

The West Bengal Universities (Control of Expenditure) Act, 1976

WEST BENGAL

India

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Act 17 of 1976

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The West Bengal Universities (Control of Expenditure) Act, 1976 West Bengal Act 17 of 1976 [Dated 1st April, 1976] An Act to provide, for the. control of expenditure in various universities and colleges affiliated to such universities in West Bengal. Whereas it is expedient to provide for the control of expenditure in various universities and colleges affiliated to such universities in West Bengal; It is hereby enacted as follows :-

1. Short title.

- This Act may be called the West Bengal Universities (Control of Expenditure) Act, 1976.

2. Definitions.

- In this Act, unless the context otherwise requires, - (a) ["Government-aided college" means a college receiving periodical pay packet from the State Government on account of salary and allowances of the teachers and other academic staff including the nonteaching employees of the college;] [Inserted by West Bengal Act No. 6 of 2017, dated 17.3.2017.] (aa) [[Renumbered '(a)' by West Bengal Act No. 6 of 2017, dated 17.3.2017.] "prescribed" means prescribed by rules made under this Act; (b) "revised scale" means any of the scales of pay sanctioned by the Government of West Bengal, Education Department Order No. 372-Edn. (CS)/5P-9/74, dated 7th April, 1975, which is reproduced in the Schedule to this Act: Provided that the State Government may, by notification published in the Official Gazette, amend the Schedule from time to time and the Schedule so amended shall be deemed to be part of this Act; (c) "Schedule" means the Schedule to this Act; (cc) ["State Government" means the Government of West Bengal in the Higher Education, Science and Technology and Biotechnology Department;] [Inserted by West Bengal Act No. 6 of 2017, dated 17.3.2017.] (d) "teacher" includes a Professor, Associate Professor, Reader, Assistant Professor, Lecturer and any other person holding a teaching post and also a person who may be declared to be

a teacher ;(e)["State-aided University" means a University constituted and incorporated by a State Act and receiving regular grants from the State Government.] [Substituted by West Bengal Act No. 6 of 2017, dated 17.3.2017.]

3. No post to be created or appointment made without State Government's approval.

(1)Notwithstanding anything contained in any law for the time being in force or in any contract, custom or usage to the contrary, no university or no college affiliated to such university, excepting a college which is,-(a)established, maintained or administered by the State Government, or(b)established by a religious or linguistic minority, or(c)not in receipt of any financial assistance from the State Government, shall, after the commencement of this Act,-(i)create any teaching or non-teaching post involving any financial liability,(ii)increase the pay or allowances attached to any post or sanction any new allowances :Provided that the State Government may, by an order, revise the scale of pay attached to such post or sanction any new allowance,(iii)grant any special pay or allowance or other remuneration under any description whatsoever including ex gratia payment or any other benefits having financial implication to any person holding a teaching or non-teaching post, or(iv)incur, except as provided in the rules prescribed for the purpose, any expenditure on any development scheme, without the prior sanction of the State Government.(2)Notwithstanding anything contained in any law for the time being in force or in any contract, custom or usage to the contrary no college other than any of the colleges referred to in clauses (a), (b) or (c) of sub-section (1) shall, after the commencement of this Act, appoint any person to any post without the prior sanction of the State Government:Provided that no sanction of the State Government shall be necessary for filling up any sanctioned post of a teacher for a period not exceeding six months by a candidate who possesses the prescribed qualifications.

4. [Retirement of Teachers. [Substituted by West Bengal Act No. 6 of 2017, dated 17.3.2017.]

- Every full-time regular teacher, Principal and such other regular employees, who are in receipt of the State Government's notified scale of pay and holding a substantive post in any State-aided University or Government aided college shall retire from service on attaining such age as may be determined and notified in the Official Gazette by the State Government, from time to time.]

5. Inquiry into the affairs of the university or college.

- The State Government may as and when it considers necessary, institute inquiry into the affairs of a university or college affiliated to such university, relating to financial matters and exercise control over such matters through such agency as the State Government may think fit to appoint in this behalf.

6. Submission of budget.

(1)Notwithstanding anything contained in any Act, or in any Statute, Ordinance or Regulation made thereunder, every University shall submit a budget showing its estimated receipts and disbursements for the following year, to the State Government immediately after the same is finalised by the University at a meeting specially convened for the purpose.(2)A University may submit a supplementary budget at any time within the financial year to the State Government.(3)Notwithstanding anything contained in sub-section (1) or sub-section (2), the State Government may authorise a University to incur any expenditure not forming part of its budget or supplementary budget, as the State Government considers necessary.Explanation. - For the purpose of this section, 'financial year' means the year ending on the 31st day of March.

7. Power to remove difficulties.

- If any difficulty arises in giving effect to the provisions of this Act, the State Government may make such order or do such thing, not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for removing the difficulty.

8. Act to override other laws.

- The provisions of this Act shall have effect notwithstanding anything to the contrary contained in any other law or in any contract, express or implied, or in any instrument and notwithstanding any usage or custom to the contrary.

9. Power to make rules.

(1)The State Government may, by notification in the Official Gazette, 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 any matter which may be or is required to be prescribed.

10. Repeal and savings.

(1)The West Bengal Universities (Control of Expenditure) Ordinance, 1976, is hereby repealed.(2)Anything done or any action taken under the West Bengal Universities (Control of Expenditure) Ordinance, 1976, shall be deemed to have been validly done or taken under this Act as if this Act had commenced on the 30th day of January, 1976.The Schedule[See section 2(c)]Government of West BengalEducation DepartmentCollege SponsoredNo. 372-Edn.(CS)/5P-9/74From : Shri B. N. Chatterjee, I.A.S., Joint Secretary to the Government of West Bengal,To : The Director of Public Instruction, West Bengal.Calcutta, the 7th April 1975.Subject: Revision of salary scales of University and College teachers.The undersigned is directed to say that the Government of India, in their letter No. F.I-40/74-U.I, dated 2nd November 1974, of the Ministry of Education and Social Welfare, requested the State Government to consider the question of implementing in this State the scheme of the revised pay scales of University and

College teachers as recommended by the University Grants Commission with such modifications, if any, as may be considered necessary to suit local conditions. The Government of India offered to render financial assistance to the extent of 80 per cent, of the additional expenditure involved in giving effect to the revised scales of pay subject to the following conditions :-(i)Central assistance to this extent will be available for the period January 1, 1973 to March 31, 1979;(ii)the State Government will bear the entire balance of expenditure and will not pass on the liability for any portion of it to the Universities or the management of private colleges; and(iii)the State Government will take over the entire responsibility for maintaining the revised scales with effect from April 1, 1979.

2. The State Government has decided to introduce the scheme of revised pay scales for University and College teachers as recommended by the University Grants Commission in the Universities and non-Government Colleges of this State (except Medical, Agricultural and Veterinary Science Colleges). Accordingly, sanction of the Governor is accorded to the introduction of the following revised scales of pay for teachers of Universities and non-Government Colleges (including Government Sponsored Colleges but excluding Medical, Agricultural, Veterinary Science and Engineering Colleges) of this State with effect from 1st January, 1973 subject to the conditions as stipulated in Annexure I:

Universities-(i)Lecturer-Rs. 700-40-1,100-50-1600.(ii)Reader-Rs. 1,200-50-1,300-60-1,900.(iii)Professor-Rs. 1,500-60-1,800-100-2,000-125/2-2,500.Non-Government Colleges (including Government Sponsored colleges but excluding Medical, Agricultural, Veterinary Science and Engineering Colleges)-(i)Demonstrator/Tutor-Rs. 500-20-700-25-900 (for existing incumbents only).(ii)Lecturer-Rs. 700-10-1,100-50-1,300-Assessment-50-1,600.(iii)Principal-(i) Rs. 1,200-50-1,300-60-1,900;(ii)Rs. 1,500-60-1,800-100-2,000-125/2-2,500.

3. Pay shall be fixed in the revised scales according to the formula as laid down in Annexure II.

4. The revised pay scales will be applicable to all teachers who were in position on 1st January, 1973 and also to those who were appointed according to the approved rules of recruitment against posts (i) which were vacant on 1st January, 1973 but filled up later and (ii) which were created after 1st January, 1973 with the approval of the competent authority.

5. Payment of additional grants to colleges for the introduction of the revised scales of pay now sanctioned is subject to the maintenance of the existing College scales of pay in the case of non-Government non-Sponsored Colleges.

6. Teachers serving in approved posts on the date of issue of this order may retain the old scales of pay with all the conditions attached thereto provided they exercise option in writing in the form prescribed within sixty days from the date of issue of this order.

7. The additional emoluments consequent on the revision of the scales of pay now sanctioned will attract the provisions of the Additional Emoluments (Compulsory Deposit) Act, 1974.

8. Payment of ad hoc amount of Rs. 75 per month to the University and College teachers which was sanctioned in Government Order No. 1241-Edn.(C.S.), dated the 30th July, 1974 (substituted), should be discontinued with effect from 1st April, 1975.

9. The charge on account of additional expenditure involved for revision of pay scales of University teachers will be debited to the head "University and other Higher Education-Assistance to Universities for Non-Technical Education-State Plan (Fifth Plan)-Improvement of service condition of University teachers-Grants-in-aid/Contributions" and that on account of college teachers to the head "University and Other Higher Education-Assistance to Non-Government Colleges-State Plan (Fifth Plan)-Improvement of service condition of College teachers-Grants-in-aid/Contributions" in the 277 -Education (excluding Sports and Youth Welfare) Budget.

10. A separate account for the additional expenditure in respect of the posts created after 1st January, 1973 should be maintained.

11. This order issues with the concurrence of the Finance Department of this Government vide their U.O. Note No. Group B/875, dated 7th April, 1975.

12. The Accountant-General, West Bengal, is being informed.

B. N. Chatterjee Joint Secretary. Annexure I Conditions for introduction of the revised pay scales [Reference para. 2 of G.O. No. 372-Edn. (CS), dater 7th April, 1975] (i) The revised pay scales are inclusive of the entire amount of Government D. A. as well as University/College D.A., if any, as admissible on 31st December, 1972; (ii) The additional emoluments payable to teachers for the period from 1st January, 1973 to 31st March, 1975, if any, after adjustment of the ad interim increase of Rs. 75 p.m. paid from 1st April, will be paid in two annual instalments, the first one to be paid on or about April 1, 1976; (iii) Recruitment to all categories of teachers of Universities as well as of non-Government Colleges shall be made in future through the University and College Service Commission to be constituted by the State Government strictly on merit and after advertisement on the basis of qualifications as prescribed in Annexure III. No appointment should be made on communal or caste consideration; Pending constitution of the University and College Service Commission status quo in regard to the existing method of recruitment but on the basis of the prescribed qualifications as in Annexure III may be maintained until further orders except that recruitment of teachers including Principals of non-Government non-Sponsored Colleges shall also be made through the Selection Committees already constituted for the purpose of selection of teachers including Principals of Sponsored Colleges. (iv) The existing Lecturers in Colleges who did not possess at the time of their initial recruitment minimum qualifications as prescribed by the University concerned should be required to attain these qualifications within five years from the date of placement in the revised scale. If they are unable to do so during this period, they shall not be allowed to earn any future increment till they have satisfied this condition. (v) Only those Principals will be eligible for higher scale of pay, viz. Rs. 1,500-60-1,800-100-2,000-125/2-2,500 who on 1st January, 1973 completed at least 7 years of service as Principal in Colleges which had an aggregate roll strength in the main shift of not less than 750 in each of the three sessions 1972-73, 1973-74 and 1974-75. (vi) The period of probation of a teacher of a University shall be such as prescribed by the University concerned under its Act/Statutes/Ordinances, etc., but in no case shall be more than 24 months. A teacher appointed against a permanent vacancy in a non-Government College shall be on probation ordinarily for a period of one year from the date of his appointment and such period of probation may at the discretion of the Governing Body be extended for a further period not exceeding one year. (vii) The age of superannuation for teachers as well as for Principals shall be 60 years and thereafter no further extension in service shall be given. A teacher who has already been given extension on attaining the age of 60 years on January 1, 1973 or thereafter shall continue to be in the old scale of pay during the period of extension. (viii) No teacher/Principal shall be paid any remuneration for examination work, including invigilation work, within the University/Institution. (ix) The work-load of teachers, submission of plan of work, etc., shall be as may be determined by the University in case of University teachers and by the State Government in case of College teachers on the recommendations of the University Grants Commission. Pending such determination status quo may be maintained. (x) The assessment at Rs. 1,300 in the scale of Rs. 700-40-1,100-50-1,300-Assessment-50-1,600 prescribed for College lecturers shall be done by the concerned appointing authorities in the manner to be prescribed for the purpose. (xi) The revised scale of Rs. 500-900 is for the existing Demonstrators/ Tutors shall not be appointed in Universities and Colleges. (xii) Every teacher shall abide by a code of conduct or, if there is no code of conduct at present, by such code of conduct as may be drawn up in future. Annexure II Formula for fixation of

pay in the revised scales.[Reference para. 3 of Government Order No. 372-Edn.(CS.), dated 7th April, 1975]The initial pay in the revised scales shall be fixed in the following manner :-I. (A) In the case of a teacher drawing basic pay up to and including Rs. 1,800 in the existing scale-(a)an amount representing five per cent, of the basic pay, subject to a minimum of Rs. 15 and a maximum of Rs. 50, shall be added to the existing emoluments of the teacher.Explanation I. - Existing emoluments means Basic Pay plus Dearness Pay Plus Dearness Allowance plus Interim relief, if any, sanctioned during 1st March, 1970 and 1st January, 1973 and not any other allowance.Explanation II. - If the amount so computed includes a part of a rupee, then, if such part is fifty paise or more, it shall be increased to one complete rupee and if such part is less than fifty paise, it shall be ignored.(b)after the existing emoluments have been increased and computed as specified in clause (a), the pay shall be fixed in the revised scale at the stage equal to the amount so computed or, if there is no such stage in the revised scale, at the stage next above the amount so computed:Provided that-(i)if the amount as computed under clause (a) is less than the minimum of the revised scale, the pay shall be fixed at the minimum of that scale;(ii)if the amount as computed under clause (a) is more than the maximum of the revised scale, the pay shall be fixed at the maximum of that scale:Provided further that except in cases where the pay is fixed at the minimum of the revised scale, if the revised emoluments as determined under this sub-rule exceed the existing emoluments by more than Rs. 100, the initial pay shall be fixed at the highest stage in the revised scale at which the revised emoluments payable do not exceed the existing emoluments by Rs. 100 and the difference, if any, between the existing emoluments plus Rs. 100 and the revised emoluments, so payable shall be allowed as personal pay to be absorbed in future increases in pay.Explanation. - Revised emoluments means the Basic Pay of the teacher in the revised scale.(B)In the case of a teacher drawing basic pay exceeding Rs. 1,800 in the existing scale, the initial pay in the revised scale shall be fixed under the provisions of Fundamental Rule 22, 23 and 31 and for this purpose, his pay in the existing scale shall be deemed to include the dearness allowance, if any, drawn by him.Note 1. - Where a teacher is holding a permanent post and is officiating in a higher post and the scales applicable to these two posts are merged into one scale, the pay shall be fixed under this sub-rule with reference to the officiating post only, provided he has continuously officiated in that post for not less than one year as on the 1st day of January, 1973 and the pay so fixed shall be treated as substantive pay. Where such teacher has not completed one year's continuous service in the higher officiating post as on the 1st day of January, 1973, his pay in the revised scale shall be fixed separately with reference to his substantive pay and officiating pay in the existing scales and his pay in the revised scales fixed with reference to the officiating pay shall be treated as substantive pay in that scale either on confirmation in the higher officiating post or after rendering service for the period by which it fell short of one year on the 1st day of January, 1973, whichever is earlier, provided that in the latter case, it is certified by the appointing authority that he would have continued to officiate in the higher officiating post during this period had the revised scales not been introduced. If, however, the appointing authority certifies that he would have reverted to the lower post during this period, his pay in the revised scale would, from the date on which he would have reverted, be regulated on the basis of the pay fixed on the 1st day of January, 1973, with reference to his substantive pay in the lower post.Note 2. - Where the existing emoluments exceed the revised emoluments in the case of any teacher, the difference shall be allowed as personal pay to be absorbed in future increases in pay.Note 3. - Where in the fixation of pay under clause (b) of paragraph (A) or paragraph (B) the pay of a teacher drawing pay at more than five consecutive

stages in an existing scale gets bunched, that is to say, gets fixed in the revised scale at the same stage, the pay in the revised scale of such of these teachers who are drawing pay beyond the first five consecutive stages in the existing scale shall be stepped up to the stage where such bunching occurs, as under, by the grant of increment(s) in the revised scale in the following manner, namely :-(a)for teachers drawing pay from the 6th up to 10th stage in the existing scale-By one increment.(b)for teachers drawing pay from the 11th up to the 15th stage in the existing, scale, if there is bunching beyond the 10th stage-By two increments.(c)for teachers drawing pay from the 16th up to 20th stage in the existing scale, if there is bunching beyond the 15th stage-By three increments.If by stepping up of the pay as above, the pay of a teacher gets fixed at a stage in the revised scale which is higher than the stage in the revised scale at which the pay of a teacher who was drawing pay at the next higher stage or stages in the same existing scale is fixed, the pay of the latter shall also be stepped up only to the extent by which it falls short that of the former.

Note 4. - Where in the fixation of pay under clause (b) of paragraph (B) the pay of a teacher, who in the existing scale was drawing immediately before the 1st day of January, 1973 more pay than another teacher junior to him in the same cadre, gets fixed in the revised scale at a stage lower than that of such junior his pay shall be stepped up to the same stage in the revised scale as that of the junior.

Note 5. - Where as on the 1st day of January, 1973, a teacher is in receipt of personal pay (including ad hoc increment, if any, on account of stagnation at the maximum of the existing scale) which together with his existing emoluments exceeds the revised emoluments, then, the difference representing such excess shall be allowed to such teacher as personal pay to be absorbed in future increases in pay.

II. Date of next increment in the revised scale : The next increment of a teacher whose pay has been fixed in the revised scale in accordance with rule I shall be granted on the date he would have drawn his increment, had he continued in the existing scale:Provided that in cases where the pay of a teacher is stepped up in terms of Note 3 to rule I, the next increment shall be granted on the completion of qualifying service of twelve months from the date of the stepping up of the pay in the revised scale :Provided further that, in cases other than those covered by the preceding proviso, the next increment of a teacher whose pay is fixed on the 1st day of January, 1975 at the same stage as the one fixed for another teacher junior to him in the same cadre and drawing pay at a lower stage than his in the existing scale, shall be granted on the same date as admissible to his junior, if the date of increment of the junior happens to be earlier.

Explanation. - For the purpose of this rule, increment shall be construed to mean stages in the time scale and not necessarily actual increases in pay (that is to say, where an increment in any scale is not annual, the increment shall be construed as carrying as many stages as the number of years of service required to be rendered for earning an increment).

III. Cases of pay fixation which cannot be covered by the principles enunciated above and also those where the application of the above principles give rise to anomalies should be referred to the Education Department (through the Director of Public Instruction in case of college teachers).

Annexure III Qualifications for recruitment to the posts of Lecturers in the Faculties of Arts and Social Science including Commerce and Science in Universities and Colleges

University Lecturers-(a)A Doctor's degree or published work of an equally high standard;(b)consistently good academic record with 1st or high 2nd class (B +) Master's degree in a relevant subject or an equivalent degree of a foreign University.

Having regard to the need for developing inter-disciplinary programmes, the degrees in (a) and (b) above may be in relevant subjects:Provided that if the selecting authority is of the view that the research work of a candidate as evident either from his thesis or from his published work is of very high standard, it may relax any of the qualifications

prescribed in (b) above : Provided further that if a candidate possessing a Doctor's degree or equivalent published work is not available or is not considered suitable, a person possessing a consistently good academic record (due weightage being given to M. Phil, or equivalent degree or research work of quality) may be appointed on the condition that he will have to obtain a Doctor's degree or give evidence of published work of equivalent high standard within five years of his appointment, failing which he will not be able to earn future increments until he fulfils these requirements. Explanation. - Consistently good academic record means overall record of all assessments throughout the academic career leading to the Master's degree, which should at least be B+ or high second class. College Lecturers-(a) A consistently good academic record with 1st or high 2nd class (B +) at the Master's degree in a relevant subject or an equivalent degree of a foreign University ; and (b) an M. Phil, degree or a recognised degree beyond the Master's level or published work indicating the capacity of a candidate for independent research work: Provided that if a candidate possessing the qualification as at (b) above is not available or not considered suitable, the college, on the recommendation of the selecting authority, may appoint a person possessing a consistently good academic record on the condition that he will have to obtain an M. Phil, degree or a recognised degree beyond the Master's level within five years of his appointment, failing which he will not be able to earn future increment till he obtains that degree or gives evidence of equivalent published work of high standard. Explanation. - Consistently good record would mean overall record of all assessments throughout the academic career leading to the Master's degree, which should at least be B + or high second class. Option Form [Reference para 6 of G.O. No. 372-Edn(CS), dated 7th April, 1975] I do hereby retain my existing scale of pay with all the conditions attached thereto. (Signature with date) (Designation) Countersigned *Vice-Chancellor/ Pro-Vice-Chancellor (for University teachers) Principal/President of the Governing Body (for Colleges)* In case of the Principals the option should be countersigned by the President of the Governing Body of the College concerned.