



Extraordinary  
Published by Authority

SRAVANA 10]

THURSDAY, AUGUST 1, 2002

[SAKA 1924

PART III—Acts of the West Bengal Legislature.

GOVERNMENT OF WEST BENGAL

LAW DEPARTMENT

Legislative

NOTIFICATION

No. 1254-L.—1st August, 2002.—The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information:—

## West Bengal Act XIII of 2002

THE WEST BENGAL UNIVERSITY OF  
HEALTH SCIENCES ACT, 2002.

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Kolkata Gazette*,  
*Extraordinary*, of the 1st August, 2002.]

*An Act to establish and incorporate a health university in the State of West Bengal, to be known as the West Bengal University of Health Sciences, and to provide for matters connected therewith or incidental thereto.*

WHEREAS it is expedient, in the public interest, to establish and incorporate a University in the State of West Bengal, to be known as the West Bengal University of Health Sciences, for the purposes of affiliating, teaching and ensuring proper and systematic instruction, training and research in, Modern System of Medicine, Homoeopathic System of Medicine, Ayurvedic System of Medicine, Unani System of Medicine, Nursing Education, Pharmacy Education, Dental Education, Education on Laboratory Technology, Physiotherapy, Speech Therapy and Education on other paramedical courses;

AND WHEREAS it is considered desirable to establish a specialised autonomous institution with the objects of promoting academic freedom and scholarship for the teachers as well as for the students and to foster and develop an intellectual climate conducive to the pursuit of scholarship and excellence, either independently or jointly with other centres of excellence of higher learning;

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(Sections 1, 2.)

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

Short title,  
extent and  
commencement.

1. (1) This Act may be called the West Bengal University of Health Sciences Act, 2002.

(2) It shall extend to the whole of West Bengal.

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

Definitions.

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

- (1) “Academic Council” means the Academic Council of the University;
- (2) “academic course” means the course of study in any discipline of Health Sciences according to the Syllabus and Curriculum prescribed by the University;
- (3) “affiliated college” means a college affiliated to the University providing academic courses prescribed for University examinations;
- (4) “appointed day” means the date appointed under sub-section (3) of section 1;
- (5) “approved institution” means any institution or hospital or college recognized by the University as an institution in which a person may undergo such training, required by a course of study before the award of any degree or other qualification, as laid down by the University;
- (6) “authorities” means the authorities of the University as specified by or under this Act;
- (7) “autonomy” means a privilege of the University conferred by Statutes permitting a college, institution or a University Department to conduct academic programmes and examinations, to develop syllabi for the respective subjects and issue certificates of passing the examinations, etc. A college, institution or a University Department which has been granted autonomy shall have full academic, administrative and financial autonomy, subject to the provisions of this Act and Statutes;
- (8) “autonomous college”, “autonomous institution” or “autonomous Department” means a college, institution or Department to which autonomy is granted and is designated to be so by Statutes;
- (9) “Chancellor” means the Chancellor of the University;
- (10) “college” means a college imparting education in Health Sciences conducted by, or affiliated to, the University situated in the State of West Bengal;
- (11) “Conducted College” means a college maintained and managed by the University;
- (12) “Convocation” means a meeting for the purpose of conferring degrees, titles, diplomas, certificates or other academic distinctions;
- (13) “Council” means a professional council pertaining to any discipline of Health Sciences constituted under any State Act or Central Act;
- (14) “Dean” means the Dean of any Faculty of the University;
- (15) “Department” means a unit set up for the purpose of imparting instruction for the courses of study in Health Sciences or in any discipline allied thereto;
- (16) “Field Unit” means a unit established outside the University for validating the discriminations in the benefits of new techniques, skills and practices developed by the University;

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- (17) "Government" means the Government of the State of West Bengal in the Department of Health and Family Welfare;
- (18) "Health Sciences" means the Modern System of Medicine, Homoeopathic System of Medicine, Ayurvedic System of Medicine, Unani System of Medicine, Nursing Education, Pharmacy Education, Dental Education, Education on Laboratory Technology, Physiotherapy, Speech Therapy in all their branches concerning preventive, promotive, curative and rehabilitative services;
- (19) "Modern System of Medicine" means all branches of modern medicine dealing with pre-clinical, clinical, para-medical and para-dental disciplines at diploma and degree level or above and such other disciplines as may be prescribed;
- (20) "prescribed" means prescribed by Statutes, Ordinances, Rules or Regulations made under this Act;
- (21) "Principal" means the head of an affiliated college or a conducted college or a university college;
- (22) "Pro-Vice-Chancellor" means the Pro-Vice-Chancellor of the University;
- (23) "Registrar" means the Registrar of the University;
- (24) "Statutes", "Ordinances", "Rules" and "Regulations" mean, respectively, the Statutes, Ordinances, Rules and Regulations of the University made under this Act;
- (25) "Teacher" means a Principal, Professor, Associate Professor, Assistant Professor or such other person as may be designated by the Statutes for imparting instruction and education in full time basis in the University or an affiliated college;
- (26) "University" means the West Bengal University of Health Sciences as constituted under this Act;
- (27) "University Campus" means the area comprised within the local limits of the headquarters of the University or such other colleges and institutions, as may from time to time be declared as such by notification, by the Government in the *Official Gazette*;
- (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 institution" means a centre, a school, or an institute established and maintained by the University.

Establishment of  
the University.

3. (1) With effect from the coming into force of this Act, there shall be established a University by the name of "the West Bengal University of Health Sciences" having jurisdiction in the State of West Bengal.

(2) The University shall be a body corporate by the name specified in sub-section (1) and shall have perpetual succession and a common seal. It shall have the power to hold, acquire, sale, lease, transfer or dispose of property, both movable and immovable, which may vest in or be acquired by it for the purposes of the University:

Provided that no such lease, sale or transfer of such property shall be made without the valuation made thereof by the approved valuer appointed by the University and without the prior approval of the Government.

(3) The headquarter of the University shall be at Kolkata or at any such place as shall be notified by the Government in this behalf.

(4) The University shall be both, a teaching and an affiliating University.

(5) In all suits and other legal proceedings, by or against the University, the pleadings shall be signed and verified by the Registrar, or any other person authorized in this behalf, and all processes in suits and proceedings shall be issued to, and served on, the Registrar.

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(Sections 4, 5.)

Mission of the  
University.

4. The Mission of the University shall be to create, uphold and develop an intellectual, philosophical, academic and physical environment which shall be conducive to free flow of ideas and exchange of information amongst various Faculties of the University, and to develop collaborative as well as autonomous institutions of research and higher learning, between this University and other Universities of Health Sciences, and other centres of excellence in the country and abroad, thereby opening a window to the world for the health professionals, health planners, health managers, health policy makers, bio-medical and social scientists, educators and academicians in Health Sciences of the country.

Objects of the  
University.

5. The objects of the University shall be to disseminate, create and preserve knowledge and understanding by teaching, research, extension and service and by effective demonstration and influence of its corporate life on society, the objects, in general and in particular, shall be—

- (a) to establish uniformity in standards of education in all Faculties of Health Sciences including Modern System of Medicine, dentistry, nursing, pharmacy, various paramedical and paradental disciplines such as medical laboratory technology, physiotherapy, speech therapy, Ayurvedic, Unani and Homoeopathic Systems of Medicine, with a view to augmenting and enhancing the quality of such education and consistently aiming at modernizing, improving and achieving the highest standards of academic excellence at all levels on mutual understanding of all the systems of Health Sciences;
- (b) to promote and carry out research in various disciplines of Health Sciences with special emphasis on scientific, social and economic relevance of such research, and with a view to attaching special significance on occupational, psychosomatic and environmental health issues affecting the people;
- (c) to establish and develop study centres integrating all disciplines related with, and relevant to, Health Sciences specially those which are not presently included in the syllabi and curricula of undergraduate and post-graduate medical courses. These shall include population sciences, health systems research, health services research, operational research, health systems and health services management, health structure reforms, human resource development, educational technology, bioinformatics and telematics, medical transcription, epidemiological research technology, continuing education in Health Sciences, and any other branch of science as may be deemed expedient to be included;
- (d) to promote discipline and the spirit of intellectual inquiry and to dedicate itself as a fearless academic community to the sustained pursuit of excellence;
- (e) to encourage individuality and diversity within a climate of tolerance and mutual understanding;
- (f) to extend the benefits of knowledge and skills for development of individuals and society by associating the University closely with local and regional problems of development;
- (g) to provide for efficient and responsive administration, scientific management and develop organisation of teaching and research either within the University or as separate autonomous institutions with independent management jointly set up under a 'Memorandum of Understanding' with centres of excellence in higher learning established under the Law;
- (h) to strive to promote competitive merit and excellence as the sole guiding criterion in all academic and other matters relating to students;

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(Section 6.)

- (i) to foster, develop and enhance computer literacy amongst health professionals, faculty and students;
- (j) to promote freedom, secularism, equality, fraternity and social justice as enshrined in the Constitution of India and to spearhead socio-economic transformation by inculcating and fostering basic attitudes and values of essence to national development and integration and to develop a dedicated profession in social responsibility;
- (k) to promote equitable distribution of facilities of education in Health Sciences; and
- (l) to attain the highest standards of academic excellence by providing the physical infrastructure and creating an eclectic intellectual environment conducive to free flow of knowledge, ideas and meaningful exchange of information.

Powers and  
functions of the  
University.

6. The powers and functions of the University shall be—

- (i) to designate any institution or college or educational center as a conducted college or an affiliated college or a University college;
- (ii) to make provisions to enable conducted and affiliated and University colleges and recognized institutions to undertake specialized studies;
- (iii) to establish, maintain upgrade and manage University departments, laboratories, libraries, museums and equipments for teaching or research;
- (iv) to establish, maintain and manage departments and institutions of research, specialized studies or academic services unit;
- (v) to organize, maintain and manage colleges, institutions, hostels, auditoria and gymnasias;
- (vi) to provide for establishment of campuses for serving a group of affiliated colleges and also to provide for and maintain common resources center in such campuses in the form of libraries, laboratories, computer centers and similar centers of learning;

Provided that in case of any non-government organizations availing themselves of such facility of the University or such organizations providing such facility to the University, prior approval of the Government shall be obtained by the University;

- (vii) to formulate and implement syllabi and curricula for various academic courses of the University;
- (viii) to conduct and regulate the admission of students and conduct of entrance examinations of all academic courses of studies, instituted by the University, in a manner as may be prescribed and in conformity with the stipulations framed by the respective Councils;
- (ix) to standardize methods of evaluation and assessment and to hold examinations for awarding various diplomas, degrees and certificates as per regulations;
- (x) to institute and award diplomas, degrees, certificates and other academic distinctions subject to the regulations of the different councils concerned;
- (xi) to confer honorary degrees and other academic distinctions on such terms and conditions as may be prescribed;
- (xii) to prescribe conditions under which the award of any diploma, degree, certificate, titles and other academic distinctions may be withheld or be withdrawn;
- (xiii) to prescribe the conditions for affiliation or recognition of colleges or educational centers or institutions and to lay down conditions under which such affiliation or recognition may be withdrawn or suspended;
- (xiv) to make provision, wherever feasible in the University departments, affiliated colleges, institutions, recognised institutions and schools, for survey and collection of statistics, data and other particulars relevant to various developmental activities including State and National plans evaluation of the developmental schemes with the participation of the students as a part of their curricular activities;

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- (xv) to designate a University department, conducted college, an affiliated college, institution, or school as an autonomous University department, University college, conducted college, affiliated college or institution or school, as the case may be, in conformity with the guidelines, if any, laid down by the University Grants Commission;
- (xvi) to monitor and evaluate the academic performance of affiliated colleges and recognised institutions for affiliation and periodical accreditation;
- (xvii) to inspect, where necessary, affiliated colleges and recognised institutions through suitable machinery established for the purpose, and take measures to ensure that proper standards of instruction, teaching and training are maintained by them, and adequate library, laboratory, hospital, workshop and other academic facilities are provided for;
- (xviii) to co-ordinate and regulate teaching and research in the affiliated colleges and recognised institutions;
- (xix) to provide for periodical assessment of the performance of teachers and non-teaching employees of the colleges, institutions and University in accordance with the provisions of Statutes;
- (xx) to prescribe the Code of Conduct for managements;
- (xxi) to establish, maintain and manage, whenever necessary—
  - (a) a printing and publication department,
  - (b) university extension boards,
  - (c) information bureaus,
  - (d) employment guidance bureaus,
  - (e) museum of Health Sciences, and
  - (f) such other activities as may be necessary and possible to fulfil the objects of the University;
- (xxii) to explore the possibilities of augmenting the resources of the University by exploring or innovating activities such as research and development, consultancy, training programmes and providing services for different clients from industry, trade or any other non-government organisations;
- (xxiii) to recommend to the Government to take over, in the public interest, the management of an affiliated college, institution or autonomous college in case where irregularities or commissions or omissions or criminal nature by the management of such college, or institution are *prima facie* evident to the committee of enquiry appointed by the University;
- (xxiv) to undertake development programmes in Health Sciences, research, consultancy based projects and training programmes for outside agencies, by charging fees so as to generate resources;
- (xxv) to prescribe the conditions to govern and regulate the conduct and behaviour of students under the University during their tenure of studentship;

Provided that the University shall have the liberty to suspend or terminate the studentship of any such student on the event of non-compliance of such regulations in any manner as may be prescribed;

- (xxvi) to create, suspend or abolish posts of Director, Principal, Professor, Associate Professor, Assistant Professor and other teaching posts in the University or prescribe qualifications and pay-scales for such posts and make suitable appointments thereto;

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- (xxvii) to appoint persons working in any other university or organizations as teachers of the University for a specified period;
- (xxviii) to create non-teaching skilled, administrative, secretarial and other posts and prescribe the qualifications and pay-scales for such posts and make suitable appointments thereto;
- (xxix) to facilitate mobility of teachers within the University;
- (xxx) to co-operate with any other university, authority, institution, professional academies, or associations or any other public or private bodies within or outside India for the purposes and objects similar to those of the University on such terms and conditions as may be prescribed;
- (xxxi) to jointly set up centres of excellence autonomous in nature in one or more areas of specialisation;

Provided that prior approval of the Government shall have to be obtained by the University for setting up of such centres of excellence;

- (xxxii) to manage, control, upgrade or develop any movable or immovable property owned by the University or transferred to it on the appointed day or subsequent thereto subject to the provisions of, and for the purposes of, this Act;
- (xxxiii) to accept, hold and manage any endowments or donation of funds, which may be vested in the University by way of grant, testamentary disposition or otherwise, and to invest such endowments, donations or funds in any manner as the University may deem fit;

Provided that no donation from a foreign foundation or individual shall be accepted by the University without prior approval of the Government;

- (xxxiv) to borrow money, with or without any security, for such purpose as may be approved by the Government, from the Central or any State Government, University Grants Commission, Banks, or other incorporated bodies, subject to the provisions of this Act;
- (xxxv) to fix fees, and demand and collect such fees, as may be prescribed;
- (xxxvi) to make, from time to time, such regulations as may be considered necessary for regulating the affairs and management of the University and to alter, modify or rescind such regulations;
- (xxxvii) to promote and conduct research in disciplines of Health Sciences and to undertake publication of works on merit;
- (xxxviii) to accredit and classify all the affiliated institutions and conducted colleges under its jurisdiction subject to the provisions of section 7 of this Act; and
- (xxxix) to do all such other acts and things as the University may consider necessary, conducive or incidental to the attainment or enlargement of the objects of the University.

Jurisdiction and  
admission to  
privileges.

7. (1) No institution or college or educational center in the State of West Bengal, imparting education in Health Sciences, shall save with the consent of the University and the sanction of the Government shall, be associated with, or seek admission to, any privileges of any other University in this State or in this country or abroad.

(2) Any privilege, enjoyed from any other university before the appointed day by any Medical College or institution of Health Sciences situated in this State, shall be deemed to be withdrawn with effect from such date as may be notified by the Government.

(3) All colleges, institutions and educational centers of Health Sciences in the State of West Bengal previously admitted to the privileges of, or affiliated to, the University of Calcutta, the University of Burdwan, the University of North Bengal, the University of Kalyani, the Vidyasagar University, the Jadavpur University, the

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(Sections 8, 9.)

Rabindra Bharati University and the Viswa Bharati University or any other Government recognized university, Council or affiliating body, with effect from the date as may be notified under sub-section (2), shall be deemed to be admitted to the privileges of or affiliated to, the University.

University open to all irrespective of sex, creed, class, caste, place of birth, religion or opinion.

8. (1) No citizen of India shall be excluded from any office of the University or from membership of any of its authorities, bodies or committees, or from appointment to any post or from admission to any degree, diploma, certificate or other academic distinction or course of study on the ground of sex, race, creed, class, caste, place of birth, religious belief, or profession, or political or other opinion:

Provided that the University shall maintain, accredit or recognize any college or institution exclusively reserved for women.

(2) The University shall adopt Government policy and orders or directions, issued from time to time for the purpose of admission of students and in regard to the reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes for appointment to different posts of teachers and non-teaching officers and employees in the affiliated or conducted colleges, University departments, University institutions or recognized institutions.

(3) The University shall adopt the general policy of Government in regard to the welfare of various categories of weaker sections of the society and minorities as may be directed by the Government.

Transfer of Government Colleges to the University.

9. (1) The Government may, at any time, by notification in the *Official Gazette*, transfer any Government college of Health Sciences to the University and on and from the date of such transfer the said college shall be a University College.

(2) When any Government college is transferred to the University under sub-section (1), with effect from the date on which such transfer takes place, the following conditions shall ensure:—

- (i) all the assets including the properties and liabilities pertaining to the said college shall stand transferred to, and vest in, the University;
- (ii) any member of the teaching staff or other employees, of the said college who immediately before the date of such transfer were serving in, or were attached to, that college, shall stand transferred to the appropriate cadre or category of posts in the University on the same terms and conditions of service as were applicable to them before such transfer and unless and until such terms and conditions are altered with the consent of such persons:

Provided that no such member of the teaching staff or other employee of the said college shall be transferred unless he has given his consent in this behalf:

Provided further that if any such teacher or other employee does not give his consent for such transfer he shall, notwithstanding anything contained in this Act or in any other law for the time being in force, be retired from service and this shall be treated as voluntary retirement from service. He shall not be entitled to any damages or compensation in respect of such retirement, but shall be entitled to all benefits of retirement for the period of service rendered by him till the date of such voluntary retirement.



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*(Sections 10, 11.)*

Teaching of the  
University.

**10.** (1) All recognized teachings in connection with the diplomas, degrees and certificate of the University shall be conducted, under the control of the General Council, by the teachers of the institutions or colleges or educational centers affiliated to the University in accordance with the syllabi prescribed by regulations.

(2) The courses and curricula of, and the authorities responsible for organizing, such teaching shall be such as may be prescribed by regulations.

Chancellor of the  
University.

**11.** (1) The Governor of the State of West Bengal shall, by virtue of his office, be the Chancellor of the University.

(2) The Chancellor, when present, shall preside over the convocation of the University and may issue directions to the Vice-Chancellor to convene the meeting of any authority of the University for specific purposes, whenever necessary, and the Vice-Chancellor shall submit the minutes of such meeting to the Chancellor for the Chancellor's perusal.

(3) The Chancellor may call for such information and record relating to any affairs of the University and thereupon issue such directions as the Chancellor may deem fit in the interest of the University and the authorities and officers of the University shall comply with such directions.

(4) The Chancellor may, after taking report in writing from the Vice-Chancellor, suspend or modify any resolution, order or proceedings of any authority, body, Committee of officers, which in the opinion of the Chancellor, is not in conformity with this Act, or the Statutes, Ordinances, Rules, regulations made thereunder, or is not in the interest of the University and the University authority, body, committee and officer shall comply with the same:

Provided that, before making any such order, the Chancellor shall call upon the University, authority, body, committee or officer, as the case may be, to show cause within the period specified, why such an order should not be made, and if any cause is shown, the Chancellor shall consider the same and wherever he deems it necessary, after consulting the Government, decide the action to be taken in the matter, and such decision shall be final.

(5) Where, in the opinion of the Chancellor, the conduct of any elected or nominated or appointed or co-opted member is detrimental to the smooth functioning of the University or any authority or body or committee, the Chancellor may, after giving such member an opportunity to offer explanation in writing and after considering such explanation, if any he is satisfied that it is necessary so to do, suspend or disqualify such member, for such period, as may deem fit.

(6) The Chancellor shall have the right to cause an inspection, to be made by such person or persons as he may direct, of the University, and also the examinations, teaching and other work conducted or done by the University, and to cause an inquiry to be made in the like manner in respect of any matter connected with the administration and finances of the University.

(7) The Chancellor shall, in every case, give notice to the University of his intention to cause an inspection or inquiry to be made, and the University shall be entitled to appoint a representative who shall have the right to be present and be heard at such inspection or inquiry.

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*(Sections 12-14.)*

(8) The Chancellor may address the Vice-Chancellor with reference to the result of such inspection or inquiry, and the Vice-Chancellor shall communicate to the General Council the views of the Chancellor along with such advice as the Chancellor may offer on the action to be taken thereon.

(9) The General Council shall communicate to the Chancellor through the Vice-Chancellor such action, if any, as it proposes to take, or as has been taken, on the result of such inspection or inquiry, within a time limit so fixed.

(10) Notwithstanding anything contained in the foregoing sub-sections, if at any time the Chancellor is of the opinion that in any matter the affairs of the University are not managed in furtherance of the objects of the University or in accordance with the provisions of this Act, and the Statutes and Regulations or that special measures are desirable to maintain the standards of University teaching, examinations, research, administration or finances, the Chancellor may refer to the Executive Council through the Vice-Chancellor any matter in regard to which he desires an explanation and call upon the Executive Council to offer such explanation within such time as may be specified by him. If the Executive Council fails to offer any explanation within the time specified or offers an explanation which in the opinion of the Chancellor, is not satisfactory, the Chancellor may issue such directions as appear to him to be necessary, and the Executive Council and any other authority concerned shall comply with such directions.

(11) The General Council shall furnish such information relating to the administration and finance of the University as the Chancellor may, from time to time, require.

(12) The Chancellor shall exercise such other powers, and perform such other duties, as may be conferred upon, or vested in, the Chancellor by or under this Act.

Authorities of the  
University.

12. The following shall be the authorities of the University:—

- (1) the General Council;
- (2) the Executive Council;
- (3) the Academic Council;
- (4) the Finance Committee;
- (5) the Planning Board;
- (6) the Board of Studies; and
- (7) such other authorities as may be declared by the Statutes to be the authorities of the University.

The General  
Council.

13. The General Council shall be the supreme authority of the University.

The Executive  
Council.

14. (1) The Executive Council shall be the principal executive body of the University.

(2) The administration, management and control of the University and the income thereof shall vest in the Executive Council which shall control and administer the property and funds of the University.

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*(Sections 15-17.)*

The Academic  
Council.

15. Subject to the provisions of this Act and the regulations, the Academic Council shall be the principal academic body of the University, and shall have the power of control and regulation in general of, and shall be responsible for, the maintenance of standards of instruction, education and examination of the University, and shall also exercise such other powers, and shall perform such other duties, as may be conferred or imposed upon it by this Act or the regulations. It shall also have the right to advise the Executive Council on the academic matters.

Officers of the  
University.

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

- (a) the Vice-Chancellor;
- (b) the Pro-Vice-Chancellor;
- (c) the Deans of Faculties;
- (d) the Registrar;
- (e) the Controller of Examinations;
- (f) the Finance Officer; and
- (g) such other officers as may be prescribed by regulations.

Regulations.

17. (1) Subject to the provisions of this Act, the Executive Council shall have, in addition to all other powers vested in it, the power to make regulations to provide for the administration and management of the affairs of the University:

Provided that the Executive Council shall not make any regulation affecting the status, powers or constitution of any authority of the University until such authority has been given an opportunity of expressing an opinion in writing on the proposed changes, and any opinion so expressed shall be considered by the Executive Council:

Provided further that the Executive Council shall, with prior concurrence of the Academic Council, make, amend or repeal any regulation affecting all or any of the following matters:—

- (i) the constitution, powers and duties of the Academic Council;
- (ii) the authorities responsible for organizing teaching in connection with the University courses and related academic programmes;
- (iii) awarding, suspending, withholding or withdrawal of diplomas, degrees, certificates or academic distinctions;
- (iv) establishment, abolition and amalgamation of Faculties, Departments and institutions;
- (v) prescribing the requirements of infrastructure and superstructure and other essential prerequisites for running any course in any institution or any group of institutions in adherence with the regulations made by the respective Councils;
- (vi) the conferment of medals, prizes, scholarships, studentships and any other distinctions;
- (vii) conduct standard of examinations and conditions and modes of appointment of examiners in any course of study;
- (viii) modalities of enrolment, admission and regulating the conduct of students;
- (ix) status of recognition of examinations.

(2) The Academic Council shall have the power to propose the regulations on all or any of the matters specified in clauses (i) to (ix) of sub-section (1) and matters incidental or related thereto.

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(Section 18.)

(3) Where the Executive Council has amended or rejected any regulation proposed by the Academic Council, the Academic Council may appeal to the Chancellor, and the Chancellor may, by order, direct that the proposed regulation may be laid before the next meeting of the General Council for its approval or modification or rejection, or that pending such approval or modification or rejection of the General Council, such regulation shall have effect from such date as may be specified in the order:

Provided that if the regulation is modified, or not approved, by the General Council at such meeting, it shall respectively be effected as modified, or cease to have effect, accordingly.

(4) All regulations made by the Executive Council shall be submitted, as soon as may be, for approval, to the Chancellor and to the General Council at its next meeting, and the General Council shall, by a resolution passed by a majority of not less than two-thirds of the members present, have the power to cancel or modify any regulations made by the Executive Council and such regulations shall, from the date of such resolution, cease to have effect, or be effective as modified.

Constitution and  
function of the  
General Council.

- 18.** (1) The General Council shall consist of the following members:—
- (a) the Chancellor;
  - (b) the Vice-Chancellor;
  - (c) three Pro-Vice-Chancellors;
  - (d) the Secretary, Health and Family Welfare Department, Government of West Bengal;
  - (e) the Secretary, Higher Education Department, Government of West Bengal;
  - (f) the Secretary, Finance Department, Government of West Bengal;
  - (g) six members, one each as nominated, by the State Government, to the Medical Council of India, the Dental Council of India, the Indian Nursing Council, the Pharmacy Council of India, the Central Council of Indian Medicine, and the Central Council of Homoeopathy;
  - (h) the Director of Health Services, West Bengal;
  - (i) the Director of Medical Education, West Bengal;
  - (j) the Chairman, West Bengal Human Rights Commission;
  - (k) two distinguished Doctors nominated by the Indian Medical Association, West Bengal Branch;
  - (l) two distinguished educationists nominated by the Vice-Chancellor;
  - (m) a person nominated by the University Grants Commission from amongst the members of the University Grants Commission;
  - (n) an eminent scholar nominated by the Government of West Bengal;
  - (o) three members elected by the Members of the West Bengal Legislative Assembly from amongst themselves in the manner as may be prescribed.

(2) The Chancellor shall be the Chairman of the General Council and a nominee of the General Council from amongst its members shall be the Chairman of the Finance Committee of the University.

(3) The terms of office of the members of the General Council shall be in the following manner:—

- (a) the term of office of the members of the General Council shall, subject to the provisions of clauses (b) and (c) of this sub-section, be three years:

Provided that the term of office of the members of the first General Council shall be five years;

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- (b) where a member of the General Council becomes a member by reason of the office or appointment he holds or is a nominated member, his membership shall terminate when he ceases to hold such office or appointment, as the case may be, or his nomination is withdrawn or cancelled;
  - (c) a member of the General Council shall cease to be a member of that Council if he resigns, or becomes of unsound mind, or becomes insolvent, or is convicted of a criminal offence involving moral turpitude, or if a member, other than the Vice-Chancellor or Pro-Vice-Chancellors, accepts a full time appointment in the University; and
  - (d) any vacancy in the General Council shall be filled up either by appointment or nomination, as the case may be, of a person by the respective authority entitled to make the same and the person so appointed or nominated shall hold office for so long as the member in whose place he is appointed or nominated could have hold office if such vacancy had not occurred.
- (4) The powers of the General Council shall be—
- (a) to review from time to time the different policies and programmes of the University and suggest measures for the improvement and development of the University:  

Provided that the Executive Council shall abide by such suggestions towards implementation of the same by way of framing regulations or otherwise, as the case may be;
  - (b) to consider and pass appropriate resolutions on the annual report, financial estimates, audit reports on the accounts of the University;
  - (c) to approve, modify or reject any regulations made by the Executive Council; and
  - (d) to perform such other functions as it may deem necessary for the efficient functioning and administration of the University.
- (5) Meeting of the General Council shall be held in the following manner:—
- (a) the General Council shall meet at least twice in a year. An annual meeting of the General Council shall be held on a date to be fixed by the Executive Council, unless some other date has been fixed by the General Council in respect of any year;
  - (b) the Chancellor shall preside over the meetings of the General Council. The Chancellor, in his absence, shall nominate a member of the Executive Council to preside and, in the absence of both of them, the Vice-Chancellor shall preside;
  - (c) a report of the working of the University during the preceding year, together with the statement of receipts and expenditures, the balance sheet as audited, and the financial estimates, shall be presented by the Vice-Chancellor to the General Council at its annual meeting;
  - (d) the meetings of the General Council shall be called on by the Chancellor, or in his absence, by the Vice-Chancellor, either on his own or at the request of not less than ten members of the General Council;
  - (e) for every meeting of the General Council, fifteen days' notice shall be given;
  - (f) one-third of the members of the General Council shall form the quorum for the meeting;

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- (g) each member of the General Council shall have one vote and if there be equality of votes on any question to be determined by the General Council, the Chancellor or the person presiding over the meeting shall, in addition, have a casting vote;
- (h) in the case of difference of opinion among the members, the opinion of the majority shall prevail; and
- (i) if any urgent action by the General Council becomes necessary, the Chancellor may permit the business to be transacted by circulation of papers to the members of the General Council. The action proposed to be taken shall not be taken unless agreed to by a majority of the members of the General Council. The action so taken shall be forthwith intimated to all the members of the General Council and the papers shall be placed at the next meeting of the General Council for ratification.

Constitution and  
function of the  
Executive  
Council.

19. (1) The Executive Council shall consist of the following members:—
- (a) the Vice-Chancellor;
  - (b) three Pro-Vice-Chancellors;
  - (c) the Director of Medical Education, West Bengal;
  - (d) the Director of Health Services, West Bengal;
  - (e) the Director of Homoeopathy, West Bengal;
  - (f) the Director of Ayurveda, West Bengal;
  - (g) a distinguished teacher from the West Bengal Nursing Services, nominated by the Government of West Bengal;
  - (h) a distinguished teacher from the West Bengal Dental Services, nominated by the Government of West Bengal;
  - (i) a Principal of any Institute of Pharmacy under the Government of West Bengal nominated by the Government of West Bengal;
  - (j) the President of, the West Bengal Medical Council, the State Homoeopathic Council, the State Ayurvedic Council, the State Unani Council, in the State of West Bengal;
  - (k) the Secretary, Department of Health and Family Welfare, Government of West Bengal or his nominee not below the rank of Deputy Secretary;
  - (l) the Secretary, Department of Finance, Government of West Bengal, or his nominee not below the rank of Deputy Secretary;
  - (m) two distinguished Professors of the West Bengal Medical Education Service nominated by the Department of Health and Family Welfare, Government of West Bengal;
  - (n) an officer of the Department of Health and Family Welfare nominated by the Government of West Bengal;
  - (o) two distinguished educationists nominated by the Chancellor of the University;
  - (p) one member elected by the Members of the West Bengal Legislative Assembly, in the manner as may be prescribed, from amongst such Members of the West Bengal Legislative Assembly as are Members of the General Council;
  - (q) a Dean of any Faculty nominated by the General Council.
- (2) The Vice-Chancellor shall be the Chairman of the Executive Council.

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(3) The term of office of the members of the Executive Council shall be three years subject to the following conditions:—

- (a) where a person has become a member of the Executive Council by reason of the office or appointment he holds, his membership shall terminate when he ceases to hold that office or appointment;
- (b) a member of the Executive Council shall cease to be a member if he resigns or becomes of unsound mind or becomes insolvent or is convicted of a criminal offence involving moral turpitude or if a member, other than the Vice-Chancellor or the Pro-Vice-Chancellor(s), accepts a full time appointment in the University;
- (c) if the membership of a member of the Executive Council is not previously terminated as provided in clauses (a) and (b) of this sub-section, such member shall relinquish his membership on the expiry of five years from the date on which he becomes member of the Executive Council but shall be eligible for renomination or reappointment, as the case may be;
- (d) a member of the Executive Council, other than an *ex officio* member, may resign his office by a letter addressed to the Chairman of the Executive Council and such resignation shall take effect as soon as it is accepted by the Chairman of the Executive Council;
- (e) any vacancy in the Executive Council shall be filled up, either by appointment or nomination, as the case may be, by the respective authority entitled to make the same, and, on the expiry of the period of filling the vacancy, such appointment or nomination shall cease to be effective.

(4) The powers and functions of the Executive Council shall be—

- (a) to appoint, the Vice-Chancellor, the Registrar, the Librarian, the Controller of Examinations, the Finance Officer and the members of the teaching staff, as may be necessary, on the recommendations of the Selection Committee constituted by regulations for the purpose:

Provided that no action shall be taken by the Executive Council, except in the cases covered by clause (b) of this sub-section, in regard to the number, qualifications and emoluments of teachers or any other person, otherwise than after consideration of the recommendations to the Academic Council;

- (b) to create administrative, ministerial and other necessary posts, to determine the number and emoluments of such posts, to specify minimum qualifications for appointment to such posts, and to appoint persons to such posts on such terms and conditions of service as may be prescribed by regulations in this behalf, or to delegate the power of appointments to such authority or authorities or officer or officers as the Executive Council may, from time to time, by resolution, either generally or specifically, direct;
- (c) to grant, in accordance with the regulations, leave of absence, other than casual leave, to any officer of the University and to make necessary arrangements for the discharge of the function of such officer during his absence;
- (d) to manage and regulate the finances, accounts, investments, property business and all other administrative affairs of the University and, for that purpose, to appoint such agents as it may think fit;
- (e) to invest any money belonging to the University, including any unapplied income, in such stock, funds, shares or securities, as it may think fit, or in the purchase of immovable property in India, with the like power to vary such investment from time to time;

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- (f) to transfer, or accept transfers, of any movable or immovable property on behalf of the University;
  - (g) to enter into, vary, carry out, or cancel contracts on behalf of the University and, for that purpose, to appoint such officers as it may think fit;
  - (h) to provide buildings, premises, furniture and apparatus and other means necessary for carrying on the work of the University;
  - (i) to entertain, adjudicate upon, and if it thinks fit, to redress the grievances of the officers of the University, the teachers, the students and the University employees, who may, for any reason, feel aggrieved, otherwise than by an act of a court;
  - (j) to appoint examiners and moderators, and, if necessary, to remove them and to fix their fees, emoluments and travelling and other allowances after consulting the Academic Council;
  - (k) to select a common seal for the University and to provide for the custody of the seal; and
  - (l) to exercise such other powers and to perform such other duties as may be conferred or imposed on it by or under this Act.
- (5) Meeting of the Executive Council shall be held in the following manner:—
- (a) the Executive Council shall meet at least once in six months and not less than fifteen days' notice shall be given for such meeting;
  - (b) one-third members of the Executive Council shall constitute a quorum for any meeting thereof;
  - (c) in the case of difference of opinion among the members, the opinion of the majority shall prevail;
  - (d) each member of the Executive Council shall have one vote and if there be equality of votes on any question to be determined by the Executive Council, the Chairman of the Executive Council or the member presiding over the meeting shall, in addition, have a casting vote;
  - (e) every meeting of the Executive Council shall be presided over by the Vice-Chancellor or, in his absence, by a member selected by the members present;
  - (f) if any urgent action by the Executive Council becomes necessary, the Vice-Chancellor may permit the business to be transacted by circulation of papers to the members of the Executive Council. The action proposed to be taken shall not be taken unless agreed to by a majority of members of the Executive Council. The action so taken shall forthwith be intimated to all the members of the Executive Council. The papers shall be placed at the next meeting of the Executive Council for ratification.
- (6) Constitution of the Standing Committee and appointment of *ad hoc* committees by the Executive Council shall be in the following manner:—
- (a) subject to the provisions of this Act and the regulations as may be made in this behalf, the Executive Council may, by resolution, constitute such Standing Committees or appoint *ad hoc* Committees for such purposes and with such powers as the Executive Council may think fit for exercising any power or discharging any function of the University for enquiring into, and reporting and advising upon, any matter relating to the University;
  - (b) the Executive Council may co-opt such persons to a Standing Committee or an *ad hoc* Committee as it considers suitable and may permit them to attend the meetings of the Executive Council.



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(7) The Executive Council may, by resolution, delegate to the Vice-Chancellor or the Pro-Vice-Chancellor(s) or to the Controller of Examinations such of its powers as it may deem fit, subject to the condition that the action taken by the Vice-Chancellor or Pro-Vice-Chancellor(s) or the Controller of Examinations in the exercise of the powers so delegated shall be reported at the next meeting of the Executive Council.

Constitution and  
function of the  
Academic  
Council.

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

- (a) the Vice-Chancellor who shall be the Chairman;
- (b) the three Pro-Vice-Chancellors;
- (c) the Controller of Examinations;
- (d) all Principals or Directors or Deans of all the Medical, Dental, Nursing Pharmacy, Homoeopathic, Ayurvedic, Unani teaching institutions in the State of West Bengal;
- (e) two distinguished teachers nominated by the Vice-Chancellor;
- (f) a nominee of the Government of West Bengal;
- (g) a representative from each (undergraduate and post-graduate) discipline not below the rank of Associate Professor, to be nominated by the Vice-Chancellor;
- (h) the Director of Medical Education, West Bengal; and
- (i) a nominee of the University Grants Commission.

(2) The term of office of the members of the Academic Council shall be three years.

(3) Subject to the provisions of this Act and the regulations made thereunder, the Academic Council shall, in addition to all other powers vested in it, have the following powers:—

- (a) to report on any matter referred or delegated to it by the General Council or the Executive Council;
- (b) to make recommendations to the Executive Council with regard to the creation, abolition or classification of teaching posts in the University and the emoluments and the duties attached thereto;
- (c) to formulate and modify or revise schemes for the organization of the Faculties, and to assign to such Faculties their respective subjects and also to report to the Executive Council as to the expediency of the abolition or sub-division of any Faculty or the combination of one Faculty with another;
- (d) to make arrangements by regulations for the instruction and examination of persons other than those enrolled in the University;
- (e) to promote research within the Universities and to require, from time to time, reports on such research;
- (f) to consider proposals submitted by the Faculties;
- (g) to appoint committees for admission to the University;
- (h) to recognize diplomas and degrees of other universities and institutions and to determine their equivalence in relation to the diplomas and degrees of the University;
- (i) to fix, subject to any conditions accepted by the General Council, the time, mode and conditions of competition for fellowships, scholarships and other prizes and to award the same;
- (j) to make recommendations to the Executive Council in regard to the appointment of examiners and, if necessary, their removal and the fixation of their fees, emoluments and travelling and other expenses;

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- (k) to make arrangements for the conduct of examinations and to fix dates for holding them;
- (l) to declare the result of the various examinations, or to appoint committees or officers to do so, and to make recommendations regarding the conferment or grant of degrees, honours, diplomas, licences, titles and marks of honour;
- (m) to recommend establishment of University Departments, Institutions, Centres, Libraries, Laboratories for study and research and to award stipends, scholarships, bursarship, medals and prizes, the institutional fellowships, travelling fellowships and to make other awards in accordance with the regulations and on such conditions as may be attached to the awards;
- (n) to publish lists of prescribed or recommended text-books and to publish syllabi of the prescribed courses of study;
- (o) to prepare such forms and registers as may be, from time to time, prescribed by regulations;
- (p) to perform, in relation to academic matters, all such duties and to do all such acts as may be necessary for the proper carrying out of the provisions of this Act and the regulations made thereunder; and
- (q) to delegate any duty or responsibility to the Controller of Examinations as may deem fit for expeditious disposal of such matter related to clause (j), clause (k) and clause (l).

(4) The procedure of meetings of the Academic Council shall be in the following manner:—

- (a) the Academic Council shall meet as often as may be necessary but at least once in every three months;
- (b) one-half of the total number of members of the Academic Council present shall form quorum for a meeting of the Academic Council;
- (c) in the case of difference of opinion among the members, the opinion of the majority shall prevail;
- (d) each member of the Academic Council shall have one vote and if there be an equality of votes on any question to be determined by the Academic Council, the Chairman of the Academic Council or the member presiding over the meeting shall, in addition, have a casting vote;
- (e) every meeting of the Academic Council shall be presided over by the Chairman of the Academic Council and, in his absence, by a member selected by the members present at the meeting;
- (f) if any urgent action by the Academic Council becomes necessary, the Chairman of the Academic Council may permit the business to be transacted by circulation of papers to the members of the Academic Council. The action proposed to be taken shall not be taken unless agreed to by a majority of members of the Academic Council. The action so taken shall forthwith be intimated to all the members of the Academic Council. The papers shall be placed at the next meeting of the Academic Council for confirmation.

Constitution and  
function of the  
Finance  
Committee.

21. (1) There shall be a Finance Committee constituted by the Executive Council consisting of the following members:—

- (a) the Chairman of the Finance Committee to be nominated by the General Council from amongst its members of the University;
- (b) the Vice-Chancellor;
- (c) the Finance Officer; and
- (d) three members shall be nominated by the Executive Council from amongst its members, out of whom at least one shall be from the Finance Department of the Government of West Bengal.

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(2) The members of the Finance Committee, other than the Vice-Chancellor and the Finance Officer shall hold office for a term of three years.

(3) The functions and duties of the Finance Committee shall be as follows:—

- (a) to examine and scrutinize the annual budget of the University and to make recommendations on financial matters to the Executive Council;
- (b) to consider all proposals for new expenditure and to make recommendation to the Executive Council;
- (c) to consider the periodical statements of accounts and to review the finances of the University, from time to time, to consider reappropriation statement on audit reports and to make recommendations to the Executive Council;
- (d) to give its views and to make recommendations to the Executive Council on any financial question affecting the University, either on its own initiative or on reference from the Executive Council or the Vice-Chancellor.

(4) The Finance Committee shall meet at least once every year. Three members of the Finance Committee shall form the quorum for a meeting of the Finance Committee.

(5) The Chairman of the Finance Committee of the University shall preside over the meetings of the Finance Committee, and, in his absence, the Vice-Chancellor shall preside. In the case of difference of opinion among the members, the opinion of the majority of the members present shall prevail.

(6) The Finance Committee shall entrust duties and responsibilities to the Finance Officer as may deem suitable.

Planning Board.

22. (1) The Planning Board shall be responsible for development plan of the University, both physical and academic, and it shall conduct academic audit of the Board, University Departments, institutions, colleges and recognised institutions. It shall also plan, monitor, guide and co-ordinate undergraduate and post-graduate academic programme and development of affiliated colleges.

(2) It shall consist of the following members, namely:—

- (a) the Vice-Chancellor—Chairperson;
- (b) three Pro-Vice-Chancellors;
- (c) one Dean of any Faculty nominated by the Academic Council;
- (d) one teacher, imparting post-graduate instruction having not less than sixteen years of teaching experience, nominated by the Vice-Chancellor;
- (e) one teacher, imparting undergraduate instruction having not less than sixteen years of teaching experience, nominated by the Executive Council;
- (f) one Principal of an affiliated college of Health Sciences, nominated by the Executive Council from amongst the Principals who are members of the Academic Council;
- (g) one Principal of an affiliated professional college nominated by the Executive Council;
- (h) two experts, co-opted by the Board, from amongst the Heads of National and State level research institutions;
- (i) the Director of the Planning Board—Member-Secretary:

Provided that the members, nominated in clauses (c) to (i) of this sub-section, as far as practicable, shall be drawn from different faculties.

(3) The Board shall actively establish collaboration with National and International Health Science Institutions.

(4) The Board shall meet at least twice a year.

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(Sections 23-25.)

Powers and duties  
of Planning  
Board.

**23. The Board shall—**

- (1) suggest measures to create links and develop specific schemes of Inter-University, University and college interaction with industry, agriculture, banks, commerce, science and community;
- (2) prepare University and college development plans, both short-term and long-term, keeping in view the objectives of the University as laid down in the Act and with due regard to the State and National Educational Policy;
- (3) recommend to the Executive Council the development and collaborative programmes for the departments, colleges and the University;
- (4) monitor and report the progress of all such approved development and collaborative programmes to the Executive Council once a year;
- (5) evaluate and assess the use of grants by University Department, post-graduate centres and affiliated colleges in respect of development projects and submit the report to the Academic Council;
- (6) organise academic audit of development and collaborative programmes of University institutions or Departments, post-graduate centres and affiliated colleges, according to the provisions of the Statutes at least once in three years and make necessary recommendations to the University for implementation;
- (7) scrutinise the applications received for establishment of new colleges or institutions for affiliation to the University and process the same for forwarding to the State Government as provided by the Statutes.

Prior approval of  
the Government  
on certain matters.

**24. Notwithstanding anything contained in this Act, the University shall not—**

- (a) create any post of officer, teacher or other employees,
- (b) revise pay, allowances, retirement benefits or any other benefit of its officers, teachers and other employees,
- (c) grant any special pay, allowance or any other extra remuneration, including *ex gratia* payment or any other benefit involving financial implications, to any of its officer, teacher or other employees,
- (d) incur expenditure on any developmental work from the fund received from the Government or University Grants Commission or any person or body for any purpose other than that for which the fund has been received,

without the prior approval of the Government.

Statutes.

**25. Subject to the provisions of this Act, Statutes may provide for all or any of the following matters, namely:—**

- (1) conferment of honorary degrees and holding convocation;
- (2) the establishment and maintenance of the University Departments, institutions, conducted colleges, institutions of higher learning, research or specialized studies and hostels;
- (3) the powers and duties of the officers of the University;
- (4) the powers and duties of the authorities of the University;
- (5) the principles governing the seniority and service conditions of the employees of the University;
- (6) the provision for disqualifying members of the authorities, bodies or committees of the University;
- (7) abolition of University Departments or institutions and conducted colleges;
- (8) qualifications, recruitment, workload, code of conduct, terms of office, duties and conditions of service, including periodic assessment of teachers, officers and other employees of the University and the affiliated colleges (except those colleges or institutions maintained by the State or Central Government or a local authority), the provisions of pension.

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(Section 26.)

- gratuity and provident fund, the manner of termination of their services, as approved by the State Government;
- (9) the rules and procedures for holding elections to the General Council, the Executive Council and other authorities and bodies of the University;
  - (10) application of funds of the University for furtherance of the objects of the University;
  - (11) norms of affiliation of colleges or for withdrawing the affiliation of the colleges;
  - (12) the norms for grant of autonomy to University Departments or institutions, affiliated colleges and recognized institutions, subject to the approval of the State Government;
  - (13) acceptance and management of trusts, bequests, donations, endowments and grants from individuals or organizations;
  - (14) provision of reservation of adequate number of posts of teachers, officers and other employees of the University, affiliated colleges and recognized institutions, for members of the Scheduled Castes and Scheduled Tribes and Other Backward Classes in accordance with the policy of the State Government;
  - (15) number of working days, number of actual days of instructions, holidays other than Sundays, vacation and terms in academic year;
  - (16) disciplinary action against defaulting teachers, officers and other employees of the University, affiliated colleges and recognized institutions other than colleges or institutions managed and maintained by the State Government or Central Government or Local Authorities;
  - (17) the taking over or transferring, in the public interest, of the management of a college or institution by the University and the conditions for such taking over or transferring, subject to the approval of the State Government;
  - (18) any matter which is to be prescribed or which is necessary to give effect to the provisions of this Act.

How to make  
Statutes.

26. (1) The Statutes may be made, amended or repealed by the General Council in the manner hereinafter provided.

(2) The General Council may take into consideration the draft of a Statute either of its own motion or on a proposal by the Executive Council in the case of a draft which is not proposed by the Executive Council, the General Council before considering the same, shall obtain in the opinion of the Executive Council:

Provided that, if the Executive Council fails to submit its opinion within three months from the date it receives the draft, the General Council may proceed to take the draft into consideration.

(3) The General Council, if it thinks necessary, may also obtain the opinion of any officer, authority or body of the University in regard to any draft Statute which is before it for consideration:

Provided that where any such draft Statute pertains to academic matters, the General Council shall obtain the opinion of the Academic Council before considering the same.

(4) Every Statute passed by the General Council shall be submitted to the Chancellor who may give or withhold his assent thereto, or send it back to the General Council for reconsideration.

(5) No Statute passed by the General Council shall be valid or shall come into force until assented to, by the Chancellor.

(6) Notwithstanding anything contained in the foregoing sub-sections, the Chancellor, either *suo motu* or on the advice of the Government, may, direct the University to make provisions in Statutes in respect of any matter specified by him and if the General Council fails to implement such a direction within sixty days of its receipt, the Chancellor may, after considering the reasons, if any, communicated by the General Council for its inability to comply with such direction, make or amend Statutes suitably.

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(Sections 27, 28.)

Ordinances.

**27.** Subject to the conditions prescribed by or under this Act, the Executive Council may make Ordinance, to provide for all or any of the following matters, namely:—

- (i) the conditions under which students shall be admitted to courses of study for degree, diploma, certificate and other academic distinctions;
- (ii) the fees to be charged for enrolment of students for attending such courses in the University and the conducted colleges (including the tuition fees and hostel charges), which shall, as far as possible, be uniform for the colleges situated in the same local areas, for admission to the examinations leading to degrees, diplomas, certificate and other academic distinctions, and for registration of graduates;
- (iii) the conditions of residence, conduct and discipline of the students of the University, and action to be taken against them for breach of discipline or misconduct, including the following:—
  - (a) use of unfair means at an examination or abatement thereof,
  - (b) refusal to appear or give evidence in any authorized inquiry by an officer in charge of an examination, or by any officer or authority of the university, or
  - (c) disorderly or otherwise objectionable conduct, whether within or outside the University;
- (iv) the qualifications and classification of teachers in University Departments, colleges and recognized institutions;
- (v) the conditions governing the appointment and duties of examiners;
- (vi) the conduct of examinations and other tests, and the manner in which the candidates may be assessed or examined by the examiners;
- (vii) the recognition of teachers of the University and the conditions subject to which persons may be recognized as qualified to give instructions in the University Departments, colleges and recognized institutions;
- (viii) the inspection of colleges, recognized institutions, halls and hostels;
- (ix) the mode of execution of contracts or agreements for, by or on behalf of the University;
- (x) the rules to be observed and enforced by colleges and recognized institutions regarding transfer of students wherever necessary;
- (xi) the powers and functions of students' associations and other organization in colleges;
- (xii) all other matters which, by or under this Act or Statutes, are to be or may be, provided for by Ordinance; and
- (xiii) generally, all matters for which provision is, in the opinion of the Executive Council, necessary for the exercise of the powers conferred, or the performance of the duties imposed, on the Executive Council by or under this Act or Statutes.

How to make  
Ordinances.

**28.** (1) The Executive Council may make, amend or repeal Ordinances in the manner hereinafter provided.

(2) No Ordinance concerning the matters referred to in clauses (i) to (vii) of section 26 or any other matter connected with the maintenance of the standards of teaching and examinations within the University, shall be made by the Executive Council unless a draft thereof has been proposed by the Academic Council.

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(Sections 29, 30.)

(3) The Executive Council shall not have the power to amend any draft proposed by the Academic Council under sub-section (2), but may reject or return it to the Academic Council for reconsideration, in part or in whole, together with any amendments which the Executive Council may suggest.

(4) All Ordinances made by the Executive Council shall have effect from such date as it may direct, but every Ordinance so made shall be submitted to the Chancellor within two weeks. The Chancellor shall have the power to direct the Executive Council, within four weeks of the receipt of the Ordinance, to suspend its operation and he shall, as soon as possible, inform the Executive Council of his objection to it. He may, after receiving the comments of the Executive Council, either withdraw the order suspending the Ordinance or disallow the Ordinance, and his decision shall be final.

Rules.

29. (1) Subject to the conditions prescribed by or under this Act, and the approval of the Executive Council, the Academic Council may make Rules in consistent with this Act, Statutes and Ordinances, providing for all or any of the matters which, by or under this Act, Statutes or Ordinances, are to be or may be provided for by Rules, and for all other matters solely concerning itself.

(2) Any authority or body may, subject to the previous approval of the Executive Council, make Rules, in consistent with this Act, the Statutes, Ordinances and Rules, for—

- (a) giving notice of the dates and hours of its meetings and of the business to be conducted thereat;
- (b) regulating the procedure at its meeting and the number of members required to form a quorum, and keeping of records of the proceedings of such meetings;
- (c) providing for all matters solely concerning such authority or body.

(3) All Rules shall be submitted to the Executive Council which may amend or annul them in such manner as it thinks proper, after ascertaining and considering the views of the authority or body making them.

Board of Studies.

30. (1) There shall be a Board of Studies for every subject or group of subjects as may be prescribed by the Statutes.

(2) The Board of Studies shall consist of—

- (a) the Head of the University Department or institution in the relevant subject:

Provided that where there is no University Department in the subject, the Board shall, at its first meeting, co-opt the Head of the Department from an affiliated college having post-graduate degree in teaching in that subject; and

- (b) six Heads of Departments in affiliated colleges, other than principals, having not less than ten years teaching experience, elected in the manner as may be prescribed by the Heads of Departments in affiliated colleges from amongst themselves.

(3) The Board, at its first meeting, shall co-opt—

- (a) one post-graduate teacher having not less than ten years teaching experience, from amongst the teachers of affiliated colleges having post-graduate teaching in the subject;
- (b) one teacher, having not less than ten years teaching experience from amongst affiliated college teachers in the subject, who is not Head of the Department in the University or affiliated college or principal;

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(Sections 31, 32.)

- (c) two eminent persons who are—
  - (i) either professors or readers in other universities, or
  - (ii) persons holding rank not lower than that of Assistant Director in National laboratories or institutions or recognised institutions, or
  - (iii) experts in related field having published—
    - (A) at least one book, or
    - (B) research paper in recognised National or International Journals.

(4) The Chairperson shall be elected in the manner as may be prescribed by the members of the Board from amongst themselves.

Powers and  
functions of Board  
of Studies.

31. The Board of Studies shall have the following powers and functions, namely:—

- (a) to recommend, upon reference to it by the Executive Council, or Academic Council or the faculty concerned or otherwise, the courses of study in the subject or group of subjects within its purview;
- (b) to recommend books, including text books, supplementary reading, reference books and other material for such courses of study;
- (c) to recommend to the Academic Council for its approval the preparation and publication of selections, or writing or work of authors and other matters as well as material consequent to curriculum development by the teachers of the University for its introduction in the syllabi of the courses of study under the purview of the Board in accordance with the Regulations made by the Academic Council in that behalf;
- (d) to advise the faculty or faculties regarding improvements in the courses of study;
- (e) to recommend names of suitable persons for inclusion in the panels for appointment of paper-setters, examiners and moderators at the University examinations in the subject by the Board of Examinations;
- (f) to recommend to the Board of Examinations, names of persons suitable for appointment of referees for evaluation of Thesis and Dissertations and for conduct of *viva voce* examinations, wherever prescribed, for awarding post-graduate, doctorate and higher degrees;
- (g) to suggest organisation of orientation and refresher courses in the subject;
- (h) to prepare requirements in respect of teaching of the subject at various levels in respect of teachers and their qualifications, library, laboratory and hospital equipment and consumables for the use for the Planning Board for formulating the norms and requirements for granting affiliation or extension or continuation of affiliation to colleges and for granting recognition or extension or continuation of recognition to institutions by the University.

The Vice-  
Chancellor.

32. (1) The Vice-Chancellor of the University shall be appointed by the Executive Council in consultation with the Chancellor in accordance with the regulations made in that behalf:

Provided that the first Vice-Chancellor shall be appointed by the Government of West Bengal in consultation with the Chancellor.



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*(Section 33.)*

(2) Subject to the specific and general directions of the Executive Council, the Vice-Chancellor shall exercise all the powers of the Executive Council for management and administration of the University and shall also exercise all such powers as may be delegated to him by the Executive Council.

(3) The Vice-Chancellor, who shall be a Professor of Modern System of Medicine shall hold office for a term of three years, which shall be renewable for one more term only by a resolution to that effect by the Executive Council.

(4) The Vice-Chancellor shall—

- (a) ensure that the provisions of this Act and the regulations are duly observed, and he shall have all such powers as are necessary for that purpose;
- (b) convene the meetings of the General Council, the Executive Council and the Academic Council and shall perform such other acts as may be necessary to give effect to the provisions of this Act;
- (c) represent the University in suits or proceedings by or against the University, sign power of attorney and verify the pleadings or depute representatives for the purpose;
- (d) have all such powers as are necessary for proper maintenance of discipline in the University.

(5) If, in the opinion of the Vice-Chancellor, any emergency has arisen, and such emergency requires that immediate action should be taken, he shall take such action as he deems necessary and shall report the same for ratification at the next meeting of the authority, which, in the ordinary course, would have dealt with the matter.

The Pro-Vice-Chancellor.

33. (1) There shall be three Pro-Vice-Chancellors in the University who shall be appointed by the Executive Council in consultation with the Chancellor in accordance with the regulations made on that behalf:

Provided that the first Pro-Vice-Chancellor shall be appointed by the Government of West Bengal in consultation with the Chancellor.

(2) The Pro-Vice-Chancellor shall be of Pro-Vice-Chancellor (Medical Faculty), Pro-Vice-Chancellor (Dental, Paradental and Paramedical Faculty), and, Pro-Vice-Chancellor (Ayurvedic, Unani and Homoeopathic Faculty).

(3) Subject to the specific and general directions of the Executive Council, each Pro-Vice-Chancellor shall exercise all such powers for management and administration of the University, as may be delegated to each of them by the Executive Council.

(4) The Pro-Vice-Chancellor (Medical Faculty) shall be a Professor of Modern System of Medicine, the Pro-Vice-Chancellor (Dental, Paradental and Paramedical Faculty) shall be a Professor of Dentistry or Pharmacy or Principal of a State Dental College or State Pharmacy College or State Nursing College, and the Pro-Vice-Chancellor (Ayurvedic, Unani and Homoeopathic Faculty) shall be a Principal of a State Ayurvedic Medical College, or State Unani Medical College, or State Homoeopathic Medical College.

(5) Each Pro-Vice-Chancellor shall hold office for a term of three years, which shall be renewable for one more term only by a resolution to that effect by the Executive Council. Upon the expiry of his term, he shall continue in office until a successor is appointed and enters upon his office.

(6) Each Pro-Vice-Chancellor shall ensure that the provisions of this Act and the regulations made thereunder are duly observed so far the respective faculty is concerned.

(7) The Pro-Vice-Chancellor (Medical Faculty) and in his absence, the senior of the other two Pro-Vice-Chancellors, shall exercise all the powers of the Vice-Chancellor in the event of occurrence of any vacancy in the office of the Vice-Chancellor by reasons of his death, resignation, expiry of term or otherwise and in his temporary absence owing to leave, illness or any other reasons.

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(Sections 34-36.)

The Registrar.

**34.** (1) The Registrar shall be appointed by the Executive Council and shall be a whole-time officer of the University. The terms and conditions of service of the Registrar shall be such as may be prescribed by regulations.

(2) The Registrar shall be the *ex-officio* Secretary of the Executive Council, the Finance Committee and the Faculties, but shall not be deemed to be a member of any of these authorities.

(3) The Registrar shall—

- (a) comply with all directions and orders of the Executive Council and the Vice-Chancellor;
- (b) be the custodian of the records, common seal and such other property of the University as the Executive Council may commit to his charge;
- (c) issue notices convening meeting of the Executive Council, the Academic Council, the Finance Committee, the Faculties, and of any committee appointed by any authority of the University;
- (d) keep the minutes of all meetings of the Executive Council, the Academic Council, the Finance Committee, the Faculties, and any committee appointed by any authority of the University;
- (e) conduct the official correspondence of the Executive Council and the Academic Council;
- (f) supply the Chancellor the copies of the agenda of the meetings of the authorities of the University as soon as they are issued, and the minutes of the meetings of the authorities ordinarily within a month of the holding of the meeting;
- (g) call a meeting of the Executive Council forthwith in an emergency, when neither the Vice-Chancellor nor the officer duly authorised is able to act and to take its directions for carrying on the work of the University;
- (h) be directly responsible to the Vice-Chancellor for the proper discharge of his duties and functions; and
- (i) perform such other duties as may be assigned to him, from time to time, by the Executive Council or the Vice-Chancellor.

(4) In the event of the post of the Registrar remaining vacant for any reason, it shall be open to the Vice-Chancellor to authorise any officer in the service of the University to exercise such powers, and perform such functions and duties of the Registrar, as the Vice-Chancellor may deem fit.

Controller of  
Examinations.

**35.** (1) The Controller of Examinations shall be appointed by the Executive Council and shall be a whole-time officer of the University. The salary and allowances, terms and conditions of service of the Controller of Examinations shall be such as may be prescribed by regulations.

(2) Subject to the general and specific directions of the Executive Council and Academic Council, the Controller of Examinations shall exercise all such powers for management and administration of the University, as may be delegated to him by the Executive Council and the Academic Council, and shall be in charge of the conduct of examinations in the University and matters related thereto.

(3) The Controller of Examinations shall ensure that all the specific directions of the Executive Council or the Academic Council or the Vice-Chancellor are complied-with.

(4) The Controller of Examinations shall be a permanent invitee to the Executive Council but he shall have no right to vote.

The Finance  
Officer.

**36.** (1) The Finance Officer shall be appointed by the Executive Council and shall be a whole-time officer of the University. The terms and conditions of service of the Finance Officer shall be such as may be prescribed by regulations.

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(Sections 37-40.)

(2) Subject to general and specific directions of the Executive Council and the Finance Committee, the Finance Officer shall be responsible for discharging and carrying out all such functions and jobs which are entrusted upon him by the Executive Council or the Finance Committee, and the Finance Officer shall ensure that all such directions and orders are complied with.

(3) The Finance Officer shall also be responsible for preparation of annual financial estimates, the annual statement of accounts and balance-sheets, and shall exercise general supervision over the funds of the University.

(4) The Finance Officer shall be a permanent invitee to the Executive Council but he shall have no right to vote.

Other officers and employees.

37. (1) Subject to the regulations made in this behalf, every other officer or employee of the University shall be appointed under a written contract setting out the conditions of service as prescribed by regulations, which shall be lodged with the University and a copy thereof furnished to the officer or employee concerned.

(2) Any dispute arising out of the contract between the University and any of its officers or employees shall, at the request of the officer or the employee concerned, or at the instance of the University, be referred to a Tribunal for arbitration consisting of three members appointed by the Executive Council in such manner as may be prescribed by the regulations.

Provident fund, gratuity and pension schemes.

38. All permanent employees of the University shall be entitled to the benefit of the provident fund, gratuity and pension in accordance with such regulations as may be made in that behalf by the Executive Council.

Funds of the University.

39. (1) There shall be a Fund for the University to be called the University Fund. The Fund shall include—

- (a) any contribution or grant made by the State Government;
- (b) any contribution or grant made by the University Grants Commission or the Central Government;
- (c) any contribution made by the Medical Council of India;
- (d) any contribution made by any State Medical Council;
- (e) any bequests, donations, endowments or other grants made by private individuals and trusts, public or private;
- (f) income received by the University from fees and charges; and
- (g) amounts received from any other source.

(2) The amount in the said Fund shall be kept in a Scheduled Bank as defined in the Reserve Bank of India Act, 1934, or in a corresponding new bank constituted under the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970, or the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980, or may be invested in such securities authorised by the Indian Trusts Act, 1882, as may be decided by the Executive Council.

2 of 1934.

5 of 1970.

40 of 1980.

2 of 1882.

(3) The said Fund may be employed for such purposes of the University, and in such manner, as may be prescribed by regulations.

Annual accounts and audit.

40. (1) The Annual Accounts of the University shall be prepared under the directions of the Executive Council.

(2) The accounts of the University shall, at least once in a year, be audited by the auditors appointed by the Executive Council:

Provided that the State Government shall have the power to direct, whenever considered necessary, an audit of the accounts of the University, including the institutions managed by it, by such auditors as the State Government may specify.

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*(Sections 41-45.)*

(3) The Accounts when audited shall be published by the Executive Council, and a copy of the accounts together with the audit report shall be placed before the Executive Council and shall also be submitted to the State Government.

(4) The annual accounts shall be considered by the General Council at its annual meeting. The General Council may pass resolutions with reference thereto and communicate the same to the Executive Council. The Executive Council shall consider the suggestions made by the General Council and take such action thereon as it thinks fit. The Executive Council shall inform the General Council at its next meeting all actions taken by it or the reasons for not taking action.

**Budget.**

**41.** (1) The Executive Council shall prepare, before such date as may be prescribed by regulations, the budget for the ensuing year and place the same before the General Council.

(2) The Executive Council may, in the case where an expenditure in excess of the amount provided in the budget is to be incurred or in the case of urgency, for reasons to be recorded in writing, incur expenditure subject to such conditions and restrictions as may be specified in the regulations. Where no provision has been made in the budget in respect of such excess expenditure, a report shall be made to the General Council at its next meeting.

**Annual Report.**

**42.** (1) The Executive Council shall prepare the Annual Report containing such particulars as the General Council may specify, covering each financial year, and submit it to the General Council on or before such date as may be prescribed by regulations. The General Council may pass resolutions thereon and the Executive Council shall take action in accordance therewith. The action taken shall be intimated to the General Council.

(2) Copies of the Annual Report along with the resolution of the General Council thereon shall be submitted to the State Government. The State Government shall lay the same before the State Legislature at its next earliest session.

**Contracts.**

**43.** All contracts relating to the management and administration of the University shall be expressed to be made by the Executive Council and shall be executed by the Vice-Chancellor when the value of the contract is above twenty lakhs of rupees and by the Registrar when its value does not exceed twenty lakhs of rupees.

**Eligibility for  
admission of  
students.**

**44.** No student shall be eligible for admission to a course of study for a degree or diploma, unless he possesses such qualifications as may be prescribed by regulations.

**Discipline.**

**45.** (1) The final authority responsible for maintenance of discipline among the students of the University shall be the Vice-Chancellor. His directions in that behalf shall be carried out by the Heads of Departments, hostels and institutions.

(2) Notwithstanding anything contained in sub-section (1), the punishment of debarring a student from an examination or rustication from the University or a hostel or an institution shall, on the report of the Vice-Chancellor, be considered and imposed by the Executive Council:

Provided that no such punishment shall be imposed without giving the student concerned a reasonable opportunity to show cause against the action proposed to be taken against him.

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(Sections 46, 47.)

Conditions for  
affiliation and  
recognition.

46. The Management applying for affiliation or recognition and management whose college or institution has been granted affiliation or recognition, shall give or comply with the following undertaking:—

- (a) that the provisions of this Act, and the regulations made thereunder and the standing orders and directions of the University, shall be observed;
- (b) that there shall be a separate local managing committee provided for an affiliated college as provided by section 49;
- (c) that the number of students admitted for courses of study shall not exceed the limits prescribed by the University and the Government;
- (d) that there shall be suitable and adequate physical facilities such as building, laboratories, libraries, books, equipments required for teaching and research hostels, gymnasium, as may be prescribed by Statutes;
- (e) that the financial resources of the college or institutions shall be such as to make due provision for its continued maintenance and working;
- (f) that the strength and qualifications of teaching and non-teaching staff of the affiliated colleges and recognised institutions and the emoluments and the terms and conditions of service of the staff of affiliated colleges shall be such as may be prescribed by the University and which shall be sufficient to make due provision for courses of study, teaching or training or research, efficiently;
- (g) that the services of all teaching and non-teaching employees and the facilities of the college to be affiliated shall be made available for conducting examinations and for promoting other activities of the University;
- (h) that the directions, and orders issued by the Chancellor, Vice-Chancellor and other officers of the University in exercise of the powers conferred on them under the provisions of this Act, Statutes, Ordinances, Rules and Regulations shall be complied with;
- (i) that there shall be no transfer of the management without previous permission of the University;
- (j) that the college or institution shall not be closed without previous permission of the University;
- (k) that in the event of disaffiliation or derecognition under section 55, or closure of the college or institution under section 56, all the assets of the college or institution including building and equipment which have been constructed or created out of the amount paid as a grant-in-aid by the Government or the University Grants Commission shall vest in the Government.

Procedure for  
permission for  
opening a new  
college or  
institution.

47. (1) The University shall prepare a perspective plan for educational development for the location of institutions of higher learning in a manner ensuring equitable distribution of facilities of Health Sciences Education having due regard, in particular, to the needs of unserved and underdeveloped areas within the jurisdiction of the University. Such plan shall be prepared by the Academic Council and shall be placed before the General Council through the Executive Council and shall be updated every five years.

(2) No application for opening a new college or institution of higher learning which is not in conformity with such plan, shall be considered by the University.

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(Section 48.)

(3) The management seeking permission to open a new college or institution of higher learning shall apply in the prescribed form to the Registrar of the University before the last day of October of the year from which the permission is sought.

(4) All such applications received within the aforesaid prescribed time-limit shall be scrutinised by the Planning Board and be forwarded to the Government with the approval of the Executive Council on or before the last day of December of the year, with such recommendations (duly supported by relevant reasons) as may deem appropriate by the Executive Council.

(5) Out of the applications recommended by the University, the Government may grant permission to such institutions as it may consider right and proper in its absolute discretion, taking into account the Government's budgetary resources, the suitability of the managements seeking permission to open new institutions regarding learning of Health Sciences:

Provided that, in exceptional cases and for reasons to be recorded in writing, any application not recommended by the University may be approved by the State Government for starting a new college or institution regarding learning of Health Sciences.

(6) No application shall be entertained directly by the Government for the grant of permission for opening a new college or institution or regarding learning of Health Sciences.

Procedure for  
affiliation.

**48.** (1) On receipt of the permission from the Government under section 46, the Academic Council of the University shall consider grant of first time affiliation to a new college or institution by following the prescribed procedure given in sub-section (2) and after taking into account whether, and the extent to which, the stipulated co-ordinations have been fulfilled by the college or institution. The decision of the Academic Council in this regard shall be final.

(2) For the purpose of considering the application for the grant of affiliation, the Academic Council shall cause an inquiry by a committee constituted for the purpose by that Council.

(3) The Academic Council shall decide—

- (a) whether affiliation should be granted or rejected;
- (b) whether affiliation should be granted in whole or in part;
- (c) subjects, courses of study, the number of students to be admitted;
- (d) conditions, if any, which may be stipulated, while granting, or for granting the affiliation.

(4) The Registrar shall communicate the decision of the Academic Council to the applicant with a copy to the Secretary, Medical Education and Drugs Department, and the application for affiliation shall be granted along with intimation regarding—

- (a) the subjects and the courses of study approved for affiliation;
- (b) the number of students to be admitted;
- (c) the conditions, if any, subject to the fulfilment of which the approval is granted.

(5) The procedure referred to in section 46 shall apply, *mutatis mutandis*, for the permission to open new courses, additional faculties, new subjects and additional divisions.

(6) No students shall be admitted by the college or institution unless the first time affiliation has been granted by the University to such college or institution.

(7) The procedure referred to in section 50 shall apply, *mutatis mutandis*, for the consideration of continuation of affiliation, from time to time.

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*(Sections 49, 50.)*

Procedure for  
recognition of  
institutions.

49. (1) The management of an institution, actively conducting research or specialised studies for a period not less than five years, and seeking recognition, shall apply to the Registrar of the University with full information regarding the following matters, namely:—

- (a) the constitution and number of personnel of the management;
- (b) the subjects and courses of study for which recognition is sought for;
- (c) the accommodation, equipment and the number of students for whom provision has been made;
- (d) the permanent, visiting and honorary staff of the institution, recognised for guiding research or recognizable for the purpose by the University; their experience, evidence of research work carried out at the institution, publications, reports, monographs, books published by the institution;
- (e) the fees levied, or proposed to be levied, and the provisions made for capital expenditure on building equipment and for the continued maintenance and efficient working of the institution.

(2) Before considering such an application, the Planning Board may call for any further information which it deems fit.

(3) If the Planning Board decides to consider the application, it may direct a local inquiry to be made by competent persons having specialised knowledge in the subject or field concerned. After considering the report of such inquiry, and making such further inquiry, as it may think necessary, the Planning Board shall submit to the academic Council the proposal to grant or reject the application, in part or in whole.

(4) The Academic Council shall after considering the proposal submitted by the said Board, may, either grant or reject it. The decision of the Academic Council in the matter shall be final and binding.

Local managing  
or advisory  
committee of an  
affiliated college.

50. (1) There shall be a separate local managing committee for every affiliated college or institution, consisting of the following members:—

- (a) president or chairman of the management of the affiliated institution—Chairperson;
- (b) secretary of the management of the affiliated institution or secretary's nominee;
- (c) three local members representing different fields of the area nominated by the management;
- (d) three teachers, elected in the manner as may be prescribed by the teachers of the college or institution;
- (e) one non-teaching employee, elected in the manner as may be prescribed by the non-teaching employees of the college or institution;
- (f) Principal—Member-Secretary.

(2) For every college or institution managed and maintained by the State Government or local authority, there shall be a local advisory committee which shall consist of the following members:—

- (i) three persons each one nominated by the Director of Medical Education and Research, West Bengal, the Director of Health Services, West Bengal, and the Director of Ayurveda, West Bengal;
- (ii) three teachers, elected in the manner as may be prescribed by the teachers of the college or institution;
- (iii) one non-teaching employee, elected in the manner as may be prescribed by the non-teaching employees of the college or institution;
- (iv) Principal—Member-Secretary.

(3) The local managing committee, or the local advisory committee, as the case may be, shall meet at least twice a year.

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(Sections 51-54.)

(4) The term of the office of the members, elected or nominated, shall be five years.

(5) The powers and duties of the local managing committee or the local advisory committee shall be to—

- (a) prepare the budget and financial statement of the college or institution;
- (b) recommend to the management the creation of the teaching and other posts;
- (c) determine the programme of instruction and internal evaluation and to discuss the progress of studies in the college;
- (d) make recommendations to the management for the improvement of the standard of teaching in the college or institution;
- (e) formulate proposals of new expenditure not provided for in the college budget;
- (f) advise the Principal regarding the intake capacity of various classes, preparation of time-tables, distribution of the available teaching workload and such other matters relating to the internal management of the college and discipline of the college students as may be referred to it by the Principal, from time to time;
- (g) consider and make recommendations on the inspection report, if any;
- (h) consider and make recommendations on the report of the local inquiry committee, if any;
- (i) prepare the annual report on the work done by the committee for the year ending on the thirtieth day of June and submit the same to the management, the Executive Council of the University and to the Director concerned;
- (j) perform such other duties, and exercise such other powers, as may be entrusted by the management and the University.

Continuation of  
affiliation.

**51.** The affiliated college or recognised institution may apply for continuation of affiliation or recognition for the courses of study for which affiliation or recognition was granted ordinarily for six months prior to the date of expiry of such affiliation or recognition. The University shall follow the procedure prescribed in the Statutes, so far as applicable, for grant of continuation.

Extension of  
affiliation or  
recognition.

**52.** The affiliated college or recognised institution may apply for affiliation or recognition for additional courses of study. The University shall follow the procedure, in this behalf, as prescribed in section 45, section 47 and section 48, so far as may be applicable.

Permanent  
affiliation or  
recognition.

**53.** The affiliated college or recognised institution with at least six years standing as an affiliated college or recognised institution may apply for permanent affiliation or recognition. The Planning Board shall consider and scrutinise the application and make recommendation to the Academic Council. If the Academic Council is satisfied that the affiliated college or recognised institution has satisfactorily fulfilled all the conditions necessary for affiliation or recognition and has attained high academic and administrative standards as prescribed by the University, from time to time, the Academic Council shall grant permanent affiliation or recognition to the college or institution, as the case may be.

Autonomous  
Department or  
institution or  
affiliated college  
or recognised  
institution.

**54.** (1) A University Department or institution, or affiliated college or recognised institution may apply to the University for grant of autonomous status. The Executive Council on the recommendation of Academic Council may confer the autonomous status.



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(Sections 55, 56.)

(2) The autonomous University Department or institution, or affiliated college or recognised institution may constitute its authorities or bodies and exercise such powers and perform such functions and carry out such administrative, academic, financial and other activities of the University, as may be prescribed.

(3) The autonomous University Department or institution, or affiliated college or recognised institution may prescribe its own courses of study, evolve its own teaching methods and hold examinations and tests for students receiving instruction in it and award degrees or certificates of its own. Such autonomous University Department or institution, or affiliated college or recognised institution shall function with the objectives of promoting academic freedom and scholarship on the part of teachers and students which are essential to the fostering and development of an intellectual climate conducive to the pursuit of scholarship and excellence.

Inspection of  
affiliated colleges  
and recognised  
institutions and  
report.

55. (1) Every affiliated college or recognised institution shall furnish such report, return and other particulars as the University may require for enabling it to judge the academic standards and standards of academic administration of such affiliated college or recognised institution.

(2) The Vice-Chancellor shall cause every University Department or institution, affiliated college or recognised institution to be inspected, at least once in every three years, by one or more committee or committees appointed by him in that behalf. Each committee shall consist of the following members, namely:—

- (a) a Dean nominated by the Vice-Chancellor—Chairperson;
- (b) one expert, not connected with the University, nominated by the Academic Council;
- (c) one expert to be nominated by the Executive Council:

Provided that no member of such committee shall be connected with the management of the college or the institution concerned.

(3) The committee shall submit its report to the Vice-Chancellor for consideration and further action as may be necessary.

Withdrawal of  
affiliation or  
recognition.

56. (1) If an affiliated college or recognised institution fails to comply with the conditions of affiliation or recognition as provided in section 45 or to allow the local managing committee or the local advisory committee as provided in section 49 to function properly or to take action as per directions issued under this Act or if it is conducting the college or recognised institution in a manner prejudicial to the interest of the University or the standards laid down by it, the Executive Council on recommendation of the Planning Board may issue a notice to the management to show cause as to why the privileges conferred on the affiliated college or recognised institution by affiliation or recognition should not be withdrawn in part or in whole or modified.

(2) The Executive Council shall mention in the notice, the grounds on which it proposes to take the action as proposed in sub-section (1) and shall send a copy of the notice to the Principal of the college, or head of recognised institution. It shall also specify in the notice, the period, being a period which shall not be less than thirty days, within which the management should file its written statement in reply to the notice.

(3) The Executive Council shall, having regard to the interest of students studying in the affiliated colleges or recognised institutions, recommended to the Vice-Chancellor the action to be taken in this behalf and the Vice-Chancellor shall, thereafter, proceed to implement the recommendations.

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(Sections 61, 62.)

(4) Without prejudice to the foregoing powers of the Vice-Chancellor, the principals of conducted colleges, heads of the University Departments or institutions shall have the authority to exercise all such powers, over the students in their respective charges, as may be necessary for the maintenance of proper discipline.

(5) The Vice-Chancellor shall, subject to the approval of the Executive Council, make rules of discipline and proper conduct for students of the University which shall also apply to the students of all its conducted colleges and University Departments or institutions and every student shall be supplied with a copy of such rules.

(6) The principals of the colleges and heads of the institutions, maintained by the University, may make such supplementary rules of discipline and proper conduct, not inconsistent with the rules made by the Vice-Chancellor, as they think necessary and every student shall be supplied with a copy of such supplementary rules.

(7) At the time of admission, every student shall sign a declaration to the effect that he submits himself to the disciplinary jurisdiction of the Vice-Chancellor and the other officers and authorities or bodies of the University and the authorities or bodies of the conducted colleges and institutions, and shall observe and abide by the rules made by the Vice-Chancellor in that behalf and in so far as they may apply, the supplementary rules made by the principals of conducted colleges and heads of the University institutions.

(8) All powers relating to disciplinary action against students of an affiliated college or recognised institution, not maintained by the University, shall vest in the principal of the affiliated college or head of the recognised institution, and the provisions of the foregoing sub-sections including the rules, if any, made thereunder, shall apply, *mutatis mutandis*, to such colleges, institutions and students therein.

Degrees,  
diplomas,  
certificates and  
other academic  
distinctions.

**61.** The Executive Council may institute and confer such degrees, diplomas, certificates and other academic distinctions as may be recommended by the Academic Council.

Honorary degree.

**62.** (1) The Executive Council may consider and recommend to the General Council the conferment of an honorary degree or other academic distinction on any person, without requiring him to undergo any test or examination, on the ground solely that he, by reason of his eminent position, attainments and public service, is a fit and proper person to receive such degree or other academic distinction, and such recommendation shall be deemed to have been duly passed if supported by a majority of not less than two-thirds of the members present at the meeting of the General Council, being not less than one-half of its total membership:

Provided that the Executive Council shall not entertain or consider any proposal in that behalf without the Vice-Chancellor having obtained the previous approval of the Chancellor.

(2) The Executive Council may take a decision on the proposal of the General Council provided that the General Council shall not entertain or consider any proposal in that behalf without the Vice-Chancellor having obtained prior approval of the Chancellor.

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(Sections 61, 62.)

(4) Without prejudice to the foregoing powers of the Vice-Chancellor, the principals of conducted colleges, heads of the University Departments or institutions shall have the authority to exercise all such powers, over the students in their respective charges, as may be necessary for the maintenance of proper discipline.

(5) The Vice-Chancellor shall, subject to the approval of the Executive Council, make rules of discipline and proper conduct for students of the University which shall also apply to the students of all its conducted colleges and University Departments or institutions and every student shall be supplied with a copy of such rules.

(6) The principals of the colleges and heads of the institutions, maintained by the University, may make such supplementary rules of discipline and proper conduct, not inconsistent with the rules made by the Vice-Chancellor, as they think necessary and every student shall be supplied with a copy of such supplementary rules.

(7) At the time of admission, every student shall sign a declaration to the effect that he submits himself to the disciplinary jurisdiction of the Vice-Chancellor and the other officers and authorities or bodies of the University and the authorities or bodies of the conducted colleges and institutions, and shall observe and abide by the rules made by the Vice-Chancellor in that behalf and in so far as they may apply, the supplementary rules made by the principals of conducted colleges and heads of the University institutions.

(8) All powers relating to disciplinary action against students of an affiliated college or recognised institution, not maintained by the University, shall vest in the principal of the affiliated college or head of the recognised institution, and the provisions of the foregoing sub-sections including the rules, if any, made thereunder, shall apply, *mutatis mutandis*, to such colleges, institutions and students therein.

Degrees,  
diplomas,  
certificates and  
other academic  
distinctions.

**61.** The Executive Council may institute and confer such degrees, diplomas, certificates and other academic distinctions as may be recommended by the Academic Council.

Honorary degree.

**62.** (1) The Executive Council may consider and recommend to the General Council the conferment of an honorary degree or other academic distinction on any person, without requiring him to undergo any test or examination, on the ground solely that he, by reason of his eminent position, attainments and public service, is a fit and proper person to receive such degree or other academic distinction, and such recommendation shall be deemed to have been duly passed if supported by a majority of not less than two-thirds of the members present at the meeting of the General Council, being not less than one-half of its total membership:

Provided that the Executive Council shall not entertain or consider any proposal in that behalf without the Vice-Chancellor having obtained the previous approval of the Chancellor.

(2) The Executive Council may take a decision on the proposal of the General Council provided that the General Council shall not entertain or consider any proposal in that behalf without the Vice-Chancellor having obtained prior approval of the Chancellor.

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*(Sections 63-66.)*

Convocation.

63. The Convocation of the University shall be held at least once during an academic year in the manner prescribed by Statutes for conferring degrees, post-graduate diplomas or for any other purpose.

Registered graduates.

64. (1) Subject to the provisions of sub-section (2), the following persons shall be entitled to have their names entered in the register of registered graduates or deemed to be registered graduates, maintained by the University, namely:—

- (a) who are graduates of the University;
- (b) who are graduates holding a degree in Health Sciences of any existing University for which the University under this Act is established.

(2) A person who—

- (a) is of unsound mind and stands so declared by a competent court;
- (b) is an undischarged insolvent;
- (c) is convicted for an offence involving moral turpitude;
- (d) is a registered graduate of any other University established by law in the State of West Bengal;

shall not be qualified to have his name entered in the register of graduates, or be a registered graduate, of the University.

(3) Every person who intends to be a registered graduate shall make an application to the Registrar in such form, and make payment of such fees, as may be prescribed by Statutes.

(4) The Vice-Chancellor shall, after making such inquiry as he thinks fit, decide whether the person is entitled to be a registered graduate or not. If any question arises as to whether a person is entitled to have his name entered in the register of graduates or be a registered graduate or is not qualified to be a registered graduate, it shall be decided by the Vice-Chancellor after making such inquiry as the Vice-Chancellor thinks fit and such decision shall be final.

Sponsored schemes.

65. Notwithstanding anything contained in this Act or the regulations made thereunder, whenever the University receives funds from any Government, the University Grants Commission or other agencies sponsoring a scheme to be executed by the University,—

- (a) the amount received shall be kept by the University separately for the University Fund and utilised only for the purpose of the scheme; and
- (b) the staff required to execute the scheme shall be recruited in accordance with the terms and conditions stipulated by the sponsoring organisation.

Commission to review the function of the University.

66. (1) The Chancellor shall, at least once in every ten years, constitute a Commission to review the function of the University and to make recommendations in this behalf:

Provided that the first review Commission shall be constituted after three years from the date of establishment of the University.

(2) The Commission shall consist of not less than three eminent educationists, one of whom shall be the Chairman of such Commission appointed by the Chancellor in consultation with the State Government.

(3) The terms and conditions of appointment of the members of the Commission shall be such as the Chancellor may determine.

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(Sections 67-70.)

(4) The Commission shall, after making such enquiry as it deems fit, make its recommendation to the Chancellor.

(5) The Chancellor may take such action on the recommendations of the Commission as he may deem fit.

Action not  
invalidated merely  
on the ground of  
defect in  
constitution,  
vacancy, etc.

**67.** (1) Notwithstanding anything contained elsewhere in this Act, if the General Council or the Executive Council or the Academic Council or any other authority or body of the University is not duly constituted or there is a defect in its constitution or reconstitution at any time or there is a vacancy in the membership of such authority or body, no act or proceedings of such authority or body shall be deemed to be invalid on any such ground or grounds:

Provided that no order shall be made under this section after the expiration of a period of five years from the date of coming into force of this Act.

(2) No resolution of such authority or body of the University shall be deemed to be invalid on account of any irregularity in the service of notice upon any member, provided that the proceedings of such authority or body were not prejudicially affected by such irregularity.

Removal of  
difficulties at the  
commencement.

**68.** If any difficulty arises with respect to the establishment of the University or in connection with the first meeting of any authority of the University or otherwise in first giving effect to the provisions of this Act or the regulations, the Chancellor or the Vice-Chancellor, if the Chancellor so decides, may, at any time, before all the authorities of the University have been constituted, by order make any appointment or do anything consistent, so far as may be, with the provisions of this Act and the regulations, which appear to him to be necessary or expedient for the purpose of removing the difficulty, and every such order shall have effect as if such appointment or action had been made or taken in the manner provided in this Act or the regulations, as the case may be:

Provided that before making any such order, the Chancellor or the Vice-Chancellor, as the case may be, shall ascertain and consider the opinion of the Vice-Chancellor or the Chancellor, as the case may be, and of such appropriate authority of the University as may have been constituted:

Provided further that no order shall be made under this section after the expiration of a period of two years from the date on which this Act comes into force.

Authorities and  
officers of the  
University.

**69.** The authorities of the University and the compositions, powers, functions and other matters relating to them, the Officers of the University and their appointment, powers, functions and other matter relating to them, and all other matters relating to the finances, powers, teaching, administration, admission, conferment of degrees, diplomas, and other academic distinctions, convocations and matters relating to affiliation, recognition, budget, contracts and management of affairs and review of the function of the University shall be such as may be provided by regulations.

Act to have  
overriding effect.

**70.** The provisions of this Act, and the regulations made thereunder, shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.

By order of the Governor,

A. K. BHATTACHARYA,  
*Secy. to the Govt. of West Bengal.*