


Kolkata **Gazette**
 सत्यमेव जयते
Extraordinary
 Published by Authority

KARTIKA 24]

FRIDAY, NOVEMBER 15, 2013

[SAKA 1935

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. 1644-L.—15th November, 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. 26 of 2013

**THE WEST BENGAL UNIVERSITY OF HEALTH SCIENCES
(AMENDMENT) BILL, 2013.**

A
BILL

to amend the West Bengal University of Health Sciences Act, 2002.

WHEREAS it is expedient to amend the West Bengal University of Health Sciences Act, 2002, for the purposes and in the manner hereinafter appearing;

West Ben. Act
XIII of 2002.

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

Short title and commencement.

1. (1) This Act may be called the West Bengal University of Health Sciences (Amendment) Act, 2013.
- (2) It shall come into force at once.

*The West Bengal University of Health Sciences
(Amendment) Bill, 2013.*

(Clause 2.)

Amendment of
section 32 of West
Bengal Act XIII of
2002.

2. In the West Bengal University of Health Sciences Act, 2002 (hereinafter referred to as the principal Act), in section 32,—

(1) for sub-section (1), the following sub-section shall be substituted:—

“(1) (a) The Vice-Chancellor, who shall be a Professor of Modern System of Medicine, shall be appointed from the persons of the highest level of competence, integrity, morals and institutional commitment. The Vice-Chancellor shall be a distinguished academic with a minimum of ten years experience in a medical education system of which at least five years shall be as professor or ten years of experience in a reputed research or academic administrative organization of which at least five years shall be in an equivalent position of a professor.

(b) The Vice-Chancellor shall be appointed by the Chancellor in consultation with the Minister of Government from a panel of not less than three persons recommended in order of preference by the Search Committee constituted by the Government. The Registrar shall be the convener of the committee. While preparing the panel, the Search Committee should give proper weightage to academic excellence, exposure to medical education system in the country and experience in academic and administrative governance and reflect the same in writing while submitting the panel to the Chancellor.

(c) The Search Committee shall consist of the following members:—

- (i) a nominee of the Chancellor, who shall be the Chairperson of the Committee;
- (ii) President, West Bengal Medical Council;
- (iii) one nominee of the Government;
- (iv) Chairman, West Bengal State Council of Higher Education; and
- (v) Principal Secretary, Department of Health and Family Welfare, Government of West Bengal:

Provided that no person, who is an employee or a member of any authority of the University, shall be nominated to be a member of the committee:

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

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

(e) The Chancellor may, notwithstanding the expiration of the term of the office of the Vice-Chancellor or his attaining sixty-five 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.

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

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

(h) If,—

- (i) 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, or

*The West Bengal University of Health Sciences
(Amendment) Bill, 2013.*

(Clause 2.)

(ii) a vacancy occurs in the office of the Vice-Chancellor by reason of death, resignation or expiry of the term of his office or otherwise,

then, during the period of such temporary inability or pending the appointment of a Vice-Chancellor, as the case may be, the Chancellor, in consultation with the Minister of the Government may appoint a person to exercise the powers and perform the duties of the Vice-Chancellor.

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

(j) The Vice-Chancellor may be removed from his office by the Chancellor if he is satisfied that the incumbent,—

- (i) has become insane and adjudged by a competent court to be of unsound mind; or
- (ii) has become an undischarged insolvent and stands so declared by a competent court; or
- (iii) has been physically unfit and incapable of discharging function due to protracted illness or physical disability; or
- (iv) has wilfully omitted or refused to carry out the provisions of this Act or has committed breach of any of the terms and conditions of the service contract or has abused or misused the powers vested in him or if the continuance in the office of the Vice-Chancellor is detrimental to the interests of the University; or
- (v) has been proved to be guilty of criminal breach of trust or criminal negligence or gross financial irregularity or impropriety or gross negligence of duty; or
- (vi) has shown incompetence to perform or has persistently made default in the performance of the duties imposed on him by or under this Act; or
- (vii) has been convicted by a court for any offence within the concept and meaning of the Code of Criminal Procedure, 1973; or
- (viii) he is a member of, or otherwise associated with, any political party or acts in any partisan manner while in office.

2 of 1974.

Explanation.—For the purpose of this sub-clause, whether any party is a political party or any association is a political association or any act of the Vice-Chancellor is partisan, decision of the Chancellor thereon shall be final:

Provided that Vice-Chancellor shall be given a reasonable opportunity to show cause by the Chancellor before taking recourse for his removal under sub-clauses (iv), (v), (vi), (vii) and (viii).";

*The West Bengal University of Health Sciences
(Amendment) Bill, 2013.*

(Clause 3.)

(2) after sub-section (1), the following sub-section shall be inserted:—

“(1A) Consequent to coming into force of the West Bengal University of Health Sciences (Amendment) Act, 2013, any person holding the post of Vice-Chancellor prior to coming into force of the West Bengal University of Health Sciences (Amendment) Act, 2013, shall, continue to hold office for a maximum period of three months from the date of coming into force of the West Bengal University of Health Sciences (Amendment) Act, 2013 or till expiry of his term which ever is earlier by which time a Vice-Chancellor is appointed in terms of sub-section (1).”;

(3) Sub-section (3) shall be omitted.

Amendment of
section 33.

3. In section 33 of the principal Act,—

(1) for sub-section (1), the following sub-section shall be substituted:—

“(1) (a) There shall be three Pro-Vice-Chancellors of the University, who shall be appointed by the Chancellor in consultation with the Minister of the Government. The Pro-Vice-Chancellor shall be appointed from the person of the highest level of competence, integrity, morals and institutional commitment. The Pro-Vice-Chancellor shall be a distinguished academic with a minimum of ten years experience in medical education system of which at least five years shall be as professor or ten years of experience in a reputed research or academic administrative organization of which at least five years shall be in an equivalent position of a professor:

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

(b) The Pro-Vice-Chancellor shall hold office for a term of three years or till he attains the age of sixty-five years, whichever is earlier, and shall be eligible for re-appointment for another term of three years or till he attains the age of sixty-five years, whichever is earlier.

(c) The Chancellor may, notwithstanding the expiration of the term of the office of the Pro-Vice-Chancellor or his attaining sixty-five 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.

(d) The Pro-Vice-Chancellor shall be a whole time officer of the University and shall be paid from the University funds such salary and allowances as the Chancellor may decide in consultation with the Government.

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

(f) If,—

(i) the Pro-Vice-Chancellor is, by reason of leave, illness or other cause, temporarily unable to exercise the powers and perform the duties of his office, or

(ii) a vacancy occurs in the office of the Pro-Vice-Chancellor by reason of death, resignation or expiry of the term of his office or otherwise, then, during the period of such temporary inability or pending the appointment of a Pro-Vice-Chancellor, as the case may be, the Chancellor, in consultation with the Minister of the Government, shall authorize any senior teacher of a medical teaching institution in this State or an officer of the University to exercise the powers and perform the duties of the Pro-Vice-Chancellor.

*The West Bengal University of Health Sciences
(Amendment) Bill, 2013.*

(Clause 3.)

(g) The vacancy in the office of the Pro-Vice-Chancellor occurring by reason of death, resignation or expiry of the term of his office or otherwise shall be filled up by appointment of a Pro-Vice-Chancellor in accordance with the provisions of clause (a) within a period of six months from the date of occurrence of the vacancy, and such period shall be held to include any period for which a Pro-Vice-Chancellor is allowed to continue in office under clause (c), or any senior teacher of a medical teaching institution in this State or an officer of the University exercises the powers and perform the duties of the Pro-Vice-Chancellor under clause (f).

(h) The Pro-Vice-Chancellor may be removed from his office by the Chancellor if he is satisfied that the incumbent,—

- (i) has become insane and adjudged by a competent court to be of unsound mind; or
- (ii) has become an undischarged insolvent and stands so declared by a competent court; or
- (iii) has been physically unfit and incapable of discharging function due to protracted illness or physical disability; or
- (iv) has wilfully omitted or refused to carry out the provisions of this Act or has committed breach of any of the terms and conditions of the service contract or has abused or misused the powers vested in him or if the continuance in the office of the Vice-Chancellor is detrimental to the interests of the University; or
- (v) has been proved to be guilty of criminal breach of trust or criminal negligence or gross financial irregularity or impropriety or gross negligence of duty; or
- (vi) has shown incompetence to perform or has persistently made default in the performance of the duties imposed on him by or under this Act; or
- (vii) has been convicted by a court for any offence within the concept and meaning of the Code of Criminal Procedure, 1973; or
- (viii) he is a member of, or otherwise associated with, any political party or acts in any partisan manner while in office.

2 of 1974.

Explanation.—For the purpose of this sub-clause, whether any party is a political party or any association is a political association or any act of the Pro-Vice-Chancellor is partisan, decision of the Chancellor thereon shall be final:

Provided that Pro-Vice-Chancellor shall be given a reasonable opportunity to show cause by the Chancellor before taking recourse for his removal under clauses (iv), (v), (vi), (vii) and (viii).";

(2) Sub-section (5) shall be omitted.

*The West Bengal University of Health Sciences
(Amendment) Bill, 2013.*

STATEMENT OF OBJECTS AND REASONS.

The West Bengal University of Health Sciences Act, 2002 (West Ben. Act XIII of 2002) came in force in the year 2002. Certain practical difficulties have been felt while implementing the provisions of the said Act in view of the fact that the modality of selection and conditions of service of the posts of Vice-Chancellor and Pro-Vice-Chancellor have not been provided specifically.

2. Therefore it has been considered expedient and necessary to amend the said Act with a view to making provisions with regard to modality of selection and the conditions of service to the posts of the Vice-Chancellor and the Pro-Vice-Chancellor of the West Bengal University of Health Sciences.

3. The Bill has been framed with the above objects in view.

KOLKATA,
The 13th November, 2013.

MAMATA BANERJEE,
Member-in-charge.

FINANCIAL MEMORANDUM.

The Bill, if enacted and brought into operation, would not involve any net additional expenditure from the consolidated fund of the State, and necessary provision to this effect has already been made in the State Budget in consultation with the Finance Department of this Government. However, as the issues of paying salaries and allowances to the Vice-Chancellor and Pro-Vice-Chancellor as would be decided by the Chancellor in consultation with the Government, are parts of the Amendment Bill, hence the financial implications are only technical in nature.

KOLKATA,
The 13th November, 2013.

MAMATA BANERJEE,
Member-in-charge.

By order of the Governor,

SIDDHARTHA CHATTOPADHYAY,
*Secy.-in-Charge to the Govt. of West Bengal,
Law Department.*