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PART IIIA—Ordinances promulgated by the Governor of West Bengal under the Constitution of India.

GOVERNMENT OF WEST BENGAL
LAW DEPARTMENT
Legislative

West Bengal Ordinance No. III of 2011

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

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

WHEREAS it is expedient to amend the Calcutta University Act, 1979, Jadavpur University Act, 1981, the North Bengal University Act, 1981, the Rabindra Bharati Act, 1981, the Kalyani University Act, 1981, the Burdwan University Act,1981, the Netaji Subhas Open University Act, 1997, the Bengal Engineering and Science University, Shibpur Act, 2004, 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 Vidyasagar University Act, 1981 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 XXIV of 1981.
West Ben. Act XXV of 1981.
West Ben. Act XXXVI of 1981.
West Ben. Act XL of 1981.
West Ben. Act XXIII of 1981.
West Ben. Act XIX of 1997.
West Ben. Act XIII of 2004.
West Ben. Act XXVIII of 2007.
West Ben. Act XXVI of 2007.
West Ben. Act XVIII of 1981.
West Ben. Act XII of 2010.
West Ben. Act XV of 2000.

AND WHEARAS the Legislative Assembly of the State of West Bengal is not in session and the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action ;

The Governor is pleased, in exercise of the power conferred by clause (1) of article 213 of the Constitution of India, to make and promulgate the following Ordinance :-

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Short title and commencement

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

(2) It shall come into force at once.

Amendment of West Ben. Act XXXVIII of 1979.

2. In 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, 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) in section 8,-

(i) for sub-section (1), the following sub-section shall be substituted:-

"(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 as Professor in a University system or ten years of experience in an equivalent position in a reputed research or academic administrative organisation.

(b) A person shall not be qualified to be the Vice Chancellor, if -

(i) he 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.

(ii) he is a member of, or otherwise associated with, any political party.

Explanation – For the purpose of this sub-clause, whether any party is a political party, the decision of the Chancellor thereon shall be final.

(c) 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.

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(d) 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.";

(ii) after sub-section (6), the following sub-section shall be inserted :-

"(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) is not qualified as per provisions of clause (b) of sub-section (1):

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) and (g).".

(3) in section 10,-

(i) for sub-section (1), the following sub-section shall be substituted:-

"(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

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experience as Professor in a University system or ten years of experience in an equivalent position in a reputed research or academic administrative organisation.

(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.

(c) A person shall not be qualified to be the Pro-Vice-Chancellor for Academic Affairs, if - 2 of 1974.

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

(ii) he is a member of, or otherwise associated with, any political party.

Explanation – For the purpose of this sub-clause, whether any party is a political party, the decision of the Chancellor thereon shall be final.";

(ii) after sub-section (5), the following sub-section shall be inserted :-

"(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) is not qualified as per provisions of clause (c) of sub-section (1):

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) and (g).";

(4) in section 12,-

(i) for sub-section (1), the following sub-section shall be substituted:-

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"(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 as Professor in a University system or ten years of experience in an equivalent position in a reputed research or academic administrative organisation.

(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.

(c) A person shall not be qualified to be the Pro-Vice-Chancellor for Business Affairs and Finance, if - 2 of 1974

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

(ii) he is a member of, or otherwise associated with, any political party.

Explanation – For the purpose of this sub-clause, whether any party is a political party, the decision of the Chancellor thereon shall be final.";

(ii) after sub-section (5), the following sub-section shall be inserted :-

"(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) is not qualified as per provisions of clause (c) of sub-section (1):

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

(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 Registrar;

(vi) the Finance Officer;

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

(viii) 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;

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

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

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

(xii) the President, West Bengal Madrasha Education Board;

(xiii) the Director of Public Instruction, West Bengal;

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

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

(b) Representatives of Departments and Colleges –

(xvi) Heads of Departments of the University;

(xvii) Principals of affiliating Colleges, not more than fifteen, selected by rotation for a term of one year, by the Under-graduate Council 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;

(xviii) five teachers from the Council for undergraduate studies in Arts, Science, Commerce, Home Science, Fine Arts and Music, to be elected by the members of the Council from amongst themselves in the manner as may be prescribed by the Statutes;

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(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 of a College or Institution affiliated with the University or recognised by it shall be elegible 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.

(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) the Registrar;

(v) the Finance Officer;

(vi) three Deans of Faculty Councils for Post Graduate Studies, by rotation for one year in alphabetical order;

(vii) three Deans of Faculty Councils for Under Graduate Studies, by rotation for one year in alphabetical order;

(viii) Principals of affiliating Colleges, not more than ten, selected by rotation for a term of one year, by the Under-graduate Council of whom –

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

(II) One shall be from a Law College;

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(III) One shall be from other Professional College;

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

(b) Other Members –

(ix) three Heads of Departments, by rotation for one year in alphabetical order;

(x) three Associate Professors of University from the Departments, by rotation for one year in reverse alphabetical order;

(xi) five Teachers from the Council for under-graduate studies in Arts, Science, Commerce, Home Science, Fine Arts and Music, to be elected by the members of the Council from amongst themselves in the manner 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 recognised 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 'Teachers,' wherever it occurs, shall be omitted;

(8) 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.

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(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) section 32 shall be omitted.

3. In the Jadavpur University Act, 1981, –

Amendment of West Ben. Act XXIV of 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, Assistant Professor" shall be substituted;

(2) in section 9,-

(i) for sub-section (1), the following sub-section shall be substituted:-

"(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 as Professor in a University system or ten years of experience in an equivalent position in a reputed research or academic administrative organisation.

(b) A person shall not be qualified to be the Vice Chancellor, if -

2 of 1974

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

(ii) he is a member of, or otherwise associated with, any political party.

Explanation – For the purpose of this sub-clause, whether any party is a political party, the decision of the Chancellor thereon shall be final.

(c) 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.

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(d) 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.";

(3) after sub-section (6), the following sub-section shall be inserted :-

"(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) is not qualified as per provisions of clause (b) of sub-section (1):

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) and (g).";

(4) in section 10A,-

(i) for sub-section (1), the following sub-section shall be substituted:-

"(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 as Professor in a

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University system or ten years of experience in an equivalent position in a reputed research or academic administrative organisation.

(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.

(c) A person shall not be qualified to be the Pro-Vice-Chancellor, if -

(i) he 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

(ii) he is a member of, or otherwise associated with, any political party.

Explanation – For the purpose of this sub-clause, whether any party is a political party, the decision of the Chancellor thereon shall be final.".

(ii) after sub-section (5), the following sub-section shall be inserted :-

"(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

(g) is not qualified as per provisions of clause (c) of sub-section (1):

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) and (g).".

(5) 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 -

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(i) the Chancellor;

(ii) the Vice Chancellor;

(iii) the Pro-Vice Chancellor,

(iv) the Registrar;

(v) the Finance Officer;

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

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

(viii) 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;

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

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

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

(xii) the President, West Bengal Madrasha Education Board;

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

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

(b) Representatives of Departments–

(xv) Heads of Departments of the University;

(xvi) five teachers elected by the teachers of the Departments under the Faculty Council for Post Graduate and Under Graduate Studies in Engineering and Technology from amongst themselves as may be prescribed by Statutes;

(xvii) five teachers elected by the teachers of the Departments under the Faculty Council for Post Graduate and Under Graduate Studies in Arts from amongst themselves as may be prescribed by Statutes;

(xviii) five teachers elected by the teachers of the Departments under the Faculty Council for Post Graduate and Under Graduate Studies in Science from amongst themselves as may be prescribed by 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 recognised by it shall be elegible to be a member;

(d) Special Invitee -

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(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.

(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.";

(6) 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 Registrar;

(iv) the Finance Officer;

(v) three Deans of Faculty Councils for Post Graduate Studies, by rotation for one year in alphabetical order;

(vi) three Deans of Faculty Councils for Under Graduate Studies, by rotation for one year in alphabetical order;

(b) Other Members –

(vii) three Heads of Departments, by rotation for one year in alphabetical order;

(viii) three Associate Professors of University from the Departments, by rotation for one year in reverse alphabetical order;

(ix) five Teachers each from the Council for Under Graduate and Post Graduate Studies in Arts, Science, and Engineering and Technology, to be elected by the members of the Council from amongst themselves in the manner 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.

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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.";

(7) in section 20, in clause (x), the word 'Teachers,' wherever it occurs, shall be omitted.

(8) for section 26, the following section shall be substituted:-

"Selection Committee for teaching post. 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 will be the head of the Selection Committee, which shall send its recommendations in writing to the Vice Chancellor along with reasoned record of assessment of the persons appeared before it for selection.";

(9) section 27 shall be omitted.

4. In the North Bengal University Act, 1981, -

(1) in section 2,-

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

Amendment of West Ben. Act XXV of 1981

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

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(ii) in clause (21), for the words 'Assistant Professor, Reader, Lecturer,', the words 'Associate Professor, 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) in section 9,-

(i) for sub-section (1), the following sub-section shall be substituted:-

"(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 as Professor in a University system or ten years of experience in an equivalent position in a reputed research or academic administrative organisation.

(b) A person shall not be qualified to be the Vice Chancellor, if -

(i) he 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

(ii) he is a member of, or otherwise associated with, any political party.

Explanation – For the purpose of this sub-clause, whether any party is a political party, the decision of the Chancellor thereon shall be final.

(c) 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.

(d) 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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(ii) after sub-section (6), the following sub-section shall be inserted :-

"(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) is not qualified as per provisions of clause (b) of sub-section (1):

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) and (g).";

(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 Registrar;

(iv) the Finance Officer;

(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 Madrasha Education Board;

(xi) the Director of Public Instruction, West Bengal;

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

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

(b) Representatives of Departments and Colleges –

(xiv) Heads of Departments of the University;

(xv) Principals of affiliating Colleges, not more than fifteen, selected by rotation for a term of one year, by the Under-graduate Council 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;

(xvi) five teachers from the Council for undergraduate studies in Arts, Science, Commerce and Law to be elected by the members of the Council from amongst themselves in the manner as may be prescribed by the Statutes;

(c) Nominated Members -

(xvii) 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 -

(xviii) 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.

(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:-

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

(a) Ex-Officio Members –

(i) the Vice Chancellor;

(ii) the Registrar;

(iii) the Finance Officer;

(i) three Deans of Faculty Councils for Post Graduate Studies, by rotation for one year in alphabetical order;

(ii) three Deans of Faculty Councils for Under Graduate Studies, by rotation for one year in alphabetical order;

(iii) Principals of affiliating Colleges, not more than ten, selected by rotation for a term of one year, by the Under-graduate Council 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 –

(iv) three Heads of Departments, by rotation for one year in alphabetical order;

(v) three Associate Professors of University from the Departments, by rotation for one year in reverse alphabetical order;

(vi) five Teachers each from the Council for Under Graduate and Post Graduate studies in Arts, Science, Commerce and Law to be elected by the members of the Council from amongst themselves in the manner as may be prescribed by Statutes;

(vii) 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

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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) 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 will be the head of the Selection Committee, which shall send its recommendations in writing to the Vice Chancellor along with reasoned record of assessment of the persons appeared before it for selection.";

(7) section 30 shall be omitted.

5. In the Rabindra Bharati Act, 1981, -

(1) in section 2,-

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

Amendment of West Ben. Act XXXVI of 1981

"(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, 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.";

(2) in section 9,-

(i) for sub-section (1), the following sub-section shall be substituted:-

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"(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 as Professor in a University system or ten years of experience in an equivalent position in a reputed research or academic administrative organisation.

(b) A person shall not be qualified to be the Vice Chancellor, if -

(i) he 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

(ii) he is a member of, or otherwise associated with, any political party.

Explanation – For the purpose of this sub-clause, whether any party is a political party, the decision of the Chancellor thereon shall be final.

(c) 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.

(d) 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.",

(ii) after sub-section (6), the following sub-section shall be inserted :-

"(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

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(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) is not qualified as per provisions of clause (b) of sub-section (1):

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) and (g).";

(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 Registrar;

(iv) the Finance Officer;

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

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

(vii) 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;

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

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

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

(xi) the President, West Bengal Madrasha Education Board;

(xii) the Director of Public Instruction, West Bengal;

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

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

(b) Representatives of Departments and Colleges –

(xv) Heads of Departments of the University;

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(xvi) five teachers 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;

(xvii) five teachers elected by the teachers of the Departments under the Faculty Council for Post Graduate and Under Graduate Studies in Fine Arts from amongst themselves as may be prescribed by Statutes;

(xviii) five teachers elected by the teachers of the Departments under the Faculty Council for Post Graduate and Under Graduate Studies in Visual Arts from amongst themselves as may be prescribed by 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 of a College or Institution affiliated with the University or recognised by it shall be eligible to be a member.

(e) 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;

(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 Registrar;

(iii) the Finance Officer;

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(iv) three Deans of Faculty Councils for Post Graduate Studies, by rotation for one year in alphabetical order;

(v) three Deans of Faculty Councils for Under Graduate Studies, by rotation for one year in alphabetical order;

(b) Other Members –

(vi) three Heads of Departments, by rotation for one year in alphabetical order;

(vii) three Associate Professors of University from the Departments, by rotation for one year in reverse alphabetical order;

(viii) three Teachers each from the Council for Under Graduate studies and Post Graduate Studies in Arts, Fine Arts and Visual Arts, to be elected by the members of the Council from amongst themselves in the manner as may be prescribed by Statutes;

(ix) two persons nominated by the Chancellor interested in University education;

(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 "Teachers," wherever it occurs, shall be omitted.

(6) 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.

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

(7) section 28 shall be omitted.

6. In the Kalyani University Act, 1981, -

(1) in section 2,-

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

Amendment of West Ben. Act XL of 1981

"(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, 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.";

(iv) clause (23) shall be omitted.

(2) in section 9,-

(i) for sub-section (1), the following sub-section shall be substituted:-

"(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 as Professor in a University system or ten years of experience in an equivalent position in a reputed research or academic administrative organisation.

(b) A person shall not be qualified to be the Vice Chancellor, if -

(i) he 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

(ii) he is a member of, or otherwise associated with, any political party.

Explanation – For the purpose of this sub-clause, whether any party is a political party, the decision of the Chancellor thereon shall be final.

(c) 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

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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.

(d) 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.";

(ii) after sub-section (6), the following sub-section shall be inserted :-

"(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) is not qualified as per provisions of clause (b) of sub-section (1):

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) and (g).";

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

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

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(a) Ex-officio members -

(i) the Chancellor;

(ii) the Vice Chancellor;

(iii) the Registrar;

(iv) the Finance Officer;

(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 Madrasha Education Board;

(xi) the Director of Public Instruction, West Bengal;

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

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

(b) Representatives of Departments and Colleges –

(xiv) Heads of Departments of the University;

(xv) Principals of affiliating Colleges, not more than fifteen, selected by rotation for a term of one year, by the Under-graduate Council 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;

(xvi) five teachers form the Council for undergraduate studies in Arts, Science, Commerce, Fine Arts and Music, to be elected by the members of the Council from amongst themselves in the manner as may be prescribed by the Statutes;

(c) Nominated Members -

(xvii) 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 -

(xviii) any official or expert in any field or eminent educationist, whom the University may require for advice, consultation or assistance, may

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be invited to attend the meeting.

(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 Registrar;

(iii) the Finance Officer;

(iv) three Deans of Faculty Councils for Post Graduate Studies, by rotation for one year in alphabetical order;

(v) Principals of affiliating Colleges, not more than ten, selected by rotation for a term of one year, by the Under-graduate Council 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 –

(vi) three Heads of Departments, by rotation for one year in alphabetical order;

(vii) three Associate Professors of University from the Departments, by rotation for one year in reverse alphabetical order;

(viii) five Teachers from the Council for Post Graduate studies in Arts, Science, Commerce, Engineering and technology and Fine Arts to be elected by the members of the Council from amongst themselves in the manner as may be prescribed by Statutes;

(ix) two persons nominated by the Chancellor interested in University education.

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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) 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 will be the head of the Selection Committee, which shall send its recommendations in writing to the Vice Chancellor along with reasoned record of assessment of the persons appeared before it for selection.";

(7) section 28 shall be omitted.

7. 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;"

Amendment of West Ben. Act XXIII of 1981

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

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

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"(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) in section 9,-

(i) for sub-section (1), the following sub-section shall be substituted:-

"(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 as Professor in a University system or ten years of experience in an equivalent position in a reputed research or academic administrative organization.

(b) A person shall not be qualified to be the Vice Chancellor, if -

(i) he 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

(ii) he is a member of, or otherwise associated with, any political party.

Explanation – For the purpose of this sub-clause, whether any party is a political party, the decision of the Chancellor thereon shall be final.

(c) 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.

(d) 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.";

(ii) after sub-section (6), the following sub-section shall be inserted :-

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

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(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) is not qualified as per provisions of clause (b) of sub-section (1):

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) and (g).".

(3) in section 9A,-

(i) for sub-section (1), the following sub-section shall be substituted-

"(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 shall be a distinguished academic with a minimum of ten years of experience as Professor in a University system or ten years of experience in an equivalent position in a reputed research or academic administrative organisation.

(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.

(c) A person shall not be qualified to be the Pro-Vice-Chancellor (Administration and Academic), if -

(i) he 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

(ii) he is a member of, or otherwise associated with, any political party.

Explanation – For the purpose of this sub-clause, whether any party is a political party, the decision of the Chancellor thereon shall be final.";

(ii) after sub-section (5), the following sub-section shall be inserted :-

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"(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 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) is not qualified as per provisions of clause (c) of sub-section (1):

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) and (g).";

(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 Pro-Vice Chancellor (Administration and Academic);

(iv) the Registrar;

(v) the Finance Officer;

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

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

(viii) 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;

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

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

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

(xii) the President, West Bengal Madrasha Education Board;

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(xiii) the Director of Public Instruction, West Bengal;

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

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

(xvi) a nominee of the Chairman of All India Council For Technical Education;

(b) Representatives of Departments and Colleges –

(xvii) Heads of Departments of the University;

(xviii) Principals of affiliating Colleges, not more than fifteen, selected by rotation for a term of one year, by the Under-graduate Council 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;

(xix) five teachers from the Council for undergraduate studies in Arts, Science, Commerce, Law, to be elected by the members of the Council from amongst themselves in the manner as may be prescribed by the Statutes;

(b) 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.

(c) 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.

(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 :-

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(a) Ex-Officio Members –

(i) the Vice Chancellor;

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

(iii) the Registrar;

(iv) the Finance Officer;

(v) three Deans of Faculty Councils for Post Graduate Studies, by rotation for one year in alphabetical order;

(vi) three Deans of Faculty Councils for Under Graduate Studies, by rotation for one year in alphabetical order;

(vii) Principals of affiliating Colleges, not more than ten, selected by rotation for a term of one year, by the Under-graduate Council 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;

(ix) three Associate Professors of University from the Departments, by rotation for one year in reverse alphabetical order;

(x) five Teachers each from the Council for Under Graduate and Post Graduate studies in Arts, Science, Commerce, Engineering and Technology and Law 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.

(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.

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(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) 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 will be the head of the Selection Committee, which shall send its recommendations in writing to the Vice Chancellor along with reasoned record of assessment of the persons appeared before it for selection.";

(6) section 30 shall be omitted.

8. In the Netaji Subhas Open University Act, 1997, -

Amendment of West Ben. Act XIX of 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, or any other person, holding a teaching post appointed or recognized as such by the University.";

(2) in section 10,-

(i) for sub-section (1), the following sub-section shall be substituted:-

"(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 as Professor in a University system or ten years of experience in an equivalent position in a reputed research or academic administrative organization.

(b) A person shall not be qualified to be the Vice Chancellor, if -

2 of 1974

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

(ii) he is a member of, or otherwise associated with, any political party.

Explanation – For the purpose of this sub-clause, whether any party is a political party, the decision of the Chancellor thereon shall be final.

(c) 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.

(d) 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 Executive Council:

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.";

(ii) after sub-section (6), the following sub-section shall be inserted :-

"(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

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(g) is not qualified as per provisions of clause (b) of sub-section (1):

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) and (g).";

(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 it shall consist of the following members:-

(a) Ex-officio members -

(i) the Chancellor;

(ii) the Vice Chancellor;

(iii) the Registrar;

(iv) the Finance Officer;

(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 Madrasha Education Board;

(x) the Director of Public Instruction, West Bengal;

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

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

(xiii) a nominee of the Chairman of Distance Education Council;

(b) Other Members –

(xiv) Directors of the University;

(xv) three Associate Professors of the University to be elected from amongst themselves in the manner as may be prescribed by the Statutes;

(xvi) three Assistant Professors of the University to be elected from amongst themselves in the manner as may be prescribed by the Statutes;

(xvii) not more than two 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.

(xviii) 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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(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) The powers and functions of the Executive Council shall be prescribed by statutes.";

(4) after section 25, the following section 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 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 will be the head of the Selection Committee, which shall send its recommendations in writing to the Vice Chancellor along with reasoned record of assessment of the persons appeared before it for selection.".

9. 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, Assistant Professor' shall be substituted;

Amendment of West Ben. Act XIII of 2004

(ii) for clause (19), the following clause shall be substituted:-

"(19) "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 recognised as such by the University,";

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(iii) clause (23) shall be omitted.

(2) in section 7,-

(i) for sub-section (1), the following sub-section shall be substituted:-

"(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 as Professor in a University system or ten years of experience in an equivalent position in a reputed research or academic administrative organisation.

(b) A person shall not be qualified to be the Vice Chancellor, if -

(i) he 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

(ii) he is a member of, or otherwise associated with, any political party.

Explanation – For the purpose of this sub-clause, whether any party is a political party, the decision of the Chancellor thereon shall be final.

(c) 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.

(d) 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.";

(ii) after sub-section (6), the following sub-section shall be inserted :-

"(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

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(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) is not qualified as per provisions of clause (b) of sub-section (1):

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) and (g).";

(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 Registrar;

(iv) the Finance Officer;

(v) the Deans of Faculty Councils for Post Graduate and Under 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 Madrasha Education Board;

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

(xii) a nominee of the Chairman of All India Council For Technical Education;

(b) Representatives of Departments –

(xiii) Heads of Departments of the University;

(xiv) Directors of Schools;

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(xv) five teachers elected by the teachers of the Departments under the Faculty Council for Post Graduate Studies as may be prescribed by Statutes;

(xvi) five teachers elected by the teachers of the Departments under the Faculty Council for Under Graduate Studies as may be prescribed by Statutes;

(c) Nominated Members -

(xvii) 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 -

(xviii) 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.

(2) A member of the Court 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 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 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 Registrar;

(iii) the Finance Officer;

(iv) three Deans of Faculty Councils for Post Graduate and Under Graduate Studies;

(v) five Directors of Schools by rotation in alphabetical order for one year;

(b) Other Members –

(vii) three Heads of Departments, by rotation for one year in alphabetical order;

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(viii) three Associate Professors of University from the Departments, by rotation for one year in reverse alphabetical order;

(ix) five Teachers from the Council for Under Graduate and Post Graduate Studies, to be elected by the members of the Council from amongst themselves in the manner as may be prescribed by Statutes;

(x) 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 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 18, in clause (16), the word 'Teachers,' shall be omitted;

(6) for section 24, the following section shall be substituted:-

"Selection Committee. 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 will be the head of the Selection Committee, which shall send its recommendations in writing to the Vice Chancellor along with reasoned record of assessment of the persons appeared before it for selection.";

(7) section 25 shall be omitted.

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10. 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:-

Amendment of West Ben. Act XXVIII of 2007

"(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, 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) in section 9,-

(i) for sub-section (1), the following sub-section shall be substituted:-

"(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 as Professor in a University system or ten years of experience in an equivalent position in a reputed research or academic administrative organisation.

(b) A person shall not be qualified to be the Vice Chancellor, if -

2 of 1974

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

(ii) he is a member of, or otherwise associated with, any political party.

Explanation – For the purpose of this sub-clause, whether any party is a political party, the decision of the Chancellor thereon shall be final.

(c) 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.

(d) The Search Committee shall consist of the following Members:-

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

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(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.",

(ii) after sub-section (6), the following sub-section shall be inserted :-

"(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) is not qualified as per provisions of clause (b) of sub-section (1):

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) and (g).";

(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 Registrar;

(iv) the Finance Officer;

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

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

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(vii) 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;

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

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

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

(xi) the President, West Bengal Madrasha Education Board;

(xii) the Director of Public Instruction, West Bengal;

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

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

(b) Representatives of Departments and Colleges –

(xv) Heads of Departments of the University;

(xvi) Principals of affiliating Colleges, not more than fifteen, selected by rotation for a term of one year, by the Under-graduate Council 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 in Arts, Science, Commerce, and Law, to be elected by the members of the Council 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 of a College or Institution affiliated with the University or recognised 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.

(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) the Registrar;

(iii) the Finance Officer;

(iv) three Deans of Faculty Councils for Post Graduate Studies, by rotation for one year in alphabetical order;

(v) three Deans of Faculty Councils for Under Graduate Studies, by rotation for one year in alphabetical order;

(vi) Principals of affiliating Colleges, not more than ten, selected by rotation for a term of one year, by the Under-graduate Council 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 –

(vii) three Heads of Departments, by rotation for one year in alphabetical order;

(viii) three Associate Professors of University from the Departments, by rotation for one year in reverse alphabetical order;

(ix) three Teachers each from the Council for under-graduate studies in Arts, Science, and Commerce, to be elected by the members of the Council from amongst themselves in the manner 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 expressely provided otherwise in sub-section (1). Any vacancy among the

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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 quoram for a meeting of the Executive Council.";

(5) in section 21, in clause (ix), the word 'Teachers,' shall be omitted;

(6) for section 29, the following section shall be substituted:-

"Selection Committee for Teachers of the University . 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 will be the head of the Selection Committee, which shall send its recommendations in writing to the Vice Chancellor along with reasoned record of assessment of the persons appeared before it for selection.";

(7) section 30 shall be omitted.

11. 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 ducation Department".

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

Amendment of West Ben. Act XXVI of 2007

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

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"(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 (28) shall be omitted;

(2) in section 9,-

(i) for sub-section (1), the following sub-section shall be substituted:-

"(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 as Professor in a University system or ten years of experience in an equivalent position in a reputed research or academic administrative organisation.

(b) A person shall not be qualified to be the Vice Chancellor, if -

(i) he 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

(ii) he is a member of, or otherwise associated with, any political party.

Explanation – For the purpose of this sub-clause, whether any party is a political party, the decision of the Chancellor thereon shall be final.

(c) 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.

(d) 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.";

(ii) after the sub-section (6), the following sub-section shall be inserted :-

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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 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) is not qualified as per provisions of clause (b) of sub-section (1):

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) and (g).";

(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 Registrar;

(iv) the Finance Officer;

(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 Madrasha Education Board;

(xi) the Director of Public Instruction, West Bengal;

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

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

(b) Representatives of Departments and Colleges –

(xiv) Heads of Departments of the University;

(xv) Principals of affiliating Colleges, not more than fifteen, selected by rotation for a term of one year, by the Under-graduate Council of whom –

(I) One shall be from a Teacher's Training College,

(II) One shall be from other Professional College;

(III) One shall be from Women's College;

(xvi) five teachers from the Council for undergraduate studies in Science and Commerce, to be elected by the members of the Council from amongst themselves in the manner as may be prescribed by the Statutes;

(c) Nominated Members -

(xvii) 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 -

(xviii) 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.

(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:-

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

(a) Ex-Officio Members –

(i) the Vice Chancellor;

(ii) the Registrar;

(iii) the Finance Officer;

(iv) three Deans of Faculty Councils for Post Graduate Studies, by rotation for one year in alphabetical order;

(v) three Deans of Faculty Councils for Under Graduate Studies, by rotation for one year in alphabetical order;

(vi) Principals of affiliating Colleges, not more than ten, selected by rotation for a term of one year, by the Under-graduate Council 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 –

(vii) three Heads of Departments, by rotation for one year in alphabetical order;

(viii) three Associate Professors of University from the Departments, by rotation for one year in reverse alphabetical order;

(ix) five teachers each from the Council for Post Graduate and Under Graduate studies in Science, Commerce, Law, to be elected by the members of the Council from amongst themselves in the manner 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.

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

"Selection Committee for Teachers of the University. 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 will be the head of the Selection Committee, which shall send its recommendations in writing to the Vice Chancellor along with reasoned record of assessment of the persons appeared before it for selection.";

(7) section 30 shall be omitted.

12. 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, Assistant Professor" shall be substituted;

Amendment of West Ben. Act XII of 2010

(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) in section 9,-

(i) for sub-section (1), the following sub-section shall be substituted:-

"(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 as Professor in a

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University system or ten years of experience in an equivalent position in a reputed research or academic administrative organisation.

(b) A person shall not be qualified to be the Vice Chancellor, if -

(i) he 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

(ii) he is a member of, or otherwise associated with, any political party.

Explanation – For the purpose of this sub-clause, whether any party is a political party, the decision of the Chancellor thereon shall be final.

(c) 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.

(d) 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.";

(ii) after sub-section (6), the following sub-section shall be inserted :-

"(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) is not qualified as per provisions of clause (b) of sub-section (1):

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) and (g).";

(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 Registrar;

(iv) the Finance Officer;

(v) the Dean 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 Madrasha Education Board;

(xi) the Director of Public Instruction, West Bengal;

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

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

(b) Representatives of Departments and Colleges –

(xiv) Heads of Departments of the University;

(xv) Principals of affiliating Colleges, not more than fifteen, selected by rotation for a term of one year, by the Under-graduate Council 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;

(xvi) five teachers from the Council for Under Graduate studies in Arts, Science, Commerce, Home Science, Fine Arts, Music, Library Science, Teacher Education, Law, Engineering and Technology and Management to be elected by the members of the

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

(c) Nominated Members -

(xvii) 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 -

(xvii) 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.

(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 Registrar;

(iii) the Finance Officer;

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

(v) three Deans of Faculty Councils for Under Graduate Studies;

(vi) Principals of affiliating Colleges, not more than ten, selected by rotation for a term of one year, by the Under-graduate Council of whom –

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

(II) One shall be from a Law College;

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(III) One shall be from other Professional College;

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

(b) Other Members –

(vii) three Heads of Departments, by rotation for one year in alphabetical order;

(viii) three Associate Professors of University from the Departments, by rotation for one year in reverse alphabetical order;

(ix) five Teachers each from the Council for Under Graduate and Post Graduate studies in Arts, Science, Commerce, Home Science, Fine Arts, Music, Law, Engineering and Technology, Management, Library Science and Education to be elected by the members of the Council from amongst themselves in the manner as may be prescribed by Statutes;

(x) 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) for section 29, the following section shall be substituted:-

"Selection Committee for Teachers of the University. 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.

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

(7) section 30 shall be omitted.

13. 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".

Amendment of West Ben. Act XVIII of 1981

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

(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) in section 9,-

(i) for sub-section (1), the following sub-section shall be substituted:-

"(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 as Professor in a University system or ten years of experience in an equivalent position in a reputed research or academic administrative organisation.

(b) A person shall not be qualified to be the Vice Chancellor, if -

(i) he 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

(ii) he is a member of, or otherwise associated with, any political party.

Explanation – For the purpose of this sub-clause, whether any party is a political party, the decision of the Chancellor thereon shall be final.

(c) 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

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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.

(d) 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.",

(ii) after sub-section (6), the following sub-section shall be inserted :-

"(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) is not qualified as per provisions of clause (b) of sub-section (1):

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) and (g).".

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

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

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(a) Ex-officio members -

(i) the Chancellor;

(ii) the Vice Chancellor;

(iii) the Registrar;

(iv) the Finance Officer;

(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 Madrasha Education Board;

(xi) the Director of Public Instruction, West Bengal;

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

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

(b) Representatives of Departments and Colleges –

(xiv) Heads of Departments of the University;

(xv) Principals of affiliating Colleges, not more than fifteen, selected by rotation for a term of one year, by the Under-graduate Council 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;

(xvi) five teachers from the Council for Under Graduate studies in Arts, Science, Commerce, Law and Engineering and Technology to be elected by the members of the Council from amongst themselves in the manner as may be prescribed by the Statutes;

(c) Nominated Members -

(xvii) 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 -

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(xviii) 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.

(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 Registrar;

(iii) the Finance Officer;

(iv) three Deans of Faculty Councils for Post Graduate Studies, by rotation for one year in alphabetical order;

(v) three Deans of Faculty Councils for Under Graduate Studies, by rotation for one year in alphabetical order;

(vi) Principals of affiliating Colleges, not more than ten, selected by rotation for a term of one year, by the Under-graduate Council 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 –

(vii) three Heads of Departments, by rotation for one year in alphabetical order;

(viii) three Associate Professors of University from the Departments, by rotation for one year in reverse alphabetical order;

(ix) five Teachers from the Council for under-graduate studies in Arts, Science, Commerce, Law, Engineering and Technology 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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(x) 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) 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 will be the head of the Selection Committee, which shall send its recommendations in writing to the Vice Chancellor along with reasoned record of assessment of the persons appeared before it for selection.";

(7) section 30 shall be omitted.

14. In the West Bengal University of Technology Act, 2000, –

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amendment of West Ben. Act XV of 2000

(1) in section 2, in clause (24), for the words "a Professor, Principal, Associate Professor, Reader, Assistant Professor, Lecturer" the words "a Principal, Professor, Associate Professor, 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".

Kolkata,
The 1st November, 2011.

M. K. NARAYANAN,
Governor of West Bengal.

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By order of the Governor,

AMITABHA CHATTERJEE,
Jt. Secy. To the Govt. of West Bengal,
Law Department.

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