

The Assam Non-Government School and College Employees Centralised Provident Fund Scheme Act, 1969

ASSAM

India

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Rule

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

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The Assam Non-Government School and College Employees Centralised Provident Fund Scheme Act, 1969 Last Updated 11th February, 2020 Published vide Notification Assam Gazette, Extraordinary, dated 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 administration 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 retirement and other benefits to the subscribers in gradual stages ; It is hereby enacted in the Twentieth Year of the Republic of India as follows :

1. Short title, extent and commencement.

(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.

2. Definitions.

- 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 Provident 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 Councils ;(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 sub-division 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 as defined in sub-clauses (ii) and (iii) of Clause (h) of Section 2 ;(ii)Elementary School teachers and ministerial staff and other whole-time employees under the State Board of Elementary Education ;(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 ;(f)"Existing Fund" means the accumulations, in whatever manner and wherever kept or held, of the contribution of the employee and employer in respect of 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 in the manner, and the rate, laid down by the Rules 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 multi purpose 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 ;(iii)Colleges as are in receipt of maintenance grant under the deficit system sanctioned by the Government under the Rules in force ;(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 ;Explanation. - An employee confirmed with effect from a retrospective date becomes a subscriber from such retrospective date.(j)"Scheme" means the Assam Non-Government School and College Employees Centralised Provident Fund Scheme, 1969 framed under Section 4(1) of this Act; and(k)"Subscriber" means an employee confirmed under the provision of Rules in force.

3. Centralised Provident Fund.

(1)The State Government may, by notification in the official Gazette, constitute a fund to be called the Assam Non-Government Schools and College Employees Centralised Provident Fund wherein shall be credited-(i)existing fund of the subscribers ;(ii)contributions of the employers and subscribers after the constitution of the fund ;(iii)Grant-in-aid 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.

4. Centralised Provident Fund Scheme.

(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 or Trustees" to be constituted by the Government under the Scheme.(2)A Scheme framed under the provisions of sub-section (1) may provide for all or any of the matters specified in the Schedule.

5. Date of operation of the Scheme.

- 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.

6. Modification of the Scheme.

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

7. Responsibility of collection of contribution.

(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-clauses (ii) of 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 under the Scheme.

8. Inspectors.

(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 any one 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.

9. Penalties.

- Whenever any employer fails to maintain any record required to be maintained or furnish any information called for, by or under the provisions 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.

10. Power to make rules.

(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

Matters to be provided in the Scheme[See Section 4(1)]

1. The constitution of a Board of Trustees with four nominees of Government of Assam of whom (i) 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 offices, (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.

- 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.**

Application of the Act in the State of MeghalayaThe Assam Non-Government School and College Employees Centralised Provident Fund Scheme Act, 1969This Act has been adapted for its application in the State of Meghalaya vide the Meghalaya Adaptation of Laws Order (No. 1), 1974, published in the Gazette of Meghalaya, vide Notification No. LL 133/72/38, dated the 18th January, 1974 effective from the appointed day i.e. the 21st day of January.