

ASSAM JUNIOR COLLEGES (PROVINCIALISATION) ACT, 2012

Registered No. 768/97 0 THE ASSAM GAZETTE EXTRAORDINARY PUBLISHED BY AUTHORITY 227 19 2012, 29 1934 No. 227 Dispur, Saturday, 19th May, 2012, 29th Baisakha, 1934 (S.E.) GOVERNMENT OF ASSAM ORDERS BY THE GOVERNOR LEGISLATIVE DEPARTMENT ; : LEGISLATIVE BRANCH The May, 2012 No. LGL. 44/201003.— 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 19th May, 2012) ASSAM JUNIOR COLLEGES. (PROVINCIALISATION) ACT, 2012 Preamble THE ASSAM GAZETTE, EXTRAORDINARY, MAY 19, 2012 ACT to provincialise certain Junior Colleges which were brought under the deficit system of grants-in-aid in the State of Assam. Whereas it is expedient to 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 1. and (1) (2) (3) Definitions 2. This Act may be called the Assam Junior Colleges (Provincialisation) Act, 2012. It shall extend to the whole of Assam. It shall into In this Act is anything repugnant to the subject (a) "Appointing Authority" in respect of the teaching and non-teaching employees of the Junior Colleges means Governing Body of the respective Junior College who appoints employees as per of the Governing Body and approved by Director; (b) "Director" means the Director of Secondary Education, Assam which shall include the Director of Education in respect of BTC area. Additional Hills in respect of Hill areas or 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 a post duly sanctioned by State Government; (d) "Governing Body" means the Governing Body of a Junior College duly constituted under (2) of section 7 of this Act and by the Director for carrying out the management of Junior Colleges; (e) "Junior College" means a College which is in receipt of deficit system of grants-in-aid from the State Government for imparting general education in Arts, Commerce and Science in plus 2 stages; THE ASSAM GAZETTE, EXTRAORDINARY, MAY 19, 2012 (f) means prescribed by the rules made under this Act; (g) means the President of Governing Body of a Junior College duly constituted under this Act and approved by the Governor; (h) "provincialised" means taking the liabilities in respect of (i) employees of the Junior Colleges for payment of salaries Dearness Allowance, Medical Allowance such other allowances as to the State Government employees of similar and category, pension, leave etc, as admissible under the existing rules, Service and of the employees appointed or coming under deficit system of grants-in-aid on or after 1.1.2005, which shall also of land, building and other properties of the Junior to the State Government; (j) "State Government" means Government of Assam in the Education (Secondary) Department; Employees to be servants of Land, - 3. 4. (k) "valid sanctioned post" means teaching or non-teaching posts of Junior Colleges which have allotted against each of the Junior College by State Government with due approval of the Finance Department. 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 be provincialised and become employees of the State Government on from date on which were brought under deficit system of grants-in-aid and their services rendered under such deficit system of shall be counted for purpose of determination of benefits: Provided that services of the employees appointed after the date of coming under the Junior Colleges under deficit system in-aid, counted with effect from the respective date of their joining in a valid sanctioned post. The building and properties owned or held by Junior College coming within the purview of this Act and the of whose employees are provincialised under 3 shall vest in the State Government. 2024 Terms and conditions of service Pension 5. and 6. THE ASSAM EXTRAORDINARY, MAY 19, 2012 (l) to the provisions of this Act and the rules made thereunder, all rules including Service Rules to be framed under the proviso to (2) (3) (4) (5) (1) (2) (3) (4) Article 305' 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. 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 of the State Government. - 7. All provisions of all be encased in accordance with the Service Rules as may be framed by the State Government

For this purpose. The employees of a cadre or class shall be College-wise on the basis of the Service Rules as may be framed by the State Government. Recruitment and other conditions of service of the employees shall be governed by the Service Rules as may be made by the State Government. 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. All who have been duly appointed by the competent appointing authorities against valid sanctioned post prior to 01.01.2005 in the Junior College brought under the deficit-system of grant-in-aid, shall be entitled to pension and other Assam Service (Pension) Rules, 1969. The employees appointed or engaged 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 by the New Contributory Pension Scheme introduced by the State Government. The services of the employees under sub-section (2) shall be counted towards pensionary benefits with effect from the date on which the Junior College was brought under the deficit system of

