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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. 109-L.—2nd February, 2017.—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 which accompanies it, in the *Kolkata Gazette*, the Bill and the Statement of Objects and Reasons are accordingly hereby published for general information:—

Bill No. 2 of 2017

**THE WEST BENGAL UNIVERSITIES (CONTROL OF EXPENDITURE)
(AMENDMENT) BILL, 2017.**

**A
BILL**

to amend the West Bengal Universities (Control of Expenditure) Act, 1976.

WHEREAS it is expedient to amend the West Bengal Universities (Control of Expenditure) Act, 1976, for the purposes and in the manner hereinafter appearing;

West Ben.
Act XVII of
1976.

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

Short title and
commencement.

1. (1) This Act may be called the West Bengal Universities (Control of Expenditure) (Amendment) Act, 2017.

(2) It shall be deemed to have come into force on and from 1st January, 2017.

*The West Bengal Universities (Control of Expenditure)
(Amendment) Bill, 2017.*

(Clauses 2-4.)

Amendment of section 2 of West Ben. Act XVII of 1976.

2. In section 2 of the West Bengal Universities (Control of Expenditure) Act, 1976 (hereinafter referred to as the principal Act),—

(1) clause (a) shall be renumbered as clause (aa) and before clause (aa) so renumbered, the following clause shall be inserted:—

‘(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 non-teaching employees of the college;’;

(2) after clause (c), the following clause shall be inserted:—

‘(cc) “State Government” means the Government of West Bengal in the Higher Education, Science and Technology and Biotechnology Department;’;

(3) for clause (e), the following clause shall be substituted:—

‘(e) “State-aided University” means a University constituted and incorporated by a State Act and receiving regular grants from the State Government.’

Substitution of new section for section 4.

3. For section 4 of the principal Act, the following section shall be substituted:—

“Retirement of teachers.

4. 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.”

Repeal and savings

4. (1) The West Bengal Universities (Control of Expenditure) (Amendment) Ordinance, 2017, is hereby repealed.

West Ben. Ord. I of 2017.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been validly done or taken under the principal Act as amended by this Act.

STATEMENT OF OBJECTS AND REASONS.

The Central Government, in exercise of its powers conferred under entry 66 of the Seventh Schedule to the Constitution of India has established the University Grants Commission by enacting the University Grants Commission Act, 1956 with a view to providing a mechanism for maintenance of quality and standard of higher education throughout India.

2. The University Grant Commission Regulations, 2010 published in the Gazette of India on 30th June, 2010 mention that the age of superannuation for teachers in central educational institutions has already been enhanced to sixty-five years *vide* the Department of Higher Education, MHRD's No. F. No. 119/2006-U. II dated 23/3/2007. Further *vide* F. No. 1-24/2006-Desk (U) dated 30/3/2007, MHRD allowed the age of superannuation of *vice* Chancellors in central universities to be enhanced from sixty-five to seventy years.

3. There are several representations received by the State Government from the teachers of State-aided Universities and Government-aided colleges requesting the enhancement of their retirement age from 60 years. The reasons for considering such a proposal favourably is the fact that a large number of teaching positions are vacant in the State's higher education system and extension of the age of retirement provides a window of two years within which corrective action can be taken by the State

*The West Bengal Universities (Control of Expenditure)
(Amendment) Bill, 2017.*

Government. Further, in light of the increase in the average life span and improvement in health standards in general, it is felt that experienced teachers even post 60 years of age can contribute positively to the improvement of the academic environment in the State's higher education system. The State Government, considering all aspects in this regard, deems it fit and proper that the retirement age of teachers and similar kind of employees be enhanced from 60 to 62 years.

4. The provisions of section 4 of the West Bengal Universities (Control of Expenditure) Act, 1976 stipulates the retirement age of teachers in all Universities and colleges at 60 years, and thus, it requires to be amended so that the State Government's decision can be implemented.

5. The benefit as declared is required to be implemented urgently so that it could apply to the persons who are in service on 1st January, 2017.

6. As the West Bengal Legislative Assembly was not in session and it was necessary to take immediate action in the matter, an Ordinance, namely, the West Bengal Universities (Control of Expenditure) (Amendment) Ordinance, 2017 (West Ben. Ord. I of 2017) was promulgated.

7. The Bill seeks to replace the said Ordinance by an Act of the State Legislature.

8. The proposed Bill is prepared with the view to achieving the above-mentioned objects.

KOLKATA,
The 2nd February, 2017.

PARTHA CHATTERJEE,
Member-in-charge.

FINANCIAL MEMORANDUM.

The provisions of the Bill, if given effect to, shall have financial implications and there will cause additional recurring expenditure from the Consolidated Fund of the State Government, since the enhancement of retirement age of teachers and similar kind of employees of the State-aided Universities and Government-aided colleges will cause expenditure on account of additional salaries and allowances including enhancement of periodical increment for additional two years. Necessary budgetary provisions will be made in due course in consultation with the Finance Department.

KOLKATA,
The 2nd February, 2017.

PARTHA CHATTERJEE,
Member-in-charge.

By order of the Governor,

MADHUMATI MITRA,
*Secy. to the Govt. of West Bengal,
Law Department.*

Statement under Rule 72 (1) of the Rules and Procedures of the Legislative Assembly

The provisions of section 4 of the West Bengal Universities (Control of Expenditures) Act, 1976 provides the retirement age of teachers and similar kind of employees of the State-aided Universities and Government-aided Colleges in West Bengal as sixty (60) years. The State Government has decided to enhance the retirement age of all such teachers and similar kind of employees from sixty (60) years to sixty-two (62) years with effect from 01.01.2017. Since, the implementation of the above mentioned Government decision was not possible without amending the provisions of section 4 of the above mentioned Act, while, the State Legislative Assembly was not in session at that time, there was no other alternative than to approach His Excellency, the Hon'ble Governor for promulgation of the West Bengal Universities (Control of Expenditures) (Amendment) Ordinance, 2017. On the strength of such Ordinance, the Department has issued relevant Notification enhancing the retirement age of the teachers and similar kind of employees of State-aided Universities and Government-aided Colleges in West Bengal. For these above mentioned reasons, the West Bengal Universities (Control of Expenditures) (Amendment) Ordinance, 2017 was promulgated. Since, the Ordinance will lapse on expiry of six weeks from the date of reassembly of the State Legislature, the West Bengal Universities (Control of Expenditures) (Amendment) Bill, 2017, for replacing the West Bengal Universities (Control of Expenditures) (Amendment) Ordinance, 2017 along with certain other modifications and amendments is placed before the Legislative Assembly for consideration and passing in its current session.