

The Rabindra Bharati (Temporary Supersession) Act, 1975.

WEST BENGAL

India

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Act 43 of 1975

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The Rabindra Bharati (Temporary Supersession) Act, 1975. West Bengal Act 43 of 1975 [5th January, 1976.] An Act to provide for the supersession of the Rabindra Bharati University for a temporary period and for the carrying on of the administration of the said University during the period of supersession. Whereas it is expedient to provide for the supersession of the Rabindra Bharati University for a temporary period and for carrying on of the administration of the said University during the period of supersession; It is hereby enacted as follows :-

1. Short title.

- This Act may be called the Rabindra Bharati (Temporary Supersession) Act, 1975.

2. Definitions.

(1) In this Act, unless the context otherwise requires, -(a) "the Act" means the Rabindra Bharati Act, 1961; (aa) ["the Council" means the Rabindra Bharati University Council referred to in clause (b) of section 4 of this Act;] [Clauses (aa) and (aaa) inserted by W.B. Act 33 of 1978.] (aaa) ["Minister" means the Minister-in-charge of Higher Education in the Department of Education of the Government of West Bengal;] [Clauses (aa) and (aaa) inserted by W.B. Act 33 of 1978.] (b) "the University" means the University as defined in clause (k) of section 2 of the Act. (2) All other words and expressions used in this Act but not defined shall have the same meanings as assigned to them in the Rabindra Bharati Act, 1961.

3. Supersession of the University.

(1) Whereas circumstances exist which render it necessary to take immediate action in providing for the supersession of the Rabindra Bharati University it is hereby declared that the University shall,

with effect from the date of coming into force of the Rabindra Bharati (Temporary Supersession) Ordinance, 1975 and for a period of one year thereafter, stand superseded.(2)The State Government may, by notification in the Official Gazette, extend the period referred to in sub-section (1) from time to time so, however, that such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 [and in no case the period of supersession] [Words within square brackets inserted by W.B. 33 of 1978.] shall be, beyond the [(27th day of October, 1981)] [At first word 'the 27th day of April, 1980.' substituted by W.B. Act 33 of 1978. Secondly words 'the 27th day of April, 1981.' substituted for the words 'the 27th day of April, 1980.' by W.B. Act 19 of 1980. At present words within first brackets substituted for the words 'the 27th day of April, 1891.' by W.B. Act 13 of 1981.].

4. Consequences of supersession.

- With effect from the date of coming into force of the Rabindra Bharati (Temporary Supersession) Ordinance, 1975, -(a)the Vice-Chancellor of the University, the members of the University except those referred to in clauses (i), (iii), (iv), (v) and (x) to (xii) of sub-section (1) of section 9 of the Act and the members of the Executive Council, the Academic Council and all Committees, Boards and other subordinate authorities, if any, constituted under the Act, shall vacate their respective offices;(b)[all the powers and duties which may, under the provisions of the Act or any Statutes, Ordinances, Regulations and Rules made thereunder, be exercised and performed by the University, the Executive Council, the Academic Council and all Committees, Boards or other bodies shall be exercised by the Council to be known as the Rabindra Bharati University Council in the manner provided;] [Clause (b) substituted for the original by W.B. Act 33 of 1978.](c)the Council shall consist of the Chancellor, the Vice-Chancellor, appointed under section 5 of this Act, members referred to in clauses (iii), (iv); (x) to (xiii) and (xvi) of sub-section (1) of section 9 of the Act, the President, West Bengal Council of Higher Secondary Education and not more than eight, but not less than four persons from amongst the teachers of the University, and persons proficient in any of the performing arts nominated by the Chancellor in consultation with the Vice-Chancellor and the Minister:Provided that the Registrar shall act as the Secretary to the Council;(d)the Council so constituted shall carry on the functions of the. University, the Executive Council, the Academic Council, Faculties, Boards and other body or bodies constituted under the Act or any 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 carry on the functions of the Executive Council, the Academic Council and other body or bodies which may have been constituted under the Act or any 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 retirement of a nominated member, 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;(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 appointed under section 5 of this Act shall preside at meetings of the Council;(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 powers of the Chancellor or Vice-Chancellor under the Act, Statutes, Ordinances, Regulations or Rules made thereunder.

4A. [Power of the Vice-Chancellor till the formation of the Council. - Notwithstanding anything contained elsewhere in this Act, the Vice-Chancellor appointed under section 5 of this Act shall exercise all the powers and perform all the duties under the provisions of the Act or any Statutes, Ordinances or Regulations made thereunder which may be exercised or performed by the University, the Executive Council, the Academic Council and all Committees, Boards or other bodies till the formation of the Council under section 4 of this Act.] [Section 4A inserted by West Bengal Act 33 of 1978.]

5. Appointment of Vice-Chancellor.

- As soon as may be after the coming into force of the Rabindra Bharati (Temporary Supersession) Ordinance, 1975, the Chancellor shall, in consultation with the 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 16 of the Act shall so far as may apply in relation to the Vice-Chancellor appointed under this section.

5A. [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 appointed under section 5 of this Act and the Minister, in so far as it is not inconsistent with this Act.] [Section 5A inserted by W.B. Act 33 of 1978.]

6. Power to remove difficulties.

- If any difficulty arises in giving effect to the provisions of this Act, the State Government 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.

7. 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.

8. Repeal and savings.

- The Rabindra Bharati (Temporary Supersession) Ordinance, 1976, is hereby repealed.(2)Anything done or any action taken under the Rabindra Bharati (Temporary Supersession) Ordinance, 1975, shall be deemed to have been validly done or taken under this Act as if this Act had commenced on the 28th day of October, 1975.(3)[For removal of doubts it is declared that anything done or any action taken by the Vice-Chancellor appointed under section 5 of this Act till the coming into force of the Rabindra Bharati (Temporary Supersession) (Amendment) Ordinance, 1978 shall be deemed to have been validly done or taken under the authority of the Council and shall not be called in question in any court.] [Sub-section (3) inserted by W.B. Act 33 of 1978.]