

THE RABINDRA BHARATI ACT
1981

(West Bengal Act XXXVI of 1981, as amended up to
January 29, 1983)



RABINDRA BHARATI UNIVERSITY
1983

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THE RABINDRA BHARATI ACT 1981

WEST BENGAL ACT XXXVI OF 1981

[Assent of the Governor was first published in the Calcutta Gazette, Extraordinary, of the 26th October, 1981]

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WEST BENGAL ACT XXXVI OF 1981

THE RABINDRA BHARATI ACT, 1981

[*Passed by the West Bengal Legislature*]

[Assent of the Governor was first published in the
Calcutta Gazette, Extraordinary, of the 26th
October, 1981.]

An Act to provide for the reconstitution of the University known as Rabindra Bharati and for certain matters incidental thereto and connected therewith

WHEREAS it is expedient to reconstitute the University known as Rabindra Bharati to encourage in conformity with the ideas and thoughts of Rabindranath Tagore, the integration of cultural heritage of the nation consistent with its linguistic and socio-economic history and to enable it to function more efficiently as a University encouraging and providing for instruction, teaching, training and research in various branches of learning and courses of study, promoting advancement and dissemination of knowledge and learning, and extending higher education, to meet the growing needs of society and to make the constitution of various authorities or bodies of the University more democratic ;

It is hereby enacted in the Thirty-second Year of

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the Republic of India, by the Legislature of West Bengal, as follows :—

CHAPTER I

Preliminary

1. (1) This Act may be called the Rabindra Bharati Act, 1981.

(2) This section and section 55 shall come into force at once ; and the remaining provisions of this Act shall come into force on such date or dates as the State Government may, by notification in the *Official Gazette*, appoint, and different dates may be appointed for different provisions of this Act.

2. In this Act, unless there is anything repugnant in the subject or context.—

(1) "the Academy" means the Academy of Dance, Drama and Music, initially established and sponsored by the Government of West Bengal and subsequently taken over by the University, including its properties, movable and immovable, and other assets and liabilities, and deemed to be a part of the University ;

(2) "affiliated" in relation to a college or an institution or a centre means affiliated to the University known as Rabindra Bharati as constituted prior to the appointed day and continuing as such immediately before such day or affiliated to the University under this Act ;

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(3) "appointed day" means the date referred to in sub-section (5) of section 55 ;

(4) "college" means a college established or maintained by, or affiliated to, the University ;

(5) "convocation" means a meeting of the Court for the purpose of conferring degrees, titles, diplomas, certificates or other academic distinctions ;

(6) "employee" in relation to the University means any person employed by the University ;

(7) "financial year" means the year ending on the 31st day of March ;

(8) "Government College" means a college maintained and managed by the State Government ;

(9) "Governor" means the Governor of the State of West Bengal ;

(10) "hall" or "hostel" means a unit of residence for students, teachers, officers or non-teaching staff recognised by the University ;

(11) "institution" means a school, centre of culture, museum, library or any other organisation, by whatever name called, for training, instruction, research or study in all or any of the following subjects, namely, dance, drama, music and visual arts ;

(12) "Librarian" in relation to the University or a college, institution or centre affiliated to the

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University means a Librarian or a Deputy Librarian or an Assistant Librarian or any other person discharging the functions of a Librarian on whole-time basis, by whatever name called, appointed or recognized as such by the University;

(13) "Minister" means the Minister-in-charge of Higher Education appointed as such by the Governor;

(14) "non-teaching staff" in relation to the University or a college, institution or centre affiliated to the University means the non-teaching staff, not holding any teaching post (including part-time teaching post), appointed or recognized as such by the University, and includes technical staff but does not include a Librarian or an officer.

Explanation.—"Technical staff" shall mean the staff holding any technical post, by whatever name called, appointed or recognized as, such by the University;

(15) "prescribed" means prescribed by Statutes, Ordinances, Regulations or Rules made under this Act;

(16) "Principal" means the head of an institution, by whatever name called;

(17) "Rabindra Bharati Society" means the Society, by whatever name called, registered under the Societies Registration Act, 1860 under the name and style of Rabindra Bharati on

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the 15th January, 1947, and having its office in the campus of the University;

(18) "registered graduate" means a graduate registered under this Act, at least three months prior to the date of election of members to the Court, on application in the prescribed form and on payment of a fee of one rupee:

Provided that no person shall be eligible to be registered under this Act unless he has graduated himself from the University at least three years prior to the date of election of members to the Court;

(19) "Statutes", "Ordinances", "Regulations" and "Rules" mean, respectively, the Statutes, Ordinances, Regulations and Rules of the University made under this Act;

(20) "Students' Union" in relation to the University or a college, institution or centre affiliated to the University means a Students' Union constituted in the manner prescribed;

(21) "Teacher" means a Principal, Professor, Assistant Professor, Reader, Lecturer, Demonstrator, Tutor, Instructor or any other person, either whole-time or part-time, imparting instruction or conducting research in the University or in any college, institution or centre affiliated to the University;

(22) "Teacher of the University" means a Professor, Reader, Lecturer or any other person, appointed or recognized as such by the University, either whole-time or part-time,

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for the purpose of imparting instruction or conducting research in the University;

(23) "University" means the University known as Rabindra Bharati, as constituted under this Act;

(24) "University Library", "University Museum" or "University Institution" means a library, a museum or an institution, as the case may be, maintained and managed by the University, whether established by it or not.

CHAPTER II

The University and its Officers

The
University

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

(2) The University shall have perpetual succession and a common seal and shall sue and be sued by the name of Rabindra Bharati.

Powers of
the
University

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

(1) to encourage, in conformity with the ideas and thoughts of Rabindranath Tagore, integration of cultural heritage of the nation con-

Chapter II—The University and its officers— Section 4

sistent with its linguistic and socio-economic history, to provide for instruction, teaching, training and research and to promote the advancement and dissemination of knowledge and learning, and the extension of higher education in all branches of humanities and, in particular, in dance, drama, music and visual arts;

(2) to establish, maintain or manage colleges, libraries, museums and such other institutions, institutes, or centres for study and research as it may deem necessary;

(3) to affiliate to itself or to recognize colleges, institutions, institutes or centres in respect of all or any of the following subjects, namely, dance, drama, music and visual arts, but not in respect of any other branch of humanities or any branch of science, and to disaffiliate a college, institution, institute or centre in such subject or subjects or to withdraw such affiliation or recognition;

(4) to prescribe for colleges, other than Government Colleges,—

(a) the constitution, powers and functions of their Governing Bodies, and

(b) with the approval of the State Government,—

(i) the terms and conditions of service of—

(A) Librarians, and

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(B) non-teaching staff, and

(ii) rules for Provident Funds;

(5) to prescribe for colleges the rules for Teachers' Councils;

(6) to provide for the inspection, or investigation into the affairs, of colleges, institutions, institutes or centres affiliated to or recognised by it and to exercise general supervision and control over them;

(7) to take over for a period not exceeding twelve months the management of any college, institution or institute affiliated to, or recognised by the University, other than a Government College or institution, in order to ensure that proper standard of teaching, training or instruction is maintained therein;

Provided that the University may, if it considers necessary so to do, extend such period so, however, that the aggregate period shall not exceed eighteen months;

(8) to dissolve the Governing Body of any affiliated college, institution or institute, other than a Government College, and pending reconstitution of the Governing Body thereof in such manner as may be prescribed, to appoint an Administrator or an ad hoc Governing Body;

*Chapter II—The University and its officers—
Section 4*

Provided that the reconstitution of the Governing Body shall be made within a period of twelve months from the date of its dissolution:

Provided further that the University may, if it considers necessary so to do, extend such period so, however, that the aggregate period shall not exceed eighteen months;

(9) to institute and make appointment to Professorship, Readership, Lectureship and other posts required by the University for the purpose of imparting instruction or conducting research in the University;

(10) to create posts, as and when required, of officers and other employees of the University besides those provided for in this Act and to appoint persons to such posts;

(11) to prescribe, subject to the provisions of this Act, the constitution, powers and duties of the Boards of Studies, the Finance Committee, and other bodies;

(12) to prescribe the powers and duties of officers of the University;

(13) to prescribe, subject to the provisions of this Act, the terms and conditions of service, including the rules of conduct and discipline,

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and the emoluments for all posts of Teachers, officers and other employees of the University ;

- (14) to make provisions for provident and other funds for the employees of the University ;
- (15) to institute degrees, titles, diplomas, certificates and other academic distinctions ;
- (16) to hold examinations and to confer degrees, titles, diplomas, certificates and other academic distinctions on persons who—
 - (a) shall have pursued an approved course of study in the University or in an affiliated college, institution, institute or centre unless exempted therefrom in the manner prescribed, and shall have passed the prescribed examinations of the University, or
 - (b) shall have carried on research under conditions prescribed ;
- (17) to withdraw or to cancel degrees, titles, diplomas, certificates or other academic distinctions under such conditions as may be prescribed by Statutes and after giving the person affected a reasonable opportunity to present his case ;

*Chapter II—The University and its officers—
Section 4*

- (18) to confer honorary degrees or other academic distinctions under conditions prescribed ;
- (19) to prescribe, demand and receive fees, fines and other charges for examinations and other purposes ;
- (20) to establish, maintain, manage or recognize halls, hostels and other places of residence for the students, Teachers, officers or non-teaching staff of the University, to withdraw such recognition, and to take over the management and maintenance of the existing halls, hostels or places of residence, recognized by the University, with the consent of the authorities thereof ;
- (21) to provide for the promotion of health and welfare of students and of discipline among them ;
- (22) to conduct, co-ordinate, regulate and control the post-graduate research work and teaching in the University, the affiliated college and the institutions and centres affiliated to, or recognized by, the University ;
- (23) to make grants to the National Cadet Corps and the National Service Scheme from the University Fund ;

- (24) to enter into an agreement with the State Government or with the approval of the State Government with any other Government or with any person, body or authority for the taking over by the University of the management of any college, institution or centre, including its assets and liabilities, or for any other purpose not repugnant to the provisions of this Act;
- (25) to acquire, hold and dispose of property, movable and immovable, and to make grants and advances for furthering any of its objects;
- (26) to accept and administer gifts, endowments and benefactions, for the furtherance of any of its objects for the University or on behalf of any college or institution established by, affiliated to, or recognized by, the University;
- (27) to institute awards, fellowships, travelling fellowships, scholarships, studentships, stipends, bursaries, exhibitions, medals and prizes;
- (28) to accept grants from the Central or any State Government or the University Grants Commission and, with the approval of the State Government, also from other sources, to raise loans, or to accept loans from the Central or the State Government or the University Grants Commission and from other sources;

Provided that raising of loans and acceptance of loans from other sources shall require the approval of the State Government;

- (29) to co-operate with other universities, institutions and educational authorities in matters that relate to and further educational objectives of the University;
- (30) generally to do all such acts and things as may be necessary or desirable for, or incidental to, the advancement of the objects or purposes of the University

5. (1) Save as otherwise provided in this Act, the local limits of jurisdiction of the University (hereinafter referred to as the territorial limits of the University) shall extend to the whole of West Bengal.

Jurisdiction
of the
University

(2) Notwithstanding anything in sub-section (1), the powers of the University conferred by or under this Act shall not extend to any college, institution or centre which, for the time being, is included within the local limits of jurisdiction of any other university established by law within West Bengal and already affiliated to it.

(3) Notwithstanding anything contained in sub-section (1), any college, institution or centre situated outside the territorial limits of the University may, with the sanction of the State Government, apply to the University for affiliation in respect of all or any of the sub-

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jects referred to in clause (3) of section 4 and the University may, subject to such conditions and restrictions as it may with the approval of the State Government think fit to impose, affiliate to itself such college, institution or centre and admit the same to all the privileges of the University.

Delegation of powers to subordinate authorities

6. The University may delegate such of its powers as it may deem expedient to any of its authorities constituted under section 16 or to any of its officers, and may, at any time, withdraw at its discretion any power so delegated.

Officers of the University

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

- (1) The Vice-Chancellor ;
- (2) The Registrar ;
- (3) The Finance Officer ;
- (4) persons holding such other posts as may be declared by Statutes to be posts of officers of the University.

The Chancellor

8. (1) The Governor shall, by virtue of his office, be the Chancellor of the University. He shall be the head of the University and the President of the Court and shall, when present, preside at the meetings of the Court.

*Chapter II—The University and its officers—
Section 9*

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

(3) Where power is conferred upon the Chancellor to make nominations to any authority or body of the University, the Chancellor shall, to the extent necessary, nominate persons to represent interests not otherwise adequately represented.

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

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

The Vice-Chancellor

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

(b) The Chancellor may, notwithstanding the expiration of the term of the office of the Vice-Chancellor or his attaining the age of 65 years, allow him to continue in office till a successor assumes office, provided that he shall not continue as such for any period exceeding six months.

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(3) The Vice-Chancellor shall be a 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.

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

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

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

(6) The vacancy in the office of the Vice-Chancellor occurring by reason of death, resignation or expiry of the term of his office or otherwise shall be filled up by appointment of a Vice-Chancellor in accordance with the provisions of sub-section (1) within a period of six months from the date of occurrence of the vacancy and such period shall be held to include any period for which a Vice-Chancellor is allowed to continue in office under clause (b) of sub-section (2) or a person is

*Chapter II—The University and its officers—
Section 10*

appointed to exercise the powers and perform the duties of the Vice-Chancellor under clause (b) of sub-section (5).

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

Powers and
duties of the
Vice-
Chancellor.

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

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

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

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

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

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

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

The Registrar

11. (1) The Registrar shall be a whole-time officer of the University. He shall be appointed by the Executive Council on the recommendation of a Committee consisting of the Vice-Chancellor as Chairman, two nominees of the Executive Council, a nominee of the Chancellor and a nominee of the State Government, for such period and on such terms and conditions as may be prescribed by Statutes.

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

*Chapter II—The University and its officers—
Sections 11—13*

(3) If the Registrar is for any reason temporarily unable to exercise the powers or perform the duties of his office, the Vice-Chancellor may, subject to the approval of the Executive Council, appoint a Teacher of the University or an officer of the University, temporarily for a total period not exceeding six months, to exercise the powers and perform the duties of the Registrar.

12. Subject to the supervision, direction and general control of the Vice-Chancellor, the Registrar shall act as the Secretary of the Court as also of the Executive Council and shall exercise such powers and perform such duties as may be prescribed, or delegated to him by or under this Act and the Statutes, the Ordinances or the Regulations, as the case may be.

Powers and
duties of the
Registrar

13. (1) The Finance Officer shall be a whole-time officer of the University and shall be appointed by the Executive Council on the recommendation of a Committee consisting of the Vice-Chancellor as Chairman, two nominees of the Executive Council, a nominee of the Chancellor and a nominee of the State Government, for such period and on such terms and conditions as may be prescribed by Statutes.

The Finance
Officer

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

(3) If the Finance Officer is for any reason temporarily unable to exercise the powers and perform the duties of his office, the Vice-Chancellor may, subject to the approval of the Executive Council, appoint a person

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temporarily for a total period not exceeding six months, to exercise the powers and perform the duties of the Finance Officer.

Powers and duties of the Finance Officer

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

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

Supervisory powers of the Registrar and the Finance Officer

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

CHAPTER III

Authorities of the University

16. The following shall be the authorities of the University :—

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

17. (1) The Court shall consist of the following members :—

- (a) *ex-officio members*
 - (i) the Chancellor;
 - (ii) the Vice-Chancellor;
 - (iii) the immediately preceding Vice-Chancellor;
 - (iv) the Secretary, Education Department, Government of West Bengal;

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- (v) the Secretary, Finance Department, Government of West Bengal or his nominee not below the rank of Deputy Secretary to the Government of West Bengal;
- (vi) the Deans of the Faculty Councils;
- (vii) the Principal, Indian College of Arts and Draftsmanship, Calcutta;
- (viii) the President, West Bengal Council of Higher Secondary Education;
- (ix) the President, West Bengal Board of Secondary Education;
- (x) the General Secretary, Rabindra Bharati Society;
- (xi) the President, Bangiya Sahitya Parishad;
- (xii) the President, The Asiatic Society;
- (xiii) the President, Academy of Fine Arts, Calcutta;
- (xiv) the Director, Indian Museum, Calcutta;
- (b) *other members*
- (xv) three Professors of the University—one from each Faculty Council elected jointly by the Professors of the University;

*Chapter III—Authorities of the University—
Section 17*

- (xvi) nine Teachers of the University Departments other than Professors, of whom four shall belong to the Departments under the Faculty Council for Post-graduate and Under-graduate Studies in Fine Arts, four shall belong to the Departments under the Faculty Council for Post-graduate Studies in Arts and one shall belong to the Department under the Faculty Council for Post-graduate and Under-graduate Studies in Visual Arts, elected by such Teachers from amongst themselves;
- (xvii) one Teacher other than Principal elected by Teachers of the affiliated college from amongst themselves;
- (xviii) five persons elected by the registered graduates from amongst themselves;
- (xix) one person representing Visva Bharati appointed by the Chancellor on the recommendation of the Upacharya (Vice-Chancellor) of Visva Bharati;
- (xx) four regular students of the University—at least one belonging to any of the Departments under each of the Faculty Councils—elected in the manner prescribed.

Explanation 1:—For the purpose of this clause, "regular student" shall mean a student who has been prosecuting his studies in any Post-

graduate or Under-graduate Department of the University under any of the Faculty Councils and who is not in default of payment of prescribed tuition fees and other dues to the University till such date as may be notified by the University in this behalf;

Explanation II.—Notwithstanding anything contained elsewhere in this Act, a member elected under this clause shall hold office for a period of two years from the date of his election or till he ceases to be a regular student, whichever is earlier;

- (xxv) one regular student prosecuting his studies in the affiliated college elected by such students from amongst themselves.

Explanation I.—For the purpose of this clause, "regular student" shall mean a student who has been prosecuting his studies in the affiliated college and who is not in default of payment of prescribed tuition fees and other dues of such college till such date as may be notified by the University in this behalf;

Explanation II.—Notwithstanding anything contained elsewhere in this Act, a member elected under this clause shall hold office for a period of three years from the date of his election or till he ceases to be a regular student, whichever is earlier;

- (xxvi) one Research Scholar or Research Fellow of the University elected by such Research Scholars and Research Fellows.

Explanation I.—"Research Scholar" or "Research Fellow" shall mean a whole-time Research Scholar or Research Fellow of the University, who receives a stipend from the University;

Explanation II.—Notwithstanding anything contained elsewhere in this Act, a Research Scholar or a Research Fellow elected under this clause shall cease to hold office on the expiration of the term of Research Scholarship or Research Fellowship as the case may be;

- (xxvii) three members elected by the members of the non-teaching staff of the University from amongst themselves;

- (xxviii) one member elected by the members of the non-teaching staff of the affiliated college from amongst themselves;

- (xxix) one member elected by the officers of the University from amongst themselves;

- (xxx) one member of the West Bengal Legislative Assembly elected by the members of the West Bengal Legislative Assembly from amongst themselves;

- (xxxi) two persons having special knowledge of practical experience in respect of one or more of the following subjects, namely, Literature, Philosophy, History, Fine Arts, Dance, Drama and Music, nominated by the Chancellor.

- (xxxii) one nominee of the Sangeet Natak Academy.

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

Powers and
functions of
the Court

18. (1) Subject to such conditions as may be provided by or under the provisions of this Act, the Court shall exercise the following powers and perform the following functions:—

- (i) to establish University Departments, institutions, institutes, centres, libraries and museums for study and research;
- (ii) to create and institute, with the approval of the State Government, Professorships, Readerships, Lectureships, and such posts including posts of officers as may be necessary for the establishment of the University Departments, institutions, institutes, centres, libraries and museums referred to in clause (i);
- (iii) to institute degrees, titles, diplomas, certificates and other academic distinctions;
- (iv) to institute fellowships, travelling fellowships, scholarships, studentships, stipends, bursaries, exhibitions, medals and prizes to be awarded out of the University Fund;
- (v) to confer degrees, titles, diplomas, certificates and other academic distinctions on persons who—
 - (a) have pursued prescribed courses of studies or have been exempted therefrom

*Chapter III—Authorities of the University—
Section 18*

in the manner prescribed, and have passed such examinations as may be prescribed, or

(b) have carried on research in accordance with such conditions as may be prescribed;

- (vi) to withdraw or to cancel degrees, titles, diplomas, certificates or other academic distinctions under such conditions as may be prescribed by Statutes and after giving the person affected a reasonable opportunity to present his case;
- (vii) to confer honorary degrees or other academic distinctions;
- (viii) to consider the Annual Statement of Accounts, the Audit Report in respect of the Annual Statement of Accounts, the Internal Audit Report and the Annual Budget approved by the Executive Council and to pass such resolutions relating thereto as may be considered necessary;

Provided that for the purpose of passing a resolution adopting, modifying or rejecting the Annual Budget, it shall be necessary for a majority of the total membership of the Court to vote in favour of the resolution;

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- (ix) to consider the Annual Report as prepared by the Executive Council and to pass such resolutions relating thereto as may be considered necessary;
- (x) to consider, and advise on, such other reports from the Executive Council or any other body as may be made to it;
- (xi) to consider, and advise on, proposals from the Executive Council for entering into agreement with the Government or, with the approval of the State Government, with any person, body or authority for the taking over by the University of the management of any affiliated or recognised college, institution or institute other than a Government College, including its assets and liabilities, or for any other purpose not repugnant to the provisions of this Act;
- (xii) to consider, and advise on, proposals from the Executive Council for co-operation with other universities, institutions and educational authorities in matters that relate to or further the educational objectives of the University;
- (xiii) to consider and suggest measures for the improvement of the administration and finances of the University, and generally for the furtherance of its objectives;
- (xiv) to make rules for the transaction of its own business;

*Chapter III—Authorities of the University—
Section 19*

- (xv) to exercise all other powers and perform all other functions conferred and imposed on the Court by or under this Act.

(2) The Court shall not exercise the powers and perform the functions referred to in clauses (i) to (vii) of sub-section (1) except on the recommendation of the Executive Council, but may send proposals in respect thereof to the Executive Council for its recommendation.

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

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

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

Meeting of
the Court

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

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

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

The
Executive
Council

20. (1) The Executive Council shall consist of the following members :—

(a) *ex officio members*

(i) the Vice-Chancellor;

(ii) the Deans of the Faculty Councils;

(iii) the Secretary, Education Department, Government of West Bengal;

(iv) the Secretary, Finance Department, Government of West Bengal or his nominee not below the rank of Deputy Secretary to the Government of West Bengal;

(v) the President, West Bengal Council of Higher Secondary Education;

(vi) the Principal, Indian College of Arts and Draftsmanship, Calcutta;

*Chapter III—Authorities of the University—
Section 20*

(vii) the Director, Indian Museum, Calcutta;

(b) *other members*

(viii) three Professors not belonging to the same Faculty Council elected jointly by the Professors of the Faculty Councils from amongst themselves;

(ix) five post-graduate Teachers of the University, other than Professors, of whom at least one shall be from each of the Faculty Council elected jointly by such Teachers as are members of the Faculty Councils from amongst themselves;

(x) one Teacher of the University other than Professor elected by such Teachers other than Professors as are members of the Court from amongst themselves;

(xi) one person other than a Teacher or a student or a member of the non-teaching staff or an officer, elected by the members of the Court from amongst themselves;

(xii) (a) one post-graduate student elected by such students as are members of the Court from amongst themselves;

(b) one non-teaching staff of the University elected jointly by such non-teaching staff of the

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University and the affiliated college as are members of the Court from amongst themselves ;

- (c) one registered graduate of the University elected by such registered graduates as are members of the Court from amongst themselves ;

- (xiii) two persons nominated by the Chancellor of whom one shall be a representative of the Rabindra Bharati Society.

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

(3) 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.

Powers and
functions
of the
Executive
Council

21. Subject to the provisions of this Act, the Executive Council shall exercise the following powers and perform the following functions :—

- (i) to initiate proposals for the making of Statutes and ordinances including proposals for amendment or repeal thereof, in the manner hereinafter provided ;

- (ii) to recommend to the Court, after consulting the respective Faculty Councils, the establishment

*Chapter III—Authorities of the University—
Section 21*

of University Departments, institutions, institutes, centres, libraries and museums for study and research ;

- (iii) to maintain University Departments, University Institutions, University libraries and University museums ;

- (iv) to establish, maintain, manage and recognize halls and hostels ;

- (v) to direct the inspection of University libraries, University museums, halls and hostels ;

- (vi) to recommend to the Court, after consulting the respective Faculty Councils, the institution of fellowships, travelling fellowships, scholarships, studentships, bursaries, exhibitions, medals and prizes, the expenses of which shall be met from the University Fund, and to award the same after institution thereof by the University ;

- (vii) to recommend to the Court, after consulting the respective Faculty Councils, the creation and institution of Professorships, Readerships, Lectureships and such posts as may be necessary for the establishment of the University Departments, institutions, institutes, centres, libraries and museums referred to in clause (i) of sub-section (1) of section 18 ;

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- (viii) to create, with the approval of the State Government, posts of officers, Teachers and other employees of the University or to recommend to the Court for creation of posts of officers and Teachers of the University;
- (ix) to prescribe the minimum qualifications for posts of officers, Teachers and other employees of the University;
- (x) to appoint Teachers, officers and other employees of the University and to fix their emoluments and define their duties and other terms and conditions of service in accordance with the Statutes and the Ordinances and to suspend, discharge or otherwise punish in accordance with the Statutes and the Ordinances such Teachers, officers and other employees;
- (xi) to pass appropriate orders after considering the recommendation of the respective Faculty Council regarding affiliation of a college, institution, institute or centre in one or more subjects or withdrawal of affiliation or recognition of a college, institution, institute or centre or temporary take over of the management of an affiliated or a recognized college, institution, institute or centre;
- (xii) to make draft of Statutes, on the recommendation of the respective Faculty Council, for colleges, other than Government Colleges, prescribing the constitution, powers and functions of their Governing Bodies;

*Chapter III—Authorities of the University—
Section 21*

- (xiii) to determine, with the approval of the State Government, the terms and conditions of service of Librarians and non-teaching staff;
- (xiv) to make rules for Teachers' Councils for colleges and, with the approval of the State Government, rules for provident fund for colleges;
- (xv) to prescribe and collect fees or charges for the registration of students and their admission to courses of studies organised by the University, for holding examinations, for the grant of degrees, diplomas and certificates, and for other like purposes;
- (xvi) to recommend to the Court, after consulting the respective Faculty Councils, the institution of degrees, titles, diplomas, certificates and other academic distinctions;
- (xvii) to recommend to the Court, on the advice of the appropriate body, the conferment of degrees, titles, diplomas, certificates and other academic distinctions on persons who have pursued the prescribed courses of studies or have been exempted therefrom in the prescribed manner, and have passed such examinations, or have carried on research under such conditions, as may be prescribed;

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immediately on being passed unless otherwise directed by the Chancellor.

(3) The Court shall have the powers, by a resolution passed by the majority of its total number of members existing at the time, to cancel or modify any Regulation.

(4) A Regulation shall, unless cancelled or modified by the Court under sub-section (3), remain in force until repealed or amended by a new Regulation similarly passed and brought into force.

Rules

51. Subject to the provisions of this Act and the Statutes, the Ordinances and the Regulations, Rules may be made for the purpose of duly carrying out the provisions of, or exercising the powers conferred by, this Act or to provide for matters which, by the Statutes, the Ordinances or the Regulations, are required to be prescribed by Rules.

CHAPTER VII

Miscellaneous and Transitory Provisions

Delegation

52. (1) The Vice-Chancellor or, with the approval of the Vice-Chancellor, the Registrar, may, subject to the provisions of this Act, delegate such of his powers or duties conferred or imposed by or under this Act

*Chapter VII—Miscellaneous and Transitory provisions—
Section 52*

as may be prescribed by the Statutes to an officer of the University under his direct administrative control.

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

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

(i) the Vice-Chancellor,

(ii) the Executive Council,

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

(iv) a committee appointed in accordance with the Statutes;

(b) the Executive Council may delegate any of its powers or duties conferred or imposed by or under this Act, to

(i) the Vice-Chancellor,

The Rabindra Bharati Act, 1981

- (ii) a committee constituted from among its own members,
 - (iii) a committee constituted in accordance with the Statutes or the Ordinances,
 - (iv) any of the Faculty Councils, or
 - (v) the Finance Committee ;
- (c) the Faculty Council may delegate any of its powers or duties, conferred or imposed by or under this Act, to—
- (i) the Vice-Chancellor,
 - (ii) a committee constituted from among its own members,
 - (iii) a committee constituted in accordance with the Regulations, or
 - (iv) any of the Boards of Studies ;
- (d) the Finance Committee may delegate any of its

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Sections 53, 54

powers or duties, conferred or imposed by or under this Act, to—

- (i) the Vice-Chancellor, or

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

53. All properties and all rights of whatever kind used, enjoyed or possessed by, and all interests of whatever kind owned by or vested in or held in trust by or for, the University known as Rabindra Bharati as constituted prior to the appointed day (hereinafter referred to as the former University) as well as all liabilities legally subsisting against the former University shall pass to the University as constituted under this Act.

Passing of Properties and Rights, etc.

54. Notwithstanding anything contained in this Act, the Statutes, the Ordinances and the Regulations, any student of a college affiliated to the former University, who was studying for any examination of the former University, shall be permitted to complete his course in preparation therefor and the University shall hold, for such students, examinations in accordance with the curricula of study in force in the former University for such period as may be prescribed.

Completion of Courses of Studies in Colleges affiliated to the former University

The Rabindra Bharati Act, 1981

55. (1) The Vice-Chancellor holding office at the date of publication of this Act in the *Official Gazette* shall be the first Vice-Chancellor of the University and shall be deemed to have been appointed under this Act and shall hold office for a period of two years from the date of publication of this Act in the *Official Gazette* or till he attains the age of 65 years, whichever is earlier.

(2) The first Vice-Chancellor shall, with the approval of the Chancellor and with the assistance of a Committee consisting of not less than nine members nominated by the State Government, cause the Statutes, the Ordinances and the Regulations of the former University to be revised and, if he considers it necessary, cause them to be amended.

(3) The first Vice-Chancellor shall, within six months from the date of publication of this Act in the *Official Gazette* or within such longer period, not exceeding one year from the date of publication of this Act in the *Official Gazette*, as the State Government may by notification direct, cause arrangements to be made for constituting the Court, the Executive Council, the Faculty Councils and the Boards of Studies in accordance with the provisions of the Statutes, the Ordinances and the Regulations of the former University as reviewed or amended under sub-section (2), as if they had already come into force.

(4) If, for any reason,—

(a) the constitution of the Court, the Executive Council and other bodies referred to in sub-

Chapter VII—Miscellaneous and Transitory provisions—

Section 55

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

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

(5) The State Government shall, by notification in the *Official Gazette*, appoint a date and on and from such date the Court, the Executive Council, the Faculty Councils and the Boards of Studies shall commence to exercise their respective functions and the Statutes, the Ordinances and the Regulations of the former University as revised or amended under sub-section (2) shall

The Rabindra Bharati Act, 1981

come into force and be the Statutes, the Ordinances and the Regulations of the University.

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

(7) (a) The Rabindra Bharati (Temporary Supersession) Act, 1975 (hereinafter referred to in this subsection as the said Act) shall stand repealed with effect from the date of publication of this Act in the *Official Gazette*.

(b) Notwithstanding such repeal,—

(i) until the appointed day, the Rabindra Bharati University Council, referred to in clause (b) of section 4 of the said Act, shall continue to exercise all the powers and perform all the duties in the manner and on the terms and conditions provided in the said Act, and

(ii) anything done or any action taken under the said Act shall be deemed to have been validly done or taken under this Act.

(8) The first Vice-Chancellor may, subject to the approval of the Chancellor, appoint such administrative, clerical and other staff as he deems necessary for giving effect to the provisions of this section.

Chapter VII—Miscellaneous and Transitory provisions—

Section 55

(9) On and from the appointed day the Rabindra Bharati Act, 1961 shall stand repealed and thereupon—

West Bengal
Act XXIX
of 1961

(a) the Statutes, the Ordinances and the Regulations of the former University shall, subject to the provisions of sub-section (5), stand repealed and all authorities or bodies of the former University shall cease to function;

(b) all colleges and institutions affiliated to or recognised by the former University and continuing as such immediately before the appointed day shall be deemed to be affiliated to, or recognised by, the University;

(c) all colleges or institutions of whatever kind established, maintained or managed by the former University prior to the appointed day shall be deemed to be colleges or institutions established, maintained or managed by the University under this Act;

(d) all affairs, functions or activities of the former University, including studies and examinations, commenced and in progress before the appointed day, shall be deemed to be in progress as if they had been commenced by the University under this Act;

The Rabindra Bharati Act, 1981

- (e) all things done or deemed to have been done, and all actions taken or deemed to have been taken and all appointments made by the former University under the Rabindra Bharati Act, 1961 shall be deemed to be things done or actions taken or appointments made by the University under this Act as if this Act had been in force when such things were done or such actions were taken or such appointments were made :

Provided that until such repeal, references to the Vice-Chancellor under the said Act shall be deemed to be references to the first Vice-Chancellor under this Act.

(10) In construing the provisions of section 17, section 20 and section 22 and in construing the provisions to the Statutes, the Ordinances and the Regulations of the University in relation to the constitution, under this section, of the Court, the Executive Council, the Faculty Councils and the Boards of Studies, references to the heads of departments of teaching of the University, the University Professors, University Readers and University Lecturers, and Teachers of the University shall be deemed to be references to the persons holding offices respectively as the heads of departments of teaching, Professors, Readers, Lecturers and Teachers of the University known as Rabindra Bharati, immediately before the date of appointment of the first Vice-Chancellor.

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

Chapter VII—Miscellaneous and Transitory provisions—

Section 56

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

Removal of
Difficulties

By order of the Governor,

K. N. MUKERJEE,

Jt. Secy. to the Govt. of West Bengal

The Rabindra Bharati (Amendment) Ordinance, 1983

WHEREAS it is expedient to amend the Rabindra Bharati Act, 1981, for the purpose and in the manner hereinafter appearing ;

West Ben.
Act
XXXVI
of 1981

AND WHEREAS the Legislative Assembly of the State of West Bengal is not in session and the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action ;

The Governor is pleased, in exercise of the power conferred by clause (1) of article 213 of the Constitution of India, to make and promulgate the following Ordinance :—

1. This Ordinance may be called the Rabindra Bharati (Amendment) Ordinance, 1983.

Short title

2. In section 55 of the Rabindra Bharati Act, 1981,—

Amendment
of Section 55
of West Ben.
Act XXXVI
of 1981

(1) for sub-section (3), the following sub-section shall be substituted and shall be deemed always to have been substituted :—

“(3) The first Vice-Chancellor shall, within six months from the date of publication of this Act in the *Official Gazette* or within such longer period as the State Government may, from time to time, by notifica-

The Rabindra Bharati (Amendment) Ordinance, 1983
(Section 2)

tion direct, cause arrangements to be made so as to complete, within the period of his office as the first Vice-Chancellor appointed under sub-section (1), the constitution of the Court, the Executive Council, the Faculty Councils and the Boards of Studies in accordance with the provisions of the Statutes, the Ordinances and the Regulations of the former University as reviewed or amended under sub-section (2), as if they had already come into force.”;

(2) in sub-section (4),—

(a) in clause (a), for the words “not exceeding one year”, the words “not exceeding two years” shall be substituted and shall be deemed always to have been substituted, and

(b) in clause (b), for the words “not exceeding one year”, the words “not exceeding two years” shall be substituted and shall be deemed always to have been substituted.

B. D. PANDE,

Governor of West Bengal

The 29th January, 1983

G. C. CHATTERJEE,

Secy. to the Govt. of West Bengal