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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. 427-L.—7th March, 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 and the Statement of Objects and Reasons and the Financial Memorandum are accordingly hereby published for general information:—

Bill No. 7 of 2013

THE PRESIDENCY UNIVERSITY (AMENDMENT) BILL, 2013.

A
BILL

to amend the Presidency University Act, 2010.

WHEREAS it is expedient to amend the Presidency University Act, 2010, for the purposes and in the manner hereinafter appearing;

West Ben. Act
XIII of 2010.

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 Presidency University (Amendment) Act, 2013.
- (2) It shall come into force at once.

The Presidency University (Amendment) Bill, 2013.

(Sections 2, 3.)

Amendment of
preamble to West
Bengal Act XIII of
2010.

2. For the preamble to the Presidency University Act, 2010 (hereinafter referred to as the Principal Act), the following preamble shall be substituted:—

“WHEREAS it is expedient to confer on Presidency College, a Government College with rich heritage, the status of a University to enable it to function more efficiently as a Centre of Academic Excellence in respect of teaching, training and research in various branches of learning and course study, especially in Humanities, Social and Basic Sciences, and promoting advancement and dissemination of knowledge and learning, and extending higher education, to meet the requirement of higher education and research in the subjects and to avail scope and opportunities as a Centre of Academic Excellence to serve the society and the nation in a better way.”.

3. In section 2 of the principal Act,—

(1) after clause (3), the following clauses shall be inserted:—

(3a) “Corpus Fund of the University” shall refer to a fund which shall be credited with the grants, donations, subscriptions etc. received by the University other than the State Government and the same shall be used for providing honorarium to the teachers of the University for their outstanding performances in the field of research, publications, etc. with the approval of the Governing Board;

(3b) “Distinguished Professor” shall mean an eminent academician normally having experience for at least ten years in research and teaching of which at least seven years as Professor at any University or equivalent institution in India or abroad and who has acquired national recognition and international stature based on strong publication record and exceptional academic contributions to the field of knowledge;’;

(2) after clause (4), the following clause shall be inserted:—

(4a) “Faculty Research and Professional Development Fund” shall refer to a permanent fund of the University for which the Government shall release a grant per annum as may be prescribed by order from time to time and such fund shall be made available to the Faculty members by the University for meeting research expenses, purchase of laptops, travel to academic conferences and certain other relevant purposes up to a certain limit which shall be prescribed by order;’;

(3) after clause (6), the following clause shall be inserted:—

(6a) “Heritage Professor” shall mean a distinguished academician with proven competence having international acclamation in the field of Science or Arts or any other branch of study and the University may declare one post of Professor as Heritage Professor in each teaching Department with the approval of the State Government;’;

(4) after clause (8), the following clause shall be inserted:—

(8a) “moving expenses” shall mean such expenses as may be allowed to the faculty members of the University, recruited from outside India and shall be a one time grant as may be prescribed by order;’;

(5) after clause (11), the following clause shall be inserted:—

(11a) “Presidency Mentor Group” means the group of eminent educationists as may be appointed by the State Government for the University to recommend effective measures with a view to attaining the Academic Excellence by the University and also to monitor the implementation of these recommendations by the University;’;

Amendment of
section 2.

The Presidency University (Amendment) Bill, 2013.

(Sections 4-7.)

(6) for clause (18), the following clause shall be substituted:—

(18) “Teacher of Presidency University” means a Distinguished Professor or a Heritage Professor or a Professor or an Associate Professor or an Assistant Professor or any other person, holding a whole time substantive teaching post and appointed in a permanent vacancy in the University or recognized as such the University with prior approval of the State Government;’;

(7) for clause (22), the following clause shall be substituted:—

(22) “University Professor”, “University Associate Professor” or “University Assistant Professor” mean a Professor including Distinguished Professor, Heritage Professor, associate Professor and Assistant Professor respectively appointed or recognized as such by the University.’.

Amendment of section 3.

4. In section 3 of the principal Act, in sub-section (1),—

- (1) for the words “the court and the Executive Council”, the words “the Governing Board” shall be substituted;
- (2) for the words “the court or the Executive Council”, the words “the Governing Board” shall be substituted.

Amendment of section 4.

5. In section 4 of the principal Act,—

- (1) in clause (10), for the words “Chair Professorship or Adjunct Professorship”, the words “Heritage Professorship” shall be substituted;
- (2) in clause (21), after the word “gifts,”, the word “grants, ” shall be inserted.

Amendment of section 6.

6. In sub-section (1) of section 6 of the principal Act, for the word “Court”, wherever it occurs, the words “Governing Board” shall be substituted.

Substitution of new section for section 8.

“The Vice-Chancellor. 8. (1) (a) The Vice-Chancellor shall be a distinguished academic with proven competence and integrity, and having a minimum of ten years of experience in a University system of which atleast five years shall be as professor or ten years of experience in a reputed research or academic administrative organization of which atleast five years shall be in an equivalent position of professor.

(b) The Vice-Chancellor shall be appointed by the Chancellor out of the panel of three names recommended in order of preference by the Search Committee constituted by the State Government. While preparing the panel, the Search Committee must give proper weightage to academic excellence, exposure to the higher education system in the country and abroad and adequate experience in academic and administrative governance and reflect the same in writing 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) a nominee of the State Government;
- (iii) a nominee of the Governing Board:

Provided that all such Members shall be persons of eminence in the sphere of higher education and shall not be employees of the University or Colleges or institutions affiliated with the University or recognized by it.

The Presidency University (Amendment) Bill, 2013.

(Section 7.)

(2) (a) The Vice-Chancellor shall hold office for a term of four 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 four years or till he attains the age of sixty-five years, whichever is earlier, following the provisions of sub-section (1).

(b) The Chancellor may, notwithstanding the expiration of the term of the office of the Vice-Chancellor or his attaining the age of 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.

(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—

(a) 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

(b) a vacancy occurs in the office of the Vice-Chancellor by reason of death, resignation, removal, expiry of 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 may appoint a person to exercise the powers and perform the duties of the Vice-Chancellor.

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

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

(a) has become insane and adjudged by a competent court to be of unsound mind; or

(b) has become an undischarged insolvent and stands so declared by a competent Court; or

(c) has been physically unfit and incapable of discharging function due to protracted illness or physical disability; or

(d) has willfully 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 interest of the University; or

(e) 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

The Presidency University (Amendment) Bill, 2013.

(Sections 8-13.)

- (f) 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
- (g) has been convicted by a Court for any offence within the concept and meaning of the Code of Criminal Procedure, 1974; or
- (h) 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, the decision of the Chancellor thereon shall be final:

Provided that the Vice-Chancellor shall be given a reasonable opportunity to show cause by the Chancellor before taking recourse for his removal under clauses (d), (e), (f), (g) and (h).".

Amendment of section 9.

8. In section 9 of the principal Act,—

- (1) in sub-section (1), for the word "Court", the words "Governing Board" shall be substituted, and the words "the Executive Council and" shall be omitted;
- (2) in sub-section (2), for the words "the Court, the Executive Council", the words "the Governing Board" shall be substituted;
- (3) in sub-section (7), for the words "the Executive Council", the words "the Governing Board" shall be substituted.

Amendment of section 10.

9. In sub-section 10 of the principal Act,—

- (1) in sub-section (1), for the words "Executive Council", the words "Governing Board" shall be substituted;
- (2) in sub-section (3), for the words 'Executive Council', the words 'Governing Board' shall be substituted.

Amendment of section 11.

10. In section 11 of the principal Act, for the words "the Court as also of the Executive Council", the words "the Governing Board" shall be substituted.

Amendment of section 12.

11. In section 12 of the principal Act, for the words "Executive Council", wherever they occur, the words "Governing Board" shall be substituted.

Amendment of section 15.

12. In section 15 of the principal Act,—

- (1) in clause (1), for the words "the Court;", the words "the Governing Board;" shall be substituted;
- (2) clause (2) shall be omitted.

Insertion of new section 15A after section 15.

13. After section 15 of the principal Act the following section shall be inserted:—

"Presidency Mentor Group. 15A. (1) There shall be a Presidency Mentor Group for the University which shall be constituted by the State Government, by order, in consultation with the Chancellor.

(2) The Presidency Mentor Group shall consist of not more than nine and not less than seven members of whom one shall be the Chairperson and their powers and functions including the term and tenure of the office shall be such as may be prescribed by the State Government, by order.

(3) The Mentor Group of the University shall act as an advisory body for the University and their recommendations, if any, shall be placed before the State Government for its consideration and the State Government may in its discretion, issue direction upon the Governing Board for its implementation.

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(Section 14.)

(4) Any disputes in relation to the functions of the Mentor Group and the University authorities shall be decided by the State Government.”.

Substitution of
new section for
section 16.

14. For section 16 of the principal Act, the following section shall be substituted:—

“The Governing Board. **16.** (1) The Governing Board shall consist of the following members:—

(a) Ex officio members—

- (i) the Chancellor;
- (ii) the Vice-Chancellor;
- (iii) the Secretary, Higher Education Department, Government of West Bengal or his nominee not below the rank of Joint Secretary to the Government of West Bengal;
- (iv) the Secretary, Finance Department, Government of West Bengal or his nominee not below the rank of Joint Secretary to the Government of West Bengal;
- (v) the Chairman, West Bengal State Council of Higher Education or his nominee;
- (vi) a nominee of the Chairman of the University Grants Commission;

(b) Representatives of Departments and Teachers—

- (vii) two Deans of the Faculty Councils;
- (viii) three Heads of Departments by rotation for one year in alphabetical order of the Department to be selected by the Vice-Chancellor;
- (ix) two teachers from the Faculty Council for Social Sciences and Humanities of whom atleast one shall be a Professor and they shall be elected by the teachers of Faculty Council from amongst themselves in the manner as may be prescribed by statutes;
- (x) two teachers from the Faculty Council for natural and mathematical sciences of whom atleast one shall be a Professor and they shall be elected by the teachers of Faculty Council from amongst themselves, in the manner as may be prescribed by statutes;

(c) Nominated Members—

- (xi) (1) two members to be nominated by the Chancellor from amongst the persons interested in the University education;
- (2) three members to be nominated by the State Government from amongst the persons interested in the University education;
- (3) four members to be nominated by the outgoing University Council or outgoing Governing Board, as the case may be, of whom at least two shall be eminent scholars and atleast two shall be distinguished alumni of Presidency College or Presidency University:

Provided that no such member shall be nominated for more than two terms in the Governing Board:

Provided further that in all the cases no employee of the University or of a College or institution being managed by the University shall be eligible to be a member;

*The Presidency University (Amendment) Bill, 2013.**(Section 15.)*

(d) Special Invitee—

- (xii) any official or expert in any field or eminent educationist, alumnus whom the Governing Board may require for advice, consultation or assistance, may be invited to attend the meeting without any power to caste vote;
- (xiii) one student representative and one Research Scholar to be nominated by the Vice-Chancellor from amongst the members of the Student Council of the University without any power to caste vote:

Provided that the student representative or the research scholar referred to under this clause shall not be permitted to take part in any meeting of the Governing Board in which, in the opinion of the Board, any of the minutes of any such meeting may prejudicially affect the general interest of the students or the research scholars, as the case may be.

(2) A member of the Governing Board shall hold office for a period of four years, if not expressly provided otherwise in this Act. Any vacancy among the members of the Governing Board shall be filled up immediately by the concerned authority.

(3) The Registrar shall act as the Secretary of the Governing Board.

(4) No act of proceedings of the Governing Board or of any body constituted by the Governing Board shall be invalid or called in question by reasons of the existence of any vacancy, initial or subsequent, in the Governing Board or in any body constituted by the Governing Board, as the case may be.”.

Substitution of
new section for
section 17.

15. For section 17 of the principal Act, the following section shall be substituted:—

“Powers and
duties of the
Governing Board.

17. Subject to such condition as may be provided by or under the provisions of this Act, the Governing Board shall exercise the following duties and responsibilities and perform the following functions:—

- (i) establish University departments, institutions, centres, libraries, laboratories and museums for study and research;
- (ii) create, with the approval of the State Government, posts of officers, teachers and other employees as may be necessary for the establishment of the University departments, institutions, centres, libraries, laboratories, etc.;
- (iii) institute degrees, titles, diplomas, certificates and other academic distinctions;
- (iv) institute fellowships, travelling fellowships, scholarships, studentships, stipends, bursaries, exhibitions, medals and prizes to be awarded out of the University-fund after consulting the respective Faculty Councils for Post Graduate and Undergraduate studies;
- (v) confer degrees, titles, diplomas, certificates and other academic distinctions on persons, who—
 - (a) pursue prescribed courses of studies;
 - (b) carry on research in accordance with such conditions as may be prescribed;

*The Presidency University (Amendment) Bill, 2013.**(Section 15.)*

- (vi) withdraw or 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;
- (vii) confer honorary degrees or other academic distinctions;
- (viii) initiate proposals for the making of Statutes and Ordinances including proposals for amendment or repeal thereof, in the manner hereinafter provided;
- (ix) maintain University Departments, University Institutions, University Libraries, University Laboratories and University Museums;
- (x) establish, maintain, manage and recognize halls and hostels;
- (xi) direct the inspection of University Libraries, University Laboratories, and Hostels;
- (xii) appoint officers, teachers and other employees of the University and define their duties and other terms and conditions of service in accordance with the Statutes and the Ordinances and suspend, discharge or otherwise punish such teachers, officers and other employees in accordance with the Statutes and the Ordinances;
- (xiii) pass appropriate orders on the basis of the recommendation of the respective Faculty council for Post Graduate and Undergraduate studies regarding affiliation of an institution in one or more subjects or withdrawal of affiliation or recognition of an institution or temporary take over of the management of an affiliated or a recognized institutions;
- (xiv) prescribe and collect fees or charges for the registration of students and their admission to courses of studies organized by the University, for holding examinations, for the grant of degrees, diplomas and certificates, and for other like purposes;
- (xv) approve the constitution or reconstitution of the respective department of teaching in the University on the recommendation of the respective Faculty Council for Post Graduate and Undergraduate studies;
- (xvi) make regulations regarding the courses of studies and the division of subjects after obtaining considering the recommendation of the Faculty Councils for Post Graduate and Undergraduate studies in this regard;
- (xvii) make regulations regarding the examinations which shall be recognized as the equivalent examinations held by the University;
- (xviii) make regulations regarding the conduct of examinations held by the University and the condition under which students may be admitted to the different courses of studies held by the University;
- (xix) make regulations regarding all other matters which may be or are required to be prescribed or provided for by regulations;
- (xx) give directions regarding the form, custody and use of the common seal of the University;
- (xxi) acquire, hold and dispose of property, movable and immovable, with the approval of the State Government, and administer all assets, properties, and funds of the University, and undertake all measures necessary or desirable for the conservation or augmentation of the resources of the University;

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(Section 16.)

- (xxii) accept and administer grants, gifts, donations, endowments and benefactions for the furtherance of the purposes of this Act;
- (xxiii) with the approval of the State Government, raise or accept loans on behalf of the University and make grants or advances from the University fund or other special funds maintained by the University;
- (xxiv) enter into an agreement with the State Government, or with the approval of the State Government, with any other Government or with any person, body or authority for the taking over by the University of the management of any institution, including its assets and liabilities, or for any other purpose not repugnant to the provisions of this Act on the recommendation of the Faculty Council for Post Graduate and Undergraduate studies concerned;
- (xxv) exercise general supervision over Student's Unions, University Sports Board and other bodies instituted by the University;
- (xxvi) approve the Annual Statement of Accounts, the Audit Report in respect of the Annual Statement of Accounts, the Internal Audit Report and the Annual Budget of the University;
- (xxvii) make due provision for the welfare and discipline of students and their relationship with the University and provide for such other training of students as may be considered desirable;
- (xxviii) make provision for research, advisory services and exchange programme and for that purpose enter into agreement 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;
- (xxix) make rules for the transaction of its own business;
- (xxx) exercise all other powers and perform all other functions conferred by or under this Act;
- (xxxi) exercise general supervision over the Faculty Councils for Post Graduate and Undergraduate studies and give such directions to these Councils for the due discharge of their respective duties as it may consider necessary;
- (xxxii) to recommend and approve honorarium for the teachers of the University from the Corpus Fund of the University:

Provided that the amount received and expenditure incurred from the Corpus Fund of the University shall necessarily be shown in the annual budget of the University:

Provided further that every expenditure from the Corpus Fund of the University shall also be placed before the State Government for ratification.”.

16. For section 18 of the principal Act, the following section shall be substituted:—

“Meetings of the Governing Board. 18. (1) The Governing Board shall meet at least once in a quarter, other than for convocation on such 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 Governing Board may also meet at such other times as it may decide.

(2) One-third of the total number of members shall be a quorum for a meeting of the Governing Board. Such quorum shall not be required at the convocation.

(3) The Vice-Chancellor may, whenever thinks fit, and shall upon a requisition in writing signed by not less than fifty percent of the total number of members of the

*The Presidency University (Amendment) Bill, 2013.**(Sections 17-21.)*

Governing Board, convene a meeting of the Governing Board. A meeting on such requisition shall be held within fifteen days of the receipt of the requisition by the Vice-Chancellor.”.

Omission of section 19.

17. Section 19 of the principal Act shall be omitted.

Omission of section 20.

18. Section 20 of the principal Act shall be omitted.

Amendment of section 21.

19. In clause (vi) of sub-section (2) of section 21 of the principal Act, for the words “Executive Council”, the words “Governing Board” shall be substituted.

Amendment of section 22.

20. In section 22 of the principal Act, for the words “Executive Council”, wherever they occur, the words “Governing Board” shall be substituted.

Substitution of new section for section 23.

21. For section 23 of the principal Act, the following section shall be substituted:—

“Dean. 23. (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 Vice-Chancellor of the University on recommendation of the Selection Committee duly constituted for this purpose.

(2) The Selection Committee shall be constituted by the State Government for each and every occasion of selection of Dean of the University:

Provided that every such committee shall appoint Deans for all Faculty Councils for Post Graduate and Undergraduate Studies in the University.

(3) The Selection Committee shall consist of the following members:—

- (a) nominee of the Chancellor, who shall be the Vice-Chancellor of a State aided University other than the concerned University and who shall be the head of the Committee;
- (b) nominee of the State Government, who shall be an eminent academician and who is not related with the concerned University in any manner;
- (c) nominee of the Vice-Chancellor, who shall not be below the rank of a Professor of any other University.

(4) The Selection Committee shall consider the names of eligible professors of that University for the post of Dean and give proper weightage of academic excellence and adequate experience in academic and administrative governance while preparing the panel of two Professors in order of performance for each and every Faculty Council of Post Graduate and Undergraduate Studies:

Provided that no person shall be eligible for the post of Dean more than one term in his service tenure in the same University:

Provided further that no person holding the post of Dean in the University, on the date of commencement of this Act, shall be eligible for further selection of Dean in the same University.

(5) The registrar of university shall provide secretarial assistance to the Selection Committee for preparing the panel and the Committee shall have power to call for any record of the university relating to any professor for the purpose of such selection.

(6) The Selection Committee shall finalize the panel within fifteen days from the date of its constitution and immediately thereafter the committee shall send its recommendations in writing to the State Government, along with reasoned record of assessment of the persons so considered.

(7) The State Government shall thereafter forward the panel to the Vice-Chancellor of the University for appointment of dean within seven days.

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(Sections 22, 23.)

(8) Every dean appointed as per provisions of this Act shall hold the office for three years or until he retires or vacates his office for any other reasons, whichever is earlier:

Provided that a professor shall only be eligible for empanelment for the post of Dean who has atleast three years of service left in his account before the age of superannuation.

(9) The Vice-Chancellor shall, in the event of any temporary vacancy of the office of Dean, select a senior most Professor of that University according to the date of their joining in the same University for a period not more than six months:

Provided that such selection of dean on temporary vacancy shall be communicated forthwith to the State Government for the purpose of re-constitution of Selection Committee.

(10) 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 Regulations.

(11) The Dean of every Faculty Councils 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.”.

Substitution of new section for section 26.

22. For section 26 of the principal Act, the following section shall be substituted:—

“Selection Committee for Teachers of the Presidency University.

26. (1) A University Professor or a University Associate Professor or a University Assistant Professor shall be appointed by the Vice Chancellor, upon ratification by the Governing Board, on the recommendation of a Selection Committee, and the constitution of such Selection Committee as well as the procedure for holding its meetings shall be in consonance with the University Grants Commission Regulations and Recruitment Rules framed by the State Government from time to time.

(2) Notwithstanding anything contrary to the provisions of University Grants Commission Regulations, the nominee of the Vice-Chancellor shall be the head of the Selection Committee, which shall send its recommendations in writing to the Vice-Chancellor along with reasoned record of assessment of the persons appeared before it for selection.

(3) Appointment to the post of Distinguished Professors and Heritage Professors shall be made by the Vice-Chancellor, upon ratification by the Governing Board, on the recommendation of a separate Search Committee comprising nominee of the Chancellor, nominee of the State Government and nominee of the Presidency Mentor Group, all being eminent academicians in the relevant discipline:

Provided that a separate Search Committee shall be constituted by the University for selection to each post of Distinguished Professor and Heritage Professor and the nominee of the Chancellor shall be the head of the Committee.

(4) There shall be five posts of Distinguished Professors to be named distinctively by the State Government in memory of eminent personalities of this State and fifteen posts of Heritage Professors in the University and their remunerations and allowances will be such as may be determined and prescribed by the State Government from time to time.”.

Substitution of new section for section 27.

23. For section 27 of the principal Act, the following section shall be substituted:—

“Procedure for holding meeting of the Selection Committee.

27. (1) At least four members, including two out-side subject experts, shall constitute the quorum for a meeting of the Selection Committee.

*The Presidency University (Amendment) Bill, 2013.**(Sections 24-33.)*

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

Omission of section 28.

24. Section 28 of the principal Act shall be omitted.

Amendment of section 29.

25. In the second proviso to sub-section(4) of section 29 of the principal Act, for the words “the Executive Council”, the words “the Governing Board” shall be substituted.

Amendment of section 31.

26. In section 31 of the principal Act, for the words “Executive Council”, the words “the Governing Board” shall be substituted.

Amendment of section 32.

27. Section 32 of the principal Act shall be omitted.

Amendment of section 33.

28. In section 33 of the principal Act, in sub-section(4), for the words, “the Court, the Executive Council”, the words “Governing Board” shall be substituted.

Amendment of section 43.

29. In section 43 of the principal Act, for the words, “Executive Council”, the words “Governing Board” shall be substituted.

Amendment of section 44.

30. In section 44 of the principal Act,—

(1) in sub-section(1), for the words, “the Executive Council”, the words

“Governing Board” shall be substituted;

(2) in sub-section (2),—

(a) in the second line, the words “to the Court and” shall be omitted;

(b) in the third line, for the word “Court”, the words “Governing Board” shall be substituted.

Amendment of section 45.

31. In sub-section(3) of section 45 of the principal Act, for the words, “Court and Executive Council” wherever they occur, the words “Governing Board” shall be substituted.

Amendment of section 47.

32. For sub-section(1) section 47 of the principal Act, the following sub-section shall be substituted:—

“(1) The Governing Board shall take into consideration the draft of Statutes proposed to be passed, after notice thereof has been given to the members of the Governing Board at least three weeks in advance of the date fixed for consideration of the same by the Governing Board. The Vice-Chancellor may direct a shorter notice in a matter which in his opinion is of an emergent nature. The Statute shall be deemed to be passed by the Governing Board if it is agreed to by a majority of the total number of the members of the Governing Board at the time.”.

Amendment of section 49.

33. In section 49 of the principal Act,—

(1) in sub-section(1), for the words, “Executive Council”, wherever they occur, the words “Governing Board” shall be substituted;

(2) in sub-section (2) for the words, “Executive Council”, wherever they occur, the words “Governing Board” shall be substituted;

*The Presidency University (Amendment) Bill, 2013.**(Sections 34-38.)*

- (3) in sub-section (3),
 - (a) for the words "Executive Council", the words "Governing Board" shall be substituted;
 - (b) the words "and shall be reported to the Court at its next succeeding meeting" shall be omitted;
- (4) sub-section (4) shall be omitted.

Amendment of
section 51.**34. In section 51 of the principal Act,—**

- (1) in sub-section (1), for the words, "Executive Council", wherever they occur, the words "Governing Board" shall be substituted;
- (2) in sub-section (2), for the words, "Executive Council", wherever they occur, the words "Governing Board" shall be substituted;
- (3) sub-section (3) shall be omitted;
- (4) for sub-section (4), the following sub-section shall be substituted:—
" (4) A Regulation' brought in force under sub-section (2) shall remain in force until repealed or amended by a new Regulation similarly passed and brought into force.".

Substitution of
new section for
section 52.**35. For section 52 of the principal Act, the following section shall be substituted:—**

"Rules. 52. Every rules for carrying out the purposes of this Act shall be made by the State Government and every Statutes, Ordinances and Regulations shall be made in pursuance of such rules and subject to the provisions of this Act and for all such matters which, by the Statutes, the Ordinances or the Regulations are required to be prescribed by Rules by the State Government.”.

Amendment of
section 53.**36. In sub-section (2) of section 53 of the principal Act,—**

- (1) in clause (a),—
 - (a) for the word "Court", the words "Governing Board" shall be substituted;
 - (b) sub-clause (ii) shall be omitted;
- (2) clause (b) shall be omitted.

Amendment of
section 55.**37. In section 55 of the principal Act, for the words "the Court, the Executive Council", wherever they occur, the words, "Governing Board", shall be substituted.**Amendment of
section 56.**38. In section 56 of the principal Act,—**

- (1) in sub-section (2),—
 - (i) for clause (v), the following clause shall be substituted:—
“(v) the Chairman, West Bengal State Council of Higher Education or his nominee;”;
 - (ii) for clause (vii), the following clause shall be substituted:—
“(vii) members of the Presidency Mentor Group.”;
- (2) after sub-section (7), following sub-section shall be inserted:—
“(7a) The Council may, in its meetings, discuss the report or reports of the Presidency Mentor Group and take suitable decisions in this regard.”.

*The Presidency University (Amendment) Bill, 2013.***STATEMENT OF OBJECTS AND REASONS.**

It has been the objective of the State Government to build the Presidency University into a Centre of Academic Excellence. In pursuit of achieving this goal, the Government has decided to constitute a Mentor Group consisting of a group of eminent persons who will recommend measures for attaining Academic Excellence, for making the Presidency University a Centre of Academic Excellence and to monitor their implementation by the University.

2. It has, therefore, been considered necessary and expedient to amend, the Presidency University Act, 2010, for the following purposes:—

- (a) the Preamble has been substituted with a view to achieving the objectives of Presidency University;
- (b) the role of the Presidency Mentor Group in the academic activities of the University and the provisions regarding appointment of the members of Mentor Group has been specified;
- (c) the definition of Teacher has been incorporated substituting the general definition of Teacher with a view to defining the status of a University Teacher more specifically and also with a view to excluding other persons who are engaged in the University as teacher on part time or contractual basis;
- (d) qualifications for appointment of Vice-Chancellor of the Presidency University has been specified;
- (e) provision for appointment of Vice-Chancellor through Search Committee has been incorporated;
- (f) posts of Distinguished Professor and Heritage Professor have been created and qualifications for appointment to such posts have been specified;
- (g) provisions for substitution of Court and Executive Council by Governing Board in the Presidency University have been made;
- (h) provisions of powers and duties of the Governing Board and procedures for holding the meetings of the Board have been prescribed;
- (i) provisions providing for formation of Selection Committee for appointment of teachers of the University, Distinguished Professor, Heritage Professor and procedures for holding the meeting of the Committee with the object of bringing transparency in appointment of teachers have been inserted;
- (j) provision regarding selection of Dean for Faculty Councils for Post Graduate and Undergraduate Studies has been incorporated for convenience and with a view to removing difficulty in the event of any stringency in selection of Dean in the University.

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

KOLKATA,
The 5th March, 2013.

BRATYA BASU,
Member-n-Charge.

The Presidency University (Amendment) Bill, 2013.

FINANCIAL MEMORANDUM.

There are financial implications involved in giving effect to the provisions of this Bill. Necessary budgetary provisions for this purpose will be made in the annual budget in consultation with the Finance Department.

KOLKATA,
The 5th March, 2013.

BRATYA BASU,
Member-n-Charge.

By order of the Governor,

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