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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. 1867-L.—4th December, 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. 26 of 2014

THE AMITY UNIVERSITY BILL, 2014.

A

BILL

to provide for the establishment and incorporation of the Amity University at Rajarhat, New Town in the district of North 24-Parganas, West Bengal and to confer the status of a Private University thereon and for matters connected therewith and incidental thereto;

WHEREAS it is expedient to provide for the establishment and incorporation of the Amity University at Rajarhat, New Town, in the district of North 24-Parganas, West Bengal promoted by the Ritnand Balved Education Foundation, a society, registered under the Societies Registration Act, 1860, and to confer the status of a Private University thereon and for matters connected therewith and incidental thereto. 21 of 1860.

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

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(Clauses 1, 2.)

Short title, extent and commencement.

1. (1) This Act may be called the Amity University Act, 2014.

(2) It shall extend to the whole of the State of West Bengal.

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

Definitions.

2. In this Act, unless the context otherwise requires:—

(1) **"Academic Council"** means the Academic Council of the University;

(2) **"Administrator"** means the Administrator appointed under this Act by the State Government;

(3) **"Chairman"** means the Chairman of the Governing Board;

(4) **"Chancellor"** means the Chancellor of the University;

(5) **"distance education"** means education imparted by a combination of any two or more means of communication like contact programmes, correspondence courses, online courses, broadcasting, telecasting, seminars and any other such methodology;

Note.—Through distance education a student is expected to study a course or a part of it without being present physically;

(6) **"employee"** means a person appointed by the University to work in the University or its study centres, off-campus centres, off-shore campus and includes a teacher, officer and any other employee of the University other than the Visitor;

(7) **"fee"** means collection of money made by the University from the students for the purpose of any course of study and incidental thereto, in the University;

(8) **"Finance Committee"** means the Finance Committee of the University;

(9) **"Governing Board"** means the Governing Board of the University;

(10) **"Governor"** means the Governor of the state of West Bengal;

(11) **"Off-campus centre"** means a centre of the University established by it outside the main campus, operated and maintained as its constituent unit, having the University's complement of facilities and employees;

(12) **"Off-shore campus"** means a campus of the University established by it outside India, operated and maintained as its constituent unit, having the University's complement of facilities and employees;

(13) **"prescribed"** means prescribed by rules made under this Act;

(14) **"registered office"** means the registered office of the University;

(15) **"Regulatory Body"** means—

(a) a body established by the Central Government for laying down norms and conditions for ensuring academic standards of higher education in its designated areas of coverage, including University Grants Commission, All India Council for Technical Education, Council for Scientific and Industrial Research, Department of Science and Technology, Distance Education Council, Indian Council of Scientific Research, National Assessment and Accreditation Council, National Council for Teacher Education,

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(Clause 3.)

Pharmacy Council for India, Bar Council of India, Medical Council of India, Dental Council of India, Indian Nursing Council, Central Council of Homoeopathy, Central Council of Indian Medicine, Council of Architecture, Rehabilitation Council of India and such other statutory body as may be established or incorporated by the Central Government for the purpose of regulating higher education; and

(b) the State Government of West Bengal in the Higher Education Department;

(16) **"Regulatory Committee"** shall mean the committee constituted by the State Government for the purpose of this Act;

(17) **"Sponsoring Society"** in relation to the University means the Ritnand Balved Education Foundation, a society duly registered under the Societies Registration Act, 1860; 21 of 1860.

(18) **"State Government"** means the Government of West Bengal in the Higher Education Department;

(19) **"Statutes, Regulations and Ordinances"** shall mean respectively the Statutes, the Regulations and the Ordinances of the University as may be framed by the University in the manner provided under this Act with prior approval of the State Government;

(20) **"Student"** means a person enrolled in the University for taking a course of study leading to a degree, diploma, certificate or other academic distinction duly instituted by the University including a research degree;

(21) **"Study Centres"** means a centre established and maintained or recognized by the University for the purpose of advising, counselling or for rendering any other assistance required by the student in the context of distance education;

(22) **"Teacher"** means a Professor, Associate Professor, Assistant Professor, or any other person required to impart education or to guide research or to render guidance in any other form to the students for pursuing a course of study in the University for the purpose of this Act;

(23) **"University"** means the Amity University established and incorporated under section 3 of this Act;

(24) **"University Grants Commission"** means the University Grants Commission, established under the University Grants Commission Act, 1956. 3 of 1956.

Establishment and incorporation of the University.

3. (1) There shall be established and incorporated a University by the name of the Amity University at Rajarhat, New Town, North 24-Parganas within the territory of West Bengal duly sponsored and financed by the Ritnand Balved Education Foundation, a society duly registered under the Societies Registration Act, 1860 more specifically described under Schedule A of this Act.

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

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(Clauses 4, 5)

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

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

(5) The headquarters of the University shall be at the University campus at Rajarhat, New Town, North 24-Parganas, West Bengal.

(6) The University may have departments or schools or centres anywhere in the State of West Bengal as may be decided by the Governing Board with prior approval of the State Government and the relevant Regulatory Bodies.

(7) All existing institutes and campuses held by the sponsoring society or any other society or trust in the State, may be integrated within the University after being subsumed by the University in due course as may be decided by the Governing Board and with prior approval of the State Government in writing:

Provided that every such institute so subsumed within the University shall, under no circumstances, be permitted to be used or operated as the University study centre, University campus, off-campus, off-shore campus or in any like manner within such period as may be determined by the Regulatory Body from time to time:

Provided further that the procedure of subsumption shall be such as may be notified by the State Government.

Properties of the University and its application.

4. (1) The movable and immovable properties held by the Sponsoring Society as described under Schedule B shall vest absolutely to the University with effect from the date of coming into force of this Act.

(2) The properties, movable or immovable, as vested to the University shall be used and administered by the Governing Board in such manner as may be provided for by the Regulations.

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

Restrictions and obligations of the University.

5. (1) The tuition fees for professional courses such as Engineering and Technology, Management etc., in the University shall be such as may be determined by the University with the approval of the State Government from time to time.

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

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

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

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

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(Clause 6.)

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

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

Objects of the University.

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

(i) to provide instruction, teaching, training and research in various branches and specialized fields of study of Science, Technology, Medicine, Management, Law, Humanities, Social Sciences, Education, Performing Arts, Sports and any other fields of study including the imparting of skills that have employment potentiality;

(ii) to establish the main campus at Rajarhat, New Town, North 24-Parganas, West Bengal, and to have study centres, campuses, Off-campus centres, Off-shore campuses and regional centres at different places in India and abroad as per the norms and regulations of the University Grants Commission and other relevant Regulatory Bodies;

(iii) to provide regular and distance education programmes;

(iv) to institute degrees, diplomas, certificates and other academic distinctions on the basis of examination, or any other method of evaluation;

(v) to collaborate with other colleges or Universities, research institutions, industry associations, professional associations or any other organization, in India and abroad, and to conceptualize, design and develop specific educational and research programmes, training programmes and exchange programmes for students, faculty members and others;

(vi) to disseminate knowledge through seminars, conferences, executive education programmes, community development programmes, publications and training programmes;

(vii) to undertake programmes for the training and development of faculty members and teachers of the University and other institutions in India and abroad;

(viii) to undertake collaborative research with any organization in India and abroad;

(ix) to create higher levels of intellectual abilities;

(x) to create entrepreneurs by providing necessary skills and support;

(xi) to provide consultancy to industry, Government, public and private organization;

(xii) to create an Industry Academia partnership by inviting industry and institutions in the University campus and other university places for mutual benefits;

(xiii) to ensure that the standard of degrees, diplomas, certificates and other academic distinctions are not lower than those laid down by the Regulatory Bodies in India;

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(Clauses 7, 8.)

(xiv) to do all things necessary or expedient to promote the objectives of this Act;

(xv) to pursue any other objective as may be assigned to the University by the State Government.

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

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

Powers and functions of the University.

8. Subject to the provisions of this Act and the policy of the State Government in this regard, the University shall exercise the following powers and functions, namely:—

(i) to administer and manage the University, its departments, schools, centres for research, education and instruction as are necessary for the furtherance of the objects of the University;

(ii) to provide for instruction, education, training and research in such branches of knowledge or learning of its programmes of study and allied areas;

(iii) to conduct innovative experiments in new methods and technologies in the core and emerging fields of education to achieve high standards of such education, training and research;

(iv) to provide courses and curricula and to provide for flexibility in the education system and delivery methodologies, including electronic and distance learning;

(v) to hold examinations through physical or electronic mode and to confer degrees, diplomas or to grant certificates and other academic distinctions or to award titles on persons, subject to such conditions, as the University may determine, and to withdraw or cancel any such degrees, diplomas, certificates, or other academic distinctions or titles in the manner provided for by the Regulations;

(vi) to confer ordinary and honorary degrees or other distinctions in the manner provided for by the Statutes;

(vii) to establish such centres, specialized study centres or other units within the campus and departments for research and instruction as are in the opinion of the University necessary for the furtherance of its objects;

(viii) to provide printing, reproduction and publication of research and other works and to organize exhibitions;

(ix) to sponsor and undertake research in all aspects of information and communication technology and allied areas;

(x) to collaborate or associate with, advise, administer, control, develop, maintain, or take over by way of merger or otherwise, any educational institution having similar objects;

(xi) to develop and maintain linkages with educational or other institutions in any part of the world through exchange of teachers and scholars in such manner as may be conducive to their common objects;

(xii) to develop and maintain relations with teachers, researchers, and domain experts in information and communication technology and allied areas in any part of the world for achieving the objects of the University;

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(Clause 8.)

(xiii) to regulate expenditure and to manage the finances and to maintain accounts of the University;

(xiv) to receive funds from industry, institutions, national and international organizations, national or international financial institutions including nationalized banks or from any other source, or to receive loans, subsidies, grants, assistance, donations, benefactions, bequests and to transfer of movable and immovable properties, for the purposes and objects of the University in such manner as may be provided for by the Regulations;

(xv) to establish, maintain and manage halls and hostels for the use and residence of the students;

(xvi) to supervise and control the residence and regulate the discipline of the students of the University and to make arrangements for promoting their health, general welfare and cultural activities;

(xvii) to fix, demand, receive and recover fees and such other charges as may be provided for by the Regulations;

(xviii) to institute and award fellowships, scholarships, prizes, medals and other awards;

(xix) to purchase or to take on lease or accept as gifts or otherwise any land, or building or works or any other movable or immovable property which may be necessary or expedient for the purpose of the University and for its expansion and on such terms and conditions as it may deem fit and proper and to construct or alter and maintain any such building or works;

(xx) to lease, exchange, or otherwise dispose of all or any of the properties of the University, movable or immovable, on such terms as it may think fit and consistent with the interest, activities and objects of the University in such manner as may be provided for by the Regulations;

(xxi) to draw and accept, to make and endorse, to discount and negotiate all promissory notes, bills, exchange, cheques or other negotiable instruments;

(xxii) to raise and borrow money on bond, mortgages, promissory notes or other obligations or securities founded or based upon all or any of the properties and assets of the University or without any securities and upon such terms and conditions as it may think fit and to pay out of the funds of the University, all expenses incidental to the raising of money, and to repay and redeem any money borrowed;

(xxiii) to invest the funds of the University in such securities and transpose any investment from time to time in such manner as it may deem fit in the interest of the University;

(xxiv) to execute conveyances regarding transfers, mortgages, leases, licences, agreements and other conveyances in respect of property, movable or immovable including Government securities belonging to the University or to be acquired for the purpose of the University within the guidelines of the Central Government and the State Government and the Reserve Bank of India;

(xxv) to admit students into the courses offered by the University in the manner as may be provided for by the Regulations;

(xxvi) to create academic, technical, administrative, ministerial and other posts and to make appointment thereto;

(xxvii) to regulate and enforce discipline among the emoloyees of the University and to provide for such disciplinary measures as may be provided for by the Regulations;

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(Clauses 9, 10.)

(xxviii) to institute Professorship, Associate Professorship, Assistant Professorship and any other teaching, academic or research posts and to prescribe qualifications for them not repugnant to the requirement of the Regulatory Bodies;

(xxix) to appoint persons as Professors, Associate Professors, Assistant Professors as teachers and researchers of the University;

(xxx) to do all such other acts and things as the University may consider necessary, conducive or incidental to the attainment of all or any of the objects of the University.

Teaching in the University.

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

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

The Visitor.

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

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

(3) The Visitor shall have the power to call for any paper or information relating to the affairs of the University and on the basis of the information received by the Visitor, if he is satisfied that any order, proceeding, or decision taken by any authority of the University is not in conformity with the policy of the State Government in this regard or the provisions of this Act or the Rules, the Statutes, the Regulations or the Ordinances of the University, he may issue such directions as he may deem fit in the interest of the University and the directions so issued shall be complied with by the University.

(4) The Visitor shall have the power to cause an inspection to be made by such person or persons as he may direct, of the University, its building, libraries, laboratories and equipment, and of any centre, department, institution, school or campuses maintained by the University and also of the examinations, teaching and other work conducted or done by the University and to cause an inquiry to be made in like manner in respect of any matter connected with the administration or finances of the University and its centres, departments, institutions or schools.

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

(6) Without prejudice to the generality of the foregoing provisions of this section, the Visitor may, by order in writing annul any proceeding of any meeting of any authority or committee of the University which is not in conformity with this Act or the rules or the policy of the State Government or the Statutes or the Regulations or the Ordinances of the University:

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

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

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(Clauses 11-13.)

Authorities of the University.

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

(a) the Governing Board;

(b) the Academic Council;

(c) the Finance Committee; and

(d) such other authorities as may be declared by the Statutes of the University to be the authorities of the University.

Officers of the University.

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

(a) the Chancellor;

(b) the Vice-Chancellor;

(c) the Deans;

(d) the Registrar;

(e) the Law Officer;

(f) the Chief Finance Officer;

(g) the Controller of Examinations; and

(h) such other persons as may be declared by the Statutes of the University to be officers of the University.

The Governing Board, its powers and functions.

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

(i) the Chancellor, who shall be the Chairman of the Governing Board;

(ii) two representatives of the Sponsoring Society to be nominated by the Society;

(iii) the Vice-Chancellor of the University;

(iv) three academicians to be nominated by the Visitor, the State Government and the Chancellor respectively;

(v) three experts representing other disciplines such as finance, legal, management or humanities, to be nominated by the Chancellor;

(vi) two representatives from the industrial sector to be nominated by the Chancellor; and

(vii) the Registrar, who shall be the Secretary of the Governing Board.

(2) The Governing Board shall be the supreme authority of the University and all the powers and functions as conferred to the University under this Act shall be executed by the Governing Board.

(3) In addition to the powers and functions conferred under section 8 of this Act, the Governing Board shall also have the following powers, namely:—

(a) to provide general superintendence and directions and to control the functioning of the University;

(b) to frame Statutes, Regulations, Ordinances and to place them before the State Government for approval;

(c) to borrow or invest the funds of the University and to take decisions in this regard on recommendation of the Finance Committee;

(d) to create or to abolish posts of teachers and other employees of the University;

(e) to review the decisions of other authorities of the University in case they are not in conformity with the provisions of this Act or the rules or the Statutes or the Regulations or the Ordinances of the University;

(f) to prepare the budget and annual report of the University;

(g) to lay down the academic, administrative and other policies to be followed by the University;

(h) to recommend to the Sponsoring Society, in consultation with the Visitor, about the voluntary winding up of the University if a situation arises where the smooth functioning of the University is not possible, in spite of all efforts;

(i) such other powers as may be provided for by the Statutes or by the Regulations or by the Ordinances of the University.

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

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

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

Chancellor of the University and its powers.

14. (1) The Chancellor shall be appointed by the Sponsoring Society.

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

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

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

(a) to call for any information or record of the University;

(b) to appoint the Vice-Chancellor;

(c) to remove the Vice-Chancellor in accordance with the provisions made under this Act;

(d) such other powers as may be provided for by the Statutes.

The Vice-Chancellor.

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

(2) The Vice-Chancellor shall be an educationist and must meet the eligibility criteria, if any, as determined by the Regulatory Bodies.

(3) The term of the office of the Vice-Chancellor shall be determined by the Governing Board.

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

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

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

(7) The Vice-Chancellor shall also exercise such powers and perform such duties as may be provided for by the Statutes.

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

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

The Academic Council.

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

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

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

(4) The quorum for meetings of the Academic Council shall be such as may be provided for by the Statutes.

Powers and functions of the Academic Council.

17. Subject to the provisions of this Act, the rules and the Statutes, the Academic Council shall, in addition to all other powers vested in it, have the following powers, namely:—

(i) to exercise general supervision over the academic policies of the University and to give directions regarding methods of instruction, evaluation of research or improvement in academic standards;

(ii) to bring about inter-faculty co-ordination, and to establish or appoint committees or boards, for taking up projects on an inter-faculty basis; and

(iii) to suggest framing of such Regulations consistent with the provisions of this Act, the rules, the Statutes, the Regulations and the Ordinances regarding the academic functioning of the University, discipline, residence, admissions, award of fellowships and studentships, fee concessions, corporate life and attendance.

The Deans.

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

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

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(Clauses 19-23.)

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

The Registrar.

19. (1) The Registrar shall be appointed by the Chancellor on recommendation of the Sponsoring Society in such manner, as may be provided for by the Statutes.

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

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

(4) The Registrar shall exercise such other powers and perform such other functions as may be provided for by the Statutes.

The Law Officer, Chief Finance Officer and the Controller of Examinations.

20. (1) The appointment of the Law Officer, the Chief Finance Officer and the Controller of Examinations shall be made by the Chancellor in such manner and with such terms and conditions as may be provided for by the Statutes.

(2) The Law Officer, the Chief Finance Officer and the Controller of Examinations shall exercise such powers and perform such functions as may be provided for by the Statutes.

The Finance Committee.

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

(2) The constitution, powers and functions of the Finance Committee shall be such as may be provided for by the Statutes.

Other Officers.

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

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

The Faculty Councils for Postgraduate and Under-graduate Studies.

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

(2) Each Faculty Council for Post-graduate and Undergraduate Studies shall consist of the following members:—

(i) the Vice-Chancellor—Chairman;

(ii) the Dean of the Faculty Council concerned;

(iii) the Head or Heads of the Department or Departments concerned, if any;

(iv) the Professors and the Associate Professors of the Department concerned, if any;

(v) the Librarian of the University and if the post of Librarian is vacant then the person acting as Librarian of the University;

(vi) five Teachers of the University, other than Professors and Associate Professors, to be nominated by the Chancellor.

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

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(Clauses 24, 25.)

Powers and functions of the Faculty Council for Postgraduate and Under-graduate Studies.

24. Subject to the provisions of this Act, the rules, the Statutes, the Regulations and the Ordinances made thereunder, the Faculty Council for Post-graduate and Undergraduate Studies shall exercise the following powers and perform the following functions, namely:—

(i) to make proposals to the Governing Board for the establishment of University departments, institutions, libraries, laboratories and museums for study and research to be maintained by the University;

(ii) to recommend to the Governing Board the creation and institution of Professorships, Associate Professorships, Assistant Professorships and other teaching posts and their emoluments thereof;

(iii) to make proposals to the Governing Board for the promotion of research and, through special committees, if any constituted for the purpose, to call for reports on such research work from persons engaged therein, and to make recommendations to the Governing Board thereon;

(iv) to make proposals to the Governing Board regarding provisions to be made for enabling the University to undertake specialization of studies and for organization of common laboratories, libraries, museums, institutes of research and other institutions, maintained by the University;

(v) to advise the Governing Board on institution of degrees, titles, diplomas, certificates and other academic distinctions;

(vi) to hold and conduct, subject to general supervision by the Governing Board, University examinations and publish the results thereof in accordance with the Regulations made in this regard;

(vii) to provide for the inspection or the investigation into the affairs of any department and submit report to the Governing Board;

(viii) to frame guidelines relating to the courses of Post-graduate and Under-graduate Studies and the division of subjects in regard thereto including interdisciplinary or multidisciplinary integrated courses in selected subjects and to recommend to the Governing Board the making of Regulations in this regard;

(ix) to call for such reports or information as the Academic Council may consider necessary for efficient discharge of its duties from the teaching departments or the research units;

(x) to consider any educational matter relating to the Faculty Council and to arrive at a decision or to make recommendations pertaining thereto to the appropriate authority or officer;

(xi) to submit each year its annual report to the Governing Board;

(xii) to consider and approve results of examinations leading to undergraduate and post-graduate degrees, diplomas and certificates;

(xiii) to recommend to the Governing Board the conferment of undergraduate and post-graduate degrees, diplomas and certificates;

(xiv) to exercise all other powers and perform all other functions conferred and imposed on it by or under this Act and such other powers as may be provided for by the Statutes.which are not repugnant to the provisions of this Act.

Other authorities.

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

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

The Amity University Bill, 2014.

(Clauses 26-28.)

Regulatory Committee.

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

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

(3) The recommendation of the Regulatory Committee shall be binding on the University.

(4) Until such time the Regulatory Committee is constituted, the West Bengal State Council of Higher Education constituted under the provisions of the West Bengal State Council of Higher Education Act 1994, will function as the Regulator for the University.

West Ben. Act XXXVII of 1994.

Act not to be invalidated by reason of vacancy.

27. No act or proceeding of the Governing Board or any authority of the University or any committee constituted under this Act or the rules or the Statutes or the Regulations or the Ordinances shall be questioned merely on the ground of the existence of a vacancy in or defect in the constitution of the Governing Board, Authority or Committee of the University.

The First Statutes.

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

(a) the constitution, powers and functions of the authorities and other bodies of the University as may be constituted under this Act;

(b) the terms and conditions of appointment of the Vice-Chancellor, his powers, functions and removal thereof;

(c) the manner and procedure including the terms and conditions of appointment of the Registrar, the Law Officer, the Chief Finance Officer and the Controller of Examinations and their powers and functions;

(d) the manner and procedure including the terms and conditions of appointment of all other officers and teachers of the University and their powers and functions thereof;

(e) the terms and conditions of service of the employees of the University;

(f) the procedure for arbitration in case of disputes between officers, teachers, employees and students;

(g) the conferment of honorary degrees;

(h) the provisions regarding exemption of students from payment of tuition fee and for awarding to them scholarships and fellowships in consonance with the regulations of relevant Regulatory Body;

(i) provisions regarding the policy of admissions, including regulation of reservation of seats in consonance with the regulations of relevant Regulatory Body;

(j) provisions regarding number of seats in different courses of study; and

(k) such other provisions as may be necessary in the functioning of the University.

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(Clauses 29, 30.)

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

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

Appointment of teachers and non-teaching employess in the University.

29. (1) The University may create as many posts of teachers and non-teaching employees in the University and may appoint such teachers and non-teaching employees of their own, in consonance with the norms provided by the relevant Regulatory Bodies.

(2) The University shall have the power to make Regulations regarding terms and conditions of service including the procedure of disciplines of the employees of the University, and these shall be consistent with the norms and standards provided by the Regulatory Bodies.

Funds and accounts of the University.

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

(a) fees and other charges received by the University from the students;

(b) any contribution made by the Sponsoring Society;

(c) any income received from consultancy and other work undertaken by the University in pursuance of its objectives;

(d) trusts, bequests, donations, endowments and any other grants; and

(e) all other sums received by the University from any source whatsoever.

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

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

(b) for upkeep of the assets of the University;

(c) for the payment of cost of audit of the University;

(d) for meeting the expenses of any suit or proceedings to which the University is a party;

(e) for payment of salaries and allowances of the officers and non-teaching employees of the University and members of the teaching and research staff and for payment of any provident fund contribution, gratuity and other benefits to any such officers, employees and members of teaching and research staff;

(f) for the payment of travelling and other allowances of the members of the Governing Board, the Academic Councils and other authorities so declared under the Statutes of the University and of the members of any committee appointed by any of the authorities or by the Chancellor or the Vice-Chancellor and other officers and employees in performance of official duties, as the case may be, of the University;

(g) for the payment of fellowships, free-ships, scholarships, assistance-ships and other awards to the students belonging to economically weaker sections of the society or research associates or trainees, as the case may be, or to any student otherwise eligible for such awards under the Statutes, Regulations and the Ordinances;

The Amity University Bill, 2014.

(Clauses 31-33.)

(h) for the payment of any expense incurred by the University in discharging its functions;

(i) for payment of cost of capital not exceeding the prevailing bank rate of interest, incurred by the Sponsoring Society for setting up the University and the investment made therefor;

(j) for the payment of charges and expenditure relating to the consultancy work undertaken by the University in pursuance of this Act; and

(k) for the payment of any other expenses including service fees payable to any organization charged with the responsibility of providing any specific service, including the managerial services to the University on behalf of the Sponsoring Society, as approved by the Governing Board to be an expense incurred for the purpose of the University.

Endowment Fund of the University.

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

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

(2) The Endowment Fund shall be maintained until the dissolution of the University.

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

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

Pension and Provident Fund.

32. (1) The University shall, with the approval of the Governing Board, constitute for the benefit of the officers, teachers and other employees of the University, in such manner and subject to such terms and conditions as may be provided for by the Regulations, such scheme of pension, provident fund, gratuity and insurance as it may deem fit.

(2) Any provident fund instituted by the University for the benefit of its teachers, officers, or employees shall be governed by the provisions of Provident Funds Act, 1925, as if such fund were a Government Provident Fund and such provident fond may be maintained in a Government Treasury. 19 of 1925.

Annual accounts and audit.

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

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

(3) The accounts of the University shall be audited not less than once in every year by a statutory auditor who shall be a Chartered Accountant as defined in the Chartered Accountant Act, 1949 as may be appointed by the Governing Board. 38 of 1949.

(4) The annual statement of accounts shall, together with copies of the audit report be submitted to the Governing Board and to the State Government.

The Amity University Bill, 2014.

(Clauses 34, 35.)

Admission of students.

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

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

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

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

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

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

Examinations and results.

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

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

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

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

(3) The University shall declare the results of every examination conducted by it within a period of forty-five days from the last date of examination for that particular course:

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

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

(4) The University shall have power to award degrees or diplomas or titles or awards or certificates to any person involved in the course of study or in research in the University in accordance with the Regulations as may be framed or upon such terms and conditions as may be provided by the Regulatory Bodies.

The Amity University Bill, 2014.

(Clauses 36-38.)

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

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

Power to delegate.

37. Subject to the provisions of this Act and the rules made thereunder, any officer or authority of the University may, by order, delegate his or its powers, except the power to make the Statutes, the Regulations or the Ordinances of the University, to any other officer or authority under his or its control and subject to the conditions that the ultimate responsibility for the exercise of the power so delegated shall continue to vest in the officer or authority delegating them.

Powers to make Regulations.

38. (1) Subject to the provisions of this Act, the Governing Board shall have, in addition to all other powers vested in it, the power to make Regulations to be provided for the administration and management of the affairs of the University.

(2) In particular and without prejudice to the generality and foregoing powers, such Regulations may provide for all or any of the following matters, namely:—

(i) the summoning and holding of meetings of the authorities of the University other than the first meeting of the Governing Board, the quorum and conduct of business at such meetings;

(ii) the power and functions to be exercised and discharged by the Chancellor of the University;

(iii) the constitution, powers and duties of the other authorities, bodies and committees of the University established under this Act, the qualifications and disqualifications for membership of such authorities, bodies and committees, term of office of the membership, appointment and removal of members thereof and other matters connected therewith, and removal of members of the Governing Board, the Academic Council and the Finance Committee;

(iv) the procedure to be followed by the Governing Board and any Committee or other body constituted under this Act and the Statutes made thereunder, in conducting of their business;

(v) the procedure and the criteria to be followed in established courses of study and admission of students thereof;

(vi) the procedure to be followed by enforcing discipline in the University;

(vii) the management of the properties of the University;

(viii) the degrees, diplomas, certificates and other academic distinctions and titles which may be conferred or granted by the University and withdrawal or cancellation of any such degrees, diplomas, certificates and other academic distinctions and titles and the requirements thereof;

(ix) the conduct of examinations including the term of office and appointment of examiners;

(x) the creation of posts of Professors, Associate Professors, Assistant Professors or equivalent academic designations or posts, officers and employees of the University, and the appointment of persons to such posts including the qualifications requisite therefor;

(xi) the fees and other charges which may be paid to the University for the courses, training facilities and services provided by it;

(xii) the manner and conditions for constitution of insurance, pension and provident funds and such other schemes for the benefit of officers, teachers and other employees of the University;

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(Clauses 39-42.)

(xiii) the terms and conditions applicable for association of the University with other institutions;

(xiv) the preparation of budget estimates and maintenance of accounts;

(xv) the mode of execution of contracts or agreement by or on behalf of the University;

(xvi) the method of recruitment, classification and procedure for appointment of officers and staff of the University;

(xvii) the terms and conditions governing deputation of officers and staff of the University;

(xviii) the terms and conditions governing fellowship, scholarship, stipends, medals and prizes;

(xix) the authentication of the orders and decisions of the Governing Board;

(xx) the matters relating to hostels and halls of residence including disciplinary control therein;

(xxi) all other matters which by this Act are to be provided for by the Regulations.

Powers to make rules.

39. (1) Subject to the provisions of this Act, the State Government shall have powers to make rules for the purpose of duly carrying out the provisions of this Act.

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

Disqualification.

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

(i) is of unsound mind, or

(ii) is an undischarged insolvent, or

(iii) has been convicted by a court of law for an offence involving moral turpitude.

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

General powers of the State Government.

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

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

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

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

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

Powers to remove difficulty.

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

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(Clauses 43-45.—Schedule A, B.)

Report of the University.

43. The University shall submit a detailed annual report showing its academic performance and other relevant particulars of the University before the State Government within three months of the commencement of every academic year.

Accreditation of the University.

44. (1) The University shall obtain accreditation from the National Assessment and Accreditation Council or such other body or authority as may be determined by the Central or the State Government or the appropriate Regulatory Body from time to time, within three years of its establishment and communicate the same to the State Government and relevant Regulatory Bodies in writing along with such accreditation certificate.

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

Winding up of the University.

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

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

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

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

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

SCHEDULE A

(*See* sub-section (1) of section 3.)

The Ritnand Balved Education Foundation, an educational and charitable society registered under the Societies Registration Act, 1860 *vide* Registration No. S/16683, dated 14.05.1986 and registered before the Registrar of Societies, New Delhi. 21 of 1860.

SCHEDULE B

(*See* sub-section (1) of section 4.)

Schedule of Land

All that piece and parcels of land measuring about 40371.25 Square metre (9.98 acres), appertaining to Plot No. IIA-36, 37, and 38, in Action Area-II situated at the New Town, Kolkata, Police Station, New Town, District, North 24-Parganas, presently in the *Panchayat* area falling within Mouza-Kadampukur, J.L. No. 25 under New Town Police Station, *Gram Panchayat* Patharghata , butted and bounded thereto and vested to the University absolutely.

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STATEMENT OF OBJECTS AND REASONS.

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

2. The Ritnand Balved Education Foundation is an educational and charitable Society registered under the Societies Registration Act, 1860. The Society has been running various Private Universities throughout India.

3. The Sponsoring Society has come up with a proposal to the State Government for setting up of a self financing Private University at New Town in the district of North 24-Parganas having adequate financial resources, with a view to providing instruction, teaching, training and research in various branches and specialized fields of Science, Technology, Law, Management, Social Sciences, Medicine, Education, Humanities, Performing Arts and various other fields of study and programmes.

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

5. Accordingly, the State Government in the Higher Education Department has proposed to incorporate the Amity University at New Town, North 24-Parganas for the purpose as stated above, and hence, this Bill is proposed.

6. The main campus of the University will be situated at New Town, North 24-Parganas, and the jurisdiction of the University will be the whole of the State of West Bengal.

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

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

KOLKATA,
The 4th December, 2014.

PARTHA CHATTERJEE,
Member-in-charge.

FINANCIAL MEMORANDUM.

There is no financial implication involved in giving effect to the provisions of the Bill.

KOLKATA,
The 4th December, 2014.

PARTHA CHATTERJEE,
Member-in-charge.

By order of the Governor,

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

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