



THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

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GOVERNMENT OF ASSAM

ORDERS BY THE GOVERNOR

LEGISLATIVE DEPARTMENT : : LEGISLATIVE BRANCH

NOTIFICATION

The 11th April, 2012

No. LGL 135/2011/58.— The following Act of the Assam Legislative Assembly which received the assent of the Governor is hereby published for general information.

ASSAM ACT NO. VIII 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

AN ACT

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.

Preamble

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:-

Short title, extent and commencement.

1. (1) This Act may be called the Assam Venture Sanskrit and Pali Educational Institutions (Provincialisation of Services) Act, 2012.
- (2) It extends to the whole of Assam.
- (3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of the Act or for different category of Venture Sanskrit and Pali Educational Institutions.

Definitions 2 .

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/Managing Committee of the concerned Venture Sanskrit and Pali Educational Institution before first day of January, 2012 and whose services are being or would be considered for being provincialised 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 Assistant 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 and Pali Education Institution;
- (g) "provincialised 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 the provisions of the Assam Education Department Rules and orders;
- (j) "State Government" means the State Government of Assam in the Education (Higher) Department;
- (k) "Scrutiny Committee" means the scrutiny committee constituted under section 10 of this 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 are 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 Shastri (title);

(m) "Venture Sanskrit and Pali Educational Institution" means Venture Sanskrit Educational Institution such as :- Tol, Vidyalaya, Chotuspathi, Vidyapith and Sanskrit College or Venture Pali Educational Institution such as - Tol or Vidyalaya, as the case may be, which have been established by the people of the locality before 1.1.2006 and which have received permission and recognition from the Assam Sanskrit Board before 01.01.2006 and which have not been provincialised under any Act enacted by the State Legislature so far.

Eligibility criteria for selection of educational institutions for provincialisation of services of its employees.

3. (1) Subject to the provisions of Article 30 of the Constitution of India, the following categories of Venture Sanskrit and Pali Educational Institutions shall be eligible for being considered for provincialisation of the services of its employees:-
- (i) the Venture Sanskrit and Pali Educational Institutions which have been established by the people of the locality and had 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.L.C, and a minimum enrollment of 15 students in Shastri in Final Year Class as on the date of coming into force of this Act; and
 - (iii) the concerned educational institution must have a consistent good academic performance 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 sub-section (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.

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(4) Subject to the provisions of the Assam Non-Government Educational Institutions (Regulation and Management) Act, 2006, a Venture Sanskrit and Pali Education Institution which does not fulfil the eligibility criteria as on the date of coming into force of this Act or does not acquire eligibility under sub-section (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 allowed to run as a Private Institution or a Non-Government Educational Institution.

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(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.

Employees to be
Government
Servant.

4. (1) The services of the employees of all eligible Venture Sanskrit and Pali Educational 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 and recognition of such institution, as on the date of coming into force of this Act, shall be deemed to have been provincialised and they shall become 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 :

Provided further that where the number of such employees serving in such Venture Sanskrit and Pali Educational Institutions exceeds the numbers as specified in the Schedule, the provincialisation of the services of the employees shall be on the basis of seniority in the respective category in the concerned educational institution. The State Government shall have no liability whatsoever in regard to such excess employees.

- (3) The services of a teaching or non-teaching employees in a Venture Sanskrit and Pali Institutions shall be considered for provincialisation, only if they have the requisite academic and professional qualifications prescribed by the Assam Sanskrit Board at the time of their initial appointment :

Provided that if an employee is required to acquire any prescribed academic or professional qualifications, services of such employee may be considered for provincialisation if otherwise eligible, but in such case 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, and during this intervening period, the State Government shall have no liability in respect of his pay and allowances and he may continue to work under 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 the stipulated period, his services shall stand terminated with effect from the date of expiry of stipulated period.

**Terms and
Conditions of
service**

5. (1) Subject to the provisions of this Act and the rules made thereunder, all rules including service rules and rules of conduct and discipline which are applicable to the State Government servants of corresponding ranks, shall be applicable to all employees of the provincialised Sanskrit and Pali Educational Institutions.
- (2) All such employees shall get such emoluments as salary and allowances as may be prescribed with effect from the date of provincialisation of their services and the past service rendered by them shall not be counted for any purpose whatsoever, and all such employees shall get same pay and allowances as if they are fresh appointees and in respect of pension, they shall be governed by the New Pension Scheme applicable to the State Government employees of the corresponding rank.

(3) The employees, who have completed sixty years of age as on the date of coming into force of this Act, shall be deemed to have retired with effect from that date and they shall have no claim whatsoever from the State Government as regards their pay, allowances and retirement benefits for services already rendered by them in such educational institutions.

(4) Services of all employees shall be encadred in appropriate cadres in accordance with the rules as may be prescribed by the State Government for this purpose.

Management of the educational institutions where services of employees are provincialised.

6. With effect from the date of publication of the notification under sub-section (4) of section 10, the administration, management and control of all provincialised Sanskrit and Pali Educational Institutions coming within the purview of this Act shall vest in the State Government.

Governing Body/ Managing Committee in respect of provincialised Institutions

7. The Constitution, composition, powers, functions and duties of Governing Body in case of provincialised Sanskrit College and of the Managing Committee in case of all other provincialised Sanskrit and Pali Educational Institutions shall be governed by the rules framed by the State Government under this Act.

Power of Governing Body/ Managing Committee

8. (1) The State Government or an officer authorised by the State Government, by an order, constitute a Governing Body in case of a provincialised Sanskrit College and a Managing Committee in respect of all other provincialised Sanskrit and Pali Educational Institutions for managing the affairs of such Institutions.

(2) The Managing Committee/Governing Body, as the case may be, of such Institutions shall exercise such powers and shall perform such functions as may be prescribed by the State Government under the rules made under this Act

(3) The State Government or the Officer so authorised by the state Government may, at any time, re-constitute the Managing Committee or the Governing Body, as the case may be, whenever it is considered necessary.

(4) The composition of the Managing Committee or Governing Body shall be such as may be prescribed by the State Government.

(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.

Amalgamation, shifting or expansion of Provincialised Institution

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 as 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.

Scrutiny Committee

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.

- (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 Committee shall forward the verified list of eligible teachers 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 Committee shall have the powers to inspect all documents and records produced before it and call for such further 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)---- Member;
 - (iv) One Pradhan Adhyapaka (Principal) of a 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.

Educational Institution not provincialised to function as Private/ Non-Government Institutions.

11.(1) The service of employees of the Venture Sanskrit and Pali Educational Institutions which have been established on or after 01.01.2006 shall not be provincialised and no such Institution shall be allowed to remain functional unless it has obtained,-

- (i) permission and recognition from the Assam Sanskrit Board;
- (ii) permission under the provisions of the Assam Non-Government Education Institutions (Regulation and Managment) Act, 2006, in case all other educational institutions:

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(2) All such Venture Sanskrit and Pali Educational Institutions, which have obtained the required permission or recognition, as the case may be, shall be allowed to function s purely private or Non-Government Educational Institution.

Offences and Penalties

12.(1) Whoever provides misleading, incorrect or false information to and suppresses material information from or abets the providing or suppression of such information to the Scrutiny Committee or to any other authority under this Act, shall commit an offence under 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 under the provisions of the Code of Criminal NoProcedure, 1973.

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1974

Suits and proceedings

13. 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.

Power of interpretation and removal of difficulties.

14.(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 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 the purpose of removing the difficulty.

Delegation of powers.

15.(1) The State Government may delegate all its powers, except the powers conferred under sections 14 and 16 of the Act to any other Authority or to Director/ Deputy Director.

(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 limitations as may be specified by the State Government.

Power to make rules.

16.(1) The State Government may, by notification published in the Official Gazette, make rules for carrying out provisions of this Act.

(2) Without prejudice to the generality of the foregoing provisions, such rules may provide for all or any of the following matters, namely :-

(i) prescribing service conditions and specifying the duties and responsibilities 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 constitution and composition of the Governing Body of the provincialised Sanskrit College and the Managing Committee of all provincialised Sanskrit and Pali Educational Institutions;

(iv) specifying the powers, functions, duties and responsibilities of the Managing Committee or Governing Body of the provincialised Sanskrit and Pali Educational Institutions, as the case may be.

(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 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 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 Sections 4(2) and 10(4)]

**Maximum number of employees for Venture Sanskrit and Pali Educations Institution
for provincialisation of their services**

Sl. No.	Category of Staff.	No. of posts
1	2	3
1.	Pradhan Adhyapaka.	1
2.	Second Adhyapaka.	1
3.	Graduate Teacher (Arts)	1
4.	Science Graduate (Asstt. Teacher)	1
5.	Grade - IV.	1
Total		= 5 (five)

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