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PART III—Acts of the West Bengal Legislature

GOVERNMENT OF WEST BENGAL

LAW DEPARTMENT

Legislative

NOTIFICATION

No. 77-L.—10th January, 1996.—The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information:—

West Bengal Act XXI of 1995

**THE WEST BENGAL STATE COUNCIL OF TECHNICAL
EDUCATION ACT, 1995.**

[*Passed by the West Bengal Legislature.*]

[Assent of the Governor was first published in the *Calcutta Gazette, Extraordinary*, of the 10th January, 1996.]

An Act to provide for the establishment of an autonomous State Council of Technical Education in West Bengal.

WHEREAS there are guidelines laid down by the All-India Council for Technical Education and the Expert Committee under the Chairmanship of Dr. S. K. Sen, the then Vice-Chancellor, Jadavpur University, for the setting up of an autonomous State Council for Technical Education as a statutory body;

AND WHEREAS it is expedient to establish a State Council of Technical Education in West Bengal, keeping in view the guidelines laid down by the Expert Committee as aforesaid in order to re-organise the present set-up of the State Council for Engineering and Technical Education, West Bengal, so as to develop the standard of technical education in West Bengal and to make that standard at par with the standard prevailing at all-India level, to implement the programme of strengthening the technical education, and to monitor the performance of affiliated polytechnics;

*The West Bengal State Council of Technical
Education Act, 1995.*

(Chapter I.—Preliminary.—Sections 1, 2.—Chapter II.—The Council.—Section 3.)

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

CHAPTER I

Preliminary.

Short title and commencement.

1. (1) This Act may be called the West Bengal State Council of Technical Education Act, 1995.

(2) It shall come into force on such date as the State Government may, by notification, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

- (a) “affiliated” in relation to a polytechnic or a technical institution means affiliated to the Council under this Act;
- (b) “Chairman” means the Chairman of the Council;
- (c) “Council” means the West Bengal State Council of Technical Education established under this Act;
- (d) “Fund” means the West Bengal State Council of Technical Education Fund referred to in sub-section (1) of section 20;
- (e) “member” means a member of the Council, and includes the Chairman and the Vice-Chairman;
- (f) “notification” means a notification published in the *Official Gazette*;
- (g) “polytechnic” means an institution in which instruction is provided for courses of study in technical education leading to a diploma of the Council;
- (h) “prescribed” means prescribed by rules made under this Act;
- (i) “recognised” in relation to an affiliated polytechnic or technical institution means recognised by the All-India Council for Technical Education;
- (j) “regulation” means a regulation made under this Act;
- (k) “rule” means a rule made by the State Government under this Act;
- (l) “technical education” means a systematic course of instruction, research and training in the subject of engineering, technology, architecture, management, pharmacy, applied arts and crafts and such other subject as the State Government, in consultation with the Council, may, by notification, declare;
- (m) “technical institution” means an educational institution in which instruction is provided for courses of study in engineering, technology, or management leading to any diploma or post-diploma certificate, and includes such other institutions as the State Government, in consultation with the Council, may, by notification, declare as technical institutions.

CHAPTER II

The Council.

Establishment and incorporation of Council.

3. (1) The State Government shall, as soon as may be after this Act comes into force, establish a Council to be called the West Bengal State Council of Technical Education.

(2) The Council shall be a body corporate with perpetual succession and a common seal, shall be entitled to acquire, hold and dispose of property, 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 Calcutta and the Council may, with the prior approval of the State Government, establish offices at any other places in West Bengal.

*The West Bengal State Council of Technical
Education Act, 1995.*

(Chapter II.—The Council.—Section 4.)

Composition of
Council.

4. The Council shall consist of the following members:—
- (a) *Chairman and Vice-Chairman*
- (i) the Minister-in-charge of Department of Technical Education and Training, Government of West Bengal, who shall be the *ex officio* Chairman;
 - (ii) a Vice-Chairman to be appointed by the State Government.
- (b) *ex officio members*
- (i) the Regional Officer, Ministry of Human Resource Development, Government of India;
 - (ii) the Secretary, Department of Technical Education and Training, Government of West Bengal, or his nominee not below the rank of Joint Secretary to the Government of West Bengal;
 - (iii) the Secretary, Finance Department, Government of West Bengal, or his nominee not below the rank of Joint Secretary to the Government of West Bengal;
 - (iv) the Secretary, Department of Science and Technology and Non-conventional Energy Sources, Government of West Bengal, or his nominee not below the rank of Joint Secretary to the Government of West Bengal;
 - (v) the Director, Bengal Engineering College (Deemed University), Shibpur, Howrah;
 - (vi) the Director of Technical Education, Government of West Bengal;
 - (vii) the Director of School Education, Government of West Bengal;
 - (viii) the Principal, Technical Teachers' Training Institute;
 - (ix) the Secretary of the Council, who shall be the Member-Secretary;
- (c) *other members*
- (i) two members of whom—
 - (1) one shall be a Professor of the Faculty Council for Post-graduate Studies in Engineering and Technology of the University of Calcutta, nominated by the Vice-Chancellor of that University, and
 - (2) one shall be a Professor of the Faculty Council for Post-graduate and Undergraduate Studies in Engineering and Technology of the Jadavpur University, nominated by the Vice-Chancellor of that University;
 - (ii) two persons to be nominated by the State Government from amongst the technical experts connected with any industry;
 - (iii) six whole-time permanent members of the staff of polytechnics of whom—
 - (1) one shall be a Principal,
 - (2) three shall be Lecturers in Engineering,
 - (3) one shall be from the Lecturers in Science and Humanities, and
 - (4) one shall be teaching staff other than Lecturer in Engineering and Lecturer in Science and Humanities as mentioned in items (2) and (3),
 to be nominated in such manner as the State Government may determine;
 - (iv) one representative of the All-India Council of Technical Education to be nominated by that Council;
 - (iva) two representatives of the students of polytechnics to be nominated by the State Government;
 - (v) one representative of the Institute of Engineers India;
 - (vi) one representative of the Indian Society for Technical Education;
 - (vii) one representative of the Pharmacy Council of India;
 - (viii) one representative of the Confederation of Indian Industries (Eastern Region);
 - (ix) two members of the West Bengal Legislative Assembly nominated by the State Government.

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Education Act, 1995.*

(Chapter II.—The Council.—Sections 5-8.)

Publication of names of nominated or appointed members of Council.

5. The name of every person nominated or appointed under section 4 as a member of the Council shall be published in the *Official Gazette* as soon as may be after the nomination or appointment, as the case may be.

Term of office of members of Council.

6. (1) Subject to the provisions of this Act, a nominated or appointed member of the Council shall hold office for a term of five years from the date on which his name is published under section 5 and may, on the expiry of such term, be re-nominated or re-appointed.

(2) Notwithstanding the expiry of the term of five years specified in sub-section (1), a nominated or appointed 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.

Casual vacancy.

7. If any member dies or resigns his office or ceases to be a member for any other reason, the vacancy in the office of the member shall be filled up by a fresh nomination or appointment under section 4, and the member so nominated or appointed shall hold office for the unexpired portion of the term of office of the member in whose seat he is so nominated or appointed.

Terms and conditions of service of Vice-Chairman and other members.

8. (1) The Vice-Chairman and other members (other than *ex officio* members) shall be appointed by the State Government:

Provided that a person who has not attained the age of sixty-five years shall be eligible to be appointed as Vice-Chairman:

Provided further that it shall be competent for the State Government to make any appointment under this sub-section for a term of less than five years if it considers necessary so to do:

Provided also that the Vice-Chairman or any other member (other than an *ex officio* member) who incurs any disqualification under the rules made in this behalf shall cease to hold the office of Vice-Chairman or member.

(2) The Vice-Chairman or any other member (other than an *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.

(3) The Vice-Chairman or any other member (other than an *ex officio* member) shall not be removed from his office except by an order of the State Government on the ground of wilful omission or refusal to carry out the provisions of this Act or abuse of the powers vested on him and after such inquiry as may be ordered by the State Government when such Vice-Chairman or other member, as the case may be, shall be given an opportunity of making his representation against such removal.

(4) 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.

(5) If any casual vacancy occurs in the office of the Vice-Chairman or any other member (other than an *ex officio* member), 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 by the State Government as soon as may be in the manner provided in sub-section (1). Such Vice-Chairman or other nominated or appointed member shall hold office only for the remainder of the term of office for which the person in whose seat he is so nominated or appointed would have remained as the Vice-Chairman or nominated or appointed member, as the case may be.

(6) The office of the Vice-Chairman and the Member-Secretary shall be whole-time and salaried, and the other terms and conditions of service of the Vice-Chairman and other members shall, subject to the provisions of this sub-section, be such as may be prescribed.

(7) The Chairman, the Vice-Chairman and the Member-Secretary shall exercise such powers and perform such functions as may be prescribed.

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Education Act, 1995.*

*(Chapter II.—The Council.—Sections 9-14.—Chapter III.—
Powers and functions of the Council.—Section 15.)*

Meetings of
Council.

9. 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.

Vacancies
amongst
members or
defect in
constitution not
to invalidate acts
or proceedings of
Council.

10. No act or proceedings of the Council shall be deemed to be invalid by reason of any vacancy in, or any defect in the constitution of, the Council.

Temporary
association of
persons with
Council for
particular purpose.

11. The Council may associate with it in such manner and for such purpose as may be prescribed any person whose assistance or advice is required for carrying out its work. A person associated with the Council for such purpose shall have the right to take part in the discussions relevant to such purpose but shall not have the right to vote at a meeting of the Council and shall not be a member for any other purpose. The Council may associate with it members of medical, engineering and agricultural universities and such other expert bodies as the State Government may, by order, specify with a view to developing co-ordination among the universities.

Staff of Council.

12. (1) The Council shall have a Secretary who shall be appointed by the State Government.

(2) The Council may appoint from time to time officers (other than Secretary) and other employees with the previous approval of the State Government and in accordance with such guidelines as may be prescribed.

(3) The classification and methods of recruitment, conditions of service, pay and allowances, disciplinary conduct and functions and responsibilities of the officers and other employees referred to in sub-section (2) shall be such as may be provided by regulations.

(4) Subject to the general control and supervision of the Vice-Chairman, the Secretary shall be the principal administrative officer of the Council. He shall be entitled to attend and speak at any meeting of the Council and shall also be entitled to vote.

Authentication of
orders and other
instruments of
Council.

13. All orders and decisions of the Council shall be authenticated by the signature of the Chairman or any other member authorised by the Council in this behalf, and all other instruments issued by the Council shall be authenticated by the signature of the Secretary or any other officer of the Council authorised in the like manner in this behalf.

Travelling
allowance.

14. Such members of the Council or of any committee, sub-committee or board constituted under this Act as are not in the service of the State Government shall, in respect of expenses incurred by them 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 them by or under this Act, be paid by the Council such allowances, and at such rates, as may be prescribed.

CHAPTER III

Powers and functions of the Council.

Powers and
functions of
Council.

15. (1) Subject to the provisions of this Act, the Council shall perform the following functions:—

- (i) to undertake survey in various fields of technical education, collect data on all related matters and make forecast of required growth and development in technical education;
- (ii) to co-ordinate development of technical education in West Bengal at all levels;

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Education Act, 1995.*

(Chapter III.—Powers and functions of the Council.—Section 15.)

- (iii) to promote innovation, research and development in established and new technologies, and generation, adoption and adaptation of new technologies to meet development requirements for overall improvement of educational processes;
- (iv) to formulate schemes for promoting technical education for women, handicapped and weaker sections of the society;
- (v) to promote an effective link between technical education system and other relevant systems including research and development organisations, industry and community;
- (vi) to evolve suitable performance appraisal systems for technical institutions imparting technical education, incorporating norms and mechanisms for enforcing accountability;
- (vii) to formulate schemes for initial and in-service training of teachers and identify institutions or centres, and set up new centres for staff development programmes including continuing education of teachers;
- (viii) to lay down norms and standards for courses, curricula, physical and instructional facilities, staff pattern, staff qualifications, quality instructions, assessment and examinations;
- (ix) to take all necessary steps to prevent commercialisation of technical institutions;
- (x) to provide guidelines for admission of students to technical institutions;
- (xi) to inspect or cause inspection of any technical institution;
- (xii) to formulate proposals for strengthening existing organisations, and to set up new organisations, to ensure effective discharge of the Council's responsibilities;
- (xiii) to set up a State Board of Accreditation, to periodically conduct examination of technical institutions on performances on the basis of guidelines, norms and standards specified by the All-India Council of Technical Education and to make necessary recommendation for appropriate action in this regard;
- (xiv) to conduct examinations for the promotion of students belonging to recognised polytechnics or institutions from lower to higher classes, and also to conduct final diploma and post-diploma examinations;
- (xv) to arrange for the publication of results of examinations and for the grant of certificates and diplomas to students who have satisfactorily completed the course of study in any recognised polytechnic or institution and have passed the examinations conducted for the purpose;
- (xvi) to advise the State Government on all matters relating to technical education and training in West Bengal;
- (xvii) to institute and award fellowships (including travelling fellowship), scholarships and studentships, and to award prizes and distinction certificates;
- (xviii) to exercise disciplinary jurisdiction over the students with regard to any matter pertaining to the conduct of examination for award of certificates or diplomas;
- (xix) to co-operate and collaborate, in such manner as it may deem fit, with any body or authority established under any law of the State Legislature or Parliament in promoting general or higher secondary education or education in agriculture, art, commerce or medicine or in any vocational education;
- (xx) to administer the Fund;
- (xxi) to institute and administer such Provident Fund of the staff of the Council as may be prescribed;

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Education Act, 1995.*

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

- (xxii) to make rules and bye-laws relating to conduct, discipline and appeal in respect of the members of the staff of the Council;
- (xxiii) to allow transfer of students from one polytechnic to another;
- (xxiv) to delegate, by notification, to any recognised polytechnic or institution such of its powers, and on such conditions, as it may think fit;
- (xxv) to exercise such other powers, and to perform such other functions, as may be assigned to it by the State Government under this Act for carrying out purposes of this Act;
- (xxvi) to provide by regulations, after considering the recommendations of the examination committee, 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 examinations instituted by the Council, and the fees to be paid by the candidates for such examinations;
- (xxvii) 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;
- (xxviii) to provide by regulations the procedure for filing and disposal of appeals by the members of the teaching and non-teaching staff against the decision of the managing committee of recognised polytechnics or institutions.

(2) Subject to the provisions of sub-section (1), the Council shall have the power to make regulations in respect of any matter for the proper exercise of its powers 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 thinks 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 one month, 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 Vice-
Chairman.

16. (1) The Vice-Chairman 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 Chairman may, in any emergency, exercise any of the powers of the Council provided, however, that he shall not act contrary to any decisions of the Council and shall report to the Council the action taken by him together with the reasons thereof.

(3) The Vice-Chairman shall—

- (a) exercise general supervision over the Secretary and the members of the staff appointed by the Council and shall post and transfer the members of the staff;
- (b) sanction all claims of travelling allowance; and
- (c) 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.

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Education Act, 1995.*

(Chapter IV.—Committee etc. of the Council.—Sections 17, 18.— Chapter V.—
Finance, Accounts and Audit.—Section 19.)

CHAPTER IV

Committee etc. of the Council.

Executive
Committee of
Council.

17. (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) The Vice-Chairman and the Member-Secretary of the Council shall respectively function as the Chairman and the Member-Secretary of the Executive Committee.

(3) The Vice-Chairman 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.

18. (1) The Council shall constitute—

(a) a Board of Studies for all the branches of engineering, technology, safety and such other disciplines as the Council may consider necessary;

(b) a Board of Examinations to look after, and manage, all matters relating to examinations in different branches of engineering and technology and in such other disciplines as the Council may require, and shall arrange for publication of results of such examinations.

(2) The Council may, if it considers necessary, establish such other Board of Studies and committees as it may think fit.

(3) The Board of Studies shall advise the Council on academic matters, including norms, standards, curricula, facilities, and structure of courses of study, falling in its area of concern.

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

(5) The Boards of Studies may be composed, wholly or in part, of the members of the Council.

CHAPTER V

Finance, Accounts and Audit.

Budget.

19. (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.

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Education Act, 1995.*

(Chapter V.—Finance, Accounts and Audit.—Sections 20, 21.)

- (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—
- (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 alternation 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.

Payment to
Council by State
Government.

20. The State Government 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 first budget estimate is forwarded to the State Government, that Government 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.

Council Fund.

21. (1) The Council shall have a Fund to be called the West Bengal State Council of Technical Education Fund to which shall be credited—

- (a) all sums which may be paid by the State Government under section 19;
- (b) all fees realised under any of the 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 other source whatsoever.

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Education Act, 1995.*

(Chapter V.—Finance, Accounts and Audit.—Sections 22-26.)

(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 the United Bank of India or any branch thereof, to the credit of the Fund, and all cheques drawn on the Fund shall be signed by the Vice-Chairman or by such other person as he may authorise in writing in this behalf.

Application of
Fund.

22. No expenditure shall be incurred from the Fund except for the purposes of this Act and unless such expenditure is provided for in the budget estimate as approved under this Act or may be met by reappropriation sanctioned in the prescribed manner.

Annual
report.

23. The Council shall prepare once in every year, in such form and at such time as may be prescribed, an annual report giving a true and full account of its activities during the previous year, and copies thereof shall be forwarded to the State Government.

Accounts.

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

Audit.

25. (1) The accounts of the Council shall, in such manner as may be prescribed, be examined and audited annually by an auditor or auditors appointed by the State Government.

(2) For the purpose of examination and audit under sub-section (1), an auditor appointed under that sub-section may—

- (a) require in writing the production before him of any document relating to the Council or the assets thereof which he considers to be necessary for the proper conduct of the audit;
- (b) require in writing the personal appearance before him of any person accountable for, or having the custody or control of, any such document to answer any question relating thereto; and
- (c) require any person so appearing before him to submit a statement in writing in respect of any such document.

(3) It shall be the duty of the Council and of every member thereof, and of the Secretary and the members of the staff in the service of the Council, to afford to the auditor every facility for the examination and audit of the accounts of the Council and to comply with any requisition made by the auditor under sub-section (2) or with the requirement of any rule made in this behalf.

(4) Any person who wilfully neglects or refuse to comply with a requisition made under sub-section (2) or with the requirement of any rule made in this behalf shall, on conviction, be punishable with fine which may extend to one hundred rupees.

(5) No complaint in respect of any offence punishable under sub-section (4) shall be made except with the previous sanction of the State Government.

(6) No Magistrate other than a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try an offence punishable under sub-section (4).

Audit
report.

26. (1) Not more than fourteen days after completion of the audit, the auditor shall submit to the State Government a report on the accounts audited, and shall send a copy thereof to the Council which shall forward it to the State Government together with its observations thereon.

(2) The State Government may take such action on the audit report as it thinks fit.

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Education Act, 1995.*

(Chapter VI.—Supplementary Provisions.—Sections 27-32.)

CHAPTER VI

Supplementary Provisions.

Council to furnish information.

27. 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 State Government to suspend proceedings.

28. The State Government may, by order in writing, specifying the reasons thereof, suspend the execution of any resolution or order of the Council or any committee constituted under this Act and prohibit the doing of any act which purports to be done or is intended to be done under this Act, if the State Government is of opinion that such resolution, order or act is in excess of the powers conferred by or under this Act upon the Council or the committee, as the case may be.

Certain persons to be deemed to be public servants.

29. 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.

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

Transitory provisions.

31. (1) The Chairman shall make the first regulations for the purposes of this Act.
(2) The first regulations shall remain in force for a period of one year from the date of their commencement or until new regulations are made by the Council under the provisions of this Act, whichever is earlier.

Power to make rules.

32. (1) The State Government may, after previous publication, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

- (a) the acquisition, possession and disposal of property by the Council, the conditions of such acquisition, possession and disposal, and performance by the Council of the functions referred to in sub-section (2) of section 3;
- (b) the composition, powers and functions of Governing Bodies of polytechnics and technical institutions;
- (c) the method of recruitment, the terms and conditions of service including the scales of pay and the rules of discipline relating to the Secretary of the Council;
- (d) the rates at which the Council shall pay travelling allowance to the persons referred to in section 13;
- (e) the Provident Fund referred to in clause (xxi) of sub-section (1) of section 14;
- (f) the form in which the budget estimate of the Council, as referred to in sub-section (1) of section 18, shall be prepared;
- (g) the manner in which all payments to and from the Fund shall be made;
- (h) the manner of reappropriation under section 21;
- (i) the manner and form in which accounts of receipts and expenditure shall be kept under section 23;
- (j) the manner in which examination and audit of the accounts of the Council shall be made;

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(Chapter VI.—Supplementary Provisions.—Sections 33-36.)

- (k) the reports, returns and statements to be furnished by the Council under section 26 and the forms of such reports, returns and statements;
- (l) any other matter required to be prescribed or to be provided for by rules.

Repeal, saving
and validation.

33. (1) The resolution No. 3801-Edn., dated the 3rd August, 1949, made by the State Government constituting the Provisional Council for Engineering and Technical Education (hereinafter referred to as the former Council) and all subsequent resolutions reconstituting the former Council are hereby repealed.

(2) Upon such repeal,—

- (a) all properties and assets under the control of the former Council 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 Council 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 Council 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.

Council to be
guided by
directions of State
Government.

34. The Council shall, in exercising its powers and performing its functions under this Act, be guided by such directions as the State Government may, by notification, give from time to time regarding the scope and content of technical education.

Supersession of
Council.

35. (1) If, in the opinion of the State Government, the Council—

- (a) has persistently made default in the performance of its functions under this Act, or
- (b) has exceeded or abused its powers,

the State Government may, by order published in the *Official Gazette* and stating the reasons therefor, 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.

(2) The State Government may, if it considers necessary so to do, by order extend or modify from time to time the period of supersession which shall in no case in aggregate exceed three years.

Consequences of
supersession.

36. (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 34,—

- (a) all the members of the Council and the committees constituted under this Act shall vacate their offices;

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- (b) all the powers, duties and functions which, under the provisions of this Act or any rule or regulation 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 Chairman or the Vice-Chairman 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 powers, 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 every body, statutory or otherwise, shall vacate their respective offices as such representatives, and the Administrator may nominate such person or persons to represent the Council or 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 34 and re-establish the Council.

(3) On the re-establishment of the Council under sub-section (2), the Administrator shall cease to exercise his powers and perform his duties.

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

37. For the removal of doubts, it is hereby declared that an order of supersession made under section 34 shall not effect or imply in any way the dissolution of the Council as a body corporate.

Council to
continue as
body
corporate.

38. (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 section 4.

Re-
establishment
of Council.

(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 4. If such member or members are not nominated by the specified dates, the State Government shall appoint such member or members from amongst the persons qualified for such nomination.

(3) Until the nomination of members referred to in section 4 is made, the State Government shall appoint such member or members from amongst the persons qualified for nomination under sub-clause (iii) of clause (c) of section 4.

(4) (a) The members appointed under sub-section (2) shall hold office until the nomination of members under section 4 is made.

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

39. 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:

Power to
remove
difficulties.

Provided that no such order shall be made after the expiry of a period of two years from the date of publication of this Act in the *Official Gazette*.

By order of the Governor,

S. MAITRA,
Special Officer & ex officio
Jt. Secy. to the Govt. of West Bengal.