

The

Kolkata Gazette
सत्यमेव जयते

VAISAKHA 8]

THURSDAY, APRIL 28, 2005

[SAKA 1927

PART III—Acts of the West Bengal Legislature.

GOVERNMENT OF WEST BENGAL

LAW DEPARTMENT

Legislative

NOTIFICATION

No. 633-L.—28th April, 2005.—The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information:—

West Bengal Act VII of 2005

**THE WEST BENGAL STATE COUNCIL OF VOCATIONAL
EDUCATION AND TRAINING ACT, 2005.**

[Passed by the West Bengal Legislature.]

*[Assent of the Governor was first published in the Kolkata Gazette,
Extraordinary, of the 28th April, 2005.]*

*An Act to provide for the establishment of an autonomous State Council of Vocational
Education and Training in West Bengal.*

WHEREAS it is expedient to establish a State Council of Vocational Education and Training in West Bengal in order to develop the standard of vocational education and training in West Bengal and to make that standard *at par* with the standard prevailing at All-India Level, to implement programme of strengthening the vocational education and training, and to monitor the performance of the affiliated institutions;

It is hereby enacted in the Fifty-sixth Year of the Republic of India, by the Legislature of West Bengal, as follows:—

CHAPTER I

Preliminary

Short title and
commencement.

1. (1) This Act may be called the West Bengal State Council of Vocational Education and Training Act, 2005.

*The West Bengal State Council of Vocational Education
and Training Act, 2005.*

(Chapter I.—Preliminary.—Section 2.—Chapter II.—The Council.—Section 3.)

(2) It shall come into force on such date as the State Government may, by notification, appoint.

Definitions.

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

- (a) “affiliated”, in relation to an institution, means affiliated to the Council under this Act;
- (b) “Council” means the West Bengal State Council of Vocational Education and Training established under sub-section (1) of section 3 of this Act;
- (c) “Fund” means the West Bengal State Council of Vocational Education and Training Fund referred to in sub-section (1) of section 21;
- (d) “Institution” means a Polytechnic Institute, Industrial Training Institute, Industrial Training Centre, School, etc. in which instruction is provided for courses of study in Vocational Education and Training leading to secondary and higher secondary courses of the Council;
- (e) “member” means a member of the Council, and includes the President and the Secretary;
- (f) “notification” means a notification published in the *Official Gazette*;
- (g) “prescribed” means prescribed by rules made under this Act;
- (h) “President” means the President of the Council;
- (i) “recognised”, in relation to an affiliated institution, means recognised by the West Bengal State Council of Vocational Education and Training;
- (j) “regulation” means a regulation made by the Council under this Act;
- (k) “vocational education and training” means a systematic course of instruction and training in the field of engineering, technology, agriculture, dairy and poultry, paramedical, social science, applied arts and crafts or such other subject as the State Government, in consultation with the Council, may, by notification, declare;
- (l) “vocational institution” means an educational institution in which instruction is provided for courses of study in the field of engineering, technology, agriculture, dairy and poultry, paramedical, social science, applied arts and crafts and such other subject leading to any pre or post vocational certificate, and includes such other institutions as the State Government, in consultation with the Council, may, by notification, declare as vocational institutions.

CHAPTER II

The Council

Establishment,
incorporation and
jurisdiction of
Council.

3. (1) The State Government shall, as soon as may be after the commencement of this Act, establish a Council to be called the West Bengal State Council of Vocational Education and Training.

(2) The Council shall be a body corporate, having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both movable and immovable, to enter into contracts and to do all other things necessary for the purposes of this Act, and shall by its name sue and be sued.

(3) The head office of the Council shall be located at Kolkata and the Council may, with the prior approval of the State Government, establish offices at any other places in West Bengal.

(4) On and after the commencement of this Act, the Council shall be solely authorised and responsible for conduct of vocational education and training at all levels in West Bengal.

*The West Bengal State Council of Vocational Education
and Training Act, 2005.*

(Chapter II.—The Council.—Section 4.)

Composition of
Council.

4. The Council shall consist of the following members: —
- (a) President, who shall be appointed by the State Government;
 - (b) *ex officio* members
 - (i) the Secretary, Department of Technical Education and Training, Government of West Bengal, or his nominee not below the rank of Joint Secretary to the Government of West Bengal;
 - (ii) the Vice-Chairman, West Bengal State Council of Technical Education;
 - (iii) the President, West Bengal Council of Higher Secondary Education;
 - (iv) the President, West Bengal Board of Secondary Education;
 - (v) the President, West Bengal Board of Madrasah Education;
 - (vi) the Secretary, Finance Department, Government of West Bengal, or his nominee not below the rank of Joint Secretary to the Government of West Bengal;
 - (vii) the Director of Technical Education and Training, Government of West Bengal;
 - (viii) the Director of Industrial Training, Government of West Bengal;
 - (ix) the Director of School Education, Government of West Bengal;
 - (x) the Secretary of the Council, who shall be the Member-Secretary and shall be appointed by the State Government;
 - (c) other members
 - (i) one person to be nominated by the State Government from amongst the vocational or technical experts connected with any industry;
 - (ii) four whole-time permanent members of the staff of institutions, to be nominated in such manner as the State Government may specify, of whom—
 - (A) two shall be Heads of Institutions;
 - (B) two shall be teachers of Institutions;
 - (iii) one representative from West Bengal University of Technology to be nominated by the Vice-Chancellor of that University;
 - (iv) one representative from Bidhan Chandra Krishi Viswavidyalaya to be nominated by the Vice-Chancellor of that Viswavidyalaya;
 - (v) one representative from West Bengal University of Animal and Fishery Sciences to be nominated by the Vice-Chancellor of that University;
 - (vi) one representative from a professional institute;
 - (vii) one representative from the National Council of Educational Research and Training, New Delhi;
 - (viii) one representative of the State Planning Board;
 - (ix) one representative of the Pandit Sundar Lal Sharma Central Institute of Vocational Education, Bhopal;
 - (x) one representative of the State Council of Educational Research and Training, West Bengal;
 - (xi) one representative of the State Medical Faculty;
 - (xii) one representative of the Federation of Small and Medium Industries (FOSMI);
 - (xiii) two members of the West Bengal Legislative Assembly to be nominated by the Speaker, West Bengal Legislative Assembly.

*The West Bengal State Council of Vocational Education
and Training Act, 2005.*

(Chapter II.—The Council.—Sections 5-8.)

Issue of
appointment letter
and publication of
names of
appointed or
nominated
members.

5. (1) The State Government shall issue the appointment letter to the President and other members (other than *ex officio* members) who has been appointed or, as the case may be, nominated under section 4.

(2) The name of every person appointed or, as the case may be, nominated under section 4 as a member of the Council shall, as soon as may be after such appointment or nomination is made, be published in the *Official Gazette*.

Terms of office of
members of
Council.

6. (1) Subject to the provisions of this Act, an appointed or nominated member of the Council shall hold office for a term of five years or until he attains the age of 65 years, whichever is earlier, from the date on which his name is published under section 5 and may, on the expiry of such term, be re-appointed or re-nominated:

Provided that the State Government shall, if it considers necessary so to do in the public interest, make any appointment under this sub-section for a term of less than five years.

(2) Notwithstanding the expiry of the term of five years specified in sub-section (1), an appointed or nominated member of the Council shall continue to hold office until the vacancy caused by the expiry of the said term has been filled up in accordance with the provisions of this Act.

Casual vacancy.

7. If any casual vacancy occurs in the office of the President or any other member (other than *ex officio* member), whether by reason of his death, resignation or inability to discharge his functions owing to illness or other incapacity or for any other reason, such vacancy shall be filled up by a fresh appointment or nomination under section 4, and the President or other appointed or nominated member shall hold office for the remaining period for which the person, in whose place he is so nominated or appointed, would have held office as the President, or appointed or nominated member, as the case may be.

Terms and
conditions of
service of
President and
other members.

8. (1) No person who has attained the age of sixty-five years shall be eligible to be appointed as President.

(2) The President or any other member (other than *ex officio* member) shall, who incur any disqualification under the rules prescribed for the purpose, cease to hold the office of President or member.

(3) The President or any other member (other than *ex officio* member) may resign his office by writing under his hand addressed to the State Government, and every such resignation shall take effect from the date on which it is accepted by the State Government.

(4) The President or any other member (other than *ex officio* member) shall not be removed from his office except by an order of the State Government on the ground of wilful omission or refusal to carry out the provisions of this Act or abuse of the powers vested on him and after such inquiry, as may be ordered by the State Government, such President or other member, as the case may be, shall be given an opportunity of making his representation against such removal.

(5) When a person is qualified to be a member of the Council by virtue of his representing a particular institution or interest, he shall cease to be a member of the Council when he ceases to represent such institution or interest.

(6) The office of the President and the Member-Secretary shall be whole-time and salaried, and the other terms and conditions of service of the President and other members shall, subject to the provisions of this sub-section, be such as may be prescribed.

(7) The President and the Member-Secretary shall exercise such powers, and perform such functions, as may be prescribed.

*The West Bengal State Council of Vocational Education
and Training Act, 2005.*

*(Chapter II.—The Council.—Sections 9-14.—Chapter III.—Powers and functions
of the Council.—Section 15.)*

Meetings of
Council.

9. The Council shall meet at such times and places, and shall observe such rules of procedure in regard to the transaction of business at its meetings, as may be provided by regulations made under this Act.

Vacancies amongst
members or
defect in consti-
tution not to
invalidate acts
or proceedings
of Council.

10. No act or proceedings of the Council shall be invalid by reason of any vacancy in, or any defect in the constitution of, the Council.

Temporary
association of
persons with
Council for
particular
purpose.

11. (1) The Council may associate with itself, in such manner and for such purpose as may be prescribed, any person whose assistance or advice is required for carrying out its work.

(2) A person associated with it by the Council under sub-section (1) for any purpose shall have the right to take part in the discussions relevant to such purpose but shall not have the right to vote at a meeting of the Council, and shall not be a member for any other purpose.

(3) The Council may associate with itself members of medical, engineering and agricultural universities and such other expert bodies as the State Government may, by order, specify with a view to developing co-ordination among the various universities.

Staff of Council.

12. (1) The Council shall have a Secretary who shall be appointed by the State Government.

(2) The Council may, with the previous approval of the State Government, appoint such officers (other than Secretary) and other employees in the manner as may be prescribed.

(3) The classification, methods of recruitment, conditions of service, pay and allowances, disciplinary conduct and functions and responsibilities of the officers and other employees referred to in sub-section (2) shall be such as may be provided by regulations.

(4) Subject to the general control and supervision of the President, the Secretary shall be—

- (a) the principal administrative officer of the Council,
- (b) entitled to attend and speak at any meeting of the Council, and
- (c) entitled to vote.

Authentication
of orders and
other
instruments of
Council.

13. All orders and decisions of the Council shall be authenticated by the signature of the President or any other member authorised by the Council in this behalf, and all other instruments issued by the Council shall be authenticated by the signature of the Secretary or any other officer of the Council authorised in the like manner in this behalf.

Allowance.

14. Every member of the Council or of any committee, sub-committee or board constituted under this Act, who is not in the service of the State Government, shall, in respect of expenses incurred by him in attending meetings of the Council or of any such committee, sub-committee or board or in exercising any powers or performing any duties conferred or imposed upon him by or under this Act, be paid by the Council such allowances, and at such rates, as may be prescribed.

CHAPTER III

Powers and functions of the Council

Powers and
functions of
Council.

15. (1) Subject to the provisions of this Act, the Council shall perform the following functions: —

- (i) to grant or refuse recognition to Institutions, and to withdraw such recognition, if it thinks fit, after considering the recommendations of the Recognition Committee, if any, in accordance with such regulations as may be made in this behalf;

*The West Bengal State Council of Vocational Education
and Training Act, 2005.*

(Chapter III.—Powers and functions of the Council.—Section 15.)

- (ii) to maintain a register of recognised Institutions;
- (iii) to provide by regulations, after considering the recommendation of the Board of Studies, the curricula, the syllabi, the courses of studies, the books to be studied, instructional materials and teaching aids to be followed in recognised Institutions and for examinations instituted by the Council;
- (iv) to undertake, if necessary, with the approval of the State Government, the preparation, publication or sale of news bulletin, text-books and other books for use in recognised Institutions;
- (v) to maintain and publish, from time to time, list of books approved for use in recognised Institutions and for examinations instituted by the Council and to remove the name of any such book from any such list;
- (vi) to make regulations regarding the conditions to be fulfilled by candidates presenting themselves for examinations instituted by the Council;
- (vii) to publish results of the examinations instituted by the Council and to award diplomas, certificates, prizes and scholarships in respect thereof;
- (viii) to undertake planning, monitoring and evaluation in various fields of vocational education and training, collect data of all related matters and make forecast on required growth and development in vocational education and training;
- (ix) to expand the scope of vocational education and training for students passing out from class VIII or above;
- (x) to formulate scheme to offer vocational courses at different levels or tiers with evaluation and certification for each level or tier;
- (xi) to evolve suitable procedures so that vocational studies contain bridge courses for general studies and that the students studying in vocational stream may avail the scope of general studies, if they so desire;
- (xii) to take steps for approval, recognition and equivalence of certificates issued by the Council or by other States or by the Government of India;
- (xiii) to obtain assistance, guidance, co-operation from financial institutions, different organisations of commerce and industry and other institutions engaged in conduct of vocational courses;
- (xiv) to promote an effective link between vocational education and training system and the matters connected therewith including research and development of organisations, industry and service sector;
- (xv) to evolve suitable performance appraisal systems for institutions imparting vocational education and training, incorporating norms and mechanisms for enforcing accountability;
- (xvi) to lay down norms and standards for courses of studies, curricula, physical and instructional facilities, staff pattern, staff qualifications, quality instructions, assessment and examinations;
- (xvii) to take all necessary steps to prevent commercialisation of vocational education and training;
- (xviii) to provide guidelines for admission of students to vocational institutions;
- (xix) to inspect or cause inspection of any vocational institutions on regular basis as also for the purpose of accreditation of institutions;
- (xx) to advise the State Government on all matters relating to vocational education and training in West Bengal;

*The West Bengal State Council of Vocational Education
and Training Act, 2005.*

(Chapter III.—Powers and functions of the Council.—Section 16.)

- (xxi) to institute and award scholarships, studentships, and to award prizes and distinction certificates;
- (xxii) to co-operate and collaborate, in such manner as it may deem fit, with any body or authority, established under any law for the time being in force, in promoting general or vocational education and training;
- (xxiii) to administer the fund;
- (xxiv) to institute and administer such Provident Fund of the staff of the Council as may be prescribed;
- (xxv) to make regulations relating to conduct, discipline and appeal in respect of the members of the staff of the Council;
- (xxvi) to allow transfer of students from one institute to another;
- (xxvii) to delegate, by notification, to any recognised vocational institution such of its powers, and on such conditions, as it may think fit;
- (xxviii) to exercise such other powers, and to perform such other functions, as may be assigned to it by the State Government under this Act for carrying out the purposes of this Act;
- (xxix) to provide by regulations, after considering the recommendations of the Board of Examinations, if any, the rates of remuneration to be paid to the paper-setters, moderators, tabulators, examiners, invigilators, supervisors and others employed in connection with the examinations instituted by the Council, and the fees to be paid by the candidates for such examinations and rate of centre charges;
- (xxx) to grant or refuse permission to candidates to appear at examinations instituted by the Council and to withdraw such permission, if it thinks fit, in accordance with such regulations as may be made in this behalf;
- (xxxi) to provide by regulations the procedure for filing and disposal of appeals by the members of the teaching and non-teaching staff against the decision of the managing committee of recognised vocational institutions and maintenance of grievance redressal cell;
- (xxxii) to decide on any other function considered relevant for implementation of the activities of the Council.

(2) Subject to the provisions of sub-section (1), the Council shall have the power to make regulations in respect of any matter for the proper exercise of its powers under this Act.

(3) No regulation shall be valid unless it is approved by the State Government, and the State Government may, while according such approval, make such additions, alterations or modifications therein as it thinks fit:

Provided that before making such additions, alterations or modifications, the State Government shall give the Council an opportunity to express its views thereon within such period, not exceeding one month, as may be specified by the State Government.

(4) All regulations approved by the State Government shall be published in the *Official Gazette*.

Powers and
functions of
President.

16. (1) The President shall be responsible for carrying out and giving effect to the decisions of the Council and of any committee or body constituted by it under this Act.

(2) The President shall—

- (a) exercise general supervision over the Secretary and the members of the staff appointed by the Council and shall post and transfer the members of the staff;
- (b) sanction all claims of travelling allowance; and
- (c) take such other action, not inconsistent with any decision of the Council, as he may consider necessary for the proper functioning of the Council under this Act.

*The West Bengal State Council of Vocational Education
and Training Act, 2005.*

(Chapter IV.—Committee, etc. of the Council.—Sections 17, 18.—
Chapter V.—Finance, Accounts and Audit.—Section 19.)

CHAPTER IV

Committee, etc. of the Council

Executive
Committee of
Council.

17. (1) The Council shall constitute a Committee to be called the Executive Committee for performing such functions as may be assigned to it by the Council.

(2) The President and the Secretary of the Council shall respectively function as the Chairman and the Member-Secretary of the Executive Committee.

(3) The President shall preside at the meetings of the Executive Committee and shall be entitled to vote on any matter, and shall have a second or casting vote in every case of equality of votes.

(4) The Executive Committee shall meet at such time and place, and shall observe such rules of procedures in regard to the transactions of business at its meetings (including the quorum of such meeting), as the Council may provide by regulations.

Board of Studies
etc.

18. (1) The Council shall constitute—

- (a) a Board of Studies for engineering, technology, agriculture, dairy and poultry, paramedical, social science, applied arts and crafts and such other disciplines as the Council may consider necessary;
- (b) a Board of Examinations to look after, and manage, all matters relating to examinations of vocational courses in engineering, technology, agriculture, dairy and poultry, paramedical, social science, applied arts and crafts and such other disciplines as the Council may require, and shall arrange for publication of results of such examinations;
- (c) a Recognition Committee to grant or refuse recognition to Institutions, and to withdraw such recognition, in accordance with such regulation as may be made in this behalf.

(2) The Council may, if it considers necessary, establish such other committees as it may think fit.

(3) The Board of Studies shall advise the Council on academic matters, including norms, standards, curricula, facilities, and structure of courses of studies, falling in its area of concern.

(4) The constitution, powers, functions, and area of concern of the Board of Studies shall be such as the Council may provide by regulations.

(5) The Board of Studies may be composed, wholly or in part, of the members of the Council.

CHAPTER V

Finance, Accounts and Audit

Budget.

19. (1) The Council shall prepare, in such form and at such time each year as may be prescribed, a budget estimate in respect of the financial year next following showing the estimated receipts and expenditure, and the copies thereof shall be forwarded to the State Government after its confirmation by the Council at its annual meeting.

(2) (a) The State Government shall, within two months of the receipt of the budget estimate, either accord its approval to the same or return it to the Council with such comments and suggestions as it deems necessary, if, in its opinion, such budget estimate—

- (i) is not reasonably accurate with reference to ascertainable facts or shows a deficit in the closing balance;
- (ii) includes new items of recurring expenditure which are likely to impose upon the Council in the future financial liabilities which the Council is not likely to be able to meet from its income; or
- (iii) includes provisions for expenditure which are not in accordance with the provisions of this Act.

*The West Bengal State Council of Vocational Education
and Training Act, 2005.*

(Chapter V.—Finance, Accounts and Audit.—Sections 20-22.)

(b) If the budget estimate is returned under clause (a), the Council shall consider the comments and suggestions made by the State Government and may, if it thinks fit, revise the said budget estimate. The Council shall, then, either resubmit the budget estimate as so revised to the State Government or, if it does not think fit to revise the budget estimate, resubmit it in its original form to the State Government within one month of receiving it together with its replies on the comments and suggestions made by the State Government.

(c) If the State Government does not approve of the budget estimate as revised by the Council or if the budget estimate is returned by the Council without revision, the State Government may amend the budget estimate by making—

- (i) such modifications as are, in its opinion, necessary to render the budget estimate reasonably accurate with reference to ascertainable facts or to balance the receipts and expenditure,
- (ii) additions, alterations or modifications in any provision relating to new items of expenditure of a recurring nature,
- (iii) any alteration or modification in any provision for expenditure which, in its opinion, is not in accordance with the provisions of this Act,

and shall, then, forward the budget estimate as so amended to the Council.

(3) If the State Government does not accord its approval to the budget estimate under clause (a) of sub-section (2) within two months of the receipt thereof, or if the State Government does not communicate its approval of the budget estimate to the Council under clause (c) of sub-section (2) within the 31st March of the financial year immediately preceding the financial year to which the budget estimate relates, the budget estimate as forwarded to the State Government by the Council shall be deemed to have been approved by the State Government and shall be the budget estimate of the Council for the financial year to which it relates.

Payment to
Council by State
Government.

20. The State Government may, after considering the budget estimate, the accounts of the Council and such other reports as it may call for, make such annual or periodical grants to the Council as it may think fit:

Provided that on the establishment of the Council and before the first budget estimate is forwarded to the State Government, that Government may, after considering such report as it may call for from the Council, make such initial grant to the Council as may be considered necessary.

Council Fund.

21. (1) The Council shall have a Fund to be called the West Bengal State Council of Vocational Education and Training Fund to which shall be credited—

- (a) all sums which may be paid by the State Government under section 20;
- (b) all fees realised under any of the provisions of this Act;
- (c) all sums representing income from endowments or from property owned or managed by the Council; and
- (d) all other sums received by or on behalf of the Council from any source whatsoever.

(2) The Fund shall vest in the Council and shall be under its control and shall be held by it in trust for the purposes of this Act.

(3) All moneys payable to the credit of the Fund shall forthwith be paid into the Reserve Bank of India, or the State Bank of India or any branch thereof, or any Nationalised Bank or any branch thereof, to the credit of the Fund, and all cheques drawn on the Fund shall be signed by the President or by such other person as he may authorise in writing in this behalf.

Application of
Fund.

22. No expenditure shall be incurred from the Fund except for the purpose of this Act and unless such expenditure is provided for in the budget estimate as approved under this Act or may be met by re-appropriation sanctioned in the prescribed manner.

*The West Bengal State Council of Vocational Education
and Training Act, 2005.*

(Chapter V.—Finance, Accounts and Audit.—Sections 23-26.—
Chapter VI.—Supplementary Provisions.—Section 27.)

Annual Report. **23.** The Council shall prepare in such form and at such time as may be prescribed an annual report once in every year giving a true and full account of its activities during the previous year, and copies thereof shall be forwarded to the State Government.

Accounts. **24.** The Council shall keep an account of all its receipts and expenditure in the manner prescribed.

Audit. **25.** (1) The accounts of the Council shall be examined and audited annually by an auditor or auditors appointed by the State Government in such manner as may be prescribed.

(2) For the purpose of examination and audit under sub-section (1), an auditor appointed under that sub-section may—

- (a) require in writing the production before him of any document relating to the Council or the assets thereof which he considers to be necessary for the proper conduct of the audit;
- (b) require in writing the personal appearance before him of any person accountable for, or having the custody or control of, any such document to answer any question relating thereto; and
- (c) require any person so appearing before him to submit a statement in writing in respect of any such document.

(3) It shall be the duty of the Council and of every member thereof, and of the Secretary and the members of the staff in the service of the Council, to afford to the auditor every facility for the examination and audit of the accounts of the Council and to comply with any requisition made by the auditor under sub-section (2) or with the requirement of any rules made in this behalf.

(4) Any person who wilfully neglects or refuses to comply with a requisition made under sub-section (2) or with the requirement of any rule made in this behalf shall, on conviction, be punishable with fine which may extend to one hundred rupees.

(5) No complaint in respect of any offence punishable under sub-section (4) shall be made except with the previous sanction of the State Government.

(6) No Magistrate other than a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try an offence punishable under sub-section (4).

Audit Report. **26.** (1) The auditor shall, within fourteen days from the date of completion of the audit, submit to the State Government a report on the accounts audited and shall also send a copy thereof to the Council, which shall forward it to the State Government together with observations thereon.

(2) The State Government may take such action on the audit report as it may think fit.

CHAPTER VI

Supplementary Provisions

Council to furnish information. **27.** The Council shall furnish to the State Government such reports, returns and statements, as may be prescribed, and such further information on any matter relating to the Council as the State Government may require.

*The West Bengal State Council of Vocational Education
and Training Act, 2005.*

(Chapter VI.—Supplementary Provisions.—Sections 28-33.)

Power of State Government to suspend proceedings.

28. If the State Government is of opinion that any resolution, order or act is in excess of the powers conferred upon the Council or the committee under this Act, it may, by order in writing, specifying the reasons thereof, suspend the execution of such resolution or order of the Council or any committee constituted under this Act and prohibit any act, which purports to be done or is intended to be done under this Act.

Certain persons to be deemed to be public servants.

29. The members of the Council and of every committee constituted under this Act, persons in the service of the Council and any person appointed under this Act to audit the accounts of the Council shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

45 of 1860.

Indemnity.

30. No suit, prosecution or other legal proceeding shall lie against any person for anything in good faith done or intended to be done under this Act.

Power to make regulations.

31. (1) The President shall make the first Regulations for the purposes of this Act.

(2) The first Regulations shall remain in force for a period of one year from the date of its commencement or until the Council under the provisions of this Act makes new regulations, whichever is earlier.

(3) Every regulation made under this Act shall, as soon as may be after it is made, be laid before the State Legislature.

Power to make rules.

32. (1) The State Government may, after previous publication, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

- (a) the acquisition, possession and disposal of property by the Council, the conditions of such acquisition, possession and disposal, and performance by the Council of the functions referred to in sub-section (2) of section 3;
- (b) the composition, powers and functions of Governing Bodies of vocational institutions;
- (c) the method of recruitment, the terms and conditions of service including the scales of pay and the rules of discipline relating to the Secretary of the Council;
- (d) the rates at which the Council shall pay travelling allowance to the persons referred to in section 14;
- (e) the Provident Fund referred to in clause (xxiv) of sub-section (1) of section 15;
- (f) the form in which the budget estimate of the Council, as referred to in sub-section (1) of section 19, shall be prepared;
- (g) the manner in which all payments to and from the Funds shall be made;
- (h) the manner of re-appropriation under section 22;
- (i) the manner and form in which accounts of receipts and expenditure shall be kept under section 24;
- (j) the manner in which examination and audit of the accounts of the Council shall be made;
- (k) the reports, returns and statements to be furnished by the Council under section 27 and the forms of such reports, returns and statements;
- (l) any other matter required to be prescribed or to be provided for by rules.

(3) Every rule made under this Act shall, as soon as may be after it is made, be laid before the State Legislature.

Council to be guided by directions of State Government.

33. The Council shall, in exercising its powers and performing its functions under this Act, be guided by such directions as the State Government may give from time to time regarding the scope and content of vocational education and training.

*The West Bengal State Council of Vocational Education
and Training Act, 2005.*

(Chapter VI.—Supplementary Provisions.—Sections 34-37.)

Supersession of
Council.

34. (1) If, in the opinion of the State Government, the Council—

- (a) has persistently made default in the performance of its functions under this Act, or
- (b) has exceeded or abused its powers,

the State Government may, by order published in the *Official Gazette* and stating the reasons therefor, supersede the Council for such period, not exceeding two years, as may be specified in the order, and take such steps as may be necessary to re-establish the Council immediately on the expiry of the period of supersession.

(2) The State Government may, if it considers necessary so to do, by order published in the *Official Gazette*, extend or modify from time to time the period of supersession which shall in no case in aggregate exceed three years.

Consequence of
supersession.

35. (1) Notwithstanding anything contained in this Act or in any other law for the time being in force, with effect from the date of the order of supersession under section 34—

- (a) all the members of the Council and the committees constituted under this Act shall vacate their offices;
- (b) all the powers, duties and functions which, under the provisions of this Act or any rules or regulations made thereunder or of any other law for the time being in force, may be exercised or performed by the Council or any of the committees or the President of the Council, shall be exercised or performed by an Administrator to be appointed by the State Government in this behalf:

Provided that an Administrator appointed under this clause may delegate any of his powers, duties or functions to such person as he may think fit or to such body as may be constituted by him;

- (c) the representatives of the Council on every body, statutory or otherwise, shall vacate their respective offices as such representatives, and the Administrator may nominate such person or persons to represent the Council or that body as he may think fit.

(2) The State Government may, by order published in the *Official Gazette*, cancel any order made under section 34 and re-establish the Council.

(3) On the re-establishment of the Council under sub-section (2), the Administrator shall cease to exercise his powers and perform his duties.

(4) The terms and conditions of service of the Administrator shall be such as may be fixed by the State Government by order made in this behalf.

Council to
continue as body
corporate.

36. For the removal of doubts, it is hereby declared that an order of supersession made under section 34 shall not imply in any way the dissolution of the Council as a body corporate.

Re-establishment
of Council.

37. (1) The State Government shall, by order published in the *Official Gazette*, specify the date on which the Council is re-established in accordance with the provisions of this Act.

(2) The State Government shall, by order published in the *Official Gazette*, specify the dates by which the authorities (other than the State Government) shall nominate members referred to in section 4:

Provided that if any authority fails to nominate a member by the specified dates the State Government shall appoint such member from amongst the persons qualified for such nomination.

(3) Until the nomination of members referred to in section 4 is made, the State Government shall appoint such members from amongst the persons qualified for nomination under sub-clause (iii) of clause (c) of section 4.

*The West Bengal State Council of Vocational Education
and Training Act, 2005.*

(Chapter VI.—Supplementary Provisions.—Section 38.)

(4) (a) The members appointed under sub-section (2) shall hold office until the nomination of members under section 4 is made.

(b) The members appointed under sub-section (3) shall hold office until the nomination of members referred to in section 4 is made and the names of the members so nominated are published in the *Official Gazette* in this behalf.

Power to remove
difficulties.

38. If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order, not inconsistent with the provisions of this Act, remove the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the commencement of this Act.

By order of the Governor,

MD. HESAMUDDIN,
*Secretary-in-charge to the Govt. of West Bengal,
Law Department.*