

© **West Bengal Act XXXIX of 1983¹**

THE WEST BENGAL NON-GOVERNMENT EDUCATIONAL INSTITUTIONS AND LOCAL AUTHORITIES (CONTROL OF PROVIDENT FUND OF EMPLOYEES) ACT, 1983.

[17th February, 1984.]

An Act to provide for deposit of balance on account of provident fund of employees of non-Government educational institutions and local authorities in West Bengal in Treasury and for matters connected therewith or incidental thereto.

WHEREAS it is expedient to provide for deposit of balance on account of provident fund of employees of non-Government educational institutions and local authorities in West Bengal in Treasury, for adequate measures to control management of such fund and for matters connected therewith or incidental thereto;

It is hereby enacted in the Thirty-fourth year of the Republic of India, by the Legislature of West Bengal, as follows:—

1. (1) This Act may be called the West Bengal Non-Government Educational Institutions and Local Authorities (Control of Provident Fund of Employees) Act, 1983.

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

(3) It shall come into force on such date as the State Government may, by notification, appoint; and different dates may be appointed for different non-Government educational institutions or local authorities.

(4) It shall apply to all non-Government educational institutions and local authorities except the educational institutions administered by religious or linguistic minorities or under any trust or not in receipt of any financial assistance from the State Government:

Provided that the State Government may, if it considers fit, exempt any non-Government educational institution or local authority from the operation of this Act for such period as it may think necessary:

Provided further that any non-Government educational institution administered by religious or linguistic minorities or under any trust or not in receipt of any financial assistance from the State Government and 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 by notification the provisions of this Act to such institution.

Short title,
extent,
commence-
ment and
application.

¹For Statement of Objects and Reasons, see the *Calcutta Gazette, Extraordinary*, Part IV of the 3rd September, 1983 (Bill No. 39 of 1983); for proceedings of the West Bengal Legislative Assembly, see the proceedings of meeting of that Assembly held on the 12th September, 1983.

²The Act came into force with effect from the 15th March, 1984, vide notification No. 325—Ex., dated the 21st March, 1984, published in the *Calcutta Gazette, Extraordinary*, Part I of the 29th March, 1984, page 312.

(Section 2.)

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

- (1) "appointed day" means the day appointed under sub-section (3) of section 3;
- (2) "college" means a college affiliated to a University;
- (3) "employee" means,—
 - (a) in relation to a non-Government educational institution, any person employed by such institution on whole-time basis, and includes a teacher or a member of non-teaching staff, and
 - (b) in relation to a local authority, any person employed by such local authority on whole-time basis;
- (4) "Librarian" means a Librarian, Deputy Librarian, Assistant Librarian or any other person discharging the functions of a Librarian on whole-time basis, by whatever name called, appointed by a non-Government educational institution;
- (5) "local authority" means a Municipal Corporation, Municipality, or Town Committee, but does not include a notified area authority or a *Gram Panchayat, Panchayat Samiti or Zilla Parishad*;
- (6) "non-Government educational institution" means an educational institution not maintained or managed by the State Government, and includes—
 - (i) a University,
 - (ii) a non-Government college, Higher Secondary School recognised as such under the West Bengal Council of Higher Secondary Education Act, 1975, Secondary school recognised as such under the West Bengal Board of Secondary Education Act, 1963, primary school managed by a District School Board constituted, or recognised as a primary school, under the Bengal (Rural) Primary Education Act, 1930, or recognised or deemed to be recognised as a primary school under the West Bengal Primary Education Act, 1973, or
 - (iii) any other institution, by whatever name called, affiliated to a University or recognised under any enactment for the time being in force,

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Act VIII of
1975.

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Act V of
1963.

Ben. Act VII
of 1930.

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Act XI,III of
1973.

in which instruction is provided for courses of study in Arts, Science, Commerce or Teachers' Training or in which instruction is given in primary education as defined in clause (14) of section 2 of the Bengal (Rural) Primary Education Act, 1930 or clause (xvii) of section 2 of the West Bengal Primary Education Act, 1973;

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(Section 3.)

- (7) "non-teaching staff" means the non-teaching staff, not holding any teaching post, appointed by a non-Government educational institution on whole-time basis, and includes a Librarian;
- (8) "notification" means a notification published in the *Official Gazette*;
- (9) "prescribed" means prescribed by rules made under this Act;
- (10) "teacher" means a Professor, Reader, Principal, Lecturer, Demonstrator, Tutor or any other person holding a teaching post, by whatever name called, appointed by a non-Government educational institution on whole-time basis;
- (11) "Treasury" means a Treasury of the State Government, and includes a Sub-Treasury;
- (12) "University" means the University constituted under—
- (i) the Bidhan Chandra Krishi Viswavidyalaya Act, 1974, or
 - (ii) the Calcutta University Act, 1979, or
 - (iii) the Vidyasagar University Act, 1981, or
 - (iv) the Burdwan University Act, 1981, or
 - (v) the Jadavpur University Act, 1981, or
 - (vi) the North Bengal University Act, 1981, or
 - (vii) the Rabindra Bharati Act, 1981, or
 - (viii) the Kalyani University Act, 1981.

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Act XLIX
of 1974.

West Ben.
Act XXXVIII
of 1979.

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Act XVIII of
1981.

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Act XXIII of
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Act XXIV of
1981.

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Act XXV of
1981.

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Act XXXVI
of 1981.

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Act XL of
1981.

All standing balances in provident fund to be transferred to Treasury.

3. (1) All balances in the provident fund on the appointed day held in cash or in time deposits, Government securities, savings, certificates, bank accounts, postal savings accounts, debentures or in any other form of financial instrument shall be transferred to the State Government in such manner as may be prescribed:

Provided that the portion or portions of the provident fund invested in time deposits, debentures, Government securities, savings certificates or in any other form of financial instrument shall be endorsed to the State Government or to any agent appointed by the State Government in this behalf in such manner as may be prescribed.

(Sections 4-6.)

(2) On and from the appointed day no non-Government educational institution or local authority shall deposit any portion of the balance of provident fund or accruals thereto in any postal savings account, bank account or any other agency except the Treasury.

(3) Notwithstanding anything to the contrary contained in any other law for the time being in force, any sum received by a non-Government educational institution or a local authority on account of provident fund of its employees by way of monthly subscription to the provident fund, repayment of advance from the provident fund taken by any such employee or interest on balances in the provident fund shall, with effect from such date as the State Government may by notification appoint, be deposited in a Treasury in such manner as may be prescribed.

(4) While transferring the provident fund balances to the State Government under sub-section (1) a non-Government educational institution or local authority, as the case may be, shall furnish to the State Government, a statement showing the total amount standing at the credit of each employee subscribing to the respective provident fund indicating therein the employee's portion and the employer's portion of contributions, the amount of withdrawal outstanding against each employee and such other particulars as may be prescribed.

4. (1) On and from the appointed day payments on account of withdrawal by a subscriber shall be made out of the balances in the provident fund referred to in sub-section (1) of section 3. The procedure for withdrawal by a subscriber shall be such as may be prescribed:

Payment on account of withdrawal by the subscriber.

Provided that the existing procedure for withdrawal by a subscriber from his provident fund account shall continue until the procedure as aforesaid is prescribed.

5. The powers exercised or the functions performed by any non-Government educational institution or local authority under any law for the time being in force shall continue to be so exercised or performed and the procedure for the management and operation of provident fund (including withdrawals therefrom by the subscribers) and maintenance of accounts thereof shall continue:

Existing rules and procedures to continue.

Provided that the amount to be deposited in or withdrawn from the provident fund shall be deposited in or withdrawn from the Treasury through challans or bills to be drawn by the institution or the authority as aforesaid.

6. The subscriber to the provident fund shall be entitled to interest on the balance in his provident fund account at the same rate at which a State Government employee subscribing to the West Bengal Services Provident Fund is entitled on the balance of his provident fund account.

Payment of interest.

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(Sections 7-9.)

Non-Government educational institution or local authority to ensure the observance of the provisions of the Act.

7. It shall be the duty of every non-Government educational institution or local authority to ensure, while operating the provident fund under its charge, the observance of the provisions of this Act, failing which the State Government may, after giving the institution or the authority, as the case may be, an opportunity of making a representation, take such action against it as may appear to the State Government to be proper and appropriate.

Power to issue directions.

8. The State Government may, from time to time, issue such directions as it may consider necessary for implementation of the provisions of this Act and for making the rules or procedures regulating the provident fund of the employees of the State Government applicable to the employees of the non-Government educational institutions and the local authorities, *mutatis mutandis*.

Power to make rules.

9. (1) The State Government may 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 matters which may be or are required to be prescribed or made by rules.
