

# West Bengal Act XXXIII of 1955

## THE JADAVPUR UNIVERSITY ACT, 1955

[*Passed by the West Bengal Legislature.*]

[Assent of the Governor was first published in the *Calcutta Gazette, Extraordinary*, of the 14th November, 1955.]

[14th November, 1955.]

*An Act to establish and incorporate a University at Jadavpur in the district of 24-Parganas in West Bengal.*

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

1. (1) This Act may be called the Jadavpur University Act, 1955. 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.
2. In this Act, unless the context otherwise requires,— Definitions.
  - (a) “founder-donors” mean the following persons who endowed properties on the National Council of Education, namely:—
    - (1) Shri Brajendra Kishore Roy Chowdhury of Gouripur,
    - (2) Maharaja Suryya Kanta Acharyya Chowdhury Bahadur of Mymensingh,
    - (3) Raja Subodh Chandra Mallik;
  - (b) “Institution” means a College, Polytechnic, School or any other place, by whatever name called, for training, instruction, research or study;
  - (c) “National Council” means the National Council of Education, Bengal, formed and registered on the 1st day of June, 1906, under the Societies Registration Act, 1860;
  - (d) “registered graduate” means a person who holds a degree or is deemed to hold a degree of the University under section 11, and whose name has been entered in the register of registered graduates maintained in accordance with rules;
  - (e) “rules” mean rules made by the University under this Act;
  - (f) “Schedule” means the Schedule to this Act;
  - (g) “teacher” means a professor, assistant professor, lecturer or any other person holding a teaching post appointed or recognized by the University or by an Institution;

*Explanation.*—If any question arises as to whether a person is a teacher and holds a teaching post the decision of the President of the University thereon shall be final;

## (Sections 3, 4.)

(h) "University" means the Jadavpur University constituted under this Act.

Constitution and incorporation.

3. (1) The first members and all persons who may hereafter become members of the University shall, so long as they continue to be members, constitute a body corporate by the name of the Jadavpur University.

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

Members of the University.

4. (1) All persons who immediately before the commencement of this Act were members of the Executive Committee of the National Council, shall, together with the persons mentioned in the Schedule, be the first members of the University.

(2) The first members of the University, other than those mentioned in items (i), (ii), (iii) or (iv) of the Schedule, shall hold office for a period of four years from the commencement of this Act.

(3) If any of the first members, other than those mentioned in items (i), (ii), (iii) or (iv) of the Schedule, dies or resigns his office as member, the vacancy shall be filled by nomination by the National Council of Education [or in the case of the person mentioned in item (v) of the Schedule, by the All-India Council for Technical Education] and such nominated member shall hold office for the residue of the term of the member in whose place he has been nominated.

(4) After four years from the commencement of this Act, the following persons shall be the members of the University, namely:—

- (a) the President of the University, *ex-officio*;
- (b) the Rector of the University, *ex-officio*;
- (c) the Treasurer of the University, *ex-officio*;
- (d) the Deans of the Faculties, *ex-officio*, if the offices of the Deans have been constituted;
- (e) Principals or Heads of all Institutions established, managed or maintained by or affiliated to the University, *ex-officio*;
- (f) the President of the Alumni Association of the National Council, *ex-officio*;
- (g) the Chairman of the Institution of Engineers (India), Bengal Centre, *ex-officio*;
- (h) the Mayor of the Corporation of Calcutta, *ex-officio*;
- (i) two members elected by professors appointed by the University from amongst themselves in accordance with rules;

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(Section 5.)

- (j) two members elected by teachers, other than professors appointed by the University, from amongst themselves in accordance with rules;
  - (k) two registered graduates who must be graduates of at least four years' standing elected in accordance with rules by the registered graduates;
  - (l) eight persons, not being salaried employees of the University or of an Institution established, maintained or managed by or affiliated to the University, elected by the National Council;
  - (m) four persons (or three, as the case may be,) not being salaried employees of the University or an Institution established, maintained or managed by or affiliated to the University, nominated as below:—
    - two persons nominated by Shri Brajendra Kishore Roy Chowdhury of Gouripur, a founder-donor during his life time, and thereafter, one person nominated by his legal representatives,
    - one person nominated by the legal representatives of Maharaja Suryya Kanta Acharyya Chowdhury, a founder-donor, and
    - one person nominated by the legal representatives of Raja Subodh Chandra Mallik, a founder-donor:
- Provided that if the legal representatives of any of the founder-donors mentioned above do not agree on the person to be nominated by them, they shall submit all the names of the persons proposed by them to the State Government and it shall be competent for the members of the University to nominate a person from amongst those so proposed;
- (n) the persons referred to in the Schedule.

(5) The members referred to in clauses (i) to (m) (both inclusive) of sub-section (4) and the person referred to in item (v) of the Schedule shall hold office for a period of four years; and if any such member dies or resigns his office, the vacancy shall be filled in accordance with rules made for filling up casual vacancies in such office, and the new member shall hold office for the residue of the term of the office of the member whose office fell vacant.

5. The University shall have the following powers, namely:—

Powers of  
the University.

- (1) to provide for the teaching of, and for training and instruction in, all branches of engineering, technology, humanities and science and to make provision for research and for the advancement and dissemination of knowledge;

(Section 5.)

- (2) to establish, maintain, manage or affiliate Institutions in an area within a radius of two miles from the place where the University has its offices, and to take over the maintenance and management of any existing Institution within such area together with its assets with the consent of the authorities thereof on such terms and conditions as may be agreed upon;
- (3) to hold examinations, to fix conditions and qualifications therefor and to grant and confer degrees, diplomas, certificates and other academic distinctions;
- (4) to grant and confer according to rules honorary degrees or distinctions;
- (5) to institute professorships, assistant professorships, lecturerships or any other teaching posts;
- (6) to institute or award fellowships (including travelling fellowships), studentships, exhibitions, bursaries, scholarships, prizes and medals;
- (7) to establish, maintain, manage or recognize hostels and other places of residence for the students of the University or to take over the management and maintenance of existing hostels or places of residence of students of the University with the consent of the authorities thereof;
- (8) to prescribe, demand and receive fees and other charges;
- (9) to provide for the supervision and discipline of the students of the University;
- (10) to provide for the constitution of an Academic Council and of Faculties, Departments, Committees, Boards and other bodies and to define their powers and duties;
- (11) to provide for the appointment or election of officers of the University and to define their powers and duties;
- (12) to create administrative, ministerial and other necessary posts and to provide for filling up of such posts;
- (13) to co-operate with other Universities and with Institutions not established, maintained or managed by or affiliated to the University;
- (14) to receive grants, donations, bequests or endowments;
- (15) to make grants or advances to any affiliated Institutions or for any purpose the University deems necessary;

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*(Section 6.)*

- (16) to constitute pension or provident fund and establish insurance schemes for the benefit of officers, teachers and other employees of the University and Institutions established, maintained or managed by it;
- (17) to enter into contracts, to acquire, hold, dispose of or deal with property, movable or immovable;
- (18) to manage and superintend the affairs, concerns and property of the University;
- (19) to make such delegations of the powers above-mentioned as the University deems necessary;
- (20) to provide for the transaction of the business of the University:

Provided that until such provision is made by the University, the State Government may frame temporary provisions for such purpose;

- (21) to do all acts or things whatsoever, which in the opinion of the University are necessary for, or incidental or consequential to, any of the powers above-mentioned;
- (22) generally, without any fetter or restriction, to take any action or do anything, which, in the opinion of the University, is desirable or expedient for the proper functioning of the University.

**6. (1) (a)** The President of the University shall be selected by a Committee mentioned in clause (b) out of a panel of three persons, not being persons holding any salaried office under the University or an Institution, recommended by the members of the University other than the President. The President.

Provided that the President of the National Council at the time of the commencement of this Act shall be the First President of the University.

**(b)** The Committee shall be composed of—

- (i) the Minister-in-charge of the Department of Education of the Government of West Bengal;
- (ii) a representative of the Ministry of Education, Government of India; and
- (iii) a person, not being a member of the University or a salaried employee of the University or an Institution, elected by the University.

**(2)** The President shall not be entitled to any salary or remuneration and shall not hold any salaried office under the University or an Institution.

**(3)** The President shall hold office for a term of four years from the date of his assumption of office as President.

## (Sections 7—11.)

(4) If any vacancy occurs in the office of the President by reason of resignation, death or expiration of his term of office, then, pending the selection of another President, the University shall appoint one of its members to exercise the powers and perform the duties of the President.

(5) The President shall have such powers and duties as may be conferred on him by rules.

The  
Rector.

7. (1) The Rector of the University shall be a whole-time officer of the University. He shall be the principal executive officer of the University. The Rector shall have such powers and duties as may be conferred on him by rules.

(2) The Rector shall be appointed by the President for a term of four years on the recommendation of a Committee composed of—

- (i) one educationist nominated by the President,
- (ii) a person not being a salaried employee of the University nominated by the University, and
- (iii) a person nominated by the Minister-in-charge of Education of the Government of West Bengal.

The  
Treasurer.

8. The Treasurer shall be appointed by the University. He shall have such powers and duties as may be conferred on him by rules.

The  
Registrar.

9. The Registrar shall be a whole-time officer of the University appointed by the University. He shall have such powers and duties as may be conferred or imposed on him by rules.

Valida-  
tion.

10. No act or proceeding of the University shall be called in question by reason of the existence of a vacancy in or any defect in the constitution of the University or by reason of any defect or irregularity, not affecting the merits of the case.

Certain  
degrees  
conferred  
by the  
National  
Council  
to be  
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by the  
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sity.

11. Any degree conferred by the National Council at any time between the first day of January, 1944 and the commencement of this Act shall, for all purposes, be deemed to be a degree corresponding to such degree of the University as may be declared by the State Government; and the holder of any such degree of the National Council shall be deemed to be a holder of such corresponding degree of the University and shall be entitled to use words, appellations, letters or abbreviations, after his name indicating that he is the holder of such corresponding degree.

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(Sections 12—15 and the Schedule.)

12. (1) When the University takes over the maintenance and management of any existing Institution and there is transferred to the University for the benefit of such Institution any assets covered by any deed of gift, endowment, bequest or trust, such deed shall be construed as if it were executed in favour of the University.

Transfer of assets of existing Institutions to the University when such Institutions are taken over by the University.

(2) When the University takes over the control and management of any existing Institution, every person employed in that Institution immediately before such taking over by the University shall continue to be employed by the University on terms and conditions not less advantageous than those which governed his employment by the Institution.

13. (1) The University shall every year send a copy of its annual budget estimates to the National Council at least six weeks before the University considers its budget. When considering the budget, the University shall take into consideration the observations, if any, which the National Council may make on the budget estimates.

Budget.

(2) The University shall submit every year its budget to the State Government for approval.

14. The University may make rules for carrying out the provisions of this Act, or for exercising the powers conferred by this Act.

Power to make rules.

15. For a period of two years from the commencement of this Act, the State Government may, if it deems necessary, issue directives to the University, not inconsistent with this Act, in order to resolve any difficulty that may arise, and the University shall comply with such directives.

Power to resolve difficulty.

### The Schedule.

[See sections 2(f) and 4.]

(i) Secretary, Ministry of Education, Government of India;

(ii) Joint Secretary, Ministry of Finance, Government of India;

(iii) Secretary, Education Department, Government of West Bengal;

(iv) Secretary, Finance Department, Government of West Bengal;

(v) One nominee of the All-India Council for Technical Education.