

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**

Assam Non-Government College Management Rules, 2001; dated **15/06/2001**

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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The 22nd August 2017

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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 "repugrant", 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 a ⁵ College including academic affairs as well as the affairs relating to the assets and liabilities of the ⁶ 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 Every ¹² College affiliated to any Central or State University of Assam and duly concurred by the State Government, shall be governed by Governing Body ¹³.
- (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 “importing”, 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 College**¹⁹ 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 invitee**²⁰.

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]

Secretary forthwith to the appropriate authority as stated in Rule 3³² who shall thereupon take steps to fill up such vacancy in the manner in which it was originally filled up.

- (ii) No act or proceedings of the Governing Body shall be invalid merely because of any vacancy of its members.

12. Meeting of the Governing Body. —

- (1) The Governing Body shall meet at least once in every four³³ months, but it may meet at shorter interval also, if circumstance so demands and the President of the Governing Body is satisfied that such meeting is necessary.
- (2) A meeting of the Governing Body shall be called by the Secretary with prior³⁴ consent of the President, if it is not a requisitioned meeting by the 2/3 (two-third) members of the Governing Body, with not less than 7 (seven) days' notice.
- (3) The notice of a meeting shall set forth the business to be transacted at the meeting and no business other than so stated shall be transacted, except with the consent of *three-fourth*** of the members present. *[to read as three-fourth]
- (4) Except any emergency meeting, which shall be so notified, all meetings of Governing Body shall be held in the College premises.

13. Proceedings of the meeting of the Governing Body. —

- (1) The minutes of the proceedings of the meeting shall be recorded in the 'Proceedings Book' by the Secretary and signed by all the members present.
- (2) If any note of dissent is given by any member it shall be recorded in the Proceedings-Book.
- (3) All records of the Governing Body shall be kept in the College Office and the Head of the College shall be responsible to preserve all such records properly and safely.

14. Presiding over the meeting. —

The meeting of the Governing Body shall be presided over by the President and in the absence of the President, the other members present may select or elect one of them to *presided*** over the meeting.³⁵ **[to read as preside]

³² In Rule 12(i) the word "Director" be deleted. It shall be substituted by the following words "appropriate authority as stated in Rule 3".

[Amended vide Rule 8 of the Assam Non-Government College Management (Amendment) Rules, 2009]

³³ In the Principal Rules, in rule 13, in sub - rule (1), in the first line, for the word "Six", the word "four" shall be substituted; [Amended vide Rule 6(i) of the Assam Non-Government College Management (Amendment) Rules, 2001]

³⁴ In the Principal Rules, in rule 13, in sub-rule (2), in the second line, for the word "the" occurs between the word "with" and "consent", the word "Prior" shall be substituted.

[Amended vide Rule 6(ii) of the Assam Non-Government College Management (Amendment) Rules, 2001]

³⁵ In the Principal Rules, in rule 15, for the existing provision, the following shall be substituted, namely: -

"15. Presiding over the meeting - The meeting of the Governing Body shall be presided over by the President and in the absence of the President, the other members present may select or elect one of them to presided over the meeting".

[Amended vide Rule 7(ii) of the Assam Non-Government College Management (Amendment) Rules, 2001]

15. Quorum. —

At least seven members of the Governing Body shall form a quorum of the meeting.³⁶

16. Secretary to make correspondence. —

Under the direction of the Governing Body, the Secretary shall make all correspondence with the appropriate authority on behalf of the Governing Body:

Provided that no correspondence shall be made direct to the State Government, but it, however, can be addressed through the Director.

17. Governing Body to obtain prior approval of the Director in certain matters. —

The minutes of the proceeding of the Governing Body meeting shall be sent to the Director and the concerned affiliating University. Government shall be the Appellate Authority/Forum in case of grievances^{37 38}.

Provided that so far as Non-Government Colleges are concerned, who are not brought under deficit system of grants-in-aid,³⁹ the Governing Bodies are not required to send the proceeding of the meeting to the Director but it will be open for the Director to call for the proceedings if any complaint is received against the Governing Body and any direction given by the Director on it shall be final and binding on the Governing Body of the College.

18. Duties of the Governing Body. —

In general, the following are earmarked as duties of a Governing Body in respect of Colleges: -⁴⁰

- (i) to undertake financial management of the College, to utilise the Grants-in-Aid received from the State Government, University Grants Commission and any fund collected as authorised subscriptions and fund received as fees from the students for the academic purpose of the Colleges, including payment of salary etc. to the Teaching and non-teaching staff of the College;
- (ii) to arrange for the maintenance of the College building, furniture and equipment as required, including playground, auditorium, libraries etc.;
- (iii) to grant leave to the teaching and non-teaching staff subject to the existing leave rules to grant leave, other than casual leave and arrangement made to fill up the vacancies, should be reported to Director and to concerned affiliating University;
- (iv) to appoint persons in connection with the affairs of the College against the post

³⁶ In the Principal Rules, in rule 16, for the existing provisions, the following shall be substituted, namely:-
"16. Quorum. - At least seven members of the Governing Body shall form a quorum of the meeting."

[Amended vide Rule 8 of the Assam Non-Government College Management (Amendment) Rules, 2001]

³⁷ In the Principal Rules, in rule 18- In the first paragraph, for the letters, words, figure and brackets "Rs. 50,000/- (Fifty thousand)", the following letters, words, figure and brackets shall be substituted, namely:-"Rs. 1, 00000/- (One lakh)".
[Amended vide Rule 9(i) of the Assam Non-Government College Management (Amendment) Rules, 2001]

³⁸ In Rule 18 the words "No final decision regarding appointment, promotion, suspension, termination, removal or dismissal of teaching & non-teaching staff including that of the Principal or any construction works involving Rs. 1,00,000/- (Rupees One Lakh) or more shall be undertaken by the Governing Body without prior approval of the Director:" be deleted and "Government shall be the Appellate Authority/Forum in case of grievances." be added.
[Amended vide Rule 9 of the Assam Non-Government College Management (Amendment) Rules, 2009]

³⁹ In the Principal Rules, in rule 18- In the Provision, in the first line, after the word "Concerned" and before the words "the Governing Bodies", the following shall be instead, namely:- "Who are not brought under deficit system of grants-in-aid".
[Amended vide Rule 9(ii) of the Assam Non-Government College Management (Amendment) Rules, 2001]

⁴⁰ In the first line of Rule 19 the words "Non Governing" and the words "receiving deficit Grants-in-aid" be deleted.
[Amended vide Rule 10(1) of the Assam Non-Government College Management (Amendment) Rules, 2009]

or posts so sanctioned by the State Govt, with scrupulous compliance of the University Grants Commission guidelines and State Government instructions and policies;⁴¹

- (v) to arrange for half-yearly internal audit for all College funds and verification of stocks, furniture and other assets;
- (vi) to submit annual audited accounts preferably audited by a Chartered Accountant latest by thirtieth June of every year, in respect of the proceeding financial year;
- (vii) to reply to audit objections or inspection notes on the Accounts of the College audited or inspected by the Inspector / Auditor of the Education Department / Director of Local Audit, Assam and the Accountant General, Assam;
- (viii) to submit annual report with statistics in respect of the enrolment of students stream-wise, subject-wise, result, teaching days held, performance of Lecturers in an academic session, to the Director and to the affiliating University concerned;
- (ix) to oversee the functioning of the disbursing officer in disbursing the stipend / scholarship sanctioned to the students in time, as well as to strive for preservation of an excellent academic standard of the College;
- (x) except scholarship money and students* union fund all other funds of the College shall be jointly operated by the Secretary and the President, where the President is not willing to operate the funds jointly, the Governing Body may appoint one Treasurer from amongst the members for the purpose of joint operation of the College funds.⁴² *[to read as student's]
- (xi) with the approval of the Governing Body, the Secretary shall utilise the grants for the purpose for which it is sanctioned and submit the Utilisation Certificate to the concerned sanctioning authority in time, with intimation to the Director;
- (xii) the Secretary shall disburse the deficit Grants-in-Aid sanctioned by the Director towards the salary of teaching and non-teaching sanctioned staff of the College within a week from the date of the receipt of the grants;
- (xiii) if any excess amount of Grants-in-Aid sanctioned towards the salary the excess amount shall be refunded to the Director by the Secretary immediately.
- (xiv) To decide on the quantum of tuition fee and any other fund to be charged from the students.⁴³

19. Grounds of suspension of Grants-in-Aid. —

Failure of submission of annual accounts, report duly signed by the President and the Secretary of Governing Body in respect of preceding financial year, may attract

⁴¹ In the Principal rules, in rule 19, in clause (iv), for the existing provisions, the following shall be substituted, namely:-
“(iv) to appoint persons in connection with the affairs of the College against the post or posts so sanctioned by the State Govt, with scrupulous compliance of the University Grants Commission guidelines and State Government instructions and policies.”
[Amended vide Rule 10(i) of the Assam Non-Government College Management (Amendment) Rules, 2001]

⁴² In the Principal rules, in rule 19, for clause (x), the following shall be substituted, namely: -“(x) except scholarship money and students union fund all other funds of the College shall be jointly operated by the Secretary and the President, where the President is not willing to operate the funds jointly, the Governing Body may appoint one Treasurer from amongst the members for the purpose of joint operation of the College funds”.
[Amended vide Rule 10(ii) of the Assam Non-Government College Management (Amendment) Rules, 2001]

⁴³ The following new clause in Rule 19 be inserted as Rule 19 (xiv) :-
“(xiv). To decide on the quantum of tuition fee and any other fund to be charged from the students”.
[Amended vide Rule 10(2) of the Assam Non-Government College Management (Amendment) Rules, 2009]

stoppage of Grants-in-Aid by Director *suo-moto*, after the expiry of 30th June, every year:

Provided that on failure in respect of maintenance of a consistent academic achievement by a particular Non-Government College as a whole of a failure to abide by the Government guidelines issued from time to time, the State Government may instruct the Director to suspend Grants-in-Aid with 30 days prior notice.

20. Other functions of the Governing Body. —

The Governing Body is authorised: -

- (i) to determine the general scheme of the studies of the College, subject to approval of the affiliating University concerned provided that there is no financial liability for Government;⁴⁴
- (ii) to consider and initiate projects for improvement of the College, including prohibitions of taking private tuition by the teaching staff;
- (iii) to deal with the discipline and conduct of the teaching and non-teaching staff of the College;
- (iv) to grant fee remission under rules;⁴⁵
- (v) to deal with the academic calendar within the norms of University Grants Commission and to compel scrupulous compliance of the guidelines in respect of working days and holding of Classes, Examination⁴⁶ etc. and
- (vi) to ensure that all the duties regarding teaching and examination, co-curricular and extra - curricular activities are duly performed by the teachers of the college.⁴⁷

21. Submission of Annual Account: -

The Secretary of the Government Body shall ensure submission of Audited Annual Accounts and Annual Administration Report to the Director.

22. Interpretation: -

If any question arises relating to the interpretation of these Rules the decision of the State Government shall be final.

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⁴⁴ In rule 21 (i) the words "as well as the State Government to be obtained through the Director with regards to the inclusion of additional subjects, introduction of major course and any existing subject or opening of new faculty and creation of additional post" be deleted and the following words be added after the words "affiliating University concerned" "provided that there is no financial liability for Government".

[Amended vide Rule 11(1) of the Assam Non-Government College Management (Amendment) Rules, 2009]

⁴⁵ In Rule (iv) the words "Prescribed by the State Government or with the approval of Director" be deleted.

[Amended vide Rule 11(2) of the Assam Non-Government College Management (Amendment) Rules, 2009]

⁴⁶ In the principal Rules, in rule 21, in clause (v) in the last line, after the words "Classes" the word "Examination" shall be inserted.

[Amended vide Rule 11(i) of the Assam Non-Government College Management (Amendment) Rules, 2001]

⁴⁷ In the principal Rules, in rule 21, after clause (v) the following new clause (vi) Shall be inserted, namely – "(iv) to ensure that all the duties regarding teaching and examination, co-curricular and extra - curricular activities are duly performed by the teachers of the college".

[Amended vide Rule 11(ii) of the Assam Non-Government College Management (Amendment) Rules, 2001]

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THE ASSAM GAZETTE

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EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত

PUBLISHED BY AUTHORITY

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GOVERNMENT OF ASSAM

ORDERS BY THE GOVERNOR

EDUCATION (HIGHER) DEPARTMENT

NOTIFICATION

The 15th June, 2001

No.B(2)H-94/2001/4.--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 Non-Government College Management Rules, 2001.
- (2) They shall come into force on the date of their publication in the Official Gazette.
- (3) They shall be applicable to 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 repugnant in the subject or context :

- (a) "College" means a 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 a Non-Government College including academic affairs as well as the affairs relating to the assets and liabilities of the Non-Government College in fair manner within the framework of established financial and administrative principles of the State Government from time to time ;
- (g) "Non-Government Colleges" means colleges for importing Higher education in the Post-secondary 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 Body :-

Every Non-Government College affiliated to any Central or State University of Assam and duly concurred by the State Government, shall be governed by Governing Body to be constituted by the Director.

4. Composition of the Governing Body :-

(1) The Governing Body shall consist of :-

(a) One President ;

(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 any person 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 ;

(e) One member to be nominated by the Director from the field of Education ;

(f) One woman member to be nominated by the Director ;

(g) One member to be nominated by the Director from the Backward Classes ;

(h) Local Deputy Commissioner or his representative may be included as a member ;

(i) Other members as may be nominated by the Director in which the local member of the Legislative Assembly and the Chairman, Zila Parishad may be included ;

(j) The Governing Body shall co-opt one member from amongst the Teaching and Non-Teaching Staff of the College on the submission of three persons panel by the Principal. However, they shall have no voting right during discussion of service matters which concern them.

(2) The minimum number of members of the Governing Body shall be ten and shall not exceed twelve.

(3) Whenever the Governing Body is constituted, the Director of Higher Education shall nominate one member to be the President of the Governing Body.

5. Tenure of the Governing Body :-

The tenure 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 the prior approval of the State Government :

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 dissolve the Governing Body and constitute a fresh Governing Body thereafter recording his views with reason thereof through a speaking order for the purpose.

6. Taking over the management of a Non-Government College.--In the event of mismanagement of the affairs of a Non-Government College, the State Government may take over the control and management of the College for a period not exceeding six months, and make arrangements 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.

7. 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 the Non-Government College and management of its academic affairs.

8. 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.

9. 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.

10. 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.

11. Disqualifications .-- Any member, who absents himself for more than 4(four) consecutive meetings 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 a 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;
- (iii) on death or resignation;
- (iv) on his being convicted of a criminal offence involving moral turpitude.

12. Vacancy in the Governing Body :-

- (1) Any occurrence of vacancy in the Governing Body shall be reported by the Secretary forthwith to the Director who shall thereupon take steps to fill up such vacancy in the manner in which it was originally filled up.
- (2) No act or proceedings of the Governing Body shall be invalid merely because of any vacancy of its members.

13. Meeting of the Governing Body :-

- (1) The Governing Body shall meet at least once in every six months, but it may meet at shorter interval also, if circumstance so demands and the President of the Governing Body is satisfied that such meeting is necessary.
- (2) A meeting of the Governing Body shall be called by the Secretary with the consent of the President, if it is not a requisitioned meeting by the 2/3 (two-third) members of the Governing Body, with not less than 7 (seven) days' notice.
- (3) The notice of a meeting shall set forth the business to be transacted at the meeting and no business other than so stated shall be transacted, except with the consent of three-fourth of the members present.
- (4) Except any emergency meeting, which shall be so notified, all meetings of Governing Body shall be held in the College premises.

14. Proceedings of the meeting of the Governing Body :-

- (1) The minutes of the proceedings of the meeting shall be recorded in the 'Proceedings Book' by the Secretary and signed by all the members present.
- (2) If any note of dissent is given by any member it shall be recorded in the Proceedings-Book.
- (3) All records of the Governing Body shall be kept in the College Office and the Head of the College shall be responsible to preserve all such records properly and safely.

15. Presiding over the meeting.-- All the meeting of the Governing Body shall be presided over by the President and in the absence of the President, the other members present may select or elect one of them to preside over the meeting already notified and approved before-hand by the President.

16. Quorum.-- At least six members of the Governing Body, excluding the Co-opted member, shall form a quorum of the meeting.

17. Secretary to make correspondence.-- Under the direction of the Governing Body, the Secretary shall make all correspondence with the appropriate authority on behalf of the Governing Body :

Provided that no correspondence shall be made direct to the State Government, but it, however, can be addressed through the Director.

18. Governing Body to obtain prior approval of the Director in certain matters.-- The minutes of the proceeding of the Governing Body meeting shall be sent to the Director and the concerned affiliating University. No final decision regarding appointment, promotion, suspension, termination, removal or dismissal of teaching or non- teaching staff including that of the Principal of any construction works involving Rs.50,000/- (Fifty thousand) or more shall be undertaken by the Governing Body without the prior approved of the Director :

Provided that so far as Non-Government Colleges are concerned, the Governing Bodies are not required to send the proceedings of the meeting to the Director but it will be open for the Director to call for the proceedings if any complaint is received against the Governing Body and any direction given by the Director on it shall be final and binding on the Governing Body of the College.

19. Duties of the Governing Body :-

In general the following are earmarked as duties of a Governing Body in respect of Non-Governing Colleges receiving deficit Grants-in-Aid :-

- (i) to undertake financial management of the College, to utilise the Grants-in-Aid received from the State Government, University Grants Commission and any fund collected as authorised subscriptions and fund received as fees from the students for the academic purpose of the Colleges, including payment of salary etc.

to the Teaching and non-teaching staff of the College ;

- (ii) to arrange for the maintenance of the College building, furniture and equipment as required, including playground, auditorium, libraries etc. ;
- (iii) to grant leave to the teaching and non-teaching staff subject to the existing leave rules to grant leave, other than casual leave and arrangement made to fill up the vacancies, should be reported to Director and to concerned affiliating University ;
- (iv) to appoint persons in connection with the affairs of the College against the post or posts so sanctioned by the State Government with scrupulous compliance of the Reservation Policy under 20 points Roster of the State Government ;
- (v) to arrange for half-yearly internal audit for all college funds and verification of stocks, furniture and other assets ;
- (vi) to submit annual audited accounts preferably audited by a Chartered Accountant latest by thirtieth June of every year, in respect of the proceeding financial year ;
- (vii) to reply to audit objections or inspection notes on the Accounts of the College audited or inspected by the Inspector/Auditor of the Education Department/Director of Local Audit, Assam and the Accountant General, Assam ;
- (viii) to submit annual report with statistics in respect of the enrolment of students stream-wise, subject-wise, result, teaching days held, performance of Lecturers in an academic session, to the Director and to the affiliating University concerned ;
- (ix) to oversee the functioning of the disbursing officer in disbursing the stipend/scholarship sanctioned to the students in time, as well as to strive for preservation of an excellent academic standard of the College ;
- (x) on behalf of the Governing Body the Secretary shall receive and grow the grants sanctioned by the State Government and by the Government of India and University Grants Commission from

time to time ;

- (xi) with the approval of the Governing Body, the Secretary shall utilise the grants for the purpose for which it is sanctioned and submit the Utilisation Certificate to the concerned sanctioning authority in time, with intimation to the Director ;
- (xii) the Secretary shall disburse the deficit Grants-in-Aid sanctioned by the Director towards the salary of teaching and non-teaching sanctioned staff of the College within a week from the date of the receipt of the grants;
- (xiii) if any excess amount of Grants-in-Aid sanctioned towards the salary the excess amount shall be refunded to the Director by the Secretary immediately.

20. Grounds of suspension of Grants-in-Aid.-- Failure of submission of annual accounts, report duly signed by the President and the secretary of Governing Body in respect of preceeding financial year, may attract stoppage of Grants-in-Aid by Director suomoto, after the expiry of 30th June, every year :

Provided that on failure in respect of maintenance of a consistent academic achievements by a particular Non-Government College as a whole or a failure to abide by the Government guidelines issued from time to time, the State Government may instruct the Director to suspend Grants-in-Aid with 30 days prior notice.

21. Other functions of the Governing Body.-- The Governing Body is authorised :-

- (i) to determine the general scheme of the studies of the College, subject to approval of the affiliating University concerned as well as the State Government, to be obtained through the Director with regards to the inclusion of additional subjects, introduction of Major Course in any existing subject or opening of new faculty and creation of additional posts ;
- (ii) to consider and initiate projects for improvement of the College, including prohibitions of taking private tuition by the teaching staff ;

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- (iii) to deal with the discipline and conduct of the teaching and non-teaching staff of the College;
- (iv) to grant fee remission under rules prescribed by the State Government or with the approval of the Director; and
- (v) to deal with the academic calendar within the norms of University Grants Commission and to compel scrupulous compliance of the guidelines in respect of working days and holding of Classes etc.

22. Submission of Annual Account.-- The Secretary of the Government Body shall ensure submission of Audited Annual Accounts and Annual Administration Report to the Director.

23. Interpretation.-- If any question arises relating to the interpretation of these Rules, the decision of the State Government shall be final.

ANURAG BHATNAGAR,
Commissioner & Secretary to the Govt. of Assam,
Education (Higher) Department.