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THE ASSAM NON-GOVERNMENT SCHOOL AND COLLEGE
EMPLOYEES CENTRALISED PROVIDENT FUND
SCHEME ACT, 1969

(Published in the *Assam Gazette*, Extraordinary, dated the 16th May 1969)

**An
Act**

**to make provision for the creation of a Centralised Provident Fund
and framing of a Scheme thereof for the employees of the Non-
Government Schools and Colleges in Assam and its adminis-
tration by a Board of Trustees**

Preamble. WHEREAS it is expedient to make provision for the
creation of a Centralised Provident Fund and framing
of a Scheme thereof for the employees of the Non-
Government Schools and Colleges in Assam ;

AND WHEREAS it is further expedient to administer
and control the said fund by a Board of Trustees to
safeguard the interest of the subscribers by proper
investment of deposits and to extend additional retire-
ment and other benefits to the subscribers in gradual
stages :

It is hereby enacted in the Twentieth 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 Act,
1969.

(2) It extends to the State of Assam.

(3) It shall come into force on such date or
dates as the State Government may, by
notification in the official Gazette, appoint
and different dates may be appointed for
different categories of Schools and Colleges
and different provisions of the Act.

Definitions.

2. In this Act, unless there is anything repugnant
in the subject or context :—

(a) "Act" means the Assam Non-Government
School and College Employees Centralised Pro-
vident Fund Scheme Act, 1969 ;

- (b) "Board of Trustees" means the Board of Trustees to be constituted by the State Government as per scheme framed under section 4(1) for administration of the fund ;
- (c) "Centralised Provident Fund" means the fund established under section 3 of this Act ;
- (d) "Employer" means and includes:—
- (i) Secretary of the Governing Body in case of employees of Aided Colleges ;
 - (ii) Secretary of Managing Committee in case of employees of Aided Secondary Schools and Elementary Schools not under the control of the Elementary Education Board or District Council ;
 - (iii) Secretary, State Board of Elementary Education in respect of the employees of his own office and Assistant Secretary of the State Boards in respect of the Elementary School Teachers, ministerial and other staff in the respective educational Subdivision in respect of whom they are appointing authority;
- (e) "Employees" means and includes:—
- (i) Teachers and Ministerial staff in Aided Secondary Schools and Aided Colleges;
 - (ii) Elementary School teachers and Ministerial staff and other whole-time employees under the State Board of Elementary Education;
- (f) "Existing Fund" means accumulation in individual Postal Savings Bank or in any other Bank account of the contributions of the employers and employees in respect of the Contributory Provident Fund ;
- (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 under the Rules and at the rate in force;
- (h) "Non-Government Schools and Colleges" means and includes:—
- (i) Elementary Schools maintained with Government grant-in-aid sanctioned through the State Board of Elementary Education and Elementary Schools where maintenance grant-in-aid is sanctioned direct by the Government ;

(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 under the Rules in force;

(iii) Colleges as are in receipt of maintenance grant under the deficit system sanctioned by the Government under the Rules in force ;

(i) "Scheme" means the Assam Non-Government School and College Employees Centralised Provident Fund Scheme, 1969 framed under section 4 (1) of this Act ; and

(j) "Subscriber" means an employee who has been admitted to and eligible for the benefit of Contributory Provident Fund under the provisions of the Rules in force.

Centralised
Provident
Fund.

3. (1) The State Government may, by notification in the official Gazette, constitute a fund to be called the Assam Non-Government School and College Employees Centralised Provident Fund wherein shall be credited :—

- (i) Existing fund of the subscribers ;
- (ii) Contributions of the employers and employees after the constitution of the fund ;
- (iii) Grant-in-aid, if any, by the State Government.

(2) The State Government shall, by notification in the official Gazette, further direct the period within which the employers shall credit to the Centralised Provident Fund the existing funds of the subscribers.

Centralised
Provident
Fund
Scheme.

4. (1) The State Government may, by notification in the official Gazette, frame a scheme to be called "The Assam Non-Government School and College Employees Centralised Provident Fund Scheme" to be administered by a "Board of Trustees" to be constituted by the Government under the Scheme.

(2) A Scheme framed under the provisions of subsection (1) may provide for all or any of the matters specified in the Schedule.

Date of
operation of
the Scheme.

5. A Scheme framed under this Act may provide that any of its provisions shall come into force with effect from such date as may be specified in this behalf in the Scheme and different dates may be appointed for different provisions of the Scheme.

Modification of the Scheme. 6. The State Government may, by notification in the official Gazette, add to, amend or vary a Scheme framed under this Act.

Responsibility of collection of contribution. 7. Every employer shall be responsible for collection of the contributions, their remittance in accordance with the provisions of the Scheme and maintenance of necessary records in respect of their employees. He shall be responsible for furnishing within thirty days information under the Scheme that may be called for by the Board of Trustees.

Inspectors. 8. (1) The State Government may, by notification in the official Gazette, appoint such Government officials as it thinks fit to be *Ex-officio* Inspectors for the purpose of the Scheme and may define their jurisdiction.

(2) Every Inspector shall be deemed to be a Public Servant within the meaning of section 21 of the Indian Penal Code, 1860. Act XLV of 1860

(3) An Inspector may in respect of any School or College within his jurisdiction :—

- (a) require an employer or subscriber to furnish information as he may consider necessary for the purpose of the scheme ;
- (b) during the office hours, *i. e.*, from 10 A. M. to 4-30 P. M. on all working days except on Saturday when it will be from 10 A. M. to 1-30 P. M. enter into any of its office and require anyone in charge thereof to produce before him such accounts books, registers and other documents relating to the Scheme as he may consider necessary;
- (c) examine, with regard to any matter relevant to any of the purposes aforesaid, the employer or any other persons found in charge of its office ;
- (d) exercise such other powers as may be assigned to him by the State Government or by the Board of Trustees constituted in accordance with the provisions of the Scheme with the previous approval of the Government.

Penalties.

9. Whoever for the purposes of this Act or under the Scheme framed under the Act fail to make the required contribution within the prescribed time limit or makes a false statement or does not furnish the required information shall be punishable by—

- (i) direct recovery from the Grant-in-aid or other existing fund of the School/College by the Board of Trustees with interest and/or such other compensation as may be decided by the Board of Trustees ;
- (ii) stoppage of Grant-in-aid of the School/College ;
- (iii) imposition of compensation not exceeding 25 per cent of the amount due, as may be decided, by the Board of Trustees, provided that the employer shall be given an opportunity for his defence within 30 days from the date of issue of the notice, provided further that if in the opinion of the Board of Trustees, any contribution is delayed for reasons beyond the control of the employer, he shall not be punishable under the provision of this Act.

Power to
make Rules.

10. (1) The State Government may for the purpose of carrying out the provisions of this Act, make rules subject to previous publication in the official Gazette.

(2) Every rule made under this section shall be laid, as soon as may be, after it is made, before the Assam Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions and if, before the expiry of the session in which it is so laid or the sessions immediately following the Assam Legislative Assembly, agree in making any modification in the rule or the Assam Legislative Assembly agree that the rule should not be made, the rule 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 anything previously done under that rule.

SCHEDULE

[See section 4 (1)]

MATTERS TO BE PROVIDED IN THE SCHEME

1. The constitution of a Board of Trustees with four nominees of Government of whom one shall be the Chairman (ii) five representatives of the employees of whom at least one each shall be from Aided Colleges,

Secondary Schools and Elementary Schools, (iii) one person having special knowledge in Banking, investment, etc., to be nominated by Government.

2. The appointment of officers and servants of the Board and their service conditions.

3. The manner in which account shall be kept, the preparation of budget, audit of accounts and the submission of report to the State Government.

4. The conditions under which withdrawals from the Fund may be permitted or any deduction may be made.

5. The manner of investment of the whole or any portion of the Fund in Government Securities or otherwise by the Board of Trustees and consideration of various retirement and other benefits to the subscribers with the previous approval of the State Government.

6. The form in which the employer shall furnish the accounts and various other returns to be furnished by him.

7. The Registers and records relating to the Scheme to be maintained by the employer.

8. Any other matter which may be necessary or proper for the purpose of implementation of the Scheme.