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EXTRAORDINARY

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No. 46 Dispur, Tuesday, 26th March, 1996, 6th Chaitra
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GOVERNMENT OF ASSAM

ORDERS BY THE GOVERNOR

LEGISLATIVE, DEPARTMENT : LEGISLATIVE BRANCH

NOTIFICATION

The 26th March, 1996

No. LGL. 192/95/61.—The following Act of the Assam Legislative Assembly which received the assent of the Governor is hereby published for general information.

ASSAM ACT NO IV OF 1996

(Received the Assent of the Governor on 26th March 1996)

THE ASSAM CLASSICAL INSTITUTIONS (SANSKRIT AND PALI-PRAKRIT) (PROVINCIALISATION) ACT, 1996

AN

ACT

to provide for provincialisation of services of teaching and non-teaching staff of classical (Sanskrit and Pali-Prakrit Institutions and the Assam Sanskrit Board in the State of Assam

Preamble.

Whereas it is expedient to provide for provincialisation of services of teaching and non-teaching staff of Classical (Sanskrit and Pali-Prakrit) Institutions for its improvement and for better management and control of such Education in the State of Assam.

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

Short title, extent and commencement.

1. (1) This Act may be called the Assam Classical Institutions (Sanskrit and Pali-Prakrit) (Provincialisation) Act, 1996.

(2) It extends to the whole of Assam.

(3) It shall be deemed to have come into force on such date on which the Assam Classical Institutions (Sanskrit and Pali-Prakrit) (Provincialisation) Ordinance, 1995 came into force.

Definitions.

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

(a) "appointed day" in relation to the provisions of section 3 means the date on which the Assam Classical Institutions (Sanskrit and Pali-Prakrit) (Provincialisation) Ordinance, 1995 came into force and in relation to section 7, the date from which the service of the employees of an eligible institution are provincialised under the provisions of this Act;

(b) "Chairman" means the Chairman of the Board appointed by the Government of Assam in Education Department;

- (c) "Classical Institutions" means the up-graded Sanskrit and Pali-prakrit Tols in Assam including Nalbari Sanskrit College;
- (d) "Employee" means a person in the teaching or non-teaching employment in a Classical Institution or Assam Sanskrit Board working against a regular sanctioned post as per standard staffing pattern and whose appointment has been approved by the Deputy Director of Sanskrit Education, Assam;
- (e) "existing employee" means an employee who is on the appointed day in the regular pay roll, employed against regular sanction as per standard staffing pattern and whose appointment has been approved by the Deputy Director of Sanskrit Education, Assam.
- (f) "Governing Body/Managing Committee" in relation to Nalbari Sanskrit College means the Governing Body and in relation to other Classical Institutions means the Managing Committee as constituted by the Government ;
- (g) "Government" means the Government of Assam ;
- (h) "Institution" means a Classical Institution or the Assam Sanskrit Board;
- (i) "Official Gazette" means the Official Gazette of the Government of Assam, namely the Assam Gazette.
- (j) "Prescribed" means prescribed by rules made under this Act ;
- (k) "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 ;
- (l) "Sanskrit Board" means the board constituted by the Government of Assam in Education Department ;

- (m) "Secretary" means the Deputy Director of Sanskrit Education, Assam who shall be the Ex-Officio Secretary to the Sanskrit Board.

Employees
to the Govern-
ment ser-
vants.

3. Subject to the provisions of Articles 30 and 309 of the Constitution of India, all employees of upgraded Sanskrit and Pali-Prakrit Tols, Nalbari Sanskrit College or Assam Sanskrit Board covered by deficit scheme of grants-in-aid under Government of Assam shall be deemed to have become the employees of the Government on and from the appointed day on the following terms and conditions, namely:—

- (a) all rules including service rules and 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 Classical Institutions and Assam Sanskrit Board;
- (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 as may be prescribed by the Government.

Superannua-
tion and pen-
sion, etc.

4. (1) Notwithstanding anything contained in the proceeding section, all employees other than Grade IV employees of Classical Institutions or Assam Sanskrit Board 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 eligible to go on superannuation under sub-section (1) shall be eligible to pension or gratuity or both in accordance with the pension rules applicable to 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 shall be counted —
- (a) in case such employee has joined the Institution subsequent to the date of this Institution receiving the grant under ad-hoc system of grants-in-aid, from the date of his joining the service on regular appointment in the Institution receiving grants under ad-hoc system of grants-in-aid ; or
- (b) in case such employee had joined the institution on regular appointment prior to the institution receiving grant under the ad-hoc system of grants-in-aid, from the date of this institution receiving grant under ad-hoc system of grants-in-aid.
- (3) Any existing employee other than the Grade IV employee who does not intend to go on superannuation on attaining the age of 58 years shall have the option to continue the upto the completion of the age of 60 years under the same terms and conditions, which were applicable to him immediately before the date of provincialisation.

Such existing employees other than a Grade IV employee who does not intend to go on superannuation on attaining the age 58 years but wants to continue till the completion of 60 years shall intimate the same in writing to the Deputy Director of Sanskrit Education, Assam within a period —

- (a) Which shall be 3 months from the date of publication of the Assam classical Institutions (Sanskrit and Pali-Prakrit) (Provincialisation) Ordinance, 1995 in the Official Gazette in case of any institutions whose employees services are provincialised with effect from the date of commencement of the Assam Classical Institutions (Sanskrit and Pali-Prakrit) (Provincialisation) Ordinance, 1995 under the provisions of section 3 ;

(b) Which shall be 3 months from the date of provincialisation in case of any institution whose employees services are provincialised under the provision of section 7 :

Provided that in the absence of any such intimation in writing, every existing employee, other than the Grade IV employees shall be deemed to have opted for going on superannuation on attaining the age of 58 years.

Government
to take over
institutions
and employ-
ees thereof

5. (1) With effect from the appointed day, the administration management and control of all employees of all institutions, 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 Managing Committee or the Governing Body, as the case may be, of such institutions shall exercise such functions as may be specified by the Government or under the rules made under this Act, until such Managing Committee or the Governing Body, as the case may be, is either reconstituted or replaced under the rules prescribed.
- (2) The selection for recruitment to any post teaching or non-teaching in the Classical Institution except the post of Principal and/or Pradhan Adhyapaka shall be made by Selection Board which shall be constituted by the President of the Managing Committee or the Governing Body as the case may be, of the Classical Institution as stated below :-
 - (i) President of the Governing Body/—Chairman
Managing Committee of the
Classical Institution.
 - (ii) Principal/Pradhan Adhyapaka— Member-
Secretary
 - (iii) Two academicians to be selected— Members
by the Governing Body/Managing
Committee.

- (iv) Two members to be selected by— Members
Governing Body/Managing Com-
mittee from amongst the Gover-
ning Body/Managing Committee.
- (v) One representative to be nomi— Member
nated by the Deputy Director
of Sanskrit Education, Assam.
- (3) The selection for appointment to the post o
Principal/Pradhan Adhyapaka shall be made
by State Selection Board which shall be
constituted by the Government as stated
below :—
 - (i) Chairman, Assam Sanskrit Board—Chairman
 - (ii) Deputy Director of Sanskrit— Member-
Education, Assam. Secretary
 - (iii) One Scholar of Sanskrit to be — Member
nominated by the Deputy Director
of Sanskrit Education, Assam.
 - (iv) One expert from secular subject — Members
to be nominated by the Deputy
Director of Sanskrit Education,
Assam.
 - (v) One Seniormost Principal/Pradhan — Member
Adhyapaka to be nominated by
the Deputy Director of Sanskrit
Education, Assam.
 - (vi) Two members from the^{re} Assam— Members^s
Sanskrit Board.

Suits and Proceedings. 6. No suit, prosecution or other legal procee-
ding shall be filed for anything done in good faith
under this Act except with the previous
sanction of the Government.

**Provincialisa-
tion of new
Classical
Institutions.** 7. The Government may, by notification in
the Official Gazette, provincialise on the same
terms and conditions as provided in sections 3 and
4 of this Act the services of the employees
of the Classical Institution which may be recognised
after this Act has come into force.

**Power to
make rules** 8. (1) The Government may, by notification in the
official Gazette make rules for carrying out the
provisions of this Act.

(2) Every rules 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 before the expiry of the session in which it is so laid or the session immediately following the Assam Legislative Assembly agree that the rules should not be made, the rules shall thereafter have effect only in such modified form of 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.

Power of interpretation and removal of difficulty

9. (1) If any difficulty arises in the 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 8.

Vesting of land buildings and other properties.

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

Repeal and saving

11. (1) The Assam Classical Institutions Ordinance (Sanskrit and Pali-Prakrit) (Provincialisation) Ordinance, 1996 is hereby repealed.

Ordinance No. 1 of 1996

(2) Notwithstanding such repeal anything done or any action taken under the Ordinance so repealed shall be deemed to have been done or taken under the corresponding provisions of this Act.

M. K. DEKA,

i/c. Secy.

to the Govt. of Assam. Legislative Deptt.