The West Bengal National University of Juridical Sciences

WBNUJS ACT 1999

with

Amendments as on May 21, 2019

GOVERNMENT OF WEST BENGAL

LAW DEPARTMENT

Legislative
West Bengal Act IX of 1999

THE WEST BENGAL NATIONAL UNIVERSITY OF JURIDICIAL SCIENCES ACT, 1999

[*Passed by the West Bengal Legislature.*]

[Assent of the Governor was first published in the Calcutta Gazette, Extraordinary, of the 3rd August, 1999.]

[3-8-1999]

An act to establish and incorporate a National University of Juridical Sciences at Calcutta in West Bengal.

WHEREAS the Committee appointed by the Chief Justices' Conference on Legal Education and Training (1993) has recommended the establishment in each State of an institution on the model of the National Law School of India University at Bangalore;

AND WHEREAS the All-India Law Ministers' Conference (1995) has resolved to set up in each State a Law School modelled on the lines of the National Law School of India University at Bangalore for improving the quality of professional legal education;

AND WHEREAS it is considered necessary to encourage the establishment of such a national level institution of excellence in higher learning of law in the State of West Bengal;

AND WHEREAS it is deemed expedient to establish the National University of Juridical Sciences for the purpose hereinafter appearing;

It is hereby enacted in the Fiftieth 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 National University of Juridical Sciences Act, 1999.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint, and different dates may be appointed for different provisions of this Act.

(Sections 2, 3.)

Definitions.

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

(1) "Academic Council" means the Academic Council of the University;

(2) "Bar Council of India" means the Bar Council of India constituted under the Advocates Act, 1961;

(3) "Bar Council" means the Bar Council of West Bengal constituted under the Advocates Act, 1961;

(4) "Chancellor" means the Chancellor of the University;

(5) "Executive Council" means the Executive Council of the University;

(6) "General Council" means the General Council of the University;

(7) "Registrar" means the Registrar of the University;

(8) "Regulations" means the regulations of the University made under Section 13;

(9) "Schedule" means the Schedule to this Act;

(10) "Chief Justice" means the Chief Justice of West Bengal and includes the Judge performing the duties of Chief Justice of High Court;

(11) "University" means the West Bengal National University of Juridical Sciences established under Section 3;

(12) "Vice-Chancellor" means the Vice Chancellor of the University;

(13) "Finance Committee" means the Finance Committee of the University.

Establishment and incorporation of the University.

3. (1) With effect from the coming into force of this Act, there shall be established, in the State of West Bengal, a University by the name of the West Bengal National University of Juridical Sciences, which shall consist of the Chancellor, the Vice-Chancellor, the General Council, the Executive Council, the Academic Council and the Registrar.

(2) The University shall be a body corporate by the name as aforesaid, having perpetual succession and common seal, with power, subject to the provisions of this Act, to acquire and hold property and to contract, and shall, by the said name, sue and be sued.

(3) In all suits and other legal proceedings by or against the University, the pleadings shall be signed and verified by the Registrar and all processes in such suits and proceedings shall be issued to, and served on, the Registrar.

(4) The headquarters of the University shall be at Calcutta.

The objects of the University

4. (1) The objects of the University shall be to advance and disseminate learning and knowledge of law and legal processes and their role in national development, to develop in the student and research scholar a sense of responsibility to serve society in the field of law by developing skills in regard to advocacy, legal services, legislation, law reforms and the like, to organise lectures, seminars, symposia and conferences, to promote legal knowledge and to make law and legal processes efficient instruments of social development, to promote inter-disciplinary study of law in relation to management, technology, international co-operation and development, to hold examinations and confer degrees including joint degrees in law combined with other disciplines and other academic distinctions, and to do all such things as are incidental, necessary or conducive to the attainment of all or any of the objects of the University.

(2) The University shall be open to all persons of all religions of either sex irrespective of race, creed, caste or class and it shall not be lawful for the University to impose on any person any test, whatsoever of religious belief or profession, in order to entitle him to be admitted thereto as a teacher or a student or to hold any office therein or to graduate thereat or to enjoy or to exercise any privilege thereof.

(Sections 4, 5.)

Restriction and obligation of University:

***4(A).** (1) The tuition fees in the University shall be such as may be determined by the State Government from time to time.

(2) The University shall allow free-ship in tuition fees to at least ***five per centum*** of their total strength to the students belonging to poor and economically backward classes.

Note – The relevant criteria for determining poor and economically backward class shall be such as may be determined by the State Government from time to time.

(3) The University shall compulsorily make provision for reservation of seats for the students domiciled in the State of the West Bengal to the extent of at least ***thirty percent*** of the total intake in the University.

Admission of Student:

4(B). (1) Admission of the student 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.

5. The powers and functions of the University shall be –

(i) to administer and manage the University and such centres for research, education and instruction as are necessary for the furtherance of the objects of the University;

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

(iii) to organise and undertake extramural teaching and extension services;

***Insertion of new section after section 4 of West Bengal Act IX of 1999 by an amendment published in the Kolkata Gazette vide No. 519 -L, - 21st May, 2019, Law Department, Government of West Bengal.**

(Section *5.)*

(iv) to hold examinations and to grant diplomas or certificates, and to confer degrees including joint degrees in law combined with other disciplines and other academic distinctions on persons subject to such conditions as the University may determine and to withdraw any such diplomas, certificates, degrees or other academic distinctions for good and sufficient cause;

(v) to confer honorary degrees or other distinctions in such manner as may be laid down by regulations;

(vi) to fix, demand and receive fees and other charges;

(vii) to institute and maintain halls and hostels and to recognize places of residence for the students of the University and to withdraw such recognition accorded to any such place of residence;

(viii) to establish such special centres, specialized study centres or other units for research and instruction as are, in the opinion of the University, necessary for the furtherance of its objects;

(ix) to supervise and control the residence, and the regulate the discipline, of the students of the University and to make arrangements for promoting their health;

(x) to make arrangements as aforesaid in respect of the residence, discipline and teaching of women students;

(xi) to create academic, technical, administrative, ministerial and other posts and to make appointments thereto;

(xii) to regulate and enforce discipline among the employees of the University and to take such disciplinary measures as may be deemed necessary;

(xiii) to institute professorships, associate professorships, assistant professorships, readerships, lectureships, and any other teaching, academic or research posts required by the University;

(xiv) to appoint persons as professors, associate professors, assistant professors, readers, lecturers or otherwise as teachers and researchers of the University;

(xv) to institute and award fellowships, scholarships, prizes and medals;

(xvi) to provide for printing, reproduction and publication of research and other works and to organize exhibitions;

(xvii) to sponsor and undertake research in all aspects of law, justice and social development;

(xviii) to co-operate with any other organization in the matter of education, training and research in law, justice, social development and allied subjects for such purposes as may be agreed upon on such terms and conditions as the University may from time to time determine;

(xix) to co-operate with institutions of higher learning in any part of the world having objects wholly or partially similar to those of the University, by exchange of teachers and scholars and generally in such manner as may be conducive to the common objects;

(xx) to regulate the expenditure and to manage the accounts of the University;

(xxi) to establish and maintain, within the premises of the University or elsewhere, such class rooms and study halls as the University may consider necessary and adequate and to establish and maintain such libraries and reading rooms as may appear convenient or necessary for the University;

(xxii) to receive grants, subventions, subscriptions, donations and gifts for the purpose of the University and consistent with the objects for which the University is established;

(xxiii) to purchase, take on lease or accept as gifts or otherwise, any land or building or works, which may be necessary or convenient for the purpose of the University, on such terms and conditions as it may think fit and proper, and to construct, or to alter and maintain, any such building or works;

(xxiv) to sell, exchange, lease or otherwise dispose of all or any portion of the properties of the University, movable or immovable, on such terms as it may think fit and proper without prejudice to the interest and activities of the University;

(xxv) to draw and accept, to make and endorse, to discount and negotiate Government of India and other promissory notes, bills of exchange, cheques or other negotiable instruments;

(xxvi) to execute conveyances, transfers, reconveyances, mortgages, leases, licences and agreements in respect of property, movable or immovable, including Government securities belonging to the University or to be acquired for the purpose of the University;

(xxvii) to appoint, in order to execute an instrument or transact any business of the University, any person as it may deem fit;

(xxviii) to give up, and to cease from carrying on, any classes or departments of the University;

(xxix) to enter into any agreement with the Central Government or the State Government or the Government of any other State or the University Grants Commission or any other authorities for receiving grants;

(xxx) to accept grants of money, securities or property of any kind on such terms as it may deem expedient;

(xxxi) to raise and borrow money on bonds, mortgages, promissory notes or other obligations or securities founded or based upon all or any of the properties and assets of the University or without any securities and upon such terms and conditions as it may think fit and to pay, out of the funds of the University, all expenses incidental to the raising of money, and to repay and redeem any money borrowed;

(xxxii) to invest the funds of the University or the money entrusted to the University in or upon such securities and in such manner as it may deem fit and from time to time transpose any investment;

(xxxiii) to make, from time to time, such regulations as may be considered necessary for regulating the affairs and the management of the University and to alter, modify or rescind such regulations;

(xxxiv)to constitute for the benefit of the academic, technical, administrative and other staff, in such manner and subject to such conditions as may be prescribed by regulations, pensions, insurance, provident fund (which shall be governed by the provisions of the Provident Funds Act, 1925, as if such fund were a Government Provident Fund) and gratuity as it may deem fit, to make such grants as it may think fit for the benefit of any employees of the University, and to aid the establishment and support of associations, institutions, funds, trusts and conveyance calculated to benefit the staff and the students of the University.

(xxxv) to delegate all or any of its powers to the Vice-Chancellor or any committee, or any sub-committee, constituted by any authority of the University or to any one or more members of the General Council of the University or to any officers of the University;

(xxxvi) to do all such other acts and things as the University may consider necessary, conducive or incidental to the attainment or enlargement of the objects of the University.

Teaching of the University;

6. (1) All recognized teachings in connection with the degree, diplomas and certificates of the University shall be conducted, under the control of the General Council, by the teachers of the University in accordance with the syllabus prescribed by regulations.

(2) The courses and curricula of, and the authorities responsible for organizing, such teaching shall be such as may be prescribed by regulations.

Chancellor of the University:

7. (1) The Chief Justice of India shall be the Chancellor of the University.

(2) The Chancellor shall have the right to cause an inspection, to be made by such person or persons as he may direct, of the University, its buildings, libraries and equipments, and of any institution 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 and finances of the University.

(3) The Chancellor 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 be entitled to appoint a representative who shall have the right to be present and be heard at such inspection or inquiry.

(4) The Chancellor may address the Vice-Chancellor with reference to the result of such inspection or inquiry, and the Vice-Chancellor shall communicate to the General Council the views of the Chancellor along with such advice as the Chancellor may offer on the action to be taken thereon.

(5) The General Council shall communicate through the Vice-Chancellor to the Chancellor such action, if any, as it proposes to take, or as has been taken, on the result of such inspection or inquiry.

(***Section 8 - 12)***

Authorities of the University:

8. The following shall be the authorities of the University: -

(1) the General Council;

(2) the Executive Council;

(3) the Academic Council;

(4) the Finance Committee; and

(5) such other authorities as may be declared by the University to be the authorities of the University.

The General Council.

9. The General Council shall be the ***supreme authority*** of the University.

The Executive Council.

10. (1) The Executive Council shall be the **Chief Executive body** of the University.

(2) The administration, management and control of the University and the income thereof shall vest in the Executive Council which shall control and administer the property and funds of the University.

The Academic Council.

11. The Academic Council shall be the academic body of the University, and shall, subject to the provisions of this Act and the regulations, have the power of control and general regulation of, and shall be responsible for, the maintenance of standards of instruction, education and examination of the University, and shall exercise such other powers, and shall perform such other duties, as may be conferred or imposed upon it by this Act or the regulations. It shall also have the right to advise the Executive Council on the academic matters.

Officers of the University.

12. The following shall be the officers of the University: -

(a) the Vice-Chancellor;

(b) the Heads of the Departments;

(c) the Registrar; and

(d) such other officers as may be prescribed by regulations.

(Section 13)

Regulations.

13. (1) Subject to the provisions of this Act, the Executive Council shall have, in addition to all other powers vested in it, the power to make regulations to provide for the administration and management of the affairs of the University;

Provided that the Executive Council shall not make any regulation affecting the status, powers or constitution of any authority of the University until such authority has been given an opportunity of expressing an opinion in writing on the proposed changes, and any opinion so expressed shall be considered by the Executive Council;

Provided further that except with the prior concurrence of the Academic Council, the Executive Council shall not make, amend or repeal any regulation affecting all or any of the following matters:-

(a) the constitution, powers and duties of the Academic Council;
(b) the authorities responsible for organizing teaching in connection with the University courses and related academic programmes;
(c) the withdrawal of degrees, diplomas, certificates and other academic distinctions;
(d) the establishment and abolition of Faculties, Departments, halls and institutions;
(e) the institution of fellowships, scholarships, studentships, exhibitions, medals and prizes;
(f) conditions and modes of appointment of examiners, or conduct or standard of examinations, or any other course of study;
(g) mode of enrolment or admission of students;
(h) examinations to be recognized as equivalent to school examinations.

(2) The Academic Council shall have the power to propose regulations on all or any of the matters specified in clauses (a) to (h) and matters incidental or related thereto.

(3) Where the Executive Council has rejected any regulation proposed by the Academic Council, the Academic Council may appeal to the Chancellor, and the Chancellor may, by order, direct that the proposed regulation may be laid before the next meeting of the General Council for its approval and that pending such approval of the General Council, such regulation shall have effect from such date as may be specified in the order;

Provided that if the regulation is not approved by the General Council at such meeting, it shall cease to have effect.

(4) All regulations made by the Executive Council shall be submitted, as soon as may be, for approval, to the Chancellor and to the General Council at its next meeting, and the General Council shall have, by a resolution passed by a majority of not less than two-thirds of the members present, the power to cancel any regulations made by the Executive Council and such regulations shall, from the date of such resolution, cease to have effect.

Appointment of a University Review Commission.

14. (1) The Chancellor shall, at least once in every five years, constitute a Commission to review the working of the University and to make recommendations.

(2) The Commission shall consist of not less than three eminent educationists, one of whom shall be the Chairman of such Commission appointed by the Chancellor in consultation with the State Government.

(3) The terms and conditions of appointment of the members shall be such as the Chancellor may determine.

(4) The Commission shall, after holding such enquiry as it deems fit, make its recommendations to the Chancellor.

(5) The Chancellor may take such action on the recommendations as he deems fit.

Action not invalidated merely on the ground of defect in constitution, vacancy, etc.

15. (1) Notwithstanding that the General Council, the Executive Council, the Academic Council or any other authority or body of the University is not duly constituted or there is a defect in its constitution or reconstitution at any time or there is a vacancy in the membership of any such authority or body, no act or proceedings of such authority or body shall be deemed to be invalid on any such ground or grounds.

(2) No resolution of any authority or body of the University shall be deemed to be invalid on account of any irregularity in the service of notice upon any member, provided that the proceedings of such authority or body were not prejudicially affected by such irregularity.

(Section 16,17.)

Removal of difficulties at the commencement.

16. If any difficulty arises with respect to the establishment of the University or in connection with the first meeting of any authority of the University or otherwise in first giving effect to the provisions of this Act or the regulations, the Chancellor or the Vice-Chancellor, if the Chancellor so decides, may, at any time, before all the authorities of the University have been constituted, by order make any appointment or do anything consistent, so far as may be, with the provisions of this Act and the regulations, which appear to him to be necessary or expedient for the purpose of removing the difficulty, and every such order shall have effect as if such appointment or action had been made or taken in the manner provided in this Act or the regulations, as the case may be;

Provided that before making any such order, the Chancellor or the Vice-Chancellor, as the case may be, shall ascertain and consider the opinion of the Vice-Chancellor or the Chancellor, as the case may be, and of such appropriate authority of the University as may have been constituted;

Provided further that no order shall be made under this section after the expiration of a period of two years from the date on which this Act comes into force.

Transitory provisions.

17. Notwithstanding anything in this Act or the regulations, the Vice-Chancellor may, with the previous approval of the Chancellor and subject to the availability of funds, discharge all or any of the functions of the University for the purpose of carrying out the provisions of the Act and the regulations, and, for that purpose may exercise any power, or perform any duty, which by this Act and the regulations are to be exercised or performed by any authority of the University, until such authority comes into existence as provided by this Act or the regulations.

(Schedule 18 -21.)

Authorities and Officers of the University.

18. The authorities of the University and their composition, powers, functions and other matters relating to them, the officers of the University and their appointment, powers, functions and other matters relating to them, and all other matters relating to the finances, powers, teaching, administration, and management of affairs of the University shall, subject to the provisions of this Act, be as specified in the Schedule or as may be provided by regulations.

Indemnity.

19. No suit, prosecution or other legal proceedings shall lie against and no damages shall be claimed from, the University, the Vice-Chancellor, the authorities or officers of the University, or any other person in respect of anything which is in good faith done or purported to have been done in pursuance of this Act or the regulations.

Power to amend Schedule.

20. (1) The General Council may, with the prior approval of the Chancellor and the State Government, by notification published in the *Official Gazette*, amend, either prospectively or retrospectively, the Schedule.

(2) A copy of every notification made under sub-section (1) shall be laid before the State Legislature, as soon as may be, after it is made.

Act to have overriding effect.

21. The provisions of this Act and the regulations shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.

SCHEDULE
(See section 18.)

1. **Definitions. –** In this Schedule, unless the context otherwise requires, -
   (1) "clause" means a clause of this Schedule;
   (2) "teacher" includes a professor, associate professor, assistant professor, reader, lecturer or any other person imparting instructions in the University.
2. **Membership of General Council –** There shall be a General Council of the University which shall consist of the following members: -
   (a) the Chancellor;
   (b) the Vice-Chancellor;
   (c) the Chief Justice, High Court at Calcutta;
   (d) the Speaker, West Bengal Legislative Assembly;
   (e) the Minister for Higher Education, Government of West Bengal;
   (f) the Minister for Law, Government of West Bengal;
   (g) the Minister for Finance, Government of West Bengal;
   (h) the Advocate-General of West Bengal;
   (i) * ***Three jurists and eminent scholars in the fields of Science, Technology and Social Sciences nominated by the Government of West Bengal in consultation with the Chancellor.***
   (j) the Chairman, Bar Council of India;
   (k) the Chairperson of the University Grants Commission or his nominee from among the members of the University Grants Commission;
   (l) the Chairman, Bar Council of West Bengal;
   (m) two Judges of the Supreme Court or a High Court, nominated by the Chancellor;
   (n) two distinguished lawyers, nominated by the Chief Justice of the High Court at Calcutta;
   (o) two distinguished educationalists, nominated by the Vice Chancellor in consultation with the Chancellor
   (p) the Director of Indian Institute of Management, Calcutta;
   (q) the Chairman of the West Bengal Human Rights Commission;
   (r) such other members of the Executive Council as are not otherwise members of the General Council;

   Provided that an employee of the University shall not be eligible for nomination under sub-clauses (n) and (p).

**An eminent scholar nominated by the Government of West Bengal;(Omitted)*

Inserted in to the sub-clause (i) & (o) of the Schedule by an amendment made in the Schedule vide Gazette Notification No.2 of WBNUJS- the 8th March, 2007 published on 20th March, 2007 in the Kolkata Gazette

(Schedule)

3. Chairman and Treasurer. – (1) The Chancellor shall be the Chairman of the General Council.

(2) A nominee of the General Council from among its members, other than employees of the University, shall be the Treasurer of the University.

4. Term of office of members of the General Council. – (1) The term of office of the members of the General Council shall, subject to the provisions of sub-clauses (2) and (3), be five years;

Provided that the term of the first General Council shall be six years.

(2) Where a member of the General Council becomes such member by reason of the office or appointment he holds or is a nominated member, his membership shall terminate when he ceases to hold such office or appointment or, as the case may be, his nomination is withdrawn or cancelled.

(3) A member of the General Council shall cease to be a member if he resigns, or becomes of unsound mind, or becomes insolvent, or is convicted of a criminal offence involving moral turpitude, or if a member, other than the Vice-Chancellor, accepts a full-time appointment in the University.

(4) A member of the General Council may resign his office by a letter addressed to the Chancellor, and such resignation shall take effect as soon as it is accepted by the Chancellor.

(5) Any vacancy in the General Council shall be filled either by appointment or nomination, as the case may be, of a person by the respective authority entitled to make the same and the person so appointed or nominated shall hold office for so long as the member in whose place he is appointed or nominated could have held office if the vacancy had not occurred.

5. Powers of the General Council. -

The General Council shall have the following powers;

(a) to review from time to time the broad policies and programme of the University and suggest measures for the improvement and development of the University;
(b) to consider and pass the resolution on the annual report, financial estimates and audit reports on the accounts of the University;
(c) to perform such other functions as it may deem necessary for the efficient functioning and administration of the University.

(Schedule*)*

6. Meeting of the General Council. - (1) The General Council shall meet at least once in a year. An annual meeting of the General Council shall be held on a date to be fixed by the Executive Council, unless some other date has been fixed by the General Council in respect of any year.

(2) The Chancellor shall preside over the meetings of the General Council. In the absence of the Chancellor, the Chancellor shall nominate a member of the Executive Council to preside and, in the absence of both of them, the Vice-Chancellor shall preside.

(3) A report of the working of the University during the previous year, together with a statement of receipts and expenditure, the balance sheet as audited, and the financial estimates shall be presented by the Vice-Chancellor to the General Council at its annual meeting.

(4) The meetings of the General Council shall be called by the Chancellor or, in his absence, by the Vice-Chancellor, either on his own or at the request of not less than ten members of the General Council.

(5) For every meeting of the General Council, 15 days' notice shall be given.

(6) One-third of the members of the General Council shall form the quorum for the meeting.

(7) Each member shall have one vote and if there be equality of votes on any question to be determined by the General Council, the Chancellor or the person presiding over the meeting shall, in addition, have a casting vote.

(8) In the case of difference of opinion among the members, the opinion of the majority shall prevail.

(9) If urgent action by the General Council becomes necessary, the Chancellor may permit the business to be transacted by circulation of papers to the members of the General Council. The action proposed to be taken shall not be taken unless agreed to by a majority of the members of the General Council. The action so taken shall be forthwith intimated to all the members of the General Council and the papers shall be placed before the next meeting of the General Council for confirmation.

(Schedule)

7. Membership of the Executive Council. –

(1) The Executive Council shall consist of the following persons: -

(a) the Vice-Chancellor;

(b) A Judge from among the members of the General Council nominated by the Chancellor;

(bb) *A Judge of Calcutta High Court to be nominated by the Chancellor.

(c) a distinguished lawyer-member of the General Council nominated by the Chancellor;

(cc)*The Advocate General of West Bengal.

(d) **Three distinguished educationist-members of the General Council nominated by the Chancellor;

(dd) The Law Minister, Govt. of West Bengal

(e) the Law Secretary to the Government of West Bengal;

(f) the Higher Education Secretary to the Government of West Bengal;

(g) the Principal Finance Secretary to the Government of West Bengal;

(h) *****three jurists and eminent scholars in the fields of Science, Technology and Social Sciences nominated by the Government of West Bengal in consultation with the Chief Justice of High Court at Calcutta***

(i) two Professors or Associate Professors of the University by rotation.

(j) Two Lecturers or Assistant Professors of the University by rotation.

(2) The Vice-Chancellor shall be the Chairman of the Executive Council.

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* ***New Members were included by a resolution passed by the General Council in its Meeting held on 13th April, 2002 on the agenda item No. 2.***
in (bb), (cc), (dd) and (j), of the above sub-clause 7,
(bb) ***Judge of Calcutta High Court – nominated by the Chancellor,***
(cc) The Advocate General, State of West Bengal,
(dd) The Law Minister, Govt. of West Bengal and
(j) Two Lecturer or Assistant Professors of the University by rotation.

A distinguished educationist-member of the General Council nominated by the Chancellor; [omitted] and ***inserted by an amendment made in the Schedule vide Gazette Notification No.2 of WBNUJS dated the 8th March, 2007 published on 20th March, 2007 in the Kolkata Gazette.*

(Schedule)

8. Term of office of Executive Council. - (1) Where a person has become a member of the Executive Council by reason of the office or appointment he holds, his membership shall terminate when he ceases to hold that office or appointment.

2. A member of the Executive Council shall cease to be a member if he resigns or becomes of unsound mind or becomes insolvent or is convicted of a criminal offence involving moral turpitude or if a member, other than the Vice-Chancellor or a member of the Faculty, accepts a full time appointment in the University.

3. Unless the membership of a member of the Executive Council is previously terminated as provided in the preceding sub-clauses, such member shall relinquish his membership on the expiry of five years from the date on which he becomes member of the Executive Council but shall be eligible for renomination or reappointment, as the case may be:

   Provided that the term of the first Executive Council shall be six years.

4. A member of the Executive Council, other than an *ex officio* member, may resign his office by a letter addressed to the Chairman of the Executive Council and such resignation shall take effect as soon as it is accepted by the Chairman of the Executive Council.

5. Any vacancy in the Executive Council shall be filled, either by appointment or nomination, as the case may be, by the respective authority entitled to make the same, and, on the expiry of the period of the vacancy, such appointment or nomination shall cease to be effective.

9. Powers and functions of the Executive Council. – Without prejudice to clause 5, the Executive Council shall have the following powers and functions: -

1. to appoint, from time to time, the Vice-Chancellor, the Registrar, the Librarian, Professors, Associate Professors, Assistant Professors and other members of the teaching staff, as may be necessary, on the recommendations of the Selection Committee constituted by regulations for the purpose:

   Provided that no action shall be taken by the Executive Council, except in the cases covered by the second proviso, in regard to the number, qualifications and emoluments of teachers, otherwise than after consideration of the recommendations of the Academic Council:

   Provided further that it shall not be necessary to constitute any selection committee for making appointments –

   a) to any supernumerary post; or

(Schedule)

b) to the post of Professor of a person of high academic distinction, eminence and professional attainment invited by the Executive Council to accept the post;

2. to create administrative, ministerial and other necessary posts, to determine the number and emoluments of such posts, to specify minimum qualifications for appointment to such posts, and to appoint persons to such posts on such terms and conditions of service as may be prescribed by regulations in this behalf, or to delegate the power of appointments to such authority or authorities or officer or officers as the Executive Council may, from time to time, by resolution, either generally or specifically, direct;

3. to grant in accordance with the regulations leave of absence, other than casual leave, to any officer of the University and to make necessary arrangements for the discharge of the functions of such officer during his absence;

4. to manage and regulate the finances, accounts, investments, property, business and all other administrative affairs of the University and, for that purpose, to appoint such agents as it may think fit;

5. to invest any money belonging to the University, including any unapplied income, in such stock, funds, shares or securities, as it may, from time to time, think fit, or in the purchase of immovable property in India, with the like power to vary such investments from time to time;

6. to transfer or accept transfers of any movable or immovable property on behalf of the University;

7. to enter into, vary, carry out, or cancel contracts on behalf of the University and, for that purpose, to appoint such officers as it may think fit;

8. to provide buildings, premises, furniture and apparatus and other means needed for carrying on the work of the University;

9. to entertain, adjudicate upon, and if it thinks fit, to redress any grievances of the officers of the University, the teachers, the students and the University employees, who may, for any reason, feel aggrieved, otherwise than by an act of a court;

10. to appoint examiners and moderators, and, if necessary, to remove them, and to fix their fees, emoluments and travelling and other allowances, after consulting the Academic Council;

11. to select a common seal for the University and to provide for the custody of the seal; and

12. to exercise such other powers and to perform such other duties as may be conferred or imposed on it by or under this Act.

(Schedule)

10. **Meeting of the Executive Council. -** (1) The Executive Council shall meet at least once in six months and not less than fifteen days' notice shall be given of such meeting.

(2) Six members of the Executive Council shall constitute a quorum for any meeting thereof.

(3) In the case of difference of opinion among the members, the opinion of the majority shall prevail.

(4) Each member of the Executive Council shall have one vote and, if there is equality of votes on any question to be determined by the Executive Council, the Chairman of the Executive Council or, as the case may be, the member presiding over the meeting shall, in addition, have a casting vote.

(5) Every meeting of the Executive Council shall be presided over by the Vice-Chancellor or, in his absence, by a member chosen by the members present.

(6) If any urgent action by the Executive Council becomes necessary, the Vice-Chancellor may permit the business to be transacted by circulation of papers to the members of the Executive Council. The action proposed to be taken shall not be taken unless agree to by a majority of members of the Executive Council. The action so taken shall be forthwith intimated to all the members of the Executive Council. The papers shall be placed before the next meeting of the Executive Council for confirmation.

11. **Constitution of the Standing Committees and appointment of ad hoc committees by the Executive Council. –** (1) Subject to the provisions of this Act and the regulations as may be made in this behalf, the Executive Council may, by resolution, constitute such Standing Committees or appoint ad hoc committees for such purposes and with such powers as the Executive Council may think fit for exercising any power or discharging any function of the University for enquiring into, and reporting or advising upon, any matter relating to the University.

(2) The Executive Council may co-opt such persons to a Standing Committee or an ad hoc committee as it considers suitable and may permit them to attend the meetings of the Executive Council.

12. **Delegation of powers by the Executive Council. –** The Executive Council may, by resolution, delegate to the Vice-Chancellor or to a committee, such of its powers as it may deem fit, subject to the condition that the action taken by the Vice-Chancellor or such committee in the exercise of the powers so delegated shall be reported at the next meeting of the Executive Council.

(Schedule)

13. **Membership of the Academic Council. –** (1) The Academic Council shall consist of the following persons: -

a. the Vice-Chancellor, who shall be the Chairman;

b. a nominee of the Chairman of the Bar Council of India from among the members of its Legal Education Committee;

c. a nominee of the Chairman of the University Grants Commission from among the members of its Law Panel;

d. two distinguished law teachers nominated by the Vice-Chancellor;

dd. **(i) The Vice Chancellor of one of the Technological Universities or Director of Technological Institutes in the State of West Bengal to be nominated by the Vice Chancellor; and*

*(ii) **The Vice Chancellor of the West Bengal Health University or the Director of the Central Forensic Science Laboratory in Kolkata to be nominated by the Vice Chancellor.*

e. a nominee of the Government of West Bengal;

f. ***all Professors of the University and ***All Additional Professors of the University.***

g. ****a representative each from the categories of the Associate Professors and the Assistant Professors/ Lecturers – ***One from Law and One from Social Sciences of the University;***

Provided that an employee of the University shall not be eligible for nomination under item (d).

(2) The term of the members, other than *ex officio* members, shall be five years:

Provided that the term of the first Academic Council shall be six years

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****(dd) included by a resolution passed by the General Council in its Meeting held on 13th April, 2002 on the agenda item No. 3***

***** included by a resolution passed by the General Council in its Meeting held on 13th April, 2002 on the agenda item No. 3.***

****** included by a resolution passed by the General Council in its Meeting held on 13th April, 2002 on the agenda item No. 3.***

******* included by a resolution passed by the General Council in its Meeting held on 13th April, 2002 on the agenda item No. 3.***

(Schedule)

14. **Powers and duties of the Academic Council. –** Subject to the provisions of this Act and the regulations, the Academic Council shall, in addition to all other powers vested in it, have the following powers: -

(1) to report on any matter referred or delegated to it by the General Council or the Executive Council;

(2) to make recommendations to the Executive Council with regard to the creation, abolition or classification of teaching posts in the University and the emoluments and the duties attached thereto;

(3) to formulate and modify or revise schemes for the organization of the Faculties, and to assign to such Faculties their respective subjects and also to report to the Executive Council as to the expediency of the abolition or sub-division of any Faculty or the combination of one Faculty with another;

(4) to make arrangements by regulations for the instruction and examination of persons other than those enrolled in the University;

(5) to promote research within the University and to require, from time to time, reports on such research;

(6) to consider proposals submitted by the Faculties;

(7) to appoint committees for admission to the University;

(8) to recognize diplomas and degrees of other Universities and institutions and to determine their equivalence in relation to the diplomas and degrees of the University;

(9) to fix, subject to any conditions accepted by the General Council, the time, mode and conditions of competition for fellowships, scholarships and other prizes, and to award the same;

(10) to make recommendations to the Executive Council in regard to the appointment of examiners and, if necessary, their removal and the fixation of their fees, emoluments and travelling and other expenses;

(11) to make arrangements for the conduct of examinations and to fix dates for holding them;

(12) to declare the result of the various examinations, or to appoint committees or officers to do so, and to make recommendations regarding the conferment or grant of degrees, honours, diplomas, licences, titles and marks of honour;

(13) to award stipends, scholarships, medals and prizes and to make other awards in accordance with the regulations and on such conditions as may be attached to the awards;

(14) to publish lists of prescribed or recommended text-books and to publish syllabus of the prescribed courses of study;

(15) to prepare such forms and registers as are, from time to time, prescribed by regulations; and

(16) to perform, in relation to academic matters, all such duties and to do all such acts as may be necessary for the proper carrying out of the provisions of this Act and the regulations.

15. **Procedure of the Meetings of the Academic Council. –**

1. The Academic Council shall meet as often as may be necessary, but at least once during an academic year.

2. One half of the total number of members of the Academic Council shall form quorum for a meeting of the Academic Council.

3. In the case of difference of opinion among the members, the opinion of the majority shall prevail.

4. Each member of the Academic Council, including the Chairman of the Academic Council, shall have one vote and if there shall be an equality of votes on any question to be determined by the Academic Council, the Chairman of the Academic Council or as the case may be, the member presiding over the meeting, shall, in addition, have a casting vote.

5. Every meeting of the Academic Council shall be presided over by the Chairman of the Academic Council and, in his absence, by a member chosen by the members at the meeting to preside over the meeting.

6. If any urgent action by the Academic Council becomes necessary, the Chairman of the Academic Council may permit the business to be transacted by circulation of papers to the members of the Academic Council. The action proposed to be taken shall not be taken unless agreed to by a majority of members of the Academic Council. The action so taken shall be forthwith intimated to all the members of the Academic Council. The papers shall be placed before the next meeting of the Academic Council for confirmation.

(Schedule)

16. **Finance Committee. –** (1) There shall be a Finance Committee constituted by the Executive Council consisting of the following members: -

a) the Treasurer of the University;

b) the Vice-Chancellor;

c) ****Three members nominated by the Executive Council from amongst its members, out of whom at least one shall be from the Government of West Bengal***

2. The members of the Finance Committee, other than the Vice-Chancellor, shall hold office for a term of five years.

3. The functions and duties of the Finance Committee shall be as follows: -

(a) to examine and scrutinize the annual budget of the University and to make recommendations on financial matters to the Executive Council;

(b) to consider all proposals for new expenditure and to make recommendations to the Executive Council;

(c) to consider the periodical statements of accounts and to review the finances of the University from time to time, to consider reappropriation statements and audit reports, and to make recommendations to the Executive Council;

(d) to give its views and to make recommendations to the Executive Council on any financial question affecting the University, either on its own initiative or on reference from the Executive Council or the Vice-Chancellor.

4. The Finance Committee shall meet at least once every year. Three members of the Finance Committee shall form the quorum for a meeting of the Finance Committee.

5. The Treasurer of the University shall preside over the meeting of the Finance Committee, and, in his absence, the Vice-Chancellor shall preside. In the case of difference of opinion among the members, the opinion of the majority of the members present shall prevail.

****The Executive Council vide in its meeting held on 7th May, 2022 has nominated three members from amongst its members under clause 16 (1) and (2) of the Schedule for a period 5 years with effect from 7th May, 2022.***

1. Advocate General, State of West Bengal

2. Principal Secretary, Department of Higher Education, Govt. of West Bengal

3. Secretary, Law Department, Govt. of West Bengal

(Schedule)

17. **Selection Committee. –** (1) The Executive Council shall constitute Selection Committees for making recommendations to the Executive Council for appointment to posts of Professors, Associate Professors and other Teachers of the University.

(2) The Selection Committee shall consist of the following members: -

a. the Vice-Chancellor, who shall be the Chairman of the Selection Committee;
b. the Head of the Department concerned, if any, provided he holds a post not lower than the level of the post for which the selection is to be made;
c. three experts for selecting Professors, Associate Professors and Assistant Professors, nominated by the Vice-Chancellor from amongst a panel of names recommended by the Academic Council and approved by the Executive Council.

(3) If an endowment from a donor is accepted by the University for instituting a Chair, the donor may be co-opted as a member of the Selection Committee for the purpose of filling up of that particular position.

(4) The meeting of the Selection Committee shall be convened by the Vice-Chancellor whenever necessary. The Vice-Chancellor shall preside over the meetings of the Selection Committee. Three members of the Selection Committee, of whom one shall be an expert, shall form the quorum for a meeting of the Committee.

18. **Vice-Chancellor. -** (1) The Vice-Chancellor of the University shall be appointed by the Executive Council in consultation with the Chancellor in accordance with the regulations made in that behalf:

Provided that the first Vice-Chancellor shall be appointed by the Government of West Bengal in consultation with the Chancellor.

(2) Subject to the specific and general directions of the Executive Council, the Vice-Chancellor shall exercise all the powers of the Executive Council for management and administration of the University.

(3) The Vice-Chancellor, who shall be a Professor of Law, shall hold office for a term of five years, which shall be renewable for one more term only by a resolution to that effect by the Executive Council. Upon the expiry of his term, he shall continue in office until his successor is appointed and enters upon his office.

(4) The Vice-Chancellor shall –

(a) ensure that the provisions of this Act and the regulations are duly observed, and he shall have all such powers as are necessary for that purpose;

(b) convene the meetings of the General Council, the Executive Council, and the Academic Council and shall perform such other acts as may be necessary to give effect to the provisions of this Act;

(c) represent the University in suits or proceedings by or against the University, sign powers of attorney and verify the pleadings or depute representatives for the purpose;

(d) have all such powers as are necessary for proper maintenance of discipline in the University.

(5) If, in the opinion of the Vice-Chancellor, any emergency has arisen, and such emergency requires that immediate action should be taken, he shall take such action as he deems necessary and shall report the same for confirmation to the next meeting of the authority, which, in the ordinary course, would have dealt with the matter.

19. **Head of Departments/Schools. –** (1) There shall be a Head of the Department for each of the Departments in the University.

(2) The powers, functions, appointments and the conditions of service of the Heads of Departments shall be such as may be prescribed by the regulations.

20. **Registrar. –** (1) The Registrar shall be appointed by the Executive Council and shall be a whole-time officer of the University. The terms and conditions of service of the Registrar shall be such as may be prescribed by regulations.

(2) The Registrar shall be the *ex officio* Secretary of the Executive Council, the Finance Committee and the Faculties, but shall not be deemed to be a member of any of these authorities.

(3) The Registrar shall –

a. comply with all directions and orders of the Executive Council and the Vice-Chancellor;

b. be the custodian of the records, common seal and such other property of the University as the Executive Council may commit to his charge;

c. issue all notices convening meetings of the Executive Council, the Academic Council, the Finance Committee, the Faculties, the Board of Studies, and of any committee appointed by any authority of the University;

d. keep the minutes of all meetings of the Executive Council, the Academic Council, the Finance Committee, the Faculties, and any committee appointed by any authority of the University;

e. conduct the official correspondence of the Executive Council and the Academic Council;

f. supply the Chancellor the copies of the agenda of the meetings of the authorities of the University as soon as they are issued, and the minutes of the meetings of the authorities ordinarily within a month of the holding of the meeting;

g. call a meeting of the Executive Council forthwith in an emergency, when neither the Vice-Chancellor nor the officer duly authorized is able to act and to take its directions for carrying on the work of the University;

h. be directly responsible to the Vice-Chancellor for the proper discharge of his duties and functions; and

i. perform such other duties as may be assigned to him, from time to time, by the Executive Council or the Vice-Chancellor.

(4) In the event of the post of the Registrar remaining vacant for any reason, it shall be open to the Vice-Chancellor to authorize any officer in the service of the University to exercise such powers, and perform such functions and duties of the Registrar, as the Vice-Chancellor deems fit.

21. **Other officers and employees. –** (1) Subject to the regulations made in this behalf, every other officer or employee of the University shall be appointed under a written contract setting out the conditions of service as prescribed by regulations, which shall be lodged with the University and a copy thereof furnished to the officer or employee concerned.

(2) Any dispute arising out of the contract between the University and any of its officers or employees shall, at the request of the officer or the employee concerned, or at the instance of the University, be referred to a Tribunal for arbitration consisting of three members appointed by the Executive Council in such manner as may be prescribed by regulations.

22. **Provident fund, gratuity, pension and other benefit scheme. –** All permanent employees of the University shall be entitled to the benefit of the provident fund and gratuity in accordance with such regulations as may be made in that behalf by the Executive Council.

23. **Funds of the University. -** (1) There shall be a Fund for the University to be called University Fund, the Fund shall include –

(a) any contribution or grant made by the State Government;

(b) any contribution or grant made by the University Grants Commission or the Central Government;
(c) any contribution made by the Bar Council of India;
(d) any contribution made by the State Bar Councils;
(e) any bequests, donations, endowments or other grants made by private individuals and trusts, public or private;
(f) income received by the University from fees and charges; and
(g) amounts received from any other source.

(2) The amount in the said Fund shall be kept in a Scheduled Bank as defined in the Reserve Bank of India Act, 1934, or in a corresponding new bank constituted under the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970, and the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980, or may be invested in such securities authorized by the Indian Trusts Act, 1882, as may be decided by the Executive Council.

The said Fund may be employed for such purpose of the University, and in such manner, as may be prescribed by regulations.

24. **Annual Accounts and Audit. –** (1) The Annual Accounts of the University shall be prepared under the directions of the Executive Council.

(2) The accounts of the University shall, at least once in a year, be audited by the auditors appointed by the Executive Council:

Provided that the State Government shall have the power to direct, whenever considered necessary, an audit of the accounts of the University, including the institutions managed by it, by such auditors as the State Government may specify.

(3) The accounts when audited shall be published by the Executive Council, and a copy of the accounts together with the audit report shall be placed before the Executive Council and shall also be submitted to the State Government.

(4) The Annual Accounts shall be considered by the General Council at its annual meeting. The General Council may pass resolutions with reference thereto and communicate the same to the Executive Council. The Executive Council shall consider the suggestions made by the General Council and take such action thereon as it thinks fit. The Executive Council shall inform the General Council at its next meeting all actions taken by it or the reasons for not taking action.

25. **Financial Estimates. –** (1) The Executive Council shall prepare, before such date as may be prescribed by regulations, the financial estimates for the ensuing year and place the same before the General Council.

(Schedule)

(2) The Executive Council may, in the case where an expenditure in excess of the amount provided in the budget is to be incurred or in the case of urgency, for reasons to be recorded in writing, incur expenditure subject to such conditions and restrictions as may be specified in the regulations. Where no provision has been made in the budget in respect of such excess expenditure, a report shall be made to the General Council at its next meeting.

26. **Annual Report. –** (1) The Executive Council shall prepare the Annual Report containing such particulars as the General Council may specify, covering each financial year, and submit it to the General Council on or before such date as may be prescribed by regulations. The General Council may pass resolutions thereon and the Executive Council shall take action in accordance therewith. The action taken shall be intimated to the General Council.

(2) Copies of the Annual Report along with the resolution of the General Council thereon shall be submitted to the State Government. The State Government shall lay the same before the State Legislature at its next earliest session.

27. **Execution of contracts. –** All contracts relating to the management and administration of the University shall be expressed to be made by the Executive Council and shall be executed by the Vice-Chancellor when the value of the contract is above twenty lakhs of rupees and by the Registrar when its value does not exceed twenty lakhs of rupees.

28. **Eligibility for admission of students. -** No student shall be eligible for admission to a course of study for a degree or diploma, unless he possesses such qualifications as may be prescribed by regulations.

29. **Honorary degree. -** If not less than two-thirds of the members of the Academic Council recommend that a honorary degree of academic distinction be conferred on any person on the ground that he is, in their opinion, by reason of eminent attainment and position, fit and proper to receive such degree or academic distinction, the General Council may, by a resolution, decide that the same may be conferred on the person recommended.

30. **Residence of students. -** Every student of the University shall reside in a hostel maintained or recognized by the University or under such conditions as may be prescribed by regulations.

31. **Withdrawal of degree or diploma. -**

(1) The General Council may, on the recommendation of the Executive Council, withdraw any distinction, degree, diploma or privilege conferred on, or granted to, any person by a resolution passed by the majority of the total membership of the General Council and by a majority of not less than two-thirds of the members of the General Council present and voting at the meeting, if such person has been convicted by a court of law for an offence, which in the opinion of the General Council, involves moral turpitude or if he has been guilty of gross misconduct.

(2) No action under sub-clause (1) shall be taken against any person unless he has been given an opportunity to show cause against the action proposed to be taken.

(3) A copy of the resolution passed by the General Council shall be immediately sent to the person concerned.

(4) Any person aggrieved by the decision taken by the General Council may appeal to the Chancellor within thirty days from the date of receipt of such resolution.

(5) The decision of the Chancellor in such appeal shall be final.

32. **Discipline. –**

(1) The final authority responsible for maintenance of discipline among the students of the University shall be the Vice-Chancellor. His directions in that behalf shall be carried out by the Heads of Departments, hostels and institutions.

(2) Notwithstanding anything contained in sub-clause (1); the punishment of debarring a student from an examination or rustication from the University or a hostel or an institution shall, on the report of the Vice-Chancellor, be considered and imposed by the Executive Council:

Provided that no such punishment shall be imposed without giving the student concerned a reasonable opportunity to show cause against the action proposed to be taken against him.

33. **Sponsored scheme. –** Whenever the University received funds from any Government, the University Grants Commission or other agencies sponsoring scheme to be executed by the University, notwithstanding anything in this Act or the regulations, -

(a) the amount received shall be kept by the University separately from the University Fund and utilized only for the purpose of the scheme; and the staff required to execute the scheme shall be recruited in accordance with the terms and conditions stipulated by the sponsoring organization.