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PART III—Acts of the West Bengal Legislature.

GOVERNMENT OF WEST BENGAL
LAW DEPARTMENT

Legislative

NOTIFICATION

No. 1202-L.—16th August, 2012.—The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information:—

West Bengal Act XIX of 2012

THE KAZI NAZRUL UNIVERSITY
ACT, 2012.

[Passed by the West Bengal Legislature.]

*[Assent of the Governor was first published in the Kolkata Gazette,
Extraordinary, of the 16th August, 2012.]*

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

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

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

*The Kazi Nazrul University Act, 2012.**(Chapter I. — Preliminary. — Sections 1, 2.)*

CHAPTER I

Preliminary

Short title and commencement.

1. (1) This Act may be called the Kazi Nazrul University Act, 2012.

(2) This section and section 58 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 58;
- (2) “affiliated” in relation to a college or an institution means affiliated to the Kazi Nazrul University under this Act, in which instruction is provided, under prescribed conditions, for General courses of study, Professional courses of study, Vocational courses of study, at the Undergraduate as well as at the postgraduate levels of study;
- (3) “autonomous college” means a college affiliated to the University and enjoying academic freedom to —
 - (a) determine and prescribe its own courses of study and syllabi;
 - (b) determine rules of admission subject to the reservation policy of the State Government; and
 - (c) evolve methods of conduction of examination and evaluation, under the guidelines and overall supervision of the University;
- (4) “convocation” means a meeting of the Court for the purpose of conferring degrees, titles, diplomas, certificates or other academic distinctions;
- (5) “Constituent College” means an affiliated college in which instruction is provided, under prescribed conditions, for honours as well as for post-graduate courses of study, and which is declared as such by the University:

Provided that, if in any professional subject no honours courses of study have been prescribed, a professional college may be a constituent college although no instruction is provided in that college for honours courses of study in that subject;
- (6) “distance education” means instruction imparted through correspondence or distance mode as recognized under this Act;
- (7) “district” means the sub-divisions of Asansol and Durgapur of the district of Bardhaman and the district of Birbhum or any district which may be created in future out of any part thereof;
- (8) “employee” in relation to the University means a person employed by the University;

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(Chapter I. — Preliminary. — Section 2.)

- (9) “financial year” means the year ending on the 31st day of March;
- (10) “Government College” means a college affiliated to the University which is maintained and managed by the Government of West Bengal;
- (11) “Governor” means the Governor of the State of West Bengal;
- (12) “hall” or “hostel” means a unit of residence of students maintained by the University;
- (13) “Librarian” means,—
- (a) in relation to the University, a Librarian or any other person holding a post of Librarian, by whatever name called, appointed or recognized as such by the University, and
- (b) in relation to a college affiliated to the University, Librarian or any other person holding a post of Librarian, by whatever name called, appointed or recognized by the University or appointed by such college with prior approval of the State Government;
- (14) “Minister” means the Minister-in-charge Department of Higher Education appointed as such by the Governor;
- (15) “non-teaching staff” means,—
- (a) in relation to the University, the non-teaching staff appointed or recognized as such by the University, not holding any teaching post or not holding the post of an officer or not holding the post of Librarian, by whatever name called;
- (b) in relation to an affiliated college, the non-teaching staff, not holding any teaching post (including part-time teaching post), appointed or recognized by the University or appointed by such college, but does not include a Librarian by whatever name called;
- (16) “prescribed” means prescribed by Statutes, Ordinances, Regulations and Rules made under this Act;
- (17) “Principal” means the head of a college or of an institution, by whatever name called;
- (18) “private college” means a college which is fully financed, maintained and managed by private organization;
- (19) “professional college” means a college affiliated to the University in which instruction is provided primarily for courses of study leading to any degree, diploma or certificate of the University in any professional subject and which is recognized under this Act as a professional college;
- (20) “professional subject” means any of the following subjects, namely, law, teachers’ training, engineering, technology, agriculture, library and information science, mass communication and journalism, management studies or such other subjects as may be prescribed by Regulations;

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

- (21) “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;
- (22) “State Government” means Government of West Bengal in the Department of Higher Education;
- (23) “Statutes”, “Ordinances”, “Regulations” and “Rules” means respectively, the Statutes, Ordinances, Regulations and Rules made under this Act, and they shall be deemed to be rules within the meaning of clause (36) of Section 3 of the Bengal General Clauses Act, 1899; Ben.Act I of 1899.
- (24) “Students’ Union” means,—
- (a) in relation to the University, the Students’ Union constituted in the manner prescribed; and
- (b) in relation to an affiliated college, the Students’ Union constituted in the manner prescribed;
- (25) “Teacher” means a Principal, Professor, Reader, Associate Professor, Assistant Professor or any other person holding a whole time teaching post, appointed or recognized by the University or appointed by an affiliated college or institution with prior approval of the State Government;
- (26) “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 with prior approval of the State Government;
- (27) “University” means the Kazi Nazrul University as constituted under this Act;
- (28) “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;
- (29) “University Laboratory”, “University Library”, “University Museum”, or “University Institution” means a laboratory, a library, a museum or an institution, as the case may be, maintained and managed by the University, whether established by it or not.

CHAPTER II

The University and its Officers

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 Kazi Nazrul University.

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

(3) The University shall be established at Asansol in the district of Bardhaman in the State of West Bengal.

*The Kazi Nazrul University Act, 2012.**(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 the study of indigenous languages as well as culture and rural development;
- (2) to establish, maintain and manage colleges, libraries, laboratories, museums and such other institutions or centres for study and research as it may deem necessary;
- (3) to provide for specialization of studies in colleges and for organization by colleges of common laboratories, libraries, museums and other institutions or centres for study and research work;
- (4) to affiliate to itself colleges or institutions or centres and to withdraw such affiliation;
- (5) to recognize affiliated colleges as professional colleges or autonomous colleges or Government Colleges or private colleges and to withdraw recognition of any such college;
- (6) to prescribe for affiliated colleges, other than Government Colleges—
 - (a) the constitution, powers and functions of their Governing Bodies ;
 - (b) and for the Colleges other than the Government Colleges and the Private Colleges, with the approval of the State Government —
 - (i) the terms and conditions of service and emoluments for posts of Principals, Teachers and such other employees as it may deem fit;
 - (ii) the rules for Provident Fund; and
 - (iii) the duties and responsibilities of the Principal, teachers and any other employee as deem fit and disciplinary actions for negligence or violations thereof;
- (7) to prescribe for affiliated colleges the constitution, powers and functions for Teachers' Councils;
- (8) to provide for the inspection or investigation into the affairs of colleges or institutions recognized by it or affiliated to it and to exercise general supervision and control over them;
- (9) to disaffiliate a college or an institution in any subject or subjects, or to withdraw affiliation or recognition of colleges or institutions, if necessary;
- (10) to take over for a period of twelve months the management of any college or institution, affiliated to, or recognized by the University, other than a Government College or institution, or a private college in order to ensure that proper standards of teaching, training or instruction are maintained therein :

*The Kazi Nazrul University Act, 2012.**(Chapter II. — The University and its Officers.— Section 4.)*

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

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

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

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

- (12) to institute degrees, titles, diplomas, certificates and other academic distinctions;
- (13) 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 an affiliated college, professional college or University College or a University Laboratory 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;
- (14) 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;
- (15) to confer honorary degrees or other academic distinctions under conditions prescribed;
- (16) to institute Professorships including Distinguished Chair Professorships, Associate Professorships, Assistant Professorships and other teaching posts required by the University with the approval of the State Government and to appoint persons to such Professorships, Associate Professorships, Assistant Professorships or other teaching posts, or to recognize persons as Professors, Associate Professors or Assistant Professors 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;
- (17) to create posts, as and when required, of officers and employees of the University besides those provided for in this Act with the concurrence and approval by the State Government;
- (18) 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;
- (19) to prescribe the powers and duties of officers of the University;

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

- (20) to prescribe, subject to the provisions of this Act, the terms and conditions of service, including the rules of conduct and discipline and the emoluments for all categories of posts of the University;
- (21) to make provisions for provident and other funds for the employees of the University;
- (22) to prescribe fees or other charges for examinations and other purposes, and to demand and receive the fees or other charges so prescribed;
- (23) to establish, maintain and manage halls and hostels and to withdraw such recognition;
- (24) to provide for the promotion of the health and welfare of students and of discipline among them;
- (25) to co-ordinate the activities of, and give financial aid to affiliated or recognized colleges and institutions;
- (26) to extend grant to the National Service Scheme and National Cadet Corps from the University Fund;
- (27) 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;
- (28) to acquire, hold and dispose of property, movable and immovable and to make grants and advances for furthering any of its objects;
- (29) to accept and administer gifts, endowments and benefactions, for the furtherance of any of its objects for the University or for or on behalf of any college or institution established by, affiliated to, or recognized by, the University, and to institute awards, fellowships, travelling fellowships, scholarships, studentships, stipends, bursaries, exhibitions, medals and prizes;
- (30) to accept grants and to raise loans or to accept loans from the Central or any State Government or the University Grants Commission, and with the approval of the State Government also from the other sources;
- (31) to co-operate with other Universities, institutions and educational authorities in matters that relate to and further the educational objectives of the University;
- (32) 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;
- (33) to impart instruction through distance education with the approval of the Distance Education Council;
- (34) to introduce interdisciplinary or multidisciplinary integrated courses in selected subjects;
- (35) 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.

*The Kazi Nazrul University Act, 2012.**(Chapter II. — The University and its Officers.— Sections 5-7.)*

Jurisdiction of the University.

5. (1) Save as hereinafter otherwise provided, the local limits of jurisdiction of the University (hereinafter referred to as the territorial limits of the University) shall not extend beyond the limits of any district referred to in clause (7) of section 2.

(2) Notwithstanding anything contained in sub-section (1) of section 5, any college or institution situated beyond the limits of district defined in clause (7) of section 2 if the State Government in consultation with the West Bengal State Council of Higher Education accords approval, may apply to the University for affiliation and the University may, subject to such conditions and restrictions as it may, with the approval of the State Government, think fit to impose, admit the same to all the privileges of the University.

(3) 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 in this section referred to as the said date) —

(a) such colleges existing on the said date within the limits of the districts referred to in clause (7) of section 2 as may be specified in the notification, shall —

(i) be deemed to be affiliated to the University and continue to be so affiliated until the University otherwise directs; and

(ii) cease to be affiliated to the University of Burdwan or any other University to which they may have been affiliated before the said date subject to the conditions that nothing in this Act shall affect the powers exercised by the West Bengal University of Technology and the West Bengal University of Medical Sciences;

(b) any Teacher, Principal or member of Governing Body of any such college or institution holding, by virtue of his being such Teacher, Principal or member of Governing Body, any office in or under the University of Burdwan or any of the authority 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 purpose of Burdwan University Act, 1981 or any other University;

(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 prior approval of the State Government.

(4) To enable higher education to reach the unreached, the territorial limit shall not be insisted upon in the matter of Distance Education Mode of Learning.

Delegation of Powers.

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

Officers of the University.

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

(1) the Vice-Chancellor;

(2) the Registrar;

(3) the Finance Officer; and

West Ben. Act XXIII
of 1981.

*The Kazi Nazrul University Act, 2012.**(Chapter II. — The University and its Officers.— Sections 8,9.)*

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

The Chancellor.

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

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

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

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

The Vice-Chancellor.

9. (1)(a) The Vice-Chancellor shall be appointed from the persons of the highest level of competence, integrity, morals and institutional commitment. The Vice-Chancellor shall be a distinguished academic with a minimum of ten years of experience in a University system of which 5 years shall be as professor or ten years of experience in a reputed research or academic administrative organization of which at least 5 years shall be in an equivalent position of professor.

(b) The Vice-Chancellor shall be appointed by the Chancellor out of a panel of three names recommended in order of preference by the Search Committee constituted by the State Government. While preparing the panel, the Search Committee must give proper weightage to academic excellence, exposure to the higher education system in the country and abroad and adequate experience in academic and administrative governance and reflect the same in writing while submitting the panel to the Chancellor.

(c) The Search Committee shall consist of the following Members:—

- (i) a nominee of the Chancellor, who shall be the Chairperson of the Committee;
- (ii) a nominee of the Chairman, University Grants Commission;
- (iii) a nominee of the Court:

Provided that all such Members shall be persons of eminence in the sphere of higher education and shall not be connected in any manner with the University or colleges or institutions affiliated with the University or recognized by it.

(2) (a) The Vice-Chancellor shall hold office for a period of four years or till he attains the age of sixty-five years, whichever is earlier, and shall be eligible for reappointment for another term of four years or till he attains the age of sixty-five years, whichever is earlier, following the provisions of sub-section (1).

(b) The Chancellor may, notwithstanding the expiration of the term of the office of Vice-Chancellor or his attaining the age of sixty-five years, allow

*The Kazi Nazrul University Act, 2012.**(Chapter II. — The University and its Officers.— Section 9.)*

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 salary 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, removal, expiry of the term of his office 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, in consultation with the Minister, appoint a person to exercise the powers and perform the duties of the Vice-Chancellor.

(6) The vacancy in the office of the Vice-Chancellor occurring by reason of death, resignation or expiry of the term of his office, removal or otherwise shall be filled up by appointment of a Vice-Chancellor in accordance with the provisions of sub-section (1) within a period of six months from the date of occurrence of the vacancy, and such period should be held to include any period for which a Vice-Chancellor is allowed to continue in office under clause (b) of sub-section (2), or a person is appointed by the Chancellor in consultation with the Minister to exercise the powers and perform the duties of the Vice-Chancellor under sub-section (5).

(7) The Vice-Chancellor may be removed from his office by the Chancellor if he satisfied that the incumbent —

- (a) has become insane and adjudged by a competent Court to be of unsound mind; or
- (b) has become an undischarged insolvent and stands so declared by a competent Court; or
- (c) has been physically unfit and incapable of discharging function due to protracted illness or physical disability; or
- (d) has wilfully omitted or refused to carry out the provisions of this Act or contract or has abused or misused the powers vested in him or if the continuance in the office of the Vice-Chancellor is detrimental to the interest of the University; or
- (e) has been proved to be guilty of criminal breach of trust or criminal negligence of duty; or

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- (f) has shown incompetence to perform, or has persistently made default in the performance of, duties imposed on him by or under this Act; or
- (g) has been convicted by a court for any offence within the concept and meaning of the Code of Criminal Procedure, 1973; or
- (h) is a member of, or otherwise associated with, any political party or acts in any partisan manner while in office.

2 of 1974.

Explanation —For the purpose of this sub-clause, whether any party is a political party of any association is a political association or any act of the Vice-Chancellor is a partisan, decision of the Chancellor thereon shall be final:

Provided that the Vice-Chancellor shall be given a reasonable opportunity to show cause by the Chancellor before taking recourse for his removal under clauses (d), (e), (f), (g) and (h).

Powers and duties of the Vice-Chancellor.

10. (1) The Vice-Chancellor shall be the principal executive and academic officer of University and shall, in the absence of the Chancellor, preside at the meeting of the Court. He shall, by virtue of his office, be a member and the Chairman of the Executive Council and the Faculty Councils for Post-Graduate Studies and also the Chairman of any other authority or body of the University of which he may be a member. He shall also be entitled to be present at and to address any meeting of any other authority or body of the University of which he may not be a member, but shall not be entitled to vote thereat.

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

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

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

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

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

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

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

*The Kazi Nazrul University Act, 2012.**(Chapter II. — The University and its Officers.— Sections 11-15.)*

The Registrar.

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

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

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

Powers and duties of the Registrar.

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

The Finance Officer.

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

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

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

Supervisory powers of the Registrar and Finance Officer.

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

*The Kazi Nazrul University Act, 2012.**(Chapter III. — Authorities of the University.— Sections 16, 17.)*

CHAPTER III

Authorities of the University

Authorities.

- 16.** The following shall be the authorities of the University: —
- (1) the Court;
 - (2) the Executive Council;
 - (3) the Faculty Councils for Post-Graduate Studies;
 - (4) the Councils for Undergraduate Studies;
 - (5) the Boards of Studies;
 - (6) the Finance Committee;
 - (7) such other authorities as may be established under the Statutes.

The Court.

- 17.** (1) The Court shall consist of the following members:—
- (a) *Ex officio* Members—
 - (i) the Chancellor;
 - (ii) the Vice-Chancellor;
 - (iii) the Dean of Faculty Councils for Post-Graduate Studies;
 - (iv) 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;
 - (v) the Secretary, Finance Department, Government of West Bengal or his nominee not below the rank of Joint Secretary to the Government of West Bengal;
 - (vi) the Chairman, West Bengal State Council of Higher Education;
 - (vii) the President, West Bengal Council of Higher Secondary Education;
 - (viii) the President, West Bengal Madrasah Education Board;
 - (ix) the President, West Bengal Board of Secondary Education;
 - (x) the Director of Public Instruction, West Bengal or his nominee not below the rank of Additional Director of Public Instruction;
 - (xi) a nominee of the Chairman of University Grants Commission;
 - (xii) a nominee of the National Council of Teachers' Education;
 - (xiii) the Chairman of the College Service Commission or a Member of Commission as his nominee;

The Kazi Nazrul University Act, 2012.

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

(b) Representatives of Departments and Colleges—

- (xiv) heads of Departments of the University;
- (xv) five senior most Professors of Departments of University to be selected by the Vice-Chancellor in alphabetical order of the Department, of whom not more than one Professor shall be from the same Department;
- (xvi) Principals of affiliated Colleges, not more than ten, to be nominated by the Vice-Chancellor of whom —
 - (I) one shall be from a Teachers' Training College;
 - (II) one shall be from a Law College;
 - (III) one shall be from other Professional College;
 - (IV) one shall be from Women's College;
- (xvii) five teachers from the Council of Undergraduate studies, of whom at least two shall belong to the rank of Associate Professor and others shall be not below the rank of Assistant Professor, to be elected by the members of the Executive Council from amongst themselves in the manner as may be prescribed by the Statutes;
- (xviii) one representative of officers of the University, to be elected from amongst themselves in the manner as may be prescribed by the Statutes;
- (xix) two representatives of non-teaching employees of whom —
 - (I) one from non-teaching employees of the University,
 - (II) one from non-teaching employees of the affiliated colleges of the University,
 to be elected from amongst themselves in the manner as may be prescribed by the Statutes;

(c) Nominated Members—

- (xx) not more than five persons to be nominated by the Chancellor from amongst the persons interested in University education:

Provided that no employee of the University or of a College or institution affiliated with the University or recognized by it shall be eligible to be a member.

(d) Special Invitee —

- (xxi) any official or expert in any field or eminent educationist, whom the Vice-Chancellor may require for advice, consultation or assistance, may be invited to attend the meeting:

Provided that not more than one official or expert or eminent educationist may be invited in a meeting at a time.

*The Kazi Nazrul University Act, 2012.**(Chapter III. — Authorities of the University.— Section 18.)*

(2) A member of the Court shall hold office for a period of four years, if not expressly provided otherwise in sub-section (1). Any vacancy among the members of the Court shall be filled up immediately by the concerned authority.

(3) No act or proceedings of the Court or any body constituted by the Court shall be invalid or called in question by reason of the existence of any vacancy, initial or subsequent, in the Court or in any body constituted by the Court, as the case may be.

Powers and duties of the Court.

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

- (i) to establish University Colleges, University Departments, institutions, libraries, laboratories and museums of study and research;
- (ii) to confer, on the recommendation of the State Government and the University Grants Commission, such special powers as may be prescribed by Statutes on any college or institution providing instruction for courses of study in fine arts or music or conducting higher studies and research :

Provided that the Court may withdraw, with the concurrence of State Government and the University Grants Commission, all or any of the special powers conferred on any such college or institution;
- (iii) to create and institute Professorships including Distinguished or Chair Professorships, Associate Professorships, Assistant Professorships, and such posts including posts of officers as may be necessary for the establishment of the University Colleges, University Departments, institutions, libraries, laboratories and museums referred to in clause (i) with the approval of the State Government;
- (iv) to institute degrees, titles, diplomas, certificates and other academic distinctions;
- (v) to institute fellowships, travelling 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 person who —
 - (a) have pursued prescribed courses of studies or have been exempted therefrom in the manner prescribed, and have passed such examinations as may be prescribed, or
 - (b) have carried on research in accordance with such conditions as may be prescribed;
- (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;

*The Kazi Nazrul University Act, 2012.**(Chapter III. — Authorities of the University.— Section 19.)*

- (viii) to confer honorary degrees or other academic distinctions;
- (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 statement of accounts and the 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 favour 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 cooperation with other universities, institutions and educational authorities in matters that relate to or further the educational 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), and (iii) 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.

19. (1) The Court shall meet at least thrice in a financial year, other than for convocation, on dates to be fixed by the Vice-Chancellor. One of such meetings

*The Kazi Nazrul University Act, 2012.**(Chapter III. — Authorities of the University.— Section 20.)*

shall be held before March and shall be called the Annual Meeting. The Court may also meet at such other times as it may, from time to time, decide.

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

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

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

The Executive
Council.

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

(a) *Ex officio* Members —

- (i) the Vice-Chancellor;
- (ii) Secretary of 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) Secretary, Finance Department, Government of West Bengal or his nominee not below the rank of Joint Secretary to the Government of West Bengal;
- (iv) the Chairman, West Bengal State Council of Higher Education or his nominee;
- (v) the Director of Public Instruction, West Bengal or his nominee not below the rank of Additional Director of Public Instruction;
- (vi) the Dean of Faculty Councils for Post-Graduate Studies;
- (vii) Principals of affiliated Colleges, not more than seven, to be nominated by the Vice-Chancellor of whom—
 - (I) one shall be from a Teachers' Training College;
 - (II) one shall be from a Law College;
 - (III) one shall be from other Professional College;
 - (IV) one shall be from Women's College;

(b) Other Members —

- (viii) three Heads of Departments, by rotation for one year in alphabetical order of the Department, to be selected by the Vice-Chancellor;
- (ix) seven teachers from the faculty council for the Post-Graduate studies of whom four shall be Professors, two shall be Associate Professors and one shall be Assistant Professor and they shall be elected by the members of the faculty council from amongst themselves in the manner as may be prescribed by Statutes;

*The Kazi Nazrul University Act, 2012.**(Chapter III. — Authorities of the University.— Section 21.)*

- (x) five teachers of whom at least two shall belong to the rank of Associate Professor and others shall be not below the rank of Assistant Professor from the Council of Undergraduate studies to be elected by the members of the Council from amongst themselves in the manner as may be prescribed by Statutes;
- (xi) two persons nominated by the Chancellor interested in University education:

Provided that no employee of the University or of a College or Institution affiliated with the University or recognized by it shall be eligible to be a member.

(2) A member of the Executive Council shall hold office for a period of four years, if not expressly provided otherwise in sub-section (1). Any vacancy among the members of the Executive Council shall be filled up immediately by the concerned authority.

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

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

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

- (i) to initiate proposals for the making of Statutes and Ordinances including proposals for amendment or repeal thereof, in the manner hereinafter provided;
- (ii) to recommend to the Court, after consulting the respective Faculty Councils for Post-Graduate Studies, the establishment of University Colleges, University Departments, institutions, libraries, laboratories and museums for study and research;
- (iii) to maintain University Colleges, University Departments, University institutions, University libraries, University laboratories and University museums;
- (iv) to establish, maintain and manage halls and to recognize hostels;
- (v) to direct the inspection of University libraries, University laboratories, University museums and hostels;
- (vi) to recommend to the Court, after consulting the respective Faculty Councils for Post-Graduate Studies, the institution of fellowships, travelling fellowships, scholarships, stipends, bursaries, exhibitions, medals and prizes, the expenses of which shall be met from the University Fund, and to award the same after institution thereof by the Court;
- (vii) to recommend to the Court, after consulting the respective Faculty Councils for Post-Graduate Studies, the creation and institution of

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Professorships including Distinguished or Chair Professorship, Associate Professorships, Assistant Professorships and such posts as may be necessary for the establishment of the University Colleges, University Departments, institutions, libraries, laboratories and museums referred to in clause (i) of sub-section (1) of-section 18;

- (viii) to create posts of Officers, Teachers and employees of the University or to recommend to the Court for such creation, with the approval of the State Government;
- (ix) to appoint 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 Officers and employees;
- (x) to pass appropriate orders on the basis of the recommendation of the respective Council for Undergraduate Studies regarding affiliation of a college or an institution in one or more subjects or withdrawal of affiliation or recognition of a college or an institution or temporary take-over of the management of an affiliated or a recognized college or institutions;
- (xi) to prescribe, on the recommendation of the respective Council for Undergraduate Studies, for colleges, other than Government Colleges —
 - (a) the constitution, powers and functions of their Governing Bodies,
 - (b) the terms and conditions of service and emoluments for posts of Principals, Teachers and such other employees as it may deem fit,
 - (c) the rules for Teachers Councils and Provident Funds, and
 - (d) duties and responsibilities of the Principal, teachers, and any other employee as deem fit and disciplinary actions for negligence or violations thereof;
- (xii) 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;
- (xiii) to recommend to the Court, after consulting the respective Faculty Councils for Post-Graduate Studies, the institution of degrees, titles, diplomas, certificates and other academic distinctions;
- (xiv) 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;

