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PART III—Acts of the West Bengal Legislature.

GOVERNMENT OF WEST BENGAL**LAW DEPARTMENT****Legislative****NOTIFICATION**

No. 1969-L.—31st December, 2014.—The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information:—

West Bengal Act XVIII of 2014**THE WEST BENGAL KRISHI VISWAVIDYALAYA LAWS
(AMENDMENT) ACT, 2014.**

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Kolkata Gazette, Extraordinary*, of the 31st December, 2014.]*An Act to amend the Bidhan Chandra Krishi Viswavidyalaya Act, 1974 and the Uttar Banga Krishi Viswavidyalaya Act, 2000.*

WHEREAS it is expedient to amend the Bidhan Chandra Krishi Viswavidyalaya Act, 1974 and the Uttar Banga Krishi Viswavidyalaya Act, 2000, for the purposes and in the manner hereinafter appearing;

West Ben. Act
XLIX of 1974.
West Ben. Act
XX of 2000.

It is hereby enacted in the Sixty-fifth 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 Krishi Viswavidyalaya Laws (Amendment) Act, 2014.

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

31/12/14

*The West Bengal Krishi Viswavidyalaya Laws
(Amendment) Act, 2014.*

(Section 2.)

Amendment of
West Ben. Act
XLIX of 1974.

2. In the Bidhan Chandra Krishi Viswavidyalaya Act, 1974,—

(1) in section 2,—

(a) in clause (i), the following clause shall be inserted:—

‘(i) “affiliated”, in relation to a college or a private college or an institution imparting education in agriculture and allied sciences, means affiliated to the University under this Act;’;

(b) in clause (v), the following clause shall be inserted:—

‘(v) “constituent college” means an affiliated college in which instruction is provided under the prescribed condition for honours as well as for post-graduate courses of study and which is declared as such by the University:

Provided that if no honours courses of study has been prescribed in respect of any professional subject, a professional college imparting education on such professional subject, shall be treated as a constituent college although no instruction is provided for honours courses of study in such professional subject;’;

(c) after clause (viic), the following clause shall be inserted:—

‘(viid) “Government college” means a college maintained and managed by the Government of West Bengal;’;

(d) after clause (x), the following clauses shall be inserted:—

‘(xa) “professional college” means a college imparting education in agriculture and/or allied sciences as may be prescribed by the University;

(xb) “professional subject” means any subject relating to agriculture and/or allied sciences as may be prescribed by the University;

(xc) “Associate Dean”, in relation to a college or an institution, means an Associate Dean of a college or an institution affiliated to the University under this Act and includes an Associate Dean of a professional college under this Act;

(xd) “private college” means a college which is fully financed, maintained and managed by private organisation;’;

(2) after clause (ii) of section 7, the following clauses shall be inserted:—

“(iia) to establish and maintain colleges relating to agriculture and allied sciences;

(iib) to recognise any college or institution as a constituent college and to withdraw such recognition of any such college or institution;

(iic) to affiliate any college or institution and to withdraw such affiliation;”;

(3) for section 10, the following section shall be substituted:—

“Executive council. 10. (1) The Executive Council shall consist of the following members:—

(a) *ex officio* Members:

(i) the Vice-Chancellor;

(ii) the Pro-Vice-Chancellor;

(iii) the Secretary, Department of Agriculture, Government of West Bengal or his nominee not below the rank of Joint Secretary to the Government of West Bengal;

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- (iv) the Secretary, Department of Finance, Government of West Bengal or his nominee not below the rank of Joint Secretary to the Government of West Bengal;
 - (v) the Secretary, Department of Horticulture and Food Processing, Government of West Bengal or his nominee not below the rank of Joint Secretary to the Government of West Bengal;
 - (vi) the Director of Agriculture, Government of West Bengal;
 - (vii) the Director of Horticulture, Government of West Bengal;
 - (viii) the Deans of Faculties including the Dean Post-Graduate Studies;
 - (ix) the Director of Research;
 - (x) the Director of Extension Education;
 - (xi) the Registrar;
- (b) nominated members:
- (xii) one Principal or Associated Dean of Agriculture College, if any, to be nominated by the Vice-Chancellor;
 - (xiii) one representative of the Indian Council of Agricultural Research to be nominated by that Council;
 - (xiv) one member of the West Bengal Legislative Assembly nominated by the State Government;
 - (xv) two progressive farmers to be nominated by the State Government;
 - (xvi) two eminent scientists with a background of agricultural research or education to be nominated by the State Government;
 - (xvii) two persons interested in education and extension education in agriculture, to be nominated by the Chancellor:
- Provided that no employee of the University or of a College or Institution affiliated with the University or recognized by it, shall be eligible to be a member;
- (c) elected members:
- (xviii) five teachers from the Faculties, of whom three shall be Professors, one shall be Associate Professor and one shall be Assistant Professor, to be elected by the teachers of the Faculties jointly in the manner as may be prescribed by the Statutes based on number of teachers in the respective Faculties.

(2) The Vice-Chancellor shall be *ex officio* Chairman, and the Registrar shall be the *ex officio* Member-Secretary, of the Council.

(3) The term of the office of the members of the Executive Council, other than the *ex officio* member, shall be four years and a member shall be eligible to be a member of the Council for more than one term.

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

(5) One-third of the total number of members of the Executive Council plus one shall be a quorum for a meeting of the Executive Council:

Provided that no such quorum shall be required at the Convocation.”;

- (4) after clause (m) of sub-section (1) of section 11, the following clause shall be inserted:—

“(ml) to consider an application made by the Associate Dean of any college or institution for affiliation as a constituent college of the University:

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Provided that the Executive Council shall on receipt of such application, consider and accord approval in its meeting subject to the fulfilment of necessary conditions and criteria to be fixed by the University in consultation with the State Government;” ;

(5) for section 20, the following section shall be substituted:—

“The Vice-Chancellor. 20. (1) The Vice-Chancellor shall be appointed from the persons of the highest level of competence, integrity, morals and institutional commitment. The Vice-Chancellor shall be a distinguished academic with a minimum of ten years of experience in a University system of which at least 5 years shall be as professor, or ten years of experience in a reputed research organisation or academic administrative organisation of which at least 5 years shall be in an equivalent position of professor.

(2) (a) The Vice-Chancellor shall be appointed by the Chancellor out of the panel of three names recommended in order of preference by the Search Committee constituted by the State Government.

(b) While preparing the panel, the Search Committee shall give proper weightage to academic excellence, exposure to the higher education system in the country and abroad, the adequate experience in academic and administrative governance and reflect the same in writing while submitting the panel to the Chancellor.

(3) The Search Committee shall consist of the following Members:—

(a) An academician, not below the rank of the Vice-Chancellor of a Central or State-aided University or a Senior Scientist of ICAR not below the rank of Deputy Director General or a Director of any National Institute of Agricultural Research/and learning, to be nominated by the Chancellor and such nominee shall be the Chairperson of the Committee;

(b) An academician, not below the rank of a Professor of a Central or State-aided University or a Senior Scientist of ICAR not below the rank of Assistant Director General or a Director of any National Institute of Agricultural Research/and learning, to be nominated by the Government of West Bengal;

(c) An academician, not below the rank of a Professor of a Central or State-aided University or a Senior Scientist of ICAR not below the rank of Assistant Director General or a Director of any National Institute of Agricultural Reserach/and learning, to be nominated by the Executive Council.

Provided that all such Members shall be persons of eminence in the sphere of Agricultural Education/and of research and shall not be connected in any manner with the University or Colleges or institutions affiliated with the University or recognized by it.

(4) (a) The Vice-Chancellor shall hold the office for a term of four years or till he attains the age of sixty-five years whichever is earlier, and shall be eligible for re-appointment for another term of four years or till he attains the age of sixty-five years, whichever is earlier, by following the provision of sub-section (1).

(b) The Chancellor may, notwithstanding the expiration of the term of the office of the Vice-Chancellor or his attaining the age of sixty-five years, allow him to continue in office till a successor assumed office, subject to the condition that he shall not continue as such for any period exceeding six months.

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

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

(7) If—

- (a) the Vice-Chancellor is, by reasons of leave, illness or other causes, temporarily unable to exercise the powers and perform the duties of his office, or
- (b) a vacancy occurs in the office of the Vice-Chancellor by reason of death, resignation, removal, expiry of term of his office or otherwise,

the Chancellor may, in consultation with Minister, appoint a person to exercise the powers and perform the duties of the Vice-Chancellor during the period of such temporary inability or pending the appointment of a Vice-Chancellor, as the case may be.

(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 provision of sub-section (1) within a period of six months from the date of occurrence of the vacancy, and such period shall be held to include any period for which a Vice-Chancellor is allowed to continue in office under clause (b) of sub-section (7), or a person is appointed by the Chancellor in consultation with the Minister to exercise the powers and perform the duties of the Vice-Chancellor under sub-section (7).

(9) The Vice-Chancellor may be removed from his office by the Chancellor if he is satisfied that the incumbent,—

- (a) has become insane and adjudged by a competent court to be of unsound mind; or
- (b) has become an undercharged insolvent and 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 the provision of this Act or has committed breach of any of the terms and conditions of the services contract or has abused or misused the powers vested in him or if the continuance in office of the Vice-Chancellor is detrimental to the interest of the University; or
- (e) has been proved to be guilty of criminal breach of trust or criminal negligence or gross financial irregularity of duties; 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; or
- (h) is a member of, or otherwise associated with, any political parties or acts in any partisan manner while in office.

2 of 1974.

Explanation.—For purpose of this sub-clause, whether any party is a political party or any association is a political association or any act of Vice-Chancellor is partisan, decision of the Chancellor thereon shall be final:

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

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(6) for section 22, the following section shall be substituted:—

“The Pro-Vice-Chancellor.

22. (1) The Pro-Vice-Chancellor shall be appointed from the persons of the highest level of competence, integrity, morals and institutional commitment. The Pro-Vice-Chancellor shall be a distinguished academic with a minimum of ten years of experience in a University system of which at least 5 years shall be as professor, or ten years of experience in a reputed research organisation or academic administrative organisation of which at least 5 years shall be in an equivalent position of professor.

(2) (a) The Pro-Vice-Chancellor shall be appointed by the Chancellor out of the panel of three names recommended in order of preference by the Search Committee constituted by the State Government.

(b) While preparing the panel, the Search Committee shall give proper weightage to academic excellence, exposure to the higher education system in the country and abroad, the adequate experience in academic and administrative governance and reflect the same in writing while submitting the panel to the Chancellor.

(3) The Search Committee shall consist of the following Members:—

- (a) An academician, not below the rank of the Vice-Chancellor of a Central or State-aided University or a Senior Scientist of ICAR not below the rank of Deputy Director General or a Director of any National Institute of Agricultural Research/and learning, to be nominated by the Chancellor and such nominee shall be the Chairperson of the Committee;
- (b) An academician, not below the rank of a Professor of a Central or State-aided University or a Senior Scientist of ICAR not below the rank of Assistant Director General or a Director of any National Institute of Agricultural Research/and learning, to be nominated by the Government of West Bengal;
- (c) An academician, not below the rank of a Professor of a Central or State-aided University or a Senior Scientist of ICAR not below the rank of Assistant Director General or a Director of any National Institute of Agricultural Reserach/and learning, to be nominated by the Executive Council.

Provided that all such Members shall be persons of eminence in the sphere of Agricultural Education/and of research and shall not be connected in any manner with the University or Colleges or institutions affiliated with the University or recognized by it.

(4) (a) The Pro-Vice-Chancellor shall hold the office for a term of four years or till he attains the age of sixty-five years whichever is earlier, and shall be eligible for re-appointment for another term of four years or till he attains the age of sixty-five years, whichever is earlier, by following the provision of sub-section (1).

(b) The Chancellor may, notwithstanding the expiration of the term of the office of the Pro-Vice-Chancellor or his attaining the age of sixty-five years, allow him to continue in office till a successor assumed office, subject to the condition that he shall not continue as such for any period exceeding six months.

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

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

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(7) If—

- (a) the Pro-Vice-Chancellor is, by reasons of leave, illness or other causes, 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, removal, expiry of term of his office or otherwise,

the Chancellor may, in consultation with the Minister, appoint a person to exercise the powers and perform the duties of the Pro-Vice-Chancellor during the period of such temporary inability or pending the appointment of a Pro-Vice-Chancellor, as the case may be.

(8) 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 in accordance with the provision of sub-section (1) within a period of six months from the date of occurrence of the vacancy, and such period shall be held to include any period for which a Pro-Vice-Chancellor is allowed to continue in office under clause (b) of sub-section (7), or a person is appointed by the Chancellor in consultation with the Minister to exercise the powers and perform the duties of the Pro-Vice-Chancellor under sub-section (7).

(9) The Pro-Vice-Chancellor may be removed from his office by the Chancellor if he is satisfied that the incumbent,—

- (a) has become insane and adjudged by a competent court to be of unsound mind; or
- (b) has become an undercharged insolvent and 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 the provision of this Act or has committed breach of any of the terms and conditions of the services contract or has abused or misused the powers vested in him or if the continuance in office of the Pro-Vice-Chancellor is detrimental to the interest of the University; or
- (e) has been proved to be guilty of criminal breach of trust or criminal negligence or gross financial irregularity of duties; 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; or
- (h) is a member of, or otherwise associated with, any political parties or acts in any partisan manner while in office.

2 of 1974.

Explanation.—For purpose of this sub-clause, whether any party is a political party or any association is a political association or any act of Pro-Vice-Chancellor is partisan, decision of the Chancellor thereon shall be final:

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

(10) The Pro-Vice-Chancellor shall have such duties, and shall perform such functions, as may be prescribed.”.

