

The Bidhan Chandra Krishi Viswa Vidyalaya Temporary Supersession) Act, 1978.

WEST BENGAL

India

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Act 5 of 1978

- Published on 27 March 1978
- Commenced on 27 March 1978
- [This is the version of this document from 27 March 1978.]
- [Note: The original publication document is not available and this content could not be verified.]

The Bidhan Chandra Krishi Viswa Vidyalaya Temporary Supersession) Act, 1978. West Bengal Act 5 of 1978 [27th March, 1978.] Assent of the Governor first published in the Calcutta Gazette. Extraordinary. dated 27th March, 1978. An Act to provide for the temporary supersession of the Bidhan Chandra Krishi Viswa Vidyalaya. Whereas it has become necessary to provide for the supersession of the Bidhan Chandra Krishi Viswa Vidyalaya for a temporary period and for the carrying on the administration of the said Viswa Vidyalaya during the period of supersession; It is hereby enacted, as follows: -

1. Short title and commencement. -

(1) This Act may be called the Bidhan Chandra Krishi Viswa Vidyalaya (Temporary Supersession) Act, 1978. (2) It shall be deemed to have come into force on the 8th day of December, 1977.

2. Definitions. -

(1) In this Act, unless the context otherwise requires, - (a) "the Act" means the Bidhan Chandra Krishi Viswa Vidyalaya Act, 1974; (b) "the Council" means the Bidhan Chandra Krishi Viswa Vidyalaya Council referred to in clause (b) of section 4 of this Act; (c) "Education Minister" means the Minister-in-charge of Higher Education of the Government of West Bengal; (d) "the University" means the Bidhan Chandra Krishi Viswa Vidyalaya constituted under section 3 of the Act. (2) All the words and expressions used in this Act but not defined shall have the same meanings as assigned to them in the Bidhan Chandra Krishi Viswa Vidyalaya Act, 1974.

3. Supersession of the University. -

(1)Whereas circumstances exist which render it necessary to take immediate action in providing or the supersession of the Bidhan Chandra Krishi Viswa Vidyalaya, 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shall, with effect from the date of coming into force of this Act and for a period of one year thereafter, stand superseded.(2)The State Government may, by notification in the Official Gazette, extend the period referred to in sub-section (1) from time to time so, however, that such extension shall not exceed a period of six months at a time.

4. Effect of supersession. -

With effect from the date of coming into force of this Act, -(a)all the members of the University, excepting the Chancellor and those referred to in clauses (c) to (j), (n) and (o) to (r) of subsection (2) of section 3 of the Act, and the members of the Board of Management, the Academic Council, the Board of Studies of the different Faculties and all authorities of the University declared by Statutes, if any, made under the Act, shall vacate their respective offices;(b)all the powers, functions and duties assigned to the University, the Board of Management, the Academic Council, the Board of Studies of the different Faculties and all the authorities of the University under the Act or any Statute or Regulation made thereunder shall be exercised by the Council to be known as the Bidhan Chandra Krishi Viswa Vidyalaya Council in the manner provided;(c)the Council shall be comprised of the Chancellor, the Vice-Chancellor appointed under section 5 of this Act, the Pro-Vice-Chancellor, if any, and members referred to in clauses (c) to (j), (n) and (o) to (r) of sub-section (2) of section 3 of the Act and ten members to be nominated by the Chancellor in consultation with the Minister and the Education Minister from amongst the Deans of the Faculties and teachers of the University;(d)the Council so constituted shall carry on the functions of the University, the Board of Management, the Academic Council, the Board of Studies and other bodies constituted under the Act or Statutes: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 with selected members of the Council to carry on the functions assigned to the Board of Management, the Academic Council, the Board of Studies and other bodies constituted under the Act or Statutes and the Council may also appoint persons, connected with the affairs of the University, to advise or assist the body or bodies constituted :Provided further that any vacancy in the Council or body or bodies, if any, constituted by the Council, due to omission, initial or subsequent, to nominate members, death, resignation or otherwise, shall not invalidate the proceedings of the Council or the 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 and the Council may also alter or set aside a decision of the body or bodies constituted;(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 body or bodies to which functions may be delegated under clause (d) shall form the quorum for a meeting of such body or bodies:Provided that the Vice-Chancellor and in his absence the Pro-Vice-Chancellor shall preside in any meeting of the Council or body in which he may be present and in the absence of both of them, the members present shall by a majority vote elect the President for the meeting;(f)all the provisions in the Act, Statutes or Regulations shall, if in conflict with the provisions of this Act, stand modified:Provided that nothing in this clause shall affect the

powers of the Chancellor under the Act, Statutes or Regulations.

5. Appointment of Vice-Chancellor. -

As soon as may be after the coming into force of this Act, the Chancellor shall, in consultation with the Minister and the Education Minister, appoint a person to be the Vice-Chancellor and all the provisions of the Act which apply to a Vice-Chancellor appointed under sub-section (1) of section 20 of the Act shall so far as may be apply in relation to a Vice-Chancellor appointed under this section.

6. Filling up of vacancies. -

Vacancies by resignation, death or otherwise amongst members nominated shall be filled up by the Chancellor in the manner provided in clause (c) of section 4.

7. Power to remove difficulties. -

If in view of the provisions in the Act, any difficulty arises in giving effect to the provisions of this Act the Council shall refer the difficulty to the State Government which may, in consultation with the Chancellor, make such order or do such thing, not inconsistent with the provisions of this Act, as might be considered 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 sub-section (1) of section 3 of the Act.

9. Repeal and savings. -

(1)The Bidhan Chandra Krishi Viswa Vidyalaya (Temporary Supersession) Ordinance, 1977 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.