

GOVERNMENT OF WEST BENGAL

LAW DEPARTMENT

Legislative

West Bengal Act IX of 1998

THE KALYANI UNIVERSITY (AMENDMENT) ACT, 1998.

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Calcutta Gazette, Extraordinary*, of the 5th February, 1999.]

[5th February, 1999.]

An Act to amend the Kalyani University Act, 1981.

West Ben.
Act XL of
1981.

WHEREAS it is expedient to amend the Kalyani University Act, 1981, for the purposes and in the manner hereinafter appearing;

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

1. (1) This Act may be called the Kalyani University (Amendment) Act, 1998.

Short title
and
commence-
ment.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

2. In section 2 of the Kalyani University Act, 1981 (hereinafter referred to as the principal Act), after clause (4), the following clause shall be inserted:—

Amendment
of section 2
of West Ben.
Act XL of
1981.

‘(4A) “districts” means the districts of Nadia and Murshidabad;’.

3. In section 5 of the principal Act,—

Amendment
of section 5.

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

‘(1) Save as otherwise provided in this Act, the powers of the University conferred by or under this Act shall not extend beyond the limits of the districts and the local limits of the police station of Bijpur in the district of North 24-Parganas.

(Section 3.)

Explanation.—For the purpose of this sub-section, “local limits of the police station of Bijpur” shall mean the local limits of the police station of Bijpur as declared generally or specifically by the State Government under clause (s) of section 2 of the Code of Criminal Procedure, 1973, and in force on the date of commencement of this Act.’;

2 of 1974.

- (2) in sub-section (3), for the words “any police-station”, the words “the police station” shall be substituted;
- (3) after sub-section (3), the following sub-section shall be inserted:—

“(4) Notwithstanding anything contained in any other law for the time being in force, with effect from such date as the State Government may, by notification in the *Official Gazette*, appoint in this behalf (hereinafter referred to in this section as the said date),—

- (a) such colleges existing on the said date within the limits of the districts as may be specified in the notification, shall—
 - (i) be deemed to be affiliated to the University and shall continue to be so affiliated until the University otherwise directs; and
 - (ii) cease to be affiliated to the University of Calcutta or any other University to which they may have been affiliated before the said date;
- (b) any Teacher, Principal or member of the Governing Body of any such college holding, by virtue of his being such Teacher, Principal or member, any office in or under the University of Calcutta or any of the authorities of the said University, shall cease to hold such office, and the vacancy so caused shall be deemed to be a casual vacancy for the purposes of the Calcutta University Act, 1979;
- (c) no college or institution situated within the local limits of the jurisdiction of the University, but not admitted to its privileges shall be associated with, or be admitted to, the privileges of any other university except with the previous approval of the State Government.”.

West Ben.
Act
XXXVIII of
1979.

(Sections 4-7.)

4. For clause (4) of section 7 of the principal Act, the following clause shall be substituted:— Amendment of section 7.
- “(4) persons holding such other posts as may be approved by the State Government and declared by statutes to be posts of officers of the University.”.
5. In sub-section (1) of section 17 of the principal Act,— Amendment of section 17.
- (1) under the heading “(a) *ex officio members*”, for clause (v), the following clause shall be substituted:—
- “(v) the Secretary, Department of Higher Education, Government of West Bengal, or his nominee not below the rank of Deputy Secretary to the Government of West Bengal;”;
- (2) under the heading “(b) *other members*”,—
- (a) in clause (xii), for the word “five”, the word “seven” shall be substituted;
- (b) in clause (xiii), for the word “three”, the word “four” shall be substituted;
- (c) in clause (xv), for the words “one member”, the words “two members” shall be substituted;
- (d) after clause (xx), the following clause shall be inserted:—
- “(xxa) one member elected by the Librarians of the University and of the colleges affiliated to the University from amongst themselves;”;
- (e) in clause (xxi), for the words “one member”, the words “three members” shall be substituted.
6. In sub-section (1) of section 20 of the principal Act, under the heading “(a) *ex officio members*”, for clause (iii), the following clause shall be substituted:— Amendment of section 20.
- “(iii) the Secretary, Department of Higher Education, Government of West Bengal, or his nominee not below the rank of Deputy Secretary to the Government of West Bengal;”;
7. In section 21 of the principal Act,— Amendment of section 21.
- (1) after clause (v), the following clause shall be inserted:—
- “(va) to approve the results of examinations on the recommendation of the Faculty Councils for post-graduate studies and the Councils for undergraduate studies, as the case may be;”;

(Section 8.)

- (2) in clause (ix), after the words “to prescribe”, the words “, with the approval of the State Government,” shall be inserted.

Substitution
of new
section for
section 22.

8. For section 22 of the principal Act, the following section shall be substituted:—

“The Faculty
Councils for
post-graduate
studies.

22. (1) There shall be the following Faculty Councils for post-graduate studies:—

- (a) the Faculty Council for Post-Graduate Studies in Arts, Commerce and Education;
- (b) the Faculty Council for Post-Graduate Studies in Science;
- (c) the Faculty Council for Post-Graduate Studies in Engineering, Technology and Management.

(2) Each Faculty Council for post-graduate 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) two Teachers (participating in post-graduate teaching in the subject or subjects concerned) from constituent colleges or professional colleges, nominated by the Vice-Chancellor;
- (vi) four Teachers of the University, other than Professors, at least one of whom shall be from any Department under the Faculty Council for post-graduate studies concerned, elected jointly by such Teachers;
- (vii) one person having special knowledge in the subject or subjects concerned, nominated by the Vice-Chancellor;
- (viii) three Teachers participating in undergraduate teaching in the subject or subjects concerned, elected by the members of the Councils for undergraduate studies from amongst themselves;

Provided that in the case of the Faculty Council for post-graduate studies in—

- (a) Engineering, Technology and Management, and
- (b) Arts, Commerce and Education,

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(Section 9.)

the Principal or Principals of the college or colleges in which instruction is provided for undergraduate courses of study in engineering, technology and education as well as for post-graduate courses of study in management, shall also be the members of the Faculty Council concerned.

(3) Each Faculty Council for post-graduate studies shall have a Secretary to be appointed by the Executive Council.

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

9. For section 23 of the principal Act, the following section shall be substituted:—

Substitution
of new
section for
section 23.

“Powers and
functions of
the Faculty
Councils for
post-
graduate
studies.

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

- (i) to make proposals to the Executive Council for the establishment of University Departments, institutions, centres, libraries, laboratories and museums for study and research to be maintained by the University;
- (ii) to recommend to the Executive Council the creation and institution of Professorships, Readerships, Lecturerships and other teaching posts and the duties and emoluments thereof;
- (iii) to make proposals to the Executive Council for the promotion of research and, through special committees, if any, constituted for the purpose, to call for reports on such research work from persons engaged therein, and to make recommendations to the Executive Council thereon;
- (iv) to recommend to the Executive Council the minimum qualifications for the posts of Teachers and Teachers of the University;
- (v) to make proposals to the Executive Council regarding provisions to be made for enabling the University to undertake specialisation of studies and for organisation of common laboratories, libraries, museums, institutes of research and other institutions, maintained by the University;
- (vi) to constitute or reconstitute the departments of teaching with the approval of the Executive Council;

(Section 9.).

- (vii) to make provisions for lectures and instructions for students of constituent colleges and University Laboratories and also for other persons who are not such students
- (viii) to advise the Executive Council on the institution of degrees, titles, diplomas, certificates and other academic distinctions;
- (ix) to consider the results of examinations leading to the conferment of any post-graduate degree, diploma or certificate of the University, and to recommend such results to the Executive Council for approval;
- (x) to provide for the inspection or the investigation into the affairs of any Department of the University or any institution established, maintained or managed by the University and submit report to the Executive Council;
- (xi) to have general supervision over the Boards of Studies attached to the Faculty Council;
- (xii) to frame rules relating to the courses of post-graduate studies and the division of subjects in regard thereto and to recommend to the Executive Council the making of Regulation in this behalf;
- (xiii) to appoint, if required by the Executive Council, after considering the views of the Boards of Studies attached to the Faculty Council, Boards of Examiners in the subject or subjects relating to post-graduate studies, including the subjects for doctoral thesis and prizes and medals;
- (xiv) to call for such reports or information as the Faculty Council may consider necessary for efficient discharge of its duties from the teaching departments, research units or Boards of Studies;
- (xv) to consider any educational matter relating to the Faculty Council and to arrive at decisions or make recommendations pertaining thereto to the appropriate authority or officer;
- (xvi) to maintain contact with the corresponding Council for undergraduate studies for the purpose of sharing ideas and ensuring co-ordination;
- (xvii) to submit each year its annual report to the Executive Council;
- (xviii) to make rules for the transaction of its own business;
- (xix) to exercise all other powers and perform all other functions conferred and imposed on it by or under this Act;

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(Section 10.)

- (xx) to delegate to the teaching departments, research units, and Board of Studies attached to it the responsibility for such academic matters as respectively concern such departments, units and Boards;
- (xxi) to recommend to the Executive Council the conferment of post-graduate degrees, diplomas and certificates.”.

10. After section 23 of the principal Act, the following sections shall be inserted:—

“The Council
for under-
graduate
studies.

23A. (1) There shall be the following Councils for undergraduate studies:—

Insertion of
new sections
23A and
23B.

- (a) the Council for undergraduate studies in Arts, Science, Commerce and Education;
- (b) the Council for undergraduate studies in Engineering and Technology.

(2) The Council for undergraduate studies in Arts, Science, Commerce and Education, shall consist of the following members:—

- (i) the Vice-Chancellor—Chairman;
- (ii) the Deans of the Faculty Councils for post-graduate studies in Arts, Commerce and Education, and Science;
- (iii) ten Teachers of affiliated colleges imparting teaching in Arts, Science, Commerce and Education, of whom two shall be from a Teachers’ training college or other professional college, if any, elected by the Teachers of such colleges;
- (iv) two teachers participating in post-graduate teaching in the subject or subjects concerned, elected by the members of the Faculty Councils for post-graduate studies from amongst themselves;
- (v) four Principals, of whom three shall be from the undergraduate colleges of Arts, Science and Commerce and one shall be from a Teachers’ training college, elected jointly by the Principals of such colleges;
- (vi) two persons having special knowledge in the subject or subjects concerned, nominated by the Vice-Chancellor.

(Section 10.)

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

- (i) the Vice-Chancellor—Chairman;
- (ii) the Dean of the Faculty Council for post-graduate studies in Engineering and Technology;
- (iii) not more than six Teachers participating in teaching in the subject concerned from amongst themselves;
- (iv) the Principal or Principals of the engineering and technological colleges;
- (v) the Head or Heads of the Department or Departments concerned, if any;
- (vi) two persons having special knowledge in the subject concerned, nominated by the Vice-Chancellor.

(4) Each Council for undergraduate studies shall have a Secretary to be appointed by the University.

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

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

Powers and
functions of
the Councils
for under-
graduate
studies.

23B. Subject to the provisions of this Act, and the Statutes, the Ordinances and the Regulations, a Council for undergraduate studies shall exercise the following powers and perform the following functions:—

- (i) to recommend to the Executive Council the affiliation of a college or an institution in one or more subjects;
- (ii) to ensure annual inspection of colleges;
- (iii) to exercise general supervision over the colleges to ensure that the conditions of affiliation are properly fulfilled, the standard of teaching is uniformly maintained and syllabuses as prescribed are properly completed within the academic year;
- (iv) to fix the last date of admission of students to different courses of studies and the date of commencement of examinations in consultation with other Councils for undergraduate studies;

(Section 10.)

- (v) to appoint Head Examiners, Examiners, Paper-setters, Scrutineers, Coordinators, Convenors, Tabulators and other persons under the general supervision of the Executive Council;
- (vi) to consider the results of examinations below the post-graduate level leading to the conferment of any degree, diploma or certificate of the University, and to recommend such results to the Executive Council for approval;
- (vii) to recommend to the Executive Council the disaffiliation or withdrawal of affiliation of any college in respect of any subject or subjects, if, on receipt of a written report from a team of Inspectors appointed by the University, the Council is of opinion that proper standard of teaching is not maintained or conditions of affiliation are not properly fulfilled or the results of the candidates sent up by the college for any examination are unsatisfactory or the college has failed to comply with the directives of the Council;
- (viii) to establish, maintain and manage halls and hostels of undergraduate colleges;
- (ix) to recommend to the Executive Council the temporary take over of the management of an affiliated or a recognised college or institution, other than a Government College, in consultation with the Executive Council in order to ensure that proper standards of teaching, training or instruction are maintained therein;
- (x) to provide for the inspection or investigation into the affairs of undergraduate colleges or institutions, recognised by the Council or affiliated to the University, and to exercise general supervision and control over them;
- (xi) to make due provision for health, welfare, residence, and discipline of students and their relationship with colleges and the University and to provide for such training of students as may be considered desirable;
- (xii) to recommend to the Executive Council the dissolution of the Governing Body of an affiliated college or institution, other than a Government College, and pending reconstitution of the Governing Body, the appointment of an Administrator or an *ad hoc* Governing Body;

(Section 11.)

- (xiii) to collect fees for examination, condonation of short percentage for appearing at an examination as non-collegiate student, mark sheet, late admission, change of examination centre, scrutiny of answer script, and change of name or surname, and any other charge for registration and migration of students and grant of diplomas, certificates or any other documents at such rate as may be prescribed by the Executive Council;
- (xiv) to exercise supervision to ensure that all properties and funds of the Council are properly controlled and administered;
- (xv) to extend facilities and other assistance including exhibits of records, books of accounts, ledgers and any other documents to officers deputed by the University for inspection;
- (xvi) to approve the annual report of the activities of the Council during the previous academic year and submit the same to the Executive Council on or before such date as may be fixed by the Executive Council;
- (xvii) to abide by, and implement promptly, the decisions that may be arrived at by the University from time to time in regard to the Council;
- (xviii) to follow the guidelines and the rules framed by the University from time to time;
- (xix) to have general responsibility for academic affairs in relation to undergraduate studies with which the Council is concerned;
- (xx) to have general supervision over the Board of Studies attached to the Council in accordance with the rules framed for the purpose;
- (xxi) to maintain contact with the corresponding Council for post-graduate studies for the purpose of sharing ideas and ensuring co-ordination;
- (xxii) to frame rules relating to the courses of undergraduate studies and the division of subjects in regard thereto, and to recommend to the Executive Council the making of Regulations in this behalf.”.

Amendment
of section
24.

11. In section 24 of the principal Act,—

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

“(1) There shall be a Dean for each Faculty Council for post-graduate studies who shall be a Professor of the University.”;

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(Sections 12, 13.)

- (2) in sub-section (2), after the words “members of the Faculty Council”, the words “for post-graduate studies” shall be inserted;
- (3) after sub-section (2), the following sub-section shall be inserted:—

“(2A) The Dean or the seniormost Dean, as the case may be, shall act as the Vice-Chairman of the Council for undergraduate studies concerned.”.

12. In section 25 of the principal Act, for the words “Faculty Council for post-graduate and undergraduate studies.”, the words “Faculty Council for post-graduate studies or Council for undergraduate studies.” shall be substituted.

Amendment
of section
25.

13. In sub-section (2) of section 41 of the principal Act, for the words “fifteen days”, the words “three months” shall be substituted.

Amendment
of section
41.