

West Bengal Act XXV of 1981¹

THE NORTH BENGAL UNIVERSITY ACT, 1981.

AMENDED

West Ben. Act XX of 1983.
West Ben. Act XXVIII of 1984.
West Ben. Act VIII of 1985.
West Ben. Act XX of 1986.
West Ben. Act VIII of 1988.
West Ben. Act XI of 1989.
West Ben. Act III of 1991.
West Ben. Act VIII of 1993.
West Ben. Act IX of 1996.
West Ben. Act XVII of 1997.

[16th September, 1981.]

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

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

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

CHAPTER I Preliminary

1. (1) This Act may be called the North Bengal University Act, 1981.

Short title
and
commence-
ment.

(2) This section and section 57 shall come into force at once; and the remaining provisions of this Act shall come into force on such date or dates as the State Government may, by notification in the *Official Gazette* appoint, and different dates may be appointed for different provisions of this Act.

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

Definitions.

(1) "affiliated" in relation to a college or an institution means affiliated to the University of North Bengal as constituted prior to the appointed day and continuing as such immediately before such day or affiliated to the University under this Act;

¹For Statement of Objects and Reasons, see the *Calcutta Gazette, Extraordinary*, Part IV of the 29th August, 1980, page 2642; for report of the Select Committee, see the report of that Committee published in the *Calcutta Gazette, Extraordinary*, Part IV of the 10th June, 1981, pages 1431-1480; for proceedings of meeting of the West Bengal Legislative Assembly, see the proceedings of meeting of that Assembly held on the 15th April, 1981.

(Chapter I.—Preliminary.—Section 2.)

- (2) "appointed day" means the date referred to in sub-section (5) of section 57;
- (3) "constituent college" means an affiliated college in which instruction is provided, under prescribed conditions, for honours as well as for post-graduate courses of study, and which is declared as such by the University:
 Provided that, if in any professional subject no honours courses of study have been prescribed, a professional college may be a constituent college although no instruction is provided in that college for honours courses of study in that subject;
- (4) "convocation" means a meeting of the Court for the purpose of conferring degrees, titles, diplomas, certificates or other academic distinctions;
- (5) "district" means any of the districts of Darjeeling, Jalpaiguri, Cooch Behar, Malda, West Dinajpur or any district which may be created in future out of any part or parts of one or more of the aforementioned districts;
- (6) "employee" in relation to the University means any person employed by the University;
- (7) "financial year" means the year ending on the 31st day of March;
- (8) "Government College" means a college maintained and managed by the State Government;
- (9) "Governor" means the Governor of the State of West Bengal;
- (10) "Hall" or "Hostel" means a unit of residence of students recognized by the University;
- ¹(11) "Librarian" means,—
 - (a) in relation to the University, a Librarian, Deputy Librarian, Assistant Librarian or any other person discharging the functions of a Librarian on whole-time basis, by whatever name called, appointed or recognized as such by the University, and
 - (b) in relation to a college affiliated to the University, a Librarian, Deputy Librarian, Assistant Librarian or any other person discharging the functions of a Librarian on whole-time basis, by whatever name called, appointed or recognized by the University or appointed by such college;
- (12) "Minister" means the Minister-in-charge of Higher Education appointed as such by the Governor;

¹Clause (11) was substituted for original clause by s. 2 of the North Bengal University (Amendment) Act, 1983 (West Ben. Act XX of 1983).

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- (13) "non-teaching staff" means,—
- (a) in relation to the University, the non-teaching staff, not holding any teaching post (including part-time teaching post), appointed or recognized as such by the University, and
 - (b) in relation to an affiliated college, the non-teaching staff, not holding any teaching post (including part-time teaching post), appointed or recognized by the University or appointed by such college,
- but does not include an Officer or a Librarian;
- (14) "prescribed" means prescribed by Statutes, Ordinances, Regulations or Rules made under this Act;
- (15) "Principal" means the head of a college or of an institution by whatever name called;
- (16) "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;
- (17) "professional subject" means any of the following subjects, namely, Law, Medicine, [Dentistry,] Engineering, Teachers Training, Physical Education, Technology, Journalism, Management Studies, Agriculture or such other subject as may be prescribed by Regulations;
- (18) "registered graduate" means a graduate registered under this Act, at least three months prior to the date of election of members to the Court on application in the prescribed form and on payment of a fee of one rupee;
- Provided that no person shall be eligible to be registered under this Act unless he has graduated himself from the University at least three years prior to the date of election of members to the Court;
- (19) "Statutes", "Ordinances", "Regulations" and "Rules" mean, respectively, the Statutes, Ordinances, Regulations and Rules of the University made under this Act;
- (20) "Students' Union" means,—
- (a) in relation to the University, the Students' Union constituted in the manner prescribed, and
 - (b) in relation to an undergraduate college, the Students' Union constituted in the manner prescribed;

¹The word within the square brackets were inserted by s. 2 of the North Bengal University (Amendment) Act, 1993 (West Ben. Act VIII of 1993).

(Chapter II.—The University and its officers.—Section 3.)

- ¹(21) "Teacher" means a Principal, Professor, Assistant Professor, Reader, Lecturer, Demonstrator, Tutor, Instructor 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 research in the University or appointed by an affiliated college or institution;
- (22) "Teacher of the University" means a Professor, Reader, 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 research in the University;
- (23) "the University" means the University of North Bengal as constituted under this Act;
- (24) "University Laboratory", "University Library", "University Museum" or "University Institution" means a laboratory, a library, a museum or an institution, as the case may be, maintained and managed by the University, whether established by it or not;
- (25) "University Professor", "University Reader" or "University Lecturer" means a Professor, Reader or Lecturer appointed or recognised as such by the University.

CHAPTER II

The University and its officers

The
University.

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

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

¹Clause (21) was first substituted for original clause by s. 6(a) of the West Bengal University Laws (Amendment) Act, 1986 (West Ben. Act XX of 1986). Thereafter, the clause was resubstituted by s. 6(a) of the West Bengal University Laws (Amendment) Act, 1988 (West Ben. Act VIII of 1988), w.e.f. 13.8.85.

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

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

Powers of
the
University.

- (1) to provide for instruction and training in such branches of learning as it may think fit and to make provisions for research and for the advancement and dissemination of knowledge;
- (2) to establish, maintain or manage colleges, libraries, museums and such other institutions or centres as it may consider fit;
- (3) to recognize any college as a constituent college or a professional college and to withdraw such recognition;
- (4) to affiliate to itself any college, institution or centre and to withdraw such affiliation;
- '(5) to prescribe for affiliated colleges, other than Government Colleges,—
 - (a) the constitution, powers and functions of their Governing Bodies, and
 - (b) with the approval of the State Government,—
 - (i) the terms and conditions of service of Teachers, Librarians and non-teaching staff, and
 - (ii) rules for provident fund;
- (6) to prescribe for colleges the rules for Teachers' Councils;
- (7) to provide for the inspection, or investigation into the affairs, of colleges or institutions or centres recognized by it or affiliated to it and to exercise general supervision and control over them;
- (8) to take over for a period of twelve months the management of any affiliated, constituent or professional college or institution or centre other than a Government College or institution in order to ensure that proper standard of teaching, training or instruction is maintained therein:

Provided that the University may, if it considers necessary so to do, extend such period so, however, that the aggregate period shall not exceed eighteen months;
- (9) to dissolve the Governing Body of any affiliated, constituent or professional college or institution other than a Government College and, pending reconstitution of the Governing

¹Clause (5) was substituted for original clause by s. 6(b) of the West Bengal University Laws (Amendment) Act, 1988 (West Ben. Act VIII of 1988) w.e.f. 13.8.1985

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

Body thereof in such manner as may be prescribed, to appoint an Administrator or an ad hoc Governing Body:

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

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

- (10) to institute degrees, titles, diplomas, certificates and other academic distinctions;
- (11) to hold examinations and to confer degrees, titles, diplomas, certificates and other academic distinctions on persons who—
 - (a) shall have pursued an approved course of study in the University or in an affiliated, constituent or professional college or a University Laboratory or University Library unless exempted therefrom in the manner prescribed, and shall have passed the prescribed examinations of the University, or
 - (b) shall have carried on research under conditions prescribed;
- (12) to withdraw or cancel degrees, titles, diplomas, certificates or other academic distinctions under such conditions as may be prescribed by Statutes and after giving the persons affected a reasonable opportunity to present his case;
- (13) to confer honorary degrees and other academic distinctions under conditions prescribed;
- (14) to institute and make appointment to Professorship, Readership, Lectureship and other posts required by the University for the purpose of imparting instruction or conducting research in the University;
- (15) to create posts, as and when required, of officers and employees of the University besides those provided for in this Act and to appoint persons to such posts;
- (16) to institute fellowships, travelling fellowships, scholarships, studentships, stipends, bursaries, exhibitions, medals and prizes to be awarded out of the University Fund;
- (17) to prescribe, subject to the provisions of this Act, the constitution, powers and duties of the Boards of Studies, Finance Committee and other bodies;

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- (18) to prescribe the powers and duties of officers of the University;
- (19) 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;
- (20) to make provisions for provident fund and other funds for the employees of the University;
- (21) to establish, maintain and manage hostels and other places of residence for the students, Teachers, Officers and other employees of the University;
- (22) to recognize hostels and other places of residence and withdraw recognition thereof;
- (23) to prescribe, demand and receive fees, fines and other charges;
- (24) to provide for the supervision and control of residence and discipline of students of the University and to make arrangements for promotion of their health and general welfare;
- (25) to conduct, co-ordinate, regulate and control post-graduate research work and teaching in the University, the constituent and affiliated colleges and the institutions recognized by the University;
- (26) to make grants to the National Cadet Corps and the National Social Service from the University Fund;
- (27) to enter into an agreement with the State Government or with the approval of the State Government with any other Government or with any person, body or authority for the taking over by the University of the management of any college or institution, including its assets and liabilities, or for any other purpose not repugnant to the provisions of this Act;
- (28) to acquire, hold and dispose of property, movable and immovable, and to make grants and advances for furthering any of its objects;
- (29) to accept and administer gifts, endowments and benefactions, for the furtherance of any of its objects for the University or on behalf of any institution established by, affiliated to, or recognized by, the University;
- (30) to institute awards, fellowships, travelling fellowships, scholarships, studentships, stipends, bursaries, exhibitions, medals and prizes;

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(Chapter II.—The University and its officers.—Sections 5-7.)

- (31) to accept grants from the Central or any State Government or the University Grants Commission, and, with the approval of the State Government, also from other sources, to raise loans, or to accept loans from the Central or the State Government or the University Grants Commission and from other sources:

Provided that raising of loans and acceptance of loans from other sources shall require the approval of the State Government;

- (32) to co-operate with other universities, institutions and educational authorities in matters that relate to and further the educational objectives of the University;
- (33) generally to do all such acts and things as may be necessary or desirable for, or incidental to, the advancement of the objects or purposes of the University.

Jurisdiction
of the
University.

5. (1) Save as otherwise provided in this Act, the powers of the University conferred by or under this Act shall extend to the whole of each of the districts referred to in clause (5) of section 2.

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

(3) Notwithstanding anything contained in sub-section (1), any college or institution situated beyond the limits of any district referred to in clause (5) of section 2 may, with the sanction of the State Government, apply to the University for affiliation and the University may, subject to such conditions and restrictions as it may with the approval of the State Government think fit to impose, affiliate to itself such college or institution and admit the same to all the privileges of the University.

Delegation
of powers to
subordinate
authorities.

6. The University may delegate such of its powers as it may deem expedient to any of the authorities constituted under section 16 or to any of its officers, and, may at any time withdraw, at its discretion, any power so delegated.

Officers of
the
University.

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

- (i) the Vice-Chancellor,
- (ii) the Registrar,
- (iii) the Finance Officer, and
- (iv) such other persons in the service of the University as the University may declare to be officers of the University.

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(Chapter II.—The University and its officers.—Sections 8, 9.)

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

The
Chancellor.

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

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

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

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

The Vice-
Chancellor.

(2) (a) The Vice-Chancellor shall hold office for a term of four years or till he attains the age of 65 years, whichever is earlier, and shall be eligible for re-appointment for another term of four years or till he attains the age of 65 years, whichever is earlier.

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

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

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

(5) If—

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

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

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

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

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

Powers and
duties of the
Vice-
Chancellor.

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

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

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

(4) The Vice-Chancellor shall have the power to exercise general control and supervision over all other officers of the University and over all Teachers and employees of the University and generally over all the affairs of the University.

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

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

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

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(Chapter II.—The University and its officers.—Sections 11-14.)

(7) The Vice-Chancellor may, with the approval of the Executive Council, at any time delegate any of his powers other than the powers referred to in sub-section (6) to any other officer subordinate to him.

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

The
Registrar.

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

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

12. Subject to the supervision, direction and general control of the Vice-Chancellor, the Registrar shall act as the Secretary of the Court as also of the Executive Council and shall exercise such powers and perform such 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.

Powers and
duties of the
Registrar.

13. (1) The Finance Officer shall be a whole-time officer of the University. He shall be appointed by the Executive Council on the recommendation of a committee consisting of the Vice-Chancellor as Chairman, a nominee of the Chancellor, two nominees of the Executive Council and a nominee of the State Government.

The Finance
Officer.

(2) The Finance Officer may resign his office by writing under his hand addressed to the 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 Vice-Chancellor with the approval of the Executive Council may appoint a person temporarily for a total period not exceeding six months to exercise the powers and perform the duties of the Finance Officer.

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

Powers and
duties of the
Finance
Officer.

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

(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.

Supervisory
powers of
the Registrar
and the
Finance
Officer.

15. In their respective spheres of duties, the 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 departments under their charge and shall exercise such disciplinary power as may be conferred on them by or under this Act or by Statutes or Ordinances.

CHAPTER III

Authorities of the University

Authorities.

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

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

The Court.

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

- (a) *ex officio members*
 - (i) the Chancellor;
 - (ii) the Vice-Chancellor;
 - (iii) the immediately preceding Vice-Chancellor;
 - (iv) the Deans of the Faculty Councils for post-graduate studies;
 - (v) the Secretary, Education Department, Government of West Bengal '[or his nominee not below the rank of Deputy Secretary to the Government of West Bengal];
 - (vi) the Secretary, Finance Department, Government of West Bengal or his nominee not below the rank of Deputy Secretary to the Government of West Bengal;

¹The words within the square brackets were inserted by s. 6(b) of the West Bengal University Laws (Amendment) Act, 1986 (West Ben. Act XX of 1986).

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(Chapter III.—Authorities of the University.—Section 17.)

- (vii) the President, West Bengal Council of Higher Secondary Education;
- (viii) the President, West Bengal Board of Secondary Education;
- (ix) the Principal, Darjeeling Government College;
- (x) the Principal, North Bengal Medical College;
- ¹(xa) the Principal, North Bengal Dental College;
- (xi) the Principal, Jalpaiguri Government Engineering College;
- (b) *elected members*
 - (xii) four Professors of the University Departments elected by such Professors from amongst themselves of whom at least one shall belong to any Department under each Faculty Council for post-graduate studies ²[in Arts, Commerce, Law and Science];
 - (xiii) eleven Teachers of the University Departments other than Professors elected by such Teachers from amongst themselves of whom at least four shall belong to the Departments under each Faculty Council for post-graduate studies ³[in Arts, Commerce, Law and Science];
 - (xiv) ten Teachers, other than Principals, elected by the Teachers of affiliated colleges (other than teachers' training, engineering and medical colleges) from amongst themselves of whom at least one shall be a woman;
 - (xv) one Teacher elected by the Teachers of Teachers' Training Colleges from amongst themselves;
 - (xvi) two Teachers elected by the Teachers of Engineering College from amongst themselves of whom one shall be a Professor and one shall be a Teacher other than a Professor;
 - (xvii) two Teachers elected by the Teachers of Medical College from amongst themselves of whom one shall be a Professor and one shall be a Teacher other than a Professor;

¹Clause (xa) was inserted by s. 3(a) of the North Bengal University (Amendment) Act, 1993 (West Ben. Act VIII of 1993).

²Words within the square brackets were inserted by s. 3(b)(i), *ibid.*

³Words within the square brackets were inserted by s. 3(b)(ii), *ibid.*

(Chapter III.—Authorities of the University.—Section 17.)

- ¹(xvija) two Teachers elected by the Teachers of Dental College from amongst themselves of whom one shall be a Professor and one shall be a Teacher other than a Professor;
- (xviii) three Principals of affiliated colleges (other than Medical ²[, Dental] and Engineering colleges), of whom one shall be a Principal of a Teachers' Training College, elected by the Principals of all affiliated colleges;
- (xix) three persons elected by the registered graduates from amongst themselves;
- (xx) three members of the West Bengal Legislative Assembly from the Assembly constituencies within the territorial jurisdiction of the University elected from amongst themselves by the members of the West Bengal Legislative Assembly of whom one shall belong to the subdivision of Kurseong or Kalimpong or Sadar sub-division of the district of Darjeeling;
- (xxi) three regular post-graduate students of the University of whom one shall be a lady student, elected by such students from amongst 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 under any Faculty Council for post-graduate studies and who is not in default of payment of prescribed tuition fees and other dues of the University till such date as may be notified by the University in this behalf.

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

- (xxii) ³[two regular students of undergraduate or post-graduate degree classes of affiliated colleges, of whom one shall be a student of a Government College, elected jointly by such undergraduate and post-graduate students from amongst themselves].

¹Clause (xvija) was inserted by s. 3(b)(iii) of the North Bengal University (Amendment) Act, 1993 (West Ben. Act VIII of 1993).

²The word within the square brackets was inserted by s. 3(b)(iv). *ibid.*

³The words within the square brackets were substituted for the words beginning with "two regular students" and ending with "from amongst themselves;" by s. 3 of the North Bengal University (Amendment) Act, 1983 (West Ben. Act XX of 1983).

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(Chapter III.—Authorities of the University.—Section 17.)

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

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 student, whichever is earlier:

- (xxiii) one Research Scholar or Research Fellow of the University 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 a 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;

- (xxiv) one member to be elected by the Librarians of the University and the colleges affiliated to the University from amongst themselves;
- (xxv) three members elected by the members of the non-teaching staff of the University from amongst themselves;
- (xxvi) two members elected by the members of the non-teaching staff of colleges affiliated to the University from amongst themselves;
- (xxvii) one member elected by the officers of the University from amongst themselves;
- (c) *nominated members*
 - (xxviii) four persons nominated by the State Government of whom—
 - (a) one shall be a member of a registered trade union within the territorial jurisdiction of the University,
 - (b) one shall be a member of a peasants' organisation within the territorial jurisdiction of the University,

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

- (c) one shall be a member of a primary school teachers' association within the territorial jurisdiction of the University, and
 - (d) one shall be a member of a secondary school teachers' association within the territorial jurisdiction of the University;
 - ¹(xxix) one person nominated by the State Government from amongst the members of the Darjeeling Gorkha Hill Council constituted under the Darjeeling Gorkha Hill Council Act, 1988;
 - (xxx) three persons nominated by the Chancellor to secure the representation of the professions;
 - (xxxi) one person nominated by the Government of Sikkim.
- (2) All elections to the Court shall be held in the manner prescribed by Statutes.

West Ben.
Act XIII of
1988.Powers and
functions of
the Court.

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

- (i) to establish University Departments, institutions, centres, libraries, laboratories and museums for study and research;
- (ii) to create and institute, with the approval of the State Government, Professorships, Readerships, Lectureships and such posts including posts of officers as may be necessary for the establishment of the University Departments, institution, centres, libraries, laboratories and museums referred to in clause (i);
- (iii) to institute degrees, titles, diplomas, certificates and other academic distinctions;
- (iv) to institute fellowships, travelling fellowships, scholarships, studentships, stipends, bursaries, exhibitions, medals and prizes to be awarded out of the University Fund;
- (v) 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;

¹Clause (xxix) was substituted for original clause by s. 2 of the North Bengal University (Amendment) Act, 1991 (West Ben. Act III of 1991).

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- (vi) 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;
- (vii) to confer honorary degrees or other academic distinctions;
- (viii) to consider the Annual Statement of Accounts and the Annual Financial Estimates approved by the Executive Council and to pass such resolutions relating thereto as may be considered necessary;

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

- (ix) to consider the Annual Report as prepared by the Executive Council and to pass such resolutions relating thereto as may be considered necessary;
- (x) to consider and advise on such other reports from the Executive Council or any other body as may be made to it;
- (xi) to consider, and advise on, proposals from the Executive Council for entering into agreement with the Government or, with the approval of the State Government, with any persons body or authority for the taking over by the University of the management of any college or institution, including its assets and liabilities, or for any other purpose not repugnant to the provisions of this Act;
- (xii) to consider, and advise on, proposals from the Executive Council for co-operation with other universities, institutions and educational authorities in matters that relate to or further the educational objectives of the University;
- (xiii) to consider and suggest measures for the improvement of the administration and finances of the University, and generally for the furtherance of its objectives;
- (xiv) to make rules for the transaction of its own business;
- (xv) to exercise all other powers and perform all other functions conferred and imposed on the Court by or under this Act.

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

(Chapter III.—Authorities of the University.—Sections 19, 20.)

(3) The Court shall have the power to review the action of the Executive Council, save where the 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 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 Chancellor whose decision shall be final.

Meetings of
the Court.

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

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

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

The
Executive
Council.

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

(a) *ex officio members*

- (i) the Vice-Chancellor;
- (ii) the Deans of the Faculty Councils for post-graduate studies;
- (iii) the Secretary, Education Department, Government of West Bengal ¹[or his nominee not below the rank of Deputy Secretary to the Government of West Bengal];
- (iv) the Secretary, Finance Department, Government of West Bengal or his nominee not below the rank of Deputy Secretary to the Government of West Bengal;
- (v) the President, West Bengal Council of Higher Secondary Education;
- (vi) the Principal, Darjeeling Government College;
- (vii) the Principal, Jalpaiguri Government Engineering College;

¹The words within the square brackets were inserted by s. 6(v) of the West Bengal University Laws (Amendment) Act, 1986 (West Ben. Act XX of 1986).

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(viii) the Principal, North Bengal Medical College:

¹(viiiia) the Principal, North Bengal Dental College:

(b) *elected members*

(ix) two Professors elected jointly by the Professors of the Faculty Councils for post-graduate studies ²[in Arts, Commerce, Law and Science] from amongst themselves of whom not more than one shall belong to the same Faculty Council;

(x) two post-graduate Teachers, other than Professors elected jointly by the Teachers (other than Professors) of the Faculty Councils for post-graduate studies ³[in Arts, Commerce, Law and Science] from amongst themselves of whom not more than one shall belong to the same Faculty Council;

(xi) (a) one Professor of the University elected by such Professors of the University as are members of the Court from amongst themselves,

(b) one post-graduate Teacher of the University other than a Professor elected by such Teachers as are members of the Court from amongst themselves,

(c) one Teacher of an undergraduate college elected by such Teachers of undergraduate colleges as are members of the Court from amongst themselves;

(xii) one person, other than a Teacher or a student or a member of the non-teaching staff or an officer, elected by such persons as are members of the Court (other than Teachers, students, members of the non-teaching staff or officers) from amongst themselves—

⁴(a) one non-teaching staff of the University elected jointly by such non-teaching staff of the University and the affiliated colleges as are members of the Court from amongst themselves,

¹Clause (viiiia) was inserted by s. 4(a) of the North Bengal University (Amendment) Act, 1993 (West Ben. Act VIII of 1993).

²The words within the square brackets were inserted by s. 4(b)(i), *ibid.*

³The words within the square brackets were inserted by s. 4(b)(ii), *ibid.*

⁴Sub-clauses (a) and (b) were substituted for original sub-clauses by s. 4 of the North Bengal University (Amendment) Act, 1983 (West Ben. Act XX of 1983).

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- ¹(b) one post-graduate student elected jointly by such post-graduate students of the University and students of the affiliated colleges as are members of the Court from amongst themselves,
- (c) one member of the West Bengal Legislative Assembly elected by such members of the West Bengal Legislative Assembly as are members of the Court from amongst themselves;
- (xiv) the member elected under clause (xxvii) of subsection (1) of section 17;
- (xv) four persons elected by the members of the Councils for undergraduate studies from amongst themselves of whom—
 - (a) two shall be Teachers other than Principals, from the Council for Undergraduate Studies in Arts, Science, Commerce and Law,
 - (b) one shall be a Teacher, other than a Principal, from the Council for Undergraduate Studies in Engineering and Technology, and
 - (c) one shall be a Teacher, other than a Principal, from the Council for Undergraduate Studies in Medicine ²[and Dentistry];
- (xvi) one Principal elected by such Principals of colleges imparting instruction in Arts, Science, Commerce and Law as are members of the Council for Undergraduate Studies in Arts, Science, Commerce and Law from amongst themselves;
- (c) *nominated member*
 - (xvii) one person nominated by the Chancellor.
- (2) All elections to the Executive Council shall be held in the manner prescribed by Statutes.
- (3) One-third of the total number of members of the Executive Council *plus* one shall be a quorum for a meeting of the Executive Council.

¹See foot-note 4 on page 221, *ante*.

²The words within the square brackets were inserted by s. 4(b)(iii) of the North Bengal University (Amendment) Act, 1993 (West Ben. Act VIII of 1993).

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21. Subject to the provisions of this Act, the Executive Council shall exercise the following powers and perform the following functions:—

Powers and
function of
the
Executive
Council.

- (i) to initiate proposals for the making of Statutes and Ordinances including proposals for amendment or repeal thereof, in the manner hereinafter provided;
- (ii) to recommend to the Court, after consulting the respective Faculty Councils for post-graduate studies, the establishment of University Departments, institutions, centres, libraries, laboratories and museums for study and research;
- (iii) to maintain University Departments, University institutions, University libraries, University laboratories and University museums;
- (iv) to establish, maintain, manage and recognize Halls and Hostels;
- (v) to direct the inspection of University libraries, University laboratories, University museums, Halls and Hostels;
- (vi) to recommend to the Court, after consulting the respective Faculty Councils for post-graduate studies the institution of fellowships, travelling fellowships, scholarships, studentships, stipends, bursaries, exhibitions, medals and prizes, the expenses of which shall be met from the University Fund, and to award the same after institution thereof by the Court;
- (vii) to recommend to the Court, after consulting the respective Faculty Councils for post-graduate studies, the creation and institution of Professorships, Readerships, Lectureships and such posts as may be necessary for the establishment of the University departments, institutions, centres, libraries, laboratories and museums referred to in clause (i) of sub-section (1) of section 18;
- (viii) to create, with the approval of the State Government, posts of officers, Teachers and other employees of the University or to recommend to the Court for creation of posts of officers and Teachers of the University;
- (ix) to prescribe the minimum qualifications for post of officers, Teachers and other employees of the University;
- (x) to appoint Teachers, officers and employees of the University and to fix their emoluments and define their duties and other terms and conditions of service in accordance with the Statutes and the Ordinances and to suspend, discharge or otherwise punish in accordance with the Statutes and the Ordinances such Teachers, officers and employees;

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

- (xi) to pass appropriate orders on the basis of the recommendation of the respective Council for undergraduate studies regarding affiliation of a college or an institution in one or more subjects or withdrawal of affiliation or recognition of a college or an institution or temporary take over of the management of an affiliated or a recognised college or institution;
- (xii) to make draft of Statutes, on the recommendation of the respective Council for undergraduate studies, for colleges, other than Government Colleges, prescribing the constitution, powers and functions of their Governing Bodies;
- ¹(xiii) to determine, with the approval of the State Government, the terms and conditions of service of Teachers, Librarians and non-teaching staff of affiliated colleges other than Government Colleges;
- ²(xiv) to make rules for Teachers' Council for all affiliated colleges and, with the approval of the State Government, rules for provident fund for affiliated colleges other than Government Colleges;
- (xv) to prescribe and collect fees or charges for the registration of students and their admission to courses of studies organised by the University, for holding examinations, for the grant of degrees, diplomas and certificates, and for other like purposes;
- (xvi) to recommend to the Court, after consulting the respective Faculty Councils for post-graduate studies, the institution of degrees, titles, diplomas, certificates and other academic distinctions;
- (xvii) to recommend to the Court, on the advice of the appropriate body, the conferment of degrees, titles, diplomas, certificates and other academic distinctions on persons who have pursued prescribed courses of studies or have been exempted therefrom in the prescribed manner, and have passed such examinations, or have carried on research under such conditions, as may be prescribed;
- (xviii) to recommend to the Court, the conferment of honorary degrees and other academic distinctions;
- (xix) to approve the constitution or reconstitution of the respective department of teaching in the University on the recommendation of the respective Faculty Council for post-graduate studies;

¹Clause (xiii) was substituted for original clause by s. 6(c)(i) of the West Bengal University Laws (Amendment) Act, 1988 (West Ben. Act VIII of 1988), w.e.f. 13.8.1985.

²Clause (xiv) was substituted for original clause by s. 6(c)(ii), *ibid*, w.e.f. 13.8.1985.

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- (xx) to make regulations regarding the courses of studies and the division of subjects after obtaining and considering the recommendation of the Faculty Council for post-graduate studies and Council for undergraduate studies in this regard;
- (xxi) to make regulations regarding the examinations which shall be recognized as the equivalent examinations held by the University;
- (xxii) to make regulations regarding the conduct of examinations held by the University and the condition under which students may be admitted to the different courses of studies of and the examinations held by the University;
- (xxiii) to make regulations regarding all other matters which may be or are required to be prescribed or provided for by regulations;
- (xxiv) to provide for co-operation and reciprocity among colleges, institutions and laboratories and the University so as to foster the development of academic life and to ensure the fullest utilisation of the teaching resources available on the recommendation of the respective Faculty Council for post-graduate studies or Council for undergraduate studies;
- (xxv) to give directions regarding the form, custody and use of the common seal of the University;
- (xxvi) to acquire, hold and dispose of property, movable and immovable, and to administer all assets, properties and funds of the University, and to undertake all measures necessary or desirable for the conservation or augmentation of the resources of the University:

Provided that for the purpose of disposing of any property valued at not less than one lakh of rupees, previous approval of the Court shall be necessary;

- (xxvii) to accept and administer gifts, endowments and benefactions for the furtherance of the purposes of this Act;
- (xxviii) to accept grants and, with the approval of the State Government, to raise or accept loans on behalf of the University and to make grants or advances from the University Fund or other special funds maintained by the University;

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

- (xxix) to enter into an agreement with the State Government or with the approval of the State Government with any other Government or with any person, body or authority for the taking over by the University of the management of any college or institution, including its assets and liabilities, or for any other purpose not repugnant to the provisions of this Act on the recommendation of the Faculty Council for post-graduate studies or the Council for undergraduate studies concerned;
- (xxx) to manage the Press Establishment, the Publication Bureau and the Employment Bureau of the University, if any, and to exercise general supervision over Students' Unions, University Extension Boards and University Sports Board, if any, and other bodies instituted by the University;
- (xxxi) to approve Annual Statements of Accounts and the Annual Financial Estimates of the University and to submit the same to the Court for consideration;
- (xxxii) to prepare the annual report and submit the same to the Court for consideration;
- (xxxiii) to make due provision for the health, welfare, residence and discipline of students and their relationship with the University and to provide for such other training of students as may be considered desirable;
- (xxxiv) to co-operate with other universities, institutions, associations, societies or bodies on such terms and for such purposes, not inconsistent with the purposes of this Act, as it may determine;
- (xxxv) to make rules for the transaction of its own business;
- (xxxvi) to exercise all other powers and perform all other functions conferred and imposed on the Executive Council by or under this Act;
- (xxxvii) to exercise general supervision over the Faculty Councils for post-graduate studies and the Councils for undergraduate studies and give such directions to those Councils for the due discharge of their respective duties as it may consider necessary.

The Faculty Councils for post-graduate studies.

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

- ¹(a) the Faculty Council for post-graduate studies in ²[Arts, Commerce and Law;]

¹Clause (a) was substituted for original clause by s. 2 of the North Bengal University (Amendment) Act, 1989 (West Ben. Act XI of 1989).

²The words within the square brackets were substituted for the words "Arts and Commerce;" by s. 5(a)(i) of the North Bengal University (Amendment) Act, 1993 (West Ben. Act VIII of 1993).

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- (b) the Faculty Council for post-graduate studies in Science;
- ¹(c) the Faculty Council for post-graduate studies in Medicine.
- (2) Each ²[Faculty Council for post-graduate studies in Arts, Commerce, Law and Science shall consist of] the following members:—
 - (i) the Vice-Chancellor—Chairman;
 - (ii) the Head or Heads of the Department or Departments concerned, if any;
 - (iii) the Professor or Professors of the Department or Departments concerned, if any;
 - (iv) five Teachers participating in post-graduate teaching in the subject or subjects concerned of whom—
 - (a) one shall be from constituent colleges or professional colleges, nominated by the Vice-Chancellor, and
 - (b) four shall be Teachers of the University, other than Professors, from the Departments under the Faculty Council for post-graduate studies concerned elected jointly, by such Teachers from amongst themselves of whom not more than one shall belong to one department;
 - (v) one person having special knowledge in the subject or subjects concerned nominated by the Vice-Chancellor;
 - (vi) three Teachers participating in under-graduate teaching elected by the Teacher members of the Council for undergraduate studies in the subject or subjects concerned from amongst themselves.
- ³(2A) The Faculty Council for post-graduate studies in Medicine shall consist of the following members:—
 - (i) the Vice-Chancellor—Chairman;
 - (ii) the Dean of the Faculty Council for post-graduate studies in Medicine, who shall be a Professor of the North Bengal Medical College—Vice-Chairman;
 - (iii) the Principal, North Bengal Medical College;
 - (iv) the Head of the Department or Departments concerned;

¹Clause (c) was inserted by s. 5(a)(ii) of the North Bengal University (Amendment) Act, 1993 (West Ben. Act VIII of 1993).

²The words within the square brackets were substituted for the words "Faculty Council for post-graduate studies shall consist of" by s. 5(b), *ibid.*

³Sub-section (2A) was first inserted by s. 5(c), *ibid.* Thereafter, the same was re-substituted by s. 2 of the North Bengal University (Amendment) Act, 1997 (West Ben. Act XVII of 1997).

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

- (v) the Professor or Professors of the Department or Departments concerned;
- (vi) four Teachers of the North Bengal Medical College, other than Professors, from the Departments under the Faculty Council for post-graduate studies in Medicine, of whom not more than one shall belong to one Department, elected jointly by such Teachers from amongst themselves;
- (vii) one Teacher from constituent colleges or professional colleges, nominated by the Vice-Chancellor;
- (viii) one person having special knowledge in the subject or subjects concerned, nominated by the Vice-Chancellor;
- (ix) three Teachers participating in undergraduate teaching, elected by the Teacher-members of the Council for undergraduate studies in Medicine in the subject or subjects concerned from amongst themselves.

(3) Each Faculty Council for post-graduate studies shall have a Secretary to be appointed by the Executive Council:

¹Provided that the Secretary of the Faculty Council for post-graduate studies in Science shall also be the Secretary of the Faculty Council for post-graduate studies in Medicine.

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

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

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

- (i) to make proposals to the Executive Council for the establishment of University Departments, institutions, libraries, laboratories and museums for study and research to be maintained by the University;
- (ii) to recommend to the Executive Council the creation and institution of Professorships, Readerships, Lectureships and other teaching posts and the duties and emoluments thereof;
- (iii) to make proposals to the Executive Council for the promotion of research and, through special committees, if any, constituted for the purpose, to call for reports on such research work from persons engaged therein, and to make recommendations to the Executive Council thereon;

¹The proviso was inserted by s. 5(d) of the North Bengal University (Amendment) Act, 1993 (West Ben. Act VIII of 1993).

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- (iv) to recommend to the Executive Council the minimum qualifications for posts of Teachers of the University;
- (v) to make proposals to the Executive Council regarding provisions to be made for enabling the University to undertake specialisation of studies and for organisation of common laboratories, libraries, museums, institutes of research and other institutions, maintained by the University;
- (vi) to constitute or reconstitute the departments of teaching with the approval of the Executive Council;
- (vii) to make provisions for lectures and instructions for students of affiliated colleges, University Departments, University Laboratories and also for other persons who are not such students;
- (viii) to advise the Executive Council on the institution of degrees, titles, diplomas, certificates and other academic distinctions;
- (ix) to hold and conduct, subject to general supervision by the Executive Council, University examinations leading to post-graduate degrees, diplomas and certificates, and approve and publish the results thereof in accordance with the regulations made in this behalf;
- (x) to provide for the inspection or the investigation into the affairs of any University Department or any college and submit report to the Executive Council;
- (xi) to have general supervision over the Boards of Studies attached to the Faculty Council;
- (xii) to frame rules relating to the courses of post-graduate studies and the division of subjects in regard thereto and to recommend to the Executive Council the making of Regulations in this behalf;
- (xiii) to appoint, if required by the Executive Council, after considering the views of the Boards of Studies attached to the Faculty Council, Boards of Examiners in the subject or subjects relating to post-graduate studies, including the subjects for doctoral thesis and for prizes and medals;
- (xiv) to call for such reports or information as the Faculty Council may consider necessary for efficient discharge of its duties from the teaching departments, research units or Boards of Studies;
- (xv) to consider any educational matter relating to the Faculty Council and to arrive at decisions or make recommendations pertaining thereto to the appropriate authority or officers;

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- (xvi) to maintain contact with the corresponding Council for undergraduate studies for the purpose of sharing ideas and ensuring co-ordination;
- (xvii) to submit each year its annual report to the Executive Council;
- (xviii) to make rules for the transaction of its own business;
- (xix) to exercise all other powers and perform all other functions conferred and imposed on it by or under this Act;
- (xx) to delegate to the teaching departments, research units, and Boards of Studies attached to it the responsibility for such academic matters as respectively concern such departments, units and Boards;
- (xxi) to recommend to the Executive Council the conferment of post-graduate degrees, diplomas and certificates.

The
Councils for
under-
graduate
studies.

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

- (i) the Council for undergraduate studies in Arts, Science, Commerce and Law;
- (ii) the Council for undergraduate studies in Engineering and Technology;
- (iii) the Council for undergraduate studies in Medicine '[and Dentistry].

(2) (a) The Council for undergraduate studies in Arts, Science, Commerce and Law shall consist of the following members:—

- (i) the Vice-Chancellor—Chairman;
- (ii) the Deans of the Faculty Councils for post-graduate studies in Arts, Commerce and Science;
- (iii) the Principal, Darjeeling Government College;
- (iv) six Teachers of affiliated colleges other than medical and engineering colleges, of whom one shall be from a teachers' training college, elected by such Teachers;
- (v) two Teachers who are members of the Faculty Council for post-graduate studies participating in post-graduate teaching in the subject or subjects concerned elected by the members of the concerned Faculty Council for post-graduate studies from amongst themselves;
- (vi) four Principals, of whom three shall be from undergraduate colleges of Arts, Science, Commerce and Law and one shall be from a teachers' training college, elected jointly by the Principals of such colleges;

¹The words within the square brackets were inserted by s. 6(a) of the North Bengal University (Amendment) Act, 1993 (West Ben. Act VIII of 1993).

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- (vii) two persons having special knowledge in the subject or subjects concerned nominated by the Vice-Chancellor.

(b) The Council shall have a Secretary to be appointed by the Executive Council.

(3) (a) The Council for undergraduate studies in Engineering and Technology shall consist of the following members:—

- (i) the Vice-Chancellor—Chairman;
- (ii) the Principal, Jalpaiguri Government Engineering College;
- (iii) the Heads of the Departments of Teaching, Jalpaiguri Government Engineering College;
- (iv) three Teachers not belonging to the same Department elected jointly by the Teachers of colleges imparting instruction in Engineering or Technology affiliated to the University;
- (v) one person nominated by the Director of Technical Education, West Bengal;
- (vi) two persons having knowledge in the subject concerned nominated by the Vice-Chancellor.

(b) The Council shall have a Secretary to be appointed by the Executive Council.

(4) ¹(a) The Council for undergraduate studies in Medicine and Dentistry shall consist of the following members:—

- (i) the Vice-Chancellor—Chairman;
- (ii) the Principal, North Bengal Medical College;
- (iii) the Principal, North Bengal Dental College;
- (iv) the Heads of the Departments of Teaching, North Bengal Medical College;
- (v) the Heads of the Departments of Teaching, North Bengal Dental College;
- (vi) five Teachers of North Bengal Medical College and Colleges affiliated to the University, if any, imparting instruction in Medicine, elected by such Teachers from amongst themselves;
- (vii) two Teachers of North Bengal Dental College imparting instruction in Dentistry, elected by such Teachers from amongst themselves;
- (viii) one person nominated by the Director of Medical Education, West Bengal;
- (ix) two persons having knowledge in the subject concerned nominated by the Vice-Chancellor.

¹Clause (a) was substituted for original clause by s. 6(b) of the North Bengal University (Amendment) Act, 1993 (West Ben. Act VIII of 1993).

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

(b) The Council shall have a Secretary to be appointed by the Executive Council.

(5) All elections to the Councils for undergraduate studies shall be held in the manner prescribed by Statutes.

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

Powers and
functions of
the Councils
for under-
graduate
studies.

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

- (i) to recommend to the Executive Council the affiliation of a college or an institution in one or more subjects;
- (ii) to ensure annual inspection of colleges;
- (iii) to exercise general supervision over the colleges to ensure that the conditions of affiliation are properly fulfilled, the standard of teaching is uniformly maintained and syllabi as prescribed are properly completed within the academic year;
- (iv) to fix the last date of admission of students to different courses of studies and the date of commencement of examinations in consultation with other Councils for undergraduate studies;
- (v) to appoint Head Examiners, Examiners, Paper-setters, Scrutineers, Co-ordinators, Conveners, Tabulators and other persons under the general supervision of the Executive Council;
- (vi) to hold and conduct examinations and to approve and declare the results of the examinations within such period as may be prescribed;
- (vii) to recommend to the Executive Council the disaffiliation or withdrawal of affiliation of any college in respect of any subject or subjects, if, on receipt of a written report from a team of Inspectors appointed by the University, the Council is of opinion that proper standard of teaching is not maintained or conditions of affiliation are not properly fulfilled or the results of the candidates sent up by the college for any examination are unsatisfactory or the college has failed to comply with the directives of the Council;
- (viii) to establish, maintain and manage Halls and Hostels of undergraduate colleges;

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- (ix) to recommend to the Executive Council the temporary take over of the management of an affiliated or a recognized college or institution, other than a Government College in order to ensure that proper standards of teaching, training or instruction are maintained therein;
- (x) to provide for the inspection or investigation into the affairs of undergraduate college or institutions recognized by the Council or affiliated to the University and to exercise general supervision and control over them;
- (xi) to make due provision for health, welfare, residence, and discipline of students and their relationship with Colleges and the University and to provide for such training of students as may be considered desirable;
- (xii) to recommend to the Executive Council the dissolution of the Governing Body of an affiliated college or institution, other than a Government College and pending reconstitution of the Governing Body, the appointment of an Administrator or an *ad hoc* Governing Body;
- (xiii) to collect fees for examination, condonation of short percentage for appearing at an examination as non-collegiate student, mark-sheet, late admission, change of examination centre, scrutiny of answer script, and change of name or surname, and any other charge for registration and migration of students and grant of diplomas, certificates or any other documents at such rate as may be prescribed by the Executive Council;
- (xiv) to exercise supervision to ensure that all properties and funds of the Council are properly controlled and administered;
- (xv) to supply promptly such information, returns, reports and other materials as may be required by the University;
- (xvi) to extend facilities and other assistance including exhibits of records, books of accounts, ledgers and any other documents to officers deputed by the University for inspection;
- (xvii) to approve the annual report of the activities of the Council during the previous academic year and submit the same to the Executive Council on or before such date as may be fixed by the Executive Council;
- (xviii) to abide by, and implement promptly, the decisions that may be arrived at by the University from time to time in regard to the Council;

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

- (xix) to follow the guidelines and the rules framed by the University from time to time;
- (xx) to have general responsibility for academic affairs in relation to undergraduate studies with which the Council is concerned;
- (xxi) to have general supervision over the Board of Studies attached to the Council in accordance with the rules framed for the purpose;
- (xxii) to maintain contact with the corresponding Council for post-graduate studies for the purpose of sharing ideas and ensuring co-ordination;
- (xxiii) to frame rules relating to the courses of undergraduate studies and the division of subjects in regard thereto and to recommend to the Executive Council the making of Regulations in this behalf.

(2) Notwithstanding anything contained in sub-section (1), the Council for undergraduate studies in Medicine shall have the following additional powers:—

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

Dean.

26. ¹(1) (a) There shall be a Dean for each of the Faculty Council for post-graduate studies in Arts, Commerce and Law and the Faculty Council for post-graduate studies in Science, who shall be a Professor of the University.

¹(b) There shall be a Dean for the Faculty Council for post-graduate studies in Medicine who shall be a Professor of the North Bengal Medical College.

¹Sub-section (1) was first substituted by s. 7(a) of the North Bengal University (Amendment) Act, 1993 (West Ben. Act VIII of 1993). Then sub-section (1) consisting of clauses (a) and (b) was resubstituted by s. 2(1) of the North Bengal University (Amendment) Act, 1996 (West Ben. Act IX of 1996). Finally, clause (b) was substituted by s. 3 of the North Bengal University (Amendment) Act, 1997 (West Ben. Act XVII of 1997).

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(Chapter III.—Authorities of the University.—Sections 27-29.)

¹(2) The Dean shall be elected by the members of the Faculty Council and shall act as Vice-Chairman of the Faculty Council.

(3) The seniormost Dean shall act as Vice-Chairman of a Council for undergraduate studies.

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

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

The Boards
of Studies.

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

The Finance
Committee.

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

Selection
Committee
for teaching
posts.

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

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

- (i) the Vice-Chancellor as Chairman;
- (ii) the Dean of the Faculty Council concerned;
- (iii) the Head of the Department concerned, if any;
- (iv) a person, not holding any office of profit under the University and having special knowledge of the subject which the Reader or the Lecturer will teach, nominated by the Chancellor;

¹Sub-section (2) was first substituted by s. 7(b) of the North Bengal University (Amendment) Act, 1993 (West Ben. Act VIII of 1993). Thereafter, the same was resubstituted by s. 2(2) of the North Bengal University (Amendment) Act, 1996 (West Ben. Act IX of 1996).

[West Ben. Act

(Chapter III.—Authorities of the University.—Sections 30-32.)

- (v) two persons, not holding any office of profit under the University and having special knowledge of the subject which the Reader or the Lecturer will teach, nominated by the Executive Council.

Procedure
for holding
meetings of
Selection
Committee.

30. (1) Three members, of whom at least two shall be persons having special knowledge in the subject concerned, shall be a quorum for a meeting of a Selection Committee.

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

Letter of
appointment
of Teachers,
officers and
employees.

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

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

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

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

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

Termination
of service of
temporary
Teacher,
officer or
employee.

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

XXV of 1981.)

(Chapter III.—Authorities of the University.—Sections 33, 34.)

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

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

34. (1) If in the case of any dispute between the University and any Teacher, officer or employee of the University no final order has been passed by the University within a period of one year from the date on which the dispute was referred to the University by such Teacher, officer or employee, such dispute shall, on the request of such Teacher, officer or employee, be referred to a Tribunal consisting of the following members, namely:—

Tribunal.

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

(2) Any appeal from an employee of the University in a disciplinary matter shall be referred to the Tribunal and shall be decided and disposed of by the Tribunal.

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

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

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

10 of 1940.

¹Section 33 was substituted for original section by s. 6(d) of the West Bengal University Laws (Amendment) Act, 1988 (West Ben. Act VIII of 1988).

(Chapter IV.—General provisions governing all authorities or other bodies of the University.—Sections 35, 35A.)

CHAPTER IV

General provisions governing all authorities or other bodies of the University.

Disqualifications.

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

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

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

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

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

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

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

35A. Notwithstanding anything contained elsewhere in this Act, no person shall,—

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

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

¹Section 35A was inserted by s. 5(d) of the West Bengal University Laws (Amendment) Act, 1986 (West Ben. Act XX of 1986).

XXV of 1981.]

(Chapter IV.—General provisions governing all authorities or other bodies of the University.—Sections 36-38.)

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

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 four years from the date of his election or nomination, as the case may be:

Term of office of members.

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

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

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

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

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 other authority or body, he shall cease to be a member of the authority or body of the University when he ceases to be a member of the other.

Cessation of membership in certain cases.

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

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

Filling of vacancies.

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

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

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

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

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

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

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 as, 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 Statutes.

(3) If, during the progress of any election of members 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 provisions of this Act and the Statutes, the Ordinances and the Regulations, from such stage as may be specified in the order and such order of the 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) or sub-section (3), as the case may be.

Casting vote by the Chairman.

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

XXV of 1981.]

(Chapter V.—Funds of the University, Accounts, Audit and Inspection.—Sections 42-45.)

CHAPTER V

Funds of the University, Accounts, Audit and Inspection

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

The
University
Fund.

43. (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.

Budget of
the
University.

(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.

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

19 of 1925.

44. Any provident fund instituted by the University for the benefit of its employees shall be governed by the provisions of the Provident Funds Act, 1925, as if such fund were a Government Provident Fund and the Executive Council shall have power to frame Statutes not inconsistent with the provisions of that Act, for the administration of the fund.

Provident
Fund.

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

Annual
Accounts
and Audit.

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

*(Chapter V.—Funds of the University, Accounts, Audit
and Inspection.—Section 46.)*

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

Inspection.

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

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

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

(b) of any college or institution maintained by or affiliated to the University, and

(c) into all affairs of the University and of such college or institution including examination and other work conducted or done by the University or such college or institution, and

(2) to cause an enquiry to be made into the income, expenditure, properties, assets and liabilities of the University and of any college or institution maintained by or affiliated to the University.

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

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

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

XXV of 1981.]

(Chapter VI.—Statutes, Ordinances, Regulations
and Rules.—Section 47.)

CHAPTER VI

Statutes, Ordinances, Regulations and Rules

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

Statutes:

- (a) the constitution, duties and powers of the subordinate authorities which may be constituted by the University;
- (b) the subordinate authorities of which the Vice-Chancellor shall be an *ex officio* member and Chairman;
- (c) the filling of vacancies of members of the subordinate authorities and all other matters relating to those authorities;
- (d) the appointment, powers and duties of the officers of the University other than the Vice-Chancellor in so far as these have not been specifically provided for in this Act;
- (e) the terms and conditions of appointment of the Registrar and the Finance Officer;
- (f) the constitution of a pension, insurance or provident fund for the benefit of Teachers, officers, and employees of the University;
- (g) the conferment of honorary degrees;
- (h) the withdrawal of degrees, diplomas, certificates and other academic distinctions;
- (i) the establishment of authorities of the University referred to in clause (7) of section 16 and colleges, libraries, museums and other institutions and abolition of such authorities, colleges, libraries, museums and institutions;
- (j) the maintenance of registers of Government Colleges, constituent college and affiliated colleges;
- (k) the maintenance of a register of—
 - (i) Professors of the University,
 - (ii) Teachers other than Professors of the University,
 - (iii) Principals of affiliated colleges,
 - (iv) Teachers not being Principals of affiliated colleges,
 - (v) full-time students of the University and affiliated colleges,
 - (vi) officers and non-teaching staff of the University and non-teaching staff of affiliated colleges;
- (l) the rules and procedure for holding elections to the Court, the Executive Council and other authorities and bodies of the University;
- (m) the conditions under which colleges and other institutions may be recognised or affiliated by the University, and the withdrawal of such recognition or affiliation;

*(Chapter VI.—Statutes, Ordinances, Regulations
and Rules.—Section 48.)*

- (n) the institution of fellowships, scholarships, studentships, exhibitions, medals and prizes;
- (o) the constitution, powers and functions of the Governing Bodies of colleges, other than Government Colleges;
- ¹(p) the terms and conditions of service of Teachers, Librarians and non-teaching staff of affiliated colleges other than Government Colleges;
- (q) the calling of meetings of the Court and the giving of notice thereof to the members of the Court and the procedure at such meetings;
- (r) contracts by the University and the execution thereof;
- (s) qualifications of Teachers and Teachers of the University;
- (t) the fees to be charged for courses of study in the University and in colleges and for admission to the examinations for degrees and diplomas of the University;
- (u) the manner of exemption from study referred to in sub-clause (a) of clause (11) of section 4; and
- (v) all other matters which under this Act are required to be or may be prescribed by Statutes.

How to
make
Statutes.

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

¹Clause (p) was substituted for original clause by s. 6(c) of the West Bengal University Laws (Amendment) Act, 1988 (West Ben. Act VIII of 1988). w.e.f. 13.8.1985.

XXV of 1981.]

*(Chapter VI.—Statutes, Ordinances, Regulations
and Rules.—Section 49.)*

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

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

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

- (a) the admission of students to the University and their enrolment as such;
- (b) the courses of study to be laid down for all degrees, diplomas and certificates of the University;
- (c) the degrees, diplomas, certificates and other academic distinctions to be awarded by the University, the qualifications for the same, and the examinations and papers, if any, to be passed and submitted relating to the granting and obtaining of the same;
- (d) the conditions of the award of fellowships, scholarships, studentships, exhibitions, medals and prizes;
- (e) the conduct of examinations, including the terms of office, the manner of appointment, and the duties, of examining bodies, examiners and moderators;
- (f) the maintenance of discipline among the students of the University and the colleges;
- (g) the conditions of residence of students at the University and the colleges;
- (h) the special arrangements, if any, which may be made for the residence, discipline and teaching of women students, and prescribing for them of special courses of study;
- (i) the emoluments, and the terms and conditions of service of Teachers of the University;
- (j) the management of colleges and other institutions founded or maintained by the University;
- (k) the supervision and inspection of colleges and other institutions;
- (l) all other matters which under this Act or the Statutes are required to be or may be prescribed by Ordinances.

*(Chapter VI.—Statutes, Ordinances, Regulations
and Rules.—Sections 50-52.)*

How to
make
Ordinances.

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

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

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

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

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

Regulations.

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

- (a) the procedure to be observed at the meetings of a subordinate authority and the number of members required to form a quorum;
- (b) the calling of meetings of such subordinate authority, and giving of notice to its members of the dates of the meetings and of the business to be considered thereat and the keeping of a record of the proceedings of such meetings;
- (c) matters which by this Act, the Statutes or the Ordinances are required to be prescribed by Regulations;
- (d) all other matters solely concerning a subordinate authority or a committee appointed by it and not provided for by this Act, the Statutes or the Ordinances.

How to
make
Regulations.

52. (1) The 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 Executive Council at least three weeks in advance of the date fixed for consideration of the same by the Executive Council or the Committee appointed by it. The Vice-Chancellor may direct a shorter notice in a matter which in his opinion is of an emergent nature.

XXV of 1981.]

(Chapter VI.—Statutes, Ordinances, Regulations and Rules.—
Section 53.—Chapter VII.—Miscellaneous and Transitory
Provisions.—Section 54.)

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

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

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

53. Subject to the provisions of this Act and the Statutes, the Ordinances and the Regulations, Rules may be made for the purpose of duly carrying out the provisions of, or 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.

CHAPTER VII

Miscellaneous and Transitory Provisions

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

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

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

(i) the Vice-Chancellor,

(ii) the Executive Council,

(iii) a committee constituted from among its own members,
or

(iv) a committee appointed in accordance with the Statutes;

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

(i) the Vice-Chancellor,

(ii) a committee constituted from among its own members,

(iii) a committee constituted in accordance with the Statutes or the Ordinances.

(Chapter VII.—Miscellaneous and Transitory Provisions.—
Sections 55-57.)

- (iv) any of the Faculty Councils for post-graduate studies or Councils for undergraduate studies, or
- (v) the Finance Committee;
- (c) the Faculty Council for post-graduate studies or the Councils for undergraduate studies may delegate any of its powers or duties, conferred or imposed by or under this Act, to—
 - (i) the Vice-Chancellor,
 - (ii) a committee constituted from among its own members,
 - (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 or imposed by or under this Act, to—
 - (i) the Vice-Chancellor, or
 - (ii) to a committee constituted from among its own members.

Passing of
properties
and rights,
etc.

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

Completion
of courses of
studies in
college
affiliated to
the former
University.

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

Transitory
provisions
and repeal.

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

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

XXV of 1981.]

(Chapter VII.—Miscellaneous and Transitory Provisions.—
Section 57.)

¹(3) The first Vice-Chancellor shall, within six months from the date of publication of this Act in the *Official Gazette* or within such longer period as the State Government may, from time to time, by notification direct, cause arrangements to be made so as to complete, within the period of his office as the first Vice-Chancellor appointed under sub-section (1), the constitution of the Court, the Executive Council, the Faculty Councils for post-graduate studies, the Councils for undergraduate studies and the Boards of Studies in accordance with the provisions of the Statutes, the Ordinances and the Regulations of the former University as reviewed or amended under sub-section (2) as if they had already come into force.

(4) If, for any reasons,—

- (a) the constitution of the Court, the Executive Council and other bodies referred to in sub-section (3) cannot be completed within the period of office of the first Vice-Chancellor appointed under sub-section (1), then, on the expiry of such period, the Chancellor may, in consultation with the Minister, on such terms and conditions as he thinks fit, appoint the first Vice-Chancellor whose period of office has expired or another person to be the Vice-Chancellor for the purposes of this section for such period ²[not exceeding two years] as the Chancellor thinks fit, or
- (b) a vacancy occurs in the office of the first Vice-Chancellor before the expiry of the period of his office, then, the Chancellor may, in consultation with the Minister, on such terms and conditions as he thinks fit, appoint another person to be the Vice-Chancellor for the purposes of this section for the unexpired portion of such period or such further period ²[not exceeding two years] as the Chancellor thinks fit,

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

(5) The State Government shall, by notification in the *Official Gazette*, appoint a date and on and from such date the Court, the Executive Council, the Faculty Councils for post-graduate studies, the Councils for

¹Sub-section (3) was substituted for original sub-section by s. 5(a) of the North Bengal University (Amendment) Act, 1983 (West Ben. Act XX of 1983), w.e.f. 8.8.83.

²The words "not exceeding eighteen months" were first substituted for the words "not exceeding one year", in clauses (a) and (b), by ss. 2(1) and 2(2), respectively, of the North Bengal University (Amendment) Act, 1984 (West Ben. Act XXVIII of 1984). Thereafter, the words within the square brackets were substituted for the words "not exceeding eighteen months", in clauses (a) and (b), by ss. 2(1) and 2(2), respectively, of the North Bengal University (Amendment) Act, 1985 (West Ben. Act VIII of 1985).

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undergraduate studies and the Boards of Studies shall commence to exercise their respective functions and the Statutes, the Ordinances, and the Regulations of the former University as reviewed or amended under sub-section (2) shall come into force [and shall be the first Statutes, the first Ordinances and the first Regulations of the University.]

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

West Ben.
Act IV of
1978.

(b) Notwithstanding such repeal,—

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

(ii) anything done or any action taken under the said Act shall be deemed to have been validly done or taken under this Act.

(7) ²[The first Statutes, the first Ordinances and the first Regulations] shall remain in force until new Statutes, new Ordinances and new Regulations are made under the provisions of this Act.

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

(9) On and from the appointed day the North Bengal University Act, 1961 shall stand repealed and thereupon—

West Ben.
Act XXVII
of 1961.

(a) the Statutes, the Ordinances and the Regulations of the former University shall, subject to the provisions of sub-section (5), stand repealed and all authorities or bodies of the former University shall cease to function;

(b) all colleges and institutions affiliated to or recognized by the former University and continuing as such immediately before the appointed day shall be deemed to be affiliated to, or recognized by, the University;

(c) all colleges or institutions of whatever kind established, maintained or managed by the former University prior to the appointed day shall be deemed to be colleges or institutions established, maintained or managed by the University under this Act;

¹Words within the square brackets were substituted for the words "and shall be the Statutes, the Ordinances and the Regulations of the University;" by s. 5(b) of the North Bengal University (Amendment) Act, 1983 (West Ben. Act XX of 1983), w.e.f. 8.3.83.

²The words within the square brackets were substituted for the words "The Statutes, the Ordinances and the Regulations" by s. 5(c), *ibid*.

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- (d) all affairs, functions or activities of the former University including studies and examinations, commenced and in progress before the appointed day, shall be deemed to be in progress as if they had been commenced by the University under this Act;
- (e) all things done or deemed to have been done, and all actions taken or deemed to have been taken and all appointments made by the former University under the North Bengal University Act, 1961, shall be deemed to be things done or action taken or appointments made by the University under this Act as if this Act had been in force when such things were done or such actions were taken or such appointments were made:

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

(10) In construing the provisions of section 17, section 20, section 22 and section 24 and in construing the provisions of the Statutes, the Ordinances and the Regulations of the University in relation to the constitution, under this section, of the Court, the Executive Council, the Faculty Councils for post-graduate studies, the Councils for undergraduate studies and the Boards of Studies, references to the heads of departments of teaching of the University, the University Professors, University Readers and University Lecturers, and Teachers of the University shall be deemed to be references to the persons holding offices respectively as the heads of departments of teaching, Professors, Readers, Lecturers and Teachers of the University of North Bengal, immediately '[before the date of publication of final list of voters for election under this Act and the Statutes to the Court, the Executive Council, the Faculty Councils for post-graduate studies, the Councils for undergraduate studies or the Boards of Studies, as the case may be.]

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

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

Removal of
difficulties.

¹The words within the square brackets were substituted for the words "before the date of appointment of the first Vice-Chancellor." by s. 5(d) of the North Bengal University (Amendment) Act, 1983 (West Ben. Act XX of 1983), w.e.f. 8.8.83.