

Government of West Bengal
Higher Education Department
Bikash Bhaban, 6th floor, Salt Lake, Kolkata – 700 091

No. 451-Secy/1C-174L/2013

Date : 20.06.2014

From : Sri S.Ganai, IAS
Secretary in Higher Education Department
Government of West Bengal

To : The Secretary,
Labour Department,
Government of West Bengal

Sub : Exclusion of Government Aided Colleges in West Bengal from the purview of Employees' State Insurance Act, 1948 (34 of 1948)

Sir,

I would like to recall the discussion held on the above subject in the meeting on 8th May, 2014 at your chamber and to bring to your attention the following facts for favour of kind information and consideration.

1. The Labour Department, Government of West Bengal vide Notification being No. 131 – SS/211-6/05 dated 1st February, 2011 published in the Kolkata Gazette on 10th February, 2011 extends the provisions of sub-section (5) of Section 1 of the Employees State Insurance Act, 1948 (34 of 1948) in consultation with the Employees' State Insurance Corporation and with the approval of the Central Government to the classes of establishments specified in column (1) and situated within the areas specified in column (2) of the Schedule in the State of West Bengal wherein under schedule vii) the Educational Institutions (including public, private, aided or partially aided) run by individuals, trustees, societies or other organizations have been brought under the said Act. But no opportunity was given to the Higher Education Department to express its views before inclusion of its Educational Institutions under the purview of the said Act by publication of Labour Department, Government of West Bengal's Notification No. 131 – SS/211 -6/05 Dated 01.02.2011.
2. Now, by virtue of the said Notification dated 10.02.2011, all Government Aided Educational Institutions in West Bengal have come w.e.f 10-02-2011 under the purview of the said Act. Under Section 1(5) of the said Act, as amended, Colleges are required to make registration of employees and pay Employees' State Insurance Contribution regularly.
3. But the fact is that the authorities of Government aided colleges are not in a position to pay any insurance contribution for their employees in terms of provisions of West Bengal Colleges (Payment of Salaries) Act, 1978 (copy enclosed) read with No. 3(250) CGA dated 07-02-1978 of DPI, West

Bengal (copy enclosed). As per the said Act it is obligatory on the part of the colleges to credit to the State Government 75% of the assured income and to utilize balance 25% of such income on recurring non salary items according to the approved schedule. In serial No. 17 of prescribed 'Schedule of expenditure' it is categorically mentioned that no expenditure is admissible on insurance, if any.

4. Again, as per clause 3 (IV) of the West Bengal Universities (Control of Expenditure) Act, 1976 (copy enclosed) no college can incur, except as provided in the rules provided for the purpose, any expenditure, without prior sanction of the State Government.
5. It may also be stated that the teaching and non teaching employees of Government aided colleges are enjoying the benefit of medical allowances with salary apart from other allowances.
6. In the circumstances stated above, it is not feasible on the part of any Government Aided College to register its employees and to pay Employees' State Insurance contribution in terms of the provisions under the ESI Act, 1948.

I would therefore request you to consider the matter in the light of above observations in consultation with ESI Corporation and Government of India and to take necessary action to ensure that Government Aided colleges are excluded from the purview of the Labour Department, Government of West Bengal's Notification No. 131-SS/211-6/05 dated 01-02-2011 as well as of the ESI Act, 1948.

Enclo : As stated

Yours faithfully,



Secretary

No. 451/1()-Secy/1C-174L/2013

Date : 20.06.2014

Copy forwarded for information to –

1. Joint Secretary, CS Branch, Higher Education Department, Government of West Bengal
2. Director of Public Instruction, West Bengal



Secretary

