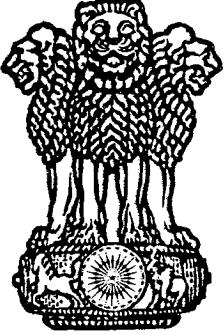


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THURSDAY, SEPTEMBER 2, 2004

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PART III—Acts of the West Bengal Legislature.

GOVERNMENT OF WEST BENGAL

LAW DEPARTMENT

Legislative

NOTIFICATION

No. 1361-L.—2nd September, 2004.—The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information:—

West Bengal Act XIII of 2004

**THE BENGAL ENGINEERING AND SCIENCE
UNIVERSITY, SHIBPUR ACT, 2004.**

[Passed by the West Bengal Legislature.]

*[Assent of the Governor was first published in the Kolkata Gazette,
Extraordinary, of the 2nd September, 2004.]*

*An Act to provide for the reconstitution of the Bengal Engineering College,
Shibpur, Howrah (a Deemed University) as the Bengal Engineering and Science
University, Shibpur, and for matters connected therewith or incidental thereto.*

WHEREAS the Bengal Engineering College, Shibpur, Howrah has been declared
by the Central Government as a Deemed University under section 3 of the University
Grants Commission Act, 1956; 3 of 1956.

AND WHEREAS it is expedient to confer on the said Institution the status of a
University to enable it to function more efficiently as a teaching, training and research
Centre in various branches of learning and courses of study promoting advancement

*The Bengal Engineering and Science University, Shibpur Act, 2004.**(Chapter I.—Preliminary.—Sections 1, 2.)*

and dissemination of knowledge and learning, and to meet the requirement of higher education and research in the field of Engineering and Technology, Basic and Applied Sciences, Social and Management Sciences and to avail better scopes and opportunities to serve the society and the nation;

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

CHAPTER I

Preliminary

Short title and commencement.

1. (1) This Act may be called the Bengal Engineering and Science University, Shibpur Act, 2004.

(2) This section and section 53 shall come into force at once; and the remaining provisions of this Act shall come into force on such date or dates as the State Government may, by notification in the *Official Gazette*, appoint, and different dates may be appointed for different provisions of this Act.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

- (1) “appointed day” means the date referred to in sub-section (5) of section 53;
- (2) “College” means a College established or maintained by, or affiliated to, the University;
- (3) “convocation” means a meeting of the Court for the purposes of conferring degrees, titles, diplomas, certificates or other academic distinctions;
- (4) “employee”, in relation to the University, means a person other than a Teacher or an officer employed by the University;
- (5) “financial year” means the year ending on the 31st day of March;
- (6) “Governor” means the Governor of the State of West Bengal;
- (7) “hall” means a unit of residence of students maintained by the University;
- (8) “hostel” means a unit of residence for students, not maintained by the University but recognised under this Act as a hostel;
- (9) “Institution” means a College, Research Organisation or any other place, by whatever name called, for training, instruction, research or study;
- (10) “Librarian”, in relation to the University, means a Librarian or any other person holding a post of Librarian, by whatever name called, appointed or recognised as such by the University;
- (11) “Minister” means the Minister-in-charge of Higher Education appointed as such by the Governor;
- (12) “non-teaching staff” means,—
 - (a) in relation to the University, the non-teaching staff, not holding any teaching post (including part-time teaching post), appointed or recognised as such by the University, and
 - (b) in relation to an affiliated College, the non-teaching staff, not holding any teaching post (including part-time teaching post), appointed or recognised by the University or appointed by such College, but does not include a Librarian;
- (13) “officer” means an officer of the University;
- (14) “prescribed” means prescribed by Statutes or Ordinances or Regulations;

*The Bengal Engineering and Science University, Shibpur Act, 2004.**(Chapter II.—The University and its officers.—Sections 3, 4.)*

- (15) “Statutes”, “Ordinances”, “Regulations” and “Rules” mean, respectively, the Statutes, Ordinances, Regulations and Rules made under this Act;
- (16) “State Government” means the Government of West Bengal in the Higher Education Department;
- (17) “Student” means a student of the University, and includes any person enrolled by the University for pursuing any course of study of the University;
- (18) “Teacher” means a Principal, Professor, Assistant Professor, Reader, Lecturer or any other person holding a teaching post either whole-time or part-time basis and appointed or recognised as such by the University for the purposes of imparting instruction and conducting research in the University;
- (19) “Teacher of the University” means a Professor, Reader, Assistant Professor, Lecturer or any other person, holding a teaching post including a part-time teaching post, appointed or recognised as such by the University;
- (20) “the University” means the Bengal Engineering and Science University, Shibpur, as constituted under this Act;
- (21) “University College” means a college, or an institute, or a college combined with an institute, maintained and managed by the University, whether established by it or not;
- (22) “University Laboratory”, “University Library”, “University Museum” or “University Institution” means a laboratory, a library, a museum or an institution, as the case may be, maintained and managed by the University, whether established by it or not;
- (23) “University Professor”, “University Assistant Professor”, “University Reader”, or “University Lecturer” means a Professor, Assistant Professor, Reader or Lecturer appointed or recognised as such by the University.

CHAPTER II

The University and its officers

The University.

3. (1) The first Chancellor, the first Vice-Chancellor and the first members of the Court and the Executive Council, and all persons who may hereafter become the Chancellor or the Vice-Chancellor of the University or the members of the Court or the Executive Council, so long as they continue to hold such office or membership, shall constitute a body corporate by the name of the Bengal Engineering and Science University, Shibpur.

(2) The University shall have perpetual succession and a common seal and shall sue and be sued by the name of the Bengal Engineering and Science University, Shibpur.

Powers of the University.

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

- (1) to encourage and to provide for instruction, teaching, training and research in basic and applied sciences, engineering and technology, social and management sciences and such other branches of learning and courses of study as it may think fit, and generally to promote the advancement and dissemination of knowledge and learning and strengthening modernisation and internationalisation of higher education;
- (2) to establish, maintain and manage colleges, faculties, departments, libraries, laboratories, workshops, museums, social organisations and such other institutions or centres for studies and research as it may deem necessary;

The Bengal Engineering and Science University, Shibpur Act, 2004.

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

- (3) to establish, maintain, and manage schools, centres and such other units for promotion of interdisciplinary and multidisciplinary research;
- (4) to provide for study and research in specialised and emerging areas and for organisation of common laboratories, libraries, museums and other institutions or centres for study and research work;
- (5) to establish and maintain linkage with industry and to promote interaction and enter into collaborative agreement with other universities, research institutions and learned societies and industries around the world in matters that relate to the furtherance of the objective of the University;
- (6) to promote research leading to development of technologies and transfer of such technologies to society in general and industry in particular;
- (7) to promote creation of highly skilled manpower capable of contributing towards national development in general and development of industry based on modern technology in particular;
- (8) to take appropriate measures for maintenance of standard and enhancement of quality in higher education;
- (9) to institute degrees, titles, diplomas, certificates and other academic distinctions;
- (10) to hold examinations and to confer degrees, titles, diplomas, certificates and other academic distinctions on persons who have pursued approved courses of study in the University unless exempted therefrom in the manner prescribed, and have passed the prescribed examinations of the University;
- (11) to arrange for adjudication of doctoral thesis/dissertation or relevant work as may be prescribed by the University and to confer degrees upon persons who have carried on research in accordance with the relevant regulations of the University;
- (12) 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;
- (13) to confer honorary degrees or other academic distinctions under conditions prescribed;
- (14) to institute the posts of Teacher of University, Professor, Assistant Professor and other teaching posts required by the University and to appoint the Teacher of University, persons to such posts of Professor, Assistant Professor, Lecturer or other teaching posts, or to recognise persons as Professors, Assistant Professors or Lecturers of the University;
- (15) to create posts, as and when required, of officers and employees of the University besides those provided for in this Act;
- (16) to prescribe, subject to the provisions of this Act, the constitution, powers and duties of the Boards of Studies, the Finance Committee, Planning and Monitoring Board and such other bodies;
- (17) to prescribe the powers and duties of officers of the University;
- (18) 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 of the University and employees of the University and for all posts of officers;
- (19) to make provisions for provident and other funds for Teachers of the University and for officers and employees of the University;

*The Bengal Engineering and Science University, Shibpur Act, 2004.**(Chapter II.—The University and its officers.—Sections 5-7.)*

- (20) to acquire, hold and dispose of property, movable and immovable, and to make grants and advances for furthering its objects;
- (21) to accept and administer gifts, endowments and benefactions, for the furtherance of any of the objects of the University;
- (22) to institute awards, fellowships, travelling fellowships, scholarships, studentships, stipends, bursaries, exhibitions, medals and prizes;
- (23) to accept grants and to raise loans or to accept loans from Central or any State Government or the University Grants Commission, and also from other sources;
- (24) to make appropriate measures for creation of an independent financial base of the University;
- (25) to create fund out of donations and contributions from private sources with attendant obligations and engagements not inconsistent with the objects or standing of the University;
- (26) to prescribe fees or other charges for examinations and other purposes, and to demand and receive the fees or other charges so prescribed;
- (27) to establish, maintain and manage halls, to recognise hostels and to withdraw such recognition;
- (28) to provide for the promotion of health and welfare of students and of discipline among them;
- (29) to perform all such acts and do all such things as may be necessary or desirable for, or incidental to, the advancement of the objects or purposes of the University;
- (30) to appoint, either on contract or otherwise, visiting professors, emeritus professors, consultants, fellows, scholars and such other persons as may contribute to the advancement of the objects of the University; and
- (31) to affiliate any college, institution or centre with the sanction of the State Government, subject to such conditions and restrictions as the State Government may impose.

The Chancellor.

5. (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 over the meetings of the Court.

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

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

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

Officers of the University.

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

- (i) the Vice-Chancellor;
- (ii) the Registrar;
- (iii) the Finance Officer; and
- (iv) such other persons as may be declared by the Statutes to be the officers of the University.

The Vice-Chancellor.

7. (1) The Vice-Chancellor shall be appointed by the Chancellor on the recommendation of a "Search Committee" to be constituted for this purpose. The "Search Committee" shall have three members, one member to be nominated by the Minister and two by the Court, in the manner prescribed by the Statutes. No person, who is an employee or a member of any authority of the University, shall be nominated to be a member of the "Search Committee". The Registrar shall be the non-member convenor of the "Search Committee".

*The Bengal Engineering and Science University, Shibpur Act, 2004.**(Chapter II.—The University and its officers.—Section 8.)*

(2) (a) The Vice-Chancellor shall hold office for a period of four years or till he attains the age of 65 years, whichever is earlier, and shall, subject to the provisions of this section, be eligible for re-appointment for a further period not exceeding four years.

(b) The Chancellor may, notwithstanding the expiration of the term of the office of 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) 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 of such temporary inability of him, the Chancellor may, in consultation with the Minister, appoint any person to exercise the powers, and perform the duties, of the Vice-Chancellor for a period not exceeding six months from the date of such appointment, pending the appointment of the Vice-Chancellor in accordance with the provisions of sub-section (1).

(6) If any vacancy arises in the office of the Vice-Chancellor by reason of death, resignation or expiry of the term of his office or otherwise, then, such vacancy 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 such vacancy, and such period shall be held to include any period for which a Vice-Chancellor is allowed to continue in office in terms of clause (b) of sub-section (2), or a person is appointed to exercise the powers, and perform the duties, of the Vice-Chancellor under sub-section (5).

Powers and duties
of the Vice-
Chancellor.

8. (1) The Vice-Chancellor shall be the principal executive and academic officer of the University and shall, in the absence of the 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 for post-graduate and undergraduate studies and also the Chairman of any other authority or body of the University of which he may 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, Faculty Councils for post-graduate and undergraduate studies and of any other authority or body of the University.

(3) It shall be the duty of the Vice-Chancellor to ensure that the provisions of this Act, and the Statutes, the Ordinances, 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 employees of the University and generally over all the affairs of the University.

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

(6) The Vice-Chancellor may take on behalf of the University such action as he may deem expedient in any matter which, in his opinion, is either urgent or of an emergent nature and shall report the same for confirmation at the next meeting 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.

*The Bengal Engineering and Science University, Shibpur Act, 2004.**(Chapter II.—The University and its officers.—Sections 9-12.)*

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

The Registrar.

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

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

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

Powers and duties of the Registrar.

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

(2) The Registrar shall, subject to the provisions of this Act, have the power of supervision and control over all officers and employees serving in departments under his charge and shall exercise such disciplinary power as may be conferred on him by or under this Act.

The Finance Officer.

11. (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 the Chairman, two nominees of the Executive Council, a nominee of the Chancellor, and a nominee of the State Government.

(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, with the approval of the Executive Council, appoint a person temporarily for a period not exceeding six months, to exercise the powers, and perform the duties, of the Finance Officer.

Powers and duties of the Finance Officer.

12. (1) The Finance Officer shall, subject to the supervision, direction and control of the Vice-Chancellor and the Executive Council, be in charge of administration of the funds, the finances, and the properties and assets of the University and of all trusts and endowments.

(2) The Finance Officer shall have special interest in the activities that aim at raising funds for the University and augmenting the resources of the University.

(3) The Finance Officer shall, subject to the provisions of this Act, have the powers of supervision and control over all officers and employees serving in departments under his charge and shall exercise such disciplinary powers as may be conferred on him by or under this Act.

*The Bengal Engineering and Science University, Shibpur Act, 2004.**(Chapter III.—Authorities of the University.—Sections 13, 14.)*

CHAPTER III

Authorities of the University

Authorities.

13. The following shall be the authorities of the University:—
- (1) the Court;
 - (2) the Executive Council;
 - (3) the Faculty Councils for post-graduate and undergraduate studies;
 - (4) the Boards of Studies;
 - (5) the Finance Committee;
 - (6) the Planning and Monitoring Board;
 - (7) such other authorities as may be established under the Statutes.

The Court.

14. (1) The Court shall consist of the following members:—
- (a) *ex officio members*
 - (i) the Chancellor;
 - (ii) the Vice-Chancellor;
 - (iii) the immediately preceding Vice-Chancellor;
 - (iv) the Secretary, Higher Education Department, Government of West Bengal, or his nominee not below the rank of Joint Secretary or Special Secretary to the Government of West Bengal;
 - (v) the Secretary, Finance Department, Government of West Bengal, or his nominee not below the rank of Joint Secretary or Special Secretary to the Government of West Bengal;
 - (vi) the President, West Bengal Council of Higher Secondary Education;
 - (vii) the Director, Indian Association for Cultivation of Science;
 - (viii) the Deans of the Faculty Councils for Post-graduate and Undergraduate Studies;
 - (ix) the Directors of Schools;
 - (x) one nominee of the University Grants Commission;
 - (xi) one nominee of All India Council for Technical Education;
 - (xii) one Member of the West Bengal Legislative Assembly, elected by the Members of the West Bengal Legislative Assembly;
 - (xiii) Member-Secretary, West Bengal State Council of Higher Education, *ex officio*;
 - (xiv) Chairman, West Bengal State Centre, Indian Institute of Engineers, *ex officio*.
 - (b) *other members*
 - (xv) three Professors of the University, not more than one from any department, elected by the Professors of the University;
 - (xvi) three Teachers other than Professors of the University not more than one from any department, elected by such Teachers;
 - (xvii) one regular post-graduate student of the University, to be elected by an electoral college.

Explanation I.—“Regular post-graduate student” shall mean a student who has been prosecuting his studies in a post-graduate department of the University under any Faculty Council for post-graduate and undergraduate studies and who is not in default of payment of prescribed tuition fees and other dues of the University till such date as may be notified by the University in this behalf.

*The Bengal Engineering and Science University, Shibpur Act, 2004.**(Chapter III.—Authorities of the University.—Section 15.)*

Explanation II.—Notwithstanding anything contained elsewhere in this Act, a regular post-graduate student 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 post-graduate student of the University, whichever is earlier;

- (xviii) three regular students prosecuting their studies in undergraduate degree classes of whom one shall be a lady student, elected by an electoral college.

Explanation I.—“Regular student” shall mean a student in an undergraduate class and who is not in default of payment of prescribed tuition fees and other dues of the University till such date as may be notified by the University in this behalf.

Explanation II.—Notwithstanding anything contained elsewhere in this Act, a regular student 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 of the University, whichever is earlier;

- (xix) two members elected by the members of the non-teaching staff of the University from amongst themselves;
- (xx) two members elected by the officers and the supervisory staff of the University from amongst themselves;
- (xxi) three persons to be nominated by the State Government to secure the representation of the professional, industrial, scientific, technical, academic and other learned societies;
- (xxii) two persons to be nominated by the Chancellor;
- (xxiii) two persons who are members of the Alumni Association of the University, or Bengal Engineering College, to be nominated by the State Government.

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

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

- (i) to consider the annual report as prepared by the Executive Council and to pass such resolutions relating thereto as may be considered necessary;
- (ii) to consider and advise on such other reports from the Executive Council or any other body as may be placed before it;
- (iii) to consider, and advise on, proposals from the Executive Council for co-operation and collaboration with other universities, institutions and educational authorities in matters that relate to or further the academic objectives of the University;
- (iv) to consider the Annual Statement of Accounts and the Annual Financial Estimates approved by the Executive Council and to pass such resolutions relating thereto as may be considered necessary;

Provided that for the purpose of passing the resolutions modifying or rejecting any such Annual Financial Estimates, it shall be necessary for a majority of the total number of members of the Court existing at the time to vote in favour of the resolution;

- (v) to consider and suggest measures for the improvement of the administration and finances of the University, and generally for the furtherance of its objectives;

*The Bengal Engineering and Science University, Shibpur Act, 2004.**(Chapter III.—Authorities of the University.—Section 16.)*

- (vi) to establish University departments, Institutions, schools and centres of multidisciplinary research, libraries, laboratories, workshops and museums for study and research;
- (vii) to create and institute with the approval of the State Government, posts of Professors, Assistant Professors, Lecturers and such posts including posts of officers and staff as may be necessary for the establishment of University departments, Institutions, schools and centres, libraries, laboratories, workshops and museums referred to in clause (vi);
- (viii) to institute fellowships, travelling fellowships, scholarships, studentships, stipends, bursaries, exhibitions, medals and prizes to be awarded out of the University Fund;
- (ix) to institute degrees, titles, diplomas, certificates and other academic distinctions;
- (x) to confer degrees, titles, diplomas, certificates and other academic distinctions on persons who—
 - (a) have pursued prescribed courses of studies or have been exempted therefrom in the manner prescribed, and have passed such examinations as may be prescribed, or
 - (b) have carried on research in accordance with such conditions as may be prescribed;
- (xi) 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;
- (xii) to confer honorary degrees or other academic distinctions;
- (xiii) to make rules for the transaction of its own business;
- (xiv) to exercise all other powers and perform all other functions conferred and imposed on the Court by or under this Act.

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

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

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

Meetings of the Court.

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

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

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

(3) The Vice-Chancellor may, whenever he thinks fit, and shall, upon a requisition in writing signed by not less than fifty per cent of 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.

*The Bengal Engineering and Science University, Shibpur Act, 2004.**(Chapter III.—Authorities of the University.—Sections 17, 18.)*

The Executive Council.

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

(a) *ex officio members*

(i) the Vice-Chancellor;

(ii) the Deans of the Faculty Councils for post-graduate and undergraduate studies;

(b) *other members*

(iii) one Professor of the University elected by such Professors of the University, as are members of the Faculty Councils for post-graduate and undergraduate studies from amongst themselves;

(iv) one Teacher, other than Professor of the University, as are members of the Faculty Councils for post-graduate and undergraduate studies from amongst themselves;

(v) one Professor of the University elected by such Professors of the University as are members of the Court from amongst themselves;

(vi) one Teacher, other than Professors of the University, as are members of the Court elected from amongst themselves;

(vii) one person, other than Teachers, Students and non-teaching employees of the University, elected by the members of the Court from amongst themselves;

(viii) one non-teaching employee of the University elected by such non-teaching employees of the University as are members of the Court from amongst themselves;

(ix) one officer or supervisory staff of the University elected by such officers or supervisory staff of the University as are members of the Court from amongst themselves;

(x) one Director of the Schools nominated by the Vice-Chancellor;

(xi) one person nominated by the Chancellor;

(xii) two persons to be nominated by the State Government to secure the representation of the professional, industrial, scientific, technical, academic and other learned societies;

(xiii) the Secretary, Higher Education Department, Government of West Bengal, or his nominee not below the rank of Joint Secretary or Special Secretary to the Government of West Bengal;

(xiv) the Secretary, Finance Department, Government of West Bengal, or his nominee not below the rank of Joint Secretary or Special Secretary to the Government of West Bengal.

(2) all elections to the Executive Council shall be held in such manner as may be prescribed by Statutes.

(3) one-third of the total number of members shall constitute a quorum for a meeting of the Executive Council.

Powers and functions of the Executive Council.

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

(1) to initiate proposals for making of Statutes and Ordinances including proposals for amendment or repeal thereof, in the manner hereinafter provided;

The Bengal Engineering and Science University, Shibpur Act, 2004.

(Chapter III.—Authorities of the University.—Section 18.)

- (2) to make regulations regarding courses of studies and organisation of subjects after obtaining and considering the recommendation of the Faculty Councils for post-graduate and undergraduate studies in this regard;
- (3) to make regulations regarding examinations which shall be recognised as the equivalent examinations held by the University;
- (4) to make regulations regarding conditions under which students may be admitted to different courses of studies;
- (5) to make regulations regarding conduct of examinations held by the University and the condition under which students may be admitted to such examinations;
- (6) to make regulations regarding all other matters which may be or are required to be prescribed or provided by the regulations;
- (7) to give directions regarding the Form, custody and use of the common seal of the University;
- (8) to recommend to the Court, after consulting the respective Faculty Councils for post-graduate and undergraduate studies, whenever necessary, the establishment of University Departments, Institutions, Schools and Centres of multidisciplinary research centres and such other research units, libraries, laboratories, workshops and museums for study and research;
- (9) to maintain University Departments, University Institutions, University Schools and Centres, University Workshops, Technology Parks, University libraries, University laboratories and University museums;
- (10) to establish, maintain and manage halls and to recognise hostels;
- (11) to direct the inspection of University libraries, University laboratories, University museums, halls and hostels;
- (12) to recommend to the Court, after consulting the respective Faculty Councils for post-graduate and undergraduate studies, whenever necessary, the institution of fellowships, travelling fellowships, scholarships, studentships, stipends, bursaries, medals and prizes, the expenses of which shall be met from the University Fund, and to award the same after institutions thereof by the Court;
- (13) to recommend to the Court, after consulting the respective Faculty Councils for post-graduate and undergraduate studies, if necessary, the creation and institution of posts of Professors, Assistant Professors and Lecturers and such posts as may be needed for the establishment of the University Departments, Institutions, schools and centres, libraries, laboratories, workshops and museums referred to in clause (vi) of subsection (1) of section 15;
- (14) to create with the approval of the State Government posts of officer, teachers and employees of the University or to recommend to the Court for such creation, where necessary;
- (15) to prescribe the minimum qualifications for posts of officers, teachers, and non-teaching employees of the University;
- (16) to appoint Teachers, officers and employees of the University and to fix their emoluments and define their duties and other terms and conditions of service in accordance with the Statutes and the Ordinances;

*The Bengal Engineering and Science University, Shibpur Act, 2004.**(Chapter III.—Authorities of the University.—Section 18.)*

- (17) to suspend, discharge or otherwise punish the Teachers, officers and employees of the Univeristy in accordance with the Statutes and the Ordinances;
- (18) to recommend to the Court, after consulting the respective Faculty Councils for post-graduate studies, the institution of degrees, titles, diplomas, certificates and other academic distinctions;
- (19) to approve the constitution or reconstitution of the departments of teaching on the recommendation of the respective Faculty Council for post-graduate and undergraduate studies;
- (20) to provide for co-operation and reciprocity among colleges, Institutions and laboratories and the University so as to foster the development of academic life and to ensure the fullest utilisation of the resources available in the University on the recommendation of the respective Faculty Council for post-graduate and undergraduate studies;
- (21) 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;
- (22) to recommend to the Court, on the advice of the appropriate body, the conferment of degrees, titles, diplomas, certificates and other academic distinctions on persons who have pursued prescribed courses of studies or have been exempted therefrom in the prescribed manner, and have passed such examinations or have carried on research under such conditions as may be prescribed;
- (23) to recommend to the Court, the conferment of honorary degrees and other academic distinctions;
- (24) 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;
- (25) to acquire, hold and dispose of property, movable or 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;
- (26) to accept and administer gifts, endowments and benefactions for the furtherance of the purposes of this Act;
- (27) 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;
- (28) to approve the Annual Statements of Accounts and the Annual Financial Estimates of the University and to submit the same to the Court for consideration;
- (29) to prepare the annual report and submit the same to the Court for consideration;

*The Bengal Engineering and Science University, Shibpur Act, 2004.**(Chapter III.—Authorities of the University.—Section 19.)*

- (30) to make due provision for the health, welfare, residence and discipline of the students and their relationship with the University and to provide for such training of students as may be considered desirable;
- (31) to make rules for the transaction of its own business;
- (32) to exercise all other powers and perform all other functions conferred and imposed on the Executive Council by or under this Act;
- (33) to exercise general supervision over the Faculty Councils for post-graduate studies and Councils for undergraduate studies and give directions to these Councils for the due discharge of their respective duties as it may consider necessary.

The Faculty Councils for post-graduate and undergraduate studies.

19. (1) There shall be the following Faculty Councils for post-graduate and undergraduate studies:—

- (a) the Faculty Council for Post-graduate and Undergraduate Studies in Engineering and Technology;
- (b) the Faculty Council for Post-graduate and Undergraduate Studies in Basic and Applied Sciences; and
- (c) the Faculty Council for Post-graduate and Undergraduate Studies in Social and Management sciences.

(2) Each Faculty Council for post-graduate and undergraduate studies shall consist of the following members:—

- (i) the Vice-Chancellor—Chairman;
- (ii) the Dean of the Faculty Council concerned;
- (iii) the Head or Heads of the Department or Departments concerned, if any;
- (iv) Directors of schools concerned, as may be nominated by the Vice-Chancellor;
- (v) the Professor or Professors of the Department or Departments concerned, if any;
- (vi) five Teachers of the University, other than Professors belonging to the departments of the Faculty Council concerned to be elected jointly by such Teachers from amongst themselves;
- (vii) not more than five persons having special knowledge in the subject or subjects concerned nominated by the Vice-Chancellor; and
- (viii) not more than three persons having special knowledge in the subject or subjects concerned nominated by the Executive Council, from a list of not more than nine experts recommended by the Court.

(3) Each Faculty Council for post-graduate and undergraduate studies shall have a Secretary who shall be a member of the Faculty Council:

Provided that in the absence of the Secretary, the Registrar or a Deputy Registrar or an Assistant Registrar, as may be nominated by him, shall act as the Secretary of the Faculty Council.

(4) One-third of the total number of members of a Faculty Council for post-graduate and undergraduate studies shall constitute a quorum for a meeting of the Faculty Council.

*The Bengal Engineering and Science University, Shibpur Act, 2004.**(Chapter III.—Authorities of the University.—Section 20.)*

Powers and functions of the Faculty Councils for post-graduate and undergraduate studies.

20. Subject to the provisions of this Act, and the Statutes, the Ordinances and the Regulations, a Faculty Council for post-graduate and undergraduate studies shall exercise the following powers and perform the following functions:—

- (1) to make proposals to the Executive Council for the establishment of University Departments, institutions, schools and centres, libraries, laboratories, workshops and museums for study and research to be maintained by the University;
- (2) to recommend to the Executive Council for the creation and institution of posts of Professors, Assistant Professors and Lecturers, and other teaching posts, and the duties and emoluments thereof;
- (3) to make proposal to the Executive Council for constituting or reconstituting the departments of teaching in the University;
- (4) to make proposals to the Executive Council for the promotion of research and to keep the Executive Council informed of the progress of research in the University at regular intervals;
- (5) to make general supervision over the Boards of Studies attached to the Faculty Council in accordance with the rules framed for the purpose;
- (6) to provide for the inspection or investigation into the academic affairs of any department or any school or centre and submit report to the Executive Council;
- (7) 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;
- (8) to consider any academic matter relating to the Faculty Council and to arrive at decisions or make recommendations pertaining thereto to the appropriate authority or officer;
- (9) to maintain contact with other Faculty Councils for the purpose of sharing ideas and ensuring co-ordination;
- (10) to approve the Annual Report of the activities of the Faculty Council during the previous academic year and submit the same each year to Executive Council on or before such date as may be prescribed;
- (11) to make rules for transaction of its own business;
- (12) to frame rules relating to the courses of post-graduate and undergraduate studies and the organisation of subjects in regard thereto and to recommend to the Executive Council the making of Regulations in this behalf;
- (13) to make provisions for lectures and instructions for students of University Departments, Schools and Centres and University Laboratories and also for other persons who are not such students;
- (14) to appoint, if required by the 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 studies, including the subjects for doctoral thesis and for prizes and medals;
- (15) to hold and conduct, subject to general supervision by the Executive Council, post-graduate and undergraduate examinations of the University and publish the results thereof in accordance with the regulations made in this behalf;
- (16) to consider and approve the results of examinations leading to post-graduate and undergraduate degrees, diplomas and certificates;

*The Bengal Engineering and Science University, Shibpur Act, 2004.**(Chapter III.—Authorities of the University.—Sections 21-23.)*

- (17) to advise the Executive Council on the institution of degrees, titles, diplomas, certificates and other academic distinctions;
- (18) to recommend to the Executive Council the conferment of post-graduate and undergraduate degrees, diplomas and certificates;
- (19) to exercise all other powers and perform all other functions conferred and imposed on it by or under this Act;
- (20) to delegate to the teaching departments, research units, and Boards of Studies attached to it, the responsibility for such academic matters as may concern such departments, units and Boards;
- (21) to abide by, and implement promptly, the decisions that may be arrived at the Executive Council from time to time in regard to the Faculty Council;
- (22) to follow the guidelines and rules framed by the Executive Council;
- (23) to supply promptly such information, returns, reports and other materials as may be required by the University;
- (24) to have general responsibility for maintenance of standard and enhancement of quality in relation to post-graduate and undergraduate studies with which the Faculty Council is concerned.

Deans of Faculty Councils.

21. (1) There shall be a Dean for each Faculty Council for post-graduate and undergraduate studies.

(2) The Dean shall be a Professor of the University and shall be elected by the Faculty Council in such manner, and subject to such conditions, as may be prescribed by Statutes.

(3) The Dean of each Faculty Council shall act as the Vice-Chairman of each Faculty Council.

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

The Boards of Studies.

22. There shall be Boards of Studies attached to every Faculty Council for post-graduate studies and undergraduate studies. The constitution of the Boards of Studies shall be prescribed by Statutes and the powers and functions of the Boards of Studies shall be prescribed by the Regulations.

The Finance Committee.

23. 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 Ordinances. The Finance Committee shall be constituted as follows:—

- (i) the Vice-Chancellor—Chairman;
- (ii) *two* members of the Court, nominated by the members of the Court from amongst themselves;
- (iii) *two* members of the Executive Council, nominated by the members of the Executive Council from amongst themselves;
- (iv) the Secretary, Department of Higher Education, Government of West Bengal, or his nominee, not below the rank of a Deputy Secretary to the Government of West Bengal;
- (v) the Secretary, Department of Finance, Government of West Bengal, or his nominee, not below the rank of a Deputy Secretary to the Government of West Bengal;
- (vi) the Registrar;

*The Bengal Engineering and Science University, Shibpur Act, 2004.**(Chapter III.—Authorities of the University.—Sections 24-26.)*

- (vii) one expert in the financial management, not being a member of the Court or of the Executive Council, nominated by the State Government; and
- (viii) the Finance Officer—*ex officio* Secretary and Convenor.

Selection
Committee.

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

- (i) the Vice-Chancellor as Chairman;
- (ii) the Dean of the Faculty Council concerned;
- (iii) a person, not holding any office of profit under the University and having special knowledge in the subject concerned nominated by the Chancellor;
- (iv) two persons, not holding any office of profit under the University and having special knowledge in the subject concerned, nominated by the Executive Council.

(2) A University Assistant Professor or a University Lecturer shall be appointed by the Executive Council on the Recommendation of a Selection Committee consisting of—

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

Procedure for
holding meetings
of Selection
Committee.

25. (1) Three members of which at least two shall be persons having special knowledge in the subject concerned shall constitute 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 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 thereon shall be final.

Letter of
appointment of
Teachers,
officers, and
employees.

26. (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.

(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 of 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.

The Bengal Engineering and Science University, Shibpur Act, 2004.

*(Chapter III.—Authorities of the University.—Sections 27-29.—
Chapter IV.—General provisions governing all authorities or other
bodies of the University.—Section 30.)*

Termination of
service of
temporary
Teacher, officer
or employee.

27. 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.

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

28. The Executive Council may, subject to the provisions of this Act, prescribed 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 and the procedure and the method of such selection.

Tribunal.

29. (1) If in the case of any dispute between the University and any Teacher, officer or employee of the University, and 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:—

- (i) a Chairman, to be nominated by the Chancellor in consultation with the Minister;
- (ii) one person to be nominated by Executive Council; and
- (iii) one person to be nominated by the Teacher, officer or employee concerned.

(2) Any appeal from an employee of the University in a disciplinary matter shall be referred to the 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 to the Tribunal.

(4) The decision of the 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 to be a submission to arbitration upon the terms of this section, within the meaning of the Arbitration and Conciliation Act, 1996 and all the provisions of that Act with the exception of section 2 thereof shall apply accordingly.

26 of 1996.

CHAPTER IV

General provisions governing all authorities or other bodies of the University.

Disqualifications.

30. (1) No person shall be qualified for election or nomination as a member of any authority or body of the University or shall continue as such member if he—

- (i) is of unsound mind or a deaf-mute, or
- (ii) is an undischarged insolvent, or
- (iii) has been convicted by a court of a law for an offence involving moral turpitude.

(2) No person shall be entitled to stand as a candidate for election to any authority or body of the University from more than one constituency.

(3) No person shall 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 from more than one constituency;

Provided that this sub-section shall not apply in the case of an election of members of the Board to the Executive Council, the Faculty Councils for post-graduate and undergraduate studies.

*The Bengal Engineering and Science University, Shibpur Act, 2004.**(Chapter IV.—General provisions governing all authorities or other bodies of the University.—Sections 31-35.)*

Part-time Teachers or part-time non-teaching staff not to be entitled to be enrolled as voters or to be nominated.

31. 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 non-teaching staff, not appointed on a regular scale of pay or not holding any whole-time non-teaching post,

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 to be nominated to any such authority or body.

Explanation.—“regular scale of pay” shall mean pay which, subject to any condition prescribed by the University, rises by periodical increments from a minimum to a maximum.

Term of office of members.

32. (1) Save as otherwise provided in sub-section (4), an elected or 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 a 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.

Cessation of membership in certain cases.

33. (1) When a person is qualified to be a member of any authority or body of the University by virtue of his membership of any other authority or body, he shall cease to be a member of the authority or body of the University when he ceases to be a member of the other.

(2) When a person is elected or nominated as a member of any authority or body of the University from any constituency, he shall cease to be such a member when he ceases to belong to that constituency.

Filling up of vacancies.

34. (1) Any casual vacancy among the elected members of any authority or body of the University shall be filled up, in such manner and within such time as may be prescribed, by election by such authority or body of a person representing the interest which the member, whose seat has become vacant, represented.

(2) Any vacancy among the nominated members of any authority or body of the University shall be filled up, within such time as may be prescribed, by nomination by the person or authority that nominated the member whose seat has become vacant.

(3) Vacancies arising by efflux of time in the seats of elected members of any authority or body of the University shall be filled up by election to be held on such date or dates, not later than six months or such extended period as the Chancellor may, by order made in this behalf, specify, from the date on which the vacancies arise, as the Vice-Chancellor may fix.

Proceedings of the University or the authorities or bodies of the University not invalidated by vacancies.

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

The Bengal Engineering and Science University, Shibpur Act, 2004.

(Chapter IV.—General provisions governing all authorities or other bodies of the University.—Sections 36, 37.—Chapter V.—Funds of the University, Accounts, Audit and Inspection.—Sections 38, 39.)

Explanation.—For the avoidance of doubt it is hereby declared that where the office of any member of any authority or body of the University cannot be filled up, when such authority or body is constituted for the first time, on account of any election or appointment not being for any reason feasible, there shall be deemed to be a vacancy in the office of such member until such election takes place or such appointment is made.

Election Tribunal.

36. (1) There shall be an Election Tribunal to which shall be referred any question that may arise as to whether any person is eligible for election or nomination or has been duly elected or nominated as, or is entitled to be a member of any authority or body of the University, and the decision of the Election Tribunal on such question shall be final.

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

(3) If, during the progress of any election of members to any authority or body of the University, the Election Tribunal is satisfied that such election is vitiated by fraud or corrupt practice, the Election Tribunal 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 made thereunder, from such stage as may be specified in the order, and such order of the Election Tribunal shall be final.

(4) No suit or other legal proceedings 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.

Casting vote by the Chairman.

37. At a meeting of the Court, the Executive Council, the Faculty Councils for post-graduate and undergraduate studies or any other authority or body of the University, the person 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

The University Fund.

38. (1) 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, donations, loans and advances and from any other source whatsoever.

(2) The University may also create, by Ordinances made in this behalf, separate special funds for the administration of endowments, trust or specific grant or grants for other special purposes.

General limitations on financial powers of the University.

39. (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.

(2) The State Government shall, at least two months before beginning 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 release grants to the University to incur expenditure till the budget is approved.

*The Bengal Engineering and Science University, Shibpur Act, 2004.**(Chapter V.—Funds of the University, Accounts, Audit and Inspection.—Sections 40-42.)*

(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 to excess of the amount specified in the budget on that account:

Provided that no such prior approval shall be necessary in respect of any expenditure on any scheme not provided in the budget, if such expenditure is met by the University out of its own resources.

Provident Fund.

40. Any provident fund instituted by the University for the benefit of its Teachers, officers, or employee shall be governed by the provisions of the Provident 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.

19 of 1925.

Annual Accounts and Audit.

41. (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.

(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.

Inspection.

42. (1) The State Government shall have the right—

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

(2) The State Government shall, in every such case of inspection or enquiry, give previous notice to the University, or to such college or institution, of its intention to cause such inspection or enquiry.

(3) The State Government shall communicate to the Court and the Executive Council or to such college or institution, 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 or institution thereon, advise the University or such college or institution regarding the action which the State Government considers fit to be taken by the University or such college or institution in the matters concerned and the University or such college or institution shall report to the State Government within such time as the State Government may direct, the action which is proposed to be taken by the University 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 or institution, 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 or institution shall take or cause to be taken such further action within such time as may be specified in that behalf by the State Government.

The Bengal Engineering and Science University, Shibpur Act, 2004.

(Chapter VI.—Statutes, Ordinances and Regulations.—Sections 43-45.)

CHAPTER VI

Statutes, Ordinances and Regulations

Statutes.

43. 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 of the University referred to in clause (iv) of section 6;
- (b) the establishment of authorities of the University referred to in clause (7) of section 13;
- (c) 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;
- (d) the powers, duties, and terms and conditions of service of the officers of the University in so far as these have not been specifically provided for in this Act;
- (e) the rules and procedure for holding elections to the Court, the Executive Council and other authorities and bodies of the University;
- (f) the appointment of Teachers and non-teaching employees of the University, their emoluments, duties and terms and conditions of service in so far as these have not been specifically provided for in this Act;
- (g) the holding of convocations to confer degrees, titles, diplomas, certificates and other academic distinctions including honorary degrees and distinctions;
- (h) all other matters which under this Act are required to be, or may be, prescribed by Statutes.

How to make Statutes.

44. (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 a period of six weeks from the date of such submission (hereinafter referred to as the latter period) and the draft so resubmitted shall, unless rejected by the Court 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 Court without any amendment, or be passed by the Court 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.

Ordinances.

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

- (a) the admission of students to the University and the colleges and their enrolment as such;

*The Bengal Engineering and Science University, Shibpur Act, 2004.**(Chapter VI.—Statutes, Ordinances and Regulations.—Section 46.)*

- (b) the conditions of residence and rules of discipline of the students of the University and the colleges and the levy of fees for residence in halls;
- (c) the appointment of Teachers, officers and employees of the University, their emoluments, their duties and other terms and conditions of their service, in so far as these have not been specifically provided for in this Act or in the Statutes;
- (d) rules for the registration of students;
- (e) the appointment, duties and remuneration of examiners, paper-setters, scrutineers and such other persons as are related to examinations;
- (f) rules for the institution of Provident Fund or other funds for the benefit of the Teachers, officers and employees of the University;
- (g) rules for the establishment, maintenance and management of University Libraries, University Museums, halls and other University Institutions of study, research and residence;
- (h) 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;
- (i) rules for imposition and collection of fees, fines and other dues payable to the University;
- (j) duties and functions of the teachers of the University including the Heads of the Departments;
- (k) rules for the administration of gifts, endowments and benefactions;
- (l) rules for the institution and award of fellowships, travelling fellowships, scholarships, studentships, stipends, bursaries, exhibitions, medals and prizes;
- (m) 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;
- (n) all other matters which under this Act or the Statutes are required to be or may be prescribed by Ordinances.

How to make
Ordinances.

46. (1) The Executive Council shall take into consideration drafts of Ordinances proposed to be passed, after notice thereof has been given to the members of the Executive Council at least two 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 succeeding 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.

The Bengal Engineering and Science University, Shibpur Act, 2004.

(Chapter VI.—Statutes, Ordinances and Regulations.—Sections 47-49.—
Chapter VII.—Miscellaneous and Transitory Provisions.—Section 50.)

Regulations.

47. 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 powers and functions of the Departmental Academic Committees;
- (c) the conditions for admission to different courses of study and examinations of students;
- (d) the rules for the conduct of University examinations;
- (e) the courses of study and the organisation of subjects upon the recommendations of the Faculty Council for post-graduate and undergraduate studies concerned along with the numbers of intake;
- (f) the minimum qualifications for Teachers, officers, and non-teaching employees of the University;
- (g) all other matters which under this Act or the Statutes or the Ordinances are required to be or may be prescribed by Regulations.

How to make Regulations.

48. (1) The Executive Council or a Committee appointed by it shall take into consideration drafts of Regulations, consistent with this Act and the Statutes and the Ordinances after notice of the proposed Regulations has been given to the members of the Executive Council at least two 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 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 power, by a resolution passed by a 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 subsection (3), remain in force until repealed or amended by a new Regulation similarly passed and brought into force.

Rules.

49. Subject to the provisions of this Act and the Statutes, the 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.

CHAPTER VII

Miscellaneous and Transitory Provisions

Delegation.

50. (1) The Vice-Chancellor 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.

*The Bengal Engineering and Science University, Shibpur Act, 2004.**(Chapter VII.—Miscellaneous and Transitory Provisions.—Sections 51-53.)*

- (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; or
 - (ii) the Executive Council; or
 - (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; or
 - (ii) a committee constituted from among its own members; or
 - (iii) a committee constituted in accordance with the Statutes or the Ordinances; or
 - (iv) any of the Faculty Councils for post-graduate and undergraduate studies; or
 - (v) the Finance Committee;
 - (c) the Faculty Council for post-graduate and undergraduate studies may delegate any of its powers or duties, conferred or imposed by or under this Act, to—
 - (i) the Vice-Chancellor; or
 - (ii) a committee constituted from among its own members; or
 - (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; or
 - (ii) a committee constituted from among its own members.

Passing of
properties and
rights etc.

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

Completion of
courses of studies
under the former
Deemed
University.

52. Notwithstanding anything contained in this Act, the Statutes, the Ordinances and the Regulations, any student of the former Deemed University who has been studying for any examination of the former Deemed University, shall be permitted to complete his course in preparation therefor and the University shall hold, for such students, examinations, in accordance with curricula of study in force in the former Deemed University, for such period as may be prescribed.

Transitory
provisions and
repeal.

53. (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 he shall hold office for a period of four 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.

*The Bengal Engineering and Science University, Shibpur Act, 2004.**(Chapter VII.—Miscellaneous and Transitory Provisions.—Section 53.)*

(2) The first Vice-Chancellor shall, with the approval of the Chancellor, cause the first Statutes, the first Ordinances and the first Regulations of the University to be framed with the assistance of the committee consisting of not less than seven members nominated by the State Government.

(3) The first Vice-Chancellor shall, within six months from the date of his appointment or within such longer period, not exceeding one year from the date of his appointment, as the State Government may, by notification, direct, cause arrangements to be made for constituting the Court, the Executive Council, the Faculty Councils for post-graduate and undergraduate studies and the Boards of Studies in accordance with the provisions of the first Statutes, the first Ordinances and the first Regulations as framed in terms of sub-section (2), as if they had already come into force.

(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 sub-section (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 for the purposes of this section for such period not exceeding one year as the Chancellor thinks fit, or
- (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 this section for the unexpired portion of such period or such further period not exceeding one year 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 for post-graduate and undergraduate studies and the Boards of Studies shall commence to exercise their respective functions and the first Statutes, the first Ordinances and the first Regulations framed 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) On and from the appointed day, the Rules, Regulations and Bye-laws of the Bengal Engineering College (a Deemed University), subject to the provisions of sub-section (5), shall stand repealed with effect from the date of publication of this Act in the *Official Gazette*.

(7) Notwithstanding such repeal,—

- (a) until the appointed day, all the authorities and bodies referred to in the Rules, Regulations and Bye-laws of the Bengal Engineering College (a Deemed University), 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 Rules, Regulations and Bye-laws, and anything done or any action taken under the said Rules, Regulations and Bye-laws, shall be deemed to have been validly done or taken under this Act. On and from the appointed day, all the said authorities and bodies of the former Deemed University shall cease to function;
- (b) the first Statutes, the first Ordinances and the first Regulations of the former Deemed University shall remain in force until new Statutes, new Ordinances and new Regulations are made under the provisions of this Act;

*The Bengal Engineering and Science University, Shibpur Act, 2004.**(Chapter VII.—Miscellaneous and Transitory Provisions.—Section 54.)*

- (c) 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 Act;
- (d) all affairs, functions or activities of the former Deemed 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 Deemed University under the Rules, Regulations and Bye-laws of Bengal Engineering College (a Deemed University), shall in so far as they are not inconsistent with the provisions of this Act, 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 this Act shall be deemed to be references to the first Vice-Chancellor under this Act;

- (f) every person who is permanently employed in Bengal Engineering College (a Deemed University) immediately before commencement of this Act shall, on and from such commencement, become an employee of the University under this Act and shall hold his office or service therein by the same terms, at the same remuneration and upon the same terms and conditions and with the same rights and privileges as to pension, leave, gratuity, provident funds and other matters as he would have held the same on the date of commencement of this Act as if the Act had not been passed then.

(8) In construing the provisions of section 14, section 17, section 19 and section 22 and in construing the provisions of the first Statutes, the first Ordinances and the first Regulations of the University in relation to the constitution, under this section, of the Court, the Executive Council, the Faculty Councils for post-graduate and undergraduate studies and the Boards of Studies, references to the heads of departments of teaching of the University, the University Professors, University Assistant Professors 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, Professor, Assistant Professors, Lecturers and Teachers of Bengal Engineering College (a Deemed University), immediately before the date of appointment of the first Vice-Chancellor.

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

Removal of difficulties.

54. 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.

By order of the Governor,

S. K. NANDY,
Secy. to the Govt. of West Bengal,
Law Department.