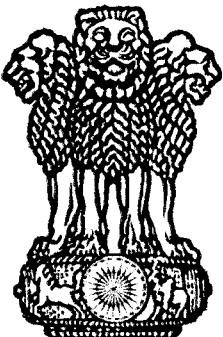


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FRIDAY, SEPTEMBER 21, 2012

[SAKA 1934]

PART IV—Bills introduced in the West Bengal Legislative Assembly; Reports of Select Committees presented or to be presented to that Assembly; and Bills published before introduction in that Assembly.

GOVERNMENT OF WEST BENGAL

LAW DEPARTMENT

Legislative

NOTIFICATION

No. 1453-L.—21st September, 2012.—The Governor having been pleased to order, under rule 66 of the Rules

of Procedure and Conduct of Business in the West Bengal Legislative Assembly, the publication of the following Bill, together with the Statement of Objects and Reasons which accompanies it, in the *Kolkata Gazette*, the Bill and the Statement of Objects and Reasons are accordingly hereby published for general information:—

Bill No. 36 of 2012

**THE BIDHAN CHANDRA KRISHI VISWA VIDYALAYA
(TEMPORARY SUPERSESSION) BILL, 2012.**

**A
BILL**

to provide for the temporary supersession of the Bidhan Chandra Krishi Viswa Vidyalaya Act, 1974.

WHEREAS it is expedient to provide for the temporary supersession of the Bidhan Chandra Krishi Viswa Vidyalaya Act, 1974, for the purposes and in the manner hereinafter appearing;

West Ben. Act
XLIX of 1974.

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

1. (1) This Act may be called the Bidhan Chandra Krishi Viswa Vidyalaya (Temporary Supersession) Act, 2012.

*The Bidhan Chandra Krishi Viswa Vidyalaya
(Temporary Supersession) Bill, 2012.*

(Clauses 2-6.)

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

Definitions.

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

- (a) "the Act" means the Bidhan Chandra Krishi Viswa Vidyalaya Act, 1974;
- (b) "the Council" means the Bidhan Chandra Krishi Viswa Vidyalaya Council referred to in clause (b) of section 4 of this Act;
- (c) "Minister" means the Minister-in-charge, Department of Agriculture, Government of West Bengal;
- (d) "the University" means the Bidhan Chandra Krishi Viswa Vidyalaya constituted under section 3 of the Act.

West Ben. Act
XLIX of 1974.

(2) Words and expressions used and not defined in this Act but defined in the Act, shall have the same meanings as respectively assigned to them in the Act.

Supersession of
University.

3. (1) Whereas circumstances exist which render it necessary to take immediate action in providing for the supersession of the Bidhan Chandra Krishi Viswa Vidyalaya, it is hereby declared that University shall, with effect from the date of coming into force of this Act and for a period of one year thereafter, stand superseded.

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

Effect of
supersession.

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

- (a) all the members of the University, excepting the Chancellor and those referred to in clauses (c) to (j), (n) and (p) to (r) of sub-section (2) of section 3 of the Act, and the members of the Board of Management, the Academic Council, the Board of Studies of the different Faculties and all authorities of the University declared by Statutes, if any, made under the Act, shall vacate their respective offices;
- (b) all the powers, functions and duties assigned to the University, the Board of Management, the Academic Council, the Board of Studies of the different Faculties and all the authorities of the University under the Act or any Statute or Regulation made thereunder shall be exercised by the Council to be known as the Bidhan Chandra Krishi Viswa Vidyalaya Council in the manner provided in section 5.

Members of
Council.

5. The Council shall be comprised of the Chancellor, the Vice-Chancellor appointed under section 9 of this Act, Pro-Vice-Chancellor, if any, and members referred to in clauses (c) to (j), (n) and (p) to (r) of sub-section (2) of section 3 of the Act, and ten members to be nominated by the Chancellor in consultation with the Minister from amongst the Deans of faculties and teachers of the University including one of the Principals or Head of the Institutions established, managed, maintained or affiliated, to the University.

Powers and
functions of
Council and
delegation of
such powers by
Council.

6. The Council so constituted under section 5, shall carry on the functions of the University, the Board of Management, the Academic Council, the Board of Studies and other bodies constituted under the Act or Statutes:

Provided that the Council may, with the approval of the Chancellor, delegate any of its powers or functions to such body or bodies as may be constituted with selected

*The Bidhan Chandra Krishi Viswa Vidyalaya
(Temporary Supersession) Bill, 2012.*

(Clauses 7-12.)

members of the Council to carry on the functions assigned to the Board of Management, the Academic Council, the Board of Studies and other bodies constituted under the Act or Statutes and the Council may also appoint persons, connected with the affairs of the University, to advise or assist the body or bodies constituted:

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

Provided also that the delegation shall not prevent the exercise of any such powers or performance of any such duties by the Council and the Council may also alter or set aside a decision of the body or bodies constituted.

Meetings of
Council and of
any body or
bodies
constituted by
Council.

7. Twenty-five *per centum* of the members of the Council shall form the quorum for a meeting of the Council and twenty-five *per centum* of the members of the body or bodies to which functions may be delegated under section 6, shall form the quorum for a meeting of such body or bodies constituted by the Council:

Provided that the Vice-Chancellor and in his absence, the Pro-Vice-Chancellor shall preside in any meeting of the Council or body in which he may be present and in absence of both of them, the members present shall, by a majority vote, elect the President for the meeting.

Act, Statutes and
Regulations to
stand modified.

8. All the provisions in the Act, Statutes or Regulations shall, if in conflict with the provisions of this Act, stand modified:

Provided that nothing in this section shall affect the powers of the Chancellor under the Act, Statutes or Regulations.

Appointment of
Vice-Chancellor.

9. As soon as may be after the coming into force of this Act, the Chancellor shall, in consultation with the Minister, appoint a person to be the Vice-Chancellor and all the provisions of the Act which apply to a Vice-Chancellor appointed under sub-section (1) of section 20 of the Act shall so far as may be applied in relation to a Vice-Chancellor appointed under this section.

Filling up of
Vacancies.

10. Vacancies by resignation, death or otherwise amongst members nominated shall be filled up by the Chancellor in the manner provided in section 5 of this Act.

Power to remove
difficulties.

11. If in view of the provisions in the Act, any difficulty arises in giving effect to the provisions of this Act, the Council shall refer the difficulty to the State Government which may, in consultation with the Chancellor, make such order or do such thing, not inconsistent with the provisions of this Act, as might be considered necessary or expedient for removing the difficulty.

University to
continue as a
body corporate.

12. Nothing in this Act shall be construed as effecting or implying in any way the dissolution of the University as a body corporate as described in sub-section (1) of section 3 of the Act.

STATEMENT OF OBJECTS AND REASONS.

A large number of complaints have been received regarding irregular financial and academic activities in the Bidhan Chandra Krishi Viswa Vidyalaya constituted under the Bidhan Chandra Krishi Viswa Vidyalaya Act, 1974 (West Ben. Act XI.IX of 1974) (hereinafter referred to as the said Act).

2. Accordingly, an Enquiry Committee has been constituted to inquire into the matters relating to functioning and irregular financial and academic activities of the Bidhan Chandra Krishi Viswa Vidyalaya, in exercise of the power conferred by section 8 of the said Act.

*The Bidhan Chandra Krishi Viswa Vidyalaya
(Temporary Supersession) Bill, 2012.*

3. The Enquiry Committee has, *inter alia*, recommended that a thorough overhauling of the Bidhan Chandra Krishi Viswa Vidyalaya is required before taking any further action in the matter.
4. It is considered necessary and expedient to provide for the supersession of the Bidhan Chandra Krishi Viswa Vidyalaya for a temporary period and for the carrying on the administration of the Viswa Vidyalaya during the period of such supersession by constituting a Council, namely, the Bidhan Chandra Krishi Viswa Vidyalaya Council, to take control the Viswa Vidyalaya.
5. The Bill has been framed with the above objects in view.
6. There is no financial implication involved in the Bill.

KOLKATA,
The 20th September, 2012.

RABINDRANATH BHATTACHARYA,
Member-in-charge.

By order of the Governor,

MALAY MARUT BANERJEE,
*Secy. to the Govt. of West Bengal,
Law Department.*