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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. 362-L.—27th February, 2015.—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. 4 of 2015

**THE WEST BENGAL STATE COUNCIL OF HIGHER
EDUCATION BILL, 2015.**

A

BILL

to provide for further reformation of functions, management and control of the State Council of Higher Education in West Bengal and matters connected therewith and incidental thereto.

WHEREAS it is expedient to undertake the reform of the powers, functions and management of the State Council of Higher Education in West Bengal, keeping in view the guidelines laid down by the University Grants Commission for maintaining the standards of teaching, examination and research in Universities and affiliated colleges in West Bengal, with a view to enhancing the performance of the higher educational institutions in the State and strengthen the planning and co-ordination of education programmes in higher education so as to (a) fulfill the rising needs of the society, (b) undertake planned expansion, (c) channelize higher education in the right

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

directions considering the socio-economic needs of the country and academic requirements and, finally, (d) act as an advisory-body, a policy think-tank for making recommendations to the State Government on any matter relating to higher education in the State;

AND WHEREAS it is also expedient that the State Council of Higher Education should act as a monitoring body for maintaining academic standards in the Higher Educational institutions of the State and foster a bridge between the State and the Universities as well as the colleges and to advise the State Government for taking appropriate steps therein;

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

CHAPTER I

Preliminary

Short title, extent
and
commencement.

1. (1) This Act may be called the West Bengal State Council of Higher Education Act, 2015.

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

(3) It shall come into effect at once.

Definitions.

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

- (1) “Academic Performance Ranking” means the ranking as may be determined and awarded on the basis of academic standard of a college or of a University by the Council;
- (2) “Academic year” means the period in a calendar year throughout which academic instructions have been given to the students;
- (3) “All India Council for Technical Education” means the Council established under the All India Council for Technical Education Act, 1987; 52 of 1987.
- (4) “Association of Indian Universities” means the Association of Indian Universities, a Society registered under the Societies Registration Act, 1860 having its headquarter at New Delhi; 21 of 1860.
- (5) “Chairman” means the Chairman of the Council;
- (6) “Council” means the West Bengal State Council of Higher Education;
- (7) “College” means an educational institution, affiliated to a University, imparting higher education beyond 10+2 level, in any branch of study;
- (8) “Distance Education Council” means the Distance Education Council established under Indira Gandhi National Open University Act, 1985; 50 of 1985.
- (9) “Degree” means a degree in arts, science, commerce, fine-arts, engineering, technology, management, law or in any other subject recognized by a University, and includes a post-graduate or a Research Degree;
- (10) “Government-aided College” means the College which is receiving periodical pay packet from the State Government and includes such other College which is receiving either periodical grants in any form or land or subsidized leased land or of any other assistance from the State Government in any form, and also includes minority colleges receiving pay packet from the State Government;

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- (11) “Government-aided University” means a University constituted and incorporated under any Act of State Legislature, which is receiving financial grant or assistance from the State Government in any form;
- (12) “Government College” means a College fully administered and maintained by the State Government;
- (13) “Governor” means the Governor of the State of West Bengal;
- (14) “Higher Education” means an education beyond 10+2 system of study;
- (15) “Higher Educational Institution” shall mean and include a College or a University or any other Institution imparting education beyond 10+2+3 system;
- (16) “Member Secretary” means the Member Secretary of the Council, to be appointed by the State Government, by order;
- (17) “Minority College” means a College run and administered by a minority, whether based on religion or language, and as may be declared and approved as such by the State Government or by any other appropriate authority;
- (18) “Prescribed” means prescribed by rules made under this Act;
- (19) “Regulation” means the regulation made by the Council with the approval of the State Government;
- (20) “Private College” means the college which is run and administered by a private body not receiving any grants from the State Government;
- (21) “Private University” means the University which is not receiving grants or aid from the State Government in any form and which is established and incorporated by an Act of State Legislature;
- (22) “Regulatory Body” means—
 - (i) 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, such as 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 Board of Accreditation, National Council for Teacher Education, Bar Council of India, Council of Architecture, Rehabilitation Council of India and such other statutory body as may be established by the Central Government for the purpose of imparting higher education; and
 - (ii) the State Government in the Higher Education Department;
- (23) “State Government” means the Government of West Bengal in the Higher Education Department;
- (24) “Teacher of College” means a Professor, an Associate Professor or an Assistant Professor holding a permanent substantive teaching post in a College;

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*(Chapter II.—The Council, its composition,
powers and functions.—Clauses 3, 4.)*

- (25) “Teacher of University” means a Professor, an Associate Professor or an Assistant Professor, holding a permanent substantive teaching post in a University;
- (26) “University Grants Commission” shall mean the University Grants Commission established under the University Grants Commission Act, 1956; 3 of 1956.
- (27) “University” means a University constituted by an Act of State Legislature.
- (28) “Vice-Chairman (Administration)” means the Vice-Chairman (Administration) of the Council;
- (29) “Vice-Chairman (Academic)” means the Vice-Chairman (Academic) of the Council, who shall be appointed by the State Government by order.

CHAPTER II

The Council, its composition, powers and functions

3. (1) The West Bengal State Council of Higher Education as constituted under the West Bengal State Council of Higher Education Act, 1994 shall continue to be known as the West Bengal State Council of Higher Education and the Member Secretary and the Joint Secretary shall continue to act as such till new Member Secretary and the Joint Secretary, are appointed in accordance with the provisions of this Act or until their terms under the West Bengal State Council of Higher Education Act, 1994, is expired or they have been removed under this Act as the case may, whichever is earlier.

West Ben. Act
XXXVII of
1994.

(2) The Council and its members shall together constitute a body corporate having perpetual succession and a common seal and shall sue or be sued in the name of the West Bengal State Council of Higher Education.

(3) The headquarters of the Council shall be located in the metropolitan area of Kolkata.

(4) The functions of the Council shall be executed by the Member Secretary of the Council for all purposes.

4. (1) The Council shall consist of the following members namely:—

- (i) the Chairman;
- (ii) the Vice-Chairman (Administration);
- (iii) the Vice-Chairman (Academic);
- (iv) the Member Secretary of the Council;
- (v) the Joint Secretary of the Council;

Ex officio members:—

- (vi) a nominee of the Secretary, Higher Education Department, Government of West Bengal, not below the rank of a Joint Secretary to the Government of West Bengal;
- (vii) the Secretary of the University Grants Commission or his nominee;

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- (viii) the Secretary of All India Council for Technical Education or his nominee;
- (ix) the Secretary of Distance Education Council or his nominee;
- (x) the Secretary, Finance Department, Government of West Bengal, or his nominee not below the rank of a Joint Secretary;
- (xi) the Secretary, Department of Science and Technology, Government of West Bengal, or his nominee not below the rank of a Joint Secretary;
- (xii) the Vice-Chancellors of all State-aided Universities in the State;
- (xiii) the Director of Public Instruction, West Bengal;
- (xiv) the Director of Technical Education, West Bengal;
- (xv) the Director, State Archives, West Bengal;
- (xvi) the Chairperson, West Bengal College Service Commission;
- (xvii) two Vice-Chancellors of Universities not covered under clause (xii) of this sub-section;
- (xviii) one Principal of a Government College, to be nominated by the State Government;
- (xix) one Principal of a Government-aided College, to be nominated by the State Government;
- (xx) one Principal of a Private self-financing College, to be nominated by the State Government;
- (xxi) two eminent educationists to be nominated by the Governor;
- (xxii) one eminent scientist, to be nominated by the State Government.

(2) The terms and conditions of service of the Vice-Chairman (Academic) and the officers and employees of the Council, including their salaries and allowances, shall be such as may be prescribed.

(3) The members of the Council representing a particular institution or an interest shall cease to be member as soon the said representation in the institution or the interest has ceased.

(4) Every meeting of the Council shall be convened in the name of the Chairman or in absence of the Chairman, the Vice-Chairman (Administration), who shall however, have no right to cast a vote, unless there is a tie.

(5) The Council shall meet at least once in every quarter in such place as the Chairman or in his absence the Vice-Chairman (Administration), may fix.

(6) The procedures of meeting and the rules relating to the transaction of business of the Council including its quorum shall be provided for by regulations.

(7) No act or proceedings of the Council shall be deemed to be invalid by reason of any vacancy in, or any defect in the constitution of the Council, provided, the quorum is present.

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Education Bill, 2015.*

*(Chapter II.—The Council, its composition,
powers and functions.—Clauses 5, 6.)*

Committees of
the Council.

5. (1) There shall be as many committees including Executive Committees and sub-committees as may be required within the Council for the purpose of discharging its functions.

(2) Every such committee or sub-committee shall be headed either by the Chairman or the Vice-Chairman (Administration) or the Vice-chairman (Academic), as may be decided by the Council from time to time.

(3) The functions of every such Committee or Sub-Committee and their procedures shall be provided for by regulations.

Functions of the
Council.

6. (1) **Strategic planning and co-ordination:—**

- (i) to take initiative and monitor the implementation of the reservation policy of the State Government in terms of the West Bengal State Higher Educational Institutions (Reservation in Admissions) Act, 2013 and the rules made thereunder and also in terms of the order of the State Government in this regard, as may be issued from time to time;
- (ii) to prepare short term, mid-term and long-term consolidated programmes in the field of higher education in consultation with the State Government keeping in view the guidelines issued by the University Grants Commission and other regulatory authorities and in light of their applicability in the State from time to time, and to assist the State Government in their implementation in the manner advised by the State Government from time to time;
- (iii) to co-ordinate with the University Grants Commission and other regulatory authorities for the maintenance of the high quality and standard of higher education in the State and to suggest remedial action where necessary;
- (iv) to assist the higher educational institutions in preparing their annual academic plans and to monitor implementation;
- (v) to promote co-operation and interaction among the higher educational institutions, and to explore the scope of association with industry, corporate entities, apex bodies and other related establishments;
- (vi) to promote the use of modern technology in the field of higher education and research;
- (vii) to formulate the principles for setting up new higher educational institutions in the State as per guidelines framed by the State Government as well as the regulatory bodies;
- (viii) to submit newer developmental programmes for Universities and colleges to the State Government along with its comments and recommendations of the University Grants Commission or other Regulatory authorities;
- (ix) to prepare and implement strategic plans in establishing research institutions in the field of science, humanities and other branches of study;
- (x) to suggest ways and means for mobilizing additional resources for higher education in the State;
- (xi) to work in liaison with the regulatory bodies on higher education and research.

West Ben.
Act X of 2013.

*The West Bengal State Council of Higher
Education Bill, 2015.*

*(Chapter II.—The Council, its composition,
powers and functions.—Clause 6.)*

(2) Monitoring and Evaluation:—

- (i) to monitor regularly the implementation of higher education plans by the higher educational institutions;
- (ii) to create and maintain an effective Management Information System in the Higher educational institutions;
- (iii) to compile and maintain sophisticated database of higher educational institutions at State level;
- (iv) to conduct periodic academic audit of the higher educational institutions upon specific authorization by the State Government; and
- (v) to assess Academic Performance of the higher educational institutions and to award rank to such institutions and publish such ranking in the Council's website in such manner as may be provided for by regulations.

(3) Quality assurance and academic functions:—

- (i) to take initiatives for improving the quality of performance of faculties in higher educational institutions;
- (ii) to promote innovations in curriculum development, restructuring of courses and updating the syllabi in the higher educational institutions and to conduct workshops and seminars on regular basis;
- (iii) to devise methods and steps to improve the standards of examinations;
- (iv) to devise methods for generating employability quotient of the students;
- (v) to develop programmes for greater academic co-operation and interaction between the University and College teachers, and to facilitate greater mobility of students and teachers amongst the higher educational institutions within or outside the State;
- (vi) to motivate conducting national and international seminars, symposiums and workshops at regular intervals for better interaction amongst the higher educational institutions;
- (vii) to encourage sports, games, physical education and cultural activities in the higher educational institutions;
- (viii) to prepare and submit to the State Government an annual report on the workings and achievements of higher educational institutions in the State along with necessary suggestions;
- (ix) to perform such other functions for promoting excellence in higher education as may be directed by the State Government in this regard from time to time;
- (x) to act as nodal centre of accreditation agencies in order to promote quality of academic activities of higher educational institutions.

(4) Advisory functions:—

- (a) to advise the State Government—
 - (i) on establishment of academic staff college for providing academic as well as administrative training to teachers of various academic institutions of the State;

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Education Bill, 2015.*

*(Chapter II.—The Council, its composition,
powers and functions.—Clauses 7, 8.)*

- (ii) on setting up a State Research Board so as to link research work of educational institutions with that of the research agencies and industry keeping in view the overall research need of the State;
- (iii) regarding improvement of laws relating to the establishment, administration, management and control of higher educational institutions including proposal for new enactment thereon;
- (iv) on establishment of new Colleges or Universities or Research organization in the State;
- (v) on implementing the policy of “earning while learning”;
- (vi) towards performing any other functions necessary in furtherance of development of higher education in the State.

Duties of the Council.

7. (1) It shall be the duty of the Council not to discharge any of its function in contravention of any policy of the State Government.

(2) It shall be the duty of the Council to offer advice or recommendations to the State Government on specific matter as may be referred to it.

(3) The Council may seek instruction or clarification from the State Government relating to higher educational institution and the instruction or clarification of the State Government shall be final and binding upon the Council.

Powers of the Council.

8. (1) Inspection of Colleges and Universities:—

- (i) the Council shall, upon specific direction of the State Government, cause an inspection to any institution imparting higher education in the State;
- (ii) every such inspection shall be conducted after due notice to the concerned College or the University or the Institution;
- (iii) every report of enquiry along with specific observation and recommendation of the Council shall be submitted before the State Government forthwith and the State Government, on the basis of such report, or on further enquiry in this regard, may pass necessary order or orders as it may deem fit and proper;
- (iv) every such report of the Council may be used against any such College or University or Institution for any purpose including forwarding the same along with recommendation of the State Government to any regulatory authority as the State Government may deem fit and proper.

(2) Power to conduct Common Entrance Examination:—

- (i) notwithstanding anything contained in any other law for the time being in force or in any customs or usages to the contrary, the Council may, upon being specifically authorized by the State Government in this regard, conduct Common Entrance Examination, either by himself or through an agency authorized by the State Government, for the purpose of selection of students for admission into different course of study in any College or University or in any Institution, imparting higher education beyond 10+2+3 level, in such manner as may be prescribed by the State Government, from time to time;

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*(Chapter II.—The Council, its composition,
powers and functions.—Clause 8.)*

- (ii) the Council may constitute different committees of examination in this regard consisting of such members as may be provided for by Regulations;
 - (iii) the manner and procedure including the powers and functions of every such Examination Committee, conducting any such Common Entrance Examination shall be such, as may be provided for by Regulation, from time to time;
 - (iv) the State Government shall have power to determine the percentage of total number of seats for each and every such College or University or Institution, for which such Common Entrance Examination is required to be conducted by the Council;
 - (v) the State Government shall also have the power to determine the conditions of eligibility of students for the purpose of appearing in Common Entrance Examination, keeping in view the reservation policy of the State Government;
 - (vi) the Council shall, in recommending the merit list of qualified students to the College or the University or to any Institution, as the case may be, adopt a counselling system, through electronic method;
 - (vii) for the purpose of conducting such Common Entrance Examination, The Council shall have power to call for any record from any College or University or from any Institution regarding annual permitted strength, intake capacity or such other information as it may deem necessary and it shall be the duty of every such College or University or Institution to provide such records or information within such time and in such manner as may be provided for by Regulations;
 - (viii) the Council shall, for the purpose of conducting Common Entrance Examination, have power to collect such fees from the students as may be prescribed by the State Government, and all such fees shall be credited to the fund of the Council.
- (3) General Powers:—
- (i) notwithstanding anything contained in any other law for the time being in force, or in any customs or usages to the contrary, the Council shall have power to give advice to every University or College or other Higher Educational Institutions in relation to their academic activities, not inconsistent with the provisions of this Act, as well as any order of the State Government;
 - (ii) the Council shall have also powers to call for records from every institution imparting higher education in the State for the purpose of maintaining sophisticated data base and effective Management Information System;
 - (iii) the Council may associate with it any person whose assistance or advice, in its opinion, is required for carrying out the functions of the Council in such manner and for such purpose as may be provided by Regulation;
 - (iv) every person associated with the Council under clause (iii) of this subsection, shall have right to take part in the discussion of the Council, but he shall have no right to cast a vote in any meeting of the Council and shall not be treated as member of the Council and shall not be eligible for any remuneration thereon, except sitting fees and Travelling Allowances as may be prescribed by order.

*The West Bengal State Council of Higher
Education Bill, 2015.*

(Chapter III.—The Members, their appointment
and qualifications.—Clauses 9-11.)

CHAPTER III

The members, their appointment and qualifications

The Chairman.

9. (1) The Minister-in-Charge of the Higher Education Department shall hold the office of the Chairman of the Council in his *ex officio* capacity.

(2) The powers and functions of the Chairman shall be such as may be provided for by the regulations.

The Vice-Chairman
(Administration).

10. (1) Principal Secretary or the Secretary of the Higher Education Department shall be the Vice-Chairman (Administration) of the Council in his *ex officio* capacity.

(2) The powers and functions of the Vice-Chairman (Administration) shall be such as may be provided for by the regulations.

The Vice-Chairman
(Academic).

11. (1) The Vice-Chairman (Academic) shall be a distinguished academician or administrator with proven competence and integrity having a minimum of ten years teaching experience in a University system of which at least five years shall be as Professor or equivalent or ten years of research experience in a reputed research or academic organization of which at least five years shall be in an equivalent position that of a Professor or equivalent.

(2) The Vice-Chairman (Academic) shall be appointed by the State Government out of the panel of three names in order of their preference as may be recommended by the Search Committee constituted by the State Government for this purpose:

Provided that the existing Vice-Chairman appointed under the erstwhile West Bengal State Council of Higher Education Act, 1994 shall continue to hold his office subject to the provisions of sub-section (6) or till he has been removed from, or vacated his office, as the case may be, whichever is earlier.

(3) The Search Committee, while preparing the panel 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 while submitting the panel to the State Government.

(4) The Search Committee shall consist of the following Members:—

(i) the nominee of the Governor, who shall be the Chairperson of the Committee;

(ii) the nominee of the State Government; and

(iii) the nominee of the Council;

(5) The members of the search committee shall be the persons of eminence in the sphere of higher education.

(6) The Vice-Chairman (Academic) shall hold office for a term of four years or till he attains the age of sixty-five years, whichever is earlier.

(7) The Vice-Chairman (Academic) shall be a whole-time Officer of the Council and shall be paid from the fund of the Council such salary and allowances as the State Government may determine from time to time.

(8) The powers and functions of the Vice-Chairman (Academic) shall be such as may be provided for by the regulations.

West Ben.
XXXVII of
1994.

*The West Bengal State Council of Higher
Education Bill, 2015.*

*(Chapter III.—The members, their appointment
and qualifications.—Clause 11.)*

(9) The Vice-Chairman (Academic) may resign his office by writing under his hand addressed to the State Government.

(10) If—

- (a) the Vice-Chairman (Academic) is, by reasons of leave, illness or other cause, temporarily unable to exercise the powers and perform the duties of his office, or
- (b) a vacancy occurs in the office of the Vice-Chairman (Academic) by reason of death, resignation, removal, expiry of the term of his office or otherwise, then, during the period of such temporary inability or pending the appointment of a Vice-Chairman (Academic), as the case may be, the Member Secretary shall exercise the powers and perform the duties of the Vice-Chairman (Academic).

(11) The vacancy in the office of the Vice-Chairman (Academic) 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-Chairman (Academic) in accordance with the provisions of sub-section (2) 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 Member Secretary is allowed to continue in office to exercise the powers and perform the duties of the Vice-Chairman (Academic).

(12) The Vice-Chairman (Academic) may be removed from his office by the State Government if it 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 un-discharged 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-Chairman (Academic) is detrimental to the interest of the Council; 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 of law for any offence within the concept and meaning of the Code of Criminal Procedure, 1974:

2 of 1974.

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

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Education Bill, 2015.*

(Chapter IV.—The Officers and the employees of the Council.—Clauses
12-16.—Chapter V.—Funds, accounts and Budget of the
Council.—Clause 17.)

CHAPTER IV

The Officers and the employees of the Council

12. (1) There shall be a Member Secretary of the Council to be appointed by the State Government, by order.

(2) The Member Secretary shall act as the principal executive officer and shall be the head of the Council immediately after the Vice-Chairman (Administration).

(3) Every order of the Council shall be executed through the Member Secretary.

(4) The powers and functions of the Members Secretary shall be such as may be provided by the regulations.

13. (1) There shall be a Joint Secretary in the Council to be appointed by the State Government, by order.

(2) The powers and functions of the Joint Secretary shall be such as may be provided by the regulations.

14. There shall be a Law officer to be appointed by the State Government, by order.

(2) The powers and functions of the Law Officer shall be such as may be provided for by the regulations.

15. (1) There shall be a Finance Officer to be appointed by the State Government, by order.

(2) The powers and functions of the Finance Officer shall be such as may be provided for by the regulations.

16. Employees and officers of the Council shall henceforth be appointed by the State Government on recommendation of the Staff Selection Commission:

Provided that the terms and conditions of service of the officers and employees of the Council shall be such as may be prescribed:

Provided further that, the terms and conditions of service of the existing employees shall not be varied detrimental to their benefits and repugnant to the provisions of this Act:

Provided also that relevant service rules in relation to the officers and employees belonging to different cadres of the State Government shall continue to apply upon such officers of their respective cadres who may be deputed to Council.

CHAPTER V

Funds, accounts and Budget of the Council

17. (1) There shall be a fund of the Council to be known as the Council's Fund to which shall be credited all grants received from the Central Government or from the State Government or from other regulatory authorities from time to time.

(2) The Council's Fund shall also be credited with fees or subscriptions as may be received for the purpose of conducting Common Entrance Examination referred to in the forgoing provisions of this Act.

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Education Bill, 2015.*

(V.—Funds, accounts and Budget of the Council.—
Clauses 18, 19.—Chapter VI.—Miscellaneous.—Clause 20.)

(3) The Council's Fund shall be used in meeting the expenses of the Council including the payment of salaries and allowances of all the officers and employees of the Council including the Vice-Chairman (Academic).

(4) The Council's Fund may also be used for the purpose of granting scholarship or award to destitute and meritorious students subject to the approval of the Executive Committee of the Council.

(5) The State Government shall from time to time release grants to the fund of the Council in terms of its annual budget.

Accounts and
audit.

18. (1) The Council shall maintain proper records and books of accounts for each and every financial year in such manner and in such form as may be provided for by the regulations.

(2) The Council shall submit annual statement of accounts to the State Government showing all receipts and payments for the financial year to be audited duly by a qualified Chartered Accountant as defined under the Chartered Accountants Act, 1949.

38 of 1949.

(3) The State Government shall cause statutory audit in periodical manner of the fund and accounts of the Council in such manner as may be prescribed.

Budget of the
Council.

19. (1) The Council shall submit their annual budget showing estimates of receipts and disbursements for the following year, to the State Government immediately after the same has been finalized by the Council latest by 1st November positively at a meeting specially convened for this purpose.

(2) The Council may also submit a revised budget by 15th November within the financial year to the State Government for its approval.

(3) Notwithstanding anything contained in sub-section (1) or sub-section (2) of this section the State Government may authorize the Council to incur expenditure not forming a part of its budget or revised budget considering the urgency in this respect as may be determined by the State Government.

CHAPTER VI

Miscellaneous

Inspection and
enquiry.

20. (1) The State Government may cause inspection or enquiry into the affairs of the Council in relation to its academic, administrative and financial business as and when it is considered necessary.

(2) In every case, the State Government shall give notice to the Council of its intention of such inspection or enquiry and the Council shall be entitled to be represented thereat.

(3) The State Government shall communicate to the Council its views with reference to the result of the inspection or enquiry and may direct the Council to take appropriate action.

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Education Bill, 2015.*

(Chapter VI.—Miscellaneous.—Clauses 21-27.)

Power to call for records.

21. The State Government shall have power to call for and examine any records and any order passed or decision taken by the Council under the provisions of this Act, for the purpose of satisfying itself the legality or propriety of such order or decision or as to the regularity of such proceedings and may pass such order with respect thereto as it may deem fit:

Provided that no such order shall be made except after giving the Council or the person likely to be effected thereby, a reasonable opportunity of being heard.

Power to remove difficulty.

22. The State Government shall have power to remove any difficulty as may arise in applying the provisions of this Act.

Power to give directions.

23. The State Government shall also have powers to give directions to the Council from time to time, not inconsistent with the provisions of this Act.

Overriding effect.

24. Notwithstanding anything contained in any other law for the time being in force, or in any customs or usages to the contrary, the provisions of this Act shall have overriding effect against any provision of any law for the time being in force.

Power to make rules.

25. (1) The State Government may, by notification in the *Official Gazette*, make rules for carrying out all or any of the provisions of this Act.

(2) Without prejudice to the generality of the foregoing provisions of sub-section (1) of this section, the State Government shall in particular have right to make rules notifying the Cadre or Services of the employees and the terms and conditions of service including the procedures of disciplines and punishment thereby, of all or any of the employees of the Council.

(3) Every rules made under this section shall be laid before the State Legislature, while it is in session.

Power to make regulations.

26. (1) The Council may, with the previous approval of the State Government in writing, make regulations, not inconsistent with the provisions of this Act.

(2) Without prejudice to the generality of the foregoing provisions of sub-section (1) of this section, the Council shall in particular have right to make regulations regarding,—

- (a) the responsibilities and functions of the Chairman, the Vice-Chairman (Administration) and the Vice-Chairman (Academic) and other officials of the Council;
- (b) the procedure of conducting the business of the Council;
- (c) the procedure of holding meeting of the Council and its quorum thereat;
- (d) powers and functions of different sub-committees of the Council;
- (e) the manners in which and the purposes for which any person may be associated with the Council.

Members etc. are Public Servants.

27. The Chairman, the Vice-Chairman (Administration) and the Vice-Chairman (Academic), other members and officials as may be appointed under this Act, shall, while acting or purporting to act under this Act, be deemed to be Public Servant within the meaning of section 21 of the Indian Penal Code, 1860.

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(Chapter VI.—Miscellaneous.—Clauses 28, 29.)

Report of the
Council.

28. It shall be the duty of the Council to present annually to the State Government, within 31st August of every Calendar year, a report on the work done by the Council in the previous financial year and on receipt of such report, the State Government may take such action as it deems fit and proper.

Repeal and
Savings.

29. (1) The West Bengal State Council of Higher Education Act, 1994 shall stand repealed with effect from the date of coming into force of this Act.

West Ben. Act
XXXVII of
1994.

(2) Subject to such repeal, the existing Council, its Chairman, Vice-Chairman and all other members as constituted and appointed under the erstwhile West Bengal State Council of Higher Education Act, 1994 and any rules, regulations or orders made thereunder, shall unless repugnant to the provisions of this Act, continue to be valid, unless otherwise modified.

(3) Anything done or intended to be done by the Council immediately before coming into operation of this Act, and in pursuance of the erstwhile West Bengal State Council of Higher Education Act, 1994 and any rules, regulations or orders made thereunder, shall unless repugnant to the provisions of this Act, continue to be valid, unless otherwise modified.

(4) All moneys and other properties and all rights, liabilities and interests of whatever kind, owned by, vested in, used, enjoyed or possessed by, or held in trust by or for, the Council constituted under the erstwhile West Bengal State Council of Higher Education Act, 1994 as well as all liabilities legally subsisting against the Council shall continue with the Council under this Act, unless otherwise provided.

STATEMENT OF OBJECTS AND REASONS.

The West Bengal State Council for Higher Education was established by enacting the West Bengal State Council for Higher Education Act, 1994. The purpose of that Act was to constitute and establish a Council at the State level keeping in view the guidelines laid down by the University Grants Commission in order to maintain the standards of teaching, examination and research in Universities and affiliated colleges in West Bengal in line with the objectives determined by the University Grants Commission, to improve the qualitative performance of the affiliated colleges in this respect, and strengthen the planning and co-ordination of education Programmes in higher education so as to (a) fulfil the needs of the future developments, (b) control unplanned expansion, (c) channelize higher education in desirable directions on the basis of the socio-economic need and academic requirement and, finally, (d) act as a link as far as possible between the Universities and the colleges on the one hand and the State Government on the other and work closely with the University Grants Commission.

2. With the passage of time, the business of the Council has gradually increased. The number of general degree colleges under the pay packet scheme in the State has gone beyond 500. Simultaneously, the number of State-aided Universities has risen to 17 at present. In addition, there are at least 100 engineering and Technological Colleges and 184 Teachers' Training Colleges in West Bengal under this Department. Besides, the State Government is now facilitating the Private Entrepreneurs for establishing Private Universities and Private Degree Colleges for which numerous applications have been received by the Higher Education Department and some of them are already under process. In such circumstances, active participation of the Council becomes essential for the growth of Higher Education in the State. In addition, Rastriya Uchhatara Siksha Aviyan (RUSA), proposed to be launched by the Ministry of Human Resources Development (MHRD), Government of India during the 12th and 13th Plans envisages active participation of the State Higher Education Council in State Higher Education planning in respect of education, examination, Research etc. for

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every State. Accordingly, reformation of functions of the existing Council has been felt indispensable to achieve this target. Considering all these aspects, this Department has proposed for a new enactment.

3. The Bill contains *inter alia*, the following provisions:—

- (a) the Minister-in-Charge of the Higher Education Department will now act as the Chairman of the Council. The Principal Secretary or Secretary of the Higher Education Department will act as the Vice-Chairman (Administration) of the Council;
- (b) the definition of 'Academic Performance Ranking', 'Government-aided College', 'Government-aided University', 'Member Secretary', 'Regulatory body', 'Teacher of the College', 'Teacher of University' etc. have been provided with a view to removing discrepancy in interpreting those terms;
- (c) the qualifications for appointment of the Vice-Chairman (Academic) have been elaborated keeping in view the changed scenario. Provisions for Search Committee for appointment of the Vice-Chairman (Academic) have been introduced with a view to making the selection process more transparent. Provisions have also been made for the removal of the Vice-Chairman (Academic) of the Council. The number of members of the Council has also been revised;
- (d) it has been proposed to entrust the Council works like conducting of Common Entrance Examination (CEE) for admission of students in Post-graduate and Undergraduate level, preparing of effective database of higher education institutions, preparing of annual academic plan for the State as a whole, assessing the performance of higher education institutions and to award them respective ranking, enquiring into the affairs of higher education institution upon specific authorization of the State Government and also monitoring the effective implementation of reservation Acts and rules, etc.

4. This Bill is thus framed with the above objects in view.

KOLKATA,
The 27th February, 2015.

PARTHA CHATTERJEE,
Member-in-Charge.

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 27th February, 2015.

PARTHA CHATTERJEE,
Member-in-Charge.

By order of the Governor,

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