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PART I—Orders and Notifications by the Governor of West Bengal the High Court, Government Treasury etc.

Government of West Bengal
Higher Education Department
University Branch,
Bikash Bhaban (6th Floor), Salt Lake,
Kolkata - 700091

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NOTIFICATION

In exercise of the power conferred by sub-section (1) of Section 29 of the West Bengal University of Technology Act, 2000 (West Ben. Act XV of 2000), the Governor is hereby pleased to make the following amendments in the schedule appended to the said Act (hereinafter referred to as the said Schedule):-

Amendments

In the said SCHEDULE -

(1) for clause 2, substitute the following clause:-

“2. **General Council.** – (1) The General Council shall consist of the following members:-

- (a) Ex-officio members -
 - (i) the Chancellor;
 - (ii) the Vice Chancellor;
 - (iii) the Pro-Vice Chancellor;
 - (iv) the Secretary, Higher Education Department, Government of West Bengal or his nominee not below the rank of Joint Secretary to the Government of West Bengal;
 - (v) the Secretary, Finance Department, Government of West Bengal or his nominee not below the rank of Joint Secretary to the Government of West Bengal;
 - (vi) the Chairman, West Bengal State Council of Higher Education or his nominee;
 - (vii) the President, West Bengal Council of Higher Secondary Education;
 - (viii) the President, West Bengal Madrasah Education Board;
 - (ix) the President, West Bengal Board of Secondary Education;
 - (x) the Director, Indian Institute of Social Welfare and Business Management or his nominee;
 - (xi) a nominee of the Chairman of University Grants Commission;
 - (xii) a nominee of the Chairman of All India Council For Technical Education;
 - (xiii) the Director of Technical Education, West Bengal or his nominee not below the rank of Joint Director;
 - (xiv) A nominee of the Chairman of the Fee-structure Committee;

- (b) Representatives of Departments of the University and affiliating Colleges –
 - (xv) the Directors of the University;

- (xvi) five senior most Associate Professors of Departments of the University to be selected by rotation for one year by the Vice-Chancellor in alphabetical order of the Department, of whom not more than one Associate Professor shall be from the same Department;
- (xvii) three Principals or Teacher-in-Charge from the Government Engineering and Technological Colleges and three Principals or Directors from self-financed Engineering and Technological Colleges including Management Institutions affiliated to the University selected by notification of the Higher Education Department;
- (xviii) six teachers from the affiliating colleges, of whom at least two shall belong to the Government Engineering and Technological Colleges and others shall belong to the self-financed Engineering and Technological Colleges, selected by notification of the Higher Education Department;
- (xix) one representative of officers of the University, to be elected from amongst themselves in the manner as may be prescribed;
- (xx) two representative of non-teaching employees of whom-
 - (i) one from non-teaching employees of the University,
 - (ii) one from non-teaching employees of the affiliated colleges of the University,
 to be elected from amongst themselves in the manner as may be prescribed;

(c) Nominated Members -

- (xxi) not more than five persons to be nominated by the Chancellor from amongst the persons interested in Engineering and Technological education, Management education or University education:

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

(d) Special Invitee -

- (xxii) any official or expert in any field or eminent educationist or scientist or technologist or industrialist whom the University may require for advice, consultation or assistance, may be invited to attend the meeting.

Provided that not more than one official or expert or eminent educationist or scientist or technologist or industrialist whom the University may require for advice may be invited in a meeting at a time.

- (2) The Registrar shall act as the Secretary to the General Council.
- (3) One-third of the total number of members shall be a quorum for a meeting of the General Council.
- (4) A member of the General Council shall hold office for a period of four years, if not expressly provided otherwise in sub-clause (1). Any vacancy among the members of the General Council shall be filled up immediately by the concerned authority.
- (5) Where a member of the General Council becomes such member by reason of the office or appointment he holds or is a nominated member, his membership shall terminate when he ceases to hold such office or appointment, as the case may be, or his nomination is withdrawn or cancelled.
- (6) A member of the General Council, other than the Vice-Chancellor, the Pro-Vice-Chancellor or an employee of the University, shall cease to be a member if he accepts a full time appointment under the University.
- (7) A member of the General Council, other than ex-officio members, may resign his office by a letter addressed to the Chancellor and such resignation shall take effect as soon as it is accepted by the Chancellor.
- (8) Any vacancy in the General Council shall be filled in the prescribed manner and the person appointed, selected, nominated or elected to fill the vacancy shall hold office for so long as the member in whose place he is appointed, selected, nominated or elected, as the case may be, could have held office if the vacancy had not occurred.
- (9) No act or proceedings of the General Council or of anybody constituted by the General Council shall be invalid or called in question by reason of the existence of any vacancy, initial or subsequent, in the General Council or in any body constituted by the General Council, as the case may be.”;

(2) for clause 3, substitute the following clause:-

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

(a) Ex-Officio Members –

- (i) the Vice Chancellor
- (ii) the Pro-Vice Chancellor,
- (iii) the Secretary, Higher Education Department or his nominee not below the rank of Joint Secretary;
- (iv) the Secretary, Finance Department or his nominee not below the rank of Joint Secretary;
- (v) the Director of Technical Education, Government of West Bengal or his nominee not below the rank of Joint Director;
- (vi) the Chairman, West Bengal State Council of Higher Education or his nominee;

(b) Other Members –

- (vii) Directors of the University;
- (viii) three senior most Associate Professors of Departments of the University to be selected by rotation for one year by the Vice-Chancellor in alphabetical order of the Department, of whom not more than one Associate Professor shall be from the same Department;
- (ix) three Principals or Teacher-in-Charge from the Government Engineering and Technological Colleges and three Principals or Directors from self-financed Engineering and Technological Colleges including Management Institutions affiliated to the University selected by notification of the Higher Education Department;
- (x) six teachers from the affiliating colleges, of whom at least two shall belong to the Government Engineering and Technological Colleges and others shall belong to the self-financed Engineering and Technological Colleges, selected by notification of the Higher Education Department;
- (xi) two persons nominated by the Chancellor from amongst the persons interested in Engineering and Technological education, Management education or 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) The Registrar shall act as the Secretary to the Executive Council.
- (3) One-third of the total number of members shall be a quorum for a meeting of the Executive Council.
- (4) A member of the Executive Council shall hold office for a period of four years, if not expressly provided otherwise in sub-clause (1). Any vacancy among the members of the Executive Council shall be filled up immediately by the concerned authority.
- (5) Where a member of the Executive Council becomes such member by reason of the office or appointment he holds or is a nominated member, his membership shall terminate when he ceases to hold such office or appointment, as the case may be, or his nomination is withdrawn or cancelled.
- (6) A member of the Executive Council, other than the Vice-Chancellor, the Pro-Vice-Chancellor or an employee of the University, shall cease to be a member if he accepts a full time appointment under the University.
- (7) A member of the Executive Council, other than ex-officio members, may resign his office by a letter addressed to the Chancellor and such resignation shall take effect as soon as it is accepted by the Chancellor.
- (8) Any vacancy in the Executive Council shall be filled in the prescribed manner and the person appointed, selected or nominated to fill the vacancy shall hold office for so long as the member in whose place he is appointed, selected or nominated, as the case may be, could have held office if the vacancy had not occurred.
- (9) No act or proceedings of the Executive Council or of anybody constituted by the Executive Council shall be invalid or called in question by reason of the existence of any vacancy, initial or subsequent, in the Executive Council or in any body constituted by the Executive Council, as the case may be.
- (10) The Executive Council may, by resolution delegate to the Vice-Chancellor or any authority (other than the General Council) or any committee, such of its powers as it may deem fit, subject to the

condition that the action taken by the Vice-Chancellor or such authority or committee in the exercise of the powers so delegated shall be reported at the next meeting of the Executive Council.”;

(3) for clause 6, substitute the following clause:-

“6. The Finance Committee:-

- (1) The Finance Committee shall consist of the following members:-
 - (a) the Vice-Chancellor – Chairman;
 - (b) the Pro-Vice-Chancellor – Vice-Chairman;
 - (c) a nominee of the Chancellor;
 - (d) a nominee of the State Government;
 - (e) two persons of whom one shall be an expert in the management of Finance, nominated by the Executive Council;
 - (f) the Registrar.
- (2) The finance Officer shall be the Secretary to the Finance Committee.
- (3) The Chairman may ask any employee to attend any meeting of the Finance Committee to assist the committee in its deliberation.
- (4) Subject to the provisions of this Act, the powers and function, of the Finance Committee shall be such as may be prescribed.

(4) for clause 7, substitute the following clause:-

“7. Selection Committee for teaching post. – (1) A University Professor or a University Associate Professor or a University Assistant Professor shall be appointed by the Vice-Chancellor, on the recommendation of a Selection Committee, and the constitution of such Selection Committee as well as the procedure for holding its meetings shall be in consonance with the University Grants Commission Regulations and Recruitment Rules framed by the State Government from time to time. (2) Notwithstanding anything contrary to the provisions of University Grants Commission Regulations, the nominee of the Vice-Chancellor shall be the head of the Selection Committee, which shall send its recommendations in writing to the Vice-Chancellor along with reasoned record of assessment of the persons appeared before it for selection.”;

(5) after clause 7, insert a new clause:-

“7 A. Procedure for holding meeting of the Selection Committee. - (1) At least four members, including two outside subject experts, shall constitute the quorum for the meeting of the Selection Committee.

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

(6) for clause 9, substitute the following clause:-

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

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

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

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

- (2) (a) The Vice-chancellor shall hold office for a term of four years or till he attains the age of sixty-five year, whichever is earlier, and shall be eligible for re-appointment for another term of four years or till he attains the age of sixty-five years, whichever is earlier, following the provisions of sub-clause (1).
(b) The Chancellor may, notwithstanding the expiration of the term of the office of the Vice-Chancellor or his attaining the age of sixty-five years, allow him to continue in office till a successor assumes office, provided that he shall not continue as such for any period exceeding six months.
- (3) The Vice-Chancellor shall be a whole-time officer of the University and shall be paid from the University Fund such salary and allowances as the Chancellor may decide in consultation with the State Government.
- (4) The Vice-Chancellor may resign his office by writing under his hand addressed to the Chancellor.
- (5) If—
 - (a) the Vice-Chancellor is, by reasons of leave, illness or other cause, temporarily unable to exercise the powers and perform the duties of his office, or
 - (b) a vacancy occurs in the office of the Vice-Chancellor by reason of death, resignation, removable, expiry of term of his office or otherwise, then, during the period of such temporary inability or pending the appointment of a Vice-Chancellor, as the case may be, the Chancellor in consultation with the Minister may appoint a person to exercise the powers and perform the duties of the Vice-Chancellor.
- (6) The vacancy in the office of the Vice-Chancellor occurring by reason of death, resignation or expiry of the term of his office, removal or otherwise shall be filled up by appointment of a Vice-Chancellor in accordance with the provisions of sub-clause (1) within a period of six months from the date of occurrence of the vacancy, and such period shall be held to include any period for which a Vice-Chancellor is allowed to continue in office under item (b) of sub-clause (2), or a person is appointed by the Chancellor in consultation with the Minister to exercise the powers and perform the duties of the Vice-Chancellor under sub-clause (5).
- (7) The Vice-Chancellor may be removed from his office by the Chancellor if he is satisfied that the incumbent, -
 - (a) has become insane and adjudged by a competent court to be of unsound mind; or
 - (b) has become an undischarged insolvent and stands so declared by a competent Court; or
 - (c) has been physically unfit and incapable of discharging function due to protracted illness or physical disability; or
 - (d) has willfully omitted or refused to carry out the provisions of this Act or has committed breach of any of the terms and conditions of the service contract or has abused or misused the powers vested in him or if the continuance in the office of the Vice Chancellor is detrimental to the interest of the University; or
 - (e) has been proved to be guilty of criminal breach of trust or criminal negligence or gross financial irregularity or impropriety or gross negligence of duty; or
 - (f) has shown incompetence to perform or has persistently made default in the performance of the duties imposed on him by or under this Act; or

- (g) has been convicted by a court for any offence within the concept and meaning of the Code of Criminal Procedure, 1973; or
- (h) is a member of, or otherwise associated with, any political party or acts in any partisan manner while in office.

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

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

(7) for clause 11, substitute the following clause:-

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

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

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

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

(4) If –

- (a) the Pro-Vice-Chancellor is, by reason of leave, illness or other cause, temporarily unable to exercise the powers and perform the duties of his office, or
- (b) a vacancy occurs in the office of the Pro-Vice-Chancellor by reason of death, resignation or expiry of the term of his office, removal or otherwise, then, during the period of such temporary inability or pending the appointment of a Pro-Vice-Chancellor, as the case may be, the Chancellor, in consultation with the Minister and the Vice-Chancellor, shall authorise Pro-Vice-Chancellor or a senior teacher of the University or an officer of the University to exercise the powers and perform the duties of the Pro-Vice-Chancellor.

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

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

- (a) has become insane and adjudged by a competent court to be of unsound mind; or
- (b) has become an undischarged insolvent and stands so declared by a competent Court; or
- (c) has been physically unfit and incapable of discharging function due to protracted illness or physical disability; or
- (d) has 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 Pro-Vice Chancellor is detrimental to the interest of the University; or
- (e) has been proved to be guilty of criminal breach of trust or criminal negligence or gross financial

- irregularity or impropriety or gross negligence of duty; or
- (f) has shown incompetence to perform or has persistently made default in the performance of the duties imposed on him by or under this Act; or
- (g) has been convicted by a court for any offence within the concept and meaning of the Code of Criminal Procedure, 1973; or 2 of 1974
- (h) is a member of, or otherwise associated with, any political party or acts in any partisan manner while in office.

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

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

(8) for clause 16, substitute the following clause:-

“16. **Fund of the University.** – (1) The University shall have a fund to be called the University Fund to which shall be credited –

- (a) all its income from fees, fines, donations and endowments;
- (b) contributions or grants which may be made by the Central Government or the State Government or the Government of any other State or the University Grants Commission or the All India Council for Technical Education on such conditions as it may impose;
- (c) any other contributions or grants or loans and advances;
- (d) money received from any other source whatsoever.

(2) The amount in the University Fund shall be kept in the scheduled bank as defined in the Reserve Bank of India Act, 1934, or a corresponding new bank as defined in the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970, or the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980, or may be invested in such securities authorized by the Indian Trusts Act, 1982. The executive Council may decide to deposit or invest the University funds in any of the Banks or Securities body the sub-clause which will ensure highest earnings of the University: 2 of 1934
5 of 1970
40 of 1980
2 of 1882

Provided that no fund received from the Central Government or the State Government or the Government of any other State or the University Grants Commission or the All India Council for Technical Education shall be invested in the securities as aforesaid or diverted for other purposes without the prior approval of the Central Government or the State Government or the Government of any other State or the University Grants Commission or the All India Council for Technical Education, as the case may be

(3) Whenever the University receives fund from any Government or the University Grants Commission or the All India Council for Technical Education or any other source, sponsoring a scheme to be executed by the University, then, notwithstanding anything contained in this Act or the regulations,-

- (i) the fund so received shall be kept by the University separately from the University Fund and shall be utilized only for the purpose for which it is given for such scheme; and
- (ii) the staff required to execute such scheme shall be recruited in accordance with the terms and conditions stipulated by the State Government or the University Grants

Commission or the All India Council for Technical Education or any other source specially for such scheme.”

- (9) for clause 17, substitute the following clause:-
 “17. **Annual accounts and audit.** – (1) The annual accounts of the University shall be prepared under the directions of the Executive Council, observing the Generally Accepted Accounting Principles in a standard accounting format and guidelines issued from time to time by the office of the Accountant General, West Bengal or the State Government;
- (2) The accounts of the University shall, at least once in a year, be audited by the Accountant General, West Bengal or by the Finance (Internal Audit) Department or by such auditor as the State Government may direct;
- (3) The accounts, when audited, shall be placed before the Executive Council and be published by the Executive Council and a copy of the accounts together with the audit report shall also be submitted to the State Government;
- (4) The annual accounts shall be considered by the General Council at its annual meeting. The General Council may pass resolutions with reference thereto and communicate the same to the Executive Council the Executive Council shall consider the suggestions made by the General Council and take such action thereon as it thinks fit. The executive Council shall inform the General Council at its next meeting all actions taken by it or the reasons for not taking any action;
- (10) for clause 18, substitute the following clause:-
 18. **Financial estimates.** – (1) The Executive Council shall prepare the financial estimates (Budget) for the ensuing financial year, showing the receipts and payments of the University on different head of accounts and be submitted to the General Council and the State Government at least four months before the beginning of such financial year.
- (2) Notwithstanding anything to the contrary contained in this Act, the University shall not, except with the prior approval of the State Government, incur any expenditure on any account in excess of the amount specified in the budget on that account.
- (11) for clause 19, substitute the following clause:-
 “19. **Annual report.**-(1) The executive Council shall prepare the annual report containing such particulars as the General Council may specify, covering each financial year, and submit it to the General Council on or before such date as may be prescribed. The General Council may pass resolutions thereon and the Executive Council shall take action in accordance therewith. The action taken shall be intimated to the General Council.
- (2) A copy of the annual report and a copy of the resolution of the General Council thereon shall be submitted to the State Government. The State Government shall lay the annual report and the resolution as aforesaid before the State Legislature as soon as may be after they are received.”

By order of the Governor,

SATISH CHANDRA TEWARY

*Principal Secretary to the Government of West Bengal
Higher Education Department.*