

GOVERNMENT OF WEST BENGAL
LAW DEPARTMENT
Legislative

West Bengal Act XVII of 1999

**THE KALYANI UNIVERSITY (AMENDMENT)
 ACT, 1999.**

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Calcutta Gazette, Extraordinary*, of the 14th December, 1999.]

[14th December, 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 Fiftieth 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, 1999.

Short title and commencement.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint, and different dates may be appointed for different provisions of this Act.

2. In section 2 of the Kalyani University Act, 1981 (hereinafter referred to as the principal Act), in sub-clause (a) of clause (16), for the words “Faculty Councils for post-graduate and undergraduate studies”, the words “Faculty Councils for post-graduate studies or Councils for undergraduate studies, as the case may be,” shall be substituted.

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

3. In section 10 of the principal Act,—

Amendment of section 10.

(1) in sub-section (1), for the words “and the Faculty Councils for post-graduate and undergraduate studies”, the words “, the Faculty Councils for post-graduate studies and the Councils for undergraduate studies” shall be substituted;

(2) in sub-section (2), for the words “the Faculty Councils for post-graduate and undergraduate studies”, the words “the Faculty Councils for post-graduate studies, the Councils for undergraduate studies” shall be substituted.

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(Sections 4, 5.)

Amendment
of section
16.

4. In section 16 of the principal Act, for clause (3), the following clauses shall be substituted:—

- “(3) the Faculty Councils for post-graduate studies;
- (3A) the Councils for undergraduate studies;”.

Amendment
of section
17.

5. In sub-section (1) of section 17 of the principal Act,—

(1) under the heading “(a) *ex officio members*”, in clause (iv), for the words “Faculty Councils for post-graduate and undergraduate studies;”, the words “Faculty Councils for post-graduate studies” shall be substituted;

(2) under the heading “(b) *other members*”,—

(a) for clause (x), the following clause shall be substituted:—

“(x) six Professors of the University Departments, one each belonging to any Department under each Faculty Council for post-graduate studies, elected jointly by the Professors of the University:

Provided that if there is no Department under the Faculty Council for post-graduate studies concerned, the election of a Professor of a Department under such Faculty Council for post-graduate studies shall be held after the establishment of such Department or Departments, and there shall be deemed to be a vacancy in the office of the member to be filled up by such Professor until such election takes place;”;

(b) for clause (xi), the following clause shall be substituted:—

“(xi) twelve Teachers of the University Departments other than Professors, elected by such Teachers of the University from amongst themselves, of whom—

(a) four shall be from the Departments under the Faculty Council for Post-Graduate Studies in Arts and Commerce including one from the Commerce Department,

(b) four shall be from the Departments under the Faculty Council for Post-Graduate Studies in Science,

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- (c) one shall be from the Departments under the Faculty Council for Post-Graduate Studies in Education,
- (d) one shall be from the Departments under the Faculty Council for Post-Graduate Studies in Engineering, Technology and Management,
- (e) one shall be from the Departments under the Faculty Council for Post-Graduate Studies in Law, and
- (f) one shall be from the Departments under the Faculty Council for Post-Graduate Studies in Music and Fine Arts:

Provided that if there is no Department under the Faculty Council for post-graduate studies concerned, the election of a Teacher of a Department under such Faculty Council for post-graduate studies shall be held after the establishment of such Department or Departments, and there shall be deemed to be a vacancy in the office of the member to be filled up by such Teacher until such election takes place;”;

- (c) for clause (xiii), the following clause shall be substituted:—

“(xiii) four Principals of affiliated colleges, of whom one shall belong to a Teachers’ training college and one shall belong to a college teaching in engineering and technology, elected by the Principals of the affiliated colleges;”;

- (d) for clause (xvi), the following clause shall be substituted:—

“(xvi) four regular post-graduate students of the University, of whom not more than one shall belong to any Faculty Council for post-graduate studies, elected jointly by such students from amongst themselves.

Explanation.—Notwithstanding anything contained elsewhere in this Act, a member elected under this clause shall hold office for

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(Sections 6, 7.)

a period of two years from the date of his election or till he ceases to be a regular student, whichever is earlier;”.

Amendment
of section
18.

6. In sub-section (1) of section 18 of the principal Act, for clause (i), the following clause shall be substituted:—

“(i) to initiate proposals for the establishment of any Faculty Council for post-graduate studies or any Council for undergraduate studies and to establish University Departments, institutions, centres, libraries, laboratories, workshops and museums for study and research;”.

Amendment
of section
20.

7. In sub-section (1) of section 20 of the principal Act,—

(1) under the heading “(a) *ex officio members*”, for the words “Faculty Councils for post-graduate and undergraduate studies;”, the words “Faculty Councils for post-graduate studies;” shall be substituted;

(2) under the heading “(b) *other members*”,—

(a) for clause (vi), the following clause shall be substituted:—

“(vi) six Professors of the University not belonging to the same Faculty Council for post-graduate studies elected jointly by the Professors of the University:

Provided that if there is no Department under the Faculty Council for post-graduate studies concerned, the election of a Professor of a Department under such Faculty Council for post-graduate studies shall be held after the establishment of such Department or Departments, and there shall be deemed to be a vacancy in the office of the member to be filled up by such Professor until such election takes place;”;

(b) in clause (vii),—

(i) for the words “Faculty Councils for post-graduate and undergraduate studies” in the two places where they occur, the words “Faculty Councils for post-graduate studies” shall be substituted, and

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(ii) for the proviso, the following proviso shall be substituted:—

“Provided that if there is no Department under Faculty Council for post-graduate studies concerned, the election of a Teacher of a Department under such Faculty Council for post-graduate studies shall be held after the establishment of such Department or Departments, and there shall be deemed to be a vacancy in the office of the member to be filled up by such Teacher until such election takes place;”;

(c) in clause (viii), for the words “Faculty Council for post-graduate and undergraduate studies,” the words “Faculty Council for post-graduate studies,” shall be substituted;

(d) in clause (xiii), for sub-clause (a), the following sub-clause shall be substituted:—

“(a) (i) two Teachers, other than Principals, of affiliated colleges, elected by such Teachers, other than Principals, of affiliated colleges as are members of the Court from amongst themselves,

(ii) two Principals of affiliated colleges elected by such Principals of affiliated colleges as are members of the Court from amongst themselves, and

(iii) five Teachers, other than Principals, of whom—

(A) four shall be the members of the Councils for Undergraduate Studies in Arts, Science, Commerce, Education, Law, Music and Fine Arts, and

(B) one shall be the member of the Council for Undergraduate Studies in Engineering and Technology,

elected by such Teachers as are members of the Councils for undergraduate studies:

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Provided that if there is no Teacher who is a member of the Council for undergraduate studies concerned, the election of a Teacher shall be held after the office of the member of shch Council for undergraduate studies is filled up, and there shall be deemed to be a vacancy in the office of the member of the Executive Council to be filled up by such Teacher until such election takes place;”.

Amendment
of section
21.

8. In section 21 of the principal Act,—

(1) for clause (ii), the following clause shall be substituted:—

“(ii) to recommend to the Court the initiation of action for the establishment of a Faculty Council for post-graduate studies or Council for undergraduate studies and, after consulting the respective Faculty Council for post-graduate studies, the establishment of University Departments, institutions, centres, libraries, laboratories and museums for study and research;”;

(2) in clause (vi), for the words “Faculty Councils for post-graduate and undergraduate studies;”, the words “Faculty Council for post-graduate studies,” shall be substituted;

(3) in clause (vii), for the words “Faculty Councils for post-graduate and undergraduate studies;”, the words “Faculty Council for post-graduate studies,” shall be substituted;

(4) in clause (xi), for the words “Faculty Council for post-graduate and undergraduate studies”, the words “Council for undergraduate studies” shall be substituted;

(5) in clause (xii), for the words “Faculty Council for post-graduate and undergraduate studies;”, the words “Council for undergraduate studies” shall be substituted;

(6) in clause (xvi), for the words “Faculty Councils for post-graduate and undergraduate studies;”, the words “Faculty Council for post-graduate studies or Council for undergraduate studies, as the case may be,” shall be substituted;

(7) in clause (xviii), for the words “Faculty Council for post-graduate and undergraduate studies;”, the words “Faculty Council for post-graduate studies;” shall be substituted;

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- (8) in clause (xx), for the words "Faculty Councils for post-graduate and undergraduate studies", the words "Faculty Council for post-graduate studies or Council for undergraduate studies, as the case may be," shall be substituted;
- (9) in clause (xxiv), for the words "Faculty Council for post-graduate and undergraduate studies;" , the words "Faculty Council for post-graduate studies or the Council for undergraduate studies, as the case may be;" shall be substituted;
- (10) in clause (xxxvii), for the words "the Faculty Councils for post-graduate and undergraduate studies", the words "the Faculty Council for post-graduate studies and the Council for undergraduate studies" shall be substituted.

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

Substitution
of new
section for
section 22.

"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 and Commerce;
 - (b) the Faculty Council for Post-Graduate Studies in Science;
 - (c) the Faculty Council for Post-Graduate Studies in Education;
 - (d) the Faculty Council for Post-Graduate Studies in Engineering, Technology and Management;
 - (e) the Faculty Council for Ppst-Graduate Studies in Law; and
 - (f) the Faculty Council for Post-Graduate Studies in Music and Fine Arts.
- (2) Each Faculty Council for Post-Graduate Studies, other than—
- (a) the Faculty Council for Post-Graduate Studies in Education,
 - (b) the Faculty Council for Post-Graduate Studies in Engineering, Technology and Management,
 - (c) the Faculty Council for Post-Graduate Studies in Law, and
 - (d) the Faculty Council for Post-Graduate Studies in Music and Fine Arts,

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shall consist of the following members:—

- (i) the Vice-Chancellor—Chairman;
- (ii) the Dean of the Faculty Council for post-graduate studies 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) one Teacher participating in the post-graduate teaching in the subject or subjects concerned, if any, from constituent colleges or professional colleges, nominated by the Vice-Chancellor;
- (vi) one Teacher of the University, not being a Professor, from the Departments of the University under the Faculty Council for post-graduate studies concerned, elected jointly by such Teachers from amongst themselves;
- (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 Council for undergraduate studies concerned.

(3) A Faculty Council for Post-Graduate Studies in—

- (a) Education, or
- (b) Engineering, Technology and Management, or
- (c) Law, or
- (d) Music and Fine Arts,

shall consist of the following members:—

- (i) the Vice-Chancellor—Chairman;
- (ii) the Dean of the Faculty Council for post-graduate studies 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:

Provided that if there is no Department under the Faculty Council for post-graduate studies concerned, the Professor or Professors of such Department or Departments of constituent colleges or professional colleges, as the case may be, shall be the member or members of the Faculty

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Council for post-graduate studies concerned, and shall cease to be such member or members on the establishment of any such Department or Departments of the University, and any vacancy caused by such cesser of membership shall be a causal vacancy;

- (v) two Teachers, not being Professors, participating in post-graduate teaching in the subject or subjects concerned, if any, in constituent colleges or professional colleges, as the case may be, nominated by the Vice-Chancellor;
- (vi) three Teachers of the University, not being Professors, from the Departments of the University under the Faculty Council for post-graduate studies concerned, elected jointly by such Teachers from amongst themselves:

Provided that if there is no Department under the Faculty Council for post-graduate studies concerned, the election of a Teacher of a Department from the said Faculty Council for post-graduate studies shall be held after the establishment of such Department, and there shall be deemed to be a vacancy in the office of the member to be filled up by such Teacher until such election takes place;

- (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 Council for undergraduate studies concerned.

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

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

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

“The Councils for undergraduate studies.

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

- (a) the Council for Undergraduate Studies in Arts, Science, Commerce, Education, Law, Music and Fine Arts;
- (b) the Council for Undergraduate Studies in Engineering and Technology.

Substitution of new section for section 23A.

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(2) The Council for Undergraduate Studies in Arts, Science, Commerce, Education, Law, and Music & Fine Arts shall consist of the following members:—

- (a) the Vice-Chancellor—Chairman;
- (b) the Deans of the Faculty Councils for Post-Graduate Studies in Arts and Commerce, Science, Education, Law, and Music & Fine Arts;
- (c) ten Teachers of affiliated colleges imparting teaching in Arts, Science, Commerce, Education, Law, and Music & Fine Arts, of whom one shall be from a Teachers' training college, one shall be from a Law college, and one shall be from a college, if any, teaching Music and Fine Arts, elected by the Teachers of such colleges;
- (d) five Teachers participating in post-graduate teaching in the subject or subjects concerned, one each from each Faculty Council for post-graduate studies concerned, elected by the members of the Faculty Councils for post-graduate studies concerned from amongst themselves;
- (e) five Principals, of whom three shall be from the undergraduate colleges of Arts, Science, and Commerce, one shall be from a Teachers' training college, and one shall be from a Law college or from any college teaching Fine Arts or Music or both, elected jointly by the Principals of such colleges;
- (f) two persons having special knowledge in the subject or subjects concerned, nominated by the Vice-Chancellor.

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

- (a) the Vice-Chancellor—Chairman;
- (b) the Deans of the Faculty Councils for Post-Graduate Studies in Science, Engineering, Technology and Management;
- (c) six Teachers, not belonging to the same Department, participating in teaching in the subject or subjects concerned, elected by the Teachers of engineering and technological colleges from amongst themselves;
- (d) two Principals of engineering and technological colleges, elected jointly by the Principals of such colleges;
- (e) the Head or Heads of the Department or Departments concerned, if any;
- (f) two persons having special knowledge in the subject concerned, nominated by the Vice-Chancellor.

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(Sections 11-13.)

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

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

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

11. In section 24 of the principal Act,—

Amendment
of section
24.

(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:

Provided that every Dean of a Faculty Council for post-graduate studies or Council for undergraduate studies holding office as such Dean on the date immediately before the date of coming into force of the Kalyani University (Amendment) Act, 1998 (hereinafter referred to as the said Act), shall continue, and shall be deemed to have continued, to hold his office as such Dean on and from the date of coming into force of the said Act, and shall cease to hold office as such Dean on the expiry of the term of his office or till the office of the Dean is filled up by election in the prescribed manner, whichever is earlier.”.

West Ben.
Act IX of
1998.

12. In the proviso to sub-section (4) of section 33 of the principal Act, for the words “Faculty Councils for post-graduate and undergraduate studies”, the words “Faculty Councils for post-graduate studies or the Councils for undergraduate studies” shall be substituted.

Amendment
of section
33.

13. For the *Explanation* to section 37 of the principal Act, the following *Explanation* shall be substituted:—

Amendment
of section
37.

“*Explanation.*—For the avoidance of doubt, it is hereby declared that when the office of any member of any authority or body of the University cannot be filled up, when there has been an addition to the number of members of any existing authority or body or when such authority or body is created or constituted for the first time, on account of an election or appointment not being feasible for any reason whatsoever, there shall be deemed to be a vacancy in the office of such member until such election takes place or such appointment is made, provided that the term

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of office of any member of any authority or body of the University filled up by election in the manner prescribed by Statutes or otherwise shall, when such authority or body is created or constituted for the first time, be co-terminous with the term of office of any other member of the Court or the Executive Council, as the case may be, filled up by election or otherwise.”.

Amendment
of section
39.

14. In section 39 of the principal Act, for the words “the Faculty Councils for post-graduate and undergraduate studies”, the words “the Faculty Council for post-graduate studies, the Council for undergraduate studies” shall be substituted.

Amendment
of section
49.

15. In clause (e) of section 49 of the principal Act, for the words “the Faculty Council for post-graduate and undergraduate studies;”, the words “the respective Faculty Council for post-graduate studies or Council for undergraduate studies, as the case may be;” shall be substituted.

Amendment
of section
52.

16. In sub-section (2) of section 52 of the principal Act,—

(1) in clause (b), for sub-clause (iv), the following sub-clause shall be substituted:—

“(iv) any of the Faculty Councils for post-graduate studies or Councils for undergraduate studies, or”;

(2) in clause (c), for the words “the Faculty Council for post-graduate and undergraduate studies”, the words “the Faculty Council for post-graduate studies or the Council for undergraduate studies” shall be substituted.

Amendment
of section
54.

17. Section 54 of the principal Act shall be renumbered as sub-section (1) of that section, and after sub-section (1) as so renumbered, the following sub-section shall be inserted:—

“(2) Notwithstanding anything contained in sub-section (1) or elsewhere in this Act, or the Statutes, or the Ordinances, or the Regulations, made under this Act, or the Calcutta University Act, 1979 (hereinafter referred to as the said Act), or the Statutes, or the Ordinances, or the Regulations, made under the said Act, any student of a college in the district of Murshidabad or Nadia, affiliated to the University of Calcutta as constituted under the said Act (hereinafter referred to as the said University), before the date referred to in the notification published in the *Official Gazette* under sub-section (4) of section 5 of this Act, who was studying for any examination of the said University, shall be permitted to complete his course in preparation therefor, and the said University

West Ben.
Act XXVIII
of 1979.

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shall hold, for such students, examinations in accordance with the Regulation in force in the said University, and shall declare results and confer degree, diploma or other academic distinction of the said University upon the qualified students on the results of the examinations.”.

18. After section 55 of the principal Act, the following section shall be inserted:—

Insertion of
new section
55A.

“Special provision for continuance in office. 55A. Notwithstanding anything contained in this Act or in any other law for the time being in force, any person who was a member of any authority or body of the University on the date immediately before the date of coming into force of the Kalyani University (Amendment) Act, 1998, shall continue, and shall be deemed to have continued, to be a member of such authority or body till he ceases to be a member of such authority or body on the expiry of the term of his office as such member or, upon the creation of any office of member of any Faculty Council for post-graduate studies or Council for undergraduate studies by virtue of coming into existence thereof, till the office of such member is filled up in the prescribed manner, whichever is earlier.”.

West Ben.
Act IX of
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