


The
Kolkata  **Gazette**

सत्यमेव जयते
Extraordinary
Published by Authority

Page-045

MAGHA 5]

WEDNESDAY, JANUARY 25, 2012

[SAKA 1933

PART III—Act of the West Bengal Legislature.

GOVERNMENT OF WEST BENGAL

LAW DEPARTMENT

Legislative

NOTIFICATION

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

West Bengal Act XII of 2011

**THE WEST BENGAL UNIVERSITY LAWS
(AMENDMENT) ACT, 2011.**

[Passed by the West Bengal Legislature.]

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

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

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

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

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

(Section 9.)

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

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

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

(6) in section 22,—

(i) in sub-section (2),—

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

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

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

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

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

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

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

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

"Selection
Committee for
Teaching Posts.

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

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

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

"Procedure for
holding meeting
of Selection
Committee.

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

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

✓ **9. In the Sidho-Kanho-Birsha University Act, 2010,—**

(1) in section 2,—

(i) in clause (25), for the words "a Professor, Principal, Reader, Lecturer", the words "a Principal, Professor, Associate Professor, Reader, Assistant Professor" shall be substituted;

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

(Section 9.)

(ii) for clause (26), the following clause shall be substituted:—

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

(iii) clause (30) shall be omitted;

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

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

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

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

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

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

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

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

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

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

(5) If—

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

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

(Section 9.)

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

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

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

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

2 of 1974.

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

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

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

X

"The Court.

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

- (a) *Ex officio* members—
 - (i) the Chancellor;
 - (ii) the Vice-Chancellor;
 - (iii) the Dean of Faculty Councils for Post-Graduate Studies;

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

(Section 9.)

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

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

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

(Section 9.)

(d) Special Invitee—

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

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

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

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

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

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

(a) *Ex officio* Members—

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

(b) Other Members—

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

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

(Section 9.)

- (xi) two persons nominated by the Chancellor interested in University education:

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

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

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

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

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

(6) in section 22,—

(i) in sub-section (2),—

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

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

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

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

(7) in section 24,—

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

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

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

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

"(vi) one student representative pursuing Undergraduate studies in law in affiliated colleges of the University to be elected by such students from amongst themselves in the manner as may be prescribed by the Statutes.;"

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

"Selection
Committee for
Teaching Posts

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

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

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

(Section 10.)

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

"Procedure for holding meeting of the Selection Committee.

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

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

Amendment of

10 In the Jadavpur University Act 1981 —