall be substituted.

Amendment
of section 2
of Assam
Act XV
of 1969.

3. In section 2 of the principal Act,—

(1) for sub-clause (i) of clause (e), the following shall be substituted, namely:—

"(i) Teachers and Ministerial staff in Aided Secondary Schools and Aided Colleges, as defined in sub-clause (ii) and (iii) of clause (h) of Section 2."

(2) after sub-clause (ii) of clause (c), the following shall be inserted as sub-clause (iii) namely:—

“(iii) such other whole-time employees of Aided Secondary Schools and Aided Colleges, who may be admitted to the Centralised Provident Fund by the Board of Trustees on such terms and conditions as the Board of Trustees may lay down ;”

(3) for clause (f), the following shall be substituted, namely:—

“(f) Existing Fund” means the accumulations, in whatever manner and wherever kept or held, of the contributions of the employee and employers in respect of Contributory Provident Fund ;”

(4) for clause (g), the following shall be substituted, namely:—

(g) “Existing Contribution” means the deduction from the salaries of an employee for deposit to the Contributory Provident Fund and the amount payable by the employer in respect of each employee to the said fund in the manner, and the rate, laid down by the Rules in force,”

(5) for sub-clause (ii) of clause (h), the following shall be substituted, namely:—

“(ii) Higher Secondary and Multipurpose Schools, High Schools, High Madrassas, Middle English Schools, Middle Madrassas as are in receipt of maintenance grant under deficit system sanctioned by the Government of Assam under the Rules in force ; and includes Schools of those categories in whose case, the maintenance grant has been frozen at any stage;”

(6) after clause (h), the following shall be inserted as clause (i), namely:—

(i) "Rules in force" means the Rules, whether statutory or otherwise made by the Education Department of the Government of Assam and are in force for the time being";

(7) the existing clauses (i) and (j) shall be renumbered as clauses (j) and (k) respectively.

(8) for clause (k) so renumbered the following shall be substituted, namely:—

(k) "Subscriber" means an employee confirmed under the provisions of Rules in force.

Explanation—An employee confirmed with effect from a retrospective date becomes a subscriber from such retrospective date."

Amendment
of section 3
of Assam
Act XV of
1969.

4. In section 3 of the principal Act, in clause (ii) of sub-section (i), for the word "employees", the word "subscriber" shall be substituted.

Amendment
of section 7
of Assam
Act XV of
1968.

5. For section 7 of the principal Act; the following shall be substituted, namely:—

"Responsi-
bility of
collection of
contribution.

7. (1) The contributions to the Centralised Provident Fund payable by the subscriber of the Non-Government Schools and Colleges shall be credited by the State Government of Assam by deduction from the Grants-in-aid and the maintenance grant as the case may be. The net emoluments payable to the subscriber shall stand reduced by the amount of contribution payable by the subscriber to the Centralised Provident Fund.

(2) The Government of Assam shall simultaneously with such deductions intimate the State Board of Elementary Education mentioned in sub-

clause (i) of clause (h) of section 2 and the employer in case of Schools and Colleges mentioned in sub-clause (ii) and (iii) of clause (h) of section 2 the details as to such contributions credited by such deduction.

(3) The employers shall be responsible for maintenance of necessary record of contribution made in respect of their subscriber and for furnishing within thirty days, such information as the Board of Trustees may call for under the Scheme."

Amendment of section 9 of Assam Act XV of 1969. 6. For section 9 of the principal Act, the following shall be substituted, namely:—

Penalties. 9. Wherever any employer fails to maintain any record required to be maintained or furnish any information called for, by or under the provision of this Act, the Government of Assam may stop or reduce the Grant-in-aid or the maintenance grant, as the case may be.

Provided that no such stoppage or reduction shall be made unless the employer has been given a reasonable opportunity to show cause against such action and of being heard."

Amendment of the Schedule to Assam Act XV of 1969. 7. For item 1 of Schedule to the principal Act, the following shall be substituted, namely:—

7.(1) The constitution of a Board of Trustees with four nominees of Government of Assam of whom one shall be the Chairman (ii) six representatives of the subscribers of whom at least one teacher each shall be from Aided Colleges, Secondary Schools and Elementary Schools and one subscriber from the Ministerial Officers, (iii) one eminent educationist, not being a Government employee, nominated by the Government of Assam, and (iv) one person having special knowledge in Banking, investment, etc., to be nominated by the Government of Assam.