



The Assam Junior Colleges (Provincialisation) Act, 2012

Act 15 of 2012

Keyword(s):

Junior College, Provincialised, Valid Sanctioned Post

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THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত

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GOVERNMENT OF ASSAM
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NOTIFICATION

The 19th May, 2012

No. LGL. 44/2010/23.— The following Act of the Assam Legislative Assembly which received the assent of the Governor is hereby published for general information.

ASSAM ACT NO. XV OF 2012

(Received the assent of the Governor on 14th May, 2012)

THE ASSAM JUNIOR COLLEGES (PROVINCIALISATION) ACT, 2012

**AN
ACT**

to provincialise certain Junior Colleges which were brought under the deficit system of grants-in-aid in the State of Assam.

Preamble

Whereas it is expedient to provincialise certain Junior Colleges which were brought under the deficit system of grants in-aid ;

It is hereby enacted in the Sixty-third Year of the Republic of India as follows:-

**Short title , extent
and commencement**

1. (1) This Act may be called the Assam Junior Colleges (Provincialisation) Act, 2012.
- (2) It extends to the whole of Assam.
- (3) It shall come into force at once.

Definitions

2. In this Act unless there is anything repugnant to the subject or context:-
 - (a) "Appointing Authority" in respect of the teaching and non-teaching employees of the Junior Colleges means the Governing Body of the respective Junior College who appoints the employees as per decision of the Governing Body and approved by the Director;
 - (b) "Director" means the Director of Secondary Education, Assam which shall include the Director of Education in respect of BTC area, Additional Director, Hills in respect of Hill areas or such other authorities as may be prescribed by the State Government;
 - (c) "employees" means and includes all existing employees both teaching and non-teaching, working in a Junior College brought under the deficit system of grants-in-aid against a post duly sanctioned by the State Government;
 - (d) "Governing Body" means the Governing Body of a Junior College duly constituted under sub-section (2) of section 7 of this Act and approved by the Director for carrying out the management of the Junior Colleges;
 - (e) "Junior College" means a College which are in receipt of deficit system of grants-in-aid from the State Government for imparting general education in Arts, Commerce and Science stream in plus 2 stages;

- (f) "prescribed" means prescribed by the rules made under this Act;
- (g) "President" means the President of Governing Body of a Junior College duly constituted under this Act and approved by the Director;
- (h) "provincialised" means taking the liabilities in respect of the employees of the Junior Colleges for payment of salaries including Dearness Allowance, Medical Allowance and such other allowances as admissible to the State Government employees of similar category and gratuity, pension, leave encashment etc, as admissible under the existing rules, save and except the pension of the employees appointed or coming under deficit system of grants-in-aid on or after 1.1.2005, which shall also include vesting of land, building and other properties of the Junior Colleges to the State Government;
- (i) "Schedule" means the Schedule appended to this Act;
- (j) "State Government" means the Government of Assam in the Education (Secondary) Department;
- (k) "valid sanctioned post" means teaching or non-teaching posts of Junior Colleges which have been allotted against each of the Junior College by the State Government with due approval of the Finance Department.

Employees to be
Government
servant

3. Subject to the provisions of Article 30 of the Constitution of India, all existing employees both teaching and non-teaching of the Junior Colleges as specified in the Schedule, shall be deemed to have been provincialised and become employees of the State Government on and from the date on which they were brought under deficit system of grants-in-aid and their services rendered under such deficit system of grants-in-aid shall be counted for the purpose of determination of pensionary benefits:

Provided that the services of the employees appointed after the date of coming the Junior Colleges under deficit system of grants-in-aid, shall be counted with effect from the respective date of their joining in a valid sanctioned post.

Vesting of Land,
Building and other
properties

4. The Land, Building and other properties owned or held by Junior Colleges coming within the purview of this Act and the services of whose employees are provincialised under section 3 shall vest in the State Government.

Terms and
conditions of
service

5. (1) Subject to the provisions of this Act and the rules made thereunder, all rules including Service-Rules to be framed under the proviso to Article 309 of the Constitution of India and rules of conduct and discipline which are applicable to Government servant of corresponding ranks, shall be applicable to all employees of Junior Colleges whose services have been provincialised under this Act.
- (2) The existing employees whose services are provincialised under this Act shall continue to receive their respective existing scale of pay and other allowances etc. as admissible to them under the relevant rules and order of the State Government.
- (3) The services of all employees shall be encadred in appropriate cadre in accordance with the Service Rules as may be framed by the State Government for this purpose.
- (4) The inter-se-seniority of the employees of a cadre or class shall be determined Junior College-wise on the basis of the Service Rules as may be framed by the State Government.
- (5) Recruitment and other conditions of service of the employees shall be governed by the Service Rules as may be made by the State Government.

Superannuation and
Pension etc.

6. (1) Notwithstanding anything contained in the preceding sections, all employees of a Junior College coming within the purview of this Act, shall go on superannuation on attaining the age of sixty years.
- (2) All employees who have been duly appointed by the competent Appointing Authority against valid sanctioned post prior to 01.01.2005 in the Junior College brought under the deficit-system of grants-in-aid, shall be entitled to pension and other pensionary benefits under the Assam Service (Pension) Rules, 1969.
- (3) The employees appointed or coming under deficit system of grants-in-aid on or after 01.01.2005 shall not be entitled to pension and other pensionary benefits under Assam Service (Pension) Rules, 1969, but shall be covered under the New Contributory Pension Scheme introduced by the State Government.
- (4) The services of the employees under sub-section (2) shall be counted towards pension and pensionary benefits with effect from the date on which the Junior College was brought under the deficit system of grants-in-aid:

Provided that the services of the employees appointed after the date of coming the Junior Colleges under the deficit system of grants-in-aid shall be counted with effect from the respective date of their joining in a valid sanctioned post.

- (5) The employees who retired or died, as the case may be, prior to the date of coming in to force of this Act but appointed against a valid sanctioned vacant post before 01.01.2005, shall be given only superannuation pension or the family pension, as the case may be, as may be applicable under the existing Pension Rules of the State Government and they shall not be entitled to any other pensionary benefits.

Management of
Junior Colleges

7. (1) With effect from the date of coming into force of this Act, the administration, management and control of all the Junior Colleges coming within the purview of this Act, shall vest in the State Government.
- (2) There shall be a Governing Body for each Junior College to be constituted in such manner and following such procedures, consisting of such number of members possessing such qualification as may be prescribed :

Provided that the existing Governing Bodies of the Junior Colleges which are now under the deficit system of grants-in-aid would continue to function till the time these are reconstituted under the rules and shall exercise the powers and perform the functions till they are replaced by a Governing Body duly constituted under the rules prescribed :

Provided further that the power of Governing Body shall not include power to appoint or engage any staff, teaching or non-teaching, or to allow the engagement without a post duly sanctioned by the State Government unless the power to engage or make an appointment is explicitly delegated by the State Government or unless regular rules relating to recruitment are framed by the State Government.

- (3) The employees, whose services have been provincialised, shall be accountable and remain subject to the disciplinary control of the Appointing Authority.
- (4) Subject to overall control and supervision of Governing Body, all employees, whose services have been provincialised under this Act, shall render their services under the control and supervision of the Appointing Authority.

- Power of interpretation and removal of difficulties
8. (1) If any difficulty arises in interpretation of any provisions of this Act the interpretation of the State Government shall be final.
- (2) If any difficulty arises in giving effect to the provisions of this Act the State Government may, by order, do anything not inconsistent with the provisions of this Act, which appear to be necessary or expedient for the purpose of removing the difficulty.
- Delegation of powers
9. (1) The State Government may, by an order, delegate all its powers, except the powers conferred under sections 9 and 10 of this Act to the Director or to an Inspector of Schools or any other authorities as may be specified therein.
- (2) The Officer or Authority to whom the powers are delegated under sub-section (1), shall exercise the same subject to overall supervision and control of the State Government and subject to such limitation as may be specified by the State Government.
- Suits and Proceedings
10. No suit, prosecution or other legal proceeding shall lie for anything in good faith done under this Act, except with the previous sanction of the State Government.
- Power to make rules
11. (1) The State Government may, by notification published in the *Official Gazette*, make rules for carrying out the provisions of this Act.
- (2) Without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:-
- (i) prescribing the duties and responsibility of all employees whose services have been provincialised under this Act ;
 - (ii) preparation and maintenance of service records of the employees whose services have been provincialised;
 - (iii) for management of the Junior Colleges;
 - (iv) specifying the constitution, composition, powers, duties and responsibility of the Governing Body of Junior Colleges.
- (3) 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 session immediately following, the Assam Legislative Assembly agree in making any modification in the rule or the Assam Legislative Assembly agrees that the rule 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, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

SCHEDULE

[See section 3]

LIST OF 53 JUNIOR COLLEGES PROVINCIALISED UNDER THIS ACT

Sl. No.	Name of Junior College provincialised	Location and District	Date of coming under Deficit system of Grants-in-aid
(1)	(2)	(3)	(4)
1	Hamidabad College(Jr)	Jamadarhat, Dist. Dhubri	01.02.2001
2	Sri Sri Bishnudev Janajati College(Jr)	Behfala, Dist. Jorhat	01.02.2001
3	Pathsala Mahavidyalaya. (Jr)	Pathsala, Dist. Barpeta	01.02.2001
4	Dhakuakhana Commerce College (Jr)	Dhakuakhana, Dist. Dhemaji	01.02.2001
5	Pitambardev Goswami College (Jr)	Garmur, Dist. Jorhat	01.02.2001
6	Chatia college (Jr.)	Sootia, Dist. Sonitpur	01.02.2001
7	Bonbhag College (Jr).	Ghagrapar, Dist. Nalbari	01.02.2001
8	Dhemaji Girls College (Jr).	Dhemaji, Dist. Dhemaji	01.02.2001
9	Baligaon sumbori bora College (Jr.)	Korokatoli, Dist. Jorhat	01.02.2001
10	Namani Majuli College (Jr.)	Karatipar, Dist. Jorhat	01.02.2001
11	Ananda Ch Agarwala College	Helem, Dist. Sonitpur	01.02.2001
12	Dakhin Nalbari College (Jr.)	Agnisala Satra, Dist. Nalbari	01.02.2001
13	Nowboicha College (Jr.)	Doolahat, Dist. Lakhimpur	01.02.2001
14	Dhamdhama College (Jr.)	Niz-Dhamdhama, Dist. Nalbari	01.02.2001
15	Hatidhara College (Jr.)	Srinagar, Dist. Kokrajhar	01.02.2001
16	Katahguri College (Jr.)	Tuktuki, Dist. Nagaon	01.02.2001
17	Rangsinga College (Jr.)	Dankamokan, Dist. Karbi Anglong	01.02.2001
18	Galeky College (Jr.)	Galeky, Dist. Sibsagar	01.02.2001
19	Bamundi College (Jr.)	Bamundi, Dist. Kamrup	01.02.2001
20	Bordoloni College (Jr.)	Missamara, Dist. Dhemaji	01.02.2001
21	Behali College (Jr.)	Bargang, Dist. Sonitpur	01.02.2001
22	Uttar Kampith Mahavidyalaya (Jr)	Jagara, Dist. Nalbari	01.02.2001
23	Salbari College (Jr)	Salbari, Dist. Baksa	01.02.2001
24	Kalaguru Bishnu Rabha College(Jr.)	Orang, Dist. Udalguri	01.02.2001
25	Janapriya College(Jr.)	Garaimari, Dist. Barpeta	01.02.2001
26	Tamulpur College (Jr)	Tamulpur, Dist. Baksa	01.02.2001
27	Kherajkhat College (Jr)	Bhogpur Chariali, Dist. Lakhimpur	01.02.2001
28	Pachim Borigog Anchalik College (Jr)	Baranghati, Dist. Kamrup	01.02.2001
29	Gyanpeeth College (Jr.)	Nakachi, Dist. Baksa	01.02.2001

Sl. No.	Name of Junior College provincialised	Location and District	Date of coming under Deficit system of Grants-in-aid
(1)	(2)	(3)	(4)
30	Ghana Kanta Bora College (Jr)	Tamulichiga, Dist. Jorhat	01.02.2001
31	Madhya Bajali College (Jr.)	Nityananda, Dist. Barpeta	01.02.2001
32	Asamjyoti College (Jr.)	Sirajuli, Dist. Udalguri	01.02.2001
33	Burhinagar College (Jr.)	Mahaliapara, Dist. Darrang	01.02.2001
34	Kalaigaon College (Jr.)	Kalaigaon, Dist. Udalguri	01.02.2001
35	Swahid Smriti College (Jr.)	Belsor, Dist. Nalbari	01.02.2001
36	Swahid Sowarani College (Jr.)	Rampur, Dist. Nalbari	01.02.2001
37	Duni College (Jr.)	Duni, Dist. Darrang	01.02.2001
38	Sarbodaya College (Jr.)	Malawpathar, Dist. Jorhat	01.02.2001
39	Patsaka College (Jr.)	Patsaku, Dist. Sibsagar	01.02.2001
40	Bezera Anchalik College (Jr.)	Bezera, Dist. Kamrup	01.02.2001
41	Melamara College (Jr.)	Melamara, Dist. Golaghat	01.02.2001
42	Tamulpur Commerce College (Jr.)	Tamulpur, Dist. Baksa	01.02.2001
43	Barkhetri College (Jr.)	Mukalmua, Dist. Nalbari	01.02.2001
44	Madhya Kampith. College (Jr.)	Pub-Borka, Dist. Kamrup	01.02.2001
45	Brahmaputra College (Jr.)	Bakulguri, Dist. Lakhimpur	01.02.2001
46	Pub Nalbari College (Jr.)	Sondha, Dist. Nalbari	01.02.2001
47	Machkhowa College (Jr.)	Machkhowa, Dist. Dhemaji	01.02.2001
48	Barpathar College (Jr.)	Barpathar, Dist. Golaghat	01.02.2001
49	Baska College (Jr.)	Baska, Dist. Baksa	29.11.2010
50	Sarbeswar Das College (Jr.)	Tihu, Dist. Nalbari	29.11.2010
51	Laluk College (Jr.)	Laluk, Dist. Lakhimpur	29.11.2010
52	Deomornoi College (Jr.)	Deomornoi, Dist. Darrang	29.11.2010
53	Kampith College (Jr.)	Kaithalkuchi, Dist. Nalbari	29.11.2010

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