

West Bengal Act XXXVI of 1981

THE RABINDRA BHARATI ACT, 1981.

West Ben. Act VI of 1983. West Ben. AcL XXI of
1983. West Ben. AcL XII of 1985. AMENDED Wcsi Ben. ACL VI of 1986.
West Ben. Act XX of 1986. West Ben. AcL VIII of
1988. West Ben. AcL XVIII of 200).

126\h October, 1981.

An Act to provide for the reconstitution of the University known as Rabindra Bharati and for certain matters incidental thereto and connected therewith.

WHEREAS it is expedient to reconstitute the University known as Rabindra Bharati to encourage in conformity with the ideas and thoughts of Rabindranath Tagore, the integration of cultural heritage or the nation consistent with its linguistic and socio-economic history and to enable it to function more efficiently as a University encouraging and providing for instruction, teaching, training and research in various branches of learning and courses of study, promoting advancement and dissemination of knowledge and learning, and extending higher education, to meet the growing needs of society and to make the constitution of various authorities or bodies of the University more democratic;

It is hereby enacted in the Thirty-second Year of the Republic of India, by the Legislature of West Bengal, as follows:

CHAPTER I Preliminary

1. (1) This Act may be called the Rabindra Bharati Act, 1981. **Short title** and
(2) This section and section 55 shall come into force at once; and commencement
the remaining provisions of this Act shall come into force on such date ^{men}
or dates as the State Government may, by notification in the *Official*
Gazette, appoint, and different dates may be appointed for different
provisions of this Act.
2. In this Act, **unless there is anything repugnant in the subject or Definitions context,—**
 - (1) "the Academy" means the Academy of Dance, Drama and Music, initially established and sponsored by the Government of West Bengal and subsequently taken over by the University, including its properties, movable and immovable, and other assets and liabilities, and deemed to be a part of the University;

[West Ben.
The Rabindm Bhamti Act, 1981.
(Chapter L—Preliminary.—Section 2.)

- (2) "affiliated" in relation to a college or an institution or a centre means affiliated to the University known as Rabindra Bharati as constituted prior to the appointed day and continuing as such immediately before such day or affiliated to the University under this Act;
- (3) "appointed day" means the date referred to in subsection (5) of section 55;
- (4) "college" means a college established or maintained by or affiliated to, the University;
- (5) "convocation" means a meeting of the Court for the purpose of conferring degrees, diplomas, diplomas, certificates or other academic distinctions;
- (6) "employee" in relation to the University means any person employed by the University;
- (7) "financial year" means the year ending on the 31st day of March;
- (8) "Government College" means a college maintained and managed by the State Government;
- (9) "Governor" means the Governor of the State of West Bengal;
- (10) **"hall" or "hostel" means a unit of residence for students,** teachers, officers or non-teaching staff recognised by the University;
- (11) "institution" means a school, centre of culture, museum, library or any other organisation, by whatever name called, for training, instruction, research or study in all or any of the following subjects, namely, dance, drama, music and visual arts;
- (12) "Librarian" in relation to the University or a college, institution or centre affiliated to the University means a Librarian or a Deputy Librarian or an Assistant Librarian or any other person discharging the functions of a Librarian on whole-time basis, by whatever name called, appointed or recognised as such by the University;
- (13) "Minister" means the Minister-in-charge of Higher Education appointed as such by the Governor;
- (14) "non-teaching staff" in relation to the University or a college, institution or centre affiliated to the University means the non-teaching staff, not holding any teaching post (including part-time teaching post), appointed or recognised as such by the University, and includes technical staff but does not include a Librarian or an officer.

(Chapter /.—Preliminary.—Section 2.)

Explanation.—6 "Technical staff shall mean the staff ,
holding any technical posi, by whatever name called,

- appointed or recognised as such by the University;
- (15) "prescribed" means prescribed by Statutes, Ordinances, Regulations or Rules made under this Act;
- (16) "Principal" means the head of an institution, by whatever name called;
- (17) "Rabindra Bharati Society" means the Society, by whatever name called, registered under the Societies Registration Act, 1860 under the name and style of Rabindra Bharati on the 15th January, 1947, and having its office in the campus of the University;
- (18) "registered graduate" means a graduate registered under this Act, at least three months prior to the date of election of members to the Court, on application in the prescribed form and on payment of a fee of one rupee:
- Provided that no person shall be eligible to be registered under this Act unless he has graduated himself from the University at least three years prior to the date of election of members to the Court;
- "
- (19) "Statutes", "Ordinances", "Regulations" and "Rules" mean, respectively, the Statutes, Ordinances, Regulations and Rules of the University made under this Act;
- (20) "Students' Union" in relation to the University or a college, institution or centre affiliated to the University means a Students' Union constituted in the manner prescribed;
- (21) "Teacher" means a Principal, Professor, Assistant Professor, Reader, Lecturer, Demonstrator, Tutor, Inspector, Accompanist or any other person, either whole-time or part-time, imparting instruction or conducting research or assisting in the teaching or music or dance by providing instrumental or vocal accompaniment, in the University or in any college, institution or centre affiliated to the University;
- (22) "Teacher of the University" means a Professor, Reader, Lecturer, Accompanist or any other person, appointed or recognised as such by the University, either whole-time or part-time, for the purpose of imparting instruction or conducting research or assisting in the teaching of music or dance by providing instrumental or vocal accompaniment, in the University;

Clause 21 was substituted for original clause by s. 2(a) of the Rabindra Bharati (Amendment) Act, 1985 (West Ben. Act XL1 of 1985).

Clause 22 was substituted for original clause by s. 2(b) *ibid.*

(Chapter II.—The University and its officers.—Sections 3, 4.)

- (23) "University" means the University known as Rabindra Bharati, as constituted under this Act;
- (24) "University Library", "University Museum" or "University Institution" means a library, a museum or an institution, as the case may be, maintained and managed by the University, whether established by it or not.

CHAPTER II

The University and its officers

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3. (1) The Chancellor and the Vice-Chancellor of the University and the members of the Court and the Executive Council, for the time being, shall constitute a body corporate by the name of the Rabindra Bharati.

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

Powers or
University.

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

- (1) to encourage, in conformity with the ideas and thoughts of Rabindranath Tagore, integration of cultural heritage of the nation consistent with its linguistic and socio-economic history, to provide for instruction, teaching, training and research and to promote the advancement and dissemination of knowledge and learning, and the extension of higher education in all branches or humanities and, in particular, in dance, drama, music and visual arts;
- (2) to establish, maintain or manage colleges, libraries, museums and such other institutions, institutes, or centres for study and research as it may deem necessary;
- (3) to affiliate to itself or to recognize colleges, institutions, institutes or centres in respect of all or any of the following subjects, namely, dance, drama, music and visual arts, but not in respect of any other branch of humanities, or any branch of science, and to disaffiliate a college, institution, institute or centre in such subject or subjects or to withdraw such affiliation or recognition;**
- (4) to prescribe for colleges, other than Government Colleges,
 - (a) the constitution, powers and functions of their Governing Bodies, and
 - (b) with the approval of the State Government,
 - (i) the terms and conditions of service of Teachers, Librarians and non-teaching staff, and

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

- (ii) rules for Provident Funds;
- (5) to prescribe for colleges the rules for Teachers' Councils;
- (6) to provide for the inspection, or investigation into the affairs, of colleges, institutions, institutes or centres affiliated to or recognised by it and to exercise general supervision and control over them;
- (7) to take over for a period not exceeding twelve months the management of any college, institution or institute affiliated to, or recognized by the University, other than a Government College or institution, in order to ensure that proper standard of teaching, training or instruction is maintained therein;
- Provided that the University may, if it considers necessary so to do, extend such period so, however, that the aggregate period shall not exceed eighteen months;
- (8) to dissolve the Governing Body of any affiliated college, institution or institute, other than a Government College, and pending reconstitution of the Governing Body thereof in such manner as may be prescribed, to appoint an Administrator or an ad hoc Governing-Body;
- Provided that the reconstitution of the Governing Body shall be made within a period of twelve months from the date of its dissolution:
- Provided further that the University may, if it considers necessary so to do, extend such period so, however, that the aggregate period shall not exceed eighteen months:
- (9) to institute and make appointment, to Professorship, Readership, Lectureship and other posts required by the University for the purpose of imparting instruction or conducting research in the University;
- (10) to create posts, as and when required, of officers and other employees of the University besides those provided for in this Act and to appoint persons to such posts;
- (11) to prescribe, subject to the provisions of this Act, the constitution, powers and duties of the Boards of Studies, the Finance Committee, and other bodies;
- (12) to prescribe the powers and duties of officers of the University;
- (13) to prescribe, subject to the provisions of this Act, the terms and conditions of service, including the rules of conduct and discipline, and the emoluments for all posts of Teachers officers and other employees of the University;

(Chapter 11.—The University and its officers.—Section A.)

- (14) to make provisions for provident and other funds for the employees of the University;
- (15) to institute degrees, diplomas, certificates and other academic distinctions;
- (16) to hold examinations and to confer degrees, titles, diplomas, certificates and other academic distinctions on persons who
 - (a) shall have pursued an approved course of study in the University or in an affiliated college, institution, institute or centre unless exempted (herefrom in the manner prescribed, and shall have passed the prescribed examinations of the University, or
 - (b) shall have carried on research under conditions prescribed;
- (17) to withdraw or to cancel degrees, titles, diplomas, certificates or other academic distinctions under such conditions as may be prescribed by Statutes and after giving the person affected a reasonable opportunity to present his case;
- (18) to confer honorary degrees or other academic distinctions under conditions prescribed;
- (19) to prescribe, demand and receive fees, fines and other charges for examinations and other purposes;
- (20) to establish, maintain, manage or recognize halls, hostels, and other places of residence for the students, Teachers, officers or non-teaching staff of the University, to withdraw such recognition, and to take over the management and maintenance of the existing halls, hostels or places of residence, recognized by the University, with the consent of the authorities thereof;
- (21) to provide for the promotion of health and welfare of students and of discipline among them;
- (22) to conduct, co-ordinate, regulate and control the post-graduate research work and teaching in the University, the affiliated college and the institutions and centres affiliated to, or recognized by, the University;
- (23) to make grants to the National Cadet Corps and the National Service Scheme from the University Fund;

(Chapter II.—The University and its officers.—Section 5.)

- (24) to enter into any agreement with the State Government or with the approval of the State Government with any other Government or with any person, body or authority for the taking over by the University or the management of any college, institution or centre, including its assets and liabilities, or for any other purpose not repugnant to the provisions of this Act;
- (25) to acquire, hold and dispose of property, movable and immovable, and to make grants and advances for furthering any of its objects;
- (26) to accept and administer gifts, endowments and benefactions, for the furtherance of any of its objects for the University or on behalf of any college or institution established by, affiliated to or recognized by, the University;
- (27) to institute awards, fellowships, travelling fellowships, scholarships, studentships, stipends, bursaries, exhibitions, medals and prizes;
- (28) to accept grants from the Central or any State Government or the University Grants Commission and, with the approval of the State Government, also from other sources, to raise loans, or to accept loans from the Central or the State Government or the University Grants Commission and from other sources:
Provided that raising of loans and acceptance of loans from other sources shall require the approval of the State Government;
- (29) to co-operate with other universities, institutions and educational authorities in matters that relate to and further educational objectives of the University;
- (30) generally to do all such acts and things as may be necessary or desirable for, or incidental to, the advancement, or the objects or purposes of the University.

5. (1) Save as otherwise provided in this Act, the local limits of jurisdiction of the University (hereinafter referred to as the territorial limits of the University) shall extend to the whole of West Bengal.

(2) Notwithstanding anything in sub-section (1), the powers of the University conferred by or under this Act shall not extend to any college, institution or centre which, for the time being, is included within the local limits of jurisdiction of any other university established by law within West Bengal and already affiliated to it.

(Chapter II.—The University and its officers, etc. See sections 6-9.)

(3) Notwithstanding anything contained in sub-section (1), any college, institution or centre situated outside the territorial limits of the University may, with the sanction of the State Government, apply to the University for affiliation in respect of all or any of the subjects referred to in clause (3) of section 4 and the University may, subject to such conditions and restrictions as it may with the approval of the State Government think fit to impose, affiliate to itself such college, institution or centre and admit the same to all the privileges of the University.

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

Delegation
of powers to
subordinate
authorities.

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

- (1) The Vice-Chancellor;
- (2) The Registrar;
- (3) The Finance Officer;
- (4) persons holding such other posts as may be declared by Statutes to be posts of officers of the University.

officer of
the
University.

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

the
Chancellor.

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

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

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

The Vice-
Chancellor.

9. (1) The Vice-Chancellor shall be appointed by the Chancellor on the unanimous recommendation of the Court. If the Court fails to make any such recommendation, the Vice-Chancellor shall be appointed by the Chancellor in consultation with the Minister from a panel of three persons to be elected by the Court in accordance with the system of proportional representation by means of the single transferable vote.

(2) (a) The Vice-Chancellor shall hold office for a term of four years or till he attains the age of 65 years, whichever is earlier, and shall be eligible for re-appointment for another term of four years or till he attains the age of 65 years, whichever is earlier.

XXXVI of 1981.]

(Chapter II.—The University and its officers. Section 10.)

(b) The Chancellor may, notwithstanding the expiration of the term - of the office of the Vice-Chancellor or his attaining the age of 65 years, allow him to continue in office till a successor assumes office, provided that he shall not continue as such for any period exceeding six months.

(3) The Vice-Chancellor shall be a whole-time officer of the University and shall be paid from the University Fund such salary and allowances as the Chancellor may decide in consultation with the State Government,

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

(5) (a) If the Vice-Chancellor is, by reason of leave, illness or other cause, temporarily unable to exercise the powers and perform the duties of his office, then, during the period or such temporary inability the Chancellor in consultation with the Minister may appoint any person to exercise the powers and perform the duties of the Vice-Chancellor.

(b) When a vacancy occurs in the office of the Vice-Chancellor by reason of death, resignation or expiry of the term of his office or otherwise, then, pending the appointment of a Vice-Chancellor, the Chancellor in consultation with the Minister may appoint any person to exercise the powers and perform the duties of the Vice-Chancellor for any period not exceeding six months.

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

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

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

{Chapter II.—The University' and its officers.—Section II.)

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

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

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

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

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

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

It. (1) The Registrar shall be a whole-time officer of the University. He shall be appointed by the Executive Council on the recommendation of a Committee consisting of the Vice-Chancellor as Chairman, two nominees of the Executive Council, a nominee of the Chancellor and a nominee of the State Government, for such period and on such terms and conditions as may be prescribed by Statutes.

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

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

This
Registrar,

XXXVI of 1951.]

(Chapter 11.—The University and its officers.—Sections 2-15.)

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

Powers and duties of the Registrar.

13. (1) The Finance Officer shall be a whole-time officer of the University and shall be appointed by the Executive Council on the recommendation of a Committee consisting of the Vice-Chancellor as Chairman, two nominees of the Executive Council, a nominee of the Chancellor and a nominee of the State Government, for such period and on such terms and conditions as may be prescribed by Statutes.

The Finance Officer.

(2) The Finance Officer may resign his office by writing under his hand addressed to the Vice-Chancellor,

(3) If the Finance Officer is for any reason temporarily unable to exercise the powers and perform the duties of his office, the Vice-Chancellor may, subject to the approval of the Executive Council, appoint a person temporarily for a local period not exceeding six months, to exercise the powers and perform the duties of the Finance Officer.

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

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

Powers and duties of the Finance Officer.

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

Supervisory powers of the Registrar and the Finance Officer.

Authorities. 16. The following shall be [the authorities of the University:]⁶

- (1) [the Court;
- (2) [the Executive Council;
- (3) [the Faculty Councils;
- (4) [the Boards of Studies;
- (5) [the Finance Commitee;
- (6) such other authorities as may be established under the Si [Utilities.

The Court. 17. (i) The Court shall consist of (the following members):⁶

(a) *ex-officio members*

- (i) the Chancellor;
- (ii) the Vice-Chancellor;
- (iii) [the immediately preceding Vice-Chancellor;
- (iv) the Secretary, Education Department, Government of West Bengal ¹[or his nominee not below the rank of Deputy Secretary to the Government of West Bengal];
- (v) the Secretary, Finance Department, Government of West Bengal or his nominee not below the rank of Deputy Secretary to the Government of West Bengal;
- (vi) the Deans of the Faculty Councils;
- (vii) the Principal, Indian College of Arts and Draftmanship, -[Kolkata];
- (viii) the President, West Bengal Council of Higher Secondary Education;
- (ix) [the President, West Bengal Board of Secondary Education;
- (x) the General Secretary, Rabindra Bharati Society;
- (xi) the President, Bangiya Sahitya Parishad;
- (xii) the President, The Asiatic Society;
- (xiii) the President, Academy of Fine Arts, -[Kolkata];
- (xiv) the Director, Indian Museum, ²(Kolkata);

¹The words within the square brackets were inserted by s. 7(a) of the West Bengal University Laws (Amendment) Act, 1986 (West Ben. Act XX of 1986)

²The words within the square brackets " " was substituted for the word "Calcutta" by s. 5 of the West Bengal Capital City (Change of Name) Act, 2001 (West Ben. Act XVI of 2001), w.e.f. the 1st January, 2001.

(b) *other members*

- (xv) three Professors of the University one from each Faculty Council elected jointly by the Professors of the University;
- (xvi) nine Teachers of the University Departments other than Professors, of whom four shall belong to the Departments under the Faculty Council for Post-Graduate and Undergraduate Studies in Fine Arts, four shall belong to the Departments under the Faculty Council for Post-Graduate Studies in Arts and one shall belong to the Department under the Faculty Council for Post-Graduate and Undergraduate Studies in Visual Arts, elected by such Teachers from amongst themselves;
- (xvii) one Teacher other than principal elected by Teachers of the affiliated college from amongst themselves;
- (xviii) five persons elected by the registered graduates from amongst themselves;
- (xix) one person representing Visva Bharati appointed by the Chancellor on the recommendation of the Upacharya (Vice-Chancellor) of Visva Bharati;
- (xx) four regular students; of the University at least one belonging to any of the Departments under such of the Faculty Councils elected in the manner prescribed.

Explanation I. For the purpose of this clause, "regular student" shall mean a student who has been prosecuting his studies in any Post-Graduate or Undergraduate Department of the University under any of the Faculty Councils and who is not in default of payment of prescribed tuition fees and other dues to the University till such date as may be notified by the University in his behalf;

Explanation II. Notwithstanding anything contained elsewhere in this Act, a member elected under this clause shall hold office for a period of two years from the date of his election or till he ceases to be a regular student, whichever is earlier;

- (xxi) one regular student prosecuting his studies in the affiliated college elected by such students from amongst themselves.

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

Explanation I. For the purpose of this clause, "regular student" shall mean a student who has been prosecuting his studies in the affiliated college and who is not in default of payment of prescribed tuition fees and other dues of such college till such date as may be notified by the University in this behalf;

Explanation II. Notwithstanding anything contained elsewhere in this Act, a member elected under this clause shall hold office for a period of three years from the date of his election or till he ceases to be a regular student, whichever is earlier;

(xxii) one Research Scholar or Research Fellow of the University elected by such Research Scholars and Research Fellows.

Explanation I. "Research Scholar" or "Research Fellow" shall mean a whole-time Research Scholar or Research Fellow of the University, who receives a stipend from the University;

Explanation II. Notwithstanding anything contained elsewhere in this Act, a Research Scholar or a Research Fellow elected under this clause shall cease to hold office on the expiration of the term of Research Scholarship or Research Fellowship, as the case may be;

(xxiii) three members elected by the members of the non-teaching staff of the University from amongst themselves;

(xxiv) one member elected by the members of the non-teaching staff of the affiliated college from amongst themselves;

(xxv) one member elected by the officers and the supervisory staff of the University from amongst themselves;

(xxvi) one member of the West Bengal Legislative Assembly elected by the members of the West Bengal Legislative Assembly from amongst themselves;

(xxvii) two persons having special knowledge or practical experience in respect of one or more of the following subjects, namely, Literature, Philosophy, History, Fine Arts, Dance, Drama and Music, nominated by the Chancellor;

(xxviii) one nominee of the Sangeet Natak Academy.

Clause (xxv) was substituted for original clause by s. 2 of the Rabindra Bharati (Second Amendment) Act, 1983 [West Ben. Act XXI of 1983].

[West
The Rabindra Bharati Act, 1981.

(Chapter III.—Authorities of the University. —Section 19.)

- (ix) to consider the Annual Report as prepared by the Executive Council and to pass such resolutions relating thereto as may be considered necessary;
- (x) to consider, and advise on, such other reports from the Executive Council or any other body as may be made to it;
- (xi) to consider, and advise on, proposals from the Executive Council for entering into agreement with the Government or, with the approval of the State Government, with any person, body or authority or for the taking over by the University of the management of any affiliated or recognised college, institution or institute other than a Government College, including its assets and liabilities, or for any other purpose not repugnant to the provisions of this Act;
- (xii) to consider, and advise on, proposals from the Executive Council for co-operation with other universities, institutions and educational authorities in matters which relate to or further the educational objectives of the University;
- (xiii) to consider and suggest measures for the improvement of the administration and finances of the University, and generally for the furtherance of its objectives;
- (xiv) to make rules for the transaction of its own business;
- (xv) to exercise all other powers and perform all other functions conferred and imposed on the Council by or under this Act.

(2) The Council shall not exercise the powers and perform the functions referred to in clauses (i) to (vii) of sub-section (1) except on the recommendation of the Executive Council, but may send proposals in respect thereof to the Executive Council for its recommendation.

(3) The Council shall have the power to review the action of the Executive Council, save where the Executive Council has acted in accordance with the powers conferred on it by or under this Act:

Provided that if any question arises as to whether the Executive Council has acted in accordance with the powers conferred on it by or under this Act, the matter shall be decided by reference to the Chancellor whose decision shall be final.

19. (1) The Council shall meet at least thrice in a financial year, other than for convocation, on dates to be fixed by the Vice-Chancellor. One of such meetings shall be held before March and shall be called the Annual Meeting. The Council may also meet at such other times as it may, from time to time, decide.

(Chapter III—Authorities of the University.—Section 20.)

(2) One-third of the total number of members of the Court *in* one . shall be a quorum for a meeting of the Court;

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

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

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

Executive
Council

(a) *ex officio members*

- (i) the Vice-Chancellor,
- (ii) the Deans of the Faculty Councils;
- (iii) the Secretary, Education Department, Government of West Bengal [or his nominee not below the rank of Deputy Secretary to the Government of West Bengal];
- (iv) the Secretary, Finance Department, Government of West Bengal or his nominee not below the rank of Deputy Secretary to the Government of West Bengal;
- (v) the President, West Bengal Council of Higher Secondary Education;
- (vi) the Principal, Indian College of Arts and Draftsmanship, Kolkata;
- (vii) the Director, Indian Museum, Kolkata;

(b) *other members*

- (viii) three Professors not belonging to the same Faculty Council elected jointly by the Professors of the Faculty Councils from amongst themselves;
- (ix) five post-graduate Teachers of the University, other than Professors, of whom at least one shall be from each of the Faculty Councils elected jointly by such Teachers as are members of the Faculty Councils from amongst themselves;
- (x) one Teacher of the University other than Professor elected by such Teachers other than Professors as are members of the Council from amongst themselves;

¹The words within the square brackets were inserted by s. 7(b) of West Bengal University Laws (Amendment) Act, 1986 (West Ben. Act XX of 1986).
²See footnote 2 on page 264, *ante*.

(Chapter III.—Authorities of the University.—Section 21.)

- (xi) one person other than a Teacher or a student or a member or the non-teaching staff or an officer, elected by the members of the Court from amongst themselves;
- (xii) (a) one post-graduate student elected by such students as are members of the Court from amongst themselves;
- (b) one non-teaching staff of the University elected jointly by such non-teaching staff of the University and the affiliated college as are members of the Court from amongst themselves;
- (c) one registered graduate of the University elected by such registered graduates as are members of the Court from amongst themselves;
- (d) the member elected under clause (xxv) of subsection (1) of section 17;
- (xiii) two persons nominated by the Chancellor of whom one shall be a representative of the Rabindra Bharati Society.

(2) All elections to the Executive Council shall be held in the manner prescribed by Statutes.

(3) One-third of the total number of members of the Executive Council *plus* one shall be a quorum for a meeting of the Executive Council.

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

Powers and
functions of
the
Executive
Council.

- (i) to initiate proposals for the making of Statutes and Ordinances including proposals for amendment or repeal thereof, in the manner hereinafter provided;
- (ii) to recommend to the Court, after consulting the respective Faculty Councils, the establishment of University Departments, institutions, institutes, centres, libraries and museums for study and research;
- (iii) to maintain University Departments, University Institutes, University libraries and University museums;
- (iv) to establish, maintain, manage and recognize halls and hostels;

¹Sub-clause (d) was inserted by v 3 of the Amendment Act, 1983 (West Ben. Act XXI of 1983)

(Chapter Hi.—Authorities of the University.—Section 21.)

- (v) to direct the inspection of University libraries, University museums, halls and hostels;
- (vi) to recommend to the Court, after consulting the respective Faculty Councils, the institution of fellowships, travelling fellowships, scholarships, studentships, bursaries, exhibitions, medals and prizes, the expenses of which shall be met from the University Fund, and to award the same after institution thereof by the University;
- (vii) to recommend to the Court, after consulting the respective Faculty Councils, the creation and institution of Professorships, Readerships, Lectureships and such posts as may be necessary for the establishment of the University Departments, institutions, institutes, centres, libraries and museums referred to in clause (i) of sub-section (1) of section 18;
- (viii) to create, with the approval of the State Government, posts of officers, Teachers and other employees of the University or to recommend to the Court for creation of posts of officers and Teachers of the University;
- (ix) to prescribe the minimum qualifications for posts of officers, Teachers and other employees of the University;
- (x) to appoint Teachers, officers and other employees of the University and to fix their emoluments and define their duties and other terms and conditions of service in accordance with the Statutes and the Ordinances and to suspend, discharge or otherwise punish in accordance with the Statutes and the Ordinances such Teachers, officers and other employees;
- (xi) to pass appropriate orders after considering the recommendation of the respective Faculty Council regarding affiliation of a college, institution, institute or centre in one or more subjects or withdrawal of affiliation or recognition of a college, institution, institute or centre or temporary take over of the management of an affiliated or a recognized college, institution, institute or centre;
- (xii) to make draft of Statutes, on the recommendation of the respective Faculty Council, for colleges, other than Government Colleges, prescribing the constitution, powers and functions of their Governing Bodies;

- (xiii) to determine, with the approval of the State Government, the terms and conditions of service of Teachers, Librarians and non-teaching staff or colleges other than Government Colleges;
- (xiv) to make rules for Teachers' Council for colleges and, with the approval of the State Government, rules for provident fund for colleges other than Government Colleges;
- (xv) to prescribe and collect fees or charges for the registration of students and their admission to courses of studies organised by the University, for holding examinations, for the grant of degrees, diplomas and certificates, and for other like purposes;
- (xvi) to recommend to the Court, after consulting the respective Faculty Councils, the institution of degrees, titles, diplomas, certificates and other academic distinctions;
- (xvii) to recommend to the Court, on the advice of the appropriate body, the conferment of degrees, titles, diplomas, certificates and other academic distinctions on persons who have pursued the prescribed courses or studies or have been exempted therefrom in the prescribed manner, and have passed such examinations, or have carried on research under such conditions, as may be prescribed;
- (xviii) to recommend to the Court the conferment or honorary degrees and other academic distinctions;
- (xix) to approve the constitution or reconstitution of the respective department or teaching in the University on the recommendation of the respective Faculty Council;
- (xx) to make regulations regarding the courses of studies and the division or subjects after obtaining and considering the recommendation of the Faculty Councils in this regard;
- (xxi) to make regulations regarding the examinations which shall be recognised as the equivalent examinations held by the University;
- (xxii) to make regulations regarding the conduct of examinations held by the University and the conditions under which students may be admitted to the different courses of studies or and the examinations held by the University;

¹ Clauses (xiii) were substituted for original clause by s. 7(b)(i) of the West Bengal University Laws (Amendment) Act, 1985 (West Ben. Act v of 1985), w.e.f. 7.1.1986.

² Clause (xiv) was substituted for original clause by s. 7(b)(ii). *ibid.*

XXXVI or 1981.]

(Chapter III.—Authorities of the University.—Section 21.)

(xxiii) to make regulations regarding all other matters which - may be or are required to be prescribed or provided for

by regulations:

(xxiv) to provide for co-operation and reciprocity among colleges, institutions, and centres and the University so as to foster the development of academic life and to ensure the fullest utilisation of the teaching resources available on the recommendation of the respective Faculty Council;

(xxv) to give directions regarding the form, custody and use of the common seal of the University;

(xxvi) to acquire, hold and dispose of property, movable and immovable, and to administer all assets, properties and funds of the University, and to undertake all measures necessary or desirable for the conservation or augmentation of the resources of the University:

Provided that for the purpose of disposing of any property valued at not less than one lakh of rupees, previous approval of the Court shall be necessary;

(xxvii) to accept and administer gifts, endowments and benefactions for the furtherance of the purposes of this Act;

(xxviii) to accept grants and with the approval of the State Government, to raise or accept loans on behalf of the University and to make grants or advances from the University Fund or other special funds maintained by the University;

(xxix) to enter into an agreement with the State Government or with the approval of the State Government with any other Government or with any person, body or authority for the taking over by the University of the management of any college, institution, institute or centre, including its assets and liabilities, or for any other purpose not repugnant to the provisions of this Act on the recommendation of the Faculty Council concerned;

(xxx) to manage the Press Establishment, the Publication Bureau and the Employment Bureau of the University, if any, and to exercise general supervision over Students' Unions, University Extension Boards, University Sports Board and other bodies instituted by the University;

The Rabindra Bharati Act, 1981,
[West

(Chapter III.—Authorities of the University.—Section 22. J

- (xxxix) To approve the Annual Statement of Accounts, the Audit Report in respect of the Annual Statement of Accounts the internal Audit Report and the Annual Budget of the University and to submit the same to the Court for consideration;
 - (xxxix) To prepare the annual report and submit the same to the Court for consideration;
 - (xxxix) to make due provisions for the health, welfare, residence and discipline of students and their relationship with the University and to provide for such other training of students as may be considered desirable;
 - (xxxix) To co-operate with other universities, institutions, associations, societies or bodies on such terms and for such purposes, not inconsistent with the purposes of this Act, as it may determine;
 - (xxxix) to make rules for the transaction of its own business;
 - (xxxix) to exercise all other powers and perform all other functions conferred and imposed on the Executive Council by or under this Act; "
 - (xxxix) to exercise general supervision over the Faculty Councils and give such directions to these Councils for the due discharge of their respective duties as it may consider necessary.
22. (1) There shall be the following Faculty Councils:
- (a) the Faculty Council for Post-Graduate and Undergraduate Studies in Fine Arts;
 - (b) the Faculty Council for Post-Graduate and Undergraduate Studies in Visual Arts;
 - (c) the Faculty Council for Post-Graduate Studies in Arts;
- (2) Each Faculty Council shall consist of the following members:
- (i) the Vice-Chancellor Chairman;
 - (ii) the Head or Heads of the Department or Departments concerned;
 - (iii) the Professor or Professors of the Department or Departments concerned;
 - (iv) one Teacher other than Professor from each of the Departments under the Faculty Council concerned elected jointly by such Teachers from amongst themselves;
 - (v) two persons having special knowledge in the subject or subjects concerned nominated by the Vice-Chancellor.

(Chapter III. Authorities of the University.—Section 23.)

(3) The Faculty Council for Post-Graduate and Undergraduate Studies in Visual Arts shall have, in addition, the following member, namely:—
the Principal, Indian College of Arts and Draftsmanship.

[Kolkata].

(4) Each Faculty Council shall have a Secretary to be appointed by the Executive Council.

(5) One-third of the total number of members of a Faculty Council plus one shall be a quorum for a meeting of the Faculty Council.

23. Subject to the provisions of this Act, and the Statutes, the Powers and Ordinances and the Regulations, a Faculty Council shall exercise the following powers and perform the following functions:—

Council.

- (i) to make proposals to the Executive Council for the establishment of the University Departments, institutions, institutes, centres, libraries and museums for study and research to be maintained by the University;
- (ii) to recommend to the Executive Council the affiliation of a college, institution or institute in one or more subjects;
- (iii) to recommend to the Executive Council the creation and institution of Professorships, Readerships, Lectureships and other teaching posts and the duties and emoluments thereof;
- (iv) to make proposals to the Executive Council for the promotion of research and through special committees, if any, constituted for the purpose, to call for reports on such research work from persons engaged therein, and to make recommendations to the Executive Council thereof;
- (v) to recommend to the Executive Council the minimum qualifications for the posts of Teachers of the University;
- (vi) to make proposals to the Executive Council regarding provisions to be made for enabling the University to undertake specialisation of studies and for organisation of libraries, museums, institutes of research and other institutions or institutes, maintained by the University;
- (vii) to make proposals to the Executive Council for constituting or reconstituting the departments of teaching in the University;
- (viii) to make provisions for lectures and instructions for students of affiliated colleges, institutions, institutes and University Departments and also for other persons who are not such students;
- (ix) to advise the Executive Council on the institution of degrees, diplomas, certificates and other academic distinctions;

(Chapter III.—Authorities of the University'.—Section 23.)

- (x) to fix the date of commencement of, and to hold and conduct, subject to general supervision by the Executive Council, University examinations at the post-graduate and undergraduate stages and to approve and publish the results thereof in accordance with the regulations made in this behalf;
- (xi) to provide for the inspection or the investigation into the affairs of University Departments and submit report to the Executive Council;
- (xii) to provide for the inspection or the investigation into the affairs of the affiliated colleges, institutions or institutes recognised by the University and submit report to the Executive Council and to exercise general supervision and control over them;
- (xiii) to have general supervision over the Boards of Studies attached to the Faculty Council;
- (xiv) to frame rules relating to the courses or post-graduate and undergraduate studies and division of subjects in regard thereto and to recommend to the Executive Council the making of regulations in this behalf;
- (xv) to recommend to the Executive Council the disaffiliation or withdrawal of affiliation of any college, institution or institute in respect of any subject or subjects, if on receipt or written report from a team of inspectors appointed by the University, the Faculty Council is of opinion that proper standard of teaching is not maintained or conditions of affiliation are not properly fulfilled or the results of the candidates sent up by the college, institution or institute for any examination are unsatisfactory or the college, institution or institute fails to comply with the directives of the Faculty Council;
- (xvi) to recommend to the Executive Council the temporary take over of the management of an affiliated or recognized college, institution or institute, other than a Government College, in order to ensure that proper standard of teaching, training or instruction is maintained therein;
- (xvii) to recommend to the Executive Council the dissolution of the Governing Body of an affiliated college, institution or institute, other than a Government College, and pending reconstitution of the Governing Body, the appointment of an Administrator or an ad hoc Governing Body;

(xviii) **Lo appoint, if required by Lhe** Executive Council, after considering the views of the Boards of Studies attached to • **the Faculty Council, Boards of Examiners in the subject** or

subjects relating to post-graduate and undergraduate studies including the subjects for doctoral **thesis and for prices and medals;**

(xix) to call for such reports or information as the Faculty Council may consider necessary for efficient discharge of its duties from the teaching departments, research units or Boards of Studies;

(xx) to consider any educational matter relating to the Faculty, Council and to arrive at decisions or make recommendations pertaining thereto to the appropriate authority or officer;

(xxi) to maintain contact with other Faculty Councils for the purpose of sharing ideas and ensuring co-ordination.

(xxii) to submit each year its annual report to the Executive Council;

(xxiii) to make rules for the transaction of its own business;

(xxiv) to exercise all other powers and perform all other functions conferred and imposed on it by or under this Act;

(xxv) to delegate to the teaching department, research units, and Boards or Studies attached to it the responsibility for such academic matters as respectively concern such departments, units and Boards;

(xxvi) to recommend to the Executive Council the conferment of degrees, diplomas and certificates.

24. (1) There shall be a Dean for each Faculty Council who shall be a Professor of the University.

(2) The Dean shall be elected by the members of the Faculty Council and shall act as Vice-Chairman of the Faculty Council:

Provided that where there is only one Professor under any Faculty Council, such Professor shall be the Dean for such Faculty Council.

(3) The Dean shall hold office for such term, and shall exercise such powers and perform such functions, as may be prescribed by Statutes.

25. There shall be Boards of Studies attached to every Faculty Council. The constitution of the Boards of Studies shall be prescribed by Statutes and the powers and functions of the Boards shall be prescribed by Regulations.

[West Ben. Ael*(Chapter III.—Authorities of the University.ô Stc/Jon.t 26-28.)*

26. There shall be a Finance Committee with the Vice-Chancellor as the Chairman. The constitution, powers and functions of the Finance Committee shall be prescribed by Statutes and its procedure in financial matters, including the delegation of its powers, shall be prescribed by Ordinance?.

The Finance
Committee.

27. (1) A University Professor shall be appointed by the Executive Council on the recommendation of a Selection Committee consisting ofô

- (i) the Vice-Chancellor as Chairman;
- (ii) the Dean of the Faculty Council concerned;

Selection
Committee
for teaching
posts,

(iii) a person, not holding any office of profit under the University and having special knowledge of the subject which the Professor will teach, nominated by the Chancellor;

(iv) two persons, not holding any office of profit under the University and having special knowledge of the subject which the Professor will teach, nominated by the Executive Council.

(2) A University Reader or a University Lecturer shall be appointed by the Executive Council on the recommendation of a Selection Committee consisting ofô

- (i) the Vice-Chancellor as Chairman;
- (ii) the Dean of the Faculty Council concerned;
- (iii) the Head of the Department concerned, if any;
- (iii) a person, not holding any office of profit under the University and having special knowledge of the subject which the Reader or the Lecturer will teach, nominated by the Chancellor;
- (iv) two persons, not holding any office of profit under the University and having special knowledge of the subject which the Reader or the Lecturer will teach, nominated by the Executive Council.

Procedure
for holding
meetings of
Selection
Committee,

28. (1) Three members of whom at least two shall be persons having special knowledge in the subject concerned, shall be a quorum for a meeting of a Selection Committee.

(2) If the Executive Council does not accept the recommendation of a Selection Committee, it shall refer the recommendation back to the Selection Committee with reasons for reconsideration and if the Executive Council does not accept the reconsidered views of the Selection Committee, the matter shall be referred to the Chancellor with reasons and the decision of the Chancellor shall be final.

of 1981.]

(Chapter III.—Amhoiuc; of the University.—Sections 29-32.)

29. (1) Every Teacher, every officer and every employee of the University shall, on appointment as such, be provided with a letter of appointment containing such terms and conditions of appointment as may be prescribed by Ordinances.

Letter of appointment of officers and employees.

(2) A Teacher or an officer or an employee appointed against a permanent vacancy shall be on probation ordinarily for a period of one year from the date of such appointment and such period of probation may, at the discretion of the appropriate authority of the University, be extended for a further period not exceeding one year.

(3) If, at any time during the period of probation, the probationer's work is not considered satisfactory, the probationer shall be discharged by the authority concerned.

(4) On satisfactory completion of the period of probation, a Teacher or an officer or an employee, as the case may be, shall be confirmed with effect from the date of his appointment on probation by an order in writing made by the University in this behalf and the fact of such confirmation shall be communicated to the person concerned:

Provided that if, on completion of the period of probation, no such order of confirmation is made and communicated to the person concerned within a period of two months or the completion of the period of probation, the person concerned shall be deemed to have been confirmed with effect from the date of his appointment on probation.

30. The services of a temporary Teacher or officer or employee shall not be terminated before the expiration of the period for which he is appointed except after serving one month's notice or paying him one month's salary in lieu thereof.

Term of service of temporary Teacher or employee.

31. The Executive Council may, subject to the provisions of this Act, prescribe by Ordinances the constitution of a standing committee or standing committees for selection of persons for appointment to the posts of officers and to the other non-teaching posts of the University and the procedure and the method of such selection.

Standing committee for selection of officers and non-teaching employees.

32. (1) If in the case of any dispute between the University and any Teacher, officer or employee or the University no final order has been passed by the University within a period of one year from the date on which the dispute was referred to the University by such Teacher, officer or employee, such dispute shall, on the request of such Teacher, officer or employee, be referred to a Tribunal consisting of the following members, namely:

Tribunal.

*Section 31 was substituted for original section by s. 7(c) of the West Bengal University Laws (Amendment) Act, 1988 (West Bengal Act VJU of 1988).

- (i) a Chairman, who shall be nominated by [he Chancellor in ' consultation with the Minister;
- (ii) one person [o be nominated by the Executive Council;
- (iii) one person to be nominated by die Teacher, officer or employee concerned.
- (2) Any appeal Tram an employee of the University in disciplinary matter shall be referred to lhe Tribunal and shall be decided and disposed of by the Tribunal.
- (3) The Tribunal may call for any record, report or other information from the University if, in its opinion, such record, report or other information is necessary for efficient discharge of its functions, and the University shall furnish such record, report or other information lo the Tribunal.
- (4) The decision of [he Tribunal shall be final and no suit or proceeding shall lie in any civil court in respect of the matters decided by the Tribunal.
- (5) Every request under sub-section (1) shall be deemed Lø be a submission lo arbitration upon the terms of lhis section, within Lhe meaning of lhe Arbitration Act, 1940, "mil all the provisions or that Act 10 of 1940. with lhe exception of section 2 thereof shall apply accordingly.

CHAPTER IV

General provisions governing all authorities or other bodies or lhe University,

- Disqualified- 33. (1) No person shall be qualified for election or nomination as ^{lionsr} a member of any authority or body of lhe University or shall continue as such member if heø
- (i) is of unsound mind or a deaf-mule, or
- (ii) is an undischarged insolvent, or
- (iii) has been convicted by a coon of law for an offence involving moral turpilude.
- (2) Incasofany doubl or dispute, the Chancellor's decision whether a person is disqualified under the provisions of sub-section (1) shall be final.
- (3) No person shall be entitled lo stand as a candidate for election to any authority or body of the University from more than one constituency.
- (4) No person shall be entitled to be enrolled as a voter for, or to cast his vote at, an election LO any authority or body of the University from more than one constituency:

XXXVI of 1981.]

(Chapter IV.—General provisions governing all authorities or other bodies of the University.—Sections 33A, 34.)

Provided that this sub-section shall not apply in the case of an election of members of the Court to the Executive Council, and (the Faculty Councils.

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33A. (1) Notwithstanding anything contained elsewhere in this Act, no person shall,—

- (a) if he is a Teacher, not holding any whole-time teaching post, or appointed for a specified period, or
- (b) if he is a member of the non-Leaching staff, not appointed on a regular scale of pay, or not holding any whole-time non-leaching post,

Pan-time Teachers or part-time Non-teaching staff no no be entitled to be enrolled as voters or to be nominated.

be entitled to be enrolled as a voter for, or to cast his vote at, an election to any authority or body of the University or any college or institution affiliated to the University or to be nominated to any such authority or body.

Explanation.—"Regular scale of pay" shall mean pay which, subject to any conditions prescribed by the University, rises by periodical increments from a minimum to a maximum.

34. (1) Save as otherwise provided in sub-section (4), an elected or Terms of nominated member of any authority or body of the University shall hold office for a period of four years from the date of his election or nomination, as the case may be:

Provided that in respect of the first elections and nominations under this Act, the said period of four years shall commence from the date of the first meeting of the authority or body held after such elections and nominations.

(2) The term of office of members other than *ex officio* members of any authority or body of the University shall be held to include any period which may elapse between the expiry of the said term and the date of election of new members to such authority or body to fill vacancies arising by efflux of time.

(3) When elections are held on more than one date, the last of such dates shall

be taken to be the date of election for the purposes of this section.

(4) Any member elected or nominated to fill casual vacancy shall hold office for the unexpired portion of the term of office of the member in whose seat he is so elected or nominated.

Section 33A was inserted by s. 7(c) of the West Bengal University Laws (Amendment) Act, 1986 (West Ben. Act XX of 1986).

(Chapter IV.—General provisions governing all authorities or other bodies of she University.—
Sections 35-38.)

Cessation or
membership
in eennin
casts.

35. (1) When a person is qualified Lo be a member of any authority or body of the University by virtue of bis membership of any oier auihority or body, he shall cease in be a member of [he authority or body of Lhe University when he ceases LO be a member of the oLhcr.

(2) When a person is elected or nominated as a member of any aulhoriiy or body of Lhe Universiyy from any constituency, he shall ccu.sc to be such a member when he ceases lo belong lo that constituency.

filling of
vacancies.

36. (1) Any casual vacancy among Lhe elcclcd members of any authority or body of the Universiyy shall be filled, in .such manner and wiLhin such lime as may be prescribed, by election by such auihority or body of a person representing the inLeresi which Lhe member, whose seal has become vacant, represented.

(2) Any vacancy among Lhe nominated members of any auihority or body of the University shall be filled, within such time as may be prescribed, by nomination by the person or aulhoriiy lhai nominated the member whose scat has become vacant.

(3) Vacancies arising by efflux of lime in the seats orlcccd members of any authority or body of the University shall be filled by election lo be held on such dale or dales, not later lhan six monihs or such extended period as the Chancellor may, by order made in this behalf, specify so however that the aggregate period shall not exceed one year, from Lhe dale on which the vacancies arise, as the Vice-Chancellor may fix.

37. No acL or proceedings of the University or of any authority or body of the University shall be deemed lo be invalid merely by reason of the existence of a vacancy or vacancies among its members or the invalidity of the election of any or the members.

Proceedings
of the
University or
the authorities
or bodies of
the
University nol
invn lidaicd
by
vacancies.

*Explanation.*6 For the avoidance of doubt it is hereby declared ihat where the office of any member of any authority or body of the Universiyy cannot be filled up, when such authority or body is constituted for the first Lime, on account of any election or appointment nol being for any reason feasible, there shall be deemed to be a vacancy in the office of such member until suuh election lakes place or such appointment is made.

38. (1) There shall be an Election Tribunal lo which shall be referred any question as lo whether any person is eligible under this AcL for election or nomination or has been duly elected or nominated as, or is enliled to be, a member of any authority or body of the University, and the decision of llie Election Tribunal on such question shall be final.

(2) The constitution of the Election Tribunal shall be prescribed by Statutes.

E lee lion
Tribunal,

(3) If, during the progress of any election of members lo any auihority or body of the Universiyy, the Election Tribunal is satisfied thai such election is vitiated by fraud or corrupt practice, the Election Tribunal

XXXVI of 1981.]

The Rajendra Prasad Act, 1981. 284
(Chapter IV.—General provisions governing all authorities or other

bodies of the University.—Section 39.—Chapter V.—

Funds of the University, Accounts, Audit and Inspection.—

Sections 40, 41.)

may make an order annulling the proceedings in respect of such election or any part thereof and directing fresh proceedings to be started, in accordance with the provisions of this Act and the Statutes, the Ordinances and the Regulations, from such stage as may be specified in the order and such order of the Election Tribunal shall be final,

(4) No suit or proceeding shall lie in any civil court against a decision or an order of the Election Tribunal under sub-section (1) or sub-section (3), as the case may be.

39. At a meeting of the Court, the Executive Council, the Faculty Casting vote Councils or any other authority or body of the University, the person Chairman presiding at the meeting shall not vote in the first instance, but shall have and exercise a casting vote in the case of an equality of votes.

CHAPTER V

Funds of the University, Accounts, Audit and Inspection.

40. The University shall have a fund to be known as the University Fund to which shall be credited all its income from fees, fines, contributions, grants, donations, loans and advances and from any other source whatsoever. The University may also create, by Ordinances made in this behalf, separate special funds for the administration of endowments, trusts or specific grants or for other special purposes.

41. (1) The budget of the University showing the receipt and expenditure of the University on different accounts for a financial year shall be submitted to the State Government for approval at least four months before the beginning of such financial year in such form as may be specified by the State Government.

General
financial
powers of
university

(2) The State Government shall, within fifteen days of commencement of the financial year to which the budget relates, communicate its approval or otherwise of the budget to the University:

Provided that the State Government shall, from time to time, release grants to the University to incur expenditure till the budget is approved.

(3) Notwithstanding anything to the contrary contained in this Act, the University shall not, except with the prior approval of the State Government, incur any expenditure on any account in excess of the amount specified in the budget on that account.

42. Any provident fund instituted by the University for the benefit of its employees shall be governed by the provisions of the Provident 19 or 1925, Funds Act, 1925, as if such fund were a Government Provident Fund and the Executive Council shall have power to frame Ordinances, not inconsistent with the provisions of that Act, for the administration of the fund.

43. (1) The Annual Statement of Accounts of the University shall, after examination by the Executive Council, be subjected to such audit as the State Government may direct.

(2) Such Annual Statement of Accounts shall, together with copies of the audit report, thereon be submitted to the Court and to the State Government and shall thereupon be published by the Court. The Court shall consider the audited annual accounts at a meeting and may take such action thereon as it thinks fit.

(3) The University shall have a continuous internal audit, and the report of such audit shall be submitted to the State Government as soon as possible after the end of every financial year.

(4) The State Government may require the University to supply to it any information in regard to the accounts and the budget and the University shall comply with such requisition.

44. (1) The State Government shall have the right

- (a) to cause an inspection to be made, by such person or persons as it may direct,
 - (i) of the University, its buildings, laboratories, libraries, museums, press establishment, workshops, and equipments,
 - (ii) of the college affiliated to the University, and
 - (iii) into all affairs of the University and of such college including examination and other work conducted or done by the University or such college, and
- (b) to cause an enquiry to be made into the income, expenditure, properties, assets and liabilities of the University and of the college affiliated to the University.

(2) The State Government shall, in every such case of inspection or enquiry,

give notice to the University, and if the inspection or enquiry relates to the college affiliated to the University, both to the University and the college, of its intention to cause such inspection or enquiry.

(Chapter VI., Statutes, Ordinances, Regulations and Rules.—Section 45.)

(3) The State Government shall communicate to the Court and the Executive Council or to such college as the case may be, its views on

[the results of such inspection or enquiry and may, after considering the opinion of the Court and the Executive Council or of such college thereon, advise the University or such college regarding the action which the State Government considers fit to be taken by the University or by such college in the matters concerned and the University or such college shall report to the State Government, within such time as the State Government may direct, the action which is proposed to be taken or has been taken by the University or by such college to give effect to such advice of the State Government.

(4) The State Government may, after considering the report referred to in subsection (3), advise the University or such college, as the case may be, to take such further action in the matters concerned as may, in the opinion of the State Government, be necessary, and the University or such college shall take or cause to be taken such further action within such time as may be specified in that behalf by the State Government.

CHAPTER VI

Statutes, Ordinances, Regulations and Rules

45. Subject to the provisions of this Act, Statutes may be made to provide for all or any of the following matters:

- (a) the declaration of posts as posts of officers or the University referred to in clause (4) of section 7;
- (b) the establishment of authorities of the University referred to in clause (6) of section 16;
- (c) the appointment, powers, duties, and terms and conditions of service of the officers or the University in so far as these have not been specifically provided for in this Act;
- (d) the appointment of teachers and other employees of the University, their emoluments, duties and terms and conditions of service;
- (e) the constitution, powers and duties of the authorities of the University in so far as these have not been specifically provided for in this Act;
- (f) the rules and procedure for holding elections to the Court the Executive Council and other authorities and bodies of the University;

(Chapter VI.—Statutes, Ordinances, Regulations and Rules.—Section 46.)

- (g) the terms and conditions of affiliation or recognition of colleges or institutions, including terms and conditions for continuance of such affiliation or recognition and rules for disaffiliation or withdrawal of recognition of such colleges or institutions;
- (h) the constitution, powers and functions of the Governing Bodies of colleges, other than Government Colleges;
- (i) the terms and conditions of service and the minimum emoluments for posts of Principals, Teachers and such other employees as the University may deem fit, of all affiliated colleges, other than Government Colleges;
- (j) the rules for Provident Funds for Teachers of colleges, other than Government Colleges;
- (k) the rules for the institution of Provident Fund, pension fund and gratuity for the benefit of the Teachers, officers and other employees of the University;
- (l) the holding of convocations to confer degrees, titles, diplomas, certificates and other academic distinctions, including honorary degrees and distinctions;
- (m) the conditions for the registration of graduates of the University and for the maintenance of a Register for registered graduates;
- (n) the minimum qualifications for Principals, Teachers and Professors of the University;
- (o) all other matters which under this Act are required to be or may be prescribed by Statutes.

46. (1) The Executive Council may of its own motion, and shall, when required by the Court, make a draft of any Statute and submit the same to the Court. The draft so submitted shall be considered by the Court at a meeting or meetings to be held within a period of six weeks from the date of such submission (hereinafter referred to as the said period), and the draft so submitted shall, unless rejected or amended by the Court before the expiry of the said period by a majority of the total number of its members existing at the time, be deemed to have been passed by the Court. If the Court so rejects or amends the draft of any Statute, it shall be sent back to the Executive Council with the views of the Court for reconsideration. Thereupon, the Executive Council shall, reconsider the draft and resubmit it to the Court with such changes as it may deem necessary. On such resubmission of the draft, it shall again be considered by the Court at a meeting or meetings to be held within

XXXVI of 1981.)

(Chapter VI.—Statutes, Ordinances, Regulations and Rules,—Section 47.)

a period of six weeks from the date of such submission (hereinafter referred to as the first period) and the draft so resubmitted shall, unless rejected by the Council before the expiry of the latter period by a majority of the total number of its members existing at the time, be deemed to have been passed by the Council without any amendment, or be passed by the Council with such amendments as it may deem fit to make therein - within the latter period and by the same majority as aforesaid.

(2) A Statute, passed in the manner provided in sub-section (1), shall be presented to the Chancellor for assent and shall come into force on being assented to by the Chancellor in consultation with the Minister.

(3) A Statute shall remain in force until repealed or amended by a new Statute similarly passed and assented to by the Chancellor.

47. Subject to the provisions of this Act and the Statutes, Ordinances, Regulations and Rules, the Council may make rules for all or any of the following matters:

- (a) the admission of students to the University and the colleges affiliated to or recognized by the University;
- (b) the levy of fees in University Laboratories;
- (c) the conditions of residence and rules of discipline of the students of the University, including students of the colleges affiliated to or recognized by it, and the levy of fees for residence in halls;
- (d) rules for the establishment, maintenance and management of University Libraries, University Museums, halls and other University Institutions for study, research and residence;
- (e) rules for the recognition of libraries, laboratories, museums, hostels, and institutions for study, research and residence, other than those established, maintained and managed by the University;
- (f) rules for the taking over of the management of an affiliated or a recognised college or institution, other than a Government College or institution, in order to ensure that proper standards of teaching, training and instruction are maintained therein;
- (g) rules for the exercise of general supervision and control over affiliated or recognized colleges or institutions and for the giving of financial aid to them;
- (h) rules for the inspection or investigation into the affairs of colleges or other institutions, affiliated to or recognised by the University, to ensure that proper standards of teaching, training and research are maintained therein;
- (i) rules for the imposition and collection of fees, fines and other dues payable to the University;

[West Ben. Act

- (j) the duties and functions of the Teachers of the University including the Heads of Departments;
 - (k) rules for the registration of students;
 - (l) the appointment, duties and remuneration of examiners;
 - (m) rules for the administration of gifts, endowments and benefactions, and for the institution and award of fellowships, scholarships, studentships, stipends, bursaries, exhibitions, medals and prizes;
 - (n) rules and procedure for accepting grants and for raising or accepting loans other than loans from the Central or any State Government or the University Grants Commission;
- (o) all other matters which under this Act or the Statutes are required to be or may be prescribed by Ordinances.

How to 48. (i) The Executive Council shall take into consideration drafts
 Ordinances. of Ordinances proposed to be passed, after notice thereof has been given to the members of the Executive Council at least three weeks in advance of the date fixed for consideration of the same by the Executive Council. The Vice-Chancellor may direct a shorter notice in a matter which in his opinion is of an emergent nature.

(2) An Ordinance shall be deemed to be passed by the Executive Council if it is agreed to by a majority of the total number of members of the Executive Council existing at the time.

(3) An Ordinance passed by the Executive Council in the manner provided hereinbefore in this section shall be submitted to the Chancellor for assent and shall come into force on being assented to by the Chancellor and shall be reported to the Court at its next meeting.

(4) The Chancellor may direct that the operation of any Ordinance shall be suspended until such time as the Court has had an opportunity of considering the same.

(5) An Ordinance shall, unless cancelled or modified by the Chancellor, remain in force until repealed or amended by a new Ordinance similarly passed and brought into force.

Regulations. 49. Subject to the provisions of this Act and the Statutes and the Ordinances, Regulations may be made to provide for all or any of the following matters:

- (a) the powers and functions of the Boards of Studies;

- (b) the functions and duties of Teachers' Councils in Universities and in colleges and institutions other than Government Colleges and institutions;
- (c) the conditions for admission of students on the different courses of study and examinations;
- (d) the rules for the conduct of University examinations;
- (e) the courses of study and the division of subjects upon the recommendations of the Faculty Council concerned;
- (f) all other matters which under this Act or the Statutes or the Ordinances are required to be or may be prescribed by Regulations.

50. (1) The Executive Council or a Committee appointed by it shall take into consideration drafts of Regulations, consistent with this Act and Regulations, the Statutes and the Ordinances after notice of the proposed Regulation

has been given to the members of the Executive Council at least three weeks in advance of the date fixed for consideration of the same by the Executive Council or the Committee appointed by it. The Vice-Chancellor may direct a shorter notice in a matter which in his opinion is of an emergent nature.

(2) A Regulation shall be deemed to be passed by the Executive Council if it is agreed to at a meeting of the Executive Council by a majority of the total number of members of the Executive Council existing at the time, A Regulation shall come into force immediately on being passed unless otherwise directed by the Chancellor.

(3) The Court shall have the powers, by a resolution passed by the majority of its total number of members existing at the time, to cancel or modify any Regulation.

(4) A Regulation shall, unless cancelled or modified by the Court under sub-section (3), remain in force until repealed or amended by a new Regulation similarly passed and brought into force.

51. Subject to the provisions of this Act and the Statutes, the Rules, Ordinances and the Regulations, Rules may be made for the purpose of duly carrying out the provisions of, or exercising the powers conferred by, this Act or to provide for matters which, by the Statutes, the Ordinances or the Regulations, are required to be prescribed by Rules.

[West

The Rabindram Bhanji Act, 1981.
(Chapter VII.—Miscellaneous and Transitory provisions.—
Sections 52, 53.)

CHAPTER VII Miscellaneous and Transitory provisions

52, (i) The Vice-Chancellor or, with the approval of the Vice-Chancellor, the Registrar, may, subject to the provisions of this Act, delegate such of his powers or duties conferred or imposed by or under this Act as may be prescribed by the Statutes to an officer of the University under his direct administrative control.

(2) Subject to the provisions of this Act, —

- (a) the Court may delegate any of its powers or duties, conferred or imposed by or under this Act, to—
 - (i) the Vice-Chancellor,
 - (ii) the Executive Council,
 - (iii) a committee constituted from among its own members,
or
 - (iv) a committee appointed in accordance with the Statutes;
- (b) the Executive Council may delegate any of its powers or duties conferred or imposed by or under this Act, to—
 - (i) the Vice-Chancellor,
 - (ii) a committee constituted from among its own members,
 - (iii) a committee constituted in accordance with the Statutes or the Ordinances,
 - (iv) any of the Faculty Councils, or
 - (v) the Finance Committee;
- (c) the Faculty Council may delegate any of its powers or duties, conferred or imposed by or under this Act, to—
 - (i) the Vice-Chancellor,
 - (ii) a committee constituted from among its own members,
 - (iii) a committee constituted in accordance with the Regulations, or
 - (iv) any of the Boards of Studies;
- (d) the Finance Committee may delegate any of its powers or duties, conferred or imposed by or under this Act, to—
 - (i) the Vice-Chancellor,
 - (ii) a committee constituted from among its own members.

53, All properties and all rights of whatever kind used, enjoyed or possessed by, and all interests of whatever kind owned by or vested in or held in trust by or for, the University known as Rabindra Bharati as constituted prior to the appointed day (hereinafter referred to as the former University) as well as all liabilities legally subsisting against the former University shall pass to the University as constituted under this Act.

XXXVI of 1981.] (Chapter VII.6 Miscellaneous and Transitory Provisions.- Sections 54, 55J

The Rabindra Bharati Act, 1981.

54. Notwithstanding anything contained in this Act, the Statutes, ²⁹¹ [the Ordinances and the Regulations, in]y students of a college affiliated to the former University, who was studying for any examination of the former University, shall be permitted to complete his course in preparation (hereof and the University shall hold, for such students, examinations in accordance with the curricula of study in force in [the former University for such period as may be prescribed.

55. (1) The Vice-Chancellor holding office at the date of publication of this Act in the *Official Gazette* shall be the first Vice-Chancellor of the University and shall be deemed to have been appointed under this Act and shall hold office for a period of two years from the date of publication of this Act in the *Official Gazette* or till he attains the age of 65 years, whichever is earlier.

Completion of courses of studies in colleges affiliated to the former University.

(2) The first Vice-Chancellor shall, with the approval of the Chancellor and with the assistance of a Committee consisting of not less than nine members nominated by the State Government, cause the Statutes, the Ordinances and the Regulations of the former University to be revised and, if he considers it necessary, cause them to be amended.

(3) The first Vice-Chancellor shall, within six months from the date of publication of this Act in the *Official Gazette* or within such longer period as the State Government may, from time to time, by notification direct, cause arrangements to be made so as to complete, within the period of his office as the first Vice-Chancellor appointed under subsection (1), [the constitution of the Court, the Executive Council, the Faculty Councils and [the Boards or Studies in accordance with the provisions of [the Statutes, the Ordinances and the Regulations of the former University as reviewed or amended under sub-section (2), as if they had already come into force.

Transitory provisions and repeal.

(4) If, for any reason,

- (a) the constitution of the Court, the Executive Council and other bodies referred to in sub-section (3) cannot be completed within the period of office of the first Vice-Chancellor appointed under subsection (1), then, on the expiry of such period, the Chancellor may, in consultation with the Minister, on such terms and conditions as he thinks fit, appoint the first Vice-Chancellor whose period of office has expired or another person to be the Vice-Chancellor for the purposes of this section for such period [not exceeding two years and three months] as [the Chancellor thinks fit, or

Sub-section (3) was substituted for original sub-section by s. 2(1) of the Rabindra Bharati (Amendment) Act, 1983 (Wesl Ben. Act V] of 1983).

The words "not exceeding two years" were first substituted for the words "not exceeding one year" by s. 2(2)(a) of the Rabindra Bharati (Amendment) Act, 1987 (Wesl Ben. Act VI of 1987). Thereafter, the words within the square brackets were substituted for the words "not exceeding two years" by s. 2(a) of the Rabindra Bharati (Amendment) Act, 1986 (Wesl Ben. Act VI of 1986).

The Rabindra Bharati Act, 1981.

*(Chapter VII.—Miscellaneous and Transitory Provisions.—
Section 55.)*

(b) a vacancy occurs in the office of the first Vice-Chancellor before the expiry of the period of his office, then, the Chancellor may, in consultation with the Minister, on such terms and conditions as he thinks fit, appoint another person to be the Vice-Chancellor for the purposes of (his section for the unexpired portion of such period or such further period [not exceeding two years and three months] as the Chancellor thinks fit, and references in this Act to the first Vice-Chancellor shall be deemed to include references to the Vice-Chancellor appointed under this sub-section.

(5) The State Government shall, by notification in the *Official Gazette*, appoint a date and on and from such date the Court, the Executive Council, the Faculty Councils and the Boards of Studies shall commence to exercise their respective functions and the Statutes, the Ordinances and the Regulations of the former University as revised or amended under sub-section (2) shall come into force [and shall be the first Statutes, the first Ordinances and the first Regulations of the University.]

(6) [The first Statutes, the first Ordinances and the first Regulations] of the University shall remain in force until new Statutes, new Ordinances and new Regulations are made under the provisions of this Act.

(7) (a) The Rabindra Bharati (Temporary Supersession) Act, 1975 W.O.M. Hen. (hereinafter referred to in this sub-section as the said Act) shall stand [repealed with effect from the date of publication of this Act in the *Official Gazette*].

(b) Notwithstanding such repeal,

(i) until the appointed day, the Rabindra Bharati University Council, referred to in clause (b) of section 4 of the said Act, shall continue to exercise all the powers and perform all the duties in the manner and on the terms and conditions provided in the said Act, and

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

(8) The first Vice-Chancellor may, subject to the approval of the Chancellor, appoint such administrative, clerical and other staff as he deems necessary for giving effect to the provisions of this section.

The words "not exceeding two years" were first substituted for the words "not exceeding one year" by s. 2(2)(b) of the Rabindra Bharati (Amendment) Act, 1983 (West Ben. Act VI of 1983). Thereafter, the words within the square brackets were substituted for the words "not exceeding two years," by s. 2(b) of the Rabindra Bharati (Amendment) Act, 1986 (West Ben. Act VI of 1986).

The words within the square brackets were substituted for the words "and be the Statutes, the Ordinances and the Regulations of the University," by s. 4(a) of the Rabindra Bharati (Second Amendment) Act, 1983 (West Ben. Act XXI of 1983).

The words within the square brackets were substituted for the words "The Statutes, the Ordinances and the Regulations" by s. -1(b), *ibid.*.

of 1981.]

The Rabindra Bharati Act, 1981.

(Chapter VII.—Miscellaneous and Transitory Provisions.— Section 55.)

(9) On and from the appointed day the Rabindra Bharati Act, 1961 shall stand repealed and thereupon—

- (a) the Statutes, the Ordinance* and the Regulations of the former University shall, subject to the provisions of subsection (5), stand repealed and all authorities or bodies of the former University shall cease to function;
- (b) all colleges and institutions affiliated to or recognised by the former University and continuing as such immediately before the appointed day shall be deemed to be affiliated to, or recognised by, the University;
- (c) all colleges or institutions of whatever kind established, maintained or managed by the former University prior to the appointed day shall be deemed to be colleges or institutions established, maintained or managed by the University under this Act;
- (d) all affairs, functions or activities of the former University, including studies and examinations, commenced and in progress before the appointed day, shall be deemed to be in progress as if they had been commenced by the University under this Act;
- (e) all things done or deemed to have been done, and all actions taken or deemed to have been taken and all appointments made by the former University under the Rabindra Bharati Act, 1961 shall be deemed to be things done or actions taken or appointments made by the University under this Act as if this Act had been in force when such things were done or such actions were taken or such appointments were made:

Provided that until such repeal, references to the Vice-Chancellor under the said Act shall be deemed to be references to the first Vice-Chancellor under this Act.

(10) In construing the provisions of section 17, section 20 and section 22 and in construing the provisions of the Statutes, the Ordinances and the Regulations of the University in relation to the constitution, under this section, of the Court, the Executive Council, the Faculty Councils and the Boards of Studies, references to the heads of departments of teaching of the University, the University Professors, University Readers and University Lecturers, and Teachers of the University shall be deemed to be references to the persons holding offices respectively as the heads of departments of teaching, Professors, Readers, Lecturers and Teachers of the University known as Rabindra Bharati, immediately

*(Chapter VII.—Miscellaneous and Transitory Provisions.—
Section 56.)*

[before the date of publication of final list of voters for election under this Act and [the Statutes, to the Court, the Executive Council, the Faculty Councils or the Boards of Studies, as the case may be.]

(11) The provisions of this section shall have effect notwithstanding anything, to [the contrary contained elsewhere in this Act or in any other law.

Removal of 56. If on account of any lacuna or omission in the provisions of this Act, or for any other reason whatsoever, any difficulty arises as to the

first constitution of any authority of the University under this Act, or otherwise in giving effect to the provisions of this Act, the State Government, as occasion may require, may by order do anything which appears to it to be necessary for the purpose of removing the difficulty notwithstanding anything to the contrary contained elsewhere in this Act or in any other law.

. The words within the square brackets were substituted for the words "before the date of appointment or the first Vice-Chancellor." by s. 4(e) of the Rabindra Bharati (Second Amendment) Act, 1983 (West Ben. Act XXI of 1983).