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PART III—Acts of the West Bengal Legislature.

GOVERNMENT OF WEST BENGAL

LAW DEPARTMENT

Legislative

NOTIFICATION

No. 260-L.—19th February, 2008.—The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information :—

West Bengal Act XXVII of 2007

THE ALIAH UNIVERSITY ACT, 2007.

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Kolkata Gazette, Extraordinary*, of the 20th February, 2008.]

An Act to establish and incorporate a teaching University in the State of West Bengal and to provide for matters connected therewith or incidental thereto.

WHEREAS it is expedient to upgrade Calcutta Madrasah College (erstwhile Madrasah Aliah), one of the oldest institutions of higher learning and culture in India and to that end, to establish and incorporate a teaching University at Kolkata, to dissolve the “Calcutta Madrasah College”, a Government Madrasah College and to transfer to, and vest in, the said University all properties and rights of the said college;

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

*The Aliah University Act, 2007.**(Chapter I.—Preliminary.—Sections 1, 2.)***CHAPTER I****Preliminary**

- Short title and commencement. 1. (1) This Act may be called the Aliah University Act, 2007.
- (2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint and different dates may be appointed for different provisions of this Act.
- Definitions. 2. In this Act, unless there is anything repugnant in the subject or context,—
- (1) “academic staff” means such categories of staff as are designated as academic staff by the Ordinances;
 - (2) “affiliated”, in relation to a college or an institution, means affiliated to the University under this Act;
 - (3) “Appendix” means the appendix appended to the Schedule;
 - (4) “appointed day” means the date referred to in sub-section (5) of section 55;
 - (5) “Board of Studies” means the Board of Studies of the University;
 - (6) “College” means a college established, maintained or recognized by, or affiliated to, the University;
 - (7) “Constituent College” means an affiliated college in which instruction is provided, under prescribed conditions, for Honours as well as Post-graduate courses of study, and which is recognized under this Act as a constituent college:

Provided that a professional college may be a constituent college although no instruction is provided in that college for Honours courses of study in that subject;
 - (8) “convocation” means a meeting of the Darbar-i-Aliah (Court) for the purpose of conferring degrees, titles, diplomas, certificates or other academic distinctions;
 - (9) “Darbar-i-Aliah” means the Darbar-i-Aliah (Court) of the University;
 - (10) “Department” means a Department of Studies and includes a Centre of Studies and Research;
 - (11) “Director” means a Director of a Centre of Study;
 - (12) “employee”, in relation to the University, means any person appointed by the University, and includes teachers and other staff of the University;
 - (13) “Faculty” means a Faculty of the University;
 - (14) “Financial Year” means the year starting on the first day of April and ending on the 31st day of March of the succeeding calendar year;
 - (15) “State Government” means the Government of West Bengal;
 - (16) “Government College” means a college maintained and managed by the State Government;
 - (17) “Governor” means the Governor of the State of West Bengal;
 - (18) “Hall” means a unit of residence or of corporate life for the students of the University, maintained by the University;
 - (19) “Hostel” means a unit of residence of students, not maintained but recognized by the University as a hostel;
 - (20) “Institution” means an academic institution, established or maintained by the University;

*The Aliah University Act, 2007.**(Chapter I.—Preliminary.—Section 2.)*

- (21) “Librarian” means,—
- (a) in relation to the University, a Librarian, Deputy Librarian, Assistant Librarian or any other persons discharging the functions of a Librarian by whatever name called, appointed or recognized as such by the University, and
 - (b) in relation to a branch-unit or College affiliated to the University, a Librarian or any other persons holding a post of Librarian, by whatever name called, appointed or recognized by the University or appointed by such branch-unit or College;
- (22) “Majlis-i-Muntazimah” means the Majlis-i-Muntazimah (Executive Council) of the University;
- (23) “Majlis-i-Talimi” means the Majlis-i-Talimi (Academic Council) of the University;
- (24) “Minister” means the Minister-in-Charge of Minorities’ Development & Welfare and Madrasah Education Department or appointed by the Governor and includes the Minister of State of that Department;
- (25) “non-teaching staff” means,—
- (a) in relation to the University, the non-teaching staff not holding any teaching post, appointed or recognized as such by the University, and
 - (b) in relation to a branch-unit or affiliated College, the non-teaching staff, not holding any teaching post, appointed or recognized by the University or appointed by such branch-unit or College, but does not include a Librarian;
- (26) “Notification” means notification published in the *Official Gazette*;
- (27) “Prescribed” means prescribed by Statutes, Ordinances, Regulations or Rules made under this Act;
- (28) “Principal” means a head of a college or institution, school or Polytechnic by whatever name called, and includes where there is no Principal, the persons for the time being duly appointed to act as Principal, and, in absence of the Principal or acting Principal, a Vice-Principal duly appointed as such;
- (29) “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;
- (30) “Professional subject” means a subject the successful study of course on which prepares or enables a person to undertake or pursue a profession such as Engineering, Teachers’ Training, Technology, Management Studies or such other subjects as may be prescribed by the Regulations;
- (31) “Registered Graduate” means a graduate under this Act at least three months prior to the date of election of members to the Darbar-i-Aliah (Court) on application in the prescribed form and on payment of a fee fixed by the University;
- Provided that no person shall be eligible to be registered under this Act unless he has graduated himself from the University at least two years prior to the date of election of the members to the Darbar-i-Aliah;
- (32) “Statutes”, “Ordinances”, “Regulations” and “Rules” mean respectively the Statutes, Ordinances, Regulations and Rules of the University made under this Act;

*The Aliah University Act, 2007.**(Chapter II.—The University and its officers.—Sections 3-5.)*

- (33) “Students’ Union” means—
- (a) in relation to the University, the Students’ Union constituted in the manner prescribed, and
 - (b) in relation to a branch-unit or an affiliated/constituent college, a Students’ Union constituted in the manner prescribed;
- (34) “Teacher” means a Principal, Professor, Reader, Lecturer, Demonstrator, Tutor, Instructor or any other persons appointed or recognized as such by the University, either whole-time or part-time for the purpose of imparting instructions or conducting research in the University or appointed by branch-unit, an affiliated College or Institution;
- (35) “Teacher of the University” means and includes a Professor, a Reader, a Lecturer or any other person, appointed or recognized as such by the University, either whole-time or part-time, for the purpose of imparting instruction or conducting the research in the University;
- (36) “University” means the Aliah University as constituted under this Act;
- (37) “University Laboratory”, “University Library”, “Museum” or “University Institution” means a Laboratory, Library, Museum or an Institution, as the case may be, maintained and managed by the University, whether established by it or not.

CHAPTER II**The University and its officers**

- The University. 3. (1) There shall be established a University by the name of the Aliah University.
- (2) The headquarter shall be at Kolkata :
- Provided that the headquarter may be shifted to any suitable place in State of West Bengal with the approval of the State Government and in that case, the present headquarter shall be the city campus of the University.
- (3) The character of the University shall be same as that of the Calcutta Madrasah College (erstwhile Madrasah Aliah) declared as such vide Minorities’ Development & Welfare and Madrasah Education Department, Government of West Bengal Notification No. 1465-MD/07, dated 12.10.2007.
- Incorporation. 4. The persons holding office as Shaikh-ul-Jamia (Vice-Chancellor), Naib Shaikh-ul-Jamia (Pro-Vice-Chancellor), the members of the Darbar-i-Aliah (Court), Majlis-i-Muntazimah (Executive Council), the members of the Majlis-i-Talimi (Academic Council) of the University, for the time being, shall be a body corporate by the name of the Aliah University and shall have perpetual succession and a common seal and shall sue or be sued by that name.
- Dissolution of Calcutta Madrasah College and transfer of all property of the University. 5. On and from the commencement of this Act,—
- (i) the college known as “Calcutta Madrasah College”, Kolkata shall be dissolved, and all properties, movable or immovable, and all rights, powers and privileges of the said college shall be transferred to, and vest in, the University and shall be applied to the objects and purposes for which the University is established;
 - (ii) all debts, liabilities and obligations of the said college shall be transferred to the University and shall thereafter be discharged and satisfied by it;
 - (iii) all references in any enactment to the said college shall be construed as reference to the University;

*The Aliah University Act, 2007.**(Chapter II.—The University and its officers.—Sections 6-8.)*

- (iv) any will, deed or other documents, whether made or executed before or after the commencement of this Act, which contains any bequest, gift or trust in favour of the said college shall be construed as if the University was therein named instead of the college;
- (v) subject to any orders which Majlis-i-Muntazimah (Executive Council) may make, the buildings which belong to Calcutta Madrasah College, Kolkata, shall continue to be known and designated by the names and styles as they were known and designated immediately before the commencement of this Act;
- (vi) subject to the provision of this Act, every person employed immediately before the commencement of this Act in the Calcutta Madrasah College, Kolkata, shall hold such employment in the University by the same tenure and on the same terms and conditions and with the same rights and privileges as to pension and gratuity as he would have held under the Calcutta Madrasah College, Kolkata, if this Act had not been passed.

Objects.

6. The objects of the University shall be —
- (i) to create educational opportunities for higher education and studies;
 - (ii) to encourage study of modern technological and professional courses along with the classical languages, oriental studies, religious studies and Islamic culture;
 - (iii) to promote higher education amongst the Minorities in the State;
 - (iv) to disseminate and advance knowledge by providing instructional, educational, research and extension facilities in such branches of learning as it may deem fit;
 - (v) to provide to students and teachers, the conducive atmosphere and necessary facilities for the promotion of—
 - (a) innovations in education leading to restructuring of courses, new methods of teaching and learning and integral development of personality,
 - (b) studies in various disciplines,
 - (c) inter-disciplinary studies;
 - (vi) to develop centres of excellence for higher studies and research in theology, Islamic jurisprudence and Islamic culture, comparative religion, science and technology, professional and management education in the State by joint initiative i.e. State-Private partnership, if required;
 - (vii) national integration, secularism, international understanding, non-violence and humanism;
 - (viii) to avail better scope and opportunities to serve the societies and the nations.

Teaching of the University.

7. (1) All recognized teachings in connection with the degrees, diplomas and certificates of the University shall be conducted by the teachers of the University or its branches or of any affiliated institution, as the case may be, under the general control of the Majlis-i-Muntazimah (Executive Council) and the Majlis-i-Talimi (Academic Council).

(2) The courses of study, the curricula and the authorities responsible for organizing such teaching shall be such as may be prescribed.

Access to University.

8. The University shall be open to persons of either sex and of whatever race, creed, caste or class:

Provided that nothing in this section shall be deemed to prevent the University from making any special provisions for socially and educationally backward classes belonging to Minorities:

*The Aliah University Act, 2007.**(Chapter II.—The University and its officers.—Sections 9,10.)*

Provided further that nothing in this section shall be deemed to prevent religious instructions being given in the manner prescribed by the Ordinances to those who have consented to receive it.

Jurisdiction.

9. The University shall have the right to open its branch-unit or campus or affiliate to itself any institution in any district of West Bengal without prejudice to the rights of any other University.

Powers of the University.

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

- (1) to encourage and provide for instruction, teaching, training and research in such branches of learning and courses of study as the University may, from time to time deem fit and make provision for research and for advancement and dissemination of knowledge and learning, and the extension of higher education;
- (2) to promote the study of religions, theology, philosophy and culture of India;
- (3) to open branch-unit or campus in anywhere in State of West Bengal in consultation with the State Government, and in collaboration with private party or any other institution, if required;
- (4) to introduce courses of modern studies, if required, in State-Private partnership;
- (5) 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 other employees of the University;
- (6) to establish, maintain and manage halls, to recognize hostels, and to withdraw such recognition;
- (7) to prescribe, demand and receive fees, fines and other charges;
- (8) to receive donation and to acquire, hold, manage and dispose of any property, movable or immovable, including trust and endowment properties and make grants and advances for the purposes of the University;
- (9) to make grants to the National Cadet Corps and the National Social Service or such other activities as deem necessary, from the University fund;
- (10) to borrow, with the approval of the State Government, on the security of the property of the University, money to establish and maintain or manage schools, Institutions, libraries, museums and such centres, specialized laboratories or other units of research and instructions as are, in the opinion of the University, necessary for the furtherance of its objects;
- (11) to recognize any college as a constituent college or a professional college and to withdraw such recognition;
- (12) to affiliate to itself any college, institution or centre and to withdraw such affiliation;
- (13) institute degrees, titles, diplomas, certificates and other academic distinctions;
- (14) to grant, subject to such as the University may determine, diplomas or certificates to, and confer degrees or other academic distinctions on the basis of examination, evaluation or any other method of testing, on persons, and to withdraw any such diplomas, certificates, degree or other academic distinctions for good and sufficient cause;

*The Aliah University Act, 2007.**(Chapter II.—The University and its officers.—Section 11.)*

- (15) to confer honorary degrees and other academic distinctions in the manner prescribed by the Statutes;
- (16) to institute and award fellowships, travelling fellowships, scholarships, studentships, stipends, bursaries, exhibitions, medals and prizes;
- (17) to institute Professorships, Readerships, Lectureships and other teaching or academic posts required by the University and to appoint persons to such Professorships, Readerships, Lectureships and other posts;
- (18) to create administrative, ministerial and other posts and to make appointments thereto;
- (19) to appoint persons working in any other University or organization as teacher of the University for a specified period;
- (20) to co-operate, collaborate or associate with any other University or authority or institution in such manner and for such purposes as the University may determine;
- (21) to prescribe, subject to the provisions of this Act, the constitution, powers and duties of the Board of Studies, Finance Committee and other bodies;
- (22) to prescribe the powers and duties of officers of the University;
- (23) to prescribe, subject to the provisions of this Act, the terms and conditions of the employees of the University;
- (24) to make for Provident Fund and other funds for the teachers, officers and other employees of the University;
- (25) to make provision, conduct, co-ordinate, regulate and control research work and advisory services, and for that purpose to enter into such agreements with other institutions or bodies as the University may deem necessary;
- (26) to declare a Centre, an Institution or a Department, a School as an autonomous Centre, Institution or Department or School, as the case may be in accordance with the Statutes;
- (27) to determine standards for admission into the University, which may include examination, evaluation or any other method of testing;
- (28) to make special provisions in respect of women students and students belonging to socially and educationally backward classes of the minority as the University may consider desirable;
- (29) to regulate and enforce discipline among the employees and students of the University and take such disciplinary measures in this regard as may be deemed by the University to be necessary;
- (30) to make arrangements for promoting the health and general welfare of the students and employees of the University;
- (31) to accept grants or to raise loan or to accept loans from the Central Government or any State Government or the University Grants Commission and with the approval of State Government from other sources;
- (32) to do all such other acts and things as may be necessary or desirable for, or incidental or conducive to the attainment of all or any of the objects or purposes of the University.

The Amir-i-Jamia
(Chancellor).

11. (1) The Governor shall, by virtue of his office, be the Amir-i-Jamia (Chancellor) of the University.

(2) He shall be the Head of the University and the President of the Darbar-i-Aliah (Court) and shall, when present, preside over the meetings of the Darbar-i-Aliah (Court) and the Convocation of the University.

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

*The Aliah University Act, 2007.**(Chapter II.—The University and its officers.—Sections 12,13.)*

(4) Where power is conferred upon the Amir-i-Jamia (Chancellor) to make nominations to any authority or body of the University, the Amir-i-Jamia (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 Amir-i-Jamia (Chancellor).

Officers of the University.

12. The following shall be the Officers of the University:—

- (1) the Shaikh-ul-Jamia (Vice Chancellor);
- (2) the Naib Shaikh-ul-Jamia (Pro-Vice Chancellor);
- (3) the Musajjil (Registrar);
- (4) the Deans of Faculties;
- (5) the Dean of Students' Welfare;
- (6) the Controller of Examination;
- (7) the Finance Officer, and
- (8) such other officers as may be declared by the Statutes to be officers of the University.

The Shaikh-ul-Jamia (Vice Chancellor).

13. (1) The Shaikh-ul-Jamia (Vice-Chancellor) shall be the principal executive and academic officer of the University. He shall exercise general supervision and control over the affairs of the University and give effect to the decisions of all authorities of the University.

(2) The Shaikh-ul-Jamia (Vice-Chancellor) shall be appointed by the Amir-i-Jamia (Chancellor) in such manner as may be prescribed by the Statutes.

- (3) (a) The Shaikh-ul-Jamia (Vice-Chancellor) shall hold office for a term of four years or till he attains the age of 65 years, whichever is earlier, and shall, subject to the provision to this section, be eligible for re-appointment for another term of four years.
- (b) The Amir-i-Jamia (Chancellor) may, notwithstanding the expiration of the term of the office of the Shaikh-ul-Jamia (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 six months.

(4) The Shaikh-ul-Jamia (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 Amir-i-Jamia (Chancellor) may decide in consultation with the State Government.

(5) The Shaikh-ul-Jamia (Vice-Chancellor) may resign his office by writing under his hand addressed to the Amir-i-Jamia (Chancellor).

- (6) If—
 - (a) the Shaikh-ul-Jamia (Vice-Chancellor) is, by reason of leave, illness or other cause temporarily unable to exercise the power and perform the duties of his office, or
 - (b) a vacancy occurs in the office of the Shaikh-ul-Jamia (Vice-Chancellor) by reason of death, resignation or expiry of the term of his office or otherwise,

then during the period of such temporary inability or pending the appointment of Shaikh-ul-Jamia (Vice Chancellor), as the case may be, the Naib Shaikh-ul-Jamia (Pro-Vice-Chancellor) shall exercise the powers and perform the duties of the Shaikh-ul-Jamia (Vice-Chancellor).

*The Aliah University Act, 2007.**(Chapter II.—The University and its officers.—Sections 14, 15.)*

(7) The vacancy in the office of the Shaikh-ul-Jamia (Vice-Chancellor) occurring by reason of death, resignation or expiry of the term or otherwise shall be filled up by appointment of a Shaikh-ul-Jamia (Vice-Chancellor) within six months from the date of occurrence of the vacancy in the manner prescribed by the Statutes.

Powers and duties of the Shaikh-ul-Jamia (Vice-Chancellor).

14. (1) The Shaikh-ul-Jamia (Vice-Chancellor) shall be the Ex-officio member and Chairperson of the Majlis-i-Muntazimah (Executive Council), the Majlis-i-Talimi (Academic Council), the Majlis-i-Maliyat (Finance Committee) and Planning Board. He shall, in absence of the Amir-i-Jamia (Chancellor), preside over the meeting of the Darbar-i-Aliah (Court) and the Convocation held for conferring degrees and shall be entitled to be present at, and to address, any meeting of any authority or other body of the University, but shall not be entitled to vote thereat unless he is a member of such authority or body.

(2) The Shaikh-ul-Jamia (Vice-Chancellor) shall have the power to convene, cause to be convened meetings of the Darbar-i-Aliah (Court), the Majlis-i-Muntazimah (Executive Council), the Majlis-i-Talimi (Academic Council) and other bodies of the University.

(3) He shall also be entitled to be present at and to address any meeting of any other authority and body of the University of which he may not be a member, but shall not be entitled to vote thereat.

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

(5) The Shaikh-ul-Jamia (Vice-Chancellor) may, if he is of opinion that immediate action is necessary on any matter, exercise any power conferred on any authority of the University by or under this Act and shall report to such authority the action taken by him on such provided if the authority concerned is of opinion that such action ought not to have been taken, it may refer the matter to the Amir-i-Jamia (Chancellor) whose decision thereon shall be final:

Provided further that any person in the service of the University who is aggrieved by the action taken by the Shaikh-ul-Jamia (Vice-Chancellor) under this sub-section, shall have the right to appeal against such action to the Majlis-i-Muntazimah (Executive Council) within three months from the date on which decision on such action is communicated to him and thereupon the Majlis-i-Muntazimah (Executive Council) may confirm, modify or reverse the action taken by the Shaikh-ul-Jamia (Vice-Chancellor).

(6) The Shaikh-ul-Jamia (Vice-Chancellor) shall exercise such other powers and perform such other functions as may be prescribed by Statutes, Ordinances.

(7) The Shaikh-ul-Jamia (Vice-Chancellor) may with the approval of the Majlis-i-Muntazimah (Executive Council), at any time delegate any of his powers other than referred to in sub section (6) to any other officers sub-ordinate to him.

The Naib Shaikh-ul-Jamia (Pro-vice-Chancellor).

15. (1) The Naib Shaikh-ul-Jamia (Pro-Vice-Chancellor) shall be appointed in such manner, and shall exercise such powers and perform such duties as may be prescribed by the Statutes.

(2) The Naib Shaikh-ul-Jamia (Pro-Vice-Chancellor) shall, in the absence of the Shaikh-ul-Jamia (Vice-Chancellor) perform the duties of the Shaikh-ul-Jamia (Vice-Chancellor).

*The Aliah University Act, 2007.**(Chapter II.—The University and its officers.—Sections 16-23.)*

- The Musajjil (Registrar).** **16.** (1) The Musajjil (Registrar) shall be a whole time salaried officer of the University and shall be appointed in such manner as may be prescribed by the Statutes.
- (2) The Musajjil (Registrar) may resign his office by writing under his hand addressed to the Shaikh-ul-Jamia (Vice-Chancellor).
- (3) If the Musajjil (Registrar) is for any reason temporarily unable to exercise the power or perform the duties of his office, the Shaikh-ul-Jamia (Vice-Chancellor) may, with the approval of the Amir-i-Jamia (Chancellor), appoint a teacher of the University, temporarily for a period not exceeding six months, to exercise the powers and perform the duties of the Musajjil (Registrar).
- Powers and duties of the Musajjil (Registrar).** **17.** (1) Subject to the supervision, direction and general control of the Shaikh-ul-Jamia (Vice-Chancellor), the Musajjil (Registrar) shall act as Secretary of the Darbar-i-Aliah (Court) as also of the Majlis-i-Muntazimah (Executive Council), the Majlis-i-Talimi (Academic Council).
- (2) The Musajjil (Registrar) shall, subject to the provision of this Act, have the power to enter into agreements, sign documents and authenticate records on behalf of the University and shall exercise such other powers and perform such other duties as may be prescribed, or delegated to him by or under this Act and the Statutes, the Ordinances or the Regulations as the case may be.
- The Finance Officer.** **18.** (1) The Finance Officer shall be a whole time officer of the University and shall be appointed in such manner and shall exercise such powers and perform such duties as may be prescribed under this Act or by the Statutes.
- (2) The Finance Officer may resign his office by writing under his hand addressed to the Shaikh-ul-Jamia (Vice-Chancellor).
- (3) If the Finance Officer is for any reason temporarily unable to exercise the powers or perform the duties of his office, the Shaikh-ul-Jamia (Vice-Chancellor) may, with the approval of the Majlis-i-Muntazimah (Executive Council), appoint a person temporarily for a total period not exceeding six months, to exercise the powers and perform the duties of the Finance Officer.
- Powers and duties of the Finance Officer.** **19.** (1) Subject to the supervision, directions and general control of the Shaikh-ul-Jamia (Vice-Chancellor), the Finance Officer shall be in-charge of the administration of the funds, the finances and the properties and the estates of the University and of all trusts and endowments; and he shall take a special interest in activities that aim at raising funds for the purposes of the University and augmenting the resources of the University.
- (2) The Finance Officer shall exercise such other powers and perform such other duties as may be prescribed, or delegated to him by or under this Act and the Statutes, the Ordinances or the Regulations, as the case may be made thereunder.
- Supervisory Powers of the Musajjil (Registrar) and Finance Officer.** **20.** In their respective spheres of duties, the Musajjil (Registrar) and the Finance Officer shall, subject to the provisions of this Act, have the power of supervision and control over all officers and employees serving in the Departments under their charge and shall exercise such disciplinary power as may be conferred on them by or under this Act, the Statutes or Ordinances made under this Act.
- The Deans of the Faculties.** **21.** There shall be a Dean for every Faculty. Every Dean of Faculty shall be appointed in such manner and shall exercise such powers and perform such duties as may be prescribed by the Statutes.
- The Dean of the Students' Welfare.** **22.** There shall be Dean of the Students' Welfare of the University. He shall be appointed in such manner and shall exercise such powers and perform such duties as may be prescribed by the Statutes.
- The Controller of Examinations.** **23.** There shall be a whole-time Controller of Examinations of the University. He/she shall be appointed in such manner and shall exercise such powers and perform such duties as may be prescribed by the Statutes.

*The Aliah University Act, 2007.**(Chapter II.—The University and its officers.—Section 24.—**Chapter III.—Authorities of the University.—Sections 25, 26.)*

- Other Officers. 24. The manner of appointment and powers and duties of other officers of the University shall be such as may be prescribed by the Statutes.

CHAPTER III**Authorities of the University**

- Authorities. 25. The following shall be the authorities of the University :—
- (1) the Darbar-i-Aliah (Court);
 - (2) the Majlis-i-Muntazimah (Executive Council);
 - (3) the Majlis-i-Talimi (Academic Council);
 - (4) the Planning Board;
 - (5) the Boards of Studies; and
 - (6) such other authorities as may be established under the Statutes.
- The Darbar-i-Aliah (Court). 26. (1) The Darbar-i-Aliah (Court) shall be the supreme Governing Body of the University.
- (2) The Darbar-i-Aliah (Court) shall consist of the following :—
- A. Ex officio Members:**
- (1) the Amir-i-Jamia (Chancellor);
 - (2) the Shaikh-ul-Jamia (Vice-Chancellor);
 - (3) the Naib Shaikh-ul-Jamia (Pro-Vice-Chancellor);
 - (4) all Deans of Faculties;
 - (5) the Dean of Students' Welfare;
 - (6) the Registrar;
 - (7) the Finance Officer;
 - (8) the Librarian;
 - (9) the Heads of Departments;
 - (10) the Secretary, Minorities' Development & Welfare and Madrasah Education Department, Government of West Bengal or his nominee not below the rank of Deputy Secretary to the Government of West Bengal;
 - (11) the Secretary, Finance Department, Government of West Bengal or his nominee not below the rank of Deputy Secretary to the Government of West Bengal;
 - (12) the Vice-Chancellor, West Bengal University of Technology;
 - (13) the President, West Bengal Board of Madrasah Education;
 - (14) the President, West Bengal Council of Higher Secondary Education;
 - (15) the Director of Madrasah Education or his nominee not below the rank of Deputy Director of Madrasah Education;
 - (16) the Director, Minorities' Development and Welfare or his nominee not below the rank of Deputy Director, Minorities' Development Welfare;
- B. Representatives of Teachers :**
- (17) two Professors other than the Heads of the Departments, by rotation according to seniority;
 - (18) two Readers according to seniority to be appointed by the Shaikh-ul-Jamia;
 - (19) two Lecturers by rotation according to seniority, to be appointed by the Shaikh-ul-Jamia;

*The Aliah University Act, 2007.**(Chapter III.—Authorities of the University.—Section 26.)*

- C. Representative of Non-teaching Staff :**
- (20) three representatives of non-teaching staff according to seniority by rotation;
- (21) one representative of the officers according to seniority by rotation;
- D. Representatives of the Legislature and Local elected Body:**
- (23) two members of the Parliament from West Bengal of whom one belonging to Minority Community to be nominated by the Speaker of the Lok Sabha and the other by the Chairman of the Rajya Sabha;
- (24) three members of the West Bengal Legislative Assembly of whom one shall be a lady and others shall be from Minority Community to be nominated by the Speaker of the West Bengal Legislative Assembly;
- (25) one representative of the Kolkata Municipal Corporation to be nominated by the Mayor of the Kolkata Municipal Corporation;
- E. Nominated members :**
- (26) three persons to be nominated by the State Government of whom —
- (a) One shall be a Secondary/Higher Secondary school teacher;
- (b) One shall be a High/Higher Secondary Madrasah teacher;
- (c) One shall be a Senior Madrasah teacher;
- (27) two persons to be nominated by the Amir-i-Jamia (Chancellor);
- F. Co-opted Members:**
- (28) Six persons representing learned professions and special interest including representatives of industry, banking, commerce, agriculture and scientific and technical societies to be co-opted by the Darbar-i-Aliah (Court);
- G. Elected Members:**
- (29) One registered graduate of the University to be elected by themselves;
- (30) One regular post-graduate student of the University to be elected by themselves;

Explanation I :

“Regular post-graduate student” shall mean a student who has been prosecuting his studies in a post-graduate Department of the University and who is not in default of payment of the prescribed 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 member elected under this clause shall hold office for a period of two years from the date of his election or till he ceases to be a regular post-graduate student of the University whichever is earlier.

- (31) three regular under-graduate students prosecuting their studies in under-graduate degree classes to be elected among themselves;

Explanation I :

“Regular under-graduate student” shall mean a student who has been prosecuting his studies in any under-graduate degree course under the University and who is not in default of payment of the prescribed fees and other charges 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 student elected under this clause shall hold office for a period of three years from the date of his election or till he ceases to be a regular under graduate student, whichever is earlier.

*The Aliah University Act, 2007.**(Chapter III.—Authorities of the University.—Section 27.)*

- (32) one Research Scholar or Research Fellow to be elected by such Research Scholars and Research Fellows.

Explanation I :

“Research Scholar” or “Research Fellow” 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 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.

- (3) All members except whose term has already been fixed, of the Darbar-i-Aliah (Court) and other than *ex officio* members, shall hold office for a term of four years:

Provided that a member of the Parliament of State Legislature shall cease to be a member of the Darbar-i-Aliah (Court) on his becoming Minister or Speaker or Deputy Speaker (Lok Sabha or Bidhan Sabha) or Deputy Chairperson (Rajya Sabha).

- (4) An *ex officio* member shall cease to be a member of the Darbar-i-Aliah (Court) as soon as he vacates the office by virtue of which he is such member.

- (5) All elections to the Darbar-i-Aliah (Court) shall be held in the manner prescribed by Statutes.

Powers and functions of the Darbar-i-Aliah (Court).

27. (1) Subject to such condition as may be provided by or under the provision of this Act, the Darbar-i-Aliah (Court) shall exercise the following powers and perform the following functions:—

- (i) to consider the annual report as prepared by the Majlis-i-Muntazimah (Executive Council) and to pass such resolutions relating thereto as may be considered necessary ;
- (ii) to consider and advise on such other reports from the Majlis-i-Muntazimah (Executive Council) or any other body as may be placed before it;
- (iii) to consider, and advise on, proposals from the Majlis-i-Muntazimah (Executive Council) for co-operation and collaboration with other universities, institutions and educational authorities in matters that relate to or further the academic objectives of the University;
- (iv) to consider the Annual Statement of Accounts and the Annual Financial Estimate approved by the Majlis-i-Muntazimah (Executive Council) and to pass such resolutions relating thereto as may be considered necessary :

Provided that for the purpose of passing the resolutions modifying or rejecting any such Annual Financial Estimates, it shall be necessary for a majority of the total number of members of the Court existing at the time to vote in favour of the resolution;

- (v) to consider and suggest measures for the improvement of the administration and finances of the University, and generally for the furtherance of its objectives;
- (vi) to establish University departments, Institutions, schools and centres of multidisciplinary research, libraries, laboratories, workshops and museums for study and research ;

*The Aliah University Act, 2007.**(Chapter III.—Authorities of the University.—Section 28.)*

- (vii) to create an institute with the approval of the State Government, posts of Professors, Assistant Professors, Lecturers and such posts including posts of officers and staff as may be necessary for the establishment of University departments, Institutions, schools and centres, libraries, laboratories, workshops and museums referred to clause (vi);
- (viii) to institute fellowships, travelling fellowships, scholarships, studentships, stipends, bursaries, exhibitions, medals and prizes to be awarded out of the University Fund;
- (ix) to institute degrees, titles, diplomas, certificates and other academic distinctions;
- (x) 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 ;
- (xi) 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;
- (xii) to confer honorary degrees or other academic distinctions;
- (xiii) to make rules for the transaction of its own business;
- (xiv) to exercise all other powers and perform all other functions conferred and imposed on it by or under this Act.

(2) The Darbar-i-Aliah (Court) shall not exercise the powers and perform the duties referred to in clauses (vi), (vii) and (xii) of sub-section (1) except on the recommendation of the Majlis-i-Muntazimah (Executive Council) but may send proposals in respect thereof to the Majlis-i-Muntazimah (Executive Council) for its recommendation.

(3) The Darbar-i-Aliah (Court) shall have the power to review the action of the Majlis-i-Muntazimah (Executive Council), save where the Majlis-i-Muntazimah (Executive Council) 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 Majlis-i-Muntazimah (Executive Council) has acted in accordance with the powers conferred on it by or under this Act, the matter shall be decided by reference to the Amir-i-Jamia (Chancellor) whose decision shall be final.

Meetings of the Darbar-i-Aliah (Court).

28. (1) The Darbar-i-Aliah (Court) shall meet at least thrice in a financial year, other than for convocation, on dates to be fixed by the Shaikh-ul-Jamia (Vice-Chancellor). One of such meetings shall be held before March and shall be called the Annual Meeting. The Darbar-i-Aliah (Court) 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 Darbar-i-Aliah (Court) shall be a quorum for a meeting of the Darbar-i-Aliah (Court):

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

(3) The Shaikh-ul-Jamia (Vice-Chancellor) may, whenever he thinks fit, and shall, upon a requisition in writing signed by not less than fifty percent of the total number of members of the Darbar-i-Aliah (Court) convene a meeting of the Darbar-i-Aliah (Court). A meeting on such requisition shall be held within fifteen days of the receipt of the requisition by the Shaikh-ul-Jamia (Vice-Chancellor).

*The Aliah University Act, 2007.**(Chapter III.—Authorities of the University.—Sections 29, 30.)*

The Majlis-i-Muntazimah (Executive Council).

29. (1) The Majlis-i-Muntazimah (Executive Council) shall be the principal executive body of the University.

(2) The Majlis-i-Muntazimah (Executive Council) shall consist of the following members, namely :-

- (i) the Shaikh-ul-Jamia (Vice Chancellor);
- (ii) the Naib Shaikh-ul-Jamia (Pro-Vice-Chancellor);
- (iii) the Deans of the Faculties;
- (iv) the Registrar;
- (v) the Musajjil (Registrar);
- (vi) the Dean of Students' Welfare;
- (vii) three teachers, one each from amongst Professors, Readers and Lecturers to be appointed by the Vice-Chancellor by rotation according to seniority;
- (viii) three persons interested in education preferably in the field of different profession and technology to be nominated by the Amir-i-Jamia (Chancellor);
- (ix) one person interested in Islamic education and culture to be nominated by the Amir-i-Jamia (Chancellor);
- (x) the Secretary, Minorities' Development & Welfare and Madrasah Education Department or his nominee not below the rank of Deputy Secretary to the Government of West Bengal;
- (xi) the Secretary, Finance Department or his nominee not below the rank of Deputy Secretary to the Government of West Bengal;
- (xii) the President, West Bengal Board of Madrasah Education;
- (xiii) the President, West Bengal Council of Higher Secondary Education;
- (xiv) the Director, Madrasah Education or his nominee not below the rank of Deputy Director of Madrasah Education, Government of West Bengal;
- (xv) the Director, Minorities' Development and Welfare or his nominee not below the rank of Deputy Director of Minorities' Development and Welfare;
- (xvi) the Chairman or his nominee not below the rank of Vice Chairman, Urdu Academy, West Bengal;
- (xvii) one member of the West Bengal Legislative Assembly by such members of the West Bengal Legislative Assembly as are members of the Majlis-i-Muntazimah (Court) from amongst themselves;
- (xviii) one student elected by such students as members of the Darbar-i-Aliah (Court) from amongst themselves.

(3) All elections to the Majlis-i-Muntazimah (Executive Council) shall be held in the manner prescribed by the Statutes.

(4) One-third of the total number of members of the Majlis-i-Muntazimah (Executive Council) shall form the quorum for a meeting of the Majlis-i-Muntazimah (Executive Council).

Powers and functions of the Majlis-i-Muntazimah (Executive Council).

30. Subject to the provision of this Act, the Majlis-i-Muntazimah (Executive Council) shall exercise the following powers and perform the following functions:—

- (1) to initiate proposals for making of Statutes and Ordinances including proposals for amendment or repeal thereof, in the manner hereinafter provided;

*The Aliah University Act, 2007.**(Chapter III.—Authorities of the University.—Section 30.)*

- (2) to make regulations regarding courses of studies and organization of subjects after obtaining and considering the recommendation of the Faculty Councils for post-graduate and undergraduate studies in this regard;
- (3) to give directions regarding the Form, custody and use of the common seal of the University;
- (4) to recommend to the Court, after consulting the respective Faculties, whenever necessary, the establishment of University Departments, Institutions, Schools and Centres of multidisciplinary research centres and such other research units, libraries, laboratories, workshops and museums for study and research;
- (5) to maintain University Departments, University Institutions, University Schools and Centres, University Workshops, Technology Parks, University libraries, University laboratories and University museums;
- (6) to establish, maintain and manage halls and to recognize hostels;
- (7) to direct the inspection of University libraries, University laboratories, University museums, halls and hostels;
- (8) to recommend to the Darbar-i-Aliah (Court), after consulting the respective Faculties, whenever necessary, the institution of fellowships, travelling fellowships, scholarships, studentships, stipends, bursaries, medals and prizes, the expenses of which shall be met from the University Fund, and to award the same after institutions thereof by the Darbar-i-Aliah (Court);
- (9) to create teaching and academic posts, to determine the number and emoluments of such posts and to define the duties and conditions of service of Professors, Readers, Lecturers and other academic staff and Principal to Institutions and schools :

Provided that no action shall be taken by the Majlis-i-Muntazimah (Executive Council) in respect of the number, qualifications and the emoluments of teachers and academic staff otherwise than after consideration of the recommendation of the Majlis-i-Talimi (Academic Council);

- (10) to appoint such Professors, Readers, Lecturers and other academic staff, as may be necessary and Principals of Institution on the recommendations of the Selection Committee constituted for the purpose under Statute 25 and to fill up temporarily vacancies therein;
- (11) to create administrative, ministerial and other necessary posts and to make appointments thereto in the manner prescribed by the Ordinances;
- (12) to grant leave of absence to any officer of the University other than the Amir-i-Jamia (Chancellor) and the Shaikh-ul-Jamia (Vice Chancellor), and to make necessary arrangements for the discharge of the functions of such officer during his absence;
- (13) to regulate and enforce discipline among members of the teaching, administrative and other staff of the University in accordance with these Statutes and the Ordinances;
- (14) to manage and regulate the finances, accounts, investments, property, business and all other administrative affairs of the University;
- (15) to invest any money belonging to the University, including any unapplied income, in such stocks, funds, shares or securities as it may, from time to time, think fit or in the purchase of immovable property in India, with the like power of varying such investments from time to time;
- (16) to transfer or accept transfers of any movable or immovable property on behalf of the University;

*The Aliah University Act, 2007.**(Chapter III.—Authorities of the University.—Sections 31-34.)*

- (17) to provide building, premises, furniture and apparatus and other means needed for carrying on the work of the University;
- (18) to enter into, vary, carry out and cancel contracts on behalf of the University;
- (19) to entertain, adjudicate upon and, if thought fit, to redress any grievances of the officers of the University, the teaching staff, other employees and the Students of the University, who may, for any reason, feel aggrieved;
- (20) to appoint examiners and moderators and to fix their fees, emoluments and travelling and other allowances, after consulting the Majlis-i-Talimi (Academic Council);
- (21) to maintain a register of donors to the University;
- (22) to select a common seal for the University and provide for the custody and use of such seal;
- (23) to make such special arrangements as may be necessary for the residence and discipline of women students;
- (24) to delegate any of its power to the Shaikh-ul-Jamia (Vice-Chancellor), the Naib Shaikh-ul-Jamia (Pro-Vice-Chancellor), the Musajjil (Registrar) or the Finance Officer or such other employee or authority of the University or to a Committee appointed by it, as it may deem fit;
- (25) to institute fellowships, scholarships, studentships, medals and prizes; and
- (26) to exercise such other powers and perform such other duties as may be conferred or imposed on it by the Act or these statutes.

The Majlis-i-Talimi
(Academic
Council).

31. (1) The Majlis-i-Talimi (Academic Council) shall be the Chief academic body of the University and shall, subject to the provisions of this Act, the Statutes and Ordinances, co-ordinate and exercise general supervision over the academic policies of the University.

(2) The constitution, of the Majlis-i-Talimi (Academic Council), the term of office of its members and its powers and duties shall be such as may be prescribed by the Statutes.

The Planning
Board.

32. (1) The Planning Board shall be the principal planning body of the University.

(2) The constitution of Planning Board, term of office of its members and its powers and duties shall be such as may be prescribed by the Statutes.

Other Authorities.

33. (1) There shall be the following Faculties of undergraduate, post-graduate, M. Phil and Ph. D courses of studies :—

- (a) the Faculty of Theology and Religious studies;
- (b) the Faculty of Humanities and Languages;
- (c) the Faculty of Science and Technology;
- (d) the Faculty of Education, Physical Education, Journalism and Mass Communication, Library Science and Law;
- (e) the Faculty of Business Administration and Management Studies;
- (f) the Faculty of Medicinal Studies, Nursing, Pharmacy and Public Health;
- (g) the Faculty of Social Sciences;

(2) The Faculties and courses of studies shall be introduced gradually.

(3) The University may create new Faculties and introduce such other courses as it may deem fit.

(4) There shall be Centre(s) for Professional and Technical Training.

Constitution,
powers, functions
and duties of the
Authorities.

34. The Constitution, powers, functions and duties of the Faculties and of such other authorities shall be such as may be prescribed by the Statutes.

*The Aliah University Act, 2007.**(Chapter IV.—General provision governing all authorities or bodies of the University.—Sections 35, 36.)***CHAPTER-IV****General provision governing all authorities or bodies of the University**

Disqualifications.

35. (1) A person shall be disqualified for election or nomination as a member of any authority or body of the University or shall continue as such member if he is—

- (i) is not a citizen of India, or
- (ii) is of unsound mind or a deaf-mute, or
- (iii) is an undischarged insolvent, or
- (iv) has been convicted by a Court of law for an offence involving moral turpitude.

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

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

(4) No persons shall be entitled to be enrolled as a voter for, or to cast his/her 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 Darbar-i-Aliah (Court), the Majlis-i-Muntazimah (Executive Council) or Majlis-i-Talimi (Academic Council).

(5) Notwithstanding anything contained elsewhere in this Act, no person shall—

- (i) if he is teacher, not holding any whole-time teaching post, or appointed for a specified period, or
- (ii) 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 to be nominated to any such authority or body.

Explanation:—“regular scale of pay” shall mean pay which, subject to any condition prescribed by the University, rises by periodical increment from a minimum to a maximum.

Term of Office of Members.

36. (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 4 (four) years from the date of his election or nomination, as the case may be:

Provided that in respect of first elections and nominations under this Act, the said period of 4(four) years shall commence from the date of the first meeting of the Authority or Body held after such elections or nominations.

(2) The term of office members other than *ex officio* members of the authority or body of the University shall be held to include any period which may lapse 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 election are held for more than one date, the last of such dates shall be taken to be the date of election for the purposes of this section.

*The Aliah University Act, 2007.**(Chapter IV.—General provision governing all authorities or bodies of the University.—Sections 37-40.)*

(4) Any members 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 elected or nominated.

Cessation of membership.

37. (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 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 other.

(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.

Filling of casual vacancies.

38. (1) Any casual vacancy among the elected members of any authority or body of the University shall be filled in such manner 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.

(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 6 months or such extended period as the Amir-i-Jamia (Chancellor) may, by order made in this behalf, specify so however that aggregate period shall not exceed one year from the date on which the vacancy arises, as the Shaikh-ul-Jamia (Vice Chancellor) may fix.

Proceeding of the University or the authorities or bodies of the Universities not invalidated by vacancies.

39. No act or proceeding of the University or any of the 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 invalidity of the election of any of the members.

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

Election Tribunal.

40. (1) There shall be an Election Tribunal to which shall be referred any question as to whether any person is eligible under this Act for election or nomination or has been duly elected or nominated or is entitled to be a member of any authority or body of the University, and the decision of the Election Tribunal on such question shall be final.

(2) The constitution of the Election Tribunal shall be prescribed by the Statutes.

(3) If, during the progress of election of member to any authority or body of the University, the Election Tribunal is satisfied that such election is vitiated by fraud or corrupt practice, the Election Tribunal 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 provision of this Act and the Statutes, the Ordinances and Regulations, from such a state as may be specified in the order and such order of Election Tribunal shall be final.

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

The Aliah University Act, 2007.

(Chapter IV.—General provision governing all authorities or bodies of the University.—Section 41.—Chapter V.—Statutes, Ordinances, Regulations and Rules.—Sections 42, 43.)

Casting vote by the Chairperson.

41. At a meeting of the Darbar-i-Aliah (Court), the Majlis-i-Muntazimah (Executive Council), Majlis-i-Talimi (Academic Council) 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 case of tie.

CHAPTER - V**Statutes, Ordinances, Regulations and Rules**

Statutes or Ordinances to be assented to by the Amir-i-Jamia (Chancellor).

42. (1) Every Statute or Ordinance made under this Act shall, before it is given effect, be submitted to the Amir-i-Jamia (Chancellor) and shall be modified or amended in such manner as may be suggested by the Amir-i-Jamia (Chancellor).

(2) The Amir-i-Jamia (Chancellor) may, at any time after an Ordinance has been made, signify to the University his disallowance of such Ordinance, from the date of receipt by the University of intimation of such disallowance, such Ordinance shall cease to have effect.

(3) Every Statute, Ordinance, Regulation or Rule made under this Act, shall be published in the *Official Gazette*.

Statutes.

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

- (1) the constitution, powers and functions of the authorities and other bodies of the University, as may be constituted from time to time;
- (2) the election and continuance in office of the members of the said authorities, filling of vacancies of members, and all other matters relating to those authorities for which it may be necessary or desirable to provide;
- (3) the appointment, powers and duties of the officers of the University and their emoluments;
- (4) the appointment, of teachers of the University and other academic staff and their emoluments;
- (5) the appointment, of teachers and other academic staff working in any other University or institution for a specific period for undertaking a joint project;
- (6) the conditions of service of employees including provision for pension, insurance and provident fund, the manner of termination of service and disciplinary actions;
- (7) the principles governing seniority of service of employees;
- (8) the procedure for arbitration in case of disputes between employees or students and the University;
- (9) the procedure for appeal to the Majlis-i-Muntazimah (Executive Council) by any employee or student against the action of any officer or authority of the University;
- (10) the establishment and recognition of the students' union or association of teachers, academic staff or other employees;
- (11) the participation of students in the affairs of the University;
- (12) the conferment of honorary degrees, titles and other academic distinctions;
- (13) the withdrawal of degrees, diplomas, certificates and other academic distinctions;
- (14) the institution of fellowships, scholarships, studentships, medals and prizes;
- (15) the maintenance of discipline among students;

*The Aliah University Act, 2007.**(Chapter V.—Statutes, Ordinances, Regulations and Rules.—Section 44.)*

- (16) the establishment of and abolition of Faculties, Departments, Centres and Schools;
- (17) the delegation of powers vested in the authorities or officers of the University; and
- (18) all other matters which by this Act are to be or may be, prescribed by the Statutes.

How to make
Statutes.

44. (1) The first Statutes are those set out in the Schedule appended to this Act.
- (2) The Majlis-i-Muntazimah (Executive Council) may, from time to time, make new or additional Statutes referred to in sub-section (1):

Provided that the Majlis-i-Muntazimah (Executive Council) shall not make, amend, or repeal any Statute affecting the status, powers or constitution of any authority of the University until such authority has been given an opportunity of expressing an opinion in writing on the proposed changes, and opinion so expressed shall be considered by the Majlis-i-Muntazimah (Executive Council).

(3) The Majlis-i-Muntazimah (Executive Council) may of its own motion, and shall, when required by the Darbar-i-Aliah (Court), make a draft of any statute and submit the same to the Darbar-i-Aliah (Court). The draft so submitted shall be considered by the Darbar-i-Aliah (Court) 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 Darbar-i-Aliah (Court) before the expiry of the said period by a majority of the total number of its members existing at that time, be deemed to have been passed by the Darbar-i-Aliah (Court). If the Darbar-i-Aliah (Court) so rejects or amends the draft of any statute, it shall be sent back to the Majlis-i-Muntazimah (Executive Council) with views of the Darbar-i-Aliah (Court) for reconsideration. Thereupon, the Majlis-i-Muntazimah (Executive Council) shall reconsider the draft and resubmit it to the Darbar-i-Aliah (Court) with such changes, as it may deem necessary. On such resubmission of the draft, it shall again be considered by the Darbar-i-Aliah (Court) 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 Darbar-i-Aliah (Court) 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 Darbar-i-Aliah (Court) without any amendment as it may deem fit to make therein within the latter period and by the same majority as aforesaid.

(4) A Statute, passed in the manner provided in sub-section (3), shall be presented to the Amir-i-Jamia (Chancellor) for assent and shall come into force on being assented to by the Amir-i-Jamia (Chancellor).

(5) A Statute shall remain in force until repealed or amended by a new Statute similarly passed and assented to by the Amir-i-Jamia (Chancellor).

(6) Every new Statute or addition to the Statutes or any amendment or repeal of a Statute shall require the assent of the Amir-i-Jamia (Chancellor) who may assent or withhold assent or remit to the Majlis-i-Muntazimah (Executive Council) for reconsideration.

(7) A new Statute amending or repealing an existing statute shall have no validity unless it has been assented to by the Amir-i-Jamia (Chancellor).

(8) Notwithstanding anything contained in foregoing sub-section, the Amir-i-Jamia (Chancellor) may make new or additional Statutes or amend or repeal the Statutes referred to in sub-section (1) during the period of three years immediately after the commencement of this Act.

*The Aliah University Act, 2007.**(Chapter V.—Statutes, Ordinances, Regulations and Rules.—Sections 45, 46.)*

(9) Notwithstanding anything contained in the foregoing sub-sections, the Amir-i-Jamia (Chancellor) may direct the University to make provisions in the Statutes in respect of any matter specified by him/her and if the Majlis-i-Muntazimah (Executive Council) is unable to implement such a direction within sixty days of its receipt, the Amir-i-Jamia (Chancellor) may, after considering the reasons, if any, communicated by Majlis-i-Muntazimah (Executive Council) for its inability to comply with such direction, make or amend the Statutes suitably.

Ordinances.

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

- (a) the admission of the students to the University and their enrolment as such;
- (b) the courses of study to be laid down for all degrees, diplomas and certificates of the University;
- (c) the medium of instruction and examination;
- (d) the award of degrees, diplomas, certificates and other academic distinctions, the qualifications for the same and the means to be taken relating to the granting or obtaining of the same;
- (e) the fees to be charged for courses of study in the University and for admission to the examinations, degrees, diplomas and certificates of the University;
- (f) the conditions for the award of fellowships, scholarships, studentships, medals and prizes;
- (g) the conduct of examination, including the term of office and manner of appointment and the duties of the examining bodies, examiners and moderators;
- (h) the conditions of residence of the students of the University;
- (i) the special arrangements, if any, which may be made for the residence, discipline and teaching of women students and the prescribing of special courses of studies for them;
- (j) the appointment and emoluments of employees other than those for whom provision has been made in the Statutes;
- (k) the establishment of Centres of Studies, Boards of Studies, Interdisciplinary Studies, Special Centres, Specialized Laboratories and other Committees;
- (l) the manner of co-operation and collaboration with other universities and authorities including learned bodies or associations;
- (m) the creation, composition and functions of any other body, which is considered necessary for improving the academic life of the University;
- (n) such other terms and conditions of service of teachers and other academic staff as are not prescribed by the Statutes;
- (o) the management of institutions established by the University; and
- (p) all the matters, which by or under this Act or the Statutes are required to be or may be prescribed by the Ordinances.

How to make Ordinances.

46. (1) The Majlis-i-Muntazimah (Executive Council) shall take into consideration draft of Ordinances proposed to be passed, after notice thereof has been given to the

*The Aliah University Act, 2007.**(Chapter V.—Statutes, Ordinances, Regulations and Rules.—Sections 47-49.)*

members of the Majlis-i-Muntazimah (Executive Council) at least three weeks in advance of the date fixed for consideration of the same by the Majlis-i-Muntazimah (Executive Council). The Shaikh-ul-Jamia (Vice-Chancellor) may direct a shorter notice in a matter, which is in his/her opinion, is of an emergent nature.

(2) An Ordinance shall be deemed to be passed by the Majlis-i-Muntazimah (Executive Council) if it is agreed to by a majority of the total number of members of the Majlis-i-Muntazimah (Executive Council) existing at the time.

(3) An Ordinance passed by the Majlis-i-Muntazimah (Executive Council) in the manner provided hereinabove in this section shall be submitted to the Amir-i-Jamia (Chancellor) for assent and shall come into force on being assented to by the Amir-i-Jamia (Chancellor) and shall be reported to the Darbar-i-Aliah (Court) at its next meeting.

(4) The Amir-i-Jamia (Chancellor) may direct that the operation of any Ordinance shall be suspended until such time as the Darbar-i-Aliah (Court) has had an opportunity of considering the same.

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

Regulations.

47. The authorities of the University may make Regulations consistent with this Act, the Statutes and the Ordinances for the conduct of their own business, and that of the Committees by them and not provided for by this Act, the Statues or the Ordinances in the manner prescribed by the Statutes.

How to make Regulations.

48. (1) The Majlis-i-Muntazimah (Executive Council) 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 Majlis-i-Muntazimah (Executive Council) at least three weeks in advance of the date fixed for consideration of the same by the Majlis-i-Muntazimah (Executive Council) or the committee appointed by it. The Shaikh-ul-Jamia (Vice-Chancellor) may direct a shorter notice in a matter, which in his opinion is of an emergent nature.

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

(3) The Darbar-i-Aliah (Court) shall have 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 Darbar-i-Aliah (Court) under sub-section (3), remain in force until repealed or amended by a new Regulation similarly passed and brought into force.

Rules.

49. Subject to the provisions of this Act and the Statues, the Ordinances and Regulations, Rules may be made for the purpose of duly carrying out the provisions of, exercising the powers conferred by this Act or to provide for matters which, by the Statutes, the Ordinances or the Regulations, are required to be prescribed by Rules.

*The Aliah University Act, 2007.**(Chapter VI.—Funds of the University, Accounts, Audit and Inspection.—
Sections 50-53.)***CHAPTER VI****Funds of the University, Accounts, Audit and Inspection**

The University
Fund.

50. (1) 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, advances and from any other source whatsoever.

(2) The University may also create, by the Ordinances made in this behalf, separate special funds for the administration of endowment, trust or specific grant or grants for other special purposes.

Budget of the
University.

51. (1) The budget of the University showing the receipt and expenditure of the University on different accounts for a financial year shall be submitted to the State Government for approval at least four months before the beginning of such financial year in such form as may be specified by the State Government.

(2) The State Government shall, within fifteen days of commencement of the financial year to which the budget relates, communicate its approval or otherwise of the budget to the University:

Provided that the State Government shall, from time to time, release grants to the University to incur expenditure till the budget is approved.

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

Provident and
Pension Funds.

52. (1) The University shall constitute for the benefit of its employees such pension or provident fund or provide such insurance schemes as it may deem fit in such manner and subject to such conditions as may be prescribed by the Statutes.

(2) Where such provident fund has been so constituted, the State Government may declare that the provision of the Provident Funds Act, 1925, shall apply to such fund as it were Government Provident Fund. 19 of 1925.

Annual Accounts
and Audit.

53. (1) The Annual Statement of Accounts of the University shall, after examination by the Majlis-i-Muntazimah (Executive Council), be subjected to such audit as the State Government may direct.

(2) Such Annual Statement of Accounts shall, together with copies of the audit report thereon, be submitted to the Darbar-i-Aliah (Court) and to the State Government and shall thereupon be published by Darbar-i-Aliah (Court). The Darbar-i-Aliah (Court) shall consider the audited annual accounts at a meeting and may take such action thereon as it thinks fit.

(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.

(4) The State Government may require the University to supply to it any information in regard to the accounts and the budget and University shall comply with such requisition.

The Aliah University Act, 2007.

(Chapter V.—Statutes, Ordinances, Regulations and Rules.—Section 54.—
Chapter VII.—Miscellaneous and transitorily provision.—Section 55.)

Inspection.

- 54.** (1) The State Government shall have the right—
- (i) 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 equipments,
 - (b) of any branch or campus or institution maintained by or affiliated to the University, and
 - (c) into all affairs of the University and of such institution including examination and other work conducted or done by the University or such institution, and
 - (ii) to cause an enquiry to be made into the income, expenditure, properties, assets and liabilities of the University and of any institution maintained by or affiliated to the University.
- (2) The State Government shall, in every such case of inspection or enquiry, give previous notice to the University, and if the inspection or inquiry relates to such institution, both to the University and the institution, as the case may be, of its intention to cause such inspection or enquiry.
- (3) The State Government shall communicate to the Darbar-i-Aliah (Court) and the Majlis-i-Muntazimah (Executive Council) or to such institution, as the case may be, its views on the results of such inspection or enquiry and may, after considering the opinion of the Darbar-i-Aliah (Court) and Majlis-i-Muntazimah (Executive Council) or of such 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 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.
- (4) The State Government may, after considering the report referred to in sub-section (3), advise the University or such college or institution, as the case may be, to take such further action in the matter 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 VII**Miscellaneous and transitorily provision**

Transitional provisions.

- 55.** (1) The Amir-i-Jamia (Chancellor) shall, within three months from the date of publication of this Act in the *Official Gazette*, appoint, in consultation with the Minister, on such terms and conditions as he/she thinks fit, a person to be the Shaikh-ul-Jamia (Vice-Chancellor) and he shall be the first Shaikh-ul-Jamia (Vice-Chancellor) of the University and shall hold office for a period of four years. The first Shaikh-ul-Jamia (Vice-Chancellor) shall exercise all powers and perform all the duties of the Shaikh-ul-Jamia (Vice-Chancellor) under this Act.
- (2) The first Shaikh-ul-Jamia (Vice-Chancellor) shall, with the approval of the Amir-i-Jamia (Chancellor) and with assistance of a committee consisting of not less than nine members, nominated by the State Government, cause further Statutes, if necessary, the first Ordinances and the first Regulations of the University to be framed.

*The Aliah University Act, 2007.**(Chapter VII.—Miscellaneous and transitorily provision.—Section 55.)*

(3) The first Shaikh-ul-Jamia (Vice-Chancellor) shall, within one year from the date of his/her appointment or within such longer period, not exceeding two years from the date of his/her appointment, as the State Government may, by notification in the *Official Gazette*, direct, cause arrangements to be made for constituting the Darbar-i-Aliah (Court), the Majlis-i-Muntazimah (Executive Council), the Faculty Councils and Boards of Studies in accordance with the first Statutes, the first Ordinances and the first Regulations as framed, as if they had already come into force.

(4) If, for any reason,—

- (a) the constitution of the Darbar-i-Aliah (Court), the Majlis-i-Muntazimah (Executive Council) and other bodies referred to sub-section (3) cannot be completed within the period of office of the first Shaikh-ul-Jamia (Vice-Chancellor) appointed under sub-section (1), then, on the expiry of the such period, the Amir-i-Jamia (Chancellor) may, in consultation with the Minister, on such terms and conditions as he thinks fit, appoint the first Shaikh-ul-Jamia (Vice-Chancellor) whose period of office has expired or another person to be the Shaikh-ul-Jamia (Vice-Chancellor) for the purposes of this section for such period not exceeding three years as the Amir-i-Jamia (Chancellor) thinks fit, or
- (b) a vacancy occurs in first Shaikh-ul-Jamia (Vice-Chancellor) before the expiry of his/her office, then, the Amir-i-Jamia (Chancellor) may, in consultation with the Minister, on such terms and conditions as he thinks fit, appoint another person to be the Shaikh-ul-Jamia (Vice-Chancellor) for the purposes of this section for the unexpired portion of such period or such further period not exceeding three years as the Amir-i-Jamia (Chancellor) thinks fit, and references in this Act to the first Shaikh-ul-Jamia (Vice-Chancellor) shall be deemed to include references to the Shaikh-ul-Jamia (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 Darbar-i-Aliah (Court), the Majlis-i-Muntazimah (Executive Council), the Faculty Councils and the Boards of Studies shall commence to exercise their respective functions, and the first Ordinances and the first Regulations as framed under sub-section (2) shall come into force and be the first Ordinances and the first Regulations of the University.

(6) 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.

(7) The first Shaikh-ul-Jamia (Vice-Chancellor) may, subject to the approval of the State Government, appoint such administrative, clerical and other staff (including technical staff) as he deems necessary for giving effect to provisions of this section.

(8) On and from the appointed day, section 57 shall stand repealed and thereupon the Aliah University Council, referred to in sub-section (1) of the said section, and all bodies and committees constituted by the said Council, if any, shall stand dissolved.

(9) With effect from date of commencement of this Act —

- (a) the Calcutta Madrash College (Madrash Aliah), established, maintained or managed by, and affiliated to, any other Authority shall be deemed to be upgraded into a University under this Act;

*The Aliah University Act, 2007.**(Chapter VII.—Miscellaneous and transitorily provision.—Sections 56, 57.)*

- (b) all studies and examinations in relation to the said College refer to in clause (a), commenced and in progress before the commencement of this Act shall be deemed to be in progress as if they had been commenced by the University under this Act;
- (c) all things done or deemed to have been done, and all actions taken or deemed to have been taken and all appointments made in relation to the said College under any law in force for time being shall 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 the appointed day references to the Shaikh-ul-Jamia (Vice-Chancellor) under any such law shall be deemed to be references to the first Shaikh-ul-Jamia (Vice-Chancellor) under this Act.

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

Completion of courses of studies of Calcutta Madrasah College (Madrasah Aliah).

56. Notwithstanding anything contained in this Act, the Statutes, the Ordinances and the Regulations, any student of the Calcutta Madrasah College or of any other institutions affiliated to any other authority, who was studying for any examination shall upon upgradation of the said college into a University be permitted to complete his course in preparation thereof and the University shall hold, for such students, examinations in accordance with the curricula of study in force for such period as may be prescribed.

The Aliah University Council.

57. (1) With effect from such date as the State Government may, by notification in the *Official Gazette*, appoint, and until the appointed day, all the powers and functions of the University, the Darbar-i-Aliah (Court), the Majlis-i-Muntazimah (Executive Council), the Faculty Councils, the Boards of Studies, the Finance Committee and all other authorities to be constituted under this Act or the Statutes or the Ordinances shall, respectively, be exercised and performed by a Council to be known as the Aliah University Council.

- (2) The following shall be the members of the Council :

- (i) the Amir-i-Jamia (Chancellor);
- (ii) the Shaikh-ul-Jamia (Vice-Chancellor);
- (iii) the Secretary, Minorities Development and Welfare and Madrasah Education Department, Government of West Bengal or his nominee not below the rank of Deputy secretary to the Government of West Bengal;
- (iv) the Secretary, Higher Education Department, West Bengal;
- (v) the Secretary, Finance Department, Government of West Bengal or his nominee not below the rank of Deputy Secretary to the Government of West Bengal;
- (vi) the Vice-Chancellor, West Bengal University of Technology;
- (vii) the Vice-Chancellor, Calcutta University;
- (viii) the Vice-Chancellor, Jadavpur University;
- (ix) the Vice-Chancellor, National University of Juridical Science;
- (x) the Vice-Chancellor, West Bengal University of Health Sciences;
- (xi) the Chairman, West Bengal State Council of Higher Education;
- (xii) the Chairman, West Bengal Minorities' Commission;
- (xiii) the Chairman, West Bengal Urdu Academy or his nominee not below the rank of Vice Chairman;

*The Aliah University Act, 2007.**(Chapter VII.—Miscellaneous and transitorily provision.—Section 57.)*

- (xiv) the President, West Bengal Council of Higher Secondary Education;
- (xv) the President, West Bengal Board of Secondary Education;
- (xvi) the President, West Bengal Board of Madrasah Education;
- (xvii) the Director of Madrasah Education, Government of West Bengal or his nominee not below the rank of Deputy Director of Madrasah Education, Government of West Bengal;
- (xviii) not less than fifteen and not more than twenty persons nominated by the Amir-i-Jamia (Chancellor) in consultation with the Minister from amongst the persons interested in university education, Principal or Officer-in-Charge and teachers of Calcutta Madrasah College.

(3) The Musajjil (Registrar) of the University when appointed, shall act as the member- Secretary of the Council.

(4) The first Musajjil (Registrar), the first Finance Officer and such other officers of the University (including technical personnel) as may be required to be appointed from time to time shall be appointed by the Council on the recommendation of a committee consisting of the Shaikh-ul-Jamia (Vice-Chancellor) as Chairperson, a nominee of the Council, nominee of the Amir-i-Jamia (Chancellor) and a nominee of the State Government, and, subject to the supervision, direction and general control of the Shaikh-ul-Jamia (Vice-Chancellor), they shall exercise all the powers and perform all the duties conferred and imposed on them by or under this Act, or delegated to them by the Shaikh-ul-Jamia (Vice-Chancellor).

(5) The Council may, subject to the approval of the State Government, appoint such administrative, clerical and other staff (including technical staff) as it deems necessary for giving effect to the provisions of this section.

(6) The Council may, with the approval of the Amir-i-Jamia (Chancellor), delegate any of its powers and functions to such body or bodies as may be constituted by it to carry on the functions of the Darbar-i-Aliah (Court), Majlis-i-Muntazimah (Executive Council), the Faculty Councils, the Boards of Studies, the Finance Committee and all other authorities to be constituted under this Act or the Statutes or the Ordinances:

Provided that such delegation shall not prevent the exercise of any such power or discharge of any such function by the Council.

- (7) (a) (i) The Amir-i-Jamia (Chancellor) or, in his absence the Shaikh-ul-Jamia (Vice-Chancellor) shall preside at the meeting of the Council;
- (ii) one-third of the members of the Council shall be a quorum for a meeting of the Council.
- (b) One-third of the members of any body constituted by the Council shall be a quorum for a meeting of such body.

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

(9) The other provisions of this Act shall, if in conflict with the provisions of this section, stand modified to the extent provided in this section:

Provided that nothing in this sub-section shall affect the power of the Amir-i-Jamia (Chancellor) or the Shaikh-ul-Jamia (Vice-Chancellor) under this Act.

*The Aliah University Act, 2007.**(Chapter VII.—Miscellaneous and transitorily provision.—Section 58.)*

- (10) If a vacancy occurs in the office of the Shaikh-ul-Jamia (Vice-Chancellor) by reason of death, resignation or expiry of the term of his office or otherwise, the same shall be filled up by the Amir-i-Jamia (Chancellor) in consultation with the Minister;
- (11) Any vacancy in the Council occurring by reason of death, resignation or otherwise shall be filled by the Amir-i-Jamia (Chancellor) in consultation with the Minister and the Shaikh-ul-Jamia (Vice-Chancellor), in so far as such filling up is not inconsistent with the provisions of this section;
- (12) If, by reason of the other provisions of this Act, any difficulty arises in giving effect to the provisions of this sections, the Council shall refer such difficulty to the State Government which may make such order do such thing, not inconsistent with the provisions of this section, as appears to it to be necessary or expedient for removing the difficulty.

Delegation.

58. (1) The Shaikh-ul-Jamia (Vice-Chancellor) or, with approval of the Vice-Chancellor, the Naib Shaikh-ul-Jamia (Pro-Vice-Chancellor) or the Musajjil (Registrar) may, subject to the provisions of this Act, delegate such of his powers or duties conferred on or imposed by or under this Act as may be prescribed by Statutes to an officer of the University under his direct administrative control.

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

- (a) the Darbar-i-Aliah (Court) may delegate any of its powers or duties, conferred on or imposed by or under this Act, to—
- (i) the Shaikh-ul-Jamia (Vice-Chancellor), or
 - (ii) the Majlis-i-Muntazimah (Executive Council), or
 - (iii) a committee constituted from among its own members, or
 - (iv) a committee appointed in accordance with the Statutes;
- (b) the Majlis-i-Muntazimah (Executive Council) may delegate any of its powers or duties, conferred on or imposed by or under this Act, to—
- (i) the Shaikh-ul-Jamia (Vice-Chancellor), or
 - (ii) a committee constituted from among its own members, or
 - (iii) a committee constituted in accordance with the Statutes or the Ordinances, or
 - (iv) any of the Faculties, or
 - (v) the Finance Committee;
- (c) the Faculty Councils may delegate any of its powers or duties, conferred on or imposed by or under this Act, to—
- (i) the Shaikh-ul-Jamia (Vice-Chancellor), or
 - (ii) a committee constituted from among its own members, or
 - (iii) a committee constituted in accordance with the Regulations, or
 - (iv) any of the Boards of Studies;
- (d) the Finance Committee may delegate any of its powers or duties, conferred on or imposed by or under this Act, to—
- (i) the Shaikh-ul-Jamia (Vice-Chancellor), or
 - (ii) to a committee constituted from among its own members.

*The Aliah University Act, 2007.**(Chapter VII.—Miscellaneous and transitorily provision.—Sections 59-63.— The Schedule.)*

- Indemnity.** **59.** No suit, prosecution or other legal proceeding shall lie against any officer, teacher or other employee of the University for anything which is in good faith done or intended to be done by him under this Act or the Statutes or the Ordinances or the Regulations or the Rules made under this Act.
- Examinations.** **60.** (1) All arrangements for the conduct of the examinations shall be made, and all examiners shall be appointed by the Majlis-i-Muntazimah (Executive Council) on the recommendation of the Majlis-i-Talimi (Academic Council).
(2) The Majlis-i-Talimi (Academic Council) shall appoint Examination Committees consisting of members of its own body or of other persons or both as it thinks fit, to set and moderate question papers, hold examinations and prepare and publish the result of the examinations.
- Recognition of degrees.** **61.** The degrees, diplomas, certificates and other academic distinctions granted by the University, shall be recognized by the Government to the same extent and in the same manner as the corresponding degrees, diplomas, certificates and other University incorporated by an Act of the Parliament or the state Legislature.
- Review Commission.** **62.** (1) The Amir-i-Jamia (Chancellor) may constitute a Review Commission to review the working of the University and to make recommendations.
(2) The Review Commission shall consist of not less than three eminent educationists to be appointed by the Amir-i-Jamia (Chancellor) in consultation with the State Government.
(3) The terms and conditions of the members of the Review Commission shall be such as the Amir-i-Jamia (Chancellor) may determine in consultation with the State Government.
(4) The Review Commission shall, after holding such enquiry as it deem fit, make its recommendations to the Amir-i-Jamia (Chancellor).
(5) The Amir-i-Jamia (Chancellor) may take such action on the recommendations of the Review Commission as he deems fit.
- Removal of difficulties.** **63.** 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.

THE SCHEDULE*(See Section 44.)***The Statutes of the University****1. The Shaikh-ul-Jamia (Vice-Chancellor) :**

(1) **Appointment :** The Shaikh-ul-Jamia (Vice-Chancellor) shall be appointed by the Amir-i-Jamia (Chancellor) in consultation with the State Government from a panel of at least three persons recommended by a Committee consisting of three persons, two to be nominated by the Majlis-i-Muntazimah (Executive Council) one, who shall be the Chairman of the Committee to be nominated by the Amir-i-Jamia (Chancellor) in consultation with the State Government:

Provided that no member of above Committee shall be connected with the University :

Provided further that if the Amir-i-Jamia (Chancellor) does not approve of any of the persons so recommended, he may call for fresh recommendations.

(2) **Emoluments, terms and conditions :** The emoluments and terms and conditions of service of the Shaikh-ul-Jamia (Vice-Chancellor) shall be such as may be prescribed by the Ordinances.

*The Aliah University Act, 2007.**(The Schedule.)*

(3) **Whole-time Officer :** The Shaikh-ul-Jamia (Vice-Chancellor) shall be a whole-time salaried officer of the University.

(4) **Term :** The Shaikh-ul-Jamia (Vice-Chancellor) shall hold office for a period of 4 (four) years from the date on which he enters upon his office and shall be eligible for re-appointment for not more than another term.

(5) **Retirement :** Notwithstanding anything contained in clause (4), a person appointed as the Shaikh-ul-Jamia (Vice-Chancellor) shall, if he completes the age of sixty-five years during the term of his office, retire from office.

2. **The Naib Shaikh-ul-Jamia (Pro-Vice-Chancellor) :**

(1) **Appointment :** The Naib Shaikh-ul-Jamia (Pro-Vice-Chancellor) shall be appointed by the Majlis-i-Muntazimah (Executive Council) on the recommendation of the Shaikh-ul-Jamia (Vice-Chancellor) on such terms and conditions as may be laid down in the Ordinances :

Provided that where the recommendation of the Shaikh-ul-Jamia (Vice-Chancellor) is not accepted by the Majlis-i-Muntazimah (Executive Council), the matter shall be referred to the Amir-i-Jamia (Chancellor) who may either appoint the person recommended by the Shaikh-ul-Jamia (Vice-Chancellor) or recommend another person to the Majlis-i-Muntazimah (Executive Council) :

Provided further that the Majlis-i-Muntazimah (Executive Council) may, on the recommendation of the Shaikh-ul-Jamia (Vice-Chancellor) appoint a Professor to discharge the duties of the Naib Shaikh-ul-Jamia (Pro-Vice-Chancellor) in addition to his/her own duties of a Professor.

(2) **Term and Retirement :** The term of the office of the Naib Shaikh-ul-Jamia (Pro-Vice-Chancellor) shall be such as may be decided by the Majlis-i-Muntazimah (Executive Council), but it shall not in any case exceed four years or until expiration of the term of office of the Shaikh-ul-Jamia (Vice-Chancellor) whichever is earlier, and shall be eligible for re-appointment:

Provided that the Naib Shaikh-ul-Jamia (Pro-Vice-Chancellor) shall retire on attaining the age of sixty-five years:

Provided further that the Naib Shaikh-ul-Jamia (Pro-Vice-Chancellor) shall, while discharging the duties of the Shaikh-ul-Jamia (Vice-Chancellor) in absence of the Shaikh-ul-Jamia (Vice-Chancellor), continue in office notwithstanding the expiration of the term of office until a new Shaikh-ul-Jamia (Vice-Chancellor), or the Shaikh-ul-Jamia (Vice-Chancellor), as the case may be, assumes office.

(3) **Emoluments, terms and conditions :** The emoluments and other terms and conditions of service of the Naib Shaikh-ul-Jamia (Pro-Vice-Chancellor) shall be such as may be prescribed by the Ordinances.

(4) **Delegated power :** The Naib Shaikh-ul-Jamia (Pro-Vice-Chancellor) shall assist the Shaikh-ul-Jamia (Vice-Chancellor) in respect of such matters as may be specified by Shaikh-ul-Jamia (Vice-Chancellor) from time to time in this behalf and shall also exercise such powers and perform such duties as may be assigned or delegated to him by the Shaikh-ul-Jamia (Vice-Chancellor).

3. **The Musajjil (Registrar) :**

(1) **Appointment :** The Musajjil (Registrar) shall be appointed on the recommendation of the Selection Committee constituted for the purpose under Statute 18.

(2) **Emoluments, terms and conditions :** The emoluments and other terms and conditions of service of the Musajjil (Registrar) shall be such as may be prescribed by the Ordinances.

*The Aliah University Act, 2007.**(The Schedule.)*

(3) **Retirement :** The Musajjil (Registrar) shall retire on attaining the age of sixty years.

(4) **Disciplinary power :** (i) The Musajjil (Registrar) shall have the power to take disciplinary action against such of the employees of the University, excluding teacher and academic staff, as may be specified in the orders of the Majlis-i-Muntazimah (Executive Council) and to suspend them pending enquiry, to administer warnings to them or to impose on them the penalty of censure or the withholding of increment:

Provided that no such penalty shall be imposed unless the person concerned has been given a reasonable opportunity of showing cause against the action proposed to be taken in regard to him/her.

(ii) An appeal shall lie to the Shaikh-ul-Jamia (Vice-Chancellor) against any order of the Musajjil (Registrar) imposing any of the penalties specified in sub-clause (i).

(iii) In case where the inquiry discloses that a punishment beyond the power of the Musajjil (Registrar) is called for, the Musajjil (Registrar) shall, upon conclusion of the inquiry make a report to the Shaikh-ul-Jamia (Vice-Chancellor) along with his/her recommendation :

Provided that an appeal shall lie to the Majlis-i-Muntazimah (Executive Council) against the order of the Shaikh-ul-Jamia (Vice-Chancellor) imposing any penalty.

(5) **Secretary :** The Musajjil (Registrar) shall be the *ex officio* Member-Secretary of the Majlis-i-Muntazimah (Executive Council), the Majlis-i-Talimi (Academic Council) and the Faculties, but shall not be deemed to be member of any of these authorities. He/She shall be the *ex-officio* Member-Secretary of the Darbar-i-Aliah (Court).

(6) It shall be the duty of the Musajjil (Registrar) —

- (a) to be the custodian of the records, the common seal and such other property of the University as the Majlis-i-Muntazimah (Executive Council), shall commit to his charge;
- (b) to issue all notices convening meetings of the Darbar-i-Aliah (Court), the Majlis-i-Muntazimah (Executive Council), the Majlis-i-Talimi (Academic Council) and Faculties, the Boards of Studies, the Boards of Examiners and of any committee appointed by the authorities of the University;
- (c) to keep minutes of all the meetings of the Darbar-i-Aliah (Court), the Majlis-i-Muntazimah (Executive Council), the Majlis-i-Talimi (Academic Council), Faculties, any of the Committee appointed by the authorities of the University;
- (d) to conduct the official correspondence of the Darbar-i-Aliah (Court), the Majlis-i-Muntazimah (Executive Council) and the Majlis-i-Talimi (Academic Council);
- (e) to arrange for and superintend the examinations of the University in accordance with the manner prescribed by the Ordinances;
- (f) to supply the Amir-i-Jamia (Chancellor), copies of the agenda of the meetings of the authorities of the University as soon as they are issued and minutes of such meetings;
- (g) to represent the University in suits or proceedings for or against the University, sign powers of attorney and verify pleadings or depute his/her representative for the purpose; and

*The Aliah University Act, 2007.**(The Schedule.)*

- (h) to perform such other duties as may be specified in these Statutes, or prescribed by the Ordinances or the Regulations or as may be required, from time to time, by the Majlis-i-Muntazimah (Executive Council) or the Shaikh-ul-Jamia (Vice-Chancellor).

4. The Finance Officer :

(1) **Appointment :** The Finance Officer shall be appointed on the recommendation of the Selection Committee constituted for the purpose under Statute 18 on such terms and conditions as may be prescribed by the Ordinances.

(2) **Secretary :** The Finance Officer shall be the *ex-officio* Secretary of the Majlis-i-Maliyat (Finance Committee), but shall not be deemed to be a member of such Committee.

(3) **Advisory role :** The Finance Officer shall advise the University as regards its financial policy and perform such other financial functions as may be assigned to him by the Majlis-i-Muntazimah (Executive Council) or as is prescribed under these Statutes or may be prescribed by the Ordinance.

(4) **Duties :** Subject to the control of the Majlis-i-Muntazimah (Executive Council), the Finance Officer shall :—

- (i) hold and manage the property and investments including trust and endowed property;
- (ii) ensure the limits fixed by the Majlis-i-Muntazimah (Executive Council) for recurring and non-recurring expenditure for a year, are not exceeded and that all moneys are expended on the purposes for which they were granted or allotted;
- (iii) be responsible for the preparation of annual accounts and the budget of the University for the next financial year and for their presentation to the Majlis-i-Muntazimah (Executive Council);
- (iv) keep a constant watch on the state of the cash and bank balances and on the state of investment;
- (v) watch the progress of the collection of revenue and advise on methods of collection employed;
- (vi) have the accounts of the University regularly audited by an internal audit party;
- (vii) ensure the registers of buildings, land, furniture and equipments are maintained up-to-date and the stock checking is conducted, of equipments and other consumable materials in all offices, Centres, Institutions maintained by the University;
- (viii) call for explanation for unauthorized expenditure and for other financial irregularities and suggest disciplinary action against persons at fault; and
- (ix) call for from any office, Institution, Centre, Department or School, under the University, any information or return that he may consider necessary for the performance of his/her duties.

(5) **Receiving authority :** The receipt issued by the Finance Officer or by the person or persons duly authorized in this behalf by the Majlis-i-Muntazimah (Executive Council) for any money payable to the University shall be sufficient discharge for payment of such money.

*The Aliah University Act, 2007.**(The Schedule.)***5. The Controller of Examinations :**

(1) **Appointment :** The Controller of Examinations shall be appointed on the recommendation of a Selection Committee constituted for the purpose.

(2) **Emoluments, Terms and Conditions :** The emoluments and other terms and conditions of service of the Controller of Examinations shall be such as may be prescribed by the Ordinances:

Provided that the term of the Controller of Examinations shall not be continued beyond the date of his attaining the age of sixty years.

(3) **Vacancy Substitute :** When the office of the Controller of Examinations is vacant or when the Controller of Examinations is, by reason of illness, absence or any other cause, unable to perform the duties of his office, the duties of the office shall be performed by such person as the Shaikh-ul-Jamia (Vice-Chancellor) may appoint for the purpose.

(4) **Functions and Duties :** The Controller of Examinations shall-

- (a) issue under the direction of the Shaikh-ul-Jamia (Vice-Chancellor) all notices convening meetings of the Committee of Examinations, the Board of Examiners, the Board of Moderators, and of the Committees appointed by the authorities of the University in connection with the examinations, and maintain and keep the minutes of all such meetings;
- (b) control the conduct of all University examinations and all other arrangements necessary therefore and the execution of all processes connected therewith;
- (c) be the custodian of the records pertaining to his duties and responsibilities under these Statutes;
- (d) call from any office or institution under the University any information or returns that he may consider necessary for the performance of his duties and to discharge his/her responsibilities;
- (e) call for explanation from any subordinate employee who may be at fault, in respect of any matter pertaining to his/her responsibilities and suggest disciplinary action against the persons at fault.

(5) **Miscellaneous duties :** Notwithstanding anything to the contrary contained in these Statutes, the Ordinances and the Regulations, perform such other duties, administrative or academic, as may be required/prescribed, from time to time, by the Majlis-i-Muntazimah (Executive Council) or the Shaikh-ul-Jamia (Vice-Chancellor).

6. The Deans of the Faculties :

- (i) Each Dean of Faculty shall be appointed by the Shaikh-ul-Jamia (Vice-Chancellor) from amongst the Professors in the Faculty for a period of three years by rotation :

Provided that if at any time there is no Professor in the Faculty, the Shaikh-ul-Jamia (Vice Chancellor) may appoint a Reader as Dean from amongst the Readers.

However, if a Professor is appointed in the Faculty during the period of the Reader as Dean, his/her tenure will cease from the date of appointment of a Professor who shall then be the Dean.

- (ii) A Dean on attaining the age of 60 years shall cease to hold office as such.
- (iii) A Dean may resign his office any time during his tenure, and a Professor may decline the offer of appointment as a Dean of a Faculty.

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- (iv) When the office of the Dean is vacant or when the Dean is, by reason of illness, absence or any other cause, unable to perform duties of his/her office, the duty of the office shall be performed by such person as the Shaikh-ul-Jamia (Vice Chancellor) may appoint for the purpose.
- (v) The Dean shall be the Head of the Faculty and shall be responsible for the conduct and maintenance of the standards of teaching and research in the Faculty. He shall have such other functions as may be prescribed by the Ordinances.
- (vi) The Dean shall have the right to be present and to speak at any meeting of the Board of Studies or Committee of the Faculty, as the case may be, but not the right to vote thereat unless he is a member thereof.

7. Heads of Departments :

- (i) Each Department shall have a Head of the Department who shall be a Professor or Reader and whose duties and functions, terms and conditions of appointment shall be prescribed by the Ordinances:

Provided that if there are more than one Professor in the Department, the Head of the Department shall be appointed in accordance with the provision made in respect thereof by the Ordinances:

Provided further that if there is no Professor or Reader in a Department, Dean of the Faculty concerned shall act as a Head of the Department.

- (ii) It shall be open to a Professor or a Reader to decline the offer of appointment as the Head of the Department.
- (iii) A person appointed as Head of the Department shall hold office as such for a period of three years and shall be eligible for re-appointment.
- (iv) The Head of the Department may resign his/her office at any time during his tenure of office.

8. Dean of Students' Welfare :

- (i) Every Dean of Students' Welfare shall be appointed from amongst the teachers of the University, not below the rank of a Reader by the Majlis-i-Muntazimah (Executive Council) on the recommendation of the Shaikh-ul-Jamia (Vice-Chancellor).
- (ii) Every Dean appointed under Clause (i) shall be a whole time officer and shall hold office for a term of three years and shall be eligible for re-appointment:

Provided that the Majlis-i-Muntazimah (Executive Council) may if it is considered necessary, appoint on the recommendation of the Shaikh-ul-Jamia (Vice-Chancellor), a teacher, not below the rank of a Reader to discharge duty of the Dean of Students' Welfare in addition to his duties and in such a case the Majlis-i-Muntazimah (Executive Council) may sanction a suitable allowance to be paid to him.

- (iii) A person who is appointed as the Dean of a Students' Welfare shall continue to hold his/her lien on his substantive post and shall be eligible to all the benefits that would have otherwise accrued to him but for his appointment as a Dean of Students' Welfare.
- (iv) When the office of the Dean of a Students' Welfare is vacant or when the Dean of Students' Welfare is, by reason of illness or absence or any other cause, unable to perform the duties of his office, the duty of the office shall be performed by such person as the Shaikh-ul-Jamia (Vice Chancellor) may appoint for the purpose.
- (v) The duties and powers of Dean of Students' Welfare shall be prescribed by the Ordinances.

*The Aliah University Act, 2007.**(The Schedule.)***9. Librarian :**

- (i) The Librarian shall be a whole time officer of the University and shall be appointed by the Majlis-i-Muntazimah (Executive Council) on the recommendation of the Selection Committee constituted for the purpose under the Statutes.
- (ii) The Librarian shall exercise such powers and perform such duties as may be assigned to him/her by the Majlis-i-Muntazimah (Executive Council).

10. The Majlis-i-Talimi (Academic Council):

- (1) **Constitution :** The Majlis-i-Talimi (Academic Council) shall consist of the following members, namely :—

- (i) the Shaikh-ul-Jamia (Vice-Chancellor);
- (ii) the Naib Shaikh-ul-Jamia (Pro-Vice-Chancellor);
- (iii) the Deans of Faculties;
- (iv) the Musajjil (Registrar);
- (v) the Dean of Students' Welfare;
- (vi) the Heads of the Departments;
- (vii) the Librarian;
- (viii) two Professors other than the Heads of Departments, according to be nominated by the Shaikh-ul-Jamia (Vice-Chancellor);
- (ix) two teachers of the University at least one of whom should be a Reader, by rotation according to seniority, to be appointed by the Shaikh-ul-Jamia (Vice-Chancellor);
- (x) two teachers from each Faculty elected by all the teachers of the Faculty concerned for a period of three years:

Provided that no teacher shall be eligible for election to the Council for more than two terms during his/her entire tenure of service in the University;

- (xi) three persons not in the service of the University, nominated by the Shaikh-ul-Jamia (Vice Chancellor) for their special knowledge.
- (2) **Term :** All members of the Majlis-i-Talimi (Academic Council), other than *ex officio* members, shall hold office for a period of four years:

Provided that a member co-opted in his capacity as a member of a particular board or committee or as the holder of a particular post shall hold office so long as he continues to be a member of that Board or Committee or the holder of the post.

- (3) **Quorum :** One-third of the Majlis-i-Talimi (Academic Council) shall form the quorum.

11. Powers of the Majlis-i-Talimi (Academic Council):

Subject to this Act, these Statutes and the Ordinances, the Majlis-i-Talimi (Academic Council) shall, in addition to all other powers vested in it, have the following powers, namely :—

- (i) to exercise general supervision over the academic policies of the University and to give directions regarding methods of instruction, co-operative teaching among Departments and Institutions, evaluation of research or improvement in academic standards;
- (ii) to bring about inter-faculty co-ordination, to establish, appoint Committees or Boards, for taking up projects on an inter-faculty basis;

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- (iii) to consider matters of general academic interest either at its own initiative or referred to by Faculty, or the Majlis-i-Muntazimah (Executive Council), and to take appropriate action thereon; and
- (iv) to frame such regulations, rules consistent with these Statutes and Ordinances regarding the academic functioning of the University, discipline, residence, admissions, award of fellowship and studentship, fee concessions, corporate life and attendance.

12. The Planning Board:**(1) Constitution :**

The Planning Board shall consist of the following:—

- (i) the Shaikh-ul-Jamia (Vice-Chancellor)—Chairman;
- (ii) the Naib Shaikh-ul-Jamia (Pro-Vice-Chancellor);
- (iii) two Deans Faculties who are members of the Majlis-i-Muntazimah (Executive Council) ;
- (iv) one nominee of the University Grants Commission;
- (v) five eminent educationists having special knowledge of university planning to be appointed by the Majlis-i-Muntazimah (Executive Council);
- (vi) the Finance Officer; and
- (vii) the Musajjil (Registrar)—Secretary.

(2) Term :

The term of the members of the Planning Board, excluding *ex officio* members, shall be four years and they shall be eligible for re-appointment.

(3) Quorum :

The presence of six members shall form the quorum of the meeting of the Planning Board.

(4) Meeting :

The Planning Board shall meet at least twice a year.

(5) Powers and Functions :

The Planning Board shall—

- (i) be responsible for overall perspective planning and development of the University in consonance with its objective;
- (ii) determine the area of excellence of the University and identify the thrust areas for research;
- (iii) examine, rationalize and coordinate the proposals of development received from various Faculties and Departments to be submitted to the Majlis-i-Muntazimah (Executive Council) and Majlis-i-Talimi (Academic Council) for their consideration and approval;
- (iv) suggest to Faculties, Departments of Studies and other departments the areas of their development during a given Five year plan period;
- (v) shall monitor the implementation of the approved plan of the University;
- (vi) submit to the Majlis-i-Muntazimah and Majlis-i-Talimi Plan, proposals for such disciplines and courses of studies for which no nucleus exists in the University;
- (vii) propose to the Majlis-i-Talimi (Academic Council) and the Faculty measures regarding the restructuring of courses and introduction of inter-disciplinary interaction amongst the Departments of Studies;

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- (viii) perform such other functions and exercise such other powers as may be assigned or delegated to it by the Majlis-i-Muntazimah (Executive Council) from time to time.

(6) Resolution of difference :

In case of difference of opinion between the Planning Board and the Majlis-i-Talimi in regard to the academic planning, the matter shall be referred to the Majlis-i-Muntazimah (Executive Council) whose decision thereon shall be final.

(7) Planning Cell :

The Planning Board under its overall supervision shall establish a Planning Cell to achieve its objectives and shall appoint as many Committees as it deems necessary for the purpose:

Provided that two third members of these Committees shall be University teachers.

13. Constitution of Faculties:

- (1) **Constitution :** Each Faculty shall consist of the following members, namely:-

- (i) the Dean of the Faculty, Chairperson;
- (ii) all Professors in the Faculty;
- (iii) all Heads of Departments assigned to the Faculty who are not Professors;
- (iv) one Reader from each Department by rotation according to seniority;
- (v) two lecturers from each Department (one above ten years of service and one below ten years) by rotation according to seniority;
- (vi) four persons nominated by the Majlis-i-Talimi (Academic Council) from other Faculties of the University; and
- (vii) five persons, not in the service of the University to be co-opted by the Faculty for specialized knowledge of any subject assigned to the Faculty, provided that not more than one person may be co-opted in respect of a subject assigned to a single Department.

- (2) **Term :** All members of a Faculty, other than the *ex officio* members, shall hold office for a term of three years.

- (3) **Conduct and Quorum :** The conduct of the meeting of a Faculty and the quorum required for each Faculty shall be prescribed by the Ordinances.

14. Powers and Functions of the Faculties :

In addition to the powers and functions of the Faculties prescribed under the Ordinances, they shall have power :—

- (i) to co-ordinate teaching and research activities of the Department assigned to the Faculty, and to promote and provide for inter disciplinary teaching and research and to arrange for examination and periodical tests in subject falling within the purview of the Faculty;
- (ii) to appoint Boards of Studies or Committees or to undertake research projects common to more than one Department;
- (iii) to approve courses of study proposed by the Departments;
- (iv) to forward to the Majlis-i-Muntazimah (Executive Council) the recommendations of the Boards of Studies or Committee for Advance Studies and Research;
- (v) to propose the draft of Ordinances for examination for courses conducted by the Faculty;

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- (vi) to recommend proposals for the creation and abolition of teaching posts; and
- (vii) to perform such other functions as the Majlis-i-Muntazimah (Executive Council) and Majlis-i-Talimi (Academic Council) may prescribe.

15. Departments :

- (1) Each Faculty shall have such Departments, as may be assigned to it by the Ordinances.
- (2) No Departments shall be established or abolished except by these Statutes.
- (3) Each Department shall consist of the following members, namely :-
 - (i) teachers of the Department;
 - (ii) persons conducting research in the Department;
 - (iii) Dean of the Faculty or Deans of the Faculties;
 - (iv) Honorary Professors, if any, attached to Department; and
 - (v) such other persons as may be members of the Department in accordance with the provisions of the Ordinance.
- (4) Each Department shall have a Head of the Department who shall be appointed in accordance with these Statutes and shall perform such functions as may be prescribed by the Ordinances.

16. Board of Studies :

- (1) **Constitution :** Each Department shall have a Board of Studies which shall consist of :-
 - (i) the head of the Department, who shall be the Chairperson;
 - (ii) the Dean of the Faculty concerned;
 - (iii) all members of the Department;
 - (iv) two persons teaching allied or cognate subject in the University to be nominated by the Majlis-i-Talimi (Academic Council); and
 - (v) two experts not in the service of the University to be co-opted by the Board of Studies.
- (2) **Term:** The appointment of members specified in items (iv) and (v) of sub-clause (1) shall be for a period of three years.
- (3) **Functions :** The functions of the Board of Studies shall be :-
 - (a) To recommend to the Faculty in the manner prescribed by the Ordinances;
 - (b) Course of studies;
 - (c) Appointment of examiners for under-graduate and post-graduate courses, but excluding research degrees;
 - (d) Creation, abolition or upgrading of teaching posts;
 - (e) Field of Study of each post at the time of creation;
 - (f) Measure for improvement of standard of teaching and research;
 - (g) Subjects for research for various degrees and other requirements of research work; and
 - (h) Appointment of supervisors for research work:—
 - (i) To allocate teaching work;
 - (ii) To consider matters of general and academic interest to the Department and of its functioning;
 - (iii) To perform such other functions as may be assigned to it by the Faculty;

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Provided that a Department, for reasons of its size or otherwise shall, in the interest of efficient discharge of its functions, constitute Committees and assign them responsibilities in specified areas as may be prescribed by the Ordinances.

17. The Majlis-i-Maliyat (Finance Committee):

(1) **Constitution :** The Majlis-i-Maliyat (Finance Committee) shall consist of the following members, namely :—

- (i) the Shaikh-ul-Jamia (Vice-Chancellor);
- (ii) the Naib Shaikh-ul-Jamia (Pro Vice-Chancellor);
- (iii) two Deans of the Faculties to be nominated by the Majlis-i-Muntazimah (Executive Council);
- (iv) the Musajjil (Registrar);
- (v) two persons to be nominated by the Majlis-i-Muntazimah (Executive Council) from amongst its members other than those in the service of the University;
- (vi) three persons to be nominated by the Amir-i-Jamia (Chancellor) in consultation with the Minister.

(2) **Secretary :** The Finance Officer shall be Secretary of the Committee but shall not be the member of the Committee.

(3) **Meeting :** The Majlis-i-Maliyat (Finance Committee) shall meet at least twice a year to examine the account and to scrutinize proposals for expenditure.

(4) **Term :** All the members other than the *ex officio* members shall hold office for a term of four years.

(5) **Quorum :** Five members of the Majlis-i-Maliyat (Finance Committee) shall form the quorum.

(6) **Budget :** The Annual Accounts and the financial estimates of the University prepared by the Finance Officer shall be laid before the Majlis-i-Maliyat (Finance Committee) for consideration and comments, and thereafter submitted to the Majlis-i-Muntazimah (Executive Council) for approval.

(7) **Approval of Budget :** The Majlis-i-Maliyat (Finance Committee) shall fix limits for total recurring expenditure and the total non-recurring expenditure for the year, based on the income and resources of the University (which, in case of productive works may include the proceeds of loans) and expenditure shall not be incurred by the University in excess of the limits so fixed.

(8) **Limitation :** No expenditure other than provided for in the budget shall be incurred by the University without approval of the Majlis-i-Maliyat (Finance Committee).

18. Selection Committee:

(1) There shall be Selection Committees for making recommendation to the Majlis-i-Muntazimah (Executive Council) for appointment to the posts of Professors, Readers, Lecturers, Librarian, Registrar, Finance Officer and Principals of Institutions maintained by the University:

Provided that where the appointment of teacher is to be made in an Institution, the principal of that Institution shall also be an *ex officio* member of the Selection Committee constituted for such appointment.

(2) The Selection Committee for appointment to the posts specified in column (1) of the Table below shall consist of the Shaikh-ul-Jamia (Vice-Chancellor), Naib Shaikh-ul-Jamia (Pro-Vice-Chancellor), Musajjil (Registrar), a nominee of the Amir-i-Jamia (Chancellor) and the persons specified in the corresponding entry in column (2) of the said Table:

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(1)		(2)
Professors	(i)	The Head of the Department concerned, if he is a Professor.
	(ii)	One Professor to be nominated by the Shaikh-ul-Jamia (Vice-Chancellor).
	(iii)	Three persons not in the service of the University, nominated by the Majlis-i-Muntazimah (Executive Council) out of a panel of names recommended by the Majlis-i-Talimi (Academic Council) for their special knowledge of, or interest in, the subject with which the Professor will be concerned.
Reader/Lecturer	(i)	The Head of the department concerned.
	(ii)	One professor to be nominated by the Shaikh-ul-Jamia (Vice-Chancellor).
	(iii)	Two persons not in the service of the University nominated by the Majlis-i-Muntajimah (Executive Council) out of names recommended by the Majlis-i-Talimi (Academic Council), for their special knowledge of, or interest in, the subject with which the reader or lecturer will be concerned.
Musajjil (Registrar) Finance Officer	(i)	Two members of the Majlis-i-Muntazimah (Executive Council) nominated by it.
	(ii)	One person not connected with the University nominated by the Majlis-i-Muntazimah (Executive Council).
Librarian		Two persons not in the service of the University, who have special knowledge of the subject of Library Science, Library Administration to be nominated by the Majlis-i-Muntajimah (Executive Council).
Director/ Principal of a Centre/an Instit ution maintained by the Univer- sity		Three persons not in the service of the University of whom two shall be nominated by the Majlis-i-Muntazimah (Executive Council) and one by the Majlis-i-Talimi (Academic Council) for their special knowledge of, or interest in, by the University a subject in which instruction is being provided by the institution.
Other Teacher	(i)	The Dean, Faculty of Education;
	(ii)	The Head of the school concerned;
	(iii)	One person, who is not engaged in teaching of the University and not member of the Majlis-i-Muntazimah or the Majlis-i-Talimi, be nominated by the Shaikh-ul-Jamia out of a panel of four persons for their experience of Madrasah Education.
Library Staff		The Majlis-i-Muntazimah (Executive Council) will appoint a permanent Selection Committee for the appointment of Library Staff other than Librarian (from time to time).
Administrative Staff		The Majlis-i-Muntazimah (Executive Council) will appoint a permanent Selection Committee for appointment of Administrative Staff (from time to time).

The Shaikh-ul-Jamia (Vice Chancellor) or in his/her absence, the Naib Shaikh-ul-Jamia (Pro-Vice-Chancellor) shall preside at the meetings of the Selection Committee.

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(3) The meetings of the Selection Committee shall be convened by the Shaikh-ul-Jamia (Vice-Chancellor) or in his/her absence by the Naib Shaikh-ul-Jamia (Pro-Vice-Chancellor).

(4) The procedure to be followed by the Selection Committee in making recommendation shall be laid down in the Ordinances.

(5) If the Majlis-i-Muntazimah (Executive Council) is unable to accept the recommendations made by the Committee it shall record its reasons and submit the case to the Amir-i-Jamia (Chancellor) for final orders.

(6) Appointments to temporary posts shall be made in the manner indicated below:—

- (i) If the temporary vacancy is for a duration longer than one academic session, it shall be filled on the advice of the Selection Committee in accordance with the procedure laid down in the foregoing clauses;
- (ii) If the vacancy is for a period less than one academic session, an appointment to such vacancy shall be made on the recommendation of a local Selection Committee consisting of the Dean of the Faculty, Head of the Department and a nominee of the Shaikh-ul-Jamia (Vice-Chancellor):

Provided that if the same person holds the offices of the Dean and Head of Department, the Selection Committee shall have two nominees of the Shaikh-ul-Jamia (Vice-Chancellor):

Provided further that in case of sudden casual vacancies of teaching posts caused by death or any reason, the Dean, may, in consultation with the Head of the Department concerned, make a temporary appointment for a month and report to the Shaikh-ul-Jamia (Vice-Chancellor) and the Musajjil (Registrar) about such appointment.

- (iii) No teacher appointed temporary shall, if he/she is not recommended by a regular Selection Committee for appointment under these Statutes, be continued in service on such temporary employment, or given a fresh appointment unless he is subsequently selected by a Local Selection Committee or a regular Selection Committee, for a temporary or permanent appointment, as the case may be.

(7) Notwithstanding anything contained in the foregoing clauses, the Majlis-i-Muntazimah (Executive Council) may invite a person of high academic distinction and professional attainment to accept a post of Professor in the University, on such terms and conditions as it deems fit, and on the person agreeing to do so, appoint him/her to the post.

(8) The Majlis-i-Muntazimah (Executive Council) of the University may appoint a teacher or any of the academic staff working in any other University or institution for undertaking a joint project in accordance with the manner prescribed in the Ordinances.

Note:—

1. Where the appointment is being made for an inter-disciplinary project, the Head of the project shall be deemed to be the Head of the Department concerned.
2. The Professor to be nominated shall be a Professor concerned with the speciality for which the selection is being made and that the Shaikh-ul-Jamia (Vice-Chancellor) shall consult the Head of the Department and the Dean of the Faculty before nominating the Professor.

(9) The Majlis-i-Muntazimah (Executive Council) may appoint a person selected in accordance with the procedure laid down in the foregoing clauses for a fixed tenure on such terms and conditions as it deems fit.

*The Aliah University Act, 2007.**(The Schedule.)***19. Committee:**

Any authority of the University may appoint as many Standing or Special Committees as it may deem fit, consisting of members of the authority making such appointment and of such other persons (if any) as that authority in each case may think fit; and any such Committee may deal with any subject assigned to it subject to subsequent confirmation of the authority appointing it.

20. Terms and conditions of Service of University Teachers:

All the teachers of the University, shall, in the absence of any agreement of the contract, be governed by the terms and conditions of service as specified in the Statutes, the Ordinances and the Regulations. Every teacher of the University shall be appointed on a written contract, the form of which shall be prescribed by the Ordinances and a copy of the contract shall be deposited with the Musajjil (Registrar).

21. Seniority:

(1) Whenever, in accordance with these Statutes, any person is to hold an office or be a member of any authority of the University by rotation according to seniority, such seniority as between two persons shall be determined according to the length of continuous service of such rank or grade, and in accordance with such other principals as the Majlis-i-Muntazimah (Executive Council) may, from time to time, determine.

(2) It shall be the duty of the Musajjil (Registrar) to prepare and maintain in respect of each class of persons to whom the provision of these Statutes apply, a complete and up-to-date seniority list in accordance with the provisions of the foregoing clause.

(3) If two or more persons have equal length of continuous service in a particular grade or the relative seniority of any person or persons is otherwise in doubt, the Musajjil (Registrar) may, on his own motions, and shall, at the request of any such person, submit the matter to the Majlis-i-Muntazimah (Executive Council) whose decision thereon shall be final.

22. Resignation:

(1) Any member other than the *ex officio* member of the Darbar-i-Aliah (Court), the Majlis-i-Muntazimah (Executive Council), the Majlis-i-Talimi (Academic Council) or any other University authority may resign his/her membership by letter addressed to the Musajjil (Registrar).

(2) An officer of the University (whether salaried or otherwise), may resign his/her office by letter addressed to the Musajjil (Registrar):

Provided that such resignation take effect only on the date from which the same is accepted by the authority competent to appoint such officer.

23. Removal of Teachers:

(1) Where there is an allegation of misconduct against a teacher, the Shaikh-ul-Jamia (Vice-Chancellor) may, after an enquiry, by order in writing, place the teacher under suspension and shall forthwith report to the Majlis-i-Muntazimah (Executive Council) the circumstances in which the order was made:

Provided that the Majlis-i-Muntazimah (Executive Council) may, if it is of the opinion, that the circumstances of the case do not warrant the suspension of the teacher, revoke that order.

(2) Notwithstanding anything contained in the terms of his contract of service or of his appointment, the Majlis-i-Muntazimah (Executive Council) shall be entitled to remove a teacher after an enquiry on the ground of misconduct.

*The Aliah University Act, 2007.**(The Schedule.)*

(3) Save as aforesaid, the Majlis-i-Muntazimah (Executive Council) shall not be entitled to remove a teacher except for good cause and after giving three months' notice in writing or payment of three months' salary in lieu of notice.

(4) No teacher shall be removed under clause (2) or under clause (3) until he has been given a reasonable opportunity of showing cause against the action proposed to be taken in regard to him.

(5) The removal of a teacher shall require a two-thirds majority of the members of the Majlis-i-Muntazimah (Executive Council) present and voting.

(6) The removal of a teacher shall effect from the date on which the order of removal is made:

Provided that where a teacher is under suspension at the time of his removal, the removal shall take effect on the date on which he was placed under suspension.

(7) Notwithstanding anything contained in these Statutes, the employees of the University, being a teacher shall be entitled to resign:

(i) in case of the permanent teacher only after giving three months' notice in writing to the appointing authority or paying to the University three months' salary in lieu thereof.

(ii) in any other case, only after giving one month's notice in writing to the appointing authority or paying to the University one month's salary in lieu thereof.

24. Removal of employees other than teachers:

(1) Notwithstanding anything contained in the terms of his conduct of service or of his appointment, an employee of the University, other than a teacher, may be removed by the authority which is competent to appoint the employee -

(a) if he is of unsound mind or is a deaf - mute or suffers from contagious leprosy;

(b) if he is an undischarged insolvent;

(c) if he has been convicted by a court of law of an offence involving moral turpitude and sentenced in respect thereof to imprisonment for not less than six months ;

(d) if he is otherwise guilty of misconduct :

Provided that no officer of the University shall be removed from office unless a resolution to that effect is passed by the Majlis-i-Muntazimah (Executive Council) by a majority of two-thirds of its members present and voting.

(2) No such employee shall be removed under clause (1) until he/she has been given a reasonable opportunity of showing cause against the action proposed to be taken in regard to him/her.

(3) Where the removal of such employee is for a reason other than that specified in sub-clause (c) or sub-clause (d) of clause (1), he/she shall be given three months' notice in writing or paid three months' salary in lieu of notice.

*The Aliah University Act, 2007.**(The Schedule.)*

- (4) Notwithstanding anything contained in the Statutes, an employee of the University, not being a teacher, shall be entitled to resign—
- (i) in the case of the permanent employee, only after giving three months' notice in writing to the appointing authority or paying to the University three months' salary in lieu thereof;
 - (ii) in any other case, only after giving one month's notice in writing to the appointing authority or paying to the University one month's salary in lieu thereof.

25. Honorary Degrees:

The Majlis-i-Muntazimah (Executive Council) may, on the recommendation of the Majlis-i-Talimi (Academic Council) and by a resolution passed by a majority of not less than two-thirds of the members present and voting, make proposal to the Amir-i-Jamia (Chancellor) for conferment of the honorary degrees:

Provided that in case of emergency, the Majlis-i-Muntazimah (Executive Council) may, on its own, make such proposals.

The Majlis-i-Muntazimah (Executive Council) may, by a resolution passed by a majority of not less than two-thirds of the members present and voting, withdraw, with the previous sanction of the Vice-Chancellor, any honorary degree conferred by the University.

26. Withdrawal of Degrees, etc:

The Majlis-i-Muntazimah (Executive Council) may, by a special resolution passed by a majority of not less than two-thirds of the members present and voting, withdraw any degree or academic distinction conferred on, or any certificate or diploma granted to, any person by the University for good and sufficient cause:

Provided that no such resolution shall be passed until a notice in writing has been given to that person calling upon him/her to show cause within such time as may be specified in the notice why such a resolution should not be passed and until his/her objections, if any, and any evidence he/she may produce in support, have been considered by the Majlis-i-Muntazimah (Executive Council).

27. Maintenance of discipline among students of the University:

(1) All powers relating to discipline and disciplinary action in relation to students shall vest in the Shaikh-ul-Jamia (Vice-Chancellor).

(2) The Shaikh-ul-Jamia (Vice-Chancellor) may delegate all or such of his/her powers as he/she deems proper to any officer as he/she may specify in this behalf.

(3) Without prejudice to the generality of his/her powers relating to the maintenance of discipline and taking such action in the interest of maintaining discipline as may seem to him/her appropriate, the Shaikh-ul-Jamia (Vice-Chancellor) may, in the exercise of his/her powers, by order, direct that any student or students be expelled or rusticated, for a specified period, or be not admitted to a course or courses of study in Department or an Institution of the University for a stated period, or be punished with fine for an amount to be specified in the order, or be debarred from taking an examination or examinations conducted by the University or a Department or an Institution for one or more years, or that the results of the student or students concerned in the examination or examinations in which he/she or they have appeared be cancelled.

*The Aliah University Act, 2007.**(The Schedule.)*

(4) The Director of the Centre, the Deans of the Faculties, the Heads of the Departments and the Heads of the Institution, if any, shall have the authority to exercise all such disciplinary powers over the students in their respective Centres, Faculties, Departments and Institutions as may be necessary for the proper conduct of and teaching in such Centres, Faculties, Departments and Institutions.

(5) Without prejudice to the powers of the Shaikh-ul-Jamia (Vice-Chancellor), the detailed rules of discipline and proper conduct shall be framed by the University. The Directors of the Centres, the Deans of Faculties, the Heads of the Departments and the Heads of the Institutions may frame such supplementary rules, as they may deem necessary for the aforesaid purposes.

(6) At the time of admission, every student shall be required to sign a declaration to the effect that he/she submits himself/herself to the disciplinary jurisdiction of the Shaikh-ul-Jamia (Vice-Chancellor) and other authorities of the University.

28. Convocation :

The Convocations of the University for the conferring of degrees or for other purposes shall be held in such manner as may be prescribed by the Ordinances.

29. Acting Chairperson of Meetings :

Where no provision is made for a President or Chairperson to preside over a meeting of an authority of the University or any Committee of such authority or when the President or Chairperson so provided for is absent, the members present shall elect one from among themselves to preside at such meeting.

30. Delegation of powers :

Subject to the provisions of the Act and the Statutes, any officer or authority of the University may delegate his/her powers to any officer or authority or person under his/her or its respective control and subject to the condition that overall responsibility for the exercise of the powers so delegated shall continue to vest in the officer or authority delegating such powers.

31. Residence condition for membership and office :

Notwithstanding anything contained in the Act and these Statutes, no person who is not ordinary resident in India, shall be eligible to be an officer to the University or a member of any authority of the University.

32. Alumni (Old students') Association :

- (a) There shall be an Alumni (Old Students') Association for the University.
- (b) No person shall be a member of the Association unless —
 - (i) He has paid such subscription, satisfies such conditions as may be prescribed by the Ordinances; and
 - (ii) He is a graduate of the University.

By order of the Governor,

ANINDYA BHATTACHARYYA,
Secy.-in-charge to the Govt. of West Bengal,
Law Department.