

GOVERNMENT OF WEST BENGAL
LEGISLATIVE DEPARTMENT

West Bengal Act VI of 1978

**THE BURDWAN UNIVERSITY (TEMPORARY
SUPERSESSION) ACT, 1978.**

[*Passed by the West Bengal Legislature.*]

[Assent of the Governor was first published in the *Calcutta Gazette, Extraordinary*, of the 27th March, 1978.]

[27th March, 1978.]

An Act to provide for the supersession of the University of Burdwan for a temporary period and for carrying on the administration of the said University during the period of supersession.

WHEREAS it is necessary to provide for the supersession of the University of Burdwan for a temporary period to facilitate reorganisation for more efficient functioning, and for carrying on the administration during the period of supersession;

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

1. (1) This Act may be called the Burdwan University (Temporary Supersession) Act, 1978.

Short title and
commence-
ment.

(2) It shall be deemed to have come into force on the 12th day of January, 1978.

2. (1) In this Act, unless the context otherwise requires,—

Definitions.

- (a) “the Act” means the Burdwan University Act, 1959;
- (b) “the Council” means the Burdwan University Council referred to in clause (b) of section 4 of this Act;
- (c) “Minister” means the Minister-in-charge of Higher Education in the Department of Education of the Government of West Bengal;
- (d) “the University” means the University of Burdwan as defined in clause (j) of section 2 of the Act.

(2) All other words and expressions used in this Act shall have the same meanings as assigned to them in the Burdwan University Act, 1959.

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(Sections 3,4.)

Supersession
of the
University.

3. (1) Whereas it is necessary to take action in providing for the supersession of the University of Burdwan, it is hereby declared that the University shall, with effect from the date of coming into force of this Act and for a period of one year thereafter, stand superseded.

(2) The State Government may, by notification in the *Official Gazette*, extend the period referred to in sub-section (1) from time to time but not exceeding a period of six months at a time, and the total period of supersession shall not exceed two years in all.

Consequences
of superses-
sion.

4. With effect from the date of coming into force of this Act,—

- (a) all the members of the University except the Chancellor, the Vice-Chancellor and those referred to in clauses (iii), (iv) and (xvi) of sub-section (1) of section 8 of the Act, and the members of the Executive Council, the Academic Council, Faculties, Boards, Councils and other authority or authorities constituted under sub-section (1) of section 7 of the Act or any Statutes, Ordinances, Regulations or Rules made thereunder shall vacate their respective offices;
- (b) all the powers and duties which may, under the provisions of the Act, or any Statutes, Ordinances, Regulations or Rules made thereunder, be exercised and performed by the University, the Executive Council, the Academic Council and all Committees, Boards or other bodies shall be exercised by the Council to be known as the Burdwan University Council in the manner provided;
- (c) the Council shall consist of the Chancellor, the Vice-Chancellor, members referred to in clauses (iii), (iv) and (xvi) of sub-section (1) of section 8 of the Act, the President, West Bengal Council of Higher Secondary Education and not more than fifteen, but not less than seven persons from amongst the teachers of the University, and Principals and teachers of constituent and affiliated colleges nominated by the Chancellor in consultation with the Vice-Chancellor and the Minister;

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(Section 4.)

Provided that the Registrar shall act as the Secretary to the Council;

- (d) the Council so constituted shall carry on the functions of the University, the Executive Council, the Academic Council, Faculties, Boards and other body or bodies constituted under the Act or any Statutes, Ordinances, Regulations or Rules made thereunder:

Provided that the Council may, with the approval of the Chancellor, delegate any of its powers to such body or bodies as may be constituted to carry on the functions of the Executive Council, the Academic Council and other body or bodies which may have been constituted under the Act or any Statutes, Ordinances, Regulations or Rules made thereunder:

Provided further that any vacancy in the Council or body or bodies, if any, constituted by the Council, due to omission to nominate members, death, resignation or otherwise shall not invalidate the proceedings of the Council or the body or bodies constituted:

Provided also that the delegation shall not prevent the exercise of any such powers or performance of any such duties by the Council;

- (e) twenty-five *per cent.* of the members of the Council shall form the quorum for a meeting of the Council and twenty-five *per cent.* of the members of the particular body to which functions may be delegated under clause (d) shall form the quorum for a meeting of that body:

Provided that the Chancellor, or in his absence, the Vice-Chancellor shall preside at meetings of the Council;

- (f) all the provisions in the Act, Statutes, Ordinances, Regulations or Rules made thereunder shall, if in conflict with the provisions of this Act, stand modified:

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(Sections 5-8.)

Provided that nothing in this clause shall affect the powers of the Chancellor under the Act, Statutes, Ordinances, Regulations or Rules made thereunder.

Filling up of
vacancies.

5. Vacancies in the Council by resignation, death or otherwise during the period of supersession shall be filled up by the Chancellor in consultation with the Vice-Chancellor and the Minister, in so far as it is not inconsistent with this Act.

Power to
remove
difficulties.

6. If in view of the provisions of the Burdwan University Act, 1959, any difficulty arises in giving effect to the provisions of this Act, the Council shall refer the difficulty to the State Government which may make such order or do such thing not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for removing that difficulty.

West Ben. Act
XXIX of 1959.

The University
to continue as
a body
corporate.

7. Nothing in this Act shall be construed as effecting or implying in any way the dissolution of the University as a body corporate as described in section 3 of the Act.

Repeal and
savings.

8. (1) The Burdwan University (Temporary Supersession) Ordinance, 1978, is hereby repealed.

West Ben.
Ord. III of
1978.

(2) Anything done or any action taken under the said Ordinance shall be deemed to have been validly done or taken under this Act.