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

GOVERNMENT OF WEST BENGAL
HIGHER EDUCATION DEPARTMENT
(University Branch)
BIKASH BHAVAN, SALT LAKE
KOLKATA – 700091

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Kolkata, the 31st January, 2013.

WEST BENGAL GOVERNMENT'S POLICY AND GUIDELINES
FOR SETTING UP PRIVATE UNIVERSITIES

1. Considering the growing need for quality facilities in the State's higher education system to cater to the growing number of students emerging out of the State's secondary school system, the State Government considers it necessary to formulate a policy to provide a stable policy and institutional framework to encourage private investment in the State, with an emphasis on the guiding principles of 'expansion, inclusion and quality' in the higher education sector.
2. West Bengal's Gross Enrolment Ratio (GER) in higher education is 12.6% as against the national average of 13.8%. To achieve the national target of 30% GER by 2020, the State will need to create over 4, 00,000 new seats in undergraduate and postgraduate courses. Considering the staggering requirement of funds for achieving this goal, the State Government's efforts need to be supplemented by the private sector in creation of the required infrastructure in the higher education sector. Nationally, the private sector is playing an important role in the expansion of higher education facilities. Eighty eight private universities (94% of the total) in the country have come up in the last five years. In 2001, private institutions accounted for 33% of the country's total enrolment in higher education; in 2006, it increased to 52%.
3. This Policy for Setting up Private Universities in West Bengal is expected to provide a stable environment and a level playing field to private players in the State. It is intended to encourage private investment in the higher education sector in a well- regulated and transparent manner. The spin-off benefits of private investments are expected to have significant benefits for the State's GDP in the short run; and in the long run, they will enable the State to establish itself as an educational hub, and thereby re-claim the mantle of being the country's intellectual capital.

4. Given below is a Policy to provide for establishment and incorporation of private universities in the State of West Bengal for imparting higher education and to regulate their functions and for matters connected therewith and incidental thereto.

5. **Definitions in the Policy:—**

In this Policy, unless the context otherwise requires,—

- A. **"All India Council for Technical Education"** means the All India Council for Technical Education established under the All India Council for Technical Education Act, 1987 (52 of 1987);
- B. **"Bar Council of India"** means the Bar Council of India, established under the Advocates Act, 1961 (25 of 1961);
- C. **"Constituting Act"** means the Act passed by State Legislature for the purpose of incorporating a Private University in pursuance of this Policy;
- D. **"Council of Scientific and Industrial Research"** means the Council of Scientific and Industrial Research, New Delhi, an autonomous body registered under the Societies Registration Act, 1860 (21 of 1860) constituted in 1942 by a resolution of the then Central Legislative Assembly as an agency of the Central Government;
- E. **"Dental Council of India"** means the Dental Council of India established under The Dentist s Act, 1948 (16 of 1948);
- F. **"Department of Science and Technology"** means the Department of Science and Technology of the Ministry of Science and Technology, Government of India;
- G. **"Distance Education Council"** means the Distance Education Council constituted under the Indira Gandhi National Open University Act, 1985, (Act 50 of 1985);
- H. **"Distance Education"** means education imparted by a combination of any two or more means of communication, viz. contact programs, correspondence courses, online courses, broadcasting, telecasting, seminars and any other such methodology.
Note.— Through distance education a student is expected to study a course or a part of it without being present physically;
- I. **"Employee"** means a person appointed by the University to work in the University or its study centers, off-campus centers, off-shore campus and includes a teacher, officer (other than the visitor) and any other employee of the University;
- J. **"Fee"** means collection of money made by the University from the students for the purpose of any course of study and incidental thereto, in the University;
- K. **"Governor"** means the Governor of West Bengal;
- L. **"Governing Body"** means the Governing Body of Private University;
- M. **"Higher Education"** means the study of a curriculum or a course of study beyond 10+2 level;
- N. **"Medical Council of India"** means Medical Council of India established under the Indian Medical Council Act, 1956 (102 of 1956);
- O. **"National Assessment and Accreditation Council"** means the National Assessment and Accreditation Council, Bangalore, an autonomous body established by the University Grant Commission;
- P. **"National Council for Teachers' Education"** means the Council established under National Council for Teacher's Education Act, 1993 (73 of 1993);
- Q. **"Off campus centre"** means a centre of the University established by it outside the main campus, operated and maintained as its constituent unit, having the University's complement of facilities and employees;

- R. **"Off-shore campus"** means a campus of the University established by it outside India, operated and maintained as its constituent unit, having the University's complement of facilities and employees;
- S. **"Prescribed"** means prescribed by rules made under the constituting Act;
- T. **"Private University"** means a University established by an Act of State Legislature which is not receiving any grant in any form either from the Central Government or from the State Government including any other State Government or from any Regulatory Body;
- U. **"Regulatory Body"** means —
- (a) a body established by the Central Government for laying down norms and conditions for ensuring academic standards of higher education in its designated areas of coverage, such as University Grants Commission, All India Council for Technical Education, Council for Scientific and Industrial Research, Department of Science and Technology, Distance Education Council, Indian Council of Scientific Research, National Assessment and Accreditation Council, National Council for Teacher Education, Pharmacy Council for India, Bar Council of India, Medical Council of India, Dental Council of India, Indian Nursing Council, Central Council of Homeopathy, Central Council of Indian Medicine, Council of Architecture, Rehabilitation Council of India and such other statutory body as may be established by the Central Government for the purpose of imparting higher education; and
 - (b) the State Government of West Bengal in the Higher Education Department;
- V. **"Rehabilitation Council of India"** means the Rehabilitation Council of India established under the Rehabilitation Council of India Act, 1992, (34 of 1992);
- W. **"Sponsoring Body"** in relation to a Private University means —
- (a) a Society registered under the Societies Registration Act, 1860 (21 of 1860);
 - (b) a Public Charitable Trust established under the Indian Trusts Act (2 of 1882); or
 - (c) a Company registered under section 25 of the Companies Act, 1956 (1 of 1956);
- X. **"State Government"** means the Government of West Bengal in the Higher Education Department;
- Y. **"Student"** means a person enrolled in the University for taking a course of study leading to a degree, diploma or other academic distinction duly instituted by the University including a research degree;
- Z. **"Study Centers"** means a centre established and maintained or recognized by the University for the purpose of advising, counseling or for rendering any other assistance required by the student in the context of distance education;
- AA. **"Teacher"** means a Professor, Associate Professor, Assistant Professor, or any other person required to impart education or to guide research or to render guidance in any other form to the students for pursuing a course of study in the University;
- BB. **"University Grants Commission"** means the University Grants Commission, established under the University Grants Commission Act, 1956 (3 of 1956);
6. **Establishment of Private University :—**
- A. The State Government may, upon application made by any Society, duly registered under the Societies Registration Act, 1860 (21 of 1860) or Trust, duly registered under the Indian Trusts Act, 1882 (2 of 1882) or Company, duly registered under the Companies Act, 1956, (1 of 1956) or by any Minority, whether based on religion or language, having adequate experience in the field of education, in such manner and in such Form as may be prescribed in this behalf, permit such Society or Trust or Company or Minority to establish a University fully financed by such Society or Trust or Company or Minority within the territory of West Bengal, by passing an Act by the State Legislature.

- B. Every such applicant shall apply before the State Government in the Higher Education Department with ten copies of a detailed project report (DPR) furnishing such particulars as may be specified in this regard by order along with non refundable Application fees of Rupees One Lakh.
- C. No applicant shall be permitted to establish a Private University unless such applicant is in possession of contiguous landed property having absolute title on it and free from all encumbrances, not less than seven acres in case of urban area (excluding Kolkata Metropolitan area) and ten acres in case of rural area:

Provided that in deserving cases, if the State Government deems fit, it may relax these norms considering the location of the proposed Private University and factors relating to availability of land, local demand for higher education, the good will of the applicant in the field of education etc.

- D. Every applicant shall have at least twenty thousand square meter of constructed/ built up area in case of Kolkata Metropolitan area and ten thousand square meters for Urban and Rural areas for the purpose of running the university:

Provided that any existing Institutions applying for setting up Private University in pursuance of this Policy shall have to augment their existing infrastructure/built up area by an additional ten thousand square meter, to be earmarked for academic / instructional activities within three years of the University commencing its operation, the intention being creation of additional seats for students.

7. Endowment Fund of the Private University:—

- A. The applicant shall establish an Endowment Fund through a fixed deposit of a minimum of Rupees ten crore in a nationalized bank, which may be used for the development of the University.
- B. The endowment fund shall be invested and kept invested until the dissolution of the University.
- C. A security deposit will be pledged in the name of Higher Education Department, through a fixed deposit of Rupees one crore in a nationalized bank to be kept as security deposit.
- D. The State Government shall have the power to forfeit the security deposit, in case the University contravenes any of the provisions of the constituting Act passed by the State Legislature in pursuance of this Policy.

8. Procedures for establishment of Private Universities in West Bengal:—

- A. The State Government, for the purpose of giving permission to establish a Private University shall cause an enquiry to this effect in such a manner to be specified by it and the report or reports of such enquiry shall be taken into consideration.
- B. The enquiry committee referred under sub-section (1) shall be constituted by the State Government which shall consist of the following members namely:-
- (a) Chairman, West Bengal State Council for Higher Education or his nominee;
 - (b) One officer from the Department of Higher Education;
 - (c) Two academicians of repute as experts of whom one shall be a Vice Chancellor of a State-aided aided University;
 - (d) One official from the district administration / local authority of the area in which the private university is proposed to be set up;
 - (e) One chartered accountant serving in any College or University under the administrative jurisdiction of this Department or a Government official with a finance background:

Provided the State Government shall have right to co-opt any other member or officer in the enquiry committee as it may deem necessary for this purpose.

- C. The enquiry committee shall submit its report within one month from the date of its constitution.

- D. On the recommendations of the enquiry committee referred to above, if the Higher Education Department is satisfied, it may issue a Letter of Intent (LOI) to this effect requiring the applicant to comply with such terms and conditions as may be specified in this behalf and the applicant shall submit the compliance report within eighteen months from the date of issuing the LOI:

Provided that the State Government may, for reasons to be recorded in writing, extend the time for compliance of the terms and conditions for a further period not exceeding twelve months:

Provided further that issuance of LOI should not be treated as the final approval and shall not confer any right upon the applicant for incorporation of the proposed University or commencement of academic activities.

- E. On receiving the compliance report, the State Government may conduct a physical verification through the committee referred to under sub-clause (B), including the representatives of the appropriate Regulatory Bodies and the committee shall submit its report within one month.
- F. After considering the report, if the State Government is satisfied that the applicant has complied with all the provisions of this Policy as also of the relevant guidelines of the Statutory / Regulatory Bodies, it may, by an Act of Legislature, establish a Private University in such name as may be proposed by the applicant:

Provided that no such Private University shall be permitted to use any such name which is prohibited under any law for the time being in force.

9. Private University Regulatory Committee:—

- A. There shall be a Private University Regulatory Committee to be constituted by the State Government for the purpose of monitoring and regulating the working of every Private University established in pursuance of this Policy.
- B. The Regulatory Committee shall consist of the following members:—
- Secretary of the Higher Education Department as ex-officio Chairperson,
 - The Chairman of the State Council of Higher Education, ex-officio member or his nominee;
 - Two academicians of repute to be nominated by the Governor as members,
 - One Vice-chancellor of a State-aided University as member, to be nominated by the State Government,
 - One officer from the West Bengal Legal Service as member, to be nominated by the State Government,
 - One officer from the Audit and Account Service of the State Government as member, to be nominated by the State Government:

Provided that the State Government shall have right to co-opt any other member or officer in the Regulatory Committee as it may deem necessary for this purpose.

- C. The powers and functions of the members of the Regulatory Committee shall be such as may be specified by the State Government by order.
- D. The recommendations of the Regulatory Committee shall be binding on all Universities established in pursuance of this Policy.

10. Regulations for Private University:—

- A. The rules regarding the establishment, constitution, powers and functions of the Private University shall be prescribed by the Act and rules framed thereunder.
- B. No Private University shall be permitted to admit students or to start any course of study therein or to conduct any examination thereunder without the prior permission in this regard from the State Government in writing.
- C. Every Private University as may be established by any Minority, whether based on religion or language, may adopt their special constitution in relation to its different bodies and committees of such University and their powers and functions subject to ratification of such special constitution by the State Government:

Provided that the every such minority-administered University shall run its activities or programmes in consonance with the well-established principles of the Constitution of India.

- D. The Private University shall have the power to provide their Statutes or Regulations in conformity with the rules and regulations of the State Government and the relevant Regulatory Bodies.
- E. Every Private University shall ordinarily be a Unitary University and shall have no power to provide affiliation to any college or institution on its own.

11. Obligations of Private University:—

- A. The tuition fees chargeable by a Private University in relation to professional courses such as Engineering & Technology, Management, and Pharmacy etc. shall be regulated by making regulations under the Act and approved by the State Government.
- B. No degree or diploma or Certificate may be withheld by any Private University for non payment of dues beyond what is stated upfront published in the public domain.
- C. Every Private University shall allow free-ship in tuition fees in the manner to be specified by the Government and to the extent of five percent of their total strength, to students belonging to the poor and economically backward classes. The relevant criteria/yardstick for determining poor and economically backward class shall be such as determined by the State Government from time to time.
- D. Every Private University established in pursuance of this Policy shall compulsorily make provision for reservation of seats for the students domiciled in the State of West Bengal to the extent of at least twenty five percent of the total number of students in the University.
- E. Every Private University established in pursuance of this Policy shall make provisions for reservation of non-teaching posts of the University for persons domiciled in the State of West Bengal to the extent of at least fifty percent of the total number of non-teaching employees of the University.
- F. Every Private University established in pursuance of this Policy shall appoint adequate number of teachers and officers in the University maintaining the academic standards specified and shall ensure that the qualifications of such teachers or officers of the University shall not be lower than as prescribed by the relevant Regulatory Body.
- G. Every Private University shall compulsorily place in the public domain every information in relation to the University which would be of interest to students and other stake holders inter alia, including the courses or offer, number of seats under different quotas, fees and other charges, facilities/ amenities offered, faculty in place and such other relevant information.

12. Objects of Private University:—

The objects of Private University shall include:—

- (i) to provide instruction, teaching and training in higher education and make provisions for research, advancement and dissemination of knowledge;
- (ii) to create higher levels of intellectual abilities;
- (iii) to establish state-of-the-art facilities for education and training;
- (iv) to carry out teaching and research and offer continuing education programs;
- (v) to create centers of excellence for research and development and for sharing knowledge and its applications;
- (vi) to establish campuses in the State of West Bengal;
- (vii) to establish study centers at different places within its jurisdiction;
- (viii) to establish examination centers;
- (ix) to institute degrees, diplomas, certificates and other academic distinctions on the basis of examination or any such other method as prescribed by the relevant Regulatory Body;

- (x) to ensure that the standard of degrees, diplomas, certificates and other academic distinctions are not lower than those laid down by the Regulatory Bodies concerned;
- (xi) to ensure that the University shall abide by and be restricted to the rules and regulations, guidelines and instructions of relevant Regulatory Bodies in relation to Private Universities;
- (xii) to set up off-campus centers or a study centre within or outside of the state of West Bengal, with the prior approval of the University Grants Commission and the State of West Bengal;

Provided that the University may—

- (a) *establish off-campus centers only after the University has been in existence for five years;*
- (b) *establish as an off-campus center an educational institute which has already been in existence for at least five years in the state of West Bengal with the approval of the regulatory body;*

Explanation:— To open an offshore campus in foreign countries the University can do it only after obtaining due permission from the University Grants Commission, the Government of India and the Government of the host country.

- (xiii) to pursue any other objectives as may be approved by the State Government.

13. Officers of the University:—

The following shall be the officers of a Private University:—

- A. The Visitor;
- B. The Chancellor;
- C. The Vice-Chancellor;
- D. The Registrar;
- E. The Chief Finance and Accounts Officer; and
- F. Such other officers, as may be declared by the Statutes, to be the officers of the University.

14. Powers of Visitor:—

- (A) The Governor of West Bengal shall be the Visitor of the University.
- (B) The Visitor shall, when present, preside at the convocation of the University for the purpose of conferring degrees, diplomas, awards, certificates of other academic distinctions in the University.
- (C) The Visitor shall have the following powers, namely:—
 - (a) to call for any paper or information relating to the affairs of the University; and
 - (b) on the basis of the information received by the Visitor, if he is satisfied that any order, proceeding, or decision taken by any authority of the University is not in conformity with the provisions of this Act or Statutes, Ordinances, Regulations and Rules made thereunder, he may issue such directions as he may deem fit in the interest of the University and the directions so issued shall be complied with by the University.

15. The Chancellor:—

- (A) The Chancellor shall be appointed by the sponsoring body for a period of three years by following such procedure and on such terms and conditions as may be provided by the Statutes.
- (B) The Chancellor shall be the head of the University.
- (C) The Chancellor shall preside over the meetings of the Governing Body and shall, when the Visitor is not present, preside at the convocation of the University for the purpose of conferring degrees, diplomas, awards, certificates or other academic distinctions.

- (D) The Chancellor shall have the following powers, namely :-
- (a) to call for any information or record of the University;
 - (b) to appoint the Vice-Chancellor;
 - (c) to remove the Vice-Chancellor in accordance with the provisions of this Act; and
 - (d) such other powers as may be provided by the Statutes.

16. The Vice-Chancellor:—

- (A) The Vice-Chancellor shall be appointed by the Chancellor from a panel of three persons recommended by the Governing Body of the University and shall, subject to the provisions contained in sub-section (7), hold office for a term of three years:

Provided that, after expiry of the term of three years, he may be eligible for reappointment for another term of three years:

Provided further that the Vice-Chancellor shall continue to hold the office even after expiry of his term till a new Vice-Chancellor is appointed.

- (B) The Vice-Chancellor shall be the principal executive and principal academic officer of the University and shall exercise general superintendence and control over the affairs of the University and shall also execute the decisions of various authorities of the University.
- (C) The Vice-Chancellor shall preside at the convocation of the University in the absence of both, the Visitor and the Chancellor.
- (D) The Vice-Chancellor shall also exercise such powers and perform such duties as may be prescribed by the Statutes or the Ordinances.
- (E) If, at any time, upon representation made or otherwise, and after making such inquiry as may be deemed necessary, the situation so warrants and if the continuance of the Vice-Chancellor is not in the interests of the University, the Visitor may, by an order in writing stating the reasons therein, ask the Vice-Chancellor to relinquish his office from such date as may be specified in the order:

Provided that before taking any action under this sub-section, the Vice-Chancellor shall be given an opportunity of being heard.

17. The Registrar:—

- A. The appointment of the Registrar shall be made by the Chancellor on recommendation of the sponsoring body in such manner, as may be provided by the University's Statutes.
- B. All contracts shall be signed and all documents and records shall be authenticated by the Registrar on behalf of the University.
- C. The Registrar shall be the Member Secretary of the Governing Body, the Board of Management and Academic Council but he shall not have a right to vote.
- D. The Registrar shall exercise such other powers and perform such other duties as may be provided by the Statutes.

18. The Chief Finance and Accounts Officer:—

- A. The appointment of the Chief Finance and Accounts Officer shall be made by the Chancellor in such manner as may be prescribed by the Statutes.
- B. The Chief Finance and Accounts Officer shall exercise such powers and perform such duties as may be prescribed by the Statutes.

19. Other Officers:—

- A. The university may appoint such other officers as may be necessary for its functioning.
- B. The manner of appointment of other officers of the university and their powers and functions shall be such as may be prescribed by the Statutes.

20. Authorities of the University:—

The following shall be the authorities of the university, namely :—

- A. the Governing Body;
- B. the Board of Management;
- C. the Academic Councils;
- D. such other authorities as may be declared by the Statutes to be the authorities of the university.

21. The Governing Body:—

- A. The Governing Body of the university shall consist of the following, namely:—
 - i. the Vice-Chancellor;
 - ii. five persons nominated by the sponsoring body out of whom two shall be eminent educationists;
 - iii. one expert of management or information technology from outside the university, nominated by the Chancellor; and
 - iv. one expert of finance, nominated by the Chancellor.
- B. The Governing Body shall be the supreme authority of the university. All the movable and immovable property of the university shall vest in the Governing Body.
- C. The Governing Body shall have the following powers, namely:—
 - (a) to provide general superintendence and directions and to control functioning of the university;
 - (b) to review the decisions of other authorities of the university in case they are not in conformity with the provisions of the constituting Act or the Statutes, Ordinances, Regulations or rules made thereunder;
 - (c) to prepare and improve the budget and annual report of the university;
 - (d) to lay down the extensive policies to be followed by the university;
 - (e) to recommend to the sponsoring body in consultation with the Visitor about the voluntary liquidation of the university if a situation arises when smooth functioning of the university does not remain possible, in spite of all efforts;
 - (f) such other powers as may be prescribed by the Statutes.
- D. The Governing Body shall meet at least three times in a calendar year.
- E. The quorum for meetings of the Governing Body shall be four.

22. The Board of Management:—

- A. The Board of Management shall consist of the following members, namely:—
 - (a) The Vice-Chancellor;
 - (b) Two members of the Governing Body, nominated by the sponsoring body;
 - (c) Three persons, who are not the members of the Governing Body, nominated by the sponsoring body;
 - (d) Three persons from amongst the teachers, nominated by the sponsoring body;
 - (e) Two teachers, nominated by the Vice-Chancellor.
- B. The Vice-Chancellor shall be the Chairperson of the Board of Management.
- C. The powers and functions of the Board of Management shall be such as may be prescribed by the Statutes.
- D. The Board of Management shall meet once in every two months.
- E. The quorum for meetings of the Board of Management shall be five.

23. The Academic Council:—

- A. The Academic Council shall consist of the Vice-Chancellor and such other members as may be prescribed by the Statutes.
- B. The Vice-Chancellor shall be the Chairperson of the Academic Council.
- C. The Academic Council shall be the principal academic body of the University and shall, subject to the provisions of this Policy and the rules, Statutes or Ordinances, made under the constituting Act in pursuance of this policy, co-ordinate and exercise general supervision over the academic policies of the university.
- D. The quorum for meetings of the Academic Council shall be such as may be prescribed by the Statutes.

24. Other Authorities:—

The composition, constitution, powers and functions of other authorities of the university shall be such as may be prescribed by the Statutes.

25. The First Statutes:—

- A. The First Statutes of the university may provide for all or any of the following matters, namely:—
 - i. the constitution, powers and functions of the authorities and other bodies of the university as may be constituted from time to time;
 - ii. the terms and conditions of appointment of the Vice-Chancellor and his powers and functions;
 - iii. the manner and terms and conditions of appointment of the Registrar and Chief Finance and Accounts Officer and their powers and functions;
 - iv. the manner and terms and conditions of appointment of other officers and teachers and their powers and functions;
 - v. the terms and conditions of service of employees of the university;
 - vi. the procedure for arbitration in case of disputes between officers, teachers, employees and students;
 - vii. The conferment of honorary degrees;
 - viii. The provisions regarding exemption of students from payment of tuition fee and for awarding to them scholarships and fellowships consonant with the relevant regulations of regulatory body;
 - ix. Provisions regarding the policy of admissions, including regulation of reservation of seats consonant with the relevant regulations of regulatory body;
 - x. Provisions regarding number of seats in different courses; and
 - xi. such other provisions as may be necessary in the functioning of the University.
- B. The First Statutes of the university shall be made by the Governing Body and shall be submitted to the State Government.
- C. The State Government shall consider the First Statutes, submitted by the university and shall give its approval thereon within two months from the date of its receipt and with such modifications if any, as it may deem necessary, for compliance.

26. Appointment of teachers and non-teaching employees in Private Universities:—

- A. Every Private University may create as many posts of Teachers and Non-teaching employees in the University and may appoint such teachers and non-teaching employees of their own, in consonance with the norms prescribed by the regulatory authorities.
- B. Every Private University shall have power to make Regulations regarding terms and conditions of service of the employees of the University, and these should be consistent with the norms and standards prescribed by the regulatory authorities.

27. Fund and accounts of the Private University:—

- A. Every Private University shall establish and constitute a fund to be known as General Fund of the University to which the following shall be credited:
- i. fees and other charges received by the University from the student;
 - ii. any contribution made by the sponsoring body;
 - iii. any income received from consultancy and other work undertaken by the University in pursuance of its objectives;
 - iv. trusts, bequests, donations, endowments and any other grants; and
 - v. all other sums received by the University from any source whatsoever.
- B. The General Fund of the University may be utilized for the following purposes:—
- i. for payment of debts including interest charges thereto incurred by the University for the purpose of the constituting Act in pursuance of this Policy;
 - ii. for upkeep of the assets of the University;
 - iii. for the payment of cost of audit of the funds of the University;
 - iv. for meeting the expenses of any suit or proceedings to which the University is a party;
 - v. for payment of salaries and allowances of the officers and non-teaching employees of the University and members of the teaching and research staffs and for payment of any provident fund constitutions, gratuity and other benefits to any such officers and employees and members of teaching and research staff;
 - vi. for the payment of travelling and other allowances of the members of the Governing Body, the Board of management, the academic councils and other authorities so declared under the statutes of the University and of the members of any committee appointed by any of the authorities or by the Chairperson of the sponsoring Body or the Vice Chancellor, as the case may be, of the University;
 - vii. For the payment of fellowship, free-ships, scholarships, assistance ships and other awards to the student belonging to economically weaker sections of the society or research associates or trainees, as the case may be, or to any student otherwise eligible for such awards under the statutes, ordinances, Regulations or Rules;
 - viii. For the payment of any expenses incurred by the University for the purpose of the University;
 - ix. For payment of cost of capital, not exceeding the prevailing bank rate of interest, incurred by the sponsoring body for setting up the University and the investment made therefore;
 - x. For the payment of charges and expenditure relating to the consultancy work undertaken by the University in pursuance of this Policy; and
 - xi. For the payment of any other expenses including service fees payable to any organization charged with the responsibility of providing any specific service, including the managerial services to the University on behalf of the sponsoring body, as approved by the Board of Management to be an expense for the purpose of the University.

28. Admission of students:—

- A. Admission in the University shall be made on the basis of merit:

Provided that for the purpose of filling minority quota in the University established and administered by a Minority community, whether based on religion or language, the zone of consideration for determination of merit shall be limited only to the students belonging to that minority.

- B. Merit for admission in the University may be determined either on the basis of marks or grade obtained in the qualifying examination or on the basis of marks or grade obtained in a relevant entrance examination conducted by the University or a Common Entrance Test conducted at the State or National level:

Provided that any achievements in co-curricular activities or extra-curricular activities may be given weightage at the discretion of the University :

Provided further that the admission criteria for specific courses, as prescribed by the concerned Regulator Bodies, will be adhered to.

29. Examinations and results:—

- A. Every Private University shall at the beginning of each academic session and in any case not later than 31st August of every calendar year, prepare and publish a semester wise or annual, as the case may be, schedule of examinations for each and every course conducted by it and shall strictly adhere to the schedule.

Explanation:— "Schedule of Examination" means a table giving details about the time, day and dates of the commencement of each paper which is part of a scheme of examinations and shall also include the detail about the practical examination:

Provided that if, for any reasons whatsoever, the University has been unable to follow the schedule, it shall, as soon as may be practicable, submit a report, to the Government incorporating the detailed reasons for making a departure from the published schedule.

- B. The State Government shall have power to issue such directions to such Private University in removing difficulties in relation to any examination of the University, as it may deem necessary in the interest of the students.

- C. Every Private University shall strive to declare the results of every examination conducted by it within a period of thirty days from the last date of examination for that particular course and shall in any case declare the results latest within a period of forty five days from such date:

Provided that if, for any reasons whatsoever, the University is unable to finally declare the results of any examination within the aforesaid period of forty five days, it shall submit a report incorporating the detailed reasons for such delay to the State Government:

Provided further that the State Government may upon considering such report issue such directions to such University as it may deem necessary in the interest of the students.

- D. Every Private University shall have power to award Degrees or Diplomas or Titles or Awards or Certificates to any person involved in the course of study or in research in such University in accordance with the Rules or Regulations as may be framed or upon such terms and conditions as may be provided by the University Grants Commission or by All India Council for Technical Education, or by National Council for Teachers Education, or by the Bar Council of India, or by Medical Council of India, or by Dental Council of India, or by some other organizations of like nature empowered to provide the mode of course of study under any law for the time being in force from time to time.

30. Accreditation of the University:—

- A. Every Private University established in pursuance of this Policy shall obtain accreditation from the National Assessment and Accreditation Council within three years of its establishment and communicate the State Government and relevant Regulatory Bodies in writing along with such accreditation certificate by the National Assessment and Accreditation Council (NAAC).

- B. The University shall apply for renewal of such accreditation from time to time.

31. General Powers of State Government:—

- A. The State Government shall have the power to cause inspection of a Private University established under any Act of State Legislature in such manner as may be prescribed and in particular, its buildings, libraries, halls,

- B. Every such inspection shall be made after due notice to the concerned University.
- C. Proceedings of every such Inspection along with suggestion or advice of the State Government shall be sent to the concerned University for its necessary action.
- D. Subject to the provisions referred to above, the University Grants Commission as well the All India Council for Technical Education, or the National Council for Teachers Education, or the Bar Council of India, or the Medical Council of India, or the Dental Council of India, or by any Regulatory Body of like nature empowered to provide the mode of course of study under any law for the time being in force from time to time, shall also have the power to cause inspection under the provisions of their respective Acts, Rules or Regulations and shall have power to do all acts as provided under their respective Acts, Rules or Regulations, as the case may be.
- E. The State Government shall have power to give directions to every such Private University from time to time considering the interest of the Student as well as for public interest. The decision of the State Government shall be final in deciding a particular purpose to be related to **public interest or the interest of the students** of such Universities.

32. Report of the University:—

A Private University shall submit a detailed annual report showing its academic performance and other particulars of the University as may be prescribed in this behalf before the State Government within three months of the commencement of the financial year.

33. Winding up of the University:—

- A. The sponsoring body or the person sponsoring the University may recommend to the State Government to dissolve the University by giving notice to this effect in such manner as may be prescribed by the State Government in this behalf, to the employees and students of the University at least one year in advance:

Provided no Private university shall be permitted to serve notice for winding up within the period of ten years from the date of its establishment.

- B. The dissolution of the University shall have effect only after the last batch of the students of the regular courses have completed their courses and have been awarded degrees, diplomas or awards, as the case may be.

34. Power to Relax :—

- A. The State Government shall have power after due application of mind and by passing a reasoned order to relax any of the provisions of this Policy or of any guidelines made thereunder for deserving cases, including the objective of encouraging local entrepreneurs/investors in this sector.
- B. In the event of major irregularities and contravention of the rules and regulations of the regulatory bodies which endanger the academic environment and the future of the students, the State Government shall have the power to take action such as recommending to the statutory bodies to de-affiliate or de-recognize the said university and other penal actions as it may deem fit.

This Policy is issued with the concurrence of the Finance Department of this Government vide U.O. No. 3172, Gr. P (Service) dated 21.09.2012 and with the approval of the Cabinet in its 42nd meeting held on 19.01.2013, communicated vide their U.O. No. Cab. (D)-1108 dated 28.01.2013.

By order of the Governor,

VIVEK KUMAR,
Secretary
Higher Education Department
Government of West Bengal.