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PART III—Acts of the West Bengal Legislature.

GOVERNMENT OF WEST BENGAL

LAW DEPARTMENT

Legislative

NOTIFICATION

No. 251-L.—18th February, 2008.—The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information:—

West Bengal Act XXVI of 2007

THE GOUR BANGA UNIVERSITY ACT, 2007.

[*Passed by the West Bengal Legislature.*]

[Assent of the Governor was first published in the *Kolkata Gazette, Extraordinary,* of the 19th February, 2008.]

An Act to provide for the constitution of the University of Gour Banga and for certain matters incidental thereto and connected therewith.

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

The Gour Banga University Act, 2007.

(Chapter I.—Preliminary.—Sections 1, 2.)

CHAPTER I

Preliminary

Short title and commencement.

1. (1) This Act may be called the Gour Banga University Act, 2007.

(2) This section and section 57 shall come into force at once; and the remaining provisions of this Act shall come into force on such date or dates as the State Government may, by notification in the *Official Gazette*, appoint, and different dates may be appointed for different provisions of this Act.

Definitions.

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

(1) "affiliated" in relation to a college or an institution means affiliated to the University of Gour Banga as constituted prior to the appointed day and continuing as such immediately before such day or affiliated to the University under this Act;

(2) "appointed day" means the date referred to in sub-section (5) of section 57;

(3) "autonomous college" means a college affiliated to the University and enjoying academic freedom to :

(a) determine and prescribe its own courses of study and syllabi;

(b) determine rules of admission subject to the reservation policy of the State Government; and

(c) evolve methods of conduction of examination and evaluation, under the guidelines and overall supervision of the University;

(4) "constituent college" means an affiliated college in which instruction is provided, under prescribed conditions, for honours as well as for post-graduate courses of study, and which is declared as such by the University:

Provided that, if in any professional subject no honours courses of study have been prescribed, a professional college may be a constituent college although no instruction is provided in that college for honours courses of study in that subject;

(5) "convocation" means a meeting of the Senate for the purpose of conferring degrees, titles, diplomas, certificates or other academic distinctions;

(6) "distance education" means instruction imparted through correspondence as recognized by the Distance Education Council, Government of India;

(7) "district" means any of the districts of Uttar Dinajpur, Dakshin Dinajpur, Malda or any district which may be created in future out of any part or parts of one or more of the aforementioned districts;

(8) "employee" in relation to the University means a person employed by the University;

(9) "financial year" means the year ending on the 31st day of March;

(10) "Government college" means a college affiliated to the University which is maintained and managed by the Government of West Bengal;

(11) "Governor" means the Governor of the State of West Bengal;

(12) "hall" or "hostel" means a unit of residence of students maintained by the University;

(13) "Librarian" means,—

(a) in relation to the University, a Librarian or any other person holding a post of Librarian, by whatever name called, appointed or recognized as such by the University, and

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

The Gour Banga University Act, 2007.

(Section 2.)

(14) "Minister" means the Minister-in-charge of Higher Education, Government of West Bengal, appointed as such by the Governor;

(15) "non-teaching staff" means,—

(a) in relation to the University, the non-teaching staff appointed or recognized as such by the University not holding any teaching post or a person not holding the post of an officer or a person not holding the post of Librarian, by whatever name called;

(b) in relation to an affiliated college, the non-teaching staff, not holding any teaching post, appointed or recognized by the University or appointed by such college, but does not include a Librarian by whatever name called;

(16) "prescribed" means prescribed by statutes or Ordinances or Regulations;

(17) "Principal" means the head of a college or of an institution, by whatever name called;

(18) "private college" means a college affiliated to the University which is maintained and managed by private sources;

(19) "professional college" means a college affiliated to the University in which instruction is provided primarily for courses of study leading to any degree, diploma or certificate of the University in any professional subject and which is recognized under this Act as a professional college;

(20) "professional subject" means any of the following subjects, namely, law, teachers' training, engineering, technology, agriculture, library and information science, mass communication and journalism, management studies or such other subject as may be prescribed by Regulations;

(21) "Statutes", "Ordinances", "Regulations" and" Rules" mean, respectively, the Statutes, Ordinances , Regulations and Rules made under this Act;

(22) "Students' Union" means,–

(a) in relation to the University, the Students' Union constituted in the manner prescribed; and

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

(23) "Teacher" means a Professor, Reader, Principal, Lecturer, or any other person, holding a teaching post, appointed or recognized by the University or appointed by an affiliated college or institution;

(24) "Teacher of the University" means a Professor, Reader, Lecturer or any other person, holding a teaching post, appointed or recognized as such by the University;

(25) "University" means the University of Gour Banga as constituted under this Act;

(26) "University College" means a college, or an institute, or a college combined with an institute, maintained and managed by the University, whether established by it or not;

(27) "University Laboratory", "University Library", "University Museum", or "University Institution" means a laboratory, a library, a museum or an institution, as the case may be, maintained and managed by the University, whether established it or not;

(28) "University Professor", "University Reader" or "University Lecturer" means a Professor, Reader or Lecturer appointed or recognized as such by the University.

The Gour Banga University Act, 2007.

(Chapter II.—Sections 3, 4.)

CHAPTER II

The University and its officers

The University.

3. (1) The first Chancellor and the first Vice-Chancellor of the University and the first members of the court and the Executive Council, and all persons who may hereafter become the Chancellor or the Vice-Chancellor of the University or the members of the court or the Executive Council, so long as they continue to hold such office or membership, shall constitute a body corporate by the name of the University of Gour Banga.

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

Powers of the University.

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

(1) to provide for instruction and training in such branches of learning as it may think fit and to make provisions for research and for the advancement and dissemination of knowledge;

(2) to establish, maintain or manage colleges, libraries, museums and such other institutions or centres as it may consider fit;

(3) to recognize any college as a constituent college, professional college, autonomous college and to withdraw such recognition;

(4) to affiliate to itself any college, institution or centre and to withdraw such affiliation;

(5) to prescribe for affiliated colleges other than Government Colleges—

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

(b) with the approval of the State Government,—

(i) the terms and conditions of service of Teachers, Librarians and non-teaching staff,

(ii) rules of Provident Fund, and

(iii) duties and responsibilities of the Principal, teachers and any other employee as deem fit and disciplinary actions for negligence or violation thereof;

(6) to prescribe for colleges the rules for Teachers' Councils;

(7) to provide for the inspection, or investigation into the affairs, of colleges or institutions or centres recognized by it or affiliated to it and to exercise general supervision and control over them;

(8) to take over for a period of twelve months the management of any affiliated, constituent or professional college or institution or centre other than a Government College or institution in order to ensure that proper standard of teaching, training or instruction is maintained therein;

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

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

Provided that reconstitution of the Governing Body shall be made within a period of twelve months from the date of its dissolution;

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

(10) to institute degrees, titles, diplomas, certificates and other academic distinctions;

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(Section 4.)

(11) to hold examinations and to confer degrees, titles, diplomas, certificates and other academic distinctions on persons who—

(a) shall have pursued and approved course of study in the University or in an affiliated, constituent or professional college or a University Laboratory or University Library unless exempted therefrom in the manner prescribed, and shall have passed the prescribed examinations of the University, or

(b) shall have carried on research under conditions prescribed;

(12) to withdraw or cancel degrees, titles, diplomas, certificates or other academic distinctions under such conditions as may be prescribed by Statutes and after giving the persons affected a reasonable opportunity to present his case;

(13) to confer honorary degrees and other academic distinctions under conditions prescribed;

(14) to institute and make appointment to Professorship, Readership, Lectureship and other posts required by the University for the purpose imparting instruction or conducting research in the University;

(15) to create posts, as and when required, of officers and employees of the University besides those provided for in this Act with the concurrence of the Government and to appoint persons to such posts;

(16) to institute fellowships, travelling fellowships, scholarships, studentships, stipends, bursaries, exhibitions, medals and prizes to be awarded out of the University Fund;

(17) to prescribe, subject to the provisions of this Act, the constitution, powers and duties of the Boards of Studies, Finance Committee and other bodies;

(18) to prescribe the powers and duties of officers of the University;

(19) to prescribe, subject to the provisions of this Act, the terms and conditions of service, including the rules of conduct and discipline, and the emoluments for all posts of Teachers and other employees of the University;

(20) to make provisions for provident fund and other funds for the employees of the University;

(21) to establish, maintain and manage hostels and other places of residence for the students, Teachers, Officers and other employee of the University;

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

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

(24) to provide for the supervision and control of residence and discipline of students of the University and to make arrangements for promotion of their health and general welfare;

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

(26) to make grants to the National Cadet Corps and the National Social Service from the University Fund;

(27) to enter into an agreement with the State Government or with the approval of the State Government with any other Government or with any person, body or authority for the taking over by the University of the management of any college or institution, including its assets and liabilities, or for any other purpose not repugnant to the provisions of this Act;

(28) to acquire, hold and dispose of property, movable and immovable, and to make grants and advances for furthering any of its objects;

(29) to accept and administer gifts, endowments and benefactions, for the furtherance of any of its objects for the University or on behalf of any institution established by, affiliated to, or recognized by the University;

(30) to institute awards, fellowships, travelling fellowships, scholarships, studentships, stipends, bursaries, exhibitions, medals and prizes;

(31) to accept grants from the Central or any State Government or the University Grants Commission, and, with the approval of the State Government, also from other sources, to raise loans, or to accept loans from the Central or the State Government or the University Grants Commission and from other sources:

Provided that raising of loans and acceptance of loans from other sources shall require the approval of the State Government;

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

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

Jurisdiction of University.

5. (1) Save as hereinafter otherwise provided, the local limits of jurisdiction of the University (hereinafter referred to as the territorial limits of the University) shall not extend beyond the limits of any district.

(2) Notwithstanding anything in sub-section (1), the territorial limits of the University shall not include any area which, for the time being, is included within the local limits of jurisdiction of any other University established by law within West Bengal.

(3) Notwithstanding anything contained in any other law for the time being in force with effect from and date as notified by the Government –

(a) such colleges existing in the said date within the limits of the districts as may be specified shall –

(i) deem to be affiliated to the University and continue to be so affiliated until the University otherwise directs, and

(ii) cease to affiliated to the University of North Bengal or any other University to which they may have been affiliated before the said date except any college declared as University college of North Bengal University before the appointed date;

(b) nothing in this Act shall affect the powers and jurisdiction exercised by the West Bengal University of Technology and West Bengal University of Health Science;

(c) any teacher, Principal or member of Governing Body of any such college or institution holding by virtue of his being such teacher or a member of Governing Body, any office in or under the University of North Bengal or any of the authority of the said University shall cease to hold such office and vacancy so caused shall deem to be a casual vacancy for the purpose of North Bengal University Act, 1981. West Ben. Act XXV of 1981.

(4) Notwithstanding anything contained in sub-section (1), any college or institution situated beyond the limits of any district may, if the State Govt. accords it approval in consultation with the West Bengal State Council of Higher Education may apply to the University for affiliation and the University may, subject to such conditions and restrictions as it may with the approval of the State Government think fit to impose, affiliate to itself such college or institution and admit the same to all the privileges of the University.

(5) To enable Higher Education to reach the unreached, the territorial limit shall not be insisted upon in the matter of Distance Education mode of learning.

Delegation of Powers.

6. The University may delegate such of its powers as it may deem expedient to any of its authorities referred to in section 16 or to any of its officers, and may, at any time, withdraw at its discretion any power so delegated.

The Gour Banga University Act, 2007.

(Sections 7-10.)

Officers of the University.

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

(1) the Vice-Chancellor,

(2) the Registrar,

(3) the Finance Officer, and

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

The Chancellor.

8. (1) The Governor shall, by virtue of his office, be the Chancellor of the University. He shall be the head of the University and the President of the Court and shall, when present, preside at the meetings of the Court.

(2) The Chancellor shall exercise such powers as may be conferred on him by or under the provisions of this Act.

(3) Where power is conferred upon the Chancellor to make nominations to any authority or body of the University, the Chancellor shall, to the extent necessary, nominate persons to represent interests not otherwise adequately represented.

(4) Every proposal to confer any honorary degree shall be subject to confirmation by the Chancellor.

The Vice-Chancellor.

9. (1) The Vice-Chancellor shall be appointed by the Chancellor on the unanimous recommendation of the Court. If the Court fails to make any such recommendation, the Vice-Chancellor shall be appointed by the Chancellor in consultation with the Minister from a panel of three persons to be elected by the Court in accordance with the system of proportional representation by means of the single transferable vote.

(2) (a) The Vice-Chancellor shall hold office for a period of four years or till he attains the age of 65 years, whichever is earlier and shall, subject to the provisions of this section, be eligible for re-appointment for a period not exceeding six months.

(b) The Chancellor may, notwithstanding the expiration of the term of the office of Vice-Chancellor or his attaining the age of 65 years, allow him to continue in office till a successor assumes office, provided that he shall not continue as such for any period exceeding six months.

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

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

(5) If—

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

(b) a vacancy occurs in the office of the Vice-Chancellor by reason of death, resignation or expiry of the term of his office, removal 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 may, in consultation with the Minister, appoint any person to exercise the powers and perform the duties of the Vice-Chancellor.

(6) The vacancy in the office of the Vice-Chancellor occurring by reason of death, resignation or expiry of the term of his office, removal or otherwise shall be filled up by appointment of a Vice-Chancellor in accordance with the provisions of sub-section (1) within a period of six months from the date of occurrence of the vacancy.

Powers and duties of the Vice-Chancellor.

10. (1) The Vice-Chancellor shall be the principal executive and academic officer of the University and shall, in the absence of the Chancellor, preside at the meeting of the Court. He shall, by virtue of his office, be a member and the Chairman of the

Executive Council and the Faculty Councils for Post-Graduate Studies and also the Chairman of any other authority or body of the University of which he may be a member. He shall also be entitled to be present at and to address any meeting of any other authority or body of the University of which he may not be a member, but shall not be entitled to vote thereat.

(2) The Vice-Chancellor shall have the power to convene meetings of the Court, the Executive Council, the Faculty Councils for Post-Graduate Studies and of any other authority or body of the University.

(3) It shall be the duty of the Vice-Chancellor to ensure that the provisions of this Act, and the Statutes, the Ordinances and the Regulations, are faithfully observed and to take such action as may be necessary for this purpose.

(4) The Vice-Chancellor shall have the power to exercise general control and supervision over all other officers of the University and over all Teachers and employees of the University and generally over all the affairs of the University.

(5) The Vice-Chancellor shall exercise such other powers and discharge such other duties as may be delegated to him by any authority or body of the University or as may be prescribed by Statutes, Ordinances or Regulations.

(6) The Vice-Chancellor may take on behalf of the University such action as he may deem expedient in any matter which, in his opinion, is either urgent or of an emergent nature and shall report the same for confirmation at the next meeting to the authority or body which, in the ordinary course, would have dealt with the matter:

Provided that if the action taken by the Vice-Chancellor is not approved by the authority or body concerned, the matter shall immediately be referred to the Chancellor whose decision thereon shall be final.

(7) The Vice-Chancellor may, with the approval of the Executive Council, delegate any of his powers other than the power referred to in sub-section (6) to any other officer subordinate to him.

The Registrar.

11. (1) The Registrar shall be a whole-time officer of the University and shall be appointed by the Executive Council on the recommendation of a Committee consisting of the Vice-Chancellor as Chairman, a nominee of the Chancellor, two nominees of the Executive Council and a nominee of the State Government.

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

(3) If the Registrar is for any reason temporarily unable to exercise the powers or perform the duties of his office, the Vice-Chancellor may with the approval of the Executive Council appoint a teacher of the University or an officer of the University, temporarily for a period not exceeding six months, to exercise the powers and perform the duties of the Registrar.

Powers and duties of the Registrar.

12. Subject to the supervision, direction and general control of the Vice-Chancellor, the Registrar shall act as the Secretary of the Court as also of the Executive Council and shall exercise such powers and perform such duties as may be prescribed, or delegated to him by or under this Act.

The Finance Officer.

13. (1) The Finance Officer shall be a whole-time officer of the University. He shall be appointed by the Executive Council on the recommendation of a committee consisting of the Vice-Chancellor as the Chairman, a nominee of the Chancellor, two nominees of the Executive Council and a nominee of the State Government for such period and on such terms and conditions as may be prescribed.

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

(3) If the Finance Officer is for any reason temporarily unable to exercise the powers and perform the duties of his office, the Vice-Chancellor, with the approval of the Executive Council, may appoint a person temporarily for a period not exceeding six months to exercise the powers and perform the duties of the Finance Officer.

The Gour Banga University Act, 2007.

(Chapter II.—Sections 14, 15.—Chapter III.—Sections 16, 17.)

Powers and duties of the Finance Officer.

14. (1) Subject to the supervision, direction and general control of the Vice-Chancellor, the Finance Officer shall be in charge of the administration of the funds, the finances and the properties and assets of the University and of all trusts and endowments; and he shall take special interest in activities that aim at raising funds for the purposes of the University and for augmenting the resources of the University.

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

Supervisory Powers of the Registrar and the Finance Officer.

15. In their respective spheres of duties the Registrar and the Finance Officer shall, subject to the provisions of this Act, have the power of supervision and control over all officers and employees serving in departments under their charge and shall exercise such disciplinary power as may be conferred on them by or under this Act or by the Statutes or Ordinances.

CHAPTER III

Authorities of the University

Authorities.

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

(1) the Court;

(2) the Executive Council;

(3) the Faculty Councils for Post-Graduate Studies;

(4) the Councils for Undergraduate Studies;

(5) the Boards of Studies;

(6) the Finance Committee;

(7) such other authorities as may be established under the Statutes.

The Court.

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

(a) *ex officio members*

(i) the Chancellor;

(ii) the Vice-Chancellor;

(iii) the Registrar;

(iv) the immediately preceding Vice-Chancellor;

(v) the Deans of the Faculty Councils for post-graduate studies;

(vi) the Secretary, Department of Higher Education, 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 President, West Bengal Council of Higher Secondary Education;

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

(x) the President, West Bengal Council of Vocational Education and Training;

(xi) the Chairman, West Bengal College Service Commission;

(b) *elected members*

(xii) three Professors of the University Departments elected by such Professors of whom at least one shall belong to any Department under each Faculty Council for Post-graduate studies;

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(Section 17.)

(xiii) four teachers of University Departments other than Professors elected by such teachers from amongst themselves of whom at least one shall belong to any Department under each Faculty Council for Post-graduate studies;

(xiv) Four Teachers, other than Principals, elected by the Teachers of affiliated colleges (other than teachers' training, engineering and medical colleges) from amongst themselves of whom at least one shall be a woman;

(xv) one Teacher elected by the Teachers of Teachers' Training Colleges from amongst themselves;

(xvi) two Principals of affiliated colleges of whom one shall be a Principal of a Teachers' Training College, elected by the Principals of all affiliated colleges;

(xvii) two persons elected (must be one woman) by the registered graduates from amongst themselves;

(xviii) three members of the West Bengal Legislative Assembly constituencies within the territorial jurisdiction of the University elected from amongst themselves by the members of the West Bengal Legislative Assembly

(xix) three regular post-graduate students of the University, not more than one from any Faculty Council for Post-Graduate Studies, of whom one shall be a lady student, elected by an electoral college of such students constituted in the manner prescribed;

Explanation I.—"regular post-graduate student" shall mean a student who has been prosecuting his studies in a Post-graduate Department of the University under any Faculty Council for Post-Graduate Studies and who is not in default of payment of prescribed tuition fees and other dues of the University till such date as may be notified by the University in this behalf.

Explanation II.—Notwithstanding anything contained elsewhere in this Act, a regular post-graduate student elected under this clause shall hold office from the date of his election and for a period of two years or till he ceases to be a regular post-graduate student, whichever is earlier;

(xx) two regular students prosecuting their studies in undergraduate or post-graduate degree classes of affiliated colleges elected by an electoral college of such students constituted in the manner prescribed;

Explanation I.—"regular student" shall mean a student who has been prosecuting his studies in any stream in an undergraduate or post-graduate degree class of an affiliated college and who is not in default of payment of prescribed tuition fees and other dues of such college till such date as may be notified by the University in this behalf.

Explanation II.—Notwithstanding anything contained elsewhere in this Act, a regular student elected under this clause shall hold office from the date of his election and for a period of three years or till he ceases to be a regular student, whichever is earlier;

(xxi) one Research Scholar or Research Fellow of the University elected by the Research Scholars and the Research Fellows of the University.

Explanation I.—"Research Scholar or Research Fellow of the University" shall mean a whole-time Research Scholar or Research Fellow of the University who receives a stipend from the University.

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

(xxii) one person to be elected by the Librarians of the University and of the colleges affiliated to the University from amongst themselves

The Gour Banga University Act, 2007.

(Section 18.)

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

(xxiv) two member elected by the members of the non-teaching staff of affiliated colleges from amongst themselves;

(xxv) one member elected by the officers of the University from amongst themselves;

(c) *nominated members*

(xxvi) six persons nominated by the State Government of whom—

(A) one shall be a member of a registered trade union within the territorial jurisdiction of the University,

(B) one shall be a member of a peasants' organisation within the territorial jurisdiction of the University,

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

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

(xxvii) three persons nominated by the Chancellor to secure the representation of the professions.

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

Powers and duties of the Court.

18. (1) Subject to such conditions as may be provided by or under the provisions of this Act, the Court shall exercise the following powers and perform the following duties: –

(i) to establish University Colleges, University Departments, institutions, centres, libraries, laboratories and museums of study and research;

(ii) to create and institute, with the approval of the State Government, Professorships including Distinguished or Chair Professorships, Readerships, Lectureships, and such posts including posts of officers as may be necessary for the establishment of the University Colleges, University Departments, institutions, centres, libraries, laboratories and museums referred to in clause (i);

(iii) to institute degrees, titles, diplomas, certificates and other academic distinctions;

(iv) to institute fellowships, traveling fellowships, scholarships, studentships, stipends, bursaries, exhibitions, medals and prizes to be awarded out of the University Fund;

(v) to confer degrees, titles, diplomas, certificates and other academic distinctions on person who—

(A) have pursued prescribed courses of studies or have been exempted therefrom in the manner prescribed, and have passed such examinations as may be prescribed, or

(B) have carried on research in accordance with such conditions as may be prescribed;

(vi) to withdraw or to cancel degrees, titles, diplomas, certificates or other academic distinctions under such conditions as may be prescribed by Statutes and after giving the person affected a reasonable opportunity to present his case;

(vii) to confer honorary degrees or other academic distinctions;

(viii) to consider the Annual Statement of Accounts and the Annual Financial Estimates approved by the Court and to pass such resolutions relating thereto as may be considered necessary :

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(Sections 19, 20.)

Provided that for the purpose of passing a resolution modifying or rejecting any such Annual Financial Estimates it shall be necessary for a majority of the total number of members of the Court existing at the time to vote in favor of the resolution;

(ix) to consider the Annual Report as prepared by the Executive Council and to pass such resolutions relating thereto as may be considered necessary;

(x) to consider, and advice on, such other reports from the Executive Council or any other body as may be made to it;

(xi) to consider, and advise on, proposals from the Executive Council for entering into agreement with the Government or with any person, body or authority for the taking over by the University of the management of any college or institution, including its assets and liabilities, or for any other purpose not repugnant to the provisions of this Act;

(xii) to consider, and advise on, proposals from the Executive Council for co-operation with other universities, institutions and educational authorities in matters that relate to or further the educational objectives of the University;

(xiii) to consider and suggest measures for the improvement of the administration and finances of the University, and generally for the furtherance of its objectives;

(xiv) to make rules for the transaction of its own business;

(xv) to exercise all other powers and perform all other functions conferred and imposed on the Court by or under this Act.

(2) The Court shall not exercise the powers and perform the duties referred to in clauses (i) to (vii) of sub-section (1) except on the recommendation of the Executive Council, but may send proposals in respect thereof to the Executive Council for its recommendation.

(3) The Court shall have the power to review the action of the Executive Council, save where the Executive Council has acted in accordance with the powers conferred on it by or under this Act :

Provided that if any question arises as to whether the Executive Council has acted in accordance with the powers conferred on it by or under this Act, the matter shall be decided by reference to the Chancellor whose decision shall be final.

Meetings of the Court.

19. (1) The Court shall meet at least thrice in a financial year, other than for convocation, on dates to be fixed by the Vice-Chancellor. One of such meetings shall be held before March and shall be called the Annual Meeting. The Court may also meet at such other times as it may, from time to time, decide. .

(2) One-third of the total number of members of the Court shall be a quorum for a meeting of the Court:

Provided that such quorum shall not be required at a convocation.

(3) The Vice-Chancellor may, whenever he thinks fit, and shall, upon a requisition in writing signed by not less than fifty *per cent.* Of members of the Court, convene a meeting of the Court. A meeting on such requisition shall be held within fifteen days of the receipt of the requisition by the Vice-Chancellor.

The Executive Council.

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

(a) *ex officio* members

(i) the Vice-Chancellor;

(ii) the Deans of the Faculty Councils for post-graduate studies;

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

The Gour Banga University Act, 2007.

(Section 21.)

(iv) Member Secretary, West Bengal State Council of Higher Education;

(b) elected members

(v) two Professors elected jointly by the Professors of the Faculty Councils for post-graduate studies from amongst themselves of whom not more than one shall belong to the same Faculty Council;

(vi) one post-graduate Teacher, other than Professors elected jointly by the Teachers (other than Professors) of the Faculty Councils for post-graduate studies from amongst themselves;

(vii) (A) one Professor of the University elected by such Professors of the University as are members of the Court from amongst themselves,

(B) one Teacher of an undergraduate college elected by such Teachers of undergraduate colleges as are members of the Court from amongst themselves;

(viii) one person, other than a Teacher or a student or a member of the non-teaching staff or an officer, elected by such persons as are members of the Court (other than Teachers, students, members of the non-teaching staff or officers) from amongst themselves;

(ix) (A) one non-teaching employee of the University elected jointly by such non-teaching staff of the University and the affiliated colleges as are members of the Court from amongst themselves,

(B) one post-graduate student elected jointly by such post-graduate students of the University and students of the affiliated colleges as are members of the Court from amongst themselves,

(C) one member of the West Bengal Legislative Assembly elected by such members of the West Bengal Legislative Assembly as are members of the Court from amongst themselves;

(x) the officer elected under clause (xxvi) of sub-section (1) of section 17;

(xi) two persons elected by the members of the Councils for under graduate studies from amongst themselves of whom—

(A) one shall be Teachers other than Principal, from the Council for undergraduate Studies in Arts, Science, Commerce and Law,

(B) one shall be a Teacher, other than a Principal, from the Council for undergraduate Studies in Engineering and Technology if there be any, and

(C) one shall be a Teacher, other than a Principal, from the Council for undergraduate Studies;

(xii) one Principal elected by such Principals of affiliated colleges as are members of the Council for undergraduate Studies from amongst themselves;

(c) nominated members

(xiii) one person nominated by the Chancellor.

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

(3) One-third of the total number of members of the Executive Council plus one shall be a quorum for a meeting of the Executive Council.

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

The Gour Banga University Act, 2007.

(Section 21.)

Powers and Duties of the Executive Council.

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

(ii) to recommend to the Court, after consulting the respective Faculty Councils for Post-Graduate Studies, the establishment of University Colleges, University Departments, institutions, libraries, laboratories and museums for study and research;

(iii) to maintain University Colleges, University Departments, University institutions, University libraries, University laboratories and University museums;

(iv) to establish, maintain and manage halls and to recognize hostels;

(v) to direct the inspection of University libraries, University laboratories, University museums and hostels;

(vi) to recommend to the Court, after consulting the respective Faculty Councils for Post-Graduate Studies, the institution of fellowships, travelling fellowships, scholarships, stipends, bursaries, exhibitions, medals and prizes, the expenses of which shall be met from the University Fund, and to award the same after institution thereof by the Court;

(vii) to recommend to the Court, after consulting the respective Faculty Councils for Post-Graduate Studies, the creation and institution of Professorships, Readerships, Lectureships and such posts as may be necessary for the establishment of the University Colleges, University Departments, institutions, libraries, laboratories and museums referred to in clause (i) of sub-section (1) of section 18;

(viii) to create posts of Officers, Teachers and employees of the University or to recommend to the Court for such creation, with the approval of the State Government;

(ix) to prescribe the minimum qualifications for the post of officers, Teachers and other employee of the University;

(x) to appoint Teachers, Officers and employees of the University and to fix their emoluments and define their duties and other terms and conditions of service in accordance with the Statutes and the Ordinances and to suspend, discharge or otherwise punish in accordance with the Statutes and the Ordinances such Teachers, Officers and employees;

(xi) to pass appropriate orders on the basis of the recommendation of the respective Council for Undergraduate Studies regarding affiliation of a college or an institution in one or more subjects or withdrawal of affiliation or recognition of a college or an institution or temporary take-over of the management of an affiliated or a recognized college or institutions;

(xii) to make draft of Statutes, on the recommendation of the respective Council for undergraduate studies, for colleges, other than Government Colleges, prescribing the constitution, powers and functions of their Governing Bodies ;

(xiii) to determine, with the approval of the State Government, the terms and conditions of service of Principals, Teachers, Librarians and non-teaching staff of affiliated colleges other than Government Colleges and to prescribe duties and responsibilities of the Principal, Teachers and any other employee as deem fit and disciplinary action for negligence or violation thereof;

(xiv) to make rules for Teachers' Council for all affiliated colleges and with the approval of the State Government, rules for provident fund for affiliated colleges other than Government Colleges;

(xv) to prescribe and collect fees or charges for the registration of students and their admission to courses of studies organized by the University, for holding examinations, for the grant of degrees, diplomas and certificates, and for other like purposes;

(xvi) to recommend to the Court, after consulting the respective Faculty Councils for Post-Graduate Studies, the institution of degrees, titles, diplomas, certificates and other academic distinctions;

The Gour Banga University Act, 2007.

(Section 21.)

(xvii) to recommend to the Court, on the advice of the appropriate body, the conferment of degrees, titles, diplomas, certificates and other academic distinctions on persons who have pursued prescribed courses of studies or have been exempted there from in the prescribed manner, and have passed such examinations or have carried on research under such conditions, as may be prescribed;

(xviii) to recommend to the Court the conferment of honorary degrees and other academic distinctions;

(xix) to approve the constitution or reconstitution of the respective department of teaching on the recommendation of the respective Faculty Council for Post-Graduate Studies;

(xx) to make regulations and syllabi regarding the courses of studies and the division of subjects including interdisciplinary/multidisciplinary approach for integrated courses in selected subjects after obtaining and considering the recommendation of the Faculty Councils for Post-Graduate Studies and the Councils for Undergraduate Studies in this regard;

(xxi) to make regulations regarding the examinations which shall be recognized as the equivalent examinations held by the University;

(xxii) to make regulations regarding the conduct of examinations held by the University and the conditions under which students may be admitted to the different courses of studies of and the examinations held by the University;

(xxiii) to make regulations regarding all other matters which may be or are required to be prescribed or provided for by regulations;

(xxiv) to provide for co-operation and reciprocity among colleges, institutions and laboratories and the University so as to foster the development of academic life and to ensure the fullest utilization of the teaching resources available on the recommendation of the respective Faculty Council for Post-Graduate Studies or the Council for Undergraduate Studies;

(xxv) to give directions regarding the form, custody and use of the common seal of the University;

(xxvi) to acquire, hold and dispose of property, movable and immovable, and to administer all assets, properties and funds of the University, and to undertake all measures necessary or desirable for the conservation or augmentation of the resources of the University:

Provided that for the purpose of disposing of any property valued at not less than one lakh of rupees previous approval of the Court shall be necessary;

(xxvii) to accept and administer gifts, endowments and benefactions for the furtherance of the purposes of this Act;

(xxviii) to accept grants and to raise or accept loans on behalf of the University and to make grants or advances from the University fund or other special funds maintained by the University;

(xxix) to enter into an agreement with the Government or with any person, body or authority for the taking over by the University of the management of any college or institution, including its assets and liabilities, or for any other purpose not repugnant to the provisions of this Act on the recommendation of the Faculty Council for Post-Graduate Studies or the Council for Undergraduate Studies concerned;

(xxx) to manage the Press Establishment, the Publication Bureau and the Employment Bureau of the University and to exercise general supervision over Students' Unions, University Extension Board, University Sports Board and other bodies instituted by the University;

(xxxi) to approve the Annual Statements of Accounts and the Annual Financial Estimates of the University and to submit the same to the Senate for consideration;

The Gour Banga University Act, 2007.

(Section 22.)

(xxxii) to prepare the Annual Report and submit the same to the Court for consideration;

(xxxiii) to make due provision for the health, welfare, residence and discipline of students and their relationship with the University and to provide for such other training of students as may be considered desirable;

(xxxiv) to co-operate with other Universities, Institutions, Associations, Societies or Bodies on such terms and for such purposes, not inconsistent with the purposes of this Act, as it may determine;

(xxxv) to make rules for the transaction of its own business;

(xxxvi) to exercise all other powers and perform all other functions conferred and imposed on the Executive Council by or under this Act;

(xxxvii) to exercise general supervision over the Faculty Councils for Post-Graduate Studies and the Councils for Undergraduate Studies and give such directions to these Councils for the due discharge of their respective duties as it may consider necessary.

The Faculty Councils for Post-Graduate Studies.

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

(a) the Faculty Council for post-graduate studies in Humanities, Social Sciences and Commerce,

(b) the Faculty Council for post-graduate studies in Science,

(c) the Faculty Council for Post-graduate Studies in Law, Education, Journalism, Library Science and Physical Education,

(d) the Faculty Council for post-graduate studies in Technology and Medicinal studies.

(2) Each Faculty Council for post-graduate studies in Humanities and Social Sciences shall consist of the following members :

(i) the Vice-Chancellor-Chairman ;

(ii) the Head or Heads of the Department or Departments concerned, if any;

(iii) the Professor or Professors of the Department or Departments concerned, if any ;

(iv) five Teachers participating in post-graduate teaching in the subject or subjects concerned of whom—

(A) one shall be from constituent colleges. or professional colleges, nominated by the Vice-Chancellor, and

(B) four shall be Teachers of the University, other than Professors, from the Departments under the Faculty Council for post-graduate studies concerned elected jointly by such Teachers from amongst themselves of whom not more than one shall belong to one department;

(v) one person having special knowledge in the subject or subjects concerned nominated by the Vice-Chancellor;

(vi) three Teachers participating in undergraduate teaching elected by the Teacher members of the Council for undergraduate studies in the subject or subjects concerned from amongst themselves.

(3) The Faculty Council for post-graduate studies in Medicine shall consist of the following members :—

(i) the Vice-Chancellor—Chairman;

(ii) the Dean of the Faculty Council for post-graduate studies in Medicine, who shall be a Professor;

(iii) the Head of the Department or Departments concerned;

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(Section 23.)

(iv) the Professor or Professors of the Department or Departments concerned ;

(v) four Teachers, other than Professors, from the Departments under the Faculty Council for post-graduate studies in Medicine, of whom not more than one shall belong to one Department, elected jointly by such Teachers from amongst themselves;

(vi) one Teacher from constituent colleges or professional colleges nominated by the Vice-Chancellor;

(vii) one person having special knowledge in the subject or subjects concerned, nominated by the Vice-Chancellor;

(viii) three Teachers participating in undergraduate teaching, elected by the Teacher-members of the Council for undergraduate studies in Medicine in the subject or subjects concerned from amongst themselves;

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

(5) One-third of the total number of members of a Faculty Council for post-graduate studies plus one shall be a quorum for a meeting of the Faculty Council.

Powers and duties of the Faculty Council for Post-Graduate Studies.

23. Subject to the provisions of this Act, and the Statutes, the Ordinances and the Regulations, a Faculty Council for Post-Graduate Studies shall exercise the following powers and perform the following duties:—

(i) to make proposals to the Executive Council for the establishment of University Colleges, University Departments, institutions, libraries, laboratories and museums for study and research to be maintained by the University;

(ii) to recommend to the Executive Council the creation and institution of Professorships, Readerships, Lectureships, and other teaching posts and the duties and emoluments thereof;

(iii) to make proposals to the Executive Council for the promotion of research and, through special committees, if any constituted for the purpose, to call for reports on such research work from persons engaged therein, and to make recommendations to the Executive Council thereon;

(iv) to recommend to the Executive Council the minimum qualifications for posts of Teachers of the University as per UGC guidelines;

(v) to make proposals to the Executive Council regarding provisions to be made for enabling the University to undertake specialization of studies and for organization of common laboratories, libraries, museums, institutes of research and other institutions, maintained by the University;

(vi) to constitute or reconstitute the departments of teaching with the approval of the Executive Council;

(vii) to make provisions for lectures and instructions for students of constituent and University Colleges and University Laboratories and also for other persons who are not such students;

(viii) to advise the Executive Council on the institution of degrees, titles, diplomas, certificates and other academic distinctions;

(ix) to hold and conduct, subject to general supervision by the Executive Council University examinations and publish the results thereof in accordance with the Regulations made in this behalf;

(x) to provide for the inspection or the investigation into the affairs of any department or any University College and submit report to the Executive Council;

(xi) to have general supervision over the Boards of Studies attached to the Faculty Council;

The Gour Banga University Act, 2007.

(Section 24.)

(xii) to frame rules relating to the courses of Post-Graduate Studies and the division of subjects in regard thereto including interdisciplinary or multidisciplinary integrated courses in selected subjects and to recommend to the Executive Council the making of Regulations in this behalf;

(xiii) to appoint, if required by the Executive Council, after considering the views of the Boards of Studies attached to the Faculty Council, Boards of Examiners in the subject or subjects relating to Post-Graduate Studies, including the subjects for doctoral thesis and for prizes and medals;

(xiv) to call for such reports or information as the Faculty Council may consider necessary for efficient discharge of its duties from the teaching departments, research units or Boards of Studies;

(xv) to consider any educational matter relating to the Faculty Council and to arrive at decisions or make recommendations pertaining thereto to the appropriate authority or officer;

(xvi) to maintain contact with the corresponding Council for Undergraduate Studies for the purpose of sharing ideas and ensuring co-ordination;

(xvii) to submit each year its Annual Report to the Executive Council;

(xviii) to make rules for the transaction of its own business;

(xix) to exercise all other powers and perform all other functions conferred and imposed on it by or under this Act;

(xx) to delegate to the teaching departments, research units, and Boards of Studies attached to it the responsibility for such academic matters as respectively concern such departments, units and Boards;

(xxi) to recommend to the Executive Council the conferment of post-graduate degrees, diplomas and certificates.

The Councils for Undergraduate Studies.

24. (1) There shall be the following Councils for Undergraduate Studies:—

(i) the Council for undergraduate studies in Humanities, Social sciences, Sciences and Commerce

(ii) the Council for undergraduate studies in Engineering and Technology.

(2) The Council for Undergraduate Studies in Humanities, Social sciences, Sciences and Commerce shall consist of the following members:—

(i) the Vice-Chancellor—Chairman ;

(ii) the Deans of the Faculty Councils for post-graduate studies in Humanities, Social Sciences, Sciences, Technologies;

(iii) four Teachers of affiliated colleges other than medical and engineering colleges, of whom one shall be from a teacher's training college, elected by such Teachers ;

(iv) one Teacher who is a member of the Faculty Council for post-graduate studies participating in post-graduate teaching in the subject or subjects concerned elected by the members of the concerned Faculty Council for post-graduate studies from amongst themselves;

(v) two Principals, of whom three shall be from undergraduate colleges of Humanities and Social Sciences and one shall be from a teachers' training college, elected jointly by the Principals of such colleges;

(vi) two persons having special knowledge in the subject or subjects concerned nominated by the Vice-Chancellor.

(3) The Council for Undergraduate Studies in Engineering and Technology shall consist of the following members:—

(i) the Vice-Chancellor—Chairman ;

The Gour Banga University Act, 2007.

(Section 25.)

(ii) the Principal, Engineering College;

(iii) the Heads of the Departments of Teaching Engineering College;

(iv) one Teacher not belonging to the same Department elected jointly by the teachers of colleges imparting instruction in Engineering or Technology affiliated to the University ;

(v) one person nominated by the Director of Technical Education, West Bengal;

(vi) two persons having knowledge in the subject concerned nominated by the Vice-Chancellor.

(4) Each Council for Undergraduate Studies shall have a Secretary to be appointed by the Executive Council.

(5) All elections to the Councils for undergraduate studies shall be held in the manner prescribed by Statutes.

(6) One-third of the total number of members of a Council for undergraduate studies plus one shall be a quorum for a meeting of the Council.

Powers and Duties of the Councils for Undergraduate Studies.

25. Subject to the provisions of this Act, and the Statutes, the Ordinances and the Regulations, a Council for Undergraduate Studies shall exercise the following powers and perform the following duties:—

(i) to recommend to the Executive Council the affiliation of a college or an institution in one or more subjects;

(ii) to ensure annual inspection of college;

(iii) to exercise general supervision over the colleges to ensure that the conditions of affiliation are properly fulfilled, the standard of teaching is uniformly maintained and syllabuses as prescribed are properly completed within the academic year;

(iv) to fix the last date of admission of students to different courses of studies and the date of commencement of examinations in consultation with other Councils for Undergraduate Studies;

(v) to appoint Head Examiners, Examiners, Paper-setters, Scrutineer, Co-coordinators, Conveners, Tabulators and other persons under the general supervision of the Executive Council;

(vi) to hold and conduct examinations and to approve and declare the results of the examinations within such period as may be prescribed;

(vii) to recommend to the Executive Council the disaffiliation or withdrawal of affiliation of any college in respect of any subject or subjects, if, on receipt of written report from a team of Inspectors, appointed by the University, the Council is of opinion that proper standard of teaching is not properly fulfilled or the results of the candidates sent up by the college for any examination are unsatisfactory or the college has failed to comply with the directives of the Council;

(viii) to establish, maintain and manage halls and hostels of undergraduate colleges;

(ix) to recommend to the Executive Council the temporary take over of the management of an affiliated or a recognised college or institution, other than a Government College, in order to ensure that proper standards of teaching, training or instruction are maintained therein;

(x) to provide for the inspection or investigation into the affairs of undergraduate college or institutions recognised by the Council or affiliated to the University and to exercise general supervision and control over them;

(xi) to make due provision for health, welfare, residence and discipline of students and their relationship with the University and to provide for such training of students as may be considered desirable;

The Gour Banga University Act, 2007.

(Sections 26-29.)

(xii) to recommend to the Executive Council the dissolution of the Governing body of an affiliated college or institution, other than a Government College, and pending reconstitution of the Governing Body, the appointment of an Administrator or an ad hoc Governing Body;

(xiii) to collect fees for examination, condonation of short percentage for appearing at an examination as non-collegiate student, marksheet, late admission, change of examination centre, scrutiny of answer script, and change of name or surname, and any other charge for registration and migration of students and grant of diplomas, certificates or any other documents at such rate as may be prescribed by the Executive Council;

(xiv) to exercise supervision to ensure that all properties and funds of the Council are properly controlled and administered;

(xv) to supply promptly such information, returns, reports and other materials as may be required by the University;

(xvi) to extend facilities and other assistance including exhibits of records, books of accounts, ledgers and any other documents to officers deputed by the University for inspection;

(xvii) to approve the Annual report of the activities of the Council during the previous academic year and submit the same to the Executive Council on or before such date as may be fixed by the Executive Council;

(xviii) to abide by, and implement promptly, the decisions that may be arrived at by the University from time to time in regard to the Council;

(xix) to follow the guidelines and the rules framed by the University from time to time;

(xx) to have general responsibility for academic affairs in relation to undergraduate studies with which the Council is concerned;

(xxi) to have general supervision over the Board of Studies attached to the Council in accordance with the rules framed for the purpose;

(xxii) to maintain contact with the corresponding Council for Post-Graduate Studies for the purpose of sharing ideas and ensuring co-ordination;

(xxiii) to make rules and regulations relating to courses of undergraduate studies, subject to the approval of the Executive Council;

Deans of faculty Councils.

26. (1) There shall be a Dean for each of the Faculty Council for post-graduate studies in science who shall be a professor of the University.

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

(3) The seniormost Dean shall act as Vice-Chairman of a Council for undergraduate studies.

(4) The Dean shall hold office for such term as may be prescribed by Statutes.

The Boards of studies.

27. There shall be Boards of Studies attached to every Faculty Council for Post-graduate Studies or Council for Undergraduate Studies. The constitution of the Boards of Studies shall be prescribed by Statutes and the powers and functions of the Boards shall be prescribed by Regulations

The Finance Committee.

28. There shall be a Finance Committee with the Vice-Chancellor as the Chairman. The constitution, powers and functions of the Finance Committee shall be prescribed by Statutes and its procedure in financial matters, including the delegation of its powers, shall be prescribed by Ordinances.

Selection Committee for Teachers of the University.

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

(i) the Vice-Chancellor as the Chairman;

(xii) to recommend to the Executive Council the dissolution of the Governing body of an affiliated college or institution, other than a Government College, and pending reconstitution of the Governing Body, the appointment of an Administrator or an ad hoc Governing Body;

(xiii) to collect fees for examination, condonation of short percentage for appearing at an examination as non-collegiate student, marksheet, late admission, change of examination centre, scrutiny of answer script, and change of name or surname, and any other charge for registration and migration of students and grant of diplomas, certificates or any other documents at such rate as may be prescribed by the Executive Council;

(xiv) to exercise supervision to ensure that all properties and funds of the Council are properly controlled and administered;

(xv) to supply promptly such information, returns, reports and other materials as may be required by the University;

(xvi) to extend facilities and other assistance including exhibits of records, books of accounts, ledgers and any other documents to officers deputed by the University for inspection;

(xvii) to approve the Annual report of the activities of the Council during the previous academic year and submit the same to the Executive Council on or before such date as may be fixed by the Executive Council;

(xviii) to abide by, and implement promptly, the decisions that may be arrived at by the University from time to time in regard to the Council;

(xix) to follow the guidelines and the rules framed by the University from time to time;

(xx) to have general responsibility for academic affairs in relation to undergraduate studies with which the Council is concerned;

(xxi) to have general supervision over the Board of Studies attached to the Council in accordance with the rules framed for the purpose;

(xxii) to maintain contact with the corresponding Council for Post-Graduate Studies for the purpose of sharing ideas and ensuring co-ordination;

(xxiii) to make rules and regulations relating to courses of undergraduate studies, subject to the approval of the Executive Council;

Deans of faculty Councils.

26. (1) There shall be a Dean for each of the Faculty Council for post-graduate studies in science who shall be a professor of the University.

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

(3) The seniormost Dean shall act as Vice-Chairman of a Council for undergraduate studies.

(4) The Dean shall hold office for such term as may be prescribed by Statutes.

The Boards of studies.

27. There shall be Boards of Studies attached to every Faculty Council for Post-graduate Studies or Council for Undergraduate Studies. The constitution of the Boards of Studies shall be prescribed by Statutes and the powers and functions of the Boards shall be prescribed by Regulations

The Finance Committee.

28. There shall be a Finance Committee with the Vice-Chancellor as the Chairman. The constitution, powers and functions of the Finance Committee shall be prescribed by Statutes and its procedure in financial matters, including the delegation of its powers, shall be prescribed by Ordinances.

Selection Committee for Teachers of the University.

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

(i) the Vice-Chancellor as the Chairman;

The Gour Banga University Act, 2007.

(Sections 30-32.)

(ii) the Dean of the Faculty Council concerned;

(iii) a person, not holding any office of profit under the University and having special knowledge of the subject which the Professor will teach, nominated by the Chancellor;

(iv) two persons, not holding any office of profit under the University and having special knowledge of the subject which the Professor will teach, nominated by the Executive Council.

(2) A University Reader or a University Lecturer shall be appointed by the Executive Council on the recommendation of a Selection Committee consisting of—

(i) the Vice-Chancellor as the Chairman;

(ii) the Dean of the Faculty Council concerned;

(iii) the Head of the Department concerned;

(iv) a person, not holding any office of profit under the University and having special knowledge of the subject which the Reader or the Lecturer will teach, nominated by the Chancellor;

(v) two persons, not holding any office of profit under the University and having special knowledge of the subject which the Reader or the Lecturer will teach, nominated by the Executive Council.

Procedure for holding meetings of Selection Committee.

30. (1) Three members, of whom at least two shall be persons having special knowledge of the subject concerned, shall be quorum for a meeting of a Selection Committee.

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

Letter of appointment of Teachers, officers and employees.

31. (1) Every Teacher, every officer and every employee of the University shall, on appointment as such, be provided with a letter of appointment containing such terms and conditions of appointment as may be prescribed by Ordinances.

(2) A Teacher or an officer or an employee appointed against a permanent vacancy shall be on probation ordinarily for a period of one year from the date of such appointment and such period of probation may, at the discretion of the appropriate authority of the University, be extended for a further period not exceeding one year.

(3) If, at any time during the period of probation, the probationer's work is not considered satisfactory, the probationer shall be discharged by the authority concerned.

(4) On satisfactory completion of the period of probation, a Teacher or an officer or an employee, as the case may be, shall be confirmed with effect from the date of his appointment on probation by an order in writing made by the University in this behalf and the fact of such confirmation shall be communicated to the person concerned:

Provided that if, on completion of the period of probation, no such order of confirmation is made and communicated to the person concerned within a period of two months of the completion of the period of probation, the person concerned shall be deemed to have been confirmed with effect from the date of his appointment on probation:

Provided further that if, prior to the completion of the period of probation, a Teacher or an Officer or an employee, as the case may be, desires to extend the period of probation, the Executive Council may extend it further by any period depending on the circumstances of the case.

Termination of services of temporary Teacher, officer or employee.

32. The services of a temporary Teacher or officer or employee shall not be terminated before the expiration of the period for which he is appointed except after serving one month's notice or paying him one month's salary in lieu thereof.

The Gour Banga University Act, 2007.

(Chapter III.—Sections 33, 34.—Chapter IV.—Sections 35, 36.)

Standing committee for selection of officers and non-teaching employees.

33. The Executive Council may, subject to the provisions of this Act, prescribe by Ordinances the constitution of a standing committee or standing committees for selection of persons for appointment to the posts of officers and to the other non-teaching posts of the University and the procedure and the method of such selection.

Tribunal.

34. (1) If in the case of any dispute between the University and any Teacher, officer or employee of the University no final order has been passed within a period of one year from the date on which the dispute was referred to the University by such Teacher, Officer or employee, such dispute shall on the request of such Teacher, Officer or employee, be referred to a Tribunal consisting of the following members, namely:—

(i) a Chairman, to be nominated by the Chancellor in consultation with the Minister;

(ii) one person to be nominated by the Executive Council;

(iii) one person to be nominated by the Teacher, officer or employee concerned.

(2) An appeal from an employee of the University in a disciplinary matter shall be referred to the Tribunal and shall be decided and disposed of by the Tribunal.

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

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

(5) Every request under sub-section (1) shall be deemed to be a submission to arbitration upon the terms of this section, within the meaning of the Arbitration and Conciliation Act, 1996, and all the provisions of that Act with the exception of section 2 thereof shall apply accordingly. 10 of 1996.

CHAPTER IV

General Provisions governing all authorities or other bodies of the University

Disqualifications.

35. (1) No person shall be qualified for election or nomination as a member of any authority or body of the University or shall continue as such member if he—

(i) is of unsound mind or a deaf-mute, or

(ii) is an undischarged insolvent, or

(iii) has been convicted by a court of law for an offence involving moral turpitude.

(2) In case of any doubt or dispute the Chancellor's decision whether a person is disqualified under the provisions of sub-section (1) shall be final.

(3) No person shall be entitled to stand as a candidate for election to any authority or body of the University from more than one constituency.

(4) No person shall be entitled to be enrolled as a voter for, or to cast his vote at, an election to any authority or body of the University from more than one constituency:

Provided that this sub-section shall not apply in the case of an election of members of the Court, the Executive Council, the Faculty Councils for post-graduate studies, and the Councils for undergraduate studies.

Part-time Teachers or part-time non-teaching staff not to be entitled to be enrolled as voters or to be nominated.

36. Notwithstanding anything contained elsewhere in this Act, no person shall,—

(a) if he is a teacher, not holding any whole-time teaching post, or appointed for a specified period, or

The Gour Banga University Act, 2007.

(Sections 37-40.)

(b) if he is a member of the non-teaching staff, not appointed on a regular scale of pay, or not holding any whole-time non-teaching post, be entitled to be enrolled as a voter for, or to cast his vote at, an election to any authority or body of the University or of any college or institution affiliated to the University or to be nominated to any such authority or body.

Explanation.—"Regular scale of pay" shall mean pay which, subject to any condition prescribed by the University, rises by periodical increment from a minimum to a maximum.

Term of office of members.

37. (1) Save as otherwise provided in sub-section (4), an elected or nominated member of any authority or body of the University shall hold office for a period of four years from the date of his election or nomination, as the case may be:

Provided that in respect of the first elections and nominations under this Act, the said period of fours years shall commence from the date of the first meeting of the authority or body held after such elections and nominations.

(2) The term of office of members other than *ex officio* members of any authority or body of the University shall be held to include any period which may elapse between the expiry of the said term and the date of election of new members to such authority or body to fill vacancies arising by efflux of time.

(3) When elections are held on more than one date, the last of such dates shall be taken to be the date of election for the purposes of this section.

(4) Any member elected or nominated to fill a casual vacancy shall hold office for the unexpired portion of the term of office of the member in whose seat he is so elected or nominated.

Cessation of membership in certain cases.

38. (1) When a person is qualified to be a member of any authority or body of the University by virtue of his membership of any other authority or body, he shall cease to be a member of the authority or body of the University when he ceases to be a member of the other.

(2) When a person is elected or nominated as a member of any authority or body of the University from any constituency, he shall cease to be such a member when he ceases to belong to that constituency.

Filling of vacancies.

39. (1) Any casual vacancy among the elected members of any authority or body of the University shall be filled, in such manner and within such time as may be prescribed, by election by such authority or body of a person representing the interest which the member, whose seat has become vacant, represented..

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

(3) Vacancies arising by efflux of time in the seats of elected members of any authority or body of the University shall be filled by election to be held on such date or dates, not later than six months or such extended period as the Chancellor may, by order made in this behalf, specify, from the date on which the vacancies arise, as the Vice-Chancellor may fix.

Proceedings of the University or the authorities or bodies of the University not invalidated by vacancies.

40. No act or proceedings of the University or of any authority or body of the University shall be deemed to be invalid merely by reason of the existence of a vacancy or vacancies among its members or the invalidity of the election of any of the members.

Explanation.—For the avoidance of doubt it is hereby declared that where the office of any member of any authority or body of the University cannot be filled up, when such authority or body is constituted for the first time, on account of any election or appointment not being for any reason feasible, there shall be deemed to be a vacancy in the office of such member until such election takes place or such appointment is made.

The Gour Banga University Act, 2007.

(Chapter IV.—Sections 41, 42.—Chapter V.—Sections 43-46.)

Election Tribunal.

41. (1) There shall be an Election Tribunal to which shall be referred any question as to whether any person is eligible under this Act for election or nomination or has been duly elected or nominated, or is entitled to be, a member of any authority or body of the University, and the decision of the Election Tribunal on such question shall be final.

(2) The constitution of the Election Tribunal shall be prescribed by Statutes

(3) If, during the progress of any election of members to any authority or body of the University, the Election Tribunal is satisfied that such election is vitiated by fraud or corrupt practice, the Election Tribunal may make an order annulling the proceedings in respect of such election or any part thereof and direct fresh proceedings to be started, in accordance with the provisions of this Act and the Statutes, the Ordinances and the Regulations, from such stage as may be specified in the order and such order of the Election Tribunal shall be final.

(4) No suit or proceeding shall lie in any civil court against a decision or an order of the Election Tribunal under sub-section (1) or sub-section (3) as the case may be.

Casting the vote by the Chairman.

42. At a meeting of the Court, the Executive Council, the Faculty Councils for Post-Graduate Studies, the Councils for Undergraduate Studies or any other authority or body of the University, the person presiding at the meeting shall not vote in the first instance, but shall have and exercise a casting vote in the case of an equality of votes.

CHAPTER V

Funds of the University, Accounts, Audit and Inspection

The University Fund.

43. The University shall have a fund to be known as the University Fund to which shall be credited all its income from fees, fines, contributions, donations, loans and advances and from any other source whatsoever. The University may also create, by Ordinances made in this behalf, separate special funds for the administration of endowments, trust or specific grants or grants for other special purposes.

General limitations on financial powers of the University.

44. (1) The budget of the University showing the receipt and expenditure of the University on different accounts shall be submitted to the State Government at least three months before the end of the financial year for approval.

(2) The State Government shall, at least one month before the end of the financial year, communicate its approval or otherwise of the budget of the University:

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

(3) If no communication is sent to the University by the State Government within the period as aforesaid, the budget shall be deemed to have been approved by the State Government.

(4) 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 amount in excess of amount specified in the budget on that account:

Provided that no such prior approval shall be necessary in respect of any expenditure on any scheme not provided in the budget, if such expenditure is met by the University out of its own resources.

Provident Fund.

45. Any provident fund instituted by the University for the benefit of its Teachers, officers, or employees shall be governed by the provisions of Provident Funds Act, 1925, as if such fund were a Government Provident Fund and the Executive Council shall have power to frame Ordinances, not inconsistent with the provisions of that Act, for the administration of the fund. 19 of 1925.

Annual Accounts and Audit.

46. (1) The Annual Statement of Accounts shall, after examination by the Executive Council, be subjected to such audit as the State Government may direct.

The Gour Banga University Act, 2007.

(Chapter V.—Section 47.—Chapter VI.—Section 48.)

(2) Such Annual Statement of Accounts shall, together with copies of the audit report thereon, be submitted to the Court and to the State Government and shall thereupon be published by the Court.

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

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

Inspection.

47. (1) The State Government shall have the right –

(a) to cause an inspection to be made, by such person of persons as it may direct, –

(i) of the University, its buildings, laboratories, libraries, museums, press establishment, workshops and equipment,

(ii) of any college or institution maintained by or affiliated to the University, and

(iii) into all affairs of the University and of such college or institution including examination and other work conducted or done by the University or such college or institution; and

(b) to cause an enquiry to be made into the income, expenditure, properties, assets and liabilities of the University and of any college or institution maintained by or affiliated to the University.

(2) The State Government shall, in every such case of inspection or enquiry, give previous notice to the University or to such college or institution, as the case may be, of its intention to cause such inspection or enquiry.

(3) The State Government shall communicate to the Court and the Executive Council or to such college or institution, as the case may be, its views on the results of such inspection or enquiry and may, after considering the opinion of the Court and the Executive Council or of such college or institution thereon, advise the University or such college or institution regarding the action which the State Government considers fit to be taken by the University or by such college or institution in the matters concerned and the University or such college or institution shall report to the State Government, within such time as the State Government may direct, the action which is proposed to be taken or has been taken by the University or by such college or institution to give effect to such advice of the State Government.

(4) The State Government may, after considering the report referred to in sub-section (3), advise the University or such college or institution, as the case may be, to take such further action in the matters concerned, as may, in the opinion of the State Government, be necessary, and the University or such college or institution shall take or cause to be taken such further action within such time as may be specified in that behalf by the State Government.

CHAPTER VI

Statutes, Ordinances and Regulations

Statutes.

48. Subject to the provisions of this Act, Statutes may be made to provide for all or any of the following matters:-

(a) the constitution, duties and powers of the subordinate authorities which may be constituted by the University;

(b) the subordinate authorities of which the Vice-Chancellor shall be an ex-officio member and Chairman;

The Gour Banga University Act, 2007.

(Section 48.)

(c) the filling of vacancies of members of the subordinate authorities and all other matters relating to those authorities;

(d) the appointment, powers and duties of officers of the University other than the Vice-Chancellor in so far as these have not been specifically provided for in this Act;

(e) the terms and conditions of appointment of the Statutes Registrar and the Finance Officer;

(f) the constitution of a pension, insurance or provident fund for the benefit of Teachers, officers, and employees of the University;

(g) the conferment of honorary degrees;

(h) the withdrawal of degrees, diplomas, certificates and other academic distinctions;

(i) the establishment of authorities of the University referred to in clause (7) of section 16 and colleges, libraries, museums and other institutions and abolition of such authorities, colleges, libraries, museums and institutions;

(j) the maintenance of registers of Government Colleges, constituent college and affiliated colleges;

(k) the maintenance of a register of

(i) Professors of the University,

(ii) Teachers other than Professors of the University,

(iii) Principals of affiliated colleges,

(iv) Teachers not being Principals of affiliated colleges,

(v) Full-time students of the University and affiliated colleges,

(vi) Officers and non-teaching staff of the University and non teaching staff of affiliated colleges;

(*l*) the rules and procedure for holding elections to the Court, the Executive Council and other authorities and bodies of the University;

(m) the conditions under which colleges and other institutions may be recognised or affiliated by the University, and the withdrawal of such recognition or affiliation;

(n) the institution of fellowships, scholarships, studentships, exhibitions, medals and prizes;

(o) the constitution, powers and functions of the Governing Bodies of colleges, other than Government colleges;

(p) the terms and conditions of service of Principals, Teachers, Librarians and non-teaching staff of affiliated colleges, other than Government colleges, their duties and responsibilities and disciplinary actions for negligence / violations thereof;

(q) the calling of meetings of the Court and the giving of notice thereof to the members of the Court and the procedure at such meetings;

(r) contracts by the University and the execution thereof;

(s) qualifications of Teachers and Teachers of the University;

(t) the fees to be charged for courses of study in the University and in colleges and for admission to the examinations for degrees and diplomas of the University;

(u) the manner of exemption from study referred to in sub-clause (a) of clause (II) of section 4; and

(v) all other matters which under this Act are required to be or may be prescribed by Statutes.

The Gour Banga University Act, 2007.

(Sections 49, 50.)

How to make Statutes.

49. (1) The Executive Council may of its own motion, and shall, when required by the Court, make a draft of any Statute and submit the same to the Court. The draft so submitted shall be considered by the Senate at a meeting or meeting to be held within a period of six weeks from the date of such submission (hereinafter referred to as the said period), and the draft so submitted shall, unless rejected or amended by the Court before the expiry of the said period by a majority of the total number of its members existing at the time, be deemed to have been passed by the Court. If the Court so rejects or amends the draft of any Statute, it shall be sent back to the Executive Council with the views of the Court for reconsideration. Thereupon, the Executive Council shall reconsider the draft and resubmit it to the Court with such changes as it may deem necessary. On such resubmission of the draft, it shall again be considered by the Court at a meeting to be held within a period of six weeks from the date of such submission (hereinafter referred to as the latter period) and the draft so resubmitted shall, unless rejected by the Court before the expiry of the latter period by a majority of the total number of its members existing at that time, be deemed to have been passed by the Court without any amendment, or be passed by the Court with such amendments as it may deem fit to make therein within the latter period and by the same majority as aforesaid.

(2) A Statute, passed in the manner provided in sub-section (1), shall be presented to the Chancellor for assent and shall come into force on being assented to by the Chancellor in consultation with the Minister.

(3) A Statute shall remain in force until repealed or amended by a new Statute similarly passed and assented to by the Chancellor.

Ordinances.

50. Subject to the provisions of this Act and the Statutes, Ordinances may be made to provide for all or any of the following matters:-

(a) the admission of students to the University and their enrolment as such;

(b) the courses of study to be laid down for all degrees, diplomas and certificates of the University;

(c) the degrees, diplomas, certificates and other academic distinctions to be awarded by the University, the qualifications for the same, and the examinations and papers, if any, to be passed and submitted relating to the granting and obtaining of the same;

(d) the conditions of the award of fellowships, scholarships, studentships, exhibitions, medals and prizes;

(e) the conduct of examinations, including the terms of office, the manner of appointment, and the duties, of examining bodies, examiners and moderators;

(f) the maintenance of discipline among the students of the University and the colleges;

(g) the conditions of residence of students at the University and the colleges;

(h) the special arrangements, if any, which may be made for the residence, discipline and teaching of women students; and prescribing for them of special courses of study;

(i) the emoluments, and the terms and conditions of service of Teachers of the University;

(j) the management of colleges and other institutions founded or maintained by the University;

(k) the supervision and inspection of colleges and other institutions;

(l) all other matters which under this Act or the Statutes are required to be or may be prescribed by Ordinances.

The Gour Banga University Act, 2007.

(Sections 51-54.)

How to make Ordinances.

51. (1) The Executive Council shall take into consideration drafts of Ordinances proposed to be passed, after notice thereof has been given to the members of the Executive Council at least three weeks in advance of the date fixed for consideration of the same by the Executive Council. The Vice-Chancellor may direct a shorter notice in a matter which in his opinion is of an emergent nature.

(2) An Ordinance shall be deemed to be passed by the Executive Council if it is agreed to by a majority of the total number of members of the Executive Council existing at the time.

(3) An Ordinance passed by the Executive Council in the manner provided hereinbefore in this section shall be submitted to the Chancellor for assent and shall come into force on being assented to by the Chancellor and shall be reported to the Court at its next succeeding meeting.

(4) The Chancellor may direct that the operation of any Ordinance shall be suspended until such time as the Court has had an opportunity of considering the same.

(5) An Ordinance shall, unless cancelled or modified by the Chancellor, remain in force until repealed or amended by a new Ordinance similarly passed and brought into force.

Regulations.

52. Subject to the provisions of this Act and the Statutes and the Ordinances, Regulations may be made to provide for all or any of the following matters:—

(a) the procedure to be observed at the meetings of a subordinate authority and the number of members required to form a quorum;

(b) the calling of meetings of such subordinate authority, and giving of notice to its members of the dates of the meetings and of the business to be considered thereat and the keeping of a record of the proceedings of such meetings;

(c) matters which by this Act, the Statutes or the Ordinances are required to be prescribed by Regulations;

(d) all other matters solely concerning a subordinate authority or a committee appointed by it and not provided for by this Act, the Statute or the Ordinances.

How to make Regulations.

53. (1) The Executive Council or a Committee appointed by it shall take into consideration drafts of Regulations, consistent with this Act and the Statutes and the Ordinances after notice of the proposed Regulations has been given to the members of the Executive Council at least three weeks in advance of the date fixed for consideration of the same by the Executive Council or the Committee appointed by it. The Vice-Chancellor may direct a shorter notice in a matter which in his opinion is of an emergent nature.

(2) A Regulation shall be deemed to be passed by the Executive Council if it is agreed to at a meeting of the Executive Council by a majority of the total number of members of the Executive Council existing at the time. A Regulation shall come into force immediately on being passed unless otherwise directed by the Chancellor.

(3) The Court shall have the power, by a resolution passed by a majority of its total number of members existing at the time, to cancel or modify any Regulation.

(4) A Regulation shall, unless cancelled or modified by the court under sub-section (3), remain in force until repealed or amended by a new Regulation similarly passed and bought into force.

Rules.

54. Subject to the provisions of this Act, the Statutes, the Ordinances and the Regulations, Rules may be made for the purpose of duly carrying out the provisions of, or exercising the powers conferred by, this Act or to provide for matters which, by the Statutes, the Ordinances or the Regulations, are required to be prescribed by Rules.

The Gour Banga University Act, 2007.

(Chapter VII.—Sections 55-57.)

CHAPTER VII

Miscellaneous and Transitory Provisions

Delegation.

55. (1) The Vice-Chancellor or, with the approval of the Vice-Chancellor, the Registrar, may, subject to the provisions of this Act, delegate such of his powers or duties conferred or imposed by or under this Act as may be prescribed by the Statutes to an officer of the University under his direct administrative control.

(2) Subject to the provisions of this Act,—

(a) the Court may delegate any of its powers or duties, conferred or imposed by or under this Act, to—

(i) the Vice-Chancellor,

(ii) the Executive Council,

(iii) a committee constituted from among its own members, or

(iv) a committee appointed in accordance with the Statutes;

(b) the Executive Council may delegate any of its powers or duties, conferred or imposed by or under this Act, to—

(i) the Vice-Chancellor,

(ii) a committee constituted from among its own members,

(iii) a committee constituted in accordance with the Statutes or the Ordinances,

(iv) any of the Faculty Councils for Post-Graduate Studies or Councils for Undergraduate Studies, or

(v) the Finance Committee;

(c) the Faculty Council for Post- Graduate Studies or the Council for Undergraduate Studies may delegate any of its powers or duties, conferred or imposed by or under this Act, to –

(i) the Vice-Chancellor,

(ii) a committee constituted from among its own members,

(iii) a committee constituted in accordance with the Regulations, or

(iv) any of the Board of Studies;

(d) the Finance committee may delegate any of its powers or duties, conferred or imposed by or under this Act, to—

(i) the Vice-Chancellor, or

(ii) a committee constituted from among its own members.

Completion of courses for students in colleges affiliated to the former University.

56. Notwithstanding anything contained in this Act, the Statutes, the Ordinances and the Regulations, any student of a college affiliated formerly to any other University, who was studying for any examination of such other University, shall upon admission of such college to the privileges of the University, be permitted to complete his course in preparation thereof and the University shall hold, for such students, examinations in accordance with the curricula of study in force in such other University for such period as may be prescribed.

Transitory Provisions and repeal.

57. (1) The Chancellor shall, within three months from the date of publication of this Act in the *Official Gazette*, appoint a person to be the Vice-Chancellor under sub-section (4) of section 58, and he shall be the first Vice-Chancellor of the University and shall hold office for such period, as may be prescribed. The first Vice-Chancellor shall exercise all the powers and perform all the duties of the Vice-Chancellor under this Act.

The Gour Banga University Act, 2007.

(Section 57.)

(2) The first Vice-Chancellor shall, with the approval of the Chancellor and with the assistance of a committee consisting of not less than nine members nominated by the State Government, cause the first Statutes, the first Ordinances and the first Regulations of the University to be framed.

(3) The first Vice-Chancellor shall within one year from the date of his appointment or within such longer period, not exceeding two years from the date of his appointment, as the State Government may, by notification in the Official Gazette, direct, cause arrangements to be made for constituting the Court, the Executive Council, the Faculty Council for Post-Graduate: Studies, the Councils for Undergraduate Studies and the Boards of Studies in accordance with the provisions of the first Statutes, the first Ordinances and the first Regulations of the University as framed under sub-section (2), as if they had already come into force.

(4) If, for any reason,—

(a) the Constitution of the Court, the Executive Council and other bodies referred to in sub-section (3) cannot be completed within the period of office of the first Vice-Chancellor appointed under Sub-Section (1), then on the expiry of such period, the Chancellor may in consultation with the Minister, on such terms and conditions as he thinks fit, appoint the first Vice-Chancellor whose period of office has expired or another person to be the Vice-Chancellor for the purpose of this section for such period not exceeding eighteen months as the Chancellor thinks fit, or

(b) a vacancy occurs in the office of the first Vice-Chancellor before the expiry of the period of his office, then, the Chancellor may, in consultation with the Minister, on such terms and conditions as he thinks fit, appoint another person to be the Vice-Chancellor for the purposes of this section for the unexpired portion of such period or such further period not exceeding eighteen months as the Chancellor thinks fit,

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

(5) The State Government shall, by notification in the *Official Gazette*, appoint a date and on and from such date the Court, the Executive Council, the Faculty Councils for post-graduate studies, the Councils for undergraduate studies and the Boards of Studies shall commence to exercise their respective functions and the Statutes, the Ordinances, and the Regulations shall come into force and shall be the first Statutes, the first Ordinances and the first Regulations of the University.

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

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

(8) (a) all colleges and institutions affiliated to or recognized by the former University and continuing as such immediately before the appointed day shall be deemed to be affiliated to, or recognized by, the University;

(b) all colleges or institutions of whatever kind established, maintained or managed by the former University prior to the appointed day shall be deemed to be colleges or institutions established, maintained or managed by the University under this Act;

(c) all affairs, functions or activities of the former University including studies and examinations, commenced and in progress before the appointed day, shall be deemed to be in progress as if they had been commenced by the University under this Act;

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

The Gour Banga University Act, 2007.

(Section 58.)

Gour Banga University Council.

58. (1) With effect from such date as the State Government may, by notification in the *Official Gazette*, appoint, and until the appointed day all the powers and functions of the University , the Court, the Executive Council, the Faculty Councils for Post-graduate Studies, the Councils for Undergraduate Studies, the Boards of Studies, the Finance Committee and all other authorities to be constituted under this Act or the Statutes or the Ordinances shall, respectively, be exercised and performed by a Council to be known as the Maldah University Council.

(2) The following shall be the members of the Council:—

(i) the Chancellor;

(ii) the Vice-Chancellor;

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

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

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

(vi) not less than ten and not more than fifteen persons nominated by the Chancellor in consultation with the Minister from amongst the persons interested in university education, Principals and teachers of affiliated colleges and teachers of the University.

(3) The Registrar of the University shall act as the Secretary of the Council.

(4) The first Vice-Chancellor shall be appointed by the Chancellor in consultation with the Minister on the basis of recommendation made by a Search Committee comprising three eminent educationists constituted for this purpose by the State Government.

(5) The first Registrar, the first Finance Officer and such other officers of the University (including technical personnel) as may be required to be appointed from time to time shall be appointed by the Council on the recommendation of a committee consisting of the Vice-Chancellor as Chairman, a nominee of the Council, a nominee of the Chancellor and a nominee of the State Government, and subject to the supervision, direction and general control of the Vice-Chancellor, they shall exercise all the powers and perform all the duties conferred and imposed on them by or under this Act, or delegated to them by the Vice-Chancellor.

(6) The Council may, subject to the approval of the State Government, appoint such administrative, clerical and other staff (including technical staff) as it deems necessary for giving effect to the provisions of this section.

(7) The Council may, with the approval of the Chancellor, delegate any of its powers and functions to such body or bodies as may be constituted by it to carry on the functions of the Court, the Executive Council, the Faculty Councils for Post-graduate Studies, the Councils for Undergraduate Studies, the Boards of Studies, the Finance Committee and all other authorities to be constituted under this Act or the Statutes or the Ordinances.

Provided that such delegation shall not prevent the exercise of any such power or discharge of any such functions by the Council.

(8) (a) (i) The Chancellor, or in his absence the Vice-Chancellor, shall preside at the meetings of the Council;

(ii) Twenty-five percent of the members of the Council shall be a quorum for a meeting of the Council;

(b) Twenty-five percent of the members of any body constituted by the Council shall be a quorum for a meeting of such body.

The Gour Banga University Act, 2007.

(Section 59.)

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

(10) The other provisions of this Act shall, if in conflict with the provisions of this section, stand modified to the extent provided in this section:

Provided that nothing in this sub-section shall affect the power of the Chancellor or the Vice-Chancellor under this Act.

(11) If a vacancy occurs in the office of the Vice-Chancellor by reason of death, resignation or expiry of his office or otherwise, the same shall be filled up by the Chancellor in consultation with the Minister.

(12) Any vacancy in the Council occurring by reason of death, resignation or otherwise shall be filled up by the Chancellor in consultation with the Minister and the Vice-Chancellor, in so far as such filling up is not inconsistent with the provisions of this section.

(13) If, by reason of the other provisions of this Act, any difficulty arises in giving effect to the provisions of this section, the Council shall refer such difficulty to the State Government which may make such order or do such thing, not inconsistent with the provisions of this section, as appears to it to be necessary or expedient for removing the difficulty.

Removal of Difficulties.

59. If on account of any lacuna or omission in the provisions of this Act, or for any other reason whatsoever, any difficulties arises as to the first constitutions of any authority or the University under this act, or otherwise in giving effect to the provision of this Act, the State Government, as occasion may required, may by order do anything which appears to it to be necessary for the purpose of removing the difficulty notwithstanding anything to the contrary contained elsewhere in this Act or in any other law.

By order of the Governor,

ANINDYA BHATTACHARYYA,
Secy.-in-charge to the Govt. of West Bengal,
Law Department.

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