

The

Kolkata **Gazette**
सत्यमेव जयते

Extraordinary
Published by Authority

ASADHA 16]

WEDNESDAY, JULY 7, 2010

[SAKA 1932

PART III—Acts of the West Bengal Legislature.

GOVERNMENT OF WEST BENGAL

LAW DEPARTMENT

Legislative

NOTIFICATION

No. 1047-L.—7th July, 2010.—The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information:—

West Bengal Act XIII of 2010

THE PRESIDENCY UNIVERSITY ACT, 2010.

[Passed by the West Bengal Legislature.]

*[Assent of the Governor was first published in the Kolkata Gazette,
Extraordinary, of the 7th July, 2010.]*

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

WHEREAS it is expedient to confer on Presidency College, a Government College with rich heritage, the status of a University to enable it to function more efficiently as a teaching, training and research centre in various branches of learning and courses of study, especially in Humanities, Social and Basic Sciences, and promoting advancement and dissemination of knowledge and learning, and

*The Presidency University Act, 2010.**(Chapter I.— Preliminary.— Sections 1,2.)*

extending higher education, to meet the requirement of higher education and research in the subjects and to avail scope and opportunities to serve the society and the nation;

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

CHAPTER I**Preliminary**

Short title and commencement.

1. (1) This Act may be called the Presidency University Act, 2009.

(2) This section and section 55 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) “appointed day” means the date referred to in sub-section (5) of section 55;
- (2) “college” means erstwhile Presidency College, Kolkata;
- (3) “convocation” means a meeting of the court for the purpose of conferring degrees, titles, diplomas, certificates or other academic distinctions;
- (4) “employee” in relation to the University means a person employed by the University;
- (5) “financial year” means the year ending on the 31st day of March;
- (6) “Governor” means the Governor of the State of West Bengal;
- (7) “Librarian” means a Librarian or any other person holding a post of Librarian, by whatever name called appointed or recognized as such by the University;
- (8) “Minister” means the Minister-in-charge of Higher Education Department, Government of West Bengal appointed as such by the Governor;
- (9) “non-teaching staff” means 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;
- (10) “officer” means an officer of the University;
- (11) “prescribed” means prescribed by Statutes, Ordinances, Regulations and Rules made under this Act;
- (12) “professional subject” means any of the 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;
- (13) “registered graduate” means a graduate registered under this Act at least three months prior to the date of election of members to the Court on application in the prescribed form and on payment of a fee as prescribed;

The Presidency University Act, 2010.

(Chapter II.— The University and its Officers.— Section 3.)

- (14) “State Government” means Government of West Bengal in the Higher Education Department;
- (15) “Statutes”, “Ordinances”, “Regulations” and “Rules” mean, respectively, the Statutes, Ordinances, Regulations and Rules made under this Act;
- (16) “student” means a student of the University and includes any person enrolled by the University for pursuing any Undergraduate or Postgraduate course of study of the University;
- (17) “Students’ Union” means the Students’ Union constituted in such manner as may be prescribed;
- (18) “Teacher of the University” means a Professor, Associate Professor, Assistant Professor, or any other person, holding a teaching post including a part-time teaching post, appointed or recognized as such by the University for the purpose of imparting instruction and conduction of research in the University;
- (19) “University” means the Presidency University constituted under this Act;
- (20) “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;
- (21) “University Laboratory”, “University Library”, “University Museum”, or “University Institution” mean a laboratory, a library, a museum or an institution, as the case may be, maintained and managed by the University, whether established by it or not;
- (22) “University Professor”, “University Associate Professor” or “University Assistant Professor” mean a Professor including Distinguished Professor, Chair Professor, Adjunct Professor, Associate Professor and Assistant Professor respectively appointed or recognized as such by the University.

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 Presidency University.

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

The Presidency University Act, 2010.

(Chapter II.— The University and its Officers.— Section 4.)

Powers of the
University.

4. The University shall have the following powers, namely:—
- (1) to encourage and provide for instruction, teaching, training and research in such branches of learning and courses of study as it may think fit, and generally to promote the advancement and dissemination of knowledge and learning, and the extension of higher education with special emphasis on providing high quality education in Humanities, Social and Basic Sciences both at the undergraduate and Postgraduate levels to the students from all strata of the society including the disadvantaged ones;
 - (2) to establish, maintain and manage libraries, laboratories, workshops, museums, schools, centres and such other institutions for study and research as it may deem necessary;
 - (3) to provide for study and research in specialized and emerging areas in such schools and centres and to take all necessary steps in this regard;
 - (4) to establish, maintain linkage and enter into collaborative agreement with other Universities, research institutions, learned societies and industries within as well as outside India in matters that relate to the furtherance of the objectives of the University;
 - (5) to take appropriate measures for maintenance of standard and enhancement of quality in higher education;
 - (6) to institute degrees, titles, diplomas, certificates and other academic distinctions;
 - (7) to hold examinations and to confer degrees, titles, diplomas, certificates and other academic distinctions on persons who shall have pursued an approved course of study in the University, unless exempted therefrom in the manner prescribed and shall have passed the prescribed examinations of the University, or shall have carried on research under conditions prescribed;
 - (8) 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;
 - (9) to confer honorary degrees or other academic distinctions under conditions prescribed;
 - (10) to institute Professorships including Distinguished Professorship or Chair Professorship or Adjunct Professorship, Associate Professorship, Assistant Professorship and other teaching posts required by the University with the approval of the State Government and to appoint persons to such posts or to recognize persons as Professors, Associate Professors, Assistant Professor of the University, or as holders of other teaching posts of the University for the purpose of imparting instruction and for conducting research in the University;
 - (11) to create posts, as and when required, of officers and employees of the University besides those provided for in this Act subject to the approval by the State Government;
 - (12) to prescribe, subject to the provisions of this Act, the constitution, powers and duties of the Boards of Studies, the Finance Committee, and other bodies as may be prescribed;

*The Presidency University Act, 2010.**(Chapter II.— The University and its Officers.— Sections 5,6.)*

- (13) to prescribe, subject to the provisions of this Act, the terms and conditions of service, duties and responsibilities including the rules of conduct and discipline and the emoluments for all categories of posts of the University;
- (14) to make provisions for provident and other funds for all categories of the employees of the University;
- (15) to prescribe fees and other charges for admission, registration and examinations and such other purposes, and to demand and receive the fees or other charges so prescribed;
- (16) to establish, maintain and manage halls and hostels and to withdraw the recognition thereof;
- (17) to provide for the promotion of the health and welfare of students and of discipline among them;
- (18) to extend grant to the National Service Scheme and National Cadet Corps from the University Fund;
- (19) to enter into an agreement with the Government or with any person, body or authority for 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;
- (20) to acquire, hold and dispose of property, movable and immovable and to make grants and advances for furthering any of its objectives;
- (21) to accept and administer gifts, endowments and benefactions, for the furtherance of any of its objectives for the University or for or on behalf of any school or centre established by or recognized by the University, and to institute awards, fellowships, traveling fellowships, scholarships, studentships, stipends, bursaries, exhibitions, medals and prizes;
- (22) to accept grants and to raise loans or to accept loans from the Central Government or any State Government or the University Grants Commission, and with the approval of the State Government also from the other sources;
- (23) to co-operate and collaborate with other Universities, institutions and educational authorities in matters that relate to and furtherance of the academic objectives of the University;
- (24) generally to do all such acts and things as may be necessary or desirable for, or incidental to, the advancement of the objects or purposes of the University;
- (25) to introduce interdisciplinary or multidisciplinary integrated courses in selected subjects;
- (26) to initiate collaborative teaching and research programme with other universities and to provide modalities for Credit Transfer and Award of Joint Degrees if deemed necessary.

Delegation of powers.

5. The University may delegate such of its powers as it may deem expedient to any of its authorities referred to in section 15 or to any of its officers, and may, at any time, withdraw at its discretion any power so delegated.

The Chancellor.

6. (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 over the meetings of the Court.

*The Presidency University Act, 2010.**(Chapter II.—The University and its Officers.—Sections 7,8.)*

(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.

Officers of the University.

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

- (a) the Vice-Chancellor;
- (b) the Registrar;
- (c) the Finance Officer; and
- (d) Persons holding such other posts as may be declared by Statutes to be posts of officers of the University.

The Vice-Chancellor.

8. (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 unanimous 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 further period not exceeding four years.

(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.

The Presidency University Act, 2010.

(Chapter II.— The University and its Officers.— Sections 9,10.)

(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.

9. (1) The Vice-Chancellor shall be the principal executive and academic officer of the University and shall, in the absence of the Chancellor, preside over 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 and Undergraduate 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.

10. (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, and on such terms and conditions, as prescribed by, or under, this Act.

The Presidency University Act, 2010.

*(Chapter II.— The University and its Officers.— Sections 11-14.
Chapter III.— Authorities of the University.— Section 15.)*

(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.

11. 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.

12. (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 by or under this Act.

(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.

Powers and duties
of the Finance
Officer.

13. (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.

14. 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 or the Regulations, as the case may be.

CHAPTER III

Authorities of the University

Authorities.

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

- (1) the Court;
- (2) the Executive Council;
- (3) the Faculty Councils for Post-Graduate and Undergraduate Studies;
- (4) the Boards of Studies;
- (5) the Finance Committee; and
- (6) such other authorities as may be established under the Statutes.

The Presidency University Act, 2010.

(Chapter III.— Authorities of the University.— Section 16.)

The Court.

16. (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 Secretary, Higher Education Department, Government of West Bengal or his nominee not below the rank of Joint Secretary to the Government of West Bengal;
- (vi) the Secretary, Finance Department, Government of West Bengal or his nominee not below the rank of Joint Secretary to the Government of West Bengal;
- (vii) the President, West Bengal Council of Higher Secondary Education;
- (viii) the Chairman, West Bengal College Service Commission;
- (ix) the Deans of the Faculty Councils for Post-Graduate and Undergraduate Studies;

(b) elected members:

- (x) not more than 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 and Undergraduate studies and preferably not more than one from any other department;
- (xi) not more than six 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 and Undergraduate studies and not more than one from any other department;
- (xii) one member of the West Bengal Legislative Assembly elected from amongst themselves, if they are not already members of the Court;
- (xiii) one person nominated by the Chancellor other than a person from the teaching profession;
- (xiv) two regular post-graduate students of the University, not more than one from any Faculty Council for Post-Graduate and Undergraduate Studies elected by an electoral college of such students constituted in the manner prescribed;

The Presidency University Act, 2010.

(Chapter III.— Authorities of the University.— Section 16.)

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 and Undergraduate 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;

- (xv) three regular students, of whom at least one shall be a lady student, prosecuting their studies in undergraduate degree classes of the University, 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 degree class of the University 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 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;

- (xvi) 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 or State Agencies or Central Agencies;

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;

- (xvii) three members elected by the members of the non-teaching staff of the University from amongst themselves;
- (xviii) one member elected by the officers and the supervisory staff of the University from amongst themselves;

The Presidency University Act, 2010.

(Chapter III.— Authorities of the University.— Section 17.)

(xix) one person to be elected by the Librarian or Deputy Librarian or Assistant Librarian of the University from amongst themselves;

(xx) three persons one of whom must be a woman elected by the registered graduates from amongst themselves.

(2) All elections to the Court shall be held in the manner prescribed by Statutes. The Registrar shall act as the Secretary of the Court.

Powers and Duties
of the Court.

17. (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 Departments, Schools, Centres, or any such institutions, libraries, laboratories and museums of study and research;
- (ii) to create and institute Professorships including Distinguished Professorships or Chair Professorships or Adjunct Professorships, Associate Professorship, Assistant Professorship, and such posts including posts of officers as may be necessary for the establishment of the University Departments, Schools, Centres or any such institutions, libraries, laboratories and museums referred to in clause (i) with the approval of the State Government;
- (iii) if necessary to re-designate each or any one of the category of posts as mentioned in clause (ii) with the prior approval of the State Government;
- (iv) to institute degrees, titles, diplomas, certificates and other academic distinctions;
- (v) to institute fellowships, traveling fellowships, scholarships, studentships, stipends, bursaries, exhibitions, medals and prizes to be awarded out of the University Fund;
- (vi) to confer degrees, titles, diplomas, certificates and other academic distinctions on persons 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;
- (vii) 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;
- (viii) to confer honorary degrees or other academic distinctions;

The Presidency University Act, 2010.

(Chapter III.— Authorities of the University.— Section 18.)

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

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;

- (x) to consider the Annual Report as prepared by the Executive Council and to pass such resolutions relating thereto as may be considered necessary;
- (xi) to consider, and advise on, such other reports from the Executive Council or any other body as may be made to it;
- (xii) 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;
- (xiii) to consider, and advise on, proposals from the Executive Council for co-operation with other universities, research institutions, learned societies and educational authorities in matters that relate to, or furtherance of, the academic objectives of the University;
- (xiv) to consider and suggest measures for the improvement of the administration and finances of the University, and generally for the furtherance of its objectives;
- (xv) to make rules for the transaction of its own business;
- (xvi) 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 (viii) 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.

18. (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 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 convocation.

The Presidency University Act, 2010.

(Chapter III.— Authorities of the University.— Section 19.)

(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 the total number of the 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.

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

(a) *ex officio members:*

- (i) the Vice-Chancellor;
- (ii) the Secretary, Higher Education Department, Government of West Bengal or his nominee not below the rank of Joint Secretary, Higher Education Department, Government of West Bengal;
- (iii) the Secretary, Finance Department, Government of West Bengal or his nominee not below the rank of Joint Secretary, Finance Department, Government of West Bengal;
- (iv) the Deans of the Faculty Councils for Post-Graduate and Undergraduate Studies ;
- (v) the Member Secretary, West Bengal State Council of Higher Education;
- (vi) the President, West Bengal Council of Higher Secondary Education;

(b) *other members:*

- (vii) one Professor of the University elected by such Professors of the University as are members of the Faculty Councils for Post-Graduate and Undergraduate Studies from amongst themselves;
- (viii) one teacher other than the Professors of the University elected by such teachers of the University as are members of the Faculty Councils for Post-Graduate and Undergraduate Studies from amongst themselves;
- (ix) one Professor of the University elected by such Professors of the University as are members of the Court from amongst themselves;
- (x) one teacher other than the Professors of the University elected by such teachers of the University as are members of the Court from amongst themselves;
- (xi) one non-teaching employee of the University elected by such non-teaching employees of the University as are members of the Court from amongst themselves;
- (xii) one student either from Postgraduate or Undergraduate courses elected by all students as are members of the Court from amongst themselves;

*The Presidency University Act, 2010.**(Chapter III.— Authorities of the University.— Section 20.)*

(xiii) one member of the West Bengal Legislative Assembly, who is also a member of the Court;

(xiv) one person elected by the Officers and Supervisory staff of the University from amongst themselves;

(xv) one person nominated by the Chancellor.

(xvi) two persons to be nominated by the State Government from amongst the scientists, engineers or technologists, professionals or members of the learned societies.

(2) The Registrar will act as the Secretary of the Council.

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

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

Powers and duties
of the Executive
Council.

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

- (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 and Undergraduate Studies, the establishment of University Departments, schools, centre and such other institutions, libraries, laboratories and museums for study and research;
- (iii) to maintain University Departments, Schools, Centres and such other institutions, University libraries, University laboratories and University museums;
- (iv) to establish, maintain and manage halls and hostels;
- (v) to direct the inspection of University libraries, University laboratories, University museums and halls and hostels;
- (vi) to recommend to the Court, after consulting the respective Faculty Councils for Post-Graduate and Undergraduate Studies, the institution of fellowships, traveling 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 and Undergraduate Studies, the creation and institution of Professorships including Distinguished Professorship or Chair Professorship or Adjunct Professorship, Associate Professorship, Assistant Professorship and posts as may be necessary for the establishment of the University Departments, Schools, Centres, and any such institutions, libraries, laboratories and museums referred to in clause (i) of sub-section (1) of section 17;

*The Presidency University Act, 2010.**(Chapter III.— Authorities of the University.— Section 20.)*

- (viii) to create posts of Officers and employees of the University or to recommend to the Court for such creation, with the approval of the State Government;
- (ix) if necessary, to re-designate all or any of the posts under this section or to recommend to the Court for such re-designation with prior approval of the State Government;
- (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 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;
- (xii) to recommend to the Court, after consulting the respective Faculty Councils for Post-Graduate and Undergraduate Studies, the institution of degrees, titles, diplomas, certificates and other academic distinctions;
- (xiii) 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 therefrom in the prescribed manner, and have passed such examinations or have carried on research under such conditions, as may be prescribed;
- (xiv) to recommend to the Court the conferment of honorary degrees and other academic distinctions;
- (xv) to approve the constitution or reconstitution of the respective department of teaching on the recommendation of the respective Faculty Council for Post-Graduate and Undergraduate Studies;
- (xvi) to make regulations and syllabi regarding the courses of studies and the division of subjects including interdisciplinary or multidisciplinary approach for integrated courses in selected subjects after obtaining and considering the recommendation of the Faculty Councils for Post-Graduate and Undergraduate Studies in this regard;
- (xvii) to make regulations regarding the examinations which shall be recognised as the equivalent examinations held by the University;
- (xviii) 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;
- (xix) to make regulations regarding all other matters which may be or are required to be prescribed or provided for by regulations;

*The Presidency University Act, 2010.**(Chapter III.— Authorities of the University.— Section 20.)*

- (xx) to give directions regarding the form, custody and use of the common seal of the University;
- (xxi) 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;
- (xxii) to accept and administer gifts, endowments and benefactions for the furtherance of the purposes of this Act;
- (xxiii) 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;
- (xxiv) 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 and Undergraduate Studies;
- (xxv) 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;
- (xxvi) to approve the Annual Statements of Accounts and the Annual Financial Estimates of the University and to submit the same to the Court for consideration;
- (xxvii) to prepare the Annual Report and submit the same to the Court for consideration;
- (xxviii) 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;
- (xxix) 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;
- (xxx) to institute Collaborative Teaching and Research Programmes with other universities and prescribe modalities for Credit Transfer and Award of Joint Degrees in a manner not inconsistent with the purposes of this Act;
- (xxxi) to make rules for the transaction of its own business;

*The Presidency University Act, 2010.**(Chapter III.— Authorities of the University.— Section 21.)*

- (xxxii) to exercise all other powers and perform all other functions conferred and imposed on the Executive Council by or under this Act;
- (xxxiii) to exercise general supervision over the Faculty Councils for Post-Graduate and 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 and Undergraduate Studies.

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

- (a) the Faculty Council for Post-Graduate and Undergraduate Studies and in Arts;
- (b) the Faculty Council for Post-Graduate and Undergraduate Studies in Science;
- (c) any other Faculty Council which may be established by the University in this regard in such manner as may be prescribed.

(2) Each Faculty Council for Post-Graduate and Undergraduate Studies shall consist of the following members:—

- (i) the Vice-Chancellor — Chairman;
- (ii) the Dean of the Faculty Council concerned;
- (iii) the Head or Heads of the Department or Departments concerned, if any;
- (iv) the Professor or Professors of the Department or Departments concerned, if any;
- (v) five Teachers of the University, other than Professors belonging to the Faculty Councils concerned, to be elected by such Teachers from amongst themselves;
- (vi) not more than three persons having special knowledge in the subject or subjects concerned nominated by the Vice-Chancellor from a panel of six recommended by the Executive Council;
- (vii) the Faculty Council concerned may co-opt such Dean or Deans from any other faculty council as it may considered necessary.

(3) Each Faculty Council for Post-graduate and Undergraduate Studies shall have a Secretary. The Secretary shall be a member of the Faculty Council:

Provided that in the absence of the Secretary, the Registrar or a Deputy Registrar or the Assistant Registrar, as may be nominated by the Secretary, shall act as the Secretary of the Faculty Council.

(4) One-third of the total number of members of a Faculty Council for Post-Graduate and Under Graduate studies shall be a quorum for a meeting of the Faculty Council.

*The Presidency University Act, 2010.**(Chapter III.— Authorities of the University.— Section 22.)*

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

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

- (i) to make proposals to the Executive Council for the establishment of University Departments, Schools, Centres, any such 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 including Distinguished Professorship or Chair Professorship or Adjunct Professorship, Associate Professorship, Assistant Professorship, 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 prescribe after consulting the Executive Council the minimum qualifications for posts of Teachers of the University; as per guidelines of the University Grants Commission or any other concerned regulatory body;
- (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 make proposal to the Executive Council for constituting or reconstituting the departments of teaching in the University;
- (vii) to make provisions for lectures and instructions for students of University Departments, Schools and Centres 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 fix the date of commencement of, and to hold and conduct, subject to general supervision by the Executive Council, University Examinations at the Postgraduate and Undergraduate stages and publish the results thereof in accordance with the Regulations made in this behalf;
- (x) to consider and approve results of examinations leading to Post-graduate and Undergraduate degrees, diplomas and certificates;
- (xi) to recommended to the Executive Council the conferment of Post-graduate and Undergraduate degrees, diplomas and certificates;
- (xii) to delegate to the teaching departments, research units, and Boards of Studies attached to it the responsibility for such academic matters as may concern such departments, units and Boards;

*The Presidency University Act, 2010.**(Chapter III.— Authorities of the University.— Sections 23,24.)*

- (xiii) to provide for the inspection or the investigation into the affairs of any University Departments, Schools, Centres and any such institution and submit report to the Executive Council;
- (xiv) to have general supervision over the Boards of Studies attached to the Faculty Council in accordance with the rules framed for this purpose;
- (xv) to frame rules relating to the courses of Post-Graduate and Undergraduate 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 for making of Regulations in this behalf;
- (xvi) 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 and Under Graduate Studies, the subject for doctoral thesis and for prizes and medals;
- (xvii) 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;
- (xviii) to consider any academic matter relating to the Faculty Council and to arrive at decisions or make recommendations pertaining thereto to the appropriate authority or officer;
- (xix) to maintain contact with other Faculty Councils for the purpose of sharing ideas and ensuring co-ordination;
- (xx) to submit each year its Annual Report to the Executive Council;
- (xxi) to make rules for the transaction of its own business;
- (xxii) to exercise all other powers and perform all other functions conferred and imposed on it by or under this Act;
- (xxiii) to abide by, and implement promptly, the decisions that may be arrived at the Executive Council from time to time in regard to the Faculty Council;
- (xxiv) to supply promptly such information, returns, reports and other materials as may be required by the University;
- (xxv) to have general responsibility for maintenance of standard and enhancement of quality in relation to Post-graduate and Undergraduate studies with which the Faculty Council is concerned.

Deans of Faculty Councils.

23. (1) There shall be a Dean for each Faculty Council for Post-graduate and Undergraduate Studies who shall be elected by the Faculty Council in such manner and subject to such conditions as may be prescribed by Statutes.

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

The Boards of Studies.

24. There shall be Boards of Studies attached to every Faculty Council for Post-graduate and 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 Presidency University Act, 2010.

(Chapter III.— Authorities of the University.— Sections 25-27.)

The Finance
Committee.

25. 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.

26. (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;
- (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) Appointment to the post of Distinguished Professors or Chair Professors or Adjunct Professors shall be made on the basis of recommendation of a Search Committee comprising three eminent educationists in the relevant discipline, constituted for this purpose by the Executive Council.

(3) A University Associate Professor or an Assistant Professor 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 or, in his absence, the Head of the Department concerned;
- (iii) a person, not holding any office of profit under the University and having special knowledge of the subject which the Associate Professor or the Assistant 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 Associate Professor or the Assistant Professor will teach, nominated by the Executive Council.

Note. — While constituting the Selection Committees under this section for the post of Professor, Associate Professor and Assistant Professor, to conform to the latest guidelines of University Grants Commission regarding inclusion of a Scheduled Castes or Scheduled Tribes or Minority Community or Women member. The Vice-Chancellor may nominate additional member or members in consultation with the Executive Council.

Procedure for
holding meetings of
Selection
Committee.

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

(2) If any member of a Selection Committee is unable to attend, he may send his opinion in writing to the Vice-Chancellor and such opinion shall be taken into consideration by the Committee.

*The Presidency University Act, 2010.**(Chapter III.— Authorities of the University.— Sections 28,29.)*

(3) 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.

Appointment by
Presidency
University Council.

28. (1) Notwithstanding anything contained in section 26, until the constitution of a Selection Committee referred to therein, a University Assistant Professor, Associate Professor or Professor shall be appointed by the Presidency University Council, referred to in sub-section (1) of section 56 on the recommendation of a Selection Committee, constituted by the said Council in such manner as it thinks fit, which shall include as its member at least one person, not holding any office of profit under the University and having special knowledge of the subject which the Professor or the Associate Professor or the Assistant Professor, as the case may be, will teach, nominated by the Chancellor.

(2) If the Presidency University Council does not accept the recommendation of the Selection Committee the provision of sub-section (3) of section 27 shall apply *mutatis mutandis*.

Letter of
appointment of
Teachers, officers
and employees.

29. (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 and duties and responsibilities 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 performance 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.

*The Presidency University Act, 2010.**(Chapter III.— Authorities of the University.— Sections 30-32.**Chapter IV.— General Provisions governing all authorities or other bodies of the University.— Section 33.)*

Termination of services of temporary Teacher, officer or employee.

30. 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.

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

31. 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.

32. (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 or section 2 thereof shall apply accordingly.

10 of 1996.

CHAPTER IV**General Provisions governing all authorities or other bodies of the University.**

Disqualifications.

33. (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
- (ii) is an undischarged insolvent, or
- (iii) has been convicted by a court of law for an offence involving moral turpitude.

*The Presidency University Act, 2010.**(Chapter IV.— General Provisions governing all authorities or other bodies of the University.— Sections 34-36.)*

(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 and Undergraduate Studies.

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

34. 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

(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.

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.

35. (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 four 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.

36. (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.

*The Presidency University Act, 2010.**(Chapter IV.— General Provisions governing all authorities or other bodies of the University.— Sections 37-40.)*

(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.

37. (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.

38. 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 removal 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.

Election Tribunal.

39. (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.

40. At a meeting of the Court, the Executive Council, the Faculty Councils for Post-graduate and 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.

*The Presidency University Act, 2010.**(Chapter V.— Funds of the University, Accounts, Audit and Inspection.— Sections 41-44.)***CHAPTER V****Funds of the University, Accounts, Audit and Inspection**

The University Fund.

41. 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, grants, 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 Students' Welfare, Endowments, Donations and Gifts, Trust or specific grants or grants for other special purposes.

General limitations on financial powers of the University.

42. (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.

43. 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.

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

(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.

The Presidency University Act, 2010.

(Chapter V.— *Funds of the University, Accounts, Audit and Inspection.*— Section 45.
Chapter VI.— *Statutes, Ordinances and Regulations.*— Section 46.)

Inspection.

45. (1) The State Government shall have the right —

- (a) to cause an inspection to be made, by such person or persons as it may direct, —
 - (i) of the University, its buildings, laboratories, libraries, museums, press establishment, workshops and equipment,
 - (ii) of any institution maintained by the University, and
 - (iii) into all affairs of the University and of such institution including examination and other work conducted or done by the University or such institution; and
- (b) to cause an enquiry to be made into the income, expenditure, properties, assets and liabilities of the University and of any such institution maintained by the University.

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

(3) The State Government shall communicate to the Court and the Executive Council its views on the results of such inspection or enquiry and may, after considering the opinion of the Court and the Executive Council thereon, advise the University regarding the action which the State Government considers fit to be taken by the University in the matters concerned and the University 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 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 to take such further action in the matters concerned, as may, in the opinion of the State Government, be necessary, and the University 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.

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

- (a) the declaration of posts as posts of officers of the University referred to in clause (4) of section 7;
- (b) the establishment of authorities of the University referred to in clause (6) in section 15;
- (c) the powers, duties, and terms and conditions of service of the officers of the University in so far as these have not been specifically provided for in this Act;
- (d) the constitution, powers and duties of the authorities of the University in so far as these have not been specifically provided for in this Act;

*The Presidency University Act, 2010.**(Chapter VI.— Statutes, Ordinances and Regulations.— Sections 47,48.)*

- (e) the rules and procedure for holding elections to the Court, the Executive Council and other authorities and bodies of the University;
- (f) the holding of convocations to confer degrees, titles, diplomas, certificates and other academic distinctions, including honorary degrees and distinctions;
- (g) the conditions for the registration of graduates of the University and for the maintenance of a register for registered graduates;
- (h) the minimum qualifications for teachers and officers of the University;
- (i) all other matters which under this Act are required to be or may be prescribed by Statutes.

How to make
Statutes.

47. (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 Court 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.

48. 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;
- (b) the levy or fees in University Departments, Schools, Centres and in University Laboratories;
- (c) the conditions of residence and rules of discipline of the students of the University and the levy of fees for residence in halls and hostels;

*The Presidency University Act, 2010.**(Chapter VI.— Statutes, Ordinances and Regulations.— Section 49.)*

- (d) the appointment of Teachers, officers and employees of the University, their emoluments, their duties and other terms and conditions of their service, in so far as these have not been specifically provided for in this Act or in the Statutes;
- (e) rules for the institution of Provident Fund or other funds for the benefit of the Teachers, officers and employees of the University;
- (f) rules for the establishment, maintenance and management of University Libraries, University Museums, halls and other University institutions, for study, research and residence;
- (g) rules for the recognition of libraries, laboratories, museums, hostels, and institutions for study, research and residence, other than those established, maintained and managed by the University;
- (h) rules for the imposition and collection of fees, fines and other dues payable to the University;
- (i) the duties and functions of the Teachers of the University including the Heads of Departments;
- (j) rules for the registration of students;
- (k) the appointment, duties and remuneration of examiners;
- (l) rules for the administration of gifts, endowments and benefactions, and for the institution and award of fellowships, travelling fellowships, scholarships, studentships, stipends, bursaries, exhibitions, medals and prizes;
- (m) rules and procedure for accepting grants and for raising or accepting loans other than loans from the Central Government or any State Government or the University Grants Commission;
- (n) all other matters which under this Act or the Statutes are required to be or may be prescribed by Ordinances.

How to make
Ordinances.

49. (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 specified in sub-sections (1) and (2) of 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.

*The Presidency University Act, 2010.**(Chapter VI.— Statutes, Ordinances and Regulations.— Sections 50-52.)*

(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.

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

- (a) the powers and functions of the Boards of Studies ;
- (b) the functions and duties of Teachers' Councils in Universities;
- (c) the conditions for admission to the different courses of study and examinations of students;
- (d) the rules for the conduct of University examinations;
- (e) the courses of study and the division of subjects upon the recommendations of the Faculty Council for Post-graduate and Undergraduate Studies concerned;
- (f) the minimum qualifications for the Teachers of the University as per guidelines of the University Grants Commission or any other appropriate authority;
- (g) all other matters which under this Act or the Statutes or the Ordinances are required to be or may be prescribed by Regulations.

How to make Regulations.

51. (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 brought into force.

Rules.

52. Subject to the provisions of this Act, the Statutes, the Ordinances and the Regulations, Rules may be made for the purpose of 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 Presidency University Act, 2010.**(Chapter VI.— Miscellaneous and Transitory Provisions.— Sections 53,54.)***CHAPTER VII****Miscellaneous and Transitory Provisions**

Delegation.

53. (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 and Undergraduate Studies, or
 - (v) the Finance Committee;
- (c) the Faculty Council for Post-graduate and 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, or
 - (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 of erstwhile Presidency College affiliated to the Calcutta University.

54. Notwithstanding anything contained in this Act, the Statutes, the Ordinances and the Regulations, any student of the erstwhile Presidency College affiliated formerly to the Calcutta University, who was studying for any examination of such University, shall upon upgradation of the college to the University be permitted to complete his course in preparation thereof and appear for examinations conducted by the former University or the University shall hold for such students, examinations in accordance with the curricula of study in force in the former University for such period as may be prescribed.

*The Presidency University Act, 2010.**(Chapter VI.— Miscellaneous and Transitory Provisions.— Section 55.)*

Transitory provisions and repeal.

55. (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 56, and he shall be the first Vice-Chancellor of the University and shall hold office for a period of one year, which may be extended by one year by the Chancellor in consultation with the Minister. The first Vice-Chancellor shall exercise all the powers and perform all the duties of the Vice-Chancellor under this Act.

(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 and 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 two years 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 three years 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 and Undergraduate Studies and the Boards of Studies shall commence to exercise their respective functions and the first Statutes, the first Ordinances and the first Regulations of the University as framed under sub-section (2) 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 of the University shall remain in force until new Statutes, new Ordinances and new Regulations are made under the provisions of this Act.

The Presidency University Act, 2010.

(Chapter VI.— Miscellaneous and Transitory Provisions.— Section 55.)

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

(8) (a) All properties and all rights of whatever kind used, enjoyed or, possessed by, all interests of whatever kind owned by or, vested in or, held in trust by or, for the College as well as liabilities legally subsisting against the College shall pass to the University as constituted under this Act.

(b) All sanctioned posts of the College shall stand transferred to the University and all Government employees employed in the College will continue to function under the University in their existing capacities till such time the posts are actually filled up by the University or the incumbents are posted elsewhere by appropriate Government Orders or Notifications to be issued from time to time. The said Government employees during their tenure in the University will continue to enjoy the same pay and allowances upon the same terms and conditions of service with the same rights and privileges as to pension, gratuity, provident fund, savings cum group insurance scheme and other matters as they would enjoy as the State Government employees:

Provided that the State Government may consider creation of appropriate number of cadre-specific supernumerary posts or shadow posts under the aegis of Higher Education Department or Education Directorate to protect the interest of the aforesaid Government employees.

(c) All Government employees including teachers, Librarians and non-teaching staff who have been employed in the College or, are liable to be posted to the College shall be given opportunity to exercise their option for being considered for selection in University services in a phased manner as may be decided by the State Government by issue of suitable orders or notifications from time to time :

Provided that the last date for such option shall not be later than one year after the appointed day:

Provided further that no employee who has opted for being considered for selection in University services shall be debarred for selection in University services only on the ground that he has already exceeded the upper age limit for recruitment to the concerned post.

(9) On and from the appointed day —

(a) section 56 shall stand repealed and thereupon the Presidency University Council referred in sub-section (1) of the said section, and all bodies and all committees constituted by the said Council, shall stand dissolved;

(b) all affairs, functions or activities of the 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;

(c) All things done or deemed to have been done, and all actions taken or deemed to have been taken under any law in force for the time being, shall be deemed to be things done or actions taken by the University under this Act as if this Act had been in force when such things were done or actions taken provided that until the appointed day references to the Vice-Chancellor under any such law shall be deemed to be references to the first Vice-Chancellor under this Act.

The Presidency University Act, 2010.

(Chapter VI.— Miscellaneous and Transitory Provisions.— Section 56.)

(10) In construing the provisions of section 16, section 19, section 21 and in construing the provisions of the first Statutes, the first Ordinances and the Regulations of the University in relation to the constitution, under this section, of the Court, the Executive Council, the Faculty Councils for Post-graduate and Undergraduate studies, and the Boards of Studies, references to the Heads of departments of teaching of the University, the University Professors, University Associate Professors, University Assistant Professors, and teachers of the University shall be deemed to be references to the persons holding offices respectively as the Heads of teaching Departments, Professors, Readers or Associate Professors, Lecturers or Assistant Professors and teachers of the College, if any, immediately before the date of appointment of the first Vice-Chancellor.

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

The Presidency
University Council.

56. (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 and 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 Presidency University Council.

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

- (i) the Chancellor;
- (ii) the Vice-Chancellor;
- (iii) the Secretary, Higher Education Department, Government of West Bengal or his nominee not below the rank of Joint Secretary to the Government of West Bengal;
- (iv) the Secretary, Finance Department, Government of West Bengal or his nominee not below the rank of Joint Secretary to the Government of West Bengal;
- (v) Member Secretary, West Bengal State Council of Higher Education;
- (vi) the President, West Bengal Council of Higher Secondary Education;
- (vii) 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 colleges affiliated to other universities 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.

The Presidency University Act, 2010.

(Chapter VI.— Miscellaneous and Transitory Provisions.— Section 56.)

(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 out the functions of the Court, the Executive Council, the Faculty Councils for Post-graduate and 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 over the meetings of the Council;

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

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

(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.

The Presidency University Act, 2010.

(Chapter VI.— Miscellaneous and Transitory Provisions.— Section 57.)

(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.

57. 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 require, 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,

MITA BASU ROY,
Pr. Secy. to the Govt. of West Bengal,

Law Department.

