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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. 1721-L.—31st October, 2014.—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. 20 of 2014

**THE WEST BENGAL UNIVERSITY OF TEACHERS' TRAINING,
EDUCATION PLANNING AND ADMINISTRATION
BILL, 2014.**

A

BILL

to provide for the establishment and incorporation of a University for promoting teachers' training, educational planning and administration in the State of West Bengal and to provide for matters connected therewith or incidental thereto.

WHEREAS it is necessary to promote the creation of a centre of excellence in the field of teachers' training, education planning and administration and its allied disciplines;

AND WHEREAS it is necessary to improve the quality of education imparted by the existing teachers' education and training institutes and other similar institutes in West Bengal and to bring all such institute under the aegis of a single University;

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(Chapter I.—Preliminary.—Clauses 1, 2.)

AND WHEREAS it is necessary to support the establishment and development of facilities of research in the teachers' educations and training colleges and centres of study in education planning and administration and allied areas, responsive to the global changes in methodology of teachers' training, education planning and administration, and the need of West Bengal;

AND WHEREAS it is expedient to establish a University of teachers' training, education planning and administration in West Bengal;

AND WHEREAS it is necessary to confer upon David Hare Training College, a century old Teachers' Training Institute in the State, the status of a University to enable it to function as the umbrella institute for all the institutions imparting education and research in teachers' education and training, education planning and administration;

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

CHAPTER I
Preliminary

Short title, extent and commencement.

1. (1) This Act may be called the West Bengal University of Teachers' Training, Education Planning and Administration Act, 2014.
 (2) It extends to the whole of the State of West Bengal.
 (3) This section and section 67 shall come into force at once, and the remaining provisions of this Act shall come into force on such date or dates as the State Government may, by notification, in the *Official Gazette*, appoint and different dates may be appointed for different provisions of this Act.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—
 - (1) “Academic Council” means the Academic Council of the University;
 - (2) “academic year” means a period of twelve months commencing on the first day of July or such other period of twelve months, commencing on such date, as the Executive Council may specify;
 - (3) “affiliated institution” means a college or an institution affiliated to the University, and includes a college or an institution deemed to be an affiliated college or institution under this Act;
 - (4) “autonomous college” means any college designated as an autonomous college by a Statute;
 - (5) “Chancellor” means the Chancellor of the University;
 - (6) “college” means any college affiliated to the University and providing courses of study in teachers' education, teachers' training including teachers' training in primary education;
 - (7) “Court” means the Court of the University;
 - (8) “Department” means a department of studies of the University;
 - (9) “employee” means any person appointed in a whole time substantive post by the University, and includes a Teacher or any other full-time faculty member or staff of the University;
 - (10) “Executive Council” means the Executive Council of the University;

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- (11) "existing college" means the David Hare Training College;
- (12) "Finance Committee" means the Finance Committee of the University;
- (13) "financial year" means the year ending on the 31st day of March;
- (14) "Governor" means the Governor of the State of West Bengal;
- (15) "Minister" means the Minister-in-charge of the Higher Education Department of the State Government;
- (16) "National Council of Teacher Education" or "NCTE" means the National Council for Teacher Education established under the National Council for Teacher Education Act, 1993.
- (17) "non-teaching employee" means a non-teaching employee, other than an officer, or a teacher (including part-time teaching post), appointed or recognised as such by the University;
- (18) "officer" means an officer of the University;
- (19) "prescribed" means prescribed by rules made under this Act;
- (20) "Principal" means the head of a college or of an institution, by whatever name called;
- (21) "Pro-Vice-Chancellor" means the Pro-Vice-Chancellor of the University;
- (22) "self-financed college" means a college which is fully financed, maintained and managed by private organization;
- (23) "State Council of Education, Research and Training" means the State Council of Education, Research and Training as constituted by the State Government;
- (24) "State Government" means the Government of West Bengal in the Higher Education Department;
- (25) "Statutes", "Ordinances" and "Regulations" mean, respectively, the Statutes, Ordinances, and Regulations made under this Act;
- (26) "student" means a student of the University, and includes any person enrolled by the University for pursuing any course of study or research in the University;
- (27) "students' council" means,—
 - (a) in relation to the University, the Students' council constituted in the manner provided by regulations; and
 - (b) in relation to an affiliated college, the Students' council constituted in the manner provided by regulations;
- (28) "teacher of college" means 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 a college or institution recognized as such by the State Government;
- (29) "teacher of university" means 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 a University or recognized as such by the University with prior approval of the State Government;
- (30) "University" means the West Bengal University of Teachers' Training, Education Planning and Administration constituted under this Act;

7 of 1993.

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- (31) "University Grants Commission" means the University Grants Commission established under the University Grants Commission Act, 1956;
- (32) "University Laboratory", "University Library", "University Museum" or "University Institution" mean a laboratory, a library, a museum or an institution, as the case may be, maintained and managed by the University, whether established by it or not;
- (33) "Vice-Chancellor" means the Vice-Chancellor of the University.

3 of 1956.

CHAPTER II

The University and its Officers

The University.

3. (1) There shall be a University by the name of the West Bengal University of Teachers' Training, Education Planning and Administration, to be constituted on the land and properties of the David Hare Training College, a century old Government Teachers' Training Institute.

(2) The first Chancellor and the first Vice-Chancellor of the University and the first members of the Court and the Executive Council, and all persons who may hereafter become the Chancellor or the Vice-Chancellor of the University or the members of the Court or the Executive Council, so long as they continue to hold such office or membership, shall constitute a body corporate by the name of the West Bengal University of Teachers' Training, Education Planning and Administration.

(3) The headquarter of the University shall be situated within the metropolitan area of Kolkata.

(4) The University shall have perpetual succession and a common seal and shall sue and be sued by the name of the West Bengal University of Teachers' Training, Education Planning and Administration.

(5) In all suits and other legal proceedings by or against the University, the pleadings shall be signed and verified by the Registrar and all processes in such suits and proceedings shall be issued to, and served on, the Registrar.

Objects of the University.

4. The objects of the University shall be:—

- (1) to organize pre-service and in-service training programmes in the area of pedagogy, teachers' training including training in primary education, educational planning and administration and allied disciplines;
- (2) to provide academic and professional guidance to agencies, institutions and personnel engaged in teachers' training including training in primary education, educational planning and administration;
- (3) to offer undergraduate and post-graduate courses and to award degrees in teachers' training, advance studies in education, physical education, educational planning, educational administration, school education, higher education, professional education, sports education, educational management and information system and in such other related branches;
- (4) to act as a clearing house of ideas and information on research, training and extension in educational planning and administration services and other programmes;

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(Chapter II.—The University and its Officers.—Clause 4.)

- (5) to prepare, print and publish papers, periodicals and books in furtherance of these objectives and especially to bring out Journal on Educational Planning and Administration;
- (6) to organize training, conferences, workshops, meetings, seminars and briefing sessions for educational personnel of State Governments;
- (7) to offer consultancy services to State Government, other State Governments, educational institutions and institutions or organizations in the State or outside the State and abroad upon approval of the State Government;
- (8) to organize orientation and training programmes and refresher courses for teacher-educators and for University and College Administrators engaged in educational planning and administration;
- (9) to organize orientation programmes, seminars and discussion groups for persons including legislators, administrators and officers in the field of educational planning and administration at the level of policy making in State Government;
- (10) to collaborate with other agencies, institutions and organizations, including the University Grants Commission, the National Council for Teacher Education, the Universities and other allied institutions in the State, outside the State and abroad upon approval of the State Government, in such way as may be considered necessary for the promotion of these objectives;
- (11) to offer fellowships, scholarships and academic awards in furtherance of the objects of the University;
- (12) to confer honorary fellowships on eminent educationists for their contribution in the field of educational planning and administration;
- (13) to undertake extension programme and field outreach activities to contribute to the development of society;
- (14) to conduct the above-mentioned programmes and courses in its Campus, off- Campuses, and off-shore campuses;
- (15) to evolve and implement a new programme of teachers' education that would provide education and training to prospective teachers that aim at development of new integral development of teachers;
- (16) to train prospective teachers based on globally benchmarked curriculum with ideas gleaned from the fusion of the intellectual traditions of India and the West;
- (17) to promote the indigenous tradition of teacher-student relationship in various fields of humanities, arts, crafts, sciences, technologies and yoga, psychological and physical education;
- (18) to publish and disseminate results of advanced research relating to teachers' education for purposes of advancement of capacities to teach and learn among professional teachers as also among parents, social educators and social workers;
- (19) to promote national and international cooperation in teachers' education as also in the development of teaching-learning material through online programmes, documentaries, musical and dramatic programmes and films;

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(*Chapter II.—The University and its Officers.—Clause 5.*)

- (20) to undertake, conduct and promote any programme that will enhance the highest aims of pedagogy and synthesis of knowledge-systems and internationalism;
- (21) to introduce and nurture innovations in the education system so as to reflect India's spiritual knowledge, intellectuality and inexhaustible creativity;
- (22) to do or perform all such other acts, functions and things as may be deemed necessary in furtherance of the above objectives of the University in collaboration with National Council for Teacher Education and other regulatory bodies.

Powers of the University.

5. The University shall have the powers :—

- (1) to make Statutes, Ordinances and Regulations for the conduct of the affairs of the University and to add, amend, vary or rescind them from time to time;
- (2) to establish Departments, Schools or Centres of advance study and research in such branches of study as the University deems appropriate for the advancement of learning and dissemination of knowledge in such branches;
- (3) to design and deliver courses of study and research and to provide instructions in such branches of study as the University deems appropriate for the advancement of learning and dissemination of knowledge in such branches;
- (4) to provide for instruction in such branches of learning as the University may, from time to time, determine and to make provisions for research and for the advancement and dissemination of knowledge;
- (5) to confer or grant, subject to such criteria or conditions as the University may determine, Degrees, Diplomas or Certificates and other academic distinctions on the basis of examinations, evaluation or any other method of testing, on persons who have satisfactorily completed the approved courses of study or research as may be prescribed and shall have passed the relevant examinations or fulfilled any other conditions as laid down from time to time;
- (6) to withdraw such Degrees, Diplomas or Certificates and other academic distinctions for good and sufficient cause;
- (7) to institute and award Fellowships, Scholarships, Emeritus Professorships, Visiting Professorships, Honorary Degrees, Prizes and Medals in such manner as may be provided by regulations;
- (8) to appoint, either on contract or otherwise, visiting Professors, Emeritus Professors, Consultants, fellows, scholars, and such other persons as may contribute to the advancement of the objects of the University;
- (9) to accord affiliation to institutions imparting instruction in such branches of study as the University deems appropriate for the advancement of learning and dissemination of knowledge in such branches;
- (10) to provide for the inspection of, or investigation into, the affairs of colleges or institutions affiliated to it and to exercise general supervision over them including monitoring of academic performances;

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- (11) to determine the standard and procedure of admission to different courses of study in the University and also in the affiliated institutions which may include examination, evaluation or any other method of testing;
- (12) to recognize any institution of higher learning or studies for such purposes as the University may determine and to withdraw such recognition;
- (13) to organize and to undertake extramural studies, extension services and other measures for promotion of education;
- (14) to institute, with prior approval of the State Government, the posts of Professors, Associate Professors, Assistant Professors and other teaching or academic posts required by the University for imparting instruction or for preparing educational material or conducting other academic activities, including providing guidance to the students, designing and delivering of courses, and evaluation of the work done by the students, and to appoint persons to such posts of Professors, Associate Professors, Assistant Professors or other posts either on full-time or part-time basis or on contract;
- (15) to create, with prior approval of the State Government, academic, administrative, technical, ministerial or any other post(s) under the University and to make appointments thereto in accordance with the Statutes, Ordinances and Regulations of the University;
- (16) to recognize persons working in other Universities, institutions or organizations as teachers of the University on such terms and conditions as may be provided by regulations;
- (17) to co-operate, collaborate and interact with the West Bengal State Council of Higher Education constituted under the West Bengal State Council of Higher Education Act, 1994, as well as Universities and educational or research institutions and authorities within the country and abroad, in such manner and for such purposes as the University may determine;
- (18) to set up or establish and maintain Centres, Campuses, off-campuses and off-shore campuses on its own or in association with partner institutions in such manner and for such purposes as may be determined by the University with a view to achieving its objectives;
- (19) to sponsor and undertake research and advisory services, and for that purpose to enter into such arrangements with other institutions or bodies as the University may deem necessary;
- (20) to organize and conduct refresher courses, workshops, seminars and other programmes for teachers, evaluators, and other academic, administrative and technical staff of the University and other institutions and also for the members of the general public;
- (21) to regulate, control and enforce discipline among the students and all categories of employees and to provide by regulations the conditions of service and the code of conduct of such employees and take such disciplinary measures in this regard as may be deemed by the University to be necessary;
- (22) to make arrangements for promoting the health and general welfare of the employees of the University;

West Ben. Act
XXXVII of
1994.

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- (23) to receive and accept benefactions, donations, grants, subscriptions, securities and property of any kind on such terms as may be deemed desirable for the purpose of the University consistent with the objects for which the University is established;
- (24) to acquire by gift, purchase, exchange, lease, hire or otherwise, or hold and manage any property movable or immovable, including trust and endowment properties, which may be necessary or convenient for the purpose of the University, and to build, construct, improve, alter, demolish and acquire such buildings, works and constructions as may be necessary for carrying out the objectives of the University;
- (25) to sell, lease, exchange, hire or otherwise transfer and dispose of all or any portion of the property, movable or immovable, of the University, provided that the same is for the purposes of the University and further provided that prior approval in writing of the State Government is obtained for such transfer or transaction of movable or immovable property;
- (26) to invest and deal with any money and securities of the University not immediately required for any of its activities in such a manner as may be provided by the Statutes, Ordinances and Regulations of the University as may be laid down from time to time;
- (27) to draw and accept, to make and endorse, to discount and negotiate, promissory notes, bills of exchange, cheques or other negotiable instruments;
- (28) to create any Reserve Fund, Corpus Fund, Sinking Fund, Insurance Fund, Provident Fund or any other Special Fund, whether for depreciation or for repairs, improving, extending or maintaining any of the properties or rights of the University or for recoupment of wasting assets or benefits of the employees and for any other purposes for which the University deems it expedient or proper to create or maintain any such fund or funds;
- (29) to borrow and raise money with or without security or on the security of a mortgage, charge or hypothecation or pledge of all or any property belonging to the University or in any other manner whatsoever, provided that prior approval in writing of the State Government is obtained in that behalf and the same is for the purposes of the University;
- (30) to execute conveyances, transfers, re-conveyances, mortgages, leases, licenses, and agreements in respect of properties, movable or immovable, including Government securities belonging to the University or to be acquired for the purpose of the University;
- (31) to enter into agreement with the Government of India, the State Government, the Governments of other States in India, the University Grants Commission, the All India Council for Technical Education, or other authorities, industries or professional organizations for receiving grants;
- (32) to enter into, carry out, vary, or cancel contracts;
- (33) to regulate the expenditure and manage the accounts of the University so as to make it self-financing as far as possible;
- (34) to do all such acts as may be necessary for, or incidental to, the exercise of all or any of the powers of the University and as may be conducive to the promotion of all or any of the objects of the University.

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(Chapter II.—The University and its Officers.—Clause 6.)

Jurisdiction.

6. (1) Notwithstanding contained elsewhere in this Act or in any other law for the time being in force, with effect from such date as the State Government may, by notification, appoint in this behalf,—

- (a) all colleges and educational institutions, whether Government or Government-aided or self-financed, imparting education in teachers' training, primary teachers training, advance studies in education, educational planning, educational administration, physical education, sports education, educational management and information system and such branches of study as the University deems appropriate for the advancement of learning and dissemination of knowledge in such branches and affiliated to any other University in the State shall—
 - (i) be deemed to be affiliated to the University subject to such terms and conditions, as imposed by the University, not inconsistent with the provisions of this Act or any other law for the time being in force, and
 - (ii) cease to be affiliated to the University to which any such college or institution may have been affiliated before the said date;
- (b) any Principal, teacher, or other employee, or any member of the Governing Body, by whatever name called, or any student, of any such affiliated college or institution, holding, by virtue of his being such Principal, teacher, or other employee, or member or student, any office in or under any University or any of the authorities of such University to which such college or institution was affiliated before the said date, shall cease to hold such office and the vacancy so caused shall be deemed to be a casual vacancy for the purposes of the law under which that University was established;
- (c) whenever the University issues directions in addition to the requirements stipulated in sub-clause (i) of clause (a), the affiliated institution shall be bound to comply with such terms and conditions as may be incorporated in the directions of the University within such reasonable time as may be determined by the University;
- (d) the University shall have power to alter or withdraw the affiliation deemed to have been granted under this section, if the affiliated institution does not comply with all the terms and conditions of such affiliation;
- (e) for the purpose of deemed affiliation under this sub-section, it shall be competent for the University to satisfy itself in such manner as it may decide, if an affiliated institution was validly affiliated to any University established before the said date.

(2) Notwithstanding anything contained in any other law for the time being in force, no college or institution providing courses of study or programmes of education, research or training in the field of engineering, technology or management and situated in West Bengal, but not admitted to the privileges of the University, shall be admitted to the privileges of any other University except with the prior approval of the State Government:

Provided that nothing in this sub-section shall, save as otherwise provided in this Act, apply to—

- (a) any constituent college, institution, Faculty or Department of any other University or of any institution for higher education deemed to be a University under section 3 of the University Grants Commission Act, 1956, directly managed, controlled and financed by such University or such institution for higher education deemed to be a University under section 3 of that Act, or

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(b) any other college or institution affiliated to any other University mainly providing courses of study in subjects other than teachers' training, educational planning, educational administration, physical education, sports education, educational management and information system and such branches of study as the University deems appropriate for the advancement of learning and dissemination of knowledge in such branches.

Explanation.— For the avoidance of doubt it is hereby declared that the State Government shall have powers to decide whether a college or institution provides mainly the courses of study in subjects other than teachers' training, educational planning, educational administration, physical education, sports education, educational management and information system and such branches of study will be admitted to the privileges of the University or not.

Teaching in the University.

7. (1) All recognised teachings in connection with the degrees, diplomas and certificates of the University shall be conducted by the Teachers of the University or of any affiliated institution, as the case may be, under the general control of the Court and immediate control of the Executive Council and the Academic Council.

(2) The courses of study, the curricula and the authorities responsible for organising such teaching shall be such as may be provided by regulations.

University to be open to all classes, castes and creeds.

8. The University shall be open to persons of either sex and of whatever race, creed, caste or class, and it shall not be lawful for the University to adopt or impose on any person any test whatsoever of religious belief or profession in order to entitle him to be appointed as a Teacher of the University or to hold any office therein or to be admitted as a student in the University, or to enjoy or exercise any privilege thereof.

The Chancellor.

9. (1) The Governor of the State of West Bengal shall, by virtue of his office, be the Chancellor of the University. He shall be the Head of the University and the President of the Court and shall, when present, preside over the meetings of the Court.

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

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

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

Delegation of Power.

10. The University may delegate such of its powers as it may deem expedient to any of its authorities referred to in section 25 or to any of its officers, and may, at any time, withdraw at its discretion any power so delegated.

Officers of the University.

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

- (1) the Vice-Chancellor;
- (2) the Pro-Vice-Chancellor;
- (3) the Registrar;
- (4) the Director of School of Studies;
- (5) the Finance Officer;

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(Chapter II.—The University and its Officers.—Clause 12.)

- (6) the Law Officer;
- (7) the Controller of Examinations;
- (8) such other persons as may be declared by Statutes to be the officers of the University.

The Vice-Chancellor.

12. (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 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 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 be constituted in the following manner:—

- (i) an academician, not below the rank of the Vice-chancellor of a Central or State aided University or the Director of a National institute of higher learning, to be nominated by the Chancellor in consultation with the Minister, and such academician be the Chairperson of the Committee;
- (ii) an academician, not below the rank of a Professor of a Central or State aided University or National institute of higher learning, to be nominated by the State Government;
- (iii) an academician not below the rank of a Professor of a Central or State aided University or National institute of higher learning, to be nominated by the Court:

Provided that the nominees, as mentioned under sub-clause (i), (ii) and (iii) shall not be the persons associated with the concerned University for which the Search Committee is constituted.

(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

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(Chapter II.—The University and its Officers.—Clause 13.)

(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 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 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
- (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, 1973; 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).

13. (1) The Vice-Chancellor shall be the principal executive and academic officer of the University and shall, in the absence of the Chancellor, preside over the meeting of the Court. He shall, by virtue of his office, be a member and the Chairman of the Executive Council and the Academic Councils for Post-graduate and Undergraduate Studies and also the Chairman of any other authority or body of the University of

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(Chapter II.—The University and its Officers.—Clause 14.)

which he may be a member. He shall also be entitled to be present at and to address any meeting of any other authority or body of the University of which he may not be a member, but shall not be entitled to vote thereat.

(2) The Vice-Chancellor shall have the power to convene meetings of the Court, the Executive Council, the Academic Councils, the Faculty Councils for Post-graduate and Undergraduate Studies and of any other authority or body of the University.

(3) It shall be the duty of the Vice-Chancellor to ensure that the provisions of this Act, the rules, the Statutes, the Ordinances and the Regulations, are faithfully observed and to take such action as may be necessary for this purpose.

(4) The Vice-Chancellor shall have the power to exercise general control and supervision over all other officers of the University and over all teachers and employees of the University and generally over all the affairs of the University.

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

(6) The Vice-Chancellor may take on behalf of the University such action as he may deem expedient in any matter which, in his opinion, is either urgent or of an emergent nature and shall report the same for confirmation at the next meeting to the authority or body which, in the ordinary course, would have dealt with the matter:

Provided that if the action taken by the Vice-Chancellor is not approved by the authority or body concerned, the matter shall immediately be referred to the Chancellor whose decision thereon shall be final.

(7) The Vice-Chancellor may, with the approval of the Executive Council, delegate any of his powers, other than the power referred to in sub-section (6), to any other officer subordinate to him.

The Pro-Vice-Chancellor.

14. (1) The Pro-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 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 professor.

(2) The Pro-Vice-Chancellor shall be appointed by the Chancellor in consultation with the Minister. The term of his office shall be for four years and he shall be eligible for re-appointment for another term of four years but shall not hold office beyond the age of sixty-five years.

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

(4) If—

(a) 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

(b) a vacancy occurs in the office of the Pro-Vice-Chancellor by reason of death, resignation, expiry of term of his office, removal 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 and the Vice-Chancellor, may appoint a senior teacher of the University or an officer of the University to exercise the powers and perform the duties of the Pro-Vice-Chancellor.

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(Chapter II.—The University and its Officers.—Clauses 15, 16.)

(5) The vacancy in the office of the Pro-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 Pro-Vice-Chancellor in accordance with the provisions of sub-section (1).

(6) The Pro-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 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 Pro-Vice-Chancellor is detrimental to the interest of the University; or
- (e) has been proved to be guilty or criminal breach of trust or criminal negligence or gross financial irregularity or impropriety or gross negligence of duty; or
- (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, 1973; 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 Pro-Vice-Chancellor is partisan, the decision of the Chancellor thereon shall be final:

Provided that the Pro-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).

Powers and duties of the Pro-Vice-Chancellor.

15. (1) The Pro-Vice-Chancellor shall be an administrative and academic officer of the University and shall, by virtue of his office, be a member of the Court, the Executive Council and the Academic Council and shall also be the member of any other authority or body of the University. He shall also be entitled to be present at and to address any meeting of any other authority or body of the University of which he may not be a member, if the Vice-Chancellor considers it necessary but shall not be entitled to vote thereat.

(2) Subject to the general control of the Vice-Chancellor, the Pro-Vice-Chancellor shall exercise such powers and discharge such duties as may be delegated to him by any authority or body of the University or as may be provided by the Statutes.

The Registrar.

16. (1) The Registrar shall be a whole-time officer of the University and shall be appointed by the Executive Council on the recommendation of a Committee consisting of the Vice-Chancellor as Chairman, a nominee of the Chancellor, two nominees of the Executive Council and a nominee of the State Government, and on such terms and conditions, as prescribed by, or under, this Act.

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(Chapter II.—The University and its Officers.—Clauses 17-21.)

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

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

Powers and duties of the Registrar.

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

The Finance Officer.

18. (1) The Finance Officer shall be a whole-time officer of the University. He shall be appointed by the Executive Council on the recommendation of a committee consisting of the Vice-Chancellor as the Chairman, a nominee of the Chancellor, two nominees of the Executive Council and a nominee of the State Government for such period and on such terms and conditions as may be prescribed by, or under, this Act.

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

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

Powers and duties of the Finance Officer.

19. (1) Subject to the supervision, direction and general control of the Vice-Chancellor, the Finance Officer shall be in charge of the administration of the funds, the finances and the properties and assets of the University and of all trusts and endowments, and he shall take special interest in activities that aim at raising funds for the purposes of the University and for augmenting the resources of the University.

(2) The Finance Officer shall exercise such other powers and perform such other duties as may be provided by Statutes or delegated to him by, or under, the provisions of this Act, the Statutes, the Ordinances or the Regulations, as the case may be.

Supervisory powers of the Registrar and Finance Officer.

20. In their respective spheres of duties, the Registrar and the Finance Officer shall, subject to the provisions of this Act, have the power of supervision and control over all officers and employees serving in departments under their charge and shall exercise such disciplinary power as may be conferred on them by or under this Act or by the Statutes or Ordinances or the Regulations, as the case may be.

The Law Officer.

21. (1) There shall be a Law Officer in the University, to be appointed by the State Government, on deputation.

(2) The Law Officer shall assist the University in all legal issues and shall represent the University in all legal proceedings before the Court of Law.

(3) The Law Officer shall have such powers and functions as may be provided by the Statutes.

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*(Chapter II.—The University and its Officers.—Clauses 22-24.—
Chapter III.—Authorities of the University.—Clauses 25, 26.)*

The Controller of Examinations.

22. (1) The Controller of Examinations shall be a whole-time officer of the University. He shall be appointed by the Executive Council on the recommendation of a committee consisting of the Vice-Chancellor as the Chairman, a nominee of the Chancellor, two nominees of the Executive Council and a nominee of the State Government for such period and on such terms and conditions as may be prescribed by or under this Act.

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

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

Powers and duties of the Controller of Examinations.

23. (1) Subject to the supervision, direction and general control of the Vice-Chancellor, the Controller of Examinations shall be in charge of the conduct of examinations and tests of the University and declarations of their results.

(2) The Controller of Examinations shall exercise such other powers and perform such other duties as may be provided by Statutes or delegated to him by or under the provisions of this Act, the Statutes, the Ordinances or the Regulations, as the case may be.

Supervisory powers of the Registrar, Finance Officer and Controller of Examinations.

24. In their respective spheres of duties, the Registrar, the Finance Officer and the Controller of Examinations shall, subject to the provisions of this Act, have the power of supervision and control over all officers and employees serving in departments under their charge and shall exercise such disciplinary power as may be conferred on them by or under this Act or by the Statutes or Ordinances or the Regulations, as the case may be.

CHAPTER III

Authorities of the University

Authorities of the University.

25. The following shall be the authorities of the University:—

- (1) the Court;
- (2) the Executive Council;
- (3) the Academic Council;
- (4) the Board of Studies;
- (5) the Finance Committee;
- (6) such other authorities as may be declared by regulations to be the authorities of the University.

The Court.

26. (1) The Court shall be the supreme authority of the University.

(2) The Court shall consist of the following members :—

- (a) Ex officio members—
 - (i) the Chancellor;

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(*Chapter III.—Authorities of the University.—Clause 26.*)

- (ii) the Vice-Chancellor;
- (iii) the Pro-Vice-Chancellor;
- (iv) 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;
- (v) the Secretary, School Education Department, Government of West Bengal or his nominee not below the rank of Joint Secretary to the Government of West Bengal;
- (vi) the Secretary, Department of Technical Education and Training, Government of West Bengal or his nominee not below the rank of Joint Secretary to the Government of West Bengal;
- (vii) the Secretary, Finance Department, Government of West Bengal or his nominee not below the rank of Joint Secretary to the Government of West Bengal;
- (viii) the Chairman, West Bengal State Council of Higher Education or his nominee;
- (ix) the President, West Bengal Council of Higher Secondary Education;
- (x) the President, West Bengal Madrasah Education Board;
- (xi) the President, West Bengal Board of Secondary Education;
- (xii) the President, West Bengal Board of Primary Education;
- (xiii) the Director, State Council of Education, Research and Training;
- (xiv) the Director of Public Instruction, West Bengal or his representative not below the rank of Additional Director of Public Instruction;
- (xv) the Director of School Education, West Bengal or his representative not below the rank of Additional Director of School Education;
- (xvi) a nominee of the Chairman of University Grants Commission;
- (xvii) a nominee of the Chairman of National Council of Teacher Education;
- (xviii) the Chairperson of the West Bengal College Service Commission or a member of the Commission as his nominee;
- (b) Representatives of Departments of the University and affiliating Colleges—
 - (xix) Heads of Departments of the University;
 - (xx) two senior most Professors of Departments of the University to be selected by rotation for two years by the Vice-Chancellor in alphabetical order of the Department, of whom not more than one Professor shall be from the same Department;
 - (xxi) two senior most Associate Professors of Departments of the University to be selected by rotation for two years by the Vice-Chancellor in reverse alphabetical order of the Department, of whom not more than one Associate Professor shall be from the same Department;

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- (xxii) two senior most Assistant Professors of Departments of the University to be selected by rotation for two years by the Vice-Chancellor in alphabetical order of the Department, of whom not more than one Assistant Professor shall be from the same Department;
- (xxiii) Principals or Teachers-in-Charge or Director of the affiliated colleges, not more than ten, to be nominated by the Vice-Chancellor of whom—
 - (a) one shall be from Government Teachers' Training College,
 - (b) one shall be from Government Sponsored Teachers' Training College,
 - (c) one shall be from Self-Financed Teachers' Training College,
 - (d) one shall be from Physical Education Teachers' Training College,
 - (e) one shall be from Government Primary Teachers' Training Institute,
 - (f) one shall be from Government aided Primary Teachers' Training Institute,
 - (g) one shall be from Government sponsored Primary Teachers' Training Institute,
 - (h) one shall be from self financing Primary Teachers' Training Institutes,
 - (i) one shall be from District Institute of Education and training;
- (xxiv) one representative of the Officers of the University to be elected from amongst themselves in the manner provided in the Statutes;
- (xxv) two representatives of non-teaching employees of whom—
 - (a) one from non-teaching employees of the University,
 - (b) one from non-teaching employees of the affiliated Government and Government Sponsored colleges of the University,
 to be elected from amongst themselves in the manner as may be provided by the Statutes;
- (c) Nominated Members—
 - (xxvi) not more than five persons to be nominated by the Chancellor from amongst persons interested in Teachers' Training, Education Planning and Administration:

Provided that no employee of the University or of a College or Institution affiliated with the University or recognized by it shall be eligible to be member;
- (d) Special Invitee—
 - (xxvii) any official or expert in any field or eminent educationist, whom the Vice-Chancellor may require for advice, consultation or assistance, may be invited in a meeting at a time:

Provided that not more than one official or expert or eminent educationist may be invited in a meeting at a time.

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(2) A member of the Court shall hold office for a period of four years, if not expressly provided otherwise in sub-section (1).

(3) Any vacancy among the members of the Court shall be filled up immediately by the concerned authority.

(4) No act or proceedings of the Court or of any Body constituted by the Court shall be invalid or called in question by reason of the existence of any vacancy, initial or subsequent, in the Court or in any Body constituted by the Court, as the case may be.

Powers and duties of the Court.

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

(i) to establish University Colleges, University Departments, institutions, libraries, laboratories and museums of study and research;

(ii) to confer, on the recommendation of the State Government and the University Grants Commission, such special powers as may be provided by Statutes on any college or institution providing instruction for courses of study in fine arts or music or conducting higher studies and research:

Provided that the Court may withdraw, with the concurrence of the State Government and the University Grants Commission, all or any of the special powers conferred on any such college or institution;

(iii) to create and institute Professorships including Distinguished or Chair Professorships, Associate Professorships, Assistant Professorships, and such posts including posts of officers as may be necessary for the establishment of the University Colleges, University Departments, institutions, libraries, laboratories and museums referred to in Clause (i) with the approval of the State Government;

(iv) to institute degrees, titles, diplomas, certificates and other academic distinctions;

(v) to institute fellowships, travelling fellowships, scholarships, studentships, stipends, bursaries, exhibitions, medals and prizes to be awarded out of the University Fund;

(vi) to confer degrees, titles, diplomas, certificates and other academic distinctions on persons who—

(a) have pursued courses of studies or have been exempted therefrom in the manner, and have passed such examinations as may be provided by regulations, or

(b) have carried on research in accordance with such conditions as may be provided by regulations;

(vii) to withdraw or to cancel degrees, titles, diplomas, certificates or other academic distinctions under such conditions as may be provided by regulations and after giving the person affected a reasonable opportunity to present his case;

(viii) to confer honorary degrees or other academic distinctions;

(ix) to consider the Annual Statement of Accounts and the Annual Financial Estimates approved by the Executive Council and to pass such resolutions relating thereto as may be considered necessary:

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

(x) to consider the Annual Report as prepared by the Executive Council and

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to pass such resolutions relating thereto as may be considered necessary;

- (xi) to consider, and advise on, such other reports from the Executive Council or any other body as may be made to it;
- (xii) to consider, and advise on, proposals from the Executive Council for entering into agreement with the Government or with any person, body or authority for the taking over by the University of the management of any college or institution, including its assets and liabilities, or for any other purpose not repugnant to the provisions of this Act;
- (xiii) to consider, and advise on, proposals from the Executive Council for co-operation with other universities, institutions and educational authorities in matters that relate to or further the educational objectives of the University;
- (xiv) to consider and suggest measures for the improvement of the administration and finances of the University, and generally for the furtherance of its objectives;
- (xv) to make guidelines for the transaction of its own business;
- (xvi) to exercise all other powers and perform all other functions conferred and imposed on the Court by or under this Act.

(2) The Court shall not exercise the powers and perform the duties referred to in Clauses (i) and (iii) to (viii) of sub-section (1) except on the recommendation of the Executive Council but may send proposals in respect thereof to the Executive Council for its recommendation.

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

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

Functions of the Court.

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

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

Provided that such quorum shall not be required at convocation.

(3) The Vice-Chancellor may, whenever he thinks fit, and shall, upon a requisition in writing signed by not less than fifty *percent* of members of the Court, convene a meeting of the Court. A meeting on such requisition shall be held within fifteen days of the receipt of the requisition by the Vice-Chancellor.

The Executive Council.

29. (1) The Executive Council shall be the chief executive body of the University.

(2) The Executive Council shall consist of the following members:—

- (a) Ex Officio Members :—
 - (i) the Vice-Chancellor;
 - (ii) the Secretary, Higher Education Department, Government of West Bengal or his nominee not below the rank of Joint Secretary, Higher Education Department, to the Government of West Bengal;
 - (iii) the Secretary, School Education Department, Government of West

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

- (iv) the Secretary, Department of Technical Education and Training, Government of West Bengal or his nominee not below the rank of Joint Secretary, Higher Education Department, to the Government of West Bengal;
- (v) the Secretary, Finance Department, Government of West Bengal or his nominee not below the rank of Joint Secretary to the Government of West Bengal;
- (vi) the Chairman, West Bengal State Council of Higher Education or his nominee;
- (vii) the president, West Bengal Board of Secondary Education;
- (viii) the President, West Bengal Council for Higher Secondary Education;
- (ix) the President, West Bengal Board of Primary Education;
- (x) the Director, State Council of Education, Research and Training;
- (xi) the Director of Public Instruction, West Bengal or his nominee not below the rank of Additional Director of Public Instruction;
- (xii) the Director of School Education, West Bengal or his nominee not below the rank of Additional Director of School Education;
- (xiii) principals of affiliated Colleges, not more than seven, to be nominated by the Vice-Chancellor of whom—
 - (a) one shall be from Government Teachers' Training College,
 - (b) one shall be from Government Sponsored Teachers' Training College,
 - (c) one shall be from Self-Financed Teachers' Training College,
 - (d) one shall be from Physical Education Teachers' Training College,
 - (e) one shall be from Government Primary Teachers' Training Institutes, and
 - (f) one shall be from Government aided Primary Teachers' Training Institutes;

(b) Other Members:—

- (xiv) two Heads of Departments, by rotation for one year in alphabetical order of the Department, to be selected by the Vice-Chancellor;
- (xv) five teachers from the Academic Council of whom two shall be Professors, two shall be Associate Professors and one shall be Assistant Professor and they shall be elected by the members of the Academic Council from amongst themselves in the manner as may be provided by the Statutes;
- (xvi) two persons nominated by the Chancellor interested in Teachers' Training, Education Planning and Administration;

Provided that no employee of the University or of a College or institution affiliated with the University or recognized by it shall be eligible to be a member.

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- (2) A member of the Executive Council shall hold office for a period of four years, if not expressly provided otherwise in sub-section (1).
- (3) Any vacancy among the members of the Executive Council shall be filled up immediately by the concerned authority.
- (4) No act or proceedings of the Executive Council or any Body constituted by the Executive Council shall be invalid or called in question by reason of the existence of any vacancy, initial or subsequent, in the Executive Council or in any body constituted by the Executive Council, as the case may be.
- (5) One-third of the total number of members shall be a quorum for a meeting of the Executive Council.

Powers and functions of the Executive Council.

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

- (i) to initiate proposals for the making of Statutes and Ordinances including proposals for amendment or repeal thereof, in the manner hereinafter provided;
- (ii) to recommend to the Court, after consulting the Academic Council, the establishment of University Colleges, University Departments, institutions, libraries, laboratories and museums for study and research;
- (iii) to maintain University Colleges, University Departments, University institutions, University libraries, University laboratories and University museums;
- (iv) to establish, maintain and manage halls and to recognize hostels;
- (v) to direct the inspection of University libraries, University laboratories, University museums and hostels;
- (vi) to recommend to the Court, after consulting the respective Academic Council, the institution of fellowships, travelling fellowships, scholarships, stipends, bursaries, exhibitions, medals and prizes, the expenses of which shall be met from the University Fund, and to award the same after institution thereof by the Court;
- (vii) to recommend to the Court, after consulting the Academic Council, the creation and institution of Professorships including Distinguished or Chair Professorship, Associate Professorships, Assistant Professorships and such posts as may be necessary for the establishment of the University Colleges, University Departments, institutions, libraries, laboratories and museums referred to in Clause (i) of sub-section (1) of section 27;
- (viii) to create posts of Officers, Teachers and employees of the University or to recommend to the Court for such creation, with the approval of the State Government;
- (ix) to appoint Officers and employees of the University and to fix their emoluments and define their duties and other terms and conditions of service in accordance with the Statutes and the Ordinances and to suspend, discharge or otherwise punish in accordance with the Statutes and the Ordinances such Officers and employees;
- (x) to pass appropriate orders on the basis of the recommendation of the Academic Council regarding affiliation of a college or an institution in one or more subjects or withdrawal of affiliation or recognition of a college or an institution or temporary take-over of the management of an affiliated or a recognised college or institution;

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- (xi) to provide, on the recommendation of the Academic Council for colleges, other than Government Colleges—
 - (a) the constitution, powers and functions of their Governing Bodies;
 - (b) the terms and conditions of service and emoluments for posts of Principals, Teachers and such other employees as it may deem fit;
 - (c) the rules for Teachers' Councils and Provident Funds; and
 - (d) duties and responsibilities of the Principal, Teachers and any other employee as deemed fit and disciplinary actions for negligence or violations thereof;
- (xii) to determine and collect fees or charges for the registration of students and their admission to courses of studies organised by the University, for holding examinations, for the grant of degrees, diplomas and certificates, and for other like purposes;
- (xiii) to recommend to the Court, after consulting the Academic Council, the institution of degrees, titles, diplomas, certificates and other academic distinctions;
- (xiv) to recommend to the Court, on the advice of the appropriate body, the conferment of degrees, titles, diplomas, certificates and other academic distinctions on persons who have pursued prescribed courses of studies or have been exempted there from in the manner provided, and have passed such examinations or have carried on research under such conditions, as may be provided by regulations;
- (xv) to recommend to the Court the conferment of honorary degrees and other academic distinctions;
- (xvi) to approve the constitution or reconstitution of the respective department of teaching on the recommendation of the Academic Council;
- (xvii) to make regulations and syllabi regarding the courses of studies and the division of subjects including interdisciplinary or multidisciplinary approach for integrated courses in selected subjects after obtaining and considering the recommendation of the Academic Council in this regard;
- (xviii) to make regulations regarding the examinations which shall be recognised as the equivalent examinations held by the University;
- (xix) to make regulations regarding the conduct of examinations held by the University and the conditions under which students may be admitted to the different courses of studies and the examinations held by the University;
- (xx) to make regulations regarding all other matters which may be or are required to be prescribed or provided for by the regulations;
- (xxi) to provide for co-operation and reciprocity among colleges, institutions and laboratories and the Universities so as to foster the development of academic life and to encourage Cluster Concept to ensure the fullest utilization of the teaching and infrastructural resources available, on the recommendation of the Academic Council to form College Development Council for this purpose if thought necessary;
- (xxii) to give directions regarding the form, custody and use of the common seal of the University;

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- (xxiii) to acquire, hold and dispose of property, movable and immovable, and to administer all assets, properties and funds of the University, and to undertake all measures necessary or desirable for the conservation or augmentation of the resources of the University:

Provided that for the purpose of disposing of any property valued at not less than one lakh of rupees previous approval of the Court shall be necessary;
- (xxiv) to accept and administer gifts, endowments and benefactions for the furtherance of the purposes of this Act;
- (xxv) to accept grants and to raise or accept loans on behalf of the University and to make grants or advances from the University fund or other special funds maintained by the University;
- (xxvi) to enter into an agreement with the Government or with any person, body or authority for the taking over by the University of the management of any college or institution, including its assets and liabilities, or for any other purpose not repugnant to the provisions of this Act on the recommendation of the Academic Council;
- (xxvii) to manage the Press Establishment, the Publication bureau and the Employment Bureau of the University and to exercise general supervision over Students' Council, University Extension Board, University Sports Board and other bodies instituted by the University;
- (xxviii) to approve the Annual Statements of Accounts and the Annual Financial Estimates of the University and to submit the same to the Court for consideration;
- (xxix) to prepare the Annual Report and submit the same to the Court for consideration;
- (xxx) to make due provision for the health, welfare, residence and discipline of students and their relationship with the University and to provide for such other training of students as may be considered desirable;
- (xxxi) to co-operate with other Universities, Institutions, Associations, Societies or Bodies on such terms and for such purposes, not inconsistent with the purposes of this Act, as it may determine;
- (xxxii) to institute Collaborative Teaching and Research Programmes with other Universities and prescribe modalities for Credit Transfer and Award of Joint Degrees in a manner not inconsistent with the purposes of this Act;
- (xxxiii) to make guidelines for the transaction of its own business;
- (xxxiv) to exercise all other powers and perform all other functions conferred and imposed on the Executive Council by or under this Act;
- (xxxv) to exercise general supervision over the Academic Council and give such directions to the Council for the due discharge of its duties as it may consider necessary.

31. There shall be the following Department of Post-graduate and Undergraduate Studies in the University:—

- (a) Department of Post-graduate and Undergraduate Studies of Education Planning;

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- (b) Department of Post-graduate and Undergraduate Studies of Education Administration and Management Information system;
- (c) Department of Post-graduate and Undergraduate Studies of Training and Capacity Building in School Education;
- (d) Department of Post-graduate and Undergraduate Studies of Training and Capacity Building in Higher Education;
- (e) Department of Post-graduate and Undergraduate Studies of Training and Capacity Building in Physical Education and Sports Education.
- (f) Such other Department of Post-graduate and Undergraduate Studies as the University deems appropriate.

The Academic Council.

32. (1) The Academic Council shall be the principal academic body of the University and shall have, subject to the provisions of this Act and the regulations, the control of, and shall be responsible for, the maintenance of standards of learning, education, instruction, evaluation and examinations within the University.

(2) The Academic Council shall consist of the following members:—

- (a) Vice-Chancellor—Chairman;
- (b) the Heads of the Departments;
- (c) the Professor or Professors of the Departments as may be decided by the Vice-Chancellor;
- (d) the Librarian of the University, if the post is vacant then the person acting as Librarian of the University;
- (e) five Teachers of the University, other than Professors, to be elected by such Teachers amongst themselves;
- (f) not more than three persons having special knowledge in the subject or subjects concerned nominated by the Vice-Chancellor;
- (g) one student representative pursuing Post-graduate Studies in the University and one Research Scholar pursuing research in the University to be elected by Post-graduate students and Research Scholars from amongst themselves in the manner as may be provided by the Statutes:

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 Academic Council in which, confidential matters relating to conduct of examination, checking of answer scripts, publication of results and matters of similar nature are to be discussed.

(3) The Academic Council shall have a Secretary who shall be a member of the Academic Council.

(4) One-third of the total number of members of Academic Council shall be a quorum for a meeting of the Academic Council.

Powers and duties of the Academic Council.

33. Subject to the provisions of this Act, the Statutes, the Ordinances and the Regulations, the Academic Council shall exercise the following powers and perform the following duties:—

- (i) to make proposals to the Executive Council for the establishment of University Colleges, University Departments, institutions, libraries, laboratories and museums for study and research to be maintained by the University;

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(Chapter III.—Authorities of the University.—Clause 33.)

- (ii) to recommend to the Executive Council the creation and institution of Professorships including Distinguished or Chair Professorships, Associate Professorships, Assistant Professorships, and other teaching posts and the duties and emoluments thereof;
- (iii) to make proposals to the Executive Council 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 Executive Council thereon;
- (iv) to determine after consulting the Executive Council the minimum qualifications for posts of Teachers of the University, as per guidelines of the University Grants Commission or any other concerned body;
- (v) to make proposals to the Executive Council 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;
- (vi) to constitute or reconstitute the departments of teaching with the approval of the Executive Council;
- (vii) to make provisions for lectures and instructions for students of constituent and University Colleges and University Laboratories and also for other persons who are not such students;
- (viii) to advise the Executive Council on the institution of degrees, titles, diplomas, certificates and other academic distinctions;
- (ix) to hold and conduct, subject to general supervision by the Executive Council, University examinations and publish the results thereof in accordance with the Regulations made in this regard;
- (x) to provide for the inspection or the investigation into the affairs of any department or any University College and submit report to the Executive Council;
- (xi) to have general supervision over the Boards of Studies attached to the Academic Council;
- (xii) to frame rules relating to the courses of Post-graduate Studies and the division of subjects in regard thereto including interdisciplinary or multidisciplinary integrated courses in selected subjects and to recommend to the Executive Council the making of Regulations in this regard;
- (xiii) to appoint, if required by the Executive Council, after considering the views of the Boards of Studies attached to the Academic Council, Boards of Examiners in the subject or subjects relating to Post-graduate Studies, including the subjects for doctoral thesis and for prizes and medals;
- (xiv) to call for such reports or information as the Academic Council may consider necessary for efficient discharge of its duties from the teaching departments, research units or Boards of Studies;
- (xv) to consider any educational matter relating to the Academic Council and to arrive at decisions or make recommendations pertaining thereto to the appropriate authority or officer;
- (xvi) to maintain contact with the corresponding Council for Undergraduate Studies for the purpose of sharing ideas and ensuring co-ordination;

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(Chapter III.—Authorities of the University.—Clause 34-38.)

- (xvii) to submit each year its Annual Report to the Executive Council;
- (xviii) to make rules for the transaction of its own business;
- (xix) to exercise all other powers and perform all other functions conferred and imposed on it by or under this Act;
- (xx) to delegate to the teaching departments, research units, and Boards of Studies attached to it the responsibility for such academic matters as respectively concern such departments, units and Boards;
- (xxi) to consider and approve results of examinations leading to post-graduate degrees, diplomas and certificates;
- (xxii) to recommend to the Executive Council the conferment of post-graduate degrees, diplomas and certificates.

The Board of Studies.

34. There shall be Boards of Studies attached to the Academic Council. The constitution of the Boards of Studies shall be prescribed by Statutes and the powers and functions of the Boards shall be provided by Regulations.

The Finance Committee.

35. There shall be a Finance Committee with the Vice-Chancellor as the Chairman. The constitution, powers and functions of the Finance Committee shall be provided by Statutes and its procedure in financial matters, including the delegation of its powers, shall be provided by Ordinances.

Selection Committee for appointment of teachers.

36. (1) A University Professor or a University Associate Professor or a University Assistant Professor shall be appointed by the Vice-Chancellor, on the recommendation of the Selection Committee, and the constitution of the 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.

Procedure for holding meetings of Selection Committee.

37. (1) At least four members, including two outside subject experts, shall constitute the quorum for a meeting of the Selection Committee.

(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.

Appointment on the recommendation of the Selection Committee constituted by the University Council.

38. (1) Notwithstanding anything contained in section 36, until the constitution of a Selection Committee referred to therein, a University Assistant Professor, Associate Professor or Professor shall be appointed by the West Bengal University of Teachers' Training, Education Planning and Administration University Council, referred to in sub-section (1) of section 66 on the recommendation of a Selection Committee, constituted by the said Council in such manner as it thinks fit, which shall include as its member at least one person, not holding any office of profit under the University and having special knowledge of the subject which the Professor or the Associate Professor or the Assistant Professor, as the case may be, will teach, nominated by the Chancellor.

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(2) If the West Bengal University of Teachers' Training, Education Planning and Administration Council do not accept the recommendation of the Selection Committee, the provision of sub-section (2) of section 37 shall apply mutatis mutandis.

Letter of appointment to teachers, officers and other employees.

39. (1) Every teacher, every officer and every employee of the University shall, on appointment as such, be provided with a letter of appointment containing such terms and conditions of appointment and duties and responsibilities as may be provided by Ordinances.

(2) A teacher or an officer or an employee appointed against a permanent vacancy shall be on probation ordinarily for a period of one year from the date of such appointment and such period of probation may, at the discretion of the appropriate authority of the University, be extended for a further period not exceeding one year.

(3) If, at any time during the period of probation, the probationer's work is not considered satisfactory, the probationer shall be discharged by the authority concerned.

(4) On satisfactory completion of the period of probation, a teacher or an officer or an employee, as the case may be, shall be confirmed with effect from the date of his appointment on probation by an order in writing made by the University in this behalf and the fact of such confirmation shall be communicated to the person concerned:

Provided that if, on completion of the period of probation, no such order of confirmation is made and communicated to the person concerned within a period of two months of the completion of the period of probation, the person concerned shall be deemed to have been confirmed with effect from the date of his appointment on probation:

Provided further that if, prior to the completion of the period of probation, a teacher or an officer or an employee, as the case may be, desires to extend the period of probation, the Executive Council may extend it further by any period depending on the circumstances of the case.

Termination of services of temporary teachers, officers and employees.

40. The services of a temporary teacher or officer or employee shall not be terminated before the expiration of the period for which he is appointed except after serving one month's notice or paying him one month's salary in lieu thereof.

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

41. The Executive Council may, subject to the provisions of this Act, provide by Ordinances the constitution of a standing committee or standing committees for selection of persons for appointment to the posts of officers and to the other non-teaching posts of the University and the procedure and the method of such selection.

Tribunal.

42. (1) If in the case of any dispute between the University and any Teacher, Officer or employee of the University, no final order has been passed within a period of one year from the date on which the dispute was referred to the University by such Teacher, Officer or employee, such dispute shall on the request of such Teacher, Officer or employee, be referred to a Tribunal consisting of the following members, namely:—

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

(2) An appeal from an employee of the University in a disciplinary matter shall be referred to the Tribunal and shall be decided and disposed of by the Tribunal.

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(3) The Tribunal may call for any record, report or other information from the University if, in its opinion, such record, report or other information is necessary for efficient discharge of its functions, and the University shall furnish such record, report or other information to the Tribunal.

(4) Every request under sub-section (1) shall be deemed to be a submission to arbitration upon the terms of this section, within the meaning of the Arbitration and Conciliation Act, 1996 and all the provisions of that Act with the exception of section 2 thereof shall apply accordingly.

2 of 1996.

CHAPTER IV

General Provisions Governing All Authorities or Other Bodies of the University

Disqualifications.

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

- (i) is of unsound mind, or
- (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.

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

(4) No person shall be entitled to be enrolled as a voter for, or to cast his vote at, an election to any authority or body of the University from more than one constituency:

Provided that this sub-section shall not apply in the case of an election of members of the Court, the Executive Council and the Academic Council.

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

44. Notwithstanding anything contained elsewhere in this Act, no person shall,—

- (a) if he is a teacher, not holding any whole-time teaching post, or appointed for a specified period, or
- (b) if he is a member of the non-teaching staff, not appointed on a regular scale of pay, or not holding any whole-time non-teaching post, be entitled to be enrolled as a voter for, or to cast his vote at, an election to any authority or body of the University or of any college or institution affiliated to the University or to be nominated to any such authority or body.

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

Term of Office of Members.

45. (1) Save as otherwise provided in sub-section (4), an elected or nominated member of any authority or body of the University shall hold office for a period of four years from the date of his election or nomination, as the case may be:

Provided that in respect of the first elections and nominations under this Act, the said period of four years shall commence from the date of the first meeting of the authority or body held after such elections and nominations.

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(2) The term of office of members other than ex officio members of any authority or body of the University shall be held to include any period which may elapse between the expiry of the said term and the date of election of new members to such authority or body to fill vacancies arising by efflux of time.

(3) When elections are held on more than one date, the last of such dates shall be taken to be the date of election for the purposes of this section.

(4) Any member elected or nominated to fill a casual vacancy shall hold office for the unexpired portion of the term of office of the member in whose seat he is so elected or nominated.

Cessation of membership in certain cases.

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

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

Casual vacancy.

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

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

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

Proceedings not to be invalidate by reasons of vacancy.

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

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

Election Tribunal.

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

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(Chapter IV.—General Provisions Governing All Authorities or Other Bodies of the University.—Clause 50.—Chapter V.—Funds of the University, Accounts, Audit and Inspection.—Clauses 51, 52.)

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

(3) If, during the progress of any election of members to any authority or body of the University, the Election Tribunal is satisfied that such election is vitiated by fraud or corrupt practice, the Election Tribunal may make an order annulling the proceedings in respect of such election or any part thereof and direct fresh proceedings to be started, in accordance with the provisions of this Act, rules and the Statutes, the Ordinances and the Regulations, from such stage as may be specified in the order and such order of the Election Tribunal shall be final.

Casting the vote by the Chairman.

50. At a meeting of the Court, the Executive Council, the Academic Council or any other authority or body of the University, the person presiding at the meeting shall not vote in the first instance, but shall have and exercise a casting vote in the case of an equality of votes.

CHAPTER V

Funds of the University, Accounts, Audit and Inspection

The University Fund.

51. The University shall have a fund to be known as the University Fund to which shall be credited—

- (a) all its income from fees, fines, donations and endowments;
- (b) contributions or grants which may be made by the Central Government or the State Government or the Government of any other State or the University Grants Commission or the All India Council for Technical Education on such conditions as it may impose;
- (c) any other contributions or grants or loans and advances;
- (d) money received from any other source whatsoever;
- (e) all its income from fees, fines, contributions, donations, loans and advances and from any other source whatsoever. The University may also create, by Ordinances made in this behalf, separate special funds for the administration of Students' Welfare, Endowments, Donations and Gifts, Trust or specific grants or grants for other special purposes.

General limitations on financial powers of the University.

52. (1) The budget of the University showing the receipt and expenditure of the University on different accounts shall be submitted to the State Government at least three months before the end of the financial year for approval.

(2) The State Government shall, at least one month before the end of the financial year, communicate its approval or otherwise of the budget of the University:

Provided that the State Government shall, from time to time, release grants to the University to incur expenditure till the budget is approved.

(3) If no communication is sent to the University by the State Government within the period as aforesaid, the budget shall be deemed to have been approved by the State Government.

(4) Notwithstanding anything to the contrary contained in this Act, the University shall not, except with the prior approval of the State Government, incur any expenditure on any amount in excess of amount specified in the budget on that account:

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

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(Chapter V.—Funds of the University, Accounts, Audit and Inspection.—Clauses 53-55.)

Provident Fund.

53. Any provident fund instituted by the University for the benefit of its teachers, officers or employees shall be governed by the provisions of the Provident Funds Act, 1925, as if such fund were a Government Provident Fund and shall be maintained in the State Government Treasury, and the Executive Council shall have power to frame Ordinances, not inconsistent with the provisions of that Act, for the administration of the fund.

19 'of 1925.

Annual Accounts and Audit.

54. (1) The Annual Statement of Accounts shall, after examination by the Executive Council, be subjected to such audit as the State Government may direct.

(2) Such Annual Statement of Accounts shall, together with copies of the audit report thereon, be submitted to the Court and to the State Government and shall thereupon be published by the Court.

(3) The University shall have a continuous internal audit, and the report of such audit shall be submitted to the State Government as soon as possible after the end of every financial year.

(4) The State Government may require the University to supply to it any information in regard to the accounts and the budget and the University shall comply with such requisition.

Inspection.

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

(a) to cause an inspection, to be made by such person or persons as it may direct,—

(i) of the University, its buildings, laboratories, libraries, museums, press establishment, workshops and equipment,

(ii) of any college or institution maintained by or affiliated to the University, and

(iii) into all affairs of the University and of such college or institution including examination and other work conducted or done by the University or such college or institution; and

(b) to cause an enquiry to be made into the income, expenditure, properties, assets and liabilities of the University and of any college or institution maintained by or affiliated to the University.

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

(3) The State Government shall communicate to the Court and the Executive Council or to such college or institution, as the case may be, its views on the results of such inspection or enquiry and may, after considering the opinion of the Court and the Executive Council or of such college or institution thereon, advise the University or such college or institution regarding the action which the State Government considers fit to be taken by the University or by such college or institution in the matters concerned and the University or such college or institution shall report to the State Government, within such time as the State Government may direct, the action which is proposed to be taken or has been taken by the University or by such college or institution to give effect to such advice of the State Government.

(4) The State Government may, after considering the report referred to in sub-section (3), advise the University or such college or institution, as the case may be, to take such further action in the matters concerned, as may, in the opinion of the State Government, be necessary, and the University or such college or institution shall take or cause to be taken such further action within such time as may be specified in that behalf by the State Government.

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(Chapter VI.—Statutes, Ordinances and Regulations.—Clauses 56, 57.)

CHAPTER VI

Statutes, Ordinances and Regulations

Statutes.

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

- (a) the declaration of posts as posts of officers of the University;
- (b) the establishment of authorities of the University;
- (c) the powers, duties and terms and conditions of service of the officers of the University in so far as these have not been specifically provided for in this Act;
- (d) the constitution, powers and duties of the authorities of the University in so far as these have not been specifically provided for in this Act;
- (e) the rules and procedure for holding elections to the Court, the Executive Council and other authorities and bodies of the University;
- (f) the terms and conditions of affiliation or recognition of colleges or institutions, including terms and conditions for continuance of such affiliation or recognition and rules for disaffiliation or withdrawal of recognition of such colleges or institutions;
- (g) the terms and conditions of recognition of colleges as professional colleges or autonomous colleges;
- (h) the constitution, powers and functions of the Governing Bodies of colleges, other than Government Colleges;
- (i) the terms and conditions of service and the minimum emoluments for posts of Principals, Teachers and such other employees as the University may deem fit, of all affiliated colleges, other than Government Colleges, their duties and responsibilities and disciplinary actions for negligence or violations thereof;
- (j) the rules of Provident Funds for Teachers of colleges, other than Government Colleges;
- (k) the holding of convocations to confer degrees, titles, diplomas, certificates and other academic distinctions, including honorary degrees and distinctions;
- (l) the conditions for the registration of graduates of the University and for the maintenance of a register for registered graduates;
- (m) the minimum qualifications for teachers and officers of the University;
- (n) all other matters which under this Act are required to be or may be provided by Statutes.

How to make
Statutes.

57. (1) The Executive Council may of its own motion, and shall, when required by the Court, make a draft of any Statute and submit the same to the Court. The draft so submitted shall be considered by the Court at a meeting or meeting to be held within a period of six weeks from the date of such submission (hereinafter referred to as the said period), and the draft so submitted shall, unless rejected or amended by the Court before the expiry of the said period by a majority of the total number of its members existing at the time, be deemed to have been passed by the Court. If the Court so rejects or amends the draft of any Statute, it shall be sent back to the Executive Council with the views of the Court for reconsideration. Thereupon, the Executive

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(Chapter VI.—Statutes, Ordinances and Regulations.—Clause 58.)

Council shall reconsider the draft and resubmit it to the Court with such changes as it may deem necessary. On such resubmission of the draft, it shall again be considered by the Court at a meeting to be held within a period of six weeks from the date of such submission (hereinafter referred to as the latter period) and the draft so resubmitted shall, unless rejected by the Court before the expiry of the latter period by a majority of the total number of its members existing at that time, be deemed to have been passed by the Court without any amendment, or be passed by the Court with such amendments as it may deem fit to make therein within the latter period and by the same majority as aforesaid.

(2) A Statute, passed in the manner provided in sub-section (1), shall be presented to the Chancellor for assent and shall come into force on being assented to by the Chancellor in consultation with the Minister.

(3) A Statute shall remain in force until repealed or amended by a new Statute similarly passed and assented to by the Chancellor.

Ordinances.

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

- (a) the admission of students to the University and the colleges affiliated to or recognised by it and their enrolment as such;
- (b) the levy or fees in University Colleges and in University Laboratories;
- (c) the conditions of residence and rules of discipline of the students of the University, including students of the colleges affiliated to or recognised by it, and the levy of fees for residence in halls;
- (d) the appointment of Teachers, officers and employees of the University, their emoluments, their duties and other terms and conditions of their service, in so far as these have not been specifically provided for in this Act or in the Statutes;
- (e) rules for the institution of Provident Fund or other funds for the benefit of the teachers, officers and employees of the University;
- (f) rules for the establishment, maintenance and management of University Libraries, University Museums, halls and other University institutions, for study, research and residence;
- (g) rules for the recognition of libraries, laboratories, museums, hostels, and institutions for study, research and residence, other than those established, maintained and managed by the University;
- (h) rules for the taking over of the management of an affiliated or a recognised college or institution, other than a Government college or institution, in order to ensure that proper standards of teaching, training and instruction are maintained therein;
- (i) rules for the exercise of general supervision and control over affiliated or recognised colleges or institutions and for the giving of financial aid to them;
- (j) rules for the inspection or investigation into the affairs of Colleges or other institutions, affiliated to or recognised by the University, to ensure that proper standards of teaching, training and research are maintained therein;

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(Chapter VI.—Statutes, Ordinances and Regulations.—Clauses 59, 60.)

- (k) rules for the imposition and collection of fees, fines and other dues payable to the University;
- (l) the duties and functions of the Teachers of the University including the Heads of Departments;
- (m) rules for the registration of students;
- (n) the appointment, duties and remuneration of examiners;
- (o) rules for the administration of gifts, endowments and benefactions, and for the institution and award of fellowships, travelling fellowships, scholarships, studentships, stipends, bursaries, exhibitions, medals and prizes;
- (p) rules and procedure for accepting grants and for raising or accepting loans other than loans from the Central or any State Government or the University Grants Commission;
- (q) all other matters which under this Act or the Statutes are required to be or may be provided by Ordinances.

How to make
Ordinances.

59. The Executive Council shall take into consideration drafts of Ordinances proposed to be passed, after notice thereof has been given to the members of the Executive Council at least three weeks in advance of the date fixed for consideration of the same by the Executive Council. The Vice-Chancellor may direct a shorter notice in a matter which in his opinion is of an emergent nature.

(2) An Ordinance shall be deemed to be passed by the Executive Council if it is agreed to by a majority of the total number of members of the Executive Council existing at the time.

(3) An Ordinance passed by the Executive Council in the manner provided hereinbefore in this section shall be submitted to the Chancellor for assent and shall come into force on being assented to by the Chancellor and shall be reported to the Court at its next succeeding meeting.

(4) The Chancellor may direct that the operation of any Ordinance shall be suspended until such time as the Court has had an opportunity of considering the same.

(5) An Ordinance shall, unless cancelled or modified by the Chancellor, remain in force until repealed or amended by a new Ordinance similarly passed and brought into force.

Regulations.

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

- (a) the powers and functions of the Boards of Studies;
- (b) the functions and duties of Teachers' Councils in Universities and in colleges and institutions other than Government Colleges and institutions;
- (c) the conditions for admission to the different courses of study and examinations of students;
- (d) the rules for the conduct of University examinations;
- (e) the courses of study and the division of subjects upon the recommendations of the Faculty Council for Post-graduate Studies or the Council for Undergraduate Studies concerned;

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(*Chapter VI.—Statutes, Ordinances and Regulations.—Clauses 61, 62.*
—Chapter VII.—Miscellaneous and Transitory Provisions.—Clause 63.)

- (f) the minimum qualifications for Teachers of the University as per guidelines of the University Grants Commission or any other appropriate authority;
- (g) all other matters which under this Act or the Statutes or the Ordinances are required to be or may be provided by regulations.

How to make regulations.

61. (1) The Executive Council or a Committee appointed by it shall take into consideration drafts of regulations, consistent with this Act and the Statutes and the Ordinances after notice of the proposed regulations has been given to the members of the Executive Council at least three weeks in advance of the date fixed for consideration of the same by the Executive Council or the Committee appointed by it. The Vice-Chancellor may direct a shorter notice in a matter which in his opinion is of an emergent nature.

(2) A regulation shall be deemed to be passed by the Executive Council if it is agreed to at a meeting of the Executive Council by a majority of the total number of members of the Executive Council existing at the time. A regulation shall come into force immediately on being passed unless otherwise directed by the Chancellor.

(3) The Court shall have the power, by a resolution passed by a majority of its total number of members existing at the time, to cancel or modify any regulation.

(4) A regulation shall, unless cancelled or modified by the Court under sub-section (3), remain in force until repealed or amended by a new regulation similarly passed and brought into force.

Rules.

62. (1) The State Government may make rules for the purpose of carrying out any of the provisions of this Act.

(2) Every rules made under this Act shall, as soon they are made, be laid down before the State Legislature while it is in session.

CHAPTER VII

Miscellaneous and Transitory Provisions

Delegation.

63. (1) The Vice-Chancellor or, with the approval of the Vice-Chancellor, the Registrar, may, subject to the provisions of this Act, delegate such of his powers or duties conferred or imposed by or under this Act as may be provided by the Statutes to an officer of the University under his direct administrative control.

(2) Subject to the provisions of this Act:—

- (a) the Court may delegate any of its powers or duties, conferred or imposed by or under this Act, to—
 - (i) the Vice-Chancellor, or
 - (ii) the Executive Council, or
 - (iii) a committee constituted from among its own members, or
 - (iv) a committee appointed in accordance with the Statutes;
- (b) the Executive Council may delegate any of its powers or duties, conferred or imposed by or under this Act, to—
 - (i) the Vice-Chancellor, or

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(Chapter VII.—Miscellaneous and Transitory Provisions.—Clauses 64, 65.)

- (ii) a committee constituted from among its own members, or
- (iii) a committee constituted in accordance with the Statutes or the Ordinances, or
- (iv) the Academic Council, or
- (v) the Finance Committee;
- (c) the Academic Council may delegate any of its powers or duties, conferred or imposed by or under this Act, to—
 - (i) the Vice-Chancellor, or
 - (ii) a committee constituted from among its own members, or
 - (iii) a committee constituted in accordance with the regulations, or
 - (iv) any of the Board of Studies;
- (d) the Finance Committee may delegate any of its powers or duties, conferred or imposed by or under this Act, to—
 - (i) the Vice-Chancellor, or
 - (ii) a committee constituted from among its own members,

Completion of courses for students in colleges affiliated to the former University.

64. (1) Notwithstanding anything contained in this Act, the Statutes, the Ordinances and the Regulations, any student of a college affiliated formerly to any other University, who was studying for any examination of such other University, shall upon admission of such college to the privileges of the University, be permitted to complete his course in preparation thereof and appear for examinations conducted by the former University or the University shall hold, for such students, examinations in accordance with the curricula of study in force in the former University for such period as may be determined.

(2) Every student carrying out his course of study in the David Hare Training College affiliated to the University of Calcutta, on the date of coming into force of this Act, shall continue to be registered under the University of Calcutta and shall be permitted to complete his course in preparation thereof and appear for examinations conducted by the University of Calcutta or the University shall hold, for such students, examinations in accordance with the curricula of study in force in the University of Calcutta for such period as may be determined by the University in consultation with the University of Calcutta.

Transitory provisions and repeal.

65. (1) The Chancellor shall, within three months from the date of publication of this Act in the *Official Gazette*, appoint a person to be the Vice-Chancellor under subsection (4) of section 66, and he shall be the first Vice-Chancellor of the University and shall hold office for such period as may be determined by the Chancellor in consultation with the Minister, from time to time, or his attaining of sixty-five years, whichever is earlier. The first Vice-Chancellor shall exercise all the powers and perform all the duties of the Vice-Chancellor under this Act.

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

(3) The first Vice-Chancellor shall within one year from the date of his appointment or within such longer period, not exceeding two years from the date of his appointment, as the State Government may direct, cause arrangements to be made for constituting the Court, the Executive Council, the Academic Council and the

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Boards of Studies in accordance with the provisions of the first Statutes, the first Ordinances and the first Regulations of the University as framed under sub-section (2), as if they had already come into force.

(4) If, for any reason,—

- (a) the constitution of the Court, the Executive Council and other bodies referred to in sub-section (3) cannot be completed within the period of office of the first Vice-Chancellor appointed under sub-section (1), then on the expiry of such period, the Chancellor may in consultation with the Minister, on such terms and conditions as he thinks fit, appoint the first Vice-Chancellor whose period of office has expired or another person to be the Vice-Chancellor for the purpose of this section for such period not exceeding two years or his attaining of sixty-five years, whichever is earlier, as the Chancellor thinks fit, or
- (b) a vacancy occurs in the office of the first Vice-Chancellor before the expiry of the period of his office, then, the Chancellor may, in consultation with the Minister, on such terms and conditions as he thinks fit, appoint another person to be the Vice-Chancellor for the purposes of this section for the unexpired portion of such period or such further period not exceeding three years or his attaining of sixty-five years, whichever is earlier, as the Chancellor thinks fit, and references in this Act to the first Vice-Chancellor shall be deemed to include references to the Vice-Chancellor appointed under this sub-section.

(5) The State Government shall, by notification in the *Official Gazette*, appoint a date and on and from such date the Court, the Executive Council, the Academic Council and the Boards of Studies shall commence to exercise their respective functions and the first Statutes, the first Ordinances and the first Regulations of the University as framed under sub-section (2) shall come into force and shall be the first Statutes, the first Ordinances and the first Regulations of the University.

(6) The first Statutes, the first Ordinances and the first Regulations of the University shall remain in force until new Statutes, new Ordinances and new Regulations are made under the provisions of this Act.

(7) The first Vice-Chancellor may subject to the approval of the Chancellor, appoint such administrative, clerical and other staff as he deems necessary for giving effect to the provisions of this section.

(8) (a) All properties and all rights of whatever kind used, enjoyed or, possessed by, all interests of whatever kind owned by or, vested in or, held in trust by or, for the existing college as well as liabilities legally subsisting against the existing college shall pass to the University as constituted under this Act.

(b) All sanctioned posts of the existing college shall stand transferred to the University and all Government employees employed in the College will continue to function under the University in their existing capacities till such time the posts are actually filled up by the University or the incumbents are posted elsewhere by appropriate Government Orders or Notifications to be issued from time to time. The said Government employees during their tenure in the University will continue to enjoy the same pay and allowances upon the same terms and conditions of service with the

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same rights and privileges as to pension, gratuity, provident fund, savings cum group insurance scheme and other matters as they would enjoy as the State Government employees:

Provided that the State Government may consider creation of appropriate number of cadre-specific supernumerary posts or shadow posts under the aegis of Higher Education Department or Education Directorate to protect the interest of these Government employees.

(c) All Government employees including teachers, librarians and non-teaching staff who have been employed in the existing college or, are liable to be posted to the existing college shall be given opportunity to exercise their option for being considered for selection in the University services in a phased manner as may be decided by the State Government by issuing of suitable orders or notifications from time to time :

Provided that the last date for such option shall not be later than one year after the appointed day:

Provided further that no employee who has opted for being considered for selection in University services shall be debarred for selection in University services only on the ground that he has already exceeded the upper age limit for recruitment to the concerned post.

(9) On and from the appointed day:—

- (a) section 66 shall stand repealed and thereupon the West Bengal University of Teachers' Training, Education Planning and Administration Council referred in sub-section (1) of the said section, and all bodies and all committees constituted by the said Council, shall stand dissolved;
- (b) all colleges and institutions of whatever kind established, maintained or managed by any other University and affiliated to or recognised by that University prior to the appointed day shall be deemed to be colleges or institutions established, maintained or managed by the University under this Act;
- (c) all affairs, functions or activities of the University, including studies and examinations, commenced and in progress before the appointed day, shall be deemed to be in progress as if they had been commenced by the University under this Act;
- (d) all things done or deemed to have been done, and all actions taken or deemed to have been taken and all appointments made in relation to any college or institution referred to in clause (b) or under any law in force for the time being, shall be deemed to be things done or actions taken or appointments made by the University under this Act as if this Act had been in force when such things were done or actions taken or such appointments made, provided that until the appointed day references to the Vice-Chancellor under any such law shall be deemed to be references to the first Vice-Chancellor under this Act.

(10) In construing the provisions of section 17, section 20, section 22 and section 24 and in construing the provisions of the first Statutes, the first Ordinances and the Regulations of the University in relation to the constitution, under this section, of the Court, the Executive Council, the Academic Council and the Boards of Studies, references to the Heads of departments of teaching of the University, the University Professors, University Associate Professors, University Assistant Professors, and

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teachers of the University shall be deemed to be references to the persons holding offices respectively as the Heads of teaching Departments, Professors, Associate Professors, Assistant Professors and teachers of the University, if any, immediately before the date of appointment of the first Vice-Chancellor.

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

West Bengal University of Teachers' Training, Education Planning and Administration Council.

66. (1) With effect from such date as the State Government may, by notification in the Official Gazette, appoint, and until the appointed day all the powers and functions of the University, the Court, the Executive Council, the Academic Council, the Boards of Studies, the Finance Committee and all other authorities to be constituted under this Act or the Statutes or the Ordinances shall, respectively, be exercised and performed by a Council to be known as the West Bengal University of Teachers' Training, Education Planning and Administration Council.

(2) The following shall be the members of the Council:

- (i) the Chancellor;
- (ii) the Vice-Chancellor;
- (iii) the Pro-Vice-Chancellor;
- (iv) the Secretary, Department of Higher Education, Government of West Bengal or his nominee not below the rank of Joint Secretary to the Government of West Bengal;
- (v) the Secretary, Department of School Education, Government of West Bengal or his nominee not below the rank of Joint Secretary to the Government of West Bengal;
- (vi) the Secretary, Department of Technical Education and Training, Government of West Bengal or his nominee not below the rank of Joint Secretary to the Government of West Bengal;
- (vii) the Secretary, Finance Department, Government of West Bengal or his nominee not below the rank of Joint Secretary to the Government of West Bengal;
- (viii) Member Secretary, West Bengal State Council of Higher Education;
- (ix) the President, West Bengal Council of Higher Secondary Education;
- (x) the President, West Bengal Madrasah Education Board;
- (xi) the President, West Bengal Board of Secondary Education;
- (xii) the President, West Bengal Council for Higher Secondary Education;
- (xiii) not less than ten and not more than fifteen persons nominated by the Chancellor in consultation with the Minister from amongst the persons interested in university education, Principals and teachers of affiliated colleges and teachers of the University.

(3) The Registrar of the University shall act as the Secretary of the Council.

(4) The first Vice-Chancellor shall be appointed by the Chancellor in consultation with the Minister on the basis of recommendation made by a Search Committee comprising three eminent educationists constituted for this purpose by the State Government.

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(5) The first Registrar, the first Finance Officer, the First Controller of Examination and such other officers of the University (including technical personnel) as may be required to be appointed from time to time shall be appointed by the Council on the recommendation of a committee consisting of the Vice-Chancellor as Chairman, a nominee of the Council, a nominee of the Chancellor and a nominee of the State Government, and subject to the supervision, direction and general control of the Vice-Chancellor, they shall exercise all the powers and perform all the duties conferred and imposed on them by or under this Act, or delegated to them by the Vice-Chancellor.

(6) The Council may, subject to the approval of the State Government, appoint such administrative, clerical and other staff (including technical staff) as it deems necessary for giving effect to the provisions of this section.

(7) The Council may, with the approval of the Chancellor, delegate any of its powers and functions to such body or bodies as may be constituted by it to carry on the functions of the Court, the Executive Council, the Academic Council, the Board of Studies, the Finance Committee and all other authorities to be constituted under this Act or the Statutes or the Ordinances:

Provided that such delegation shall not prevent the exercise of any such power or discharge of any such functions by the Council.

(8) (a) (i) The Chancellor, or in his absence the Vice-Chancellor, shall preside at the meetings of the Council;

(ii) twenty-five percent of the members of the Council shall be a quorum for a meeting of the Council;

(b) twenty-five percent of the members of any Body constituted by the Council shall be a quorum for a meeting of such body.

(9) No act or proceeding of the Council or of any Body constituted by it shall be invalid or called in question by reason of the existence of any vacancy, initial or subsequent, in the Council or in any Body constituted by the Council, as the case may be.

(10) The other provisions of this Act shall, if in conflict with the provisions of this section, stand modified to the extent provided in this section:

Provided that nothing in this sub-section shall effect the power of the Chancellor or the Vice-Chancellor under this Act.

(11) If a vacancy occurs in the office of the Vice-Chancellor by reason of death, resignation or expiry of his office or otherwise, the same shall be filled up by the Chancellor in consultation with the Minister.

(12) Any vacancy in the Council occurring by reason of death, resignation or otherwise shall be filled up by the Chancellor in consultation with the Minister and the Vice-Chancellor, in so far as such filling up is not inconsistent with the provisions of this section.

(13) If, by reason of the other provisions of this Act, any difficulty arises in giving effect to the provisions of this section, the Council shall refer such difficulty to the State Government which may make such order or do such thing, not inconsistent with the provisions of this section, as appears to it to be necessary or expedient for removing the difficulty.

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Powers to give directions.

Removal of difficulties.

67. The State Government shall have powers to give directions to the University for any purpose not inconsistent with the provisions of this Act, which the University shall comply.

68. If on account of any lacuna or omission in the provisions of this Act, or for any other reason whatsoever, any difficulty arises as to the first constitutions of any authority or the University under this Act, or otherwise in giving effect to the provision of this Act, the State Government, as occasion may require, may by order do anything which appears to it to be necessary for the purpose of removing the difficulty notwithstanding anything to the contrary contained elsewhere in this Act or in any other law.

STATEMENT OF OBJECTS AND REASONS.

Considering the recommendations made by the Supreme Court-appointed Justice Verma Commission with a view to improve the quality of pre-service and in-service teacher(s) education at the graduate and post-graduate level, and with a view to bringing all institutions imparting teachers' training, education planning and administration under a common umbrella, and further aiming to institutionalize Faculty Development programmes, it is proposed that a State-aided University may be constituted by upgrading the existing David Hare Training College, a Government College, situated at 25/3 Ballygunj Circular Road, Kolkata.

2. In West Bengal, there are several institutions, both State-aided and self-financing, imparting education and training of pre-service and in-service teachers at the undergraduate and post-graduate levels, such as Primary Teachers' Training Institutes, B. Ed. and M. Ed. Colleges, B. P. Ed. and M. P. Ed. Colleges, District Institutions of Education and Training, Institutes of Advance Studies in Education etc. All these institutions and colleges are at present affiliated to different State-aided Universities and also controlled administratively by different Departments of the State Government. With a view to bringing all such institutions under a single administrative command in terms of their structure, course curricula, fee structure, admission process etc., a need is felt to constitute a University for this purpose.

3. It has also been felt necessary to constitute a University to provide quality education in the field of teachers' education and teachers' training for both pre-service and in-service teachers in post-graduate, undergraduate and primary education, and also in the field of academic planning and administration.

4. In view of these above, the Department has decided to upgrade the existing David Hare Training College into a University by using its properties and infrastructures and also to make the University as a centre of excellence in the field of teacher education, teachers' training, education planning and administration and accordingly, prepare the West Bengal University of Teachers' Training, Education Planning and Administration Bill, 2014.

5. The Bill has been framed with the above objectives and views.

KOLKATA,
The 30th October, 2014.

PARTHA CHATTERJEE,
Member-in-charge.

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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 30th October, 2014.

PARTHA CHATTERJEE,
Member-in-charge.

By order of the Governor,

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