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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. 553-L.—22nd May, 2017.—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 2017

**THE JADAVPUR UNIVERSITY
(AMENDMENT) BILL, 2017.**

A

BILL

to amend the Jadavpur University Act, 1981.

WHEREAS it is expedient to amend the Jadavpur University Act, 1981, for the purposes and in the manner hereinafter appearing;

West Ben. Act
XXIV of 1981.

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

Short title and
commencement.

1. (1) This Act may be called the Jadavpur University (Amendment) Act, 2017.
- (2) It shall come into force at once.

*The Jadavpur University
(Amendment) Bill, 2017.*

(Clause 2.)

Substitution of new Section for section 10A of the West Ben. Act XXIV of 1981.

2. For section 10A of the Jadavpur University Act, 1981 (hereinafter referred to as the principal Act), the following section shall be substituted:—

“The Pro-vice-Chancellors. 10A. (1) (a) There shall be two Pro-vice-Chancellors in the University and their allocation of work and powers and functions shall be such as may be prescribed by the Statutes.

(b) The Pro-vice-Chancellors shall be distinguished academician with proven competence and integrity and having a minimum of ten years experience in a University system of which at least five years shall be as Professor or ten years of experience in a reputed research or academic administrative organization of which at least five years shall be in an equivalent position of Professor.

(c) The Pro-vice-Chancellors shall be appointed by the Chancellor in consultation with the Minister. The term of office shall be for four years and they shall be eligible for re-appointment for another period not exceeding four years but shall not hold office beyond the age of sixty-five years.

(d) The Chancellor may, notwithstanding the expiration of the term of the Pro-vice-Chancellor or attaining the age of sixty-five years, allow him to continue in office till a successor assumes office, provided that he shall not continue as such for any period exceeding six months.

(2) The Pro-vice-Chancellors shall be whole-time officers of the University and shall be paid from the University Fund such salary and allowances as the Chancellor may decide in consultation with the State Government.

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

(4) If—

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

(b) a vacancy occurs in the office of the Pro-Vice-Chancellor 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-Chancellor, as the case may be, the Chancellor, in consultation with the Minister, appoint a person to exercise the powers and perform the duties of the Pro-vice-Chancellor.

(5) The vacancy in the office of the Pro-vice-Chancellor occurring by reason of death, resignation or expiry of the term of his office, removal or otherwise shall be filled up by appointment of a Pro-vice-Chancellor in accordance with the provision of sub-section (1) within a period of six months from the date of occurrence of the vacancy, and such period shall be held to include any period for which a Pro-vice-Chancellor is allowed to continue in office under clause (d) of sub-section (1), or a person is appointed by the Chancellor in consultation with the Minister to exercise the powers and perform the duties of the Pro-vice-Chancellor under sub-section (4).

*The Jadavpur University
(Amendment) Bill, 2017.*

(Clause 3.)

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

- (a) has become insane and adjudged by a competent court to be of unsound mind; or
- (b) has become an undischarged insolvent and stands so declared by a competent court; or
- (c) has been physically unfit and incapable of discharging function due to protracted illness or physical disability; or
- (d) has wilfully omitted or refused to carry out the provisions of this Act or has committed breach of any of the terms and conditions of the service contract or has abused or misused the powers vested in him or if the continuance in the office of the Pro-vice-Chancellor is detrimental to the interest of the University; or
- (e) has been proved to be guilty 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 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; or
- (h) is a member of, or otherwise associated with, any political party or acts in any partisan manner while in office:

2 of 1974.

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

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

Omission of
section 10B.

3. Section 10B of the principal Act shall be omitted.

STATEMENT OF OBJECTS AND REASONS.

Considering the growing expansion of University works and functions, it is considered expedient that an additional post of Pro-vice-Chancellor in Jadavpur University be created with the view to minimize the workload of the Vice-Chancellor and the existing Pro-vice-Chancellor. The Jadavpur University has more than one campus for the working of the University. Hence, there is an extreme need of creating an additional post of Pro-vice-Chancellor in Jadavpur University.

*The Jadavpur University
(Amendment) Bill, 2017.*

2. In order to give effect to the above mentioned objectives, it is found expedient that the provision of section 10A of the Jadavpur University Act, 1981 (West Ben. Act XXIV of 1981) requires amendment and simultaneously the provision of section 10B requires omission from the Act since it is proposed that the University authority will allocate the works and functions of these two Pro-vice-Chancellors, through Statutes made under the Act.

3. The Bill is prepared with the view to achieve the above mentioned objectives.

KOLKATA,
The 22nd May, 2017.

PARTHA CHATTERJEE,
Member-in-Charge.

FINANCIAL MEMORANDUM.

There is financial implications involved in giving effect to the provisions of this Bill. Necessary budgetary provisions will be made in due course in consultation with the Finance Department.

KOLKATA,
The 22nd May, 2017.

PARTHA CHATTERJEE,
Member-in-Charge.

By order of the Governor,

MADHUMATI MITRA,
*Secy. to the Govt. of West Bengal,
Law Department.*