

Government of West Bengal  
Higher Education Department  
Bikash Bhaban, 6<sup>th</sup> 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 8<sup>th</sup> 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 1<sup>st</sup> February, 2011 published in the Kolkata Gazette on 10<sup>th</sup> 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