Registered No. WB/SC-247 **No. WB(Part-III)/2012/SAR-2**

The Kolkata Gazette

सत्यमेव जयते

Extraordinary
Published by Authority

MAGHA 5] WEDNESDAY, JANUARY 25, 2012 [SAKA 1933

PART III—Act of the West Bengal Legislature.

GOVERNMENT OF WEST BENGAL

LAW DEPARTMENT

Legislative

NOTIFICATION

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

West Bengal Act XII of 2011

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

[Passed by the West Bengal Legislature.]

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

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

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

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

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

(Sections 1, 2.)

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

Short title and commencement.

1. (1) This Act may be called the West Bengal University Laws (Amendment) Act, 2011.

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

Amendment of West Ben. Act XXXVIII.

2. In the Calcutta University Act, 1979,—

(1) in section 2,—

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

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

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

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

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

(iv) clause (29) shall be omitted;

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

"The Vice-Chancellor.

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

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

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

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

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

(iii) a nominee of the Senate:

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

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

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

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

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

(5) If—

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

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

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

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

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

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

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

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

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

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

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(g) has been convicted by a court for any offence within the concept and meaning of the Code of Criminal Procedure, 1973; or 2 of 1974.

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

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

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

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

"The Pro-Vice-Chancellor for Academic Affairs.

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

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

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

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

(4) If—

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

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

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

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

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

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

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

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

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

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

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

(g) has been convicted by a court for any offence within the concept and meaning of the Code of Criminal Procedure, 1973; or 2 of 1974.

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

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

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

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

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

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

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

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

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

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(4) If—

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

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

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

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

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

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

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

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

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

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

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

(g) has been convicted by a court for any offence within the concept and meaning of the Code of Criminal Procedure, 1973; or 2 of 1974.

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

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

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

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

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

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

(a) *Ex officio* members—

(i) the Chancellor;

(ii) the Vice-Chancellor;

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

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

(v) the Deans of Faculty Councils for Post Graduate Studies;

(vi) the Secretary, Higher Education Department, Government of West Bengal or his nominee not below the rank of Joint Secretary to the Government of West Bengal;

(vii) the Secretary, Finance Department, Government of West Bengal or his nominee not below the rank of Joint Secretary to the Government of West Bengal;

(viii) the Chairman, West Bengal State Council of Higher Education or his nominee;

(ix) the President, West Bengal Council of Higher Secondary Education;

(x) the President, West Bengal Madrasah Education Board;

(xi) the President, West Bengal Board of Secondary Education;

(xii) the Director of Public Instruction, West Bengal or his nominee not below the rank of Additional Director of Public Instruction;

(xiii) a nominee of the Chairman of University Grants Commission;

(xiv) a nominee of the Chairman of National Council for Teachers' Education;

(xv) the Chairman of the College Service Commission or a member of the Commission as his nominee;

(b) Representatives of Departments and Colleges—

(xvi) Heads of Departments of the University;

(xvii) five senior most Professors of Departments of the University to be selected by the Vice-Chancellor in alphabetical order of the Department, of whom not more than one Professor shall be from the same Department;

(xviii) Principals of affiliated Colleges, not more than ten, to be nominated by the Vice-Chancellor of whom —

(I) one shall be from a Teacher's Training College;

(II) one shall be from a Law College;

(III) one shall be from other Professional College;

(IV) one shall be from Women's College;

(V) one shall be from Government College;

(xix) five teachers from the Council for Undergraduate studies, of whom at least two shall belong the rank of

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

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

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

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

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

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

(c) Nominated Members—

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

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

(d) Special Invitee—

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

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

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

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

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

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

(a) *Ex officio* Members—

(i) the Vice-Chancellor;

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

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

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

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

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(vi) Chairman of West Bengal State Council of Higher Education or his nominee;

(vii) Director of Public Instruction or his nominee not below the rank of Additional Director of Public Instruction;

(viii) the Deans of Faculty Councils for Post-Graduate Studies;

(ix) Principals of affiliated Colleges, not more than seven, to be nominated by the Vice Chancellor of whom—

(I) one shall be from a Teacher's Training College;

(II) one shall be from a Law College;

(III) one shall be from other Professional College;

(IV) one shall be from Women's College;

(V) one shall be from Government College;

(b) Other Members—

(x) three Heads of Departments, by rotation for one year in alphabetical order of the Department, to be selected by the Vice-Chancellor;

(xi) seven teachers from the faculty council for Post-Graduate studies of whom four shall be Professors, two shall be Associate Professors and one shall be Assistant Professor and they shall be elected by the members of the faculty council from amongst themselves in the manner as may be prescribed by statutes;

(xii) five Teachers of whom at least two shall belong to the rank of Associate Professor and Others shall be not below the rank of Assisstant Professor from the Council for Undergraduate studies, to be elected by the members of the Council from amongst themselves in the manner as may be prescribed by Statutes;

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

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

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

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

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

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

(8) in section 23,—

(i) in sub-section (2),—

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

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

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

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

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

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

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

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

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

"Selection Committee for Teaching Posts.

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

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

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

"Procedure for holding meeting of the Selection Committee.

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

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

Amendment of West Ben. Act XXV of 1981.

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

(1) in section 2,—

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

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

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

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

'(22) "Teacher of the University" means a Professor, Associate Professor, Assistant Professor, or any other person, holding a teaching

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

(iv) clause (25) shall be omitted;

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

"The Vice-Chancellor.

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

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

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

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

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

(iii) a nominee of the Court:

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

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

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

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

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

(5) If—

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

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

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

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

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

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

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

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

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

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

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

(g) has been convicted by a court for any offence within the concept and meaning of the Code of Criminal Procedure, 1973; or 2 of 1974.

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

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

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

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

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

(a) *Ex officio* members—

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

(b) Representatives of Departments and Colleges—

(xiv) Heads of Departments of the University;
(xv) five senior most Professors of Departments of the University to be selected by the Vice-Chancellor in alphabetical order of the Department, of whom not more than one Professor shall be from the same Department;
(xvi) Principals of affiliating Colleges, not more than ten, to be nominated by the Vice-Chancellor of whom—
(I) one shall be from a Teachers' Training College;
(II) one shall be from a Law College;
(III) one shall be from other Professional College;
(IV) one shall be from Women's College;
(V) one shall be from Government College;
(xvii) five teachers from the Council for Undergraduate studies, of whom atleast two shall belong to the rank of Associate Professor and other shall be not below the rank of Assistant Professor, to be elected by the members of the Council from amongst themselves in the manner as may be prescribed by the Statutes;
(xviii) one representative of officers of the University, to be elected from amongst themselves in the manner as may be prescribed by the statutes;
(xix) two representative of non-teaching employees of whom—
(i) one from non-teaching employees of the University,

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

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

(c) Nominated Members—

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

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

(d) Special Invitee—

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

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

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

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

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

"The Executive Council.

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

(a) *Ex officio* Members—

(i) the Vice Chancellor;

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

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

(iv) Chairman of West Bengal State Council of Higher Education or his nominee;

(v) Director of Public Instruction or his nominee not below the rank of Additional Director of Public Instruction;

(vi) the Deans of Faculty Councils for Post Graduate Studies;

(vii) Principals of affiliated Colleges, not more than seven, to be nominated by the Vice-Chancellor of whom -

(I) one shall be from a Teachers' Training College;

(II) one shall be from a Law College;

(III) one shall be from other Professional College;

(IV) one shall be from Women's College;

(V) one shall be from Government College;

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(b) Other Members—

(viii) three Heads of Departments, by rotation for one year in alphabetical order of the Department, to be selected by the Vice-Chancellor;

(ix) seven teachers from the faculty council for Post-Graduate studies of whom four shall be Professors, two shall be Associate Professors and one shall be Assistant Professor and they shall be elected by the members of the faculty council from amongst themselves in the manner as may be prescribed by Statutes;

(x) five Teachers of whom atleast two shall belong to the rank of Associate Professor and others shall be not below the rank of Assisstant Professor from the Council for under-graduate studies to be elected by the members of the Council from amongst themselves in the manner as may be prescribed by Statutes;

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

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

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

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

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

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

(6) in section 22,—

(i) in sub-section (2),—

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

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

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

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

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

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

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

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

"Selection Committee for Teaching Posts.

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

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

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

"Procedure for holding meeting of the Selection Committee.

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

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

Amendment of West Ben. Act XXIII of 1981.

4. In the Burdwan University Act, 1981,—

(1) in section 2,—

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

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

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

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

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

(iv) clause (25) shall be omitted;

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

"The Vice-Chancellor.

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

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

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

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

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

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

(iii) a nominee of the Court:

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

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

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

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

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

(5) If —

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

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

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

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

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

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

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

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

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

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

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

(g) has been convicted by a court for any offence within the concept and meaning of the Code of Criminal Procedure, 1973; or 2 of 1974.

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

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

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

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

"The Pro-Vice-Chancellor (Administration and Academic).

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

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

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

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

(4) If—

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

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

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

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

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

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

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

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

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

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

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

(g) has been convicted by a court for any offence within the concept and meaning of the Code of Criminal Procedure, 1973; or 2 of 1974.

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

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

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

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

" The Court.

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

(a) *Ex officio* members—

(i) the Chancellor;

(ii) the Vice-Chancellor;

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

(iv) the Deans of Faculty Councils for Post-Graduate Studies;

(v) the Secretary, Higher Education Department, Government of West Bengal or his nominee not below the rank of Joint Secretary to the Government of West Bengal;

(vi) the Secretary, Finance Department, Government of West Bengal or his nominee not below the rank of Joint Secretary to the Government of West Bengal;

(vii) the Chairman, West Bengal State Council of Higher Education or his nominee;

(viii) the President, West Bengal Council of Higher Secondary Education;

(ix) the President, West Bengal Madrasah Education Board;

(x) the President, West Bengal Board of Secondary Education;

(xi) the Director of Public Instruction, West Bengal or his nominee not below the rank of Additional Director;

(xii) a nominee of the Chairman of University Grants Commission;

(xiii) a nominee of the Chairman of National Council for Teachers' Education;

(xiv) a nominee of the Chairman of All India Council for Technical Education;

(xv) the Chairman, of the College Service Commission or a member of the Commission as his nominee;

(b) Representatives of Departments and Colleges—

(xvi) Heads of Departments of the University;

(xvii) five senior most Professors of Departments of the University to be selected by the Vice-Chancellor in alphabetical order of the Department, of whom not more than one Professor shall be from the same Department;

(xviii) Principals of affiliated Colleges, not more than ten, to be nominated by the Vice-Chancellor of whom—

(I) one shall be from a Teachers' Training College;

(II) one shall be from a Law College;

(III) one shall be from other Professional College;

(IV) one shall be from Women's College;

(V) one shall be from Government College;

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

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

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

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

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

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

(c) Nominated Members—

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

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

(d) Special Invitee—

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

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

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

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

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

"The Executive Council.

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

(a) *Ex officio* Members—

(i) the Vice-Chancellor;

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

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

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

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(v) Chairman of West Bengal State Council of Higher Education or his nominee;

(vi) Director of Public Instruction or his nominee not below the rank of Additional Director of Public Instruction;

(vii) the Deans of Faculty Councils for Post-Graduate Studies;

(viii) Principals of affiliated Colleges, not more than seven, to be nominated by the Vice-Chancellor of whom—

(I) one shall be from a Teachers' Training College;

(II) one shall be from a Law College;

(III) one shall be from other Professional College;

(IV) one shall be from Women's College;

(V) one shall be from Government College;

(b) Other Members—

(ix) three Heads of Departments, by rotation for one year in alphabetical order of the Department, to be selected by the Vice-Chancellor;

(x) three Heads of Departments, by rotation for one year in alphabetical order of the Department, to be selected by the Vice-Chancellor;

(xi) seven teachers from the faculty council for Post-Graduate studies of whom four shall be Professors, two shall be Associate Professors and one shall be Assistant Professor and they shall be elected by the members of the faculty council from amongst themselves in the manner as may be prescribed by Statutes;

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

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

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

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

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

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

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

(7) in section 22,—

(i) in sub-section (2),—

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

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

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

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

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

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

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

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

"Selection Committee for Teaching Posts.

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

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

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

"Procedure for holding meeting of Selection Committee.

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

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

Amendment of West Ben. Act XVIII of 1981.

5. In the Vidyasagar University Act, 1981,—

(1) in section 2,—

(i) after clause (17), the following clause shall be inserted:—

'(17a) "State Government" means the Government of West Bengal in the Higher Education Department;';

(ii) in clause (20), for the words "a Professor, Associate Professor, Assistant Professor, Reader, Principal, Lecturer,", the words "a Principal, Professor, Associate Professor, Reader, Assistant Professor" shall be substituted;

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

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

(iv) clause (24) shall be omitted;

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

"The Vice-Chancellor.

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

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

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

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

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

(iii) a nominee of the Court:

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

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

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

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

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

(5) If—

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

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

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

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

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

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

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

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

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

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

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

(g) has been convicted by a court for any offence within the concept and meaning of the Code of Criminal Procedure, 1973; or 2 of 1974.

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

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

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

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

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

(a) *Ex officio* members—

(i) the Chancellor;

(ii) the Vice Chancellor;

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(iii) the Deans of Faculty Councils for Post-Graduate Studies;

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

(v) the Secretary, Finance Department, Government of West Bengal or his nominee not below the rank of Joint Secretary to the Government of West Bengal;

(vi) the Chairman, West Bengal State Council of Higher Education or his nominee;

(vii) the President, West Bengal Council of Higher Secondary Education;

(viii) the President, West Bengal Madrasah Education Board;

(ix) the President, West Bengal Board of Secondary Education;

(x) the Director of Public Instruction, West Bengal or his nominee not below the rank of Additional Director of Public Instruction;

(xi) a nominee of the Chairman of University Grants Commission;

(xii) a nominee of the Chairman of National Council for Teachers' Education;

(xiii) the Chairman, of the College Service Commission or a member of the Commission as his nominee;

(b) Representatives of Departments and Colleges—

(xiv) Heads of Departments of the University;

(xv) five senior most Professors of Departments of the University to be selected by the Vice-Chancellor in alphabetical order of the Department, of whom not more than one Professor shall be from the same Department;

(xvi) Principals of affiliated Colleges, not more than ten, to be nominated by the Vice-Chancellor of whom—

(I) one shall be from a Teachers' Training College;

(II) one shall be from a Law College;

(III) one shall be from other Professional College;

(IV) one shall be from Women's College;

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

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

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

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

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

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

(c) Nominated Members—

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

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

(d) Special Invitee—

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

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

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

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

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

"The Executive Council.

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

(a) *Ex officio* Members—

(i) the Vice-Chancellor;

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

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

(iv) Chairman of West Bengal State Council of Higher Education or his nominee;

(v) Director of Public Instruction or his nominee not below the rank of Additional Director of Public Instruction;

(vi) the Deans of Faculty Councils for Post-Graduate Studies;

(vii) Principals of affiliated Colleges, not more than seven, to be nominated by the Vice-Chancellor of whom—

(I) one shall be from a Teachers' Training College;

(II) one shall be from a Law College;

(III) one shall be from other Professional College;

(IV) one shall be from Women's College;

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(b) Other Members—

(viii) three Heads of Departments, by rotation for one year in alphabetical order of the Department, to be selected by the Vice-Chancellor;

(ix) seven teachers from the faculty council for Post-Graduate studies of whom four shall be Professors, two shall be Associate Professors and one shall be Assistant Professor and they shall be elected by the members of the faculty council from amongst themselves in the manner as may be prescribed by Statutes;

(x) five Teachers of whom atleast two shall belong to the rank of Associate Professor and Others shall be not below the rank of Assisstant Professor from the council for Undergraduate studies to be elected by the members of the Council from amongst themselves in the manner as may be prescribed by Statutes;

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

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

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

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

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

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

(6) in section 22,—

(i) in sub-section (2),—

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

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

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

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

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(7) in section 24,—

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

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

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

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

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

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

"Selection Committee for Teaching Posts.

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

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

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

"Procedure for holding meetings of the Selection Committee.

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

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

Amendment of West Ben. Act XL of 1981.

6. In the Kalyani University Act, 1981,—

(1) in section 2,—

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

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

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

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

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

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(iv) clause (23) shall be omitted.

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

"The Vice-Chancellor.

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

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

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

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

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

(iii) a nominee of the Court:

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

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

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

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

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

(5) If—

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

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

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

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

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

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

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

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

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

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

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

(g) has been convicted by a court for any offence within the concept and meaning of the Code of Criminal Procedure, 1973; or 2 of 1974.

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

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

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

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

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

(a) *Ex officio* members—

(i) the Chancellor;

(ii) the Vice-Chancellor;

(iii) the Deans of Faculty Councils for Post-Graduate Studies;

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

(v) the Secretary, Finance Department, Government of West Bengal or his nominee not below the rank of Joint Secretary to the Government of West Bengal;

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(vi) the Chairman, West Bengal State Council of Higher Education or his nominee;

(vii) the President, West Bengal Council of Higher Secondary Education;

(viii) the President, West Bengal Madrasah Education Board;

(ix) the President, West Bengal Board of Secondary Education;

(x) the Director of Public Instruction, West Bengal or his nominee not below the rank of Additional Director of Public Instruction;

(xi) a nominee of the Chairman of University Grants Commission;

(xii) a nominee of the Chairman of National Council for Teachers' Education;

(xiii) the Chairman of the College Service Commission or a member of the Commission as his nominee;

(b) Representatives of Departments and Colleges—

(xiv) Heads of Departments of the University;

(xv) five senior most Professors of Departments of the University to be selected by the Vice-Chancellor in alphabetical order of the Department, of whom not more than one Professor shall be from the same Department.

(xvi) Principals of affiliated Colleges, not more than ten, to be nominated by the Vice-Chancellor of whom—

(I) one shall be from a Teacher's Training College;

(II) one shall be from a Law College;

(III) one shall be from other Professional College;

(IV) one shall be from Women's College;

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

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

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

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

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

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

(c) Nominated Members—

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

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

(d) Special Invitee—

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

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

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

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

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

"The Executive Council.

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

(a) *Ex officio* Members—

(i) the Vice-Chancellor;

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

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

(iv) Chairman of West Bengal State Council of Higher Education or his nominee;

(v) Director of Public Instruction or his nominee not below the rank of Additional Director of Public Instruction;

(vi) the Deans of Faculty Councils for Post-Graduate Studies;

(vii) Principals of affiliated Colleges, not more than seven, to be nominated by the Vice-Chancellor of whom—

(I) one shall be from a Teachers' Training College;

(II) one shall be from a Law College;

(III) one shall be from other Professional College;

(IV) one shall be from Women's College;

(b) Other Members—

(viii) three Heads of Departments, by rotation for one year in alphabetical order of the Department, to be selected by the Vice-Chancellor;

(ix) seven teachers from the faculty council for Post-Graduate studies of whom four shall be Professors, two shall be Associate Professors and one shall be Assistant Professor and they shall be elected by the members of the faculty council from amongst themselves in the manner as may be prescribed by Statutes;

(x) five Teachers of whom atleast two shall belong to the rank of Associate Professor and Others shall be not below the rank of Assisstant Professor from the council for under-graduate studies to be elected by the members of the Council from amongst themselves in the manner as may be prescribed by Statutes;

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

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

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

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

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

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

(6) in section 22,—

(i) in sub-section (2),—

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

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

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

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

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

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

(7) in section 23A,—

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

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

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

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

"Selection Committee for Teaching Posts.

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

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

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

"Procedure for holding meeting of Selection Committee.

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

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

Amendment of West Ben. Act XXVIII of 2007.

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

(1) in section 2,—

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

'(19a) "State Government" means the Government of West Bengal in the Higher Education Department;';

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

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

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

(iv) clause (27) shall be omitted;

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

"The Vice-Chancellor.

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

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

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

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

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

(iii) a nominee of the Court:

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

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

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

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

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

(5) If—

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

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

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

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

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

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

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

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

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

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

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

(g) has been convicted by a court for any offence within the concept and meaning of the Code of Criminal Procedure, 1973; or 2 of 1974.

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

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

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

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

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

(a) *Ex officio* members—

(i) the Chancellor;

(ii) the Vice-Chancellor;

(iii) the Deans of Faculty Councils for Post-Graduate Studies;

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

(v) the Secretary, Finance Department, Government of West Bengal or his nominee not below the rank of Joint Secretary to the Government of West Bengal;

(vi) the Chairman, West Bengal State Council of Higher Education or his nominee;

(vii) the President, West Bengal Council of Higher Secondary Education;

(viii) the President, West Bengal Madrasah Education Board;

(ix) the President, West Bengal Board of Secondary Education;

(x) the Director of Public Instruction, West Bengal, or his nominee not below the rank of Additional Director of Public Instruction;

(xi) a nominee of the Chairman of University Grants Commission;

(xii) a nominee of the Chairman of National Council for Teachers' Education;

(xiii) the Chairman of the College Service Commission or a member of the Commission as his nominee;

(b) Representatives of Departments and Colleges—

(xiv) Heads of Departments of the University;

(xv) five senior most Professors of Departments of the University to be selected by the Vice-Chancellor in alphabetical order of the Department, of whom not more than one Professor shall be from the same Department;

(xvi) Principals of affiliated Colleges, not more than ten, to be nominated by the Vice-Chancellor of whom—

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(I) one shall be from a Teachers' Training College;

(II) one shall be from a Law College;

(III) one shall be from other Professional College;

(IV) one shall be from Women's College;

(V) one shall be from Government College;

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

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

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

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

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

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

(c) Nominated Members—

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

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

(d) Special Invitee—

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

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

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

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

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

" The Executive Council.

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

(a) *Ex officio* Members—

(i) the Vice-Chancellor;

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

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

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(iv) Chairman of West Bengal State Council of Higher Education or his nominee;

(v) Director of Public Instruction or his nominee not below the rank of Additional Director of Public Instruction;

(vi) the Deans of Faculty Councils for Post-Graduate Studies,

(vii) Principals of affiliating Colleges, not more than seven, to be nominated by the Vice-Chancellor of whom—

(I) one shall be from a Teachers' Training College;

(II) one shall be from a Law College;

(III) one shall be from other Professional College;

(IV) one shall be from Women's College;

(V) one shall be from Government College;

(b) Other Members—

(viii) three Heads of Departments, by rotation for one year in alphabetical order of the Department, to be selected by the Vice-Chancellor;

(ix) seven teachers from the faculty council for Post-Graduate studies of whom four shall be Professors, two shall be Associate Professors and one shall be Assistant Professor and they shall be elected by the members of the faculty council from amongst themselves in the manner as may be prescribed by Statutes;

(x) five Teachers of whom atleast two shall belong to the rank of Associate Professor and Others shall be not below the rank of Assisstant Professor from the Council for Undergraduate studies, to be elected by the members of the Council from amongst themselves in the manner as may be prescribed by Statutes;

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

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

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

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

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

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

(6) in section 22,—

(i) in sub-section (2),—

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

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

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

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

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

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

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

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

"Selection Committee for Teaching Posts.

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

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

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

"Procedure for holding meeting of Selection Committee.

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

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

Amendment of West Ben. Act XXVI of 2007.

8. In the Gour Banga University Act, 2007,—

(1) in section 2,—

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

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

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

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

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

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(iv) clause (28) shall be omitted;

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

"The Vice-Chancellor.

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

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

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

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

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

(iii) a nominee of the Court:

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

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

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

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

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

(5) If—

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

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

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

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

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(1) within a period of six months from the date of occurrence of the vacancy, and such period shall be held to include any period for which a Vice-Chancellor is allowed to continue in office under clause (b) of sub-section (2), or a person is appointed by the Chancellor in consultation with the Minister to exercise the powers and perform the duties of the Vice-Chancellor under sub-section (5).

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

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

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

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

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

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

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

(g) has been convicted by a court for any offence within the concept and meaning of the Code of Criminal Procedure, 1973; or 2 of 1974.

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

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

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

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

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

(a) *Ex officio* members—

(i) the Chancellor;

(ii) the Vice-Chancellor;

(iii) the Deans of Faculty Councils for Post-Graduate Studies;

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

(v) the Secretary, Finance Department, Government of West Bengal or his nominee not below the rank of Joint Secretary to the Government of West Bengal;

(vi) the Chairman, West Bengal State Council of Higher Education or his nominee;

(vii) the President, West Bengal Council of Higher Secondary Education;

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(viii) the President, West Bengal Madrasah Education Board;

(ix) the President, West Bengal Board of Secondary Education;

(x) the Director of Public Instruction, West Bengal or his nominee not below the rank of Additional Director of Public Instruction ;

(xi) a nominee of the Chairman of University Grants Commission;

(xii) a nominee of the Chairman of National Council for Teachers' Education;

(xiii) the Chairman of the College Service Commission or a member of the Commission as his nominee.

(b) Representatives of Departments and Colleges—

(xiv) Heads of Departments of the University;

(xv) five senior most Professors of Departments of the University to be selected by the Vice-Chancellor in alphabetical order of the Department, of whom not more than one Professor shall be from the same Department.

(xvi) Principals of affiliated Colleges, not more than ten, to be nominated by the Vice-Chancellor of whom—

(I) one shall be from a Teachers' Training College;

(II) one shall be from a Law College;

(III) one shall be from other Professional College;

(IV) one shall be from Women's College;

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

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

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

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

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

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

(c) Nominated Members—

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

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

(d) Special Invitee—

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

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

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

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

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

"The Executive Council.

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

(a) *Ex officio* Members—

(i) the Vice-Chancellor;

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

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

(iv) Chairman of West Bengal State Council of Higher Education or his nominee;

(v) Director of Public Instruction or his nominee not below the rank of Additional Director of Public Instruction;

(vi) the Deans of Faculty Councils for Post-Graduate Studies;

(vii) Principals of affiliating Colleges, not more than seven, selected by rotation for a term of one year, by the Undergraduate Council of whom—

(I) one shall be from a Teachers' Training College;

(II) one shall be from a Law College;

(III) one shall be from other Professional College;

(IV) one shall be from Women's College;

(b) Other Members—

(viii) three Heads of Departments, by rotation for one year in alphabetical order of the Department, to be selected by the Vice-Chancellor;

(ix) seven teachers from the faculty council for Post-Graduate studies of whom four shall be Professors, two shall be Associate Professors and one shall be Assistant Professor and they shall be elected by the members of the faculty council from amongst themselves in the manner as may be prescribed by statutes;

(x) five Teachers of whom atleast two shall belong to the rank of Associate Professor and Others shall be not below the rank of Assisstant Professor from the Council for Undergraduate studies, to be elected by the members of the Council from amongst themselves in the manner as may be prescribed by Statutes;

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

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

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

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

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

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

(6) in section 22,—

(i) in sub-section (2),—

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

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

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

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

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

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

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

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

"Selection Committee for Teaching Posts.

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

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

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

"Procedure for holding meeting of Selection Committee.

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

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

Amendment of West Ben. Act XII of 2010.

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

(1) in section 2,—

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

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

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

(iii) clause (30) shall be omitted;

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

"The Vice-Chancellor.

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

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

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

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

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

(iii) a nominee of the Court:

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

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

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

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

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

(5) If—

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

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

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

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

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

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

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

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

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

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

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

(g) has been convicted by a court for any offence within the concept and meaning of the Code of Criminal Procedure, 1973; or 2 of 1974.

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

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

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

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

"The Court.

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

(a) *Ex officio* members—

(i) the Chancellor;

(ii) the Vice-Chancellor;

(iii) the Dean of Faculty Councils for Post-Graduate Studies;

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

(v) the Secretary, Finance Department, Government of West Bengal or his nominee not below the rank of Joint Secretary to the Government of West Bengal;

(vi) the Chairman, West Bengal State Council of Higher Education or his nominee;

(vii) the President, West Bengal Council of Higher Secondary Education;

(viii) the President, West Bengal Madrasah Education Board;

(ix) the President, West Bengal Board of Secondary Education;

(x) the Director of Public Instruction, West Bengal or his nominee not below the rank of Additional Director of Public Instruction;

(xi) a nominee of the Chairman of University Grants Commission;

(xii) a nominee of the Chairman of National Council for Teachers' Education;

(xiii) the Chairman of the College Service Commission or a member of the Commission as his nominee.

(b) Representatives of Departments and Colleges—

(xiv) Heads of Departments of the University;

(xv) five senior most Professors of Departments of the University to be selected by the Vice-Chancellor in alphabetical order of the Department, of whom not more than one Professor shall be from the same Department.

(xvi) Principals of affiliated Colleges, not more than ten, to be nominated by the Vice Chancellor of whom—

(I) one shall be from a Teacher's Training College;

(II) one shall be from a Law College;

(III) one shall be from other Professional College;

(IV) one shall be from Women's College;

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

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

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

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

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

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

(c) Nominated Members—

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

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

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(d) Special Invitee—

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

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

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

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

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

"The Executive Council.

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

(a) *Ex officio* Members—

(i) the Vice Chancellor;

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

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

(iv) Chairman of West Bengal State Council of Higher Education or his nominee;

(v) Director of Public Instruction or his nominee not below the rank of Additional Director of Public Instruction;

(vi) the Deans of Faculty Councils for Post-Graduate Studies;

(vii) Principals of affiliated Colleges, not more than seven, to be nominated by the Vice Chancellor of whom—

(I) one shall be from a Teacher's Training College;

(II) one shall be from a Law College;

(III) one shall be from other Professional College;

(IV) one shall be from Women's College;

(b) Other Members—

(viii) three Heads of Departments, by rotation for one year in alphabetical order of the Department, to be selected by the Vice-Chancellor;

(ix) seven teachers from the faculty council for Post-Graduate studies of whom four shall be Professors, two shall be Associate Professors and one shall be Assistant Professor and they shall be elected by the members of the faculty council from amongst themselves in the manner as may be prescribed by Statutes;

(x) five Teachers of whom atleast two shall belong to the rank of Associate Professor and others shall be not below the rank of Assisstant Professor from the Council for Undergraduate studies to be elected by the members of the Council from amongst themselves in the manner as may be prescribed by Statutes;

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

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

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

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

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

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

(6) in section 22,—

(i) in sub-section (2),—

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

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

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

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

(7) in section 24,—

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

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

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

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

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

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

"Selection Committee for Teaching Posts.

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

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

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

"Procedure for holding meeting of the Selection Committee.

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

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

Amendment of West Ben. Act XXIV of 1981.

10. In the Jadavpur University Act, 1981,—

(1) in section 2,—

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

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

(ii) in clause (19), for the words "a Professor, Reader, Principal, Lecturer,", the words "a Principal, Professor, Associate Professor, Reader, Assistant Professor" shall be substituted;

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

"The Vice-Chancellor.

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

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

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

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

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

(iii) a nominee of the Court:

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

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

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

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

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

(5) If—

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

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

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

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

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

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

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

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

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

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

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

(g) has been convicted by a court for any offence within the concept and meaning of the Code of Criminal Procedure, 1973; or 2 of 1974.

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

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

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

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

"The Pro-Vice-Chancellor.

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

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

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

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

(4) If—

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

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

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

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

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

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

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

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

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

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

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

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(g) has been convicted by a court for any offence within the concept and meaning of the Code of Criminal Procedure, 1973; or 2 of 1974.

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

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

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

(4) for section 16, the following section shall be substituted:—

"The Court. 16. (1) The Court shall consist of the following members:—

(a) *Ex officio* members—

(i) the Chancellor;

(ii) the Vice-Chancellor;

(iii) the Pro-Vice Chancellor,

(iv) the Deans of Faculty Councils for Post-Graduate and Undergraduate Studies;

(v) the Secretary, Higher Education Department, Government of West Bengal or his nominee not below the rank of Joint Secretary to the Government of West Bengal;

(vi) the Secretary, Finance Department, Government of West Bengal or his nominee not below the rank of Joint Secretary to the Government of West Bengal;

(vii) the Chairman, West Bengal State Council of Higher Education or his nominee;

(viii) the President, West Bengal Council of Higher Secondary Education;

(ix) the President, West Bengal Madrasah Education Board;

(x) the President, West Bengal Board of Secondary Education;

(xi) a nominee of the Chairman of University Grants Commission;

(xii) a nominee of the Chairman of All India Council For Technical Education;

(xiii) a nominee of the Chairman of the National Council for Teachers' Education;

(b) Representatives of Departments—

(xiv) Heads of Departments of the University;

(xv) five teachers, of whom at least two shall be Professors, elected by the teachers of the Departments under the Faculty Council for Post-Graduate and Undergraduate Studies in Engineering and Technology from amongst themselves as may be prescribed by Statutes;

(xvi) five teachers, of whom at least two shall be Professors, elected by the teachers of the Departments under the Faculty Council for Post-Graduate and Undergraduate Studies in Arts from amongst themselves as may be prescribed by Statutes;

(xvii) five teachers, of whom at least two shall be Professors, elected by the teachers of the Departments under the Faculty Council for Post-Graduate and Undergraduate Studies in Science from amongst themselves as may be prescribed by the Statutes;

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

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(xix) one representative of non-teaching employees elected from amongst themselves in the manner as may be prescribed by the Statutes;

(xx) one representative from National Council of Education Bengal.

(c) Nominated Members—

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

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

(d) Special Invitee—

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

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

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

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

(5) for section 19, the following section shall be substituted:—

"The Executive Council.

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

(a) *Ex officio* Members—

(i) the Vice-Chancellor;

(ii) the Pro-Vice-Chancellor;

(iii) the Secretary, Higher Education Department, Government of West Bengal or his nominee not below the rank of Joint Secretary to the Government of West Bengal;

(iv) the Secretary, Finance Department, Government of West Bengal or his nominee not below the rank of Joint Secretary to the Government of West Bengal;

(v) the Chairman, West Bengal State Council of Higher Education or his nominee;

(vi) the Deans of Faculty Councils for Post-Graduate and Undergraduate Studies;

(b) Other Members—

(vii) twelve Heads of Departments, by rotation for one year in alphabetical order of the Department;

(viii) three teachers, of whom at least one shall be Professor, elected by the teachers of the Departments under the Faculty Council for Post-Graduate and Undergraduate studies in Engineering and Technology from amongst themselves as may be prescribed by Statutes;

(ix) three teachers, of whom at least one shall be Professor, elected by the teachers of the Departments under the Faculty Council for Post-Graduate and Undergraduate studies in Arts from amongst themselves as may be prescribed by Statutes;

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(x) three teachers, of whom at least one shall be Professor, elected by the teachers of the Departments under the Faculty Council for Post-Graduate and Undergraduate Studies in Science from amongst themselves as may be prescribed by Statutes;

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

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

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

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

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

(6) in section 20, in clause (x), the word "Teachers", wherever it occurs, shall be omitted.;

(7) in section 21,—

(i) in sub-section (2),—

(a) for clause (iv), the following clause shall be substituted:—

"(iv) one or more than one teacher shall be elected by the teachers of each Department of the faculty council from amongst themselves in the following manner:—

(i) one Professor from a Department if total number of teachers in it does not exceed five;

(ii) one Professor and one Associate Professor from a Department if total number of teachers in it does not exceed ten;

(iii) two Professors and one Associate Professor from a Department if total number of teachers in it does not exceed twenty;

(iv) two Professors and two Associate Professors from a Department if total number of teachers in it exceeds twenty;";

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

"(vii) one student representative, pursuing Undergraduate studies in the University and another student representative pursuing Post-Gaduate studies in the University, to be elected by such Undergraduate and Post-Graduate students, respectively, from amongst themselves in the manner as may be prescribed by the Statutes;

(ix) one research scholar pursuing research in the University to be elected by research scholars from amongst themselves in the manner as may be prescribed by the Statutes.

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(i) in sub-section (3),—

(a) for clause (iv), the following clause shall be substituted:—

"(vi) one or more than one teacher shall be elected by the teachers of each Department of the faculty council from amongst themselves in the following manner:—

(a) one Professor from a Department if total number of teachers in it does not exceed five;

(b) one Professor and one Associate Professor from a Department if total number of teachers in it does not exceed ten;

(c) two Professors and one Associate Professor from a Department if total number of teachers in it does not exceed twenty;

(d) two Professors and two Associate Professors from a Department if total number of teachers in it exceeds twenty;";

(b) after clause (iv), the following clauses shall be inserted—

"(iva) one student representative pursuing Undergraduate studies in the University and another student representative pursuing Post-Gaduate studies in the University, to be elected by such Undergraduate and Post-Graduate students, respectively, from amongst themselves in the manner as may be prescribed by the Statutes;

(ivb) one research scholar pursuing research in the University to be elected by research scholars from amongst themselves in the manner as may be prescribed by the Statutes.";

(8) for section 26, the following section shall be substituted:—

"Selection Committee for Teaching Posts.

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

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

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

"Procedure for holding meetings of Selection Committee.

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

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

Amendment of West Ben. Act XXXVI of 1981.

11. In the Rabindra Bharati Act, 1981,—

(1) in section 2,—

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

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

(ii) in clause (21), for the words "a Principal, Professor, Assistant Professor, Reader, Lecturer,", the words "a Principal, Professor, Associate Professor, Reader, Assistant Professor" shall be substituted;

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

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

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

"The Vice-Chancellor.

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

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

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

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

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

(iii) a nominee of the Court:

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

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

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

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

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

(5) If—

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

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

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

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

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period shall be held to include any period for which a Vice-Chancellor is allowed to continue in office under clause (b) of sub-section (2), or a person is appointed by the Chancellor in consultation with the Minister to exercise the powers and perform the duties of the Vice-Chancellor under sub-section (5).

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

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

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

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

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

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

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

(g) has been convicted by a court for any offence within the concept and meaning of the Code of Criminal Procedure, 1973; or 2 of 1974.

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

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

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

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

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

(a) *Ex officio* members—

(i) the Chancellor;

(ii) the Vice Chancellor;

(iii) the Deans of Faculty Councils for Post-Graduate and Undergraduate Studies;

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

(v) the Secretary, Finance Department, Government of West Bengal or his nominee not below the rank of Joint Secretary to the Government of West Bengal;

(vi) the Chairman, West Bengal State Council of Higher Education or his nominee;

(vii) the President, West Bengal Council of Higher Secondary Education;

(viii) the President, West Bengal Madrasah Education Board;

(ix) the President, West Bengal Board of Secondary Education;

(x) a nominee of the Chairman of University Grants Commission;

(xi) a nominee of the Chairman of All India Distance Education Council;

(xii) a nominee of the Chairman of National Council for Teachers' Training;

(b) Representatives of Departments—

(xiii) Heads of Departments of the University;

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(xiv) five teachers, of whom at least two shall be Professors, elected by the teachers of the Departments under the Faculty Council for Post-Graduate and Undergraduate Studies in Fine Arts from amongst themselves as may be prescribed by Statutes;

(xv) five teachers, of whom at least two shall be Professors, elected by the teachers of the Departments under the Faculty Council for Post-Graduate and Undergraduate Studies in Visual Arts from amongst themselves as may be prescribed by Statutes;

(xvi) five teachers, of whom at least two shall be Professors, elected by the teachers of the Departments under the Faculty Council for Post-Graduate Studies in Arts from amongst themselves as may be prescribed by the Statutes;

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

(xviii) one representative of non-teaching employees elected from amongst themselves in the manner as may be prescribed by the Statutes.

(c) Nominated Members—

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

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

(d) Special Invitee—

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

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

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

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

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

"The Executive Council.

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

(a) *Ex officio* Members—

(i) the Vice Chancellor;

(ii) the Secretary, Higher Education Department, Government of West Bengal or his nominee not below the rank of Joint Secretary to the Government of West Bengal;

(iii) the Secretary, Finance Department, Government of West Bengal or his nominee not below the rank of Joint Secretary to the Government of West Bengal;

(iv) the Chairman, West Bengal State Council of Higher Education or his nominee;

(v) the Deans of the Faculty Councils;

(vi) the Principal, Indian College of Arts and Draftsmanship, Kolkata;

(vii) the Director, Indian Museum, Kolkata;

(b) Other Members—

(viii) twelve Heads of Departments, by rotation for one year in alphabetical order of the Department;

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(ix) three teachers, of whom at least one shall be Professor, elected by the teachers of the Departments under the Faculty Council for Post-Graduate and Undergraduate Studies in Fine Arts from amongst themselves as may be prescribed by Statutes;

(x) three teachers, of whom at least one shall be Professor, elected by the teachers of the Departments under the Faculty Council for Post-Graduate and Undergraduate Studies in Visual Arts from amongst themselves as may be prescribed by Statutes;

(xi) three teachers, of whom at least one shall be Professor, elected by the teachers of the Departments under the Faculty Council for Post-Graduate Studies in Arts from amongst themselves as may be prescribed by Statutes;

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

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

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

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

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

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

(6) in section 22,—

(i) in sub-section (2),—

(a) for clause (iv), the following clause shall be substituted:—

"(iv) one or more than one teacher shall be elected by the teachers of each Department of the faculty council from amongst themselves in the following manner:—

(i) one Professor from a Department if total number of teachers in it does not exceed five;

(ii) one Professor and one Associate Professor from a Department if total number of teachers in it does not exceed ten;

(iii) two Professors and one Associate Professor from a Department if total number of teachers in it does not exceed twenty;

(iv) two Professors and two Associate Professors from a Department if total number of teachers in it exceeds twenty;";

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

"(vi) one student representative, pursuing Undergraduate studies in the University and another student representative pursuing Post-Graduate studies in the University, to be elected by such undergraduate and Post-Graduate students, respectively, from amongst themselves in the manner as may be prescribed by the Statutes;

(vii) one research scholar pursuing research in the University to be elected by research scholars from amongst themselves in the manner as may be prescribed by the Statutes.";

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

"Selection Committee for Teaching Posts.

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

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

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

"Procedure for holding meeting of Selection Committee.

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

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

Amendment of West. Ben. Act XIX of 1997.

12. In the Netaji Subhas Open University Act, 1997,—

(1) in section 2,—

(i) in clause (21), the words "Reader" and "Lecturer", shall be omitted.

(ii) after clause (23), the following clause shall be inserted:—

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

(2) for section 10, the following section shall be substituted;

"The Vice-Chancellor.

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

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

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

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

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

(iii) a nominee of the Court:

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

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

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

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

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

(5) If—

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

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

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

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

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

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

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

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

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

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

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

(g) has been convicted by a court for any offence within the concept and meaning of the Code of Criminal Procedure, 1973; or 2 of 1974.

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

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

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

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

"The Executive Council.

17. (1) The Executive Council shall be the principal executive body of the University and shall consist of the following members:—

(a) *Ex officio* members—

(i) the Chancellor;

(ii) the Vice-Chancellor;

(iii) the Secretary, Higher Education Department, Government of West Bengal or his nominee not below the rank of Joint Secretary to the Government of West Bengal;

(iv) the Secretary, Finance Department, Government of West Bengal or his nominee not below the rank of Joint Secretary to the Government of West Bengal;

(v) the Chairman, West Bengal State Council of Higher Education or his nominee;

(vi) the President, West Bengal Council of Higher Secondary Education;

(vii) the President, West Bengal Madrasah Education Board;

(viii) the President, West Bengal Board of Secondary Education;

(ix) the Director of Public Instruction, West Bengal;

(x) a nominee of the Chairman of National Council for Teachers' Education;

(xi) a nominee of the Chairman of University Grants Commission;

(xii) a nominee of the Chairman of All India Distance Education Council;

(b) Representatives of Departments—

(xiii) Directors of the University;

(xiv) five teachers, of whom at least two shall be Professors, elected by the teachers of the Academic Council from amongst themselves as may be prescribed by Statutes;

(xv) five teachers, of whom at least two shall be Professors, elected by the teachers of the School of Studies from amongst themselves as may be prescribed by Statutes;

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

(xvii) one representative of non-teaching employees elected from amongst themselves in the manner as may be prescribed by the Statutes;

(c) Nominated Members—

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

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

(d) Special Invitee—

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

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

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

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

(4) after section 25, the following sections shall be inserted:—

"Selection Committee for Teaching Posts.

25A. (1) A University Professor or a University Associate Professor or a University Assistant Professor shall be appointed by the Vice-Chancellor, on the recommendation of a Selection Committee, and

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the constitution of such Selection Committee as well as the procedure for holding its meetings shall be in consonance with the University Grants Commission Regulations and Recruitment Rules framed by the State Government from time to time.

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

Procedure for holding meeting of the Selection Committee.

25B. (1) At least four members, inclduing two outside subject experts, shall constitute the quorum for a meeting of the Selection Committee.

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

Amendment of West Ben. Act XIII of 2004.

13. In the Bengal Engineering and Science University, Shibpur Act, 2004,—

(1) in section 2,—

(i) in clause (18), for the words "Assistant Professor, Reader, Lecturer", the words "Associate Professor, Reader, Assistant Professor," shall be substituted;

(ii) for clause (19), the following clause shall be substituted:—

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

(iii) clause (23) shall be omitted.

(2) for section 7, the following section shall be substituted:—

"The Vice-Chancellor.

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

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

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

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

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

(iii) a nominee of the Court:

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

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

(b) The Chancellor may, notwithstanding the expiration of the term of the office of the Vice-Chancellor or his attaining the age of sixty-five years, allow him to continue

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in office till a successor assumes office, provided that he shall not continue as such for any period exceeding six months.

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

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

(5) If—

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

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

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

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

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

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

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

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

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

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

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

(g) has been convicted by a court for any offence within the concept and meaning of the Code of Criminal Procedure, 1973; or 2 of 1974.

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

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

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

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(3) for section 14, the following section shall be substituted:—

" The Court. 14. (1) The Court shall consist of the following members:—

(a) *Ex officio* members—

(i) the Chancellor;

(ii) the Vice-Chancellor;

(iii) the Deans of Faculty Councils for Post-Graduate and Undergraduate Studies;

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

(v) the Secretary, Finance Department, Government of West Bengal or his nominee not below the rank of Joint Secretary to the Government of West Bengal;

(vi) the Chairman, West Bengal State Council of Higher Education or his nominee;

(vii) the President, West Bengal Council of Higher Secondary Education;

(viii) the President, West Bengal Madrasah Education Board;

(ix) the President, West Bengal Board of Secondary Education;

(x) a nominee of the Chairman of University Grants Commission;

(xi) a nominee of the Chairman of All India Council For Technical Education;

(b) Representatives of Departments—

(xii) Heads of Departments of the University;

(xiii) five teachers, of whom at least two shall be Professors, elected by the teachers of the Departments under the Faculty Council for Post-Graduate and Undergraduate Studies in Engineering and Technology from amongst themselves as may be prescribed by Statutes;

(xiv) five teachers, of whom at least two shall be Professors, elected by the teachers of the Departments under the Faculty Council for Post-Graduate and Undergraduate Studies in Basic and Applied Sciences from amongst themselves as may be prescribed by Statutes;

(xv) five teachers, of whom at least two shall be Professors, elected by the teachers of the Departments under the Faculty Council for Post Graduate and Undergraduate Studies in Social and Management Sciences from amongst themselves as may be prescribed by the Statutes;

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

(xvii) one representative of non-teaching employees elected from amongst themselves in the manner as may be prescribed by the Statutes;

(c) Nominated Members—

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

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

(d) Special Invitee—

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

Provided that not more than one official or expert or eminent educationist may be invited in a meeting at a time.

(2) A member of the Court shall hold office for a period of four years, if not expressly provided otherwise in sub-section (1). Any vacancy among the members of the Court shall be filled up immediately by the concerned authority.

(3) No act or proceedings of the Court or of any body constituted by the Court shall be invalid or called in question by reason of the existence of any vacancy, initial or subsequent, in the Court or in any body constituted by the Court, as the case may be.";

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(4) for section 17, the following section shall be substituted:—

"The Executive Council.

17. (1) the Executive Council shall consist of the following members:—

(a) *Ex officio* Members—

(i) the Vice-Chancellor;

(ii) the Secretary, Higher Education Department, Government of West Bengal or his nominee not below the rank of Joint Secretary to the Government of West Bengal;

(iii) the Secretary, Finance Department, Government of West Bengal or his nominee not below the rank of Joint Secretary to the Government of West Bengal;

(iv) the Chairman, West Bengal State Council of Higher Education or his nominee;

(v) the Deans of Faculty Councils for Post-Graduate and Undergraduate Studies;

(b) Other Members—

(vi) twelve Heads of Departments, by rotation for one year in alphabetical order of the Department;

(vii) three teachers, of whom at least one shall be Professor, elected by the teachers of the Departments under the Faculty Council for Post-Graduate and Undergraduate Studies in Engineering and Technology from amongst themselves as may be prescribed by Statutes;

(viii) three teachers, of whom at least one shall be Professor, elected by the teachers of the Departments under the Faculty Council for Post-Graduate and Undergraduate Studies in Basic and Applied Sciences from amongst themselves as may be prescribed by Statutes;

(ix) three teachers, of whom at least one shall be Professor, elected by the teachers of the Departments under the Faculty Council for Post-Graduate and Undergraduate Studies in Social and Management Sciences from amongst themselves as may be prescribed by Statutes;

(x) two persons nominated by the Chancellor interested in University education:

Provided that no employee of the University or of a College or Institution affiliated with the University or recognised by it shall be eligible to be a member.

(2) A member of the Executive Council shall hold office for a period of four years, if not expressly provided otherwise in sub-section (1). Any vacancy among the members of the Executive Council shall be filled up immediately by the concerned authority.

(3) No act or proceedings of the Executive Council or of any body constituted by the Executive Council shall be invalid or called in question by reason of the existence of any vacancy, initial or subsequent, in the Executive Council or in any body constituted by the Executive Council, as the case may be.".

(4) One-third of the total number of members shall be a quorum for a meeting of the Executive Council.";

(5) in section 18, in clause (16), the word "Teachers" shall be omitted.;

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(6) in section 19, in sub-section (2),—

(a) for clause (vi), the following clause shall be substituted:—

"(vi) one or more than one teacher shall be elected by the teachers of each Department of the faculty council from amongst themselves in the following manner:—

(a) one Professor from a Department if total number of teachers in it does not exceed five;

(b) one Professor and one Associate Professor from a Department if total number of teachers in it does not exceed ten;

(c) two Professors and one Associate Professor from a Department if total number of teachers in it does not exceed twenty;

(d) two Professors and two Associate Professors from a Department if total number of teachers in it exceeds twenty;";

(b) after clause (viii), the following clauses shall be inserted:—

"(ix) one student representative, pursuing Undergraduate studies in the University and another student representative pursuing Post-Graduate studies in the University, to be elected by such Undergraduate and Post-Graduate students, respectively, from amongst themselves in the manner as may be prescribed by the Statutes;

(x) one research scholar pursuing research in the University to be elected by research scholars from amongst themselves in the manner as may be prescribed by the Statutes.";

(7) for section 24, the following section shall be substituted:—

"Selection Committee for Teaching Posts.

24. (1) A University Professor or a University Associate Professor or a University Assistant Professor shall be appointed by the Vice-Chancellor, on the recommendation of a Selection Committee, and the constitution of such Selection Committee as well as the procedure for holding its meetings shall be in consonance with the University Grants Commission Regulations and Recruitment Rules framed by the State Government from time to time.

(2) Notwithstanding anything contrary to the provisions of University Grants Commission Regulations, the nominee of the Vice-Chancellor shall be the head of the Selection Committee, which shall send its recommendations in writing to the Vice-Chancellor alongwith reasoned record of assessment of the persons appeared before it for selection.";

(8) for section 25, the following section shall be substituted:—

"Procedure for holding meeting of Selection Committee.

25. (1) At least four members, including two outside subject experts, shall constitute the quorum for a meeting of the Selection Committee.

(2) If the Vice-Chancellor does not accept the recommendation of a Selection Committee, it shall refer the recommendation back to the Selection Committee with reasons for reconsideration and if the Vice-Chancellor does not accept the reconsidered views of the Selection Committee, the matter shall be referred to the Chancellor with reason and the decision of the Chancellor shall be final.".

Amendment of West Ben. Act XV of 2000.

14. In the West Bengal University of Technology Act, 2000,—

(1) in section 2, in clause (24), for the words "a Professor, Principal, Associate Profesor, Reader, Assistant Professor, Lacturer" the words "a Principal, Professor, Associate Professor, Reader, Assistant Professor" shall be substituted;

(2) in section 29, for sub-section (1), the following sub-section shall be substituted:—

"(1) The State Government may, by notification to be published in the Official Gazette, amend the Schedule either prospectively or retrospectively.".

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Repeal and saving.

15. (1) The West Bengal University Laws (Amendment) Ordinance, 2011, is hereby repealed. West Ben. Ord. III of 2011.

(2) Notwithstanding such repeal, anything done or any action taken under the West Bengal University Laws (Amendment) Ordinance, 2011, shall be deemed to have been validly done or taken under this Act.

By order of the Governor,

B. K. SRIVASTAVA,
Secy.-in-charge to the Govt. of West Bengal, Law Department.

Published by the Controller of Printing and Stationery, West Bengal and printed at Saraswaty Press Ltd. (Government of West Bengal Enterprise), Kolkata 700 056.

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