

**GOVERNMENT OF WEST BENGAL
LEGISLATIVE DEPARTMENT**

West Bengal Act XI of 1978

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

[Passed by the West Bengal Legislature.]

*[Assent of the Governor was first published in the Calcutta
Gazette, Extraordinary, of the 28th March, 1978.]*

[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

Short title,
extent
commencement
and applica-
tion.

(Section 2.)

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.

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

XI of 1978.]

(Section 3.)

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;

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

(i) the Jadavpur University Act, 1955;

(ii) the Burdwan University Act, 1959;

(iii) the Kalyani University Act, 1960;

(iv) the North Bengal University Act, 1961;

(v) the Rabindra Bharati Act, 1961;

(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

(Section 4.)

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:

Provided also that if any employee of a college has been in receipt of emoluments higher than what would have been fixed according to the scales and allowances approved by the State Government, he shall continue to enjoy the same emoluments unless the State Government, after consideration of his case, directs otherwise.

Restriction on 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.

(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 seventy-five *per cent.* of the assumed income.

XI of 1978.]

(Sections 5-7.)

(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.

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 seventy-five *per cent.* of the actual income of that month 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.

Deposits by colleges.

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 seventy-five *per cent.* of the assumed income during the quarter within the following quarter.

Accounts and reimbursement.

(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. (1) Notwithstanding anything contained elsewhere in this Act, the State Government may, on the application of a college, permit such college to spend more than twenty-five *per cent.* of actual income on non-salary items of a recurring nature for such period and on such terms and conditions as the State Government may think fit.

Power of State Government to relax, and liability of colleges in such case.

(2) When the State Government permits any college to spend more than twenty-five *per cent.* of actual income under sub-section (1), the liability of such college to pay or deposit under sections 4, 5 and 6 shall be reduced to the extent by which the relaxation exceeds twenty-five *per cent.*

The West Bengal Colleges (Payment of Salaries) Act, 1978.

[West Ben. Act XI of 1978.]

(Sections 8-13.)

Appointment
of Administra-
tor.

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.

(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.

Submission of
budget
estimates.

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.

Overriding
effect.

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.

Power to give
direction.

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.

Removal of
difficulty.

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.

Repeal and
savings.

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

West Ben. Ord.
VIII of 1978.

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