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PART IV—Bills introduced in the West Bengal Legislative Assembly; Reports of Select Committees presented or to be presented to that Assembly; and Bills published before introduction in that Assembly.

GOVERNMENT OF WEST BENGAL

LAW DEPARTMENT

Legislative

NOTIFICATION

No. 1070-L.—13th December, 2016.—The Governor having been pleased to order, under rule 66 of the Rules

of Procedure and Conduct of Business in the West Bengal Legislative Assembly, the publication of the following Bill, together with the Statement of Objects and Reasons and the Financial Memorandum which accompany it, in the *Kolkata Gazette*, the Bill, the Statement of Objects and Reasons and the Financial Memorandum are accordingly hereby published for general information:—

Bill No. 20 of 2016

**THE ST. XAVIER'S UNIVERSITY, KOLKATA
BILL, 2016.**

**A
BILL**

to provide for establishment and incorporation of the St. Xavier's University, Kolkata and for matter connected therewith and incidental thereto.

WHEREAS it is expedient to constitute and incorporate the St. Xavier's University, Kolkata to enable it to function efficiently as a University encouraging and providing for instruction and research in various branches of learning and courses of study, promoting advancement and dissemination of knowledge and learning, and extending higher education, to meet the growing needs of the society,

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

*The St. Xavier's University, Kolkata Bill, 2016.**(Chapter I.—Preliminary.—Clauses 1, 2.)***CHAPTER I****Preliminary**

Short title, and commencement.

1. (1) This Act may be called the St Xavier's University, Kolkata Act, 2016.

(2) This Act shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Definitions.

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

- (1) “Academic Council” means the Academic Council of the University;
- (2) “Board of Studies” means the Board of Studies of the University;
- (3) “the Chancellor”, “the Vice-Chancellor” and “the Pro-Vice-Chancellor” shall mean respectively the Chancellor, the Vice-Chancellor and the Pro-Vice Chancellor of the University;
- (4) “constituent college” means a college established and administered by the sponsoring trust anywhere in the State of West Bengal, irrespective of the fact that such college is affiliated to any other University and not so declared as such;
- (5) “convocation” means the meeting of the Governing Board for the purpose of conferring degrees, titles, diplomas, certificates or other academic distinctions, including titles of *Honoris Causa*;
- (6) “degree” means the degree awarded by the University;
- (7) “department” means a department of studies and includes a centre of studies established by the University;
- (8) “employee” means a person employed in the University;
- (9) “Executive Council” means the Executive Council of the University;
- (10) “Faculty” means a Faculty council for post-graduate and undergraduate studies of the University;
- (11) “financial year” means the year beginning on the 1st day of April and ending on the 31st day of March of the succeeding year;
- (12) “Governing Board” means the Governing Board of the University constituted under this Act;
- (13) “Governor” means the Governor of the State of West Bengal;
- (14) “hall” or “hostel” means a unit of residence of students established, managed or maintained by the University;
- (15) “Jesuit” means a member of the Society of Jesus;
- (16) “Librarian” means a Librarian or any other person holding the post of Librarian, by whatever name called, appointed as such by the University;
- (17) “non-teaching staff” means the non-teaching staff, by whatever name called, appointed or recognized as such by the University not holding any teaching post or not holding the post of an officer or Librarian;
- (18) “officer” means the officer of the University;
- (19) “prescribed” means prescribed by rules, order, notification and by-laws made under this Act by the State Government;

*The St. Xavier's University, Kolkata Bill, 2016.**(Chapter II.—The University and its Officers.—Clause 3.)*

- (20) “Regulatory Body” means—
- (a) a body established by the Central Government for laying down norms and conditions for ensuring academic standard of higher education in its designated areas or coverage, including University Grants Commission, All India Council for Technical Education, Council for Scientific and Industrial Research, Department of Science and Technology, Distance Education Council, Indian Council of Scientific Research, National Assessment and Accreditation Council, National Council for Teachers Education, Pharmacy Council of India, Bar Council of India, Medical Council of India, Dental Council of India, Indian Nursing Council, Central Council of Homoeopathy, Central Council of Indian Medicine, Council of Architecture, Rehabilitation Council of India and such other Statutory Bodies as may be established or incorporated by the Central Government for the purpose of regulating higher education; and
 - (b) the State Government of West Bengal in the Higher Education Department.
- (21) “Regulatory Committee” shall mean the Committee constituted by the State Government for the purpose of this Act; the Constitution, power and function of which shall be such as may be prescribed.
- (22) “sponsoring trust” means the St. Xavier's College, Kolkata Educational Trust, constituted and registered under the Indian Trust Act, 1882; II of 1882.
- (23) “St. Xavier's College (Autonomous), Kolkata” means the St. Xavier's College (Autonomous), Kolkata, established and managed by the sponsoring trust;
- (24) “State Government” means the Government of West Bengal in the Higher Education Department;
- (25) “Statutes”, “Ordinances”, “Regulations” mean respectively, the Statutes, Ordinances and Regulations of the University made under this Act;
- (26) “student” means the regular student of the University;
- (27) “University Teacher” means a Professor, an Associate Professor, an Assistant Professor or any other person, holding a teaching post in the University, appointed as such by the University;
- (28) “University” means the St. Xavier's University, Kolkata as constituted under this Act;
- (29) “University Laboratory”, “University Library”, “University Museum”, or “University Institution” means a laboratory, a library, a museum or an institution, as the case may be, established, maintained and managed by the University.
- (30) “University Grants Commission” means the University Grants Commission established under the provisions of the University Grants Commission Act, 1956. III of 1956.

CHAPTER II**The University and its Officers**

The University
and its
incorporation.

3. (1) There shall be established and incorporated a University by the name of the St. Xavier's University, Kolkata.

(2) The head quarter of the University shall be located within the Kolkata Metropolitan Area.

(3) The University shall be a unitary University having no power to provide affiliation to any college:

Provided that the University may have as many constituent college situated within the territory of West Bengal and exclusively established and administered by the

*The St. Xavier's University, Kolkata Bill, 2016.**(Chapter II.—The University and its Officers.—Clauses 4-6.)*

sponsoring trust, and such college may, notwithstanding anything contained in any other law for the time being in force, be admitted within the privileges of the University with prior approval of the State Government and with effect from such date and on such terms and conditions, as the State Government may, by notification in the *Official Gazette*, specify.

(4) The Chancellor, the Vice-Chancellor and other officers and employees of the University and the members of the Governing Board and the Executive Council, so long as they continue to hold such office or membership, shall constitute a body corporate by the name of the St. Xavier's University, Kolkata.

(5) The University shall have perpetual succession and a common seal and shall sue and be sued by the name of the St. Xavier's University, Kolkata.

Properties of the University and its application.

4. (1) The sponsoring trust shall, from time to time, transfer movable and immovable properties to the University in accordance with relevant law for carrying out the purposes of this Act.

(2) The movable and immovable properties transferred under sub-section (1) shall be used and administered by the Governing Board in such manner as may be provided by the Statute.

(3) The movable and immovable properties transferred under sub-section (1) shall be applied for meeting the liabilities of the University in the event of dissolution or winding up of the University in such manner as may be prescribed.

Objects of the University.

5. The object of the University shall be:—

(1) to provide for instruction in such branches of learning as the University may think fit, and to make provision for research and for the advancement and dissemination of knowledge;

(2) to encourage study of modern technology and professional courses;

(3) to provide students and teachers the necessary atmosphere and facilities for the promotion of innovations in education leading to restructuring of course, new and innovative methods of teaching, learning and integral development of personality;

(4) to promote studies in various disciplines and inter disciplinary studies and to promote national integration, secularism and understanding of the international issues amongst the students;

(5) to become a centre of academic excellence in the field of higher education and research;

(6) to become a bridge between the rural-urban divide, extending the benefit of education to the poor and the marginalized, aiming at their empowerment;

(7) to ensure access and equality in higher educational opportunity to all deserving and meritorious students with preferential option for the poor and the marginalized, irrespective of caste and creed;

(8) to inspire and challenge all segments of the University to raise the realm of good to great and to greater through continuous quality assessment;

(9) to offer subjects for competence-building and motivate and animate a work force imbued with human values;

(10) to open centres of studies and campuses in different parts of West Bengal;

(11) to focus on access to knowledge, creation of knowledge, application of knowledge, dissemination of knowledge and development of better knowledge services.

Powers of the University.

6. The University shall have the following powers, namely:—

(1) to encourage and provide for instruction, teaching, training and research in such branches of learning and courses of study as it may think fit, and generally to promote the advancement and dissemination of knowledge, learning and research and the extension of higher education including the study of indigenous languages as well as culture and rural development;

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- (2) to establish, administer, maintain and manage campuses, libraries, laboratories, museums and such other institutions or centres for study, research and training as it may deem necessary;
- (3) to institute degrees, titles, diplomas, certificates and other academic distinctions;
- (4) to hold examinations and to confer degrees, titles, diplomas, certificates and other academic distinctions on persons who shall have pursued an approved course of study in the University in the manner provided and shall have passed the prescribed examinations of the University, or shall have carried on research under conditions provided;
- (5) to withdraw or to cancel degrees, titles, diplomas, certificates or other academic distinctions under such conditions as may be provided by Statutes and after giving the person affected a reasonable opportunity to present his case;
- (6) to confer honorary degrees or other academic distinctions under conditions provided;
- (7) to formulate policy and determine the standard of admission which may include examination, evaluation or any other method of testing;
- (8) to institute Professorships including Chair Professorships and other teaching posts required by the University and to appoint persons to such Professorships or other teaching posts, or to recognize persons as Professors, Associate Professors or Assistant Professors of the University, or as holders of other teaching posts of the University for the purpose of imparting instruction and for conducting research in the University;
- (9) to create posts, as and when required, of officers and employees of the University besides those provided under this Act;
- (10) to provide, subject to the provisions of this Act, the constitution, powers and duties of the Boards of Studies, the Finance Committee, and other bodies as may be constituted;
- (11) to provide the powers and duties of officers of the University;
- (12) to provide, subject to the provisions of this Act, the terms and conditions of service, including the rules regarding conduct and discipline and the emoluments for all categories of employees of the University with prior approval of the Governing Board;
- (13) to make provisions for provident fund and other funds for the welfare of the employees of the University and to keep and maintain those funds as per provisions of law applicable from time to time;
- (14) to determine tuition fees or other charges for admission and for examinations and other purposes, and to demand and receive the fees or other charges so determined;
- (15) to establish, administer, maintain and manage halls, hostels etc.;
- (16) to provide for promotion of health, welfare and discipline amongst the students;
- (17) to extend grant to the National Service Scheme and National Cadet Corps and other such bodies recognised by the University from the University Fund;
- (18) to enter into agreement with the State Government or with any person, body or authority for taking over by the University of the management of any institution, including its assets and liabilities, or for any other purpose not repugnant to the provisions of this Act;
- (19) to acquire, hold and dispose of property, movable and immovable and to make grants and advances for furthering any of its objects;

*The St. Xavier's University, Kolkata Bill, 2016.**(Chapter II.—The University and its Officers.—Clauses 7-10.)*

- (20) to accept and administer gifts, endowments and benefactions, for the furtherance of any of its objects of the University and to institute awards, fellowships, travelling fellowships, scholarships, studentships, stipends, bursaries, exhibitions, medals and prizes;
- (21) to receive funds from industry, institutions, national and international organizations, national or international financial institutions including nationalized banks or from any other source, or to receive loans, subsidies, grants, assistance, donations, benefactions, bequests and to transfer of movable and immovable properties, for the purposes and objects of the University in such manner as may be provided for by the Regulations;
- (22) to co-operate with other Universities, institutions and educational authorities in matters that relate to and further the educational objectives of the University;
- (23) to impart instruction through distance education with the approval of the appropriate authority;
- (24) to introduce interdisciplinary or multidisciplinary or integrated courses in selected subjects;
- (25) to initiate collaborative teaching and research programme with other Universities and institutions of repute and to provide modalities for credit transfer and award of joint degrees, if deemed necessary;
- (26) to do all such acts and things as may be necessary or desirable for, or incidental to, the advancement of the objects or purposes of the University.

Teaching of the University.

7. (1) All recognized teaching in connection with any degree, diploma, certificate, award, distinction of the University shall be conducted by the teachers of the University under the general supervision of the Executive Council and the Academic Council.

(2) The authorities responsible for such teaching shall be such as may be provided in the Ordinances.

Jurisdiction of the University.

8. (1) The jurisdiction of the University shall be the whole of the State of West Bengal.

(2) The University shall have right to open its branches or units or centres or campuses anywhere in West Bengal with prior approval of the University Grants Commission and the State Government.

Access to the University.

9. The University shall be open to all persons irrespective of gender, religion, race, creed, caste or class for being associated therein as a student or teacher, or to hold any office therein:

Provided that nothing in this section shall be deemed to prevent the University for making appropriate provisions for reservation of Scheduled Castes, Scheduled Tribes, Other Backward Classes, Persons with disabilities and persons with special needs and any other deserving group in terms of law or order issued by the Government to this effect.

Delegation of Powers.

10. The University may delegate such of its powers as it may deem expedient to any of its authorities or to any of its officers, and may, at any time, withdraw at its discretion any power so delegated.

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The Visitor.

11. (1) The Governor shall, by virtue of his office, be the Visitor of the University.

(2) The Visitor shall, if present, preside over the Convocation of the University held for conferring degrees, diplomas, charters, designations and certificates.

(3) Subject to the procedures as may be prescribed, the Visitor may, either *suo-motto* or on the basis of information received, call for any paper or information relating to the affairs of the University and if he is satisfied that any order, or decision taken or proceeding instituted by any authority of the University is not in conformity with the Act, Statutes, Ordinances, Regulations or rules, the Visitor may give such advice to the Chancellor as he may deem fit in the interest of the University. On the basis of such advice from the Visitor the Chancellor shall take appropriate action.

The Chancellor and his powers and functions.

12. (1) The President of the sponsoring trust shall by virtue of his office be the Chancellor of the University.

(2) The Chancellor shall hold office for a period of six years and by virtue of his office, be the head of the University.

(3) The Chancellor shall, in absence of the Visitor, preside at the Convocation of the University held for conferring degrees.

(4) The Chancellor shall by virtue of his office, be the Chairperson of the Governing Board.

(5) The powers and functions of the Chancellor shall be such as may be provided by the Statutes.

Officers of the University.

13. The following shall be the officers of the University:—

(1) the Vice-Chancellor,

(2) the Pro-Vice-Chancellor,

(3) the Registrar,

(4) the Controller of examinations,

(5) the Deans of Faculty,

(6) the Dean (s) of Students' Welfare,

(7) the Finance Officer; and

(8) the Persons holding such other posts as may be declared by the Statutes to be the posts of officers of the University.

The Vice-Chancellor

14. (1) The Vice-Chancellor shall be a distinguished academic with proven competence, integrity, morals and institutional commitment.

(2) The Vice-Chancellor shall be a person with a minimum of fifteen years of experience of teaching in a reputed institution of higher education along with a minimum of five years of administrative experience in a higher education institution.

(3) The Vice-Chancellor shall be appointed by the Chancellor with the approval of the Governing Board.

(4) The Vice-Chancellor shall be from amongst the members of the *Jesuits*. If a suitable person is not available from among the *Jesuits*, the Chancellor may appoint another person subject to the fulfillment of conditions mentioned in sub-sections (1) and (2).

(5) The Vice-Chancellor shall be the whole time officer of the University and shall be paid from out of the University fund such salary and allowances as the Chancellor may decide in consultation with the Governing Board.

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

(7) If—

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

then, during the period of such temporary inability or pending the appointment of a Vice-Chancellor, as the case may be, the Chancellor may appoint the Pro-Vice-Chancellor or any other person from and amongst the senior most professors or officers of the University to exercise the powers and to perform the duties of the Vice-Chancellor.

(8) The vacancy in the office of the Vice-Chancellor occurring by reason of death, resignation or expiry of the term of his office, removal or otherwise shall be filled up by appointment of a Vice-Chancellor in accordance with the provisions of sub-sections (1), (2) and (4) within a period of one year from the date of occurrence of such vacancy.

(9) The Vice-Chancellor may be removed from his office by the Chancellor with prior approval of the Governing Board if he is satisfied that the incumbent:—

- (a) has become insane or adjudged by a competent court to be of unsound mind; or
- (b) has become an un-discharged insolvent or stands so declared by a competent Court; or
- (c) has become physically unfit or incapable of discharging his duties due to protracted illness or physical disability; or
- (d) has wilfully omitted or refused to carry out the provisions of this Act or service contract or has abused or misused the powers vested in him, or if, in the opinion of the Chancellor, the continuance in the office of the Vice-Chancellor is detrimental to the interest of the University; or
- (e) has shown incompetence to perform or has persistently made default in the performance of duties imposed on him by or under this Act; or
- (f) has been convicted by a competent court of law for any offence within the meaning and concept of the Code of Criminal Procedure, 1973:

2 of 1974.

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

15. (1) The Vice-Chancellor shall be the principal executive and principal academic officer of the University and shall, in the absence of the Chancellor, preside over the meeting of the Governing Board.

(2) The Vice-Chancellor shall, by virtue of his office, be a member and the Chairperson of the Executive Council, Academic Council and the Faculty Councils for Post-graduate and Undergraduate Studies and shall be the Chairperson of any other authority or body of the University of which he may be a member.

(3) The Vice-Chancellor 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 there at.

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(4) The Vice-Chancellor shall have the power to convene meetings of the Governing Board, the Executive Council, the Academic Council, the Faculty Councils for Post-Graduate and Undergraduate Studies and of any other authority or body of the University.

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

(6) The Vice-Chancellor shall have the power to exercise general control and supervision over all other officers, teachers and employees of the University and generally over all the affairs of the University unless specifically provided for any other authority.

(7) 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 as may be provided by Statutes, Ordinances, Regulations or rules.

(8) 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 to 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.

(9) The Vice-Chancellor may, with the approval and subsequent ratification of the Governing Board, delegate any of his powers to any other officer subordinate to him.

The Pro-Vice-Chancellor.

16. (1) The Pro-Vice-Chancellor shall be a distinguished academic with proven competence, integrity and institutional commitment.

(2) The Pro-Vice-Chancellor shall be appointed by the Chancellor with the approval of the Governing Board for a term of five years and shall be eligible for re-appointment.

(3) The Pro-Vice-Chancellor shall be the whole time officer of the University and shall be paid from out of the University fund such salary and allowances as the Chancellor may decide in consultation with the Governing Board.

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

(5) If—

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

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

then, during the period of such temporary inability or pending the appointment of a Pro-Vice-Chancellor, as the case may be, the Chancellor, in consultation with the Vice-Chancellor, may authorize a senior teacher of the University or an officer of the University to exercise the powers and perform the duties of the Pro-Vice-Chancellor.

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(6) The vacancy in the office of the Pro-Vice-Chancellor occurring by reason of death, resignation or expiry of the term of his office, removal or otherwise shall be filled up by appointment of a Pro-Vice-Chancellor within one year in accordance with the provisions of this section.

(7) The Pro-Vice-Chancellor may be removed from his office by the Chancellor with the approval of the Governing Board if he is satisfied that the incumbent,—

- (a) has become insane or adjudged by a competent court to be of unsound mind; or
- (b) has become an un-discharged insolvent or stands so declared by a competent court; or
- (c) has been physically unfit and incapable of discharging function due to protracted illness or physical disability ; or
- (d) has wilfully omitted or refused to carry out the provisions of this Act or has committed breach of any of the terms and conditions of the service contract or has abused or misused the powers vested in him or if, in the opinion of the Chancellor, his continuance in the office is detrimental to the interest of the University; or
- (e) has shown incompetence to perform or has persistently made default in the performance of the duties imposed on him by or under this Act; or
- (f) has been convicted by a court for any offence within the concept and meaning of the Code of Criminal Procedure, 1973:

2 of 1974.

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

(8) The powers and functions of the Pro-vice-Chancellor shall be such as may be provided by Statutes.

The Registrar.

17. (1) The Registrar shall be a whole time officer of the University and shall be appointed by the Chancellor in consultation with the Vice-Chancellor.

(2) The Registrar shall be paid from out of the University fund such salary and allowances as the Chancellor may decide in consultation with the Vice-Chancellor.

(3) The Registrar may resign his office by writing under his hand addressed to the Chancellor.

(4) If the Registrar is for any reason temporarily unable to exercise the powers or perform the duties of his office, the Chancellor may appoint a teacher of the University or an officer of the University, temporarily for a period not exceeding six months, to exercise the powers and perform the duties of the Registrar.

(5) The Registrar may be removed from his office by the Chancellor in consultation with the Vice-Chancellor if he is satisfied that the incumbent,—

- (a) has become insane or adjudged by a competent court to be of unsound mind; or
- (b) has become an un-discharged insolvent or stands so declared by a competent court; or
- (c) has been physically unfit and incapable of discharging function due to protracted illness or physical disability ; or
- (d) has wilfully omitted or refused to carry out the provisions of this Act or has committed breach of any of the terms and conditions of the service contract or has abused or misused the powers vested in him or if, in the opinion of the Chancellor, the continuance in the office of the Registrar is detrimental to the interest of the University; or

*The St. Xavier's University, Kolkata Bill, 2016.**(Chapter II.—The University and its Officers.—Clauses 18-21.)*

- (e) has been proved to be guilty of criminal breach of trust or criminal negligence or gross financial irregularity or impropriety or gross negligence of duty; or
- (f) has shown incompetence to perform or has persistently made default in the performance of the duties imposed on him by or under this Act; or
- (g) has been convicted by a court for any offence within the concept and meaning of the Code of Criminal Procedure, 1973:

2 of 1974.

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

Powers and duties of Registrar.

18. Subject to the supervision, direction and general control of the Vice-Chancellor, the Registrar shall act as the Secretary to the Governing Board and also to the Executive Council and shall exercise such powers and perform such duties as may be provided in the Statutes, or delegated to him under this Act, the Statutes, the Ordinances or the Regulations.

The Finance Officer.

19. (1) The Finance Officer shall be a whole time officer of the University appointed by the Vice-Chancellor with the approval of the Chancellor.

(2) The Finance Officer shall be paid out of the University fund such salary and allowances as the Chancellor, in consultation with the Vice-Chancellor may decide.

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

(4) If the Finance Officer is for any reason temporarily unable to exercise the powers and perform the duties of his office, the Vice-Chancellor, with the approval of the Chancellor, may appoint a person temporarily for a period not exceeding six months to exercise the powers and perform the duties of the Finance Officer.

Powers and duties of Finance Officer.

20. (1) Subject to the supervision, direction and general control of the Vice-Chancellor, the Finance Officer shall be in charge and be responsible of the administration of the University funds, the finances and the properties and assets of the University and of all trusts and endowments; and he shall take special interest in activities that aim at raising funds for the purposes of the University and for augmenting the resources of the University. He shall also be responsible for complying with all statutory obligations to all Government authorities.

(2) The Finance Officer shall exercise such other powers and perform such other duties as may be provided by the statutes or delegated to him by or under the provisions of this Act, the Statutes, the Ordinances or the Regulations, as the case may be.

Supervisory Powers of the Registrar and the Finance Officer.

21. In their respective spheres of duties, the Registrar and the Finance Officer shall, subject to the provisions of this Act, have the power of supervision and control over all officers and employees serving in departments under their charge and shall exercise such disciplinary power as may be conferred on them by or under this Act or by the Statutes, Ordinances, Regulations or Rules, as the case may be.

*The St. Xavier's University, Kolkata Bill, 2016.**(Chapter II.—The University and its Officers.—Clauses 22-25.)*

The Dean.

22. (1) There shall be a Dean for each and every Faculty Council for Post-graduate and Undergraduate Studies in the University who shall be appointed by the Vice-Chancellor on recommendation of Selection Committee duly constituted by the Governing Board for this purpose.

(2) The constitution, powers and functions of the Selection Committee for appointment of Dean shall be such as may be provided by the Statutes.

(3) Every Dean appointed as per provisions of this Act shall hold the office for a period of three years or until he retires or vacates his office for any other reasons, whichever is earlier, and shall be eligible for re-appointment.

(4) The Vice-Chancellor shall, in the event of any temporary vacancy of the office of Dean, select a senior Professor or an Associate Professor of the University in order of their date of joining in the University for a period, not more than six months.

(5) Every Dean shall be the Vice Chairperson of the respective Faculty Council for Post-graduate and Undergraduate Studies and shall have such powers and functions as may be provided for by the Statutes, or Ordinances.

(6) The Dean of every Faculty Councils for Post-graduate and Undergraduate Studies may be removed from his office for such reasons and in such manner as may be provided for by the Statutes.

The Dean(s) of Students' Welfare.

23. (1) The Dean(s) of Students' Welfare shall be appointed from amongst the teachers of the University, not below the rank of an Associate Professor, by the Vice-Chancellor on the recommendation of the Executive Council.

(2) The Dean(s) of Students' Welfare appointed under sub-section (1) shall hold office for a term of three years and shall be eligible for re-appointment:

Provided that the Vice-Chancellor may, if it is considered necessary, appoint on the recommendation of the Executive Council a teacher, not below the rank of an Associate Professor to discharge duties of the Dean of Students' Welfare in addition to his normal duties.

(3) When the office of the Dean of Students' Welfare is vacant by reason of illness or absence or for any other cause unable to perform the duties of his office, the duties of the office shall be performed by such person as the Vice-Chancellor may appoint for the purpose.

(4) The duties and powers of the Dean(s) of Students' Welfare shall be such as may be provided by the Statutes.

Controller of Examinations.

24. (1) The Controller of Examinations shall be the whole time officer of the University and shall be appointed by the Vice-Chancellor in consultation with the Executive Council.

(2) The powers, duties and responsibilities of the Controller of Examinations shall be provided by the Statutes.

Other officers.

25. (1) There shall be such other officers in the University who shall be appointed by the Vice-Chancellor in such manner as may be provided for by the Statutes or Ordinances or Regulations or Rules.

(2) The terms and conditions of service including the salaries and allowances of such other Officers of the University and required qualification for appointment to such post shall be such as may be decided and approved by the Governing Board.

(3) The powers and functions including the required qualification and procedure for appointment of such other officers shall be provided by the Statutes.

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(Chapter III.—Authorities of the University.—Clauses 26, 27.)

CHAPTER III

Authorities of the University

- The Authorities.
26. Following shall be the authorities of the University:—
- (1) the Governing Board,
 - (2) the Executive Council,
 - (3) the Academic Council,
 - (4) the Faculty Councils for Post-graduate and Undergraduate Studies,
 - (5) the Boards of Studies,
 - (6) the Finance Committee,
 - (7) Such other authorities as may be provided and established, by the Statutes, the Ordinances, the Regulations and the rules made by or under this Act, from time to time.
- The Governing Board.
27. (1) The Governing Board shall consist of the following persons, namely:—
- Ex-Officio Members:—
- (i) the Chancellor—Chairperson,
 - (ii) the Vice-Chancellor,
 - (iii) the Pro-Vice-Chancellor,
 - (iv) the Secretary, Higher Education Department, or his nominee not below the rank of a Joint Secretary to the Government of West Bengal,
 - (v) the Registrar,
 - (vi) the Finance Officer,
 - (vii) the Principal, St. Xavier's College (Autonomous), Kolkata,
 - (viii) the Rector, St. Xavier's College (Autonomous), Kolkata,
 - (ix) the Honorary Secretary, St. Xavier's College (Autonomous) Alumni Association and the University Alumni Association,
- Members from sponsoring trust:—
- (x) fifteen Persons, from the Jesuit nominated by the Calcutta Province of the Society of Jesus in consultation with the Chancellor,
- Representatives of Teachers:—
- (xi) two Professors according to seniority to be nominated by the Vice-Chancellor,
 - (xii) One Associate Professor according to seniority to be nominated by the Vice-Chancellor,
- Representative of Non-teaching Staff:—
- (xiii) One representative from amongst the senior non-teaching staff to be nominated by the Vice-Chancellor.
- Nominated Members:—
- (xiv) One representative nominated by the University Grants Commission, not below the rank of a Joint Secretary to the Government of India or a Professor of a Central or State University,
 - (xv) two eminent educationists to be nominated by the Chancellor,
 - (xvi) One person, who shall be an eminent academician not below the rank of a Professor of a University, to be nominated by the Visitor, in consultation with the State Government.

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Co-opted Members:—

- (xvii) four persons representing learned professions and possessing special interests in education including representatives of industry and commerce, to be co-opted by the Governing Board.

(2) All members of the Governing Board other than *ex officio* member shall hold the office for a period of four years.

(3) An *ex officio* member shall cease to be member of the Governing Board as soon as he vacates the office by virtue of which he is a member.

Powers and
functions of the
Governing
Board.

28. (1) Subject to the provisions of this Act, the Governing Board shall exercise the following powers and perform the following duties, namely:—

- (i) to establish University departments, institutions, libraries, laboratories and museums for study and research; and also such other facilities as may be required to further co-curricular and extra-curricular activities,
- (ii) to create and institute Professorships including Chair Professorship, Associate Professorship, Assistant Professorship and such posts including posts of officers as may be necessary for the establishment and management of the University, departments, institutions, libraries, laboratories and museums and any other facility referred to in clause (i);
- (iii) to institute degrees, titles, diplomas, certificates and other academic distinctions, including the titles of *honoris causa*;
- (iv) to institute fellowships, travelling fellowships, scholarships, studentships, stipends, bursaries, exhibitions, medals and prizes to be awarded out of the University Fund;
- (v) to confer degrees, titles, diplomas, certificates and other academic distinctions on the persons who,—
 - (a) have pursued the approved courses of studies or have been exempted therefrom in the manner provided in the Regulations, or
 - (b) have carried out research in accordance with such conditions as may be provided in the regulations;
- (vi) to withdraw or to cancel degrees, titles, diplomas, certificates or other academic distinctions under such conditions as may be provided by the regulations and after giving the person affected a reasonable opportunity of being heard;
- (viii) to confer honorary degrees or other academic distinctions;
- (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:

Provided that for the purpose of passing a resolution modifying or rejecting any such annual financial estimates it shall be necessary for a simple majority of the total number of members of the Governing Board present and voting in favour of the resolution;
- (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 consider, and advise on such other reports from the Executive Council or any other body as may be made to it;

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- (xii) to consider proposals from the Executive Council for the University to enter into agreement with the Central Government or State Government or with any person, body or authority for the taking over by the University of the management of any institution, including its assets and liabilities, or for any other purpose not repugnant to the provisions of this Act;
- (xiii) to consider, and advise on, proposals from the Executive Council for co-operation with other Universities, institutions and educational authorities in matters that relate to or further the objectives of the University;
- (xiv) to consider and suggest measures for the improvement of the administration and finances of the University, and generally for the furtherance of its objectives;
- (xv) to acquire, hold and dispose of property, movable and immovable for and on behalf of the University and to administer all assets and properties of the University, and to undertake all measures necessary or desirable for the conservation or augmentation of the resources of the University;
- (xvi) to appoint officers and employees of the University and to fix their emoluments and define their duties and other terms and conditions of service in accordance with the Statutes and the Ordinances and to suspend, discharge or otherwise punish in accordance with the Statutes and the Ordinances such Officers and employees;
- (xvii) to accept grants and to raise or accept loans on behalf of the University and to make grants or advances from the University fund or other special funds maintained by the University;
- (xviii) to make regulations for the transaction of its own business;
- (xix) to exercise all other powers and perform all other functions conferred to and imposed on the Governing Board by or under this Act.

(2) The Governing Board 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 exclusively on it by or under this Act:

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

29. (1) The Governing Board shall meet not less than three times in a financial year, other than for convocation, on dates to be fixed by the Chancellor. At least one of such meetings shall be held before the last day of March and the last meeting of the financial year so held shall be called the annual general meeting. The Governing Board may also meet at such other times as it may, from time to time, be required.

(2) One-third of the total number of members of the Governing Board present, shall be a quorum for a meeting of the Governing Board;

Provided that such quorum shall not be required at convocation.

(3) The Chancellor may, whenever he thinks fit, and shall also, upon a requisition in writing signed by not less than fifty *percent* of the members of the Governing Board, convene a meeting of the Governing Board. A meeting on such requisition shall be held within fifteen days of the receipt of the requisition by the Chancellor, excluding the date of receipt.

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The Executive Council.

30. (1) The Executive Council shall consist of the following members:—*Ex Officio* Members:—

- (i) the Vice-Chancellor—Chairperson,
- (ii) the Pro-Vice-Chancellor,
- (iii) the Registrar,
- (iv) the Deans of the Faculty Councils for Post-graduate and Undergraduate Studies,
- (v) the Dean(s) of Students' Welfare,
- (vi) the Controller of Examinations,
- (vii) the Finance Officer,
- (viii) the Secretary, Academic Council.

Other Members:—

- (ix) two heads of departments, by rotation for one year in alphabetical order of the department, to be selected by the Vice-Chancellor;
- (x) three teachers from the faculty council for the Post-graduate and Undergraduate studies of whom two shall be Professors and one shall be an Associate Professor, to be nominated by the Vice-Chancellor in consultation with the Pro-Vice-Chancellor.

(2) A member of the Executive Council shall hold office for a period of four years, if not expressly provided otherwise in this Act.

(3) Any vacancy among the members of the Executive Council shall be filled up immediately by the concerned authority.

(4) No act or proceedings of the Executive Council or of anybody constituted by the Executive Council shall be invalid or called into question by reason of the existence of any vacancy, initial or subsequent, in the Executive Council or in any body constituted by the Executive Council, as the case may be.

(5) One-third of the total number of members present shall be a quorum for a meeting of the Executive Council.

Powers and functions of the Executive Council.

31. (1) Subject to the provisions of this Act, the Executive Council shall exercise the following powers and perform the following duties, namely:—

- (i) to initiate proposals for the making of Statutes, Ordinances or Regulations including proposals for amendment or repeal thereof, in the manner hereinafter provided;
- (ii) to recommend to the Governing Board the proposals for study and research after consulting the respective Faculty Councils for Post-graduate and Undergraduate Studies, University departments, institutions, libraries, laboratories and museums;
- (iii) to maintain University departments, University institutions, University libraries, University laboratories, University museums and any other University establishment;
- (iv) to establish, maintain and manage halls, hostels and canteens;
- (v) to direct the inspection of University libraries, University laboratories, University museums and hostels and canteens;
- (vi) to institute on advice of the Governing Board and after consulting the respective Faculty Councils for Post-graduate and Undergraduate Studies, fellowships, travelling fellowships, scholarships, stipends, bursaries, exhibitions, medals and prizes, the expenses of which shall be met from the University Fund;

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- (vii) to recommend to the Governing Board after consulting the respective Faculty Councils for Post-graduate and Undergraduate Studies, Professorships including Distinguished Professorships, Associate Professorships, Assistant Professorships and such posts as may be necessary for the establishment and maintenance of the University departments, institutions, libraries, laboratories and museums;
- (viii) to recommend to the Governing Board to create posts of officers, teachers and employees of the University;
- (ix) to provide and collect fees or charges for the registration of students and their admission to courses of studies organized by the University, for holding examinations, for the grant of degrees, diplomas and certificates, and for other like purposes;
- (x) to recommend to the Governing Board after consulting the respective Faculty Councils for Post-graduate and Undergraduate Studies, the institution of degrees, titles, diplomas, certificates and other academic distinctions;
- (xi) to recommend to the Governing Board, on the advice of the appropriate body, the conferment of degrees, titles, diplomas, certificates and other academic distinctions on persons who have pursued the approved courses of studies or have been exempted therefrom in the such manner as may be provided in the regulations, and have passed such examinations or have carried on research under such conditions, as may be provided;
- (xii) to recommend to the Governing Board the conferment of honorary degrees, titles and other academic distinctions;
- (xiii) to approve the constitution or reconstitution of a department of teaching on the recommendation of the respective Faculty Council for Post-graduate and Undergraduate Studies concerned;
- (xiv) to make regulations regarding the courses of studies and the division of subjects including interdisciplinary or multidisciplinary approach for integrated courses in selected subjects which are approved by the Academic Council;
- (xv) to make regulations regarding the recognition of examinations held by other Universities or Institutions which shall be recognized as equivalent to the examinations held by the University;
- (xvi) to make regulations regarding the conduct of examinations held by the University and the conditions under which students may be admitted to the different courses of studies, and be allowed to appear for the examinations held by the University;
- (xvii) to give directions regarding the form, custody and use of the common seal of the University;
- (xviii) to administer the fund of the University and to accept and administer gifts, endowments and benefactions for the furtherance of the purposes of this Act;
- (xix) to manage the press establishment, the publication bureau and the employment bureau of the University and to exercise general supervision over University Extension Board, University Sports Board and other bodies instituted by the University;
- (xx) to prepare and approve the annual statements of accounts and the annual financial estimates of the University and to submit the same to the Governing Board for consideration;

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- (xxi) to make due provision for the health, welfare, residence and discipline of students and their relationship with the University and to provide for such other training of students as may be considered desirable;
 - (xxii) to co-operate with other Universities, Institutions, Associations, Societies or Bodies on such terms and for such purposes, not inconsistent with the purposes of this Act, and object and purpose of the University;
 - (xxiii) to institute collaborative teaching and research programmes with other Universities and provide modalities for credit transfer and award of joint degrees in a manner not inconsistent with the purposes of this Act;
 - (xxiv) to make regulations for the transaction of its own business;
 - (xxv) to exercise all other powers and perform all other functions conferred upon and imposed on the Executive Council by or under this Act.
- (2) The decisions of the Executive Council are to be ratified in the subsequent meetings of the Governing Board.

The Academic Council.

32. (1) The Academic Council shall consist of the following members, namely:—
- (a) the Vice-Chancellor—Chairperson,
 - (b) the Pro-Vice-Chancellor,
 - (c) the Deans of Faculties for Post-graduate and Undergraduate Studies,
 - (d) the Dean(s) of Students' Welfare,
 - (e) Heads of the departments,
 - (f) the Librarian,
 - (g) One Professor, other than the Heads of departments, according to the seniority, to be nominated by the Vice-Chancellor,
 - (h) One Associate Professor, other than the Heads of departments, according to the seniority, to be nominated by the Vice-Chancellor,
 - (i) One teacher from each Faculty Council to be nominated by the Vice-Chancellor:

Provided that no teacher shall be eligible for nomination to the Council for more than two terms during his entire service tenure in the University.

- (2) Vice-Chancellor shall appoint one member of the Faculty Council not below the rank of an Associate Professor, as Member Secretary of the Academic Council.
- (3) One-third of the total members of the Academic Council present, shall form the quorum.
- (4) All members of the Academic Council if not otherwise provided for by or under this Act, shall hold office for a period of three years.

Powers and functions of Academic Council.

33. Subject to this Act, the Statutes and the Ordinances, the Academic Council shall have the following powers, namely:—

- (i) to exercise general supervision over the academic policies of the University and to give directions regarding methods of instruction, cooperative teaching among departments and institutions, evaluation of research and improvement in academic standards;
- (ii) to bring about inter-faculty co-ordination, and to establish or appoint Committees or Boards, for taking up projects on an inter-faculty basis;
- (iii) to consider matters of general academic interest either on its own initiative or referred to by Faculty Council, or the Executive Council, and to take appropriate action thereon;

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- (iv) to frame such regulations consistent with the Statutes and Ordinances regarding the academic functioning of the University, discipline, residence, admissions, examinations, award of fellowships and studentships, fee concessions, and attendance;
- (v) to consider and approve the curricula and syllabi which are recommended by the Boards of Studies and forwarded by the respective Faculty Councils;
- (vi) to hold and conduct, subject to general supervision by the Executive Council, University examinations and publish the results thereof in accordance with the Regulations made in this regard;
- (vii) to appoint, if required by the Executive Council, after considering the views of the Boards of Studies and Ph.D. Committees attached to the Faculty Council, Boards of Examiners in the subject or subjects relating to Post-graduate and Undergraduate Studies, including the subjects for doctoral thesis and for prizes and medals;
- (viii) to consider and approve results of examinations leading to undergraduate and post-graduate degrees, diplomas and certificates;
- (ix) to recommend to the Executive Council the conferment of undergraduate and post-graduate degrees, diplomas and certificates;
- (x) 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;
- (xi) to exercise all other powers and perform all other functions conferred upon the academic council by or under this Act.

The Faculty Councils.

34. (1) There shall be as many Faculty Councils for Post-graduate and Undergraduate Studies in the University as the Governing Body may decide from time to time.

(2) Each Faculty Council for Post-graduate and Undergraduate Studies shall have a Secretary who shall be a member of the Faculty Council and to be nominated by the Pro-Vice-Chancellor.

(3) One-third of the total number of members of a Faculty Council for Post-graduate and Undergraduate Studies present shall be a quorum for a meeting of the Faculty Council.

The Board of Studies.

35. (1) There shall be Board of Studies attached to every Faculty Council for Post-graduate and Undergraduate Studies.

(2) The constitution, powers and functions of the Boards of Studies shall be provided by the Statutes.

The Finance Committee.

36. (1) There shall be a Finance Committee with the Vice-Chancellor as the Chairperson.

(2) Other members of the Finance Committee shall be as follows:—

- (i) the Pro-Vice-Chancellor,
- (ii) the Registrar,
- (iii) the Finance Officer, *Ex officio* Secretary,
- (iv) the senior most accountant of the University, where the seniority of the accountant would be determined based on the date of joining in the University,
- (v) one senior teacher to be nominated by the Vice-Chancellor,
- (vi) one external expert, associated with the field of finance, preferably a chartered accountant to be nominated by the Vice-Chancellor.

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(3) The tenure of the nominated members of the Finance Committee will be for a period of three years.

(4) The powers and functions including the power of delegation of the Finance Committee shall be provided by the Statutes and its procedure in financial matters shall be provided by the Ordinances.

The Selection Committee for teachers of the University.

37. (1) There shall be a Selection Committee for the purpose of recommendation for appointment of a University Professor, a University Associate Professor or a University Assistant Professor.

(2) The constitution of selection Committee, its powers and functions including the procedure for holding of meeting shall be such as may be provided in the Statutes.

(3) A University Professor or a University Associate Professor or a University Assistant Professor shall be appointed by the Vice-Chancellor, on the recommendation of the Selection Committee, which shall send its recommendations in writing to the Vice-Chancellor along with reasoned record of assessment of the persons appeared before it for selection.

(4) Notwithstanding anything contained in sub-section (1) and until constitution of a Selection Committee referred to therein, a University Teacher or an officer shall be appointed by the Vice-Chancellor on recommendation of the Governing Board.

(5) The Selection Committee constituted under sub-section (1) shall include as its members at least one person not holding any office of profit under the University and having special knowledge of the subject which the Professor or the Associate Professor or the Assistant Professor, as the case may be, will teach, and said person will be nominated by the Chancellor.

Tribunal.

38. (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 within a period of one year from the date on which the dispute was referred to the Governing Board 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:—

- (i) the Chairperson, to be nominated by the Chancellor,
- (ii) One person to be nominated by the Governing Board,
- (iii) One person to be nominated by the teacher, officer or employee concerned.

(2) An appeal from a teacher or an officer or an employee of the University in a disciplinary matter shall also 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 any civil court in respect of the matters decided by the Tribunal.

(5) The powers and functions including the procedure of holding proceedings of the Tribunal shall be such as may be provided in the Statutes.

(6) 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 and Conciliation Act, 1996, and all the provisions of that Act with the exception of section 2 thereof shall apply accordingly.

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(Chapter IV.—General Provisions Governing all Authorities or other Bodies of the University.—Clauses 39-44.)

CHAPTER IV

General Provisions Governing All Authorities or Other Bodies of the University

- Disqualification.** 39. (1) No person shall be qualified for selection or nomination as a member of any authority or body of the University or shall continue as such member if he:—
- (i) is of unsound mind, or
 - (ii) is an undischarged insolvent, or
 - (iii) has been convicted by a court of law for an offence involving moral turpitude.
- (2) In case of any doubt or dispute concerning the disqualification of a person under the provisions of sub-section (1), the Chancellor's decision shall be final.
- Term of office of members.** 40. (1) Save as otherwise provided in sub-section (3), a nominated member of any authority or body of the University shall hold office for a period as specified for that office from the date of his nomination, as the case may be:
- Provided that in respect of the first nominations under this Act, the period shall commence from the date of the first meeting of the authority or body held after such nomination.
- (2) The term of office of members other than *ex officio* members of any authority or body of the University shall be held to include any period which may elapse between the expiry of the said term and the date of nomination or selection of new members to such authority or body to fill vacancies arising by efflux of time.
- (3) Any member nominated to fill a casual vacancy shall hold office for the unexpired portion of the term of office of the member in whose seat he is so nominated. The unexpired term will not be counted as a fresh term of office for the member so nominated.
- Cessation of membership in certain cases.** 41. (1) When a person is qualified to be a member of any authority or body of the University by virtue of his membership of any other authority or body, he shall cease to be a member of the authority or body of the University when he ceases to be a member of the other authority or body.
- (2) When a person is nominated as a member of any authority or body of the University from any body or authority, he shall cease to be such a member when he ceases to belong to that body or authority.
- Filling up casual vacancies.** 42. Any casual vacancy among the nominated members of any authority or body of the University shall be filled, within such time as may be provided by the Statutes, by nomination by the person or authority that nominated the member whose seat has become vacant.
- Proceedings not to be invalidated by reasons of vacancies.** 43. No act or proceedings of the University or of any authority or body of the University shall be deemed to be invalid merely by reason of the existence of a vacancy or vacancies among its members.
- Explanation.*—It is hereby declared that where the office of any member of any authority or body of the University cannot be filled up, when such authority or body is constituted for the first time, on account of any appointment not being for any reason feasible, there shall be deemed to be a vacancy in the office of such member until such appointment is made.
- Casting the vote by the Chairperson.** 44. At a meeting of the Governing Board, the Executive Council, the Academic Council, the Faculty Councils for Post-graduate and Undergraduate Studies, or any other authority or body of the University, the person presiding over the meeting shall not vote in the first instance, but shall have and exercise a casting vote in the case of an equality of votes.

*The St. Xavier's University, Kolkata Bill, 2016.**(Chapter V.—Funds, Accounts, Audit, Inspection and Dissolution of the University.—Clauses 45-49.)***CHAPTER V****Funds, Accounts, Audit, Inspection and Dissolution of the University**

The University Fund.

45. (1) The University shall have a fund to be known as the University Fund to which shall be credited all its income from fees, contributions, donations, grants, and endowments.

(2) The University may also create, by Ordinances, separate special funds for the administration of Students' Welfare, Endowments, Donations and Gifts, trust or specific grants or grants for other special purposes.

The Corpus Fund.

46. Corpus Fund of the University shall refer to a fund which shall be credited with the grants, donations, subscriptions received by the University other than from the State Government or from the Central Government, or from any other authority and the same shall be used for various purposes of the University with the approval of the Governing Board.

Endowment Fund.

47. (1) The University shall establish an Endowment Fund in the name of the University through a fixed deposit of a minimum of rupees ten crore in a Nationalized Bank, which may be used by the University for its development:

Provided that the Sponsoring trust and the University shall make available the whole Endowment Fund to the Administrator during the process of winding up of the University failing which the same shall be realized from the properties of the University.

(2) The Endowment Fund shall be maintained until the dissolution of the University.

(3) A security deposit shall be pledged in the name of the Higher Education Department, Government of West Bengal through a fixed deposit of rupees one crore in a Nationalized Bank and to be kept as security deposit and the interest proceeds of which may be used for the development of the University.

(4) The State Government shall have the power to forfeit the security deposit in prescribed manner, in case the University contravenes any of the provisions of this Act.

Budget of the University.

48. (1) The budget of the University showing the receipt and payments of different accounts and expenditure on account of salaries and allowances of all the employees including their retirement benefits of the employees of the University shall be submitted to the Governing Board at least three months before the end of the financial year.

Admission of students.

49. (1) Admission of students in the University shall be made on the basis of merit.

(2) Merit for admission in the University may be determined either on the basis of marks or grade obtained in the qualifying examination or on the basis of marks or grade obtained in a relevant entrance examination conducted by the University or by common entrance test conducted at the State or National level:

Provided that any achievements in co-curricular activities or extra-curricular activities may be given weightage at the discretion of the University:

Provided further that the admission criteria for specific courses, as prescribed by the concerned Regulatory Bodies, shall be adhered to.

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(3) The seats in engineering, technology and management courses in the University or the colleges and other institutions integrated in the University shall be guided by the existing framework of the All India Entrance Examination or the West Bengal Joint Entrance Examinations Board through its state level common entrance test and counseling process until the University opts to work out its own entrance examination framework for admission into the courses.

(4) The tuition fees for engineering, management and other professional courses shall be determined and prescribed by the State Government from time to time.

(5) The University shall keep not less than five *percent* of total intake reserved for filling up with economically weaker persons in the manner as may be notified by the State Government from time to time.

Inspection.

50. (1) The State Government shall have the power to cause inspection of the University in such manner as may be prescribed.

(2) Every inspection shall be made after due notice to the University.

(3) Proceedings of every inspection along with suggestion or advice of State Government shall be sent to the Governing Board for its necessary action.

Winding up of the University.

51. (1) The sponsoring trust may recommend to the State Government to dissolve the University by giving notice to the employees and students of the University at least one year in advance in such manner as may be prescribed:

Provided that the sponsoring trust shall not be permitted to serve notice for winding up within the period of ten years from the date of its commencement.

(2) The dissolution of the University shall take effect only after the last batch of the students of the regular courses have completed their courses and have been awarded degrees, diplomas or awards, as the case may be.

(3) On service of notice under sub section (1), the State Government shall appoint an Administrator by replacing the Governing Board for the purpose of running the University till it is completely dissolved.

(4) The properties of the University including its funds on date of such notice referred under sub-section (1) shall be used for meeting the liabilities of the University by the Administrator until the University is dissolved.

(5) The balance properties of the University including its funds after meeting all its liabilities shall be re-vested to the sponsoring trust after the University is fully dissolved.

Provident Fund.

52. (1) The University shall institute a Provident Fund for the benefit of its employees and such provident fund shall be governed by the provisions of the Provident Fund Act, 1925.

19 of 1925.

(2) The rules regulating the Provident Fund shall be such as may be provided in the Ordinances.

Annual Accounts and Audit.

53. (1) The University shall prepare and maintain proper accounts and other relevant records, and prepare an annual statement of accounts including the income and expenditure account and balance sheet, in such form and in such manner as may be provided by the regulations.

(2) The University shall adopt a proper system of internal checks and balances and controls in the discharge of its finance, accounting and auditing functions as may be provided by the regulations.

*The St. Xavier's University, Kolkata Bill, 2016.**(Chapter VI.—Statutes, Ordinances and Regulation.—Clauses 54, 55.)*

(3) The Accounts of the University shall be audited not less than once in a year by a qualified auditor appointed by the Governing Board, who shall be a Chartered Accountant as defined in the Chartered Accountants Act, 1949.

38 of 1949.

(4) The Accounts of the University certified by the person or firm so appointed under sub section (3) or any other person authorised in this behalf together with the audit report thereon shall be placed before the Governing Board and the Governing Board may issue such instructions to the University in respect thereof as it deems necessary and the University shall comply with such instructions.

CHAPTER VI**Statutes, Ordinances and Regulations**

Statutes.

54. Subject to the provisions of this Act, Statutes may be made by the Governing Board to provide for all or any of the following matters:—

- (a) the declaration of posts of various officers of the University;
- (b) the establishment of various authorities of the University;
- (c) the powers, duties, and terms and conditions of service of the teachers, officers and employees of the University in so far as these have not been specifically provided in the Act;
- (d) the constitution, powers, functions and duties of the authorities of the University in so far as these have not been specifically provided for in this Act;
- (e) the procedure of holding of convocations to confer degrees, titles, diplomas, certificates and other academic distinctions, including honorary degrees and distinctions;
- (f) the conditions for the registration of all the degree and diploma recipients of the University and for the maintenance of a register for this purpose;
- (g) the minimum qualifications for appointment of teachers and officers of the University;
- (h) all other matters which under this Act are required to be or may be provided by Statutes.

Procedures to make Statutes.

55. (1) The Executive Council may of its own motion, and shall, when required by the Governing Board, make a draft of any Statute and submit the same to the Governing Board.

(2) The draft so submitted shall be considered by the Governing Board at a meeting or meetings to be held within a period of six weeks from the date of such submission, and the draft unless rejected or amended by the Governing Board before the expiry of the said period by a majority of the total number of its members existing, be deemed to have been passed by the Governing Board.

(3) If the Governing Board rejects or amends the draft of any Statute, it shall be sent back to the Executive Council with the views of the Governing Board for reconsideration.

(4) Thereupon, the Executive Council shall reconsider the draft and resubmit it to the Governing Board with such changes as it may deem necessary.

(5) On such resubmission of the draft, it shall again be considered by the Governing Board at a meeting to be held within a period of six weeks from the date of such submission and the draft so resubmitted shall, before the expiry of the latter period by a majority of the total number of its members existing, be deemed to have been passed by the Governing Board without any amendment, or be passed by the Governing

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Board with such amendments as it may deem fit to make therein within the latter period and by the same majority as aforesaid.

(6) A Statute passed in the manner provided in sub-section (2), shall be presented to the Visitor for assent and shall come into force on being assented to by the Visitor.

(7) A Statute shall remain in force until repealed or amended by a new Statute similarly passed and assented to by the Visitor.

Ordinances and
Regulations.

56. Subject to the provisions of this Act, the Governing Board, with the approval of the Chancellor may make Ordinances and Regulations.

Rules.

57. (1) The State Government may, as the occasion so arises, make rules for carrying out the purposes of this Act.

(2) Every rules made under this Act shall as soon as they are made be laid down in the Assembly while it is in session.

CHAPTER VII

Miscellaneous and Transitory Provisions

Delegation.

58. (1) The Vice-Chancellor, with the approval of the Chancellor may, subject to the provisions of this Act, delegate such of his powers or duties conferred or imposed by or under this Act or the Statutes, or the Ordinances, or the Regulations, to an officer or a teacher of the University under his direct administrative control.

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

(a) the Governing Board may delegate any of its powers or duties, conferred or imposed by or under this Act, to—

(i) the Vice-Chancellor, or

(ii) the Executive Council, or

(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 conferred or imposed by or under this Act, to—

(i) the Vice-Chancellor, or

(ii) a committee constituted from among its own members, or

(iii) a committee constituted in accordance with the Statutes or the Ordinances, or

(iv) any of the Faculty Councils for Post-graduate Studies or Councils for Undergraduate Studies, or

(v) the Finance Committee;

(c) the Faculty Council for Post-graduate and Undergraduate Studies may delegate any of its powers or duties, conferred or imposed by or under this Act, to—

(i) Pro-Vice-Chancellor, or

(ii) a committee constituted from among its own members, or

(iii) a committee constituted in accordance with the Regulations, or

(iv) any of the Boards of Studies;

(d) the Finance committee may delegate any of its powers or duties, conferred or imposed by or under this Act, to—

(i) the Vice-Chancellor, or

(ii) a committee constituted from among its own members.

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Removal of Difficulties.

59. If on account of any lacuna or omission in the provisions of this Act, or for any other reason whatsoever, any difficulty arises as to the constitution of any authority of the University under this Act, or otherwise in giving effect to the provisions of this Act, the State Government, as occasion as may require, do anything which appears to it to be necessary for the purpose of removing the difficulty notwithstanding anything to the contrary contained elsewhere in this Act or in any other law for the time being in force.

Powers to give directions.

60. The State Government shall have power to give directions to the University from time to time considering the interest of the student as well as in the public interest.

Explanation.—The decision of the State Government shall be final whether a particular issue is related to public interest or the interest of the students.

STATEMENT OF OBJECTS AND REASONS.

Considering the growing need for quality facilities in the State's higher education system to cater to the growing number of students emerging out of the State's secondary school system, the State Government formulated a Policy published in the *Official Gazette vide* Notification No. 142-Edn (U) dated 31.01.2013, to provide a stable policy and institutional framework to encourage private investment in the State's higher education system, with an emphasis on the guiding principles of "expansion, inclusion and quality".

2. The St. Xavier's College, Kolkata Educational Trust, an educational and charitable trust registered under the Indian Trust Act, 1882 has been running at present various Higher Educational Institutions throughout the State of West Bengal.

3. The Sponsoring trust has come up with a proposal to the State Government for setting up a self financing Private University by the name of the St. Xavier's University, Kolkata, at New Town in the district of North 24-Parganas having adequate financial resources, with a view to providing instruction, teaching, training and Research in various branches and specialized fields of Science, Technology, Law, Management, Social Sciences, Medicine, Education, Humanities, performing arts and various other fields of study and programmes.

4. The feasibility of the proposal for setting up the St. Xavier's University, Kolkata has been examined by the Higher Education Department and accordingly the Department has proposed to incorporate the proposed University for the purpose as stated above, and hence, this Bill.

5. The main campus of the University will be situated at New Town, North 24-Parganas, and the jurisdiction of the University will be the whole of the State of West Bengal.

6. Since, the University will be funded by the sponsoring Society, the State Government will have no financial liability in giving effect to the provisions of this Bill.

7. The Bill has been framed with the above objects and views.

KOLKATA,
The 13th December, 2016.

PARTHA CHATTERJEE,
Member-in-Charge.

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FINANCIAL MEMORANDUM.

There shall be no financial implications involved in giving effect to the provisions of this Bill.

KOLKATA,
The 13th December, 2016.

PARTHA CHATTERJEE,
Member-in-Charge.

By order of the Governor,

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