



## The Assam College Employees (Provincialisation) Act, 2005

Act 46 of 2005

**Keyword(s):**

Employee, Existing Employee, Government Body, Provincialisation, Retired Employee

Amendments appended: 10 of 2012, 30 of 2017, 23 of 2020, 29 of 2023

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THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত

PUBLISHED BY THE AUTHORITY

নং 408 দিশপুৰ, শুক্ৰবাৰ, 23 ডিচেম্বৰ, 2005, 2 পুহ, 1927 (শক)  
No. 408 Dispur, Friday, 23rd December, 2005, 2nd Pausha, 1927 (S.E.)

GOVERNMENT OF ASSAM  
ORDERS BY THE GOVERNOR  
LEGISLATIVE DEPARTMENT :: LEGISLATIVE BRANCH

**NOTIFICATION**

The 22nd December, 2005

**No.LGL. 112/2005/158** :- The following Act of the Assam Legislative Assembly which received the assent of the Governor is hereby published for general information.

ASSAM ACT NO. XLVI OF 2005  
(Received the assent of the Governor on 19th December, 2005)  
**THE ASSAM COLLEGE EMPLOYEES (PROVINCIALISATION) ACT, 2005**  
AN  
ACT

to provide for provincialisation of the services of employees of the Non-Government Colleges in receipt of deficit grants-in-aid in the State of Assam.

**Preamble.**

Whereas it is expedient to provincialise the services of employees of the Non-Government Colleges in receipt of deficit grants-in-aid from the Government of Assam.

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

**Short title, extent and commencement.**

- 1.(1) This Act may be called the Assam College Employees (Provincialisation) Act, 2005.
- (2) It extends to the whole of Assam except the Autonomous Council areas under the Sixth Schedule to the Constitution of India :  
Provided that the State Government may, in consultation with the said Autonomous Councils, extend this Act to the Autonomous Council areas by notification published in the Official Gazette.
- (3) It shall be deemed to have come into force on and from the 1st day of December, 2005.

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

- (a) "College" means any Non-Government College in Assam in receipt of deficit grants-in-aid from the Government and imparting general education in Arts, Commerce or Science stream in Graduate level ;
- (b) "employee" means an employee of a College both teaching or non-teaching appointed substantively against a sanctioned post ;
- (c) "existing employee" means an employee of a College both teaching and non-teaching appointed substantively against a sanctioned post and who is or has been in service on or after the 1st day of January, 2005 ;
- (d) "Governing Body" means the body constituted by the Government in accordance with the provisions of the Assam Non-Government College Management Rules, 2001 ;
- (e) "Government" means the Government of Assam;
- (f) "provincialisation" means taking the liabilities for payment of salaries including dearness allowance, medical allowance and such other allowances as admissible to the government employees of similar category and gratuity, pension, leave encashment, etc. as admissible, under the existing rules, to the employees of the State Government serving under the Government of Assam;
- (g) "prescribed" means prescribed by rules made under this Act;
- (h) "retired employee" means an employee who has retired on attaining the age of superannuation or otherwise.

**Employees to be provincialised .**

3. Subject to the provisions of Article 30 and 309 of the Constitution of India, all employees of the Colleges, save and except the employees who exercise option to continue in the existing terms and conditions of service under clause (d) below, shall be deemed to have become the employees of the Government on and from the date on which the Colleges have been brought under the deficit system of grants-in-aid, 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 situated shall be applicable;
  - (b) the existing employees will continue to receive their respective existing scales of pay and other allowances etc. as admissible to them under relevant rules and orders of the Government;
  - (c) the posts in each provincialised College shall constitute an independent cadre for each category of employees. No intercadre transfer from one college to another including mutual transfer shall be allowed;
  - (d) the existing employees who want to continue in the existing terms and conditions of service shall give an option in writing to the Director, Higher Education, Assam within a period of three months from the date of coming into force of this Act:

Provided that the option once exercised by an existing employee is final and cannot be changed afterwards ;

- (e) any existing employee who does not exercise option under clause (d) shall be deemed to have opted for provincialisation under the provisions of this Act;
- (f) the employees of the Colleges provincialised after coming into force of this Act shall have no right of option under clause (d); and
- (g) all existing employees who do not exercise option under clause (d) shall have to refund the State Government's share of the Contributory Provident Fund with interest within six months from the date of coming into force of this Act :

Provided that if any existing employee who fails to refund the State Government's share of Contributory Provident Fund with interest within the said stipulated period such employee shall be deemed to have been opted to remain under the existing terms and conditions of service applicable to them before provincialisation.

Colleges to be known as Assam Provincialised Colleges.

- 4. After coming into force of this Act the Colleges provincialised under this Act shall be known as the Assam Provincialised Colleges as distinct from the Government Colleges in Assam.

Government to take over the services of employees.

- 5. The services of all the employees, who do not exercise the option within the stipulated period under clause (d) of section 3, shall vest with the Government with effect from the respective date of provincialisation of the Colleges.

Selection and appointment of employees.

- 6. Appointments of both teaching and non-teaching posts in the Colleges shall be made by the Director of Higher Education, Assam on the basis of selection and recommendation of the Governing Body of the respective College in accordance with the Rules and Procedure of the Government in force.

Rules to be followed for settlement of pension.

- 7. (1) The existing employees shall be governed by the existing pension Rules of the Government for the time being in force:

Provided that the employees who join on or after the 1st day of February, 2005 shall not be covered by the existing pension Rules or Scheme, as the case may be, as may be framed by the Government from time to time.

- (2) The Director of Higher Education, Assam shall process all pension cases and send them to the Accountant General, Assam as per laid down procedure.

Mode of pension to employees who retired/died prior to 1st January, 2005.

8. Employees who retired/died, as the case may be, prior to 1st January, 2005 shall be given only superannuation pension or the family pension, as may be applicable under the existing pension Rules of the Government. They shall not be entitled to any other pensionary benefits:

Provided that the payment of such superannuation or family pension, as the case may be, are subject to refund of the Government's share of their Contributory Provident Fund within six months from the date of coming into force of this Act:

Age of superannuation.

9. Provided further that if the Government's share of Contributory Provident Fund is not refunded in respect of a retired/deceased employee within the aforesaid stipulated period no superannuation pension or family pension shall be admissible in respect of such employee.

Suits and Proceeding.

10. The provincialised employees shall go on superannuation on attaining such age at which a Government servant similarly situated superannuates.
11. No suit, prosecution and other legal proceedings shall lie for anything done in good faith under this Act, except with the previous sanction of the Government.

Power of interpretation and removal of difficulties.

11. (1) If any difficulty arises as to the interpretation of any provision 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 for the purpose of removing the difficulty.

Power of the Government to make Rules.

12. (1) Except for the purpose of payment of pension which will be governed by the Assam Services Pension Rules 1969, the State Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) All rules made by the State Government under this Act shall, as soon as may be after they are made, be laid before the State Legislature, while it is in session, for a total period of not less than fourteen days which may be comprised in one session or in two or more successive sessions, and shall, unless some later date is appointed, take effect from the date of their publication in the Official Gazette subject to such modifications or annulments as the Legislature may, during the said period agree to make, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done thereunder.

M. K. DEKA,

Commissioner and Secretary to the Govt. of Assam,  
Legislative Department, Dispur.



# THE ASSAM GAZETTE

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EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত

PUBLISHED BY THE AUTHORITY

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নং 193 দিশপুৰ, বুধবাৰ, 2 মে, 2012, 12 ব'হাগ, 1934 (শক)

No.193 Dispur, Wednesday, 2nd May, 2012, 12th Baisakha, 1934 (S.E.)

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GOVERNMENT OF ASSAM

ORDERS BY THE GOVERNOR

LEGISLATIVE DEPARTMENT : : : LEGISLATIVE BRANCH

**NOTIFICATION**

The 2nd May, 2012

**No. LGL 112/2005/97.**— The following Act of the Assam Legislative Assembly which received the assent of the Governor is hereby published for general information.

**ASSAM ACT NO. X OF 2012**

(Received the assent of the Governor on 27th April 2012)

**THE ASSAM COLLEGE EMPLOYEES (PROVINCIALISATION)  
(AMENDMENT) ACT, 2012**

## AN ACT

further to amend the Assam College Employees (Provincialisation) (Amendment) Act, 2005.

Preamble

Whereas it is expedient further to amend the Assam College Employees (Provincialisation) Act, 2005, hereinafter referred to as the principal Act, in the manner hereinafter appearing;

Assam Act  
No. XLVI  
of 2005

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 College Employees (Provincialisation) (Amendment) Act, 2012.
- (2) It shall have the like extent as the principal Act.
- (3) It shall come into force at once.

Amendment  
of section 3

2. In the principal Act, in section 3,-
  - (i) for the existing clause (c), the following shall be substituted, namely :-
 

“(C) the posts in each provincialised College shall constitute an independent cadre for each category of employees except the post of Principals of Colleges. All Principals of provincialised Colleges shall form an independent common cadre. Save and except the cadre of Principals, no inter cadre transfer from one College to another including mutual transfer shall be allowed. The services of the Principals shall be transferable among the Colleges.” ;
  - (ii) in clause (d) , for the existing proviso, the following provisos shall be substituted, namely :-

“Provided that the option once exercised by an existing or retired employee may be withdrawn by him at any time if he wants to come under provincialisation under this Act, subject to the refund of the amount of Government’s share of the Contributory Provident Fund with interest thereon upto the date of refund of Government’s share of the Contributory Provident Fund with interest:

Provided further that the withdrawal of option shall be effective on the date of refund of the amount of the Government’s share of the Contributory Provident Fund with interest thereon;”

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





# THE ASSAM GAZETTE

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EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত

PUBLISHED BY THE AUTHORITY

নং 442 দিশপুৰ, সোমবাৰ, 19 অক্টোবৰ, 2020, 27 আহিন, 1942 (শক)  
No. 442 Dispur, Monday, 19th October, 2020, 27th Asvina, 1942 (S. E.)

GOVERNMENT OF ASSAM  
ORDERS BY THE GOVERNOR

LEGISLATIVE DEPARTMENT:::LEGISLATIVE BRANCH

## NOTIFICATION

The 19th October, 2020

No. LGL.112/2005/144.—The following Act of the Assam Legislative Assembly which received the assent of the Governor on 12th October, 2020 is hereby published for general information.

## ASSAM ACT NO. XXIII OF 2020

(Received the assent of the Governor on 12th October, 2020)

## THE ASSAM COLLEGE EMPLOYEES (PROVINCIALISATION) (AMENDMENT) ACT, 2020



AN  
ACT

further to amend the Assam College Employees (Provincialisation) Act, 2005.

**Preamble**

Whereas it is expedient further to amend the Assam College Employees (Provincialisation) Act, 2005, hereinafter referred to as the principal Act in the manner hereinafter appearing;

Assam Act  
No.XLVI  
of 2005

It is hereby enacted in the Seventy-first Year of the Republic of India as follows :-

**Short title, extent and commencement.**

1. (1) This Act may be called the Assam College Employees (Provincialisation) (Amendment) Act, 2020.

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

(3) It shall come into force at once.

**Amendment of Section 8A.**

2. In the principal Act, in section 8A, after the existing provision, the following proviso shall be inserted, namely :-

“Provided that the period of six months, within which the Government's share of Contributory Provident Fund was required to be refunded in respect of the retired/deceased employees under section 8 which was further extended for a period of six months under this section, vide the Assam College Employees (Provincialisation) (Amendment) Act, 2010, hereinafter referred to as the Amendment Act, 2010, shall further be extended for a period of six months from the date of commencement of the Assam College Employees (Provincialisation)(Amendment) Act, 2020, hereinafter referred to as this Amendment Act, and the intervening period from the date of expiry of the period of six months extended under the Amendment Act, 2010, till the date of commencement of this Amendment Act, shall also be deemed to have been extended for the purposes of Section 8.”

**S. M. BUZAR BARUAH,**

Commissioner & Secretary to the Government of Assam,  
Legislative Department, Dispur, Guwahati-6.

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Registered No.-768/97



# THE ASSAM GAZETTE

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PUBLISHED BY THE AUTHORITY

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নং 245 দিশপুৰ, শনিবাৰ, 3 জুন, 2017, 13 জেঠ, 1939 (শক)  
No. 245 Dispur, Saturday, 3rd June, 2017, 13th Jaistha, 1939 (S.E.)

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GOVERNMENT OF ASSAM

ORDERS BY THE GOVERNOR

LEGISLATIVE DEPARTMENT :: LEGISLATIVE BRANCH

## NOTIFICATION

The 1st June, 2017

**No. LGL. 112/2005/131.**— The following Act of the Assam Legislative Assembly which received the assent of the Governor on 24th May, 2017 is hereby published for general information.

**ASSAM ACT NO. XXX OF 2017**

(Received the assent of the Governor on 24th May, 2017)

**THE ASSAM COLLEGE EMPLOYEES (PROVINCIALISATION)  
(AMENDMENT) ACT, 2017**

AN  
ACT

to amend the Assam College Employees (Provincialisation) Act, 2005.

Preamble

Whereas it is expedient to amend the Assam College Employees (Provincialisation) Act, 2005 hereinafter referred to as the principal Act, in the manner hereinafter appearing;

Assam Act  
No. XLVI of  
2005

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 College Employees (Provincialisation) (Amendment) Act, 2017.
- (2) It shall have the like extent as the principal Act.
- (3) It shall come into force at once.

Amendment of  
Section 3

2. In the principal Act, in section 3, for clause (c), the following shall be substituted, namely :-

“(c) The posts in each provincialised College shall constitute an independent cadre for each category of employees including the post of the Principal. No inter cadre transfer from one college to another shall be allowed. Government may, however, for reasons to be recorded in writing, and in public interest, transfer a Principal from one College to another.”

**S. M. BUZAR BARUAH,**

Commissioner and Secretary to the Government of Assam,  
Legislative Department, Dispur.



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প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত

PUBLISHED BY THE AUTHORITY

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নং 273 দিশপুৰ, সোমবাৰ, 19 জুন, 2023, 29 জেঠ, 1945 (শক)  
No. 273 Dispur, Monday, 19th June, 2023, 29th Jaistha, 1945 (S. E.)

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GOVERNMENT OF ASSAM  
ORDERS BY THE GOVERNOR  
LEGISLATIVE DEPARTMENT : : : LEGISLATIVE BRANCH

## NOTIFICATION

The 19th June, 2023

**No. LGL.08/2023/18.**— The following Act of the Assam Legislative Assembly which received assent of the Hon'ble Governor of Assam on 13th June, 2023 is hereby published for general information.

### ASSAM ACT NO. XXIX OF 2023

(Received the assent of the Governor on 13th June, 2023)

**THE ASSAM COLLEGE EMPLOYEES  
(PROVINCIALISATION) (AMENDMENT) ACT, 2023**



## AN ACT

further to amend the Assam College Employees (Provincialisation) Act, 2005.

Preamble

Whereas it is expedient to amend the Assam College Employees (Provincialisation) Act, 2005, hereinafter referred to as the principal Act, in the manner hereinafter appearing;

Assam  
Act No  
XLVI  
of 2005

It is hereby enacted in the Seventy-fourth Year of the Republic of India as follows: -

Short title,  
extent and  
commencement

1. (1) This Act may be called the Assam College Employees (Provincialisation) (Amendment) Act, 2023.
- (2) It shall have the like extent as the principal Act.
- (3) It shall come into force at once.

Amendment of  
section 2

2. In the principal Act, in section 2, after clause (h), the following new clause (i) shall be inserted, namely :-

“(i) “Recruitment Board” means the Assam College Services Recruitment Board (ACSRB) constituted under section 6 of the Act.”

Amendment of  
section 6

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

“6 (1) The appointment of both teaching and non-teaching posts in the Colleges shall be made by the Director of Higher Education, Assam on the basis of selection and recommendation made by the Assam College Services Recruitment Board (ACSRB) which shall be constituted by the Government by notification published in the Official Gazette to exercise the powers and to perform the functions assigned under the Act.

- (2) The Assam College Services Recruitment Board (ACSRB) shall consist of the following members, namely :-

- (i) To be headed by a person of high repute from the Academic or Administrative -Chairperson field, not below the rank of Principal Secretary to the Government of Assam to be nominated by the Government of Assam.
- (ii) One Vice Chancellor of any existing -Member State University to be nominated by Government of Assam,
- (iii) Secretary, Higher Education department, - Member Secretary

- (iv) One Senior Administrative Officer not below the rank of Commissioner and Secretary to the Government of Assam to be nominated by the Government of Assam, - Member
- (v) One College Principal to be nominated by the Government of Assam, - Member
- (vi) An expert from the field of Finance or Entrepreneur to be nominated by the Government of Assam, - Member
- (vii) Two subject experts to be nominated by the Government of Assam as per interview requirement: - Member

Provided that except the Chairperson and Member Secretary, the other members shall keep on changing as per requirements.

- (3) The tenure of the Recruitment Board shall be for a period of two (2) years.
- (4) The members and staff of the Recruitment Board shall be entitled to such salary and allowances and shall be subject to such conditions of service as may be prescribed.
- (5) The Recruitment Board shall conduct the examination and test of interview for selection of candidates for the teaching employees such as of Principal, Assistant Professor and such other posts and for non-teaching employees such as Librarian, Assistant Librarian, Junior Assistant, Peon and such other posts of the colleges on the basis of selection in accordance with the procedure as may be prescribed in the regulation.”

**GEETANJALI DAS SAIKIA,**

Secretary to the Government of Assam,  
Legislative Department, Dispur, Guwahati-6.