

ASSAM VENTURE SANSKRIT AND PALI EDUCATIONAL INSTITUTIONS (PROVINCIALISATION OF SERVICES) ACT, 2012

Registered No.-768/97 THE ASSAM GAZETTE EXTRAORDINARY PUBLISHED BY THE AUTHORITY 169 11 225% 1934 F) No.169 Dispur, Wednesday, 11th April, 2012, 22nd 1934 (S.E.) GOVERNMENT OF ASSAM ORDERS BY THE GOVERNOR LEGISLATIVE DEPARTMENT : LEGISLATIVE BRANCH NOTIFICATION The 11th April, 2012 No. LGL The following Act of the Assam Legislative Assembly which received the assent of the Governor is hereby published for general information. ASSAM ACT NO. 1074 OF 2012 (Received the assent of the Governor on 5th April, 2012) THE ASSAM VENTURE SANSKRIT AND PALI EDUCATIONAL INSTITUTIONS (PROVINCIALISATION OF SERVICES) ACT, 2012 1074 Preamble Short title, extent Definitions 2 . THE ASSAM GAZETTE, EXTRAORDINARY, APRIL 11, 2012 AN ACT to provide for the provincialisation of services of the employees of the Venture Sanskrit and Pali Educational Institutions in the State of Assam and to restrict the establishment of such Educational Institutions in the State. Whereas it is expedient to provincialise the services of the employees of the Venture Sanskrit and Pali Educational Institutions in the State of Assam and to restrict further establishment of such educational institutions in the State; It is hereby enacted in the Sixty-third Year of the Republic of India as follows:- i. (1) This Act may be called Assam Venture Sanskrit and Pali Educational Institutions (Provincialisation of Services) Act, 2012. (2) It extends to whole of Assam. (3) It shall come into force on such date as the State Government may, by notification in Official Gazette, appoint and different date may be appointed for different provisions of the Act for different category of Sanskrit and Pali Educational Institutions. In this Act, unless the context otherwise requires,- (a) "Deputy Director of Sanskrit Education" means the Deputy Director of Sanskrit Education and includes Assistant Director of Sanskrit Education; (b) "Director" means Director of Higher Education, Assam and includes Additional Director or Deputy Director of Sanskrit Education or Assistant Director of Sanskrit Education; (c) "Employee" means and includes all serving employees both teaching and non-teaching of Venture Sanskrit and Pali Educational Institutions who have been appointed by the Governing Body or Managing Committee of the concerned Venture Sanskrit or Pali Educational Institution before first day of January, 2012 and whose services are being or would be considered for being under this Act; (d) "Governing Body" means the Governing Body of Sanskrit College approved by the appropriate authority as notified by the State Government for carrying out the management of the college; (e) "Inspector of Schools" means the Inspector of Schools in the concerned District and unless the context otherwise requires, it includes an Inspector of Schools of the same District; (f) "Managing Committee" means the Managing Committee approved by the appropriate authority as notified by the State Government for carrying out the management of the concerned Venture Sanskrit or Pali Educational Institution; (g) "Sanskrit and Pali Educational institution" or "Provincialised Sanskrit College" means a Venture Sanskrit or Pali Educational Institution or Venture Sanskrit College wherein the services of employees are provincialised or being considered to be provincialised under this Act; (h) "prescribed" means prescribed by the rules made under this Act; (i) "State Sanskrit Education Board" means the Assam Sanskrit Board, constituted under provisions of the Assam Education Department. Rules and orders; (j) "State Government" means the Government of Assam in the Education (Higher) (k) "Scrutiny Committee" means the scrutiny committee constituted under section 10 of Act to recommend names of Venture Sanskrit and Pali Educational Institutions which are considered eligible for provincialisation of the services of the employees serving therein; (l) "Sanskrit Education" means a system of special classical education in which lessons imparted on the subjects of Sanskrit, Pali, Veda, Vedanta, Jyotish, Karmakanda, Kalap, Ratnamala, Panini, Mughdhabodh, Kavya, Mimangsha along with general subjects like Modern Indian Language, English, Mathematics, General Science, Social Science upto Secondary level, the syllabi, curriculum, and examination which are regulated by the Assam Sanskrit Board upto the level of Pravesika Examination, the second level is Madhyama and third level is Shasti (title); 1075 1076 1077 1078 1079 1080 1081 1082 1083 1084 1085 1086 1087 1088 1089 1090 1091 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which have been established by the people of the locality before 1.1.2006 which have received permission and recognition from the Assam Sanskrit Board before 01.01.2006 and which have not been provincialised under any Act by the State Legislature so far. (1) Subject to the provisions of Article 30 of the Constitution of the following categories of Venture Sanskrit and Pali Educational Institutions be eligible being considered for provincialisation of services of its employees:- (i) the Venture Sanskrit and Pali Educational Institutions which have been established by people of the locality and obtained the required permission and recognition from the Assam Sanskrit Board before 01.01.2006; and (ii) it has a minimum enrollment of 20 students in Pravesika class which is equivalent to H.S.LC, and a minimum enrollment of 15 students in Shastri in Final Year Class as on the date of coming into force of this Act; (iii) concerned educational institution must have a consistent good academic record which would mean that at least 30% of the candidates appearing for the final examination at the Pravesika and Shastri level must have passed in any three examinations held since 01.01.2006. (2) The concerned educational institutions must have required infrastructure as specified in section 10 of the Assam Non-Government Educational Institutions (Regulation and Management) Act, 2006. (3) An Institution which does not have the required infrastructure specified in (2) above, may be considered as eligible for provincialisation of the services of its employees, provided such institutions acquire the required infrastructure within two years from the date of commencement of this Act. Assam Act IV of 2007 to be servant. THE ASSAM GAZETTE, EXTRAORDINARY, APRIL 11, 2012 (4) Subject to the provisions of the Assam Non-Government Educational Institutions (Regulation and Management) Act, 2006, a Venture Sanskrit and Pali Educational Institution which does not fulfil the eligibility criteria as on the date of coming into force of this Act but does not acquire eligibility under subsection (3) above within two years period as aforesaid shall not be eligible to be considered for provincialisation of the services of its employees, but may be taken as a Private Institution or a Non-Government Educational Institution. (5) Save and except an institution covered under Article 30 of the Constitution of India which is already getting financial assistance, no other Venture Sanskrit and Pali Educational Institution shall be entitled to get any aid or assistance from the State Government in any form with effect from the date of coming into force of this Act. 4. (1) Services of the employees of all eligible Venture Sanskrit and Pali institutions under section 3 and who have already completed ten years of services in such Venture Sanskrit and Pali Educational Institutions without any break from the date of permission of such on the date of coming into force of this Act, shall be deemed to have been provincialised they shall employees of the State Government with effect from that date. (2) The services of all the teaching and non-teaching employees, who have not yet completed ten years of continuous services without break in that Venture Sanskrit and Pali Educational Institutions on the date of coming into force of this Act, shall be provincialised with effect from the date on which they complete the required ten years of service : Provided that the number of employees in both teaching and non-teaching cadre in each of the institutions, services of whom are provincialised or to be provincialised under this Act, shall not exceed as specified in the Schedule, appended to this Act : 1078 Terms and Conditions of service THE ASSAM GAZETTE, EXTRAORDINARY, APRIL 11, 2012 Provided further that where the number of such employees in a Venture Sanskrit Pali Educational Institution exceeds the number specified in the Schedule, the services of employees shall be on the basis of seniority in the respective category in the concerned institution. The State Government have no liability whatsoever in regard to such excess employees. (3) The services of teaching or non-teaching employees in a Venture Sanskrit and Pali Institutions shall be for provincialisation, only if they have the requisite academic and professional qualifications by the Assam Sanskrit Board at the time of their initial : Provided that if an employee is required to acquire any academic or professional qualifications, services of such employee may be considered for provincialisation if otherwise eligible, but such as the provincialisation would be subject to acquisition of such prescribed qualifications within a period of five years from the date of coming into force of this Act, during this intervening period the State shall have no liability in respect of his pay and allowances and he may continue to work on the existing terms and conditions under which he was working, until his services are provincialised. In case of his failure to acquire the required academic or professional qualifications within stipulated period, his services shall stand terminated with effect from the date of expiry of stipulated period. 5. (1) Subject to the provisions of this Act and the rules made thereunder, all rules including service rules rules of conduct discipline which are applicable to the State Government servants of ranks, shall be applicable to all employees of the provincialised Sanskrit and Pali Educational Institutions. (2) All such employees shall get the emoluments

as salary and allowances may be prescribed with effect from the date of provincialisation of their and the past tendered by them shall not be for any purpose whatsoever, and such employees shall get same pay and allowances as if they are fresh appointees in of they shall be governed by the New Pension Scheme applicable to the State Government employees of the rank. THE ASSAM GAZETTE, EXTRAORDINARY, APRIL 11, 2012 (3) The employees, have completed sixty years of age as on the 1079 Mangamat of the educational institutions where the Nices of Body/ Committee in of provincialised Power of Governing Body/ Managing Committee 6. 7. 8. Come into force of this shall be deemed to be with the date they shall have claim whatsoever from the State Government as regards their pay, allowances and retirement benefits for service already rendered by them in such educational (4) Services of all employees employed in appropriate cadres in accordance with the rules as may be prescribed by the State Government for this With effect from the of publication of the under sub-section (4) of section 10, administration, management and control of all provincialised Sanskrit and Pali Educational Institutions coming within the purview of this Act shall vest in the State The Constitution, composition, powers, functions and duties of Governing in case of Sanskrit College of the Managing Committee in of all other provincialised Sanskrit Pali Institutions shall be governed by the Nices by the State Government under this Act. (1) The State or officer authorised by the Government, by an order, constitute a Governing Body in case of a Sanskrit College and a Managing Committee in respect of all other provincialised Sanskrit and Pali Educational institutions for managing affairs of such Institutions. (2) The Committee or Governing Body, as the case may be of such Institutions shall exercise such powers and shall such functions as may be by the State the rules made under this Act (3) The State Government the Officer so authorised by the state may, at any time re-constitute the Managing Committee in the Governing the case may be, it is (4) The Managing Committee or Governing Body shall as may be prescribed by the State Government. 1080 Amalgamation, shifting or expansion of Provincialised Institution Scrutiny Committee THE ASSAM GAZETTE, EXTRAORDINARY, APRIL 11, 2012 (5) Subject to overall control and supervision of the Director/ Deputy Director of Sanskrit Education. All teaching and non-teaching employees whose services are or would be provincialised, shall be accountable and remain subject to the control of the Managing Committee or the Governing Body, as the case may be. (6) All teachers, whose services have been provincialised shall render their services under the control and supervision of the Head of the Institution if and so required, their services may be utilised in the lower classes. 9. (1) In appropriate cases, if there is already an existing Sanskrit and Pali Educational Institution nearby, and the enrollment of the students does not justify more than one Institution in the same locality, or, there are other sufficient reasons so to do, the State Government, in the public interest and for reasons to be recorded may order, transfer or shifting of the institution from one place to another. or may order amalgamation of two or more existing institutions. (2) In appropriate cases if the State Government is of the view that an existing institution need be expanded so as to have more classes, the State Government may order expansion of an existing institution so to include lower and higher classes or introduce new courses of study or subjects. (3) All employees teaching and non-teaching whose services have been provincialised under the provisions of this Act and who are working in one of the provincialised Sanskrit and Pali Educational Institution in respect of which an order under sub-section (1) and section (2) has been passed shall be liable to be transferred and posted in any such provincialised Institution in the same rank and grade. (4) All teachers working on a higher grade in an institution in respect of which an order under sub-section (2) has been passed may be required to teach in the lower classes also 10. (1) There shall be one Scrutiny Committee to scrutinize service records and other related issues of the serving teachers and Non-teaching staff of Venture Sanskrit (and Pali Educational Institution pertaining to provincialisation of their services, (2) The Deputy Director, Sanskrit Education by an order, shall constitute the Scrutiny Committee under preceding sub-section. THE ASSAM GAZETTE EXTRAORDINARY, APRIL 11, 2012 (3) The Scrutiny Committee shall first scrutinize and prepare a list of all Venture Sanskrit and Pali Educational Institutions within the State, which are eligible in terms of the provisions of this Act and shall thereafter proceed to scrutinize and verify the service records of all the serving employees, who are eligible or would become eligible for being considered for provincialisation of their services. (4) The Scrutiny shall forward the verified list of eligible school-wise in accordance with the number of posts specified in the Schedule appended to this Act, to the concerned Director. who shall, after making such further scrutiny as may be required, shall forward the same to the concerned Department of the State Government for consideration and for issuing Notification in respect of the eligible institutions and employees eligible for getting their

services provincialised. (5) The Scrutiny shall have the powers inspect all documents and -records produced before ie for Such ftrther records and documents as may be required for the purpose of causing verification and scrutiny and examine witnesses for the purpose, if considered necessary and while doing so it shall have the powers of a Civil Court for the purpose of compelling attendance of persons and production of documents. (6) The Scrutiny Committee for all categories of the Venture Sanskrit and Pali Educational Institutions shall be constituted with the following members namely:- (i) The Deputy Director, Sanskrit Education ---- Chairman; (ii) The Inspector of Schools,Kamrup Member; (iii) One Deputy Director/ Assistant Director (to be nominated by Director, Higher Education)e-• Member; (iv) One Pradhan Adhyapaka (Principal) ofa Provincialised Sanskrit and Pali Educational Institution (either serving or retired) to be nominated by the Director----- Member, (v) One eminent person in the field of Sanskrit Education to be nominated by the Director-----Member. (7) The State Government may ,by an order re-constitute the Scrutiny Committee or may change its composition, if the circumstances so warrant. 108t 1082 Edemtiool lutitution THEASSAM GAZETTE, EXTRAORDINARY, APRIL 11, 2012 Pali 11.(1) The service of employees of Ventur Sanskrit and to fi.uwtioa u Private/ Nm• Government Institutions. Offences Eid. Penalties Suits md proceedings Power of interpretation removal of diMcultiess (2) Educational Institutions which have been establised on or after 01.01.2006 shan not be and no such Institution shall be allowed {o remain functional urt}ess it has obtained,- (i) pennission and recognition from the Assam Sanskrit Board; (ii)pctrnission under the provisions of the Assam Non- Government Education Institutions (Regulation arui Managment) Act, 2006, in case all other educational institutione: Sanskrit and Pali Educational Institutions, which have ouaiEd required pennission or recognition, as the case may be, sham be allowed to function s purely private or Non- Government Educational Institution. 12.(1) Whoever provides misleading, incorrect or false information to and material infonnation Rom or abets the providing or suppression Ot •rh information to the Scrutiny Committee or to any Other authority under this Act, shall commit an offenceunder this Act which shall be punishable with imprisonment for a term which may extend to three years. (2) Offences committed under this Act shall be cognizable offences undet the provisions of the Code ofCHminal NoProcedure, 1973

13. No Ätit\$ prowcutiön or other legal shall lie for anything in good faith done undet this Act, except with previous sanction of the State.Government. 14.(1) It any difficulty arises in interpretation of any provisions of this Act, the intavetation of the State Government shall be final. (2) If any difficulty arises in giving effect to provisions of this Act, State Govctmñent may, by order, do anything not inconsistent with the provisions of this Act which appear to be necessary or the purpose of removing the difficulty. Assam Act IV of 2007 Central Act 1 of 1974 Delegation of powers. Power to make rules. THEASSAM GAZETTE, EXTRAORDINARY, APRIL 11, 2012 State Government tuy delegate all its poweri conferred undet eclions 14 and 16 of Act to my Authority orto Director/ (2) Officer or Authority to v.ehom the powers are delegüed undet sub-section (1) shall exerci* the subject to ovaall Nipa-vision and control of Government enuect such 'imitüñs as may be speified by the State 16.(1) The State. Government may. by notification Biblished • in Official Guettc. make nnlcs for cMYing out provisiors Act. (2) Without prejudice to the genaa!ity of the such rules may provide for all or any of the Ollowiqq namely (i) (ii) (iii) (iv) prescribing ervice conditions and dutie responsibilities of ail employees wrose ba•e beenprovincialised under this Ace, preparation md maintenance of service records of the employes whose screices have provincialised; for constitution and composition of Govcmñg of the provincialised Sanskrit College and Committee of all provincialised Smskrit Pah Educational Institutions; specifying the powers. functions, duties and reponsiUitiß of Managing Committee or Govemñg of the provincialised Sanskrit Pali Educational Institudons. the case may be, (3) Every mle made unda this ectiat shall be laid soon as may after it is made, belöre the Assam Legislative 'Ahile it is in session for a total period of fourteen days which may be comprised in otw session or in two or more Ü'd if before the expiry Of the sasion in which it session immediately following, the Asum agree in making any Nde Legislative Assembly rules shall Otoreaner f«rn or of no effect, as the cae hoer, that any such or v.i&ü p*ie to anythine 1084 THEASSAM GAZETTE; EXTRAORDINARY, APRIL 11, 2012 SCHEDULE. [See Sections 4(2) 10(4) | of em Io S kri s 1 T. 2. 3. 4. 5. u 3 1 1 1 1 1 5 (five) n for their servi#\$ Cate o ofStaff. 2 Pradhan Adhyapaka. Adhyapaka Teachei (Arts) Science Graduate (Asstt, Teacher) Grade AV. Total MOI-ID. ABDUL HAQUE, Secretary to the of Assam, Legislative Department, Dispur Guwahati :- Printed Published by the

Dy. Director (P & S), Directorate of Ptg. & Sty. Assam, Guwahati-2 L Ex. Gazette No. 337-300 + 11 -4-2012.

