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PART IV—Bills introduced in the West Bengal Legislative Assembly; Reports of Select Committees presented or to be presented to that Assembly; and Bills published before introduction in that Assembly.

GOVERNMENT OF WEST BENGAL

LAW DEPARTMENT

Legislative

NOTIFICATION

No. 1739-L.—5th December, 2013.—The Governor having been pleased to order, under rule 66 of the

Rules of Procedure and Conduct of Business in the West Bengal Legislative Assembly, the publication of the following Bill, together with the Statement of Objects and Reasons and the Financial Memorandum which accompany it, in the *Kolkata Gazette*, the Bill, the Statement of Objects and Reasons and the Financial Memorandum are accordingly hereby published for general information:—

Bill No. 31 of 2013

**THE WEST BENGAL STATE COUNCIL OF TECHNICAL AND
VOCATIONAL EDUCATION AND SKILL DEVELOPMENT
BILL, 2013.**

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The West Bengal State Council of Technical and Vocational Education and Skill Development Bill, 2013.

(*Chapter I.—Preliminary.—Clauses 1, 2.*)

A BILL

to provide for the establishment of single State Council of Technical and Vocational Education and Skill Development by amalgamating two Councils, namely, the West Bengal State Council of Technical Education and the West Bengal State Council of Vocational Education and Training in order to establish an integrated, appropriate and unified framework to enable appropriate competencies in the skilling of manpower of the State in terms of different trades or skills, and to take steps to strengthen skill development initiatives in a co-ordinated manner and to provide for the matters connected therewith or incidental thereto.

WHEREAS it is expedient to provide for the establishment of single State Council of Technical and Vocational Education and Skill Development by amalgamating two Councils, namely, the West Bengal State Council of Technical Education and the West Bengal State Council of Vocational Education and Training in order to establish an integrated, appropriate and unified framework to enable appropriate competencies in the skilling of manpower of the State in terms of different trades or skills, and to take steps to strengthen skill development initiatives in a co-ordinated manner and to provide for the matters connected therewith or incidental thereto;

It is hereby enacted in the Sixty-fourth Year of the Republic of India, by the Legislature of West Bengal, as follows:-

CHAPTER I **Preliminary**

Short title, extent and commencement.

1. (1) This Act may be called the West Bengal State Council of Technical and Vocational Education and Skill Development Act, 2013.

(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.

Definitions.

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

(a) “affiliated”, in relation to an institution, means affiliated to the Council under this Act;

(b) “Board of Assessment, Examination and Certification” means the Board of Assessment, Examination and Certification constituted by the Council under section 20;

(c) “Board of Studies and Skilling” means the Board of Studies and Skilling constituted by the Council under section 19;

(d) “Chairperson” means the Chairperson of the Council and he shall be the Chief executive of the Council;

(e) “Chief Administrative Officer (CAO)” means the Officer of the Council appointed under section 6 and exercising such powers, and carrying out such functions, as mentioned in section 13;

The West Bengal State Council of Technical and Vocational Education and Skill Development Bill, 2013.

(Chapter II. Council.—Clause 3.)

- (f) “Council” means the West Bengal State Council of Technical and Vocational Education and Skill Development established under sub-section (1) of section 3;
- (g) “Fund” means the West Bengal State Council of Technical and Vocational Education and Skill Development Fund referred to in sub-section (1) of section 24;
- (h) “Institution” means a Polytechnic, Industrial Training Institute, Industrial Training Centre, Schools having Vocational Training and includes such non-Government Institute, Private Vocational Training or Skill Providers, in which instruction is provided for courses in technical education or vocational training or skill development as the State Government may, by notification, specify;
- (i) “member” means a member of the Council and includes the Chairperson, the Vice-Chairperson, the Chief Administrative Officer (CAO);
- (j) “notification” means a notification published in the *Official Gazette*;
- (k) “Polytechnic” means an institution in which instruction is provided for courses of study in technical education leading to a diploma of the Council;
- (l) “prescribed” means prescribed by rules made under this Act;
- (m) “recognized”, in relation to an affiliated institution, means recognized by the Council;
- (n) “regulation” means a regulation made by the Council under this Act;
- (o) “rules” mean rules made by the State Government under this Act;
- (p) “Secretary”, in the appropriate context, means the Member-Secretary of the Council;
- (q) “State Government” means the Government of West Bengal;
- (r) “technical and vocational education and skill development” means a systematic course of instruction and skill training in the field of engineering, technology, agriculture, dairy and poultry, paramedical, social science, applied arts and crafts or vocational trades in service sector or such other subject as the State Government, in consultation with the Council, may, by notification, declare;
- (s) “technical or vocational or skill development institution” means an institution in which skill training is provided in the field of engineering, technology, agriculture, dairy and poultry, paramedical, social science, applied arts and crafts, any subjects related to service sector and such other vocational courses 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 technical or vocational or skill development institutions.

CHAPTER II
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 Technical and Vocational Education and Skill Development.

The West Bengal State Council of Technical and Vocational Education and Skill Development Bill, 2013.

(Chapter II.—Council.—Clauses 4, 5.)

(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 at a place to be notified by the State Government and the Council may, with the prior approval of the State Government, establish offices at any other places in West Bengal.

(4) After the commencement of this Act, the Council shall be solely authorized and responsible for those aspects of technical and vocational education and skill development at all levels in West Bengal.

Aims of the Council.

4. The aims of the Council are—

- (1) to identify and confirm gap in skilled manpower in different sectors, identified by the Central Government and State Government or by any agency of the State Government or through collaborations with Sector Skill Councils (as may be constituted by the State Government from time to time), or the Chambers of Commerce, or the skilled manpower requirements of the various sectors from time to time, to enable suitable interventions for skill development;
- (2) to collaborate with various agencies including Sector Skill Councils, the Chambers of Commerce, the Industries Associations for determination of Occupational Standards (OS) and competency standards in each sector to enable adoption of job description, specific Qualification Packs and derive competency based training course for various job roles leading to assessment and certification based on a national level framework, or as finalized by the State Government thereby facilitating employment or self employment;
- (3) to establish necessary protocol for design and development of uniform course curricula or syllabi and durations thereof, evaluation procedures and standards and certification while recommending training infrastructure or facilities and qualification of trainers etc. needed to conduct such formal or non-formal vocational courses that may be run by the State Government or its agencies;
- (4) to emphasize may be given on national or international practices including nomenclature of the courses in line with nationally recognized courses for facilitating recognition from stake holders.

Composition of the Council.

5. The Council shall consist of the following members:—

- (a) a person of eminence with experience in the field of Technical and Vocational Education or Skill Development or Finance or Law or Industry or in the fields associated with any of the afore-mentioned fields, to be nominated by the Chief Minister; . . . Chairperson;
- (b) Secretary, Department of Technical Education and Training, Government of West Bengal; . . . *ex officio* Vice-Chairperson;

The West Bengal State Council of Technical and Vocational Education and Skill Development Bill, 2013.

(Chapter II.—Council.—Clauses 6, 7.)

- (c) Not more than ten (10) officials with experience and/or expertise in the field of Technical and Vocational Education, Skill Development, Industrial Training, Micro Small Medium Enterprises, Commerce and Industry, Labour, Finance, Law, Social Sector, Education, Technical Teachers' Training or similar field, to be notified by the State Government; . . . *ex officio* members;
- (d) Not more than ten (10) members with experience in the field of, or association with the Development of small Business, Banking, Sector Skills Council, Skill Development, Chambers of Commerce or Industrial Associations etc. to be notified by the State Government; . . . Members;
- (e) Other members—
 - (i) Two members of the West Bengal Legislative Assembly to be nominated by the Speaker, West Bengal Legislative Assembly;
 - (ii) one representative from a professional institute or the Pandit Sunder Lal Sharma Central Institute of Vocational Education, Bhopal;
 - (iii) one representative nominated by Director General of Employment and Training, Government of India; . . . Members;
- (f) Chief Administrative Officer (CAO); . . . Member-Secretary.

Appointments to Council.

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

(2) The name of every person appointed or, as the case may be, nominated under section 5 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 members and removal.

7. (1) Subject to the provisions of this Act, an appointed or nominated member of the Council shall hold office for a term of three years from the date on which his name is published under section 6:

Provided that the State Government shall, if it considers necessary to do so in the public interest on sufficient grounds, remove an appointed or nominated member of the Council.

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(*Chapter II.—Council.—Clauses 8, 9.*)

(2) Notwithstanding the expiry of the term 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.

(3) An appointed or nominated member may resign from his office by submitting his resignation to the Chairperson of the Council.

Casual vacancy.

8. If any casual vacancy occurs among the members of the Council (other than *ex officio* members), 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 6, and the Chairperson or other appointed or nominated member shall hold office for the remaining period for which the person, in whose place he is appointed or nominated, would have held office as the Chairperson, or appointed or nominated member, as the case may be.

Terms and conditions of service of members of Council.

9. (1) No person who has attained the age of sixty-five years shall be eligible to be appointed as Chief Administrative Officer (CAO) and Member-Secretary.

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

(3) Any 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 Chairperson, the Chief Administrative Officer (CAO) and any other member (other than *ex officio* member) shall not be removed from his office except by an order of the State Government.

(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 Chairperson and the Chief Administrative Officer shall be whole-time and salaried, and the other terms and conditions of service of the Chairperson and other members shall, subject to the provisions of this sub-section, be such as may be prescribed by the State Government by notification in the *Official Gazette*.

(7) The Chairperson shall—

- (a) run the Council in conformity with the Act, the rules and the regulations made thereunder;
- (b) be responsible for implementing the decisions of the State Government from time to time for furtherance of the Council;
- (c) be responsible for carrying out and giving effect to the decisions of the Council and of any committee or body constituted by it under the Act;
- (d) be responsible for exercising general supervision over the functions of the Council and shall, through the Chief Administrative Officer, post and transfer the members of the staff and supervise the members of the staff appointed by the Council;

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(Chapter II.—Council.—Clauses 10-15.)

Meetings of Council.

- (e) be entitled to attend and speak at any meeting of the Council; and
- (f) be entitled to vote.

(8) The Chairperson and Vice-Chairperson shall exercise such powers, and perform such functions, as may be prescribed.

Effect of vacancies amongst members or defect in constitution of council on acts or proceedings of Council.

Appointment of Consultants or Associates on a temporary basis by Council for particular purpose.

Staff of Council.

Authentication of orders and other instruments of Council.

Allowance.

10. 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.

11. 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.

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

13. (1) The Council shall have a Chairperson who shall be the Chief Executive Officer of the Council.

(2) The Council shall have Administrative Officer(s) who shall be appointed by the State Government and shall work under the overall guidance of the Chief Administrative Officer (CAO).

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

Provided that the Council may appoint or provide option to the regular officers and other employees of the West Bengal State Council of Technical Education and the West Bengal State Council of Vocational Education and Training constituted before coming into force of this Act, to work in the Council constituted under this Act, with the previous approval of the State Government.

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

14. All orders and decisions of the Council and all other instruments shall be authenticated by the signature of the Chief Executive Officer or any other member authorized by the Council in this behalf, and unless otherwise provided hereinafter, all other instruments issued by the Council shall be authenticated by the signature of the Member-Secretary or any other officer of the Council, duly authorized in the like manner in this behalf.

15. 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 by the State Government.

The West Bengal State Council of Technical and Vocational Education and Skill Development Bill, 2013.

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

CHAPTER III

Powers and functions of Council

Powers and functions of Council.

16. Subject to the provisions of this Act, the Council shall perform the following functions:—

- (i) undertake base line survey on all skills in the technical and vocational education and skill development from time to time in consultation with the State Government and other non- Governmental agencies as the State Government, may, by notification, specify;
- (ii) assess sector specific demand of skilled manpower in consultation with the State Government and other non-Governmental agencies as specified by the State Government in item (i) and on the basis of reports or studies of the State Government, the Central Commission or any Commission or body, in various fields of technical and vocational education and skill development;
- (iii) to prepare report on district-wise skill gap studies for formulating policy decision of the State Government;
- (iv) to involve the stakeholders in formulating occupation standards and competency requirements for various fields of technical and vocational education and skill development;
- (v) to co-ordinate development of technical and vocational education and skill development in West Bengal at all levels;
- (vi) to design skill development courses as per occupation standards assessed by any industry or other non-Government agencies as specified by the State Government in item (i) and develop curricula, course duration etc. considering the gainful employment or self-employment opportunities of the target beneficiaries;
- (vii) to design and develop the course curricula on technical and vocational education and skill development on the basis of market driven trades in respect of such sectors or trades where no course curricula at national level is available or for non-formal courses;
- (viii) to enable suitable on-job training or on-site skill training modules and organize skill or proficiency evaluation and certification in all fields of technical education and vocational training;
- (ix) to take steps for affiliation and recognition of Institutions or other agencies imparting technical and vocational education and skill development, as are not covered under other specific acts or regulations or exempted by such instruments, renewal of affiliation of such institutions or agencies in the State and developing a monitoring and inspection mechanism in order to ensure appropriate implementation of the skill training programme in such institutions or agencies and to check any malfeasance done by such institute or agency, if any, by non-observing the guidelines, orders or regulations of the Council after making consultation with the State Government and disaffiliation of any course in such institution or agency or such institution or agency as a whole, for non-observance of the guidelines, orders or regulations of the Council after making consultation with the State Government;

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

- (x) to accord affiliation to the institutions running diploma or post-diploma programmes in technical education and to oversee the academic functioning of such institutions in conformity with the guidelines of the regulatory bodies of the Central Government and with the consultation of the State Government;
- (xi) to accord affiliation of the institutions running Higher Secondary (10+2) and other vocational education or training based courses and to oversee the academic functioning of such institutions in conformity with the guidelines of the regulatory bodies of the Central Government and with the consultation of the State Government;
- (xii) to regulate all the institutions under its umbrella so far as their academic and examination aspects are concerned in accordance with the provisions of the orders, rules and regulations made under this Act;
- (xiii) to analyse on a regular basis the need of various technical and vocational programmes being run under its aegis and continuously moderate, update and, if need be, add new 'programmes, to frame the curricula of all such courses both in diploma or post-diploma and other vocational education or training based on such need analysis;
- (xiv) to frame the detailed syllabi of each programme based on the curriculum created;
- (xv) to conduct admission process for the polytechnics and institutes running Higher Secondary (10+2) vocational education programme and to conduct semester/term end examinations of all affiliated institutes, to publish results thereof within a reasonable time and to issue diplomas and the certificates, as the case may be, to the successful candidates;
- (xvi) to formulate schemes of in-service training of existing teachers and staff and induction programme for new recruits;
- (xvii) to consider and order cases of transfer of students from one polytechnic or other body of institutions;
- (xviii) to promote research and development in the entire system through the institutes under its affiliation or similar institutes;
- (xix) to issue equivalency certificates for both formal and non-formal courses;
- (xx) to develop a flexible delivery mechanism to impart training in part time, weekends, full time, onsite or offsite mode, keeping in view of the national as well as state policy;
- (xxi) to create, with the prior approval of State Government, Administrative, Technical, Ministerial and other posts under the Council and to make appointments thereto;
- (xxii) to make rules and regulations and by laws for the conduct of the affairs of the Council and to add, to amend, to vary or rescind them from time to time with the approval of State Government;

The West Bengal State Council of Technical and Vocational Education and Skill Development Bill, 2013.

(Chapter III.—Powers and functions of Council.—Clause 17.)

- (xxiii) to perform any other function that the State Government from time to time may direct it to do;
- (xxiv) to administer the Council fund;
- (xxv) to make regulations relating to Provident Fund of the staff of the Council as may be prescribed;
- (xxvi) to make regulations relating to conduct, discipline and appeal in respect of the members of the staff of the Council;
- (xxvii) to delegate, by notification, to any recognised polytechnic or vocational institution such of its powers, and on such conditions, as it may think fit;
- (xxviii) 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 examination instituted by the Council, and the fees to be paid by the candidates for such examinations and rate of centre charges;
- (xxix) 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;
- (xxx) to decide on any other function considered relevant for implementation of the activities of the Council;
- (xxxi) to carryout any other function as may be assigned to it by the State Government with a view to further the purposes of the Act.

(2) Subject to the provisions in the Act or rules made thereunder, the Council shall have the power to make regulations in respect of any matter for proper exercise of its power 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 deems 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 stipulated time frame, 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 Chief
Administrative
Officer.

17. (1) The Chief Administrative Officer (CAO) 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 Chief Administrative Officer (CAO) shall—

- (a) exercise general supervision over members of the staff appointed by the Council and shall post and transfer the members of the staff;
- (b) 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 Technical and Vocational Education and Skill Development Bill, 2013.

(Chapter IV.—Committees of the Council.—Clauses 18, 19.)

(3) The powers and functions of the Chief Administrative Officer shall be notified in the rules under this Act, subject to the above.

CHAPTER IV

Committees of the Council

Executive Committee of Council.

18. (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) Chairperson and Chief Administrative Officer of the Council shall respectively function as the Chairperson and the Member-Secretary of the Executive Committee.

(3) The Chairperson 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 and skilling.

19. (1) The Council shall constitute a Board of Studies and Skilling which shall be responsible for, among others,—

(a) advising the Council on academic matters including norms, standards, curricula and syllabi, facilities, and structure of courses of studies used in the various institutions under the control of the Council;

(b) preparing basic study materials for all subjects of all the years of the various tiers of education run by the Council;

(c) advising the Council on adoption of job-description-specific Qualification Packs and derivation of competency based training course for various job roles in industry based on the prevalent national framework or otherwise, by following qualification parameters similar to ones at the international levels and ensuring uniformity in content, duration and benchmark costs for all the packs;

(d) aligning all current technical or vocational courses run in the State of West Bengal, or similar technical or Vocational courses in schools, colleges and polytechnics to job roles at specific National Vocational Educational Qualification Framework or similar Levels, as well as cause integration with National Vocational Educational Qualification Framework norms.

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

(3) The members of the Board of Studies may be members of the Council.

The West Bengal State Council of Technical and Vocational Education and Skill Development Bill, 2013.

(*Chapter IV.—Committees of the Council.—Clauses 20, 21.—Chapter V.—Finance, Accounts and Audit.—Clause 22.*)

Board of Assessment, Examination and Certification.

20. (1) The Council shall constitute a Board of Assessment, Examination and Certification, in accordance with such regulations as may be made in this behalf, which shall be responsible for, among others,—

- (a) carrying out and supervising the entire functions related to entrance tests/examinations/aptitude assessments and all other examinations and assessments of similar nature or otherwise;
- (b) carrying out and supervising the entire functions related to the examination system and to ensure that conduct of examination and publication of result is done in a transparent manner and in time;
- (c) carrying out and supervising the assessment and certification and awarding of diplomas, certificates etc. to all trainees and students undergoing any Technical and Vocational Education and Skill Development.

Recognition Committee.

21. The Council shall constitute a Recognition Committee to grant or refuse recognition to Institutions, and to withdraw such recognitions in accordance with such regulations as may be made in this behalf.

Budget.

22. (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.

(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—

The West Bengal State Council of Technical and Vocational Education and Skill Development Bill, 2013.

(*Chapter V.—Finance, Accounts and Audit.—Clauses 23, 24.*)

- (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, alternations 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.

(4) The Council shall prepare an annual report giving full account of its activities during the previous year. The Council shall, without fail, keep an account of all its receipts and expenditure which shall be forwarded to the State Government.

(5) The accounts of the Council shall have to be obligatorily audited by an Auditor appointed by the Council every year, apart from the periodic audit that may be conducted by the Accountant General, West Bengal. The audit report has to be submitted to the State Govt. which may take such action on the audit reports as it deems fit.

Payment to
Council by State
Government.

23. The State Govt. 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 1st budget estimate is forwarded to the state govt., that govt. 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 or may make provisions to transfer of available funds/revenues and assets so generated in the existing Council /Society/Body.

Council Fund.

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

- (a) all sums which may be paid by the State Government under section 23;
- (b) all fees realised under any 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.

The West Bengal State Council of Technical and Vocational Education and Skill Development Bill, 2013.

(*Chapter V.—Finance, Accounts and Audit.—Clauses 25-28.*)

(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 or any Scheduled Bank authorized by the State Government, to the credit of the Fund, and all cheques drawn on the Fund shall be signed by the Chairman or by such other persons as he may authorise in writing in this behalf.

Application of Fund.

25. 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.

Annual Report.

26. 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.

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

Audit and Audit Report.

28. (1) Subject to the provisions of the Comptroller and Auditor-General's (Duties, Powers and Conditions of Service) Act, 1971, the Governor of a State may entrust the audit of the accounts of the Council to the Comptroller and Auditor-General.

56 of 1971.

(2) The Council shall supply its auditor with a list of all books of accounts and other books maintained by it and the auditor shall, at all reasonable times, have access to the books, accounts, vouchers and other documents of the Council.

(3) The auditor may, in relation to the accounts of the Council of which he is auditor, examine any member or any officer or employee of the Council, and shall be entitled to require from any officer of the Council such information or explanation, as he may think necessary, for the performance of his duties.

(4) As soon as the accounts of the Council are audited, the Council shall send a copy thereof together with the copy of the report of the auditor thereon to the State Government.

(5) The State Government shall cause the accounts of the Council, together with the audit report thereon forwarded to it under sub-section (4), to be laid annually before the Legislative Assembly.

The West Bengal State Council of Technical and Vocational Education and Skill Development Bill, 2013.

(*Chapter VI.—Supplementary Provisions.—Clauses 29-36.*)

CHAPTER VI

Supplementary Provisions

Council to
Furnish
information.

29. 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.

Power of the State
Government to
suspend
proceedings.

30. If the State Government is of the opinion that any resolution, order or act of the Councils in excess of the power conferred upon the Council or the committee under the 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
deem to be public
servants.

31. 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.

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

Power to make
rules.

33. (1) The State Government shall have the power to make rules under the Act for furtherance of the aims and objectives as enunciated in the Act and as stipulated in the Act.

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

Power to make
regulations.

34. (1) The Council shall have the power to make regulations under the Act as shall be indicated in the rules made under the Act.

(2) The first Regulations for the purposes of this Act shall be made under the Rules made under this Act. The first Regulation 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.

Council to be
guided by
direction of State
Government.

35. The Council shall, in exercising its powers and performing its functions under the Act, be guided by such directions as the State Government may give from time to time. Regarding term and holding of office of all the non *ex officio* members and all other officers and employees of the Council, the Council will be guided by the Rules made under this Act and, in case of any difficulty in interpretation, by the directive of the Government.

Supersession of
Council.

36. (1) If, in the opinion of the State Government, the Council,—
 (a) has persistently made default in performance of its functions under this Act, or
 (b) has exceeded or abused its power, the State Government may, by order published in the *Official Gazette* and stating the reasons thereof, 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.

The West Bengal State Council of Technical and Vocational Education and Skill Development Bill, 2013.

(*Chapter VI.—Supplementary Provisions.—Clauses 37-39.*)

(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.

37. (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 36—

- (a) all the members of the Council and the committees constituted under the 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 Chairperson 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 power, 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 everybody, statutory or otherwise, shall vacate their respective offices as such representatives, and the Administrator may nominate such person or persons to represent the Council on 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 36 and re-establish the Council. On the re-establishment of the Council under sub-section (d), the Administrator shall cease to exercise his powers and perform his duties.

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

Council to
continue as body
corporate.

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

Re-establishment
of Council.

39. (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 5:

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 5 is made, the State Government shall appoint such members from amongst the persons qualified for nomination under clause (c) of section 5.

The West Bengal State Council of Technical and Vocational Education and Skill Development Bill, 2013.

(*Chapter VI.—Supplementary Provisions.—Clauses 40, 41.*)

(4) The members appointed under sub-section (3) shall hold office until the nomination of members referred to in section 5 is made and the names of the members so nominated are published in the *Official Gazette*.

Power to remove difficulties.

40. 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 date of commencement of this Act.

Repeal and saving.

41. (1) The West Bengal State Council of Technical Education Act, 1995 and the West Bengal State Council of Vocational Education and Training Act, 2005, are hereby repealed.

West Ben. Act XXI of 1995.
West Ben. Act VII of 2005.

(2) Notwithstanding such repeals, anything done or any action taken under the West Bengal State Council of Technical Education Act, 1995 and the West Bengal State Council of Vocational Education and Training Act, 2005, shall be deemed to have been validly done or taken under the principal Acts.

(3) Upon such repeal,—

- (a) all properties, funds and assets under the control of the former Councils and all rights, liabilities and obligations acquired or incurred by the former Council before the commencement of this Act shall vest in the Council in accordance with such order as the State Government may make in this behalf;
- (b) all legal proceedings or remedies instituted or enforceable by or against the former Councils before the commencement of this Act may be continued or enforced, as the case may be, by or against the Council as established under this Act, or, until the Council is so established, by or against such officer or authority as the State Government may by order specify;
- (c) all officers and other persons in the employ of the former Councils immediately before the commencement of this Act shall, until other provision is made, continue in the service of the Council;
- (d) all recognised polytechnics and technical institutions, if any, shall be deemed to have been recognised under this Act until the expiration of the period of recognition, subject, however, to the power of the Council to withdraw such recognition in accordance with the provisions of this Act; and
- (e) all syllabi, courses of studies and text-books in force shall, until other provision is made under this Act, continue to be followed.

The West Bengal State Council of Technical and Vocational Education and Skill Development Bill, 2013.

STATEMENT OF OBJECTS AND REASONS.

It is considered necessary to provide for the establishment of single State Council of Technical and Vocational Education and Skill Development by amalgamating two Councils, namely, the West Bengal State Council of Technical Education and the West Bengal State Council of Vocational Education and Training in order to establish an integrated, appropriate and unified framework to enable appropriate competencies in the skilling of manpower of the State in terms of different trades or skills, and to take steps to strengthen skill development initiatives in a co-ordinated manner.

2. It is further considered necessary to introduce uniformity in technical education and vocational training with structured assessment and certification process at par with the national and international best practices.

3. Accordingly, the Bill, namely, the West Bengal State Council of Technical and Vocational Education and Skill Development Bill, 2013, seeks to amalgamate two existing Councils by repealing the West Bengal State Council of Technical Education Act, 1995 (West Ben. act XXI of 1995) and the West Bengal State Council of Vocational Education and Training Act, 2005 (West Ben. Act VII of 2005).

4. The Bill has been framed with the above objects in view.

KOLKATA,
The 4th December, 2013.

UJJAL BISWAS,
Member-in-charge.

FINANCIAL MEMORANDUM.

There is no financial implication involved in the Bill.

KOLKATA,
The 4th December, 2013.

UJJAL BISWAS,
Member-in-charge.

By order of the Governor,

MALAY MARUT BANERJEE,
*Secy. to the Govt. of West Bengal,
Law Department.*