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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. 549-L.—7th June, 2022.—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 which accompanies it, in the *Kolkata Gazette*, the Bill and the Statement of Objects and Reasons are accordingly hereby published for general information:—

**Bill No. 12 of 2022****THE WEST BENGAL UNIVERSITY OF ANIMAL AND FISHERY SCIENCES (AMENDMENT) BILL, 2022.****A  
BILL**

*to amend the West Bengal University of Animal and Fishery Sciences Act, 1995.*

WHEREAS it is expedient to amend the West Bengal University of Animal and Fishery Sciences Act, 1995, for the purposes and in the manner hereinafter appearing;

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

**1.** (1) This Act may be called the West Bengal University of Animal and Fishery Sciences (Amendment) Act, 2022.

West Ben. Act VI  
of 1995.



*The West Bengal University of Animal and  
Fishery Sciences (Amendment) Bill, 2022.*

(Clauses 2, 3.)

(2) It shall come into effect at once.

Amendment of  
section 8 of West  
Ben. Act VI of  
1995.

2. In the West Bengal University of Animal and Fishery Sciences Act, 1995 (hereinafter referred to as the principal Act), in section 8, for sub-section (1), the following sub-section shall be substituted:—

“(1) The Chief Minister of the State of West Bengal shall, by virtue of his office, be the Chancellor of the University.”.

Substitution of  
new section for  
section 9.

3. For section 9 of the principal Act, the following section shall be substituted:—

“The Vice-Chancellor. 9. (1) (a) The Vice-Chancellor shall be a distinguished academic with proven competence and integrity, and having a minimum of ten years of experience in a university system of which at least five years shall be as Professor or ten years of experience in a reputed research or academic administrative organisation, of which at least five years shall be in an equivalent position of Professor.

(b) The Vice-Chancellor shall be appointed by the Chancellor out of the panel of three names recommended in order of preference by a Search Committee constituted by the State Government. While preparing the panel, the Search Committee shall give proper weightage to academic excellence, exposure in the Veterinary and Animal Sciences, Dairy Technology, Fishery Sciences and Allied Sciences and adequate experience in academic and administrative governance and shall, after recording reasons in writing, recommend the panel to the Chancellor.

(c) The Search Committee shall be constituted in the following manner:—

- (i) an academician not below the rank of Vice-Chancellor of a Central or State-aided University or the Director of a National Institute of Higher Learning to be nominated by the Chancellor, in consultation with the Minister, and such nominee shall be the Chairperson of the Committee;
- (ii) an academician, not below the rank of Professor of a Central or State-aided University or National Institute of Higher Learning, to be nominated by the State Government;
- (iii) an academician, not below the rank of a Professor of a Central or State-aided University or National Institute of Higher Learning, to be nominated by the Executive Council:

Provided that the nominees, as mentioned under sub-clause (i), (ii) and (iii) shall not be persons associated with the University.

(2) (a) The Vice-Chancellor shall hold office for a term of four years or till he attains the age of seventy years, whichever is earlier, in terms of sub-section (1) and shall be eligible for re-appointment for another term of four years or till he attains the age of seventy years, whichever is earlier.

(b) The Chancellor may, notwithstanding the expiration of the term of office of the Vice-Chancellor or his attaining the age of seventy years, allow him to continue his office till his successor assumes office, subject to the condition that he shall not continue as such for any period exceeding six months.

(3) The Vice-Chancellor shall be a whole-time officer of the University. The emoluments and other conditions of service of the Vice-Chancellor shall be such as may be prescribed and shall not be varied to his disadvantage after his appointment.



*The West Bengal University of Animal and  
Fishery Sciences (Amendment) Bill, 2022.*

*(Clause 3.)*

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

(5) If—

(a) the Vice-Chancellor, by reasons of leave, illness or other causes, is temporarily unable to exercise the powers and perform the duties of his office, or

(b) a vacancy occurs in the office of the Vice-Chancellor by reason of death, resignation, removal, expiry of term of his office or otherwise,

the Chancellor may, in consultation with the Ministers, appoint a person to exercise the powers and perform the duties of the Vice-Chancellor during the period of such temporary inability or pending the appointment of a Vice-Chancellor, as the case may be.

(6) The vacancy in the office of the Vice-Chancellor occurring by reason of death, resignation, expiry of the term of his office, removal or otherwise, shall be filled up by appointment of 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 Vice-Chancellor is allowed to continue in office under clause (b) of sub-section (2), or a person is appointed by the Chancellor in consultation with the Ministers to exercise the powers and perform the duties of the Vice-Chancellor under sub-section (5).

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

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

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

(c) has been physically unfit and incapable of discharging his functions 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 office of the Vice-Chancellor is detrimental to the interest of the University; or

(e) has been proved to be guilty of criminal breach of trust or criminal negligence or gross financial irregularity; or

(f) has shown incompetence to perform or has persistently defaulted in the performance of the duties entrusted to him by or under this Act; or

(g) has been convicted by a court for any offence within the concept and meaning of the Code of Criminal Procedure, 1973; or



*The West Bengal University of Animal and  
Fishery Sciences (Amendment) Bill, 2022.*

(Clause 3.)

- (h) is a member of, or otherwise associated with, any political party or acts in any partisan manner while in office:

Provided that the Vice-Chancellor shall be given 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 this sub-clause, whether any party is a political party or any association is a political association or any act of Vice-Chancellor is partisan, the decision of the Chancellor shall be final.”.

**STATEMENT OF OBJECTS AND REASONS.**

The State Government has established and incorporated a State-aided University under the administrative control of the Animal Resources Development Department for providing facilities for the study of animal and fishery sciences and for conduct of research in, and extension and development of, those sciences. The Hon'ble Governor of the State of West Bengal is the Chancellor of this State-aided University by virtue of his post.

2. The constituting Act of the University has prescribed some statutory duties and functions upon the Hon'ble Chancellor of the University. The Hon'ble Governor, being the holder of a Constitutional post has to discharge multiple constitutional functions as enshrined under the Constitution.

3. It is not out of place to mention that the Punchi Commission in its report recommended that to be able to discharge the constitutional obligations fairly and impartially, the Governor should not be burdened with positions and responsibilities which are not envisaged under the Constitution and which may expose the august office to controversies or public criticism. Making the Governor the Chancellor of the Universities may have had some relevance historically which has ceased to be so, with the change of circumstances. The Punchi Commission was also of the view that the Governor should not be assigned functions casually under any Statute. His role should be confined to the discharge of the Constitutional provisions only.

4. It has therefore been considered necessary and imperative that the constituting Act of this University be amended so that the Hon'ble Chief Minister of the State of West Bengal shall be the Chancellor of the West Bengal University of Animal and Fishery Sciences for the purposes of the said Act.

5. The constituting Act of the University has provided some statutory duties and functions upon the Vice-Chancellor of the University. The Vice-Chancellor is expected to perform his duties with diligence and expertise. Given the rise in health standards and in view of the duties assigned to the Vice-Chancellor, it is imperative that the maximum age limit is enhanced from the current stipulation of sixty five years to seventy years.

6. The procedure for selection of the Vice-Chancellor is intended to be brought in line with that of the other State-aided Universities with due regard to fairness, transparency and merit-based selection. Further, in order to emphasise stability of tenure to the Vice-Chancellor, it is also felt necessary to specify in the Statute the grounds and procedure for the removal of Vice-Chancellor and on how to deal with the situation arising out of a sudden or unanticipated vacancy arising in the post of Vice-Chancellor.



*The West Bengal University of Animal and  
Fishery Sciences (Amendment) Bill, 2022.*

7. The Bill has been prepared to achieve the above objectives.
8. There is no financial implication involved in giving effect to the provisions of the Bill.

KOLKATA:  
*The 7th June, 2022.*

SWAPAN DEBNATH,  
*Member-in-charge.*

By order of the Governor,

PARTHA SARATHI SEN,  
*Pr. Secy. to the Govt. of West Bengal,  
Law Department.*