

অসম  ৰাজপত্ৰ

THE ASSAM GAZETTE

অসাধাৰণ
EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্ব দ্বাৰা প্ৰকাশিত
PUBLISHED BY THE AUTHORITY

নং 408 দিশপুৰ, শুক্ৰবাৰ, 23 ডিচেম্বৰ, 2005, 2 পুহ, 1927, (শক)
No. 408 Dispur, Friday, 23rd December, 2005, 2nd Pausha, 1927 (S.E.)

GOVERNMENT OF ASSAM
ORDERS BY THE GOVERNOR

LEGISLATIVE DEPARTMENT :: LEGISLATIVE BRANCH

NOTIFICATION

The 22nd December, 2005

No.LGL. 112/2005/158 :- The following Act of the Assam Legislative Assembly which received the assent of the Governor is hereby published for general information.

ASSAM ACT NO. XLVI OF 2005

(Received the assent of the Governor on 19th December, 2005)

THE ASSAM COLLEGE EMPLOYEES (PROVINCIALISATION) ACT, 2005

AN
ACT

to provide for provincialisation of the services of employees of the Non-Government Colleges in receipt of deficit grants-in-aid in the State of Assam.

Preamble. Whereas it is expedient to provincialise the services of employees of the Non-Government Colleges in receipt of deficit grants-in-aid from the Government of Assam.

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

**Short title,
extent and
commencement.**

1.(1) This Act may be called the Assam College Employees (Provincialisation) Act, 2005.

(2) It extends to the whole of Assam except the Autonomous Council areas under the Sixth Schedule to the Constitution of India :

Provided that the State Government may, in consultation with the said Autonomous Councils, extend this Act to the Autonomous Council areas by notification published in the Official Gazette.

(3) It shall be deemed to have come into force on and from the 1st day of December, 2005.

Definitions.

2. In this Act, unless the context otherwise requires, -

- (a) "College" means any Non-Government College in Assam in receipt of deficit grants-in-aid from the Government and imparting general education in Arts, Commerce or Science stream in Graduate level ;
- (b) "employee" means an employee of a College both teaching or non-teaching appointed substantively against a sanctioned post ;
- (c) "existing employee" means an employee of a College both teaching and non-teaching appointed substantively against a sanctioned post and who is or has been in service on or after the 1st day of January, 2005 ;
- (d) "Governing Body" means the body constituted by the Government in accordance with the provisions of the Assam Non-Government College Management Rules, 2001 ;
- (e) "Government" means the Government of Assam;
- (f) "provincialisation" means taking the liabilities for payment of salaries including dearness allowance, medical allowance and such other allowances as admissible to the government employees of similar category and gratuity, pension, leave encashment, etc. as admissible, under the existing rules, to the employees of the State Government serving under the Government of Assam;
- (g) "prescribed" means prescribed by rules made under this Act;
- (h) "retired employee" means an employee who has retired on attaining the age of superannuation or otherwise.

Employees to be provincialised.

3. Subject to the provisions of Article 30 and 309 of the Constitution of India, all employees of the Colleges, save and except the employees who exercise option to continue in the existing terms and conditions of service under clause (d) below, shall be deemed to have become the employees of the Government on and from the date on which the Colleges have been brought under the deficit system of grants-in-aid, on the following terms and conditions, namely :-

- (a) all rules including the rules of conduct and discipline, which are applicable to the Government servants of corresponding grade similarly situated shall be applicable;
- (b) the existing employees will continue to receive their respective existing scales of pay and other allowances etc. as admissible to them under relevant rules and orders of the Government;
- (c) the posts in each provincialised College shall constitute an independent cadre for each category of employees. No intercadre transfer from one college to another including mutual transfer shall be allowed;
- (d) the existing employees who want to continue in the existing terms and conditions of service shall give an option in writing to the Director, Higher Education, Assam within a period of three months from the date of coming into force of this Act:

Provided that the option once exercised by an existing employee is final and cannot be changed afterwards ;

- (e) any existing employee who does not exercise option under clause(d) shall be deemed to have opted for provincialisation under the provisions of this Act;
- (f) the employees of the Colleges provincialised after coming into force of this Act shall have no right of option under clause (d); and
- (g) all existing employees who do not exercise option under clause (d) shall have to refund the State Government's share of the Contributory Provident Fund with interest within six months from the date of coming into force of this Act :

Provided that if any existing employee who fails to refund the State Government's share of Contributory Provident Fund with interest within the said stipulated period such employee shall be deemed to have been opted to remain under the existing terms and conditions of service applicable to them before provincialisation.

Colleges to be known as Assam Provincialised Colleges.

4. After coming into force of this Act the Colleges provincialised under this Act shall be known as the Assam Provincialised Colleges as distinct from the Government Colleges in Assam.

Government to take over the services of employees.

5. The services of all the employees, who do not exercise the option within the stipulated period under clause (d) of section 3, shall vest with the Government with effect from the respective date of provincialisation of the Colleges.

Selection and appointment of employees.

6. Appointments of both teaching and non-teaching posts in the Colleges shall be made by the Director of Higher Education, Assam on the basis of selection and recommendation of the Governing Body of the respective College in accordance with the Rules and Procedure of the Government in force.

Rules to be followed for settlement of pension.

7. (1) The existing employees shall be governed by the existing pension Rules of the Government for the time being in force:

Provided that the employees who join on or after the 1st day of February, 2005 shall not be covered by the existing pension Rules of the Government. They shall be governed by such pension Rules or Scheme, as the case may be, as may be framed by the Government from time to time.

(2) The Director of Higher Education, Assam shall process all pension cases and send them to the Accountant General, Assam as per laid down procedure.

Mode of pension to employees who retired/died prior to 1st January, 2005.

8. Employees who retired/died, as the case may be, **prior to 1st January, 2005** shall be given only superannuation pension or the family pension, as may be applicable under the existing pension Rules of the Government. They shall not be entitled to any other pensionary benefits:

Provided that the payment of such superannuation or family pension, as the case may be, are subject to refund of the Government's share of their Contributory Provident Fund within six months from the date of coming into force of this Act:

Provided further that if the Government's share of Contributory Provident Fund is not refunded in respect of a retired/deceased employee within the aforesaid stipulated period no superannuation pension or family pension shall be admissible in respect of such employee.

Age of superannuation.

9. The provincialised employees shall go on superannuation on attaining such age at which a Government servant similarly situated superannuates.

Suits and Proceeding.

10. No suit, prosecution and other legal proceedings shall lie for anything done in good faith under this Act, except with the previous sanction of the Government.

Power of interpretation and removal of difficulties.

- 11.(1) If any difficulty arises as to the interpretation of any provision of this Act, the interpretation of the Government shall be final;
(2) If any difficulty arises in giving effect to the provisions of this Act, the Governor may, by order do anything, not inconsistent with the provisions of this Act, which appear to him to be necessary for the purpose of removing the difficulty.

Power of the Government to make Rules.

- 12.(1) Except for the purpose of payment of pension which will be governed by the Assam Services Pension Rules 1969, the State Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

- (2) All rules made by the State Government under this Act shall, as soon as may be after they are made, be laid before the State Legislature, while it is in session, for a total period of not less than fourteen days which may be comprised in one session or in two or more successive sessions, and shall, unless some later date is appointed, take effect from the date of their publication in the Official Gazette subject to such modifications or annulments as the Legislature may, during the said period agree to make, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done thereunder.

M. K. DEKA,

Commissioner and Secretary to the Govt. of Assam,
Legislative Department, Dispur.

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सत्यमेव जयते
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PUBLISHED BY THE AUTHORITY

নং 339 দিশপুৰ, সোমবাৰ, 22 নবেম্বৰ, 2010, 1 আঘোণ, 1932 (শক)
No. 339 Dispur, Monday, 22nd November, 2010, 1st Agrahayana, 1932 (S.E.)

GOVERNMENT OF ASSAM
ORDERS BY THE GOVERNOR
EDUCATION (HIGHER) DEPARTMENT, DISPUR

NOTIFICATION

The 15th November, 2010

No. B(2)H.12/2003/Pt-II/113 : - In exercise of Powers conferred under sub-section (I) of Section 12 of the Assam College Employees (Provincialisation) Act, 2005 (Assam Act, No. XLVI of 2005), the Governor of Assam is hereby pleased to make the following Rules for carrying out the purposes of the said Act, namely :-

- Short title, extent and commencement.** 1. (1) These Rules may be called the "**Assam College Employees (Provincialisation) Rules 2010**".
(2) They shall come into force on the date of their publication in the Official Gazette.
(3) They shall extend to the areas to which the Act applies.
- Definitions** 2. In these Rules unless the context otherwise requires.
(a) "Constitution" means the "Constitution of India";
(b) "Governor" means the "Governor of Assam";
(c) "Act" means the "The Assam College Employees (Provincialisation), Act, 2005 (Assam Act, XLVI of 2005);
(d) "Board" means the "State Selection Board";
(e) "Selection Committee" means the Selection Committee Constituted under these Rules.
(f) "Departmental Promotion Committee" means a Departmental Promotion Committee constituted under these rules.
(g) "Director" means the Director of Higher Education, Assam";
(h) "UGC" means the "University Grants Commission", established under the UGC Act, 1956 (Central Act. No. 3 of 1956).
- Class and Cadre.** 3. Each College shall be a separate entry for the purpose of cadres of employees. All Cadres and their class in the Assam Provincialised Colleges will be the same as in Government Colleges.

- Strength of Service.** 4. The Strength of each cadre in respect of each of the post for each of the colleges shall be as sanctioned by the Government from time to time.
- Method of Recruitment.** 5. Recruitment shall be made in the manner prescribed hereinafter;
- (1) Appointment to the post of Principal shall be by direct selection. For this the Governing Body shall constitute a Selection Committee, which shall select a person on the basis of an interview from amongst eligible candidates who apply in response to an open advertisement in newspapers. The Governing Body shall recommend this candidate to the Director, who shall issue orders of appointment.
 - (2) For the post of Lecturer/Librarian appointment shall be made by direct recruitment with prescribed qualifications through open advertisement in two leading dailies atleast in two consecutive issues. In respect of Grade III and Grade IV posts the list of candidates shall be collected from the local employment exchange/Advertisement in newspaper.
 - (3) Appointment to Head Assistant shall be made by promotion from the cadre of Upper Division Assistants on the basis of seniority cum merit.
 - (4) Appointment to the post of Upper Division Assistant shall be made on promotion from Lower Division Assistants/Laboratory Assistants/Library Assistants on the basis of Seniority cum merit.
 - (5) The Post of Lower Division Assistant, Laboratory Assistant, Library Assistant shall be filled up by direct recruitment and from Laboratory Bearers/Library Bearers/Grade IV having qualification as prescribed in the ratio of 75:25.
 - (6) Placement of Lecturers/Librarians in Selection Grade/Senior Grade Scale of pay shall be done by the Governing Body as per Rules prescribed by the UGC and the State Government from time to time on the recommendations of the Departmental Promotion Committee.
 - (7) In all these cases, the Governing Body shall conduct the selection process and recommend to the Director, who shall issue orders of appointment.
- Assessment of Vacancies.** 6. Before the end of every year the Governing Body shall make an assessment of the likely number of vacancies to be filled up by promotion/direct recruitment in the next year in each cadre and determine which of these vacancies would go for reserved categories ;
- Direct Recruitment.** 7. (a) All appointment either by direct recruitment or by promotion shall be made by the Director on the basis of recommendations of the Governing Body based on the recommendations of the Selection Committee/Departmental Promotion Committee duly constituted;
- (b) The Director shall communicate his orders within thirty days;
- (c) The Selection Committee may hold such test of interview for all posts as may be considered necessary. For posts for which UGC has prescribed norms, no candidate shall be recruited without having the required norms;
- (d) All fresh appointments shall be made on receipt of police verification report.
- Age Limit and Qualification.** 8. The minimum and maximum age, academic qualification, physical fitness etc. for direct recruitment shall be the same as in Government Colleges in the corresponding Grades.
- General Procedure for Promotion.** 9. (i) The Governing Body shall furnish to Departmental Promotion Committee the following documents and information in respect of the persons to be considered for promotion. The number of persons to be considered for promotion shall be four times of the number of vacancies as assessed for filling up by promotion in that cadre. This shall be in order of seniority in the Gradation List;
- (a) The number of vacancies with reservations;

- (b) List of employees in order of seniority eligible for promotion (separate list for promotion to the different cadres shall be furnished) indicating the cadre to which the case of promotion has to be considered;
- (c) Character Rolls and other records of the persons listed;
- (d) Any other documents and information as may be required by the Selection Committee;
- (ii) The Governing Body shall request the Departmental Promotion Committee to recommend the list of employees found suitable for promotion in order of preference within one month in respect of promotion to each of the cadre in which appointment is to be made by promotion;
- (iii) The Selection shall be made on the basis of seniority cum merit in each case of promotion;
- (iv) The Departmental Promotion Committee after examination of the documents and information furnished by the Governing Body shall recommend a select list of candidates equal to the probable vacancies in order of preference/merit found suitable for promotion;
- (v) The Select list shall remain valid for 12 months;
- (vi) The promotion shall be in accordance with the list prepared by the Departmental Promotion Committee;

**Selection
Committee/
Departmental
Promotion
Committee.**

10. (A) Committee for selection of candidates for appointment on direct recruitment of lecturers and librarians shall consist of the following :-
- (i) President of the Governing Body - Chairman
 - (ii) Head of Department (Concerned) - Member
 - (iii) Two nominees of the Vice-Chancellor of the affiliating University (out of whom one should be subject expert) - Members
 - (iv) Secretary of the Governing Body - Member Secretary.
 - (v) Two subject experts not connected with the college to be nominated by the President of the Governing Body out of a panel of names approved by the Vice-Chancellor of the affiliating University;
- Two third majority will constitute the quorum with mandatory presence of University expert nominee;
- (B) Committee for selection of candidate for appointment of direct recruitment of all other posts shall consist of the following :-
- (i) President of the Governing Body - Chairman
 - (ii) Secretary of the Governing Body - Member Secretary
 - (iii) Two heads of Department to be nominated by the President, Governing Body. - Member
- (C) Departmental Promotion Committee for all posts shall consist of the following :-
- (i) President of the Governing Body - Chairman
 - (ii) Principal of the College - Member Secretary
 - (iii) One senior most Head of the Department of the College. - Member

- Disqualification** 11. No person shall be eligible for appointment :-
- (a) Unless he is a citizen of India, and ;
 - (b) If he/she is practicing bigamy Provided that Government may, if it is satisfied that there are special grounds for doing so exempt any person from the operation of this Rule ;
 - (c) No person who attempts to enlist support for his/her candidature directly or indirectly by any recommendation either written or oral or by other means shall be appointed.

- Reservation** 12. In all cases of appointment by direct recruitment as well as by promotion there shall be reservations for candidates belonging to the members of the SC, ST as per provision of the SC, ST (Reservation of Vacancies in Services and Posts) Act, 1978 and Rule framed thereunder. There shall also be reservations for candidates belonging to OBC as per Government instructions. General order in respect of reservation in favour of other categories of candidates like physically handicapped as may be in force shall also be followed. Since an individual college is a separate entity for the purposes of cadres, reservations would be applicable college-wise for each individual cadre separately for which a proper register of roster shall be maintained. As Principal is a single post cadre no reservation would be applicable to it. The Governing Body shall be responsible to ensure that reservations are made as per Rules.
- Probation & Confirmation.** 13. Subject to availability of a permanent vacancy in the respective cadre a person appointed on direct recruitment shall be placed according to seniority on probation against the permanent vacancy for a period of 2 years before he is confirmed.
- Training** 14. A person appointed on direct recruitment shall be required to undergo such training and pass such departmental examinations as Government may prescribe.
- Discipline & Appeal** 15. All employees of the Assam Provincialised Colleges shall be governed under the provisions of "Assam Services (Discipline & Appeal) Rules 1964, Assam Civil Services Conduct Rules 1965" and guidelines made thereunder.
- Scale of Pay** 16. All appointment shall be made in the time scale of pay as may be prescribed by the Government from time to time.
- Seniority** 17. (a) Inter-se-seniority of employees belonging to each of the cadres shall be in the order in which their names appear in the select list prepared by the Selection Committee provided he/she joins in the post within 15 (fifteen) days from the date of receipt of the appointment order or within the extended period not exceeding three months;
 Provided that if a candidate is prevented from joining within this period by circumstances of public nature or for reasons beyond his control, the appointing authority may extend it for a further period of 15 days. If the period is not so extended the seniority shall be determined according to the date of joining;
 (b) If two persons are appointed on the recommendation of the selection committee in different batches, than the person who was recommended in the earlier batch shall be senior to the person who was recommended in the later batch;
 (c) If two or more persons are bracketed in the merit list by the selection committee, the inter-se-seniority of these persons shall be determined according to the date of birth;
 (d) A person appointed by promotion against a vacancy occurring in a year shall be senior to a person appointed by direct recruitment of the year.
- Gradation List** 18. The College shall publish a gradation list every year cadre wise, indicating the relative seniority and date of birth, date of appointment etc. of each employee.
- Transfer** 19. There shall not be any transfer of employees from one college to another, except in a situation wherein a stream of study or a subject is closed down in a college by the Government on a proposal from the Governing Body and some teachers have become surplus. Only in such a situation the Government may transfer these teachers and adjust them elsewhere. In such a situation of seniority of the transferred teachers would be fixed in the new college on the basis of their date of joining in the original college.
- Maintenance of Registers and Records.** 20. The College authorities shall maintain such Registers and records in suitable form as may be prescribed by the Government from time to time with a view to recording the service particulars of the employees. In particular the College shall maintain the service books other service records and the leave accounts of all employees.
- GPF and Pension.** 21. (i) Notwithstanding anything contained in these Rules, the existing Rules and orders applicable to State Government employees on pension, GPF, Leave, TA etc. will be applicable in case of Provincialised College Employees.

- (ii) The existing employees shall be governed by the existing pension Rules of the Government ;
- Provided that the employees who joined on or after 1st day of February, 2005 shall not be covered by the existing Pension Rules of the Government. They shall be governed by such Pension Rules or Scheme as the case may be framed by the Government in respect of other similarly situated employees of the Government;
- (iii) The Director, Higher Education, Assam shall forward a college wise list of employees already retired or due to retire within the next calender year in the format as prescribed for government Degree College, so as to reach the Accountant General by 30th September every year;
- (iv) The College shall process all Pension cases and submit to the Director who shall sanction and authorize provisional Pension/Gratuity on the basis of these rules and the "Assam Service (Pension) Rules, 1969" as applicable;
- (v) The employees who have opted for pension scheme under the provision of Clause 8 of the Act will discontinue their C.P.F. contribution, open G.P.F. account with the Accountant General. Such employees will compulsorily subscribe to the Fund at the prescribed minimum rate of 6.25% of basic pay per mensem;
- (vi) The Pension shall be authorized from the date of coming into force of the Act i.e. 1st day of December, 2005;
- Leave** 22. The Governing Body of the College shall be authority to sanction all leaves excluding study leave for all its employees.
- Lien/deputation and Study Leave.** 23. Lien, deputation and study leave to the employees of the Assam Provincialised Colleges shall be granted by the Government for which proposals shall be routed through the Director. The norms applicable to Government Colleges would be applicable in their case.
- No Objection Certificate for Higher Studies and applying for jobs.** 24. The Governing Body shall issue No Objection Certificate to the college employees for applying for admission to course of higher studies and for other jobs.
- Authority for acceptance of Resignation/ Voluntary Retirement.** 25. The Director, on the recommendations of the Governing Body shall be the authority for accepting or rejecting requests for resignations and voluntary retirement.
- A.C.R.** 26. The Principal of the College shall be the recording officers and the Governing Body, will be the Reviewing and Accepting Authority for the Annual Confidential Report of all employees excepting Principal. In case of the Principal the President of the Governing Body shall be the recording authority and the Director of Higher Education, Assam shall be the Reviewing and Accepting Authority.
- Residual power of Appointing Authority** 27. The Governing Body of the College shall exercise all other powers of the Appointing Authority as per usual norms.

H. M. CAIRAE,

Additional Chief Secretary to the Government of Assam,
Education (Higher) Department, Dispur, Guwahati-6.

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পঞ্জীভুক্ত নম্বৰ - ৭৬৮/৯৭

Registered No.-768/97



THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত

PUBLISHED BY THE AUTHORITY

নং 245 দিশপুৰ, শনিবাৰ, 3 জুন, 2017, 13 জেঠ, 1939 (শক)
No. 245 Dispur, Saturday, 3rd June, 2017, 13th Jaistha, 1939 (S.E.)

GOVERNMENT OF ASSAM

ORDERS BY THE GOVERNOR

LEGISLATIVE DEPARTMENT :: LEGISLATIVE BRANCH

NOTIFICATION

The 1st June, 2017

No. LGL. 112/2005/131.— The following Act of the Assam Legislative Assembly which received the assent of the Governor on 24th May, 2017 is hereby published for general information.

ASSAM ACT NO. XXX OF 2017

(Received the assent of the Governor on 24th May, 2017)

**THE ASSAM COLLEGE EMPLOYEES (PROVINCIALISATION)
(AMENDMENT) ACT, 2017**

AN
ACT

to amend the Assam College Employees (Provincialisation) Act, 2005.

Preamble

Whereas it is expedient to amend the Assam College Employees (Provincialisation) Act, 2005 hereinafter referred to as the principal Act, in the manner hereinafter appearing;

Assam Act
No. XLVI of
2005

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

Short title,
extent and
commencement.

1. (1) This Act may be called the Assam College Employees (Provincialisation) (Amendment) Act, 2017.
- (2) It shall have the like extent as the principal Act.
- (3) It shall come into force at once.

Amendment of
Section 3

2. In the principal Act, in section 3, for clause (c), the following shall be substituted, namely :-

“(c) The posts in each provincialised College shall constitute an independent cadre for each category of employees including the post of the Principal. No inter cadre transfer from one college to another shall be allowed. Government may, however, for reasons to be recorded in writing, and in public interest, transfer a Principal from one College to another.”

S. M. BUZAR BARUAH,

Commissioner and Secretary to the Government of Assam,
Legislative Department, Dispur.