



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 11th April, 2017

No. LGL. 68/2017/6.— The following Act of the Assam Legislative Assembly which received the assent of the Governor on **6th April, 2017** is hereby published for general information.

ASSAM ACT NO. XXV OF 2017

(Received the assent of the Governor on 6th April, 2017)

THE ASSAM EDUCATION (PROVINCIALISATION OF SERVICES OF TEACHERS AND RE-ORGANISATION OF EDUCATIONAL INSTITUTIONS) ACT, 2017

AN
ACT

to provincialise the services of the teachers of the Venture Educational Institutions and also to re-organise and streamline the Educational Institutions up to degree level in the State of Assam.

Preamble Whereas it is expedient to provincialise the services of the teachers of the Venture Educational Institutions and also to re-organise and streamline the Educational Institutions up to Degree Level in Assam so as to conform to the prevailing statutory norms and standards with a further objective to restrict any further growth of such Venture Educational Institutions in the State of Assam;

It is hereby enacted in the Sixty-eighth Year of the Republic of India as follows:-

Short title, extent and commencement.

1. (1) This Act may be called The Assam Education (Provincialisation of Services of Teachers and Re-Organisation of Educational Institutions) Act, 2017.

(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 educational institutions.

Definitions

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

(a) "Assam Higher Secondary Education Council" or "AHSEC" means the Assam Higher Secondary Education Council constituted under the provisions of the Assam Higher Secondary Education Act, 1984;

(b) "Block Elementary Education Officer" means the Block Elementary Education Officer in the concerned Block;

(c) "Board of Secondary Education, Assam" or "SEBA" means the Board of Secondary Education, Assam constituted under the provisions of the Assam Secondary Education Act, 1961;

(d) "Base School" means either an existing provincialised or a Venture Educational Institution identified for the purpose of provincialisation of services of teachers and/or tutors, as the

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1984

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Act No.
XXV of
1961

case may be, within the radius of 1 km in case of Lower Primary schools, within the radius of 3 kms in case of Upper Primary schools, within the radius of 5 kms in case of High Schools or High Madrassas and within the radius of 7 kms in case of Higher Secondary schools or Junior Colleges and which posses satisfactory norms and standards in relation to enrollment of students, adequate infrastructure and having DISE Code for the year 2009-2010 or before;

(e) "Deputy Inspector of Schools" means the Deputy Inspector of Schools in the concerned Sub-division;

(f) "Director" means the Director of Elementary Education in case of a Primary or a Upper Primary School; Director of Secondary Education in case of a High School or High Madrassa or a Higher Secondary School or a Junior College; and Director of Higher Education in case of a Degree College :

Provided that in case of amalgamated High or Higher Secondary Schools, where primary or upper primary education is also imparted, the Director would mean the concerned Director in respect of the teachers and matters concerning their service conditions and emoluments but for the purpose of administration and all other purposes the Director would mean the Director of Secondary Education;

(g) "District Elementary Education Officer" means the District Elementary Education Officer of the concerned district:

Provided that in case of newly created districts, the concerned district shall mean the erstwhile district until the District Elementary Education Officer for the newly created district is appointed.

(h) "District Scrutiny Committee" means the District Scrutiny Committee constituted under section 12 for each District to recommend names of Venture Educational Institutions along with the names of teachers and tutors whose services are considered eligible for provincialisation under this Act;

(i) "DISE Code" means District Information System for Education Code prepared by the Sarba Sikhsa Abhijan, Assam and as available in the records of the National University of Educational Planning and Administration, New Delhi;

(j) "employee" means and includes all serving teachers and tutors as the case may be, of Venture Educational Institutions who have been appointed and joined in the concerned Venture Educational Institution before the 1st day of January, 2011 and

whose services are being or would be provincialised under this Act;

(k) "Governing Body" means the Governing Body of a College or a Junior College approved by the appropriate authority as notified by the State Government, for carrying out the management of the College or the Junior College, as the case may be;

(l) "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:

Provided that in case of newly created districts, the concerned district shall mean the erstwhile district, until the Inspector of Schools of the newly created district is appointed;

(m) "Managing Committee" means the Managing Committee constituted under the provisions of the Right of Children to Free and Compulsory Education Act, 2009 or the rules made thereunder in the case of a Primary or Upper Primary School and in case of High School, High Madrassa and Higher Secondary School, the Managing Committee approved by the appropriate authority as notified by the State Government for carrying out the management of the concerned educational institution;

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2009

(n) "Mixed Medium School" means a Primary School (both Upper Primary and Lower Primary) and a High School as defined in section 2(za), 2(zb) and 2(x) respectively situated in the same campus imparting education in more than one medium like Assamese, Bodo etc;

(o) "newly created district" means district created by the State Government by Notification in the Official Gazette on or after 01.01.2013;

(p) "provincialisation" means taking over the liabilities for payment of salaries including dearness allowance, medical allowances and such other allowances to the teachers and/or tutors, as admissible to the Government servant 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;

(q) "Provincialised School" or 'Provincialised College" means an existing provincialised school or college or a Venture Educational Institution wherein the services of teachers and tutors are provincialised under this Act;

(r) "State Government" means the State Government of Assam in the concerned Education Department i.e. Elementary Education Department in case of Primary and Upper-Primary Schools; Secondary Education Department in case of Secondary, Higher Secondary Schools and Junior Colleges; Higher Education Department in case of Degree Colleges;

(s) "State Level Scrutiny Committee" means the State Level Scrutiny Committee constituted under section 12 (10) to cause physical verification of the institutions as recommended by the District Scrutiny Committee for final recommendation in the matter of provincialisation;

(t) "teacher" means Teachers, Assistant Teachers, Classical Teachers and also includes Lecturers, Assistant Professors, Associate Professors, Professors, Principal, Vice-Principal, Demonstrator, Headmaster, Assistant Headmaster, Superintendent, Assistant Superintendent and any person of the teaching faculty working in the Venture Educational Institution having required educational and professional qualification as per norms and standards fixed by the Right of Children to Free and Compulsory Education Act, 2009, National Council for Teachers Education Act, 1993, University Grants Commission Act, 1956 and the relevant rules and regulations framed thereunder and any other Act as the case may be, as applicable on the day of provincialisation and whose services are provincialised under this Act in the post of teacher or in any other post in the teaching faculty but, not as tutor under this Act;

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1993;
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of 1956

(u) "tutor" means and includes Teachers, Assistant Teachers, Classical Teachers and also includes Lecturers, Assistant Professors, Associate Professors, Professors, Principal, Vice-Principal, Demonstrator, Headmaster, Assistant Headmaster, Superintendent, Assistant Superintendent in a provincialised educational institution under this Act who are not eligible for provincialisation of their services and whose services cannot be provincialised in the post of Teacher under this Act due to lack of his/her educational and professional qualifications required as per the Right of Children to Free and Compulsory Education Act, 2009, National Council for Teachers Education Act, 1993, University Grants Commission Act, 1956 and the relevant rules and regulations framed thereunder and any other Act, as the case may be, as applicable on the date of provincialisation,

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Act No.
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2009;
Central
Act No.
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1993,
Central
Act No.3
of 1956

however, his/her service is provincialised as tutor with separate terms and conditions of service, to be notified by the competent Administrative Department:

Provided that a tutor shall not be eligible to hold the post of Professors, Principal, Vice-Principal, Headmaster, Assistant Headmaster, Superintendent, Assistant Superintendent, as the case may be, in an educational institution provincialised under this Act;

(v) "University" means the Universities which have got the status of an affiliating University under the relevant Acts constituting such Universities;

(w) "Venture Degree College" means a Degree College imparting education beyond Higher Secondary stage established by the people of the locality prior to 1.1.2006 and which has also received affiliation up to the highest class from the concerned University and concurrence from the State Government on or before 1.1.2006 and whereof the services of teachers have not been provincialised under any Act enacted by the State legislature so far;

(x) "Venture High School" means High School imparting education up to class X and established by the people of the locality prior to 1.1.2006 which has received permission from the State Government and recognition from the Board of Secondary Education, Assam on or before 1.1.2006 and whereof the services of the teachers have not been provincialised under any Act enacted by the State legislature so far;

(y) "Venture Higher Secondary School" means a Higher Secondary School imparting education up to Class XII and established by the people of the locality prior to 1.1.2006 which has received permission from the State Government on or before 01.01.2006 and whereof the services of teachers have not been provincialised under any Act earlier enacted by the State legislature so far;

(z) "Venture Junior College" means a Venture Junior College established by the people of the locality prior to 1.1.2006 which has received concurrence from the Government and permission from the Assam Higher Secondary Education Council on or before 01.01.06 and whereof the services of teachers have not been provincialised under any Act earlier enacted by the State legislature so far;

(za) "Venture ME School" including "Venture ME Madrassa" means an Upper-Primary School imparting education from class VI up to 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 01.01.2006 and captured in the DISE Code up to 2009-10 and whereof the services of the teachers have not been provincialised under any Act enacted by the State legislature so far:

Provided that the DISE Code shall have to be issued on or before 2009-10 and DISE Code issued thereafter shall not be considered for the purpose of provincialisation of services of any employee of the institution;

(zb) "Venture Lower Primary School" or "Venture LP School" means a School imparting education up to Class V and established by the people of the locality prior to 1.1.2006 whose name figure in the DISE Code up to 2009-10 and prior to that and whereof the services of the teachers have not been provincialised under any Act enacted by the State legislature so far:

Provided that the DISE Code shall have to be issued on or before 2009-10 and DISE Code issued thereafter shall not be considered for the purpose of provincialisation of services of any employee of the institution;

(zc) "Venture Upper Primary School" means a School imparting education from class VI up to 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 01.01.2006 and captured in the DISE Code up to 2009-10 and whereof the services of the teachers have not been provincialised under any Act enacted by the State legislature so far;

(zd) "Venture Educational Institutions" means and includes Venture Degree College, Venture Higher Secondary School, Venture Junior College, Venture High School, Venture High Madrassa, Venture ME School, Venture ME Madrassa, Venture Upper Primary School and Venture Lower Primary School situated within the State of Assam excluding the areas covered under the Sixth Schedule of the Constitution of India unless a separate Notification for inclusion of the Venture Educational Institution in such areas is issued and published by the Government in the Official Gazette :