

Assam Junior Colleges (Provincialisation) Act, 2012

ASSAM

India

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Act 15 of 2012

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Assam Junior Colleges (Provincialisation) Act, 2012(Assam Act No. 15 of 2012)Last Updated 12th February, 2020(Received the assent of the Governor on 14th May, 2012)An Act to provincialise certain Junior Colleges which were brought under the deficit system of grants-in-aid in the State of Assam.PreambleWhereas 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:-

1. Short title, extent and commencement.

(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.

2. Definitions.

- 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 Colleges] [Substituted 'Junior College' by Assam Act No. 10 of 2017, dated 30.3.2017.] 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 Colleges] [Substituted 'Junior College' by Assam Act No. 10 of 2017, dated 30.3.2017.] 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 Colleges] [Substituted 'Junior College' by Assam Act No. 10 of 2017, dated 30.3.2017.] duly constituted under sub-section (2) of section 7 of this Act and approved by thy Director for carrying out the management of the Junior Colleges;(e)"[Junior Colleges] [Substituted 'Junior College' by Assam Act No. 10 of 2017,

dated 30.3.2017.] 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 Colleges] [Substituted 'Junior College' by Assam Act No. 10 of 2017, dated 30.3.2017.] 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 Colleges] [Substituted 'Junior College' by Assam Act No. 10 of 2017, dated 30.3.2017.] by the State Government with due approval of the Finance Department.

3. Employees to be Government servant.

- 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.

4. Vesting of Land, Building and other properties.

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

5. Terms and conditions of service.

(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 Colleges] [Substituted 'Junior College' by Assam Act No. 10 of 2017, dated 30.3.2017.]-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.

6. Superannuation and Pension etc.

(1)Notwithstanding anything contained in the preceding sections, all employees of a [Junior Colleges] [Substituted 'Junior College' by Assam Act No. 10 of 2017, dated 30.3.2017.] 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 Colleges] [Substituted 'Junior College' by Assam Act No. 10 of 2017, dated 30.3.2017.] 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 Colleges] [Substituted 'Junior College' by Assam Act No. 10 of 2017, dated 30.3.2017.] 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.

7. Management of Junior Collages.

(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 Colleges] [Substituted 'Junior College' by Assam Act No. 10 of 2017, dated 30.3.2017.] 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, (4) shall render their services under the control and supervision of the Appointing Authority.

8. Power of interpretation and removal of difficulties.

(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 this purpose of removing the difficulty.

9. Delegation of Powers.

(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.

10. Suits and Proceedings.

- 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.

11. Power to make rules.

(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 Provided used under this Act

| Sl. No. | Name of [Junior Colleges] [Substituted 'Junior College' by Assam Act No. 10 of 2017, dated 30.3.2017.]provincialised | Location and District | Date of coming under Deficit system of Grants-in-aid |
|---------|--|---------------------------------|--|
| 1 | 2 | 3 | 4 |
| 1 | Harnidabad College(Jr) | Jamadarhat, Dist. Dhubri | 01.02.2001 |
| 2 | Sri Sri Bishnudev Janajati College(R) | Behlala, 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.) | Garrnur, 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.) | Baniundi, 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. 1)ist .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 |

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|----|--------------------------------------|-----------------------------------|------------|
| 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 |
| 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 | Barkbetri 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 Collcge(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 |