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. 546-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. 9 of 2022
THE WEST BENGAL UNIVERSITY LAWS (AMENDMENT) BILL, 2022.

A
BILL

to amend the Calcutta University Act, 1979, the North Bengal University Act, 1981, the Burdwan University Act, 1981, the Vidyasagar University Act, 1981, the Kalyani University Act, 1981, the West Bengal State University (Barasat, North 24-Parganas) Act, 2007, the Gour Banga University Act, 2007, the Sidho-Kanho-Birsha University Act, 2010, the Jadavpur University Act, 1981, the Rabindra Bharati Act, 1981, the Netaji Subhash Open University Act, 1997, the Presidency University Act, 2010, the Coochbehar Panchanan Barma University Act, 2012, the Kazi Nazrul University Act, 2012, the Diamond Harbour Women's University Act, 2012, the Bankura University Act, 2013, the Raiganj University Act, 2014, the West Bengal University of Teachers’ Training, Education Planning and Administration Act, 2014, the Sanskrit College and
The West Bengal University Laws (Amendment) Bill, 2022.

(Clause 1.)

University, West Bengal Act, 2015, the Rani Rashmoni Green University Act, 2017, the Biswa Bangla Biswabidyalay Act, 2017, the Sadhu Ram Chand Murmu University of Jhargram Act, 2017, the Mahatma Gandhi University Act, 2017, the Murshidabad University Act, 2018, the Dakshin Dinajpur University Act, 2018, the Greenfield University Act, 2018, the Alipurduar University Act, 2018, the Kanyashee University Act, 2018, the Harichand Guruchand University Act, 2018, the Hindi University, West Bengal Act, 2019 and the Maulana Abul Kalam Azad University of Technology, West Bengal Act, 2000.

WHEREAS it is expedient to amend the Calcutta University Act, 1979, the North Bengal University Act, 1981, the Burdwan University Act, 1981, the Vidyasagar University Act, 1981, the Kalyani University Act, 1981, the West Bengal State University (Barasat, North 24-Parganas) Act, 2007, the Gour Banga University Act, 2007, the Sidho-Kanho-Birsha University Act, 2010, the Jadavpur University Act, 1981, the Rabindra Bharati Act, 1981, the Netaji Subhash Open University Act, 1997, the Presidency University Act, 2010, the Coochbehar Panchanan Barma University Act, 2012, the Kazi Nazrul University Act, 2012, the Diamond Harbour Women’s University Act, 2012, the Bankura University Act, 2013, the Raiganj University Act, 2014, the West Bengal University of Teachers’ Training, Education Planning and Administration Act, 2014, the Sanskrit College and University, West Bengal Act, 2015, the Rani Rashmoni Green University Act, 2017, the Biswa Bangla Biswabidyalay Act, 2017, the Sadhu Ram Chand Murmu University of Jhargram Act, 2017, the Mahatma Gandhi University Act, 2017, the Murshidabad University Act, 2018, the Dakshin Dinajpur University Act, 2018, the Greenfield University Act, 2018, the Alipurduar University Act, 2018, the Kanyashee University Act, 2018, the Harichand Guruchand University Act, 2018, the Hindi University, West Bengal Act, 2019 and the Maulana Abul Kalam Azad University of Technology, West Bengal Act, 2000, 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:—

L. (1) This Act may be called the West Bengal University Laws (Amendment) Act, 2022.
(2) It shall come into effect at once.

2. In the Calcutta University Act, 1979, in section 7, 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. He shall be the head of the University and the President of the Senate and shall, when present, preside over the meetings of the Senate.”.

3. In the North Bengal University Act, 1981, 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. He shall be the head of the University and the President of the Court and shall, when present, preside over the meetings of the Court.”.

4. In the Burdwan University Act, 1981, 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. He shall be the head of the University and the President of the Court and shall, when present, preside over the meetings of the Court.”.

5. In the Vidyasagar University Act, 1981, 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. He shall be the head of the University and the President of the Court and shall, when present, preside over the meetings of the Court.”.

6. In the Kalyani University Act, 1981, 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. He shall be the head of the University and the President of the Court and shall, when present, preside over the meetings of the Court.”.

7. In the West Bengal State University (Barasat, North 24-Parganas) Act, 2007, 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. He shall be the head of the University and the President of the Court and shall, when present, preside over the meetings of the Court.”.

8. In the Gour Banga University Act, 2007, 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. He shall be the head of the University and the President of the Court and shall, when present, preside over the meetings of the Court.”.

9. In the Sidho-Kanho-Birsha University Act, 2010, 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. He shall be the head of the University and the President of the Court and shall, when present, preside over the meetings of the Court.”.
10. In the Jadavpur University Act, 1981, 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. He shall be the head of the University and the President of the Court and shall, when present, preside over the meetings of the Court.”

11. In the Rabindra Bharati Act, 1981, 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. He shall be the head of the University and the President of the Court and shall, when present, preside over the meetings of the Court.”

12. In the Netaji Subhas Open University Act, 1997, 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.”

13. In the Presidency University Act, 2010, in section 6, 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. He shall be the head of the University and the President of the Governing Board and shall, when present, preside over the meetings of the Governing Board.”

14. In the Coochbehar Panchanan Barma University Act, 2012, 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. He shall be the head of the University and the President of the Court and shall, when present, preside over the meetings of the Court.”

15. In the Kazi Nazrul University Act, 2012, 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. He shall be the head of the University and the President of the Court and shall, when present, preside over the meetings of the Court.”

16. In the Diamond Harbour Women’s University Act, 2012, in section 7, 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. He shall be the head of the University and the President of the Court and shall, when present, preside over the meetings of the Court.”

17. In the Bankura University Act, 2013, 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. He shall be the head of the University and the President of the Court and shall, when present, preside over the meetings of the Court.”

18. In the Raiganj University Act, 2014, 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. He shall be the head of the University and the President of the Court and shall, when present, preside over the meetings of the Court.”
19. In the West Bengal University of Teachers' Training, Education Planning and Administration Act, 2014, in section 9, 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. He shall be the head of the University and the President of the Court and shall, when present, preside over the meetings of the Court.”.

20. In the Sanskrit College and University, West Bengal Act, 2015, in section 7, 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. He shall be the head of the University and the President of the Governing Board and shall, when present, preside over the meetings of the Governing Board.”.

21. In the Rani Rashmoni Green University Act, 2017, in section 10, 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. He shall be the head of the University and the President of the Governing Board and shall, when present, preside over the meetings of the Governing Board.”.

22. In the Biswa Bangla Biswabidyalay Act, 2017, in section 10, 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. He shall be the head of the University and the President of the Governing Board and shall, when present, preside over the meetings of the Governing Board.”.

23. In the Sadhu Ram Chand Murmu University of Jhargram Act, 2017, in section 10, 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. He shall be the head of the University and the President of the Court and shall, when present, preside over the meetings of the Court.”.

24. In the Mahatma Gandhi University Act, 2017, in section 10, 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. He shall be the head of the University and the President of the Court and shall, when present, preside over the meetings of the Court.”.

25. In the Murshidabad University Act, 2018, in section 10, 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. He shall be the head of the University and the President of the Court and shall, when present, preside over the meetings of the Court.”.

26. In the Dakshin Dinajpur University Act, 2018, in section 10, 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. He shall be the head of the University and the President of the Court and shall, when present, preside over the meetings of the Court.”.
27. In the Darjeeling Hills University Act, 2018, in section 10, 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. He shall be the head of the University and the President of the Court and shall, when present, preside over the meetings of the Court.”.

28. In the Alipurduar University Act, 2018, in section 10, 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. He shall be the head of the University and the President of the Court and shall, when present, preside over the meetings of the Court.”.

29. In the Kanya University Act, 2018, in section 10, 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. He shall be the head of the University and the President of the Governing Board and shall, when present, preside over the meetings of the Governing Board.”.

30. In the Harichand Guruchand University Act, 2018, in section 10, 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. He shall be the head of the University and the President of the Court and shall, when present, preside over the meetings of the Court.”.

31. In the Hindi University, West Bengal Act, 2019, in section 10, 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. He shall be the head of the University and the President of the Governing Board and shall, when present, preside over the meetings of the Governing Board.”.

32. In the Maulana Abul Kalam Azad University of Technology, West Bengal Act, 2000, in section 10, 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.”

STATEMENT OF OBJECTS AND REASONS.

The State Government has established and incorporated 31 State-aided Universities under the administrative control of the Higher Education Department in view of raising rich quality of higher education amongst the students of the State as well as of the Country. The Hon’ble Governor of the State of West Bengal is the Chancellor of all the State-aided Universities by virtue of his post.

2. The constituting Acts of each University has provided some statutory duties and functions upon the Hon’ble Chancellor of the University. It is not out of place to mention that Hon’ble Governor holding the Constitutional post has to discharge various Constitutional functions as enshrined under the Constitution.
The West Bengal University Laws (Amendment) Bill, 2022.

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 powers which are not envisaged under the Constitution and which may expose the office to controversies or public criticism. Making the Governor the Chancellor of the Universities and thereby conferring powers on him which may have had some relevance historically has ceased to be so with the change of the circumstances. The Commission is also of the view that Governor should not be assigned functions casually under any Statutes. His role should be confined to the Constitutional provisions only.

4. It has therefore been considered necessary and imperative that the constituting Acts of the Universities shall be amended so that the Hon'ble Chief Minister of the State of West Bengal shall be the Chancellor of all State-aided Universities for the purposes of the said Acts.

5. The Bill has been prepared to achieve the above objective.

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

KOLKATA,

The 6th June, 2022.

BRATYA BASU,

Member-in-charge.

By order of the Governor,

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