



GUIDANCE DOCUMENT

**Topic : The Assam Provincialised
Colleges and an Non- Govt
College Manage Rule 2001.**

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THE ASSAM NON-GOVERNMENT COLLEGE MANAGEMENT RULES

now called

The Assam Provincialised Colleges and Assam Non-Government College Management Rules, 2001 (as amended up-to-date)

To read along with the following Rules/OM/Letters: -

Govt. OM regarding constituting the structure of the Governing Body of the Colleges *vide* Govt. OM No. AHE.371/2017/22; dated **18/08/2017**

Govt. OM regarding the terms and condition that are added and modified regarding constituting the structure of the Governing Body of the Colleges *vide* Govt. OM No. AHE.331/2008/52; dated **05/11/2014**

Representative of non-teaching staff in GB: Govt. Order No. AHE 452/2013/6; dated **19/09/2013**

Public Representative as Special Invitee in GB: Govt. Order No. AHE 331/2008/51; dated **30/08/2013**

Changed structure of GB: OM No. AHE 331/2008/33; dated **09/07/2009**

Assam Non-Government College Management (Amendment) Rules, 2009; dated **18/06/2009**

Assam Non-Government College Management (Amendment) Rules, 2001; dated **16/10/2001**

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Financial Transaction of Provincialised Colleges of Assam

DHE's Letter No. G(B)AC/95/2015/13, dated August 30, 2016

DHE's Letter No. G(B)AC/95/2015/6, dated September 17, 2015

DHE's Letter No. G(B)AC/95/2015/3, dated April 27, 2015

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In suppression of the Assam Aided College Management Rules 1976, except in respect of things done or omitted to be done before such suppression, the Governor of Assam is hereby pleased to make the following rules regulating the management of Non-Government Colleges in Assam, namely: -

1. Short title, application and commencement. —

- (1) These rules may be called the Assam Provincialised Colleges and¹ Assam Non-Government College Management Rules, 2001.
- (2) They shall come into force on the date of their publication in the Official Gazette.
- (3) They should be applicable to Assam Provincialised Colleges and² Non-Government Colleges in Assam affiliated by any Central or State University of Assam and in receipt of defines Grants-in-Aid or ad-hoc Grants-in-Aid, from the State Government.

2. Definitions. —

In these rules, unless there is anything repugnant³ in the subject or context;

¹ In Rule 1(1) in the title, after the words "be called the" the words "Assam Provincialised Colleges and" be added.
[Amended vide Rule 2(1) of the Assam Non-Government College Management (Amendment) Rules, 2009]

² In Rule 1(3) after the words "be applicable to" the words "Assam Provincialised Colleges and" be added.
[Amended vide Rule 2(2) of the Assam Non-Government College Management (Amendment) Rules, 2009]

³ In the first line, for the word "repugnant", word "repugnant" shall be substituted;

- (a) "College" means a Provincialised Colleges and⁴ Non-Government College;
- (b) "Constitution" means the Constitution of India;
- (c) "Director" means the Director of Higher Education, Assam;
- (d) "Governing Body" means the body constituted under Rule 3;
- (e) "Governor" means the Governor of Assam;
- (f) "Management" means the body or group of persons administering the affairs of a⁵ College including academic affairs as well as the affairs relating to the assets and liabilities of the⁶ College in fair manner within the framework of established financial and administrative principles of the State Government from time to time;
- (g) "⁷ Colleges" means colleges for imparting⁸ Higher education in the post senior Secondary⁹ courses, established and situated in Assam affiliated by any Central or State University of Assam and receive the concurrence of the State Government;
- (h) "President" means the President of the Governing Body;
- (i) "State Government" means the Government of Assam;
- (j) "Secretary" means the Secretary to the Governing Body;

3. **Constitution of the Governing Body¹⁰. —**

- (1)¹¹ Every¹² College affiliated to any Central or State University of Assam and duly concurred by the State Government, shall be governed by Governing Body¹³.
- (2)¹⁴ ¹⁵Composition of the Governing Body: -
 - (i) The Governing Body shall consist of: -
 - (a) One President - who shall be an eminent person from the field of

[Amended vide Rule 2 i) of the Assam Non-Government College Management (Amendment) Rules, 2001]

⁴ In Rule 2(a) after the words "means a" the words "Provincialised Colleges and" be added.

[Amended vide Rule 3(1) of the Assam Non-Government College Management (Amendment) Rules, 2009]

⁵ In Rule 2(f) and Rule 2(g) the words "Non-Government" be deleted.

[Amended vide Rule 3(2) of the Assam Non-Government College Management (Amendment) Rules, 2009]

⁶ In Rule 2(f) and Rule 2(g) the words "Non-Government" be deleted.

[Amended vide Rule 3(2) of the Assam Non-Government College Management (Amendment) Rules, 2009]

⁷ In Rule 2(f) and Rule 2(g) the words "Non-Government" be deleted.

[Amended vide Rule 3(2) of the Assam Non-Government College Management (Amendment) Rules, 2009]

⁸ In clause (g) for the word "imparting", the word "imparting" shall be substituted. [Rule: 2(ii)]

[Amended vide Rule 2(ii) of the Assam Non-Government College Management (Amendment) Rules, 2001]

⁹ In Rule 2(g) the words "Post secondary" be substituted by the words "post senior Secondary".

[Amended vide Rule 3(3) of the Assam Non-Government College Management (Amendment) Rules, 2009]

¹⁰ In the Principal Rules, in rule 3, in the heading for the word "Boy", the word "Body" shall be substituted.

[Amended vide Rule 3 of the Assam Non-Government College Management (Amendment) Rules, 2001]

¹¹ Rule 3 be numbered as 3(1).

[Amended vide Rule 4 of the Assam Non-Government College Management (Amendment) Rules, 2009]

¹² In Rule 3, the words "Non-Government" and the words "to be constituted by the Director" be deleted.

[Amended vide Rule 4 of the Assam Non-Government College Management (Amendment) Rules, 2009]

¹³ In Rule 3, the words "Non-Government" and the words "to be constituted by the Director" be deleted.

[Amended vide Rule 4 of the Assam Non-Government College Management (Amendment) Rules, 2009]

¹⁴ Rule 4 be amalgamated with Rule 3 and numbered as Rule 3(2). The number of all subsequent Rules be changed accordingly.

[Amended vide Rule 5(1) of the Assam Non-Government College Management (Amendment) Rules, 2009]

¹⁵ "Composition of the Governing Body :- (1) The Governing Body shall consist of :-

(a) One President; Governing Body".

[Amended vide Rule 4 of the Assam Non-Government College Management (Amendment) Rules, 2001]

Education. He shall be appointed by the Director of Higher Education and shall have a term of five years. He shall however continue beyond this period till his successor is appointed. The Director may however remove him before five years for reasons to be recorded in writing.¹⁶

- (b) One Secretary - the Principal of the college shall be the ex-officio Secretary of the Governing Body.

Provided that if circumstance so demands, the Director may nominate Vice-Principal or the senior most member from the teaching staff of the College to act as the Secretary in lieu of the Principal of the College, for a period of six months, and beyond that period with the State Government's prior approval.

- (c) The Vice-Principal - Member Ex-officio;
- (d) Two Members to be nominated by the affiliating University concerned - they shall have a term of 3 years. They shall however continue beyond this period till new persons are nominated by the University;¹⁷
- (e) Three guardians of students studying in the college as members. They shall be nominated by the Director, Higher Education. One of them shall be a lady. Their term shall be for three years or till their ward is a student of the college whichever is earlier;¹⁸
- (f) Two teachers to be elected annually by the teachers from amongst themselves for a period of one year from the date of constitution of the Governing Body:

Provided that the teachers so elected shall not be eligible for being re-elected for the third successive term.

- (g) One member from the non-teaching staff to be nominated by the Principal to be elected by the non-teaching employees of the College¹⁹ annually from the date of constitution of the Governing Body;
- (h) Except in cases where is a life member in Governing Body in pursuant to any agreement to the context, the donors providing Rs. 50,000/- or more shall elect one member among themselves to the Governing Body for a period of one year.
- (i) **Local MLA as a permanent special invitee²⁰.**

¹⁶ In Rule 4(i)(a), after the words, "one President" to be recorded in writing".
[Amended vide Rule 5(2)(a) of the Assam Non-Government College Management (Amendment) Rules, 2009]

¹⁷ In Rule 4 (i) (d), after the words "the affiliating University concerned" the following words be added "they shall have a term of 3 years. They shall however continue beyond this period till new persons are nominated by the University".
[Amended vide Rule 5(2)(b) of the Assam Non-Government College Management (Amendment) Rules, 2009]

¹⁸ Rule 4(i)(e) and 4(i)(f) be deleted. They may be substituted with the following rule, numbered as Rule 4(i)(e) with changes in the numbers of the subsequent clauses. "Three guardians of students studying in the college as members. They shall be nominated by the Director, Higher Education. One of them shall be a lady. Their term shall be for three years or till their ward is a student of the college whichever is earlier".
[Amended vide Rule 5(2)(c) of the Assam Non-Government College Management (Amendment) Rules, 2009]

¹⁹ As per the existing rules in Provincialised colleges, the Principals have been empowered to nominate member of non-teaching employees to the Governing Bodies. In order to make the above process more democratic the state Govt. has decided to allow the non-teaching Employees of a particular college to elect their representative to the respective G.Bs, doing away with the existing provision of nomination by the Principal.
[Govt. letter No. AHE. 452/2013/6, dated 19/09/2013]

²⁰ State Govt. has decided that the Director of Higher Education should request all the president of the Governing Bodies of the Provincialised Colleges to invite the local MLA to participate in the Governing Body meetings as a permanent special invitee.
[Govt. letter No. AHE. 331/2000/51, dated 30/08/2013]

- (2) The minimum number of members of the Governing Body shall be ten and shall not exceed twelve thirteen²¹.
- (3) *deleted*²².
- (3) The President of Governing Bodies of Colleges shall be an eminent person from the field of Education. He shall be a non-political person. He should not have contested any election including panchayat /municipality/local bodies election or should not be an office bearer of any political party or should not have any affiliation membership to any political party.²³
- (4) He shall be appointed by the Director of Higher Education and shall have a term of five years. He shall however continue beyond this period till his successor is appointed. The Director may however remove him any time during the term of five years for reasons to be recorded in writing.²⁴

4.²⁵ Tenure of the Governing Body. —

The Governing Body shall be a permanent authority. Its members would have tenures as provided. This would, however, not affect the permanent nature of the said body.²⁶

Provided that if the Director is satisfied at any time that a particular Governing Body is not functioning in the best public interest, the Director may suspend a Governing Body and appoint an Administrator, who shall exercise the powers of the Governing Body during the period. The Director shall record²⁷ his views with reason thereof through a speaking order for the purpose.

5. Taking over the management of a²⁸ College. —

In the event of *miss management** of the affairs of a²⁹ College, the State Government may take over the control and management of the College for a period not exceeding six months, and make arrangement for the management of the college in such manner as may be considered necessary and the arrangement so made may be extended for such further period by the State Government as may be deemed necessary.

*[to read as mismanagement]

²¹ With the inclusion of Local MLA as a permanent special invitee the maximum number of members becomes 13.

[Govt. letter No. AHE. 331/2000/51, dated 30/08/2013]

²² Rule 4(3) be deleted.

[Amended vide Rule 5(2)(d) of the Assam Non-Government College Management (Amendment) Rules, 2009]

²³ In partial modification of this Deptt.'s earlier OM vide No.AHE. 331/2008/33 dated 09-07-2009 and No.AHE.331/2008/52 dated 05-11-2014 the following terms and condition i.e. (3) and (4) are added with the approval of State Cabinet regarding constituting the structure of the Governing Bodies of Colleges.

[Govt. letter No. AHE. 371/2017/22, dated 18/08/2017]

²⁴ In partial modification of this Deptt.'s earlier OM vide No.AHE. 331/2008/33 dated 09-07-2009 and No.AHE.331/2008/52 dated 05-11-2014 the following terms and condition i.e. (3) and (4) are added with the approval of State Cabinet regarding constituting the structure of the Governing Bodies of Colleges.

[Govt. letter No. AHE. 371/2017/22, dated 18/08/2017]

²⁵ Rule 4 be amalgamated with Rule 3 and numbered as Rule 3(2). The number of all subsequent Rules be changed accordingly.

[Amended vide Rule 5(1) of the Assam Non-Government College Management (Amendment) Rules, 2009]

²⁶ In Rule 5 the words "The term of the Governing Body shall be for a period of three years from the date of its constitution. The term may, however, be extended for another period of two years by the Director with prior approval of the State Government" be deleted. They be substituted by the words "The Governing Body shall be a permanent authority. Its members would have tenures as provided. This would, however, not affect the permanent nature of the said body".

[Amended vide Rule 6(1) of the Assam Non-Government College Management (Amendment) Rules, 2009]

²⁷ In Rule 5 the words "dissolve the Governing Body and constitute a fresh Governing Body thereafter recording" be deleted. They be substituted by the words "suspend a Governing Body and appoint an Administrator, who shall exercise the powers of the Governing Body during the period. The Director shall record".

[Amended vide Rule 6(2) of the Assam Non-Government College Management (Amendment) Rules, 2009]

²⁸ In Rules 6 & Rule 7 the words "non Government" be deleted.

[Amended vide Rule 7 of the Assam Non-Government College Management (Amendment) Rules, 2009]

²⁹ In Rules 6 & Rule 7 the words "non Government" be deleted.

[Amended vide Rule 7 of the Assam Non-Government College Management (Amendment) Rules, 2009]

6. Accountability of the Governing Body. —

The Governing Body, constituted under Rule 3 shall be responsible for the proper financial management, including the *upkeepment** of the assets of the³⁰ College and management of its academic affairs. The Governing Body shall see that the teachers perform their duties in classes and examination and attend the college as per norms of the University Grants Commission. A self-appraisal report regarding performance from every teacher shall be obtained annually by the Governing Body and forward the same to the Director, Higher Education for perusal.³¹ *[to read as upkeep]

7. Secretary of the Governing Body or report to the Director. —

The Secretary of the Governing Body shall be responsible to report to the Director about any deviation of financial norms and procedures or any loss of assets of the College immediately whenever it comes to his notice.

8. Restriction of some members to attend the Governing Body. —

No member of the Governing Body, being an employee of the College, shall attend any meeting of the Governing Body at which any matter relating to his pay, promotion or conduct is under discussion. But it shall be open to the President to call him for making any statement or representation on the subject but shall have to leave the meeting after doing so, when decision is to be taken.

09. Restriction of some members to enter into contract for works of the College. —

No member of a Governing Body shall enter into any contract for work, supply of materials or for any sale or purchase with the Governing Body.

10. Disqualifications. —

Any member, who absents himself for more than 4(four) consecutive meeting of the Governing Body, without informing the President, shall cease to be a member of the Governing Body and the Secretary shall report the fact to the Director for record. Further, the nomination of member of the Governing Body shall be void owing to any of the following grounds: -

- (i) if he becomes insolvent;
- (ii) if by reasons of physical or moral turpitude he *becomes** incapable of acting as such; *[to read as becomes]
- (iii) on death or resignation;
- (iv) on his being convicted of a criminal offence involving moral turpitude.

11. Vacancy in the Governing Body. —

- (i) Any occurrence of vacancy in the Governing Body shall be reported by the

³⁰ In Rules 6 & Rule 7 the words "non Government" be deleted.

[Amended vide Rule 7 of the Assam Non-Government College Management (Amendment) Rules, 2009]

³¹ In the Principal Rules, in rule 7, after the existing provisions, the following shall be inserted, namely:-

"The Governing Body shall see that the teachers perform their duties in classes and examination and attend the college as per norms of the University Grants Commission. A self-appraisal report regarding performance from every teacher shall be obtained annually by the Governing Body and forward the same to the Director, Higher Education for perusal".

[Amended vide Rule 5 of the Assam Non-Government College Management (Amendment) Rules, 2001]