



The Bidhan Chandra Krishi Viswavidyalaya Act, 1974

Act 49 of 1974

Keyword(s):

Agriculture, Associate Dean, Associate Director of Research, Authority, Campus, Convocation, Faculty, Field Work, Hostel, Minister, Officer, Regional Station, Registered Graduate, Revised Scale, Statutes, Student, Teacher, University

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West Bengal Act XLIX of 1974

THE BIDHAN CHANDRA KRISHI VISWAVIDYALAYA ACT, 1974.

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SCHEDULE II.

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West Bengal Act XLIX of 1974¹

THE BIDHAN CHANDRA KRISHI ²[VISWAVIDYALAYA] ACT, 1974.

AMENDED

West Ben. Act IV of 1977.
West Ben. Act XXXI of 1981.
West Ben. Act IX of 1982.
West Ben. Act VIII of 1986.
West Ben. Act XXI of 1986.
West Ben. Act V of 1996.
West Ben. Act XXI of 1996.

[12th December, 1974.]

An Act to establish and incorporate a University at Haringhata, in the district of Nadia, in West Bengal.

WHEREAS it is expedient to establish and incorporate a University at Haringhata, in the district of Nadia, in West Bengal, for providing facilities for the study of agriculture, animal husbandry and allied sciences and for conducting researches in those sciences;

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

CHAPTER I

Preliminary

1. (1) This Act may be called the Bidhan Chandra Krishi ²[Viswavidyalaya] Act, 1974. Short title and extent.

(2) It extends to the whole of West Bengal.

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

* * * * *

¹For Statement of Objects and Reasons, see the *Calcutta Gazette, Extraordinary*, Part IV, of the 14th November, 1974, page 1963; for proceedings of the West Bengal Legislative Assembly, see the proceedings of the meeting of that Assembly, held on the 25th November 1974.

²The word within the square brackets were substituted for the words "Viswa Vidyalaya" by s. 2 of the Bidhan Chandra Krishi Viswavidyalaya (Amendment) Act, 1981 (West Ben. Act XXXI of 1981).

(Chapter I.—Preliminary.—Section 2.)

- (2) "Agriculture" includes basic and applied sciences relating to [terrestrial and aquatic crop and animal production,] forestry including farm forestry, home economics, agricultural Engineering and technology, marketing and processing, land use and management, soil and water management and all matters connected therewith or incidental thereto;
- (3) "appointed day" means the 1st day of September, 1974;
- ²(3a) "Associate Dean" means the Head of the teaching wing of a campus;
- ²(3b) "Associate Director of Research" means the Head of a research wing of a campus or regional station;
- (4) "authority" means any authority of the University specified in section 9;
- ³(4a) "campus" means the centre, other than the main campus, imparting teaching at degree level or above and having any research or extension function;
- | | | | | |
|----|---|---|---|---|
| 4* | * | * | * | * |
| 5* | * | * | * | * |
- ⁶(6a) "convocation" means a meeting of the Court for the purpose of conferring degrees, titles, diplomas, certificates or other academic distinctions;
- ⁶(6b) "employee" in relation to the University means any person employed by the University;
- (7) "Faculty" means a Faculty by the University;
- ⁷(7a) "field-worker" means a field-worker, appointed or recognized as such by the University;
- ⁷(7b) "financial year" means the year ending on the 31st day of March;
- ⁷(7c) "Governor" means the Governor of the State of West Bengal;

¹The words within the square brackets were substituted for the words "crop and livestock production, veterinary and dairy sciences, fisheries," by s. 2(1) of the Bidhan Chandra Krishi Viswavidyalaya (Second Amendment) Act, 1996 (West Ben. Act XXI of 1996).

²Clauses (3a) and (3b) were inserted by s. 2(2), *ibid.*

³Clause (4a) was inserted by s. 2(3), *ibid.*

⁴Clause (5) was omitted by s. 3(2) of the Bidhan Chandra Krishi Viswavidyalaya (Amendment) Act, 1981 (West Ben. Act XXXI of 1981).

⁵Clause (6) was omitted by s. 2(4) of the Bidhan Chandra Krishi Viswavidyalaya (Second Amendment) Act, 1996 (West Ben. Act XXI of 1996).

⁶Clauses (6a) and (6b) were inserted by s. 3(3) of the Bidhan Chandra Krishi Viswavidyalaya (Amendment) Act, 1981 (West Ben. Act XXXI of 1981).

⁷Clause (7a), (7b) and (7c) were inserted by s. 3(4) of the Bidhan Chandra Krishi Viswavidyalaya (Amendment) Act, 1981 (West Ben. Act XXXI of 1981).

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(Chapter I.—Preliminary.—Section 2.)

- (8) "hostel" means a place of residence for the students of the University maintained or recognised by the University;
- ¹(8a) "main campus" means the principal seat of the University at Mohanpur under police station Haringhata in the district of Nadia, in West Bengal where the academic, administrative, research, extension education and farm establishments are situated for the purpose of teaching, research and extension education functions;
- (9) "Minister" means the Minister-in-charge of the Department of Agriculture of the Government of West Bengal;
- ²(9a) "non-teaching staff" means the non-teaching staff, not holding any teaching post (including part-time teaching post), appointed or recognized as such by the University, but does not include an officer or a field-worker;
- (10) "officer" means an officer of the University specified in section 18;
- (11) "prescribed" means prescribed by Statutes ³], Ordinances or Regulations] made under this Act;
- * * * * *
- ⁵(12a) "regional station" means the research or extension station under the University;
- (13) "regulations" means regulations made under section 40 of this Act;
- ⁶(13a) "registered graduate" means a graduate registered under this Act, at least three months prior to the date of election of members to the Court, on application in the prescribed form and on payment of a fee of one rupee;
- Provided that no person shall be eligible to be registered under this Act unless he has graduated himself from the University at least three years prior to the date of election of members to the Court;
- ⁷(13a) "revised scale" means any of the scales of pay sanctioned by the Government of West Bengal, Agriculture and Community Development Department order No. 946-Edn & Trg/2U-20/75, dated 2nd February, 1976, which is reproduced in Schedule I to this Act:

¹Clause (8a) was inserted by s. 2(5) of the Bidhan Chandra Krishi Viswavidyalaya (Second Amendment) Act, 1996 (West Ben. Act XXI of 1996).

²Clause (9a) was inserted by s. 3(5) of the Bidhan Chandra Krishi Viswavidyalaya (Amendment) Act, 1981 (West Ben. Act XXXI of 1981).

³The words within the square brackets were inserted by s. 3(b), *ibid.*

⁵Clause (12) was omitted by s. 2(6) of the Bidhan Chandra Krishi Viswavidyalaya (Second Amendment) Act, 1996 (West Ben. Act XXI of 1996).

⁶Clause (12a) was inserted by s. 2(7), *ibid.*

⁷Clause (13a) was inserted by s. 3(7) of the Bidhan Chandra Krishi Viswavidyalaya (Amendment) Act, 1981 (West Ben. Act XXXI of 1981).

⁸Clauses (13a) and (13b) were inserted by s. 2 of the Bidhan Chandra Krishi Viswavidyalaya (Amendment) Act, 1977 (West Ben. Act VII of 1977).

(Chapter II.—The University.—Section 3.)

Provided that the State Government may, by notification published in the *Official Gazette*, amend Schedule I, from time to time and the Schedule so amended shall be deemed to be part of this Act;

- ¹(13b) "Schedule" means a Schedule to this Act;
- ²(14) "Statutes", "Ordinances" and "Regulations" mean, respectively, the Statutes, Ordinances and Regulations of the University made under this Act;
- (15) "student" means a person enrolled in the University for taking a course of study for a degree, diploma or other academic distinction duly instituted;
- ³(15a) "Students' Union" in relation to the University means the Students' Union constituted in the manner prescribed;
- (16) "teacher" means a person appointed or recognised by the University for the purpose of imparting instruction or conducting and guiding research or extension programmes and includes any other person who may be declared by Statutes to be a teacher;
- (17) "University" means the Bidhan Chandra Krishi [Viswavidyalaya] constituted under section 3.

CHAPTER II

The University

Incorporation of the University.

3. ⁵(1) The Chancellor and the Vice-Chancellor of the University and the members of the Court and the Executive Council, for the time being, shall constitute a body corporate by the name of the Bidhan Chandra Krishi Viswavidyalaya.

⁵(1A) The University shall have perpetual succession and a common seal and shall sue and be sued by the name of the Bidhan Chandra Krishi Viswavidyalaya.

⁶(2) The Court shall consist of the following members:—

- (i) *ex officio members*
- (a) the Chancellor;
- (b) the Vice-Chancellor;

¹See foot-note 7 on page 145, *ante*.

²Clause (14) was substituted for the original clause by s. 3(8) of the Bidhan Chandra Krishi Viswavidyalaya (Amendment) Act, 1981 (West Ben. Act XXXI of 1981).

³Clause (15a) was inserted by s. 3(9), *ibid*.

⁴See foot-note 2 on page 143, *ante*.

⁵Sub-sections (1) and (1A) were substituted for the original sub-section (1) by s. 4(1) of the Bidhan Chandra Krishi Viswavidyalaya (Amendment) Act, 1981 (West Ben. Act XXXI of 1981).

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(Chapter II.—The University.—Section 3.)

- (c) the Secretary, Department of Education, Government of West Bengal;
- (d) the Secretary, Department of Agriculture, Government of West Bengal;
- * * * * *
- (e) the Secretary, Department of Animal Husbandry and Veterinary Services, Government of West Bengal;
- (f) the Secretary, Department of Finance, Government of West Bengal;
- (g) the Secretary, Department of Forest, Government of West Bengal;
- ²(h) the Secretary, Department of Food Processing Industries, Government of West Bengal;
- (i) the Deans of Faculties;
- (j) the Dean of Post-Graduate Studies;
- ³(j1) the Campus Director;
- (k) the President, West Bengal Council of Higher Secondary Education;
- (l) the Director of Agriculture, Government of West Bengal;
- ⁴(m) the Director of Horticulture, Government of West Bengal;
- ⁵(n) the Director of Agricultural Engineering, Government of West Bengal;
- * * * * *
- (p) the Director of Research;
- (q) the Director of Extension ⁷[Education];
- ⁸(q1) the Director of Farms;
- ⁸(q2) the Librarian;
- ⁸(q3) the Registrar;

¹Clause (c) was omitted by s. 3(1)(a)(i) of the Bidhan Chandra Krishi Viswavidyalaya (Second Amendment) Act, 1996 (West Ben. Act XXI of 1996).

²Clause (h) was substituted for the previous clause (h) by s. 3(1)(a)(ii), *ibid.*

³Clause (j1) was inserted by s. 3(1)(a)(iii), *ibid.*

⁴Clause (m) was substituted for the previous clause (m) by s. 3(1)(a)(iv), *ibid.*

⁵Clause (n) was substituted for the previous clause (n) by s. 3(1)(a)(v), *ibid.*

⁶Clause (a) was omitted by s. 3(1)(a)(vi), *ibid.*

⁷This word was inserted by s. 3(1)(a)(vii), *ibid.*

(Chapter II.—The University.—Section 3.)

Provided that if any of the members referred to ¹[in clauses (c), (d), (f), (g), (m) and (n)] is for any reason unable to attend any meeting of the Court, he may depute an officer under his control, not below the rank of Joint Secretary to the Government of West Bengal or Additional Director ²[or joint Director], Government of West Bengal, as the case may be, to attend the meeting on his behalf;

(ii) *nominated members*

(r) a representative of the Indian Council of Agricultural Research to be nominated by the Council;

³* * * * *

(t) two persons to be nominated by the State Government from amongst the progressive farmers of the State;

(u) two persons to be nominated by the Chancellor from amongst the educationists, agricultural scientists or persons with special knowledge or interest in agriculture;

(iii) *elected members*

(v) five teachers, of whom one shall be in the rank of Professor, two shall be in the rank of Reader and two shall be in the rank of Lecturer, from each Faculty elected jointly by the teachers of the Faculties;

(w) two students elected by the Executive Committee of the Students' Union pertaining to each Faculty from amongst the ⁴[regular students at undergraduate, post-graduate and doctoral levels of the Faculty of whom one shall be from the post-graduate or doctoral level].

Explanation.—“Regular student” shall mean a student who is not in default of payment of prescribed tuition fees and other dues of the University till such date as may be notified by the University in this behalf;

(x) ⁵[two persons] elected by the members of non-teaching staff of the University from amongst themselves;

¹The words, letters and brackets within the square brackets were substituted for the words, letters and brackets “in clauses (c) to (h) and (l) to (n)” by s. 3(1)(a)(ix)(a) of the Bidhan Chandra Krishi Viswavidyalaya (Second Amendment) Act, 1996 (West Ben. Act XXI of 1996).

²The words within the square brackets were inserted by s. 3(1)(a)(ix)(b), *ibid.*

³Clause (s) was omitted by s. 3(1)(b), *ibid.*

⁴The words within the square brackets were substituted for the words “regular students of the Faculty.” by s. 3(1)(c)(i), *ibid.*

⁵The words within the square brackets were substituted for the words “one person”

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(Chapter II.—The University.—Section 3.)

- (y) one person elected by the field-workers of the University from amongst themselves;
- (z) one person elected by the officers of the University from amongst themselves;
- (aa) not less than one and not more than three persons elected by registered graduates from amongst themselves, the number of such persons to be elected being calculated as far as practicable on the basis of one person for every two hundred registered graduates;
- (bb) three members of the West Bengal Legislative Assembly elected by the members of the West Bengal Legislative Assembly from amongst themselves.

¹(3) The members referred to in clauses (a) to (j) and (l) to (o) of sub-section (2) shall be the first members of the Court.

²(3a) The term of office of the members of the ³[Court] other than the *ex-officio* members, shall be ⁴[four years,] and a member shall be eligible to serve more than one term:

⁵Provided that a member elected under clause (w) of sub-section (2) shall hold office for three years or till he ceases to be a student, whichever is earlier.

⁶(3b) All elections to the Court shall be held in the manner prescribed by Statutes.

⁶(3c) Subject to the supervision, direction and general control of the Vice-Chancellor, the Registrar shall act as the Secretary of the Court.

(4) The University shall be competent to acquire and hold property, both movable and immovable, to lease, sell or otherwise transfer such property, to borrow money, to enter into contract and to do all things necessary for carrying out the purposes of this Act.

(5) The principal seat of the University shall be at Haringhata, police-station Haringhata, in the district of Nadia.

¹Sub-section (3) was substituted for the original sub-section (3) by s. 4(3) of the Bidhan Chandra Krishi Viswavidyalaya (Amendment) Act, 1981 (West Ben. Act XXXI of 1981).

²Sub-section (3a) was inserted by s. 3 of the Bidhan Chandra Krishi Viswavidyalaya (Amendment) Act, 1977 (West Ben. Act IV of 1977).

³The word within the square brackets was substituted for the word "University" by s. 4(4)(a) of the Bidhan Chandra Krishi Viswavidyalaya (Amendment) Act, 1981 (West Ben. Act XXXI of 1981).

⁴The words within the square brackets were substituted for the words "three years" by s. 3(2) of the Bidhan Chandra Krishi Viswavidyalaya (Second Amendment) Act, 1996 (West Ben. Act XXI of 1996).

⁵This proviso was added by s. 4(4)(b) of the Bidhan Chandra Krishi Viswavidyalaya (Amendment) Act, 1981 (West Ben. Act XXXI of 1981).

*(Chapter II.—The University.—Sections 4-6.)*Jurisdiction
of the
University.

4. (1) The jurisdiction of the University in teaching, research and extension education programme in the field of agriculture shall extend to the whole of West Bengal.

(2) The University may assume responsibility for training of field extension workers and farmers in order to support the State's agricultural production programme and for the establishment, development and operation of agricultural polytechnics as may be required in various parts of the State.

(3) All colleges, research and experimental stations, or other institutions coming under the jurisdiction of [the University] shall be regarded as constituent units of the University under its full management and control and no unit shall be recognised as an affiliated unit.

(4) The University may collaborate with other Universities, research institutes and other scientific and academic institutions pursuing the study of agriculture and sciences basic to agriculture, in making and implementing programmes of common interest for the benefit of agriculture whether such institutions are situated within or outside the State of West Bengal, in order to ensure that the efforts made by all of them become complimentary to one another.

Objects of
the
University.

5. The University shall be established with a view to fulfilling the following objects, namely:—

- (1) making provision for imparting education in different branches of study in agriculture, horticulture, [agricultural processing engineering, terrestrial and aquatic animal sciences,] fisheries, forestry, agricultural engineering, home science and other allied branches of learning and scholarship;
- (2) furthering the advancement of learning and prosecution of research, in agriculture and other allied sciences;
- (3) undertaking the extension of educational programme in the field of agriculture to the rural people of the State; and
- (4) such other purposes as the University may from time to time determine.

Admission
to the
University.

6. (1) The University shall, subject to the provisions of this Act and the Statutes, be open to all persons provided that nothing in this section shall require the University to admit to any course of study any person who does not possess the prescribed academic standards.

¹The words within the square brackets were substituted for the words "this University" by s. 5 of the Bidhan Chandra Krishi Viswavidyalaya (Amendment) Act, 1981 (West Ben. Act XXXI of 1981).

²The words within the square brackets were substituted for the words "veterinary and animal sciences, fisheries," by s. 4 of the Bidhan Chandra Krishi Viswavidyalaya (Second

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(Chapter II.—The University.—Section 7.)

(2) Notwithstanding anything contained in sub-section (1), the State Government may direct that seats shall be kept reserved for Scheduled Castes, Scheduled Tribes and candidates from other States in India for admission to any of the colleges subject to their fulfilling the minimum standards laid down for admission to such college.

17. The University shall have the following powers, namely:—
- (i) to provide for instruction in agriculture;
 - (ii) to establish and maintain University Colleges, University Departments, Institutions, Libraries, Laboratories and Museums for study and research;
 - (iii) to provide for the conduct of research in agriculture and allied branches of learning and to make provision for dissemination of the findings of research and technical information through an extension education programme;
 - (iv) to institute degrees, titles, diplomas, certificates and other academic distinctions;
 - (v) to confer degrees, titles, diplomas, certificates and other academic distinctions on persons who—
 - (a) shall have pursued prescribed courses of studies unless exempted therefrom in the manner prescribed, and shall have passed such examinations as may be prescribed, or
 - (b) shall have carried on research in accordance with such conditions as may be prescribed;
 - (vi) to create and institute Professorships, Readerships, Lectureships, and such posts including posts of officers as may be necessary for the establishment of the University Colleges, University Departments, Institutions, Libraries, Laboratories and Museums;
 - (vii) to withdraw or to cancel degrees, titles, diplomas, certificates or other academic distinctions under such conditions as may be prescribed by Statutes and after giving the person affected a reasonable opportunity to present his case;
 - (viii) to confer honorary degrees and other distinctions under conditions prescribed;
 - (ix) to consider the Annual Statement of Accounts and the Annual Financial Estimates approved by the Executive Council and to pass such resolutions relating thereto as may be considered necessary;

Powers of
the
University.

⁴Section 7 was substituted for the original section by s. 6 of the Bidhan Chandra Krishi

(Chapter II.—The University.—Section 8.)

- (x) to consider the Annual Report as prepared by the Executive Council and to pass such resolutions relating thereto as may be considered necessary;
- (xi) to advise on such other matters as may be referred to it by the Executive Council;
- (xii) to consider, and advise on, proposals from the Executive Council for entering into agreement with the State Government or with the approval of the State Government with any other Government or with any person, body or authority for the taking over by the University of the management of any college or institution including its assets and liabilities or for any other purpose not repugnant to the provisions of this Act;
- (xiii) to co-operate with other universities and educational authorities in such manner and for such purposes as the University may determine for furtherance of the agricultural education;
- (xiv) to institute and award fellowships, scholarships and prizes in accordance with the Statutes;
- (xv) to provide and maintain residential accommodation for the students and the staff of the University;
- (xvi) to prescribe, demand and receive fees and other charges for examinations and other purposes;
- (xvii) to supervise and control the residence, conduct and discipline of teachers, officers, non-teaching staff, students and field-workers of the University and to make arrangements for promoting their health and welfare;
- (xviii) to exercise all other powers and perform all other functions conferred and imposed on the University by or under this Act.

Inspection
by the State
Government.

8. The State Government shall have the right to cause an inspection to be made by such person or persons as it may direct, of the University, its buildings, laboratories, and equipments, and of any college, agricultural school, experimental station, demonstration farm or other institution established, maintained, managed or recognised by the University, and also of any examination, teaching and other work conducted or done by the University, and may cause an inquiry to be made in like manner in respect of any matter connected with the University:

Provided that the State Government shall in every such case give notice to the University of its intention to cause such inspection or inquiry to be made and the University shall be entitled to be represented thereat

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(Chapter III.—Authorities of the University.—Sections 9, 9A.)

(2) The State Government shall communicate to the University its views with reference to the results of any such inspection or inquiry, and shall, after ascertaining the opinion of the University thereon, advise the University upon the action, if any to be taken.

(3) The University shall report to the State Government the action, if any, which is proposed to be taken or has been taken by it upon the advice given under sub-section (2).

(4) When the University does not, within a reasonable time, take action to the satisfaction of the State Government, the State Government may, after considering any explanation furnished or representation made by the University, issue such directions in writing as it may think fit and the University shall comply with those directions.

CHAPTER III

Authorities of the University

19. The following shall be the authorities of the University:— Authorities.

- (1) the Court;
- (2) the Executive Council;
- (3) the Faculty Councils for post-graduate and undergraduate studies;
- (4) the Boards of Studies;
- (5) the Finance Committee;
- (6) such other authorities as may be established under the Statutes.

²9A. (1) Subject to such conditions as may be provided by or under the provisions of this Act, the Court shall— The Court.

- (i) make rules for the transaction of its own business;
- (ii) exercise all the powers and perform all the functions of the University under this Act;
- (iii) exercise all other powers and perform all other functions conferred and imposed on it by or under this Act.

(2) The Court shall not exercise the powers referred to in clauses (i) to (viii) of section 7 except on the recommendation of the Executive Council but may send proposals in respect thereof to the Executive Council for its recommendation.

¹Section 9 was substituted for the original section by s. 7 of the Bidhan Chandra Krishi Viswavidyalaya (Amendment) Act, 1981 (West Ben. Act XXXI of 1981).

²Sections 9A and 9B were inserted by s. 8, *ibid.*

(Chapter III.—Authorities of the University.—Sections 9B, 10.)

(3) The Court shall have the power to review the action of the Executive Council, save where the Executive Council has acted in accordance with the powers conferred on it by or under this Act:

Provided that if any question arises as to whether the Executive Council has acted in accordance with the powers conferred on it by or under this Act, the matter shall be decided by reference to the Chancellor whose decision shall be final.

Meetings of
the Court.

¹9B. (1) The Court shall meet at least thrice in a financial year, other than for convocation, on dates to be fixed by the Vice-Chancellor. One of such Meetings shall be held before March and shall be called the Annual Meeting. The Court may also meet as such other times as it may, from time to time, decide.

(2) One-third of the total number of members of the Court plus one shall be a quorum for a meeting of the Court:

Provided that such quorum shall not be required at a convocation.

(3) The Vice-Chancellor may, whenever he thinks fit, and shall, upon a requisition in writing signed by not less than one-third of the total number of members of the Court, convene a meeting of the Court. A meeting on such requisition shall be held within fifteen days of the receipt of the requisition by the Vice-Chancellor.

²[The
Executive
Council].

10. ³* * * * *

⁴(2) The Executive Council shall consist of the following members:—

(a) *ex officio members*

(i) the Vice-Chancellor;

(ii) the Pro-Vice-Chancellor, if any;

(iii) the Deans of Faculties;

⁵(iiia) the Director of Research;

⁶(iiib) the Director of Extension Education;

⁷(iiic) the Registrar;

(iv) the Secretary, Department of Agriculture, Government of West Bengal;

¹See foot-note 2 on page 153, *ante*.

²This marginal note was substituted for the original marginal note "Constitution of the Board" by s. 9(1) of the Bidhan Chandra Krishi Viswavidyalaya (Amendment) Act, 1981 (West Ben. Act XXXI of 1981).

³Sub-section (1) was omitted by s. 9(2), *ibid*.

⁴Sub-sections (2) and (2A) were substituted for the original sub-section (2) by s. 9(3), *ibid*.

⁵Clauses (iiia), (iiib) and (iiic) were inserted by s. 5(1)(a)(i) of the Bidhan Chandra Krishi Viswavidyalaya (Amendment) Act, 1981.

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- ¹(v) the Secretary, Department of Food Processing Industries, Government of West Bengal;
- ¹(va) the Campus Director;
- (vi) the Secretary, Department of Finance, Government of West Bengal;
- ²(vii) the Secretary, Department of Education, Government of West Bengal;
- ²(viiia) the field-worker elected to the Court;
- ²(viiib) the officer elected to the Court:

Provided that if any of the members referred to in clauses (iv) to (vii) is for any reason unable to attend any meeting of the Executive Council, he may depute an officer under his control, not below the rank of ³[Deputy Secretary] to the Government of West Bengal;

(b) *nominated members*

- (viii) the representative referred to in clause (r) of subsection (2) of section 3;
- (ix) two progressive farmers to be nominated by the State Government;
- (x) two eminent scientists with a background of agricultural research or education to be nominated by the Chancellor;

(c) *elected members*

- (xi) one Teacher to be elected by such teachers as are members of the Court from amongst themselves;
- (xii) two Teachers, of whom one shall be in the rank of Professor, from each Faculty ⁴[having not more than one hundred Teachers] elected jointly by the Teachers of the Faculties:

¹Clauses (v) and (va) were substituted for the previous clause (v) by s. 5(1)(a)(ii) of the Bidhan Chandra Krishi Viswavidyalaya (Second Amendment) Act, 1996 (West Ben. Act XXI of 1996).

²Clauses (vii), (viiia) and (viiib) were substituted for the previous clause (vii) by s. 5(1)(a)(iii), *ibid*.

³The words within the square brackets were substituted for the words "Joint Secretary" by s. 2 of the Bidhan Chandra Krishi Viswavidyalaya (Second Amendment) Act, 1986 (West Ben. Act XXI of 1986).

⁴The words within the square brackets were inserted by s. 5(1)(b)(i)(a) of the Bidhan Chandra Krishi Viswavidyalaya (Second Amendment) Act, 1996 (West Ben. Act XXI of 1996).

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¹Provided that in the case of a Faculty having additional one hundred Teachers, one more Teacher in any rank from such Faculty shall be elected jointly by the Teachers of the Faculty;

²(xiii) one post-graduate student ³[or student at doctoral level (Doctor of Philosophy)] elected jointly by such students as are members of the Court from amongst themselves;

⁴(xiv) one member of the non-teaching staff to be elected jointly by such members of the non-teaching staff, field worker and officer as are members of the Court from amongst themselves;

⁵(xv) one member of the West Bengal Legislative Assembly from amongst the members elected under clause (bb) under the heading “(iii) *elected members*” of sub-section (2) of section 3, to be elected by the members of the West Bengal Legislative Assembly.

⁶(2A) The members referred to in clauses (i) and (iii) to (vii) of sub-section (2) shall be the first members of the Executive Council.

(3) The Vice-Chancellor shall be the *ex officio* Chairman and the Registrar ⁷[Member Secretary] of the ⁸[Executive Council].

¹This proviso was added by s. 5(1)(b)(i)(b) of the Bidhan Chandra Krishi Viswavidyalaya (Second Amendment) Act, 1996 (West Ben. Act XXI of 1996).

²Clause (xiii) was substituted, w.e.f. the 20th day of July, 1981, for the previous clause (xiii) by s. 2 of the Bidhan Chandra Krishi Viswavidyalaya (Amendment) Act, 1982 (West Ben. Act IX of 1982).

³The words and brackets within the square brackets were inserted by s. 5(1)(b)(ii) of the Bidhan Chandra Krishi Viswavidyalaya (Second Amendment) Act, 1996 (West Ben. Act XXI of 1996).

⁴This clause was substituted for the previous clause (xiv) by s. 5(1)(b)(iii), *ibid.*

⁵Clause (xv) was inserted by s. 5(1)(b)(iv), *ibid.*

⁶See foot-note 4 on page 154, *ante.*

⁷The words within the square brackets were substituted for the words “non-member Secretary” by s. 5(2), *ibid.*

⁸The words within the square brackets were substituted for the word “Board.” by s. 9(4) of the Bidhan Chandra Krishi Viswavidyalaya (Amendment) Act, 1981 (West Ben. Act XXXI of 1981).

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(4) The term of office of the members of the ¹[Executive Council,] other than the *ex officio* members, shall be ²[four years,] and a member shall be eligible to serve more than one term:

³Provided that the member elected under clause (xiii) of sub-section (2) shall hold office for three years or till he ceases to be a student, whichever is earlier.

⁴(5) All elections to the Executive Council shall be held in the manner prescribed by Statutes.

⁴(6) One-third of the total number of members of the Executive Council *plus* one shall be a quorum for a meeting of the Executive Council.

11. (1) The ⁶[Executive Council] shall exercise the following powers and perform the following functions, namely:—

Powers and functions of the ³[Executive Council].

- (a) to review and consider the financial requirements and estimates for the University and approve its budget;
- (b) to approve the recommendations for appointment of officers, Teachers and other staff of the University in the manner prescribed;
- (c) to provide for the administration of any funds placed at the disposal of the University for the purposes intended;
- (d) to arrange for the investment and withdrawal of funds of the University;
- (e) to borrow money for capital improvements and make suitable arrangements for its repayment;

¹The words within the square brackets were substituted for the word "Board," by s. 9(5)(a) of the Bidhan Chandra Krishi Viswavidyalaya (Amendment) Act, 1981 (West Ben. Act XXXI of 1981).

²The words within the square brackets were substituted for the words "three years," by s. 5(3) of the Bidhan Chandra Krishi Viswavidyalaya (Second Amendment) Act, 1996 (West Ben. Act XXI of 1996).

³This proviso was added by s. 9(5)(b) of the Bidhan Chandra Krishi Viswavidyalaya (Amendment) Act, 1981 (West Ben. Act XXXI of 1981).

⁴Sub-sections (5) and (6) were inserted by s. 9(6), *ibid.*

⁵The words within the square brackets were substituted for the word "Board." by s. 10(1), *ibid.*

⁶The words within the square brackets were substituted for the word "Board" by s. 10(1), *ibid.*

(Chapter III.—Authorities of the University.—Section 11.)

- (f) to provide for accepting, acquiring, holding and disposing of property on behalf of the University;
- (g) to direct the form and use of the common seal of the University;
- (h) to appoint such committees, either standing or temporary, as the ¹[Executive Council] may consider necessary, and determine the terms of reference thereof within the limitations of this Act or the Statutes;
- (i) to determine and regulate all policies relating to the University in accordance with this Act or the Statutes;
- (j) to make financial provision for instruction, teaching and training in such branches of learning and courses of study as may be determined by the ²[Faculty Council for post-graduate and undergraduate studies concerned] within the purposes of this Act and for research and advancement or dissemination of knowledge in such branches of learning;
- (k) to provide for the establishment and maintenance of colleges, hostels, laboratories, experimental farms and other facilities necessary for carrying out the purposes of this Act;
- (l) to make provision for instituting and conferring degrees, diplomas, and other academic distinctions;
- (m) to provide for institution, maintenance, and award of scholarships, fellowships, studentships, ³[medals and prizes];
- (n) to accept on behalf of the University Trusts, bequests and donations;
- (o) to meet at such times and in such places as it considers necessary, provided that it shall hold meetings at least once in every two months;
- ⁴(o1) to make rules for the transaction of its own business;

¹The words within the square brackets were substituted for the word "Board" by s. 10(2)(b) of the Bidhan Chandra Krishi Viswavidyalaya (Amendment) Act, 1981 (West Ben. Act XXXI of 1981).

²The words within the square brackets were substituted for the words "Academic Council" by s. 10(2)(c), *ibid.*

³The words within the square brackets were substituted for the words "medals, prizes, etc.," by s. 10(2)(d), *ibid.*

⁴Clause (o1) was inserted by s. 10(2)(e), *ibid.*

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- ¹(p) to exercise all other powers and perform all other functions conferred and imposed on the Executive Council by or under this Act;
- ²(q) to exercise general supervision over the Faculty Councils for post-graduate and undergraduate studies and give such directions to these Councils for the due discharge of their respective duties as it may consider necessary;
- ²(r) to create posts of teachers, officers and other non-teaching staff of the University after obtaining the approval of the State Government;
- ²(s) to sanction the increase of pay, allowances or any financial benefit to any employee of the University with the prior approval of the State Government;
- ²(t) to examine and take action on the Annual Report submitted by the Faculty Council for post-graduate and undergraduate studies regarding teaching, work of the teachers of each Faculty and work entrusted to the Director of Research and the Director of Extension.

(2) The ³[Executive Council] or the Vice-Chancellor may invite any person having experience or special knowledge on any subject under consideration to attend its meeting. Such person may speak or otherwise take part in the proceedings of such meeting but shall not be entitled to vote. Any person so invited shall be entitled to such allowances as may be prescribed.

⁴12. (1) There shall be the following Faculty Councils for post-graduate and undergraduate studies:—

- (a) the Faculty Council for Post-graduate and Undergraduate Studies in Agriculture;
- ⁵(b) the Faculty Council for Post-graduate and Undergraduate Studies in Horticulture;

The Faculty Councils for post-graduate and undergraduate studies.

¹Clause (p) was substituted for the original clause by s. 10(2)(f) of the Bidhan Chandra Krishi Viswavidyalaya (Amendment) Act, 1981 (West Ben. Act XXXI of 1981).

²Clauses (q), (r), (s) and (t) were inserted by s. 10(2)(g), *ibid.* Thereafter, clause (s) was substituted, w.e.f. the 20th day of July, 1981, for the previous clause (s) by s. 3 of the Bidhan Chandra Krishi Viswavidyalaya (Amendment) Act, 1982 (West Ben. Act IX of 1982).

³The words within the square brackets were substituted for the word "Board" by s. 10(3) of the Bidhan Chandra Krishi Viswavidyalaya (Amendment) Act, 1981 (West Ben. Act XXXI of 1981).

⁴Section 12 was substituted for the original section by s. 11, *ibid.*

⁵Clause (b) was substituted for the previous clause by s. 6(1)(a) of the Bidhan Chandra Krishi Viswavidyalaya (Second Amendment) Act, 1996 (West Ben. Act XXI of 1996).

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¹(c) the Faculty Council for Post-graduate and Undergraduate studies in Agricultural Engineering;

¹(d) such other Faculty Council as the University may, with the prior approval of the State Government, establish.

(2) Each Faculty Council for post-graduate and undergraduate studies shall consist of the following members:—

(i) the Vice-Chancellor, Chairman;

²(ia) the Dean of the Faculty, Vice-Chairman;

(ii) the Dean, Post-graduate Studies;

(iii) the Director of Research;

(iv) the Director of Extension;

³(iva) the Campus Director;

³(ivb) the Associate Dean;

(v) the Heads of the Departments concerned;

(vi) three teachers, of whom at least one shall be in the rank of Professor, where there is a Professor, from each Department of the Faculty concerned elected jointly by such teachers;

(vii) two persons having special knowledge in the subject or subjects concerned nominated by the Vice-Chancellor.

(3) Each Faculty Council for post-graduate and undergraduate studies shall have a Secretary to be appointed by the Executive Council.

(4) One-third of the total number of members of a Faculty Council for post-graduate and undergraduate studies *plus* one shall be a quorum for a meeting of the Faculty Council.

⁴(5) The term of office of the elected or nominated members of a Faculty Council for post-graduate and undergraduate studies shall be four years.

Powers and functions of the Faculty Council for post-graduate and undergraduate studies.

⁵13. (1) Subject to the provisions of this Act, and the Statutes, the Ordinances and the Regulations, a Faculty Council for post-graduate and undergraduate studies shall exercise the following powers and perform the following functions:—

(i) to make proposals to the Executive Council for establishment of the University Departments, institutions, libraries, laboratories and museums for study and research to be maintained by the University;

¹Clauses (c) and (d) were inserted by s. 6(1)(b) of the Bidhan Chandra Krishi Viswavidyalaya (Second Amendment) Act, 1996 (West Ben. Act XXI of 1996).

²Clause (ia) was inserted by s. 6(2)(a), *ibid.*

³Clauses (iva) and (ivb) were inserted by s. 6(2)(b), *ibid.*

⁴Sub-section (5) was inserted by s. 6(3), *ibid.*

⁵Section 13 was substituted for the original section by s. 12 of the Bidhan Chandra Krishi Viswavidyalaya (Amendment) Act, 1981 (West Ben. Act XXXI of 1981).

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- (ii) to recommend to the Executive Council the affiliation of an institution in one or more subjects;
- (iii) to make proposals to the Executive Council 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 Executive Council thereof;
- (iv) to recommend to the Executive Council the creation and institution of Professorships, Readerships, Lectureships and other teaching posts and the duties and emoluments thereof;
- (v) to recommend to the Executive Council the minimum qualifications for posts of teachers of the University;
- (vi) to make proposals to the executive Council regarding provisions to be made for enabling the University to undertake specialisation of studies and for organisation of common laboratories, libraries, museums, institutes of research and other institutions maintained by the University;
- (vii) to make proposal to the Executive Council for constituting or reconstituting departments of teaching in the University;
- (viii) to advise the Executive Council on the institution of degrees, titles, diplomas, certificates and other academic distinctions;
- (ix) to fix the date of commencement of, and to hold and conduct (subject to general supervision by the Executive Council), University examinations at the post-graduate and undergraduate stages and publish the results thereof in accordance with the regulations made in this behalf;
- (x) to provide for the inspection or the investigation into the affairs of University departments and submit report to the Executive Council;
- (xi) to call for such reports or information as the Faculty Council may consider necessary for efficient discharge of its duties from the teaching departments, research units or Boards of Studies;
- (xii) to recommend to the Executive Council a panel of experts with fields of specialisation for selection for teaching posts;
- (xiii) to consider any educational matter relating to the Faculty Council and to arrive at decisions or make recommendations pertaining thereto to the appropriate authority or officer;
- (xiv) to frame rules relating to the course of post-graduate and undergraduate studies and the division of subjects in regard thereto and to recommend to the Executive Council the

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- (xv) to maintain contact with other Faculty Councils for the purpose of sharing ideas and ensuring co-ordination;
- (xvi) to submit each year its annual report to the Executive Council;
- (xvii) to make rules for the transaction of its own business;
- (xviii) to exercise all other powers and perform all other functions conferred and imposed on it by or under this Act;
- (xix) to delegate to the teaching departments, research units and Boards of Studies attached to it the responsibility for such academic matters as respectively concern such departments, units and Boards;
- (xx) to recommend to the Executive Council the conferment of post-graduate and undergraduate degrees, diplomas and certificates;
- (xxi) to have general supervision over the Boards of Studies attached to the Faculty Council;
- (xxii) to appoint, if required by the Executive Council, after considering the views of the Boards of Studies attached to the Faculty Council, Boards of Examiners in the subject or subjects relating to post-graduate studies, including the subjects for doctoral thesis and for prizes and medals.

(2) A Faculty Council for post-graduate and undergraduate studies shall not exercise the powers and perform the functions referred to in [clauses (iv) and (v)] of sub-section (1) without consulting the Boards of Studies.

Faculties.

14. (1) The University shall have the Faculties of Agriculture, ²[Horticulture and Agricultural Engineering,] and such other faculties as may be prescribed.

(2) Each Faculty shall comprise such departments and deal with such subjects of study as may be prescribed.

¹The words, figures and brackets within the square brackets were substituted for the words, figures and brackets "clauses (iv), (v), (vii), (viii) and (xiv)" by s. 7 of the Bidhan Chandra Krishi Viswavidyalaya (Second Amendment) Act, 1996 (West Ben. Act XXI of 1996).

²The words within the square brackets were substituted for the words "Veterinary and Animal Sciences." by s. 8(1). *ibid*

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¹(3) (a) There shall be a Board of Studies for each Department of the University which shall ²[meet at least twice a year and shall] consist of the following:—

- (i) all academic, research and extension staff in the rank of teachers of the department,
- (ii) two subject-specialists, not being salaried employees of the University, nominated by the Board of Studies.

(b) The head of the Department ³[shall hold office as such for a term of four years and] shall be the Chairman of the Board of Studies.

¹(3A) The Board of Studies for each Department shall exercise the following powers and perform the following duties:—

- (i) to make proposals to the Faculty Council for post-graduate and undergraduate studies for the establishment, maintenance and management of the University teaching Departments, institutions, libraries, laboratories and museums for study and research;
- (ii) to make proposals to the Faculty Council for post-graduate and undergraduate studies for the creation and institution of Professorships, Readerships, Lectureships and such posts including posts of officers and employees as may be necessary for the establishment of the University teaching Departments, institutions, libraries, laboratories and museums;
- (iii) to make proposals to the Faculty Council for post-graduate and undergraduate studies for institution of degrees, titles, diplomas, certificates and other academic distinctions;
- (iv) to make proposals to the Faculty Council for post-graduate and undergraduate studies for approval of the constitution and reconstitution of the respective teaching Departments;
- (v) to prepare or revise the courses of studies and to make proposals for approval of the regulations regarding the courses of studies and the division of subjects;
- (vi) to make proposals to the Faculty Council for post-graduate and undergraduate studies for approval of regulations regarding the examinations which shall be recognized as the equivalent examinations held by the University;

¹Sub-sections (3) and (3A) were substituted for the original sub-section (3) by s. 13(1) of the Bidhan Chandra Krishi Viswavidyalaya (Amendment) Act, 1981 (West Ben. Act XXXI of 1981).

²The words within the square brackets were inserted by s. 8(2)(a) of the Bidhan Chandra Krishi Viswavidyalaya (Second Amendment) Act, 1996 (West Ben. Act XXI of 1996).

³The words within the square brackets were inserted by s. 8(2)(b) of the Bidhan Chandra Krishi Viswavidyalaya (Second Amendment) Act, 1996 (West Ben. Act XXI of 1996).

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- (vii) to make proposals to the Faculty Council for post-graduate and undergraduate studies for approval of regulations regarding conduct of examinations held by the Department and the conditions under which students may be admitted to the different courses of studies and examinations;
- (viii) to make proposals to the Faculty Council for post-graduate and undergraduate studies for the programme for inter-disciplinary study and research;
- (ix) to prepare the Faculty Calendar of the Department and forward the same to the Faculty Council for post-graduate and undergraduate studies for approval;
- (x) to appoint examiners, paper setters and moderators for different examinations of the Department and to finalise examination results and to arrange for re-examination of papers, if necessary;
- (xi) to recommend to the Faculty Council a panel of experts with fields of specialisation for selection for teaching posts;
- (xii) to determine the workload, teaching duties and time-table of classes of Teachers of the Department;
- (xiii) to prescribe requisite qualifications for different teaching posts and to frame the terms of advertisement for each new post or vacancy including field specialisation;
- (xiv) to suggest different plans and measures for improvement and expansion of teaching, examination and research programme;
- (xv) to formulate the principles and methods of admission of students to the Department;
- (xvi) to prepare the draft budget of the Department for consideration of the Executive Council;
- (xvii) to organise research activities and to allocate the fund available for research purpose;
- (xviii) to review the academic programme of the Department from time to time;
- (xix) to consider any other academic matter referred to it by the Faculty Council for post-graduate and undergraduate studies.

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1(3B) (a) There shall be a Departmental Committee which shall consist of the following:—

- (i) the Head of the Department;
- (ii) all Professors;
- (iii) two Readers of the main campus to be elected by the teachers of the Department;
- (iv) two Lecturers of the main campus to be elected by the teachers of the Department;
- (v) one representative of the campus to be elected by the teachers of the campus only.

(b) The Head of the Department shall be the Chairman of the Departmental Committee.

(c) The Departmental Committee shall advise the Head of the Department and shall act on behalf of the Board of Studies for such departmental activities as may be deemed necessary for running the academic Department but shall not so act in respect of the powers and duties referred to in clauses (i) to (iv), clause (xiii), clause (xvii) and clause (xviii) of sub-section (3A).

1(3C) (a) There shall be a Campus Management Committee which shall consist of the following:—

- (i) the Campus Director;
- (ii) the Associate Dean;
- (iii) the Associate Director of Research;
- (iv) all Professors, if any;
- (v) two Readers to be elected by the teacher-members of the Campus;
- (vi) two Lecturers to be elected by the teacher-members of the Campus;
- (vii) one member of the non-teaching staff to be elected jointly by non-teaching staff and field workers of the Campus;
- (viii) the person in charge of students' welfare.

(b) The Campus Director shall be the Chairman of the Campus Management Committee.

(c) The Campus Management Committee shall advise the Campus Director.

¹Sub-sections (3B), (3C) and (3D) were inserted by s. 8(3) of the Bidhan Chandra Krishi Viswavidyalaya (Amendment) Act, 1982 (XXIX of 1982).

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¹(3D) (a) There shall be a Regional Station Management Committee which shall consist of the following:—

- (i) the Head of the regional station;
- (ii) all Professors, if any;
- (iii) two Readers to be elected by the teacher-members of the regional station;
- (iv) two Lecturers to be elected by the teacher-members of the regional station;
- (v) one member of the non-teaching staff to be elected jointly by non-teaching staff and field workers of the regional station.

(b) The Head of the regional station shall be the Chairman of the Regional Station Management Committee.

(c) The Regional Station Management Committee shall advise the Head of the regional station on the functioning aspects of teaching wing, research wing, and extension wing, if he is present in the regional station, and also on the administrative matters of the regional station.

* * * * *

(5) The Dean shall be the Chairman of the Faculty and be responsible for the faithful observance of the Statutes and regulations relating to the Faculty and for the organisation and conduct of the teaching, research and extension work of the departments comprised therein. ²[He shall be responsible for the integration of the three functions of teaching, research and extension at the faculty level.] In carrying out the research and extension programmes he shall work in close co-operation with the Associate Deans, Directors of Research and Extension respectively.

⁴(6) (a) Each Department shall have a Head whose appointment, powers and duties shall be such as may be prescribed. He shall be responsible to the Dean for conducting the integrated programme of teaching, research, and extension in the discipline with which he is concerned. All staff engaged in academic activities including teaching, research and extension programme shall be regular members of the Department.

(b) Every teacher shall normally share his time at least in two functions of teaching, research and extension, unless otherwise permitted by the Executive Council.

¹See foot-note 1 on page 165, *ante*.

²Sub-section (4) was omitted by s. 13(2) of the Bidhan Chandra Krishi Viswavidyalaya (Amendment) Act, 1981 (West Ben. Act XXXI of 1981).

³The words within the square brackets were inserted by s. 13(3), *ibid*.

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(Chapter III.—Authorities of the University.—Section 14A.)

14A. (1) The Finance Committee shall consist of the following members, namely:—

Finance Committee.

- (i) the Vice-Chancellor, who shall be the Chairman;
- (ii) the Secretary, Department of Finance, Government of West Bengal;
- (iii) the Secretary, Department of Agriculture, Government of West Bengal;
- * * * * *
- (v) one person with experience in financial matters nominated by the Chancellor out of a panel of names, submitted by the Vice-Chancellor, of persons who are not members of the Executive Council;
- (vi) three members of the Executive Council, other than *ex-officio* members, nominated by the Chancellor;
- ³(via) the Deans of the Faculty for Post-graduate and Undergraduate Studies;
- ³(vib) the Director of Research;
- ³(vic) the Director of Extension Education;
- ³(vid) the Director of Farms;
- ³(vie) the Registrar;
- (vii) the Comptroller, who shall be the Member-Secretary.

(2) (a) The members nominated under clauses (v) and (vi) of subsection (1) shall hold office for a period of three years from the date of nomination.

(b) If a vacancy arises in the Finance Committee in respect of the member nominated under clause (v), the Chancellor shall nominate another member from the panel who shall hold office for a full period of three years from the date of nomination.

(3) The Finance Committee shall—

- (a) maintain a watch over the progress of income and expenditure provided for in the budget and shall from time to time make such reports to the Executive Council as it thinks fit on any matter affecting the finances of the University,
- (b) advise the Executive Council on any financial matter that may be referred to it,
- (c) scrutinise the annual audited accounts of the University and submit the same to the Executive Council,

¹Section 14A was inserted by s. 14 of the Bidhan Chandra Krishi Viswavidyalaya (Amendment) Act, 1981 (West Ben. Act XXXI of 1981).

²Clause (iv) was omitted by s. 9(1) of the Bidhan Chandra Krishi Viswavidyalaya (Second Amendment) Act, 1996 (West Ben. Act XXI of 1996).

³Clauses (via), (vib), (vic), (vid) and (vie) were inserted by s. 9(2) *ibid*.

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- (d) examine the budget estimates including supplementary and revised estimates framed by the Comptroller before the budget is presented to the Executive Council, and
- (e) meet at such times and in such places as it considers necessary, provided that it shall hold meetings at least once in every two months besides emergent meetings."

Committees. 15. Every authority ¹[of the University] shall have the power to appoint committees which may, unless otherwise provided in this Act or Statutes, consist of ²[such] members of the authority and ³[such] other persons, if any, as it may think fit.

Supplemen-
tary
provisions
relating
membership.

16. (1) Save as otherwise provided in this Act any casual vacancy among the members, other than *ex officio* members, of any ³[authority or body] of the University shall be filled as soon as possible by ⁴[the person who, or the authority or body which, appointed or elected, as the case may be, the member whose place has become vacant, and the person appointed or elected] to a casual vacancy shall be a member of such authority or body for the residue of the period for which the person whose place he fills would have been a member.

(2) The ⁵[Executive Council] may remove any person from membership of any ⁶[subordinate] authority or body of the University on the ground that such person has been convicted of an offence involving moral turpitude provided that no order for removal shall be passed against any person without giving him an opportunity of being heard.

(3) A person who being a member of any authority of the University is appointed or elected to be a member of another body and who cannot retain his membership of the authority on that ground shall retain his membership of the authority until his successor is duly appointed or elected.

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¹The words within the square brackets were inserted by s. 15(1) of the Bidhan Chandra Krishi Viswavidyalaya (Amendment) Act, 1981 (West Ben. Act XXXI of 1981).

²The word within the square brackets was substituted for the word "some" by s. 15(2), *ibid.*

³The words within the square brackets were substituted for the words "authority or other body" by s. 16(1)(a), *ibid.*

⁴The words within the square brackets were substituted for the words "the person or body who appointed, elected or co-opted the member whose place has become vacant, and the person appointed, elected or co-opted" by s. 16(1)(b), *ibid.*

⁵The words within the square brackets were substituted for the word "Board" by s. 16(2)(a), *ibid.*

⁶The word within the square brackets was inserted by s. 16(2)(b), *ibid.*

⁷Sub-section (4) was omitted by s. 16(3) *ibid.*

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(Chapter III.—Authorities of the University.—Sections 16A, 17.)

16A. (1) There shall be an Election Tribunal to which shall be referred any question as to whether any person is eligible under this Act for election or nomination or has been duly elected or nominated as, or is entitled to be, a member of any authority or body of the University, and the decision of the Election Tribunal on such question shall be final.

Election
Tribunal.

(2) The constitution of the Election Tribunal shall be prescribed by Statutes.

(3) If, during the progress of any election of members to any authority or body of the University, the Election Tribunal is satisfied that such election is vitiated by fraud or corrupt practice, the Election Tribunal may make an order annulling the proceedings in respect of such election or any part thereof and directing fresh proceedings to be started, in accordance with the provisions of this Act and the Statutes, the Ordinances and the Regulations, from such stage as may be specified in the order and such order of the Election Tribunal shall be final.

(4) No suit or proceeding shall lie in any civil court against a decision or an order of the Election Tribunal under sub-section (1) or sub-section (3), as the case may be.

17. (1) No act or proceedings of any ²[authority or body] of the University shall be invalid merely by reason of the ³[existence of a vacancy or vacancies among its members] or by reason of ⁴[any person having taken part in the proceedings is] subsequently found not to have been entitled to do so.

Validation.

⁵*Explanation.*—For the avoidance of doubt it is hereby declared that where the office of any member of any authority or body of the University cannot be filled up on account of any election or appointment not being for any reason feasible, there shall be deemed to be a vacancy in the office of such member until such election takes place or such appointment is made.

¹Section 16A was inserted by s. 17 of the Bidhan Chandra Krishi Viswavidyalaya (Amendment) Act, 1981 (West Ben. Act XXXI of 1981).

²The words within the square brackets were substituted for the words "authority or other body" by s. 18(1)(a), *ibid.*

³The words within the square brackets were substituted for the words "existence of any vacancy among its members" by s. 2(1) of the Bidhan Chandra Krishi Viswavidyalaya (Amendment) Act, 1996 (West Ben. Act V of 1996).

⁴The words within the square brackets were substituted for the words "any person having taken part in the proceedings who is" by s. 18(1)(b) of the Bidhan Chandra Krishi Viswavidyalaya (Amendment) Act, 1981 (West Ben. Act XXXI of 1981).

⁵This *Explanation* was added by s. 2(2) of the Bidhan Chandra Krishi Viswavidyalaya (Amendment) Act, 1996 (West Ben. Act V of 1996).

(Chapter IV.—Officers.—Section 18.)

(2) Save as otherwise provided in this Act all acts done and orders passed in good faith by the University or any of its authorities shall be final, and no suit shall be instituted against, or damage claimed from, the University or any of its authorities for anything done or purported to have been done in pursuance of this Act or the Statutes or the regulations made thereunder.

(3) No suit, prosecution or other proceeding shall lie against any officer or other employee of the University for any act done or purported to have been done under this Act or the Statutes, without the previous sanction of the [Executive Council].

(4) No officer or other employee of the University shall be liable for any such act in any civil or criminal proceeding if the act was done in good faith in the discharge of his duties imposed by or under this Act.

CHAPTER IV

Officers

Officers of
the
University.

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

2* * * * *

- (2) the Vice-Chancellor,
- (3) the Pro-Vice-Chancellor,
- (4) the Registrar,
- (5) the Comptroller,
- (6) the Librarian,

3* * * * *

- (8) the Director of Research,
- (9) the Director of Extension,
- ⁴(9A) the Director of Farms,
- ⁴(9B) the Campus Director,

5* * * * *

6* * * * *, and

- (12) such other persons in the service of the University as may be declared by the Statutes to be officers of the University.

¹The words within the square brackets were substituted for the word "Board" by s. 18(2) of the Bidhan Chandra Krishi Viswavidyalaya (Amendment) Act, 1981 (West Ben. Act XXXI of 1981).

²Clause (1) was omitted by s. 19(1), *ibid.*

³Clause (7) was omitted by s. 19(2), *ibid.*

⁴Clauses (9A) and (9B) were inserted by s. 10 of the Bidhan Chandra Krishi Viswavidyalaya (Second Amendment) Act, 1996 (West Ben. Act XXI of 1996).

⁵Clause (10) was omitted by s. 19(3) of the Bidhan Chandra Krishi Viswavidyalaya (Amendment) Act, 1981 (West Ben. Act XXXI of 1981).

⁶Clause (11) was omitted by s. 19(4), *ibid.*

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(Chapter IV.—Officers—Sections 19, 20.)

19. (1) The Governor 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.

The
Chancellor.

(2) The Chancellor shall exercise such powers as may be conferred on him by or under the provisions of this Act.

(3) Every proposal to confer any honorary degree shall be subject to confirmation by the Chancellor.

(4) Every Statute or Ordinance shall, before it is given effect to, be submitted to the Chancellor, shall be modified or amended in such manner as may be suggested by the Chancellor and shall come into force on being assented to by the Chancellor from such date as the Chancellor may determine.

20. (1) The Vice-Chancellor shall be appointed by the Chancellor on the unanimous recommendation of the Executive Council. If the Executive Council fails to make any such recommendation, the Vice-Chancellor shall be appointed by the Chancellor in consultation with the Minister from a panel of three persons to be elected by the Executive Council in accordance with the system of proportional representation by means of the single transferable vote.

The Vice-
Chancellor.

(2) The Vice-Chancellor shall hold office for a term of four years or till he attains the age of 65 years, whichever is earlier, and shall, subject to the provisions of this section, be eligible for re-appointment for another term of four years or till he attains the age of 65 years, whichever is earlier.

(3) The Chancellor may, notwithstanding the expiration of the term of the office of the Vice-Chancellor or his attaining the age of 65 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.

(4) The Vice-Chancellor shall be a whole-time officer of the University. He shall be paid from the University fund such salary and allowances as the Chancellor may decide in consultation with the State Government.

¹Section 19 was substituted for the original section by s. 20 of the Bidhan Chandra Krishi Viswavidyalaya (Amendment) Act, 1981 (West Ben. Act XXXI of 1981).

²Section 20 was substituted for the original section by s. 21, *ibid.* Prior to this substitution the words "shall hold office for such term not exceeding three years as may be specified by the Chancellor" were substituted for the words "shall hold office for a term of three years", in sub-section (2) of the original section, by s. 4(a) of the Bidhan Chandra Krishi Viswavidyalaya (Amendment) Act, 1977 (West Ben. Act IV of 1977) and two provisos

(Chapter IV.—Officers.—Section 21.)

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

(6) (a) If the Vice-Chancellor is, by reason of leave, illness or other cause, temporarily unable to exercise the powers and perform the duties of his office, then, during the period of such temporary inability, the Chancellor in consultation with the Minister may appoint any person to exercise the powers and perform the duties of the Vice-Chancellor.

(b) When a vacancy occurs in the office of the Vice-Chancellor by reason of death, resignation or expiry of the term of his office or otherwise, then, pending the appointment of a Vice-Chancellor the Chancellor in consultation with the Minister may appoint any person to exercise the powers and perform the duties of the Vice-Chancellor for any period not exceeding six months.

(7) The vacancy in the office of the Vice-Chancellor occurring by reason of death, resignation or expiry of the term of his office or otherwise shall be filled up by appointment of a Vice-Chancellor in accordance with the provisions 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 sub-section (3) or a person is appointed to exercise the powers and perform the duties of the Vice-Chancellor under clause (b) of sub-section (6).

Powers and
duties of the
Vice-
Chancellor.

21. (1) The Vice-Chancellor shall be the principal executive and academic officer of the University and shall, in the absence of the Chancellor, preside over the meetings of the Court. He shall, by virtue of his office, be a member and the Chairman of the Executive Council and the Faculty Councils for post-graduate and undergraduate studies and also the Chairman of any other authority or body of the University of which he may be a member. He shall also be entitled to be present at and to address any meeting of any other authority or body of the University of which he may not be a member, but shall not be entitled to vote thereat.

(2) The Vice-Chancellor shall have the powers to convene meetings of the Court, the Executive Council and the Faculty Councils for post-graduate and under-graduate studies and of any other authority or body of the University.

¹Section 21 was substituted for the original section by s. 22 of the Bidhan Chandra Krishi Viswavidyalaya (Amendment) Act, 1981 (West Ben. Act XXXI of 1981). Prior to this substitution the words "meetings of the University, Board" were substituted for the words "meetings of the Board", in sub-section (3) of the original section, by s. 5 of the Bidhan Chandra Krishi Viswavidyalaya (Amendment) Act, 1977 (West Ben. Act IV of 1977).

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(Chapter IV.—Officers.—Section 22.)

(3) It shall be the duty of the Vice-Chancellor to ensure that the provisions of this Act, and the Statutes, the Ordinances and the Regulations are faithfully observed, and to take such action as may be necessary for this purpose.

(4) The Vice-Chancellor shall have the power to exercise general control and supervision over all other officers of the University and over all teachers and employees of the University and generally over all the affairs of the University.

(5) The Vice-Chancellor shall exercise such other powers and discharge such other duties as may be delegated to him by any authority or body of the University or as may be prescribed by Statutes, Ordinances or Regulations.

(6) The Vice-Chancellor may take on behalf of the University such action as he may deem expedient in any matter which, in his opinion, is either urgent or of an emergent nature and shall report the same for confirmation at the next meeting of the authority or body which, in the ordinary course, would have dealt with the matter:

Provided that if the action taken by the Vice-Chancellor is not approved by the authority or body concerned, the matter shall immediately be referred to the Chancellor whose decision thereon shall be final.

(7) The Vice-Chancellor may, with the approval of the Executive Council, at any time delegate any of his powers other than the powers referred to in sub-section (6) to any other officer subordinate to him.

22. If in the ¹[opinion of the Executive Council] it is necessary to have one or more Pro-Vice-Chancellors as full-time officers of the University the ²[Executive Council may] make recommendation in this behalf and the Chancellor may approve the proposal for creation of such posts. A Pro-Vice-Chancellor shall be appointed by the Board in consultation with the Minister for such period and on such terms and conditions as may be ³[fixed by the Chancellor in consultation with the State Government.] A Pro-Vice-Chancellor shall have such duties and shall perform such functions as may be prescribed.

Pro-Vice-Chancellor.

¹The words within the square brackets were substituted for the words "opinion of the Board" by s. 23(1) of the Bidhan Chandra Krishi Viswavidyalaya (Amendment) Act, 1981 (West Ben. Act XXXI of 1981).

²The words within the square brackets were substituted for the words "Board may" by s. 23(2). *ibid.*

³The words within the square brackets were substituted for the words "fixed by the Board." by s. 23(3). *ibid.*

(Chapter IV.—Officers.—Sections 23, 24.)

The Registrar.

23. (1) The Registrar shall be a whole-time officer of the University and shall be appointed by the Vice-Chancellor subject to the approval of the ¹[Executive Council] and the Chancellor.

(2) The salary and allowances payable to the Registrar shall be such as may be prescribed.

(3) The Registrar shall be responsible for the due custody of the records and the common seal of the University.²* * * * He shall keep a permanent record of all courses, curricula and other information as may be deemed necessary.

(4) The Registrar shall be responsible for maintaining a permanent record of the academic performance of students including the courses taken, grades obtained, degrees awarded, prizes or other distinctions won, and any other items pertinent to their academic performance.

(5) The Registrar shall perform such other duties as may be prescribed or which may be assigned by the ³[Executive Council] or the Vice-Chancellor.

The Comptroller.

24. (1) The Comptroller shall be a whole-time officer of the University and shall be appointed by the Vice-Chancellor subject to the approval of the ⁴[Executive Council] and the Chancellor.

(2) The salary, allowances and other conditions of service of the Comptroller shall be such as may be prescribed.

(3) The Comptroller shall manage the funds and investments of the University and shall advise in regard to its financial policy.

(4) The Comptroller shall be responsible to the Vice-Chancellor in the preparation of the budget and the statement of accounts of the University.

(5) The Comptroller shall be responsible to the Vice-Chancellor for ensuring that expenses are made in terms of authorisation in the budget. When any revision of the budget is needed in connection with any new programmes or changed requirements or for other reasons he shall prepare a revised or supplementary budget and cause it to be placed before the appropriate authority for approval. He may disallow any expenditure which may contravene the terms of any Statute or for which provisions is required to be made by a new Statute.

¹The words within the square brackets were substituted for the word "Board" by s. 24(1) of the Bidhan Chandra Krishi Viswavidyalaya (Amendment) Act, 1981 (West Ben. Act XXXI of 1981).

²The words "He shall be *ex officio* Secretary to the Academic Council and shall be bound to place before it all such information as may be necessary for the transaction of business." were omitted by s. 24(2), *ibid*.

³The words within the square brackets were substituted for the word "Board" by s. 24(3), *ibid*.

⁴The words within the square brackets were substituted for the word "Board" by s. 25 *ibid*.

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(Chapter IV.—Officers.—Sections 25-27.)

25. (1) The Librarian shall be appointed by the Vice-Chancellor subject to the approval of the ¹[Executive Council] and shall be responsible for all matters concerning the library.

The Librarian.

(2) The salary, allowances and other conditions of service of the Librarian shall be such as may be prescribed.

26. ²(1) There shall be a Dean in each Faculty Council for post-graduate and undergraduate studies who shall be a Professor of the University.

The Deans of Faculties.

(2) ³[The Dean shall be elected by the members of the Faculty Council and shall act as the Vice-Chairman of the Faculty Council] and shall be responsible to the Vice-Chancellor for the faithful observance of the Statutes and regulations relating to the Faculty. In carrying out his responsibilities the Deans shall work in close collaboration with other officers including the Associate Deans, Directors of Research and Extension and shall generally work through the Heads of the Departments of the Faculty.

(3) The Deans shall have such other duties and perform such other functions as may be assigned to them by the Statutes.

⁴(4) The Dean shall hold office for a term of four years.

27. ⁵(1) There shall be a Dean to be designated as the Dean of Post-graduate studies who shall co-ordinate all the activities relating to post-graduate studies in all the Faculties. He shall be appointed on such terms and conditions as may be prescribed.

The Dean of Post-graduate Studies.

(2) The salary, allowances and other terms and conditions of service of the Dean of Post-graduate Studies shall be such as may be prescribed.

¹The words within the square brackets were substituted for the word "Board" by s. 26 of the Bidhan Chandra Krishi Viswavidyalaya (Amendment) Act, 1981 (West Ben. Act XXXI of 1981).

²Sub-section (1) was substituted for the original sub-section by s. 27(a), *ibid.*

³The words within the square brackets were substituted for the words "The Dean shall be the Chairman of the Board of Studies of the Faculty concerned" by s. 27(b), *ibid.*

⁴Firstly, sub-section (4) was inserted by s. 27(c), *ibid.* Thereafter the said sub-section was substituted for the previous one by s. 11 of the Bidhan Chandra Krishi Viswavidyalaya (Second Amendment) Act, 1996 (West Ben. Act XXI of 1996).

⁵Sub-section (1) was substituted for the original sub-section by s. 28 of the Bidhan Chandra Krishi Viswavidyalaya (Amendment) Act, 1981 (West Ben. Act XXXI of 1981).

(Chapter IV.—Officers.—Sections 28-29A.)

The Director
of Research.

28. (1) There shall be a Director of Research who shall be a whole-time officer of the University. He shall be appointed by the Vice-Chancellor with the prior approval of the ¹[Executive Council] and the Chancellor in accordance with the Statutes made in this behalf. The Director of Research shall be responsible ²[to the Vice-Chancellor] for carrying out the Research Programmes.

(2) The salary, allowances and other terms and conditions of service of the Director of Research shall be such as may be prescribed.

(3) The Director of Research shall exercise such other powers and perform such other duties as may be conferred or imposed on him by the Statutes.

The Director
of Extension
[Education].

29. (1) There shall be a Director of Extension ⁴[Education] who shall be a whole-time salaried officer of the University responsible to the Vice-Chancellor. He shall be appointed by the Vice-Chancellor with the prior approval of the ³[Executive Council] and the Chancellor in accordance with the Statutes made in this behalf.

(2) The pay, allowances and other terms and conditions of service of the Director of Extension ⁶[Education] shall be such as may be prescribed.

(3) The Director of Extension ⁷[Education] shall be responsible for the execution of agricultural extension programme drawn up under this Act. He shall exercise such other powers and perform such other duties as may be conferred or imposed on him by the Statutes.

The Campus
Director.

⁸29A. (1) There shall be a Campus Director who shall be a whole-time officer of the University. He shall be responsible to the Vice-Chancellor and shall perform such functions, and discharge such duties, as may be assigned to him by the Vice-Chancellor and the Executive Council.

(2) The Campus Director shall be in overall charge of the campus for the academic, administrative, research, extension education, and financial functions of the campus.

¹The words within square brackets were substituted for the word "Board" by s. 29(1) of the Bidhan Chandra Krishi Viswavidyalaya (Amendment) Act, 1981 (West Ben. Act XXXI of 1981).

²The words within the square brackets were inserted by s. 29(2), *ibid.*

³The word within the square brackets was inserted by s. 12(1) of the Bidhan Chandra Krishi Viswavidyalaya (Second Amendment) Act, 1996 (West Ben. Act XXI of 1996).

⁴The word within the square brackets was inserted by s. 12(2), *ibid.*

⁵The words within the square brackets were substituted for the word "Board" by s. 30 of the Bidhan Chandra Krishi Viswavidyalaya (Amendment) Act, 1981 (West Ben. Act XXXI of 1981).

⁶The word within the square brackets was inserted by s. 12(3) of the Bidhan Chandra Krishi Viswavidyalaya (Second Amendment) Act, 1996 (West Ben. Act XXI of 1996).

⁷The word within the square brackets was inserted by s. 12(4), *ibid.*

⁸Section 29A was inserted by s. 13, *ibid.*

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(Chapter V.—Research and Extension.—Sections 30-32.—Chapter VI.—Appointment of Teachers, Officers and other employees.—Section 33.)

CHAPTER V

Research and Extension

30. Subject to the provisions of this Act and the Statutes, the University shall undertake research programmes throughout the State of West Bengal with a view to aiding the development of agriculture.

Agricultural development programme.

31. (1) An Agriculture Extension Programme shall be taken up in the University with a view to making available to farmers and others the findings of research and helping them to solve their problems. It shall conduct demonstration and training programmes for the benefit of students, extension workers, cultivators and rural people. Increased agricultural production shall be the principal objective of all extension activities and these activities shall be co-ordinated with the other functions of the University and other appropriate agencies of the State.

Agricultural extension programme.

(2) The Agricultural Extension Programme shall be developed under the guidance of a Director of Extension responsible to the Vice-Chancellor.

32. (1) In consultation with the appropriate officers of the University, the Vice-Chancellor shall take such steps as may be necessary for the full co-ordination of teaching, research and extension activities of the University.

Co-ordination of functions.

(2) The University shall carry out its programme of research and extension education keeping in view the needs of the State and shall provide the appropriate technical support and consultative advice to the State Government in its activities in agricultural development.

CHAPTER VI

Appointment of Teachers, Officers and other employees

33. (1) A teacher in the rank of Professor or of Reader of the University shall be appointed by the Executive Council on the recommendation of a Selection Committee consisting of—

Appointment of teachers, officers and other employees.

- (i) the Vice-Chancellor as Chairman;
- (ii) the Dean of the Faculty concerned;
- (iii) three persons, not holding any office of profit under the University and having special knowledge of the subject which the Professor or the Reader will teach, of whom two shall be the nominees of the Chancellor and one shall be a nominee of the Executive Council.

¹Section 33 was substituted for the original section by s. 31 of the Bidhan Chandra Krishi Viswavidyalaya (Amendment) Act, 1987 (XXV of 1987).

(Chapter VI.—Appointment of Teachers, Officers and other employees.—Section 33A.)

(2) A teacher of the University, other than a teacher in the rank of Professor or of Reader shall be appointed by the Executive Council on the recommendation of a Selection Committee consisting of—

- (i) the Vice-Chancellor as Chairman;
- (ii) the Dean of the Faculty concerned;
- (iii) three persons, not holding any office of profit under the University and having special knowledge of the subject which the teacher will teach, of whom one shall be a nominee of the Chancellor and two shall be the nominees of the Executive Council.

(3) Four members shall be a quorum for a meeting of the Selection Committee for posts in the rank of Professor and Reader of the University where at least two expert members shall be present; and three members, of whom one shall be an expert, shall be a quorum for a meeting of the Selection Committee for posts in the rank of Lecturer of the University.

(4) If the Executive Council does not accept the recommendation of a Selection Committee, it shall refer the recommendation back to the Selection Committee with reasons for reconsideration and if the Executive Council does not accept the reconsidered views of the Selection Committee, the matter shall be referred to the Chancellor with reasons and the decision of the Chancellor shall be final.

(5) The officers and other employees of the University shall be appointed by such authorities as may be prescribed.

(6) The number of teachers, officers and other employees of the University and the method of selection of such teachers, officers and employees shall, unless otherwise provided in this Act, be such as may be prescribed.

(7) Every teacher, every officer and every employee of the University shall, on appointment as such, be provided with a letter of appointment containing such terms and conditions of appointment as may be prescribed.

33A. Notwithstanding anything contained in any law for the time being in force or in any contract, custom or usage to the contrary, the University or any college shall not after the commencement of the Bidhan Chandra Krishi Viswavidyalaya (Amendment) Ordinance, 1977,—

- (i) create any teaching or non-teaching post involving any financial liability,
- (ii) increase the pay or allowances attached to any post or sanction any new allowances:

Provided that the State Government may, by an order, revise the scale of pay attached to such post or sanction any new allowance,

- (iii) incur, except as provided in the rules prescribed for the purpose, any expenditure on any development scheme, or

No post to be created or appointment made without State Government's approval.

XLIX of 1974.]

(Chapter VI.—Appointment of Teachers, Officers and other employees.—Sections 33B, 33C.)

(iv) appoint any person to any whole-time or part-time post or any post on the basis of daily wage, which has not been sanctioned in accordance with the provisions of this Act, without the prior sanction of the State Government:

Provided that no sanction of the State Government shall be necessary for filling up any sanctioned post of a teacher for a period not exceeding six months by a candidate who possesses the prescribed qualifications.

33B. Every teacher of the University or any college who is in receipt of pay in the revised scale shall retire from service on attaining the age of sixty years.

Retirement of teachers.

33C. (1) If in the case of any dispute between the University and any teacher, officer or employee of the University no final order has been passed by the University within a period of one year from the date on which the dispute was referred to the University by such teacher, officer or employee, such dispute shall, on the request of such teacher, officer or employee, be referred to a Tribunal consisting of the following members, namely:—

Tribunal.

- (i) a Chairman, who shall be nominated by the Chancellor in consultation with the Minister;
- (ii) one person to be nominated by the Executive Council;
- (iii) one person to be nominated by the teacher, officer or employee concerned.

(2) Any appeal from an employee of the University in a disciplinary matter shall be referred to the Tribunal and shall be decided and disposed of by the Tribunal.

(3) The Tribunal may call for any record, report or other information from the University, if, in its opinion, such record, report or other information is necessary for efficient discharge of its functions, and the University shall furnish such record, report or other information to the Tribunal.

(4) The decision of the Tribunal shall be final and no suit or proceeding shall lie in civil court in respect of the matters decided by the Tribunal.

(5) Every request under sub-section (1) shall be deemed to be a submission to arbitration upon the terms of this section, within the meaning of the Arbitration Act, 1940, and all the provisions of that Act with the exception of section 2 thereof shall apply accordingly.

10 of 1940.

¹See foot-note 1 on page 178, ante.

²Section 33C was inserted by s. 32 of the Bidhan Chandra Krishi Viswavidyalaya (Amendment) Act, 1981 (West. B. No. 33 of 1981).

(Chapter VII.—University Funds, Annual Report and Accounts.—
Sections 34-37.)

CHAPTER VII

University Funds, Annual Report and Accounts

Fund of the
University.

34. (1) The University shall have a fund to be called the Bidhan Chandra Krishi ¹[Viswavidyalaya] Fund, hereinafter referred to as the University Fund.

(2) All monies received by the University by way of fees, fines, endowments, grants, donations, bequests or loans or on any other account whatsoever, shall be credited to, and all expenditure incurred by the University shall be paid out of, the University Fund.

Government
grants.

35. The State Government may in every year make such recurring and non-recurring grants to the University as the State Government may deem necessary for the proper functioning of the University and for carrying out its objectives as envisaged in this Act.

Annual
report.

36. An annual report showing the various activities of the University shall be prepared under the direction of such subordinate authority or officer and shall be submitted to the University on or before such date as may be prescribed. The annual report shall be considered by the University at a meeting.

Annual
accounts and
budget.

37. (1) As soon as may be after the close of a ²[financial year] the accounts of the University for that ²[financial year] shall be audited by an auditor appointed by the State Government or in such other manner as the State Government may direct.

(2) The University shall consider the audited annual accounts at a meeting and may take such action thereon as it thinks fit.

³(3) The budget for each year and the latest audited accounts shall be presented to and considered by the University at a meeting convened for the purpose.

¹See foot-note 2 on page 143, *ante*.

²The words within the square brackets were substituted for the word "year" by s. 33(1) of the Bidhan Chandra Krishi Viswavidyalaya (Amendment) Act, 1981 (West Ben. Act XXXI of 1981).

³Sub-section (3) was substituted for the original sub-section by s. 33(2), *ibid*. Thereafter the same was resubstituted, w.e.f. the 20th day of July, 1981, for the previous one by s. 2 of the Bidhan Chandra Krishi Viswavidyalaya (Amendment) Act, 1986 (West Ben. Act VIII of 1986).

XLIX of 1974.]

(Chapter VII.—University Funds, Annual Report and Accounts.—
Section 37A.—Chapter VIII.—Statutes and Regulations.—Section 38.)

¹(4) The budget of the University showing the receipt and expenditure of the University on different accounts for a financial year shall be submitted to the State Government for approval at least four months before the beginning of such financial year in such form as may be specified by the State Government.

²(5) The State Government shall, within fifteen days of commencement of the financial year to which the budget relates, communicate its approval or otherwise of the budget to the University:

Provided that the State Government shall, from time to time, release grants to the University to incur expenditure till the budget is approved.

²(6) Notwithstanding anything to the contrary contained in this Act, the University shall not, except with the prior approval of the State Government, incur any expenditure on any account in excess of the amount specified in the budget on that account.

²(7) The University shall have a continuous internal audit, and the report of such audit shall be submitted to the State Government as soon as possible after the end of every financial year.

³37A. [Submission of budget.]—Omitted by s. 34 of the Bidhan Chandra Krishi Viswavidyalaya (Amendment) Act, 1981 (West Ben. Act XXXI of 1981).

CHAPTER VIII

Statutes and Regulations

38. Subject to the provisions of this Act the Statutes may provide for all or any of the following matters, namely:— Statutes.

- (1) the constitution, powers and duties of the authorities;
- (2) the powers, functions, duties, manner of appointment and the terms and conditions of service of the officers * * *;
- (3) the designation, manner of appointment and the terms and conditions of service of the teachers and other non-teaching staff;
- (4) the conferment and withdrawal of honorary degrees and academic distinctions;

¹Sub-section (4) was substituted for the original sub-section by s. 33(3) of the Bidhan Chandra Krishi Viswavidyalaya (Amendment) Act, 1981 (West Ben. Act XXXI of 1981).

²Sub-sections (5), (6) and (7) were substituted for the original sub-section (5) by s. 33(4), *ibid.*

³Section 37A was inserted by s. 7 of the Bidhan Chandra Krishi Viswavidyalaya (Amendment) Act, 1977 (West Ben. Act IV of 1977).

⁴The words "other than the Chancellor" were omitted by s. 35(1) of the Bidhan Chandra Krishi Viswavidyalaya (Amendment) Act, 1981 (West Ben. Act XXXI of 1981).

(Chapter VIII.—Statutes and Regulations.—Sections 39, 39A, 40.—
Chapter IX.—Transfer of Colleges and Employees Fund.—
Section 41.)

* * * * *

- (6) the establishment of departments of teaching in the faculties;
- (7) * * * the terms and conditions of service of the Vice-Chancellor;
- (8) the establishment of a pension or provident fund or any other insurance scheme for the benefit of officers, teachers and other employees of the University; and
- (9) all other matters which are required to be or may be prescribed.

Statutes—
how made.

39. (1) The first Statutes with regard to matters set out in section 38 shall be made by the Vice-Chancellor with the approval of the Chancellor.

(2) Additional Statutes on all matters required to be prescribed, may be made by the Vice-Chancellor with the approval of the¹[Executive Council] and the Chancellor.

Ordinances.

²39A. Subject to the provisions of this Act and the Statutes, the Ordinances may provide for any matter which under this Act or the Statutes is required to be or may be prescribed by Ordinances.

Regulations.

40. The authorities of the University may make regulations not inconsistent with this Act and the Statutes³[and the Ordinances] for the purpose of—

- (a) laying down the procedure to be observed at their meetings and the number of members required to form the quorum; and
- (b) providing for matters which by this Act or the Statutes⁴[for the Ordinances] have to be regulated by regulations.

CHAPTER IX

Transfer of Colleges and Employees Fund

Transfer of
Colleges to
the
University.

41. (1) Notwithstanding anything contained in any other law, on and from the appointed day the college of Agriculture, Kalyani, shall stand disaffiliated from the Kalyani University and the Bengal Veterinary

¹Clause (5) was omitted by s. 35(2) of the Bidhan Chandra Krishi Viswavidyalaya (Amendment) Act, 1981 (West Ben. Act XXXI of 1981).

²The words "the procedure of appointment, emoluments and" were omitted by s. 35(3), *ibid.*

³The words within the square brackets were substituted for the word "Board" by s. 36, *ibid.*

⁴Section 39A was inserted by s. 37, *ibid.*

⁵The words within the square brackets were inserted by s. 38(1), *ibid.*

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(Chapter IX.—Transfer of Colleges and Employees Fund.—
Sections.—42-44.)

College, Calcutta, stand disaffiliated from the University of Calcutta and transferred to the University as its constituent colleges.

(2) On and from the appointed day the control and management of the colleges specified in sub-section (1) and all properties, assets and liabilities in relation thereto shall stand transferred to and vest in the University.

(3) Notwithstanding the foregoing provisions of this section, the campus of the Bengal Veterinary College, Calcutta, at Belgachia, which stands transferred to and vests in the University on and from the appointed day, shall continue to vest in the University till the Faculty of Veterinary and Animal Sciences is finally transferred from the campus of the Bengal Veterinary College, Calcutta, at Belgachia to the campus of the University; and upon such transfer, the campus of the Bengal Veterinary College, Calcutta, at Belgachia shall stand transferred to and vest in the State Government in the Department of Animal Husbandry and Veterinary Services.

42. Every student of any of the colleges specified in sub-section (1) of section 41 who immediately before the appointed day was studying in such college shall be permitted to complete his course of study in the University and the University shall make arrangements:—

Students to continue their studies.

- (a) for instruction, teaching, training and holding of examination in such manner as may be determined by the University; and
- (b) for the conferment of the degree, diploma, or other academic distinction of the University upon the qualified student on the result of such examination.

43. On and from the appointed day, no new college imparting education in agriculture and allied sciences shall be established except as a constituent college of the University.

New College be constituted as a constituent college.

44. (1) As soon as may be after the appointed day, the State Government may, after consulting the Vice-Chancellor, direct, by general or special order, that such of the employees of the State Government as are specified in the order shall be transferred to the University with effect from such date as may be mentioned therein:

Transfer of service of certain employees.

Provided that no such order shall be issued in respect of any employee without the consent of such employee.

(2) Persons referred to in sub-section (1) shall hold office under the University subject to such terms and conditions, not being less advantageous than what they were entitled to immediately before the appointed day, as may be determined by the University by Statutes.

¹Sub-section (3) was inserted by s. 4 of the Bidhan Chandra Krishi Viswavidyalaya (Amendment) Act, 1987 (West Ben. Act IX of 1987).

(Chapter IX.—Transfer of Colleges and Employees Fund.—
Section. 45.—Chapter X.—Amendment.—Section 46.—Chapter XI.—
Division of assets and transfer of employees of the Kalyani
University.—Section 47.)

Transfer of
accumula-
tions in
provident
fund.

45. The sums at the credit of the provident fund accounts of the employees referred to in sub-section (1) of section 44 shall be transferred to the University and the liability in respect of the said sums shall thereafter be the liability of the University.

CHAPTER X

Amendment

Amendment
of the
Kalyani
University
Act, 1960
(West Ben.
Act XIII of
1960).

46. The Kalyani University Act, 1960, shall, with effect from the appointed day, stand amended to the extent and in the manner specified in ¹[Schedule II].

CHAPTER XI

Division of assets and transfer of employees of the Kalyani University

Division of
assets.

47. (1) The State Government may, by notification in the *Official Gazette*, transfer such assets and liabilities including lands, buildings, books, equipments, laboratories, etc., belonging to the Kalyani University, as may be considered necessary, for the proper functioning of the Bidhan Chandra Krishi ²[Viswavidyalaya] keeping in view the overall interests of both the Universities.

(2) Pending the establishment of the principal seat of the University at Haringhata and the construction of administrative buildings, laboratories, students' hostels, staff quarters and other essential buildings, the Bidhan Chandra Krishi ²[Viswavidyalaya] shall function at Kalyani and the State Government shall make necessary interim arrangements by dividing the present campus of the Kalyani University and allocating the lands, buildings, libraries, farms, equipments, etc., to the Bidhan Chandra Krishi ²[Viswavidyalaya].

(3) The Agricultural Faculty building at Kalyani and such of the hostels, research farms and lands belonging to the Kalyani University as may be decided by the State Government, shall be transferred permanently to the Bidhan Chandra Krishi ²[Viswavidyalaya] and shall be used by the University for its purposes.

¹The word and figure within the square brackets were substituted for the words "the Schedule" by s. 8 of the Bidhan Chandra Krishi Viswavidyalaya (Amendment) Act, 1977 (West Ben. Act IV of 1977).

²See foot-note 2 on page 143. *ante*

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(Chapter XI.—Division of assets and transfer of employees of the Kalyani University.—Sections 48-51.)

(4) All buildings, lands, research farms and other properties belonging to the Kalyani University and located within the Haringhata police-station or within village Mohonpur or Gayeshpur, in the district of Nadia, shall, with effect from the appointed day, stand transferred to the Bidhan Chandra Krishi ¹[Viswavidyalaya].

48. For aiding and advising the State Government for giving effect to the provisions of this Chapter, the State Government may constitute a Committee consisting of the following persons, namely:—

Advisory
Committee.

- (1) Vice-Chancellor, Kalyani University,
- (2) Vice-Chancellor, Bidhan Chandra Krishi ¹[Viswavidyalaya],
- (3) Secretary, Department of Agriculture and Community Development,
- (4) Secretary, Department of Education,
- (5) Secretary, Department of Animal Husbandry and Veterinary Services.

49. (1) All the members of the teaching and non-teaching staff of the Faculty of Agriculture of the Kalyani University shall, with effect from the appointed day, be transferred to the Bidhan Chandra Krishi ¹[Viswavidyalaya].

Transfer of
staff.

(2) With regard to any employee of the Kalyani University other than those mentioned in sub-section (1) the State Government may, if considered necessary and subject to the agreement of the employee concerned, transfer him to the Bidhan Chandra Krishi ¹[Viswavidyalaya].

50. Pending finalisation of such transfer of employees to the Bidhan Chandra Krishi ¹[Viswavidyalaya], the State Government may pass interim orders of transfer allocating temporarily any of the employees of the Kalyani University to the Bidhan Chandra Krishi ¹[Viswavidyalaya].

Interim order
of transfer of
staff.

51. Every person transferred to the Bidhan Chandra Krishi ¹[Viswavidyalaya], shall hold office subject to such terms and conditions not being less advantageous than what they were entitled to immediately before their transfer.

Protection of
terms of
service.

¹See foot-note 2 on page 143 ante.

(Chapter XII.—*Transitory provisions and removal of difficulties.*—
Section. 52.)

CHAPTER XII

Transitory provisions and removal of difficulties

Transitory
provisions.

52. (1) The Chancellor shall, within three months from the date of publication of the Bidhan Chandra Krishi Viswavidyalaya (Amendment) Ordinance, 1981 in the *Official Gazette*, in consultation with the Minister, on such terms and conditions as he thinks fit, appoint a person to be the Vice-Chancellor. Such Vice-Chancellor shall be the first Vice-Chancellor of the University and shall hold office for a period of four years or till he attains the age of 65 years, whichever is earlier, and upon his appointment, the person holding office as the Vice-Chancellor of the University immediately before the date of such appointment shall vacate his office.

West Ben.
Ord. V of
1981.

(2) The first Vice-Chancellor shall, with the approval of the Chancellor and with the assistance of a committee consisting of not less than nine members nominated by the State Government cause the first Statutes, the first Ordinances and the first Regulations of the University to be framed.

(3) The first Vice-Chancellor shall, within six months from the date of his appointment or within such longer period, ²{not exceeding eighteen months} from the date of his appointment, as the State Government may, by notification in the *Official Gazette*, direct, cause arrangements to be made for constituting the Court, the Executive Council, the Faculty Councils for post-graduate and undergraduate studies and the Boards of Studies in accordance with the provisions of the first Statutes, the first Ordinances and the first Regulations as framed under sub-section (2), as if they had already come into force.

(4) If, for any reason,—

- (a) the constitution of the Court, the Executive Council and other bodies referred to in sub-section (3) cannot be completed within the period of office of the first Vice-Chancellor appointed under sub-section (1), then, on the expiry of such period, the Chancellor may, in consultation with the Minister, on such terms and conditions as he thinks fit appoint the first Vice-Chancellor whose period of office has expired or another person to be the Vice-Chancellor for the purposes of this section for such period not exceeding one year as the Chancellor thinks fit, or

¹Section 52 was substituted for the original section by s. 39 of the Bidhan Chandra Krishi Viswavidyalaya (Amendment) Act, 1981 (West Ben. Act XXXI of 1981).

²The words within the square brackets were substituted, w.e.f. the 5th day of August, 1982, for the words "not exceeding one year" by s. 5(1) of the Bidhan Chandra Krishi Viswavidyalaya (Amendment) Act, 1982 (West Ben. Act IV of 1982).

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(Chapter XII.—Transitory provisions and removal of difficulties.—
Section. 52.)

- (b) a vacancy occurs in the office of the first Vice-Chancellor before the expiry of the period of his office, then, the Chancellor may, in consultation with the Minister, on such terms and conditions as he thinks fit, appoint another person to be the Vice-Chancellor for the purposes of this section for the unexpired portion of such period or such further period not exceeding one year as the Chancellor thinks fit,

and references in this Act to the first Vice-Chancellor shall be deemed to include references to the Vice-Chancellor appointed under this sub-section.

(5) The State Government shall, by notification in the *Official Gazette*, [appoint a date or dates and on and from such date or dates] the Court, the Executive Council, the Faculty Councils for post-graduate and undergraduate studies and the Boards of Studies shall commence to exercise their respective functions and the first Statutes, the first Ordinances and the first Regulations as framed under sub-section (2) shall come into force and be the first Statutes, the first Ordinances [and the first Regulations of the University; and different dates may be appointed for different authorities of the University and for the first Statutes, the first Ordinances and the first Regulations as framed under sub-section (2).]

(6) With effect from the date of publication of the Bidhan Chandra Krishi Viswavidyalaya (Amendment) Ordinance, 1981 in the *Official Gazette*, the Bidhan Chandra Krishi Viswavidyalaya (Temporary Supersession) Act, 1978 (hereinafter referred to in this sub-section as the said Act) shall stand repealed and thereupon—

- (a) the Bidhan Chandra Krishi Viswavidyalaya Council referred to in clause (b) of section 4 of the said Act shall stand dissolved, and
(b) all the members of the said council shall be deemed to have vacated their respective offices, and shall cease to function, as such members:

Provided that notwithstanding such repeal, anything done or any action taken under the said Act shall be deemed to have been validly done or taken under this Act.

(7) The first Statutes, the first Ordinances and the first Regulations of the University shall remain in force until new Statutes, new Ordinances and new Regulations are made under the provisions of this Act.

(8) The provisions of this section shall have effect notwithstanding anything to the contrary contained elsewhere in this Act or in any other law.

¹The words within the square brackets were substituted, w.e.f. the 5th day of August, 1982, for the words "appoint a date and on and from such date" by s. 5(2)(a), of the Bidhan Chandra Krishi Viswavidyalaya (Amendment) Act, 1982 (West Ben. Act IX of 1982).

²The words, brackets and figure within the square brackets were substituted, w.e.f. the 5th day of August, 1982, for the words "and the first Regulations of the University" by s. 5(2)(b).

*(Chapter XII.—Transitory provisions and removal of difficulties.—
Sections 53-55.)*

Appointment
of the first
Registrar
and first
Comptroller.

53. Notwithstanding anything contained in section 23 and 24 the first Registrar and the first Comptroller of the University shall be appointed by the State Government for a period not exceeding three years on such terms and conditions as it thinks fit.

Removal of
difficulty.

54. If any difficulty arises in giving effect to the provisions of this Act the State Government may take such steps or issue such orders not inconsistent with this Act as may be necessary for removal of the difficulty.

Delegation.

55. (1) The Vice-Chancellor, or, with the approval of the Vice-Chancellor, the Registrar, may, subject to the provisions of this Act, delegate such of his powers or duties conferred or imposed by or under this Act as may be prescribed by the Statutes to an officer of the University under his direct administrative control.

(2) Subject to the provisions of this Act,—

- (a) the Court may delegate any of its powers or functions, conferred or imposed by or under this Act, to—
 - (i) the Vice-Chancellor,
 - (ii) the Executive Council,
 - (iii) a committee constituted from among its own members,
or
 - (iv) a committee appointed in accordance with the Statutes;
- (b) the Executive Council may delegate any of its powers or functions, conferred or imposed by or under this Act, to—
 - (i) the Vice-Chancellor,
 - (ii) a committee constituted from among its own members,
 - (iii) a committee constituted in accordance with the Statutes or the Ordinances, or
 - (iv) any of the Faculty Councils for post-graduate and undergraduate studies;
- (c) the Faculty Council for post-graduate and undergraduate studies may delegate any of its powers or functions, conferred or imposed by or under this Act, to—
 - (i) the Vice-Chancellor,
 - (ii) a committee constituted from among its own members,
 - (iii) a committee constituted in accordance with the Regulations, or
 - (iv) any of the Boards of Studies.

¹Section 55 was substituted for the original section by s. 40 of the Bidhan Chandra Krishi Viswavidyalaya (Amendment) Act, 1981 (West Ben. Act No. 12 of 1981).

XLIX of 1974.]

(Chapter XII.—Transitory provisions and removal of difficulties.—
Section 56.—Schedule I.)

West Ben.
Ord. X of
1974.

56. (1) The Bidhan Chandra Krishi ¹[Viswavidyalaya] Ordinance, 1974, is hereby repealed.

Repeal and
savings.

(2) Anything done or any action taken under the Bidhan Chandra Krishi ¹[Viswavidyalaya] Ordinance, 1974, shall be deemed to have been validly done or taken under this Act as if this Act had commenced on the 1st day of September, 1974.

²SCHEDULE I

[See section 2(13a).]

GOVERNMENT OF WEST BENGAL
DEPARTMENT OF AGRICULTURE AND
COMMUNITY DEVELOPMENT

Education and Training Branch

No. 946-Edn. and Trg./2U-20/75.

Dated Calcutta, the 2nd February, 1976.

From : Shri A. K. MITRA, *Deputy Secretary*,

To : The VICE-CHANCELLOR, Bidhan Chandra Krishi
¹[Viswavidyalaya], Haringhata, Nadia.

Subject : U.G.C. scales of pay for the teachers of the Bidhan Chandra
Krishi ¹[Viswavidyalaya]

Sir,

I am directed to say that in pursuance of a decision of the Government of India to revise the scales of pay for the teachers of Universities and non-Government Colleges (excluding Medical, Agricultural, Veterinary Science and Engineering Colleges) as recommended by the U.G.C., the State Government has already introduced the revised pay-scale for the above category of teachers in this State with effect from 1st January, 1973.

2. The I.C.A.R. informed the State Government of its intention to extend the benefit of revision of scales of pay to the teachers of the Agricultural Universities under the aforesaid scheme with effect from 1st January, 1973, subject to the following terms and conditions:—

- (i) Central assistance to this extent will be available for the period from January 1, 1973 to March 31, 1979;
- (ii) The State Government will bear the entire balance of expenditure and will not pass on the liability for any portion of it to the University; and

¹See foot-note 2 on page 143, *ante*.

²This Schedule I was inserted by s. 9(b) of the Bidhan Chandra Krishi Viswavidyalaya (Amendment) Act, 1977 (West Ben. Act IV of 1977).

(Schedule I.)

- (iii) The State Government will take over the entire responsibility for maintaining the revised scales with effect from April 1979.

The I.C.A.R. has also accepted in principle to assist the State Government if it wishes to adopt the revised scales of pay for Agricultural Universities.

3. On the recommendation of the I.C.A.R., the U.G.C. has since declared the Bidhan Chandra Krishi ¹[Viswavidyalaya], fit to receive Central grants. The State Government has now decided to revise the scales of pay of the teachers of the Bidhan Chandra Krishi ¹[Viswavidyalaya], as recommended by the U.G.C. with effect from 1st January, 1973. Accordingly, sanction of the Governor is accorded to the introduction of the following revised scales of pay to the teachers of the Bidhan Chandra Krishi ¹[Viswavidyalaya] with effect from 1st January, 1973, subject to the conditions as stipulated in Annexure I:—

- (i) Lecturer—Rs. 700—40—1,100—50—1,600.
 (ii) Reader—Rs. 1,200—50—1,300—60—1,900.
 (iii) Professor—Rs. 1,500—60—1,800—100—2,000—125/2—2,500.

4. The pay shall be fixed in the revised scales according to the formula as laid down in Annexure II.

5. The revised pay-scales will be applicable to all teachers of the Faculty of Agriculture of the Kalyani University who were in position on 1st January, 1973 and also to those who were appointed according to the approved rules of recruitment against posts (i) which were vacant on 1st January, 1973 but filled up later and (ii) which were created after 1st January, 1973 with approval of the competent authority.

6. Teachers serving in approved posts on the date of issue of this order may retain the old scales of pay with all the conditions attached thereto provided they exercise option in writing in the form prescribed within sixty days of the date of issue of this order.

7. The additional emoluments consequent on the revision of the scales of pay now sanctioned will attract the provisions of the Additional Emoluments (Compulsory Deposit) Act, 1974.

8. A separate account for the additional expenditure in respect of the posts created after 1st January, 1973 should be maintained.

9. The charge on this account will proceed from the grant under the head "305—XIII—Agril. Edn.—State Plan (Fifth Plan)—Dev. of Agricultural Education at Kalyani and other Universities" in the budget for the current financial year.

¹See foot-note 2 on page 143, *ante*.

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(Schedule I.)

10. This order issues with the concurrences of the Finance Department, vide their U/O No. Group A 161, dated 31st January, 1976.

11. The Accountant-General, West Bengal, is being informed.

12. Annexures I, II and III furnished with G.O. No. 372, dated 7th April, 1975, issued by the Education Department should be adhered to, *mutatis mutandis*, for the purpose of this order. A copy of relevant G.O. No. 372, dated 7th April, 1975, is enclosed herewith.

Yours faithfully,
A. K. MITRA,
Deputy Secretary.

GOVERNMENT OF WEST BENGAL
EDUCATION DEPARTMENT
College Sponsored
No. 372-Edn. (CS)/5P-9/74

From : Shri B. N. Chatterjee, I.A.S.,
Joint Secretary to the Government of West Bengal.

To : The Director of Public Instruction, West Bengal.

Calcutta, the 7th April, 1975.

Subject : Revision of Salary of University and College Teachers.

Sir,

The undersigned is directed to say that the Government of India, in their letter No. F.1-40/74-U.I., dated 2nd November, 1974, of the Ministry of Education and Social Welfare, requested the State Government to consider the question of implementing in this State the scheme of the revised pay-scales of University and College teachers as recommended by the University Grants Commission with such modifications, if any, as may be considered necessary to suit local conditions. The Government of India offered to render financial assistance to the extent of 80 per cent. of the additional expenditure involved in giving effect to the revised scales of pay subject to the following conditions:—

- (i) Central assistance to this extent will be available for the period January 1, 1973 to March 31, 1979.

(Schedule I.)

- (ii) the State Government will bear the entire balance of expenditure and will not pass on the liability for any portion of it to the Universities or the managements of private colleges; and
- (iii) The State Government will take over the entire responsibility for maintaining the revised scales with effect from April 1, 1979.

2. The State Government has decided to introduce the scheme of revised payscales for University and College teachers as recommended by the University Grants Commission in the Universities and non-Government Colleges of this State (except Medical, Agricultural and Veterinary Science Colleges). Accordingly, sanction of the Governor is accorded to the introduction of the following revised scales of pay for teachers of Universities and non-Government Colleges (including Government-sponsored Colleges but excluding Medical, Agricultural Veterinary Science and Engineering Colleges) of this State with effect from 1st January, 1973, subject to the conditions as stipulated in Annexure I:

Universities—

- (i) Lecturer—Rs. 700—40—1,100—50—1,600.
- (ii) Reader—Rs. 1,200—50—1,300—60—1,900.
- (iii) Professor—Rs. 1,500—60—1,800—100—2,000—125/2—2,500.

Non-Government Colleges (including Government-sponsored Colleges but excluding Medical, Agricultural, Veterinary Science and Engineering Colleges—

- (i) Demonstrator/Tutor—Rs. 500—20—700—25—900 (for existing incumbents only).
- (ii) Lecturer—Rs. 700—40—1,100—50—1,300—Assessment—50—1,600.
- (iii) Principal—
 - (a) Rs. 1,200—50—1,300—60—1,900.
 - (b) Rs. 1,500—60—1,800—100—2,000—125/2—2,500.

3. Pay shall be fixed in the revised scales according to the formula as laid down in Annexure II.

4. The revised pay-scales will be applicable to all teachers who were in position on 1st January, 1973 and also to those who were appointed according to the approved rules of recruitment against posts (i) which were vacant on 1st January, 1973 but filled up later and (ii) which were created after 1st January, 1973 with approval of the competent authority

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(Schedule I.)

5. Payment of additional grants to Colleges for the introduction of the revised scales of pay now sanctioned is subject to the maintenance of the existing College scales of pay in the case of non-Government non-sponsored Colleges.

6. Teachers serving in approved posts on the date of issue of this order may retain the old scales of pay with all the conditions attached thereto provided they exercise option in writing in the form prescribed within sixty days from the date of issue of this order.

7. The additional emoluments consequent on the revision of the scales of pay now sanctioned will attract the provisions of the Additional Emoluments (Compulsory Deposit) Act, 1974.

8. Payment of *ad hoc* amount of Rs. 75 per month to the University and College teachers which was sanctioned in Government order No. 1241-Edn. (CS), dated the 30th July, 1974 (substituted), should be discontinued with effect from 1st April, 1975.

9. The charge on account of additional expenditure involved for revision of pay-scales of University teachers will be debited to the head "University and Other Higher Education—Assistance to Universities for Non-Technical Education—State Plan (Fifth Plan)—Improvement of service condition of University teachers—Grants-in-aid/Contributions" and that on account of College teachers to the head "University and Other Higher Education—Assistance to Non-Government Colleges—State Plan (Fifth Plan)—Improvement of service condition of College teachers Grants-in-aid/Contributions" in the 277—Education (excluding Sports and Youth Welfare) budget.

10. A separate account for the additional expenditure in respect of the posts created after 1st January, 1973 should be maintained.

11. This order issues with the concurrence of the Finance Department of this Government, vide their U.O. Note No. Group B/875, dated 7th April, 1975.

12. The Accountant-General, West Bengal, is being informed.

B. N. CHATTERJEE,
Joint Secretary.

(Schedule I.)

ANNEXURE I

Conditions for introduction of the revised Pay Scales

[Reference para. 2 of G.O. No. 372-Edn. (CS),
dated 7th April, 1975.]

(i) The revised pay scales are inclusive of the entire amount of Government D.A. as well as University/College D.A., if any, as admissible on 31st December, 1972.

(ii) The additional emoluments payable to teachers for the period from 1st January, 1973 to 31st March, 1975, if any, after adjustment of the *ad interim* increase of Rs. 75 p.m., paid from 1st April, 1974, will be paid in two annual instalments, the first one to be paid on or about April 1, 1976.

(iii) Recruitment to all categories of teachers of Universities as well as of non-Government Colleges shall be made in future through the University and College Service Commission to be constituted by the State Government strictly on merit and after advertisement on the basis of qualifications as prescribed in Annexure III. No appointment should be made on communal or caste consideration.

Pending constitution of the University and College Service Commission *status quo* in regard to the existing method of recruitment but on the basis of the prescribed qualifications as in Annexure III may be maintained until further orders except that recruitment of teachers including Principals of non-Government non-Sponsored Colleges shall also be made through the Selection Committees already constituted for the purpose of selection of teachers including Principals of Sponsored Colleges.

(iv) The existing Lecturers in Colleges who did not possess at the time of their initial recruitment minimum qualifications as prescribed by the University concerned should be required to attain these qualifications within five years from the date of placement in the revised scale. If they are unable to do so during this period, they shall not be allowed to earn any future increment till they have satisfied this condition.

(v) Only those Principals will be eligible for higher scale of pay, viz. Rs. 1,500—60—1,800—100—2,000—125/2—2,500 who on 1st January, 1973, completed at least seven years of service as Principal in Colleges which had an aggregate roll strength in the main shift of not less than 750 in each of the three sessions 1972-73, 1973-74 and 1974-75.

(vi) The period of probation of a teacher of a University shall be such as prescribed by the University concerned under its Acts/Statutes/Ordinances, etc., but in no case shall be more than twenty-four months. A teacher appointed against a permanent vacancy in a non-Government College shall be on probation ordinarily for a period of one year from the date of his appointment and such period of probation may at the discretion of the Governing Body be extended for a further period not exceeding one year.

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(Schedule I.)

(vii) The age of superannuation for teachers as well as for Principals shall be 60 years and thereafter no further extension in service shall be given. A teacher who has already been given extension on attaining the age of 60 years on January 1, 1973 or thereafter shall continue to be in the old scale of pay during the period of extension.

(viii) No teacher/Principal shall be paid any remuneration for examination work, including invigilation work, within the University Institution.

(ix) The workload of teachers, submission of plan of work, etc., shall be as may be determined by the University in case of University teachers and by the State Government in case of College teachers on the recommendations of the University Grants Commission. Pending such determination *status quo* may be maintained.

(x) The assessment at Rs. 1,300 in the scale of Rs. 700—40—1,100—50—1,300—Assessment—50—1,600 prescribed for College lecturers shall be done by the concerned appointing authorities in the manner to be prescribed for the purpose.

(xi) The revised scale of Rs. 500-900 is for the existing Demonstrators/Tutors only. In future, Demonstrators/Tutors shall not be appointed in Universities and Colleges.

ANNEXURE II

Formula for fixation of Pay in the revised scales

[Reference para. 3 of Government Order No. 372-Edn. (CS),
dated 7th April, 1975.]

The initial pay in the revised scales shall be fixed in the following manner:—

I. (A) In the case of a teacher drawing basic pay up to and including Rs. 1,800 in the existing scale—

(a) An amount representing five *per cent.* of the basic pay, subject to a minimum of Rs. 15 and a maximum of Rs. 50, shall be added to the existing emoluments of the teacher.

Explanation I.—Existing emoluments means basic pay plus dearness pay plus dearness allowance plus interim relief, if any, sanctioned during 1st March, 1970 and 1st January, 1973 and not any other allowance.

Explanation II.—If the amount so computed includes a part of a rupee, then, if such part is fifty paise or more, it shall be increased to one complete rupee and if such part is less than fifty paise, it shall be ignored.

(Schedule I.)

- (b) After the existing emoluments have been increased and computed as specified in clause (a), the pay shall be fixed in the revised scale at the stage equal to the amount so computed or, if there is no such stage in the revised scale, at the stage next above the amount so computed:

Provided that—

- (i) if the amount as computed under clause (a) is less than the minimum of the revised scale, the pay shall be fixed at the minimum of that scale;
- (ii) if the amount as computed under clause (a) is more than the maximum of the revised scale, the pay shall be fixed at the maximum of that scale:

Provided further that except in cases where the pay is fixed at the minimum of the revised scale, if the revised emoluments as determined under this sub-rule exceed the existing emoluments by more than Rs. 100, the initial pay shall be fixed at the highest stage in the revised scale at which the revised emoluments payable do not exceed the existing emoluments by Rs. 100 and the difference, if any, between the existing emoluments plus Rs. 100 and the revised emoluments so payable shall be allowed as personal pay to be absorbed in future increases in pay.

Explanation.—Revised emoluments means the basic pay of the teacher in the revised scale.

(B) In the case of a teacher drawing basic pay exceeding Rs. 1,800 in the existing scale, the initial pay in the revised scale shall be fixed under the provisions of Fundamental Rules 22, 23 and 31 and for this purpose, his pay in the existing scale shall be deemed to include the dearness allowance, if any, drawn by him.

Note 1.—Where a teacher is holding a permanent post and is officiating in a higher post and the scales applicable to these two posts are merged into one scale, the pay shall be fixed under this sub-rule with reference to the officiating post only, provided he has continuously officiated in that post for not less than one year as on the 1st day of January, 1973 and the pay so fixed shall be treated as substantive pay. Where such teacher has not completed one year's continuous service in the higher officiating post as on the 1st of January, 1973, his pay in the revised scale shall be fixed separately with reference to his substantive pay and officiating pay in the existing scales and his pay in the revised scale be fixed with reference to the

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- 2 officiating pay shall be treated as substantive pay in that scale either on confirmation in the higher officiating post or after rendering service for the period by which it fell short of one year on the 1st day of January, 1973, whichever is earlier, provided that in the latter case, it is certified by the appointing authority that he would have continued to officiate in the higher officiating post during this period had the revised scales not been introduced. If, however, the appointing authority certifies that he would have reverted to the lower post during this period, his pay in the revised scale would, from the date on which he would have reverted, be regulated on the basis of the pay fixed on the 1st day of January, 1973, with reference to his substantive pay in the lower post.

Note 2.—Where the existing emoluments exceed the revised emoluments in the case of any teacher, the difference shall be allowed as personal pay to be absorbed in future increases in pay.

Note 3.—Where in the fixation of pay under clause (b) of paragraph (A) or paragraph (B) the pay of a teacher drawing pay at more than five consecutive stages in an existing scale gets bunched, that is to say, gets fixed in the revised scale at the same stage, the pay in the revised scale of such of these teachers who are drawing pay beyond the first five consecutive stages in the existing scale shall be stepped up to the stage where such bunching occurs, as under, by the grant of increments in the revised scale in the following manner, namely:—

- (a) for teachers drawing pay from the 6th up to 10th stage in the existing scale—By one increment.
- (b) for teachers drawing pay from the 11th up to 15th stage in the existing scale, if there is bunching beyond the 10th stage—By two increments.
- (c) for teachers drawing pay from the 16th up to 20th stage in the existing scale, if there is bunching beyond the 15th stage—By three increments.

If by stepping up of the pay as above the pay of a teacher gets fixed at a stage in the revised scale which is higher than the stage in the revised scale at which the pay of a teacher who was drawing pay at the next higher stage or stages in the same existing scale is fixed, the pay of the latter shall also be stepped up only to the extent by which it falls short that of the

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Note 4.—Where in the fixation of pay under clause (b) of paragraph (A) or paragraph (B) the pay of a teacher, who in the existing scale was drawing immediately before the 1st day of January, 1973 more pay than another teacher junior to him in the same cadre, gets fixed in the revised scale at a stage lower than that of such junior his pay shall be stepped up to the same stage in the revised scale as that of the junior.

Note 5.—Where as on the 1st day of January, 1973, a teacher is in receipt of personal pay (including *ad hoc* increment, if any, on account of stagnation at the maximum of the existing scale) which together with his existing emoluments exceeds the revised emoluments, then, the difference representing such excess shall be allowed to such teacher as personal pay to be absorbed in future increases in pay.

II. *Date of next increment in the revised scale:* The next increment of a teacher whose pay has been fixed in the revised scale in accordance with Rule I shall be granted on the date he would have drawn his increment had he continued in the existing scale:

Provided that in cases where the pay of a teacher is stepped up in terms of Note 3 to Rule I, the next increment shall be granted on the completion of qualifying service of twelve months from the date of the stepping up of the pay in the revised scale:

Provided further that, in cases other than those covered by the preceding proviso, the next increment of a teacher whose pay is fixed on the 1st day of January, 1973 at the same stage as the one fixed for another teacher junior to him in the same cadre and drawing pay at a lower stage than his in the existing scale, shall be granted on the same date as admissible to his junior, if the date of increment of the junior happens to be earlier.

Explanation.—For the purpose of this rule, increment shall be construed to mean stages in the time-scale and not necessarily actual increases in pay (that is to say, where an increment in any scale is not annual, the increment shall be construed as carrying as many stages as the number of years of service required to be rendered for earning an increment).

III. Cases of pay fixation which cannot be covered by the principles enunciated above and also those where the application of the above principles gives rise to anomalies should be referred to the Education Department (through the Director of Public Instruction in case of college teachers).

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ANNEXURE III

**Qualification for recruitment to the posts of Lecturers in the
Faculties of Arts and Social Science Including Commerce
and Science in Universities and Colleges**

University Lecturers—

- (a) a Doctor's degree or published work of an equally high standard; and
- (b) consistently good academic record with first or high second class (B+) Master's degree in a relevant subject or an equivalent degree of a foreign University.

Having regard to the need for developing inter-disciplinary programmes, the degrees in (a) and (b) above may be in relevant subjects:

Provided that if the selecting authority is of the view that the research work of a candidate as evident either from his thesis or from his published work is of very high standard, it may relax any of the qualifications prescribed in (b) above:

Provided further that if a candidate possessing a Doctor's degree or equivalent published work is not available or is not considered suitable, a person possessing a consistently good academic record (due weightage being given to M.Phil. or equivalent degree or research work of quality) may be appointed on the condition that he will have to obtain a Doctor's degree or give evidence of published work of equivalent high standard within five years of his appointment, failing which he will not be able to earn future increments until he fulfils these requirements.

Explanation.—Consistently good academic record means overall record of all assessments throughout the academic career leading to the Master's degree, which should at least be B+ or high second class.

College Lecturers—

- (a) a consistently good academic record with first or high second class (B+) at the Master's degree in a relevant subject or an equivalent degree of a foreign University; and
- (b) an M.Phil. degree or a recognised degree beyond the Master's level or published work indicating the capacity of a candidate for independent research work:

Provided that if a candidate possessing the qualification as at (b) above is not available or not considered suitable, the college, on the recommendation of the selecting authority, may appoint a person possessing a consistently good academic record on the condition that he will have to obtain an M.Phil. degree or a recognised degree beyond the Master's level within five years of his appointment, failing which he will not be able to earn future increments till he obtains that degree or gives evidence of equivalent published work of high standard.

(Schedule II.)

Explanation.—Consistently good record would mean overall record of all assessments throughout the academic career leading to the Master's degree which should at least be B+ or high second class.

OPTION FORM

[Reference para. 6 of G. O. No. 372-Edn. (CS),
dated 7th April, 1975.]

I do hereby retain my existing scale of pay with all the conditions attached thereto.

Countersigned*

.....
(Signature with date)

.....
(Designation)

.....
*Vice-Chancellor/Pro-Vice-Chancellor
(for University teachers).*

.....
*Principal/President of the Governing
Body (for Colleges).*

*In case of the Principals the option should be counter-signed by the President of the Governing Body of the College concerned.

¹[SCHEDULE II]

(See section 46.)

*Amendments to the Kalyani University Act, 1960
(West Ben. Act XIII of 1960.)*

1. In the preamble, the words "generally, and agricultural, veterinary and the allied sciences in particular, and for conducting researches in those sciences for the benefit of the rural and other areas in the State of West Bengal" shall be omitted.

2. In section 2, clause (a) shall be omitted.

¹The word and figure were substituted for the words "THE SCHEDULE" by s. 9(a) of the Bidhan Chandra Krishi Viswavidyalaya (Amendment) Act, 1977 (West Ben. Act IV of 1977).

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(Schedule II.)

3. In section 4,—
 - (a) in clause (1), the words “generally, and the agricultural, veterinary and allied sciences in particular” shall be omitted;
 - (b) clause (2) shall be omitted;
 - (c) in clause (3), the words “for the benefit of the rural and other areas in West Bengal” shall be omitted;
 - (d) clause (5) shall be omitted;
 - (e) in sub-clause (a) of clause (7), for the words “, a college or a recognized agricultural school”, the words “or a college” shall be substituted;
 - (f) in clause (14), for the words “, colleges, recognized agricultural schools and other institutions”, the words “and colleges” shall be substituted;
 - (g) in clause (16), for the words “or any agricultural school referred to in clauses (4) and (5)”, the words “referred to in clause (4)” shall be substituted;
 - (h) in clause (17), the words “, including posts in connection with the execution of extension and other programmes, undertaken in furtherance of the purposes of this Act,” shall be omitted.
4. In sub-section (1) of section 8,—
 - (a) clauses (v), (vi) and (vii) shall be omitted;
 - (b) for clause (xi), the following clause shall be substituted, namely:—

“(xi) three persons to be nominated by the Chancellor.”
5. Sub-section (2) of section 11 shall be omitted.
6. In section 20,—
 - (a) in sub-section (5),—
 - (i) in clause (h), the words “, experimental stations, demonstration farms” shall be omitted, and
 - (ii) in clause (j), the words “, agricultural schools” shall be omitted;
 - (b) in sub-section (6),—
 - (i) in clause (d), the words “, agricultural schools” shall be omitted,
 - (ii) in clause (k), the words “, agricultural schools” shall be omitted, and
 - (iii) in clause (l), the words “including recognized agricultural schools” shall be omitted.
7. In sub-section (1) of section 24, the words “, agricultural school, experimental station, demonstration farm” shall be omitted.