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West Bengal Act XI of 1978¹

THE WEST BENGAL COLLEGES (PAYMENT OF SALARIES) ACT, 1978.

AMENDED

[West Ben. Act XV of 1981.
West Ben. Act XXI of 1982.

[28th March, 1978.]

An Act to make provisions for regular payment of salary to persons employed in Colleges in West Bengal and matters connected therewith.

WHEREAS it is expedient to make provisions for regular payment of salary to persons employed in colleges in West Bengal and matters connected therewith;

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

1. (1) This Act may be called the West Bengal Colleges (Payment of Salaries) Act, 1978.

(2) It extends to the whole of West Bengal.

(3) It shall be deemed to have come into force on the 3rd day of February, 1978.

(4) It shall apply to all colleges in West Bengal excepting Government colleges, Government-sponsored colleges and colleges administered by religious or linguistic minorities or under any trust and colleges which do not take any financial assistance from the State Government:

Provided that the State Government may, if it considers fit, exempt any college from the operation of this Act for such period as it may think necessary:

Provided further that any college, other than a Government college or a Government-sponsored college exempted from the operation of this Act, may apply to the State Government for being governed by the provisions of this Act and on consideration of such application the State Government may extend the provisions of this Act to such a college.

Short title,
extent,
commence-
ment and
application.

¹For Statement of Objects and Reasons, see the *Calcutta Gazette, Extraordinary*, Part IV, of the 15th March, 1978, page 486; for proceedings of the West Bengal Legislative Assembly, see the proceedings of the meeting of that Assembly held on the 23rd March, 1978.

(Section 2.)

Definitions.

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

- (a) "actual income" means the income actually realised by a college by way of tuition fees, fines and other charges and also includes grants excluding the amount received for capital expenditure from the University Grants Commission and other agencies and amounts received from endowments for specific purposes, contributions to students' union fund, caution-money deposits and other refundable fees and amounts appropriated towards rent charge, capital fund, provident fund and other statutory charges;
- (b) "assumed income" means the income realisable from the students of a college by way of tuition fees, fines and other charges and includes the amounts received as grants excluding the amounts received towards capital expenditure from the University Grants Commission and other agencies and amounts received from endowments for specific purposes and contributions to students' union fund, caution-money deposits and other refundable fees and amounts appropriated towards rent charge, capital fund, provident fund and other statutory charges;
- (c) "college" means a college or an institution affiliated to a University but does not include a Government college or a Government-sponsored college;
- (d) "Government college" means a college maintained and managed by the State Government;
- (e) "Government-sponsored college" means a college declared by the State Government as such;
- (f) "college authority", in relation to a college, means the Governing Body or Managing Committee or any other body, by whatever name it is called, charged with the management of the affairs of the college and recognised as such by the University to which such college is affiliated;
- (g) "Principal" means the head of a college by whatever name called;
- (h) "salary" means the monthly emoluments payable to employees, teaching and non-teaching, of a college and includes such allowances as may be approved by the State Government from time to time;

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(Sections 3, 4.)

(i) "University" means any of the Universities constituted or established, as the case may be, under,—

West Ben.
Act XXXIII
of 1955.

(i) the Jadavpur University Act, 1955;

West Ben.
Act XXIX
of 1959.

(ii) the Burdwan University Act, 1959;

West Ben.
Act XIII of
1960.

(iii) the Kalyani University Act, 1960;

West Ben.
Act XXVII
of 1961.

(iv) the North Bengal University Act, 1961;

West Ben.
Act XXIX
of 1961.

(v) the Rabindra Bharati Act, 1961;

West Ben.
Act II of
1966.

(vi) the Calcutta University Act, 1966;

3. (1) With effect from the commencement of this Act the State Government shall assume the charge of full payment of salary to the employees, teaching and non-teaching, of colleges governed by this Act. The State Government shall make periodic-advances to college authorities for payment of salary regularly to the employees of such colleges.

Financial
arrangement.

(2) The salary of the teaching and non-teaching employees of a college shall be paid according to scales approved by the State Government with respect to different posts:

Provided that such scales for the employees shall not be lower than the scales adopted by the State Government and in operation on the date of coming into force of this Act:

Provided further that if there is any dispute about the nature of any post, the State Government shall determine the same and the decision thereon shall be final:

¹Provided also that the teaching and non-teaching employees of a college governed by this Act shall be entitled to such allowances and at such rates as are admissible to the employees (teaching and non-teaching) of Government-sponsored colleges.

4. (1) No college shall incur any expenditure on capital account or transfer any movable or immovable property without the previous approval of the State Government.

Restriction
on colleges.

¹This proviso was substituted for the original proviso by s. 2 of the West Bengal Colleges (Payment of Salaries) (Amendment) Act, 1981 (West Ben. Act XV of 1981).

(Sections 5, 6.)

(2) A college authority shall not allow free-studentship beyond such limit as the State Government may, by order from time to time, fix in respect of that college.

(3) No college shall, without the previous approval of the State Government, revise the rates of tuition fees and other fees and charges.

(4) A college authority shall not allow, without the previous approval of the Director of Public Instruction, West Bengal, or any officer authorised by him in this behalf, any reduction or remission of fees:

Provided that the Principal of a college shall be competent to remit fines fixed for late payment of tuition and other fees.

(5) It shall be the duty of a college authority to collect tuition fees, fines and other charges from each and every student on the roll of such college, except those who are granted free-studentship, and such fees as may have been fixed for students enjoying such benefit and to pay the State Government ¹[such percentage of the assumed income as the State Government may, from time to time, determine.]

(6) A college authority shall, upon instructions by the State Government in this behalf, strike off the name of a student from the roll of such college if such student defaults in payment of tuition and other fees for such period as the State Government may determine.

Deposits by colleges.

5. A college authority shall within fifteen days of the expiry of a month deposit with the State Government under appropriate head of account as may be specified by the State Government ²[such percentage of the actual income of the month as that State Government may, from time to time, determine] and may retain the balance for being spent on non-salary items of a recurring nature according to schedule of expenditure approved by the State Government.

Accounts and reimbursement.

6. (1) Notwithstanding anything contained in the preceding section, a college authority shall at the end of each quarter submit an account of the assumed and actual income during the preceding quarter and deposit with the State Government under the head of account as provided under section 5 such amount by which the actual amount deposited by the college authority under section 5 falls short of ³[the percentage of the assumed income determined under sub-section (5) of section 4] during the quarter within the following quarter.

¹The words within the square brackets were substituted for the words "seventy-five per cent. of the assumed income" by s. 2 of the West Bengal Colleges (Payment of Salaries) (Amendment) Act, 1982 (West Ben. Act XXI of 1982).

²The words within the square brackets were substituted for the words "seventy-five per cent. of the actual income of that month" by s. 3, *ibid.*

³The words, figures and brackets within the square brackets were substituted for the words "seventy-five per cent. of the assumed income" by s. 4, *ibid.*

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(Sections 7-13.)

(2) The State Government shall on examination of the accounts have the right to fix the amounts that may be payable by the college under sub-section (1) and direct further deposit on that account within such time as it thinks proper.

7. [Power of State Government to relax, and liability of colleges in such case.]—Omitted, w.e.f. the 1st day of February, 1982, by s. 5 of the West Bengal Colleges (Payment of Salaries) (Amendment) Act, 1982 (West Ben. Act XXI of 1982).

8. (1) If any college authority fails to comply with the provisions of sub-section (1) or the direction under sub-section (2) of section 6 the State Government may, by order published in the *Official Gazette*, supersede the college authority for a period, not exceeding one year at a time, and appoint an Administrator to discharge the functions of the college authority.

Appoint-
ment of
Administra-
tor.

(2) The State Government may, if it is satisfied that it is no longer necessary to retain the Administrator, cancel the appointment of the Administrator before the expiry of the period of supersession and make over the administration of the college to the college authority.

9. Every college shall submit to the Director of Public Instruction, West Bengal, budget estimates for a year in advance by such date as may be specified by him.

Submission
of budget
estimates.

10. The provisions of this Act shall have effect notwithstanding anything to the contrary contained in any other law or in any instrument or in any custom or usage.

Overriding
effect.

11. The State Government may from time to time give such directions, not inconsistent with the provisions of this Act, to a college as may be necessary for carrying out the purposes of this Act.

Power to
give
direction.

12. 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 that difficulty.

Removal of
difficulty.

13. (1) The West Bengal Colleges (Payment of Salaries) Ordinance, 1978, is hereby repealed.

Repeal and
savings.

(2) Anything done or any action taken under the said Ordinance shall be deemed to have been validly done or taken under this Act.