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THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত

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GOVERNMENT OF ASSAM

ORDERS BY THE GOVERNOR

LEGISLATIVE DEPARTMENT :: LEGISLATIVE BRANCH

NOTIFICATION

The 23rd August, 2012

No. LGL.98/2011/77.— The following Act of the Assam Legislative Assembly which received the assent of the Governor is hereby published for general information.

ASSAM ACT NO. XXI OF 2012

(Received the assent of the Governor on 16th August, 2012)

THE ASSAM VENTURE EDUCATIONAL INSTITUTIONS (PROVINCIALISATION OF SERVICES) (AMENDMENT) ACT, 2012

AN

ACT

to amend the Assam Venture Educational Institutions (Provincialisation of Services) Act, 2011.

Preamble

Whereas it is expedient to amend the Assam Venture Educational Institutions (Provincialisation of Services) Act, 2011, hereinafter referred to as the principal Act, in the manner hereinafter appearing;

Assam Act
No. XVII
of 2011

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 Educational Institutions (Provincialisation of Services) (Amendment) Act, 2012.

(2) It shall have the like extent as the principal Act.

(3) It shall be deemed to have come into force with effect from the 15th day of November, 2011 save and except section 4 which shall come into force on such date as may be appointed by the State Government by notification in the Official Gazette under sub-section (3) of section 1 of the principal Act.

Amendment
of section 2

2. In the principal Act, in section 2, —

(i) in clause (q), in the fourth line, for the words "prior to", the words "on or before" shall be substituted;

(ii) for clause (r), the following shall be substituted, namely:-

"(r) "Venture ME School" including "ME Madrassa" means an Upper Primary School imparting education upto Class VIII and established by the people of the locality prior to 1.1.2006 which has received recognition from the competent authority on or before 1.1.2006, captured in the District Information System for Education(DISE) Data upto 2009-10 of the Ministry of Human Resource Development, Government of India and not provincialised under any Act enacted by the State Legislature so far;"

(iii) for clause (s), the following shall be substituted, namely :-

"(s) "Venture Primary School" means a Primary School imparting education upto class V and established by the people of the locality prior to 1.1.2006 and captured in the District Information System for Education(DISE) Data upto 2009-10 of the Ministry of Human Resource Development, Government of India;"

(iv) in clause (t), for the punctuation mark "." occurring at the end, the punctuation mark ";" shall be substituted;

(v) after clause (t), the following new clause (u) shall be inserted, namely:-

“(u) “Mixed-Medium School” means a Primary School (both Upper Primary and Lower Primary) and a High School as defined in section 2(s), 2(r) and 2(p) respectively situated in the same campus imparting education in both Assamese and Bodo medium.”.

Amendment
of section 3

3. (i) In the principal Act, in section 3, in sub-section (1),

(a) in clause (i), for the word “before”, the words “on or before” shall be substituted;

(b) for the existing clause (ii), the following shall be substituted, namely :-

“(ii) it has a minimum total enrolment of 25 students if it is a Primary School (both Lower Primary and Upper Primary), 25 students in class X if it is a High School, 25 students in class XII if it is a Higher Secondary School or Junior College; 25 students in the Final Year of Three Year Degree Course, if it is a Degree College, as on the date of coming into force of this Act;” ;

(ii) in sub-section (3), after last line of the existing provision, the following shall be inserted, namely:-

“The concerned educational institution must have clear possession of land before 1.1.2006. In case of institutions situated in Forest area, Forest Possession Certificate from the competent Forest Authority certifying that the institution has been in possession of Forest Land prior to 1.1.2006 and in case of institutions situated in Tea Gardens, certificate from Tea Garden Authority certifying that the institution has been in possession of Tea Garden Land prior to 1.1.2006, shall have to be produced by the concerned educational institution before the District Scrutiny Committee constituted under section 10.”;

(iii) in sub-section (6), in between the words “assistance” and “from”, the words “except incentive for academic excellence” shall be inserted.

Amendment
of section 4

4. In the principal Act, in section 4, —

(i) for sub-section (1), the following shall be substituted, namely:-

“(1) The services of the employees of all eligible Venture Educational Institutions under section 3 shall be deemed to have been provincialised on the date of coming into force of this Act and they shall become employees of the State Government with effect from that date, provided such institutions have completed at least 10 years of imparting education from the date of affiliation, recognition, concurrence or permission, as the case may be, as on the date of coming into force of this Act:

Provided that the services of those employees of the Venture Educational Institutions eligible for provincialisation under section 3 which have not completed 10 years of their imparting education from the date of their affiliation, recognition, concurrence or permission, as the case may be, as on the date of coming into force of this Act, shall be provincialised as and when the concerned educational institution

completes 10 years of imparting education from the date of such affiliation, recognition, concurrence or permission, as the case may be.”;

(ii) for sub-section (2), the following shall be substituted, namely :-

“(2) The numbers of employees in both teaching and non-teaching cadre in each of the Venture Educational Institution, 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 that where the number of such employees serving in such Venture Educational Institutions exceeds the number 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 not have any liability whatsoever in regard to such excess employees:

Provided further that the State Government shall have no liability whatsoever in respect of any past liability of the Venture Educational Institutions whose employees have been provincialised under this Act.”;

(iii) after sub-section (3), the following new sub-section (4) shall be inserted, namely:-

“(4) If any eligible Venture Educational Institution intends to remain outside the purview of provincialisation of services of their employees under this Act, such institution shall give their option in writing intimating their intention to remain outside the purview of this Act, before the District Scrutiny Committee within one year from date of coming into force of this Act.”.

Substitution of section 6

5.

In the principal Act, for the existing section 6, the following shall be substituted, namely:-

“Superintendence and control 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 superintendence and control of all educational institutions coming within the purview of this Act shall vest in the State Government.”

Amendment of section 10

6.

In the principal Act, in section 10, after sub-section (9), the following new sub-section shall be inserted, namely:-

“(10) the Deputy Commissioner in relation to Districts included in Sixth Schedule Areas shall mean the Principal Secretary of the respective Councils.”

Substitution of Schedule

7.

In the principal Act, for the existing Schedule, the following Schedule shall be substituted, namely:-

| Category of Institution | Category of Staff | Maximum number of posts (General) | For Mixed Medium Schools (total) |
|---|---|---|--|
| Degree College | Principal | 1 | |
| | Lecturer 3 (for pass Course), 1 (for Major Course), 1 (in each MIL Subject) | 30 | |
| | Librarian | 1 | |
| | Assistant Librarian | 1 | |
| | Senior Assistant/ Junior Assistant/ Laboratory Assistant | 5 | |
| | Library Assistant | 1 | |
| | Grade-IV | 6 | |
| Additional stream for Provincialised Degree College | Lecturer | 15 | |
| | Junior Assistant | 1 | |
| | Laboratory Bearer | 1 in each subject having practical classes | |
| | Grade-IV | 3 | |
| Junior College | Principal | 1 | |
| | Lecturer | 8 for Arts, 7 for Science, 6 for Commerce stream | |
| | Demonstrator | 3 for Science stream | |
| | Junior Assistant | 2 | |
| | Library Assistant | 1 | |
| | Laboratory Bearer (subjects having practical classes) | 3 | |
| | Grade -IV | 3 | |
| Higher Secondary Streams in Secondary Schools | Subject Teacher | 7 for Arts, 7 for Science, 6 for Commerce stream | |
| | Demonstrator | 3 for Science stream | |
| | Senior Assistant | 1 | |
| | Laboratory Bearer | 3 for Science stream | |
| | Grade -IV | 1 for Arts, 1 for Sc., 1 for Commerce. | |
| High School/High Madrassa (2 Classes) | Headmaster / Superintendent | 1 | 1 |
| | Assistant Teacher (BA/B.Com) | Single Section-3, Three section-3, Four section -3 and Five section-4 | Single Section-6, Three section-6, Four section -6 and Five section-8 |
| | Assistant Teacher (Science) | Single section-2, Three section -2, Four section 2 and Five section-3 | Single section-4, Three section -4, Four section -4 and Five section-6 |
| | Senior Hindi Teacher | 1 | 2 (total) |
| | Classical Teacher/Language Teacher (for non Assamese Medium Schools) | 2 (one for Classical and one for language) | 2 (one for Classical and one for language) |
| | Music Teacher | 1 (where teacher is in position since 01-01-06 or before) | 1 (where teacher is in position since 01-01-06 or before) |
| | Craft Teacher | 1 (where teacher is in position since 01-01-06 or before) | 1 (where teacher is in position since 1.1.2006) |
| | Junior Assistant | 1 | 1 |
| | Grade-IV | 1 | 1 |

| | | | |
|---|---|---|--|
| High School/ High Madrassa (5 classes or more) | Headmaster / Superintendent | 1 | 1 |
| | Assistant Headmaster / Assistant Superintendent | 1 | 1 |
| | Assistant Teacher (BA/B.Com) | Total -4 One Addl. Teacher if more than 4 sections are opened | Total -8 One Addl. Teacher if more than 4 Sections are opened |
| | Assistant Teacher (B.Sc.) | Total -3 One Addl. Teacher if more than 4 sections are opened | Total -6 One Addl. Teacher if more than 4 sections are opened. |
| | Senior Hindi Teacher | 2 | 2 |
| | Classical Teacher/Language Teacher(for non Assamese Medium Schools) | 2 (One for classical language one for Assamese language) | 2 (One for classical language one for Assamese language) |
| | Music Teacher | 1 (where teacher is in position since 01-01-06 or before) | 1 (where teacher is in position since 01-01-06 or before) |
| | Junior Assistant | 1 | 1 |
| | Grade-IV | 2 | 2 |
| Upper Primary School (ME School/ME Madrassa) | Headmaster | 1 | 1 |
| | Assistant Teacher | 2 | 4 |
| | Graduate /Intermediate Teacher (Science & Mathematics) | 1 | 2 |
| | Hindi Teacher in the rank of Assistant Teacher. | 1 | 2 |
| | Arabic Teacher for (MEM) | 1 | 1 |
| | Assamese Language Teacher (For non Assamese Medium School) | 1 | 1 |
| | Grade -IV staff | 1 | 1 |
| | Assistant Teacher | 2 | 4 |
| Primary School (L.P. School) | | | |

Note:-

1. For High School and High Madrassa, section would be counted on the basis of a minimum enrolment of 40 students per section appearing as regular students from the concerned High School/ High Madrassa in the Final Examination conducted by SEBA.
2. One additional Science Graduate with Mathematics if Advance Mathematics is introduced.
3. High School /High Madrassa (two Classes) shall be read as High School/High Madrassa 3 Classes.”

MOHD. ABDUL HAQUE,
Secretary to the Govt. of Assam,
Legislative Department, Dispur.