

©
West Bengal Act XXXVIII of 1979¹
THE CALCUTTA UNIVERSITY ACT, 1979.

AMENDED

West Ben. Act XLIV of 1980.
West Ben. Act XXII of 1983.
West Ben. Act XXV of 1983.
West Ben. Act XX of 1986.
West Ben. Act X of 1987.
West Ben. Act VIII of 1988.
West Ben. Act XXIII of 1990.
West Ben. Act XVI of 1992.

[31st December, 1979.]

An Act to provide for the reconstitution of the University of Calcutta and for certain matters incidental thereto and connected therewith.

WHEREAS it is expedient to reconstitute the University of Calcutta to enable it to function more efficiently as a University encouraging and providing for instruction, teaching, training and research in various branches of learning and courses of study, promoting advancement and dissemination of knowledge and learning, and extending higher education, to meet the growing needs of society and to make the constitution of various authorities or bodies of the University more democratic;

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

CHAPTER I

Preliminary

1. (1) This Act may be called the Calcutta University Act, 1979.

(2) This section and section 59 shall come into force at once; and the remaining provisions of this Act shall come into force on such date or dates as the State Government may, by notification in the *Official Gazette*, appoint, and different dates may be appointed for different provisions of this Act.

Short title
and
commence-
ment.

¹For Statement of Objects and Reasons, see the *Calcutta Gazette, Extraordinary*, Part IV of the 21st March, 1979, page 583; for report of the Select Committee, see the report of that Committee presented before the Assembly on the 18th September, 1979, for proceedings of the West Bengal Legislative Assembly, see the proceedings of the meetings of that Assembly held on the 3rd April, 1979 and 19th September, 1979.

(Chapter I.—Preliminary.— Section 2.)

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

- (1) "affiliated" in relation to a college or an institution means affiliated to the University of Calcutta as constituted prior to the appointed day and continuing as such immediately before such day or affiliated to the University under this Act;
- (2) "appointed day" means the date referred to in sub-section (5) of section 59;
- (3) "Calcutta" means Calcutta as defined in the Calcutta Municipal Act, 1951, excluding the area referred to in clause (2) of section 5 of the Jadavpur University Act, 1955;
- (4) "Calcutta University Students' Union" means the students' union recognized as such by the University;
- (5) "constituent college" means an affiliated college in which instruction is provided, under prescribed conditions, for honours as well as for post-graduate courses of study, and which is recognized under this Act as a constituent college:

Provided that, if in any professional subject no honours courses of study have been prescribed, a professional college may be a constituent college although no instruction is provided in that college for honours courses of study in that subject;
- (6) "convocation" means a meeting of the Senate for the purpose of conferring degrees, titles, diplomas, certificates or other academic distinctions;
- (7) "employee" in relation to the University means a person other than a Teacher or an officer, employed by the University;
- (8) "financial year" means the year ending on the 31st day of March;
- (9) "Government College" means a college maintained and managed by the State Government;
- (10) "Governor" means the Governor of the State of West Bengal;
- (11) "hall" means a unit of residence of students maintained by the University;
- (12) "hostel" means a unit of residence for students, not maintained by the University but recognised under this Act as a hostel;

West Ben.
Act XXXIII
of 1951.
West Ben.
Act XXXIII
of 1955.

XXXVIII of 1979.]

(Chapter I.—Preliminary.— Section 2.)

- (13) "Librarian" means,—
- (a) in relation to the University, a Librarian or any other person holding a post of Librarian, by whatever name called, appointed or recognized as such by the University, and
 - (b) in relation to a college affiliated to the University, a Librarian or any other person holding a post of Librarian, by whatever name called, appointed or recognized by the University or appointed by such college;
- (14) "Minister" means the Minister-in-charge of Higher Education appointed as such by the Governor;
- (15) "non-teaching staff" means,—
- (a) in relation to the University, the non-teaching staff, not holding any teaching post (including part-time teaching post), appointed or recognized as such by the University, and
 - (b) in relation to an affiliated college, the non-teaching staff, not holding any teaching post (including part-time teaching post), appointed or recognized by the University or appointed by such college, but does not include a Librarian;
- (16) "prescribed" means prescribed by Statutes or Ordinances or Regulations;
- (17) "Principal" means the head of a college or of an institution, by whatever name called;
- (18) "professional college" means a University College or an affiliated college in which instruction is provided primarily for courses of study leading to any degree, diploma or certificate of the University in any professional subject and which is recognized under this Act as a professional college;
- (19) "professional subject" means any of the following subjects namely, law, medicine, dental science, homoeopathy, ayurved, engineering, teachers' training, technology, agriculture, journalism, management, studies or such other subject as may be prescribed by regulations;

(Section 2.)

- (20) "registered graduate" means a graduate registered under this Act, at least three months prior to the date of election of members to the Senate, on application in the prescribed form and on payment of a fee of rupee one and includes a graduate registered under the Calcutta University Act, 1904, or under the Calcutta University Act, 1951, or under the Calcutta University Act, 1966;

8 of 1904.
West Ben.
Act XVIII of
1951.
West Ben.
Act II of
1966.

Provided that no person shall be eligible to be registered under this Act unless he has graduated himself from the University at least three years prior to the date of election of members to the Senate;

- (21) "Statutes", "Ordinances", and "Regulations" mean, respectively, the Statutes, Ordinances and Regulations made under this Act, and they shall be deemed to be rules within the meaning of clause (36) of section 3 of the Bengal General Clauses Act, 1899;
- (22) "Students' Union" in relation to an undergraduate college means the students' union recognized as such by such college;
- (23) "Teacher" means a Professor, Reader, Principal, Lecturer, Demonstrator, Tutor or any other person, holding a teaching post including a part-time teaching post, appointed or recognized by the University or appointed by an affiliated college or institution;
- (24) "Teacher of the University" means a Professor, Reader, Lecturer or any other person, holding a teaching post including a part-time teaching post, appointed or recognized as such by the University;
- (25) "the University" means the University of Calcutta as constituted under this Act;
- (26) "Tripura Council" means the Tripura Autonomous Council for the Agartala Post-graduate Centre and the affiliated colleges of Tripura;
- (27) "University College" means a college, or an institute or a college combined with an institute, maintained and managed by the University, whether established by it or not;
- (28) "University Laboratory", "University Library", "University Museum" or "University Institution" means a laboratory, a library, a museum or an institution, as the case may be, maintained and managed by the University, whether established by it or not;

Ben. Act I of
1899.

XXXVIII of 1979.]

(Chapter II.—The University and its officers.— Sections 3, 4.)

- (29) "University Professor", "University Reader" or "University Lecturer" means a Professor, Reader or Lecturer appointed or recognized as such by the University.

CHAPTER II

The University and its officers

3. (1) The first Chancellor and the first Vice-Chancellor of the University and the first members of the Senate and the Syndicate, and all persons who may hereafter become the Chancellor or the Vice-Chancellor of the University or the members of the Senate or the Syndicate, so long as they continue to hold such office or membership, shall constitute a body corporate by the name of the University of Calcutta.

The
University.

(2) The University shall have perpetual succession and a common seal and shall sue and be sued by the name of the University of Calcutta.

4. The University shall have the following powers, namely:—

Powers of
the
University.

- (1) to encourage and provide for instruction, teaching, training and research in such branches of learning and courses of study as it may think fit, and generally to promote the advancement and dissemination of knowledge and learning, and the extension of higher education;
- (2) to establish, maintain and manage colleges, libraries, laboratories, museums and such other institutions or centres for study and research as it may deem necessary;
- (3) to provide for specialisation of studies in colleges and for organization by colleges of common laboratories, libraries, museums and other institutions or centres for study and research work;
- (4) to affiliate to itself or to recognize colleges or institutions or centres;
- (5) to recognize affiliated colleges as constituent colleges or professional colleges and to withdraw recognition of any such college;
- (6) to prescribe for colleges, other than Government Colleges,—
 - (a) the constitution, powers and functions of their Governing Bodies,
 - (b) the terms and conditions of service and emoluments for posts of Principals, Teachers and such other employees as it may deem fit, and
 - (c) the rules for Provident Funds;

(Chapter II.—The University and its officers.— Section 4.)

- (7) to prescribe for colleges the rules for Teachers' Councils;
- (8) to provide for the inspection, or investigation into the affairs, of colleges or institutions recognised by it or affiliated to it and to exercise general supervision and control over them;
- (9) to disaffiliate a college or an institution in any subject or subjects, or to withdraw affiliation or recognition of colleges or institutions, if necessary;
- (10) to take over for a period of twelve months the management of any college or institution, affiliated to, or recognised by, the University, other than a Government College or institution, in order to ensure that proper standards of teaching, training or instruction are maintained therein;

Provided that the University may, if it considers it necessary so to do, extend such period so, however, that the aggregate period shall not exceed eighteen months;

- (11) to dissolve the Governing Body of any affiliated, constituent or professional college or institution, other than a Government College, and, pending reconstitution of the Governing Body thereof in such manner as may be prescribed, to appoint an Administrator or an ad hoc Governing Body;

Provided that the reconstitution of the Governing Body shall be made within a period of twelve months from the date of dissolution:

Provided further that the University may, if it considers it necessary so to do, extend such period so, however, that the aggregate period shall not exceed eighteen months;

- (12) to institute Professorships, Readerships, Lectureships, and other teaching posts required by the University and to appoint persons to such Professorships, Readerships, Lectureships or other teaching posts, or to recognize persons as Professors, Readers or Lecturers of the University, or as holders of other teaching posts of the University;
- (13) to create posts, as and when required, of officers and employees of the University besides those provided for in this Act;
- (14) to prescribe, subject to the provisions of this Act, the constitution, powers and duties of the Boards of Studies, the Finance Committee, and other bodies;
- (15) to prescribe the powers and duties of officers of the University

* * * ;

¹The words "other than the Chancellor" were omitted by s. 2(a) of the Calcutta University (Amendment) Act, 1980 (West Ben. Act XLIV of 1980).

XXXVIII of 1979.]

(Chapter II.—The University and its officers.— Section 4.)

- (16) to prescribe, subject to the provisions of this Act, the terms and conditions of service, including the rules of conduct and discipline, and the emoluments for all posts of Teachers and employees of the University and for all posts of officers
* * *;
- (17) to make provisions for provident and other funds for the Teachers and for officers and employees of the University
* * *;
- (18) to institute degrees, titles, diplomas, certificates, and other academic distinctions;
- (19) to hold examinations and to confer degrees, titles, diplomas, certificates and other academic distinctions on persons who—
 - (a) shall have pursued an approved course of study in an affiliated, constituent, professional or University College or a University Laboratory unless exempted therefrom in the manner prescribed, and shall have passed the prescribed examinations of the University, or
 - (b) shall have carried on research under conditions prescribed;
- (20) to withdraw or to cancel degrees, titles, diplomas, certificates or other academic distinctions under such conditions as may be prescribed by Statutes and after giving the person affected a reasonable opportunity to present his case;
- (21) to confer honorary degrees or other academic distinctions under conditions prescribed;
- (22) to prescribe fees or other charges for examinations and other purposes, and to demand and receive the fees or other charges so prescribed;
- (23) to establish, maintain and manage halls, to recognize hostels, and to withdraw such recognition;
- (24) to provide for the promotion of the health and welfare of students and of discipline among them;
- (25) to co-ordinate the activities of, and give financial aid to, affiliated or recognized colleges and institutions;
- (26) to make grants to the National Cadet Corps from the University Fund;

¹The words "other than the Chancellor" were omitted by s. 2(b) of the Calcutta University (Amendment) Act, 1980 (West Ben. Act XLIV of 1980).

²The words "other than the Chancellor" were omitted by s. 2(c), *ibid.*

[West Ben. Act

(Chapter II.—The University and its officers.— Section 5.)

- (27) to enter into an agreement with the Government or with any person, body or authority for the taking over by the University of the management of any college or institution, including its assets and liabilities, or for any other purpose not repugnant to the provisions of this Act;
- (28) to acquire, hold and dispose of property, movable and immovable, and to make grants and advances for furthering any of its objects;
- (29) to accept and administer gifts, endowments and benefactions, for the furtherance of any of its objects for the University or for or on behalf of any college or institution established by, affiliated to, or recognized by, the University, and to institute awards, fellowships, travelling fellowships, scholarships, studentships, stipends, bursaries, exhibitions, medals and prizes;
- (30) to accept grants and to raise loans or to accept loans from the Central or any State Government or the University Grants Commission, and with the approval of the State Government also from other sources;
- (31) to co-operate with other universities, institutions and educational authorities in matters that relate to and further the educational objectives of the University;
- (32) generally to do all such acts and things as may be necessary or desirable for, or incidental to, the advancement of the objects or purposes of the University.

Jurisdiction
of the
University.

5. (1) Save as hereinafter otherwise provided, the local limits of jurisdiction of the University (hereinafter referred to as the territorial limits of the University) shall extend to the whole of West Bengal, but nothing in this Act shall affect the powers exercised or exercisable by the university known as Rabindra Bharati established and incorporated under the Rabindra Bharati Act, 1961.

(2) Notwithstanding anything in sub-section (1), the territorial limits of the University shall not include any area which, for the time being, is included within the local limits of jurisdiction of any other university, not being the university known as Rabindra Bharati referred to in sub-section (1), established by law within West Bengal.

(3) The University shall, in respect of every college or institution situated outside the territorial limits of the University, but deemed to be affiliated to it on the appointed day under clause (b) of sub-section (9) of section 59, continue to exercise the powers conferred by or under this Act until such college or institution is disaffiliated in accordance with the provisions of this Act.

West Ben.
Act XXIX
of 1961.

XXXVIII of 1979.]

(Chapter II.—The University and its officers.— Sections 6-8.)

(4) Any college or institution situated outside the territorial limits of the University may, with the sanction of the State Government, apply to the University for admission to the privileges of the University, and such college or institution may, subject to such conditions and restrictions as the University may, with the approval of the State Government, think fit to impose, be admitted to the privileges of the University.

6. The following shall be the officers of the University:—

Officers of
the
University.

- (1) the Vice-Chancellor;
- (2) the Pro-vice-Chancellor for Academic Affairs;
- (3) the Pro-Vice-Chancellor for Business Affairs and Finance;
- (4) the Registrar;
- (5) persons holding such other posts as may be declared by Statutes to be posts of officers of the University.

7. (1) The Governor shall, by virtue of his office, be the Chancellor of the University. He shall be the head of the University and the President of the Senate and shall, when present, preside at the meetings of the Senate.

The
Chancellor.

* * * * *

(3) The Chancellor shall exercise such powers as may be conferred on him by or under the provisions of this Act.

(4) Where power is conferred upon the Chancellor to make nominations to any authority or body of the University, the Chancellor shall, to the extent necessary, nominate persons to represent interests not otherwise adequately represented.

(5) Every proposal to confer any honorary degree shall be subject to confirmation by the Chancellor.

8. (1) The Vice-Chancellor shall be appointed by the Chancellor on the unanimous recommendation of the Senate. If the Senate fails to make any such recommendation, the Vice-Chancellor shall be appointed by the Chancellor in consultation with the Minister from a panel of three persons to be elected by the Senate in accordance with the system of proportional representation by means of the single transferable vote.

The Vice-
Chancellor.

(2) (a) The Vice-Chancellor shall hold office for a period of four years or till he attains the age of 65 years, whichever is earlier, and shall, subject to the provisions of this section, be eligible for re-appointment for a period not exceeding four years.

¹Sub-section (2) was omitted by s. 3 of the Calcutta University (Amendment) Act, 1980 (West Ben. Act XLIV of 1980).

(Chapter II.—The University and its officers.— Section 9.)

(b) The Chancellor may, notwithstanding the expiration of the term of the office of the Vice-Chancellor or his attaining the age of 65 years, allow him to continue in office till a successor assumes office, provided that he shall not continue as such for any period exceeding one year.

¹(3) The Vice-Chancellor shall be a whole-time officer of the University and shall be paid from the University Fund such salary and allowances as the Chancellor may decide in consultation with the State Government.

(4) The Vice-Chancellor may resign his office by writing under his hand addressed to the Chancellor.

(5) If—

- (a) the Vice-Chancellor is, by reason of leave, illness or other cause, temporarily unable to exercise the powers and perform the duties of his office, or
- (b) a vacancy occurs in the office of the Vice-Chancellor by reason of death, resignation or expiry of the term of his office, removal or otherwise,

then, during the period of such temporary inability or pending the appointment of a Vice-Chancellor, as the case may be, the Pro-Vice-Chancellor for Academic Affairs shall exercise the powers and perform the duties of the Vice-Chancellor.

(6) The vacancy in the office of the Vice-Chancellor occurring by reason of death, resignation or expiry of the term of his office, removal or otherwise shall be filled up by appointment of a Vice-Chancellor in accordance with the provisions of sub-section (1) within a period of six months from the date of occurrence of the vacancy.

Powers and
duties of the
Vice-
Chancellor.

9. (1) The Vice-Chancellor shall be the principal executive and academic officer of the University and shall, in the absence of the Chancellor, preside at the meeting of the Senate. He shall, by virtue of his office, be a member and the Chairman of the Syndicate and the Faculty Councils for post-graduate studies and also the Chairman of any other authority or body of the University of which he may be a member. He shall also be entitled to be present at and to address any meeting of any other authority or body of the University of which he may not be a member, but shall not be entitled to vote thereat.

(2) The Vice-Chancellor shall have the power to convene meetings of the Senate, the Syndicate, the Faculty Councils for post-graduate studies and of any other authority or body of the University.

¹Sub-section (3) was substituted for original sub-section by s. 2 of the Calcutta University (Amendment) Act, 1990 (West Ben. Act XXIII of 1990), w.e.f. 1.1.1986.

XXXVIII of 1979.]

(Chapter II.—The University and its officers.— Section 10.)

(3) It shall be the duty of the Vice-Chancellor to ensure that the provisions of this Act, and the Statutes, the Ordinances and the Regulations, are faithfully observed, and to take such action as may be necessary for this purpose.

(4) The Vice-Chancellor shall have the power to exercise general control and supervision over all other officers of the University and over all Teachers and employees of the University and generally over all the affairs of the University and shall decide and dispose of all appeals in disciplinary matters not provided for in section 36.

(5) The Vice-Chancellor shall exercise such other powers and discharge such other duties as may be delegated to him by any authority or body of the University or as may be prescribed by Statutes, Ordinances or Regulations.

(6) The Vice-Chancellor may take on behalf of the University such action as he may deem expedient in any matter which, in his opinion, is either urgent or of an emergent nature and shall report the same for confirmation at the next meeting to the authority or body which, in the ordinary course, would have dealt with the matter:

Provided that if the action taken by the Vice-Chancellor is not approved by the authority or body concerned, the matter shall immediately be referred to the Chancellor whose decision thereon shall be final.

(7) The Vice-Chancellor may at any time delegate any of his powers to any other officer subordinate to him.

10. (1) The Pro-Vice-Chancellor for Academic Affairs shall be appointed by the Chancellor in consultation with the Minister and the Vice-Chancellor. The term of his office shall be for four years and he shall be eligible for re-appointment for a period not exceeding four years but shall not hold office beyond the age of 65 years.

The Pro-Vice-Chancellor for Academic Affairs.

(2) The Pro-Vice-Chancellor for Academic Affairs shall be a whole-time officer of the University and shall be paid from the University Fund such salary and allowances as the Chancellor may decide in consultation with the State Government.

(3) The Pro-Vice-Chancellor for Academic Affairs may resign his office by writing under his hand addressed to the Chancellor.

(4) If—

- (a) the Pro-Vice-Chancellor for Academic Affairs is, by reason of leave, illness or other cause, temporarily unable to exercise the powers and perform the duties of his office, or

¹Sub-section (2) was substituted for original sub-section by s. 3 of the Calcutta University (Amendment) Act, 1990 (West Ben. Act XXIII of 1990), w.e.f. 1.1.1986.

(Chapter II.—The University and its officers.— Sections 11, 12.)

- (b) a vacancy occurs in the office of the Pro-Vice-Chancellor for Academic Affairs by reason of death, resignation or expiry of the term of his office, removal or otherwise,

then, during the period of such temporary inability or pending the appointment of a Pro-Vice-Chancellor for Academic Affairs, as the case may be, the Chancellor in consultation with the Minister and the Vice-Chancellor shall authorise a Teacher of the University or an officer of the University to exercise the powers and perform the duties of the Pro-Vice-Chancellor for Academic Affairs.

¹(4A) Notwithstanding anything contained in this section or elsewhere in this Act, if the Chancellor is of opinion that it is necessary or expedient so to do, the Chancellor in consultation with the Minister and the Vice-Chancellor may appoint the Pro-Vice-Chancellor for Business Affairs and Finance to be also the Pro-Vice-Chancellor for Academic Affairs on such terms and conditions and for such period not exceeding one year as the Chancellor may think fit, and upon such appointment, the Pro-Vice-Chancellor for Business Affairs and Finance shall exercise all the powers and perform all the duties of the Pro-Vice-Chancellor for Academic Affairs in addition to his own duties.

(5) The vacancy in the office of the Pro-Vice-Chancellor for Academic Affairs occurring by reason of death, resignation or expiry of the term of his office, removal or otherwise shall be filled up by appointment of a Pro-Vice-Chancellor for Academic Affairs in accordance with the provisions of sub-section (1) within a period of ²[one year] from the date of occurrence of the vacancy.

Powers and duties of the Pro-Vice-Chancellor for Academic Affairs.

11. (1) Subject to the supervision, direction and general control of the Vice-Chancellor, the Pro-Vice-Chancellor for Academic Affairs shall be the chief academic and administrative officer in matters concerning undergraduate studies and research and such other matters as may be delegated to him.

(2) The Pro-Vice-Chancellor for Academic Affairs shall exercise such other powers and perform such other duties as may be prescribed or delegated to him by or under the provisions of this Act.

The Pro-Vice-Chancellor for Business Affairs and Finance.

12. (1) The Pro-Vice-Chancellor for Business Affairs and Finance shall be appointed by the Chancellor in consultation with the Minister and the Vice-Chancellor. The term of his office shall be for four years and he shall be eligible for re-appointment for a period not exceeding four years but shall not hold office beyond the age of 65 years.

¹Sub-section (4A) was inserted by s. 2 (a) of the Calcutta University (Amendment) Act, 1983 (West Ben. Act XXII of 1983), w.e.f. 5.5.1983.

²The words within the square brackets were substituted for the words "six months" by s. 2(b), *ibid*.

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(Chapter II.—The University and its officers.— Section 12.)

¹(2) The Pro-Vice-Chancellor for Business Affairs and Finance shall be a whole-time officer of the University and shall be paid from the University Fund such salary and allowances as the Chancellor may decide in consultation with the State Government.

(3) The Pro-Vice-Chancellor for Business Affairs and Finance may resign his office by writing under his hand addressed to the Chancellor.

(4) If—

- (a) the Pro-Vice-Chancellor for Business Affairs and Finance is, by reason of leave, illness or other cause, temporarily unable to exercise the powers and perform the duties of his office, or
- (b) a vacancy occurs in the office of the Pro-Vice-Chancellor for Business Affairs and Finance by reason of death, resignation or expiry of the term of his office, removal or otherwise,

then, during the period of such temporary inability or pending the appointment of a Pro-Vice-Chancellor for Business Affairs and Finance, as the case may be, the Chancellor in consultation with the Minister and the Vice-Chancellor shall authorise a Teacher of the University or an officer of the University to exercise the powers and perform the duties of the Pro-Vice-Chancellor for Business Affairs and Finance.

²(4A) Notwithstanding anything contained in this section or elsewhere in this Act, if the Chancellor is of opinion that it is necessary or expedient so to do, the Chancellor in consultation with the Minister and the Vice-Chancellor may appoint the Pro-Vice-Chancellor for Academic Affairs to be also the Pro-Vice-Chancellor for Business Affairs and Finance on such terms and conditions and for such period not exceeding one year as the Chancellor may think fit, and upon such appointment, the Pro-Vice-Chancellor for Academic Affairs shall exercise all the powers and perform all the duties of the Pro-Vice-Chancellor for Business Affairs and Finance in addition to his own duties.

(5) The vacancy in the office of the Pro-Vice-Chancellor for Business Affairs and Finance occurring by reason of death, resignation or expiry of the term of his office, removal or otherwise shall be filled up by appointment of a Pro-Vice-Chancellor for Business Affairs and Finance in accordance with the provisions of sub-section (1) within a period of ³[one year] from the date of occurrence of the vacancy.

¹Sub-section (2) was substituted for original sub-section by s. 4 of the Calcutta University (Amendment) Act, 1990 (West Ben. Act XXIII of 1990), w.e.f. 1.1.1986.

²Sub-section (4A) was inserted by s. 3(a) of the Calcutta University (Amendment) Act, 1983 (West Ben. Act XXII of 1983), w.e.f. 5.5.1983.

³The words within the square brackets were substituted for the words "six months" by s. 3(b), *ibid.*

(Chapter II.—The University and its officers.— Sections 13, 14.)

Powers and
duties of the
Pro-Vice-
Chancellor
for Business
Affairs and
Finance.

13. (1) Subject to the supervision, direction and general control of the Vice-Chancellor and the Syndicate, the Pro-Vice-Chancellor for Business Affairs and Finance shall be in charge of the administration of the funds, the finances and the properties and assets of the University and of all trusts and endowments; and he shall take special interest in activities that aim at raising funds for the purposes of the University and augmenting the resources of the University.

(2) The Pro-Vice-Chancellor for Business Affairs and Finance shall be in charge of the work of the Accounts Department of the University, including collection of funds, and shall, subject to the provisions of section 9, be responsible for ensuring that all moneys are expended for the purpose for which they are sanctioned within the limits of budget allotments.

(3) The Pro-Vice-Chancellor for Business Affairs and Finance shall, in consultation with the relevant departments of the University, prepare the Annual Financial Estimates and the Annual Statement of Accounts.

(4) All contracts and agreements relating to matters of which the Pro-Vice-Chancellor for Business Affairs and Finance is in charge shall, on approval by the Syndicate, if not otherwise prescribed, be signed and executed by him on behalf of the University.

(5) The Pro-Vice-Chancellor for Business Affairs and Finance shall exercise such other powers and perform such other duties as may be prescribed, or delegated to him by or under this Act.

The
Registrar.

14. (1) The Registrar shall be a whole-time officer of the University and shall be appointed by the Syndicate on the recommendation of a Committee consisting of the Vice-Chancellor as Chairman, a nominee of the Chancellor, two nominees of the Syndicate and a nominee of the State Government.

(2) The Registrar may resign his office by writing under his hand addressed in the ²[Vice-Chancellor.]

(3) If the Registrar is for any reason temporarily unable to exercise the powers or perform the duties of his office, the Vice-Chancellor may with the approval of the Chancellor appoint a Teacher of the University or an officer of the University, temporarily for a period not exceeding six months, to exercise the powers and perform the duties of the Registrar.

¹Sub-section (1) was substituted for original sub-section by s. 4(a) of the Calcutta University (Amendment) Act, 1980 (West Ben. Act XLIV of 1980).

²The word within the square brackets was substituted for the word "Chancellor," by s. 4(b), *ibid.*

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(Chapter II.—The University and its officers.—Sections 15, 16.—
Chapter III.—Authorities of the University.—Sections 17, 18.)

15. Subject to the supervision, direction and general control of the Vice-Chancellor, the Registrar shall act as the Secretary of the Senate as also of the Syndicate and shall exercise such powers and perform such duties as may be prescribed, or delegated to him by or under this Act.

Powers and duties of the Registrar.

16. In their respective spheres of duties, the Pro-Vice-Chancellor for Academic Affairs, the Pro-Vice-Chancellor for Business Affairs and Finance and the Registrar shall, subject to the provisions of this Act, have the power of supervision and control over all officers and employees serving in departments under their charge and shall exercise such disciplinary power as may be conferred on them by or under this Act.

Supervisory powers of the Pro-Vice-Chancellor for Academic Affairs, the Pro-Vice-Chancellor for Business Affairs and Finance and the Registrar.

CHAPTER III

Authorities of the University

17. The following shall be the authorities of the University:—

Authorities.

- (1) the Senate;
- (2) the Syndicate;
- (3) the Faculty Councils for post-graduate studies;
- (4) the Councils for undergraduate studies;
- (5) the Boards of Studies;
- (6) the Finance Committee;
- (7) the Tripura Council;
- (8) such other authorities as may be established under the Statutes.

18. (1) The Senate shall consist of the following:—

The Senate.

(a) *ex officio members*

- (i) the Chancellor;
- (ii) the Vice-Chancellor;
- (iii) the immediately preceding Vice-Chancellor;
- (iv) the Pro-Vice-Chancellor for Academic Affairs;
- (v) the Pro-Vice-Chancellor for Business Affairs and Finance;

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- ¹(vi) the Secretary, Department of Education, Government of West Bengal or his nominee not below the rank of Deputy Secretary to the Government of West Bengal;
 - (vii) the Secretary, Finance Department, Government of West Bengal ²[or his nominee not below the rank of Deputy Secretary to the Government of West Bengal];
 - (viii) the President, West Bengal Council of Higher Secondary Education;
 - (ix) the President, West Bengal Board of Secondary Education;
 - (x) the Deans of the Faculty Councils for post-graduate studies;
 - (xi) the President, West Bengal Branch of the Indian Medical Association;
 - (xii) the Director, Indian Institute of Management, Calcutta;
 - (xiii) the President, Indian Association for the Cultivation of Science;
 - (xiv) the President, Bangiya Sahitya Parishad;
 - (xv) the Director, Bose Institute, Calcutta;
 - (xvi) the President, Asiatic Society, Calcutta;
 - (xvii) the Director, Saha Institute of Nuclear Physics;
 - (xviii) the President, Bangiya Bijnan Parishad;
 - (xix) the President, Bangiya Sanskrita Siksha Parishad;
 - (xx) the President, West Bengal Madrasa Education Board;
 - (xxi) the Director, Indian Statistical Institute;
 - ³(xxii) the Chairman, West Bengal Urdu Academy;
- (b) *other members*
- ¹(xxii) fifteen Professors of University, not more than one from any department, elected by the Professors of the University;

¹Clause (vi) was substituted for original clause by s. 2(a) of the Calcutta University (Amendment) Act, 1987 (West Ben. Act X of 1987), w.e.f. 8.9.1987..

²The words within the square brackets were inserted by s. 5(1) of the Calcutta University (Amendment) Act, 1980 (West Ben. Act XLIV of 1980).

³Clause (xxii) under the heading "(b) other members" was originally in the Act. Then, another clause (xxii) was inserted under the heading "(a) *ex officio members*" by s. 2(b) of the Calcutta University (Amendment) Act, 1987 (West Ben. Act X of 1987), w.e.f. 8th September, 1987. This has, perhaps, happened due to error in the drafting of the aforesaid Amendment Act of 1987.

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- (xxiii) fifteen Teachers, other than Professors, of the post-graduate department of the University of whom not more than six shall be the Readers, elected by such teachers;
- (xxiv) twenty-nine Teachers, other than Principals, of affiliated colleges including constituent and professional colleges, elected by the Teachers of such Colleges from amongst themselves of whom—
 - (a) six shall be from the professional colleges of whom—
 - (i) one shall be from a teachers' training college,
 - (ii) one shall be from a law college,
 - (iii) two shall be from an undergraduate college of medicine,
 - (iv) one shall be from an ayurvedic college, and
 - (v) one shall be from a homoeopathic college,
 - (b) one shall be from a constituent college other than the Bengal Engineering College, Shibpur, Howrah,
 - (c) one shall be from the Bengal Engineering College, Shibpur, Howrah,
 - (d) twenty shall be from the affiliated colleges, other than professional and constituent colleges and colleges in Tripura affiliated to the University, of whom at least two shall be women and one shall be from a Government College, and
 - (e) one shall be from the colleges in Tripura affiliated to the University;
- (xxv) eight Principals of affiliated colleges including constituent and professional colleges elected jointly by the Principals of such colleges from amongst themselves of whom—
 - (a) one shall be the Principal of a professional college,
 - (b) one shall be the Principal of a constituent college, and
 - (c) six shall be the Principals of affiliated colleges of whom at least one shall be a woman;

(Chapter III.—Authorities of the University.—Section 18.)

- (xxvi) five members of the West Bengal Legislative Assembly elected from amongst themselves, if they are not already members of the Senate;
- (xxvii) five persons nominated by the Chancellor to secure the representation of the professions, banking, industry, scientific and technical societies and persons eminent in literature or art or music or culture;
- ¹(xxviii) nine regular post-graduate students of the University, not more than one from any Faculty Council for post-graduate studies, of whom one shall be a lady student, elected by an electoral college.

Explanation I.—"Regular post-graduate student" shall mean a student who has been prosecuting his studies in a post-graduate Department of the University under any Faculty Council for post-graduate studies and who is not in default of payment of prescribed tuition fees and other dues of the University till such date as may be notified by the University in this behalf.

Explanation II.—Notwithstanding anything contained elsewhere in this Act, a regular post-graduate student elected under this clause shall hold office from the date of his election and for a period of two years or till he ceases to be a regular post-graduate student, whichever is earlier;

- ²(xxix) six regular students prosecuting their studies in undergraduate or post-graduate degree classes of affiliated colleges, of whom one shall be student of a Government College and one shall be a lady student, elected by an electoral college.

Explanation I.—"Regular student" shall mean a student who has been prosecuting his studies in any stream in an undergraduate or post-graduate degree class of an affiliated college and who is not in default of payment of prescribed tuition fees and other dues of such college till such date as may be notified by the University in this behalf.

¹Clause (xxviii) was substituted for the original clause (xxviii) by s. 5(2)(a) of the Calcutta University (Amendment) Act, 1980 (West Ben. Act XLIV of 1980).

²Clause (xxix) was substituted for original clause by s. 5(2)(b). *ibid.*

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(Chapter III.—Authorities of the University.—Section 18.)

Explanation II.—Notwithstanding anything contained elsewhere in this Act, a regular student elected under this clause shall hold office from the date of his election and for a period of three years or till he ceases to be a regular student, whichever is earlier;

- ¹(xxixa) one Research Scholar or Research Fellow of the University elected by the Research Scholars and the Research Fellows of the University.

Explanation I.—"Research Scholar or Research Fellow of the University" shall mean a whole-time Research Scholar or Research Fellow of the University who receives a stipend from the University.

Explanation II.—Notwithstanding anything contained elsewhere in this Act, a Research Scholar or Research Fellow of the University elected under this clause shall cease to hold office on the expiration of the term of Research Scholarship or Research Fellowship, as the case may be;

- (xxx) three members elected by the members of the non-teaching staff of the University from amongst themselves;
- (xxxi) two members elected by the members of the non-teaching staff of affiliated colleges from amongst themselves;
- (xxxii) one member elected by the officers and the supervisory staff of the University from amongst themselves;
- (xxxiii) not less than five and not more than twenty-five persons elected by registered graduates from amongst themselves, the number of such persons to be elected being calculated on the basis of one person for every three hundred registered graduates;
- (xxxiv) nine persons to be nominated by the State Government of whom—
- (a) two shall be from the members of the registered trade unions ²* * *.

¹Clause (xxixa) was inserted by s. 5(2)(c) of the Calcutta University (Amendment) Act, 1980 (West Ben. Act XLIV of 1980).

²The words "in such area of the University as may be designated by Statutes" were omitted by s. 5(2)(d), *ibid*.

(Chapter III.—Authorities of the University.—Section 19.)

(b) two shall be from the members of the peasants' organisation,

(c) two shall be from the members of the primary school teachers' association, and

(d) three shall be from the members of the secondary school teachers' association;

(xxxv) one person to be elected by the Librarians of the University and the colleges affiliated to the University from amongst themselves.

(2) All elections to the Senate shall be held in the manner prescribed by Statutes.

Powers and
duties of the
Senate.

19. (1) Subject to such conditions as may be provided by or under the provisions of this Act, the Senate shall exercise the following powers and perform the following duties:—

(i) to establish University Colleges, University Departments, institutions, libraries, laboratories and museums for study and research;

(ii) to confer, on the recommendation of the State Government and the University Grants Commission, such special powers as may be prescribed by Statutes on any college or institution providing instruction for courses of study in engineering, technology, medicine, fine arts or music or conducting higher studies and research;

Provided that the Senate may withdraw, with the concurrence of the State Government and the University Grants Commission, all or any of the special powers conferred on any such college or institution;

(iii) to create and institute Professorships, Readerships, Lecture-ships, and such posts including posts of officers as may be necessary for the establishment of the University Colleges, University Departments, institutions, libraries, laboratories and museums referred to in clause (i);

(iv) to institute degrees, titles, diplomas, certificates and other academic distinctions;

(v) to institute fellowships, travelling fellowships, scholarships, studentships, stipends, bursaries, exhibitions, medals and prizes to be awarded out of the University Fund.

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- (vi) to confer degrees, titles, diplomas, certificates and other academic distinctions on persons who—
 - (a) have pursued prescribed courses of studies or have been exempted therefrom in the manner prescribed, and have passed such examinations as may be prescribed, or
 - (b) have carried on research in accordance with such conditions as may be prescribed;
- (vii) to withdraw or to cancel degrees, titles, diplomas, certificates or other academic distinctions under such conditions as may be prescribed by Statutes and after giving the person affected a reasonable opportunity to present his case;
- (viii) to confer honorary degrees or other academic distinctions;
- (ix) to consider the Annual Statement of Accounts and the Annual Financial Estimates approved by the Syndicate and to pass such resolutions relating thereto as may be considered necessary:

Provided that for the purpose of passing a resolution modifying or rejecting any such Annual Financial Estimates it shall be necessary for a majority of the total number of members of the Senate existing at the time to vote in favour of the resolution;
- (x) to consider the Annual Report as prepared by the Syndicate and to pass such resolutions relating thereto as may be considered necessary;
- (xi) to consider and advise on, such other reports from the Syndicate or any other body as may be made to it;
- (xii) to consider, and advise on, proposals from the Syndicate for entering into agreement with the Government or with any person, body or authority for the taking over by the University of the management of any college or institution, including its assets and liabilities, or for any other purpose not repugnant to the provisions of this Act;
- (xiii) to consider, and advise on, proposals from the Syndicate for co-operation with other universities, institutions and educational authorities in matters that relate to or further the educational objectives of the University;
- (xiv) to consider and suggest measures for the improvement of the administration and finances of the University, and generally for the furtherance of its objectives;

(Chapter III.—Authorities of the University.—Sections 20, 21.)

(xv) to make rules for the transaction of its own business;

(xvi) to exercise all other powers and perform all other functions conferred and imposed on the Senate by or under this Act.

(2) The Senate shall not exercise the powers and perform the duties referred to in clauses (i) and (iii) to (viii) of sub-section (1) except on the recommendation of the Syndicate but may send proposals in respect thereof to the Syndicate for its recommendation.

(3) The Senate shall have the power to review the action of the Syndicate, save where the Syndicate has acted in accordance with the powers conferred on it by or under this Act:

Provided that if any question arises as to whether the Syndicate has acted in accordance with the powers conferred on it by or under this Act, the matter shall be decided by reference to the Chancellor whose decision shall be final.

Meetings of
the Senate.

20. (1) The Senate shall meet at least thrice in a financial year, other than for convocation, on dates to be fixed by the Vice-Chancellor. One of such meetings shall be held before March and shall be called the Annual Meeting. The Senate may also meet at such other times as it may, from time to time, decide.

(2) One-third of the total number of members of the Senate shall be a quorum for a meeting of the Senate:

Provided that such quorum shall not be required at a convocation.

(3) The Vice-Chancellor may, whenever he thinks fit, and shall, upon a requisition in writing signed by not less than fifty *per cent.* of members of the Senate, convene a meeting of the Senate. A meeting on such requisition shall be held within fifteen days of the receipt of the requisition by the Vice-Chancellor.

The
Syndicate.

21. (1) The Syndicate shall consist of the following:—

(a) *ex officio members*

(i) the Vice-Chancellor;

(ii) the Pro-Vice-Chancellor for Academic Affairs;

(iii) the Pro-Vice-Chancellor for Business Affairs and Finance;

¹(iv) the Secretary, Department of Education, Government of West Bengal or his nominee not below the rank of Deputy Secretary to the Government of West Bengal;

¹Clause (iv) was substituted for original clause by s. 3 of the Calcutta University (Amendment) Act, 1987 (West Ben. Act X of 1987), w.e.f. 8.9.1987

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- (v) the Deans of the Faculty Councils for post-graduate studies in Arts, Science, Law, Medicine and Dental Science, and Engineering and Technology;
- (vi) the President, West Bengal Council of Higher Secondary Education;
- (vii) the President, West Bengal Board of Secondary Education;
- (viii) the President, West Bengal Madrasa Education Board;
- (b) *other members*
 - ¹(ix) (a) (i) one Professor of the University elected by such Professors of the University as are members of the Faculty Councils for post-graduate studies from amongst themselves,
 - (ii) two Readers or Lecturers (one or both of whom may either be Readers or Lecturers) of the University elected by such Readers and Lecturers of the University as are members of the Faculty Councils for post-graduate studies from amongst themselves.
 - (b) (i) one Professor of the University elected by such Professors of the University as are members of the Senate from amongst themselves,
 - (ii) two Readers or Lecturers (one or both of whom may either be Readers or Lecturers) of the University elected by such Readers and Lecturers of the University as are members of the Senate from amongst themselves;
 - (x) three persons, other than Teachers, students and non-teaching employees, elected by the members of the Senate from amongst themselves of whom at least one shall be a registered graduate;
 - ²(xi) (a) one non-teaching employee of the University elected by such non-teaching employees of the University as are members of the Senate from amongst themselves,

¹Clause (ix) was substituted for the original clause by s. 6(1)(a) of the Calcutta University (Amendment) Act, 1980 (West Ben. Act XLIV of 1980).

²Clause (xi) was substituted for the original clause by s. 6(1)(b). *ibid.*

(Chapter III.—Authorities of the University.—Section 21.)

- (b) one student elected by such students as are members of the Senate from amongst themselves,
- (c) one member of the West Bengal Legislative Assembly elected by such members of the West Bengal Legislative Assembly as are members of the Senate from amongst themselves,
- ¹(d) the member elected under clause (xxxii) of sub-section (1) of section 18;
- ²(xii) nine persons elected by the members of the Councils for undergraduate studies from amongst themselves of whom—
 - (a) five shall be teachers—three from the Council for Undergraduate Studies in Arts, Science, Commerce, Home Science, Fine Arts and Music, one from the Council for Undergraduate Studies in Medicine, Dental Science, Homoeopathy, Veterinary Science, Nursing and Ayurved and one from the Council for Undergraduate Studies in Engineering and Technology, and
 - (b) four shall be Principals, one from each Council for undergraduate studies and one, a Principal of a constituent college;
- ³(xiiia) three members elected by such Teachers of affiliated colleges (including constituent colleges and professional colleges), not being Principals, as are members of the Senate from amongst themselves;
- (xiii) one Dean of any of the Faculty Councils for post-graduate studies, other than those mentioned in clause (v), appointed by rotation;
- (xiv) two persons nominated by the Chancellor.

(2) All elections to the Syndicate shall be held in the manner prescribed by Statutes.

(3) ⁴[One-third] of the total number of members shall be a quorum for a meeting of the Syndicate.

¹Sub-clause (d) was added by s. 2 of the Calcutta University (Second Amendment) Act, 1983 (West Ben. Act XXV of 1983), w.e.f. 9.8.1983.

²Clause (xii) was substituted for the original clause by s. 6(1)(c) of the Calcutta University (Amendment) Act, 1980 (West Ben. Act XLIV of 1980).

³Clause (xiiia) was inserted by s. 6(1)(d), *ibid.*

⁴The word within the square brackets was substituted for the words "Fifty per cent." by s. 6(2), *ibid.*

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(Chapter III.—Authorities of the University.—Section 22.)

22. Subject to the provisions of this Act, the Syndicate shall exercise the following powers and perform the following duties:—

Powers and
duties of the
Syndicate.

- (i) to initiate proposals for the making of Statutes and Ordinances including proposals for amendment or repeal thereof, in the manner hereinafter provided;
- (ii) to recommend to the Senate, after consulting the respective Faculty Councils for post-graduate studies, the establishment of University Colleges, University Departments, institutions, libraries, laboratories and museums for study and research;
- (iii) to maintain University Colleges, University Departments, University institutions, University libraries, University laboratories and University museums;
- (iv) to establish, maintain and manage halls and to recognise hostels;
- (v) to direct the inspection of University libraries, University laboratories, University museums, halls and hostels;
- (vi) to recommend to the Senate, after consulting the respective Faculty Councils for post-graduate studies, the institution of fellowships, travelling fellowships, scholarships, studentships, stipends, bursaries, exhibitions, medals and prizes, the expenses of which shall be met from the University Fund, and to award the same after institution thereof by the Senate;
- (vii) to recommend to the Senate, after consulting the respective Faculty Councils for post-graduate studies, the creation and institution of Professorships, Readerships, Lectureships and such posts as may be necessary for the establishment of the University Colleges, University Departments, institutions, libraries, laboratories and museums referred to in clause (i) of sub-section (1) of section 19;
- ¹(viii) to create posts of officers, Teachers and employees of the University or to recommend to the Senate for such creation, with the approval of the State Government;
- (ix) to appoint Teachers, officers and employees of the University and to fix their emoluments and define their duties and other terms and conditions of service in accordance with the Statutes and the Ordinances and to suspend, discharge or otherwise punish in accordance with the Statutes and the Ordinances such Teachers, officers and employees;

¹Clause (viii) was substituted for the original clause by s. 7 of the Calcutta University (Amendment) Act, 1980 (West Ben. Act XLIV of 1980).

(Chapter III.—Authorities of the University.—Section 22.)

- (x) to pass appropriate orders on the basis of the recommendation of the respective Council for undergraduate studies regarding affiliation of a college or an institution in one or more subjects or withdrawal of affiliation or recognition of a college or an institution or temporary take over of the management of an affiliated or a recognised college or institution;
- (xi) to prescribe, on the recommendation of the respective Council for undergraduate studies, for colleges, other than Government Colleges,—
 - (a) the constitution, powers and functions of their Governing bodies,
 - (b) the terms and conditions of service and emoluments for posts of Principals, Teachers and such other employees as it may deem fit, and
 - (c) the rules for Teachers' Councils and Provident Funds;
- (xii) to prescribe and collect fees or charges for the registration of students and their admission to courses of studies organised by the University, for holding examinations, for the grant of degrees, diplomas and certificates, and for other like purposes;
- (xiii) to recommend to the Senate, after consulting the respective Faculty Councils for post-graduate studies, the institution of degrees, titles, diplomas, certificates and other academic distinctions;
- (xiv) to recommend to the Senate, on the advice of the appropriate body, the conferment of degrees, titles, diplomas, certificates and other academic distinctions on persons who have pursued prescribed courses of studies or have been exempted therefrom in the prescribed manner, and have passed such examinations, or have carried on research under such conditions, as may be prescribed;
- (xv) to recommend to the Senate the conferment of honorary degrees and other academic distinctions;
- (xvi) to approve the constitution or reconstitution of the respective department of teaching on the recommendation of the respective Faculty Council for post-graduate studies;
- (xvii) to make regulations regarding the courses of studies and the division of subjects after obtaining and considering the recommendation of the Faculty Councils for post-graduate studies and Council for undergraduate studies in this regard;

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- (xviii) to make regulations regarding the examinations which shall be recognised as the equivalent examinations held by the University;
- (xix) to make regulations regarding the conduct of examinations held by the University and the condition under which students may be admitted to the different courses of studies and the examinations held by the University;
- (xx) to make regulations regarding all other matters which may be or are required to be prescribed or provided for by regulations;
- (xxi) to provide for cooperation and reciprocity among colleges, institutions and laboratories and the University so as to foster the development of academic life and to ensure the fullest utilisation of the teaching resources available on the recommendation of the respective Faculty Council for post-graduate studies or Council for under-graduate studies;
- (xxii) to give directions regarding the form, custody and use of the common seal of the University;
- (xxiii) to acquire, hold and dispose of property, movable and immovable, and to administer all assets, properties and funds of the University, and to undertake all measures necessary or desirable for the conservation or augmentation of the resources of the University;
Provided that for the purpose of disposing of any property valued at not less than one lakh of rupees previous approval to the Senate shall be necessary;
- (xxiv) to accept and administer gifts, endowments and benefactions for the furtherance of the purposes of this Act;
- (xxv) to accept grants and to raise or accept loans on behalf of the University and to make grants or advances from the University fund or other special funds maintained by the University;
- (xxvi) to enter into an agreement with the Government or with any person, body or authority for the taking over by the University of the management of any college or institution, including its assets and liabilities, or for any other purpose not repugnant to the provisions of this Act on the recommendation of the Faculty Council for post-graduate studies or the Council for undergraduate studies concerned;

(Chapter III.—Authorities of the University.—Section 23.)

- (xxvii) to manage the Press Establishment, the Publication Bureau and the Employment Bureau of the University and to exercise general supervision over Students' Unions, University Extension Boards, University Sports Board and other bodies instituted by the University;
- (xxviii) to approve the Annual Statements of Accounts and the Annual Financial Estimates of the University and to submit the same to the Senate for consideration;
- (xxix) to prepare the annual report and submit the same to the Senate for consideration;
- (xxx) to make due provision for the health, welfare, residence and discipline of students and their relationship with the University and to provide for such other training of students as may be considered desirable;
- (xxxi) to co-operate with other Universities, institutions, associations, societies or bodies on such terms and for such purposes, not inconsistent with the purposes of this Act, as it may determine;
- (xxxii) to make rules for the transaction of its own business;
- (xxxiii) to exercise all other powers and perform all other functions conferred and imposed on the Syndicate by or under this Act;
- (xxxiv) to exercise general supervision over the Faculty Councils for post-graduate studies and the Councils for undergraduate studies and give such directions to these Councils for the due discharge of their respective duties as it may consider necessary.

The Faculty Councils for post-graduate studies.

23. (1) There shall be the following Faculty Councils for post-graduate studies:—

- (a) the Faculty Council for Post-Graduate Studies in Arts;
- (b) the Faculty Council for Post-Graduate Studies in Commerce, Social Welfare and Business Management;
- (c) the Faculty Council for Post-Graduate Studies in Medicine [i. Nursing, Homoeopathy, Ayurved] and Dental Science;
- (d) the Faculty Council for Post-Graduate Studies in Law;
- (e) the Faculty Council for Post-Graduate Studies in Education, Journalism and Library Science;
- (f) the Faculty Council for Post-Graduate Studies in Fine Arts, Music and Home Science;

¹The words within the square brackets were inserted by s. 8(1)(a) of the Calcutta University (Amendment) Act, 1980 (West Ben. Act XLIV of 1980).

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- (g) the Faculty Council for Post-Graduate Studies in Engineering and Technology;
 - (h) the Faculty Council for Post-Graduate Studies in ¹[Science, and];
 - ²(i) the Faculty Council for Post-Graduate Studies in Agriculture and Veterinary Science.
- (2) Each Faculty Council for post-graduate studies shall consist of the following members:—
- (i) the Vice-Chancellor—Chairman;
 - (ii) the Pro-Vice-Chancellor for Academic Affairs—Vice-Chairman;
 - (iii) the Dean of the Faculty Council concerned;
 - (iv) the Head or Heads of the Department or Departments concerned, if any;
 - (v) the Professor or Professors of the Department or Departments concerned, if any;
 - (vi) ten Teachers participating in post-graduate teaching in the subject or subjects concerned of whom five shall be from constituent colleges or professional colleges, nominated by the Vice-Chancellor, and five shall be Teachers of the University, other than Professors to be elected by such Teachers from amongst themselves;
 - (vii) not more than three persons having special knowledge in the subject or subjects concerned nominated by the Vice-Chancellor;
 - ³(viii) three Teachers participating in undergraduate teaching in the subject or subjects concerned elected by the members of the concerned Council for undergraduate studies:

Provided that in the case of the Faculty Council for post-graduate studies in—

- (a) (1) Engineering and Technology,
- (2) Fine Arts, Music and Home Science,
- (3) Law, ⁴* * *
- ⁵(4) Medicine, Nursing, Homoeopathy, Ayurved and Dental Science, and
- ⁵(5) Agriculture and Veterinary Science,

¹The words within the square brackets were substituted for the word "Science," by s. 8(1)(b) of the Calcutta University (Amendment) Act, 1980 (West Ben. Act XLIV of 1980).

²Clause (i) was inserted by s. 8(1)(c), *ibid.*

³Clause (viii) was substituted for the original clause by s. 8(2)(a), *ibid.*

⁴The word "and" was omitted by s. 8(2)(b)(i), *ibid.*

⁵Sub-clauses (4) and (5) were substituted for the original sub-clause (4) by s. 8(2)(b)(ii), *ibid.*

(Chapter III.—Authorities of the University.—Section 24.)

the Principal or Principals of the college or colleges concerned,

(b) Commerce, Social Welfare and Business Management, the Principal or Principals of the college or colleges concerned and the Head of the Department of Economics, and

(c) Education, Journalism and Library Science, the heads of the Departments of Economics, History and Political Science and the Centenary Professor of International Relations,

shall be the additional members of such Council:

Provided further that "[in the case of the Faculty Council for Post-Graduate Studies in Medicine, Nursing, Homoeopathy, Ayurved and Dental Science, the Director of Medical Education,] Government of West Bengal, shall be an additional member of such Council; and in the case of the Faculty Council for post-graduate studies in Engineering and Technology, such Council shall be entitled to co-opt a representative each of the Government of West Bengal and the Government of India as additional members of such Council:

Provided also that the Faculty Council concerned may co-opt such Dean or Deans of any other Faculty Council for post-graduate studies as it may consider necessary.

(3) Each Faculty Council for post-graduate studies shall have a Secretary. The Secretary shall be a member of the Faculty Council.

(4) One-third of the total number of members of a Faculty Council for post-graduate studies shall be a quorum for a meeting of the Faculty council.

Powers and duties of the Faculty Council for post-graduate studies.

24. Subject to the provisions of this Act, and the Statutes, the Ordinances and the Regulations, a Faculty Council for post-graduate studies shall exercise the following powers and perform the following duties:—

- (i) to make proposals to the Syndicate for the establishment of University Colleges, University Departments, institutions, libraries, laboratories and museums for study and research to be maintained by the University;
- (ii) to recommend to the Syndicate the creation and institution of Professorships, Readerships, Lectureships and other teaching posts and the duties and emoluments thereof;

¹The words within the square brackets were substituted for the words "in the case of the Faculty Council for Post-graduate Studies in Medicine and Dental Science, the Director of Health Services," by s. 2 of the Calcutta University (Amendment) Act, 1992 (West Ben. Act XVI of 1992).

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- (iii) to make proposals to the Syndicate for the promotion of research and, through special committees, if any, constituted for the purpose, to call for reports on such research work from persons engaged therein, and to make recommendations to the Syndicate thereon;
- (iv) to prescribe after consulting the Syndicate the minimum qualifications for posts of Teachers of the University;
- (v) to make proposals to the Syndicate regarding provisions to be made for enabling the University to undertake specialisation of studies and for organisation of common laboratories, libraries, museums, institutes of research and other institutions, maintained by the University;
- (vi) to constitute or reconstitute the departments of teaching with the approval of the Syndicate;
- (vii) to make provisions for lectures and instructions for students of constituent and University Colleges and University Laboratories and also for other persons who are not such students;
- (viii) to advise the Syndicate on the institution of degrees, titles, diplomas, certificates and other academic distinctions;
- (ix) to hold and conduct, subject to general supervision by the Syndicate, University examinations and publish the results thereof in accordance with the regulations made in this behalf;
- (x) to provide for the inspection or the investigation into the affairs of any department or any University College and submit report to the Syndicate;
- (xi) to have general supervision over the Boards of studies attached to the Faculty Council;
- (xii) to frame rules relating to the courses of post-graduate studies and the division of subjects in regard thereto and to recommend to the Syndicate the making of Regulations in this behalf;
- (xiii) to appoint, if required by the Sundicate, after considering the views of the Boards of studies attached to the Faculty Council, Boards of Examiners in the subject or subjects relating to post-graduate studies, including the subjects for doctoral thesis and for prizes and medals;
- (xiv) to call for such reports or information as the Faculty Council may consider necessary for efficient discharge of its duties from the teaching departments, research units or Boards of studies;

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- (xv) to consider any educational matter relating to the Faculty Council and to arrive at decisions or make recommendations pertaining thereto to the appropriate authority or officer;
- (xvi) to maintain contact with the corresponding Council for undergraduate studies for the purpose of sharing ideas and ensuring co-ordinations;
- (xvii) to submit each year its annual report to the Syndicate;
- (xviii) to make rules for the transaction of its own business;
- (xix) to exercise all other powers and perform all other functions conferred and imposed on it by or under this Act;
- (xx) to delegate to the teaching departments, research units, and Boards of Studies attached to it the responsibility for such academic matters as respectively concern such departments, units and Boards;
- (xxi) to consider and approve results of examinations leading to post-graduate degrees, diplomas and certificates;
- (xxii) to recommend to the Syndicate the conferment of post-graduate degrees, diplomas and certificates.

The Councils
for under-
graduate
studies.

25. (1) There shall be the following Councils for undergraduate studies:—

- (a) the Council for Undergraduate Studies in Arts, Science, Commerce, Home Science, Fine Arts and Music;
- (b) the Council for Undergraduate Studies in Medicine, Dental Science, Homoeopathy ¹, Veterinary Science, Nursing and Ayurved;
- (c) the Council for Undergraduate Studies in Engineering and Technology.

(2) (a) The Council for Undergraduate Studies in Arts, Science, Commerce, Home Science, Fine Arts and Music shall consist of the following members:—

- (i) the Pro-Vice-Chancellor for Academic Affairs—Chairman;
- (ii) the Principal, Presidency College;
- (iii) the Principal, Sanskrit College;
- ²(iia) the Deans of the Faculty Councils for Post-Graduate Studies in Arts, Science, and Commerce, Social Welfare and Business Management;

¹The words within square brackets were inserted by s. 9(1) of the Calcutta University (Amendment) Act, 1980 (West Ben. Act XLIV of 1980).

²Sub-clause (iia) was inserted by s. 9(2)(i), *ibid.*

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(iv) thirteen Teachers, other than Principals, of affiliated colleges participating in undergraduate teaching in the subject or subjects concerned of whom not more than three shall be from each of the Arts, Science and Commerce streams of education and at least one shall be from each of the other streams to be elected in the manner provided in the Statutes;

¹(v) five Principals of affiliated colleges, of whom—

(a) one shall be a Principal imparting instruction in undergraduate studies in Arts, Home Science, Fine Arts and Music,

(b) one shall be a Principal imparting instruction in undergraduate studies in Science,

(c) one shall be a Principal imparting instruction in undergraduate studies in Commerce,

(d) one shall be a Principal imparting instruction in undergraduate studies in Medicine, Dental Science, Homoeopathy, Veterinary Science, Nursing and Ayurved, and

(e) one shall be a Principal imparting instruction in undergraduate studies in Engineering and Technology,

elected from amongst the Principals of such colleges in the manner provided in the Statutes;

²(vi) three members, one each from the Faculty Councils for Post-graduate studies in—

(a) Arts,

(b) Science, and

(c) Commerce, Social Welfare and Business Management, elected in the manner provided in the Statutes.

(b) The Council shall have a Secretary. The Secretary shall be a member of the Council.

(3) (a) The Council for Undergraduate Studies in Medicine, Dental Science, Homoeopathy ³[, Veterinary Science, Nursing] and Ayurved shall consist of the following members:—

(i) the Pro-Vice-Chancellor for Academic Affairs—Chairman;

¹Sub-clause (v) was substituted for the original sub-clause by s. 9(2)(ii) of the Calcutta University (Amendment) Act, 1980 (West Ben. Act XLIV of 1980).

²Sub-clause (vi) was substituted for the original sub-clause (vi) by s. 9(2)(iii), *ibid.*

³The words within the square brackets were inserted by s. 9(3)(a), *ibid.*

(Chapter III.—Authorities of the University.—Section 25.)

¹(ii) eleven Teachers, other than Principals, of affiliated colleges participating in under-graduate teaching in Medical Science, of whom—

- (a) six shall be the Teachers of affiliated Medical Colleges elected by the Teachers of such colleges from amongst themselves,
- (b) one shall be a Teacher of an affiliated Dental Science College elected by the Teachers of such colleges from amongst themselves,
- (c) one shall be a Teacher of an affiliated Veterinary Science College elected by the Teachers of such colleges from amongst themselves,
- (d) one shall be a Teacher of an affiliated Homoeopathic College elected by the Teachers of such colleges from amongst themselves,
- (e) one shall be a Teacher of an affiliated Nursing College elected by the Teachers of such colleges from amongst themselves, and
- (f) one shall be a Teacher of an affiliated Ayurvedic College elected by the Teachers of such colleges from amongst themselves,

the election being held in the manner provided in the Statutes;

²(iii) seven Principals of affiliated colleges participating in under-graduate teaching, of whom two shall be from Medical Colleges, one shall be from Homoeopathic Colleges, one shall be from Ayurvedic Colleges, one shall be from Dental Science Colleges, one shall be from Colleges of Veterinary Science and one shall be from Colleges of Nursing, nominated by the Vice-Chancellor;

³(iv) three members of the Faculty Councils for Post-Graduate Studies in Medicine, Nursing, Homoeopathy, Ayurved and Dental Science, and Agriculture and Veterinary Science, of whom one shall be Dean, elected from amongst themselves in the manner provided in the Statutes.

(b) The Council shall have a Secretary. The Secretary shall be a member of the Council.

¹Sub-clause (ii) was substituted for the original sub-clause by s. 9(3)(b) of the Calcutta University (Amendment) Act, 1980 (West Ben. Act XLIV of 1980).

²Sub-clause (iii) was substituted for the original sub-clause by s. 9(3)(c), *ibid*.

³Sub-clause (iv) was substituted for the original sub-clause by s. 9(3)(d), *ibid*.

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(Chapter III.—Authorities of the University.—Section 26.)

(4) (a) The Council for Undergraduate Studies in Engineering and Technology shall consist of the following members:—

- (i) The Pro-Vice-Chancellor for Academic Affairs—Chairman;
- (ii) (a) four Teachers of affiliated engineering colleges participating in undergraduate teaching to be nominated by the Vice-Chancellor by rotation in order of seniority representing four major streams, namely, Civil, Electrical, Metallurgical and Mechanical;
- (b) three Teachers, one from each of technological institutes, namely, Leather, Ceramic and Textile, to be elected by the respective Teachers of the institutes in the manner provided in the Statutes;
- (iii) the Principal, Bengal Engineering College, Shibpur, Howrah;
- (iv) the Principal, College of Textile Technology, Serampore;
- (v) the Principal, College of Ceramic Technology, '[Kolkata];
- (vi) the Principal, College of Leather Technology, '[Kolkata];
- (vii) the Dean of the Faculty Council for Post-Graduate Studies in Engineering and Technology;
- (viii) three members of the Faculty Council for Post-Graduate Studies in Engineering and Technology of whom one shall be from each of the streams of Radio Physics, Applied Physics and Applied Chemistry, to be elected in the manner provided in the Statutes.

(b) The Council shall have a Secretary. The Secretary shall be a member of the Council.

(5) One-third of the total number of members of a Council for undergraduate studies shall be a quorum for a meeting of the Council.

26. (1) Subject to the provisions of this Act, and the Statutes, the Ordinances and the Regulations, a Council for undergraduate studies shall exercise the following powers and perform the following duties:—

- (i) to recommend to the Syndicate the affiliation of a college or an institution in one or more subjects;
- (ii) to ensure annual inspection of colleges;
- (iii) to exercise general supervision over the colleges to ensure that the conditions of affiliation are properly fulfilled, the standard of teaching is uniformly maintained and syllabuses as prescribed are properly completed within the academic year;

Powers and duties of the Councils for undergraduate studies.

(Chapter III.—Authorities of the University.—Section 26.)

- (iv) to fix the last date of admission of students to different courses of studies and the date of commencement of examinations in consultation with other Councils for undergraduate studies;
- (v) to appoint Head Examiners, Examiners, Paper-setters, Scrutineers, Co-ordinators, Convenors, Tabulators and other persons under the general supervision of the Syndicate;
- (vi) to hold and conduct examinations and to approve and declare the results of the examinations within such period as may be prescribed;
- (vii) to recommend to the Syndicate the disaffiliation or withdrawal of affiliation of any college in respect of any subject or subjects, if, on receipt of written report from a team of Inspectors ¹[appointed by the University], the Council is of opinion that proper standard of teaching is not maintained or conditions of affiliation are not properly fulfilled or the results of the candidates sent up by the college for any examination are unsatisfactory or the college has failed to comply with the directives of the Council;
- (viii) to approve appointments of the Principal and Teachers of a college;
- (ix) to establish, maintain and manage halls and hostels of undergraduate colleges;
- (x) to recommend to the Syndicate the temporary take over of the management of an affiliated or a recognised college or institution, other than a Government College, in order to ensure that proper standards of teaching, training or instruction are maintained therein;
- (xi) to provide for the inspection or investigation into the affairs of undergraduate college or institutions recognised by the Council or affiliated to the University and to exercise general supervision and control over them;
- (xii) to make due provision for health, welfare, residence, and discipline of students and their relationship with the University and to provide for such training of students as may be considered desirable;
- (xiii) to recommend to the Syndicate the dissolution of the Governing Body of an affiliated college or institution, other than a Government College, and pending reconstitution of the Governing Body, the appointment of an Administrator or an *ad hoc* Governing Body;

¹The words within the square brackets were inserted by s. 10(1)(a) of the Calcutta University (Amendment) Act, 1980 (West Ben. Act XLIV of 1980).

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- (xiv) to collect fees for examination, condonation of short percentage for appearing at an examination as non-collegiate student, marksheet, late admission, change of examination centre, scrutiny of answer script, and change of name or surname, and any other charge for registration and migration of students and grant of diplomas, certificates or any other documents at such rate as may be prescribed by the Syndicate;
- (xv) to exercise supervision to ensure that all properties and funds of the Council are properly controlled and administered;
- (xvi) to supply promptly such information, returns, reports and other materials as may be required by the University;
- (xvii) to extend facilities and other assistance including exhibits of records, books of accounts, ledgers and any other documents to officers deputed by the University for inspection;
- (xviii) to approve the annual report of the activities of the Council during the previous academic year and submit the same to the Syndicate on or before such date as may be fixed by the Syndicate;
- (xix) to abide by, and implement promptly, the decisions that may be arrived at by the University from time to time in regard to the Council;
- (xx) to follow the guidelines and the rules framed by the University from time to time;
- (xxi) to have general responsibility for academic affairs in relation to undergraduate studies with which the Council is concerned;
- (xxii) to have general supervision over the Board of Studies attached to the Council in accordance with the rules framed for the purpose;
- (xxiii) to maintain contact with the corresponding Council for post-graduate studies for the purpose of sharing ideas and ensuring co-ordination;
- ¹(xxiv) to make rules and regulations relating to courses of undergraduate studies, subject to the approval of the Syndicate;

¹Clause (xxiv) was inserted by s. 10(1)(b) of the Calcutta University (Amendment) Act, 1990 (Act No. 33 of 1990).

(Chapter III.—Authorities of the University.—Sections 27-30.)

(2) Notwithstanding anything contained in sub-section (1), the Council for Undergraduate Studies in Medicine, Dental Science, Homoeopathy '[, Veterinary Science, Nursing] and Ayurved shall have the following additional powers:—

- (i) to have general responsibility for academic affairs of Medical Colleges affiliated to the University relating to entrance requirements, curricula, instructions, examinations, discipline, student activities, athletics, college libraries and similar other matters;
- (ii) to frame rules and make regulations relating to courses of undergraduate studies in Medicine and the division of subjects in regard thereto;
- (iii) to advise affiliated colleges regarding provisions to be made for and the administration and supervision of the academic affairs mentioned in sub-clause (i), to provide for inspection of the colleges and to call for from such colleges reports or other information in connection therewith.

Deans of
Faculty
Councils.

27. (1) There shall be a Dean for each Faculty Council for post-graduate studies who shall be elected by the Faculty Council in such manner and subject to such conditions as may be prescribed by Statutes.

(2) The Dean shall hold office as a Dean for such term as may be prescribed by the Statutes.

The Boards
of Studies.

28. There shall be Boards of Studies attached to every Faculty Council for Post-graduate Studies or Council for undergraduate studies. The constitution of the Boards of Studies shall be prescribed by Statutes and the powers and functions of the Boards shall be prescribed by Regulations.

The Finance
Committee.

29. There shall be a Finance Committee with the Vice-Chancellor as the Chairman and the Pro-Vice-Chancellor for Business Affairs and Finance as the Vice-Chairman. The constitution, powers and functions of the Finance Committee shall be prescribed by Statutes and its procedure in financial matters, including the delegation of its powers, shall be prescribed by Ordinances.

The Tripura
Council.

30. The composition, powers and duties of the Tripura Council shall be such as may be prescribed.

¹The words within the square brackets were inserted by s. 10(2) of the Calcutta

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(Chapter III.—Authorities of the University.—Sections 31, 32.)

31. (1) A University Professor shall be appointed by the Syndicate on the recommendation of a Selection Committee consisting of—

Selection Committee for teaching posts.

- (i) the Vice-Chancellor as Chairman;
- (ii) the Pro-Vice-Chancellor for Academic Affairs;
- (iii) the Dean of the Faculty Council concerned;
- (iv) a person, not holding any office of profit under the University and having special knowledge of the subject which the Professor will teach, nominated by the Chancellor;
- (v) two persons, not holding any office of profit under the University and having special knowledge of the subject which the Professor will teach, nominated by the Syndicate.

(2) A University Reader or a University Lecturer shall be appointed by the Syndicate on the recommendation of a Selection Committee consisting of—

- (i) the Vice-Chancellor as the Chairman;
- (ii) the Pro-Vice-Chancellor for Academic Affairs;
- (iii) the Dean of the Faculty Council concerned or, in his absence, the Head of the Department concerned;
- (iv) a person, not holding any office of profit under the University and having special knowledge of the subject which the Reader or the Lecturer will teach, nominated by the Chancellor;
- (v) two persons, not holding any office of profit under the University and having special knowledge of the subject which the Reader or the Lecturer will teach, nominated by the Syndicate.

32. (1) Four members shall be a quorum for a meeting of a Selection Committee.

Procedure for holding meetings of Selection Committee.

(2) If any member of a Selection Committee is unable to attend, he may send his opinion in writing to the Vice-Chancellor and such opinion shall be taken into consideration by the Committee.

(3) If the Syndicate does not accept the recommendation of a Selection Committee, it shall refer the recommendation back to the Selection Committee with reasons for reconsideration and if the Syndicate does not accept the reconsidered views of the Selection Committee, the matter shall be referred to the Chancellor with reasons and the decision of the Chancellor shall be final.

(West Ben. Act

(Chapter III.—Authorities of the University.—Sections 33-36.)

Letter of
appointment
of Teachers,
officers and
employees.

33. (1) Every Teacher, every officer and every employee of the University shall, on appointment as such, be provided with a letter of appointment containing such terms and conditions of appointment as may be prescribed by Ordinances.

(2) A Teacher or an officer or an employee appointed against a permanent vacancy shall be on probation ordinarily for a period of one year from the date of such appointment and such period of probation may, at the discretion of the appropriate authority of the University, be extended for a further period not exceeding one year.

(3) If, at any time during the period of probation, the probationer's work is not considered satisfactory, the probationer shall be discharged by the authority concerned.

(4) On satisfactory completion of the period of probation, a Teacher or an officer or an employee, as the case may be, shall be confirmed with effect from the date of his appointment on probation by an order in writing made by the University in this behalf and the fact of such confirmation shall be communicated to the person concerned:

Provided that if, on completion of the period of probation, no such order of confirmation is made and communicated to the person concerned within a period of two months of the completion of the period of probation, the person concerned shall be deemed to have been confirmed with effect from the date of his appointment on probation.

Termination
of service of
temporary
Teacher,
officer or
employee.

34. The services of a temporary Teacher or officer or employee shall not be terminated before the expiration of the period for which he is appointed except after serving one month's notice or paying him one month's salary in lieu thereof.

Standing
committee
for selection
of officers
and non-
teaching
employees.

35. The Syndicate may, subject to the provisions of this Act, prescribe by Ordinances the constitution of a standing committee or standing committees for selection of persons for appointment to the posts of officers and to the other non-teaching posts of the University and the procedure and the method of such selection.

Tribunal.

36. (1) If in the case of any dispute between the University and any Teacher, officer or employee of the University no final order has been passed by the University within a period of one year from the date

¹Section 35 was substituted for the original section by s. 2 of the West Bengal University Laws (Amendment) Act, 1988 (West Ben. Act VIII of 1988).

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(Chapter IV.—General provisions governing all authorities or other bodies of the University.—Section 37.)

on which the dispute was referred to the University by such Teacher, officer or employee, such dispute shall, on the request of such Teacher, officer or employee, be referred to a Tribunal consisting of the following members, namely:—

- ¹(i) a Chairman to be nominated by the Chancellor in consultation with the Minister;
- (ii) one person to be nominated by the Syndicate;
- (iii) one person to be nominated by the Teacher, officer or employee concerned.

(2) The Tribunal may call for any record, report or other information from the University if, in its opinion, such record, report or other information is necessary for efficient discharge of its functions, and the University shall furnish such record, report or other information to the Tribunal.

(3) The decision of the Tribunal shall be final and no suit or proceeding shall lie in any civil court in respect of the matters decided by the Tribunal.

(4) Every request under sub-section (1) shall be deemed to be a submission to arbitration upon the terms of this section, within the meaning of the Arbitration Act, 1940, and all the provisions of that Act with the exception of section 2 thereof shall apply accordingly.

10 of 1940.

CHAPTER IV

General provisions governing all authorities or other bodies of the University

37. (1) No person shall be qualified for election or nomination as a member of any authority or body of the University or shall continue as such member if he—

Disqualifications.

- (i) is of unsound mind or a deaf-mute, or
- (ii) is an undischarged insolvent, or
- (iii) has been convicted by a court of law for an offence involving moral turpitude.

(2) In case of any doubt or dispute, the Chancellor's decision whether a person is disqualified under the provisions of sub-section (1) shall be final.

(3) No person shall be entitled to stand as a candidate for election to any authority or body of the University from more than one constituency.

¹Clause (i) was substituted for the original clause by s. 11 of the Calcutta University (Amendment) Act, 1980 (West Ben. Act XLIV of 1980).

(Chapter IV.—General provisions governing all authorities or other bodies of the University.—Sections 37A, 38.)

(4) No person shall be entitled to be enrolled as a voter for, or to cast his vote at, an election to any authority or body of the University from more than one constituency:

Provided that this sub-section shall not apply in the case of an election of members of the Senate to the Syndicate, the Faculty Council for post-graduate studies, and the Councils for undergraduate studies.

Part-time Teachers or part-time non-teaching staff not to be entitled to be enrolled as voters or to be nominated.

37A. Notwithstanding anything contained elsewhere in this Act, no person shall,—

- (a) if he is a Teacher, not holding any wholetime teaching post, or appointed for a specified period, or
- (b) if he is a member of the non-teaching staff, not appointed on a regular scale of pay, or not holding any whole-time non-teaching post,

be entitled to be enrolled as a voter for, or to cast his vote at, an election to any authority or body of the University or of any college or institution affiliated to the University or to be nominated to any such authority or body.

Explanation.—“Regular scale of pay” shall mean pay which, subject to any conditions prescribed by the University, rises by periodical increments from a minimum to a maximum.

Term of office of members.

38. (1) Save as otherwise provided in sub-section (4), an elected or nominated member of any authority or body of the University shall hold office for a period of four years from the date of his election or nomination, as the case may be:

Provided that in respect of the first elections and nominations under this Act, the said period of four years shall commence from the date of the first meeting of the authority or body held after such elections and nominations.

(2) The term of office of members other than *ex-officio* members of any authority or body of the University shall be held to include any period which may elapse between the expiry of the said term and the date of election of new members to such authority or body to fill vacancies arising by efflux of time.

(3) When elections are held on more than one date, the last of such dates shall be taken to be the date of election for the purposes of this section.

¹Section 37A was inserted by s. 2 of the West Bengal University Laws (Amendment) Act, 1986 (West Ben. Act XX of 1986).

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(Chapter IV.—General provisions governing all authorities or other bodies of the University.—Sections 39-41.)

(4) Any member elected or nominated to fill a casual vacancy shall hold office for the unexpired portion of the term of office of the member in whose seat he is so elected or nominated.

39. (1) When a person is qualified to be a member of any authority or body of the University by virtue of his membership of any other authority or body, he shall cease to be a member of the authority or body of the University when he ceases to be a member of the other.

Cessation of membership in certain cases.

(2) When a person is elected or nominated as a member of any authority or body of the University from any constituency, he shall cease to be such a member when he ceases to belong to that constituency.

40. (1) Any casual vacancy among the elected members of any authority or body of the University shall be filled, in such manner and within such time as may be prescribed, by election by such authority or body of a person representing the interest which the member, whose seat has become vacant, represented.

Filling of vacancies.

(2) Any vacancy among the nominated members of any authority or body of the University shall be filled, within such time as may be prescribed, by nomination by the person or authority that nominated the member whose seat has become vacant.

(3) Vacancies arising by efflux of time in the seats of elected members of any authority or body of the University shall be filled by election to be held on such date or dates, not later than six months or such extended period as the Chancellor may, by order made in this behalf, specify, from the date on which the vacancies arise, as the Vice-Chancellor may fix.

41. No act or proceedings of the University or of any authority or body of the University shall be deemed to be invalid merely by reason of the existence of a vacancy or vacancies among its members or the invalidity of the election of any of the members.

Proceedings of the University or the authorities or bodies of the University not invalidated by vacancies.

Explanation.—For the avoidance of doubt it is hereby declared that where the office of any member of any authority or body of the University cannot be filled up, when such authority or body is constituted for the first time, on account of any election or appointment not being for any reason feasible, there shall be deemed to be a vacancy in the office of such member until such election takes place or such appointment is made.

(Chapter IV.—General provisions governing all authorities or other bodies of the University.—Sections 42, 43.—Chapter V.—Funds of the University, Accounts, Audits and Inspection.—Sections 44, 45.)

Chancellor's power to decide question as to eligibility for being chosen as or for being members and to annul election proceedings in certain cases.

42. (1) If any question arises whether any person is eligible for election or nomination or has been duly elected or nominated as, or is entitled to be, a member of any authority or body of the University, the question shall be referred to the Chancellor, whose decision thereon shall be final.

(2) If, during the progress of any election of members to any authority or body of the University, the Chancellor is satisfied that such election is vitiated by fraud or corrupt practice, the Chancellor may make an order annulling the proceedings in respect of such election or any part thereof and directing fresh proceedings to be started, in accordance with the provisions of this Act and the Statutes, the Ordinances and the Regulations, from such stage as may be specified in the order and such order of the Chancellor shall be final.

(3) No suit or proceeding shall lie in any civil court against a decision or an order of the Chancellor under sub-section (1) or sub-section (2), as the case may be.

Casting vote by the Chairman.

43. At a meeting of the Senate, the Syndicate, the Faculty Councils for post-graduate studies, the Councils for undergraduate studies or any other authority or body of the University, the person presiding at the meeting shall not vote in the first instance, but shall have and exercise a casting vote in the case of an equality of votes.

CHAPTER V

Funds of the University, Accounts, Audit and Inspection

The University Fund.

44. The University shall have a fund to be known as the University Fund to which shall be credited all its income from fees, fines, contributions, donations, loans and advances and from any other source whatsoever. The University may also create, by Ordinances made in this behalf, separate special funds for the administration of endowments, trusts or specific grants or grants for other special purposes.

Annual contribution by State Government.

45. The State Government shall, in every financial year after considering the report submitted under sub-section (3) of section 48 relating to the year preceding the previous financial year, contribute to the University Fund an amount which shall not be less than rupees seventy-five lakhs and such contribution shall be subject to review by the State Government every three years.

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(Chapter V.—Funds of the University, Accounts, Audits and Inspection.—Sections 46-49.)

46. (1) The budget of the University showing the receipt and expenditure of the University on different accounts shall be submitted to the State Government at least three months before the end of the financial year for approval.

General limitations on financial powers of the University.

(2) The State Government shall, at least one month before the end of the financial year, communicate its approval or otherwise of the budget to the University.

(3) If no communication is sent to the University by the State Government within the period as aforesaid, the budget shall be deemed to have been approved by the State Government.

(4) Notwithstanding anything to the contrary contained in this Act, the University shall not, except with the prior approval of the State Government, incur any expenditure on any account in excess of the amount specified in the budget on that account:

Provided that no such prior approval shall be necessary in respect of any expenditure on any scheme not provided in the budget, if such expenditure is met by the University out of its own resources.

19 of 1925.

47. Any provident fund instituted by the University for the benefit of its Teachers, officers or employees shall be governed by the provisions of the Provident Funds Act, 1925, as if such fund were a Government Provident Fund and the Syndicate shall have power to frame Ordinances, not inconsistent with the provisions of that Act, for the administration of the fund.

Provident Fund.

48. (1) The Annual Statement of Accounts of the University shall, after examination by the Syndicate, be subjected to such audit as the State Government may direct.

Annual Accounts and Audit.

(2) Such Annual Statement of Accounts shall, together with copies of the audit report thereon, be submitted to the Senate and to the State Government and shall thereupon be published by the Senate.

(3) The University shall have a continuous internal audit, and the report of such audit shall be submitted to the State Government as soon as possible after the end of every financial year.

49. (1) (i) The State Government shall have the right—

Inspection.

(1) to cause an inspection to be made, by such person or persons as it may direct,—

(a) of the University, its buildings, laboratories, libraries, museums, press establishment, workshops and equipment,

(Chapter VI.—Statutes, Ordinances and Regulations.—Section 50.)

- (b) of any college or institution maintained by or affiliated to the University, and
 - (c) into all affairs of the University and of such college or institution including examination and other work conducted or done by the University or such college or institution, and
- (2) to cause an enquiry to be made into the income, expenditure, properties, assets and liabilities of the University and of any college or institution maintained by or affiliated to the University.

(ii) The State Government shall, in every such case of inspection or enquiry, give previous notice to the University or to such college or institution, as the case may be, of its intention to cause such inspection or enquiry.

(2) The State Government shall communicate to the Senate and the Syndicate or to such College or institution, as the case may be, its views on the results of such inspection or enquiry and may, after considering the opinion of the Senate and the Syndicate or of such college or institution thereon, advise the University or such college or institution regarding the action which the State Government considers fit to be taken by the University or by such college or institution in the matters concerned and the University or such college or institution shall report to the State Government, within such time as the State Government may direct, the action which is proposed to be taken or has been taken by the University or by such college or institution to give effect to such advice of the State Government.

(3) The State Government may, after considering the report referred to in sub-section (2), advise the University or such college or institution, as the case may be, to take such further action in the matters concerned, as may, in the opinion of the State Government, be necessary, and the University or such college or institution shall take or cause to be taken such further action within such time as may be specified in that behalf by the State Government.

CHAPTER VI

Statutes, Ordinances and Regulations**Statutes.**

50. Subject to the provisions of this Act, Statutes may be made to provide for all or any of the following matters:—

- (a) the declaration of posts as posts of officers of the University referred to in clause (5) of section 6;
- (b) the establishment of authorities of the University referred to in clause (8) of section 17;

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(Chapter VI.—Statutes, Ordinances and Regulations.—Section 51.)

- (c) the powers, duties, and terms and conditions of service of the officers of the University in so far as these have not been specifically provided for in this Act;
- (d) the constitution, powers and duties of the authorities of the University in so far as these have not been specifically provided for in this Act;
- (e) the rules and procedure for holding elections to the Senate, the Syndicate and other authorities and bodies of the University;
- (f) the terms and conditions of affiliation or recognition of colleges or institutions, including terms and conditions for continuance of such affiliation or recognition and rules for disaffiliation or withdrawal of recognition of such colleges or institutions;
- (g) the terms and conditions of recognition of colleges as constituent colleges or professional colleges;
- (h) the constitution, powers and functions of the Governing Bodies of colleges, other than Government Colleges;
- (i) the terms and conditions of service and the minimum emoluments for posts of Principals, Teachers and such other employees as the University may deem fit, of all affiliated colleges, other than Government Colleges;
- (j) the rules for Provident Funds for Teachers of colleges, other than Government Colleges;
- (k) the holding of convocations to confer degrees, titles, diplomas, certificates and other academic distinctions, including honorary degrees and distinctions;
- (l) the conditions for the registration of graduates of the University and for the maintenance of a Register for registered graduates;
- (m) all other matters which under this Act are required to be or may be prescribed by Statutes.

51. (1) The Syndicate may of its own motion, and shall, when required by the Senate, make a draft of any Statute and submit the same to the Senate. The draft so submitted shall be considered by the Senate at a meeting or meetings to be held within a period of six weeks from the date of such submission (hereinafter referred to as the said period), and the draft so submitted shall, unless rejected or amended by the Senate before the expiry of the said period by a majority of the total number of its members existing at the time, be deemed to have been passed by the Senate. If the Senate so rejects or amends the draft of any

How to
make
Statutes.

[West Ben. Act

(Chapter VI.—Statutes, Ordinances and Regulations.—Section 52.)

Statute, it shall be sent back to the Syndicate with the views of the Senate for reconsideration. Thereupon, the Syndicate shall reconsider the draft and resubmit it to the Senate with such changes as it may deem necessary. On such resubmission of the draft, it shall again be considered by the Senate at a meeting or meetings to be held within a period of six weeks from the date of such submission (hereinafter referred to as the latter period) and the draft so resubmitted shall, unless rejected by the Senate before the expiry of the latter period by a majority of the total number of its members existing at the time, be deemed to have been passed by the Senate without any amendment, or be passed by the Senate with such amendments as it may deem fit to make therein within the latter period and by the same majority as aforesaid.

(2) A Statute, passed in the manner provided in sub-section (1), shall be presented to the Chancellor for assent and shall come into force on being assented to by the Chancellor in consultation with the Minister.

(3) A Statute shall remain in force until repealed or amended by a new Statute similarly passed and assented to by the Chancellor.

Ordinances.

52. Subject to the provisions of this Act and the Statutes, Ordinances may be made to provide for all or any of the following matters:—

- (a) the admission of students to the University and the colleges affiliated to or recognized by it and their enrolment as such;
- (b) the levy of fees in University Colleges and in University Laboratories;
- (c) the conditions of residence and rules of discipline of the students of the University, including students of the colleges affiliated to or recognized by it, and the levy of fees for residence in halls;
- (d) the appointment of Teachers, officers and employees of the University, their emoluments, their duties and other terms and conditions of their service, in so far as these have not been specifically provided for in this Act or in the Statutes;
- (e) rules for the institution of Provident Fund or other funds for the benefit of the Teachers, officers and employees of the University;
- (f) rules for the establishment, maintenance and management of University Libraries, University Museums, halls, and other University Institutions for study, research and residence.

XXXVIII of 1979.]

(Chapter VI.—Statutes, Ordinances and Regulations.—Section 53.)

- (g) rules for the recognition of libraries, laboratories, museums, hostels, and institutions for study, research and residence, other than those established, maintained and managed by the University;
- (h) rules for the taking over of the management of an affiliated or a recognized college or institution, other than a Government College or institution, in order to ensure that proper standards of teaching, training and instruction are maintained therein;
- (i) rules for the exercise of general supervision and control over affiliated or recognized colleges or institutions and for the giving of financial aid to them;
- (j) rules for the inspection or investigation into the affairs of colleges or other institutions, affiliated to or recognized by the University, to ensure that proper standards of teaching, training and research are maintained therein;
- (k) rules for the imposition and collection of fees, fines and other dues payable to the University;
- (l) the duties and functions of the Teachers of the University including the Heads of Departments;
- (m) rules for the registration of students;
- (n) the appointment, duties and remuneration of examiners;
- (o) rules for the administration of gifts, endowments and benefactions, and for the institution and award of fellowships, travelling fellowships, scholarships, studentships, stipends, bursaries, exhibitions, medals and prizes;
- (p) rules and procedure for accepting grants and for raising or accepting loans other than loans from the Central or any State Government or the University Grants Commission;
- (q) all other matters which under this Act or the Statutes are required to be or may be prescribed by Ordinances.

53. (1) The Syndicate shall take into consideration drafts of Ordinances proposed to be passed, after notice thereof has been given to the members of the Syndicate at least three weeks in advance of the date fixed for consideration of the same by the Syndicate. The Vice-Chancellor may direct a shorter notice in a matter which in his opinion is of an emergent nature.

How to
make
Ordinances.

(2) An Ordinance shall be deemed to be passed by the Syndicate if it is agreed to by a majority of the total number of members of the Syndicate existing at the time.

(Chapter VI.—Statutes, Ordinances and Regulations.—Sections 54, 55.)

¹(3) An Ordinance passed by the Syndicate in the manner provided hereinbefore in this section shall be submitted to the Chancellor for assent and shall come into force on being assented to by the Chancellor and shall be reported to the Senate at its next succeeding meeting.

(4) The Chancellor may direct that the operation of any Ordinance shall be suspended until such time as the Senate has had an opportunity of considering the same.

(5) An Ordinance shall unless cancelled or modified by the Chancellor shall remain in force until repealed or amended by a new Ordinance similarly passed and brought into force.

Regulations.

54. Subject to the provisions of this Act and the Statutes and the Ordinances, Regulations may be made to provide for all or any of the following matters:—

- (a) the powers and functions of the Boards of Studies;
- (b) the functions and duties of Teachers' Councils in Universities and in colleges and institutions other than Government Colleges and institutions;
- (c) the conditions for admission to the different courses of study and examinations of students;
- (d) the rules for the conduct of University examinations;
- (e) the courses of study and the division of subjects upon the recommendations of the Faculty Council for post-graduate studies or the Council for undergraduate studies concerned;
- (f) the minimum qualifications for Principals, other Teachers, and Teachers of the University;
- (g) all other matters which under this Act or the Statutes or the Ordinances are required to be or may be prescribed by Regulations.

How to
make
Regulations.

55. (1) The Syndicate or a Committee appointed by it shall take into consideration drafts of Regulations, consistent with this Act and the Statutes and the Ordinances after notice of the proposed Regulations has been given to the members of the Syndicate at least three weeks in advance of the date fixed for consideration of the same by the Syndicate or the Committee appointed by it. The Vice-Chancellor may direct a shorter notice in a matter which in his opinion is of an emergent nature.

¹Sub-section (3) was substituted for the original sub-section by s. 12 of the Calcutta University (Amendment) Act, 1980 (West Ben. Act XLIV of 1980).

XXXVIII of 1979.]

(Chapter VII.—Miscellaneous and Transitory Provisions.—Section 56.)

(2) A Regulation shall be deemed to be passed by the Syndicate if it is agreed to at a meeting of the Syndicate by a majority of the total number of members of the Syndicate existing at the time. A Regulation shall come into force immediately on being passed unless otherwise directed by the Chancellor.

(3) The Senate shall have the power, by a resolution passed by a majority of its total number of members existing at the time, to cancel or modify any Regulation.

(4) A Regulation shall, unless cancelled or modified by the Senate under sub-section (3), remain in force until repealed or amended by a new Regulation similarly passed and brought into force.

CHAPTER VII

Miscellaneous and Transitory Provisions

56. (1) The Vice-Chancellor or, with the approval of the Vice-Chancellor, the Pro-Vice-Chancellor for Academic Affairs, the Pro-Vice-Chancellor for Business Affairs and Finance or the Registrar, may, subject to the provisions of this Act, delegate such of his powers or duties conferred or imposed by or under this Act as may be prescribed by the Statutes to an officer of the University under his direct administrative control.

Delegation.

(2) Subject to the provisions of this Act,—

(a) the Senate may delegate any of its powers or duties, conferred or imposed by or under this Act, to—

- (i) the Vice-Chancellor,
- (ii) the Syndicate,
- (iii) a committee constituted from among its own members,
or
- (iv) a committee appointed in accordance with the Statutes;

(b) the Syndicate may delegate any of its powers or duties, conferred or imposed by or under this Act, to—

- (i) the Vice-Chancellor,
- (ii) the Pro-Vice-Chancellor for Academic Affairs,
- (iii) the Pro-Vice-Chancellor for Business Affairs and Finance,
- (iv) a committee constituted from among its own members,
- (v) a committee constituted in accordance with the Statutes or the Ordinances,

(Chapter VII.—Miscellaneous and Transitory Provisions.—
Sections 57-59.)

- (vi) any of the Faculty Councils for post-graduate studies or Councils for undergraduate studies, or
- (vii) the Finance Committee;
- (c) the Faculty Council for post-graduate studies or the Council for undergraduate studies may delegate any of its powers or duties, conferred or imposed by or under this Act, to—
 - (i) the Vice-Chancellor,
 - (ii) the Pro-Vice-Chancellor for Academic Affairs,
 - (iii) a committee constituted from among its own members,
 - (iv) a committee constituted in accordance with the Regulations, or
 - (v) any of the Board of Studies;
- (d) the Finance Committee may delegate any of its powers or duties, conferred or imposed by or under this Act, to—
 - (i) the Vice-Chancellor, or
 - (ii) the Pro-Vice-Chancellor for Business Affairs and Finance.

Passing of
properties
and rights,
etc.

57. All properties and all rights of whatever kind used, enjoyed or possessed by, and all interests of whatever kind owned by or vested in or held in trust by or for, the University of Calcutta as constituted prior to the appointed day (hereinafter referred to as the former University) as well as all liabilities legally subsisting against the former University shall pass to the University as constituted under this Act.

Completion
of courses
for students
in colleges
affiliated to
the former
University.

58. Notwithstanding anything contained in this Act, the Statutes, the Ordinances and the Regulations, any student of a college affiliated to the former University, who was studying for any examination of the former University, shall be permitted to complete his course in preparation therefor and the University shall hold, for such students, examinations in accordance with the curricula of study in force in the former University for such period as may be prescribed.

Transitory
provisions
and repeal.

59. (1) The Vice-Chancellor holding office at the date of publication of this Act in the *Official Gazette* shall be the first Vice-Chancellor of the University and shall be deemed to have been appointed under this Act and he shall hold office for a period of four years from the date of publication of this Act in the *Official Gazette* or till he attains the age of 65 years, whichever is earlier.

XXXVIII of 1979.]

*(Chapter VII.—Miscellaneous and Transitory Provisions.—
Section 59.)*

(2) The first Vice-Chancellor shall, with the approval of the Chancellor and with the assistance of a committee consisting of not less than nine members nominated by the Chancellor, cause the first Statutes, the first Ordinances and the first Regulations of the former University to be reviewed and, if he considers it necessary, cause them to be amended.

(3) The first Vice-Chancellor shall within six months from the date of his appointment or within such longer period, not exceeding one year from the date of his appointment, as the State Government may, by notification, direct, cause arrangements to be made for constituting the Senate, the Syndicate, the Faculty Councils for post-graduate studies, the Councils for undergraduate studies and the Boards of Studies in accordance with the provisions of the first Statutes, the first Ordinances and the first Regulations of the former University as reviewed or amended under sub-section (2), as if they had already come into force.

(4) If, for any reason,—

- (a) the constitution of the Senate, the Syndicate and other bodies referred to in sub-section (3) cannot be completed within the period of office of the first Vice-Chancellor appointed under sub-section (1), then, on the expiry of such period, the Chancellor may, in consultation with the Minister, on such terms and conditions as he thinks fit, appoint the first Vice-Chancellor whose period of office has expired or another person to be the Vice-Chancellor for the purposes of this section for such period not exceeding one year as the Chancellor thinks fit, or
- (b) a vacancy occurs in the office of the first Vice-Chancellor before the expiry of the period of his office, then, the Chancellor may, in consultation with the Minister, on such terms and conditions as he thinks fit, appoint another person to be the Vice-Chancellor for the purposes of this section for the unexpired portion of such period or such further period not exceeding one year as the Chancellor thinks fit.

and references in this Act to the first Vice-Chancellor shall be deemed to include references to the Vice-Chancellor appointed under this sub-section.

(5) The State Government shall, by notification in the *Official Gazette*, appoint a date and on and from such date the Senate, the Syndicate, the Faculty Councils for post-graduate studies, the Councils for undergraduate studies and the Boards of Studies shall commence to exercise their respective functions and the first Statutes, the first Ordinances and the

[West Ben. Act

(Chapter VII.—Miscellaneous and Transitory Provisions.—Section 59.)

first Regulations of the former University as reviewed or amended under sub-section (2) shall come into force and shall be the first Statutes, the first Ordinances and the first Regulations of the University.

(6) (a) The Calcutta University (Temporary Supersession) Act, 1978 (hereinafter referred to in this sub-section as the said Act) shall stand repealed with effect from the date of publication of this Act in the *Official Gazette*.

West Ben.
Act VII of
1978.

(b) Notwithstanding such repeal, until the appointed day, the Calcutta University Council, referred to in clause (b) of section 4 of the said Act, shall continue to exercise all the powers and perform all the duties in the manner and on the terms and conditions provided in the said Act.

(7) The first Statutes, the first Ordinances and the first Regulations of the University shall remain in force until new Statutes, new Ordinances and new Regulations are made under the provisions of this Act.

(8) The first Vice-Chancellor may, subject to the approval of the Chancellor, appoint such administrative, clerical and other staff as he deems necessary for giving effect to the provisions of this section.

(9) On and from the appointed day the Calcutta University Act, 1966 shall stand repealed and thereupon—

West Ben.
Act II of
1966.

- (a) the Statutes, the Ordinances and the Regulations of the former University shall, subject to the provisions of sub-section (5), stand repealed and all authorities or bodies of the former University shall cease to function;
- (b) all colleges and institutions affiliated to or recognised by the former University and continuing as such immediately before the appointed day shall be deemed to be affiliated to, or recognised by, the University;
- (c) all colleges or institutions of whatever kind established, maintained or managed by the former University prior to the appointed day shall be deemed to be colleges or institutions established, maintained or managed by the University under this Act;
- (d) all affairs, functions or activities of the former University, including studies and examinations, commenced and in progress before the appointed day, shall be deemed to be in progress as if they had been commenced by the University under this Act;

XXXVIII of 1979.]

(Chapter VII.—Miscellaneous and Transitory Provisions.—Section 60.)

- (e) all things done or deemed to have been done, and all actions taken or deemed to have been taken and all appointments made by the former University under the Calcutta University Act, 1966, shall, in so far as they are not inconsistent with the provisions of this Act, be deemed to be things done or actions taken or appointments made by the University under this Act as if this Act had been in force when such things were done or such actions were taken or such appointments were made:

Provided that until such repeal references to the Vice-Chancellor under the said Act, shall be deemed to be references to the first Vice-Chancellor under this Act:

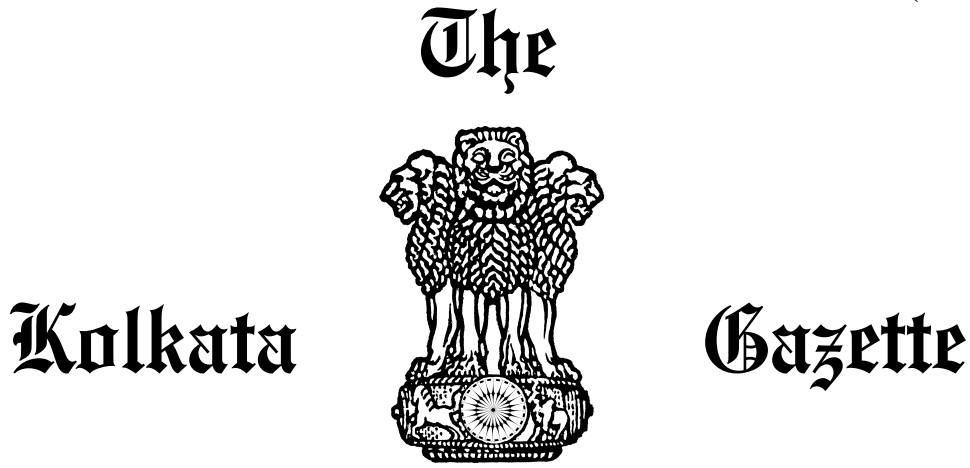
Provided further that such repeal shall not affect the affiliation of colleges or institutions situated outside West Bengal which are already affiliated to the University of Calcutta under the provisions of the Calcutta University Act, 1966.

(10) In construing the provisions of section 18, section 21, section 23 and section 25 and in construing the provisions of the first Statutes, the first Ordinances and the first Regulations of the University in relation to the constitution, under this section, of the Senate, the Syndicate, the Faculty Councils for post-graduate studies, the Councils for undergraduate studies and the Boards of Studies, references to the heads of departments of teaching of the University, the University Professors, University Readers and University Lecturers, and Teachers of the University shall be deemed to be references to the persons holding offices respectively as the heads of departments of teaching, Professors, Readers, Lecturers and Teachers of the University of Calcutta, immediately before the date of appointment of the first Vice-Chancellor.

(11) The provisions of this section shall have effect notwithstanding anything to the contrary contained elsewhere in this Act or in any other law.

60. If on account of any lacuna or omission in the provisions of this Act, or for any other reason whatsoever, any difficulty arises as to the first constitution of any authority of the University under this Act, or otherwise in giving effect to the provisions of this Act, the State Government, as occasion may require, may by order do anything which appears to it to be necessary for the purpose of removing the difficulty notwithstanding anything to the contrary contained elsewhere in this Act or in any other law.

Removal of
difficulties.



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Extraordinary
Published by Authority

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WEDNESDAY, JANUARY 25, 2012

[SAKA 1933

PART III—Act of the West Bengal Legislature.

GOVERNMENT OF WEST BENGAL**LAW DEPARTMENT****Legislative****NOTIFICATION**

No. 116-L.—25th January, 2012.—The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information:—

West Bengal Act XII of 2011**THE WEST BENGAL UNIVERSITY LAWS
(AMENDMENT) ACT, 2011.***[Passed by the West Bengal Legislature.]*

*[Assent of the Governor was first published in the Kolkata Gazette
Extraordinary, of the 25th January, 2012.]*

An Act to amend the Calcutta University Act, 1979, the North Bengal University Act, 1981, the Burdwan University Act, 1981, the Vidyasagar University Act, 1981, the Kalyani University Act, 1981, the West Bengal State University (Barasat, North 24- Parganas) Act, 2007, the Gour Banga University Act, 2007, the Sidho-Kanho-Birsha University Act, 2010, the Jadavpur University Act, 1981, the Rabindra Bharati University Act, 1981, the Netaji Subhas Open University Act, 1997, the Bengal Engineering and Science University Act, Shibpur, 2004, and the West Bengal University of Technology Act, 2000.

WHEREAS it is expedient to amend the Calcutta University Act, 1979, the North Bengal University Act, 1981, the Burdwan University Act, 1981, the Vidyasagar University Act, 1981, the Kalyani University Act, 1981, the West Bengal State University (Barasat, North 24-Parganas) Act, 2007, the Gour Banga University Act, 2007, the Sidho-Kanho-Birsha University Act, 2010, the Jadavpur University Act, 1981, the Rabindra Bharati University Act, 1981, the Netaji Subhas Open University Act, 1997, the Bengal Engineering and Science University Act, Shibpur, 2004, and the West Bengal University of Technology Act, 2000, for the purposes and in the manner hereinafter appearing ;

West Ben. Act XXXVIII of 1979.
West Ben. Act XXV of 1981.
West Ben. Act XXIII of 1981.
West Ben. Act XVIII of 1981.
West Ben. Act XL of 1981.
West Ben. Act XXIV of 1981.
West Ben. Act XXXVI of 2007.
West Ben. Act XII of 2010.
West Ben. Act XXIV of 1981.
West Ben. Act XXXVI of 1981.
West Ben. Act XIX of 1997.
West Ben. Act XIII of 2004.
West Ben. Act XV of 2000.

*The West Bengal University Laws
(Amendment) Act, 2011.*

(Sections 1, 2.)

It is hereby enacted in the Sixty-second 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 University Laws (Amendment) Act, 2011.

(2) It shall be deemed to have come into force on the 2nd day of November, 2011.

Amendment of
West Ben. Act
XXXVIII.

2. In the Calcutta University Act, 1979,—

(1) in section 2,—

(i) after clause (20), the following clause shall be inserted:—

‘(20a) "State Government" means the Government of West Bengal in the Higher Education Department;’;

(ii) in clause (23), for the words "a Professor, Reader, Principal, Lecturer;", the words "a Principal, Professor, Associate Professor, Reader, Assistant Professor," shall be substituted;

(iii) for clause (24), the following clause shall be substituted:—

‘(24) “Teacher of the University” means a Professor, Associate Professor, Assistant Professor, or any other person, holding a teaching post including a part-time teaching post, appointed or recognized as such by the University;’;

(iv) clause (29) shall be omitted;

(2) for section 8, the following section shall be substituted:—

"The Vice-Chancellor.

8. (1) (a) The Vice-Chancellor shall be appointed from the persons of the highest level of competence, integrity, morals and institutional commitment. The Vice Chancellor shall be a distinguished academic with a minimum of ten years of experience in a University system of which at least 5 years shall be as professor or ten years of experience in a reputed research or academic administrative organisation of which atleast 5 years shall be in an equivalent position of professor.

(b) The Vice Chancellor shall be appointed by the Chancellor out of the panel of three names recommended in order of preference by the Search Committee constituted by the State Government. While preparing the panel, the Search Committee must give proper weightage to academic excellence, exposure to the higher education system in the country and abroad and adequate experience in academic and administrative governance and reflect the same in writing while submitting the panel to the Chancellor.

(c) The Search Committee shall consist of the following Members:—

(i) a nominee of the Chancellor, who shall be the Chairperson of the Committee;

(ii) a nominee of the Chairman, University Grants Commission;

(iii) a nominee of the Senate:

Provided that all such Members shall be persons of eminence in the sphere of higher education and shall not be connected in any manner with the University or colleges or institutions affiliated with the University or recognised by it.

(2) (a) The Vice-chancellor shall hold office for a term of four years or till he attains the age of sixty-five years, whichever is earlier, and shall be eligible for re-appointment for another term of four years or till he attains the age of sixty-five years, whichever is earlier, following the provisions of sub-section (1).

*The West Bengal University Laws
(Amendment) Act, 2011.*

(Section 2.)

(b) The Chancellor may, notwithstanding the expiration of the term of the office of the Vice-Chancellor or his attaining the age of sixty-five years, allow him to continue in office till a successor assumes office, provided that he shall not continue as such for any period exceeding six months.

(3) The Vice-Chancellor shall be a whole-time officer of the University and shall be paid from the University Fund such salary and allowances as the Chancellor may decide in consultation with the State Government.

(4) The Vice-Chancellor may resign his office by writing under his hand addressed to the Chancellor.

(5) If—

- (a) the Vice-Chancellor is, by reasons of leave, illness or other cause, temporarily unable to exercise the powers and perform the duties of his office, or
- (b) a vacancy occurs in the office of the Vice-Chancellor by reason of death, resignation, removal, expiry of term of his office or otherwise, then, during the period of such temporary inability or pending the appointment of a Vice-Chancellor, as the case may be, the Chancellor in consultation with the Minister may appoint a person to exercise the powers and perform the duties of the Vice-Chancellor.

(6) The vacancy in the office of the Vice-Chancellor occurring by reason of death, resignation or expiry of the term of his office, removal or otherwise shall be filled up by appointment of a Vice-Chancellor in accordance with the provisions of sub-section (1) within a period of six months from the date of occurrence of the vacancy, and such period shall be held to include any period for which a Vice-Chancellor is allowed to continue in office under clause (b) of sub-section (2), or a person is appointed by the Chancellor in consultation with the Minister to exercise the powers and perform the duties of the Vice-Chancellor under sub-section (5).

(7) The Vice-Chancellor may be removed from his office by the Chancellor if he is satisfied that the incumbent,—

- (a) has become insane and adjudged by a competent court to be of unsound mind; or
- (b) has become an undischarged insolvent and stands so declared by a competent Court; or
- (c) has been physically unfit and incapable of discharging function due to protracted illness or physical disability ; or
- (d) has willfully omitted or refused to carry out the provisions of this Act or has committed breach of any of the terms and conditions of the service contract or has abused or misused the powers vested in him or if the continuance in the office of the Vice Chancellor is detrimental to the interest of the University; or
- (e) has been proved to be guilty of criminal breach of trust or criminal negligence or gross financial irregularity or impropriety or gross negligence of duty; or
- (f) has shown incompetence to perform or has persistently made default in the performance of the duties imposed on him by or under this Act; or

*The West Bengal University Laws
(Amendment) Act, 2011.*

(Section 2.)

- (g) has been convicted by a court for any offence within the concept and meaning of the Code of Criminal Procedure, 1973; or
- (h) is a member of, or otherwise associated with, any political party or acts in any partisan manner while in office.

2 of 1974.

Explanation.—For the purpose of this sub-clause, whether any party is a political party or any association is a political association or any act of the Vice Chancellor is partisan, decision of the Chancellor thereon shall be final:

Provided that the Vice-Chancellor shall be given a reasonable opportunity to show cause by the Chancellor before taking recourse for his removal under clauses (d), (e), (f), (g) and (h)."

- (3) for section 10, the following section shall be substituted:—

"The Pro-Vice-Chancellor for Academic Affairs.

10. (1) (a) The Pro-Vice-Chancellor for Academic Affairs shall be appointed from the persons of the highest level of competence, integrity, morals and institutional commitment. The Pro-Vice Chancellor shall be a distinguished academic with a minimum of ten years of experience in a University system of which at least 5 years shall be as Professor or ten years of experience in a reputed research or academic administrative organisation of which at least 5 years shall be in an equivalent position of Professor.

(b) The Pro-Vice-Chancellor for Academic Affairs shall be appointed by the Chancellor in consultation with the Minister. The term of his office shall be for four years and he shall be eligible for re-appointment for a period not exceeding four years but shall not hold office beyond the age of sixty-five years.

(2) The Pro-Vice-Chancellor for Academic Affairs shall be a whole-time officer of the University and shall be paid from the University Fund such salary and allowances as the Chancellor may decide in consultation with the State Government.

(3) The Pro-Vice-Chancellor for Academic Affairs may resign his office by writing under his hand addressed to the Chancellor.

(4) If—

- (a) the Pro-Vice-Chancellor for Academic Affairs is, by reason of leave, illness or other cause, temporarily unable to exercise the powers and perform the duties of his office, or
- (b) a vacancy occurs in the office of the Pro-Vice-Chancellor for Academic Affairs by reason of death, resignation or expiry of the term of his office, removal or otherwise,

then, during the peiroad of such temporary inability or pending the appointment of a Pro-Vice-Chancellor for Academic Affairs, as the case may be, the Chancellor, in consultation with the Minister and the Vice-Chancellor, shall authorise Pro-Vice-Chancellor for Business Affairs and Finance or a senior teacher of the University or an officer of the University to exercise the powers and perform the duties of the Pro-Vice-Chancellor for Academic Affairs.

(5) The vacancy in the office of the Pro-Vice-Chancellor for Academic Affairs occurring by reason of death, resignation or expiry of the term of his office, removal or otherwise shall be filled up by appointment of a Pro-Vice-Chancellor for Academic Affairs in accordance with the provisions of sub-section (1).

*The West Bengal University Laws
(Amendment) Act, 2011.*

(Section 2.)

(6) The Pro-Vice-Chancellor for Academic Affairs may be removed from his office by the Chancellor if he is satisfied that the incumbent,—

- (a) has become insane and adjudged by a competent court to be of unsound mind; or
- (b) has become an undischarged insolvent and stands so declared by a competent Court; or
- (c) has been physically unfit and incapable of discharging function due to protracted illness or physical disability ; or
- (d) has wilfully omitted or refused to carry out the provisions of this Act or has committed breach of any of the terms and conditions of the service contract or has abused or misused the powers vested in him or if the continuance in the office of the Pro-Vice Chancellor is detrimental to the interest of the University; or
- (e) has been proved to be guilty of criminal breach of trust or criminal negligence or gross financial irregularity or impropriety or gross negligence of duty; or
- (f) has shown incompetence to perform or has persistently made default in the performance of the duties imposed on him by or under this Act; or
- (g) has been convicted by a court for any offence within the concept and meaning of the Code of Criminal Procedure, 1973; or
- (h) is a member of, or otherwise associated with, any political party or acts in any partisan manner while in office.

2 of 1974.

Explanation.—For the purpose of this sub-clause, whether any party is a political party or any association is a political association or any act of the Pro-Vice Chancellor is partisan, decision of the Chancellor thereon shall be final:

Provided that the Pro-Vice-Chancellor for Academic Affairs shall be given a reasonable opportunity to show cause by the Chancellor before taking recourse for his removal under clauses (d), (e), (f), (g) and (h).".

(4) for section 12, the following section shall be substituted:—

"The Pro-Vice-Chancellor for Business Affairs and Finance.

12. (1) (a) The Pro-Vice-Chancellor for Business Affairs and Finance shall be appointed from the persons of the highest level of competence, integrity, morals and institutional commitment. The Pro-Vice Chancellor shall be a distinguished academic with a minimum of ten years of experience in a University system of which at least 5 years shall be as Professor or ten years of experience in a reputed research or academic administrative organisation of which at least 5 years shall be in an equivalent position of Professor.

(b) The Pro-Vice-Chancellor for Business Affairs and Finance shall be appointed by the Chancellor in consultation with the Minister. The term of his office shall be for four years and he shall be eligible for re-appointment for a period not exceeding four years but shall not hold office beyond the age of sixty-five years.

(2) The Pro-Vice-Chancellor for Business Affairs and Finance shall be a whole-time officer of the University and shall be paid from the University Fund such salary and allowances as the Chancellor may decide in consultation with the State Government.

(3) The Pro-Vice-Chancellor for Business Affairs and Finance may resign his office by writing under his hand addressed to the Chancellor.

*The West Bengal University Laws
(Amendment) Act, 2011.*

(Section 2.)

(4) If—

- (a) the Pro-Vice-Chancellor for Business Affairs and Finance is, by reason of leave, illness or other cause, temporarily unable to exercise the powers and perform the duties of his office, or
- (b) a vacancy occurs in the office of the Pro-Vice-Chancellor for Business Affairs and Finance by reason of death, resignation or expiry of the term of his office, removal or otherwise,

then, during the period of such temporary inability or pending the appointment of a Pro-Vice-Chancellor for Business Affairs and Finance, as the case may be, the Chancellor, in consultation with the Minister and the Vice-Chancellor, shall authorise Pro-Vice-Chancellor for academic Affairs or a senior teacher of the University or an officer of the University to exercise the powers and perform the duties of the Pro-Vice-Chancellor for Business Affairs and Finance.

(5) The vacancy in the office of the Pro-Vice-Chancellor for Business Affairs and Finance occurring by reason of death, resignation or expiry of the term of his office, removal or otherwise shall be filled up by appointment of a Pro-Vice-Chancellor for Business Affairs and Finance in accordance with the provisions of sub-section (1).

(6) The Pro-Vice-Chancellor for Business Affairs and Finance may be removed from his office by the Chancellor if he is satisfied that the incumbent,—

- (a) has become insane and adjudged by a competent court to be of unsound mind; or
- (b) has become an undischarged insolvent and stands so declared by a competent Court; or
- (c) has been physically unfit and incapable of discharging function due to protracted illness or physical disability ; or
- (d) has wilfully omitted or refused to carry out the provisions of this Act or has committed breach of any of the terms and conditions of the service contract or has abused or misused the powers vested in him or if the continuance in the office of the Pro-Vice Chancellor is detrimental to the interest of the University; or
- (e) has been proved to be guilty of criminal breach of trust or criminal negligence or gross financial irregularity or impropriety or gross negligence of duty; or
- (f) has shown incompetence to perform or has persistently made default in the performance of the duties imposed on him by or under this Act; or
- (g) has been convicted by a court for any offence within the concept and meaning of the Code of Criminal Procedure, 1973; or
- (h) is a member of, or otherwise associated with, any political party or acts in any partisan manner while in office.

2 of 1974.

Explanation.—For the purpose of this sub-clause, whether any party is a political party or any association is a political association or any act of the Pro-Vice Chancellor is partisan, decision of the Chancellor thereon shall be final:

Provided that the Pro-Vice-Chancellor for Business Affairs and Finance shall be given a reasonable opportunity to show

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cause by the Chancellor before taking recourse for his removal under clauses (d), (e), (f), (g) and (h).".

(5) for section 18, the following section shall be substituted:—

"The Senate. 18. (1) The Senate shall consist of the following members:—

(a) *Ex officio* members—

- (i) the Chancellor;
- (ii) the Vice-Chancellor;
- (iii) the Pro-Vice Chancellor (Academic Affairs);
- (iv) the Pro-Vice Chancellor (Business Affairs and Finance);
- (v) the Deans of Faculty Councils for Post Graduate Studies;
- (vi) the Secretary, Higher Education Department, Government of West Bengal or his nominee not below the rank of Joint Secretary to the Government of West Bengal;
- (vii) the Secretary, Finance Department, Government of West Bengal or his nominee not below the rank of Joint Secretary to the Government of West Bengal;
- (viii) the Chairman, West Bengal State Council of Higher Education or his nominee;
- (ix) the President, West Bengal Council of Higher Secondary Education;
- (x) the President, West Bengal Madrasah Education Board;
- (xi) the President, West Bengal Board of Secondary Education;
- (xii) the Director of Public Instruction, West Bengal or his nominee not below the rank of Additional Director of Public Instruction;
- (xiii) a nominee of the Chairman of University Grants Commission;
- (xiv) a nominee of the Chairman of National Council for Teachers' Education;
- (xv) the Chairman of the College Service Commission or a member of the Commission as his nominee;

(b) Representatives of Departments and Colleges—

- (xvi) Heads of Departments of the University;
- (xvii) five senior most Professors of Departments of the University to be selected by the Vice-Chancellor in alphabetical order of the Department, of whom not more than one Professor shall be from the same Department;
- (xviii) Principals of affiliated Colleges, not more than ten, to be nominated by the Vice-Chancellor of whom —
 - (I) one shall be from a Teacher's Training College;
 - (II) one shall be from a Law College;
 - (III) one shall be from other Professional College;
 - (IV) one shall be from Women's College;
 - (V) one shall be from Government College;
- (xix) five teachers from the Council for Undergraduate studies, of whom at least two shall belong the rank of

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Associate Professor and others shall be not below the rank of Assistant Professor, to be elected by the members of the Council from amongst themselves in the manner as may be prescribed by the Statutes;

(xx) one representative of officers of the University, to be elected from amongst themselves in the manner as may be prescribed by the Statutes;

(xxi) two representatives of non-teaching employees of whom—

(i) one from non-teaching employees of the University,

(ii) one from non-teaching employees of the affiliated colleges of the University,

to be elected from amongst themselves in the manner as may be prescribed by the Statutes;

(c) Nominated Members—

(xxii) not more than five persons to be nominated by the Chancellor from amongst the persons interested in University education:

Provided that no employee of the University or of a College or Institution affiliated with the University or recognised by it shall be eligible to be a member;

(d) Special Invitee—

(xxiii) any official or expert in any field or eminent educationist, whom the Vice-Chancellor may require for advice, consultation or assistance, may be invited to attend the meeting :

Provided that not more than one official or expert or eminent educationist may be invited in a meeting at a time.

(2) A member of the Senate shall hold office for a period of four years, if not expressly provided otherwise in sub-section (1). Any vacancy among the members of the Senate shall be filled up immediately by the concerned authority.

(3) No act or proceedings of the Senate or of any body constituted by the Senate shall be invalid or called in question by reason of the existence of any vacancy, initial or subsequent, in the Senate or in any body constituted by the Senate, as the case may be."

(6) for section 21, the following section shall be substituted:—

" The Syndicate. 21. (1) The Syndicate shall consist of the following members:—

(a) *Ex officio* Members—

(i) the Vice-Chancellor;

(ii) the Pro-Vice Chancellor (Academic Affairs);

(iii) the Pro-Vice Chancellor (Business Affairs and Finance);

(iv) Secretary of Higher Education Department or his nominee not below the rank of Joint Secretary;

(v) Secretary of Finance Department or his nominee not below the rank of Joint Secretary;

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- (vi) Chairman of West Bengal State Council of Higher Education or his nominee;
- (vii) Director of Public Instruction or his nominee not below the rank of Additional Director of Public Instruction;
- (viii) the Deans of Faculty Councils for Post-Graduate Studies;
- (ix) Principals of affiliated Colleges, not more than seven, to be nominated by the Vice Chancellor of whom—
 - (I) one shall be from a Teacher's Training College;
 - (II) one shall be from a Law College;
 - (III) one shall be from other Professional College;
 - (IV) one shall be from Women's College;
 - (V) one shall be from Government College;

(b) Other Members—

- (x) three Heads of Departments, by rotation for one year in alphabetical order of the Department, to be selected by the Vice-Chancellor;
- (xi) seven teachers from the faculty council for Post-Graduate studies of whom four shall be Professors, two shall be Associate Professors and one shall be Assistant Professor and they shall be elected by the members of the faculty council from amongst themselves in the manner as may be prescribed by statutes;
- (xii) five Teachers of whom at least two shall belong to the rank of Associate Professor and Others shall be not below the rank of Assistant Professor from the Council for Undergraduate studies, to be elected by the members of the Council from amongst themselves in the manner as may be prescribed by Statutes;
- (xiii) two persons nominated by the Chancellor interested in University education:

Provided that no employee of the University or of a College or Institution affiliated with the University or recognized by it shall be eligible to be a member.

(2) A member of the Syndicate shall hold office for a period of four years, if not expressly provided otherwise in sub-section (1). Any vacancy among the members of the Syndicate shall be filled up immediately by the concerned authority.

(3) No act or proceedings of the Syndicate or of any body constituted by the Syndicate shall be invalid or called in question by reason of the existence of any vacancy, initial or subsequent, in the Syndicate or in any body constituted by the Syndicate, as the case may be."

(4) One-third of the total number of members shall be a quorum for a meeting of the Syndicate.";

(7) in section 22, in clause (ix), the word "Teacher", wherever it occurs, shall be omitted.;

(8) in section 23,—

(i) in sub-section (2),—

(a) after clause (v), the following clause shall be inserted:—

"(va) the Librarian of the University, if the post is vacant then the person acting as Librarian of the University

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in the case of the Faculty Council for Post-Graduate Studies in Education, Journalism and Library Science;”;

(b) after clause (viii), the following clause shall be inserted:—

“(ix) one student representative pursuing Post-Graduate studies in the University and one research scholar pursuing research in the University to be elected by Post-Graduate students and research scholars respectively from amongst themselves in the manner as may be prescribed in the Statutes;”;

(9) in section 25, in clause (a) of sub-section (2), after clause (vi), the following clause shall be inserted:—

“(vii) three student representatives pursuing Undergraduate studies in different streams of education in the affiliated colleges of the University to be elected by such students from amongst themselves in the manner as may be prescribed by the statutes:

Provided that no two student representatives shall be elected from the same stream of education.”;

(10) for section 31, the following section shall be substituted:—

"Selection Committee for Teaching Posts. 31. (1) A University Professor or a University Associate Professor or a University Assistant Professor shall be appointed by the Vice-Chancellor, on the recommendation of a Selection Committee, and the constitution of such Selection Committee as well as the procedure for holding its meetings shall be in consonance with the University Grants Commission Regulations and Recruitment Rules framed by the State Government from time to time.

(2) Notwithstanding anything contrary to the provisions of University Grants Commission Regulations, the nominee of the Vice-Chancellor shall be the head of the Selection Committee, which shall send its recommendations in writing to the Vice-Chancellor alongwith reasoned record of assessment of the persons appeared before it for selection.”;

(11) for section 32, the following section shall be substituted:—

"Procedure for holding meeting of the Selection Committee. 32. (1) At least four members, including two outside subject experts, shall constitute the quorum for a meeting of the Selection Committee.

(2) If the Vice-Chancellor does not accept the recommendation of a Selection Committee, it shall refer the recommendation back to the Selection Committee with reasons for reconsideration and if the Vice-Chancellor does not accept the reconsidered views of the Selection Committee, the matter shall be referred to the Chancellor with reasons and the decision of the Chancellor shall be final.”.

Amendment of
West Ben. Act
XXV of 1981.

3. In the North Bengal University Act, 1981,—

(1) in section 2,—

(i) after clause (18), the following clause shall be inserted:—

‘(18a) "State Government" means the Government of West Bengal in the Higher Education Department;’;

(ii) in clause (21), for the words “Assistant Professor, Reader, Lecturer,”, the words “Associate Professor, Reader, Assistant Professor,” shall be substituted;

(iii) for clause (22), the following clause shall be substituted:—

‘(22) “Teacher of the University” means a Professor, Associate Professor, Assistant Professor, or any other person, holding a teaching

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post including a part-time teaching post, appointed or recognized as such by the University.';

(iv) clause (25) shall be omitted;

(2) for section 9, the following section shall be substituted:—

"The Vice-Chancellor.

9. (1) (a) The Vice-Chancellor shall be appointed from the persons of the highest level of competence,

integrity, morals and institutional commitment. The Vice Chancellor shall be a distinguished academic with a minimum of ten years of experience in a University system of which at least 5 years shall be as Professor or ten years of experience in a reputed research or academic administrative organization of which at least 5 years shall be in an equivalent position of Professor.

(b) The Vice-Chancellor shall be appointed by the Chancellor out of the panel of three names recommended in order of preference by the Search Committee constituted by the State Government. While preparing the panel, the Search Committee must give proper weightage to academic excellence, exposure to the higher education system in the country and abroad and adequate experience in academic and administrative governance and reflect the same in writing while submitting the panel to the Chancellor.

(c) The Search Committee shall consist of the following Members:—

(i) a nominee of the Chancellor, who shall be the Chairperson of the Committee;

(ii) a nominee of the Chairman, University Grants Commission;

(iii) a nominee of the Court:

Provided that all such Members shall be persons of eminence in the sphere of higher education and shall not be connected in any manner with the University or colleges or institutions affiliated with the University or recognised by it.

(2) (a) The Vice-chancellor shall hold office for a term of four years or till he attains the age of sixty-five years, whichever is earlier, and shall be eligible for re-appointment for another term of four years or till he attains the age of sixty-five years, whichever is earlier, following the provisions of sub-section (1).

(b) The Chancellor may, notwithstanding the expiration of the term of the office of the Vice-Chancellor or his attaining the age of sixty-five years, allow him to continue in office till a successor assumes office, provided that he shall not continue as such for any period exceeding six months.

(3) The Vice-Chancellor shall be a whole-time officer of the University and shall be paid from the University Fund such salary and allowances as the Chancellor may decide in consultation with the State Government.

(4) The Vice-Chancellor may resign his office by writing under his hand addressed to the Chancellor.

(5) If—

(a) the Vice-Chancellor is, by reasons of leave, illness or other cause, temporarily unable to exercise the powers and perform the duties of his office, or

(b) a vacancy occurs in the office of the Vice-Chancellor by reason of death, resignation, removal, expiry of term of his office or

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otherwise, then, during the period of such temporary inability or pending the appointment of a Vice-Chancellor, as the case may be, the Chancellor in consultation with the Minister may appoint a person to exercise the powers and perform the duties of the Vice-Chancellor.

(6) The vacancy in the office of the Vice-Chancellor occurring by reason of death, resignation or expiry of the term of his office, removal or otherwise shall be filled up by appointment of a Vice-Chancellor in accordance with the provisions of sub-section (1) within a period of six months from the date of occurrence of the vacancy, and such period shall be held to include any period for which a Vice-Chancellor is allowed to continue in office under clause (b) of sub-section (2), or a person is appointed by the Chancellor in consultation with the Minister to exercise the powers and perform the duties of the Vice-Chancellor under sub-section (5).

(7) The Vice-Chancellor may be removed from his office by the Chancellor if he is satisfied that the incumbent, -

- (a) has become insane and adjudged by a competent court to be of unsound mind; or
- (b) has become an undischarged insolvent and stands so declared by a competent Court; or
- (c) has been physically unfit and incapable of discharging function due to protracted illness or physical disability ; or
- (d) has wilfully omitted or refused to carry out the provisions of this Act or has committed breach of any of the terms and conditions of the service contract or has abused or misused the powers vested in him or if the continuance in the office of the Vice Chancellor is detrimental to the interest of the University; or
- (e) has been proved to be guilty of criminal breach of trust or criminal negligence or gross financial irregularity or impropriety or gross negligence of duty; or
- (f) has shown incompetence to perform or has persistently made default in the performance of the duties imposed on him by or under this Act; or
- (g) has been convicted by a court for any offence within the concept and meaning of the Code of Criminal Procedure, 1973; or
- (h) is a member of, or otherwise associated with, any political party or acts in any partisan manner while in office.

2 of 1974.

Explanation.— For the purpose of this sub-clause, whether any party is a political party or any association or any act of the Vice-Chancellor is partisan, decision of the Chancellor thereon shall be final:

Provided that the Vice-Chancellor shall be given a reasonable opportunity to show cause by the Chancellor before taking recourse for his removal under clauses (d), (e), (f), (g) and (h).";

(3) for section 17, the following section shall be substituted:—

"The Court. 17. (1) The Court shall consist of the following members:—

- (a) *Ex officio* members—

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- (i) the Chancellor;
- (ii) the Vice-Chancellor;
- (iii) the Deans of Faculty Councils for Post Graduate Studies;
- (iv) the Secretary, Higher Education Department, Government of West Bengal or his nominee not below the rank of Joint Secretary to the Government of West Bengal;
- (v) the Secretary, Finance Department, Government of West Bengal or his nominee not below the rank of Joint Secretary to the Government of West Bengal;
- (vi) the Chairman, West Bengal State Council of Higher Education or his nominee;
- (vii) the President, West Bengal Council of Higher Secondary Education;
- (viii) the President, West Bengal Madrasa Education Board;
- (ix) the President, West Bengal Board of Secondary Education;
- (x) the Director of Public Instruction, West Bengal or his nominee not below the rank of Additional Director of Public Instruction;
- (xi) a nominee of the Chairman of University Grants Commission;
- (xii) a nominee of the Chairman of National Council for Teachers' Education;
- (xiii) the Chairman of the College Service Commission or a member of the Commission as his nominee;
- (b) Representatives of Departments and Colleges—
 - (xiv) Heads of Departments of the University;
 - (xv) five senior most Professors of Departments of the University to be selected by the Vice-Chancellor in alphabetical order of the Department, of whom not more than one Professor shall be from the same Department;
 - (xvi) Principals of affiliating Colleges, not more than ten, to be nominated by the Vice-Chancellor of whom—
 - (I) one shall be from a Teachers' Training College;
 - (II) one shall be from a Law College;
 - (III) one shall be from other Professional College;
 - (IV) one shall be from Women's College;
 - (V) one shall be from Government College;
 - (xvii) five teachers from the Council for Undergraduate studies, of whom atleast two shall belong to the rank of Associate Professor and other shall be not below the rank of Assistant Professor, to be elected by the members of the Council from amongst themselves in the manner as may be prescribed by the Statutes;
 - (xviii) one representative of officers of the University, to be elected from amongst themselves in the manner as may be prescribed by the statutes;
 - (xix) two representative of non-teaching employees of whom—
 - (i) one from non-teaching employees of the University,

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(ii) one from non-teaching employees of the affiliated colleges of the University, to be elected from amongst themselves in the manner as may be prescribed by the Statutes;

(c) Nominated Members—

(xx) not more than five persons to be nominated by the Chancellor from amongst the persons interested in University education:

Provided that no employee of the University or of a College or Institution affiliated with the University or recognised by it shall be eligible to be a member;

(d) Special Invitee—

(xxi) any official or expert in any field or eminent educationist, whom the University may require for advice, consultation or assistance, may be invited to attend the meeting:

Provided that not more than one official or expert or eminent educationist may be invited in a meeting at a time.

(2) A member of the Court shall hold office for a period of four years, if not expressly provided otherwise in sub-section (1). Any vacancy among the members of the Court shall be filled up immediately by the concerned authority.

(3) No act or proceedings of the Court or of any body constituted by the Court shall be invalid or called in question by reason of the existence of any vacancy, initial or subsequent, in the Court or in any body constituted by the Court, as the case may be.";

(4) for section 20, the following section shall be substituted:—

"The Executive Council.

20. (1) The Executive Council shall consist of the following members :—

(a) *Ex officio* Members—

- (i) the Vice Chancellor;
- (ii) Secretary of Higher Education Department or his nominee not below the rank of Joint Secretary;
- (iii) Secretary of Finance Department or his nominee not below the rank of Joint Secretary;
- (iv) Chairman of West Bengal State Council of Higher Education or his nominee;
- (v) Director of Public Instruction or his nominee not below the rank of Additional Director of Public Instruction;
- (vi) the Deans of Faculty Councils for Post Graduate Studies;
- (vii) Principals of affiliated Colleges, not more than seven, to be nominated by the Vice-Chancellor of whom -
 - (I) one shall be from a Teachers' Training College;
 - (II) one shall be from a Law College;
 - (III) one shall be from other Professional College;
 - (IV) one shall be from Women's College;
 - (V) one shall be from Government College;

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(b) Other Members—

- (viii) three Heads of Departments, by rotation for one year in alphabetical order of the Department, to be selected by the Vice-Chancellor;
- (ix) seven teachers from the faculty council for Post-Graduate studies of whom four shall be Professors, two shall be Associate Professors and one shall be Assistant Professor and they shall be elected by the members of the faculty council from amongst themselves in the manner as may be prescribed by Statutes;
- (x) five Teachers of whom atleast two shall belong to the rank of Associate Professor and others shall be not below the rank of Assistant Professor from the Council for under-graduate studies to be elected by the members of the Council from amongst themselves in the manner as may be prescribed by Statutes;
- (xi) two persons nominated by the Chancellor interested in University education:

Provided that no employee of the University or of a College or Institution affiliated with the University or recognised by it shall be eligible to be a member.

(2) A member of the Executive Council shall hold office for a period of four years, if not expressly provided otherwise in sub-section (1). Any vacancy among the members of the Executive Council shall be filled up immediately by the concerned authority.

(3) No act or proceedings of the Executive Council or of any body constituted by the Executive Council shall be invalid or called in question by reason of the existence of any vacancy, initial or subsequent, in the Executive Council or in any body constituted by the Executive Council, as the case may be.

(4) One-third of the total number of members shall be a quorum for a meeting of the Executive Council."

(5) in section 21, in clause (x), the word "Teacher", wherever it occurs, shall be omitted.;

(6) in section 22,—

(i) in sub-section (2),—

(a) after clause (iii), the following clause shall be inserted:—

"(iiia) the Librarian of the University, if the post is vacant then the person acting as Librarian of the University in case of Faculty Council for Post-Graduate studies in Arts, Commerce and Law;"

(b) after clause (vi), in the following clause shall be inserted:—

"(vii) one student representative pursuing Post-Graduate studies in the University and one research scholar pursuing research in the University to be elected by post graduate students and research scholars, respectively, from amongst themselves in the manner as may be prescribed by the Statutes";

(7) in section 24, in clause (a) of sub-section (2), after clause (vii), the following clause shall be inserted:—

"(viii) three student representatives pursuing Undergraduate studies in different streams of education in the affiliated colleges of the University to be elected by such students from amongst themselves in the manner as may be prescribed by the Statutes:

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Provided that no two student representatives shall be elected from the same stream of education.";

- (8) for section 29, the following section shall be substituted:—

"Selection
Committee for
Teaching Posts.

29. (1) A University Professor or a University Associate Professor or a University Assistant Professor shall be appointed by the Vice-Chancellor, on the recommendation of a Selection Committee, and the constitution of such Selection Committee as well as the procedure for holding its meetings shall be in consonance with the University Grants Commission Regulations and Recruitment Rules framed by the State Government from time to time.

(2) Notwithstanding anything contrary to the provisions of University Grants Commission Regulations, the nominee of the Vice-Chancellor shall be the head of the Selection Committee, which shall send its recommendations in writing to the Vice-Chancellor alongwith reasoned record of assessment of the persons appeared before it for selection.";

- (9) for section 30, the following section shall be substituted:—

"Procedure for
holding meeting
of the Selection
Committee.

30. (1) At least four members, including two outside subject experts, shall constitute the quorum for the meeting of the Selection Committee.

(2) If the Vice-Chancellor does not accept the recommendation of a Selection Committee, it shall refer the recommendation back to the Selection Committee with reasons for reconsideration and if the Vice-Chancellor does not accept the reconsidered views of the Selection Committee, the matter shall be referred to the Chancellor with reasons and the decision of the Chancellor shall be final".

Amendment of
West Ben.
Act XXIII
of 1981.

4. In the Burdwan University Act, 1981,—

- (1) in section 2,—

- (i) after clause (18), the following clause shall be inserted:—

‘(18a) "State Government" means the Government of West Bengal in the Higher Education Department;’

- (ii) in clause (21), for the words 'Assistant Professor, Reader, Lecturer', the words 'Associate Professor, Reader, Assistant Professor' shall be substituted;

- (iii) for clause (22), the following clause shall be substituted :—

"(22) 'Teacher of the University' means a Professor, Associate Professor, Assistant Professor, or any other person, holding a teaching post including a part time teaching post, appointed or recognized as such by the University.";

- (iv) clause (25) shall be omitted;

- (2) for section 9, the following section shall be substituted:—

"The Vice-
Chancellor.

9. (1) (a) The Vice-Chancellor shall be appointed from the persons of the highest level of competence, integrity, morals and institutional commitment. The Vice Chancellor shall be a distinguished academic with a minimum of ten years of experience in a University system of which atleast 5 years shall be as professor or ten years of experience in a reputed research or academic administrative organisation of which atleast 5 years shall be in an equivalent position of professor.

(b) The Vice Chancellor shall be appointed by the Chancellor out of the panel of three names recommended in order of preference by the

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Search Committee constituted by the State Government. While preparing the panel, the Search Committee must give proper weightage to academic excellence, exposure to the higher education system in the country and abroad and adequate experience in academic and administrative governance and reflect the same in writing while submitting the panel to the Chancellor.

(c) The Search Committee shall consist of the following Members:—

- (i) a nominee of the Chancellor, who shall be the Chairperson of the Committee;
- (ii) a nominee of the Chairman, University Grants Commission;
- (iii) a nominee of the Court:

Provided that all such Members shall be persons of eminence in the sphere of higher education and shall not be connected in any manner with the University or colleges or institutions affiliated with the University or recognised by it.

(2) (a) The Vice-chancellor shall hold office for a term of four years or till he attains the age of sixty-five years, whichever is earlier, and shall be eligible for re-appointment for another term of four years or till he attains the age of sixty-five years, whichever is earlier, following the provisions of sub-section (1).

(b) The Chancellor may, notwithstanding the expiration of the term of the office of the Vice-Chancellor or his attaining the age of sixty-five years, allow him to continue in office till a successor assumes office, provided that he shall not continue as such for any period exceeding six months.

(3) The Vice-Chancellor shall be a whole-time officer of the University and shall be paid from the University Fund such salary and allowances as the Chancellor may decide in consultation with the State Government.

(4) The Vice-Chancellor may resign his office by writing under his hand addressed to the Chancellor.

(5) If —

- (a) the Vice-Chancellor is, by reasons of leave, illness or other cause, temporarily unable to exercise the powers and perform the duties of his office, or
- (b) a vacancy occurs in the office of the Vice-Chancellor by reason of death, resignation, removal, expiry of term of his office or otherwise,

then, during the period of such temporary inability or pending the appointment of a Vice-Chancellor, as the case may be, the Chancellor in consultation with the Minister may appoint a person to exercise the powers and perform the duties of the Vice-Chancellor.

(6) The vacancy in the office of the Vice-Chancellor occurring by reason of death, resignation or expiry of the term of his office, removal or otherwise shall be filled up by appointment of a Vice-Chancellor in accordance with the provisions of sub-section (1) within a period of six months from the date of occurrence of the vacancy, and such period shall be held to include any period for which a Vice-Chancellor is allowed to continue in office under clause (b) of sub-section (2), or a person is appointed by the Chancellor in consultation with the Minister to exercise the powers and perform the duties of the Vice-Chancellor under sub-section (5).

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(7) The Vice-Chancellor may be removed from his office by the Chancellor if he is satisfied that the incumbent,—

- (a) has become insane and adjudged by a competent court to be of unsound mind; or
- (b) has become an undischarged insolvent and stands so declared by a competent Court; or
- (c) has been physically unfit and incapable of discharging function due to protracted illness or physical disability ; or
- (d) has wilfully omitted or refused to carry out the provisions of this Act or has committed breach of any of the terms and conditions of the service contract or has abused or misused the powers vested in him or if the continuance in the office of the Vice-Chancellor is detrimental to the interest of the University; or
- (e) has been proved to be guilty of criminal breach of trust or criminal negligence or gross financial irregularity or impropriety or gross negligence of duty; or
- (f) has shown incompetence to perform or has persistently made default in the performance of the duties imposed on him by or under this Act; or
- (g) has been convicted by a court for any offence within the concept and meaning of the Code of Criminal Procedure, 1973; or
- (h) is a member of, or otherwise associated with, any political party or acts in any partisan manner while in office.

2 of 1974.

Explanation.— For the purpose of this sub-clause, whether any party is a political party or any association is a political association or any act of the Vice-Chancellor is partisan, decision of the Chancellor thereon shall be final:

Provided that the Vice-Chancellor shall be given a reasonable opportunity to show cause by the Chancellor before taking recourse for his removal under clauses (d), (e), (f), (g) and (h).".

(3) for section 9A, the following section shall be substituted:—

"The Pro-Vice-Chancellor (Administration and Academic). 9A. (1) (a) The Pro-Vice-Chancellor (Administration and Academic) shall be appointed from the persons of the highest level of competence, integrity, morals and institutional commitment. The Pro-Vice-Chancellor (Administration and Academic) shall be a distinguished academic with a minimum of ten years of experience in a University system of which atleast 5 years shall be as Professor or ten years of experience in a reputed research or academic administrative organisation of which at least 5 years shall be in an equivalent position.

(b) The Pro-Vice-Chancellor (Administration and Academic) shall be appointed by the Chancellor in consultation with the Minister. The term of his office shall be for four years and he shall be eligible for re-appointment for a period not exceeding four years but shall not hold office beyond the age of sixty-five years.

(2) The Pro-Vice-Chancellor (Administration and Academic) shall be a whole-time officer of the University and shall be paid from the University Fund such salary and allowances as the Chancellor may decide in consultation with the State Government.

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(Section 4.)

(3) The Pro-Vice-Chancellor (Administration and Academic) may resign his office by writing under his hand addressed to the Chancellor.

(4) If—

(a) the Pro-Vice-Chancellor (Administration and Academic) is, by reason of leave, illness or other cause, temporarily unable to exercise the powers and perform the duties of his office, or

(b) a vacancy occurs in the office of the Pro-Vice-Chancellor (Administration and Academic) by reason of death, resignation or expiry of the term of his office, removal or otherwise,

then, during the period of such temporary inability or pending the appointment of a Pro-Vice-Chancellor (Administration and Academic), as the case may be, the Chancellor, in consultation with the Minister and the Vice-Chancellor, shall authorise a senior teacher of the University or an officer of the University to exercise the powers and perform the duties of the Pro-Vice-Chancellor (Administration and Academic).

(5) The vacancy in the office of the Pro-Vice-Chancellor (Administration and Academic) occurring by reason of death, resignation or expiry of the term of his office, removal or otherwise shall be filled up by appointment of a Pro-Vice-Chancellor (Administration and Academic) in accordance with the provisions of sub-section (1).

(6) The Pro-Vice-Chancellor (Administration and Academic) may be removed from his office by the Chancellor if he is satisfied that the incumbent,—

(a) has become insane and adjudged by a competent court to be of unsound mind; or

(b) has become an undischarged insolvent and stands so declared by a competent Court; or

(c) has been physically unfit and incapable of discharging function due to protracted illness or physical disability ; or

(d) has wilfully omitted or refused to carry out the provisions of this Act or has committed breach of any of the terms and conditions of the service contract or has abused or misused the powers vested in him or if the continuance in the office of the Pro-Vice-Chancellor (Administration and Academic) is detrimental to the interest of the University; or

(e) has been proved to be guilty of criminal breach of trust or criminal negligence or gross financial irregularity or impropriety or gross negligence of duty; or

(f) has shown incompetence to perform or has persistently made default in the performance of the duties imposed on him by or under this Act; or

(g) has been convicted by a court for any offence within the concept and meaning of the Code of Criminal Procedure, 1973; or

(h) is a member of, or otherwise associated with, any political party or acts in any partisan manner while in office.

2 of 1974.

Explanation.— For the purpose of this sub-clause, whether any party is a political party or any association is a political association or any act of the Pro-Vice Chancellor (Administration and Academic) is partisan, decision of the Chancellor thereon shall be final:

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(Section 4.)

Provided that the Pro-Vice-Chancellor (Administration and Academic) shall be given a reasonable opportunity to show cause by the Chancellor before taking recourse for his removal under clauses (d), (e), (f), (g) and (h).".

(4) for section 17, the following section shall be substituted:—

" The Court. 17. (1) The Court shall consist of the following members:—

(a) *Ex officio* members—

- (i) the Chancellor;
- (ii) the Vice-Chancellor;
- (iii) the Pro-Vice-Chancellor (Administration and Academic);
- (iv) the Deans of Faculty Councils for Post-Graduate Studies;
- (v) the Secretary, Higher Education Department, Government of West Bengal or his nominee not below the rank of Joint Secretary to the Government of West Bengal;
- (vi) the Secretary, Finance Department, Government of West Bengal or his nominee not below the rank of Joint Secretary to the Government of West Bengal;
- (vii) the Chairman, West Bengal State Council of Higher Education or his nominee;
- (viii) the President, West Bengal Council of Higher Secondary Education;
- (ix) the President, West Bengal Madrasah Education Board;
- (x) the President, West Bengal Board of Secondary Education;
- (xi) the Director of Public Instruction, West Bengal or his nominee not below the rank of Additional Director;
- (xii) a nominee of the Chairman of University Grants Commission;
- (xiii) a nominee of the Chairman of National Council for Teachers' Education;
- (xiv) a nominee of the Chairman of All India Council for Technical Education;
- (xv) the Chairman, of the College Service Commission or a member of the Commission as his nominee;

(b) Representatives of Departments and Colleges—

- (xvi) Heads of Departments of the University;
- (xvii) five senior most Professors of Departments of the University to be selected by the Vice-Chancellor in alphabetical order of the Department, of whom not more than one Professor shall be from the same Department;
- (xviii) Principals of affiliated Colleges, not more than ten, to be nominated by the Vice-Chancellor of whom—
 - (I) one shall be from a Teachers' Training College;
 - (II) one shall be from a Law College;
 - (III) one shall be from other Professional College;
 - (IV) one shall be from Women's College;
 - (V) one shall be from Government College;

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(Section 4.)

(xix) five teachers from the Council for undergraduate studies, of whom atleast two shall belong to the rank of Associate Professor and others shall be not below the rank of Assistant Professor, to be elected by the members of the Council from amongst themselves in the manner as may be prescribed by the Statutes;

(xx) one representative of officers of the University, to be elected from amongst themselves in the maneer as may be prescribed by the Statutes;

(xxi) two representatives of non-teaching employees of whom—

(i) one from non-teaching employees of the University,

(ii) one from non-teaching employees of the affiliated colleges of the University,

to be elected from amongst themselves in the manner as may be prescribed by the Statutes.

(c) Nominated Members—

(xxii) not more than five persons to be nominated by the Chancellor from amongst the persons interested in University education:

Provided that no employee of the University or of a College or Institution affiliated with the University or recognised by it shall be eligible to be a member.

(d) Special Invitee—

(xxiii) any official or expert in any field or eminent educationist, whom the Vice-Chancellor may require for advice, consultation or assistance, may be invited to attend the meeting:

Provided that not more than one official or expert or eminent educationist may be invited in a meeting at a time.

(2) A member of the Court shall hold office for a period of four years, if not expressly provided otherwise in sub-section (1). Any vacancy among the members of the Court shall be filled up immediately by the concerned authority.

(3) No act or proceedings of the Court or of any body constituted by the Court shall be invalid or called in question by reason of the existence of any vacancy, initial or subsequent, in the Court or in any body constituted by the Court, as the case may be.";

(5) for section 20, the following section shall be substituted:—

"The Executive Council.

20. (1) The Executive Council shall consist of the following members:—

(a) *Ex officio* Members—

(i) the Vice-Chancellor;

(ii) the Pro-Vice-Chancellor (Administration and Academic);

(iii) Secretary of Higher Education Department or his nominee not below the rank of Joint Secretary;

(iv) Secretary of Finance Department or his nominee not below the rank of Joint Secretary;

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- (v) Chairman of West Bengal State Council of Higher Education or his nominee;
- (vi) Director of Public Instruction or his nominee not below the rank of Additional Director of Public Instruction;
- (vii) the Deans of Faculty Councils for Post-Graduate Studies;
- (viii) Principals of affiliated Colleges, not more than seven, to be nominated by the Vice-Chancellor of whom—
 - (I) one shall be from a Teachers' Training College;
 - (II) one shall be from a Law College;
 - (III) one shall be from other Professional College;
 - (IV) one shall be from Women's College;
 - (V) one shall be from Government College;

(b) Other Members—

- (ix) three Heads of Departments, by rotation for one year in alphabetical order of the Department, to be selected by the Vice-Chancellor;
- (x) three Heads of Departments, by rotation for one year in alphabetical order of the Department, to be selected by the Vice-Chancellor;
- (xi) seven teachers from the faculty council for Post-Graduate studies of whom four shall be Professors, two shall be Associate Professors and one shall be Assistant Professor and they shall be elected by the members of the faculty council from amongst themselves in the manner as may be prescribed by Statutes;
- (xii) five Teachers of whom atleast two shall belong to the rank of Associate Professor and others shall be not below the rank of Assistant Professor from the Council for Undergraduate studies, to be elected by the members of the Council from amongst themselves in the manner as may be prescribed by Statutes;
- (xiii) two persons nominated by the Chancellor interested in University education:

Provided that no employee of the University or of a College or Institution affiliated with the University or recognized by it shall be eligible to be a member.

(2) A member of the Executive Council shall hold office for a period of four years, if not expressly provided otherwise in sub-section (1). Any vacancy among the members of the Executive Council shall be filled up immediately by the concerned authority.

(3) No act or proceedings of the Executive Council or of any body constituted by the Executive Council shall be invalid or called in question by reason of the existence of any vacancy, initial or subsequent, in the Executive Council or in any body constituted by the Executive Council, as the case may be.

(4) One-third of the total number of members shall be a quorum for a meeting of the Executive Council."

- (6) in section 21, in clause (x), the word "Teachers", wherever it occurs, shall be omitted.;
- (7) in section 22,—
 - (i) in sub-section (2),—
 - (a) after clause (iii), the following clause shall be inserted:—

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(Section 5.)

- "(iiia) the Librarian of the University, if the post is vacant then the person acting as Librarian of the University in the case of the Faculty Council for Post-Graduate Studies in Arts, Commerce, Law, Fine Arts and Music;"
- (b) after clause (vi), the following clause shall be inserted:—
- "(vii) one student representative pursuing Post-Graduate studies in the University and one research scholar pursuing research in the University to be elected by Post-Graduate students and research scholars respectively from amongst themselves in the manner as may be prescribed in the statutes;"
- (8) in section 24, in sub-section (2), after clause (viii), the following clause shall be inserted:—
- "(ix) three student representatives pursuing Undergraduate studies in different streams of education in the affiliated colleges of the University to be elected by such students from amongst themselves in the manner as may be prescribed by the statutes:
- Provided that no two student representatives shall be elected from the same stream of education.";
- (9) for section 29, the following section shall be substituted:—
- "Selection Committee for Teaching Posts. 29. (1) A University Professor or a University Associate Professor or a University Assistant Professor shall be appointed by the Vice-Chancellor, on the recommendation of a Selection Committee, and the constitution of such Selection Committee as well as the procedure for holding its meetings shall be in consonance with the University Grants Commission Regulations and Recruitment Rules framed by the State Government from time to time.
- (2) Notwithstanding anything contrary to the provisions of University Grants Commission Regulations, the nominee of the Vice-Chancellor shall be the head of the Selection Committee, which shall send its recommendations in writing to the Vice-Chancellor alongwith reasoned record of assessment of the persons appeared before it for selection.";
- (10) for section 30, the following section shall be substituted:—
- "Procedure for holding meeting of Selection Committee. 30. (1) At least four members, including two outside subject experts, shall constitute the quorum for a meeting of the Selection Committee.
- (2) If the Vice-Chancellor does not accept the recommendation of a Selection Committee, it shall refer the recommendation back to the Selection Committee with reasons for reconsideration and if the Vice-Chancellor does not accept the reconsidered views of the Selection Committee, the matter shall be referred to the Chancellor with reasons and the decision of the Chancellor shall be final.".

Amendment of
West Ben.
Act XVIII
of 1981.

5. In the Vidyasagar University Act, 1981,—

- (1) in section 2,—
- (i) after clause (17), the following clause shall be inserted:—
- ‘(17a) "State Government" means the Government of West Bengal in the Higher Education Department;’;
- (ii) in clause (20), for the words "a Professor, Associate Professor, Assistant Professor, Reader, Principal, Lecturer," the words "a Principal, Professor, Associate Professor, Reader, Assistant Professor" shall be substituted;

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(iii) for clause (21), the following clause shall be substituted:—

‘(21) “Teacher of the University” means a Professor, Associate Professor, Assistant Professor, or any other person, holding a teaching post including a part-time teaching post, appointed or recognized as such by the University;’;

(iv) clause (24) shall be omitted;

(2) for section 9, the following section shall be substituted:—

“The Vice-Chancellor.

9. (1) (a) The Vice-Chancellor shall be appointed from the persons of the highest level of competence, integrity, morals and institutional commitment. The Vice-Chancellor shall be a distinguished academic with a minimum of ten years of experience in a University system of which atleast 5 years shall be as professor or ten years of experience in a reputed research or academic administrative organisation of which atleast 5 years shall be in an equivalent position of professor.

(b) The Vice-Chancellor shall be appointed by the Chancellor out of the panel of three names recommended in order of preference by the Search Committee constituted by the State Government. While preparing the panel, the Search Committee must give proper weightage to academic excellence, exposure to the higher education system in the country and abroad and adequate experience in academic and administrative governance and reflect the same in writing while submitting the panel to the Chancellor.

(c) The Search Committee shall consist of the following Members:—

- (i) a nominee of the Chancellor, who shall be the Chairperson of the Committee;
- (ii) a nominee of the Chairman, University Grants Commission;
- (iii) a nominee of the Court:

Provided that all such Members shall be persons of eminence in the sphere of higher education and shall not be connected in any manner with the University or colleges or institutions affiliated with the University or recognised by it.

(2) (a) The Vice-chancellor shall hold office for a term of four years or till he attains the age of sixty-five years, whichever is earlier, and shall be eligible for re-appointment for another term of four years or till he attains the age of sixty-five years, whichever is earlier, following the provisions of sub-section (1).

(b) The Chancellor may, notwithstanding the expiration of the term of the office of the Vice-Chancellor or his attaining the age of sixty-five years, allow him to continue in office till a successor assumes office, provided that he shall not continue as such for any period exceeding six months.

(3) The Vice-Chancellor shall be a whole-time officer of the University and shall be paid from the University Fund such salary and allowances as the Chancellor may decide in consultation with the State Government.

(4) The Vice-Chancellor may resign his office by writing under his hand addressed to the Chancellor.

(5) If—

- (a) the Vice-Chancellor is, by reasons of leave, illness or other cause, temporarily unable to exercise the powers and perform the duties of his office, or

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- (b) a vacancy occurs in the office of the Vice-Chancellor by reason of death, resignation, removal, expiry of term of his office or otherwise,

then, during the period of such temporary inability or pending the appointment of a Vice-Chancellor, as the case may be, the Chancellor in consultation with the Minister may appoint a person to exercise the powers and perform the duties of the Vice-Chancellor.

(6) The vacancy in the office of the Vice-Chancellor occurring by reason of death, resignation or expiry of the term of his office, removal or otherwise shall be filled up by appointment of a Vice-Chancellor in accordance with the provisions of sub-section (1) within a period of six months from the date of occurrence of the vacancy, and such period shall be held to include any period for which a Vice-Chancellor is allowed to continue in office under clause (b) of sub-section (2), or a person is appointed by the Chancellor in consultation with the Minister to exercise the powers and perform the duties of the Vice-Chancellor under sub-section (5).

(7) The Vice-Chancellor may be removed from his office by the Chancellor if he is satisfied that the incumbent,—

- (a) has become insane and adjudged by a competent court to be of unsound mind; or
- (b) has become an undischarged insolvent and stands so declared by a competent Court; or
- (c) has been physically unfit and incapable of discharging function due to protracted illness or physical disability ; or
- (d) has wilfully omitted or refused to carry out the provisions of this Act or has committed breach of any of the terms and conditions of the service contract or has abused or misused the powers vested in him or if the continuance in the office of the Vice-Chancellor is detrimental to the interest of the University; or
- (e) has been proved to be guilty of criminal breach of trust or criminal negligence or gross financial irregularity or impropriety or gross negligence of duty; or
- (f) has shown incompetence to perform or has persistently made default in the performance of the duties imposed on him by or under this Act; or
- (g) has been convicted by a court for any offence within the concept and meaning of the Code of Criminal Procedure, 1973; or
- (h) is a member of, or otherwise associated with, any political party or acts in any partisan manner while in office.

2 of 1974.

Explanation.— For the purpose of this sub-clause, whether any party is a political party or any association is a political association or any act of the Vice-Chancellor is partisan, decision of the Chancellor thereon shall be final:

Provided that the Vice-Chancellor shall be given a reasonable opportunity to show cause by the Chancellor before taking recourse for his removal under clauses (d), (e), (f), (g) and (h).";

- (3) for section 17, the following section shall be substituted:—

“The Court.

17. (1) The Court shall consist of the following members:—

- (a) *Ex officio* members—

- (i) the Chancellor;
- (ii) the Vice Chancellor;

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(Section 5.)

- (iii) the Deans of Faculty Councils for Post-Graduate Studies;
- (iv) the Secretary, Higher Education Department, Government of West Bengal or his nominee not below the rank of Joint Secretary to the Government of West Bengal;
- (v) the Secretary, Finance Department, Government of West Bengal or his nominee not below the rank of Joint Secretary to the Government of West Bengal;
- (vi) the Chairman, West Bengal State Council of Higher Education or his nominee;
- (vii) the President, West Bengal Council of Higher Secondary Education;
- (viii) the President, West Bengal Madrasah Education Board;
- (ix) the President, West Bengal Board of Secondary Education;
- (x) the Director of Public Instruction, West Bengal or his nominee not below the rank of Additional Director of Public Instruction;
- (xi) a nominee of the Chairman of University Grants Commission;
- (xii) a nominee of the Chairman of National Council for Teachers' Education;
- (xiii) the Chairman, of the College Service Commission or a member of the Commission as his nominee;
- (b) Representatives of Departments and Colleges—
 - (xiv) Heads of Departments of the University;
 - (xv) five senior most Professors of Departments of the University to be selected by the Vice-Chancellor in alphabetical order of the Department, of whom not more than one Professor shall be from the same Department;
 - (xvi) Principals of affiliated Colleges, not more than ten, to be nominated by the Vice-Chancellor of whom—
 - (I) one shall be from a Teachers' Training College;
 - (II) one shall be from a Law College;
 - (III) one shall be from other Professional College;
 - (IV) one shall be from Women's College;
 - (xvii) five teachers from the Council for Undergraduate studies, of whom at least two shall belong to the rank of Associate Professor and others shall be not below the rank of Assistant Professor, to be elected by the members of the Council from amongst themselves in the manner as may be prescribed by the Statutes;
 - (xviii) one representative of officers of the University, to be elected from amongst themselves in the manner as may be prescribed by the Statutes;
 - (xix) two representatives of non-teaching employees of whom—
 - (i) one from non-teaching employees of the University,
 - (ii) one from non-teaching employees of the affiliated colleges of the University,

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to be elected from amongst themselves in the manner as may be prescribed by the Statutes.

(c) Nominated Members—

- (xx) not more than five persons to be nominated by the Chancellor from amongst the persons interested in University education:

Provided that no employee of the University or of a College or Institution affiliated with the University or recognised by it shall be eligible to be a member.

(d) Special Invitee—

- (xxi) any official or expert in any field or eminent educationist, whom the University may require for advice, consultation or assistance, may be invited to attend the meeting:

Provided that not more than one official or expert or eminent educationist may be invited in a meeting at a time.

(2) A member of the Court shall hold office for a period of four years, if not expressly provided otherwise in sub-section (1). Any vacancy among the members of the Court shall be filled up immediately by the concerned authority.

(3) No act or proceedings of the Court or of any body constituted by the Court shall be invalid or called in question by reason of the existence of any vacancy, initial or subsequent, in the Court or in any body constituted by the Court, as the case may be.";

(4) for section 20, the following section shall be substituted:—

"The Executive Council.

20. (1) The Executive Council shall consist of the following members:—

(a) *Ex officio* Members—

- (i) the Vice-Chancellor;
- (ii) Secretary of Higher Education Department or his nominee not below the rank of Joint Secretary;
- (iii) Secretary of Finance Department or his nominee not below the rank of Joint Secretary;
- (iv) Chairman of West Bengal State Council of Higher Education or his nominee;
- (v) Director of Public Instruction or his nominee not below the rank of Additional Director of Public Instruction;
- (vi) the Deans of Faculty Councils for Post-Graduate Studies;
- (vii) Principals of affiliated Colleges, not more than seven, to be nominated by the Vice-Chancellor of whom—
 - (I) one shall be from a Teachers' Training College;
 - (II) one shall be from a Law College;
 - (III) one shall be from other Professional College;
 - (IV) one shall be from Women's College;

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(Section 5.)

(b) Other Members—

- (viii) three Heads of Departments, by rotation for one year in alphabetical order of the Department, to be selected by the Vice-Chancellor;
- (ix) seven teachers from the faculty council for Post-Graduate studies of whom four shall be Professors, two shall be Associate Professors and one shall be Assistant Professor and they shall be elected by the members of the faculty council from amongst themselves in the manner as may be prescribed by Statutes;
- (x) five Teachers of whom atleast two shall belong to the rank of Associate Professor and Others shall be not below the rank of Assistant Professor from the council for Undergraduate studies to be elected by the members of the Council from amongst themselves in the manner as may be prescribed by Statutes;
- (xi) two persons to be nominated by the Chancellor interested in University education:

Provided that no employee of the University or of a College or Institution affiliated with the University or recognised by it shall be eligible to be a member.

(2) A member of the Executive Council shall hold office for a period of four years, if not expressly provided otherwise in sub-section (1). Any vacancy among the members of the Executive Council shall be filled up immediately by the concerned authority.

(3) No act or proceedings of the Executive Council or of any body constituted by the Executive Council shall be invalid or called in question by reason of the existence of any vacancy, initial or subsequent, in the Executive Council or in any body constituted by the Executive Council, as the case may be.

(4) One-third of the total number of members shall be a quorum for a meeting of the Executive Council.";

(5) in section 21, in clause (ix), the word "Teachers", wherever it occurs, shall be omitted.;

(6) in section 22,—

(i) in sub-section (2),—

(a) after clause (iii), the following clause shall be inserted:—

“(iiia) the Librarian of the University, if the post is vacant then the person acting as Librarian of the University in case of Faculty Council for Post-Graduate studies in Arts and Commerce;

(b) after clause (vii), the following clause shall be inserted:—

“(viii) one student representative pursuing Post-Graduate studies in the University and one research scholar pursuing research in the University to be elected by Post-Graduate students and research scholars, respectively, from amongst themselves in the manner as may be prescribed by the Statutes”;

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(Section 6.)

(7) in section 24,—

(a) in sub-section (2), after clause (vi), the following clause shall be inserted:—

“(vii) three student representatives pursuing Undergraduate studies in different streams of education in the affiliated colleges of the University to be elected by such students from amongst themselves in the manner as may be prescribed by the Statutes:

Provided that no two student representatives shall be elected from the same stream of education.”;

(b) in sub-section (3), after clause (v), the following clause shall be inserted:—

“(vi) one student representative pursuing Undergraduate studies in Law in an affiliated college of the University.”;

(8) for section 29, the following section shall be substituted:—

“Selection Committee for Teaching Posts. 29. (1) A University Professor or a University Associate Professor or a University Assistant Professor shall be appointed by the Vice Chancellor, on the recommendation of a Selection Committee, and the constitution of such Selection Committee as well as the procedure for holding its meetings shall be in consonance with the University Grants Commission Regulations and Recruitment Rules framed by the State Government from time to time.

(2) Notwithstanding anything contrary to the provisions of University Grants Commission Regulations, the nominee of the Vice-Chancellor shall be the head of the Selection Committee, which shall send its recommendations in writing to the Vice-Chancellor alongwith reasoned record of assessment of the persons appeared before it for selection.”;

(9) for section 30, the following section shall be substituted:—

“Procedure for holding meetings of the Selection Committee. 30. (1) At least four members, including two outside subject experts, shall constitute the quorum for a meeting of the Selection Committee.

(2) If the Vice-Chancellor does not accept the recommendation of a Selection Committee, it shall refer the recommendation back to the Selection Committee with reasons for reconsideration and if the Vice-Chancellor does not accept the reconsidered views of the Selection Committee, the matter shall be referred to the Chancellor with reasons and the decision of the Chancellor shall be final”.

Amendment of
West Ben. Act
XL of 1981.

6. In the Kalyani University Act, 1981,—

(1) in section 2,—

(i) after clause (16), the following clause shall be inserted:—

“(16a) “State Government” means the Government of West Bengal in the Higher Education Department;”;

(ii) in clause (19), for the words “Assistant Professor, Reader, Lecturer”, the words “Associate Professor, Reader, Assistant Professor” shall be substituted;

(iii) for clause (20), the following clause shall be substituted:—

“(20) “Teacher of the University” means a Professor, Associate Professor, Assistant Professor, or any other person, holding a teaching post including a part time teaching post, appointed or recognized as such by the University.”;

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(Amendment) Act, 2011.*

(Section 6.)

(iv) clause (23) shall be omitted.

(2) for section 9, the following section shall be substituted:—

“The Vice-Chancellor.

9. (1) (a) The Vice-Chancellor shall be appointed from the persons of the highest level of competence, integrity, morals and institutional commitment. The Vice-Chancellor shall be a distinguished academic with a minimum of ten years of experience in a University system of which atleast 5 years shall be as professor or ten years of experience in a reputed research or academic administrative organisation of which atleast 5 years shall be in an equivalent position of professor.

(b) The Vice-Chancellor shall be appointed by the Chancellor out of the panel of three names recommended in order of preference by the Search Committee constituted by the State Government. While preparing the panel, the Search Committee must give proper weightage to academic excellence, exposure to the higher education system in the country and abroad and adequate experience in academic and administrative governance and reflect the same in writing while submitting the panel to the Chancellor.

(c) The Search Committee shall consist of the following Members:—

- (i) a nominee of the Chancellor, who shall be the Chairperson of the Committee;
- (ii) a nominee of the Chairman, University Grants Commission;
- (iii) a nominee of the Court:

Provided that all such Members shall be persons of eminence in the sphere of higher education and shall not be connected in any manner with the University or colleges or institutions affiliated with the University or recognised by it.

(2) (a) The Vice-chancellor shall hold office for a term of four years or till he attains the age of sixty-five years, whichever is earlier, and shall be eligible for re-appointment for another term of four years or till he attains the age of sixty-five years, whichever is earlier, following the provisions of sub-section (1).

(b) The Chancellor may, notwithstanding the expiration of the term of the office of the Vice-Chancellor or his attaining the age of sixty-five years, allow him to continue in office till a successor assumes office, provided that he shall not continue as such for any period exceeding six months.

(3) The Vice-Chancellor shall be a whole-time officer of the University and shall be paid from the University Fund such salary and allowances as the Chancellor may decide in consultation with the State Government.

(4) The Vice-Chancellor may resign his office by writing under his hand addressed to the Chancellor.

(5) If—

- (a) the Vice-Chancellor is, by reasons of leave, illness or other cause, temporarily unable to exercise the powers and perform the duties of his office, or
- (b) a vacancy occurs in the office of the Vice-Chancellor by reason of death, resignation, removal, expiry of term of his office or otherwise,

then, during the period of such temporary inability or pending the appointment of a Vice-Chancellor, as the case may be, the Chancellor in consultation with the Minister may appoint a person to exercise the powers and perform the duties of the Vice-Chancellor.

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(Amendment) Act, 2011.*

(Section 6.)

(6) The vacancy in the office of the Vice-Chancellor occurring by reason of death, resignation or expiry of the term of his office, removal or otherwise shall be filled up by appointment of a Vice-Chancellor in accordance with the provisions of sub-section (1) within a period of six months from the date of occurrence of the vacancy, and such period shall be held to include any period for which a Vice-Chancellor is allowed to continue in office under clause (b) of sub-section (2), or a person is appointed by the Chancellor in consultation with the Minister to exercise the powers and perform the duties of the Vice-Chancellor under sub-section (5).

(7) The Vice-Chancellor may be removed from his office by the Chancellor if he is satisfied that the incumbent,—

- (a) has become insane and adjudged by a competent court to be of unsound mind; or
- (b) has become an undischarged insolvent and stands so declared by a competent Court; or
- (c) has been physically unfit and incapable of discharging function due to protracted illness or physical disability ; or
- (d) has wilfully omitted or refused to carry out the provisions of this Act or has committed breach of any of the terms and conditions of the service contract or has abused or misused the powers vested in him or if the continuance in the office of the Vice-Chancellor is detrimental to the interest of the University; or
- (e) has been proved to be guilty of criminal breach of trust or criminal negligence or gross financial irregularity or impropriety or gross negligence of duty; or
- (f) has shown incompetence to perform or has persistently made default in the performance of the duties imposed on him by or under this Act; or
- (g) has been convicted by a court for any offence within the concept and meaning of the Code of Criminal Procedure, 1973; or
- (h) is a member of, or otherwise associated with, any political party or acts in any partisan manner while in office.

2 of 1974.

Explanation.—For the purpose of this sub-clause, whether any party is a political party or any association is a political association or any act of the Vice Chancellor is partisan, decision of the Chancellor thereon shall be final:

Provided that the Vice-Chancellor shall be given a reasonable opportunity to show cause by the Chancellor before taking recourse for his removal under clauses (d), (e), (f), (g) and (h)."

(3) for section 17, the following section shall be substituted:—

"The Court. 17. (1) The Court shall consist of the following members:—

- (a) *Ex officio* members—
 - (i) the Chancellor;
 - (ii) the Vice-Chancellor;
 - (iii) the Deans of Faculty Councils for Post-Graduate Studies;
 - (iv) the Secretary, Higher Education Department, Government of West Bengal or his nominee not below the rank of Joint Secretary to the Government of West Bengal;
 - (v) the Secretary, Finance Department, Government of West Bengal or his nominee not below the rank of Joint Secretary to the Government of West Bengal;

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(Section 6.)

- (vi) the Chairman, West Bengal State Council of Higher Education or his nominee;
- (vii) the President, West Bengal Council of Higher Secondary Education;
- (viii) the President, West Bengal Madrasah Education Board;
- (ix) the President, West Bengal Board of Secondary Education;
- (x) the Director of Public Instruction, West Bengal or his nominee not below the rank of Additional Director of Public Instruction;
- (xi) a nominee of the Chairman of University Grants Commission;
- (xii) a nominee of the Chairman of National Council for Teachers' Education;
- (xiii) the Chairman of the College Service Commission or a member of the Commission as his nominee;
- (b) Representatives of Departments and Colleges—
 - (xiv) Heads of Departments of the University;
 - (xv) five senior most Professors of Departments of the University to be selected by the Vice-Chancellor in alphabetical order of the Department, of whom not more than one Professor shall be from the same Department.
 - (xvi) Principals of affiliated Colleges, not more than ten, to be nominated by the Vice-Chancellor of whom—
 - (I) one shall be from a Teacher's Training College;
 - (II) one shall be from a Law College;
 - (III) one shall be from other Professional College;
 - (IV) one shall be from Women's College;
 - (xvii) five teachers form the Council for undergraduate studies, of whom at least two shall belong to the rank of Associate Professor and others shall be not below the rank of Assistant Professor, to be elected by the members of the Council from amongst themselves in the manner as may be prescribed by the Statutes;
 - (xviii) one representative of officers of the University, to be elected from amongst themselves in the manner as may be prescribed by the Statutes;
 - (xix) two representatives of non-teaching employees of whom—
 - (i) one from non-teaching employees of the University,
 - (ii) one from non-teaching employees of the affiliated colleges of the University,
 to be elected from amongst themselves in the manner as may be prescribed by the Statutes;
- (c) Nominated Members—
 - (xx) not more than five persons to be nominated by the Chancellor from amongst the persons interested in University education:

Provided that no employee of the University or of a College or Institution affiliated with the University or recognised by it shall be eligible to be a member;
- (d) Special Invitee—
 - (xxi) any official or expert in any field or eminent educationist, whom the University may require for advice, consultation or assistance, may be invited to attend the meeting:

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Provided that not more than one official or expert or eminent educationist may be invited in a meeting at a time.

(2) A member of the Court shall hold office for a period of four years, if not expressly provided otherwise in sub-section (1). Any vacancy among the members of the Court shall be filled up immediately by the concerned authority.

(3) No act or proceedings of the Court or of any body constituted by the Court shall be invalid or called in question by reason of the existence of any vacancy, initial or subsequent, in the Court or in any body constituted by the Court, as the case may be.";

(4) for section 20, the following section shall be substituted:—

"The Executive Council. 20. (1) The Executive Council shall consist of the following members :—

(a) *Ex officio* Members—

- (i) the Vice-Chancellor;
- (ii) Secretary of Higher Education Department or his nominee not below the rank of Joint Secretary;
- (iii) Secretary of Finance Department or his nominee not below the rank of Joint Secretary;
- (iv) Chairman of West Bengal State Council of Higher Education or his nominee;
- (v) Director of Public Instruction or his nominee not below the rank of Additional Director of Public Instruction;
- (vi) the Deans of Faculty Councils for Post-Graduate Studies;
- (vii) Principals of affiliated Colleges, not more than seven, to be nominated by the Vice-Chancellor of whom—
 - (I) one shall be from a Teachers' Training College;
 - (II) one shall be from a Law College;
 - (III) one shall be from other Professional College;
 - (IV) one shall be from Women's College;

(b) Other Members—

- (viii) three Heads of Departments, by rotation for one year in alphabetical order of the Department, to be selected by the Vice-Chancellor;
- (ix) seven teachers from the faculty council for Post-Graduate studies of whom four shall be Professors, two shall be Associate Professors and one shall be Assistant Professor and they shall be elected by the members of the faculty council from amongst themselves in the manner as may be prescribed by Statutes;
- (x) five Teachers of whom atleast two shall belong to the rank of Associate Professor and Others shall be not below the rank of Assistant Professor from the council for under-graduate studies to be elected by the members of the Council from amongst themselves in the manner as may be prescribed by Statutes;
- (xi) two persons nominated by the Chancellor interested in University education:

Provided that no employee of the University or of a College or Institution affiliated with the University or recognized by it shall be eligible to be a member.

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(Section 7.)

(2) A member of the Executive Council shall hold office for a period of four years, if not expressly provided otherwise in sub-section (1). Any vacancy among the members of the Executive Council shall be filled up immediately by the concerned authority.

(3) No act or proceedings of the Executive Council or of any body constituted by the Executive Council shall be invalid or called in question by reason of the existence of any vacancy, initial or subsequent, in the Executive Council or in any body constituted by the Executive Council, as the case may be.

(4) One-third of the total number of members shall be a quorum for a meeting of the Executive Council.";

(5) in section 21, in clause (x), the word "Teachers", wherever it occurs, shall be omitted.;

(6) in section 22,—

(i) in sub-section (2),—

(a) after clause (iv), the following clause shall be inserted:—

"(iva) the Librarian of the University, if the post is vacant then the person acting as Librarian of the University in case of Faculty Council for Post-Graduate studies in Arts and Commerce;

(b) after clause (viii), the following clause shall be inserted:—

"(ix) one student representative pursuing Post-Graduate studies in the University and one research scholar pursuing research in the University to be elected by Post-Graduate students and research scholars, respectively, from amongst themselves in the manner as may be prescribed by the Statutes";

(ii) in sub-section (3), after clause (viii), the following clause shall be inserted:—

"(ix) one student representative pursuing Post-Graduate studies in the University and one research scholar pursuing research in the University to be elected by post graduate students and research scholars, respectively, from amongst themselves in the manner as may be prescribed by the Statutes";

(7) in section 23A,—

(a) in sub-section (2), after clause (f), the following clause shall be inserted:—

"(g) three student representatives pursuing Undergraduate studies in different streams of education in the affiliated colleges of the University to be elected by such students from amongst themselves in the manner as may be prescribed by the Statutes:

Provided that no two student representatives shall be elected from the same stream of education.";

(8) for section 27, the following section shall be substituted:—

"Selection
Committee for
Teaching Posts.

27. (1) A University Professor or a University Associate Professor or a University Assistant Professor shall be appointed by the Vice-Chancellor, on the recommendation of a Selection Committee, and the constitution of such Selection Committee as well as the procedure for holding its meetings shall be in consonance with the University Grants Commission Regulations and Recruitment Rules framed by the State Government from time to time.

(2) Notwithstanding anything contrary to the provisions of University Grants Commission Regulations, the nominee of the Vice-Chancellor shall be the head of the Selection Committee, which shall send its recommendations in writing to the Vice-Chancellor alongwith reasoned record of assessment of the persons appeared before it for selection.";

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(Section 7.)

(9) for section 28, the following section shall be substituted:—

“Procedure for holding meeting of Selection Committee. 28. (1) At least four members, including two outside subject experts, shall constitute the quorum for a meeting of the Selection Committee.

(2) If the Vice-Chancellor does not accept the recommendation of a Selection Committee, it shall refer the recommendation back to the Selection Committee with reasons for reconsideration and if the Vice-Chancellor does not accept the reconsidered views of the Selection Committee, the matter shall be referred to the Chancellor with reasons and the decision of the Chancellor shall be final.”.

Amendment of
West Ben. Act
XXVIII of 2007.

7. In the West Bengal State University (Barasat, North 24-Parganas) Act, 2007,—

(1) in section 2,—

(i) after clause (19), the following clause shall be inserted:—

‘(19a) “State Government” means the Government of West Bengal in the Higher Education Department;’;

(ii) in clause (22), for the words "a Professor, Reader, Principal, Lecturer," the words "a Principal, Professor, Associate Professor, Reader, Assistant Professor," shall be substituted;

(iii) for clause (23), the following clause shall be substituted:—

‘(23) “Teacher of the University” means a Professor, Associate Professor, Assistant Professor, or any other person, holding a teaching post including a part time teaching post, appointed or recognized as such by the University;’;

(iv) clause (27) shall be omitted;

(2) for section 9, the following section shall be substituted:—

“The Vice-Chancellor. 9. (1) (a) The Vice-Chancellor shall be appointed from the persons of the highest level of competence, integrity, morals and institutional commitment. The Vice-Chancellor shall be a distinguished academic with a minimum of ten years of experience in a University system of which atleast 5 years shall be as professor or ten years of experience in a reputed research or academic administrative organisation of which at least 5 years shall be in an equivalent position of professor.

(b) The Vice-Chancellor shall be appointed by the Chancellor out of the panel of three names recommended in order of preference by the Search Committee constituted by the State Government. While preparing the panel, the Search Committee must give proper weightage to academic excellence, exposure to the higher education system in the country and abroad and adequate experience in academic and administrative governance and reflect the same in writing while submitting the panel to the Chancellor.

(c) The Search Committee shall consist of the following Members:—

(i) a nominee of the Chancellor, who shall be the Chairperson of the Committee;

(ii) a nominee of the Chairman, University Grants Commission;

(iii) a nominee of the Court:

Provided that all such Members shall be persons of eminence in the sphere of higher education and shall not be connected in any manner with the University or colleges or institutions affiliated with the University or recognised by it.

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(Section 7.)

(2) (a) The Vice-chancellor shall hold office for a term of four years or till he attains the age of sixty-five years, whichever is earlier, and shall be eligible for re-appointment for another term of four years or till he attains the age of sixty-five years, whichever is earlier, following the provisions of sub-section (1).

(b) The Chancellor may, notwithstanding the expiration of the term of the office of the Vice-Chancellor or his attaining the age of sixty-five years, allow him to continue in office till a successor assumes office, provided that he shall not continue as such for any period exceeding six months.

(3) The Vice-Chancellor shall be a whole-time officer of the University and shall be paid from the University Fund such salary and allowances as the Chancellor may decide in consultation with the State Government.

(4) The Vice-Chancellor may resign his office by writing under his hand addressed to the Chancellor.

(5) If—

- (a) the Vice-Chancellor is, by reasons of leave, illness or other cause, temporarily unable to exercise the powers and perform the duties of his office, or
- (b) a vacancy occurs in the office of the Vice-Chancellor by reason of death, resignation, removal, expiry of term of his office or otherwise,

then, during the period of such temporary inability or pending the appointment of a Vice-Chancellor, as the case may be, the Chancellor in consultation with the Minister may appoint a person to exercise the powers and perform the duties of the Vice-Chancellor.

(6) The vacancy in the office of the Vice-Chancellor occurring by reason of death, resignation or expiry of the term of his office, removal or otherwise shall be filled up by appointment of a Vice-Chancellor in accordance with the provisions of sub-section (1) within a period of six months from the date of occurrence of the vacancy, and such period shall be held to include any period for which a Vice-Chancellor is allowed to continue in office under clause (b) of sub-section (2), or a person is appointed by the Chancellor in consultation with the Minister to exercise the powers and perform the duties of the Vice-Chancellor under sub-section (5).

(7) The Vice-Chancellor may be removed from his office by the Chancellor if he is satisfied that the incumbent,—

- (a) has become insane and adjudged by a competent court to be of unsound mind; or
- (b) has become an undischarged insolvent and stands so declared by a competent Court; or
- (c) has been physically unfit and incapable of discharging function due to protracted illness or physical disability ; or
- (d) has wilfully omitted or refused to carry out the provisions of this Act or has committed breach of any of the terms and conditions of the service contract or has abused or misused the powers vested in him or if the continuance in the office of the Vice-Chancellor is detrimental to the interest of the University; or
- (e) has been proved to be guilty of criminal breach of trust or criminal negligence or gross financial irregularity or impropriety or gross negligence of duty; or

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(Section 7.)

- (f) has shown incompetence to perform or has persistently made default in the performance of the duties imposed on him by or under this Act; or
- (g) has been convicted by a court for any offence within the concept and meaning of the Code of Criminal Procedure, 1973; or
- (h) is a member of, or otherwise associated with, any political party or acts in any partisan manner while in office.

2 of 1974.

Explanation.— For the purpose of this sub-clause, whether any party is a political party or any association is a political association or any act of the Vice-Chancellor is partisan, decision of the Chancellor thereon shall be final:

Provided that the Vice-Chancellor shall be given a reasonable opportunity to show cause by the Chancellor before taking recourse for his removal under clauses (d), (e), (f), (g) and (h).";

- (3) for section 17, the following section shall be substituted:—

"The Court.

17. (1) The Court shall consist of the following members:—

- (a) *Ex officio* members—

- (i) the Chancellor;
- (ii) the Vice-Chancellor;
- (iii) the Deans of Faculty Councils for Post-Graduate Studies;
- (iv) the Secretary, Higher Education Department, Government of West Bengal or his nominee not below the rank of Joint Secretary to the Government of West Bengal;
- (v) the Secretary, Finance Department, Government of West Bengal or his nominee not below the rank of Joint Secretary to the Government of West Bengal;
- (vi) the Chairman, West Bengal State Council of Higher Education or his nominee;
- (vii) the President, West Bengal Council of Higher Secondary Education;
- (viii) the President, West Bengal Madrasah Education Board;
- (ix) the President, West Bengal Board of Secondary Education;
- (x) the Director of Public Instruction, West Bengal, or his nominee not below the rank of Additional Director of Public Instruction;
- (xi) a nominee of the Chairman of University Grants Commission;
- (xii) a nominee of the Chairman of National Council for Teachers' Education;
- (xiii) the Chairman of the College Service Commission or a member of the Commission as his nominee;

- (b) Representatives of Departments and Colleges—

- (xiv) Heads of Departments of the University;
- (xv) five senior most Professors of Departments of the University to be selected by the Vice-Chancellor in alphabetical order of the Department, of whom not more than one Professor shall be from the same Department;
- (xvi) Principals of affiliated Colleges, not more than ten, to be nominated by the Vice-Chancellor of whom—

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- (I) one shall be from a Teachers' Training College;
- (II) one shall be from a Law College;
- (III) one shall be from other Professional College;
- (IV) one shall be from Women's College;
- (V) one shall be from Government College;
- (xvii) five teachers form the Council for Undergraduate studies, of whom at least two shall belong to the rank of Associate Professor and others shall be not below the rank of Assistant Professor, to be elected by the members of the Council from amongst themselves in the manner as may be prescribed by the Statutes;
- (xviii) one representative of Officers of the University, to be elected from amongst themselves in the manner as may be prescribed by the Statutes;
- (xix) two representatives of non-teaching employees of whom—
 - (i) one from non-teaching employees of the University,
 - (ii) one from non-teaching employees of the affiliated colleges of the University,

to be elected from amongst themselves in the manner as may be prescribed by the Statutes;

(c) Nominated Members—

- (xx) not more than five persons to be nominated by the Chancellor from amongst the persons interested in University education:

Provided that no employee of the University or of a College or Institution affiliated with the University or recognised by it shall be eligible to be a member;

(d) Special Invitee—

- (xxi) any official or expert in any field or eminent educationist, whom the Vice-Chancellor may require for advice, consultation or assistance, may be invited to attend the meeting:

Provided that not more than one official or expert or eminent educationist may be invited in a meeting at a time.

(2) A member of the Court shall hold office for a period of four years, if not expressly provided otherwise in sub-section (1). Any vacancy among the members of the Court shall be filled up immediately by the concerned authority.

(3) No act or proceedings of the Court or of any body constituted by the Court shall be invalid or called in question by reason of the existence of any vacancy, initial or subsequent, in the Court or in any body constituted by the Court, as the case may be.";

(4) for section 20, the following section shall be substituted:—

" The Executive Council. 20. (1) The Executive Council shall consist of the following members:—

(a) *Ex officio* Members—

- (i) the Vice-Chancellor;
- (ii) Secretary of Higher Education Department or his nominee not below the rank of Joint Secretary;
- (iii) Secretary of Finance Department or his nominee not below the rank of Joint Secretary;

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- (iv) Chairman of West Bengal State Council of Higher Education or his nominee;
- (v) Director of Public Instruction or his nominee not below the rank of Additional Director of Public Instruction;
- (vi) the Deans of Faculty Councils for Post-Graduate Studies,
- (vii) Principals of affiliating Colleges, not more than seven, to be nominated by the Vice-Chancellor of whom—
 - (I) one shall be from a Teachers' Training College;
 - (II) one shall be from a Law College;
 - (III) one shall be from other Professional College;
 - (IV) one shall be from Women's College;
 - (V) one shall be from Government College;

(b) Other Members—

- (viii) three Heads of Departments, by rotation for one year in alphabetical order of the Department, to be selected by the Vice-Chancellor;
- (ix) seven teachers from the faculty council for Post-Graduate studies of whom four shall be Professors, two shall be Associate Professors and one shall be Assistant Professor and they shall be elected by the members of the faculty council from amongst themselves in the manner as may be prescribed by Statutes;
- (x) five Teachers of whom atleast two shall belong to the rank of Associate Professor and Others shall be not below the rank of Assistant Professor from the Council for Undergraduate studies, to be elected by the members of the Council from amongst themselves in the manner as may be prescribed by Statutes;
- (xi) two persons nominated by the Chancellor interested in University education:
Provided that no employee of the University or of a College or Institution affiliated with the University or recognised by it shall be eligible to be a member.

(2) A member of the Executive Council shall hold office for a period of four years, if not expressly provided otherwise in sub-section (1). Any vacancy among the members of the Executive Council shall be filled up immediately by the concerned authority.

(3) No act or proceedings of the Executive Council or of any body constituted by the Executive Council shall be invalid or called in question by reason of the existence of any vacancy, initial or subsequent, in the Executive Council or in any body constituted by the Executive Council, as the case may be.

(4) One-third of the total number of members shall be a quorum for a meeting of the Executive Council."

(5) in section 21, in clause (ix), the word "Teachers", wherever it occurs, shall be omitted.;

(6) in section 22,—

(i) in sub-section (2),—

(a) after clause (iv), the following clause shall be inserted:—

“(iva) the Librarian of the University, if the post is vacant then the person acting as Librarian of the University in the case of the Faculty Council for Post-Graduate Studies in Arts;

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(Section 8.)

(b) after clause (vii), the following clause shall be inserted:—

“(viii) one student representative pursuing Post-Graduate studies in the University and one research scholar pursuing research in the University to be elected by Post-Graduate students and research scholars respectively from amongst themselves in the manner as may be prescribed in the Statutes”;

(7) in section 24, in sub-section (2), after clause (vi), the following clause shall be inserted:—

“(vii) three student representatives pursuing Undergraduate studies in different streams of education in the affiliated colleges of the University to be elected by such students from amongst themselves in the manner as may be prescribed by the Statutes:

Provided that no two student representatives shall be elected from the same stream of education.”;

(8) for section 29, the following section shall be substituted:—

“Selection Committee for Teaching Posts. 29. (1) A University Professor or a University Associate Professor or a University Assistant Professor shall be appointed by the Vice-Chancellor, on the recommendation of a Selection Committee, and the constitution of such Selection Committee as well as the procedure for holding its meetings shall be in consonance with the University Grants Commission Regulations and Recruitment Rules framed by the State Government from time to time.

(2) Notwithstanding anything contrary to the provisions of University Grants Commission Regulations, the nominee of the Vice-Chancellor shall be the head of the Selection Committee, which shall send its recommendations in writing to the Vice-Chancellor alongwith reasoned record of assessment of the persons appeared before it for selection.”;

(9) for section 30, the following section shall be substituted:—

“Procedure for holding meeting of Selection Committee. 30. (1) At least four members, including two outside subject experts, shall constitute the quorum for a meeting of the Selection Committee.

(2) If the Vice-Chancellor does not accept the recommendation of a Selection Committee, it shall refer the recommendation back to the Selection Committee with reasons for reconsideration and if the Vice-Chancellor does not accept the reconsidered views of the Selection Committee, the matter shall be referred to the Chancellor with reasons and the decision of the Chancellor shall be final.”.

Amendment of
West Ben. Act
XXVI of 2007.

8. In the Gour Banga University Act, 2007,—

(1) in section 2,—

(i) after clause (20), the following clause shall be inserted:—

“(20a) “State Government” means the Government of West Bengal in the Higher Education Department;”.

(ii) in clause (23), for the words “a Professor, Reader, Principal, Lecturer,”, the words “a Principal, Professor, Associate Professor, Reader, Assistant Professor,” shall be substituted;

(iii) for clause (24), the following clause shall be substituted:—

“(24) “Teacher of the University” means a Professor, Associate Professor, Assistant Professor, or any other person, holding a teaching post including a part time teaching post, appointed or recognized as such by the University;”;

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(iv) clause (28) shall be omitted;

(2) for section 9, the following section shall be substituted:—

“The Vice-Chancellor.

9. (1) (a) The Vice-Chancellor shall be appointed from the persons of the highest level of competence, integrity, morals and institutional commitment. The Vice-Chancellor shall be a distinguished academic with a minimum of ten years of experience in a University system of which atleast 5 years shall be as professor or ten years of experience in a reputed research or academic administrative organisation of which atleast 5 years shall be in an equivalent position of professor.

(b) The Vice-Chancellor shall be appointed by the Chancellor out of the panel of three names recommended in order of preference by the Search Committee constituted by the State Government. While preparing the panel, the Search Committee must give proper weightage to academic excellence, exposure to the higher education system in the country and abroad and adequate experience in academic and administrative governance and reflect the same in writing while submitting the panel to the Chancellor.

(c) The Search Committee shall consist of the following Members:—

- (i) a nominee of the Chancellor, who shall be the Chairperson of the Committee;
- (ii) a nominee of the Chairman, University Grants Commission;
- (iii) a nominee of the Court:

Provided that all such Members shall be persons of eminence in the sphere of higher education and shall not be connected in any manner with the University or colleges or institutions affiliated with the University or recognised by it.

(2) (a) The Vice-chancellor shall hold office for a term of four years or till he attains the age of sixty-five years, whichever is earlier, and shall be eligible for re-appointment for another term of four years or till he attains the age of sixty-five years, whichever is earlier, following the provisions of sub-section (1).

(b) The Chancellor may, notwithstanding the expiration of the term of the office of the Vice-Chancellor or his attaining the age of sixty-five years, allow him to continue in office till a successor assumes office, provided that he shall not continue as such for any period exceeding six months.

(3) The Vice-Chancellor shall be a whole-time officer of the University and shall be paid from the University Fund such salary and allowances as the Chancellor may decide in consultation with the State Government.

(4) The Vice-Chancellor may resign his office by writing under his hand addressed to the Chancellor.

(5) If—

- (a) the Vice-Chancellor is, by reasons of leave, illness or other cause, temporarily unable to exercise the powers and perform the duties of his office, or
- (b) a vacancy occurs in the office of the Vice-Chancellor by reason of death, resignation, removable, expiry of term of his office or otherwise,

then, during the period of such temporary inability or pending the appointment of a Vice-Chancellor, as the case may be, the Chancellor in consultation with the Minister may appoint a person to exercise the powers and perform the duties of the Vice-Chancellor.

(6) The vacancy in the office of the Vice-Chancellor occurring by reason of death, resignation or expiry of the term of his office, removal or otherwise shall be filled up by appointment of a Vice-Chancellor in accordance with the provisions of sub-section

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(1) within a period of six months from the date of occurrence of the vacancy, and such period shall be held to include any period for which a Vice-Chancellor is allowed to continue in office under clause (b) of sub-section (2), or a person is appointed by the Chancellor in consultation with the Minister to exercise the powers and perform the duties of the Vice-Chancellor under sub-section (5).

(7) The Vice-Chancellor may be removed from his office by the Chancellor if he is satisfied that the incumbent,—

- (a) has become insane and adjudged by a competent court to be of unsound mind; or
- (b) has become an undischarged insolvent and stands so declared by a competent Court; or
- (c) has been physically unfit and incapable of discharging function due to protracted illness or physical disability ; or
- (d) has willfully omitted or refused to carry out the provisions of this Act or has committed breach of any of the terms and conditions of the service contract or has abused or misused the powers vested in him or if the continuance in the office of the Vice-Chancellor is detrimental to the interest of the University; or
- (e) has been proved to be guilty of criminal breach of trust or criminal negligence or gross financial irregularity or impropriety or gross negligence of duty; or
- (f) has shown incompetence to perform or has persistently made default in the performance of the duties imposed on him by or under this Act; or
- (g) has been convicted by a court for any offence within the concept and meaning of the Code of Criminal Procedure, 1973; or
- (h) is a member of, or otherwise associated with, any political party or acts in any partisan manner while in office.

2 of 1974.

Explanation.—For the purpose of this sub-clause, whether any party is a political party or any association is a political association or any act of the Vice-Chancellor is partisan, decision of the Chancellor thereon shall be final:

Provided that the Vice-Chancellor shall be given a reasonable opportunity to show cause by the Chancellor before taking recourse for his removal under clauses (d), (e), (f), (g) and (h)."

(3) for section 17, the following section shall be substituted:—

"The Court. 17. (1) The Court shall consist of the following members:—

(a) *Ex officio* members—

- (i) the Chancellor;
- (ii) the Vice-Chancellor;
- (iii) the Deans of Faculty Councils for Post-Graduate Studies;
- (iv) the Secretary, Higher Education Department, Government of West Bengal or his nominee not below the rank of Joint Secretary to the Government of West Bengal;
- (v) the Secretary, Finance Department, Government of West Bengal or his nominee not below the rank of Joint Secretary to the Government of West Bengal;
- (vi) the Chairman, West Bengal State Council of Higher Education or his nominee;
- (vii) the President, West Bengal Council of Higher Secondary Education;

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- (viii) the President, West Bengal Madrasah Education Board;
- (ix) the President, West Bengal Board of Secondary Education;
- (x) the Director of Public Instruction, West Bengal or his nominee not below the rank of Additional Director of Public Instruction ;
- (xi) a nominee of the Chairman of University Grants Commission;
- (xii) a nominee of the Chairman of National Council for Teachers' Education;
- (xiii) the Chairman of the College Service Commission or a member of the Commission as his nominee.

(b) Representatives of Departments and Colleges—

- (xiv) Heads of Departments of the University;
- (xv) five senior most Professors of Departments of the University to be selected by the Vice-Chancellor in alphabetical order of the Department, of whom not more than one Professor shall be from the same Department.
- (xvi) Principals of affiliated Colleges, not more than ten, to be nominated by the Vice-Chancellor of whom—
 - (I) one shall be from a Teachers' Training College;
 - (II) one shall be from a Law College;
 - (III) one shall be from other Professional College;
 - (IV) one shall be from Women's College;
- (xvii) five teachers from the Council for Undergraduate studies, of whom at least two shall belong the rank of Associate Professor and others shall be not below the rank of Assistant Professor, to be elected by the members of the Council from amongst themselves in the manner as may be prescribed by the Statutes;
- (xviii) one representative of officers of the University, to be elected from amongst themselves in the manner as may be prescribed by the Statutes;
- (xix) two representatives of non-teaching employees of whom—
 - (i) one from non-teaching employees of the University,
 - (ii) one from non-teaching employees of the affiliated colleges of the University,

to be elected from amongst themselves in the manner as may be prescribed by the Statutes.

(c) Nominated Members—

- (xx) not more than five persons to be nominated by the Chancellor from amongst the persons interested in University education:

Provided that no employee of the University or of a College or Institution affiliated with the University or recognised by it shall be eligible to be a member;

(d) Special Invitee—

- (xxi) any official or expert in any field or eminent educationist, whom the Vice-Chancellor may require for advice, consultation or assistance, may be invited to attend the meeting :

Provided that not more than one official or expert or eminent educationist may be invited in a meeting at a time.

(2) A member of the Court shall hold office for a period of four years, if not expressly provided otherwise in sub-section (1). Any vacancy among the members of the Court shall be filled up immediately by the concerned authority.

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(3) No act or proceedings of the Court or of any body constituted by the Court shall be invalid or called in question by reason of the existence of any vacancy, initial or subsequent, in the Court or in any body constituted by the Court, as the case may be.";

(4) for section 20, the following section shall be substituted:—

"The Executive Council. 20. (1) The Executive Council shall consist of the following members:—

(a) *Ex officio* Members—

- (i) the Vice-Chancellor;
- (ii) Secretary of Higher Education Department or his nominee not below the rank of Joint Secretary;
- (iii) Secretary of Finance Department or his nominee not below the rank of Joint Secretary;
- (iv) Chairman of West Bengal State Council of Higher Education or his nominee;
- (v) Director of Public Instruction or his nominee not below the rank of Additional Director of Public Instruction;
- (vi) the Deans of Faculty Councils for Post-Graduate Studies;
- (vii) Principals of affiliating Colleges, not more than seven, selected by rotation for a term of one year, by the Undergraduate Council of whom—
 - (I) one shall be from a Teachers' Training College;
 - (II) one shall be from a Law College;
 - (III) one shall be from other Professional College;
 - (IV) one shall be from Women's College;

(b) Other Members—

- (viii) three Heads of Departments, by rotation for one year in alphabetical order of the Department, to be selected by the Vice-Chancellor;
- (ix) seven teachers from the faculty council for Post-Graduate studies of whom four shall be Professors, two shall be Associate Professors and one shall be Assistant Professor and they shall be elected by the members of the faculty council from amongst themselves in the manner as may be prescribed by statutes;
- (x) five Teachers of whom atleast two shall belong to the rank of Associate Professor and Others shall be not below the rank of Assistant Professor from the Council for Undergraduate studies, to be elected by the members of the Council from amongst themselves in the manner as may be prescribed by Statutes;
- (xi) two persons nominated by the Chancellor, interested in University education:

Provided that no employee of the University or of a College or Institution affiliated with the University or recognised by it shall be eligible to be a member.

(2) A member of the Executive Council shall hold office for a period of four years, if not expressly provided otherwise in sub-section (1). Any vacancy among the members of the Executive Council shall be filled up immediately by the concerned authority.

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(3) No act or proceedings of the Executive Council or of any body constituted by the Executive Council shall be invalid or called in question by reason of the existence of any vacancy, initial or subsequent, in the Executive Council or in any body constituted by the Executive Council, as the case may be.

(4) One-third of the total number of members shall be a quorum for a meeting of the Executive Council.";

(5) in section 21, in clause (x), the word "Teachers", wherever it occurs, shall be omitted.;

(6) in section 22,—

(i) in sub-section (2),—

(a) after clause (iii), the following clause shall be inserted:—

"(iiia) the Librarian of the University, if the post is vacant then the person acting as Librarian of the University in the case of the Faculty Council for Post-Graduate Studies in Humanities, Social Sciences and Commerce;"

(b) after clause (vi), the following clause shall be inserted:—

"(vii) one student representative pursuing Post-Graduate studies in the University and one research scholar pursuing research in the University to be elected by post graduate students and research scholars respectively from amongst themselves in the manner as may be prescribed by the Statutes;"

(7) in section 24, in sub-section (2), after clause (vi), the following clause shall be inserted:—

"(vii) three student representatives pursuing Undergraduate studies in different streams of education in the affiliated colleges of the University to be elected by such students from amongst themselves in the manner as may be prescribed by the Statutes:

Provided that no two student representatives shall be elected from the same stream of education.";

(8) for section 29, the following section shall be substituted:—

"Selection Committee for Teaching Posts. 29. (1) A University Professor or a University Associate Professor or a University Assistant Professor shall be appointed by the Vice-Chancellor, on the recommendation of a Selection Committee, and the constitution of such Selection Committee as well as the procedure for holding its meetings shall be in consonance with the University Grants Commission Regulations and Recruitment Rules framed by the State Government from time to time.

(2) Notwithstanding anything contrary to the provisions of University Grants Commission Regulations, the nominee of the Vice-Chancellor shall be the head of the Selection Committee, which shall send its recommendations in writing to the Vice-Chancellor alongwith reasoned record of assessment of the persons appeared before it for selection.";

(9) for section 30, the following section shall be substituted:—

"Procedure for holding meeting of Selection Committee. 30. (1) At least four members, including two outside subject experts, shall constitute the quorum for a meeting of the Selection Committee.

(2) If the Vice-Chancellor does not accept the recommendation of a Selection Committee, it shall refer the recommendation back to the Selection Committee with reasons for reconsideration and if the Vice-Chancellor does not accept the reconsidered views of the Selection Committee, the matter shall be referred to the Chancellor with reasons and the decision of the Chancellor shall be final."

9. In the Sidho-Kanho-Birsha University Act, 2010,—

(1) in section 2,—

(i) in clause (25), for the words "a Professor, Principal, Reader, Lecturer", the words "a Principal, Professor, Associate Professor, Reader, Assistant Professor" shall be substituted;

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(ii) for clause (26), the following clause shall be substituted:—

‘(26) “Teacher of the University” means a Professor, Associate Professor, Assistant Professor, or any other person, holding a teaching post including a part time teaching post, appointed or recognized as such by the University;’;

(iii) clause (30) shall be omitted;

(2) for section 9, the following section shall be substituted:—

"The Vice-Chancellor. 9. (1) (a) The Vice-Chancellor shall be appointed from the persons of the highest level of competence, integrity, morals and institutional commitment. The Vice-Chancellor shall be a distinguished academic with a minimum of ten years of experience in a University system of which atleast 5 years shall be as professor or ten years of experience in a reputed research or academic administrative organisation of which atleast 5 years shall be in an equivalent position of professor.

(b) The Vice-Chancellor shall be appointed by the Chancellor out of the panel of three names recommended in order of preference by the Search Committee constituted by the State Government. While preparing the panel, the Search Committee must give proper weightage to academic excellence, exposure to the higher education system in the country and abroad and adequate experience in academic and administrative governance and reflect the same in writing while submitting the panel to the Chancellor.

(c) The Search Committee shall consist of the following Members:—

- (i) a nominee of the Chancellor, who shall be the Chairperson of the Committee;
- (ii) a nominee of the Chairman, University Grants Commission;
- (iii) a nominee of the Court:

Provided that all such Members shall be persons of eminence in the sphere of higher education and shall not be connected in any manner with the University or colleges or institutions affiliated with the University or recognised by it.

(2) (a) The Vice-chancellor shall hold office for a term of four years or till he attains the age of sixty-five years, whichever is earlier, and shall be eligible for re-appointment for another term of four years or till he attains the age of sixty-five years, whichever is earlier, following the provisions of sub-section (1).

(b) The Chancellor may, notwithstanding the expiration of the term of the office of the Vice-Chancellor or his attaining the age of sixty-five years, allow him to continue in office till a successor assumes office, provided that he shall not continue as such for any period exceeding six months.

(3) The Vice-Chancellor shall be a whole-time officer of the University and shall be paid from the University Fund such salary and allowances as the Chancellor may decide in consultation with the State Government.

(4) The Vice-Chancellor may resign his office by writing under his hand addressed to the Chancellor.

(5) If—

- (a) the Vice-Chancellor is, by reasons of leave, illness or other cause, temporarily unable to exercise the powers and perform the duties of his office, or

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- (b) a vacancy occurs in the office of the Vice-Chancellor by reason of death, resignation, removal, expiry of term of his office or otherwise,

then, during the period of such temporary inability or pending the appointment of a Vice-Chancellor, as the case may be, the Chancellor in consultation with the Minister may appoint a person to exercise the powers and perform the duties of the Vice-Chancellor.

(6) The vacancy in the office of the Vice-Chancellor occurring by reason of death, resignation or expiry of the term of his office, removal or otherwise shall be filled up by appointment of a Vice-Chancellor in accordance with the provisions of sub-section (1) within a period of six months from the date of occurrence of the vacancy, and such period shall be held to include any period for which a Vice-Chancellor is allowed to continue in office under clause (b) of sub-section (2), or a person is appointed by the Chancellor in consultation with the Minister to exercise the powers and perform the duties of the Vice-Chancellor under sub-section (5).

(7) The Vice-Chancellor may be removed from his office by the Chancellor if he is satisfied that the incumbent,—

- (a) has become insane and adjudged by a competent court to be of unsound mind; or
- (b) has become an undischarged insolvent and stands so declared by a competent Court; or
- (c) has been physically unfit and incapable of discharging function due to protracted illness or physical disability ; or
- (d) has wilfully omitted or refused to carry out the provisions of this Act or has committed breach of any of the terms and conditions of the service contract or has abused or misused the powers vested in him or if the continuance in the office of the Vice Chancellor is detrimental to the interest of the University; or
- (e) has been proved to be guilty of criminal breach of trust or criminal negligence or gross financial irregularity or impropriety or gross negligence of duty; or
- (f) has shown incompetence to perform or has persistently made default in the performance of the duties imposed on him by or under this Act; or
- (g) has been convicted by a court for any offence within the concept and meaning of the Code of Criminal Procedure, 1973; or
- (h) is a member of, or otherwise associated with, any political party or acts in any partisan manner while in office.

2 of 1974.

Explanation.— For the purpose of this sub-clause, whether any party is a political party or any association is a political association or any act of the Vice Chancellor is partisan, decision of the Chancellor thereon shall be final:

Provided that the Vice-Chancellor shall be given a reasonable opportunity to show cause by the Chancellor before taking recourse for his removal under clauses (d), (e), (f), (g) and (h)."

- (3) for section 17, the following section shall be substituted:—

"The Court.

17. (1) The Court shall consist of the following members:—

- (a) *Ex officio* members—

- (i) the Chancellor;
- (ii) the Vice-Chancellor;
- (iii) the Dean of Faculty Councils for Post-Graduate Studies;

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- (iv) the Secretary, Higher Education Department, Government of West Bengal or his nominee not below the rank of Joint Secretary to the Government of West Bengal;
 - (v) the Secretary, Finance Department, Government of West Bengal or his nominee not below the rank of Joint Secretary to the Government of West Bengal;
 - (vi) the Chairman, West Bengal State Council of Higher Education or his nominee;
 - (vii) the President, West Bengal Council of Higher Secondary Education;
 - (viii) the President, West Bengal Madrasah Education Board;
 - (ix) the President, West Bengal Board of Secondary Education;
 - (x) the Director of Public Instruction, West Bengal or his nominee not below the rank of Additional Director of Public Instruction;
 - (xi) a nominee of the Chairman of University Grants Commission;
 - (xii) a nominee of the Chairman of National Council for Teachers' Education;
 - (xiii) the Chairman of the College Service Commission or a member of the Commission as his nominee.
- (b) Representatives of Departments and Colleges—
- (xiv) Heads of Departments of the University;
 - (xv) five senior most Professors of Departments of the University to be selected by the Vice-Chancellor in alphabetical order of the Department, of whom not more than one Professor shall be from the same Department.
 - (xvi) Principals of affiliated Colleges, not more than ten, to be nominated by the Vice Chancellor of whom—
 - (I) one shall be from a Teacher's Training College;
 - (II) one shall be from a Law College;
 - (III) one shall be from other Professional College;
 - (IV) one shall be from Women's College;
 - (xvii) five teachers from the Council for undergraduate studies, of whom at least two shall belong the rank of Associate Professor and others shall be not below the rank of Assistant Professor, to be elected by the members of the Council from amongst themselves in the manner as may be prescribed by the Statutes;
 - (xviii) one representative of officers of the University, to be elected from amongst themselves in the maneer as may be prescribed by the Statutes;
 - (xix) two representatives of non-teaching employees of whom—
 - (i) one from non-teaching employees of the University,
 - (ii) one from non-teaching employees of the affiliated colleges of the University,

to be elected from amongst themselves in the manner as may be prescribed by the Statutes;

(c) Nominated Members—

- (xx) not more than five persons to be nominated by the Chancellor from amongst the persons interested in University education:

Provided that no employee of the University or of a College or institution affiliated with the University or recognised by it shall be eligible to be a member.

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(d) Special Invitee—

- (xxi) any official or expert in any field or eminent educationist, whom the Vice-Chancellor may require for advice, consultation or assistance, may be invited to attend the meeting:

Provided that not more than one official or expert or eminent educationist may be invited in a meeting at a time.

(2) A member of the Court shall hold office for a period of four years, if not expressly provided otherwise in sub-section (1). Any vacancy among the members of the Court shall be filled up immediately by the concerned authority.

(3) No act or proceedings of the Court or of any body constituted by the Court shall be invalid or called in question by reason of the existence of any vacancy, initial or subsequent, in the Court or in any body constituted by the Court, as the case may be.";

(4) for section 20, the following section shall be substituted:—

"The Executive Council. 20. (1) The Executive Council shall consist of the following members:—

(a) *Ex officio* Members—

- (i) the Vice Chancellor;
- (ii) Secretary of Higher Education Department or his nominee not below the rank of Joint Secretary;
- (iii) Secretary of Finance Department or his nominee not below the rank of Joint Secretary;
- (iv) Chairman of West Bengal State Council of Higher Education or his nominee;
- (v) Director of Public Instruction or his nominee not below the rank of Additional Director of Public Instruction;
- (vi) the Deans of Faculty Councils for Post-Graduate Studies;
- (vii) Principals of affiliated Colleges, not more than seven, to be nominated by the Vice Chancellor of whom—
 - (I) one shall be from a Teacher's Training College;
 - (II) one shall be from a Law College;
 - (III) one shall be from other Professional College;
 - (IV) one shall be from Women's College;

(b) Other Members—

- (viii) three Heads of Departments, by rotation for one year in alphabetical order of the Department, to be selected by the Vice-Chancellor;
- (ix) seven teachers from the faculty council for Post-Graduate studies of whom four shall be Professors, two shall be Associate Professors and one shall be Assistant Professor and they shall be elected by the members of the faculty council from amongst themselves in the manner as may be prescribed by Statutes;
- (x) five Teachers of whom atleast two shall belong to the rank of Associate Professor and others shall be not below the rank of Assistant Professor from the Council for Undergraduate studies to be elected by the members of the Council from amongst themselves in the manner as may be prescribed by Statutes;

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- (xi) two persons nominated by the Chancellor interested in University education:

Provided that no employee of the University or of a College or Institution affiliated with the University or recognised by it shall be eligible to be a member.

(2) A member of the Executive Council shall hold office for a period of four years, if not expressly provided otherwise in sub-section (1). Any vacancy among the members of the Executive Council shall be filled up immediately by the concerned authority.

(3) No act or proceedings of the Executive Council or of any body constituted by the Executive Council shall be invalid or called in question by reason of the existence of any vacancy, initial or subsequent, in the Executive Council or in any body constituted by the Executive Council, as the case may be.

(4) One-third of the total number of members shall be a quorum for a meeting of the Executive Council.";

(5) in section 21, in clause (ix), the word "Teachers", wherever it occurs shall be omitted.;

(6) in section 22,—

(i) in sub-section (2),—

(a) after clause (iv), the following clause shall be inserted:—

“(iva) the Librarian of the University, if the post is vacant then the person acting as Librarian of the University in case of Faculty Council for Post-Graduate studies in Arts;”;

(b) after clause (vii), the following clause shall be inserted:—

“(viii) one student representative pursuing Post-Graduate studies in the University and one research scholar pursuing research in the University to be elected by Post-Graduate students and research scholars, respectively, from amongst themselves in the manner as may be prescribed by the Statutes.”;

(7) in section 24,—

(a) in sub-section (2), after clause (vi), the following clause shall be inserted:—

“(vii) three student representatives pursuing Undergraduate studies in different streams of education in the affiliated colleges of the University to be elected by such students from amongst themselves in the manner as may be prescribed by the Statutes:

Provided that no two student representatives shall be elected from the same stream of education.”;

(b) in sub-section (3), after clause (v), the following clause shall be inserted:—

“(vi) one student representative pursuing Undergraduate studies in law in affiliated colleges of the University to be elected by such students from amongst themselves in the manner as may be prescribed by the Statutes.”;

(8) for section 29, the following section shall be substituted:—

"Selection
Committee for
Teaching Posts.

29. (1) A University Professor or a University Associate Professor or a University Assistant Professor shall be appointed by the Vice-Chancellor, on the recommendation of a Selection Committee, and the constitution of such Selection Committee as well as the procedure for holding its meetings shall be in consonance with the University Grants Commission Regulations and Recruitment Rules framed by the State Government from time to time.

(2) Notwithstanding anything contrary to the provisions of University Grants Commission Regulations, the nominee of the Vice-Chancellor shall be the head of the Selection Committee, which shall send its recommendations in writing to the Vice-Chancellor alongwith reasoned record of assessment of the persons appeared before it for selection.”;

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(9) for section 30, the following section shall be substituted:—

"Procedure for holding meeting of the Selection Committee. 30. (1) At least four members, including two outside subject experts, shall constitute the quorum for a meeting of the Selection Committee.

(2) If the Vice-Chancellor does not accept the recommendation of a Selection Committee, it shall refer the recommendation back to the Selection Committee with reasons for reconsideration and if the Vice-Chancellor does not accept the reconsidered views of the Selection Committee, the matter shall be referred to the Chancellor with reasons and the decision of the Chancellor shall be final."

Amendment of
West Ben. Act
XXIV of 1981.

10. In the Jadavpur University Act, 1981,—

(1) in section 2,—

(i) after clause (16), the following clause shall be inserted:—

‘(16a) “State Government” means the Government of West Bengal in the Higher Education Department;’;

(ii) in clause (19), for the words "a Professor, Reader, Principal, Lecturer," the words "a Principal, Professor, Associate Professor, Reader, Assistant Professor" shall be substituted;

(2) for section 9, the following section shall be substituted:—

“The Vice-Chancellor. 9. (1) (a) The Vice-Chancellor shall be appointed from the persons of the highest level of competence, integrity, morals and institutional commitment. The Vice Chancellor shall be a distinguished academic with a minimum of ten years of experience in a University system of which at least 5 years shall be as Professor or ten years of experience in a reputed research or academic administrative organization of which at least 5 years shall be in an equivalent position of Professor.

(b) The Vice Chancellor shall be appointed by the Chancellor out of the panel of three names recommended in order of preference by the Search Committee constituted by the State Government. While preparing the panel, the Search Committee must give proper weightage to academic excellence, exposure to the higher education system in the country and abroad and adequate experience in academic and administrative governance and reflect the same in writing while submitting the panel to the Chancellor.

(c) The Search Committee shall consist of the following Members:—

(i) a nominee of the Chancellor, who shall be the Chairperson of the Committee;

(ii) a nominee of the Chairman, University Grants Commission;

(iii) a nominee of the Court:

Provided that all such Members shall be persons of eminence in the sphere of higher education and shall not be connected in any manner with the University or colleges or institutions affiliated with the University or recognised by it.

(2) (a) The Vice-chancellor shall hold office for a term of four years or till he attains the age of sixty-five years, whichever is earlier, and shall be eligible for re-appointment for another term of four years or till he attains the age of sixty-five years, whichever is earlier, following the provisions of sub-section (1).

(b) The Chancellor may, notwithstanding the expiration of the term of the office of the Vice-Chancellor or his attaining the age of sixty-five years, allow him to continue in office till a successor assumes office, provided that he shall not continue as such for any period exceeding six months.

(3) The Vice-Chancellor shall be a whole-time officer of the University and shall be paid from the University Fund such salary and allowances as the Chancellor may decide in consultation with the State Government.

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(4) The Vice-Chancellor may resign his office by writing under his hand addressed to the Chancellor.

(5) If—

- (a) the Vice-Chancellor is, by reasons of leave, illness or other cause, temporarily unable to exercise the powers and perform the duties of his office, or
- (b) a vacancy occurs in the office of the Vice-Chancellor by reason of death, resignation, removal, expiry of term of his office or otherwise,

then, during the period of such temporary inability or pending the appointment of a Vice-Chancellor, as the case may be, the Chancellor in consultation with the Minister may appoint a person to exercise the powers and perform the duties of the Vice-Chancellor.

(6) The vacancy in the office of the Vice-Chancellor occurring by reason of death, resignation, expiry of the term of his office, removal or otherwise shall be filled up by appointment of a Vice-Chancellor in accordance with the provisions of sub-section (1) within a period of six months from the date of occurrence of the vacancy, and such period shall be held to include any period for which a Vice-Chancellor is allowed to continue in office under clause (b) of sub-section (2), or a person is appointed by the Chancellor in consultation with the Minister to exercise the powers and perform the duties of the Vice-Chancellor under sub-section (5).

(7) The Vice-Chancellor may be removed from his office by the Chancellor if he is satisfied that the incumbent,—

- (a) has become insane and adjudged by a competent court to be of unsound mind; or
- (b) has become an undischarged insolvent and stands so declared by a competent Court; or
- (c) has been physically unfit and incapable of discharging function due to protracted illness or physical disability ; or
- (d) has wilfully omitted or refused to carry out the provisions of this Act or has committed breach of any of the terms and conditions of the service contract or has abused or misused the powers vested in him or if the continuance in the office of the Vice Chancellor is detrimental to the interest of the University; or
- (e) has been proved to be guilty of criminal breach of trust or criminal negligence or gross financial irregularity or impropriety or gross negligence of duty; or
- (f) has shown incompetence to perform or has persistently made default in the performance of the duties imposed on him by or under this Act; or
- (g) has been convicted by a court for any offence within the concept and meaning of the Code of Criminal Procedure, 1973; or
- (h) is a member of, or otherwise associated with, any political party or acts in any partisan manner while in office.

2 of 1974.

Explanation.—For the purpose of this sub-clause, whether any party is a political party or any association is a political association or any act of the Vice Chancellor is partisan, decision of the Chancellor thereon shall be final:

Provided that the Vice-Chancellor shall be given a reasonable opportunity to show cause by the Chancellor before taking recourse for his removal under clauses (d), (e), (f), (g) and (h)."

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(3) for section 10A, the following sub-section shall be substituted:—

"The Pro-Vice-Chancellor.

10A.(1) (a) The Pro-Vice-Chancellor shall be appointed from the persons of the highest level of competence, integrity, morals and institutional commitment. The Pro-Vice Chancellor shall be a distinguished academic with a minimum of ten years of experience in a University system of which at least 5 years shall be as Professor or ten years of experience in a reputed research or academic administrative organization of which at least 5 years shall be in an equivalent position of Professor.

(b) The Pro-Vice-Chancellor shall be appointed by the Chancellor in consultation with the Minister. The term of his office shall be for four years and he shall be eligible for re-appointment for a period not exceeding four years but shall not hold office beyond the age of sixty-five years.

(2) The Pro-Vice-Chancellor shall be a whole-time officer of the University and shall be paid from the University Fund such salary and allowances as the Chancellor may decide in consultation with the State Government.

(3) The Pro-Vice-Chancellor may resign his office by writing under his hand addressed to the Chancellor.

(4) If—

(c) the Pro-Vice-Chancellor is, by reason of leave, illness or other cause, temporarily unable to exercise the powers and perform the duties of his office, or

(d) a vacancy occurs in the office of the Pro-Vice-Chancellor by reason of death, resignation or expiry of the term of his office, removal or otherwise,

then, during the period of such temporary inability or pending the appointment of a Pro-Vice-Chancellor, as the case may be, the Chancellor, in consultation with the Minister and the Vice-Chancellor, shall authorise a senior teacher of the University or an officer of the University to exercise the powers and perform the duties of the Pro-Vice-Chancellor.

(5) The vacancy in the office of the Pro-Vice-Chancellor occurring by reason of death, resignation or expiry of the term of his office, removal or otherwise shall be filled up by appointment of a Pro-Vice-Chancellor in accordance with the provisions of sub-section (1).

(6) The Pro-Vice-Chancellor may be removed from his office by the Chancellor if he is satisfied that the incumbent,—

(a) has become insane and adjudged by a competent court to be of unsound mind; or

(b) has become an undischarged insolvent and stands so declared by a competent Court; or

(c) has been physically unfit and incapable of discharging function due to protracted illness or physical disability ; or

(d) has wilfully omitted or refused to carry out the provisions of this Act or has committed breach of any of the terms and conditions of the service contract or has abused or misused the powers vested in him or if the continuance in the office of the Pro-Vice Chancellor is detrimental to the interest of the University; or

(e) has been proved to be guilty of criminal breach of trust or criminal negligence or gross financial irregularity or impropriety or gross negligence of duty; or

(f) has shown incompetence to perform or has persistently made default in the performance of the duties imposed on him by or under this Act; or

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(g) has been convicted by a court for any offence within the concept and meaning of the Code of Criminal Procedure, 1973; or

2 of 1974.

(h) is a member of, or otherwise associated with, any political party or acts in any partisan manner while in office.

Explanation.—For the purpose of this sub-clause, whether any party is a political party or any association is a political association or any act of the Pro-Vice-Chancellor is partisan, decision of the Chancellor thereon shall be final:

Provided that the Pro-Vice-Chancellor shall be given a reasonable opportunity to show cause by the Chancellor before taking recourse for his removal under clauses (d), (e), (f), (g) and (h).".

(4) for section 16, the following section shall be substituted:—

"The Court. 16. (1) The Court shall consist of the following members:—

(a) *Ex officio* members—

- (i) the Chancellor;
- (ii) the Vice-Chancellor;
- (iii) the Pro-Vice Chancellor,
- (iv) the Deans of Faculty Councils for Post-Graduate and Undergraduate Studies;
- (v) the Secretary, Higher Education Department, Government of West Bengal or his nominee not below the rank of Joint Secretary to the Government of West Bengal;
- (vi) the Secretary, Finance Department, Government of West Bengal or his nominee not below the rank of Joint Secretary to the Government of West Bengal;
- (vii) the Chairman, West Bengal State Council of Higher Education or his nominee;
- (viii) the President, West Bengal Council of Higher Secondary Education;
- (ix) the President, West Bengal Madrasah Education Board;
- (x) the President, West Bengal Board of Secondary Education;
- (xi) a nominee of the Chairman of University Grants Commission;
- (xii) a nominee of the Chairman of All India Council For Technical Education;
- (xiii) a nominee of the Chairman of the National Council for Teachers' Education;

(b) Representatives of Departments—

- (xiv) Heads of Departments of the University;
- (xv) five teachers, of whom at least two shall be Professors, elected by the teachers of the Departments under the Faculty Council for Post-Graduate and Undergraduate Studies in Engineering and Technology from amongst themselves as may be prescribed by Statutes;
- (xvi) five teachers, of whom at least two shall be Professors, elected by the teachers of the Departments under the Faculty Council for Post-Graduate and Undergraduate Studies in Arts from amongst themselves as may be prescribed by Statutes;
- (xvii) five teachers, of whom at least two shall be Professors, elected by the teachers of the Departments under the Faculty Council for Post-Graduate and Undergraduate Studies in Science from amongst themselves as may be prescribed by the Statutes;
- (xviii) one representative of officers of the University, elected from amongst themselves in the manner as may be prescribed by the Statutes;

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(xix) one representative of non-teaching employees elected from amongst themselves in the manner as may be prescribed by the Statutes;

(xx) one representative from National Council of Education Bengal.

(c) Nominated Members—

(xxi) not more than five persons to be nominated by the Chancellor from amongst the persons interested in University education:

Provided that no employee of the University or Institution affiliated with the University or recognised by it shall be eligible to be a member;

(d) Special Invitee—

(xxii) any official or expert in any field or eminent educationist, whom the University may require for advice, consultation or assistance, may be invited to attend the meeting:

Provided that not more than one official or expert or eminent educationist may be invited in a meeting at a time.

(2) A member of the Court shall hold office for a period of four years, if not expressly provided otherwise in sub-section (1). Any vacancy among the members of the Court shall be filled up immediately by the concerned authority.

(3) No act or proceedings of the Court or of any body constituted by the Court shall be invalid or called in question by reason of the existence of any vacancy, initial or subsequent, in the Court or in any body constituted by the Court, as the case may be.";

(5) for section 19, the following section shall be substituted:—

"The Executive Council. 19. (1) the Executive Council shall consist of the following members:—

(a) *Ex officio* Members—

(i) the Vice-Chancellor;

(ii) the Pro-Vice-Chancellor;

(iii) the Secretary, Higher Education Department, Government of West Bengal or his nominee not below the rank of Joint Secretary to the Government of West Bengal;

(iv) the Secretary, Finance Department, Government of West Bengal or his nominee not below the rank of Joint Secretary to the Government of West Bengal;

(v) the Chairman, West Bengal State Council of Higher Education or his nominee;

(vi) the Deans of Faculty Councils for Post-Graduate and Undergraduate Studies;

(b) Other Members—

(vii) twelve Heads of Departments, by rotation for one year in alphabetical order of the Department;

(viii) three teachers, of whom at least one shall be Professor, elected by the teachers of the Departments under the Faculty Council for Post-Graduate and Undergraduate studies in Engineering and Technology from amongst themselves as may be prescribed by Statutes;

(ix) three teachers, of whom at least one shall be Professor, elected by the teachers of the Departments under the Faculty Council for Post-Graduate and Undergraduate studies in Arts from amongst themselves as may be prescribed by Statutes;

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- (x) three teachers, of whom at least one shall be Professor, elected by the teachers of the Departments under the Faculty Council for Post-Graduate and Undergraduate Studies in Science from amongst themselves as may be prescribed by Statutes;
- (xi) two persons nominated by the Chancellor interested in University education:
Provided that no employee of the University or of a College or Institution affiliated with the University or recognised by it shall be eligible to be a member.

(2) A member of the Executive Council shall hold office for a period of four years, if not expressly provided otherwise in sub-section (1). Any vacancy among the members of the Executive Council shall be filled up immediately by the concerned authority.

(3) No act or proceedings of the Executive Council or of any body constituted by the Executive Council shall be invalid or called in question by reason of the existence of any vacancy, initial or subsequent, in the Executive Council or in any body constituted by the Executive Council, as the case may be.

(4) One-third of the total number of members shall be a quorum for a meeting of the Executive Council.";

(6) in section 20, in clause (x), the word "Teachers", wherever it occurs, shall be omitted.;

(7) in section 21,—

(i) in sub-section (2),—

(a) for clause (iv), the following clause shall be substituted:—

"(iv) one or more than one teacher shall be elected by the teachers of each Department of the faculty council from amongst themselves in the following manner:—

- (i) one Professor from a Department if total number of teachers in it does not exceed five;
- (ii) one Professor and one Associate Professor from a Department if total number of teachers in it does not exceed ten;
- (iii) two Professors and one Associate Professor from a Department if total number of teachers in it does not exceed twenty;
- (iv) two Professors and two Associate Professors from a Department if total number of teachers in it exceeds twenty;"

(b) after clause (vii), the following clauses shall be inserted:—

"(vii) one student representative, pursuing Undergraduate studies in the University and another student representative pursuing Post-Graduate studies in the University, to be elected by such Undergraduate and Post-Graduate students, respectively, from amongst themselves in the manner as may be prescribed by the Statutes;

(ix) one research scholar pursuing research in the University to be elected by research scholars from amongst themselves in the manner as may be prescribed by the Statutes.

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(i) in sub-section (3),—

(a) for clause (iv), the following clause shall be substituted:—

“(vi) one or more than one teacher shall be elected by the teachers of each Department of the faculty council from amongst themselves in the following manner:—

(a) one Professor from a Department if total number of teachers in it does not exceed five;

(b) one Professor and one Associate Professor from a Department if total number of teachers in it does not exceed ten;

(c) two Professors and one Associate Professor from a Department if total number of teachers in it does not exceed twenty;

(d) two Professors and two Associate Professors from a Department if total number of teachers in it exceeds twenty;”;

(b) after clause (iv), the following clauses shall be inserted—

“(iva) one student representative pursuing Undergraduate studies in the University and another student representative pursuing Post-Graduate studies in the University, to be elected by such Undergraduate and Post-Graduate students, respectively, from amongst themselves in the manner as may be prescribed by the Statutes;

(ivb) one research scholar pursuing research in the University to be elected by research scholars from amongst themselves in the manner as may be prescribed by the Statutes.”;

(8) for section 26, the following section shall be substituted:—

“Selection Committee for Teaching Posts. 26. (1) A University Professor or a University Associate Professor or a University Assistant Professor shall be appointed by the Vice-Chancellor, on the recommendation of a Selection Committee, and the constitution of such Selection Committee as well as the procedure for holding its meetings shall be in consonance with the University Grants Commission Regulations and Recruitment Rules framed by the State Government from time to time.

(2) Notwithstanding anything contrary to the provisions of University Grants Commission Regulations, the nominee of the Vice-Chancellor shall be the head of the Selection Committee, which shall send its recommendations in writing to the Vice-Chancellor alongwith reasoned record of assessment of the persons appeared before it for selection.”;

(9) for section 27, the following section shall be substituted:—

“Procedure for holding meetings of Selection Committee. 27. (1) At least four members, including two outside subject experts, shall constitute the quorum for a meeting of the Selection Committee.

(2) If the Vice-Chancellor does not accept the recommendation of a Selection Committee, it shall refer the recommendation back to the Selection Committee with reasons for reconsideration and if the Vice-Chancellor does not accept the reconsidered views of the Selection Committee, the matter shall be referred to the Chancellor with reason and the decision of the Chancellor shall be final.”.

Amendment of
West Ben. Act
XXXVI of 1981.

11. In the Rabindra Bharati Act, 1981,—

(1) in section 2,—

(i) after clause (18), the following clause shall be inserted:—

‘(18a) “State Government” means the Government of West Bengal in the Higher Education Department;’;

(ii) in clause (21), for the words “a Principal, Professor, Assistant Professor, Reader, Lecturer,” the words “a Principal, Professor, Associate Professor, Reader, Assistant Professor” shall be substituted;

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(iii) for clause (22), the following clause shall be substituted :-

‘(22) “Teacher of the University” means a Professor, Associate Professor, Reader Assistant Professor, or any other person, holding a teaching post including a part-time teaching post, appointed or recognized as such by the University.’;

(2) for section 9, the following section shall be substituted:—

"The Vice-Chancellor.

9. (1) (a) The Vice-Chancellor shall be appointed from the persons of the highest level of competence, integrity, morals and institutional commitment. The Vice Chancellor shall be a distinguished academic with a minimum of ten years of experience in a University system of which at least 5 years shall be as Professor or ten years of experience in a reputed research or academic administrative organization of which at least 5 years shall be in an equivalent position of Professor.

(b) The Vice Chancellor shall be appointed by the Chancellor out of the panel of three names recommended in order of preference by the Search Committee constituted by the State Government. While preparing the panel, the Search Committee must give proper weightage to academic excellence, exposure to the higher education system in the country and abroad and adequate experience in academic and administrative governance and reflect the same in writing while submitting the panel to the Chancellor.

(c) The Search Committee shall consist of the following Members:—

- (i) a nominee of the Chancellor, who shall be the Chairperson of the Committee;
- (ii) a nominee of the Chairman, University Grants Commission;
- (iii) a nominee of the Court:

Provided that all such Members shall be persons of eminence in the sphere of higher education and shall not be connected in any manner with the University or colleges or institutions affiliated with the University or recognised by it.

(2) (a) The Vice-chancellor shall hold office for a term of four years or till he attains the age of sixty-five years, whichever is earlier, and shall be eligible for re-appointment for another term of four years or till he attains the age of sixty-five years, whichever is earlier, following the provisions of sub-section (1).

(b) The Chancellor may, notwithstanding the expiration of the term of the office of the Vice-Chancellor or his attaining the age of sixty-five years, allow him to continue in office till a successor assumes office, provided that he shall not continue as such for any period exceeding six months.

(3) The Vice-Chancellor shall be a whole-time officer of the University and shall be paid from the University Fund such salary and allowances as the Chancellor may decide in consultation with the State Government.

(4) The Vice-Chancellor may resign his office by writing under his hand addressed to the Chancellor.

(5) If—

- (a) the Vice-Chancellor is, by reasons of leave, illness or other cause, temporarily unable to exercise the powers and perform the duties of his office, or
- (b) a vacancy occurs in the office of the Vice-Chancellor by reason of death, resignation, removal, expiry of term of his office or otherwise,

then, during the period of such temporary inability or pending the appointment of a Vice-Chancellor, as the case may be, the Chancellor in consultation with the Minister may appoint a person to exercise the powers and perform the duties of the Vice-Chancellor.

(6) The vacancy in the office of the Vice-Chancellor occurring by reason of death, resignation, expiry of the term of his office, removal or otherwise shall be filled up by appointment of a Vice-Chancellor in accordance with the provisions of sub-section (1) within a period of six months from the date of occurrence of the vacancy, and such

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period shall be held to include any period for which a Vice-Chancellor is allowed to continue in office under clause (b) of sub-section (2), or a person is appointed by the Chancellor in consultation with the Minister to exercise the powers and perform the duties of the Vice-Chancellor under sub-section (5).

(7) The Vice-Chancellor may be removed from his office by the Chancellor if he is satisfied that the incumbent,—

- (a) has become insane and adjudged by a competent court to be of unsound mind; or
- (b) has become an undischarged insolvent and stands so declared by a competent Court; or
- (c) has been physically unfit and incapable of discharging function due to protracted illness or physical disability ; or
- (d) has wilfully omitted or refused to carry out the provisions of this Act or has committed breach of any of the terms and conditions of the service contract or has abused or misused the powers vested in him or if the continuance in the office of the Vice Chancellor is detrimental to the interest of the University; or
- (e) has been proved to be guilty of criminal breach of trust or criminal negligence or gross financial irregularity or impropriety or gross negligence of duty; or
- (f) has shown incompetence to perform or has persistently made default in the performance of the duties imposed on him by or under this Act; or
- (g) has been convicted by a court for any offence within the concept and meaning of the Code of Criminal Procedure, 1973; or
- (h) is a member of, or otherwise associated with, any political party or acts in any partisan manner while in office.

2 of 1974.

Explanation.—For the purpose of this sub-clause, whether any party is a political party or any association is a political association or any act of the Vice Chancellor is partisan, decision of the Chancellor thereon shall be final:

Provided that the Vice-Chancellor shall be given a reasonable opportunity to show cause by the Chancellor before taking recourse for his removal under clauses (d), (e), (f), (g) and (h)."

(3) for section 17, the following section shall be substituted:—

"The Court.

17. (1) The Court shall consist of the following members:—

(a) *Ex officio* members—

- (i) the Chancellor;
- (ii) the Vice Chancellor;
- (iii) the Deans of Faculty Councils for Post-Graduate and Undergraduate Studies;
- (iv) the Secretary, Higher Education Department, Government of West Bengal or his nominee not below the rank of Joint Secretary to the Government of West Bengal;
- (v) the Secretary, Finance Department, Government of West Bengal or his nominee not below the rank of Joint Secretary to the Government of West Bengal;
- (vi) the Chairman, West Bengal State Council of Higher Education or his nominee;
- (vii) the President, West Bengal Council of Higher Secondary Education;
- (viii) the President, West Bengal Madrasah Education Board;
- (ix) the President, West Bengal Board of Secondary Education;
- (x) a nominee of the Chairman of University Grants Commission;
- (xi) a nominee of the Chairman of All India Distance Education Council;
- (xii) a nominee of the Chairman of National Council for Teachers' Training;

(b) Representatives of Departments—

- (xiii) Heads of Departments of the University;

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- (xiv) five teachers, of whom at least two shall be Professors, elected by the teachers of the Departments under the Faculty Council for Post-Graduate and Undergraduate Studies in Fine Arts from amongst themselves as may be prescribed by Statutes;
- (xv) five teachers, of whom at least two shall be Professors, elected by the teachers of the Departments under the Faculty Council for Post-Graduate and Undergraduate Studies in Visual Arts from amongst themselves as may be prescribed by Statutes;
- (xvi) five teachers, of whom at least two shall be Professors, elected by the teachers of the Departments under the Faculty Council for Post-Graduate Studies in Arts from amongst themselves as may be prescribed by the Statutes;
- (xvii) one representative of officers of the University, elected from amongst themselves in the manner as may be prescribed by the Statutes;
- (xviii) one representative of non-teaching employees elected from amongst themselves in the manner as may be prescribed by the Statutes.
- (c) Nominated Members—
 - (xix) not more than five persons to be nominated by the Chancellor from amongst the persons interested in University education:
Provided that no employee of the University or Institution affiliated with the University or recognized by it shall be eligible to be a member;
- (d) Special Invitee—
 - (xx) any official or expert in any field or eminent educationist, whom the University may require for advice, consultation or assistance, may be invited to attend the meeting:
Provided that not more than one official or expert or eminent educationist may be invited in a meeting at a time.
- (2) A member of the Court shall hold office for a period of four years, if not expressly provided otherwise in sub-section (1). Any vacancy among the members of the Court shall be filled up immediately by the concerned authority.
- (3) No act or proceedings of the Court or of any body constituted by the Court shall be invalid or called in question by reason of the existence of any vacancy, initial or subsequent, in the Court or in any body constituted by the Court, as the case may be.";
- (4) for section 20, the following section shall be substituted:—

"The
Executive
Council.

20. (1) the Executive Council shall consist of the following members:—

- (a) *Ex officio* Members—
 - (i) the Vice Chancellor;
 - (ii) the Secretary, Higher Education Department, 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 Chairman, West Bengal State Council of Higher Education or his nominee;
 - (v) the Deans of the Faculty Councils;
 - (vi) the Principal, Indian College of Arts and Draftsmanship, Kolkata;
 - (vii) the Director, Indian Museum, Kolkata;
- (b) Other Members—
 - (viii) twelve Heads of Departments, by rotation for one year in alphabetical order of the Department;

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- (ix) three teachers, of whom at least one shall be Professor, elected by the teachers of the Departments under the Faculty Council for Post-Graduate and Undergraduate Studies in Fine Arts from amongst themselves as may be prescribed by Statutes;
- (x) three teachers, of whom at least one shall be Professor, elected by the teachers of the Departments under the Faculty Council for Post-Graduate and Undergraduate Studies in Visual Arts from amongst themselves as may be prescribed by Statutes;
- (xi) three teachers, of whom at least one shall be Professor, elected by the teachers of the Departments under the Faculty Council for Post-Graduate Studies in Arts from amongst themselves as may be prescribed by Statutes;
- (xii) two persons nominated by the Chancellor interested in University education:

Provided that no employee of the University or of a College or Institution affiliated with the University or recognized by it shall be eligible to be a member.

(2) A member of the Executive Council shall hold office for a period of four years, if not expressly provided otherwise in sub-section (1). Any vacancy among the members of the Executive Council shall be filled up immediately by the concerned authority.

(3) No act or proceedings of the Executive Council or of anybody constituted by the Executive Council shall be invalid or called in question by reason of the existence of any vacancy, initial or subsequent, in the Executive Council or in any body constituted by the Executive Council, as the case may be.

(4) One-third of the total number of members shall be a quorum for a meeting of the Executive Council.";

(5) in section 21, in clause (x), the word "Teachers", wherever it occurs, shall be omitted.;

(6) in section 22,—

(i) in sub-section (2),—

(a) for clause (iv), the following clause shall be substituted:—

"(iv) one or more than one teacher shall be elected by the teachers of each Department of the faculty council from amongst themselves in the following manner:—

- (i) one Professor from a Department if total number of teachers in it does not exceed five;
- (ii) one Professor and one Associate Professor from a Department if total number of teachers in it does not exceed ten;
- (iii) two Professors and one Associate Professor from a Department if total number of teachers in it does not exceed twenty;
- (iv) two Professors and two Associate Professors from a Department if total number of teachers in it exceeds twenty;"

(b) after clause (v), the following clauses shall be inserted:—

"(vi) one student representative, pursuing Undergraduate studies in the University and another student representative pursuing Post-Graduate studies in the University, to be elected by such undergraduate and Post-Graduate students, respectively, from amongst themselves in the manner as may be prescribed by the Statutes;

(vii) one research scholar pursuing research in the University to be elected by research scholars from amongst themselves in the manner as may be prescribed by the Statutes.";

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(7) for section 27, the following section shall be substituted:—

"Selection Committee for Teaching Posts. 27. (1) A University Professor or a University Associate Professor or a University Assistant Professor shall be appointed by the Vice-Chancellor, on the recommendation of a Selection Committee, and the constitution of such Selection Committee as well as the procedure for holding its meetings shall be in consonance with the University Grants Commission Regulations and Recruitment Rules framed by the State Government from time to time.

(2) Notwithstanding anything contrary to the provisions of University Grants Commission Regulations, the nominee of the Vice-Chancellor shall be the head of the Selection Committee, which shall send its recommendations in writing to the Vice-Chancellor alongwith reasoned record of assessment of the persons appeared before it for selection.";

(8) for section 28, the following section shall be substituted:—

"Procedure for holding meeting of Selection Committee. 28. (1) At least four members, including two outside subject experts, shall constitute the quorum for a meeting of the Selection Committee.

(2) If the Vice-Chancellor does not accept the recommendation of a Selection Committee, it shall refer the recommendation back to the Selection Committee with reasons for reconsideration and if the Vice-Chancellor does not accept the reconsidered views of the Selection Committee, the matter shall be referred to the Chancellor with reason and the decision of the Chancellor shall be final."

Amendment of
West. Ben. Act
XIX of 1997.

12. In the Netaji Subhas Open University Act, 1997,—

(1) in section 2,—

(i) in clause (21), the words "Reader" and "Lecturer", shall be omitted.

(ii) after clause (23), the following clause shall be inserted:—

‘(24) “Teacher of the University” means a Professor, Associate Professor, Assistant Professor, Reader or any other person, holding a teaching post appointed or recognized as such by the University.’;

(2) for section 10, the following section shall be substituted;

"The Vice-Chancellor. 10. (1) (a) The Vice-Chancellor shall be appointed from the persons of the highest level of competence, integrity, morals and institutional commitment. The Vice Chancellor shall be a distinguished academic with a minimum of ten years of experience in a University system of which at least 5 years shall be as Professor or ten years of experience in a reputed research or academic administrative organization of which at least 5 years shall be in an equivalent position of Professor.

(b) The Vice Chancellor shall be appointed by the Chancellor out of the panel of three names recommended in order of preference by the Search Committee constituted by the State Government. While preparing the panel, the Search Committee must give proper weightage to academic excellence, exposure to the higher education system in the country and abroad and adequate experience in academic and administrative governance and reflect the same in writing while submitting the panel to the Chancellor.

(c) The Search Committee shall consist of the following Members:—

(i) a nominee of the Chancellor, who shall be the Chairperson of the Committee;

(ii) a nominee of the Chairman, University Grants Commission;

(iii) a nominee of the Court:

Provided that all such Members shall be persons of eminence in the sphere of higher education and shall not be connected in any manner with the University or colleges or institutions affiliated with the University or recognised by it.

(2) (a) The Vice-chancellor shall hold office for a term of four years or till he attains the age of sixty-five years, whichever is earlier, and shall be eligible for re-appointment for another term of four years or till he attains the age of sixty-five years, whichever is earlier, following the provisions of sub-section (1).

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(Section 12.)

(b) The Chancellor may, notwithstanding the expiration of the term of the office of the Vice-Chancellor or his attaining the age of sixty-five years, allow him to continue in office till a successor assumes office, provided that he shall not continue as such for any period exceeding six months.

(3) The Vice-Chancellor shall be a whole-time officer of the University and shall be paid from the University Fund such salary and allowances as the Chancellor may decide in consultation with the State Government.

(4) The Vice-Chancellor may resign his office by writing under his hand addressed to the Chancellor.

(5) If—

(a) the Vice-Chancellor is, by reasons of leave, illness or other cause, temporarily unable to exercise the powers and perform the duties of his office, or

(b) a vacancy occurs in the office of the Vice-Chancellor by reason of death, resignation, removal, expiry of term of his office or otherwise,

then, during the period of such temporary inability or pending the appointment of a Vice-Chancellor, as the case may be, the Chancellor in consultation with the Minister may appoint a person to exercise the powers and perform the duties of the Vice-Chancellor.

(6) The vacancy in the office of the Vice-Chancellor occurring by reason of death, resignation, expiry of the term of his office, removal or otherwise shall be filled up by appointment of a Vice-Chancellor in accordance with the provisions of sub-section (1) within a period of six months from the date of occurrence of the vacancy, and such period shall be held to include any period for which a Vice-Chancellor is allowed to continue in office under clause(b) of sub-section (2), or a person is appointed by the Chancellor in consultation with the Minister to exercise the powers and perform the duties of the Vice-Chancellor under sub-section (5).

(7) The Vice-Chancellor may be removed from his office by the Chancellor if he is satisfied that the incumbent,—

(a) has become insane and adjudged by a competent court to be of unsound mind; or

(b) has become an undischarged insolvent and stands so declared by a competent Court; or

(c) has been physically unfit and incapable of discharging function due to protracted illness or physical disability ; or

(d) has wilfully omitted or refused to carry out the provisions of this Act or has committed breach of any of the terms and conditions of the service contract or has abused or misused the powers vested in him or if the continuance in the office of the Vice Chancellor is detrimental to the interest of the University; or

(e) has been proved to be guilty of criminal breach of trust or criminal negligence or gross financial irregularity or impropriety or gross negligence of duty; or

(f) has shown incompetence to perform or has persistently made default in the performance of the duties imposed on him by or under this Act; or

(g) has been convicted by a court for any offence within the concept and meaning of the Code of Criminal Procedure, 1973; or

(h) is a member of, or otherwise associated with, any political party or acts in any partisan manner while in office.

2 of 1974.

Explanation.—For the purpose of this sub-clause, whether any party is a political party or any association is a political association or any act of the Vice Chancellor is partisan, decision of the Chancellor thereon shall be final:

Provided that the Vice-Chancellor shall be given a reasonable opportunity to show cause by the Chancellor before taking recourse for his removal under clauses (d), (e), (f), (g) and (h)."

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(3) for section 17, the following section shall be substituted:—

"The Executive Council.

17. (1) The Executive Council shall be the principal executive body of the University and shall consist of the following members:—

(a) *Ex officio* members—

- (i) the Chancellor;
- (ii) the Vice-Chancellor;
- (iii) the Secretary, Higher Education Department, Government of West Bengal or his nominee not below the rank of Joint Secretary to the Government of West Bengal;
- (iv) the Secretary, Finance Department, Government of West Bengal or his nominee not below the rank of Joint Secretary to the Government of West Bengal;
- (v) the Chairman, West Bengal State Council of Higher Education or his nominee;
- (vi) the President, West Bengal Council of Higher Secondary Education;
- (vii) the President, West Bengal Madrasah Education Board;
- (viii) the President, West Bengal Board of Secondary Education;
- (ix) the Director of Public Instruction, West Bengal;
- (x) a nominee of the Chairman of National Council for Teachers' Education;
- (xi) a nominee of the Chairman of University Grants Commission;
- (xii) a nominee of the Chairman of All India Distance Education Council;

(b) Representatives of Departments—

- (xiii) Directors of the University;
- (xiv) five teachers, of whom at least two shall be Professors, elected by the teachers of the Academic Council from amongst themselves as may be prescribed by Statutes;
- (xv) five teachers, of whom at least two shall be Professors, elected by the teachers of the School of Studies from amongst themselves as may be prescribed by Statutes;
- (xvi) one representative of officers of the University, elected from amongst themselves in the manner as may be prescribed by the Statutes;
- (xvii) one representative of non-teaching employees elected from amongst themselves in the manner as may be prescribed by the Statutes;

(c) Nominated Members—

- (xviii) not more than five persons to be nominated by the Chancellor from amongst the persons interested in University education:

Provided that no employee of the University or Institution affiliated with the University or recognized by it shall be eligible to be a member;

(d) Special Invitee—

- (xix) any official or expert in any field or eminent educationist, whom the University may require for advice, consultation or assistance, may be invited to attend the meeting:

Provided that not more than one official or expert or eminent educationist may be invited in a meeting at a time.

(2) A member of the Executive Council shall hold office for a period of four years, if not expressly provided otherwise in sub-section (1). Any vacancy among the members of the Executive Council shall be filled up immediately by the concerned authority.

(3) No act or proceedings of the Executive Council or of anybody constituted by the Executive Council shall be invalid or called in question by reason of the existence of any vacancy, initial or subsequent, in the Executive Council or in any body constituted by the Executive Council, as the case may be.";

(4) after section 25, the following sections shall be inserted:—

"Selection Committee for Teaching Posts.

25A. (1) A University Professor or a University Associate Professor or a University Assistant Professor shall be appointed by the Vice-Chancellor, on the recommendation of a Selection Committee, and

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the constitution of such Selection Committee as well as the procedure for holding its meetings shall be in consonance with the University Grants Commission Regulations and Recruitment Rules framed by the State Government from time to time.

(2) Notwithstanding anything contrary to the provisions of University Grants Commission Regulations, the nominee of the Vice-Chancellor shall be the head of the Selection Committee, which shall send its recommendations in writing to the Vice-Chancellor alongwith reasoned record of assessment of the persons appeared before it for selection.

Procedure for
holding meeting
of the Selection
Committee.

25B. (1) At least four members, including two outside subject experts, shall constitute the quorum for a meeting of the Selection Committee.

(2) If the Vice-Chancellor does not accept the recommendation of a Selection Committee, it shall refer the recommendation back to the Selection Committee with reasons for reconsideration and if the Vice-Chancellor does not accept the reconsidered views of the Selection Committee, the matter shall be referred to the Chancellor with reason and the decision of the Chancellor shall be final.”.

Amendment of
West Ben. Act
XIII of 2004.

13. In the Bengal Engineering and Science University, Shibpur Act, 2004,—

(1) in section 2,—

(i) in clause (18), for the words “Assistant Professor, Reader, Lecturer”, the words “Associate Professor, Reader, Assistant Professor,” shall be substituted;

(ii) for clause (19), the following clause shall be substituted:—

‘(19) “Teacher of the University” means a Professor, Associate Professor, Assistant Professor, Reader or any other person holding a teaching post including a part-time teaching post, appointed or recognised as such by the University;’;

(iii) clause (23) shall be omitted.

(2) for section 7, the following section shall be substituted:—

“The Vice-
Chancellor.

7. (1) (a) The Vice-Chancellor shall be appointed from the persons of the highest level of competence, integrity, morals and institutional commitment. The Vice-Chancellor shall be a distinguished academic with a minimum of ten years of experience in a University system of which at least 5 years shall be as Professor or ten years of experience in a reputed research or academic administrative organization of which at least 5 years shall be in an equivalent position of Professor.

(b) The Vice-Chancellor shall be appointed by the Chancellor out of the panel of three names recommended in order of preference by the Search Committee constituted by the State Government. While preparing the panel, the Search Committee must give proper weightage to academic excellence, exposure to the higher education system in the country and abroad and adequate experience in academic and administrative governance and reflect the same in writing while submitting the panel to the Chancellor.

(c) The Search Committee shall consist of the following Members:—

(i) a nominee of the Chancellor, who shall be the Chairperson of the Committee;

(ii) a nominee of the Chairman, University Grants Commission;

(iii) a nominee of the Court:

Provided that all such Members shall be persons of eminence in the sphere of higher education and shall not be connected in any manner with the University or colleges or institutions affiliated with the University or recognised by it.

(2) (a) The Vice-Chancellor shall hold office for a term of four years or till he attains the age of sixty-five years, whichever is earlier, and shall be eligible for re-appointment for another term of four years or till he attains the age of sixty-five years, whichever is earlier, following the provisions of sub-section (1).

(b) The Chancellor may, notwithstanding the expiration of the term of the office of the Vice-Chancellor or his attaining the age of sixty-five years, allow him to continue

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(Amendment) Act, 2011.*

(Section 13.)

in office till a successor assumes office, provided that he shall not continue as such for any period exceeding six months.

(3) The Vice-Chancellor shall be a whole-time officer of the University and shall be paid from the University Fund such salary and allowances as the Chancellor may decide in consultation with the State Government.

(4) The Vice-Chancellor may resign his office by writing under his hand addressed to the Chancellor.

(5) If—

- (a) the Vice-Chancellor is, by reasons of leave, illness or other cause, temporarily unable to exercise the powers and perform the duties of his office, or
- (b) a vacancy occurs in the office of the Vice-Chancellor by reason of death, resignation, removal, expiry of term of his office or otherwise,

then, during the period of such temporary inability or pending the appointment of a Vice-Chancellor, as the case may be, the Chancellor in consultation with the Minister may appoint a person to exercise the powers and perform the duties of the Vice-Chancellor.

(6) The vacancy in the office of the Vice-Chancellor occurring by reason of death, resignation, expiry of the term of his office, removal or otherwise shall be filled up by appointment of a Vice-Chancellor in accordance with the provisions of sub-section (1) within a period of six months from the date of occurrence of the vacancy, and such period shall be held to include any period for which a Vice-Chancellor is allowed to continue in office under clause (b) of sub-section (2), or a person is appointed by the Chancellor in consultation with the Minister to exercise the powers and perform the duties of the Vice-Chancellor under sub-section (5).

(7) The Vice-Chancellor may be removed from his office by the Chancellor if he is satisfied that the incumbent,—

- (a) has become insane and adjudged by a competent court to be of unsound mind; or
- (b) has become an undischarged insolvent and stands so declared by a competent Court; or
- (c) has been physically unfit and incapable of discharging function due to protracted illness or physical disability ; or
- (d) has wilfully omitted or refused to carry out the provisions of this Act or has committed breach of any of the terms and conditions of the service contract or has abused or misused the powers vested in him or if the continuance in the office of the Vice-Chancellor is detrimental to the interest of the University; or
- (e) has been proved to be guilty of criminal breach of trust or criminal negligence or gross financial irregularity or impropriety or gross negligence of duty; or
- (f) has shown incompetence to perform or has persistently made default in the performance of the duties imposed on him by or under this Act; or
- (g) has been convicted by a court for any offence within the concept and meaning of the Code of Criminal Procedure, 1973; or
- (h) is a member of, or otherwise associated with, any political party or acts any partisan manner while in office.

2 of 1974.

Explanation.—For the purpose of this sub-clause, whether any party is a political party or any association is a political association or any act of the Vice Chancellor is partisan, decision of the Chancellor thereon shall be final:

Provided that the Vice-Chancellor shall be given a reasonable opportunity to show cause by the Chancellor before taking recourse for his removal under clauses (d), (e), (f), (g) and (h)."

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(Section 13.)

(3) for section 14, the following section shall be substituted:—

" The Court.

14. (1) The Court shall consist of the following members:—

(a) *Ex officio* members—

- (i) the Chancellor;
- (ii) the Vice-Chancellor;
- (iii) the Deans of Faculty Councils for Post-Graduate and Undergraduate Studies;
- (iv) the Secretary, Higher Education Department, Government of West Bengal or his nominee not below the rank of Joint Secretary to the Government of West Bengal;
- (v) the Secretary, Finance Department, Government of West Bengal or his nominee not below the rank of Joint Secretary to the Government of West Bengal;
- (vi) the Chairman, West Bengal State Council of Higher Education or his nominee;
- (vii) the President, West Bengal Council of Higher Secondary Education;
- (viii) the President, West Bengal Madrasah Education Board;
- (ix) the President, West Bengal Board of Secondary Education;
- (x) a nominee of the Chairman of University Grants Commission;
- (xi) a nominee of the Chairman of All India Council For Technical Education;

(b) Representatives of Departments—

- (xii) Heads of Departments of the University;
- (xiii) five teachers, of whom at least two shall be Professors, elected by the teachers of the Departments under the Faculty Council for Post-Graduate and Undergraduate Studies in Engineering and Technology from amongst themselves as may be prescribed by Statutes;
- (xiv) five teachers, of whom at least two shall be Professors, elected by the teachers of the Departments under the Faculty Council for Post-Graduate and Undergraduate Studies in Basic and Applied Sciences from amongst themselves as may be prescribed by Statutes;
- (xv) five teachers, of whom at least two shall be Professors, elected by the teachers of the Departments under the Faculty Council for Post Graduate and Undergraduate Studies in Social and Management Sciences from amongst themselves as may be prescribed by the Statutes;
- (xvi) one representative of officers of the University, elected from amongst themselves in the manner as may be prescribed by the Statutes;
- (xvii) one representative of non-teaching employees elected from amongst themselves in the manner as may be prescribed by the Statutes;

(c) Nominated Members—

- (xviii) not more than five persons to be nominated by the Chancellor from amongst the persons interested in University education:

Provided that no employee of the University or Institution affiliated with the University or recognized by it shall be eligible to be a member;

(d) Special Invitee—

- (xix) any official or expert in any field or eminent educationist, whom the University may require for advice, consultation or assistance, may be invited to attend the meeting:

Provided that not more than one official or expert or eminent educationist may be invited in a meeting at a time.

(2) A member of the Court shall hold office for a period of four years, if not expressly provided otherwise in sub-section (1). Any vacancy among the members of the Court shall be filled up immediately by the concerned authority.

(3) No act or proceedings of the Court or of any body constituted by the Court shall be invalid or called in question by reason of the existence of any vacancy, initial or subsequent, in the Court or in any body constituted by the Court, as the case may be.";

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(Section 13.)

(4) for section 17, the following section shall be substituted:—

"The Executive Council. 17. (1) the Executive Council shall consist of the following members:—

(a) *Ex officio* Members—

- (i) the Vice-Chancellor;
- (ii) the Secretary, Higher Education Department, 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 Chairman, West Bengal State Council of Higher Education or his nominee;
- (v) the Deans of Faculty Councils for Post-Graduate and Undergraduate Studies;

(b) Other Members—

- (vi) twelve Heads of Departments, by rotation for one year in alphabetical order of the Department;
- (vii) three teachers, of whom at least one shall be Professor, elected by the teachers of the Departments under the Faculty Council for Post-Graduate and Undergraduate Studies in Engineering and Technology from amongst themselves as may be prescribed by Statutes;
- (viii) three teachers, of whom at least one shall be Professor, elected by the teachers of the Departments under the Faculty Council for Post-Graduate and Undergraduate Studies in Basic and Applied Sciences from amongst themselves as may be prescribed by Statutes;
- (ix) three teachers, of whom at least one shall be Professor, elected by the teachers of the Departments under the Faculty Council for Post-Graduate and Undergraduate Studies in Social and Management Sciences from amongst themselves as may be prescribed by Statutes;
- (x) two persons nominated by the Chancellor interested in University education:

Provided that no employee of the University or of a College or Institution affiliated with the University or recognised by it shall be eligible to be a member.

(2) A member of the Executive Council shall hold office for a period of four years, if not expressly provided otherwise in sub-section (1). Any vacancy among the members of the Executive Council shall be filled up immediately by the concerned authority.

(3) No act or proceedings of the Executive Council or of any body constituted by the Executive Council shall be invalid or called in question by reason of the existence of any vacancy, initial or subsequent, in the Executive Council or in any body constituted by the Executive Council, as the case may be."

(4) One-third of the total number of members shall be a quorum for a meeting of the Executive Council."

(5) in section 18, in clause (16), the word "Teachers" shall be omitted.;

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(Section 14.)

(6) in section 19, in sub-section (2),—

(a) for clause (vi), the following clause shall be substituted:—

“(vi) one or more than one teacher shall be elected by the teachers of each Department of the faculty council from amongst themselves in the following manner:—

(a) one Professor from a Department if total number of teachers in it does not exceed five;

(b) one Professor and one Associate Professor from a Department if total number of teachers in it does not exceed ten;

(c) two Professors and one Associate Professor from a Department if total number of teachers in it does not exceed twenty;

(d) two Professors and two Associate Professors from a Department if total number of teachers in it exceeds twenty;”;

(b) after clause (viii), the following clauses shall be inserted:—

“(ix) one student representative, pursuing Undergraduate studies in the University and another student representative pursuing Post-Graduate studies in the University, to be elected by such Undergraduate and Post-Graduate students, respectively, from amongst themselves in the manner as may be prescribed by the Statutes;

(x) one research scholar pursuing research in the University to be elected by research scholars from amongst themselves in the manner as may be prescribed by the Statutes.”;

(7) for section 24, the following section shall be substituted:—

"Selection Committee for Teaching Posts. 24. (1) A University Professor or a University Associate Professor or a University Assistant Professor shall be appointed by the Vice-Chancellor, on the recommendation of a Selection Committee, and the constitution of such Selection Committee as well as the procedure for holding its meetings shall be in consonance with the University Grants Commission Regulations and Recruitment Rules framed by the State Government from time to time.

(2) Notwithstanding anything contrary to the provisions of University Grants Commission Regulations, the nominee of the Vice-Chancellor shall be the head of the Selection Committee, which shall send its recommendations in writing to the Vice-Chancellor alongwith reasoned record of assessment of the persons appeared before it for selection.”;

(8) for section 25, the following section shall be substituted:—

"Procedure for holding meeting of Selection Committee. 25. (1) At least four members, including two outside subject experts, shall constitute the quorum for a meeting of the Selection Committee.

(2) If the Vice-Chancellor does not accept the recommendation of a Selection Committee, it shall refer the recommendation back to the Selection Committee with reasons for reconsideration and if the Vice-Chancellor does not accept the reconsidered views of the Selection Committee, the matter shall be referred to the Chancellor with reason and the decision of the Chancellor shall be final.”.

Amendment of West Ben. Act XV of 2000.

14. In the West Bengal University of Technology Act, 2000,—

(1) in section 2, in clause (24), for the words “a Professor, Principal, Associate Professor, Reader, Assistant Professor, Lecturer” the words “a Principal, Professor, Associate Professor, Reader, Assistant Professor” shall be substituted;

(2) in section 29, for sub-section (1), the following sub-section shall be substituted:—

“(1) The State Government may, by notification to be published in the Official Gazette, amend the Schedule either prospectively or retrospectively.”.

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(Amendment) Act, 2011.*

(Section 15.)

Repeal and
saving.

15. (1) The West Bengal University Laws (Amendment) Ordinance, 2011, is hereby repealed.

West Ben. Ord.
III of 2011.

(2) Notwithstanding such repeal, anything done or any action taken under the West Bengal University Laws (Amendment) Ordinance, 2011, shall be deemed to have been validly done or taken under this Act.

By order of the Governor,

B. K. SRIVASTAVA,
*Secy.-in-charge to the Govt. of West Bengal,
Law Department.*