

The Calcutta University (Temporary Supersession) Act, 1978

WEST BENGAL

India

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Act 7 of 1978

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The Calcutta University (Temporary Supersession) Act, 1978 West Bengal Act 7 of 1978 [27th March, 1978] Assent of the Governor was first published In the Calcutta Gazette, Extraordinary, dated the 27th March 1978. An Act to provide for the supersession of the University of Calcutta for a temporary period and for carrying on the administration of the said University during the period of supersession. Whereas it is necessary to provide for the supersession of the University of Calcutta for a temporary period to facilitate reorganisation for more efficient functioning, and for carrying on the administration during the period of supersession; It is hereby enacted as follows:-

1. Short title and commencement. -

(2) This Act may be called the Calcutta University (Temporary Supersession) Act, 1978. (2) It shall be deemed to have come into force on the 12th day of January, 1978.

2. Definitions. -

(1) In this Act, unless the context otherwise requires, (a) "the Act" means the Calcutta University Act, 1966; (b) "the Council" means the Calcutta University Council referred to in clause (b) of section 4 of this Act; (c) "Minister" means the Minister-in-charge of Higher Education in the Department of Education of the Government of West Bengal; (d) "the University" means the University of Calcutta as defined in clause (20) of section 2 of the Act. (2) All other words and expressions used in this Act shall have the same meanings as assigned to them in the Calcutta University Act, 1966.

3. Supersession of the University. -

(1) Whereas it is necessary to take action in providing for the supersession of the University of Calcutta, it is hereby declared that the University shall, with effect from the date of coming into force

of this Act and for a period of one year thereafter, stand superseded.(2)The State Government may, by notification in the Official Gazette, extend the period referred to in sub-section (1) from time to time but not exceeding a period of six months at a time, and the total period of supersession shall not exceed two years in all.

4. Consequences of supersession. -

With effect from the date of coming into force of this Act,(a)all the members of the Senate, the Syndicate, the Academic Council, the Faculties, the Council for Post-Graduate Studies, the Council for Undergraduate Studies, the Boards of Studies, the Finance Committee and all other authorities established under the Statutes, excepting the Chancellor, Vice-Chancellor, Pro-Vice-Chancellors for Academic Affairs and for Business Affairs and Finance shall vacate their respective offices;(b)all the powers and duties assigned to the Senate, the Syndicate, the Academic Council and all other authorities of the University under the Act or any Statutes, Ordinances, Regulations or Rules made thereunder, shall be exercised by the Council to be known as the Calcutta University Council in the manner provided;(c)the Council shall consist of,(i)the Chancellor, Vice-Chancellor, Pro-Vice-Chancellors, Secretary, Department of Education, Secretary, Department of Finance, President, West Bengal Council of Higher Secondary Education and members referred to in clause (xxxi) of sub-section (1) of section 19 of the Act,(ii)members not more than thirty, but not less than fifteen to be nominated by the Chancellor in consultation with the Vice-Chancellor and the Minister from among the Heads of Departments, teachers of the University and Principals and teachers of constituent and affiliated colleges:Provided that the Registrar shall act as the Secretary to the Council;(d)the Council so constituted shall carryon the functions of the Senate, the Syndicate, the Academic Council, the Faculties, the Council for Post-Graduate Studies, the Council for Undergraduate Studies, the Boards of Studies, the Finance Committee and all other authorities established under the Statutes, Ordinances, Regulations or Rules made thereunder:Provided that the Council may, with the approval of the Chancellor, delegate any of its powers to such body or bodies as may be constituted to carryon the functions assigned to the Senate, the Syndicate, the Academic Council, the Council for Post-Graduate Studies, the Council for Undergraduate Studies, the Boards of Studies, the Finance Committee and all other authorities established under Statutes, Ordinances, Regulations or Rules made thereunder:Provided further that any vacancy in the Council or body or bodies, if any, constituted by the Council, due to omission to nominate members, death, resignation or otherwise, shall not invalidate the proceedings of the Council or body or bodies constituted:Provided also that the delegation shall not prevent the exercise of any such powers or performance of any such duties by the Council;(e)twenty-five per cent, of the members of the Council shall form the quorum for a meeting of the Council and twenty-five per cent, of the members of the particular body to which any function may be delegated under clause (d) shall form the quorum for a meeting of that body:Provided that the Chancellor, or in his absence, the Vice-Chancellor shall preside at meetings of the Council. If both the Chancellor and the Vice-Chancellor are absent, the meeting shall be presided over by the senior Pro-Vice-Chancellor, if both are present;(f)all the provisions of the Act, Statutes, Ordinances, Regulations or Rules made thereunder shall, if in conflict with the provisions of this Act stand modified:Provided that nothing in this clause shall affect the power of the Chancellor or the Vice-Chancellor under the Act, Statutes, Ordinances, Regulations or Rules made thereunder.

5. Filling up of the post of Vice-Chancellor. -

If the post of the Vice-Chancellor becomes vacant for any reason, the same shall be filled up by the Chancellor in consultation with the Minister and the Chairman, University Grants Commission.

6. Filling up of vacancies in the Council. -

Vacancies in the Council by resignation, death or otherwise during the period of supersession shall be filled up by the Chancellor in consultation with the Vice-Chancellor and the Minister, in so far as it is not inconsistent with this Act.

7. Power to remove difficulties. -

If, in view of the provisions in the Calcutta University Act, 1966, any difficulty arises in giving effect to the provisions of this Act, the Council shall refer the difficulty to the State Government which may make such order or do such thing not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for removing the difficulty.

8. The University to continue as a body corporate. -

Nothing in this Act shall be construed as effecting or implying in any way the dissolution of the University as a body corporate as described in section 3 of the Act.

9. Repeal and savings. -

(1)The Calcutta University (Temporary Supersession) Ordinance, 1978, is hereby repealed.(2)Anything done or any action taken under the said Ordinance shall be deemed to have been validly done or taken under this Act.