

Public Notice

The State Government in the Higher Education Department has drafted a Policy and Guidelines for setting up Private Self-financing colleges in this State. The Policy has now been uploaded on the Higher Education Department's website <http://www.higherednwb.net> and placed in the public domain for public comments and suggestions. Those interested may send their comments on the e-mail feedback.hed.wb@gmail.com latest by 14th January, 2013.

Draft Policy and Guidelines for Setting up Self-financing Degree Colleges in West Bengal

Preamble

To achieve rapid expansion in the higher education sector and to achieve the national target of a Gross Enrolment Ratio of 30% by 2020, the State Government considers it necessary to invite private sector participation in the higher education sector. The State Government is of the view that while the Government will continue to provide financial support to the education sector in the State, its efforts can be supplemented by private investors in the creation of a suitable infrastructure and in the dissemination of higher education. Where desirable and feasible, the Public Private Partnership (PPP) mode can also be used for achievement of the targets set.

In the recent past, the State has witnessed rapid growth in the number of private institutes/colleges offering under-graduate courses in engineering and technology, in accordance with the policies of UGC and statutory bodies such as AICTE, NCTE etc. However, there has not been much private investment in setting up General Degree Colleges. One reason for this is the perceived high demand for engineers and technically-qualified persons in the job market, thereby generating a demand for such courses.

To attract private investment in setting up Degree Colleges, therefore, it would be logical to assume that the skills that have a high 'market / employability quotient' would find a high demand among students across the State. Considering the market conditions and socio-cultural milieu of the State, the courses that are expected to be in demand are: Journalism, mass communication, media studies, law, art, craft, music, dance, computer applications, etc. apart from regular under-graduate courses in the sciences and humanities.

Accordingly, the State Government considers it necessary to frame this Policy and Guidelines to provide a stable and predictable framework of rules for private investment in setting up general degree colleges. The intention of the Policy is to encourage the spread of higher education in

under-served mofussil areas away from Kolkata, where significant demand exists for college studies, considering the steady increase in the number of high school pass outs across the State.

1. Short Title, extent and commencement:-

- (A) The Policy may be called the Policy and Guide-lines for setting up Self-financing Degree Colleges in West Bengal.
- (B) It shall extent to the whole of State of West Bengal.
- (C) It shall come into effect from the date of its approval by the Cabinet of this Government.

2. Application of the Policy:-

The Policy is applicable to all Colleges and Educational Institutions imparting general as well as Professional degrees in the field of Education, Journalism, mass communication, media studies, law, art, craft, music, dance, computer applications and such other subjects as may be prescribed by the State Government from time to time and running on absolutely self-financing basis and strictly in terms of rules and regulations as set forth by the concerned Statutory Bodies as well as the State Government in the Higher Education Department.

3. Definitions:-

In this Policy, unless the context otherwise requires,

- (A) “**Academic year**” in relation to a College comprising a period throughout which academic instruction is being given to the students for a particular year;
- (B) “**All India Council for Technical Education**” means the All India Council for Technical Education established under the All India Council for Technical Education Act, 1987 (Act LXII of 1987);
- (C) “**Bar Council of India**” means the Bar Council of India, established under the Advocates Act, 1961 (Act XXV of 1961);

- (D) **“Council of Scientific and Industrial Research”** means the Council of Scientific and Industrial Research, New Delhi, an autonomous body registered under the Societies Registration Act, 1860 (Act XXI of 1860) constituted in 1942 by a resolution of the then Central Legislative Assembly as an agency of the Central Government;
- (E) **“Dental Council of India”** means the Dental Council of India established under The Dentist s Act, 1948 (Act XVI of 1948);
- (F) **“Department of Science and Technology”** means the Department of Science and Technology of the Ministry of Science and Technology, Government of India;
- (G) **“Director of Public Instruction”** means the Director of Public Instruction, West Bengal, as may be appointed by the State Government;
- (H) **“Fee”** means all fees including tuition fees and development charges;
- (I) **“Higher Education”** means the study of a curriculum or a course of study beyond 10+2 level;
- (J) **“Higher Education Council”** means the Council established under sub-section (1) of Section 3 of The West Bengal State Council of Higher Education Act, 1994 (West Bengal Act XXXVII of 1994);
- (K) **“Medical Council of India”** means Medical Council of India established under the Indian Medical Council Act, 1956 (Act CII of 1956);
- (L) **“Minority”** means a minority notified under Section 2 (f) of the National Commission for Minority Educational Institutions Act, 2004 (Act, II of 2005);
- (M) **“National Council for Teacher’s Education”** means the Council established under National Council for Teacher’s Education Act, 1993 (Act LXXXIII of 1993);
- (N) **“National Assessment and Accreditation Council”** means the National Assessment and Accreditation Council, Bangalore, an autonomous body established by the University Grant Commission;
- (O) **“Regulatory Body”** means –
- i. a body established by the Central Government for laying down norms and conditions for ensuring academic standards of higher education in its designated areas of coverage, such as University Grants Commission, All India Council for Technical Education, Council for Scientific and Industrial Research, Department of Science and

Technology, Distance Education Council, Indian Council of Scientific Research, National Assessment and Accreditation Council, National Council for Teacher Education, Pharmacy Council for India, Bar Council of India, Medical Council of India, Dental Council of India, Indian Nursing Council, Central Council of Homeopathy, Central Council of Indian Medicine, Council of Architecture, Rehabilitation Council of India and such other statutory body as may be established by the Central Government for the purpose of imparting higher education; and

ii. The State Government of West Bengal in the Higher Education Department;

(P) **“Rehabilitation Council of India”** means the Rehabilitation Council of India established under the Rehabilitation Council of India Act, 1992, (Act XXXIV of 1992);

(Q) **“Sponsoring Body”** in relation to a Private College means –

i. a Society registered under the Societies Registration Act, 1860 (Act XXI of 1860);

ii. a Public Charitable Trust established under the Indian Trust Act (Act);
or

iii. a Company registered under section 25 of the Companies Act, 1956 (Act I of 1956);

(R) **“State Government”** means the Government of West Bengal in the Higher Education Department;

(S) **“Student”** means a person enrolled in the University for taking a course of study leading to a degree, diploma or other academic distinction duly instituted by the University including a research degree;

(T) **“Private College”** means the College which is run and administered by a private body not receiving any grants from the State Government.

(U) **“Professional College”** means a College imparting course of study leading to any degree, diploma or certificate in Law, Medicine, Dentistry, Surgery, Homeopathy, Ayurved, Engineering, Technology, Management, Agriculture, Journalism and Mass Communication and such other subjects as may be prescribed.

- (V) **“University Grants Commission”** shall mean the University Grants Commission established under section 4 of the University Grants Commission Act, 1956 (Act III of 1956).
- (W) **“University”** means an educational institution in which instruction is provided for a course of study leading to a Bachelor, Masters or Doctoral degree in any branch of study which is duly constituted and incorporated by an Act of State Legislature and includes:-
- (i) The Bengal Engineering and Science University, Shibpur Act, 2004 (West Bengal Act XIII of 2004),
 - (ii) The Burdwan University Act, 1981 (West Bengal Act XXIII of 1981),
 - (iii) The Calcutta University Act, 1979 (West Bengal Act XXXVIII of 1979),
 - (iv) The Coochbehar Panchanan Barma University Act, 2012 (West Bengal Act of 2012),
 - (v) The Gour Banga University Act, 2007 (West Bengal Act XXVI of 2007),
 - (vi) The Jadavpur University Act, 1981 (West Bengal Act XXIV of 1981),
 - (vii) The Kalyani University Act, 1981 (West Bengal Act XL of 1981),
 - (viii) The Kazi Nazrul University Act, 2012 (West Bengal Act of 2012)
 - (ix) The Netaji Subhash Open University Act, 1997 (West Bengal Act XIX of 1997),
 - (x) The North Bengal University Act, 1981 (West Bengal Act XXV of 1981),
 - (xi) The Presidency University Act, 2010 (West Bengal Act XIII of 2010),
 - (xii) The Rabindra Bharati University Act, 1981 (West Bengal Act XXXVI of 1981),
 - (xiii) The Sidho Kanho Birsha University Act, 2010 (West Bengal Act XII of 2010),
 - (xiv) The Vidyasagar University Act, 1981 (West Bengal Act XVIII of 1981),
 - (xv) The West Bengal State University, (Barasat, North 24 Parganas) Act, 2007 (West Bengal Act XXVIII of 2007),
 - (xvi) The West Bengal University of Technology Act, 2000 (West Bengal Act XV of 2000).

And also includes such other University as may be constituted and incorporate under any Act of State Legislature, for the time being in force.

4. Establishment of new Private Self-financing College:-

- (1) Every new College, proposed and promoted to be established by any Society duly registered under the Societies Registration Act, 1860 (Act XXI of 1860) or by any Trust duly registered under the Trust Act, 1882 (Act II of 1882) or by any Companies duly registered under the Companies Act, 1956, (Act I of 1956) or by any Minority, whether based on religion or language, shall require to apply before the State Government, in appropriate format and in a prescribed manner for the purpose of obtaining permission for running a College on self financing basis within the territory of West Bengal.
- (2) The applicant shall submit an application containing the proposal and eight copies of the detailed project report along with a non-refundable fee of Rs. 1, 00,000/- (Rupee one lakh) for establishment of a Self-financing Under Graduate Degree College to the State Government in the Higher Education Department well in time before the academic year from which it proposes to establish such college.
- (3) The State Government shall for the purpose of giving permission to establish any new College conduct an enquiry to this effect and after satisfactory verification of all physical as well as other requirements may allow such Colleges to be established within West Bengal.
- (4) Every private College as may be established under the provisions of this Section shall necessarily obtain due affiliation from the University having jurisdiction over the area in which such Private College is established.

5. Constitution of a committee by the State Government for examination of the application:

- (A) On receipt of an application containing proposal for setting up of a new Self-financing Under Graduate Degree College and eight copies of the detailed project report along with crossed account payee Bank Draft of Rs. 1, 00,000/-

(Rupees one lakh) or Rs.50, 000/- (Rupees fifty thousand) as the case may be, the State Government shall constitute a committee with such terms of reference as may be necessary to examine the proposal and the detailed project report.

- (B) The committee shall consist of members with representation from -
- (i) the Higher Education Department,
 - (ii) the West Bengal State Council of Higher Education,
 - (iii) the University having jurisdiction, and
 - (iv) the District Administration having jurisdiction.
- (C) The State Government may include in the committee such other members having expertise in financial and legal matters as it considers necessary.
- (D) The committee shall examine the application and detailed project report, visit the location of the proposed college and may call for additional information from the applicant directly and / or take a hearing of such applicant. The committee will specially look into the justification for setting up of a Self-financing Under Graduate Degree College and give views on its feasibility with emphasis on the following points:-

- (i) Strength of the applicant, land and infrastructure in its possession and its ability to establish and run such college;
- (ii) Background of the applicant, its expertise and experience in the field of higher education, its general reputation and its commitment to follow the norms of the regulatory bodies;
- (iii) Financial soundness and assets of the applicant and its ability to set up infrastructure for such college as well as estimated income and expenditure for the first five years of the proposed college;
- (iv) Fee structure including admission fee, registration fee, tuition fee, development fee, boarding fee etc. of the proposed college;
- (v) Whether the students of this State will be benefitted from setting up of such college;

(vi) Suitability of the proposed courses of study for human resource development in the present scenario and the courses has new features and include emerging branches of learning.

(4) The committee, while considering the proposal and the project report, may call for such other information from the applicant as it thinks proper for the purpose. The committee shall submit its report to the State Government preferably within a period of two months from the date of its constitution. While computing the period of two months, the period commencing from the date on which requisition for any information is issued and ending on the date on which requisite information is submitted to the committee shall be excluded.

6. Restrictions on Private Colleges:-

- (A) No Private Colleges shall be permitted to admit students without prior permission of the State Government in writing.
- (B) No new College shall be permitted to conduct examination in any subjects without obtaining affiliation from concerned University.

Explanation- concerned University, for the purpose of this Section shall be such University under whose jurisdiction, the College is established.

Provided that the State Government shall have power to relax the jurisdiction of any University and may permit a College to be affiliated with any other University as it deems necessary for the interest of students.

- (C) No Private University shall be permitted to introduce any Course of Study except those as may be provided and permitted by the affiliating University.
- (D) No Rules regarding constitution of Governing Body of the Private College and the powers and functions of the Governing Body of such Private College shall be adopted by any such College without prior ratification by the State Government.
- (E) The provisions of this Section except as provided under sub-section (4) of this Section, shall also apply to any Private College runs and administers by any Minority, whether based on religion or language, or by any Charitable Trust.

7. Appointment of teachers including Librarian and non-teaching employees in Private Colleges:-

- (A) Every Private College may create as many posts of teachers or Non-teaching employees in the College and may appoint such teachers and non-teaching employees in such posts of their own.
- (B) The State Government shall have power to determine and to prescribe the requisite qualification of every such employees of the College.
- (C) Every Private College shall have power to make regulations regarding terms and conditions of service of every employees of the College in such manner which shall not be detrimental to the interest of the employees and such regulations of Private University shall always be the subject of prior ratification of the State Government.
- (D) The provisions of this Section shall also apply to any Private College run and administered by any Minority, whether based on religion or language, or by any Charitable Trust.

8. Duties towards affiliating University:-

- (A) It shall be the duty of every Private College to fulfill all terms and conditions of affiliation of the University and to receive every instruction regarding academic affairs of the college and to comply with every directions of the affiliating University.
- (B) Every affiliating University shall have power to give directions in relation to academic affairs of every Private Colleges affiliated to such University in such manner as may be provided under the Statute of affiliating University.
- (C) Every University shall submit an annual report regarding academic performance of every Private College affiliated to such University before the State Government and any adverse report of the University may result to withdrawal of recognition of such College by the State Government.

- (D) Every University shall have power to withdraw the affiliation of such Private College whose act shall be proved as detrimental to the interest of the Student or the concerned College has not duly complied with academic instructions and terms and conditions of the affiliation.
- (E) No Private College, whose recognition has been withdrawn by the State Government or who has been de-affiliated by the University, shall be permitted to admit students in any course during the period of such de-affiliation.
- (F) The affiliating University shall post the record of de-affiliation in their official web-site for general information of the public.
- (G) The provisions of this Section shall also apply to any Private College run and administered by any Minority, whether based on religion or language, or by any Charitable Trust

9. Powers of State Government:-

- (A) No Private College shall be allowed to levy any fees or charges upon any Students except the fees and charges as may be fixed by the State Government or by the affiliating University.
- (B) The State Government shall have power to conduct inspection to every Private College with prior notice to be served upon them, of its infrastructural requirements, and the administrative as well as financial business, in such manner as may be prescribed;

Provided that the provisions of this sub-section shall not apply to any college, absolutely run and managed by any Minority, whether based on religion or language.

- (C) Notwithstanding anything contained in the proviso to sub-section (2) of this Section, the affiliating University shall have power to conduct inspection of any Private University affiliated to such University, in relation to its academic affairs.
- (D) Notice will be drawn of every proceedings of inspection of the College during renewal of recognition by the State Government or renewal of affiliation by the University.
- (E) The State Government shall have power to give directions to any such Private College in effecting the provisions of this Chapter.

10. Format of the detailed project report:

The detailed project report shall contain the following particulars:-

- (a) Name and address of the applicant (a person or a Society or a Trust or a Company);
- (b) Evidence of registration in case of Society, Trust or Company:
 - (i) Whether the society is registered under the Societies Registration Act, 1860 (Central Act XXI of 1860) or the Trust is duly registered under the Indian Trusts Act, 1882 (Central Act II of 1882) or the Company is duly registered under the Companies Act, 1956 (Central Act I of 1956)
 - (ii) Registration Number
 - (iii) Date of Registration
 - (iv) Place of Registration(Copy of Registration of Society / Trust / Company along with details of constitution, memorandum of association of the Society / Trust/ Company to be attached)
- (c) Details of financial resources of the applicant for the last five years;
- (d) The name and location of the proposed Self-financing Under Graduate Degree College;
- (e) Aims and objectives of the proposed Self-financing Under Graduate Degree College ;
- (f) Details of land (name of Mouza, P.S., J. L. No., Khatian No., Plot No., Area, classification of land etc.);
- (g) Details of plan for campus development such as construction of buildings, development of structural amenities and infrastructural facilities to be undertaken before the college starts functioning (minimum carpet area of building is required to be 2000 sq. mtr);
- (h) Blue-print for campus development programme to be undertaken during first five years in phased manner after commencement of functioning of the private

university college and phased outlays of capital expenditure and sources of finance for those five years;

- (i) The nature and type of courses of study which are proposed to be undertaken by the college and their relevance to the development goal and employment needs of the State and course-wise enrolment target;
- (j) The experience and expertise in the concerned disciplines at the command of the applicant;
- (k) The scheme for mobilizing resources internally and externally;
- (l) Details of proposed fee structure along with proposal of fee concession / fee exemption for the poor and physically handicapped students;
- (m) Details of Endowment Fund - a sum of Rs. 10,00,000/- (Rupees ten lakh) is required to be kept in savings account in a Nationalized Bank for the proposed college;
- (n) Admission procedure to be followed for students to different courses of the proposed college;
- (o) Procedure to be followed for appointment of permanent Faculty having requisite educational and professional qualifications as per UGC norms for the proposed college;
- (p) Procedure to be followed for appointment of officials having requisite educational and professional qualification as well as non-teaching staff for the proposed college;
- (q) Special activities and /or skill development activities that the college wants to run in response to local necessity;
- (r) Details of playground, auditorium and other facilities available or proposed to be created for games, sports, culture and extracurricular activities like NCC, NSS, Scouts and Guides etc;
- (s) Perspective programme / arrangement for academic auditing;
- (t) Any other information that the applicant will like to share.

11. Constitution of a committee by the State Government for examination of the application:

(1) On receipt of an application containing proposal for setting up of a new Self-financing Under Graduate Degree College and eight copies of the detailed project report along with crossed account payee Bank Draft of Rs. 1, 00,000/- (Rupees one lakh) or Rs.50, 000/- (Rupees fifty thousand) as the case may be, the State Government shall constitute a committee with such terms of reference as may be necessary to examine the proposal and the detailed project report.

(2) The committee shall consist of members with representation from -

- (i) the Higher Education Department,
- (ii) the West Bengal State Council of Higher Education,
- (iii) the University having jurisdiction, and
- (iv) the District Administration having jurisdiction.

The State Government may include in the committee such other members having expertise in financial and legal matters as it considers necessary.

(3) The committee shall examine the application and detailed project report, visit the location of the proposed college and may call for additional information from the applicant directly and / or take a hearing of such applicant. The committee will specially look into the justification for setting up of a Self-financing Under Graduate Degree College and give views on its feasibility with emphasis on the following points:-

- (vii) Strength of the applicant, land and infrastructure in its possession and its ability to establish and run such college;
- (viii) Background of the applicant, its expertise and experience in the field of higher education, its general reputation and its commitment to follow the norms of the regulatory bodies;

- (ix) Financial soundness and assets of the applicant and its ability to set up infrastructure for such college as well as estimated income and expenditure for the first five years of the proposed college;
- (x) Fee structure including admission fee, registration fee, tuition fee, development fee, boarding fee etc. of the proposed college;
- (xi) Whether the students of this State will be benefitted from setting up of such college;
- (xii) Suitability of the proposed courses of study for human resource development in the present scenario and the courses has new features and include emerging branches of learning.

(4) The committee, while considering the proposal and the project report, may call for such other information from the applicant as it thinks proper for the purpose. The committee shall submit its report to the State Government preferably within a period of two months from the date of its constitution. While computing the period of two months, the period commencing from the date on which requisition for any information is issued and ending on the date on which requisite information is submitted to the committee shall be excluded.

12. **Decision of the State Government in respect of the proposal and issue of Letter of Intent:**

(1) On the basis of the report of the committee, the State Government shall take a decision. If the State Government wants to have further information from the applicant, it can call for such information directly from the applicant to arrive at a decision.

(2) If the State Government is not satisfied, it shall inform the applicant preferably within two months from the date of receipt of the report of the Committee that their proposal has been rejected.

(3) If the State Government is satisfied that it is advisable to establish the proposed college, it may issue a Letter of Intent and ask the applicant for compliance of conditions prior to such permission.

(4) The Letter of Intent shall call for compliance of the following terms and conditions by the applicant:-

(i) establishment of an endowment fund of Rs. 10,00,000/- (Rupees ten lakh) and in case of difficult areas Rs.7,00,000/- (Rupees seven lakh) for the proposed college in a nationalized bank which will be kept as reserve fund for development of such college;

(ii) Ownership or settlement of land (minimum five or two acres as the case may be) in favour of the proposed college;

(iii) Construction of a minimum 2,000 sq. meters of covered space for carrying on administrative and academic functions at the beginning;

(iv) purchase of books and journals of at least Rs.5, 00,000/- (Rupees five lakh) or as per the norms of regulating bodies, whichever is higher and submit an affidavit in non-judicial stamp paper of Rs.10/- to invest within first five years not less than Rs.10, 00,000/- (Rupees ten lakh) or as per the norms of regulating bodies, whichever is higher on books, journals, computers, library networking and other facilities in the library;

(v) purchase of equipments, computers, furniture and other infrastructural facilities other than building worth Rs. 10,00,000/- (Rupees ten lakh) or as per the norms of regulating bodies, whichever is higher and submit an affidavit in non-judicial stamp paper of Rs.10/- to invest within first five years not less than Rs.25,00,000/- (Rupees twenty five lakh) or as per the norms of regulating bodies, whichever is higher on equipments, computers, furniture and other infrastructural facilities other than building;

(vi) submit an affidavit in non-judicial stamp paper of Rs.10/- to the effect that the proposed college shall observe the provisions of the Act, Rules, Statutes, Ordinances and Regulations of the State Government, affiliating University and UGC or any other regulatory body in the matter of appointment of Principal and full time teachers of

the college, their pay and allowances, provident fund and other welfare programmes etc.;

(vii) submit an affidavit in non-judicial stamp paper of Rs.10/- for observing all other conditions as may be prescribed by the Act, Rules, Statutes, Ordinances and Regulations of the State Government, affiliating University and UGC or any other regulatory body as may be amended from time to time;

13. Compliance of conditions of Letter of Intent by the applicant and issue of “No Objection Certificate” by the State Government:

(1) After compliance of conditions as stated in the Letter of Intent, the applicant shall submit compliance report to the State Government within a maximum period of six months from the date of issue of the Letter of Intent.

(2) On receiving the compliance report, the State Government shall satisfy itself about the compliance of all such conditions by causing a further inspection of the land, building and infrastructural facilities built-up for the proposed college and by verifying such necessary papers /documents which may be considered necessary by it. The State Government may take the assistance of the committee constituted under sub-para (2) of para 3 in this respect.

(3) On being satisfied about compliance of all terms and conditions, the State Government shall issue direction to the applicant to pledge a security fund, within one month, in the name of the Director of Public Instructions, West Bengal, through a fixed deposit of Rs.3, 00,000/- (Rupees three lakh) and in case of difficult areas Rs.1, 00,000/- (Rupees one lakh) to be kept as security deposit in a nationalized bank.

(4) The fund shall be used as security deposit to ensure that the Self-financing under Graduate Degree College functions as per provisions of the Act, Statues, Ordinances and Regulations of the State Government, affiliating University and UGC or any other regulatory body. The Government shall have the powers to forfeit the security deposit in case the college contravenes or violates any of the provisions of the Act, Statues,

Ordinances and Regulations of the State Government, affiliating University and UGC or any other regulatory body.

(5) After the security fund is deposited by the applicant, the State Government in the Higher Education Department shall immediately issue “No Objection Certificate” to the applicant for setting up the proposed Self-financing Under Graduate Degree College with a copy to the Chairman of West Bengal State Council of Higher Education, the Vice Chancellor of University having jurisdiction, and the concerned District Magistrate for information and taking necessary action.

(6) On receipt of “No Objection Certificate” from the State Government, the applicant will be required to apply separately to the Vice Chancellor of the University having jurisdiction for extending affiliation to the proposed college.

14. Authority of the State Government to inspect Self-financing Degree College:

The State Government shall have the right to cause inspection of all records and premises of the Self-financing under Graduate Degree College at any given time. In the event of the college violating conditions set forth in the Act, Rules, Statutes, Ordinances and Regulations of the State Government, affiliating University and UGC or any other regulatory body, the State Government may call for relevant information from the concerned college in whatsoever form as may be prescribed at the relevant time.