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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. 1310-L.—24th August, 2013.—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 and the Financial Memorandum which accompany it, in the *Kolkata Gazette*, the Bill, the Statement of Objects and Reasons and the Financial Memorandum are accordingly hereby published for general information:—

Bill No. 21 of 2013

**THE SEACOM SKILLS UNIVERSITY
BILL, 2013.**

**A
BILL**

to provide for the establishment and incorporation of the Seacom Skills University in the district of Birbhum, West Bengal and to confer the status of a private University thereon and for matters connected therewith or incidental thereto;

WHEREAS it is expedient to provide for the establishment and incorporation of the Seacom Skills University in the district of Birbhum, West Bengal promoted by Seacom Marine College Trust, a Trust duly registered under the Indian Trusts Act, 1882 (II of 1882), and to confer the status of a private University thereon and for matters connected therewith or incidental thereto.

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

*The Seacom Skills University Bill, 2013.**(Clauses 1, 2.)*Short title, extent
and
commencement.

1. (1) This Act may be called the Seacom Skills University Act, 2013.
- (2) It shall extend to the whole of the state of West Bengal.
- (3) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Definitions.

2. In this Act, unless the context otherwise requires:—
 - (1) “Academic Council” means the Academic Council of the University;
 - (2) “Administrator” means the Administrator appointed by the State Government;
 - (3) “Chairman” means the Chairman of the Governing Board;
 - (4) “Chancellor” means the Chancellor of the University;
 - (5) “Distance education” means education imparted by a combination of any two or more means of communication like contact programmes, correspondence courses, online courses, broadcasting, telecasting, seminars and any other such methodology;

Note.—Through distance education a student is expected to study a course or a part of it without being present physically;
 - (6) “employee” means a person appointed by the University to work in the University or its study centres, off-campus centres, off-shore campus and includes a teacher, officer and any other employee of the University other than the Visitor;
 - (7) “fee” means collection of money made by the University from the students for the purpose of any course of study and incidental thereto, in the University;
 - (8) “Finance Committee” means Finance Committee of the University;
 - (9) “Governing Board” means the Governing Board of the University;
 - (10) “Governor” means the Governor of the State of West Bengal;
 - (11) “Off-campus centre” means a centre of the University established by it outside the main campus, operated and maintained as its constituent unit, having the University's complement of facilities and employees;
 - (12) “Off-shore campus” means a campus of the University established by it outside India, operated and maintained as its constituent unit, having the University's complement of facilities and employees;
 - (13) “Prescribed” means prescribed by rules made under this Act;
 - (14) “Registered office” means the registered office of the University;
 - (15) “Regulatory Body” means—
 - (a) a body established by the Central Government for laying down norms and conditions for ensuring academic standards of higher education in its designated areas of coverage, including University Grants Commission, All India Council for Technical Education, Council for Scientific and Industrial Research, Department of Science and Technology, Distance Education Council, Indian Council of Scientific Research, National Assessment and Accreditation Council, National Council for Teacher Education, Pharmacy Council for India, Bar Council of India, Medical Council of India, Dental Council of India, Indian Nursing Council, Central Council of Homoeopathy, Central Council of Indian Medicine, Council of Architecture, Rehabilitation Council of India and such other statutory body as may be established by the Central Government for the purpose of regulating higher education; and
 - (b) the State Government of West Bengal in the Higher Education Department;

*The Seacom Skills University Bill, 2013.**(Clauses 3, 4.)*

- (16) “Regulatory Committee” shall mean the committee constituted by the State Government for the purpose of this Act;
- (17) “Sponsoring Trust” in relation to the University means the Seacom Marine College Trusts, an Educational and Charitable Trust duly registered under the Indian Trusts Act, 1882;
- (18) “State Government” means the Government of West Bengal in the Higher Education Department;
- (19) “Student” means a person enrolled in the University for taking a course of study leading to a degree, diploma, certificate or other academic distinction duly instituted by the University including a research degree;
- (20) “Study Centres” means a centre established and maintained or recognized by the University for the purpose of advising, counselling or for rendering any other assistance required by the student in the context of distance education;
- (21) “Teacher” means a Professor, Associate Professor, Assistant Professor, or any other person required to impart education or to guide research or to render guidance in any other form to the students for pursuing a course of study in the University for the purpose of this Act;
- (22) “University” means the Seacom Skills University established under section 3 of this Act;
- (23) “University Grants Commission” means the University Grants Commission, established under the University Grants Commission Act, 1956.

II of 1882.

III of 1956.

Establishment and Incorporation of the University.

3. (1) There shall be established and incorporated a University by the name of the Seacom Skills University at Kendradangal, Birbhum within the territory of West Bengal duly sponsored by Seacom Marine College Trust more specifically described under Schedule A of this Act.

(2) The University shall be a body corporate by the name of the Seacom Skills University having perpetual succession and common seal and shall, by the said name, sue and be sued.

(3) The University shall be a self-financed unitary University.

(4) In all suits and other legal proceedings by or against the University, the pleadings shall be signed and verified by the Registrar or any other official as may be duly authorized by the Chancellor and all processes in such suits and proceedings shall be issued to, and served on, the Registrar or on such other official as may be authorised by the University.

(5) The headquarters of the University shall be at Kendradangal, Birbhum, West Bengal.

(6) The University may have Departments or Schools or Centres anywhere in the State of West Bengal as may be decided by the Governing Board.

(7) All existing institutes held by the sponsoring Trust may be integrated within the University after being subsumed by the University in due course as may be decided by the Governing Board.

Properties of the University and its application.

4. (1) The sponsoring trust shall transfer movable and immovable properties described under Schedule B to the University and all such properties shall be deemed to be transferred and vested absolutely to the University with effect from the date of coming into force of this Act.

(2) The properties, movable or immovable, as transferred by the sponsoring Trust to the University shall be used and administered by the Governing Board in such manner as may be prescribed by the University's Statute.

(3) The properties transferred in the name of the University under sub-section (1) shall be applied for meeting the liabilities of the University in the event of dissolution or winding up of the University in such manner as may be prescribed by rules.

*The Seacom Skills University Bill, 2013.**(Clauses 5, 6.)*Restrictions and
Obligations of the
University.

5. (I) The tuition fees for Professional courses such as Engineering and Technology, Management etc., in the University shall be such as may be determined and prescribed by the State Government from time to time.

(2) The University shall allow free-ship in tuition fees to at least five percent of their total strength, to students belonging to poor and economically backward classes.

Note.—The relevant criteria for determining poor and economically backward class shall be such as may be determined by the State Government from time to time.

(3) The University shall compulsorily make provision for reservation of seats for the students domiciled in the State of West Bengal to the extent of at least twenty five percent of the total number of students in the University.

(4) The University shall make provisions for reservation of non-teaching posts of the University for persons domiciled in the State of West Bengal to the extent of at least fifty percent of the total number of non-teaching employees of the University.

(5) The University shall appoint adequate number of teachers and officers in the University for maintaining the academic standards specified and shall ensure that the qualifications of such teachers or officers of the University shall not be lower than as prescribed by the relevant Regulatory Bodies.

(6) The University shall compulsorily place in the public domain every information in relation to the University which would be of interest to students and other stakeholders *inter alia*, including the courses offered, number of seats under different quotas, fees and other charges, facilities and amenities offered, faculty in place and such other relevant information.

Objects of the
University.

6. The objects of the University shall be as follows, namely:—

- (i) to provide instruction, teaching, training and research including development of skills in various branches and specialized fields of study of Science, Technology, Medicine, Management, Law, Humanities, Social Sciences, Education, Performing Arts, Sports and any other fields of study including the imparting of skills that have employment potentiality;
- (ii) to establish the main campus in West Bengal, and to have study centres, campuses, off-campus centres, off-shore campuses and regional centres at different places in India and abroad as per the norms and University's regulations of the University Grants Commission and other[^] relevant regulatory bodies;
- (iii) to provide regular and distance education programmes;
- (iv) to institute degrees, diplomas, certificates and other academic distinctions on the basis of examination, or any other method of evaluation;
- (v) to collaborate with other colleges or Universities, research institutions, industry associations, professional associations or any other organization, in India and abroad, and to conceptualize, design and develop specific educational and research programmes, training programmes and exchange programmes for students, faculty members and other;
- (vi) to disseminate knowledge through seminars, conferences, executive education programmes, community development programmes, publications and training programmes;
- (vii) to undertake programmes for the training and development of faculty members and teachers of the University and other Institutions in India and abroad;
- (viii) to undertake collaborative research with any organization in India and abroad;
- (ix) to create higher levels of intellectual abilities;
- (x) to create entrepreneurs by providing necessary skills and support;

*The Seacom Skills University Bill, 2013.**(Clauses 7, 8.)*

- (xi) to provide consultancy to industry, Government, public and private organization;
- (xii) to create an Industry Academia partnership by inviting Industry and institutions in the University campus and other university places for mutual benefits;
- (xiii) to ensure that the standard of degrees, diplomas, certificates and other academic distinctions are not lower than those laid down by statutory regulatory authorities in India;
- (xiv) to do all things necessary or expedient to promote the objectives under this section;
- (xv) to pursue any other objective as may be prescribed by State Government, by order, or by the Trust, as the case may be.

University shall remain open to all irrespective of sex, religion, class, colour, creed or opinion.

Powers and functions of University.

7. No person shall be discriminated against or be excluded from any office of the University or from membership of any of its authorities or from admission to any degree, diploma or other academic distinction or course of study on the grounds of sex, race, creed, caste and class, place of birth, religious belief or political or other opinion.

8. Subject to the provisions of this Act and the State Government's Policy published in the *Official Gazette* vide Notification no. 142 - Edn (U) dated 31/01/ 2013, the University shall exercise the following powers and perform the following functions, namely:—

- (i) to administer and manage the University, its Departments, Schools, Centres for research, education and instruction as are necessary for the furtherance of the objects of the University;
- (ii) to provide for instruction, education, training and research in such branches of knowledge or learning of its Programmes of study and allied areas;
- (iii) to conduct innovative experiments in new methods and technologies in the core and emerging fields of education to achieve high standards of such education, training and research;
- (iv) to prescribe courses and curricula and provide for flexibility in the education system and delivery methodologies, including electronic and distance learning;
- (v) to hold examinations through physical or electronic mode and confer degrees, diplomas or grant certificates and other academic distinctions or titles on persons subject to such conditions as the University may determine, and to withdraw or cancel any such degrees, diplomas, certificates, or other academic distinctions or titles in the manner provided by the University's regulations;
- (vi) to confer ordinary and honorary degrees or other distinctions in the manner provided by the University's regulations;
- (vii) to establish such centres, specialized study centres or other units within the campus and departments for research and instruction as are, in the opinion of the University, necessary for the furtherance of its objects;
- (viii) to provide printing, reproduction and publication of research and other works and to organize exhibitions;
- (ix) to sponsor and undertake research in all aspects of information and communication technology and allied areas;
- (x) to collaborate or associate with, advise, administer, control, develop, maintain, or take over by way of merger or otherwise, any educational institution with like or similar objects;

*The Seacom Skills University Bill, 2013.**(Clause 8.)*

- (xi) to develop and maintain linkages with educational or other institutions in any part of the world through exchange of teachers and scholars, and generally in such manner as may be conducive to their common objects;
- (xii) to develop and maintain relations with teachers, researchers, and domain experts in information and communication technology and allied areas in any part of the world for achieving the objects of the University;
- (xiii) to regulate expenditure and to manage the finances and to maintain accounts of the University;
- (xiv) to receive funds from industry, institutions, national and international organizations, national or international financial institutions including nationalized banks or any other source loans, subsidies, grants, assistance, donations, benefactions, bequests and by transfer of movable and immovable properties, for the purposes and objects of the University as may be decided by the Board;
- (xv) to establish, maintain and manage halls and hostels for the residence of students;
- (xvi) to supervise and control the residence and regulate the discipline of students of the University and to make arrangements for promoting their health and general welfare, and cultural activities;
- (xvii) to fix, demand and receive or recover fees and such other charges as may be prescribed by the University's regulations for the purpose of this Act;
- (xviii) to institute and award fellowships, scholarships, prizes, medals and other awards;
- (xix) to purchase or to take on lease or accept as gifts or otherwise any land, or building or works or any other movable or immovable property which may be necessary or expedient for the purpose of the University and for its expansion and on such terms and conditions as it may deem fit and proper and to construct or alter and maintain any such building or works;
- (xx) to lease, exchange, or otherwise dispose of all or any of the properties of the University, movable or immovable, on such terms as it may think fit and consistent with the interest, activities and objects of the University;
- (xxi) to draw and accept, to make and endorse, to discount and negotiate, Government of India's promissory notes and other promissory notes, bills, exchange, cheques or other negotiable instruments;
- (xxii) to raise and borrow money on bond, mortgages, promissory notes or other obligations or securities founded or based upon all or any of the properties and assets of the University or without any securities and upon such terms and conditions as it may think fit and to pay out of the funds of the University, all expenses incidental to the raising of money, and to repay and redeem any money borrowed;
- (xxiii) to invest the funds of the University in such securities and transpose any investment from time to time in such manner as it may deem fit in the interest of the University;
- (xxiv) to execute conveyances regarding transfers, mortgages, leases, licences, agreements and other conveyances in respect of property, movable or immovable including Government securities belonging to the University or to be acquired for the purpose of the University within the guidelines of the Central Government and the State Government and the Reserve Bank of India;
- (xxv) to admit students into the courses offered by the University in the manner prescribed by the University's regulations;

*The Seacom Skills University Bill, 2013.**(Clauses 9, 10.)*

- (xxvi) to create academic, technical, administrative, ministerial and other posts and to make appointment thereto;
- (xxvii) to regulate and enforce discipline among the employees of the University and to provide for such disciplinary measures as may be provided for by University's regulations;
- (xxviii) to institute Professorship, Associate Professorship, Assistant Professorship and any other teaching, academic or research posts and to prescribe qualifications for them not repugnant to the requirement of the Regulatory Bodies;
- (xxix) to appoint persons as Professors, Associate Professors, Assistant Professors as teachers and researchers of the University;
- (xxx) subject to the provisions of this Act and the rules and University's regulations made thereunder, any officer or authority of the University may, by order, delegate his or its powers except the power to make University's regulations to any other officer or authority under his or its control and subject to the conditions that the ultimate responsibility for the exercise of the power so delegated shall continue to vest in the officer or authority delegating them;
- (xxxi) to do all such other acts and things as the University may consider necessary, conducive or incidental to the attainment or enlargement of all or any of the objects of the University.

Teaching in the University.

9. (1) All recognized teaching in connection with any degrees, diplomas, certificates, awards, distinctions of the University shall be conducted by the teachers of the University under the general control of the Governing Board and the Academic Council.

(2) The courses of study, the curricula and the authorities responsible for such teaching shall be such as may be prescribed by University's Statutes.

The Visitor.

10. (1) The Governor of West Bengal shall, by virtue of his office, be the Visitor of the University.

(2) The Visitor shall, when present, preside at the convocation of the University for the purpose of conferring degrees, diplomas, awards, certificates of other academic distinctions in the University.

(3) The Visitor shall have the power to call for any paper or information relating to the affairs of the University; and on the basis of the information received by the Visitor, if he is satisfied that any order, proceeding, or decision taken by any authority of the University is not in conformity with the Policy of the State Government published in *Official Gazette vide* Notification no. 142 - Edn (U) dated 31/01/2013 or the provisions of this Act or University's Statutes, Ordinances, University's regulations and rules made thereunder, he may issue such directions as he may deem fit in the interest of the University and the directions so issued shall be complied with by the University.

(4) The Visitor shall have the power to cause an inspection to be made by such person or persons as he may direct, of the University, its building, laboratories and equipment, and of any Centre, Department, Institution, School or Campuses maintained by the University and also of the examinations, teaching and other work conducted or done by the University and to cause an inquiry to be made in like manner in respect of any matter connected with the administration or finances of the University, its Centers, Departments, Institutions or Schools.

(5) The Visitor shall, in every case, give notice to the University of his intention to cause an inspection or inquiry to be made, and the University shall, on receipt of such notice, have the right to make, within thirty days from the date of receipt of the notice or such other period as the Visitor may determine, such representations to the Visitor, as it may consider necessary.

*The Seacom Skills University Bill, 2013.**(Clauses 11-13.)*

(6) Without prejudice to the foregoing provisions of this section, the Visitor may, by order in writing, annul any proceeding of the University which is not in conformity with this Act or the Policy of the State Government published in *Official Gazette* vide Notification no. 142 - Edn (U) dated 31/01/2013, or the University's Statutes or the Ordinances or the rules framed under this Act:

Provided that before making any such order, he shall call upon the University to show-cause why such an order should not be made, and if any cause is shown within a reasonable time, he shall consider the same.

(7) The Visitor shall have such other powers as may be prescribed by the rules.

Authorities of the University.

11. The following shall be the authorities of the University, namely:—

- (a) the Governing Board;
- (b) the Academic Council;
- (c) the Finance Committee; and
- (d) such other authorities as may be declared by the University's Statutes to be authorities of the University.

Officers of the University.

12. The following shall be the officers of the University, namely:—

- (a) the Chancellor;
- (b) the Vice-Chancellor;
- (c) the Deans;
- (d) the Registrar;
- (e) the Law Officer;
- (f) the Chief Finance Officer;
- (g) the Controller of Examinations, and
- (h) such other persons as may be declared by the University's Statutes to be officers of the University.

The Governing Board, its powers and functions.

13. (1) The Governing Board of the University shall consist of the following members, namely:—

- (i) the Chancellor, who shall be the Chairman of the Board;
- (ii) two representatives of the sponsoring trust to be nominated by the trust;
- (iii) Vice-Chancellor of the University;
- (iv) two Deans of the faculty councils for post-graduate and undergraduate studies to be nominated by the Chancellor, by rotation;
- (v) three academicians to be nominated by the Visitor, the State Government and the Chancellor respectively;
- (vi) three experts representing other disciplines such as finance, legal, management, humanities to be nominated by the Chancellor.
- (vii) two representatives of the industries to be nominated by the Chancellor; and
- (viii) the Registrar, who shall be the Secretary of the Board.

(2) The Governing Board shall be the supreme authority of the University.

(3) The Governing Board shall have the following powers, namely:—

- (a) to provide general superintendence and directions and to control the functioning of the University;
- (b) to frame Statutes, regulations, Ordinances and place them before the State Government for approval;
- (c) to borrow, invest money and funds of the University and take decisions in this regard on recommendation of the Finance Committee;

*The Seacom Skills University Bill, 2013.**(Clauses 14, 15.)*

- (d) to create or to abolish posts of teachers and other employees of the University;
- (e) to review the decisions of other authorities of the University in case they are not in conformity with the provisions of this Act or the University's Statutes, Ordinances, University's regulations or rules made there under;
- (f) to prepare the budget and annual report of the University;
- (g) to lay down the policies to be followed by the University;
- (h) to recommend to the sponsoring Trust, in consultation with the Visitor, about the voluntary winding up of the University if a situation arises where the smooth functioning of the University is not possible, in spite of all efforts;
- (i) such other powers as may be prescribed by the University's Statutes.

(4) The term of office of members of the Governing Board including their re-nomination or resignation shall be such as may be prescribed by the University's Statutes.

(5) The Governing Body shall meet at least three times in a calendar year.

(6) The quorum for meetings of the Governing Board shall be seven.

Chancellor of the University and his powers.

14. (1) The Chancellor shall be appointed by the sponsoring Trust for a period not exceeding five years by following such procedure and on such terms and conditions as may be provided by the University's Statutes:

Provided that the Chancellor may be re-appointed for a second term.

(2) The Chancellor shall be the head of the University.

(3) The Chancellor shall preside over the meetings of the Governing Board and shall, when the Visitor is not present, preside at the convocation of the University for the purpose of conferring degrees, diplomas, awards, certificates or other academic distinctions.

(4) The Chancellor shall have the following powers, namely:—

- (a) to call for any information or record of the University;
- (b) to appoint the Vice-Chancellor;
- (c) to remove the Vice-Chancellor in accordance with the provisions of sub-section (8) of section 15; and
- (d) such other powers as may be provided by the University's Statutes.

The vice-Chancellor.

15. (1) The Vice-Chancellor shall be appointed by the Chancellor on recommendation of the Governing Board.

(2) The Vice-Chancellor shall be an educationist and must meet the eligibility criteria, if any, provided by the regulatory body.

(3) The term of the office of the Vice-Chancellor shall be determined by the Governing Board for the period not exceeding five years.

(4) Where a vacancy in the office of the Vice-Chancellor occurs and it cannot be conveniently and expeditiously filled up in accordance with the provisions of sub-section (1) and if there is an emergency, the Chancellor, in consultation with the Board, may appoint any suitable person to be the Vice-Chancellor and may from time to time, extend the term for a period not exceeding the total of one year.

(5) The Vice-Chancellor shall be the principal executive and academic officer of the University and shall exercise general superintendence and control over the affairs of the University and shall also execute the decisions of various authorities of the University.

(6) The Vice-Chancellor shall preside at the convocation of the University in the absence of the Visitor and the Chancellor.

*The Seacom Skills University Bill, 2013.**(Claus 16-19.)*

(7) The Vice-Chancellor shall also exercise such powers and perform such duties as may be prescribed by the University's Statutes or the Ordinances.

(8) If, at any time, upon representation made or otherwise, and after making such inquiry as may be deemed necessary, the situation so warrants and if the continuance of the Vice-Chancellor is not in the interests of the University, the Chancellor may, by an order in writing stating the reasons therein, ask the Vice-Chancellor to relinquish his office from such date as may be specified in the order and in such manner as may be provided for by University's regulations:

Provided that before taking an action under this sub-section, the Vice-Chancellor shall be given an opportunity of being heard.

The Academic Council.

16. (1) The Academic Council shall consist of the Vice-Chancellor and such other members as may be prescribed by the University's Statutes.

(2) The Vice-Chancellor shall be the Chairperson of the Academic Council.

(3) The Academic Council shall be the principal academic body of the University and shall, subject to the provisions of this Act and the rules, University's Statutes or Ordinances, made under this Act, co-ordinate and exercise general supervision over the academic policies of the university.

(4) The quorum for meetings of the Academic Council shall be such as may be prescribed by the University's Statutes.

Powers and functions of Academic Council.

17. Subject to this Act and the University's Statutes and Ordinances made hereunder, the Academic Council shall, in addition to all other powers vested in it, have the following powers; namely:—

- (i) to exercise general supervision over the academic policies of the University and to give directions regarding methods of instruction, evaluation of research or improvement in academic standards;
- (ii) to bring about *inter-faculty* co-ordination, to establish or appoint Committees or Boards, for taking up projects on an *inter-faculty* basis;
- (iii) to consider matters of general academic interest either at its own initiative or referred to by the Faculty Councils, and to take appropriate action thereon; and
- (iv) to frame such regulation consistent with the University's Statutes, rules and Ordinances regarding the academic functioning of the University, discipline, residence, admissions, award of fellowships and studentships, fee concessions, corporate life and attendance.

The Deans.

18. (1) There shall be a Dean for each and every Faculty Council for Post-Graduate and Undergraduate Studies in the University who shall be appointed by the Chancellor on recommendation of the Governing Board from amongst the existing Professors of the University.

(2) Every Dean shall be the Vice Chairman of the respective Faculty Council for Post-Graduate and Undergraduate Studies and shall have such powers and functions as may be provided for by University's regulations.

(3) The Dean of every Faculty Council for Post-Graduate and Undergraduate Studies may be removed from his office for such reasons and in such manner as may be provided for by Regulation.

The Registrar.

19. (1) The Registrar shall be appointed by the Chancellor on recommendation of the sponsoring Trust in such manner, as may be provided by the University's Statutes.

(2) All contracts shall be signed and all documents and records shall be authenticated by the Registrar on behalf of the University.

*The Seacom Skills University Bill, 2013.**(Clauses 20-24.)*

(3) The Registrar shall be the Member Secretary of the Governing Board and the Academic Council but he shall not have a right to vote.

(4) The Registrar shall exercise such other powers and perform such other duties as may be provided by the University's Statutes.

The Chief Finance Officer.

20. (1) The appointment of the Chief Finance Officer shall be made by the Chancellor in such manner as may be prescribed by the University's Statutes.

(2) The Chief Finance Officer shall exercise such powers and perform such duties as may be prescribed by the University's Statutes.

The Finance Committee.

21. (1) There shall be a Finance Committee with the Chancellor as chairman.

(2) The constitution, powers and functions of the Finance Committee shall be prescribed by the University's Statutes and its procedures in financial matters, including the delegation of its powers, shall be prescribed by Ordinances.

Other Officers.

22. (1) The University may appoint such other officers as may be necessary for its functioning.

(2) The manner of appointment of other officers of the University and their powers and functions, including the terms and conditions of their service, shall be such as may be prescribed by the University's Statutes.

The Faculty Councils for Post-Graduate and Undergraduate Studies.

23. (1) There shall be as many Faculty Councils for Post-Graduate and Undergraduate Studies as there are courses or faculties in the University as per the decision of the Governing Board.

(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) the Professor or Professors of the Department or Departments concerned, if any;
- (v) the Librarian of the University, if the post is vacant then the person acting as Librarian of the University;
- (vi) five Teachers of the University, other than Professors, to be nominated by Chancellor.

(3) One-third of the total number of members of a Faculty Council for Post-Graduate and Undergraduate Studies shall be a quorum for a meeting of the Faculty Council.

The powers and duties of the Faculty Councils for Post-Graduate and Undergraduate Studies.

24. Subject to the provisions of this Act, and the University's Statutes, rules, Ordinances and University's regulations, the Faculty Council for Post-Graduate and Undergraduate Studies shall exercise the following powers and perform the following duties:—

- (i) to make proposals to the Governing Board for the establishment of University Departments, institutions, libraries, laboratories and museums for study and research to be maintained by the University;
- (ii) to recommend to the Governing Board the creation and institution of Professorships, Readerships, Lectureships, and other teaching posts and the emoluments thereof;
- (iii) to make proposals to the Governing Board for the promotion of research and, through special committees, if any constituted for the purpose, to call for reports on such research work from persons engaged therein, and to make recommendations to the Governing Board thereon;

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(Clauses 25-27.)

- (iv) to make proposals to the Governing Board regarding provisions to be made for enabling the University to undertake specialization of studies and for organization of common laboratories, libraries, museums, institutes of research and other institutions, maintained by the University;
- (v) to advise the Governing Board on the institution of degrees, titles, diplomas, certificates and other academic distinctions;
- (vi) to hold and conduct, subject to general supervision by the Governing Board, University examinations and publish the results thereof in accordance with the University's regulations made in this regard;
- (vii) to provide for the inspection or the investigation into the affairs of any department and submit report to the Governing Board;
- (viii) to frame guidelines relating to the courses of Post-Graduate and Undergraduate Studies and the division of subjects in regard thereto including interdisciplinary or multidisciplinary integrated courses in selected subjects and to recommend to the Governing Board the making of University's regulations in this regard;
- (ix) 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;
- (x) to consider any educational matter relating to the Faculty Council and to arrive at decisions or make recommendations pertaining thereto to the appropriate authority or officer;
- (xi) to submit each year its Annual Report to the Governing Board;
- (xii) to consider and approve results of examinations leading to undergraduate and post-graduate degrees, diplomas and certificates;
- (xiii) to recommend to the Governing Board the conferment of undergraduate and post-graduate degrees, diplomas and certificates;
- (xiv) to exercise all other powers and perform all other functions conferred and imposed on it by or under this Act.

Other Authorities.

25. (1) There shall be such other authorities in the University as may be constituted by the Governing Board in such manner as may be provided for by the University's Statutes.

(2) The composition, constitution, powers and functions of such other authorities of the University shall be such as may be prescribed by the University's Statutes.

Regulatory Committee.

26. (1) There shall be a Regulatory Committee to be constituted by the State Government for the purpose of monitoring and regulating the working of the University as may be prescribed in this regard.

(2) The powers and functions of the Regulatory Committee shall be such as may be prescribed by the State Government by order.

(3) The recommendations of the Regulatory Committee shall be binding on the Universities.

(4) Until such time the Regulatory Committee is constituted, the West Bengal State Council of Higher Education will function as the Regulator for the University.

Act not to be invalidated by vacancies.

27. No act or proceeding of the Board or any authority of the University or any committee constituted under this Act or by the University's regulations shall be questioned merely on the ground of the existence of a vacancy in or defect in the constitution of the Board, Authority or Committee of the University.

*The Seacom Skills University Bill, 2013.**(Clauses 28-30.)*

The First University's Statutes.

28. (1) The First University's Statutes of the University shall provide for all or any of the following matters, namely:—

- (a) the constitution, powers and functions of the authorities and other bodies of the University as may be constituted from time to time;
- (b) the terms and conditions of appointment of the Vice-Chancellor and his powers and functions;
- (c) the manner and terms and conditions of appointment of the Registrar and Chief Finance Officer and their powers and functions;
- (d) the manner and terms and conditions of appointment of other officers and teachers and their powers and functions;
- (e) the terms and conditions of service of employees of the University;
- (f) the procedure for arbitration in case of disputes between officers, teachers, employees and students;
- (g) the conferment of honorary degrees;
- (h) the provisions regarding exemption of students from payment of tuition fee and for awarding to them scholarships and fellowships consonant with the University's regulations of relevant regulatory body;
- (i) provisions regarding the policy of admissions, including regulation of reservation of seats consonant with the University's regulations of relevant regulatory body;
- (j) provisions regarding number of seats in different courses; and
- (k) such other provisions as may be necessary in the functioning of the University.

(2) The First University's Statutes of the University shall be made by the Governing Board and shall be submitted to the State Government.

(3) The State Government shall consider the First University's Statutes, submitted by the University and shall give its approval thereon within two months from the date of its receipt and with such modifications if any, as it may deem necessary, for compliance.

Appointment of teachers and non-teaching employees in the Universities.

29. (1) The University may create as many posts of Teachers and Non-teaching employees in the University and may appoint such teachers and non-teaching employees of their own, in consonance with the norms prescribed by the relevant regulatory authorities.

(2) The University shall have the power to make University's regulations regarding terms and conditions of service of the employees of the University, and these shall be consistent with the norms and standards prescribed by the regulatory authorities.

Funds and accounts of the University.

30. (1) The University shall establish and constitute a fund to be known as General Fund of the University to which the following shall be credited:—

- (a) fees and other charges received by the University from the students;
- (b) any contribution made by the sponsoring Trust;
- (c) any income received from consultancy and other work undertaken by the University in pursuance of its objectives;
- (d) trusts, bequests, donations, endowments and any other grants; and
- (e) all other sums received by the University from any source whatsoever.

(2) The General Fund of the University may be utilized for the following purposes:—

- (a) for payment of debts including interest charges thereto incurred by the University for the purpose of this Act;

*The Seacom Skills University Bill, 2013.**(Clauses 31, 32.)*

- (b) for upkeep of the assets of the University;
- (c) for the payment of cost of audit of the University;
- (d) for meeting the expenses of any suit or proceedings to which the University is a party;
- (e) for payment of salaries and allowances of the officers and non-teaching employees of the University and members of the teaching and research staff and for payment of any provident fund contribution, gratuity and other benefits to any such officers and employees and members of teaching and research staff;
- (f) for the payment of travelling and other allowances of the members of the Governing Board, the Academic Councils and other authorities so declared under the University's Statutes of the University and of the members of any committee appointed by any of the authorities or by the Chairperson of the sponsoring Trust or the Vice-Chancellor, as the case may be, of the University;
- (g) for the payment of fellowship, freeships, scholarships, assistanceships and other awards to the student belonging to economically weaker sections of the society or research associates or trainees, as the case may be, or to any student otherwise eligible for such awards under the University's Statutes, ordinances, University's regulations or rules;
- (h) for the payment of any expenses incurred by the University for the purpose of the University;
- (i) for payment of cost of capital, not exceeding the prevailing bank rate of interest, incurred by the sponsoring trust for setting up the University and the investment made therefore;
- (j) for the payment of charges and expenditure relating to the consultancy work undertaken by the University in pursuance of this Act; and
- (k) for the payment of any other expenses including service fees payable to any organization charged with the responsibility of providing any specific service, including the managerial services to the University on behalf of the sponsoring trust, as approved by the Governing Board to be an expense for the purpose of the University.

Endowment Fund
of the
University.

31. (1) The University shall establish an Endowment Fund in the name of the University through a fixed deposit of a minimum of Rupees ten crore in a Nationalized Bank, which may be used for the development of the University:

Provided that the sponsoring trust shall make available the whole Endowment Fund to the Administrator during the process of winding up of the University failing which the same shall be realized from the properties of the University.

(2) The Endowment Fund shall be invested and kept invested until the dissolution of the University.

(3) A security deposit will be pledged in the name of Higher Education Department, through a fixed deposit of Rupees one crore in a Nationalized Bank to be kept as security deposit; interest proceeds of which may be used for the development of the University.

(4) The State Government shall have the power to forfeit the security deposit, in case the University contravenes any of the provisions of this Act.

Pension and
Provident Fund.

32. (1) The University shall with the approval of the Governing Board, constitute for the benefit of the officers, teachers and other employees of the University, in such manner and subject to such terms and conditions as may be prescribed by Regulation, such scheme of Pension, Provident Fund, Gratuity and Insurance as it may deem fit.

*The Seacom Skills University Bill, 2013.**(Clauses 33-35.)*

(2) Any provident fund instituted by the University for the benefit of its teachers, officers, or employees shall be governed by the provisions of Provident Funds Act, 1925, as if such fund were a Government Provident Fund and such provident fund may be maintained in a Government Treasury.

19 of 1925.

Annual Accounts and Audit.

33. (1) The University shall maintain proper accounts and other relevant records, and prepare an annual statement of accounts including the income and expenditure account and balance sheet, in such form and in such manner as may be provided for by University's regulations.

(2) The University shall adopt a proper system of internal checks and balances and controls in the discharge of its finance, accounting and auditing functions as may be provided for by University's regulations.

(3) The accounts of the University shall be audited not less than once in every year by a statutory auditor who shall be a Chartered Accountant as defined in the Chartered Accountant Act, 1949, as may be appointed by the Governing Board.

38 of 1949.

(4) Annual Statement of Accounts shall, together with copies of the audit report be submitted to the Governing Board and to the State Government and shall thereupon be published by the Governing Board.

Admission of students.

34. (1) Admission in the University shall be made on the basis of merit.

(2) Merit for admission in the University may be determined either on the basis of marks or grade obtained in the qualifying examination or on the basis of marks or grade obtained in a relevant entrance examination conducted by the University or by Common Entrance Test conducted at the State or National level:

Provided that any achievements in co-curricular activities or extra-curricular activities may be given weightage at the discretion of the University:

Provided further that the admission criteria for specific courses, as prescribed by the concerned Regulatory Bodies, shall be adhered to.

(3) The seats in Engineering and Technology courses in the University or the colleges and other institutions subsumed in the University will be guided by the existing framework of the All India entrance examination or the West Bengal Joint Entrance Board through its state level common entrance test and counseling process until the University opts to work out its own entrance examination framework for admission into the courses as per the decision of the Governing Board.

(4) The University shall keep five percent of total intake reserved for filling up with economically weaker persons in the manner as may be prescribed by the State Government from time to time.

Examinations and results.

35. (1) The University shall at the beginning of each academic session and in any case not later than 31st of August of every calendar year, prepare and publish a semester wise or annual, as the case may be, schedule of examinations for each and every course conducted by it and shall strictly adhere to the schedule.

Explanation.—"Schedule of Examination" means a table giving details about the time, day and dates of the commencement of each paper which is part of a scheme of examinations and shall also include the details about the practical examination:

Provided that if, for any reasons whatsoever, the University has been unable to follow the schedule, it shall, as soon as may be practicable, submit a report, to the State Government incorporating the detailed reasons for making a departure from the published schedule.

*The Seacom Skills University Bill, 2013.**(Clauses 36, 37.)*

(2) The State Government shall have power to issue such directions to the University in removing difficulties in relation to any examination of the University, as it may deem necessary in the interest of the students.

(3) The University shall declare the results of every examination conducted by it within a period of thirty days from the last date of examination for that particular course and shall in any case declare the results latest within a period of forty five days from such date:

Provided that if, for any reasons whatsoever, the University is unable to finally declare the results of any examination within the aforesaid period of forty five days, it shall submit a report incorporating the detailed reasons for such delay to the State Government:

Provided further that the State Government may upon considering such report issue such directions to the University as it may deem necessary in the interest of the students.

(4) The University shall have power to award Degrees or Diplomas or Titles or Awards or Certificates to any person involved in the course of study or in research in the University in accordance with the rules or University's regulations as may be framed or upon such terms and conditions as may be provided by the Regulatory authorities.

Conferment of degrees, diplomas and grant of certificates by the University.

Powers to make University's regulations.

36. Notwithstanding anything contained in any other law for the time being in force, the University shall have powers to confer degrees, diplomas and grant certificates and confer degrees and honorary degrees and other distinctions and titles, as approved by the Governing Board.

37. (1) Subject to the provisions of this Act, the Governing Board shall have, in addition to all other powers vested in it, the power to make University's regulations to provide for the administration and management of the affairs of the University.

(2) In particular and without prejudice to the generality and foregoing powers, such University's regulations may provide for all or any of the following matters, namely:-

- (i) the summoning and holding of meetings of the authorities of the University other than the first meeting of the Governing Board, the quorum and conduct of business at such meetings;
- (ii) the power and functions to be exercised and discharged by the Chancellor of the University;
- (iii) the constitution, powers and duties of the other authorities, bodies and committees of the University established under this Act, the qualifications and disqualifications for membership of such authorities, bodies and committees, term of office of the membership, appointment and removal of members thereof and other matters connected therewith, and removal of members of the Governing Board, the Academic Council and the Finance Committee;
- (iv) the procedure to be followed by the Governing Board and any Committee or other body constituted under this Act and by the University's regulations made there under in the conduct of the business, exercise other powers and discharge of the functions;
- (v) the procedure and criteria to be followed in established courses of study and admission of students;
- (vi) the procedure to be followed by enforcing discipline in the University;
- (vii) the management of the properties of the University;
- (viii) the degrees, diplomas, certificates and other academic distinctions and titles which may be conferred or granted by the University and withdrawal or cancellation of any such degrees, diplomas, certificates and other academic distinctions and titles and the requirements thereof;

*The Seacom Skills University Bill, 2013.**(Clauses 38, 39.)*

- (ix) the conduct of examinations including the term of office and appointment of examiners;
- (x) the creation of posts of Professors, Associate Professors, Assistant Professors, Readers, Lecturers of equivalent academic designations or posts, officers and employees of the University, and the appointment of persons to such posts including the qualifications requisite therefor;
- (xi) the fees and other charges which may be paid to the University for the courses, training facilities and services provided by it;
- (xii) the manner and conditions for constitution of insurance, pension and provident funds and such other schemes for the benefit of officers, teachers and other employees of the University;
- (xiii) the terms and conditions applicable for association of the University with other institutions;
- (xiv) the preparation of budget estimates and maintenance of accounts;
- (xv) the mode of execution of contracts or agreement by or on behalf of the University;
- (xvi) the method of recruitment, classification and procedure for appointment of officers and staff of the University;
- (xvii) the terms and tenure of appointments, salaries and allowances, contractual services, rules of discipline and other conditions of service of the Vice-Chancellor, other officers, teachers and employees of the University;
- (xviii) the terms and conditions governing deputation of officers and staff of the University;
- (xix) the powers and duties of the Vice-Chancellor and other officers, teachers and employees of the University;
- (xx) the terms and conditions governing fellowship, scholarship, stipends, medals and prizes;
- (xxi) the authentication of the orders and decisions of the Governing Board;
- (xxii) the matters relating to hostels and halls of residence including disciplinary control therein;
- (xxiii) all matters which by this Act are to be or may be prescribed by the University's regulations.

Rules.

38. Subject to the provisions of this Act, the University's Statutes, the Ordinances and the University's regulations, the State Government may make rules 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 University's Statutes, the Ordinances or the University's regulations, are required to be prescribed by rules.

Disqualification.

39. (1) No person shall be qualified for appointment 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
- (ii) is an undischarged insolvent, or
- (iii) has been convicted by a court of law for an offence involving moral turpitude.

(2) In case of any doubt or dispute the Chancellor's decision whether a person is disqualified under the provisions of sub-section (1) shall be final.

*The Seacom Skills University Bill, 2013.**(Clauses 40-44 and Schedule A.)*General Powers
of State
Government.

40. (1) The State Government shall have the power to cause inspection of the University in such manner as may be prescribed and in particular, its buildings, libraries, halls, museums and other infrastructures including the administrative as well as financial functions of the University.

(2) Every inspection shall be made after due notice to the University.

(3) Proceedings of every inspection along with suggestion or advice of the State Government shall be sent to the University for its necessary action.

(4) The State Government shall have power to give directions to the University from time to time considering the interest of the Student as well as for public interest.

Explanation.—The decision of the State Government shall be final whether a particular issue is related to public interest or the interest of the students.

Power to remove
difficulty.

41. The State Government shall have power to remove any difficulty that arises in applying any provisions of this Act.

Report of the
University.

42. The University shall submit a detailed annual report showing its academic performance and other particulars of the University as may be prescribed in this behalf before the State Government within three months of the commencement of every financial year.

Accreditation of
the University.

43. (1) The University shall obtain accreditation from the National Assessment and Accreditation Council or such other body within three years of its establishment and communicate the same to the State Government and relevant Regulatory Bodies in writing along with such accreditation certificate.

(2) The University shall apply for renewal of such accreditation from time to time.

Winding up of the
University.

44. (1) The Governing Board in consultation with the sponsoring trust may recommend to the State Government to dissolve the University by giving notice to this effect in such manner as may be prescribed by the State Government in this behalf, to the employees and students of the University at least one year in advance:

Provided that the University shall not be permitted to serve notice for winding up within a period of ten years from the date of coming into effect of this Act.

(2) The State Government on receiving the notice referred to under sub-section (1) shall appoint an Administrator by replacing the Governing Board and the Chancellor who shall act as the supreme authority during the process of winding up.

(3) The properties of the University as well as the Endowment Fund of the University shall be used by the Administrator during the process of winding up in such manner as may be prescribed by rules.

(4) The dissolution of the University shall have effect only after the last batch of the students of the regular courses have completed their courses and have been awarded degrees, diplomas or awards, as the case may be.

SCHEDULE A***See sub-section (1) of section 3***

The Seacom Marine College Trust, an educational and charitable trust created vides Deed no. 3894 dated 10.10.2003, 5099 dated 29.11.2004 and 3763 dated 17.07.2006 registered before the Registrar of Assurance, Kolkata.

The Seacom Skills University Bill, 2013.

(Schedule B.)

SCHEDEULE B

See Sub-section (1) of Section 4

Schedule of Land

(1) All that piece and parcels of land measuring about 10.19 acres (one thousand nineteen decimals), appertaining to J.L. No. 57 under Mouza Kendradangal, sub-division Bolpur, District Birbhum, Khatian No. 1069, L.R. Plot no. 955, 599/3831, 613/4020, 614/3830, 615/4021, 618, 618/3844, 620, 621, 1009 butted and bounded thereto and transferred to the University vide resolution of sponsoring Trust on 9th of May 2013.

(2) All that piece and parcels of land measuring .80 acres (eighty decimals) appertaining to J.L. No. 57 and 41 under Mouza Kendradangal and Saturia, sub-division Bolpur, District Birbhum, Khatian No. 1069 and 1755, L.R. Plot no. 5701, 5698 and 614, butted and bounded thereto and transferred to the University and to be used as a common path vide resolution of sponsoring Trust on 9th of May 2013.

Schedule of Building

All that four storied pucca (cemented) constructed building measuring about 9377.35 square meter situated in the land mentioned in the schedule and transferred to the University vide resolution of sponsoring Trust on 9th of May 2013.

STATEMENT OF OBJECTS AND REASONS.

Considering the growing need for quality facilities in the State's higher education system to cater to the growing number of students emerging out of the State's secondary school system, the State Government formulated a Policy published in the *Official Gazette* vide Notification No. 142-Edn (U) dated 31.01.2013, to provide a stable policy and institutional framework to encourage private investment in the State's higher education system, with an emphasis, on the guiding principles of "expansion, inclusion and quality".

2. "The Seacom Marine College Trust" registered under Indian Trusts Act, 1882 has been running two Engineering and Technological College, One Marine Engineering College and several Industrial Training Institutes in West Bengal. The trust has come up with a proposal to the State Government for setting up a self financing Skills University in the district of Birbhum having required infrastructure and built up area and adequate financial resources, with a view to providing instruction, teaching, training and research in various branches and specialized fields of Science, Technology, Law, Management, Social Sciences, Medicine, Education, Humanities, performing arts and various other field of study including various skill development programmes.

3. The feasibility of the proposal for setting up Seacom Skills University has been examined by a seven-member committee headed by the Vice-Chairman of the West Bengal State Council of Higher Education and the committee has recommended the establishment of the proposed private university.

4. Accordingly, the State Government in the Higher Education Department has decided to incorporate the Seacom Skills University at Birbhum for the purpose as stated above, and hence, this Bill is proposed.

The Seacom Skills University Bill, 2013.

5. The main campus of the University will be situated at Kendradangal, Santiniketan at Birbhum and the jurisdiction of the University will be the throughout the state of West Bengal.

6. Since, the University will be funded by the sponsoring Trust; the State Government will have no financial liability in giving effect to the provisions of this Bill.

7. The Bill has been framed with the above objects and views.

KOLKATA,
The 23rd August, 2013.

BRATYA BASU,
Member-in-charge.

FINANCIAL MEMORANDUM

There shall be no financial implications involved in giving effect to the provisions of this Bill.

KOLKATA,
The 23rd August, 2013.

BRATYA BASU,
Member-in-charge.

By order of the Governor,

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