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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. 547-L.—7th June, 2022.—The Governor having been pleased to order, under rule 66 of the Rules

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

Bill No. 10 of 2022

**THE WEST BENGAL PRIVATE UNIVERSITY LAWS
(AMENDMENT) BILL, 2022.**

A**BILL**

to amend certain provisions of the Techno India University, West Bengal, Act, 2012, the Adamas University Act, 2014, the Seacom Skills University Act, 2014, the JIS University Act, 2014, the Neotia University Act, 2014, the University of Engineering and Management, Kolkata, Act, 2014, the Amity University Act, 2014, the Brainware University Act, 2015, the St. Xavier's University, Kolkata Act, 2016, the Sister Nivedita University Act, 2017, and the Swami Vivekananda University Act, 2019.

*The West Bengal Private University Laws
(Amendment) Bill, 2022.*

(Clauses 1, 2.)

WHEREAS it is expedient to amend the Techno India University, West Bengal, Act, 2012, the Adamas University Act, 2014, the Seacom Skills University Act, 2014, the JIS University Act, 2014, the Neotia University Act, 2014, the University of Engineering and Management, Kolkata, Act, 2014, the Amity University Act, 2014, the Brainware University Act, 2015, the St. Xavier's University, Kolkata Act, 2016, the Sister Nivedita University Act, 2017, and the Swami Vivekananda University Act, 2019 and such other matters connected therewith and incidental thereto;

West Ben. Act XX of 2012.
West Ben. Act IV of 2014.
West Ben. Act VI of 2014.
West Ben. Act XXII of 2014.
West Ben. Act XXIII of 2014.
West Ben. Act XXV of 2014.
West Ben. Act XXIV of 2014.
West Ben. Act XXXI of 2015.
West Ben. Act XII of 2016.
West Ben. Act XLIX of 2017.
West Ben. Act XV of 2019.

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

Short title and commencement.

1. (1) This Act may be called the West Bengal Private University Laws (Amendment) Act, 2022.

(2) It shall come into force at once.

Amendment of West Ben. Act XX of 2012.

2. In the Techno India University, West Bengal, Act, 2012, after section 6, the following section shall be inserted:—

“The Visitor. 6A. (1) The Minister-in-charge of the Higher Education Department shall be the Visitor of the University.

(2) The Visitor shall, when present, preside at the convocation of the University for the purpose of conferring degrees, diplomas, awards, certificates of other academic distinctions in the University.

(3) The Visitor shall have the power to call for any paper or information relating to the affairs of the University and on the basis of the information received by the Visitor, if he is satisfied that any order, proceeding, or decision taken by any authority of the University is not in conformity with the policy of the State Government in this regard or the provisions of this Act or the Rules, the Statutes, the Regulations or the Ordinances of the University, he may issue such directions as he may deem fit in the interest of the University and the directions so issued shall be complied with by the University forthwith.

(4) The Visitor shall have the power to cause an inspection to be made by such person or persons as he may direct, of the University, its building, libraries, laboratories and equipment, and of any centre, department, institution, school or campuses maintained by the University and also of the examinations, teaching and other work conducted or done by the University and to cause an inquiry to be made in like manner in respect of any matter connected with the administration or finances of the University and its centres, departments, institutions or schools.

(5) The Visitor shall, in every case, give notice to the University of his intention to cause an inspection or inquiry to be made, and the University shall, on receipt of such notice, have the right to make, within thirty days from the date of receipt of the notice or such other period as the Visitor may determine, such representations to the Visitor, as it may consider necessary.

*The West Bengal Private University Laws
(Amendment) Bill, 2022.*

(Clauses 3–7.)

(6) Without prejudice to the generality of the foregoing provisions of this section, the Visitor may, by order in writing annul any proceeding of any meeting of any authority or committee of the University which is not in conformity with this Act or the rules or the policy of the State Government or the Statutes or the Regulations or the Ordinances of the University:

Provided that before making any such order, he shall call upon the University to show-cause as to why such an order should not be made, and if any satisfactory cause is shown within a reasonable time, he may consider the same.

(7) The Visitor shall have such other powers as may be notified.”.

Amendment of
West Ben. Act IV
of 2014.

3. In the Adamas University Act, 2014, in section 10,—

(1) for sub-section (1), the following sub-section shall be substituted:—

“(1) The Minister-in-charge of the Higher Education Department shall be the Visitor of the University.”;

(2) for sub-section (7), the following sub-section shall be substituted:—

“(7) The Visitor shall have such other powers as may be notified.”.

Amendment of
West Ben. Act VI
of 2014.

4. In the Seacom Skills University Act, 2014, in section 10,—

(1) for sub-section (1), the following sub-section shall be substituted:—

“(1) The Minister-in-charge of the Higher Education Department shall be the Visitor of the University.”;

(2) for sub-section (7), the following sub-section shall be substituted:—

“(7) The Visitor shall have such other powers as may be notified.”.

Amendment of
West Ben. Act
XXII of 2014.

5. In the JIS University Act, 2014, in section 10,—

(1) for sub-section (1), the following sub-section shall be substituted:—

“(1) The Minister-in-charge of the Higher Education Department shall be the Visitor of the University.”;

(2) for sub-section (7), the following sub-section shall be substituted:—

“(7) The Visitor shall have such other powers as may be notified.”.

Amendment of
West Ben. Act
XXIII of 2014.

6. In the Neotia University Act, 2014, in section 10,—

(1) for sub-section (1), the following sub-section shall be substituted:—

“(1) The Minister-in-charge of the Higher Education Department shall be the Visitor of the University.”;

(2) for sub-section (7), the following sub-section shall be substituted:—

“(7) The Visitor shall have such other powers as may be notified.”.

Amendment of
West Ben. Act
XXV of 2014.

7. In the University of Engineering and Management, Kolkata, Act, 2014, in section 10,—

(1) for sub-section (1), the following sub-section shall be substituted:—

“(1) The Minister-in-charge of the Higher Education Department shall be the Visitor of the University.”;

(2) for sub-section (7), the following sub-section shall be substituted:—

“(7) The Visitor shall have such other powers as may be notified.”.

*The West Bengal Private University Laws
(Amendment) Bill, 2022.*

(Clauses 8– 12.)

Amendment of
West Ben. Act
XXIV of 2014.

- 8.** In the Amity University Act, 2014, in section 10,—
- (1) for sub-section (1), the following sub-section shall be substituted:—
“(1) The Minister-in-charge of the Higher Education Department shall be the Visitor of the University.”;
- (2) for sub-section (7), the following sub-section shall be substituted:—
“(7) The Visitor shall have such other powers as may be notified.”.

Amendment of
West Ben. Act
XXXI of 2015.

- 9.** In the Brainware University Act, 2015, in section 10,—
- (1) for sub-section (1), the following sub-section shall be substituted:—
“(1) The Minister-in-charge of the Higher Education Department shall be the Visitor of the University.”;
- (2) for sub-section (7), the following sub-section shall be substituted:—
“(7) The Visitor shall have such other powers as may be notified.”.

Amendment of
West Ben. Act
XII of 2016.

- 10.** In the St. Xavier's University, Kolkata Act, 2016, in section 11,—
- (1) for sub-section (1), the following sub-section shall be substituted:—
“(1) The Minister-in-charge of the Higher Education Department shall be the Visitor of the University.”;
- (2) after sub-section (3), the following sub-section shall be inserted:—
“(4) The Visitor shall have such other powers as may be notified.”.

Amendment of
West Ben. Act
XLIX of 2017.

- 11.** In the Sister Nivedita University Act, 2017, in section 10,—
- (1) for sub-section (1), the following sub-section shall be substituted:—
“(1) The Minister-in-charge of the Higher Education Department shall be the Visitor of the University.”;
- (2) for sub-section (7), the following sub-section shall be substituted:—
“(7) The Visitor shall have such other powers as may be notified.”.

Amendment of
West Ben. Act
XV of 2019.

- 12.** In the Swami Vivekananda University Act, 2019, in section 10,—
- (1) for sub-section (1), the following sub-section shall be substituted:—
“(1) The Minister-in-charge of the Higher Education Department shall be the Visitor of the University.”;
- (2) for sub-section (7), the following sub-section shall be substituted:—
“(7) The Visitor shall have such other powers as may be notified.”.

STATEMENT OF OBJECTS AND REASONS.

The State Government has established and incorporated 11 Private Universities under the administrative control of the Higher Education Department in view of raising rich quality of higher education amongst the students of the State as well as of the Country and also to bring private investment in the Higher Education sector in view of increasing Gross Enrolment Ratio (GER) of the State.

2. The Hon'ble Governor of the State of West Bengal is the Visitor of all the private Universities except Techno India University by virtue of his post. The constituting Acts of each University has provided some statutory duties and functions upon the Hon'ble Visitor of the University. It is not out of place to mention that Hon'ble Governor holding the constitutional post has also to discharge various administrative and constitutional functions as enshrined under the Constitution.

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

4. It has therefore been considered necessary and imperative that the constituting Acts of the Private Universities shall be amended so that the Hon'ble Minister-in-charge of the Higher Education Department of the State of West Bengal shall be the Visitor of all Private Universities in the State of West Bengal for the purposes of the said Acts.

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

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

KOLKATA:

The 6th June, 2022.

BRATYA BASU,

Member-in-charge.

By order of the Governor,

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