

**Assam Junior College Education (Provincialisation) Act,
1996**

03 of 1996

[26 March 1996]

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SCHEDULE 1 :- SCHEDULE

**Assam Junior College Education (Provincialisation) Act,
1996**

03 of 1996

[26 March 1996]

PREAMBLE

An

Act

to provide for provincialisation of the services of teaching and non-teaching employees of certain Junior Colleges in the State of Assam.

Whereas it is expedient to provincialise the services of the teaching and non-teaching employees of certain Junior Colleges in the State of Assam.

It is hereby enacted in the Forty-seventh year of the Republic of India as follows:-

1. Short title extent and commencement :-

- (1) This Act may be called "The Assam Junior College (Provincialisation) Act, 1996.
- (2) It extends to the whole of Assam.
- (3) It shall come into force at once.

2. Definition :-

In this Act unless there is anything repugnant in the subject or context--

- (a) "appointed day" in relation to a Junior College means the date from which the services of the employees of the Junior College are provincialised under Section 3 or Section 7 as the case may be;
- (b) "concurrence" means the concurrence issued by the Government by notification;
- (e) "Council" means the Council for Higher Secondary Education established under the Assam Higher Secondary Education Act, 1984;
- (d) "Director" means the Director of Secondary Education, Assam;
- (e) "employee" means a person in the teaching or non-teaching employment of a Junior College working against a regularly sanctioned post as per standard staffing pattern and whose appointment has been approved by the Government of Assam;
- (f) "Governing Body" means the Governing Body of the Junior College;
- (g) "Government" means the Government of Assam in the Education Department;
- (h) "Junior College" means a college which have received the concurrence of the Government as such college for giving instructions in plus two stage and preparing students for Higher Secondary School Leaving Certificate Examination but does not include a college that has received the permission to open degree classes;
- (i) "Official Gazette" means the Official Gazette of the Government of Assam, namely the Assam Gazette;
- (j) "prescribed" means prescribed by the rules made under this Act;
- (k) "President" means the President of the Governing Body;
- (l) "provincialisation" means taking over the liabilities for payment of salaries including dearness allowance, medical relief and such other allowances as admissible to the Government servants of similar category and gratuity, pension, leave encashment etc as admissible under the existing rules to the Government servants serving under the Government of Assam; and

(m) "Schedule" means the schedule appended to this Act.

3. Employees to be Government servants :-

Subject to the provisions of Articles 30 and 309 of the Constitution of India all employees of the Junior Colleges specified in the Schedule which have received the concurrence of the Government as Junior College shall be deemed to have become the employees of the Government on and from the date of coming into force of this Act 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 placed shall be applicable to all employees of the Junior College;

(b) all employees shall be entitled to such emoluments as salary and allowances etc. as admissible to them:

Provided that no employee shall get as emoluments any amount which is less than the amount he was lawfully getting immediately before the appointed day.

(c) services of all employees shall be encadred in appropriate cadres in accordance with the rules as may be prescribed by the Government for this purpose;

(d) the inter-se-seniority of the employees of a cadre or class shall be determined on the basis of the rules that may be prescribed by the Government.

4. Superannuation and pension etc. :-

(1) Notwithstanding anything contained in the preceding section all employees other than Grade IV of a Junior College coming within the purview of this Act shall, on attaining the age of 58 years, go on superannuation and the Grade IV employees shall go on superannuation on attaining the age of 60 years.

(2) All employees going on superannuation under sub-section (1) shall be eligible to pension or gratuity or both in accordance with the pension rules applicable to the Government servants of equivalent rank, subject, however, to the condition that for the pensionary benefits of the employees whose services are provincialised under the provisions of this Act the services of any such employees with effect from the date of concurrence shall be counted.

5. Government to take over the services of the employees :-

(1) With effect from the appointed day the administration, management and control of all employees of the Junior Colleges the services of whose employees are provincialised under the provisions of Section 3 or Section 7, as the case may be, shall vest in the Government and the Governing Body of such Junior College shall exercise such functions as may be specified by the Government or under the rules made under this Act until such Governing Body is either re-constituted or replaced under the rules prescribed.

(2) The selection for recruitment to any post, teaching or non-teaching, in a Junior College shall be made by a Selection Board which shall be constituted by the Government as stated below:--

(a) President of the Governing Body of the Junior College.	Chairman.
(b) Principal of the Junior College.	Member Secretary
(c) Two academicians to be selected by the Government in consultation with the Governing Body from outside the Governing Body.	Members.
(d) Two members selected by the Government in consultation with the Governing Body from amongst its members.	Member.
(e) One representative to be nominated by the Government.	Member.

(3) Appointment to all Gazetted posts shall be made by the Government and the appointment to all Non-Gazetted posts shall be made by the Director on recommendation of Selection Board referred to above.

(4) Recruitment and other conditions of service of the employees shall be governed by the rules as may be made by the Government.

6. Suits and Proceedings :-

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

7. Provincialisation of new Junior College :-

The Government may, by notification published in the Official Gazette, provincialise on the same terms and conditions as provided in Sections 3 and 4, the services of the employees of the Junior College which may be concurred after this Act has come into force.

8. Power to make rules :-

(1) The Government may, by notification in the Official Gazette

make rules for carrying out the provisions of this Act.

(2) Every rule made under this section shall, as soon as may be, after they are made, be laid before the Assam Legislative Assembly, while it is in session for a total period of not less than fourteen days which may be comprised in one session or two or more 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 agrees that the rules 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, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rules.

9. Power of interpretation and removal of difficulties :-

(1) If any difficulty arises in interpretation of any provisions 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 or expedient for the purpose of removing the difficulty.

(3) Every order made under sub-section (2) shall be laid before the Assam Legislative Assembly in the manner laid down in sub-section (2) of Section 3.

10. Vesting of land, buildings and other properties :-

The land, buildings or any other property owned by any Junior College whose employees services are provincialised as per the provisions of this Act, shall continue to be owned by the Junior College after such provincialisation.

SCHEDULE 1

SCHEDULE

SCHEDULE

(See. Section. 2(m))

LIST OF JUNIOR COLLEGES TO BE PROVINCIALISED DURING THE YEAR-1996

Name of Colleges	District	Date of Govt. concurrence
(1)	(2)	(3)
1. Dhakuakhana Commerce College.	Lakhimpur	26th April 1991
2. Pitambardev Goswami Junior	Jorhat	22nd August 1991

27. Kamruberaj Govindan College, College, Majuli	Kamrup	18th August 1991
3. Bezera Anchalik College	Kamrup	18th December 1991
4. Madhya Kampeeth College	Kamrup	21st December 1991
5. Burinagar Junior College	Darrang	8th January 1992
6. Melamara College	Golaghat	9th January 1992
7. Brahmaputra College	Lakhimpur	13th January 1992
8. Dhamdhama College	Nalbari	1st February 1992
9. Kalaigaon College	Darrang	7th February 1992
10. Rangsinga College	Karbi-Anglong	22nd February 1992
11. Pathsala Mahavidyalaya	Barpeta	28th February 1992
12. Pub-Nalbari College	Nalbari	5th March 1992
13. Salbari College	Barpeta	5th March 1992
14. Duni College	Darrang	21st March 1992
15. Tamulpur College	Nalbari	25th March 1992
16. Nowboicha Mahavidyalaya	Lakhimpur	22nd June 1992
17. Pachim Borigog Anchalik College	Kamrup	8th July 1992
18. Kalaguru Bishnu Rabha College	Darrang	5th September 1992
19. Tamulpur Commerce College	Nalbari	28th October 1992
20. Bonbhag College	Nalbari	15th November 1992
21. Machkhowa College	North Lakhimpur	6th December 1991
22. Dakhin Nalbari Mahavidyalaya College	Nalbari	18th December 1991
23. Kherajhat College	Lakhimpur	19th December 1991
24. Sarbodyya College	Jorhat	21st January 1992
25. Chatia College	Sonitpur	12th February 1992
26. Sawhid Smriti College	Nalbari	15th February 1992
27. Hamidabad College,	Dhubri	3rd March 1992
28. Dhemaji Girls, College,	Dhemaji,	19th August 1992
29. Tamulichiga College,	Jorhat,	3rd September 1992
30. Geleky College,	Sibsagar,	3rd August 1992
31. Borkhetry College,	Nalbari,	1st October 1992
32. Borpathar College,	Golaghat,	26th November 1992
33. Assam Jyoti College,	Sonitpur,	9th February 1993
34. Katahguri College,	Nagaon,	25th February 1993
35. Madhya Bajali College,	Barpeta,	5th May 1993
36. Pathsaku Jr. College,	Sibsagar	10th May 1993
37. Behali College,	Sonitpur,	4th August 1993
38. Shri Sri Bishnu Dev Jnajiaya College,	Jorhat,	4th September 1993
39. Bamundi Mahavidyalaya College.	Kamrup.	14th September 1993

40. Gyanpith College,	Nalbari,	20th September 1993
41. Baligaon Sombari Bora College,	Jorhat	20th September 1993
42. Swahid Sonwarani College,	Nalbari,	17th December 1993
43. Janapriya Jr. College,	Barpeta,	16th February 1994
44. A.C. Agarwala College,	Sonitpur,	6th April 1994
45. Namani Mujuli Jr. College,	Jorhat.	
46. Bordalani College,	Dhemaji	18th November 1995
47. Hatidhora Jr. College,	Kokrajhar,	27th December 1995
48. Uttar Kampith College,	Nalbari,	27th October, 1995