

PART—A

West Bengal Act XXIII of 1981

THE BURDWAN UNIVERSITY ACT, 1981

[Passed by the West Bengal Legislature]

[Assent of the Governor was first published in the *Calcutta Gazette, Extraordinary*, of the 10th August, 1981]

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

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

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

CHAPTER I

PRELIMINARY

Short title and commencement

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

(2) This section and section 52 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.

Definitions

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

(1) “affiliated” in relation to a college or an institution means affiliated to the University of Burdwan as constituted prior to the appointed day and continue as such immediately before such day or affiliated to the University under this Act;

(2) “appointed day” means the date referred to in sub-section (5) of section 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 Bankura, Birbhum, Burdwan, Hooghly and Purulia or any district which may be created in future out of any part or parts of one or more of the above mentioned 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 for students, teachers, officers or non-teaching staff recognised by the University;

Note : Provisions of sections 2 to 7 came into force on the 22nd July, 1983 [Vide West Bengal Act XVII of 1983]

* (11) “Librarian” means,—

- (a) in relation to the University, a Librarian or any other person holding a post of Librarian, by whatever name called, appointed or recognised as such by the University, and
- (b) in relation to a college affiliated to the University, a Librarian, or any other person holding a post of Librarian, by whatever name called, appointed or recognised by the University or appointed by such college;

(12) “Minister” means the Minister-in-charge of Higher Education appointed as such by the Governor;

(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 recognised 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 recognised by the University or appointed by such college,

but does not include an officer or a Librarian;

(14) “prescribed” means prescribed by the 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 recognised under this Act as a professional college;

* the provisions under clauses (a) and (b) of Sub-Section (11) amended [vide West Bengal Act XVII of 1983]

(17) “professional subject” means any of the following subjects, namely, Law, Medicine, Engineering, Teachers’ Training, Physical Education, Agriculture, Technology, Journalism, Management Studies or such other subjects 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,—

(i) in relation to the University, the Students’ Union constituted in the manner prescribed, and

(ii) in relation to an affiliated college, the Students’ Union constituted in the manner prescribed;

(21) “Teacher” means a Principal, Professor, Assistant Professor, Reader, Lecturer, Demonstrator, Tutor, Instructor or any other person appointed or recognised 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 recognised as such by the University, either whole-time or part-time, for the purpose of imparting instruction or conducting research in the University;

(23) “University” means the University of Burdwan 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

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 Burdwan.

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

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

(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 and manage colleges, libraries, museums and such other institutions or centres as it may consider fit;

(3) to recognise any college as a constituent college or a professional college and to withdraw such recognition;

(4) to affiliate to itself or to recognise colleges or institutions or centres;

Note : Provisions under sections 3 to 5 came into force on the 15th April, 1984 [Vide Notification No. 433-Edn.(U) dated 30.3.1984 issued by the State Govt.]

* (5) to prescribe for colleges other than Government colleges,—

(a) the constitution, powers and functions of their Governing Bodies; and

(b) the terms and conditions of service of—

(i) Librarians, and

(ii) non-teaching staff;

(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 recognised by it or affiliated to it and to exercise general supervision and control over them;

(8) to take over for a period not exceeding twelve months the management of any affiliated, constituent or professional college, institution or centre other than a Government College, institution or centre in order to ensure that proper standard of teaching, training or instruction is maintained therein;

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

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

Provided that 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 to person who,—

* indicates the provisions of clauses (a) and (b) of sub-section (5) amended [vide west Bengal Act XVII of 1983]

- (a) shall have pursued an approved course of study in the University or in an affiliated, constituent or professional college or University Library unless exempted therefrom in the manner prescribed and shall have passed 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 person affected reasonable opportunity to present his case;
- (13) to confer honorary degrees or 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 awards, fellowships, travelling fellowships, scholarships, studentships, stipends, bursaries, exhibitions, medals and prizes;
- (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;
- (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, manage or recognise Halls, Hostels and other places of residence for the students, teachers, officers or non-teaching staff of the University, to withdraw such recognition, and to take over the management and maintenance of existing Halls, Hostels or places of

residence for students, teachers, officers or non-teaching staff of the University with the consent of the authorities thereof;

(22) to recognize such hostels and other places of residence and withdraw recognition therefrom;

(23) to prescribe, demand and receive fees, fines and other charges;

(24) to provide for the promotion of the health and welfare of students and of discipline among them;

(25) to conduct, co-ordinate, regulate and control the post graduate research work and teaching in the University, the constituent, professional and affiliated colleges and the institutions recognised by the University;

(26) to make grants to the National Cadet Corps and 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 college or institution established by, affiliated to, or recognized by, the University, and to institute awards, fellowships, travelling fellowships, scholarships, studentships, stipends, bursaries, exhibitions, medals and prizes;

(30) to accept grants 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;

(31) to co-operate with other universities, institutions and educational authorities in matters that relate to and further the educational objectives of the University;

(32) generally to do all such acts and things as may be necessary or desirable for, or incidental to, the advancement of the objects or purposes of the University.

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 contained 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) Nothing in this Act shall affect the powers exercised by the Visva Bharati at Santiniketan in the district of Birbhum under the Visva Bharati Act, 1951.

(4) The University shall not exercise any power conferred by or under this Act in respect of any college situated in any area included within the limits of the Serampore sub-division of the district of Hooghly.

(5) 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.

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.

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

- (i) the Vice-Chancellor,
- (ii) the Registrar,
- (iii) the Finance Officer, and

(iv) persons holding such other posts as may be declared by Statutes to be posts of officers of the University.

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.

(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 proposals 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.

(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 only 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.

Note : Provisions under sections 6 and 7 came into force on the 22nd July, 1983 [vide West Bengal Act XVII of 1983] Provisions of Section 8 came into force on the 1st May, 1983 [Vide Notification No. 1078-Edn.(U) dated 26.4.83 issued by the State Govt.]

(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,

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 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.

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

Note : Provisions under sections 9 to 38 came into force on the 15th April, 1984 (vide Notification no. 432-Edn.(U) dated 30.3.1984 issued by the State Govt.)

Studies and Council for Under Graduate 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, the Regulations and the Rules 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 and Regulations.

(6) The Vice Chancellor may take on behalf of the University such action as 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.

(7) The Vice-Chancellor may, with the approval of 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.

(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 the provisions of this Act, the Statutes, the Ordinances or the Regulations as the case may be.

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.

(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 resources of the University.

(2) The Finance Officer shall exercise such other powers and perform such other duties as may be prescribed or delegated to him by or under the provisions of the Act, the Statutes, the Ordinances or the Regulations, as the case may be.

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 the Statutes and Ordinances made thereunder.

CHAPTER III

AUTHORITIES OF THE UNIVERSITY

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

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

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

(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;
- (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.
- (vii) the President, West Bengal Council of Higher Secondary Education;
- (viii) the President, West Bengal Board of Secondary Education;

* *the provisions under clause(v) amended [vide West Bengal Act XVII of 1983]*

- ** (ix) the Principal, Burdwan Medical College;
- ** (x) the Principal, Regional Engineering College, Durgapur,
- (b) *elected members*—
- (xi) four Professors of the University Departments elected by such Professors of whom at least one shall belong to any Department under each Faculty Council;
- (xii) eleven Teachers of the University Departments other than Professors elected by such Teachers from amongst themselves of whom at least three shall belong to the Departments under each Faculty Council;
- (xiii) ten Teachers other than principals of whom at least one shall be a woman elected by the teachers of affiliated colleges (other than teachers' training, engineering and medical colleges) from amongst themselves;
- (xiv) one Teacher elected by the teachers of the Teachers' Training Colleges and other affiliated professional colleges (other than engineering and medical colleges) from amongst themselves;
- *** (xv) two Teachers of whom not more than one shall be a professor elected by the teachers of the engineering colleges from amongst themselves;
- **** (xvi) two Teachers of whom not more than one shall be a professor elected by the teachers of medical colleges from amongst themselves;
- (xvii) three Principals of affiliated colleges (other than medical and engineering colleges) of whom one shall be a principal of a Teachers' Training College elected by the Principals of such affiliated colleges;

** *the provisions under clauses (ix) and (x) now are of no use since those colleges are no longer affiliated to the University of Burdwan.*

*** *the provisions under clause (xv) now are of no use since at present there is no engineering colleges affiliated to the University of Burdwan.*

**** *the provisions under clause (xvi) now are of no use since at present there is no medical college affiliated to the University of Burdwan.*

- (xviii) three persons elected by the registered graduates from amongst themselves;
- (xix) three members of the West Bengal Legislative Assembly representing the territorial jurisdiction of the University elected by the members of the West Bengal Legislative Assembly;
- (xx) three regular Post-Graduate students of the University of whom one shall be a lady student, elected by such students of the University 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 the prescribed tuition fees and other dues of the University till such date as may be notified by the University for the purpose.

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 such time he ceases to be a regular Post-Graduate student of the University, whichever is earlier;

- * (xxi) two regular students prosecuting their studies in Under-Graduate or Post-Graduate Degree classes of affiliated colleges, elected by such Under-Graduate or Post-Graduate student from amongst themselves;

* *Explanation I* : “Regular student” shall mean a student who has been prosecuting his studies in any stream in an Under-Graduate or Post-Graduate Degree classes 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 State Government in this behalf;

* *the provisions under clause (xxi) and Explanation I amended [vide West Bengal Act XVII of 1983]*

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;

(xxii) one Research Scholar or Research Fellow of the University elected by such Research Scholars and Research Fellows in the manner prescribed;

Explanation I : “Research Scholar or Research Fellow of the University” shall mean a whole-time Research Scholar or Research Fellow of the University who receives a stipend from the University;

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

(xxiii) one member to be elected by the Librarians of the University and of the colleges affiliated to the University from amongst themselves;

(xxiv) three members elected by the members of the Non-teaching staff of the University from amongst themselves;

(xxv) two members elected by the members of the Non-teaching staff of the colleges affiliated to the University from amongst themselves;

(xxvi) one member elected by the Officers of the University from amongst themselves;

(c) *nominated members*—

(xxvii) four persons to be 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’ association within the territorial jurisdiction of the University,

(c) one shall be a member of a primary school teachers’ association within the territorial jurisdiction of the University, and

(d) one shall be member of a secondary school teachers’ association within the territorial jurisdiction of the University;

(xxviii) one person nominated by the Government of India in the Ministry of Steel, Mines and Fuel;

(xxix) three persons having special interest in University or technological education nominated by the Chancellor;

* (xxx) the Principal, Hooghly Mohsin College and the Principal, Durgapur Government College, by rotation.

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

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 :

Powers and functions of the Court

(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, institutions, 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;

* *the provisions under clause (xxx) amended [vide West Bengal Act XVII of 1983]*

- (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;
- (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 any person, body or authority, with the approval of the State Government 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 universities;
 - (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 (I) except on the recommendation of the Executive Council, but may send proposals in respect thereof to the Executive Council for its recommendation.
- (3) The Court shall have the powers to review the action of the Executive Council, save where the Executive Council has acted in accordance with 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 powers conferred on it by or under this Act, the question shall be decided by reference to the Chancellor whose decision shall be final.
- 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 :

Meeting of the
Court

- ** (b) one being a Teacher other than Principal from the Under-Graduate Council of Engineering and Technology, and
- ** (c) one being a Teachers other than Principal from the Under-Graduate Council of Medicine;
- (xiv) One Principal elected by the members of the Under-Graduate Council of Arts, Science, Commerce, Law, Fine Arts and Music from amongst the Principals of such colleges;

Nominated members

- (xv) one person nominated by the Chancellor;
- (xvi) the Principal, Hooghly Mohsin College and the Principal, Durgapur Government College, by rotation.

other members

- (xvii) the member elected under clause (xxvi) of sub-section (1) of section 17.

(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.

Powers and
functions of the
Executive Council

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

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

** *the provisions under clauses (xiii) (b) and (c) now are of no use since the U.G. Council of Engg. & Technology and of Medicine have been dissolved since the Burdwan Medical College has been affiliated to the W.B.U. of Health Sciences and the R. E. College, Durgapur has been declared as N.I.T Durgapur (Deemed University).*

- (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 Museum and 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 posts 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;
- (xi) to pass appropriate orders on the basis of the recommendation of the respective Faculty Council for Under-Graduate 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 Under-Graduate Studies, for colleges, other than Government colleges the constitution, powers and functions of their Governing Bodies;
- *(xiii) to determine, with the approval of the State Government, the terms and conditions of service of Librarians and non-teaching staff;
- *(xiv) to make rules for Teachers' Council for colleges and, with the approval of the State Government, rules for provident fund for 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;

* *the provisions under sub-sections (xiii) and (xiv) amended [vide West Bengal Act VIII of 1988]*

- (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;
- (xx) to make regulations regarding the courses of studies and the division of subjects after obtaining and considering the recommendation of the Faculty Councils for Post-Graduate Studies and Council for Under-Graduate Studies in this regard;
- (xxi) to make regulations regarding the examinations which shall be recognised 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 Under-graduate 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, with the approval of the State Government, and to raise or accept loans on behalf of the University and to make grants or advances from the University Fund or other special funds maintained by the University;
- (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 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 Under-Graduate 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 Board and University Sports Board, if any, and other bodies instituted by the Court;
- (xxx1) to approve the 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 relationships 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 Under-Graduate Studies and give such directions to these councils for the due discharge of their respective duties as it may consider necessary.

Faculty Councils
for Post-Graduate
Studies

22. (1) There shall be the following Councils for Post-Graduate Studies to be known as Faculty Councils :

- (a) Faculty Council for Post-Graduate Studies in Arts, Commerce, Law, Fine Arts, and Music;
- (b) Faculty Council for Post-Graduate Studies in Science; and
- (c) Faculty Council for Post Graduate Studies in Engineering and Technology.

(2) Each Faculty Council for Post-Graduate Studies other than Engineering and Technology 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 members of the Council for Under Graduate Studies in the subject or subjects concerned.

* (3) Faculty Council for Post-Graduate Studies in Engineering and Technology shall consist of the following members :

- (i) the Vice-Chancellor—Chairman;
- (ii) the Principal, Regional Engineering College, Durgapur;
- (iii) the head or heads of the Departments of constituent colleges of Engineering and Technology;
- (iv) the Professor or Professors of the Department or Departments of constituent colleges of Engineering;
- (v) two Teachers other than Professors participating in Post-Graduate teaching in the subject concerned from the constituent colleges of Engineering elected jointly by teachers of such colleges;
- (vi) one person having special knowledge in the subject concerned nominated by the Vice-Chancellor;
- (vii) Three Teachers participating in Under-Graduate teaching in the subject concerned elected by such teacher-members of the Council for Under-Graduate Studies in Engineering and Technology.

* (4) One-third of the total number of members of a Faculty Council for Post-Graduate Studies Plus one shall be a quorum for the meeting of the Faculty Council.

* (5) Each Faculty Council for Post-Graduate Studies shall have a Secretary to be appointed by the Executive Council.

Powers and functions of the Faculty Councils 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, centres, 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 thereof;
- (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 make proposals to the Executive Council for constituting and reconstituting Departments of teaching;

* *with the declaration of R. E. College, Durgapur as the N.I.T. (deemed University) the provisions of sub-sections (3), (4) and (5) are of no use.*

- (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 held and conduct, subject to general supervision by the Executive Council, University examinations leading to Post-Graduate degrees, diplomas and certificates and to approve and publish 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 to Studies attached to the Faculty Council;
- (xii) to frame rules relating to the courses of Post-Graduate Studies and division of subjects in regard thereto and to recommend to the Executive Council the making of regulation 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 officer;
- (xvi) to maintain contact with the corresponding Council for Under-Graduate 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 Under-Graduate Studies :

- (i) Council for Under-graduate Studies in Arts, Science, Commerce, Law, Fine Arts and Music;
- (ii) Council for Under-Graduate Studies in Engineering and Technology; and
- (iii) Council for Under-Graduate Studies in Medicine.

(2) The Council for Under-Graduate Studies in Arts, Science, Commerce, Law, Fine Arts and Music shall consist of the following members :

- (i) the Vice-Chancellor—Chairman;
- (ii) the Deans of the Faculty Councils for Post-Graduate Studies in Arts and Science;
- (iii) the Principal, Hooghly Mohsin College;
- (iv) the Principal, Durgapur Government College;
- (v) ten Teachers of affiliated colleges other than Medical and Engineering colleges, of whom one shall be from a teachers' training college, elected by such Teachers;
- (vi) two Teachers 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;

- (vii) four Principals, of whom three shall be from Under-Graduate Colleges of Arts, Science, Commerce, and Law and one shall be from a teachers' training college;
- (viii) two persons having special knowledge in the subject or subjects nominated by the Vice-Chancellor.

* (3) The Council for Under-Graduate Studies in Engineering and Technology shall consist of the following members :

- (i) the Vice-Chancellor—Chairman;
- (ii) the Dean of the Faculty Council for Post-Graduate Studies in Engineering and Technology;
- (iii) the Principal, Regional Engineering College, Durgapur;
- (iv) the Heads of departments of teaching of Regional Engineering College, Durgapur;
- (v) 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;
- (vi) one person nominated by the Director of Technical Education, West Bengal;
- (vii) two persons having knowledge in the subject concerned nominated by the Vice-Chancellor.

** (4) The Council for Under-Graduate Studies in Medicine shall consist of the following members :

- (i) the Vice-Chancellor—Chairman;
- (ii) the Principal, Burdwan Medical College;
- (iii) the Heads of departments of teaching of Burdwan Medical College;

* *with the declaration of R. E. college, Durgapur as the N.I.T., (Deemed University) the provisions of sub-section (3) are of no use now.*

** *with the promulgation of the West Bengal University of Health Sciences Act, 2002 the Burdwan Medical College has been affiliated to the said University and so the provisions of sub-section(4) are of no use now.*

- (iv) five Teachers of the Burdwan Medical College and colleges affiliated to the University imparting instruction in medicine, if any, elected by such teachers from amongst themselves;
- (v) one person nominated by the Director of Health Services, West Bengal;
- (vi) two persons having knowledge in the subject concerned nominated by the Vice-Chancellor.

(5) All elections to the Councils for Under-Graduate Studies shall be held in the manner prescribed by Statutes.

(6) Each Council for Under-Graduate Studies shall have a Secretary to be appointed by the Executive Council.

(7) one-third of the total number of members of a Council for Under-Graduate Studies plus one shall be a quorum for a meeting of the Council.

25. (1) Subject to the provisions of this Act, and the Statutes, the Ordinances and the Regulations, a Council for Under-Graduate 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 Under-Graduate 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;

Powers and functions of the Council for Under-Graduate Studies

- (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 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 Under-Graduate colleges;
- (ix) to recommend to the Executive Council the temporary take over of the management of an affiliated or a recognised college or institution, other than a Government College in consultation with the Executive Council 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 Under-Graduate colleges or institutions recognised 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 the 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, marksheet, late admission, change of examination centre, scrutiny of answerscript, 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 Court;
- (xvi) to extend facilities and other assistance including exhibits of records, books of accounts, ledgers and any other documents to officers deputed by the Court for inspection;
- (xvii) to approve the annual report of the activities of the Councils 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 Court from time to time in regard to the Council;
- (xix) to follow the guidelines and the rules framed by the Court from time to time.
- (xx) to have general responsibility for academic affairs in relation to Under-Graduate Studies with which the Council is concerned;
- (xxi) to have general supervision over the Boards 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 courses of Under-Graduate 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 Under-Graduate Studies in Medicine shall have the following additional powers :

* *with the promulgation of West Bengal University of Health Science Act, 2002 the Burdwan Medical College has been affiliated of the W.B.U.H.S. and the provisions under 25(2) are of no use at present.*

- (i) to have general responsibility for academic affairs of medical college or colleges affiliated to the University relating to entrance requirements, curricula, instructions, examinations, discipline, student activities, athletics, college libraries and similar other matters;
- (ii) to frame rules and make regulations relating to courses of Under-Graduate Studies in Medicine and the division of subjects in regard thereto subject to 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.

26. (1) There shall be a Dean for each Faculty Council for Post-Graduate Studies who shall be a Professor of the University.

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

(3) The seniormost Dean shall act as the Vice-Chairman of a Council for Under-Graduate 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 Under Graduate Studies. The constitution of the Boards of Studies shall be prescribed by the Statutes and the powers and functions of the Boards shall be prescribed by the Regulations.

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 the Statutes and its procedure in financial matters, including the delegation of its powers, shall be prescribed by Ordinances.

Selection
Committee for
teaching posts

consisting of :

- (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;
- (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 the Selection
Committee

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

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 the 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 a period of probation may, at the discretion of the appropriate authority of the University, be extended for 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 Court in this behalf and the fact to such confirmation shall be communicated to the persons 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.

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 salary in lieu thereof.

***33.** The Executive Council may constitute standing committee or standing committees for selection of persons for appointment to the posts of Officers and to the other Non-teaching posts and may, subject to the provisions of this Act, prescribe by the Ordinances the procedure and the method of such selection.

* *the provisions of section 33 amended [vide West Bengal Act VIII of 1988]*

34. (1) If in the case of any dispute between the Court and any Teacher, Officer or Employee of the University no final order has been passed by the Court within a period of one year from the date on which the dispute was referred to the Court 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 :

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

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

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

CHAPTER IV

GENERAL PROVISIONS GOVERNING ALL AUTHORITIES OR OTHER BODY OF THE UNIVERSITY

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 Under-Graduate Studies.

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

Part-time Teacher or
Part-time Non-
teaching staff not to
be entitled to be
enrolled as voters or
to be nominated

(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.

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 terms 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 date 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 in certain cases or 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.

(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.

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

(3) Vacancies arising by efflux of time in the seats of elected members of any authority or body of the University shall be filled by election to be held on such date or dates, not later than six months or such extended period 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.

39. No act or proceedings of the Court or of any authority or body of the University shall be deemed to be invalid or the authorities or bodies merely by reason of the existence of a vacancy or of the University not invalidated by vacancies 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 when 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 election takes place or such appointment is made.

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 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.

41. At a meeting of the Court, the Executive Council, the Faculty Councils for Post-Graduate Studies, the Councils for Under-Graduate 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.

Note : Provisions of Sections 39 and 40 came into force on the 1st May, 1983 [Vide notification no 1078-Edn (U) dated 26.4.1983 issued by the State Govt.]

Note : Provisions of Sections 41 to 56 came into force on the 15th April, 1984 [Vide Notification No. 432 Edn. (U) dated 30.3.1983 issued by the State Govt.]

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 grant or grants for other special purposes.

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.

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

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

(3) Notwithstanding anything to the contrary contained in this Act, the Court 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.

44. Any provident fund instituted by the University for the benefit of its employees shall be governed by the Provisions of the Provident Fund 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 the Act, for the administration of the 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.

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

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

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 Univeristy 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 relates to a college, both to the University and the college affiliated to it, as the case may be, of its intention to cause such inspection or inquiry.

(2) The State Government shall communicate to the Court and the Executive Council its views on the results of such inspection or inquiry 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.

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 declaration of posts as posts of officers of the University referred to in sub-clause (iv) of section 7;
- (b) the establishment of authorities of the University referred to in clause (7) of section 16;
- (c) the constitution, duties and powers of the subordinate authorities which may be constituted by the University;
- (d) the subordinate authorities of which the Vice-Chancellor shall be an *ex-officio* member and Chairman;
- (e) the filling of vacancies of members of the subordinate authorities and all other matters relating to those authorities;
- (f) the appointment, powers and duties of the officers of the University other than the Vice-Chancellor;
- (g) the constitution of a pension, insurance or provident fund for the benefit of the officers, teachers, and other employees of the University;
- (h) the conferment of honorary degrees;

- (i) the withdrawal of degrees, diplomas, certificates and other academic distinctions;
- (j) the establishment and abolition of Faculties, Departments of Studies, colleges, libraries, museums and other institutions;
- (k) the maintenance of registers of Government Colleges, constituent and affiliated colleges;
- (l) 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 and the procedure to be followed for the election of the members of the Court referred to in clauses (viii) to (x) and (xiii) to (xvii) of sub-section (1) of section 17,
- (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;
- (n) the constitution, powers and functions of the Governing Bodies of colleges, other than Government Colleges;
- *(o) the terms and conditions of service of :
 - (i) Librarians, and
 - (ii) Non-teaching staff, of colleges, other than Government Colleges;
- (p) the institution of fellowships, scholarships, studentships, exhibitions, medals and prizes;

* *the provisions of sub-section (O) amended [vide West Bengal Act VIII of 1988]*

- (q) the calling of meetings of the Court and the giving of notice thereof to the members of the Court and the quorum and procedure at such meetings;
- (r) contracts by the University and the execution thereof;
- (s) annual report of the University;
- (t) qualifications of teachers including teachers of the University;
- (u) 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;
- (v) the manner of exemption from study referred to in sub-clause (a) of clause (11) of section 4; and
- (w) all other matters which by or under this Act are or may be provided for by Statutes.

48. (1) The Executive Council may of its own motion, and shall, when required by the Court, make a draft of any Statutes 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 Statutes, 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.

(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 of 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 and 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 the prescribing for them 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; and
- (l) all other matters which by this Act or the Statutes are to be or may be provided for by Ordinances.

50. (1) The Executive Council shall take in 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 unless cancelled or modified by the Chancellor shall remain in force until repealed or amended by a new Ordinance similarly passed and brought into force.

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

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.

(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,
 - (iv) any of the Faculty Councils for Post-Graduate Studies or Councils for Under-Graduate Studies, or
 - (v) the Finance Committee;
- (c) the Faculty Council for Post-Graduate Studies or the Council for Under-Graduate 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 Burdwan 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.

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.

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 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.

* (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, not exceeding one year from the date of publication of this Act in the *Official Gazette*, as the State Government may, by notification, direct, cause arrangements to be made for constituting the Court, the Executive Council, the Faculty Councils for Post-Graduate Studies, the Councils for Under-Graduate 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 reason,—

- (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

* *the provisions of sub-section (3) amended [Vide West Bengal Act XVII of 1983]*

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 other person to be the Vice-Chancellor for the purposes of this section for such period not exceeding one year as the Chancellor thinks fit, or

- (b) a vacancy occurs in the office of the first Vice-Chancellor before the expiry of the periods 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 or such further period not exceeding one year as the Chancellor thinks fit,

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

* (5) The State Government shall, by notification in the *Official Gazette*, appoint a date and on and from such date, the Court, the Executive Council, the Faculty Councils for Post-Graduate Studies, the Councils for Under-Graduate 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 Statutes, the Ordinances and the Regulations of the University.

(6) (a) The Burdwan University (Temporary Supersession) Act, 1978 West Bengal Act VI of 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*.

- (b) (i) Notwithstanding such repeal, until the appointed day, the Burdwan 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.
- (ii) Notwithstanding such repeal, anything done or any action taken under the Burdwan University (Temporary Supersession) Act, 1978, shall be deemed to have been validly done or taken under this Act.

* *the provisions of sub-section (5) amended [Vide West Bengal Act XVII of 1983]*

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

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

(9) On and from the appointed day the West Bengal Act XXIX of 1959 Burdwan University Act, 1959 shall stand repealed and thereupon—

- (a) the Statutes, the Ordinances and the Regulations of the former University shall, subject to the provisions of sub-section (5), stand repealed and all authorities or bodies of the former University shall cease to function;
- (b) all colleges and institutions affiliated to or recognised by the former University and continuing as such immediately before the appointed day shall be deemed to be affiliated to, or recognised by, the University;
- (c) all colleges or institutions of whatever kind established, maintained or managed by the former University prior to the appointed day shall be deemed to be colleges or institutions established, maintained or managed by the University under this Act;
- (d) all affairs, functions or activities of the former University, including studies and examinations, commenced and in progress before the appointed day, shall be deemed to be in progress as if they had been commenced by the University under this Act;
- (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 Burdwan University Act, 1959, shall be deemed to be things done or actions taken or appointments made by the University under this Act as if this Act had been in force when such things were done or such actions were taken or such appointments were made :

Provided that until such repeal references to 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 Under-Graduate 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 Burdwan, immediately before the date of appointment of the first Vice-Chancellor.

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

58. If on account of any lacunae 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.

By order of the Governor,

K. N. MUKHERJEE,

Jt. Secy. to the Govt. of West Bengal.

* *the provisions of sub-section (10) amended [Vide West Bengal Act XVII of 1983]*

Note : *Provisions of section 58 came into force on the 1st May, 1983 [Vide Notification No. 1078-Edn.(U) dated 26.4.1983 issued by the State Govt.]*