

STATUTES

Compiled till May 2019



ENLIGHTENMENT TO PERFECTION

UNIVERSITY OF NORTH BENGAL

Accredited by NAAC with Grade A

P.O. North Bengal University,
Raja Rammohunpur, Dist. Darjeeling,
West Bengal, PIN – 734013

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Statutes relating to Constitution, Powers and Duties of Authorities

CHAPTER - I PRELIMINARY

Statute 1

Short title and commencement.

(1) These Statutes may be called the Statutes relating to constitution, Powers and duties of the Authorities of the University.

(2) They shall come into force on such date as the State Government may appoint under sub-section (5) of section 57 of the Act

Statute 2

Interpretation of words and expressions.

Unless there is anything repugnant in the subject or context, words and expressions used in these Statutes shall have the meanings respectively assigned to them in the Act.

Statute 3

Authorities of the University under Clause (7) of section 16 of the Act.

Save as otherwise provided in the Act, the following are the authorities of the University under clause (7) of section 16 of the Act: —

- (i) The Departmental Committees;
- (ii) The Library Committees;
- (iii) The Board of Residence and Discipline;
- (iv) The Board of Health and Students' Welfare and such other authorities as may be established under the Statutes.

CHAPTER - II FACULTY COUNCELS FOR POST-GRADUATE STUDIES AND DEANS

Statutes 4

Deans.

The term of a Dean shall be for a period of two years from the date of election :

Provided that in respect of first election under the first Statutes the said period of two years shall commence from the date of the first meeting of the Court held after such election.

Statute 5

Election of Deans.

The Deans shall be elected by the members of the concerned Faculty Council for Post-graduate Studies in the manner provided in Statute 32 of the Statutes relating to the Constitution of and Election to the Court and other authorities of the University.

Statutes 6

Filling of casual vacancies.

If a vacancy occurs in the office of the Dean by reason of death, resignation or retirement, a special meeting of the Faculty Council for Post-graduate Studies shall be convened within a period of three months for the purpose of electing a Dean by the Registrar on a date, time and place to be fixed in this behalf by the Vice-Chancellor and the provisions of Statute 32 of the Statutes relating to the Constitution of and election to the Court and other authorities of the University shall thereupon apply to such election.

Statute 7

Nomination during the temporary absence of the Dean.

If by reason of illness or authorized leave or for any other reasons, the Dean of a Faculty Council for Post-graduate Studies is temporarily unable to discharge the responsibilities and perform the duties, the Vice-Chancellor shall nominate a member of the Faculty Council for Post-graduate Studies who is a Professor to carry on the responsibilities and duties of the Dean during the period of temporary absence of the Dean of the Faculty Council concerned.

CHAPTER - III BOARD OF STUDIES

Statute 8

Boards of Postgraduate studies.

There shall be a Board of Post-graduate Studies in each of the subject mentioned in Schedules I and II.

Statute 9

Constitution of Boards of Studies attached to a Faculty Councils for Post-graduate Studies:

Every Board of Studies attached to a Faculty Council for Post-graduate Studies shall consist of : —

(a) the Head of the concerned Post-graduate Department of Teaching at the University, who shall be the Chairman of the Board, or if at the time of the constitution of any Board no instruction is imparted in the Post-graduate course in the subject or subjects concerned at the University the Vice-Chancellor shall nominate one of the members of the Board as Chairman;

(b) three teachers of the University participating in post-graduate teaching in the subject in respect of which the Board is constituted;

(c) three teachers of the Constituent College participating in Post-Graduate teaching in the subject concerned;

(d) two teachers teaching Honours course in the subject in affiliated colleges other than Constituent Colleges;

(e) one person who shall be an expert in the subject concerned co-opted by the members of the Board at its first meeting;

(f) the members of every Board of Studies referred to in clause (c) and clause (d) shall be elected receptively by the members of the concerned Faculty Council for Post-graduate Studies and the members of the concerned Council for Under-graduate Studies in accordance with the provisions of the relevant Statutes relating to the Constitution of and Election to the Court and other Authorities of the University.

Statute 10

Boards of Under-graduate Studies:

There shall be a Board of Undergraduate Studies in each of the subjects mentioned in Schedule III.

Statute 11

Constitution of Boards of Studies attached to the Council for Undergraduate studies in Arts, Science, Commerce and Law:

Every Board of Studies other than the Board of Undergraduate Studies in Law and in Education attached to the Council for Under graduate Studies in Arts, Science, Commerce and Law shall consist of: —

(a) three teachers of the University participating in post-graduate teaching in the subject concerned;

(b) five teachers participating in Undergraduate teaching in subject or subjects concerned;

(c) one person other than those mentioned in clauses (a) and (b), having expert knowledge in the subject concerned co-opted by the members of the Board at its first meeting;

(d) the members of every Board of Studies referred to in clause (a) and clause (b) shall be elected respectively by the members of the concerned Faculty Council for post-graduate studies and the members of

the concerned Council for undergraduate Studies in accordance with the provision of the relevant Statutes relating to the Constitution of and Election to the Court and other authorities of the University;

(e) if at the time of the constitution of any Board no instruction is imparted in the post-graduate course in the subject concerned, three persons nominated by the Vice-Chancellor.

Statute 12

Nomination of Chairman of the Board:

The Vice-Chancellor shall nominate one of the members of the Board to be the Chairman of the Board.

Statute 13

Constitution of the Board of Undergraduate Studies in Law:

The Board of Undergraduate Studies in Law shall consist of: —

(a) all Principals of affiliated colleges teaching law;
(b) five teachers participating in Undergraduate teaching law;
(c) one person other than those mentioned above, having expert knowledge in the subject co-opted by the members of the Board at its first meeting;

(d) one nominee of the Bar Council of West Bengal;

(e) the members referred to in clause (b) shall be elected by the members of the concerned Council for Undergraduate Studies in accordance with the provisions of the relevant Statutes relating to the Constitution of and Election to the Court and other Authorities of the University.

Statute 14

Nomination of Chairman:

The Vice-Chancellor shall nominate one of the members of the Board as the Chairman of the Board.

Statute 15

Constitution of the Board of Undergraduates in Education:

The Board of Undergraduate Studies in Education shall consist of: —

(a) three Principals of Teachers Training Colleges Affiliated to this University;
(b) three teachers in Education taught as an elective subject in affiliated colleges;
(c) five teachers teaching in Teachers Training Colleges;
(d) one person other than those mentioned above, having expert knowledge in the subject co-opted by the members of the Board at its first meeting;

(e) the members referred to in clause (a), clause (b) and clause (c) shall be elected respectively by the members of concerned Council for Undergraduate Studies in accordance with the provisions of the Statutes relating to the constitution of and Election to the Court and other Authorities of the University.

Statute 16

Nomination of Chairman:

The Vice-Chancellor shall nominate one of the members of the Board to be Chairman of the Board.

SCHEDULE I (Art and Commerce)

(See Statute 8)

(i) Bengali, (ii) English, (iii) Economics, (iv) History, (v) Nepali, (vi) Philosophy, (vii) Political Science, (viii) Sociology and Social Anthropology and (ix) Commerce and such other subjects or courses of study as may be introduced by the University.

SCHEDULE II (Science)

(See Statute 8)

(i) Chemistry, (ii) Geography and Applied Geography, (iii) Mathematics, (iv) Physics, (v) Botany and (vi) Zoology and such other subjects or courses of Study as may be introduced by the University.

SCHEDULE III

(See Statute 10)

The Council for Undergraduate Studies in Arts, Science, Commerce and Law:—

(i) Arabic, (ii) Bengali, (iii) English, (iv) Latin, (v) Hindi, (vi) Nepali, (vii) Modern Tibetan, (viii) Sanskrit, (ix) Urdu, (x) Economics, (xi) History, (xii) Philosophy, (xiii) Education, (xiv) Political Science, (xv) Sociology and Social Anthropology, (xvi) Law, (xvii) Commerce, (xviii) Chemistry, (xix) Botany, (xx) Geography, (xxi) Mathematics, (xxii) Physics, (xxiii) Physiology, (xxiv) Zoology and such other subjects or courses of study as may be introduced by the University.

CHAPTER – IV FINANCE COMMITTEE

Statute 19

Constitution of the Finance Committee:

The Finance Committee shall consist of the following members:

- (a) The Vice-Chancellor who shall be the Chairman of the Committee.
- (b) Dean of the Faculty Council for Post-graduate Studies in Arts and Commerce.
- (c) Dean of the Faculty Council for Post-graduate Studies in Science.
- (d) One member of the Court nominated by the Court.
- (e) One member of the Executive Council nominated by the Executive council.
- (f) One member with the experience in financial matters nominated by the State Government.
- (g) The Registrar of the University (ex-Officio).
- (h) The Finance Officer of the University who shall be the Secretary of the Committee (ex-Officio).

Statute 20

Powers and Functions of the Finance Committee:

(1) The Finance Committee shall advise on any financial matter that may appropriately be referred to it for opinion by any authority or body of the University.

(2) The Finance Committee shall —

(a) before the 15th November every year consider at a meeting convened for the purpose of an abstract of the estimated receipt and expenditure of the University on different accounts for the ensuing financial year and make recommendations pertaining to them, which, with the same abstract, shall be forwarded to the executive Council for examination and approval. This abstract as approved by the Executive Council shall be submitted to the State Government as required under section 43 of the Act.

(b) before the 31st of January every year consider the annual statement of accounts for the previous financial year as prepared by the Finance Officer and transmit the same with its recommendations to the Executive Council for examinations and approval prior to its transmission to the Court.

(c) before the 30th of April every year consider at a meeting convened for the purpose the Annual Financial Estimates of the ensuing financial year and having considered the same estimates make recommendations pertaining to them which, with the said estimates, shall be forwarded to the Executive Council for examination and approval prior to transmission to the Court, and

(d) prepare financial and accounts rules with the approval of the Court.

(3) The Finance Committee may call for any paper bearing on any financial proposal or any item of accounts under its consideration or in making its recommendations on the annual accounts or the financial estimates referred to in clause (2).

(4) The Finance Committee shall maintain watch over the progress of income and expenditure provided for in the Budget and shall make such reports to the Executive Council from time to time, as it may think fit on any matter affecting the finance of the University.

(5) Subject to the provisions in sub-section (4) of section 43 of the Act no expenditure, not covered by the Budget grant or in excess of the Budget provision, may be incurred without consideration by the Finance Committee and prior approval of the State Government.

- (6) The Finance Committee shall have power to make rules for the transaction of its own business.

CHAPTER – V DEPARTMENTAL COMMITTEES

Statute 21

Departmental Committees:

There shall be an authority called Departmental Committees. Departmental committee In every Post-graduate Department and Centre at the University under clause (7) of section 16 of the Act.

Statute 22

Members of Departmental Committees:

All the whole-time teachers of the University belonging to the Post-graduate Departments and Centres at the University shall be members of Departmental Committee:

Provided that the Centres shall have an Inter-Departmental Advisory Committee having such Powers and duties as may be prescribed by the UGC from time to time.

(This amendment came into force on 28.4.89)

Statute 23

Chairman of the Committee.

Head of the Department/Director of a Centre shall be the Chairman of the Committee.

Statute 24

Powers and functions of the Departmental Committee:

Subject to the general supervision and control of the Vice-Chancellor, the Departmental Committee shall have the following powers and functions: —

- (i) to identify the academic areas which need be strengthened and recommend suitable measures in this regard;
- (ii) to ensure proper utilisation of existing physical, human and financial resources;
- (iii) to prepare class routine;
- (iv) to prepare programme for co-ordination and completion of courses on schedule;
- (v) to make arrangements for holding examination;
- (vi) to suggest necessary follow up action for expeditious publication of results;
- (vii) to make proposals for inclusion in the annual budget;
- (viii) to select supervisor from among the teachers of the department of Research Scholar/Fellow allotted to the department by the University;
- (ix) to recommend free-studentship as per rules;
- (x) to suggest rules relating to the courses of Post-graduate studies;
- (xi) to consider any other matter regarding Departmental activities or any such matter as may be referred to it by the appropriate authorities;
- (xii) to frame rules and procedure for its working with the approval of the Vice-Chancellor.

CHAPTER – VI THE LIBRARY COMMITTEE

Statute 25

Library Committee:

The University Library or Libraries shall be under the management and control of a Committee to be called the Library Committee.

Statute 26

Constitution of the Library Committee:

The Library Committee shall consist of the following members: —

- (a) the Vice-Chancellor, who shall be the Chairman of the Committee,
- (b) the Deans of the Faculty Councils for Post-graduate Studies,
- (c) one teacher to be nominated by each of the Departmental Committee,
- (d) one Research Scholar/Fellow to be nominated by the Vice-Chancellor,
- (e) one Post-graduate student to be nominated by the Vice-Chancellor,
- (f) the Registrar of the University (ex-officio),
- (g) the Finance Officer of the University (ex-officio),
- (h) the Librarian of the University, who shall be the Secretary of the Committee (ex-officio).

Statute 27

Powers and duties of the Library Committee:

Subject to the provisions of the Act, the Statutes and the Ordinances, the Library committee shall have the following powers and duties, namely: —

- (a) to manage and control the University Library or Libraries;
- (b) to supervise the arrangements for the proper care and cataloguing of books, journals and manuscripts, etc;
- (c) to purchase furniture and fitting of the Library or Libraries and to arrange for repair of the same;
- (d) to prepare the Annual budget estimates for the University Library or Libraries and submit the same to the Finance Committee; and
- (e) to frame rules in respect of:
 - (i) the periodical inspection of the Library or Libraries;
 - (ii) the purchase of books, journals, manuscripts and other educational equipments;
 - (iii) the use of the Library by the different categories of readers;
 - (iv) the payment of fees, if any for the use of the Library;
 - (v) the conditions of borrowing and returning books, journals, etc;
 - (vi) the suspension of privileges and the realisation of penalties for the loss, mutilation or disfigurements of books or for any breach of the library rules; and
 - (vii) any other matter relating to the management of the libraries.

The proceedings of the meetings of the Library Committee shall be submitted to the Executive Council which may modify the decisions of the Committee or direct the Committee to review its decisions.

CHAPTER – VII THE BOARD OF RESIDENCE AND DISCIPLINE

Statute 28

The Board of Residence and Discipline (hereafter in this Chapter referred to as “the Board”) shall consist of the following members:

- (a) the Vice-Chancellor who shall be the Chairman of the Board, Ex-Officio;
- (b) Dean of the Faculty Councils for Post-graduate Studies, Ex-Officio;
- (c) Two Principals of affiliated Colleges, not being Womens’ Colleges, appointed by the Vice-Chancellor;
- (d) One Principal of a Womens’ College affiliated to the University appointed by the Vice -Chancellor;
- (e) The Medical Officer of the University, Ex-Officio;
- (f) The student member of the Executive Council;
- (g) The Inspector of Colleges who shall be the Ex-Officio Secretary of the Board.

Statute 29

Subject to the provisions of the Act, the Statutes, the Ordinances, the Regulations and the Rules, the Board shall exercise the following powers and discharge the following duties:

- (a) to make proposals for and to maintain Halls and Hostels for Residence of students;
- (b) to initiate proposals to recognise or withdraw recognition from hostels for students;
- (c) to supervise and control all Halls, Hostels referred to in clauses (a) and (b) and to enforce observance therein of the rules of discipline relating thereto;
- (d) to arrange for the periodical inspection of the Halls and Hostels as may be directed by the Executive Council;
- (e) to deal with the cases of breach of discipline in a Hall or Hostel in accordance with the ordinances;
- (f) subject to the Act and the Statutes, to recommend to the Executive Council draft ordinance relating to Discipline for observance in Halls and Hostels for students.

CHAPTER – VIII
THE BOARD OF HEALTH AND STUDENTS' WELFARE

Statute 30

The Board of Health and Students' Welfare, (hereafter in this Chapter referred to "as the Board") shall consist of the following members:

- (a) the Vice-Chancellor, who shall be the Chairman of the Board, Ex-Officio;
- (b) the Dean of the Faculty Councils for Post-Graduate Studies;
- (c) the Dean of Students' Welfare;
- (d) the Principal, North Bengal Medical college;
- (e) the Superintending Engineer, Public Health Engineering, Government of West Bengal, Siliguri;
- (f) the Superintendent, North Bengal General Hospital;
- (g) one Principal of an affiliated college, not being a womens' college, nominated by the Vice-Chancellor;
- (h) one Principal of a Womens' College affiliated to the University, nominated by the Vice-Chancellor;
- (i) the University Engineer;
- (j) the Director, Physical Education, North Bengal University;
- (k) the Medical Officer of the University who shall be the Ex-Officio Secretary of the Board.

Statute 31

Subject to the provisions of the Act, the Statutes, the Ordinance, the Regulation and the Rules the Board shall exercise the following powers and discharge the following duties:

- (a) to arrange, in accordance with the directions of the Executive Council, the inspection of all Universities and college buildings and the campus of all the Halls, Hostels of the University and the colleges and to suggest to the Executive Council such measures as it thinks fit for the improvement of conditions therein;
- (b) to advise the Executive Council and other appropriate bodies on all schemes for water supply and drainage in the University campus;
- (c) to advise the Executive Council and other appropriate bodies on all matters effecting the health of the students, and of the employees of the University;
- (d) make arrangements for the Physical examination of the students of the Post-graduate Departments of the University any for the preparation annually of a report for the Executive Council on the State of health of the students of the University;
- (e) to issue directives for physical examination of the students of the affiliated colleges;
- (f) to survey periodically the diet of the students residing in recognized Halls and Hostels and arrange

for inspection of dining rooms and kitchens in such places of residence for students and of canteens;

(g) to draw up the schemes for students' welfare as and when called upon by the appropriate authority;

(h) to inspect and direct the imparting of physical education in the colleges;

(i) to arrange for enlistment of students of affiliated colleges in the NCC and the NSS and to encourage introduction of courses of study in Military Sciences and in the affiliated colleges.

CHAPTER – IX MISCELLANEOUS

Statute 32

(1) The Registrar shall keep a separate register of the members of each Authority and shall enter therein:

(a) the name of every member of the Authority;

(b) the date of his appointment or election as the case may be;

(c) the date, if any on which his term of office as member is due to expire and

(d) the date on which he ceases to be such member.

(2) The Registrar shall keep every register referred to in paragraph (1) up-to date.

Statute 33

In respect of matters relating to any Authority not covered by these statutes, the Executive Council may make Ordinances and Regulations for defining the powers and duties of such Authority.

Statute 34

In any case not expressly provided for by the Act or by the Statutes, Ordinances or Regulations made by the Court or the Executive Council, the Executive Council may give such directions as it may consider Necessary to any other authority and such a authority shall comply with such directions; provided that a copy of every such direction given by the Executive Council shall forthwith be forwarded to the Court.

Statute 35

If any difficulty arises with regard to interpretation of any Statute/Ordinance/Regulations or any Clause thereof the Vice-Chancellor shall refer the same to the Chancellor who may thereupon issue such directions as appears to him/her to be necessary or expedient for resolving the difficulties.

Statute 36

No act or proceedings of any authority shall be called into question or invalidated Merely for the reason that a member has not received a notice or agenda paper relating to any meeting of the authority, provided that the same has been duly issued to such members.

Statutes Relating to Election of Members of Authorities

CHAPTER – I* PRELIMINARY

Statute 1

Short title and Commencement

- (1) These statutes may be called the Statutes relating to the election of members of authorities.
- (2) They shall come into force at once.

Statute 2

Definitions

Unless the context otherwise requires:

- (1) Words and expressions used in these Statutes shall be interpreted to have the same meaning as they have in the Act;
- (2) Deleted.

CHAPTER – II Deleted.

CHAPTER – III* GENERAL PROVISIONS RELATING TO ELECTIONS

Statute 8

Elections to the Court and other authorities of the university:

(1) Except as may be specifically prescribed otherwise, all elections to the Court and other authorities of the University shall be held in accordance with the provisions of, and the procedure prescribed by these Statutes.

(2) In this Statute, unless the context otherwise requires: —

- (a) “Authority” means the Court or other authorities of the University as may be appropriate in each particular case;
- (b) “Constituency” in relation to any election of a member of any Authority means the body of electors who are required by the Act, the Statutes, the ordinances, the Regulations Or the Rules to elect such member to the authority;
- (c) “Contesting candidate” at any election means a Candidate whose nomination paper has been found valid on scrutiny by the Returning Officer and who has not duly withdrawn his candidature under paragraph (12) of Statute 9;
- (d) “Election” means an election Held under the Act, the statutes, the ordinance, the Regulations or the Rules;
- (e) “elector” of a constituency means a person whose name has been included in the electoral roll of the constituency;
- (f) “electoral roll” means the register of electors in any constituency;
- (g) “polling day” in relation to a polling station means the date fixed under these statutes for taking the poll at that polling station;
- (h) “Polling hours” in relation to a polling station means the period of time intervening between the hours fixed by the returning officer respectively for the commencement and the closing of the poll at that

polling station under these statutes;

(i) “Returning officer” except in the case of election under clause (xx) of sub-section (1) of section 17 and under sub-clause (c) of clause (xiii) of sub-section (1) of section 20 of the act, means the Registrar and includes any other person appointed by the vice-chancellor, by a general or a special order, as the “returning officer” in connection with any election;

(j) “Presiding Officer” means a person appointed by the returning officer for the purpose of conducting election to any authority of the university;

(k) “authorised agent” means a person who has been authorized in prescribed form by candidate contesting the election, to be present inside the polling station or at the place of counting of votes on behalf of the candidate with the prior permission of the returning officer or the presiding officer;

(l) “officer of the university” means the officers mentioned in section 7 of the act and such other persons as the university may declare to be officers of the university under clause (iv) of section 7 of the act.

CHAPTER – IV*

ELECTION PROCEDURE TO THE COURT AND OTHER AUTHORITIES OF THE UNIVERSITY

PART – I

Election of members to the Court, the Faculty Councils for Post-graduate studies and the Councils for Under-graduate Studies under the Act.

Statute 9

Vice-Chancellor to call upon University constituencies to elect:

(1) Whenever an election is required to be held for the purpose of constituting the Court or other authorities of the University or for filling up any vacancy therein, the Vice Chancellor shall call upon the appropriate constituency to elect a member or members as the case may be.

Vice-Chancellor to fix dates for application for enrolment of voters, nominations, scrutiny of nominations, withdrawal of candidature and poll.

(2) (a) The Vice-chancellor shall, in connection with any election referred to in paragraph (1) by an order in writing fix a date or dates—

(i) on or before which applications for enrolment as voters shall be submitted, which shall not be earlier than thirty days from the date of the order,

(ii) on or before which nominations for election shall be submitted, which shall not be earlier than fourteen days from the date of publication of the final electoral roll for the constituency concerned after the last date of application for enrolment as voters fixed under item(i),

(iii) on which scrutiny of nominations shall be made, which shall not be later than the third day from the last date for submission of nominations fixed under item(ii),

(iv) on or before which applications for withdrawal of candidature, if any shall be submitted which shall not later than the third day from the date fixed under item (iii) for scrutiny of nominations,

(v) on which a poll shall, if necessary, be taken, which shall not be earlier than thirty days from the last date for withdrawal of nomination fixed under item (iv),

(vi) on which counting of votes shall be commenced, which shall not be later than seven days from the date for taking the poll fixed under item(v), (b) Every order under clause (a) shall be duly notified by the Registrar in the press or in such manner as may be determined by the Vice-Chancellor.

(3) Notice calling for applications for enrolment as voters

As soon as possible after receiving the order of the Vice-Chancellor referred to in item (i) of clause (a) of Paragraph (2), the Returning Officer shall, in such manner as the Vice-Chancellor may direct, issue or

cause to be issued a notification stating the substance of the order and calling for applications for enrolment as voters in the respective constituencies from all person entitled to vote at the election in such constituencies.

(4) Preliminary Electoral Rolls

(a) Not later than sixty days after the last day for application for enrolment of voters fixed under item (i) of clause (a) of paragraph (2), the Returning Officer shall prepare a preliminary electoral roll for every constituency of the Court, the Faculty Councils for Post-graduate Studies and Councils for Under-Graduate Studies containing the names of all person who have applied for enrolment as voters in the constituency concerned and are qualified to have their names included in such roll.

Explanation :

(i) A principal or a Teacher shall be entitled to have his name included in the relevant electoral roll, even though he is on authorised leave.

(ii) A Lecturer- in- charge of an affiliated college, by whatever name called, may enroll himself either in the Principal's constituency or in the Teacher's constituency.

(iii) A Temporary Principal or teacher shall also be entitled to have his name included in the relevant electoral roll.

(iv) Instructors, Tutors, Demonstrators and any other person who are certified by the Heads of the Institution in which they are employed as participating in teaching work shall be deemed to be teachers for the purposes of elections under these Statutes.

(b) A person shall be entitled to have his name included in the electoral roll of one constituency only. A person qualified to have his name included in the electoral roll of more than one constituency shall indicate the constituency in the electoral roll of which he wishes his name to be included and the Returning Officer shall include his name accordingly. In the case of a failure to indicate the constituency the application shall be rejected.

(c) A preliminary electoral roll prepared under clause (a) together with a notice to the effect that the electoral roll may be inspected and claims or objections in respect thereof may be filed shall be published by posting the same in the Notice board of the Office of the Registrar or in such other manner as the Vice-Chancellor may determine.

(d) In case of voters for Registered Graduates Constituency of the court, prescribed option forms as approved by the Vice-Chancellor, shall be available from the University Sales Counter and /or any other authorized agent of the University as may be decided by the Vice-Chancellor, on payment of a fee of Rs.1/- only for each form. The voter shall indicate by a cross mark against the appropriate box in the said option form the center at which he proposes to cast his vote. The form duly filled in together with two recent passport size photographs affixed in the specified places in the form, shall be submitted to the Returning Officer. The Returning Officer shall include the names of the voters, who have exercised their option in the aforesaid manner, accordingly and publish the electoral roll centrewise, for the convenience of the voters in such manner as may be directed by the Vice-Chancellor.

Claims and Objections:

(5) Within fifteen days from the date of such publication of a preliminary electoral roll, any claim or objection to the roll may be made in writing signed by the person making it, stating specifically the grounds on which it is made and submitted to the Returning Officer either in person or by registered post.

(6)(a) The Returning Officer, shall, after summary enquiry, dispose of all claims or objections submitted under paragraph (5) and amend the electoral roll where necessary. The final electoral roll so prepared shall be kept in the office of the Registrar and shall, not later than seven days from the last date for filing claims and objections referred to in paragraph (5), be published in such manner as is referred to in clause (c) of Paragraph (4) and shall come into force forthwith upon such publication. The decision of the Returning Officer on any claim objection shall be final.

(b) The final electoral roll for any constituency, prepared under clause (a) shall remain in force until a fresh electoral roll is prepared for that constituency in connection with the next general election on the

expiry of the term of office of the members elected from that constituency, subject to such amendments, if any, as the Registrar may, from time to time, consider necessary for the purpose of filling casual vacancies.

Withdrawal of Name from electoral roll:

(7) if, at any time before the publication of the final electoral roll of any constituency under paragraph (6) any person applies for withdrawal of his name from such roll, the Returning Officer shall permit his name to be so withdrawn but such person shall not be entitled to claim a refund of the fee, if any, paid by him for inclusion of his name therein.

Correction of error in electoral roll:

(8)(a) The Returning Officer shall have the power to correct any printing or clerical error in a final electoral roll.

Custody of electoral rolls, etc.:

(b) The Registrar shall have the custody of the preliminary as well as the final electoral roll.

(c) Electors may obtain copies of the preliminary as well as final electoral roll from the office of the Registrar on payment of such price as may be fixed by the Registrar in this behalf.

Notice calling for nominations:

(9) Upon the publication under paragraph (6) of a final electoral roll for an election, the Returning Officer shall forthwith give notice in such manner as the Vice-Chancellor may direct, of the intended election inviting nominations of candidates for election and specifying the last date fixed for making nominations, the date for scrutiny of nominations and the last date for withdrawal of candidature as well as the date of poll and the time and place at which and the person to whom, the nomination papers are to be delivered.

Nominations:

(10)(a) Any person whose name appears in the final electoral roll of any constituency and who is not disqualified to be elected as a member of the authorities of the University under Section 35 of the Act may be nominated as a candidate for election from that constituency .

(b) On or before the last date for submission of nomination of candidates for election fixed under item (ii) of clause (a) paragraph (2), a candidate for election shall deliver or cause to be delivered to the Returning Officer between 11 A.M. and 4 P.M. on a working day except Saturday, and between 11 A.M. and 1 P.M. on Saturday of the University, a nomination paper in a form approved for the purpose by the Vice-Chancellor which shall be obtainable from the Returning Officer.

(c) No nomination paper shall be valid unless it is signed by the candidate as assenting to the nomination and by one other person qualified to vote in the constituency concerned as proposer.

(d) An elector may sign as proposer only one nomination paper and no more, and if an elector signs as proposer more nomination papers than one, all the nomination papers so signed by such elector shall be invalid; provided that this rule shall not apply to a constituency where the number of electors does not exceed five.

Security of nomination papers:

(11)(a) On the day fixed under item (iii) of clause (a) of paragraph (2), the Returning Officer shall, in the presence of such candidates or their authorized agents as may present, scrutinize all Nomination papers which have been delivered to him under paragraph (10). A candidate who is absent at the scrutiny may authorize one agent to represent him at the scrutiny. After such scrutiny, the Returning Officer shall publish in his office a list of all the candidates whose nomination papers have been accepted by him as valid specifying therein the last date for withdrawal fixed under item (iv) of clause (a) of paragraph (2).

(b) Deleted.

(c) Deleted.

Withdrawal of candidature:

(12) Any candidate whose name appears in the list of candidates referred to in clause (a) of paragraph (11) may withdraw his candidature by a notice in writing in the prescribed form. Every such notice shall be signed by the candidate and delivered to the Returning Officer in his office between 11 A.M. and 3 P.M. on

a working day except Saturday, and between 11 A.M. and 1 P.M. on Saturday, on or before the date fixed under item (iv) of clause (a) of paragraph (2). The Returning Officer shall hand over to the person delivering a notice of withdrawal a certificate of such delivery.

Procedure in contested and uncontested elections:

(13) In an election:

(a) if the number of contesting candidates is equal to the number of seats to be filled at the elections, the Returning Officer shall declare all such candidates to have been duly elected; or,

(b) if the number of contesting candidates is less than the number of seats to be filled at the election, the Returning Officer shall declare all such candidates to have been duly elected, and the Vice-Chancellor shall thereafter call upon the constituency to elect a person or persons to fill the remaining seat or seats; or

(c) if the number of contesting candidates exceeds the number of seats to be filled at the election, the Returning Officer shall forthwith publish in his office a list of the contesting candidates in alphabetical order of their surnames and a poll shall be taken on the date or dates fixed under item (v) of clause (a) of paragraph (2)

Special procedure in case of reserved seats:

(13. A) If at an election in a constituency the number of seats to be filled includes a number of seats reserved for a particular class, category or description of persons, and –

(a) if the number of duly nominated candidates qualified to fill the reserved seats who have not withdrawn their candidature is equal to the number of seats so reserved, all the candidates shall be declared duly elected and the procedure laid down in paragraph (13) shall be followed for filling the remaining seats; or

(b) if the number of such candidates exceeds the number of seats so reserved but the total number of duly nominated candidates is equal to the total number of seats to be filled, the Returning Officer shall declare all the candidates duly elected; or

(c) if the number of such candidates exceeds the number of seats so reserved and the total number of duly nominated candidates also exceeds the total number of seats to be filled, a list of all the candidates for election shall be published as provided in clause (c) of paragraph (13) and a poll shall be taken; and after the poll has been taken, the Returning Officer shall first declare those who, being qualified to fill the reserved seats, have secured the largest number of votes duly elected to fill the reserved seats and then declare such of the remaining candidates as have secured the largest number of votes duly elected to fill the remaining seats; or

(d) if the number of such candidates is less than the seats so reserved, the Returning Officer shall forthwith declare all those candidates duly elected to fill the reserved seats and follow the procedure laid down in paragraph (13) for filling the seats other than reserved seats; the reserved seats remaining unfilled shall be deemed to be vacancies for the purposes of Sections 38 and 39 of the Act.

Explanation: In a constituency where the number of seats to be filled up includes a seat or seats reserved for a particular class, category or description of persons, candidates belonging to such class or category or answering such description shall be treated as candidates for election to such reserved seats irrespective of his/her choice in respect thereof.

Poll to be taken by secret personal ballot:

(14) Poll shall be taken at one or more polling stations by secret personal ballot.

Ballot papers:

(15) Ballot papers to be used at every election shall be serially numbered and the names of the contesting candidates shall be printed on each ballot paper in the alphabetical order of their surnames in such language as the Vice-Chancellor may decide in each case.

Right to vote:

(16) No person whose name has not been included in the electoral roll of a constituency shall be entitled to vote in that constituency.

(17) Deleted.

(18) Every person whose name is included in the electoral roll of a constituency shall be entitled to vote in that constituency only and in no other.

Votes to be distributive:

(19) At every election, an elector shall have as many votes as there are person to be elected but shall not have the right to record more than one vote in favour of any one candidate.

Polling Stations:

(20) At every election, the Returning Officer shall by an order in writing, appoint one or more polling stations where the electors may attend on the polling day. Where more polling stations than one have been appointed by the Returning Officer, he shall specify in such order which of the electors are allotted by him to each such polling station. Every elector shall be given notice in such manner as may be decided by the Returning Officer of the date and hours fixed for taking the poll and the polling station to which the elector has been allotted. An elector who has been allotted to any polling station shall be entitled to vote at that polling station only and at no other.

Presiding Officer and his duties:

(21) For every polling station appointed by the Returning Officer, he shall appoint a Presiding Officer who shall make all necessary arrangements for taking the poll at that polling station and shall conduct the poll there on the polling day. The Returning Officer shall provide the Presiding Officer of every polling station with, (a) a copy of that part of the electoral roll which includes the names of the elector who have been allotted to that polling station; (b) all necessary forms; (c) ballot papers; (d) ballot boxes; and (e) all other items of stationery necessary for conducting the poll.

Assistants to the Presiding Officer:

(22) The Returning Officer may appoint such person, as he may decide, to assist the Presiding Officer in taking the poll at the polling station.

Polling hours:

(23) The poll shall be taken at each polling station on the polling day between such hours as the Returning Officer may have fixed in this behalf for that polling station.

Polling hours of voting:

(24) Every elector who desires to exercise his vote at the election shall personally appear within the polling hours at the polling station to which he has been allotted and shall request the Presiding Officer to issue to him a ballot paper after giving his name and other particulars to the Presiding Officer. The Presiding Officer shall then satisfy himself:

(a) that the name of the person who makes the request for issue of a ballot paper is included in the copy of that part of the electoral roll which relates to the polling station;

(b) that such person is identical with the elector who he claims to be; and

(c) that no other person has already voted in the name of such elector.

(25) When the Presiding Officer is so satisfied, and not otherwise, he shall issue a ballot paper to the elector. While doing so, he shall place a mark on his copy of the electoral roll against the name of the elector to indicate that a ballot paper has been issued to the latter. The serial number of the ballot paper issued to an elector shall not be recorded on the electoral roll or anywhere else by any person.

(26) On receiving the ballot paper, the elector shall proceed to one of the places set apart for voting and shall there secretly record his vote on the ballot paper by placing a mark against the name of every contesting candidate in whose favour he desire to vote. The Presiding Officer shall make all such arrangements as may be necessary to ensure that the elector is enabled to record his votes secretly. An elector shall not sign or initial his ballot paper or make any other mark thereon which may disclose his identity. After he has recorded his vote, the elector shall fold the ballot paper so as to conceal his votes and shall place it inside the ballot box.

Electors appearing at the close of the poll:

(27) No elector shall have the right to vote after the hour fixed for the closing of the poll; Provided

that all electors who are present at the polling station at that hour shall be allowed to vote subject to the provision of paragraph (24) and (25).

(28) Deleted.

Account of ballot papers:

(29) The Presiding Officer shall keep an account of all ballot papers supplied to him by the Returning Officer. He shall complete and sign the account after close of the poll.

Spoilt ballot papers:

(a) If any elector has inadvertently torn, defaced or otherwise spoil his ballot paper in such a manner that it cannot be used as a ballot papers, he shall report the fact and return the spoil ballot paper to the Presiding Officer who shall thereupon issue another ballot paper to the elector. Provided that no more ballot paper shall be issued to any elector who has spoil the second ballot paper so issued to him.

(b) All spoilt ballot papers returned to the Presiding Officer under clause (a) shall be endorsed by him as cancelled and kept in a separate packet.

Procedure at the close of the poll:

(31) (a) As soon as practicable after the close of the poll, the Presiding Officer shall forward to the Returning Officer the following:

- (i) the ballot boxes;
- (ii) the unused ballot papers;
- (iii) the packet of spoilt ballot papers referred to in paragraph (30) (b);
- (iv) the ballot paper account referred to in paragraph (29);
- (v) the copy of the electoral roll marked in accordance with the provisions of paragraph (25); and
- (vi) any other papers or statements relating to the election as the Returning Officer may direct.

(b) Immediately after the close of the poll, the ballot boxes shall be sealed and the papers referred to in items (ii), (iii), (iv), (v) and (vi) shall be placed in separate covers or packets which shall also be sealed.

(c) On each cover or packet containing the papers referred to in item (ii) to (vi) of clause (a), the Presiding Officer shall clearly indicates —

- (i) the particulars of the election;
- (ii) the name of the polling station;
- (iii) the date of the poll; and
- (iv) the nature of the contents of the cover or packet.

(32) If, at any election, the Returning Officer counts the votes immediately after the close of the poll, it shall not be necessary to seal any of the covers or packets referred to in paragraph (31) except after the counting of votes has been completed.

Adjournment of poll:

(33) If, during the taking of the poll at any polling station, it becomes impossible to complete such poll by reason of any disturbance or natural calamity or for any other reasons the Presiding Officer shall adjourn the poll and shall immediately report to the Returning Officer the full facts of the case and the reasons for such adjournment. As soon as he adjourns a poll, he shall close and seal the ballot boxes, covers and packets referred to in items (ii) to (vi) paragraph (31) as if the poll had been completed and shall retain them for further disposal in accordance with the provisions of clause (b) or clause (c) of paragraph (34).

(34) (a) On receipt of such report, the Returning Officer shall forthwith place the matter before the Vice-Chancellor who may direct, as he considers fit,

(i) that the poll which was adjourned under clause (a) be cancelled in respect of the polling station and a fresh poll be taken at the polling station on another date; or

(ii) that the adjourned poll be resumed and completed at the polling station on another date.

In either case, the Returning Officer shall fix a date and the polling hours for taking such fresh poll or

for resuming such adjourned poll at the polling station, as the case may be and shall give notice to every elector in such manner as he may deem fit of such date and the polling hours.

(b) When the vice-Chancellor has directed the taking of a fresh poll at a polling station under clause (a), the procedure prescribed by paragraphs (21) to (33) shall be followed for taking such poll. All sealed covers and packets referred to in paragraph (33) shall, in such a case, be forwarded by the Presiding Officer to the Returning Officer for safe custody and none of them shall be opened.

(c) When the Vice-Chancellor has directed the resumption and completion of a poll which was adjourned, such adjourned poll shall be resumed and completed on the date fixed for the purpose by the Returning Officer. The Presiding Officer shall, at the commencement of such resumed poll, open the covers or packets which relate to the poll that was adjourned and which contain the papers mentioned in items (ii), (v) and (vi) of clause (a) of paragraph (31) and shall use the contents of such covers or packets for the purpose of completing the poll. He shall not open any of the other covers or packets or ballot boxes which relate to the poll that was adjourned and which contain the papers mentioned in items (iii) and (iv) of clause (a) of paragraph (31). Except as otherwise provided in this paragraph, the procedure prescribed in paragraphs (21) to (33) shall be followed in such resumed poll. A fresh ballot paper account Form shall be used by the Presiding Officer at such resumed poll. Only such electors who did not vote on the day the poll was adjourned shall be entitled to vote during such resumed poll. After the close of the resumed poll, the Presiding Officer shall forward to the Returning Officer, along with the ballot boxes, the covers and packets relating to the resumed poll, the unopened sealed ballot boxes, covers and packets which relate to the poll that was adjourned and which contain the papers mentioned in items (iii) and (iv) of clause (a) of paragraph (31). The latter covers and packets relating to the poll that was adjourned shall be kept in the safe custody of the Returning Officer and none of them shall be opened.

Notice of counting of votes:

(35) If, on the date fixed for counting, the poll has not been completed at, or the papers referred to in paragraph (31) or paragraph (34) have not been received by the Returning Officer from all the polling stations he shall adjourn the counting to another date and time. He shall give notice to every contesting candidate of the date, time and place which have been appointed by him for the counting of votes or to which such counting may have been adjourned under this paragraph.

Procedure at counting of votes:

(36) (a) On the date and at the time and place fixed for the counting of votes, the Returning Officer shall open the ballot boxes referred to in item (i) of clause (a) of paragraph (31) and proceed to count the votes in the manner prescribed in this paragraph. He may also open the covers or packets referred to in any of the items (ii), (iii), (iv) and (vi) of paragraph (31), but shall do so only if he considers it to be unavoidably necessary for enabling himself to count the votes or to dispose of any objections relating to the election satisfactorily.

(b) As the boxes are opened under clause (a), the ballot papers contained therein shall be arranged in a bundle. The Returning Officer shall thereafter proceed to scrutinize the ballot paper one by one and shall reject every ballot paper or vote which he finds to be invalid. He shall record in a Statement the total number of valid votes given to each contesting candidate.

(c) A ballot paper shall be invalid if:

- (i) it is spurious; or
- (ii) it contains no record of voting; or
- (iii) it has been marked in such manner that it cannot be ascertained if a vote has been recorded in favour of any candidate; or
- (iv) any mark has been made upon it which discloses the identity of the elector; or
- (v) the number of votes recorded thereon exceeds the number of seats to be filled at the election.

(d) If more marks than one have been made on a ballot paper against any candidate's name, they

shall be counted as one vote only.

(e) When a mark has been so made on a ballot paper as to render it doubtful to which candidate the vote has been given, the ballot paper shall be rejected as invalid if one member only is to be elected; and if more members than one are to be elected, only the vote recorded by such mark shall be rejected as invalid while every other validly marked vote on the ballot paper shall be counted.

(f) The decision of the Returning Officer as to the validity of a ballot paper or a vote shall, subject to the provisions of Section 40 of the Act and the Statutes made there under, be final.

Declaration of result:

(37) (a) When the counting of votes has been completed, the Returning Officer shall forthwith declare the candidate or candidates to whom the largest number of valid votes have been given to be duly elected. When two or more candidates receive an equal number of votes and they cannot all be declared elected the question as to which of them shall be deemed to have been elected shall be decided by the Returning Officer by drawing lots.

(b) After declaring the result of the election, the Returning Officer shall seal up in separate packets the valid and the invalid ballot papers. He shall endorse on each such packet a description of its contents, the particulars of the election, the name of the constituency and the date of the counting. He shall also replace in sealed covers or packets the content of such covers or packets, if any, referred to in items (ii), (iii), (iv), (v) and (vi) of clause (a) paragraph (31) as he may have opened under clause (a) of paragraph (36). He shall keep all such sealed covers and packets in his safe custody for a period of three months after the date of the counting, or if any dispute arises regarding the election, until the final decision of such dispute. All such covers and packets shall be destroyed after the expiry of such period.

Persons entitled to be present at a polling station:

(38) The following persons, and no other, shall be allowed by the Presiding Officer to be present at a polling station during the polling:

- (i) the Vice-Chancellor;
- (ii) any person authorized in writing in this behalf by the Vice-Chancellor;
- (iii) any person appointed by the Returning Officer to assist the Presiding Officer in tracking the poll;

and

(iv) every contesting candidate and in case any contesting candidate is absent, an agent of such contesting candidate authorized by him in writing in this behalf.

Persons entitled to be present during counting of votes:

(39) The following persons, and no other, shall be allowed by the Returning Officer to be present at the counting of votes;

- (i) the Vice-Chancellor;
- (ii) any person authorised in writing in this behalf by the Vice-Chancellor;
- (iii) any person appointed by the Returning Officer to assist him in counting the votes; and
- (iv) every contesting candidate and, in case any contesting candidate is absent an agent of such contesting candidate authorised by him in writing in this behalf.

Vice-Chancellor to determine forms etc.:

(40) Except as otherwise provided in these Statutes, the Vice-Chancellor shall have the power to determine the forms of notice, letters of intimation, ballot paper and other papers necessary for holding an election.

Vice-Chancellor may direct holding of anticipatory elections:

(41) The Vice-Chancellor shall have the power to direct the holding of an election in anticipation of any vacancy that is about to occur owing to efflux of time.

Date on which election takes effect:

(42) An election to fill a vacancy shall take effect in the case of an anticipatory election from the date of the occurrence of the vacancy, and in every other case, from the date of declaration of the result of the

election. Such date shall be deemed to be the date of election of the members elected.

Election not to be invalidated for vacancy among electors:

(43) No election shall be invalid by reasons merely of any vacancy existing among the persons entitled to vote at such election.

Election not to be invalidated for non-receipt of papers by electors:

(44) No election shall be invalid merely by reason of the loss or delay during transmission of any notice or other paper sent to an elector or a candidate, or by reason that an elector or a candidate has not received such notice or paper, provided that it has been duly sent to such elector or candidate.

How notice is to be given:

(45) Any notice, intimation or information required to be given or sent to any person under this Statute shall be deemed to have been duly given or sent when the same has been posted under a certificate of posting to the address of such person or sent to him in such other manner as the Returning Officer may consider more expeditious or appropriate.

(46) Deleted.

(47) Deleted.

(48) Deleted.

Statute 10

Affiliated College Teachers' Constituency:

(1) In case of election of members to the Court or the Councils for under-graduate Studies from the Teachers Constituency, the Returning Officer shall send necessary instructions to the Principals of the affiliated colleges with the approval of the Vice-Chancellor together with a copy of the order of the Vice-Chancellor as provided in Paragraph (2) of Statute 9 for enrolment of voters for the Teachers' constituency from the colleges. The Principal of each affiliated college shall prepare a preliminary electoral roll of all the eligible teachers of his college and send the said preliminary electoral roll in triplicate to the Returning Officer for obtaining his signature and the Returning Officer shall, after putting his signature on them, retain one copy of the electoral roll and send the other two copies back to the Principal of the College who shall post a copy of it on the notice board for information of the electors. He shall also send the claims and objections, if any, from any elector to the Returning Officer as provided in Paragraph (5) of Statute 9. Similar procedure shall be followed by the Principal for preparation and publication of the final electoral roll in respect of the teachers of the college subject to provisions made under para (6) of Statute 9.

Professors and Teachers of University:

(2) In case of Constituency of the Teachers of the University other than Professor for the Court or for the Faculty Councils for Post-graduate Studies in respect of academic departments of the University, and in case of constituency of Professors of the University for the Court similar procedure as in paragraph (1) above relating to preparation and publication of preliminary as well as final electoral roll shall be followed *mutates mutandis* by a person appointed for the purpose by the Vice-Chancellor.

(3) As soon as possible after the publication of the final electoral roll for the Affiliated Colleges Teachers' Constituency, the Returning Officer shall take steps for filling of nominations, scrutiny of nominations and withdrawal of candidature following the procedure laid down in Paragraphs (9), (10), (11) and (12) of Statute 9.

(4) As soon as possible after the publication of the final electoral roll in respect of the University Teachers' Constituency, the Returning Officer shall issue notice inviting nominations of candidates for election and specifying the last date fixed for nominations, the time and place at which and the person(s) to whom the nomination papers are to be delivered, the date of scrutiny of nominations as well the last date for withdrawal of candidature. On receipt of such notification, the person appointed by the Vice-Chancellor to perform such duties in case of election of the teachers of academic departments of the University shall post a copy of the same in such places as may be determined by the Returning Officer and shall, after receiving such nomination paper, scrutinize the same in the presence of the candidate or his authorised agent, as may be present, and

publish the name of candidates, whose nomination papers have been found to be valid in the notice boards of the academic departments of the University, arranged in alphabetical order according to the surnames of the candidates. A list of such candidates shall be submitted to the Returning Officer and his signature obtained on it before being posted in the notice boards. The Returning Officer shall retain one copy of the list for record in his office.

Statute 11

Election of members of the Court from registered graduates' constituency:

(a) For the purpose of election of members of the Court from the Registered Graduates' Constituency under clause (xix) of Sub-Section (1) Section 17, of the Act, the qualified electors shall cast their votes in person at the polling centres allotted to them as per option exercised by them in writing, in the presence of the Presiding Officer appointed for the purpose. The Returning Officer shall, by a notification posted on the notice board of Registrar's Office as well as by insertion in at least two leading daily news papers – one in English and one in Bengali – intimate the electors at least a fortnight before the date of polling about the allotment of polling centres:

Provided that subject to clause (d) of Statute 12 no authorization to a person by an elector shall be allowed for the purpose of voting.

(b) The Returning Officer shall appoint a Principal or a teacher of an affiliated college or a Teacher or an Officer of the University or an employee holding a responsible post in the University as Presiding Officer and such other employees as may be considered necessary as polling assistants well in advance of the date of polling and make necessary arrangement for transportation of the ballot boxes and ballot papers to the polling centres. He shall also supply a copy of instruction relating to rules and procedure of polling to each of the Presiding Officers.

(c) The polling centres shall remain open from 10 A.M. to 4 P.M. As soon as the clock strikes 4 o' clock in the afternoon the gates of the polling station shall be closed, but the voters standing at the queue at that time shall be allowed to enter inside the polling station and cast their votes. The Presiding Officer shall not allow any voter to cast his vote if he arrives at the polling station after 4 P.M.

(d) After the polling is over, the Presiding Officer shall prepare statement of the number of ballot papers used and the balance left over. The ballot papers remaining unused shall be packed and sealed. The ballot boxes shall also be sealed in the presence of the candidates or their authorized agents, if any.

(e) The Presiding Officer shall send all the ballot boxes to the Returning Officer on the same day in case of polling centres situated within the jurisdiction of Siliguri Sub-division. The Residing Officer of the other centres shall send ballot boxes to the Returning Officer so as to reach him not later than the day immediately following the next day of the polling. In all cases, the Presiding Officers and the Polling Assistants on duty must accompany the ballot boxes and handover the same together with the necessary papers as stated in clause (d) above, to the Returning Officer or his nominee in his office. The Returning Officer shall make necessary arrangement for keeping the ballot boxes in safe custody till the counting begins.

Statute 12

Postal Ballot:

(a) A person enlisted as a voter in the electoral roll of the Registered Graduates' Constituency who resides outside the jurisdiction of the North Bengal University, may cast his vote by postal ballot or in person at any booth according to his option as exercised in his application for enrolment.

(b) The Returning Officer shall issue the ballot paper by Registered post to the voter concerned of the Registered Graduates' Constituency, who desires to cast his vote through postal ballot, not less than 14 days before the election day.

As regards issuing of ballot papers and recording of vote, the provisions of Statute 14 shall apply *mutates mutandis*.

(c) A person on polling duty may exercise his voting right by postal ballot and in such circumstances, he must apply to the Returning Officer immediately on receipt of his assignment for polling duty.

(d) If an elector to whom ballot paper has been sent under clause (a) is unable through physical incapacity to record his vote, it shall be competent for him to record his vote by the hand of any person authorised by him in that behalf:

Provided that the ballot paper shall be accompanied with a declaration signed by such person stating that he is so authorized. Any such declaration shall be presumed to be correct and shall be presumed to have conferred authority on such person to record the vote, unless the contrary is proved.

Statute 13

Election for Teachers' Constituencies including those of Teachers of the University:

(1) In the case of elections under clauses (xii), (xiii), (xiv), (xv), (xvi) and (xvii) of Sub-section (1) of Section 17 of the Act of the Court, under clause (iv) of sub-section (2) of Section 22 relating to *Faculty Council for Post-Graduate Studies* and under sub-clause (iv) of clause (a) of sub-section (2) of Section 24 of the Act in relating to Councils for Under-graduate Studies, the Returning Officer shall notify the venue, the date of election, the time and the duration of polling which shall be between 10 A.M. and 4 P.M. The date of polling shall be fixed in the notification in accordance with item (v) of clause (a) of paragraph (2) of Statute 9. A copy of such notification shall be posted on the notice board of the college concerned in case of election of teachers of the affiliated colleges to the different authorities referred to above. As regards election of teachers of the academic departments of the University a copy of such notification shall be posted on the notice board of the Registrar's Office and in such other places as may be determined by the Returning Officer.

(2) For the purpose of conducting election, the returning Officer shall appoint Presiding Officers from amongst the Teachers or Officer of the University or a Principal and / or a Teacher of an affiliated college and the polling assistants from amongst the employees of the university or the affiliated colleges respectively. The Returning Officer shall arrange for transportation of the ballot papers and the ballot boxes to the polling centers. He shall also supply a copy of instructions relating to rules and procedure for the conduct of election to each of the Presiding Officer.

(3) All other procedures relating to conduct of election shall apply, *mutates mutandis*, as referred to in clauses (c), (d) and (e) of Statute 11.

Statute 14

Electoral rolls of Principals' Constituency and of Librarians' Constituency:

(1) In case of election of candidates to the Court from the Principals' Constituency and the Librarians' Constituency as described in clause (xviii) and (xxiv) of Sub-Section (1) of section 17 of the Act and for electing members of the Councils for Undergraduate Studies from the principals' constituency referred to in Sub-clause (vi) of clause (a) of Sub-Section (2) of section 24 of the Act, the Returning Officer shall issue a notification immediately after receiving the order of the Vice-Chancellor referred to in clause (a) of paragraph

(2) of Statute 9 inviting applications for enrolment of voters from the Principals of the affiliated colleges and the Librarians of the University and affiliated colleges in the Preliminary electoral roll and publish the same in the manner as prescribed by paragraph (4) of Statute 9.

After disposing of the claims and objections, the Returning Officer shall publish the final electoral roll in accordance with the provisions made under paragraphs (5) and (6) of Statute 9.

(2) Election of the members to the Court from the constituencies under clauses (xviii) and (xxiv) of sub-section (1) of Section 17 of the Act and also election of members of Councils for under-graduate studies from the Principals' Constituency under sub-clause (vi) of clause (a) of Sub-section (2) of Section 24 of the Act shall be held by postal ballot subject to provisions laid down in clauses (c) and (d) of Statute 12. As soon as after the publication of the list of the candidates under clause (c) of paragraph (13) of Statute 9 but not less than fourteen days before the polling day, the Returning Officer shall send by Registered Post to each voter the ballot paper prepared for the purpose by the Registrar and approved by the Vice-Chancellor together with a list of candidates whose nomination papers have been found to be valid and an envelope and an outer cover addressed to the Returning Officer for the return of the ballot paper.

(3) Every voter on receiving his ballot paper shall record his vote therein, in accordance with the

instructions contained in the ballot paper. The voter shall then place the ballot paper inside the cover and close it and the closed cover containing the ballot paper shall again be placed inside the outer cover addressed to the Returning Officer and send the cover to the Returning Officer by registered post or in person so as to reach him not later than 4 P.M. on the polling day:

Provided that the election shall not be delayed or invalidated by reason of any failure on the part of a voter to deliver the ballot paper to the Returning Officer either in person or by registered post within the stipulated period mentioned above and it shall not affect the counting procedure and declaration of results for the purpose of election from these constituencies.

Statute 15

Election of student members from Post-Graduate students' constituency:

(1) The student-members of Court described in clause (xxi) of sub-section (1) of Section 17 of the Act, shall be elected by the regular post-graduate students of the University prosecuting their studies in a department under any of the Faculty Councils for Post-Graduate Studies.

(2) Forthwith upon the receipt of the order of the Vice Chancellor under paragraph (2) of Statute 9, the Registrar shall communicate the order of the Vice-Chancellor to such person as may be authorized by the Vice-Chancellor to exercise the powers and perform the duties of the Returning Officer for the conduct of election in each Post-Graduate Department. The Returning Officer concerned shall invite applications, within a date fixed by the Vice-Chancellor, for the purpose from amongst the regular students of the Post-Graduate Departments of the University for enrolment as voters in the preliminary electoral roll and duly notify it in the notice board of the University or in such other places as may be determined by the Returning Officer. After the applications for enrolment are received, the Returning Officer shall prepare the preliminary electoral roll and publish the same within a date fixed by the Vice-Chancellor for the purpose. A copy of the preliminary electoral roll shall be posted on the notice board or in such other places as may be determined by the Returning Officer for inspection of the voters. The Returning Officer shall also by a notice posted in the notice board of the University, fix a date, which shall not be later than seven days from the date of publication of the preliminary electoral roll within which all claims and objections in respect of such electoral roll, shall be submitted to the Returning officer stating specifically in writing the grounds on which such claims and objections are made.

The Returning Officer shall after summary enquiry, dispose of all such claims and objections and making amendments, if necessary, publish the final electoral roll. One copy of such final electoral roll shall be posted on the notice board or in such other places as may be determined by the Returning Officer. Three copies of such final electoral roll shall be submitted to the Registrar who shall retain one copy of the final electoral roll for record in his office and return the other two copies to the Returning Officer after affixing the signature of the Registrar on each copy of the final electoral roll.

(3) In connection with the conduct of election to elect members of the Court under clause (xxi) of Sub-Section (1) of Section 17 of the Act from amongst the regular Post-Graduate students of the University as mentioned in paragraph (1) above, all other procedures laid down in paragraphs (9), (10), (11) and (12) of Statute 9 relating to election shall be followed *mutates mutandis* by the Returning Officer.

Statute 16

Election from Post-Graduate Students' Constituency:

(1) Immediately after compilation of the list of names of Post-Graduate students who are electors, the Returning Officer shall issue notification inviting applications calling for nomination of candidates from amongst the electors and specifying the date of nomination, the date of scrutiny of nominations and the date of withdrawal of candidature as provided in Paragraphs (9), (10), (11) and (12) of Statute 9. For the purpose of filling nomination for election to the Court from this constituency only the electors shall be entitled to be nominated as candidates.

(2) Subject to the provisions of Paragraphs (13) and (13A) of Statute 9, the Returning Officer shall make necessary arrangement for printing of ballot papers arranged in alphabetical order according to surnames of the eligible candidates. The Returning Officer shall send the ballot boxes together with ballot papers to the

Presiding Officers appointed for the purpose of election of the student-members to the Court from the Post-Graduate Students' Constituency. The Presiding Officer shall conduct the election in accordance with the provisions laid down under paragraphs(c), (d) and (e) of Statute 11.

(3) For the purpose of counting of votes and declaration of results, the Returning Officer shall apply Paragraphs (35), (36) and (37) of Statute 9, *mutates mutandis*.

Statute 17

Election for electoral college of students of affiliated colleges:

(1) The student-members of the Court shall be elected under clause (xxii) of sub-section (1) of Section 17 of the Act by an electoral college consisting of electors to be elected from amongst the regular students, the number of electors from each affiliated college being calculated on the basis of one elector for every fifty such students or a part thereof exceeding twenty five.

(2) Immediately after receiving the order of the Vice-Chancellor under paragraph (2) of Statute 9, the Registrar shall communicate the orders of the Vice-Chancellor to the Principal of each affiliated college who shall exercise the powers and perform the functions of the Returning Officer in respect of election to the electoral college from his college. The Principal shall invite applications, within the date fixed by the Vice-Chancellor for the purpose, from amongst the regular students for enrolment as voters in the preliminary electoral roll. The Principal of each college shall, after receiving the applications for enrolment of students as voters prepare preliminary electoral roll and publish the same by posting a copy of the same in the college notice board within a date fixed for the purpose by the Vice-Chancellor. The Principal shall also by a notice posted in the notice board of the college concerned, fix a date, which shall not be later than seven days from the date of publication of the preliminary electoral roll, within which all claims and objections in respect of such electoral roll, shall be submitted to the Principal of the relevant college stating specifically in writing the grounds on which such claims and objections are made.

The Principal shall, after summary enquiry, dispose of all such claims and objections and making amendments, if necessary, publish the final electoral roll for election of electors to the electoral college and a copy of the same shall be posted on the notice board of the college concerned. Three copies of such final electoral roll shall be submitted to the Registrar who shall retain one copy of the final electoral roll for record in his office and return the other other two copies to the Principal of the college concerned after affixing his signature on each copy of the final electoral roll.

(3) Forthwith upon the publication of the final electoral roll for election to the electoral college, the Principal shall issue a notice inviting nominations of candidates for election to the electoral college and specifying the last date fixed for making nominations, the time and place at which, and the person to whom, the nomination papers are to be delivered, the date of scrutiny of nominations and the last date for withdrawal of candidature, as also the date of poll.

(4) The Principal shall, after receiving such nomination papers, scrutinize the same on the appointed day in the presence of the candidates or their authorized agents, as the case may be and publish the list of names of candidates whose nomination papers have been found valid and post a copy of such list on the notice board of the college, arranged in alphabetical order of the surnames of the candidates.

(5) A candidate whose name appears in the list, may withdraw his name in writing under his signature and deliver the same to the Principal of the college.

(6) The Principal of the college shall then arrange for printing of the ballot papers in alphabetical order according to names of the candidates whose names appear in the final list as indicated in paragraph (4) above.

(7) The Principal of the college shall then conduct the election subject to provision made under clause (a), (b), and (c) of paragraph (13) of Statute 9.

(8) A student whose name appears in the final electoral roll shall cast his vote in person in the presence of the Presiding Officer appointed by the Principal for the purpose. The polling center shall remain open from 10 A.M. to 4 P.M. As soon as the clock strikes 4-o' clock in the afternoon the gates of the polling

stations shall be closed, but the voters standing at the queue at that time shall be allowed to enter inside the polling station and cast their votes. The Presiding Officer shall not allow any voter to cast his vote if he arrives at the polling station after 4 P.M.

Every voter shall receive the ballot paper by affixing his signature in its counterfoil and record his vote in the ballot paper in accordance with the instructions contained therein and drop the same in the ballot box provided for the purpose.

(9) After the polling is over, the Presiding Officer shall prepare a statement of the number of ballot papers received, distributed and which remained unused and seal the ballot box as well as the statement in a cover in the presence of the candidates or their authorized agents as may be present. The Presiding Officer shall then hand over the ballot box together with sealed cover containing the aforesaid statement to the Principal of the college concerned.

(10) After the ballot boxes are collected under paragraph (9), the Principal shall open the ballot boxes in presence of the candidates or their authorized agents as may be present on the date fixed for counting. The Principal shall then scrutinize the ballot papers and count or cause to be counted votes recorded in the ballot papers in favour of the respective candidates. The results of the election shall be declared by the Principal and a copy of the results stating the number of votes received by each candidate shall be posted in the notice board of the college concerned. The Principal thereafter send a copy of the results so declared by him to the Registrar of the North Bengal University for his record.

Statute 18

Election of student-members of the Court from degree classes of affiliated colleges:

(1) Immediately on receipt of the result of election of students in respect of electoral college, the Registrar shall compile a consolidated list containing the names and other particulars of the electors of the students of each college which shall constitute the electoral college for the purpose of electing students of the Under-Graduate degree classes under clause (xxii) of Sub-section (1) of Section 17 of the Act relating to election of student-members of the Court.

(2) Forthwith upon compilation of the list of name of the students of the affiliated colleges who are electors of the electoral college, the Returning officer shall issue notification inviting applications calling for nomination of candidates from amongst the electors of the electoral college and specifying the date of nomination, the date of scrutiny of nominations and the date of withdrawal of candidature as provided in paragraph (9), (10), (11), and (12) of statute 9. For the purpose of filling nomination for election for the election to the court from this constituency, only electors of the electoral college shall be entitled to be nominated as candidates.

(3) The Returning Officer shall make necessary arrangement for printing of ballot papers in alphabetical order according to surnames of the eligible candidates. The Returning Officer shall send the ballot boxes together with ballot papers to the Presiding Officer at the affiliated colleges for the purpose of election of the student members to the Court.

(4) The Presiding Officer at the affiliated colleges shall conduct the election in accordance with the provisions laid down under paragraphs (c), (d) and (e) of Statute 11.

Statute 19

Election to Court from Research Scholars' Constituency:

(1) As soon as possible after receiving the order of Vice-Chancellor referred to in paragraph (2) of statute 9, the Returning Officer shall issue a notification stating the substance of the order and post a copy of the same on the Notice Board and in such other places as may be determined by the Vice-Chancellor in relation to election of one member of the court from the Research Scholars' Constituency described in clause (xxiii) of sub-section (1) of Section 17 of the Act.

(2) For the purpose of conducting election from the Research scholars constituency Returning officer shall comply with all the procedures laid down in paragraphs (3), (4), (5), (6), (7), (8), (9), (10), (11) and (12) of statute 9.

(3) Immediately after the election is over in conformity with the provisions laid down under paragraph

(c), (d), and (e) of statute 11, the Returning Officer shall count or cause to be counted the valid votes recorded in favour of the candidates who may contest the election from this constituency and declare the result after completion of counting of votes in the manner provided in paragraphs (35), (36) and (37) of statute 9 .

Statute 20

Election of non-teaching staff of the University:

(1) For the purpose of election of non-teaching staff of the University under clause (xxv) of sub-section (1) of Section 17 of the Act the Returning officer, as soon as may be, after receiving the order of the Vice-Chancellor under paragraph (2) of Statute 9, shall issue notification stating the content of the order and post a copy of such notification on the notice board of the Registrar's Office or in such other places as may be determined by the Returning Officer.

(2) After publication of the final electoral roll in accordance with the provisions under paragraphs (3), (4), (5), (6), (7) and (8) of Statute 9, the Returning Officer shall issue notification inviting nominations of candidates for election and comply with all other procedures as specified in paragraphs (9), (10), (11) and (12) of Statute 9.

(3) Subject to the provisions of Statute 10, the Returning Officer shall then conduct the election in accordance with the procedures laid down under paragraphs (c), (d) and (e) of Statute 11.

(4) After the election is held in conformity with the procedure laid down in paragraph (3) above, the Returning Officer shall count or cause to be counted the valid votes recorded in favour of the candidates for election from this constituency and declare the results after completion of counting of votes in the manner provided in paragraphs (35), (36) and (37) of statute 9.

Statute 21

Enrolment of Voters of non-teaching staff of affiliated colleges:

(1) In case of election of members to the Court under clause (xxvi) of sub-section (1) of section 17 of the Act, the Returning officer shall, immediately after receiving the order of the Vice-Chancellor as mentioned in paragraph (2) of statute 9, issue a notification and communicate the same to the principals of the affiliated colleges who shall post a copy of the same on the notice board of the college concerned for information of non-teaching staff of the college. The principal of the college shall, forthwith on receipt of the order of the vice-chancellor, invite applications for enrolment as voters from amongst the non-teaching staff of the college concerned in the preliminary electoral roll. The Principal of the college concerned shall then prepare the preliminary as well as the final electoral rolls and publish the same in the manner provided in paragraph (1) of Statute 10, relating to preparation and publication of electoral rolls of Teachers' Constituency.

(2) Forthwith upon the publication of the final electoral roll under paragraph (6) of Statute 9 by the principal of the college concerned, the Returning Officer shall issue a notice inviting nominations of candidates for election and specifying the last date fixed for nominations, the date of scrutiny of nominations, the last date for withdrawal of candidature and the date of poll, if necessary, and the time and place at which and the persons to whom, such nomination papers are to be delivered. On receipt of such notification, the principal shall post a copy of the same in the notice board of the college or in such other places as may be determined by the Returning Officer.

The Returning officer shall comply with all other procedures in this respect as provided in paragraphs (9), (10), (11) and (12) of Statute 9.

(3) For the purpose of conducting election of members to the Court from this constituency, the Returning Officer shall appoint a Presiding Officer for each college. The Returning Officer shall also appoint such other employees of the university or of the affiliated colleges as may be necessary as polling assistants for the purpose. The Returning Officer shall make necessary arrangements for transportation of the ballot boxes together with a copy of the instructions relating to rules and procedures for conducting election to each of the Presiding Officer. All other procedures relating to conduct of election in respect of non-teaching staff of affiliated colleges shall apply *mutates mutandis* as mentioned in paragraphs (c), (d) and (e) of Statute 11.

Statute 22

Election of one member by the Officers of the University:

(1) Forthwith upon the receipt of the order of the Vice-Chancellor under paragraph (2) of Statute 9, the Returning Officer shall issue a notification stating the content of the order of the Vice-Chancellor and post a copy of the same in the notice board of the Registrar's Office or in such other places as may be determined by the Vice-Chancellor for information of the persons concerned in connection with election to the Court under clause (xxvii) of sub-section(1) of section 17 of the Act.

(2) After publication of the preliminary and the final electoral rolls in accordance with the provisions under paragraphs (3), (4), (5), (6), (7) and (8) of statute 9 the Returning Officer shall issue a notice inviting nominations of candidates for the purpose of election under clause (xxvii) of sub-section (1) of Section 17 of the Act, and specifying the date for scrutiny of nominations and last date for withdrawal of candidature as well as the date of poll in compliance with the procedure laid down in paragraphs (9), (10), (11) and (12) of Statute 9.

(3) Subject to the provisions of Statute 10, the Returning officer shall conduct election in compliance with the procedures laid down in paragraphs (c), (d) and (e) of statute 11.

(4) The Returning Officer shall thereafter count or cause to be counted the valid votes in favour of the candidates concerned and declare the results by applying the provision of paragraphs (35), (36) and (37) of Statute 9 *mutatis mutandis*.

Statute 23

Election to Court by the members of the Legislative Assembly:

For the purpose of election of members of the Court from the constituency referred to in clause (xx) of sub-section (1) of Section 17 of the Act by the members of the legislative Assembly, West Bengal, the Secretary of the West Bengal Legislative Assembly shall be the Returning Officer and the election shall be held in such manner as the Returning officer may decide.

Statute 24

Recording of vote in case of physical incapacity:

If an elector is unable to record his vote on the ballot paper received by him although he is present at the polling booth because of physical incapacity such as blindness etc, he may be permitted to do so by the Presiding Officer through a person duly authorized by the elector but such vote shall be recorded in presence of Presiding Officer and the elector himself.

Statute 25

(1) No person whose name does not appear in the final electoral roll of a constituency shall be entitled to vote in that constituency.

Competency to Vote:

(2) A person whose name appears in the final electoral roll of a constituency shall be entitled to vote in that constituency only and in no other.

(3) No person shall be entitled to vote in any constituency if he is subject to any of the disqualifications mentioned in Section 35 of the act.

(4) Every elector shall have as many votes as there are persons to be elected in the constituency, but shall not have the right to record more than one vote in favour of any one candidate.

PART II

Election of members of the Executive Council under clauses (ix), (x), (xi) (a) (b) and (c) , (xii), (xiii) (a) and (b) and (xv) (a), (b) and (c) and (xvi) of sub-section (1) of Section 20, election of members of the Faculty Councils for Post-Graduate Studies under clauses (iv) (b) and (vi) of sub-section (2) of Section 22 and election of members of the Councils for Under Graduate Studies under clauses (iv), (v) and (vi) of sub-section (2), clause (iv) of Sub-Section (3) and clause (iv) of Sub-Section (4) of Section 24 of the Act.

Statute 26

Vice-Chancellor to fix dates for nomination etc.:

For the purpose of an election in any of the constituencies referred to above, the Vice-Chancellor shall, as soon as may be after the constitution of the Court or the Faculty Councils for Post-Graduate Studies or the Councils for Under-Graduate Studies, as the case may be, by order in writing fix a date or dates:

(a) On or before which nominations for election shall be submitted which shall not be earlier than seven days from the date of the order;

(b) On which scrutiny of nominations shall be made, which shall not be later than the third day from the last date for submission of nominations under clause(a);

(c) On or before which applications for withdrawal of candidature, if any, shall be submitted, which shall not be later than the third day from the date fixed under clause (b) for scrutiny of nominations;

(d) On which a meeting of members concerned of the Court or the Faculty Councils for Post-Graduate Studies, or the Councils for Under-Graduate Studies, as the case may be, shall be held for the purpose of the election, such date not being earlier than five days from the last date for withdrawal of candidature fixed under clause (c).

Statute 27

Notice calling for nomination:

Forthwith upon the receipt of an order of the Vice-Chancellor under Statute 26, the Returning Officer shall issue a notice, in such manner as the Vice-Chancellor may direct, inviting nominations, for election and specifying the last date fixed for making nominations, the date for scrutiny of nominations and the last date for withdrawal of candidature as well as the date fixed for the meeting of members concerned of the Court, the Faculty Councils for Post-Graduate Studies and the Councils for Under-Graduate Studies, as the case may be, for the intended election and the time and place at which, and the persons to whom nomination papers are to be delivered.

Statute 28

Nominations etc.:

On the issue of the notice under Statute 27, the provisions of paragraphs (9), (10), (11) and (12) of Statute 9 relating to nominations, scrutiny and withdrawal of candidature shall *mutatis-mutandis* apply.

Statute 29

Returning Officer to send list of duly nominated candidates to every elector:

The returning Officer shall, not less than seven days before the date fixed under clause (d) of Statute 24, forward to each member concerned of the Court or of the Faculty Councils for Post-Graduate Studies or the Councils for Under-Graduate Studies, as the case may be, a list of duly nominated candidates proposed for election, who have not withdrawn their candidature and shall call for a meeting of the Court or the Faculty Councils for Post-Graduate Studies or the Councils for Under-Graduate Studies as the case may be, for the election on the day fixed in this behalf under clause (d) of Statute 26.

Statute 30

Election:

(1) At the meeting of the Court or of the Faculty Councils for Post-Graduate Studies or the Councils for Under-Graduate Studies, as the case may be, the Returning Officer shall supply or cause to be supplied to each member thereof present at the meeting a ballot paper in a form approved by the Vice-Chancellor.

(2) The electors shall then, if they so wish, record their votes on the ballot so supplied, in accordance with the instructions set out in the ballot papers. The ballot papers shall then be collected by such person or persons as the Returning Officer may appoint for the purpose.

Statute 31

Counting of votes, declaration of results:

(1) After the ballot papers are collected under clause (2) of Statute 30 the Returning Officer shall proceed to scrutinize the ballot papers or cause them to be scrutinized and to count or cause to be counted the

votes recorded in favour of each candidate. The results of the election shall thereafter be declared by the Returning Officer.

(2) In the matter of scrutinizing ballot papers, counting of votes and declaring the results the procedures laid down in paragraphs (35), (36) and (37) of statute 9 shall *mutates mutandis* apply, subject, however, to the condition that in the cases of equality of votes for the last seat the person presiding at the meeting shall draw lots to choose the candidate .

Statute 32

Election of Dean:

(1) The Registrar shall, on receipt of an order of the Vice-Chancellor, convene a meeting of each of the Faculty Council for Post-Graduate Studies of which previous notice shall be given specifying the date, time and venue of the meeting for the purpose of electing the dean of the Faculty Council concerned. Fifty percent of the total number of members of the Faculty Councils for Post-Graduate Studies, to the nearest whole number, shall constitute a quorum.

(2) In case there is no quorum at the meeting of the Faculty Councils for Post-Graduate Studies for election of the Dean thereof, or if such meeting is adjourned for any reason a fresh meeting or the adjourned meeting, as the case may be, shall be held on such date and such time and place as may be fixed in this behalf by the Vice-Chancellor.

(3) At a meeting for the election of a Dean, the Chairman shall invite nominations for election in a form prepared by the Registrar in this behalf containing the signature of the candidate and the proposer. However, no member shall submit such nomination in favour of more than one person. Nominations submitted otherwise than in accordance with the provisions hereof shall be rejected by the Chairman. If a member nominated for election declines in writing to stand for election, his name shall be omitted from consideration. If there is only one valid nomination, the Chairman shall declare him elected.

(4) In the event of a contest, the Chairman shall announce the names of duly nominated candidates. Thereupon the members of the Faculty Council for Post-Graduate Studies shall record their votes each by writing the name of one, and not more than one of the duly nominated candidates on a voting paper to be kept with the Chairman for the purpose.

(5) When the voting is complete the Chairman shall cause the votes to be counted.

(6) The candidate securing the largest number of votes shall be declared duly elected provided that in the event of an equality of votes the choice between the candidates securing such equal number of votes shall be made by the Chairman by drawing lots.

(7) Any dispute with respect to nomination, eligibility of nomination, voting or counting of votes relating to the election of a Dean of a Faculty Council for Post-Graduate Studies shall be referred to the Vice-Chancellor and his decision thereon shall be final.

Statute 32A.

Election of members of Boards of Studies:

(1) For the purpose of election of members of Boards of Studies attached to a Council for undergraduate studies and Faculty Council for post-graduate studies the Vice-Chancellor shall, by order in writing, fix a date, which shall not be earlier than fifteen days from the date of the order, for a meeting of the members of the Council concerned (hereinafter in this Statute referred to as electors) and also the time and place for such meeting and the Registrar shall, on receiving such order, send to the electors at least twelve days before the date of the meeting a notice intimating the date, time and place fixed for the meeting and calling for the nomination of persons belonging to the different categories referred to in Statute 9, Statute 11, Statute 13, Statute 15, Statute 17 and Statute 18 of the Statutes relating to the constitution, powers and duties of the authorities of the University for election to the different Boards attached to the Council and Faculty Council. Together with such notice the Registrar shall forward to each elector a list of the Boards attached to the Council for which members are to be elected at the meeting specifying in each the number of members belonging to each such category to be elected to such Board.

(2) On receipt of the notice referred to in paragraph (1) the electors who wish to nominate candidates for election shall make nomination in a form prepared by the Registrar and approved by the Vice-Chancellor in this behalf, which shall be obtainable from the Registrar's office, and forward the same to the Registrar so as to reach him not later than five days before the date fixed for the meeting referred to in paragraph (1):

Provided that no elector shall be entitled to nominate more than one person for election to a Board in any Particular category.

(3) A candidate nominated as aforesaid may withdraw his candidature by a notice in writing delivered to the Registrar not less than three days before the date of the meeting.

(4) The Registrar shall, after scrutiny, prepare a list of the duly nominated candidates for election to a Board, who have not withdrawn their candidature.

(5) At the meeting of the electors referred to in paragraph (1), the Vice-Chancellor shall preside and the Registrar shall circulate to the electors copies of the list of the duly nominated candidates who have not withdrawn their candidature and if the number of candidates so nominated in any of the categories referred to in Statute 9, Statute 11, Statute 13, Statute 15, Statute 17 and Statute 18 of the Statutes relating to the constitution, powers and duties of the authorities of the University be —

(a) less than the number of members to be chosen in such category, the Vice Chancellor shall declare all the persons, whose names are so proposed, duly elected and the remaining seats in the category shall be deemed to be vacant for the purpose of sections 38 and 39 of the Act;

(b) equal to the number of members to be so chosen in such category, the Vice-Chancellor shall declare all the persons, whose names are so proposed, duly elected;

(c) greater than the number of members to be so chosen in such category, a poll shall be taken by ballot, and persons securing the largest number of valid votes shall, upto the number of members to be chosen in such category be declared by the Vice-Chancellor to be duly elected. In the event of an equality of votes in respect of the last seat to be filled in any category, the choice between the candidates securing such equal number of votes shall be made by the Vice-Chancellor by drawing lots.

(6) In cases where a poll is necessary, copies of the list of duly nominated candidates circulated to the electors under paragraph (4) shall serve as the ballot papers, and an elector shall, if he so wishes, record his vote by putting a (x) cross mark on such ballot paper against the name of the candidate for whom he wishes to vote. The Registrar shall cause the ballot papers to be elected and after scrutiny shall count or cause to be counted the valid votes polled in favour of each candidate.

(7) For the purpose of the election, every elector shall have as many votes as there are seats to be filled, but no elector shall cast more than one vote in favour of any one person. A ballot paper shall be invalid for any of the reasons enumerated in sub-paragraph (c) of paragraph (36) of Statute 9.

PART III* **FILLING OF CASUAL VACANCIES**

Statute 33

Election to fill casual vacancy in any authority:

(1) A casual vacancy in the office of an elected member of any authority of the University shall be filled by that authority by election at a meeting to be convened for the purpose by the Registrar on date not later than three months from the date of vacancy and at such time and place as the Vice-Chancellor may appoint in this behalf, provided that at least seven days notice of such meeting shall be given to the members of the authority concerned.

(2) At the meeting of the authority so convened, members thereof may propose names of persons representing the interest which the member whose seat has become vacant represented. Each such proposal must be seconded by another of the authority concerned.

(3) If the number of persons proposed for election to the authority be less than or equal to the number of members to be elected, the Chairman shall declare all persons so proposed duly elected. If the

number of persons proposed for election exceeds the number of members to be elected, a poll shall be taken in such manner as the Chairman may decide and the persons securing the largest number of votes shall be declared by the Chairman duly elected. In the case of equality of votes in respect of the last seat to be filled, the Chairman shall decide the issue by drawing lots.

(4) Any casual vacancy in the office of a nominated member of any authority of the University shall be filled within a period of three months from the date of occurrence of such vacancy.

Statute 34

Decision of questions of eligibility of nomination or election etc.:

(1) Subject to the provisions of Section 40 of the Act and save as otherwise provided in paragraph (2) the Returning Officer shall decide all questions of eligibility for inclusion of any name in an electoral roll or for nomination or election or whether any person has been duly nominated or elected and all other questions relating to or arising in the course of any election.

(2) Subject to the provisions of Section 40 of the Act in the case of an election under Statute 33 questions of eligibility for nomination or election or whether any person has been duly nominated shall be decided by the Registrar and questions as to whether any person has been duly elected and all other questions relating to or arising in the course of the election shall be decided by the Chairman of the meeting at which the election is held.

(3) All disputes or objections relating to an election shall be made in writing and shall be forwarded to the Registrar so as to reach him not later than seven days after the declaration of the results of the election.

Statute 35

Registrar to maintain file of approved forms and other necessary papers:

(1) The Registrar shall prepare, in conformity with these Statutes such forms and papers as may be necessary for inviting nominations of candidates for election, nomination papers, notices of withdrawal of candidature, ballot papers, letters of information and envelopes for the return of ballot papers and other necessary papers for the conduct of any election and after the forms have been approved in writing by the Vice-Chancellor, they shall be used as approved forms for conducting elections.

(2) The Registrar shall maintain a file of forms referred to in paragraph (1) together with the orders of approval of the Vice-Chancellor.

Statute 36

Power of the Vice-Chancellor to postpone date:

Notwithstanding anything to the contrary elsewhere contained in these Statutes the Vice-Chancellor may, at any time, cancel any date or dates fixed in connection with any election, and fix such later date or dates instead thereof as he may think fit.

Statute 37

Vice-Chancellor to give necessary directions for the proper holding of elections:

If on account of any lacuna or omission in the provisions of these Statutes or for any other reason whatsoever, any difficulty arises as to the holding of any election under the Statutes, or otherwise in giving effect to the provisions of these Statutes, the Vice-Chancellor, as occasion may require, may, notwithstanding anything to the contrary contained elsewhere in these Statutes, give such directions, not inconsistent with the provisions of the Act or any law for the time being in force, as he may think fit for the purpose of removing the difficulty.

Statute 38

For the purpose of these Statutes the Faculty Councils for Post-Graduate Studies in Arts and Commerce and in Science comprise the following departments:-

A. Arts and Commerce:

(i) Bengali, (ii) Economics, (iii) English, (iv) History, (v) Nepali, (vi) Philosophy, (vii) Political Science, (viii) Sociology and Social Anthropology, (ix) Commerce and (x) Centre for Himalayan Studies and such other departments of studies as may be brought under the purview of this faculty Councils.

B. Science:

(i) Chemistry, (ii) Geography and Applied Geography, (iii) Mathematics, (iv) Physics and (v) Centre for Life Science, and such other departments of studies as may be brought under the purview of these Faculty Councils.

Statute 39

Election Statutes:

The Constituent College as defined in clause (3) of Section 2 of the Act shall mean the following colleges:

(i) Darjeeling Government College, Darjeeling and such other College as may be declared as such by the University on fulfillment of conditions laid down in the Act.

Statute 40

The professional colleges as defined in clause (16) of Section 2 of the Act shall mean the following colleges:

(i) The Sikkim Government Law College, Gangtok, (ii) The Jalpaiguri Law College, Jalpaiguri, (iii) The Ananda Chandra Training College, Jalpaiguri (iv) Sri Rama Krishana B.T. College, Darjeeling, (v) The Government Teachers' Training College, Malda (vi) The University B.T. & Evening College, Cooch Behar and such other Colleges where instruction may be provided for courses of study in any professional subjects leading to a Degree, Diploma and Certificate.

Statute 41

Government Colleges as defined in clause (8) of Section 2 of the Act shall mean the following Colleges:

- (i) Darjeeling Government College, Darjeeling.
- (ii) Government Teachers' Training College, Malda.
- (iii) Acharyya Brojendranath Seal College, Cooch Behar.
- (iv) And such other Colleges as may be established, maintained and managed by the State Government.

Statute 42

Constitution of the Election Tribunal:

The Chancellor shall constitute a one-man election Tribunal under Section 40 of the Act with a person belonging to the West Bengal Higher Judicial Service of not less than 10 years' Standing or a retired Judge of the Calcutta High Court.

Statutes relating to Meetings of the Court

CHAPTER I PRELIMINARY

Statute 1

Short title and commencement:

- (1) These Statutes may be called the Statutes relating to meetings of the Court.
- (2) They shall come into force at once.

Statute 2

Interpretation:

Unless the context otherwise requires, words and expressions used in these Statutes shall be interpreted to have the same meaning as they have in the Act.

CHAPTER II MEETINGS OF THE COURT

Statute 3 deleted

Statute 4

- (1) deleted.

Meetings on requisition:

- (2) For the purpose of a meeting in terms of sub-section (3) of section 19 of the Act, a requisition shall be accompanied by a copy of the motion or motions to be moved at the meeting together with the name of the proposer of each motion.

Statute 5

Notice of ordinary meeting:

Not less than 15 days' notice shall be given to the members of the date of every ordinary meeting of the Court.

Statute 6

- (1) Not less than 10 days before the date fixed for an ordinary meeting, the Registrar shall send to each member an agenda paper.

- (2) No matter other than what is included in the agenda paper and the supplementary agenda paper, if any, issued under Statute 11 of these Statutes shall be considered at the meeting;

Provided that the Vice-Chancellor shall have the power in a case of urgency to bring any other matter before the meeting.

Statute 7

Notice of meeting on requisition and issue of agenda paper:

- (1) Subject to the provisions of the Act, not less than 10 days' notice shall be given to the members of the date fixed for a meeting on requisition.

- (2) Along with such notice, an agenda paper shall be sent to each member.

- (3) No matter other than what is included in the agenda paper shall be considered at the meeting.

CHAPTER III MOTIONS AND AMENDMENTS

Statute 8

Notice of motions:

Any member who wishes to move a motion at a meeting of the Court shall give notice of such motion

by forwarding a copy thereof to the Registrar so as to reach him not less than 12 days before the date of meeting.

Statute 9

Conditions for admission of a motion:

(1) No motion shall be admitted by the Vice-Chancellor or allowed to be moved at a meeting of the Court unless it complies with the following conditions:

- (a) due notice has been given as prescribed in the Statute 8 of these Statutes;
- (b) it shall be clearly and precisely expressed and raise substantially only one definite issue;
- (c) it shall not raise any issue which does not come wholly within the purview of the Court;
- (d) it shall not contain any arguments, inferences, ironical expressions or defamatory statements;
- (e) it shall not refer to character or conduct of any person except in his capacity as an Officer or employee of the University;
- (f) it shall not refer to any matter which is pending before a Court of Tribunal or, unless the Vice-Chancellor so decides for sufficient reasons, before any authority of the university;
- (g) it shall not call into question the powers of the Chancellor; and
- (h) it shall not be inconsistent with or prejudicial to the interests of the University.

(2) If a motion fails to comply with any of the conditions referred to in paragraph (1), the Vice-Chancellor shall refuse to admit it or to allow it to be moved in a meeting.

(3) Every motion which complies with the conditions referred to in paragraph (1) shall be admitted and allowed to be moved in the meeting. The decision of the Vice-Chancellor in:

- (a) admitting any motion, or
- (b) refusing to admit it or
- (c) allowing it to be moved, or
- (d) disallowing it to be moved shall be final.

(4) When the Vice-Chancellor refuses to admit a motion under paragraph (2), the Registrar shall intimate the fact to the member who gave notice of the motion, but shall not be bound to intimate the reason for such refusal.

Statute 10

Notice and admission of amendments for ordinary meeting:

(1) Any member who desires to move an amendment to a motion included in the agenda paper relating to an ordinary meeting shall forward a copy of such amendment to the Registrar so as to reach him not less than four days before the date fixed for the meeting.

- (2) No amendment shall be admitted or allowed to be moved at the meeting
- (a) of which due notice has not been given as prescribed in paragraph (1), or
 - (b) which is in effect a direct negative to the original motion, or
 - (c) which is not relevant to the original motion, or
 - (d) which substantially raises a question already disposed of by the meeting or is inconsistent with any motion already passed by it, or
 - (e) which fails to comply with any of the conditions referred to in paragraph (1) of Statute 9 of these Statutes.

(3) Every amendment which complies with the provisions of the Statute shall be admitted and allowed to be moved in the meeting. The decision of the Vice-Chancellor in admitting any amendment or refusing to admit it or disallowing it to be moved shall be final.

(4) When the Vice-Chancellor refuses to admit an amendment, the Registrar shall intimate the fact to the member who gave the notice of the amendment but shall not be bound to intimate the reason for such refusal.

(5) An amendment, the substance of which has already been disposed of in part, may be modified by its proposer in the meeting so as to retain only the part not so disposed of.

Statute 11

Supplementary agenda paper for ordinary meeting:

The Registrar shall send to each member supplementary agenda paper containing such of the motions or amendments as have been admitted under paragraph (3) of Statute 9 and paragraph (3) of Statute 10 of these Statutes.

Statute 12 Omitted.

Statute 13 Omitted.

**CHAPTER IV
GENERAL RULES OF PROCEDURE**

Statute 14

Chairman:

The Chancellor, or, in his absence, the Vice-Chancellor shall preside at meeting of the Court. If both the Chancellor and Vice-Chancellor are absent at any meeting, the member present at the meeting shall elect one of themselves to be the Chairman of the meeting.

Statute 15

(1) deleted.

(2) Subject to the provisions of section 19 of the Act if there is no quorum at the time appointed for the meeting, the meeting shall be held as soon as there is a quorum but not later than one hour from the time so appointed.

(3) If any time during the progress of a meeting, any member calls attention to the fact that there is no quorum, the meeting shall forthwith be suspended for such time as may be considered necessary by the Chairman to secure a quorum, or, if the Chairman so decides, shall be adjourned to a subsequent date. Such suspension or adjournments shall be recorded in the minutes of the meeting.

(4) Deleted.

(5) No quorum shall be necessary for a meeting which has already been adjourned once for want of a quorum. A fresh notice shall be necessary for such adjourned meeting.

Statute 16

Business at an adjourned meeting:

(1) No matter shall be considered at an adjourned meeting other than the matters left over at the meeting at which the adjournment took place; provided that the vice-Chancellor may, with or without notice, bring before an adjourned meeting any new matter which in his opinion is urgent.

(2) Save as aforesaid, it shall not be necessary to give any fresh notice in respect of an adjourned meeting.

**CHAPTER V
ORDER OF BUSINESS**

Statute 17

Order of business:

At every meeting of the Court, matters shall be taken up for consideration in the following order:

- (a) election of Chairman (if necessary);
- (b) confirmation of the minutes of the previous meeting;
- (c) matters proposed
 - (i) by the Executive Council
 - (ii) by the Vice-Chancellor
 - (iii) deleted

- (iv) by the members of the Court; and
- (d) any other matter, provided that the Chairman may, if contingency so requires, change the order of business.

CHAPTER VI

MOTIONS AND AMENDMENTS THAT MAY BE MOVED WITHOUT NOTICE

Statute 18

Motions that may be moved without notice:

(1) Notwithstanding the provisions of Statute 8 of these Statutes, no previous notice shall be required in respect of:

- (a) a motion to change the order of business as stated in the agenda paper; or
- (b) a motion to adjourn the debate; or
- (c) a motion to adjourn the meeting; or
- (d) a motion to dissolve the meeting; or
- (e) a motion to refer any matter placed before the meeting to any other authority of Committee for consideration and report; or
- (f) a motion to remit any matter to an authority or Committee for reconsideration of its decision, report or recommendation which has been placed before the meeting; or
- (g) a motion to pass on the next item of business; or
- (h) a motion to appoint a committee to consider any matter placed before the meeting; or
- (i) a motion that the question be put; or
- (j) a motion moved under Statute 20 of these Statutes except a motion relating to the conferment of an honorary degree.

(2) No such motion as enumerated in paragraph (1) shall be moved except with the permission of the Chairman.

(3) A motion to appoint a committee under clause (h) of paragraph (1) may include directions to the committee and shall specify a date within which a report shall be submitted by the committee to the Court. Whenever any such committee is appointed one third of the total number of members of such committee plus one shall be a quorum for a meeting of the committee and its Chairman must be present at every meeting.

(4) Save in the case of motions moved under clauses (c) to (i) of paragraph (1), no member except the mover shall be entitled to speak.

Statute 19

Amendments that may be moved without notice:

An amendment to a motion may be moved without previous notice only in the following cases and in no other:

- (a) an amendment to a motion moved under clause (h) of paragraph (1) of Statute 18 of these Statutes;
- (b) an amendment to a motion brought before the meeting by the Vice-Chancellor under paragraph (2) of Statute 6 of these Statutes; and
- (c) an amendment of a purely verbal or formal nature, if leave is given by the Chairman in that behalf.

Statute 20

Motions from the Chair:

Motions relating to the conferment of honorary degrees, votes of thanks, messages of congratulation or condolence, addresses and other matters of like nature may be moved from the Chair.

Statute 21

Correction of clerical mistakes etc.:

The Chairman may without a formal motion correct any clerical or accidental mistake or slip in any paper relating to any matter placed before a meeting.

Statute 22

When a member can speak:

- (1) A member who desires to speak shall rise in his place and address the Chairman only.
- (2) When a member rises to speak, his name shall be called out by the Chairman and he shall not be entitled to speak until his name has been so called out.
- (3) If more members than one rise at the same time, only the member whose name is called out by the Chairman shall be entitled to speak.

Statute 23

Speech to be relevant:

- (1) Every speech must be relevant to the matter under consideration.
- (2) The Chairman may direct any member to discontinue his speech if the speakers' argument becomes offensive, embarrassing, scandalous or irrelevant.

Statute 24

A member entitled to one speech only:

- (1) Save in exercise of a right of reply, a member shall not be entitled to speak more than once on the same matter.
- (2) A member may, with the permission of the Chair, make a statement on any matter arising out of the debate.

Statute 25

One member only to speak at a time:

No member shall rise to speak while another member is speaking; provided that a member may, with the permission of the Chairman, rise even while another member is speaking, to explain any expression used by himself which may have been misunderstood by the speaker, but in every such case he shall confine himself strictly to such explanation.

Statute 26

Chairman to have precedence:

If the Chairman rises to speak, any member speaking or about to speak, shall sit down at once.

Statute 27

No member shall, except with the permission of the Chair, speak for more than seven minutes when moving a motion or amendment, or for more than five minutes when speaking to a motion or amendment, or replying to a debate.

Statute 28

Point of order:

- (1) Any member may call the Chairman's attention to a point of order, even while another member is speaking, but no speech shall be made on such point of order.
- (2) The Chairman shall be the sole judge of any point of order, and may call any member to order, and shall have all powers necessary to enforce his decisions on all points of order.

Statute 29

Chairman's privileges:

The chairman may at any stage of the proceedings, at his discretion, or at the request of a member, explain the scope or effect of any motion or amendment which is before the meeting.

Statute 30

Absence of mover:

Any motion standing in the name of a member who is absent from the meeting may be moved by any other member present; provided that a motion that has been withdrawn cannot be so moved.

Statute 31

Seconding and withdrawal of motions:

- (1) Every motion which is moved must be seconded. In case it is not seconded, it shall lapse.

(2) A motion may be withdrawn by the mover at any time before it is moved; and when it has been withdrawn, all amendments of the motion shall lapse.

Statute 32

Motions out of order:

A motion may be ruled out of order by the Chairman at any time before it is put to vote.

Statute 33

Amendments to motions:

(1) After a motion has been seconded, any member may move an amendment thereto if the Vice-Chancellor has admitted such amendment or allowed it to be moved.

(2) If there be more than one amendments to a motion of which previous notice has been given, the Chairman shall determine the order in which the amendments are to be moved.

(3) Any amendment standing in the name of a member who is absent from the meeting may be moved by any other member present; provided that an amendment that has been withdrawn cannot be so moved.

Statute 34

Amendments to be seconded:

Every amendment which is moved must be seconded. In case it is not seconded, it shall lapse.

Statute 35

Withdrawal of amendments:

An amendment may be withdrawn by the mover at any time before it is moved.

Statute 36

Amendments out of order:

An amendment may be ruled out of order by the Chairman at any time before it is put to vote.

Statute 37

General debate:

After the amendment or amendments have been moved and seconded, a general debate shall follow on the motion and the amendments.

Statute 38

Voting on amendments and motion:

When the debate is concluded, the Chairman may if he so desires, sum up the debate and shall put the amendment or amendments to vote. If any amendment or amendments are carried, the motion as amended shall be stated by the Chairman and then put to vote. If no amendment is carried, the original motion shall be put to vote.

**CHAPTER VIII
VOTING**

Statute 39

Decision of majority of votes:

(1) All matters placed before a meeting shall be decided by a simple majority of votes of the members present and voting unless a particular majority is required by the Act or the Statutes.

(2) Deleted.

Statute 40

Voting to be by show of hands:

(1) After putting any question to vote the Chairman shall call for an indication to the opinion of the Court by a show hands, first in the affirmative and then in the negative and shall declare the result accordingly.

(2) If any member so demands, the names of the members who vote for or against the motion as well as the names of those who abstain from voting shall be recorded in the minutes.

CHAPTER IX PROTESTS

Statute 41

After a decision by the majority is arrived at in any matter in accordance with the provisions of paragraph (1) of Statute 39 and paragraph (1) of Statute 40, if a member dissenting from such decision requests the Chairman to have his dissent in writing with grounds thereof recorded in the minutes, the Chairman may order such note of dissent to be recorded subject to the provision of paragraph (2) of Statute 42.

CHAPTER X MINUTES

Statute 42

Minutes:

(1) within ten days after every meeting of the Court, a draft of the minutes of such meeting shall be submitted by the Registrar to the Chairman. After the Chairman has approved and attested the same, a copy of the draft minutes shall be forwarded to each member. Any member who was present at the meeting may, within a week of the issue of the draft minutes, communicate to the Registrar any exceptions he may take to the correctness thereof. The draft minutes and the exceptions taken, if any, shall be laid for consideration before the next meeting of the Court and the minutes in their final form shall then be confirmed.

(2) The Vice-Chancellor shall have the right to expunge from the minutes any expression which he considers objectionable or the publication of which is in his opinion, not in interests of the University.

(3) Once every 12 months or at such other interval as the Court may determine, the Executive Council shall cause the final minutes of the meetings of the Court held within the period to be circulated to each member of the Court.

CHAPTER XI

Statute 43

Reconsideration of decision:

No matter which has been decided by the Court shall be reconsidered within a period of 12 months from the date of such decision except at a special meeting convened for the purpose.

Statute 44 Deleted

Statute 45

(1) Deleted.

(2) The Chairman may, in case of grave disorder occurring at a meeting, adjourn the meeting sinedie or to a specified date or dissolve the meeting.

Statute 46

Decisions of University by circulation:

If the Vice-Chancellor considers it necessary or expedient, he may obtain a decision of the Court on any matter by circulation. In every such case a notice of the motion or proposal on which the decision of the Court is sought shall be circulated to every member of the Court along with an explanatory memorandum. A member may within 10 days of such notice communicate to the Registrar his acceptance of otherwise of the motion or proposal. Such motion or proposal will be deemed to have been adopted by the Court if

(a) the number or members who have communicated their views is not less than one third of the total number of members of the Court plus one.

(b) the majority of such members have expressed their acceptance of the motion or proposal.

Statute 47

Rulings and interpretations by Chairman:

(1) In any case not provided for by these Statutes, the Chairman may give a ruling as to the procedure to be followed which is not inconsistent with the Act or these Statutes.

(2) Save as otherwise provided, in case of any dispute or difference of opinion in a meeting, the Chairman's interpretation of any provision of the Act or the Statutes shall be binding.

Statute 48

Safeguard against invalidation of proceedings:

No proceedings of a meeting of the Court shall be invalidated merely by reason that any member has not received a notice or agenda paper provided it has been only issued.

Statutes relating to the Appointments, Powers and Duties of the Officers of the University other than the Vice-Chancellor

Statute 1

- (1) These Statutes may be called the statutes relating to officers of the University.
- (2) They shall come into force on such date as the State Government may appoint under sub-section (5) of section 57 of the Act.

Statute 2

Unless the context otherwise requires, words and expressions used in these Statutes shall be interpreted to have the same meaning as they have in the Act.

Statute 3

The following persons in the service of the University are declared to be officers of the University under clause (iv) of section 7 of the Act:

- (i) The Inspector of College;
- (ii) The Controller of Examinations;
- (iii) The Librarian;
- (iv) The University Engineer;
- (v) The Medical Officer;
- (vi) The Audit and Accounts Officer;
- (vii) The Deputy Registrar;
- (viii) The Deputy Controller of Examinations;
- (ix) The Deputy Librarian;
- (x) The Development Officer;
- (xi) Secretary to the Faculty Council for post-graduate studies in Arts and Commerce;
- (xii) Secretary to the Faculty Council for post-graduate studies in Science;
- (xiii) Secretary to the Council for undergraduate studies in Art, Science, Commerce and Law;
- (xiv) Secretary to the Council for undergraduate studies in Engineering and Technology;
- (xv) Secretary to the Council for undergraduate studies in Medicine;
- (xvi) The Senior Scientific Officer (USIC);
- (xvii) The Assistant Registrar;
- (xviii) The Assistant Controller of Examinations;
- (xix) The superintendent of the University Press;
- (xx) The Assistant Medical Officer;
- (xxi) The Assistant Librarian;
- (xxii) The Assistant Engineer;
- (xxiii) The Officer-in Charge of Watch and Ward;
- (xxiv) The Electro-Instrumentation Officer (Chemistry);
- (xxv) The Micro-Analyst;
- (xxvi) The Documentation Officer;
- (xxvii) The Programmer;
- (xxviii) Such other Officers as may be appointed by the Executive council in substantive posts created with approval of the State Government.

Statute 4

- (a) Save as otherwise provided in the Act and the Statutes or the Ordinances, the scales of pay and allowances of the officers shall be such as may be determined by the Executive Council from time to time with the approval of the State Government.

(b) An officer of the University shall be entitled to such leave as may be admissible to him under the rules made by the Executive Council in this behalf unless the terms of contract of his office provide otherwise.

(c) Every officer of the University shall be subject to such disciplinary rules as the Executive Council may make in this behalf.

(d) Every officer of the University shall be entitled to such compensatory allowances as may be prescribed by rules to be made in that behalf by the Executive Council.

(e) No whole-time salaried officer of the University shall accept any employment or engagement, with or without remuneration other than that of his office except with the previous permission of the executive Council or the Vice-Chancellor.

(f) Subject to the provisions of the act and the terms of retirement as may be provided in a contract of service in any particular case and the order issued by the State Government from time to time, every officer of the University shall retire from the afternoon of the last day of the month in which he attains the age of sixty years.

(g) An officer of the University shall possess such qualifications as may be prescribed by the Executive Council with the approval of the state Government.

(h) When a post of an officer is created for the first time or when a Vacancy arises in any such post, the post shall be advertised and application invited.

(i) No officer of the University shall apply for any appointment or any scholarship, fellowship or research grant tenable otherwise than in the University except with the previous approval of the Vice-Chancellor.

(j) The Registrar shall maintain and keep up-to-date an Age Register for all the officers of the University in which he shall enter —

(a) the name of every officer of the University;

(b) the date of his birth;

(c) the date of this first appointment as an officer;

(d) his age on the date of such appointment;

(e) the date on which he is due to retire; and

(f) remarks, if any;

(g) career Advancement and Promotion of officers of the university shall be regulated in terms of Government orders (clause of came into force on 2/2/02)

Statute 5

(a) The duties of the **Registrar** shall, subject to the provisions of sections 12 and 15 of the Act, be as follows:

(i) to be the Secretary to such authorities, bodies or committees of the University as may be specifically prescribed by Statutes or ordinances;

(ii) to be responsible for preparation and dispatch of the agenda, maintenance of the minutes of the meetings of the Court, the Executive Council and such other authorities, bodies and committees of the University of which the Registrar is the Secretary;

(iii) to be the custodian of the records and the common seal, subject to the provisions of clause (XXV) of section 21 of the Act;

(iv) to conduct all official correspondence on behalf of the University and of the Court, the Executive Council and such other authorities, bodies or committees as may be directed by the Vice-Chancellor, except as may be provided otherwise by Statutes or Ordinances;

(v) to conduct elections to all authorities or bodies of the University as may be prescribed by statutes and act as the Returning Officer for conducting such elections unless otherwise provided in the relevant Statutes relating to holding of such elections;

(vi) to be responsible for the maintenance of service records of officers, teachers and other employees of the University;

(vii) to take necessary steps in respect of appointment to all categories of post of officers, teachers and non-teaching staff of the University and conduct all correspondence pertaining there to on behalf of the University;

(viii) to take necessary steps under the direction of Vice-Chancellor and the Executive Council for execution of plans for development and improvement of higher education as may be recommended by the State Government, the University Grants Commission or the Ministry of Education of the Government of India;

(ix) to exercise such powers as the Vice-Chancellor may, with the approval of the Executive Council, delegate to the Registrar; and

(x) to perform such other work as may be prescribed by the Executive Council from time to time and generally to render such assistance as may be required by the Vice-Chancellor in the performances of his official duties.

(b) The Registrar may delegate any of his functions or duties to the Deputy Registrar, the Assistant Registrar or any other officer under his administrative control, with the approval of the Vice-Chancellor. A record shall be kept of every such delegation of functions and duties.

(c) Subject to the authority of the Vice-Chancellor, the Registrar shall have the power of supervision and control over all officers and employees serving in the departments under his charge.

Statute 6

(a) The functions and duties of the **Finance Officer**, shall, subject to the provisions of sections 14 and 15 of the Act, be to act as member-secretary to the Finance Committee and to provide the Committee with the following:

(i) an abstract of the estimated receipt and expenditure of the University on different accounts;

(ii) annual statement of accounts of the previous financial year;

(iii) the annual Financial Estimates of the ensuing financial year;

(iv) draft financial and accounts rules for the approval of the Finance Committee.

(b) The Finance Officer shall ensure regular maintenance of stock registers, and other relevant records of the Finance Department.

(c) The Finance Officer shall ensure annual physical verification of all the items of equipments and apparatus of the University entered in the stock registers.

(d) The Finance Officer shall be responsible for the purchase of all articles including stationery, laboratory apparatus and equipments and other machinery as may be required by the University, subject to such orders as may be passed by the Vice-Chancellor.

(e) The Finance Officer shall perform such other work as may from time to time be prescribed by the Executive Council or directed by the Vice-Chancellor in the administration of the funds, the finance and the properties and assets of the University and trusts and endowments, and in any other activities aiming at raising funds for the purpose of the University and augmenting the resources of the University and, save as otherwise prescribed by statutes, shall sign on behalf of the University all agreements and contracts as approved by the Executive Council or the Vice-Chancellor.

(f) Subject to the authority of the Vice-Chancellor, the Finance Officer shall have the power of supervision and control over all officers and employees serving in the departments under his charge.

(g) The Finance Office may, with the approval of the Vice-Chancellor, assign duties and functions to the Audit and Accounts Officer or any officer serving in the department under his charge. A record shall be kept of any such assignment.

Statute 7

(a) The **Inspector of Colleges** shall be a whole-time officer of the University appointed by the Executive Council on the recommendation of a standing Committee, the procedure and method of such selection being in accordance with the provisions of the Ordinances made for the purpose.

(b) The duties of the Inspector of Colleges shall be—

- (i) to ensure the implementation of the prescribed terms and conditions of affiliation and disaffiliation of colleges and institutions recognized by the University;
- (ii) to examine and submit reports in respect of recognition and withdrawal of recognition from colleges and institutions as constituent or professional colleges or institutions;
- (iii) to report on colleges and institutions as have applied for affiliation or recognition;
- (iv) to inspect colleges and other recognised institutions, and to prepare for submission before the Council for undergraduate studies or the Vice-Chancellor reports and to maintain records in relation thereto;
- (v) to act as member-secretary to the Board of Residence and Discipline and to provided the Board with draft reports and rules for its consideration;
- (vi) to make such other reports and perform such other duties as the Executive Council or the Vice-Chancellor may require him to do.

(c) The Inspector of Colleges shall act under the supervision, direction and general control of the Vice-Chancellor.

(d) Subject to the authority of the Vice-Chancellor, the Inspector of Colleges shall have the power of supervision and control over all officers and employees serving in the department under his charge.

(e) The Inspector of Colleges may, with the approval of the Vice-Chancellor, assign duties and functions to any officer serving in the department under his charge. A record shall be kept of any such assignment.

Statute 8

(a) The **Controller of Examinations** shall be a whole-time officer of the University appointed by the Executive Council on the recommendation of a Standing Committee, the procedure and method of such selection being in accordance with the provisions of the Ordinances made for the purpose.

(b) The Controller of Examinations shall be in charge of examination section and shall assist the Faculty Councils for post-graduate studies and the Councils for undergraduate studies for the proper conduct of all University examinations and publication of results thereof, and shall perform such other duties as the Executive Council or the Vice-Chancellor may require him to do.

(c) The Controller of Examinations shall act under the supervision, direction and general control of the Vice-Chancellor.

(d) Subject to the authority of the Vice-Chancellor, the Controller of Examinations shall have the power of supervision and control over all officers and employees serving in the departments under his charge.

(e) The controller of Examinations may, with the approval of the Vice-Chancellor, assign duties and functions to the Deputy Controller of Examinations and the Assistant Controller of Examinations or any other officer under his administrative control. A record shall be kept of any such arrangement.

Statute 9

(a) The **Librarian** shall be a whole-time officer of the University appointed by the Executive Council on the recommendation of a Standing Committee, the procedure and method of such selection being in accordance with the provisions of the Ordinances made for the purpose.

(b) The Librarian shall be the custodian of books, periodicals and other reading materials acquired from time to time in the University Library and shall be responsible for maintenance of accession register, cataloguing, classification and other such technical processing of books periodicals and other reading materials of the Library.

(c) The Librarian shall act as Secretary to the Library Committee and shall, as and when required by the said Committee: —

- (i) Purchase books, periodicals, and other reading materials for the University departments and the University library as per procedure to be fixed by the Library Committee;
- (ii) do everything necessary for the management and administration of the Library; and
- (iii) perform such other duties as may be assigned to him by the Vice-Chancellor or the Executive

Council.

(d) The Librarian shall act under the supervision, direction and general control of the Vice Chancellor.

(e) Subject to the authority of the Vice-Chancellor, the Librarian shall have the power of supervision and control over all officers and employees serving in the department under his charge.

(f) The Librarian may, with the approval of the Vice-Chancellor, assign duties and functions to the Deputy Librarian, Assistant Librarian or any other officer serving in departments under his charge. A record shall be kept of any such assignment.

Statute 10

(a) The **University Engineer** shall be a whole-time officer of the University appointed by the Executive Council on the recommendation of a Standing Committee, the procedure and method of such selection being in accordance with the provisions of the Ordinances made for the purpose.

(b) The university Engineer shall have general control of the Engineering Department of the University and shall be responsible for the preparation of estimates and supervision of all constructions, maintenance and repairs as well as for the verification of all bills for labour and contracts, and for maintaining drawings, instruments, measurement books, log books and record in a proper and efficient manner. He shall sign contracts and agreements on behalf of the University in connection with all construction, maintenance and repairs as approved by the Building Committee or the Vice-Chancellor. He shall perform such other duties as may be assigned to him by the Executive Council or the Vice-Chancellor.

(c) The University Engineer shall act under the supervision, direction and general control of the Vice-Chancellor.

(d) Subject to the authority of the Vice-Chancellor, the University Engineer shall have the power of supervision and control over all officers and employees serving in the department under his charge.

(e) The University Engineer may, with the approval of the Vice-Chancellor assign functions or duties to the Assistant Engineer or any other officer serving in the department under his charge. A record shall be kept of any such arrangement.

Statute 11

(a) The **Medical Officer** shall be a whole-time officer of the University appointed by the Executive Council on the recommendation of a Standing Committee, the procedure and method of such selection being in accordance with the provisions of the Ordinance made for the purpose.

(b) The functions and duties of the Medical Officer shall be to act as the Secretary to the Board of Health and Student Welfare to arrange sanitation and requirements of public health on the University Campus, to provide medical aid as per rules and to perform such other duties as the Executive Council or the Vice-Chancellor may require him to do.

(c) The Medical Officer shall act under the supervision, direction and general administrative control of the Vice-Chancellor.

(d) Subject to the authority of the Vice-Chancellor, the medical Officer shall have the power of supervision and control over all officers and employees serving in the department under his charge.

(e) The Medical Officer may, with the approval of the Vice-Chancellor, assign any of his functions and duties to the Assistant Medical Officer. A record shall be kept of any such assignment.

Statute 12

(a) The **Audit and Accounts Officer** shall be a whole-time officer of the University appointed by the Executive Council on the recommendation of a standing Committee, the procedure and method of such selection being in accordance with the provisions of the Ordinances made for the purpose.

(b) The Audit and accounts officer shall perform continuous internal audit and such other duties as may, with the approval of the Vice-Chancellor be assigned to him by the Finance Officer from time to time.

(c) The Audit and accounts officer shall act under the supervision, direction and general control of the Finance Officer.

Statute 13

(a) The **Deputy Registrar** shall be a whole-time officer of the University appointed by the Executive Council on the recommendation of a Standing Committee, the procedure and method of such selection being in accordance with the provisions of the Ordinances made for the purpose.

(b) The Deputy Registrar shall perform such functions as may, with the approval of the Vice-Chancellor be assigned to him by the Registrar from time to time.

(c) The Deputy Registrar shall act under the supervision, direction and general control of the Registrar.

Statute 14

(a) The **Deputy Controller of Examinations** shall be a whole-time officer of the University appointed by the Executive Council on the recommendation of a Standing Committee, the procedure and method of such selection being in accordance with provisions of the Ordinances made for the purpose.

(b) The Deputy Controller of Examinations shall perform such functions as may, with the approval of the Vice-Chancellor be assigned to him by the Controller of Examinations from time to time.

(c) The Deputy Controller of Examinations act under the supervision direction and general control of the Controller of Examinations.

Statute 15

(a) The **Deputy Librarian** shall be a whole-time officer of the University appointed by the Executive Council on the recommendation of a Standing Committee, the procedure and method of such selection being in accordance with the provisions of the Ordinances made for the purpose.

(b) The Deputy Librarian shall perform such function as may, with the approval of the Vice-Chancellor, be assigned to him by the Librarian from time to time.

(c) The Deputy Librarian shall act under the supervision, direction and general control of the Librarian.

Statute 16

(a) The **Development Officer** shall be a whole-time officer of the University appointed by the Executive Council on the recommendation of a Standing Committee, the procedure and method of such selection being in accordance with the provisions of the Ordinances made for the purpose.

(b) The Development Officer shall be the ex officio secretary to the Development Board as may be constituted by the Executive Council but shall not be a member thereof.

(c) The duties of the Development Officer shall be—

(i) to examine continuously the needs for development in various departments and units of the University;

(ii) to monitor all development works of the University and schemes of colleges;

(iii) to maintain records and to keep contact with the University Grants Commission;

(iv) to do such other things as may be assigned to him by the interest Vice-Chancellor or the Executive Council in the interest of development work of the University.

(d) The Development Officer shall perform such functions as may, with the approval of the Vice-Chancellor, be assigned to him by the Registrar.

(e) The Development Officer act under the supervision, direction and control of the Vice-Chancellor.

Statute 17

(a) The **Secretary to a Faculty Council for Postgraduate Studies** shall be a whole-time officer of the University appointed by the Executive Council on the recommendation of a Standing Committee, the procedure and method of such selection being in accordance with the provisions of the Ordinances made for the purpose.

(b) The secretary to a Faculty Council for post-graduate studies shall perform the following duties:

(i) to convene meeting of the Faculty Council and relevant Boards of studies as per direction of the Vice-Chancellor and keep minutes thereof;

(ii) to send such recommendations as may be made by the Faculty Council to the appropriate authorities and, if necessary, to pursue the matter with the said authorities.

(c) The secretary to a Faculty Council shall perform such other functions as may be assigned to him by the Dean of the Faculty Council.

(d) Subject to the provisions of the act and the Statutes, the secretary to a Faculty Council shall act under the supervision, direction and control of the Vice-Chancellor.

Statute 18

(a) The **Senior Scientific Officer** shall be a whole-time officer of the University appointed by the Executive Council on the recommendation of a Standing Committee, the procedure and method of such selection being in accordance with the provisions of the Ordinances made for the purpose.

(b) The Senior Scientific Officer shall perform such functions relating to the maintenance and fabrication of instruments at the University Service and Instrumentation Centre as may be required.

(c) The Senior Scientific Officer, who shall be the Head of the U.S.I.C., shall perform following duties:—

(1) to prepare an annual plan of work of the centre and report it to the Advisory Committee;

(2) to assign work as per the plan to his colleagues and assess the performance;

(3) to prepare collaborative programmes for development of instruments and aids with the user departments;

(4) to organise training and awareness programmes, if necessary, in collaboration with the staff of other departments;

(5) to maintain proper records as required by the U.G.C. guidelines and submit annual reports of work done by the U.S.I.C. to the Vice-Chancellor;

(6) to initiate and organise suitable measures to spread the culture of instrumentation;

(7) to prepare the annual budget of the U.S.I.C. for its approval by the Executive Council;

(8) to perform such other functions as may be deemed necessary for proper functioning of the centre.

[This clause became effective on 8.7.91]

(d) (i) Subject to the authority of the Vice-Chancellor, the Senior Scientific Officer shall have the power of supervision and control over all officers and employees serving in the centre under his charge.

(ii) The Senior Scientific Officer shall act under the supervision, direction and general control of the Vice-Chancellor.

[This clause came into force w.e.f. 19.11.93]

Statute 19

(a) The **Assistant Registrar** shall be a whole-time officer of the University appointed by the Executive Council on the recommendation of a Standing Committee, the procedure and method of such selection being in accordance with the provisions of the Ordinances made for the purpose.

(b) The Assistant Registrar shall perform such other functions as may, with the approval of the Vice-Chancellor, be assigned to him by the Registrar from time to time.

(c) The Assistant Registrar shall act under the supervision, direction and general control of the Registrar.

Statute 20

(a) The **Assistant Controller of Examinations** shall be a whole-time officer of the University appointed by the Executive Council on the recommendation of a Standing Committee, the procedure and method of such selection being in accordance with provisions of the Ordinances made for the purpose.

(b) The Assistant Controller of Examinations shall perform such functions as may, with the approval of the Vice-Chancellor, be assigned to him by the Controller of Examinations from time to time.

(c) The Assistant Controller of Examinations shall act under the supervision, direction and general control of the Controller of Examinations.

Statute 21

(a) The **Superintendent of the University Press** shall be a whole-time officer of the University appointed by the Executive Council on the recommendation of a Standing Committee, the procedure and

method of such selection being in accordance with the provisions of the Ordinances made for the purpose.

(b) Under the general instructions of the Controller of Examinations, the duties of the Superintendent of the University Press shall be—

(i) to plan, organize and supervise the work of composition, proof-reading, printing, binding and other such work of the University Press;

(ii) to assist the offices of the University including teaching facilities in deciding upon designs of matters to be printed at the University Press;

(iii) to prepare estimates of paper and other materials necessary for printing and matters proposed by the office and teaching faculties of the University;

(iv) to do such other things as the Controller of Examinations or the Vice-Chancellor may assign to him from time to time in connection with printing and publication.

(c) Subject to the authority of the Controller of Examinations, the superintendent of the University Press shall have the power of supervision and control of all employees serving in the University Press.

(d) The Superintendent of the University Press shall be under the administrative control of the Controller of Examinations and shall perform such other functions as may be assigned to him by the Controller of Examinations.

Statute 22

(a) The **Assistant Librarian** shall be a whole-time officer of the University appointed by the Executive Council on the recommendation of a Standing Committee, the procedure and method of such selection being in accordance with the provisions of the Ordinances made for the purpose.

(b) The Assistant Librarian shall perform such functions as may, with the approval of the Vice-Chancellor be assigned to him by the Librarian from time to time.

(c) The Assistant Librarian shall act under the supervision, direction and general control of the Librarian.

Statute 23

(a) The **Assistant Engineer** shall be a whole-time officer of the University appointed by the Executive Council on the recommendation of a Standing Committee, the procedure and method of such selection being in accordance with the provisions of the Ordinances made for the purpose

(b) The Assistant Engineer shall perform such functions as may, with the approval of the Vice-Chancellor, be assigned to him by the University Engineer from time to time.

(c) The Assistant Engineer shall act under the supervision, direction and general control of the University Engineer.

Statute 24

(a) The **Officer-in-Charge of Watch and Ward** shall be a whole-time officer of the University appointed by the Executive Council on the recommendation of a standing Committee, the procedure and method of such selection being in accordance with the provisions of the Ordinances made for the purpose.

(b)(i) Under the general instructions of the Vice-Chancellor and the Registrar, the Officer-in-Charge of Watch and ward shall be primarily responsible for the security and safety of the University properties and shall ensure the safety of the lives of the residents on the University Campus. His function and duties shall be as prescribed by rules made in this behalf.

(ii) Without prejudice to the generality of the foregoing provisions, the duties of the Officer-in-Charge of Watch and Ward shall include in Particular the following functions, namely: —

(i) to plan, organize and supervise the Watch and Ward service by night and day;

(ii) to organize and supervise the use of motor vehicles of the University;

(iii) to take steps for the maintenance of the motor vehicles of the University; and maintain log books for the vehicles and registers showing the account of fuel used.

(c) Subject to the authority of the Vice-Chancellor, the Officer-in-Charge of Watch and Ward shall have the power of control and supervision over all employees serving in the Watch and Ward Department.

(d) the Officer-in-Charge of Watch and Ward shall be under the administrative control of the Vice-Chancellor and shall perform such other functions as may be assigned to him by the Vice-Chancellor.

Statute 25

(a) The **Electro-Instrumentation Officer** shall be a whole-time officer of the University appointed by the Executive Council on the recommendation of a Standing Committee, the procedure and method of such selection being in accordance with the provisions of the Ordinances made for the purpose.

(b) The duties of the Electro-Instrumentation Officer shall be as follows: —

(i) to ensure the maintenance and servicing of major electrical and electronic instruments of the Department of Chemistry;

(ii) to assist the Head of the Department of Chemistry in carrying on administrative work connected with the technical matters including correspondence with any agencies and authorities on such matters;

(iii) to do any other thing assigned to him by the Head of the Department for the better management of the electric and electronic instruments of the Department.

(c) The Electro-Instrumentation Officer shall be under the administrative control of the Head of the Department of Chemistry and shall perform such other functions as may be directed by him.

Statute 26

(a) The **Micro-Analyst** shall be a whole-time officer of the University appointed by the Executive Council on the recommendation of a Standing Committee, the procedure and method of such selection being in accordance with the provisions of the Ordinance made for the purpose.

(b) It shall be the duty of the Micro-analyst to organize and control the work of micro analyst related to research work undertaken by Teachers, Scholars and Fellows of the Department of Chemistry and to do such other things in connection with the work of micro-analysis as may be assigned to him by the Head of the Department of Chemistry.

(c) The Micro-Analyst shall be under the supervision, direction and general control of the Head of the Department of Chemistry and shall perform such other functions as may be directed by him.

Statute 27

(a) The **Documentation Officer** shall be a whole-time officer of the University appointed by the Executive Council on the recommendation of a Standing Committee, the procedure and method of such selection being in accordance with the provisions of the Ordinance made for the purpose:

(b) The duties of the Documentation Officer shall be —

(i) to plan, manage, and control documentation work in the field of Himalayan Studies;

(ii) to provide documentation services in the field of Himalayan Studies to any Teacher, Scholar, or Fellow of the University and to Teachers of the affiliated colleges;

(iii) to organize different kinds of documentation services as may be introduced in the Centre for Himalayan Studies itself or in collaboration with any other Department/Centre of the University;

(iv) to offer guidance to Scholars/Fellows of the Centre for Himalayan Studies in the preparation of bibliography for their Ph.D. work or other research work authorised by the Centre;

(v) to make available to the Centre for Himalayan Studies information on the documentation work and services of other institutions connected with the work of the Centre;

(vi) to do such other things as may be assigned to him by the Director of the Centre for Himalayan Studies from time to time.

(c) The Documentation Officer shall be under the supervision, direction and general control of the Director, centre for Himalayan Studies, and shall perform such other functions as may be directed by the Vice-Chancellor.

Statute 28

(a) The **Programmer** shall be a whole time officer of the University appointed by the Executive Council on the recommendation of a Standing Committee, the procedure and method of such selection being in accordance with the provisions of the Ordinance made for the purpose.

- (b) The duties of the Programmer shall be—
- (i) to develop programmes for jobs given to him by users such as the Teachers, Scholars and Fellows of the University;
 - (ii) to assist users in writing programmes for their problems and in developing algorithms for such problems;
 - (iii) to maintain and develop the programme library of the Research Services Centre/Computer Centre;
 - (iv) to take up teaching work for computer programming and to do such other work as may be assigned to him by the Head of the Computer Centre.
- (c) The programmer shall be under the supervision, direction and general control of the head of the Computer Centre and shall perform such other functions as may be directed by the Vice-Chancellor.

Statute 29

- (a) The **Secretary to a Council for Undergraduate Studies** shall be a whole-time officer of the University appointed by the executive Council on the recommendation of a Standing Committee, the procedure and method of such selection being in accordance with the provisions of the Ordinances made for the purpose.
- (b) The Secretary to the Council for undergraduate studies shall perform the following duties:
- (i) to convene meetings of the Council for undergraduate studies and the relevant Boards of Studies as per direction of the Vice-Chancellor and to keep minutes thereof;
 - (ii) to send such recommendations as may be made by the Council for undergraduate studies to the appropriate authorities and, if necessary, to pursue the matter with the said authorities.
- (c) The Secretary to the undergraduate studies shall perform such other functions as may be assigned to him by the Vice-Chancellor of the Council for undergraduate studies.
- (d) Subject to the provisions of the Act and the Statutes, the Secretary to the undergraduate studies shall act under the supervision, direction and control of the Vice-Chancellor.

Statute 30

If a vacancy occurs in the post of any officer other than the Registrar and the Finance Officer of the University by reason of leave, illness, removal, resignation or otherwise, the Executive Council shall have the power to make an acting appointment for such vacancy pending a permanent appointment. The acting appointment shall be for a period not exceeding 6 (six) months at a time and, in any case, for not exceeding a total period of one year.

Statute 31

Except as specifically prescribed by the act, no member of the Court, the Executive Council, a Faculty Council for postgraduate studies or a Council for undergraduate studies shall be an officer of the University and if such member is appointed, such officer shall be deemed to have vacated his office as such member from the date on which he is so appointed.

Statute 32

- a) The **Estate Officer** shall be a whole-time officer of the University appointed by the Executive Council on the recommendation of the Standing Committee, the procedure and method of such selection being in accordance with the provisions of the Ordinance made for the purpose.
- b) Under the general direction of the Vice-Chancellor and Registrar, the Estate Officer shall be responsible for the maintenance and upkeep of the movable and immovable properties including Central stock registers of the University and their best use. He shall also be responsible for the general administration of the Guest House. The Estate Officer shall assist the Finance Officer in respect of maintenance of the properties and assets of the University.
- c) Subject to the authority of the Vice-Chancellor and the Registrar, the Estate Officer shall exercise general control and supervision over all employees serving in the establishment and sections under his charge, including caretaking, Campus Development and Guest House.
- d) The Estate Officer shall perform such other functions as may, with approval of the vice-Chancellor,

be assigned to him by Registrar.

Statute 33

a) The **Accounts Officer** shall be a whole-time officer of the university appointed by the Executive Council on the recommendation of the standing committee, the procedure and method of such selection being in accordance with the provisions of the ordinances made for the purpose.

b) The Accounts Officer shall perform such functions as may, with the approval of the Vice-Chancellor, be assigned to him by the Finance Officer from time to time.

c) The Accounts officer shall act under the supervision, direction and general control of the Finance Officer.

Statute 34

a) The **Systems Engineer** shall be a whole-time officer of the University appointed by the Executive Council on the recommendation of the Standing Committee, the procedure and method of such selection being in accordance with the provisions of the Ordinances made for the purpose.

b) The Systems Engineer shall be responsible for the maintenance of all computer systems in the Computer Centre and the Department of computer science and Application for proper functioning of the same. He shall also be required to design, develop and implement new systems as may be required from time to time.

c) The Systems Engineer shall be under the supervision, direction and general control of the Head of the Computer Centre. He shall perform such other functions as may, with the approval of the Vice-Chancellor, be assigned to him by the Head of the Computer Centre.

[This statute 32 & 33 came into force w.e.f. 8.7.91]

Statute 35

(a) The **Senior Scientific Research Officer** shall be a whole time officer of the University appointed by the Executive Council on the recommendation of the Standing Committee, the procedure and method of such selection being in accordance with the provisions of the ordinances made for the purpose.

(b) The duties of the Senior Scientific Research Officer shall be —

(i) to organise, manage and run the High Energy and Cosmic Ray Research Centre;

(ii) to prepare research results in the form of reports/paper;

(iii) to supervise preservation and maintenance of the installations of Cosmic Ray detectors and all other instruments of the Centre;

(iv) to devise and execute new experiments in the area of High Energy Cosmic Ray Astrophysics by expansion of the existing facilities.

(c) Subject to the direction of the Vice-Chancellor, the Senior Scientific Research Officer shall have the power of supervision and control over all officers and employees serving in the centre. He shall be the ex officio Director of the High Energy and Cosmic Ray Centre and shall perform such other duties as may be prescribed in the rules relating to the management of the Centre.

Statute 36

(a) The **Senior Research Physicist** shall be a whole-time officer of the University appointed by the Executive Council on the recommendation of the Standing Committee, the procedure and method of such selection being in accordance with the provisions of the Ordinances made for the purpose.

(b) The Senior Research Physicist shall be —

(i) responsible for all functions relating to the design, fabrication, repair and operation of all types of detectors, instruments, and the like articles, necessary for smooth operation of Cosmic Ray Air shower installation at the Centre and for running the experiments for research of the Centre;

(ii) responsible for the modernisation of the laboratory by adopting new techniques of High Energy Cosmic Ray physics and for the effective application of the adopted techniques in the Cosmic Ray experiments on the Centre;

(iii) responsible for such other functions as are laid down in the Rules relating to the Management

of the Centre.

(c) The Senior Research Physicist shall perform such other duties as may, with the approval of the Vice-Chancellor, be assigned to him by the Director of the Centre.

Statute 37

(a) The **Scientific Research Officer** Grade II shall be a whole-time officer of the University appointed by the Executive Council on the recommendation of the Standing Committee, the procedure and method of such selection being in accordance with the provisions of the ordinances made for the purpose.

(b) The Scientific Research Officer Grade II shall be —

(i) responsible for setting up of experiments by the using of the existing facilities and by the addition of new facilities to the existing set up of Air shower array and for the day-to-day performance of experiments and data taking;

(ii) responsible for necessary computer programming for the analysis of the data from the experiments and for the execution of the analysis of data and transformation thereof to the final results;

(iii) responsible for such other functions as are related to the research activity of the Centre as per the Rules relating to the Management of the Centre.

(c) The Scientific Research Officer Grade II shall perform such other duties as may, with the approval of the Vice-Chancellor be assigned to him by the Director of the Centre.

Statute 38

(a) The **Research Officer** shall be a whole-time officer of the University appointed by the Executive Council on the recommendation of the Standing Committee, the procedure and method of such selection being in accordance with the provisions of the Ordinance made for the purpose.

(b) The Research Officer shall be —

(i) responsible for day-to-day performance of experiments using the Air shower array, such as setting up, testing, calibrating and data taking;

(ii) responsible for computer fitting and data analysis and other research jobs as and when necessary as per the rules relating to the management of the Centre;

(iii) responsible for such functions as may be necessary for running the experiments and producing research results.

(c) The Research Officer shall perform such other duties as may, with the approval of the Vice-Chancellor, be assigned to him by the Director of the Centre.

Statute 39

(a) The **Project Officer** shall be a whole-time officer of the Centre for Adult and Continuing Education of the University appointed by the Executive Council on the recommendation of the Standing Committee. The procedure and method of such selection shall be in accordance with the provision of the Ordinances made for the purpose.

(b) The Project Officer shall perform such functions relating to adult literacy population, education, post literacy and continuing education programmes and conducting skill development and job oriented type of training courses of the Centre for Adult and Continuing Education and any other functions as may be assigned by the University. He shall also perform such other functions as may be assigned by the University on recommendation of the University Grants Commission and/or the State Government.

(c) The Project Officer shall act under the supervision, direction and general control of the Head/In-charge of the Centre for Adult and Continuing education.

[This came into effect from 17.05.2000]

Statute 40

(a) The **Technical Officer (III)** shall be a whole-time Officer of the University appointed by the Executive Council on the recommendation of the Standing Committee. The procedure and method of such appointment shall be in accordance with the provisions of the Ordinances made for the purpose.

(b) The Technical Officer (III) shall be the Head of the USIC.

- (c) The Technical Officer (III) shall perform the following duties:-
- (i) to prepare an annual plan of work of the Centre for consideration of the Advisory Committee;
 - (ii) to assign work as per the plan to the Officers and staff of the Centre and assess the performance;
 - (iii) to undertake programmes for fabrication or development of electronic equipments, computers and other scientific instruments and their maintenance in consultation with the user departments;
 - (iv) to organize teaching programmes in instrumentation and related disciplines, training or awareness programmes in collaboration with other departments;
 - (v) to maintain proper records as required under the U.G.C. guidelines and submit annual reports of work done by the U.S.I.C. to the Advisory Committee;
 - (vi) to prepare an inventory of scientific equipments kept in stock of the departments of the University;
 - (vii) to prepare the annual budget of the U.S.I.C. for its approval by the Executive Council, and
 - (viii) to perform such other functions as may be deemed necessary for proper functioning of the Centre.
- (d) Subject to the authority of the Vice-Chancellor, the Technical Officer (III) shall have the power of supervision and control over all Officers and employees serving in the Centre.
- (e) The Technical Officer (III) shall act under the supervision, direction and general control of the Vice-Chancellor.

Statute 41

(a) The **Technical Officer (I)** shall be a whole-time Officer of the University appointed by the Executive Council on the recommendation of the Standing Committee. The procedure and method of such appointment shall be in accordance with the provisions of the Ordinances made for the purpose.

(b) The Technical Officer (I) shall render such services as may be necessary for efficient functioning of the USIC and shall perform such other duties as may be assigned to him by the Head, USIC.

(c) The Technical Officer (I) shall be under the supervision, direction and general control of the Head, USIC.

Statute 42

(a) The **Information Scientist** shall be a whole-time Officer of the University appointed by the Executive Council on the recommendation of the Standing Committee. The procedure and method of such appointment shall be in accordance with the provisions of the Ordinances made for the purpose.

(b) The Information Scientist shall perform the following functions:

- (i) All duties as envisaged in the UGC scheme or guidelines relating to I.N.F.L.I.B.N.E.T.
- (ii) Computerization and automation of the University Library.
- (iii) Upskilling of the library staff in the field of Computerization and automation of library services.
- (iv) Technical support to the departmental libraries for creating or augmenting databases and

networking.

(c) The information Scientist shall work under the general supervision, direction and control of the Librarian.

Statute 43

(a) The **Scientific Officer** shall be a whole-time Officer of the University appointed by the Executive Council on the recommendation of the Standing Committee. The procedure and method of such appointment shall be in accordance with the provisions of the Ordinances made for the purpose.

(b) The Scientific Officer shall perform the following functions :-

- (i) operation of all scientific equipment and instruments of the department concerned for the purposes of teaching and research, but not any teaching job;
- (ii) maintenance of all scientific equipments and instruments of the department concerned;
- (iii) fabrication of scientific equipments and instruments of the department concerned from spares and components parts;
- (iv) any other duty as may be assigned to him by the Head of the Department concerned for better

management of the scientific equipment and instruments of the Department, and shall perform such other functions a may be directed by the Vice-Chancellor.

(c) The Scientific Officer shall work under the general supervision, direction and control of the Head of the Department concerned.

**Statutes relating to Pension payable to whole time
Members of the University staff

(including Teachers and Officers)**

1. All matters relating to pension / Family Pension / Gratuity / Death Gratuity payable to the whole-time employees of the University appointed on substantive basis shall be determined in terms of provisions of the Orders issued by the State Government in this behalf from time to time.

Statutes relating to Affiliation of Colleges

Statute 1

- (i) These Statutes may be called the Statutes relating to affiliation of Colleges.
- (ii) They shall come into force at once.

Statute 2

Unless the context otherwise requires, words and expression used in these statutes shall be interpreted to have the same meaning as they have in the Act.

Statute 3

All colleges affiliated to the University before the date of coming into force of these Statutes shall be deemed to be affiliated to the University under these Statutes.

Statute 4

(i) any college may apply to the Vice-Chancellor for affiliation subject to the provision of section 5 of the North Bengal University Act, 1981.

(ii) In the case of a Government College or a college receiving aid from the State Government, the application shall be made through the Director of Public Instruction, West Bengal. In the case of any other college the Governing Body/Organising Committee/Ad-hoc Committee of management/Promoters shall make the application through such authority, if any, as the Executive Council may direct;

Provided that no application for affiliation shall be ordinarily entertained after the 15th of November immediately preceding the academic session from which affiliation is sought.

Statute 5

Affiliation shall be granted specifically for each separate subject and each separate standard.

Statute 6

(i) The Executive Council shall on the recommendation of the Council for Undergraduate studies in Arts, Science, Commerce & Law concerned grant affiliation to a College in accordance with the provision of these Statutes subject to any condition that it may impose.

(ii) The Executive Council shall have the power to suspend or withdraw on the recommendation of the Council for Undergraduate Studies Arts, Science, Commerce & Law concerned the affiliation of any College in any subject or course of study if the Executive Council is satisfied that any of the conditions imposed by it as prescribed by these Statutes are not being observed.

Provided that no affiliation shall be suspended or withdrawn without affording the management of the College an opportunity to make such representation as it may desire to make.

Statute 7

(i) Every College applying for affiliation shall satisfy the Executive Council.

(a) that the college which is not a Government college is to be, or is being, managed by a Governing Body which has been duly constituted in accordance with the Statutes made in that behalf;

(b) that the qualifications of the teaching staff and the conditions of their services are such as laid down in the Statutes so as to ensure the imparting of adequate instruction to the students in the courses of study to be undertaken by the college;

(c) that the buildings in which the College is to be located are suitable and that adequate provision will be or has been made for the residence of the students of the College;

(d) that due provision has been made for a properly equipped library;

(e) where affiliation is sought in any branch of experimental science, that adequate arrangements have been made in conformity with the Regulations for the imparting of instruction in that branch of science in a properly equipped laboratory or museum;

(f) that financial resources of the College are such as to ensure its efficient maintenance;

(g) that having regard to the facilities provided for students by other College in the neighborhood, the

affiliation applied for will not be injurious to the interests of education or discipline; and

(h) that the College fees to be paid by the students have been in accordance with the Statutes framed for the purpose:

(i) that the College shall, in order to ensure the imparting of instruction properly, have a whole-time Principal and shall employ adequate number of teaching staff;

Provided that, if for any reason whatsoever, the office of the Principal remains vacant, or if the Principal is on leave or in a position to attend the office for due discharge of his functions, the Governing Body shall appoint, in order of seniority, one of the whole-time teachers of the college as the teacher-in-charge for discharging the function of the Principal.

(ii) The applicants shall also undertake that:

(a) any transfer of management and every change in the teaching staff effected after the application shall be forthwith reported to the Vice-Chancellor; and

(b) no College Professor or Lecturer shall be allowed to lecture to a class or section of a class the number on the rolls whereof exceeds the limit of 150 students or such other number as the Executive Council on the advice of the Academic Council may from time to time fix, and if two classes are combined, the total number on the rolls of such combined class not exceed 150 or the number so fixed.

Statute 8

(1) On receipt of an application for affiliation the Council for Undergraduate Studies shall direct a local enquiry to be made by the Inspector of Colleges and by any other competent person or persons authorized by it in this behalf.

(2) On receipt of the report of the enquiry referred to in paragraph (1) if the Council for Undergraduate Studies concerned is satisfied of the viability of the college in respect of physical facilities for proper maintenance of academic standard it may, after considering the views of the State Government, recommend to the Executive Council of granting affiliation to the college subject to the terms and conditions laid down in these Statutes. Affiliation to be granted for the period prayed for and from such academic year is to be specified in the order.

Statute 9

An application for affiliation may be withdrawn at any time before an order has been passed by the Executive Council.

Statute 10

No student shall be admitted to any course of instruction in a College in anticipation of the affiliation of the College in respect of such course. A breach of the provisions of this Statute may be a ground for refusal to grant affiliation.

Statute 11

Where a College desires to add to the subjects or courses of study in respect of which it is affiliated, the procedure prescribed by Statutes 7, 8, 9, and 10, shall, so far as they may apply, be followed.

Statute 12

Statements, Returns and Reports, etc. to be furnished by affiliated college:

(1) Every affiliated college shall furnish to the Council for Undergraduate Studies concerned immediately on the close of each academic year a statement in the prescribed form showing subjectwise the total number of lectures delivered and the total number of practical and tutorial classes held in the college during such year.

(2) Such Statement shall be furnished to the Council for Undergraduate Studies concerned on or before the 31st December of each year.

Statute 13

Affiliated colleges to comply with certain orders of the Council for Undergraduate Studies:

An affiliated college, into the affairs of which an inspection or investigation provided for by the Council for Undergraduate Studies concerned has been carried out, shall take within such period such action in respect of any matter arising out of the report of the inspection or investigation as may be specified in an order made by the Council for Undergraduate Studies concerned in this behalf.

Statute 14

Continuance of affiliation:

Continuance of affiliation of any affiliated college shall depend upon the fulfillment of all terms and conditions of affiliation laid down in these Statutes including those referred to in paragraph (ii) of Statute 6 and compliance with such directives as may be issued by the Executive Council from time to time on the recommendation of the Council for Undergraduate Studies concerned.

Statute 15

Disaffiliation etc.:

(1) If in any affiliated college the total number of lectures delivered or of practical or tutorial classes held in any subject fails, for three consecutive academic years, short of the minimum number of lectures or classes required under the Regulations to be delivered or held, as the case may be and / or the percentage of passes for three consecutive years falls short of 30 per cent of the number of students sent up for examinations, the Executive Council may refuse permission to the college on the recommendation of the Council for Undergraduate Studies concerned, to send up students for corresponding examination of the University in such subject.

(2) If any affiliated college fails

(a) to fulfill any of the terms and conditions, or to comply with any of the directives, referred to in Statutes 12 and 13 in particular;

(b) without prejudice to the generality of the provisions of clause (a), to comply with the conditions laid down by the Executive Council as referred to in Statute 6, the Executive Council may pass such orders, including the partial or total withdrawal of affiliation of the college, as it may consider necessary, on the recommendation of the Council for Undergraduate Studies in Arts, Science, Commerce & Law. Provided that no action referred to in paragraph (2) shall be taken without giving—

(i) in the case of a Government College, the State Government, or

(ii) in the case of a college receiving aid from State Government or in any other case, the Governing Body of the college concerned, an opportunity of making its representation, if in the matter.

Statutes relating to Governing Bodies of Colleges*

Constitution of Governing Body:

1. (1) Save as otherwise provided in Statute 8 the Governing Body of a college shall consist of the following members:

(a) a President to be elected in the manner prescribed in paragraph (2).

(b) the Principal of the college who shall be the Secretary of the Governing Body. Ex-officio;

(c) four members to be elected from amongst themselves by the whole-time teachers of the college, wholetime librarians and whole-time physical instructors holding appointment against posts approved by the State Government/Competent Authority at a meeting to be convened for the purpose by the Principal of the college and presided over by him or, in his absence, by the senior most teacher available.

Note:- The Principal shall not vote in this election.

(d) two members to be elected from amongst themselves by the whole time non-teaching employees of the college holding appointments against posts approved by the State Government/Competent Authority at a meeting to be presided over by the college authorized by the Principal.

Note: In the case of a tie in an election referred to in clause (c) or clause (d), the presiding officer shall draw lots and declare the result in the same meeting;

(e) two members to be nominated by the State Government, at least one of whom shall be an educationist;

(f) two members to be nominated by the Executive Council of whom at least one shall be a woman, in case of a Women's College;

(g) one representative of the regular students of the college who shall be the duly elected General Secretary of the Students Union and who shall continue to be a member so long as he continues to be the General Secretary.

In the absence of a Union or a duly elected General Secretary of the Students Union, the regular students of the college shall elect one representative from amongst themselves under the arrangements made by the Principal of the college or, in his absence, by a teacher of the college authorized by the Principal.

(h) not more than two members to be nominated by the Vice-Chancellor in consultation with the Vice-Chairman of the council of Undergraduate Studies concerned from among the donors, if any, included in the list of donors of the college;

Provided that such members shall include persons required to be included in the Governing Body of the college under the terms and conditions of donation to the college;

Provided further that after the commencement of those Statutes no condition shall be attached to any donation to a college requiring representation of the donor in the Governing Body of the college;

Provided also that no teacher or other employee of the college who is a donor shall be nominated as such member.

(2) The President of a Governing Body of a college shall be elected by members in categories (b) to (h) of paragraph (1) at the first meeting of the Governing Body to be convened by the Principal and to be chaired by him.

The President may or may not be elected from among those members, provided that no teacher or non-teaching employee or student shall be eligible to be elected as the President.

Statute 2

Tenure of Office of the Governing Body:

(a) The term of office of the Governing Body of any college constituted under Statute 1 shall be four years with effect from the date of election of the President of the Governing Body or from the date of expiry of the term of office of the previous Governing Body, whichever is later:

Provided that the first Governing Body constituted under paragraph (c) shall commence functioning from the date of election of the President and shall hold office for a period of four years from the date of such

election:

Provided further that if the formation and / or functioning of the first Governing Body in accordance with the provisions of these Statutes is not possible for any reason whatsoever, the University shall appoint an administrator, who shall have all the powers and functions of the Governing Body, till such Governing Body is actually formed and / or starts functioning.

(b) at least three months before the expiry of the term of office of the members of the Governing Body of a college, the Secretary of the Governing Body shall take necessary steps to ensure that the election / nomination of members of the Governing Body under Statute 1 is completed not later than one month before the expiry of the terms of office of such outgoing members.

(c) The Principal of every college affiliated to this University shall take necessary steps to constitute the first Governing Body of that college including election of the President under the Statutes within six months with effect from the date on which the Statutes come into force and the term of office of the Governing Body so constituted shall be four years from the date of nomination of the President.

(d) after the expiry of the term of four years and subject to the provisions of paragraph (a), a Governing Body of a college shall cease to function and if, in the meantime, the new Governing Body has not been formed in accordance with these statutes or is unable to take over the management of the college, the University shall either extend the life of the erstwhile Governing Body for a period not exceeding eighteen months or appoint an Administrator for a period not exceeding eighteen months who shall have all the powers and functions of the Governing Body until a new Governing Body is constituted or until a Governing Body takes over charge, as the case may be, in accordance with the statutes. The Administrator shall take steps for the constitution of the new Governing Body within six months of his appointment, where such Governing Body has not yet been constituted.

Statute 3

Filling up of casual Vacancy:

(a) any casual vacancy in the office of a member of the Governing Body of a college other than an ex-officio member shall be filled by an authority or an electorate which nominated or elected the member whose seat has become vacant and in the same manner as prescribed in Statute 1.

(b) A member nominated or elected to fill a casual vacancy shall hold office for the remainder of the terms of office of the member in whose seat the vacancy has occurred.

(c) The office of an elected or nominated member of the Governing Body shall become vacant if-

(i) he absents himself from four consecutive meetings of the Governing Body without obtaining leave of absence from the Governing Body; or

(ii) he is found to be of unsound mind or convicted of any offence involving moral turpitude; or

(iii) he ceases to be a member of the constituency from which he has been elected or nominated.

Statute 4

Actions of Governing Body not to be invalidated by reason of vacancies:

(a) No action by the Governing Body shall be invalidated by reason of any vacancy in the office of any member thereof.

(b) For the removal of doubt, it is also hereby declared that notwithstanding any failure of the State Government, the Executive Council or the Vice-Chancellor to nominate any member or members under clause (e) or clause (f) or clause (h), as the case may be, of statute 1, the constitution of a Governing Body under these Statutes shall be deemed to be complete.

Statute 5

Powers and functions of the Governing Body:

(a) The Governing Body of every college shall be responsible for the proper management of the affairs of the college and may exercise all such powers and functions as may be necessary for the purpose.

(b) In particular, and without prejudice to the generality of the foregoing provisions, the Governing Body of a college shall be responsible for ensuring –

- (i) that review is made of the results of the college and the University examinations and measures are adopted for academic improvement and maintenance of academic standards;
- (ii) that posts are created and appointments made of the Principal and teachers and other staff in accordance with the provisions of any law or any rules or orders for the time being in force to provide the instructional and other services necessary for the efficient and effective operation of the college;
- (iii) that the number and qualifications and the method of recruiting the teachers, librarians and non-teaching staff and the conditions of their services are in accordance with the provisions of any law or any rules or orders for the time being in force;
- (iv) that the laboratory and other instructional facilities available are adequate for the instructional programme;
- (v) that the buildings in which the college is located are suitable for the purposes for which they are intended and are maintained at a satisfactory state of repair and sanitation;
- (vi) that the library is properly equipped;
- (vii) that the financial resources of the college are sufficient to ensure efficient and effective management of the college;
- (viii) that all information, returns, reports and other materials required by the University, the U.G.C. and the State Government are promptly collected, prepared and made available to the University, the U.G.C. and the State Government;
- (ix) that all books, registers and accounts required to be maintained are kept up-to-date;
- (x) that due provision is made for the well-being of students, management of their hostels, health, recreation and sports;
- (xi) that the students discipline is maintained;
- (xii) that proper assistance and facilities are given to the Inspector of colleges and other persons appointed by the University for inspection and report;
- (xiii) that directions issued by the University from time to time are carried out and compliance with them reported speedily to the University; and
- (xiv) that all properties and funds of the college are properly controlled and administered.
- (xv) the Governing Body may appoint an Academic Sub-Committee and such other Sub-Committees as it may think fit, to advise the Governing Body for the efficient administration of the college. Such Sub-Committees may include teachers of the college who are not members of the Governing Body. The Principal shall ordinarily be the Chairman of the Sub-Committees as may be formed.

Statute 6

Meeting of the Governing Body:

- (a) Meeting of the Governing Body of a college shall be held at least four times in a year.
- (b) For a meeting of the Governing Body of a college and quorum shall be the simple majority of the total number of the Governing Body.
- (c) The Secretary shall send copies of minutes of the previous meeting along with the notice of the meeting ordinarily seven days before the date of the meeting. The President may reduce the period of notice in case of emergency.
- (d) The Secretary shall call a meeting if the President so directs him in writing or if at least fifty per cent of the members of the Governing Body requisition a meeting.

Statute 7

Functions of the Secretary of the Governing Body:

The Secretary of the Governing Body of every college shall:

- (i) convene the meeting of the Governing Body, maintain the records, conduct the official correspondence and keep the minutes of proceeding of meeting of the Governing Body;
- (ii) send to the Executive Council, when called upon by the Executive Council to do so, originals or certified copies of such records, correspondence or minutes referred to above as may be required by the

Executive Council; and

(iii) operate the college funds jointly with the President or any other member of the Governing Body (other than a teacher, employee or student of the college) as may be authorized by the Governing Body of the College.

Statute 8

Special provision regarding Governing Bodies of certain colleges:

(1) (a) In the case of a college established and administered by any Trust or Registered Society or under a scheme laid down by a competent court and already granted affiliation on that stipulation, the Governing Body shall be constituted in accordance with the terms of the memorandum and articles of association or the Deed of Trust, as the case may be:

Provided that the Governing Body of such a college shall also include the members as envisaged in clauses (c), (d), (e), (f) and (g) of Statute 1 of these Statutes, if not already included.

(b) Within three months from the date of coming into force of the Statutes under this Chapter, the Governing Body of a College, as envisaged in clause (a) shall be reconstituted accordingly.

(c) Any notice in writing in this behalf shall be sent by the University to the Secretary or the President of the Governing Body of such a college and in that case such notice shall be deemed to have been duly served on the Governing Body of the college.

(d) If the Governing Body of such a college is not reconstituted within the period referred to in clause (b), the Executive Council may appoint an administrator to take over the management of the college. The Administrator shall cause reconstitution of the Governing Body of the college within three months from the date of his appointment in accordance with the provisions of clause (a).

(2) Notwithstanding anything contained in paragraph (1), in the case of a college established and administered by a minority based on religion or language and affiliated to the University under the stipulation as contained in the Memorandum and Articles of Association or the Deed of Trust, as the case may be, the Governing Body of such a college shall be constituted in accordance with the terms of the said Memorandum and Articles of Association or the Deed of Trust, as the case may be.

Statute 9

Notwithstanding anything contained anywhere in this statute and elsewhere, the Governing Body of a college established or managed by the University, shall be reconstituted by the Principal in accordance with the provisions of Statute 1 with the Vice-Chancellor, University of North Bengal as the Ex- officio- Chairman of the Governing Body, there being no President. The venue of the meeting of the Governing Body shall be such as may be directed by the Vice-Chancellor who shall be the Chairman of the Governing Body. The term of office of the Governing Body of any such college shall be for a period of four years with effect from the date of the first meeting of the Governing Body after its reconstitution. In all other respects the provision of the Statutes 2 to 7 shall apply to such a college.

Interpretation

10. In these Statutes, unless the context otherwise requires-

(a) "College" means a college affiliated to the University of North Bengal but does not include a Government college, and

(b) "Donor" in relation of any college, means any person or Body or Association which has made to such college a donation of a sum of Rs.5,000/- or more and has made full payment of such donation either in a lump or by installments or who has made over to the college a property valued in the opinion of the Executive Council, at not less than Rs.5,000/-.

Statutes relating to the Terms and Conditions of Service of Teachers of Affiliated Colleges other than Government Colleges*

Statute 1

Short title and commencement:

(1) These statutes may be called the statutes relating to the terms and conditions of service of Teachers of affiliated colleges other than Government colleges.

(2) They shall come into force at once.

Statute 2

Interpretation:

Unless the context otherwise requires, words and expressions used in these statutes shall be interpreted to have the same meaning as they have in the North Bengal University Act, 1981 (West Bengal Act XXV of 1981).

Statute 3

Appointment:

Appointment of teachers, whole-time or part-time including Principal of affiliated colleges other than Government colleges shall be made in accordance with the provisions of the West Bengal college service Commission Act, 1978 (West Bengal Act XXII of 1978) and the rules made thereunder.

Statute 4

Commencement of period of Service:

In calculating the period of service of a Teacher of a college in any post for any purpose including the operation of a time scale of pay, service shall be counted from the date of his joining the post of his first appointment as a probationer provided that if the Teacher began his service as a temporary appointee who was afterwards appointed for the same or any post, service shall be counted from the date of his joining the appointment as a temporary appointment, if there is no break in service during the period preceding his permanent appointment.

Explanation—

The following shall be treated as 'break in service' :

- (a) Unauthorised leave of absence;
- (b) Unauthorised absence in continuation of authorised leave of absence.

Statute 5

(1) There shall be 30 weeks of direct teaching when a college has 6-day week and 36 weeks to direct teaching when the college has 5-day so that there are 180 teaching days of direct teaching per academic year.

A Teacher must be available in the college for at least 5 hours on each working day. Direct teaching hours should be as follows:- Lecturers/Lecturers (Senior Scale)/Lecturers (Selection Grade): 16 hours per week. Readers and Professors (actively involved in research, extension, administration):

14 hours per week.

Explanation:- For the purposes of this statute, —

'Direct teaching' means —

- (a) delivering lectures and holding tutorial classes for effective teaching of respective subjects as per University syllabus,
- (b) conducting practical classes and field work prescribed by the University so that students can acquire and develop necessary skills,
- (c) holding of class tests,
- (d) recording students attendance in theory and practical classes in proper manner, and
- (e) any other activity within the classroom directly related to academic uplift of the students.

The stipulations regarding number of working hours as stated above will not be applicable when a Teacher is engaged in conducting field work, excursions or supervision of practice teaching approved by college authority.

It will be obligatory for a Teacher of an affiliated college to co-operate and assist in carrying out the functions relating to educational responsibilities of the college, such as assisting in appraising the applications for admission, advising or counseling students and assisting in university and college examinations including invigilation and supervision thereof, as and when required by the Principal;

(2) Teachers of a college may be required, from time to time, to cooperate and assist in carrying out the functions relating to the educational responsibilities of the college (such as assisting in appraising the applications for admission, advising or counseling students and assisting in University and college examinations including supervision thereof).

(3) Every Teacher, including the Principal, of a college shall sign a daily attendance register maintained for the purpose, and such daily attendance shall be countersigned by the Principal.

(4) In particular and without prejudice to the foregoing provisions, a Teacher shall perform the following duties :—

(a) To perform invigilation work in any examination for any course of study of the College/University held in the College/University;

(b) to draw routines;

(c) to carry out assignment for such field work as may be necessary for the courses taught in the college;

(d) to assist the Principal with regard to admission of students;

(e) to participate in National Cadet Corps, National Service Scheme and Sports and Games for the well being of the students;

(f) to assist the Principal in the management of hostels and messes attached to the college or administered by the college;

(g) to make the internal assessment of students; and

(h) to evaluate answer scripts of students for any examination conducted by the college/University.

(5) The Principal of a college shall ordinarily take not less than four periods of class work in a week in a subject taught in the college.

Statute 6

Retirement:

(1) A whole-time Teacher of a college enjoying University Grants commission scale of pay introduced since the 1st April, 1973 and subsequently revised with effect from the 1st January, 1986 in terms of Government order No. 1287-Edn. (CS), dated the 21st September, 1988 shall retire from service with effect from the afternoon of the last day of the month in which he attains the age of superannuation, i.e. 60 years:

Provided that such Teacher may be granted re-employment, initially for a period of two years and subsequently for a period of one year or less, subject to the terms and conditions as stipulated in the orders issued by the State Government from time to time. In no case, such re-employment shall be given if the Teacher concerned has attained 65 years of age.

(2) A teacher, who is in pre-1973 University Grants commission scale of pay, shall retire at the end of the academic year in which he attains the age of 62, provided that the Governing Body may grant extension of service to such Teacher, subject to the condition that no extension shall be granted for more than two years at a time and not beyond the date on which he completes the age of 65 years.

(3) A part-time Teacher in a college shall retire at the end of the academic year in which he attains the age of 65 years.

Statute 7

Minimum Emolument:

(1) The salaries and scales of pay for whole-time Teachers of a college, including such amounts as may

be contributed by the University Grants Commission or the Government of India or the State Government or the University or any other source, shall, in no case, be lower than the minimum salaries and scales of pay prescribed by the State Government in respect of such Teachers.

(2) The salary of a part-time Teacher of a college shall, in no case, be lower than the minimum salary as may be prescribed by the state Government. Such Teacher shall work for a period not exceeding four hours or six periods of 45 minutes each per week.

Statute 8

Fixation of initial salary in certain cases:

When a Teacher joins a college after resigning his post or on the expiry of the term of his service in another college, the initial salary of such Teacher in the college which he so joins shall be fixed so as not to be less than what he was receiving in his previous college.

Statute 9

Temporary Teachers not to be deprived of vacation salary in certain cases:

A temporary Teacher, who has worked in a college continuously for a period of not less than 10 months shall be entitled to draw his vacation salary for the period of vacation included within the period of 10 months or immediately following it.

Statute 10

Service Book:

There shall be maintained in every college for every Teacher whether whole-time or part-time, a service book in such form as may be prescribed by the State Government.

Statute 11

No Teacher (including the Principal/Vice-Principal) of a college shall be permitted to engage himself in private tuition. No Teacher shall engage himself in any other remunerative assignment not authorised by the University.

Provided that —

(a) no whole-time Teacher (including the Principal/Vice Principal) of an affiliated college shall be permitted to do part-time teaching work without the approval of the University;

(b) the whole-time Teachers of affiliated colleges, who are offered part-time lectureship in any other college/University shall have to obtain prior permission of the Vice-Chancellor before accepting such offer;

(c) any teacher contravening the provisions of this Statute shall be liable to such disciplinary action as the University may deem fit.

Statute 12

Resignation:

(1) Subject to the terms and conditions of any existing contract, no permanent Teacher of a college shall be entitled to relinquish his service by voluntary resignation without notice of his intention to resign and such notice shall be filed,—

(a) in the case of resignation at the end of an academic year, at least one month in advance, and

(b) in the case of resignation at any other time, at least two months in advance, temporary or probationary Teachers may terminate their service by voluntary resignation by filing with the Principal similar notice in writing at least one month in advance :

Provided that in special circumstances, the Governing Body on the recommendation of the Principal, may accept a notice of intention to resign for a shorter period.

(2) Any contravention of the provisions of paragraph (1) shall, at the discretion of the Governing Body entail forfeiture of salary for the period by which the notice falls short of the requirement of clause (a) or clause (b) of paragraph (1) in addition to such disciplinary action as may be taken for such contravention.

Statute 13

Disciplinary Action and Appeal:

The Teacher of an affiliated college, for reasons stated below and in the manner prescribed, shall be

subject to the following disciplinary actions and measures to be imposed by the Governing Body of the affiliated college.

Reasons for Disciplinary Actions:

- (a) Neglect of duty;
- (b) want of due diligence in the performance of duties;
- (c) Engaging in any unauthorized work, gainful or otherwise;
- (d) violation of orders regarding attendance and discipline;
- (e) Misappropriation and defalcation;
- (f) Insubordination or disregard or violation of the orders of the Superior authority;
- (g) Commission of any offence involving moral turpitude;
- (h) Conviction by a criminal court;
- (i) Taking of illegal gratification;
- (j) Tampering with official records;
- (k) Unauthorised absence;
- (l) any other misconduct unbecoming of a Teacher of a college and other good and sufficient reasons.

Disciplinary Actions:

- (i) Censure;
- (ii) Recovery from pay, of the whole or part of any pecuniary loss caused to the college by negligence or breach of any lawful order of the Governing Body;
- (iii) Withholding of increments or Withholding of career advancement or both;
- (iv) Suspension;
- (v) Compulsory retirement;
- (vi) Removal from service which shall not be a disqualification for future employment;
- (vii) Dismissal from service which shall ordinarily be a disqualification for future employment as a Teacher;

No order imposing any of the aforesaid disciplinary actions shall be issued without informing the Teacher concerned of the charges against him and giving him an opportunity of being heard and except after an inquiry is held in the manner prescribed by the Governing Body.

Communication of imposing penalty:

An order of the Governing Body of the affiliated college imposing any of the penalties mentioned under disciplinary actions shall be communicated to the Teacher concerned and shall be reported to the concerned university.

Appeal:

A Teacher may, against whom an order imposing any of the penalties mentioned under disciplinary actions has been passed, prefer an appeal within thirty days from the date of receipt of such order to the affiliating university. The University shall, after given the Teacher and the Governing Body of the college an opportunity of being heard, pass such order as it thinks fit. The university may, by order of the Vice-Chancellor, delegate the power of appellate authority to some officers not below the rank of a Deputy Inspector of College.

Statute 14

Leave not to be claimed as of right:

(1) Leave of absence from duty cannot be claimed as of right and may, on application by a Teacher of a college be granted only when satisfactory grounds have been shown. When the exigencies of service so require, the authority competent to grant leave may refuse leave of any description or, when any such leave is granted, may revoke such leave or part thereof.

(2) No Teacher, who is under suspension, shall be granted any leave.

(3) Absence without leave shall render a Teacher subject to such disciplinary action as may be decided by the Governing Body/ appropriate authority.

Statute 15

Applications for leave:

All applications for leave or for extension of leave shall be made in writing and addressed to the Principal and sanction of the leave, extension of the leave, as the case may be, applied for shall be obtained before it is availed of.

Provided that if the authority, competent to grant the leave, is satisfied that it was not possible to apply for or obtain the sanction of leave of absence beforehand, leave may be granted with retrospective effect but all applications for leave with retrospective effect shall be filed at the earliest possible opportunity.

Statute 16

Duration of leave:

(1) Leave shall ordinarily commence on the date with effect from which it is actually availed of and shall terminate on the day preceding the date of resumption of duty.

Provided that Sundays or holidays may be prefixed or suffixed to leave, so, however, that for the purpose of prefixing or suffixing to leave holidays exceeding three days or a college vacation, previous sanction of the authority competent to grant the leave shall be obtained.

(2) Except with the previous permission of the authority granting the leave, no Teacher on leave may return to duty before the expiry of the period of leave granted to him.

Statute 17

Computation of absence in certain cases:

If a Teacher of a college is absent from duty on all the days of a week on which he has been assigned duties, whether such days are consecutive or not he shall be deemed to be absent from duty for the whole of the week.

Statute 18

Leave not to extend beyond the date of retirement:

No Teacher of a college shall be granted leave beyond the date on which his service terminates by retirement. Provided that where, for exigencies of service, a Teacher has been denied any leave, wholly or in part, the leave so denied may be granted to him although it may extend beyond the date of such termination of his service, subject to the condition that no leave so granted shall extend beyond three months after such termination of his service.

Explanation— For the purpose of this statute, a Teacher shall be deemed to have been denied leave only if sufficiently in advance of the date of termination of his service he has either formally applied for leave extending up to the date of such termination of his service and the same has been refused to him on the ground of emergencies of service, or ascertained in writing from the authority competent to grant the leave that such leave, if applied for, would be refused on the aforesaid ground.

Statute 19

Recalling from leave:

The Principal of a college may, in his discretion, recall to duty, at any time, any Teacher of the college who may be on leave, except on medical grounds during vacation, and when a Teacher is so recalled to duty, he shall be granted such traveling allowances as the Principal may consider reasonable. Every such recall to duty shall be reported to the Governing Body for confirmation.

Statute 20

Overstay:

If a Teacher of a college has been granted leave to which vacation has been suffixed and such Teacher absents himself from duty beyond the expiration of such holiday or vacation, the whole period of his absence from duty after the expiration of such holiday or vacation shall be treated as absence from duty without leave and he shall not be entitled to his salary or allowances for such period unless and until the Governing Body otherwise directs.

Statute 21

Casual leave:

(1) Casual leave on full pay may be allowed to a Teacher of a college up to a maximum of fifteen days in any one calendar year but not more than five days at a time.

(2) Casual leave may be prefixed or suffixed to Sundays and other holidays but not to vacations or to any other kind of leave, provided that the total period of absence from duty does not exceed ten days at any one time.

(3) All casual leave to which any Teacher of a college may be entitled during any calendar year shall cease to be due to him at the end of such calendar year and cannot be accumulated or taken over or brought forward to any other year.

Explanation— For the purposes of this statute, “Casual Leave” means the leave to which a Teacher may be entitled in any calendar year by virtue of his being a Teacher may be availed of by him for short period on illness or urgent private affairs.

Statute 22

Earned leave:

(1) Every Teacher of a college shall be entitled to leave on full pay (hereinafter referred to as earned leave),—

(a) during the first seven years of service, to the extent of 15 days for every twelve months of active service, and

(b) from the eight year of service onwards, to the extent of thirty days for every additional twelve months of active service.

Provided that in each such case, when the total amount of earned leave due at any time amounts to 180 days in the case of a permanent Teacher, he shall cease to earn any further earned leave. Amendment is pending for substituting ‘180 days’ by ‘240 days’ and provision of encashment of 240 days E.L. in the light of G.O. No.

639-Edn(CS)
2L-7/2000 dated 30.08.06.

(2) When a temporary whole-time Teacher, who has no lien on any permanent post, is subsequently appointed substantively to a permanent post without any break in his service, he shall be credited, on such appointment, with the amount of earned leave or leave on half-pay which would have been admissible to him if the actual service prior to such appointment had been rendered by him as a permanent Teacher.

Provided that all earned leave on half-pay which he may have already taken shall be debited against his leave account. For the purposes of those statutes any leave taken by any such temporary teacher before such appointment shall not be deemed to be a break in his service.

(3) Earned Leave may be granted for such reasons as may be considered by the authority competent to grant such leave which may include —

(a) illness of the Teacher concerned;

(b) illness of a member of the family of such Teacher;

(c) urgent private affairs; and

(d) rest preparatory to retirement :

Provided that —

(i) when earned leave is applied for on any of the grounds referred to in clause (a) or clause (b) the application shall be accompanied by a medical certificate signed by a registered medical practitioner;

(ii) no Teacher, who has been granted earned leave under clause (a) on medical certificate, may return to duty without producing a medical certificate of fitness signed by a registered medical practitioner.

Statute 23

Authority for granting Leave:

Earned leave for any period not exceeding fifteen days at a time and casual leave may be granted to Teachers of a college by the Principal of the college. Earned leave for any longer period or any other kind of

leave for any period may be granted by the Governing Body of the college.

Statute 24

Absence on duty not to be counted as casual leave or earned leave:

Absence from duty of a Teacher of a college on account of academic work elsewhere approved by the Governing Body of the college or on account of obligations in regard to the National Cadet Corps or the Social Service Camp or similar other obligations shall be deemed to be absence on duty and shall not be counted towards casual or earned leave.

Statute 25

Study leave:

Leave of absence from duty with full pay for a period not exceeding eight weeks may be granted to Teacher of a college by the Governing Body of the college for the purpose of enabling the Teacher to acquire any qualification which, in the opinion of the Governing Body will enhance his efficiency as a Teacher of the college and such leave shall be called study leave.

Statute 26

Special Study leave:

A whole-time Teacher of a college may be granted leave for pursuing studies in an institution considered by the Governing Body of the college as suitable for the purpose for such period, ordinarily not exceeding two years during the whole period of his service, and on such terms and conditions, including conditions requiring the Teacher to return to the college for a specified period of further service therein after the expiry of the leave, as the Governing Body may deem fit. Such leave shall be called special study Leave.

Statute 27

Maternity leave:

Maternity leave may be granted to a female Teacher for a period not exceeding 135 days from the date of its commencement. Maternity leave, combined with any other kind of leaves, may be granted only if such application is supported by a registered medical practitioner.

Statute 28

Quarantine leave:

Leave of absence from duty may be granted to a Teacher of a college on full pay when he is ordered by the Principal of the college not to attend his duties on account of the presence of any infectious disease in his family or household. Such leave may on a certificate signed by a registered medical practitioner, be granted for a period not exceeding twenty-one days or, in exceptional circumstances thirty days. Such leave shall be called Quarantine leave and may be combined with any other kind of leave.

Statute 29

Medical leave:

All whole-time Teachers may be granted leave on half-pay for twenty days for each completed year of service on medical grounds on production of medical certificate;

Provided that a permanent Teacher shall be entitled to commute the half-pay leave that he has earned to full-pay leave, to the limit of 180 days in the entire service period. Provided further that no commuted leave may be granted unless the authority competent to sanction the leave has reason to believe that the employee will return to duty on its expiry.

Statute 30

Extraordinary leave:

Extraordinary leave without pay may be granted to a Teacher of a college in circumstances involving hardship for such period and on such terms and conditions as the Governing Body of the college may think fit and proper.

Statute 31

Compensatory leave:

(1) Any Teacher of a college, who may be required, in the interests of the college, to work during a

vacation/holiday, shall be entitled to leave of absence from duty for an equal number of days for which he is so required to work during a vacation/holiday.

(2) Any leave granted under paragraph (1) shall be on full pay and shall be called compensatory Leave.

Statute 32

Conversion of leave:

(1) At the request of a Teacher of a college, the Governing Body of the college may, by order, convert any kind of leave already granted to him into leave of a different kind, as may be admissible, with effect from such date as may be specified in the order; but a Teacher shall not be entitled to claim such conversion of leave as of right.

(2) If one kind of leave is converted into another, the amount of leave salary admissible shall be recalculated and the arrears of leave salary shall be paid to or, as the case may be, the amounts overdrawn shall be recovered from, the Teacher concerned.

Statute 33

Combination of different kinds of leave:

Except as otherwise specifically provided in these statutes, any kind of leave may be granted in combination with or in continuation of any other kind of leave.

Statute 34

Application and Savings:

(1) Save as hereinafter provided, the provisions of those statutes relating to leave shall apply to all whole-time Teacher of colleges, whether appointed before or after the commencement of these Statutes.

(2) If any such Teacher of a college is, on the date of the commencement of these statutes, in actual enjoyment of more liberal terms regarding leave, such Teacher shall not be deprived of such benefits and shall continue to enjoy the same.

Provided that in such case, the Teacher shall exercise, within a period of three months from the date of commencement of these statutes, an option either to elect to come under these Statutes or to remain under the old rules in so far as the leave under their Statutes is concerned. The option so exercised shall be final and shall not be changed thereafter.

(3) Leave rules for part-time Teachers of a college shall be framed by the Governing Body of the college with the approval of the Executive council, but no rules to be so framed shall contain more liberal provisions than those contained in these statutes.

Statute 35

Leave Salary:

Leave salary shall be admissible in terms of Government order as may be issued from time to time. Leave salary shall be calculated on the basis of the rate of pay drawn by a Teacher of a college on the day preceding that on which the leave commences unless otherwise determined by the Governing Body of the college.

Statute 36

Leave Account:

A leave account shall be maintained by the Principal of college for every Teacher thereof but any leave granted under Statutes 25 to 28 shall not be debited to such account.

Statutes 37

Working days and holidays:

Academic session of a college shall commence from the first day of July every year. Every college shall abide by the pattern of holidays and vacations as detailed below:

Provided that the period of winter vacation of the non-Government affiliated colleges in the Hill areas shall be notified by the university separately.

	6 day week	5 day week
1. Actual teaching days	180days**	180days

**Under the process of amendment.*

2. Public Holidays	16 days*	16 days*
3. Puja Vacation	23 days*	10 days*
4. Examination, admission and other activities.	90 days**	52 days
5. Sundays and Saturdays	52 days	104 days
6. Principal's Discretion	4 days	3 days
Total	365 days	365 days

* Excluding Sundays for six-day week and Sundays and Saturdays for five-day week.

** The total number of 'actual teaching days' and days for 'examination admission and other activities' will be 270 days of which at least 180 days will be actual teaching days.

The following days will be compulsorily observed as National Holidays.:

1. Republic Day - 26th January.
2. Independence Day - 15th August.
3. Birthday of Mahatma Gandhi - 2nd October.

Other holidays may be observed on the days listed below: —

1. Id-ul-fiter.
2. Sri Panchami- 1 day.
3. Birthday of Netaji.
4. Doljatra.
5. Id-uz-zoha.
6. Good Friday.
7. Bengali New Year's Day.
8. Birthday of Rabindranath Tagore.
9. Muharram.
10. Budhha Purnima.
11. May Day.
12. Fateha Doaz Dham
13. Janmastami.
14. Mahalaya.
15. Kali Puja. (for colleges with 5-days week)
16. Bhratridwitia (for colleges with 5-days week)
17. Birthday of Guru Nanak.
18. Christmas Day.
19. Birthday of Bhanu Bhakt. (only for Darjeeling District):

Provided that a Teacher shall be present in the college either on the closing day on the opening day after a vacation, failing of which, the entire period of vacancy shall be treated as a period of absence of the Teacher.

Statute 39

Other terms and conditions:

Other terms and conditions of service of Teachers of affiliated colleges, other than Government Colleges, shall be such as may be prescribed by the State Government and the existing provisions shall stand modified accordingly.

Statutes relating to the Appointment and Terms & Conditions of Service of Librarians and Non-teaching Staff of Colleges Affiliated to the University other than Government Colleges including Government Colleges in other States Affiliated to the University

Statute 1

Short title and commencement:

(1) These statutes may be called the statutes Relating to the Appointment and Terms and Conditions of Service of Librarians and Non-Teaching Staff of colleges Affiliated to the North Bengal University other than Government Colleges including Govt. colleges in other States affiliated to the University.

(2) They shall come into force at once.

Statute 2

Classification of employees:

These Statutes shall apply to the following categories of employees of colleges affiliated to the University other than Government colleges including Government colleges in other States affiliated to the University:—

(a) non-teaching staff belonging to the cadre of posts of —

(i) Office Superintendent, Cashier, Accountant, Head Clerk, Senior Assistant, Senior Clerk and such other posts as may be approved by the state Government.

(ii) Assistant Clerk, Library Assistant, Laboratory Assistant/Laboratory Instructor, Store-Keeper, Store-Clerk, Care-taker, Stenographer, Typist, Record-Keeper, Collection Clerk and such other posts as may be approved by the state Government.

(iii) lower subordinate staff belonging to the cadre or category of Driver, Laboratory attendant, Skilled bearer, Mali, Electrician, Mechanic, Carpenter, Un-skilled bearer, Messenger, Peon, Office Peon, Durwan, Night Guard, Sweeper, Library Attendant, Mali and such other posts with such other nomenclature as may be approved by the state Government.

(iv) any other category of non-teaching staff.

(b) Librarian and such other posts as may be approved by the state Government.

Statute 3

Definition:

In this statute, unless there is anything repugnant in the subject or context, the words and expressions used but not defined in these statutes shall be interpreted to have the same meaning as they have in Act, and

(a) 'the Act' means the North Bengal University Act, 1981 (West Bengal Act XXV of 1981);

(b) 'compensatory allowance' means an allowance granted to meet the personal expenditure necessitated by special circumstances in which duty is performed;

(c) 'duty' includes (i) service as a probationer provided that such service is followed by confirmation; (ii) attendance in Law courts in his official capacity as Juror or Assessor or appearance before any Court, Tribunal, Committee or Commission as witness in connection with any case, dispute of any other matter in which the college is a party; (iii) duty in the Territorial Army; (iv) periods of casual leave, quarantine and maternity leave and paid holidays and (v) leave duty sanctioned by the competent authorities;

(d) 'holiday' means a holiday declared as such by the college concerned and includes a Sunday; provided that in relation to the college or any particular office or branch of it 'holiday' shall include a day on which such college, office or branch is ordered to be closed by the Principal of the college or in his absence by such person who performs the duties of the Principal;

(e) 'lien' means the title of an employee to hold a permanent post substantively, either immediately or on the termination of a period or periods of authorised absence from the post;

(f) 'medical' certificate' means a certificate from a registered medical practitioner recognised by the

state Government;

(g) 'month' means a calendar month unless otherwise specified or made clear by the context and in calculating a period expressed in months and days, complete calendar month, irrespective of the number of days in each should first be calculated and the old number of days calculated subsequently;

(h) 'officiating in a post' means performing the duties of that during temporary vacancy for any period caused by the non-availability of the permanent incumbent due to some reason or other;

(i) 'Pay' means the amount drawn monthly by an employee as pay including special pay and personal pay in terms of his employment and conditions of service;

(j) 'Permanent post' means a post carrying a definite rate of pay sanctioned without limit of time and declared as such;

(k) 'personal pay' means additional pay granted to the employee either to save him from less of substantive pay or on the basis of individual and personal consideration;

(l) 'Special pay' means an addition of the nature of pay to the emoluments of an employee in consideration of:

(i) the specially arduous nature of duties, or (ii) a specific addition to the work or responsibility.

(n) 'substantive pay' means the pay other than special pay and personal pay which an employee is entitled to on account of a permanent post to which he has been appointed substantively;

(o) 'subsistence grant' means a monthly grant made to an employee who is not in receipt of pay or leave salary during a period of suspension.

Statute 4

Appointing authority:

(1) In these statutes, the Appointing Authority means the Governing Body of affiliated colleges empowered to make the appointment to posts referred to hereinabove and in accordance with the rules or orders as may be made by the State Government in this behalf;

Provided that the Principal (or the Lecturer or Officer-in-charge) and the Secretary to the Governing Body shall sign and issue all letters of appointment on behalf of the colleges.

(2) Every employee of a college shall on appointment as such be provided with a letter of appointment containing such terms and conditions as may be prescribed by the Governing Body.

(3) An employee appointed against a permanent vacancy shall be on probation ordinarily for a period of one year from the date of joining and such period of probation may, at the discretion of the Governing Body be extend for a further period not exceeding one year.

(4) If at any time during the period of probation, the probationer's work is not considered satisfactory, the probationer shall be discharged by the authority concerned; provided in such case one month's notice or one month's salary in lieu of such notice is to be given.

(5) On satisfactory completion of period of probation an employee shall be confirmed with effect from the date of his appointment by an order in writing made by the Governing Body in this behalf and the fact such confirmation shall be communicated to the person concerned; provided that if, on completion of the period of probation, no such order of confirmation is made and communicated to the person concerned within a period of two months of the completion of the period of probation, the person concerned shall be deemed to have been confirmed with effect from the date of his appointment on probation.

Statute 5

Promotion:

(a) Whenever a permanent vacancy occurs in any of the posts referred to in sub-clause (i) of clause (a) of statute 2, such vacancy shall in the first instance be filled up by promotion from amongst the employees holding any of the posts referred in sub-clause (ii) of clause (a) of statute 2. In the matter of such promotion, efficiency, seniority including academic qualification, character rolls and attendance shall have to be taken into consideration. In case no suitable candidate for such promotion is available, such permanent vacancy shall be filled up by direct recruitment in accordance with the procedure laid down for the purpose;

Provided that the provision relating to recruitment of non-teaching employees of affiliated colleges as laid down in the foregoing Statutes shall not apply in cases where, on compassionate ground, a dependent of any employee dying in harness is to be offered a job consistent with his or her qualifications. He or She shall have precedence over others in the matter of appointment or placement as the case may be.

Provided further that the provision mentioned above shall also be applied in case of a college employee who is disabled permanently or otherwise incapacitated rendering him unfit to continue in service if the fact of disablement is certified by a medical officer authorised by the Director of Health services, West Bengal.

(b) Whenever a permanent vacancy occurs in any of the posts referred to in Sub-Clause (ii) of Clause (a) of Statute 2 in the matter of filling up of such vacancy, the procedure as laid down in these Statutes for direct recruitment shall be followed.

(c) In the case of filling up of vacancies in the posts referred to in Sub-Clause (ii) of Clause (a) of Statute 2, efficient and experienced members of the lower subordinate staff having the requisite qualifications shall get preference over others.

Explanation :

A dependent of an employee for the purpose of this Statute shall mean husband, wife, son, unmarried or widowed daughter, unmarried or widowed sister, brother or parent, provided such relation of the employee is solely dependent on him or her.

Statute 5A

Reservation:

In observing the procedure of filling up of the posts mentioned in Statute 2, either by direct recruitment or by promotion, the Principle of reservation of posts for Scheduled Caste and Scheduled Tribe candidates should be followed as per orders issued by the state Government from time to time.

Statute 6

Pay and allowances:

(a) An employee shall begin to draw the pay and allowances attached to a post to which he has been appointed with effect from the date he assumes the duties of that post shall cease to draw the same when he ceases to discharge these duties.

(b) Unless otherwise provided in a contract, on first appointment to a post, pay shall be fixed at the minimum of the time scale applicable to that post;

Provided that an employee of a college who, while having a lien on a permanent post, is appointed to officiate in a higher post in that college shall be eligible to draw in that higher posts as initial pay, pay at the stage of the time-scale of pay of the higher post next above his substantive pay in his substantive post;

Provided further that, if he has on any previous occasion or occasions held substantively on identical time-scale his initial pay shall not be less than the pay, other than special pay or personal pay, which he draw on last such occasion.

(c) The holder of post, whether he holds it in a substantive or officiating capacity, shall be treated as if he was transferred to a new post on the new pay;

Provided that he may at his option retain his old pay until the date on which he has earned his next or any subsequent increment in the old scale or until he vacates his post or ceases to draw pay on that time scale. The option once exercised shall be final.

(d) An increment shall ordinarily be drawn unless withheld as a punishment. When an efficiency bar has been prescribed in a time-scale the increment next above shall not be allowed without the specific sanction of the appointing authority.

(e) All duty in a post on a time-scale shall count for increment in that time-scale except in case of efficiency bar.

(f) Officiating or temporary service in another post and leave other than extra-ordinary leave, shall count for increments in the time-scale applicable to the post on which the person concerned holds a lien.

(g) Earned leave will count towards increment in the time-scale applicable to a post which an employee

holds in an officiating or temporary capacity.

(h) Extraordinary leave will not count towards increment but the authorities concerned may, in any case in which they are satisfied that the extra-ordinary leave was taken on account of illness or in public interest or for any other reason beyond the employees' control, direct that the whole or any portion of such leave may count for increment in the time-scale of the post on which that employee holds a lien.

(i) When an employee carries on, in addition to his own duties, the duties of a post belonging to a category higher than that on which he holds a substantive appointment, he will draw as additional pay one-fifth of the minimum of the scale of pay of that post provided that he carries on such duties for a period not less than one month.

(j) A building or any portion thereof owned or taken on lease by the college may, by general or special order of the Governing Body, be allowed to be used as a residence of any employee on such terms and conditions as it may fix.

(k) An employee of a department or branch discharging the duties of another employee belonging to the same classification shall not be entitled to any remuneration for such duties.

(l) The employee of a college shall be entitled to such allowances as may be sanctioned by the Governing Body of the college from time to time according to the order issued by the State Government in this behalf or with the approval of the State Government.

Statute 7

Lien:

An employee on substantive appointment to a permanent post acquires a lien on that post and ceases to hold any lien previously acquired on any other post.

Statute 8

Leave and leave salary:

(1) Leave cannot be claimed as of right. When the agencies of services so require discretion to refuse or revoke leave of any description is reserved to the authority empowered to grant it.

(2) Leave ordinarily begins on the day on which transfer of charge is effected and ends on the day preceding that on which duty is resumed. Holidays may be prefixed or affixed or both prefixed and affixed to casual and Quarantine Leave.

(3) Leave (except casual and quarantine leave) may either be affixed or prefixed to holidays, but cannot both be prefixed and affixed to holidays. When leave (except casual and quarantine leave) is combined with a holiday by both prefixing and affixing it with the holiday, the holidays shall be reckoned as leave in calculating the amount of leave on full pay that may be admissible at a time.

(4) An employee on leave shall not return to duty before the expiry of leave granted to him without permission of the authority which sanctioned the leave.

(5) No person who has been granted leave on medical certificate for infectious diseases shall return to duty without producing a medical certificate of fitness.

(6) Unless extension is granted, a person who remains absent after the end of his leave is entitled to no leave salary for the period of such absence. Wilful absence from duty after the expiry of leave may be treated as misconduct calling for disciplinary action.

(7) Subject to the foregoing general Principles the following kinds of leave may be granted to the employees:—

- (i) Casual Leave,
- (ii) Privilege Leave,
- (iii) Half-pay Leave,
- (iv) Commuted Leave,
- (v) Medical Leave,
- (vi) Leave in extraordinary circumstances,
- (vii) Maternity Leave,

- (viii) Hospital Leave,
- (ix) Quarantine Leave,
- (x) Leave preparatory to retirement,
- (xi) Special disability Leave,
- (xii) Compensatory leave, and
- (xiii) Study Leave.

(8) Casual leave for short periods not exceeding five days at a time or fourteen days in a calendar year may be granted to an employee. Casual leave cannot be combined with any other kind of leave or vacations and the balance will not be carried from one year to another. An employee on casual leave will be treated as on duty.

(9) Employees of a college shall be treated as working in non-vacation institutions and all whole-time employees shall earn as privilege leave one-eleventh parts of the tie period spent on duty provided that a person shall cease to earn such leave when the privilege leave due amounts to 240 days.

(10) All whole-time employees may be granted on half-pay for twenty days for each completed year of service subject to a maximum period of 240 days during the entire period of service on medical grounds on production of medical certificate;

Provided that a permanent employee will be entitled to commute the half-pay leave that he has earned to full-pay leave and such full pay leave shall not exceed 120 days in the whole period of service; Provided that no commuted leave may be granted unless the authority competent to sanction the leave has reason to believe that the employee will return to duty on its expiry.

(11) If no leave is due on any account, an employee may be granted leave for a period not exceeding 180 days as special leave during the whole period of service for medical treatment. Such leave may be debited against the half-pay leave which the employee may earn subsequently. Before sanctioning such leave, the appointing authority should satisfy itself that the employee concerned is likely to return from leave and continue in service for a sufficient period to earn the leave granted.

(12) When no other leave is by rule admissible, a permanent employee, in extraordinary circumstances, may be granted leave without pay for such period as may be determined by the college authorities, but an employee shall not be allowed to enjoy such leave for more than 90 days at a time.

(13) An employee who is disabled by injury accidentally sustained in course of the due performance of his official duties or by illness resulting from the performance of any particular duty which has the effect of causing or aggravating his illness or causing injury beyond the ordinary risk attaching to the post may be allowed special disability leave for a maximum period of twenty four months.

(14) Maternity leave may be granted to a female employee for a period not exceeding 90 days from the date of its commencement. Maternity leave, combined with any other kind of leave, may be granted only if such application is supported by a registered Medical Practitioner.

(15) An employee may, on production of a certificate from hospital, be allowed hospital leave for a period upto three months during any period of three years, while undergoing treatment in hospital for illness or injury caused or sustained in course of his official duties if such illness or injury be caused or sustained because of risks directly involved in the performance of such official duties.

(16) Where, in consequence of the presence of an infectious disease, in the family or household of an employee, his attendance at his office is considered hazardous to the health of other employees, such an employee may be granted quarantine leave on the basis of medical certificate from a registered medical practitioner for a period not exceeding 21 days, or in exceptional circumstances, 30 days. Any leave necessary for quarantine in excess of these limits will be treated as ordinary leave. Quarantine leave is not debit to leave account and may be combined with this kinds of leave. An employee on quarantine leave is not treated as absent from duty and his pay is not intermitted.

The following diseases shall be treated as infectious for the purpose of grant of Quarantine leave :—

- (1) Scarlet Fever.

- (2) Plague (Bubonic or Bubonic).
- (3) Typhus.
- (4) Cerebro Spinal Meningitis.
- (5) Small Pox.

(17) (i) Leave at the credit of an employee in his leave account shall lapse on the date he compulsorily retires. An employee, if he applied at least six weeks before the date of proceeding on leave, may be granted leave preparatory to retirement for a maximum period of 240 days provided that he has credit in his leave.

(ii) An employee retained in service after the date of compulsory retirement shall earn privilege leave during the extended period at the rate as admissible under sub-clause (i).

(18) (i) An employee on privilege leave is entitled to leave salary equal to the greater of the amounts specified below :—

The substantive pay on the day before the leave commences, or in respect of the first sixty days of the privilege leave the average monthly pay earned during the 12 completed months preceding the month in which the leave commences; and thereafter the average monthly pay earned during the 36 complete months preceding the month in which the leave commences.

(ii) An employee on half-pay leave will be entitled to leave salary equal to half the substantive pay as on the day before the leave commences.

(iii) An employee on medical leave is entitled to leave salary at the same rate as admissible on half-pay leave.

(iv) An employee on leave in extraordinary circumstances is not entitled to any leave salary, such leave shall not count towards increment.

(v) A female employee on maternity leave is entitled to draw full pay at the rate she was drawing at the time of proceeding on such leave and the said leave is not debit to the leave account.

(vi) Only such staff, belonging to the cadre under clause (a) of Statute 2, as may be required to attend office on Sundays/Holidays under specific orders of the Principal or Lecturer-in Charge, for reasons to be recorded in writing, may be granted compensatory leave provided on overtime allowance or extra-allowance whatsoever is paid for such attendance. Provided that such compensatory leave will lapse after six months from the date of such leave was earned by attending duty on holidays as per order of the competent authority.

(vii) An employee on quarantine leave shall be treated as on duty and shall be entitled to full pay and allowances for the period.

(viii) An employee on special disability leave shall be entitled to leave salary for the first four months at the average monthly pay earned during the 12 completed months preceding the month in which the leave commences and for the remaining period at half such average pay.

(ix) Only the Librarian or Assistant Librarian who may be required to improve their academic qualification as per U.G.C. norm/ direction of the state Government may be granted study leave with full pay and allowances for undergoing such courses like Bachelor or Master Degree in Library and Information Science for a maximum period of 12 months subject to the following conditions :—

(a) no person shall be eligible for study leave unless he has to be in at least 3 years full time, continuous, active and approved service in a permanent post in the college and is not due to retire therefrom within 5 years of his return from such leave;

(b) Study leave may be granted as per foregoing clause for a period of not exceeding one year in case of Librarian or an Assistant Librarian;

(c) a person who is granted study leave shall, before proceeding on such leave, execute a bond stating that he shall serve the college at least 5 years on his return from such leave on a salary he would have ordinarily drawn if he would not have gone on study leave, and continued in the same post and that if he quits the service of the college before the expiry of that period, or if as a result of any unsatisfactory progress report study leave is cancelled at any time by the Governing Body he shall refund to the college, in whole or in part, as may be decided by the Governing Body, of amounts including emoluments which have been paid to

him on accounts of grant of such leave and he should also furnish two surities for due fulfilment of the undertaking above, and for compensating the college against any loss or any expenditure which may be incurred by it for the person;

(d) study leave shall not be debited against the leave account;

(e) study leave with pay, will count as service for the purpose of promotion, increment of pay and pension, and also for the purpose of earning leave;

(x) An employee on hospital leave shall be allowed to leave salary equal to either the average monthly pay earned during the 12 complete months preceding the month in which the leave commence or half of such average monthly pay, as the authority granting it may consider proper.

(19) For each employee, leave account in the form as may be prescribed by the Executive Council shall be maintained.

(20) Compensatory allowance should ordinarily be drawn by an employee on duty but college authorities may prescribe the conditions under which an employee on leave may draw such allowance.

(21) Generally, the Principal of a college is competent to sanction leave and leave salary to any non-teaching employee. An employee not satisfied with the decision of the Principal in this regard, shall have a right to appeal to the Governing Body or its equivalent.

(22) The Governing Body or its equivalent may for manifest reasons which it may consider to be adequate vary, revise or cancel any order pertaining to any kind of leave issued by itself or by the Principal.

Statute 9

Working hours and attendance:

(a) The normal working period will be 7 (seven) hours duration with a recess of half-an-hour on week days and on Saturdays it will be 3.5 hours' duration without recess. The commencement of duty is to be based on fixed routine, but variation may occur if exigency arises.

(b) Each employee, while reporting for duty and leaving after duty hours shall sign the attendance register.

(c) Late attendance beyond 15 minutes, without previous permission, for every five days shall entail forfeiture of one day's leave. No one will be allowed to attend office if he is late by 1.5 hours or more in a day, except without prior permission of the Principal or the superior officer concerned.

(d) No employee shall leave the place of work during working hours without permission from the person in charge of the office or department concerned except on official business.

(e) In special cases clauses (c) and (d) above may be relaxed by the appropriate authority.

(f) All absence from duty shall be covered by a prior application or intimation in writing. For absence under unavoidable circumstances, application for condonation of absence should be submitted as early as possible.

(g) If an employee being present at the place of his duty, abstains from work without permission or refuses to work at any time during the prescribed hours or work on any day, he shall, in addition to being liable to such disciplinary action as may be taken against him for dereliction of duty, be deemed to be absent without leave for such day and shall not be entitled to draw any pay or allowance for such day.

Statute 10

Compulsory retirement:

(a) An employee shall retire on completing the age of 60 years :

Provided that the college employees who are in service on the date of the commencement of these Statutes, may, if they so opt, continue in service for such period as was admissible to them under their respective college rules or practice in existence, on such date but shall not do so after attaining the age of 60 years subject to existing contractual obligations, if any.

(b) The date on which an employee attains the age compulsory retirement shall mean the last date of the month in which he attains such age.

(c) A permanent employee must be given at least three months' notice or three months' pay in lieu

thereof before his appointment is terminated by abolition of his post. Similarly, a college employee in permanent service must give the college at least three month's notice if he wants to resign his appointment in the college.

(d) A temporary employee shall be given at least one month's notice or one month's pay in lieu thereof, before termination of his appointment.

Statute 11

Discipline and conduct:

(1) The following penalties may, for reason of : —

(a) neglect of duty,

(b) want of due diligence in the performance of duties,

(c) violation of orders regarding attendance and office discipline,

(d) misappropriation and defalcation,

(e) insubordination or disregard or violation of the orders of the superior authority,

(f) commission of any offence involving moral turpitude,

(g) conviction by a criminal court for an offence involving moral turpitude,

(h) taking of illegal gratification,

(i) tampering with official records,

(j) any other misconduct unbecoming of an employee of the college, and for other good and sufficient reason be imposed upon the employee by the appointing authority or by any authority to which the appointing authority is subordinate, namely :—

(i) suspension;

(ii) censure;

(iii) withholding of increments or promotion or both;

(iv) recovery from pay of the whole or part of any pecuniary loss caused to the college by the employee;

(v) reduction to a lower stage in the time-scale of pay for a specified period with further direction as to whether or not the employee will earn increments or pay during the period of such reduction;

(vi) reduction to a lower time-scale of pay, grade, post or service which shall ordinarily be a bar to the promotion of the employee to the time-scale of pay, grade, post of service from which he was reduced with or without further directions regarding conditions of restoration to the grade, post or service from which the employee was reduced and his seniority and pay on such restoration to that grade, post or service;

(vii) compulsory retirement;

(viii) removal or dismissal from service.

(2) **Explanations** : I. The termination of employment of —

(a) a person appointed on probation during or at the end of period of probation in accordance with the terms of appointment, or

(b) a temporary employee on the expiry of the period of his appointment, or

(c) a person engaged on contract in accordance with the terms of his contract, is not removal or dismissals from service.

II. Compulsory retirement means that the appointing authority may get the employee retired compulsorily as a measure of punishment before he has attained the age of 60 years.

III. Stoppage of any increment of any employee next above the efficiency bar in the time-scale of his pay on the ground of his unfitness to cross the bar does not amount to withholding of increments or promotion within the meaning of this Statute.

3) In all cases of imposition of penalties the ground on which it is proposed to take action shall be reduced in the form of definite charge or charges and communicated to the employee concerned together with a statement of facts on which it is proposed to take into consideration in passing orders on the cases. The employee charged may put in a written statement of his defence for which he shall be given a minimum period of two weeks from the date of receipt of charge sheet by him along with documentary evidence, if any upon receipt of the statement of defence from the employee, or at the expiry of the period allowed for submission

of his statement of defence, the authority concerned may, after examination of relevant facts and circumstances, either drop the case or decide to proceed further. If it is decided to proceed further, a formal enquiry shall be held informing the employee concerned of the penalty provisionally proposed to be taken against him and asking him to be present at the enquiry thereafter, if he so desires, to produce further evidence in support of his defence. The authority concerned shall thereafter take decision on the findings of the enquiry, if however, it is decided to impose a penalty other than what was communicated to the employee at the stage of the formal enquiry another opportunity will be given to him to submit a written statement against imposition of the other penalty within two weeks from the date of receipt of the above communication by him in this respect and if considered necessary, a fresh enquiry will be made and the evidence of such enquiry shall be taken into account before final orders are passed. In all cases principles of natural justice shall be followed and the employee shall be given adequate opportunity to defend his case;

Provided that no pleader or agent shall be allowed to appear at the enquiry on behalf of the college or the employee concerned.

4) An employee who is removed or dismissed from service shall not draw any pay or allowances from the date of such removal or dismissal is ordered to be effective.

5) The order of removal or dismissal from service shall not be given retrospective effect with reference to the date of the order.

6) An employee under suspension shall be entitled to get a subsistence grant at one-half of the pay of the post held plus admissible allowances.

7) a) When the suspension of an employee is held to have been unjustifiable or not wholly justifiable or when an employee who had been removed or dismissed or suspended from service is reinstated, the authority shall grant to him for the period of his absence from duty—

i) If he is honorably acquitted the full pay and allowances to which he would have been entitled if he had not been dismissed, removed or suspended;

ii) if otherwise, such proportion of pay, and allowances as the authority concerned may prescribe.

b) In case falling under item (i) of clause (a) the entire period of absence from duty shall be treated as a period spent on duty. In a case falling under item (ii) of sub-clause (a) the period may be treated as duty or leave as the authority concerned may direct;

c) The amount of subsistence grant, if any, already drawn shall be deducted from the pay and allowance or proportion thereof which may be granted under this Statute.

Statute 12

a) Any employee aggrieved by an order imposing upon him any penalty or penalties specified in item (i), (ii), and (iii) under Statute 11 may prefer an appeal to the Governing Body within thirty days from receipt of the order imposing the penalty or penalties. The decision of the Governing Body on such appeal shall be final.

b) An employee aggrieved by an order imposing upon him penalty or penalties specified in items (iv) to (vii) under Statute 11 may prefer an appeal to the Vice-Chancellor within thirty days from the receipt of the said order imposing the penalty or penalties. The appeal shall be decided and disposed of by the Vice-Chancellor within 90 days in the manner as it will consider just and such appeal shall be final.

Statute 13

General:

a) In any case not expressly provided for in these Statutes the college authorities may obtain such directions from the University as may be necessary in the special circumstances of the case;

b) The power of interpreting these Statutes is reserved to the University whose decision shall be binding on all concerned.

Statute 14

Power to remove difficulties:

If any difficulty arises with regard to application of these Statutes, or if any lacuna or omission in these

Statutes presents any difficulty, whatsoever, the University shall have the power to issue orders or directions to remove such difficulty, notwithstanding anything to the contrary contained in these statutes.

Statute 15

Statutes not to affect adversely:

These Statutes when applied shall not adversely affect the terms of employment and conditions of service, if any, of the existing permanent employees of the college,

Statutes relating to the Maintenance of Statutory Registers

Statute 1

Short title and commencement:

- (1) These Statutes may be called the Statutes relating to the maintenance of Statutory Registers.
- (2) They shall come into force at once.

Unless the context otherwise requires, —

Statute 2

Interpretation:

- (i) Words and expression used in these Statutes shall be interpreted to have the same meaning as they have in the North Bengal University Act, 1981 (West Bengal Act XXV of 1981);
- (ii) “form” shall mean a form appended to these statutes.

CHAPTER I

Statute 3

(i) A separate register of names of the colleges belonging to each of the following categories shall be maintained in form No. 1(a) (Reg.), 1(b) (Reg.) and 1(c) (Reg.) respectively :—

- (a) Government Colleges,
- (b) Constituent Colleges and
- (c) Affiliated Colleges.

(ii) A register of names of all the existing Principals of all affiliated colleges shall be maintained in form No. 2 (Reg.) in the following manner:—

(a) Whenever any person is appointed as the Principal of a college and has assumed his office as such, he shall forthwith forward to the Registrar a statement in Form No. 2 (Reg.) after entering therein all relevant particulars about himself and certifying that such particulars are true to his knowledge;

(b) if the Principal of any college dies or otherwise ceases to hold his office as such, a report of the fact shall be forthwith sent to the Registrar by the college authorities. On receipt of such report, or in case a default is made in sending such report and the Registrar is otherwise satisfied that the Principal has died or otherwise has ceased to hold his office as such, the Registrar shall delete the name of such Principal from the relevant register.

(iii) A register of names of the Teachers, not being Principals, of all affiliated colleges shall be maintained in form No. 3 (Reg.) in the following manner :—

a) Whenever any person has been appointed as a Teacher of a college and has assumed his office as such, the principal of the college shall forthwith forward to the Registrar a supplementary statement in form No. 3 (Reg.) in respect of such Teacher;

b) Whenever any Teacher of a college, whose name has been entered in the Register, dies or otherwise ceases to hold his office as such, the Principal of the college shall forthwith report the fact to the Registrar. On receipt of such report or, in case a default is made in sending such report and the Registrar is otherwise satisfied that the Teacher has died or otherwise has ceased to hold his office as such, the Registrar shall delete the name of such Teacher from the Register.

(iv) A Register of names of non-teaching staff including Librarians of all affiliated colleges shall be maintained in form No.4 (Reg.) in the following manner :—

a) Whenever any person has been appointed as a non-teaching staff including Librarians of an affiliated college and has assumed his office as such, the Principal of the college shall forthwith forward to the Registrar a statement in Form No. 4 (Reg.);

b) Whenever a member of the non-teaching staff or a Librarian of a college, whose name has been

entered in the Register, dies or otherwise ceases to hold his office as such, the Principal of the college shall forthwith report the fact to the Registrar. On receipt of such report Registrar is otherwise satisfied that the non-teaching staff including Librarians has died or otherwise has ceased to hold his office as such, the Registrar shall delete the name of such person from the Register.

Statute 4

On the coming into force of these Statutes, the Principal of every college referred to in paragraph (i) of Statute 3 shall forward to the Registrar within such date as the latter may fix in this behalf a statement in Form No. 1(a) (Reg.), 1(b) (Reg.), 1(c) (Reg.), 2(Reg.), 3(Reg.) and 4(Reg.), as the case may be, after entering therein all relevant particulars. He shall also certify therein that the particulars entered in such statement are true to his knowledge.

Statute 5

Any change in the form of addition or alternation with regard to any column in the relevant form shall be intimated to the Registrar within fifteen days from the date when such change comes into effect.

Statute 6

Unless the context otherwise requires, the seniority of a Teacher, Librarian or member of the non-teaching staff shall be determined on the basis of the date of joining the service of the college concerned :

Provided that —

1) in case the date of joining of two or more Teacher is the same, the seniority shall be determined after considering —

- a) the previous experience as a Teacher, if any,
- b) the year of passing the M.A./M.Sc./M.Com. Examination, and
- c) the date of birth;

2) in case the date of joining of two or more Librarians is the same, the seniority shall be determined after considering —

- a) the previous experience as Librarian/Assistant Librarian,
- b) the date of passing the examination of B.Lib., and
- c) date of birth;

3) in case the date of joining of two or more members of the non-teaching staff is the same, the seniority shall be determined on the basis of the date of birth and experience in similar capacity elsewhere; provided, that in the matter of appointment as Paper- Setter/Examiner/Head Examiner/Chairman/Convener/Moderator, the total teaching experience in the subject in any college/University in India shall be counted for the purpose of determining the seniority.

CHAPTER II

Statute 7

i) A register of names of Teachers of the University, separately for Professors and for Teachers other than professors, shall be maintained in Form No. 6 respectively.

ii) At the time of joining the service of the University, a Teacher of the University shall forward to the Registrar a statement in the relevant form after entering therein all particulars about himself. He shall also certify therein that the particulars entered in such statement are true to the best of his knowledge.

iii) If any Teacher of the University dies or otherwise ceases to hold his office as such, the Registrar, after being confirmed, shall record the date of cessation with reason in the register under proper initial.

iv) Unless otherwise required by any Statutes, Ordinances, Regulations or Rules of the University, the seniority of a Teacher of the University shall be determined on the basis of the date of joining the service of the University.

Statute 8

i) A register of names of the officers of the University shall be maintained in Form No. 7(Reg.).

ii) At the time of joining the service, an officer of the University shall forward to the Registrar a statement in the relevant form after entering therein all particulars about himself. He shall also certify therein that the particulars entered in such statement are true to the best of his knowledge.

iii) If an officer of the University dies or otherwise ceases to hold his office as such, the Registrar shall delete the name of such officer from the register.

Statute 9

i) A register of names of the non-teaching staff of the university shall be maintained in Form No. 8(Reg.).

ii) At the time of joining the service, an employee of the university shall forward to the Registrar a statement in the relevant form after entering therein all particulars about himself. He shall also certify therein that the particulars entered in such statement are true to the best of his knowledge.

iii) If an employee of the University dies or otherwise ceases to hold his office as such, the Registrar shall delete the name of such employee from the register.

iv) Unless the context otherwise requires, the seniority of an employee of the university shall be determined by the date of his joining the basic post.

Statute 10

Notwithstanding anything contained in these Statutes, the registers as aforesaid shall be maintained by the Registrar.

Statutes relating to the Conferment of Honorary Degrees and other Academic Distinctions

Statute 1

- a) These Statutes may be called the Statutes relating to the conferment of Honorary Degrees and other Academic distinctions.
- b) These shall come into force at once.

Statute 2

Unless there is anything repugnant in the subject or context, words and expressions used in these Statutes shall have the same meaning as they have in the North Bengal University Act, 1981 (West Bengal Act XXV of 1981).

Statute 3

Any proposal for the conferment of Honorary Degree of Doctor of Literature/Science (D.Litt./D.Sc.) shall, in the first instance, be considered by a committee consisting of the Deans of the Faculty Councils and three persons to be nominated by the Executive Council from amongst its members. The senior most Dean shall act as the Chairman.

Statute 4

The Committee shall submit a report embodying its recommendation to the Executive Council. In case every person is recommended for the Degree, the report shall contain a statement of the grounds on which the recommendation is founded.

Statute 5

The report of the committee shall be circulated to the members of the Executive Council in confidential cover at least a fortnight prior to the date of the meeting of the Executive Council at which the report is to be considered.

Statute 6

The Degrees shall only be awarded after it is confirmed by the Chancellor.

Statute 7

Honorary Degree shall be conferred at the Annual Convocation or, if the Executive Council so decides, at a special Convocation to be held for the purpose.

Statute 8

The Degree certificate shall be in the form given below :—

SEAL OF THE UNIVERSITY UNIVERSITY OF NORTH BENGAL

This is to certify that the Degree of Doctor of Literature/Science (D.Litt./D.Sc.) in this University was conferred Honoris Causa on..... at the convocation of the University held on.....

Chancellor

Statute 9

- (a) For the purpose of Honorary Degree, the recipients of such Degree shall be presented by the Vice-Chancellor to the Chancellor or, in the absence of the Chancellor, by the Registrar to the Vice-Chancellor.
- b) The officer presenting the recipients shall address the chair and say, "Sir, I have the privilege to present to you (name of the person) for the Degree of honoris causa, which has been recommended by the Executive Council and confirmed by the Chancellor". He may add such remarks as he may think fit regarding the achievements which have led to the recipient's being chosen for the high honour,
- c) The Chancellor or the Vice-Chancellor, as the case may be shall thereupon, say, "The court of the University of North Bengal is pleased to confer upon you the Degree of honoris causa".

Statutes relating to Contributory Provident Fund

1.Short title and commencement:

- (1) These Statutes may be called the Statutes relating to contributory provident Fund.

Interpretation and definition:

- (2) They shall be deemed to be effective from 1st June,1962.

2. In these Statutes, unless the context otherwise requires:

(a) Words and expressions used shall be interpreted to have the same meaning as they have in the Act or the Provident Funds Act, 1925 (India Act 19 of 1925);

(b) (i) "accumulated amount" means the amount standing to the credit of a subscriber in his account in the Funds and includes all contributions and interest accrued to such account;

(ii) "Employee" means any officer (including the Vice-Chancellor), teacher or other person who is employed whole-time by the University and is paid from the University Fund on substantive basis;

(iii) "Family" means and includes the following relatives of a subscriber:

(1) wife, (2) husband, (3) parent, (4) child, (5) minor brother, (6) unmarried sister, (7) widowed sister, (8) a deceased son's widow, (9) a grand child and (10) if the subscriber's father is not alive, a paternal grand parent;

(iv) "Form" means the contributory provident Fund constituted under these statutes;

(v) "Fund" means the contributory provident Fund constituted under these statutes;

(vi) "Leave" means any leave granted under the University Leave Rules except casual leave;

(vii) "Subscriber" means an employee who is required to subscribe to the Fund under these Statutes;

(viii) "Subscription" means the amount which a subscriber is required or allowed by these Statutes to pay to the fund; and

(ix) "Year" means a period of twelve months beginning on the first day of April.

Constitution of Contributory Provident Fund:

3. The University shall constitute a Contributory provident Fund for the benefit of its employees.

Right to subscribe to the fund:

4. (1) Every employee of the University shall have a right to subscribe to the Fund in accordance with these Statutes; provided that unless there is a specific provision to the contrary contained in the terms of the contract of his service or in the governing Statutes, no employee shall have a right to subscribe to the Fund if he has been appointed to the post he holds for a term not exceeding one year and was not a subscriber before such appointment.

Provided further that a person appointed on probation may subscribe to the Contributory provident Fund from the date of his appointment and that on confirmation the University shall add its contribution with retrospective effect.

(2) If an employee was originally appointed for a term of one year or less and such term is subsequently extended so that his total term exceeds one year, he shall be given the option of subscribing to the Fund from the date of his original appointment and of paying the arrear subscription due on the date of his becoming a subscriber in such monthly installments as the Finance Officer may decide. In such a case the University shall pay its arrear contribution in respect of such employee in similar monthly installments.

(3) Every employee who has a right to subscribe to the Fund under this statute shall be required to subscribe there to.

5. Deleted.

Administration and management of the fund:

6. Subject to the control of the University, the administration and management of the Fund shall vest in the Executive Council which may, from time to time, make such Rules or issue such general or directions as may

be consistent with these Statutes for the proper administration and management of the Fund or for defining the duties and the privileges of the subscribers. The Executive Council may, at its discretion, vary or cancel any such Rule or direction at any time.

Declaration and nomination by subscriber:

7. (1) Every subscriber shall sign a written declaration in Form No. 1(P.F.) to the effect that he has read these Statutes and the Rules made hereunder and agrees to bind himself and his nominees, heirs and representatives to abide by the provisions thereof.

He shall also complete and file with the Finance Officer his nomination in Form No. 2(P.F.) or 2A (P.F.), as may be appropriate in each case, after entering therein the name or names of the person or persons to whom in the event of his death he wishes the accumulated amount in respect of his account in the Fund to be paid. Every such nomination shall be signed by the subscriber in the presence of two witnesses who shall certify that the subscriber has signed in their presence.

(2) No subscription shall be realized, nor shall any contribution be paid until the requirements of paragraph (1) have been complied with by the subscriber.

Nomination to specify share to each nominee:

8. A subscriber may at any time cancel, revise or modify his nomination by a fresh nomination in Form No. 2 or 2A(P.F.), as the case may be filed in the manner prescribed in Statute 7 of these Statutes;

Nomination to specify share to each nominee:

9. A subscriber shall, in his nomination, provide for the disposal of the whole of the accumulated amount in his account at the time of his death and shall separately specify the share thereof to be paid to each nominee.

10. (1) No subscriber shall assign in his nomination any share of the accumulated amount in favour of a person who is not a member of the subscriber's family if the subscriber has any member of his family alive on the date of such nomination.

(2) if, at the time of the death of a subscriber, any member of his family be surviving, any nomination assigning a part or the whole of the accumulated amount in his account to any person who is not a member of his family shall be void to that extent.

Register of Nomination:

11. All nominations and a Register of nominations shall be kept in safe custody of the Finance Officer.

Amount of subscription or contribution:

12. (1) Every subscriber shall subscribe to the Fund a sum equal to 8.1/3 per cent of pay/leave salary drawn by him from the University Fund. Such subscription shall be deducted from his pay/leave salary when he draws the same and credited to his account in the Fund.

(2) A subscriber may be allowed to subscribe to the Fund at a rate higher than 8.1/3 per cent, if he wishes to do so, provided that any such higher rate shall not be allowed to be varied until he has paid subscription at such higher rate for six months at least.

(3) The University shall contribute to the credit of the account of each subscriber a sum equal to 8.1/3 per cent, of all pay/leave salary drawn by him from the University Fund. Such contribution shall be made at the time when the subscription payable at the subscriber is deducted from his pay/leave salary. The amount of contribution shall not be affected by any option made by the subscriber under paragraph (2).

(4) If a subscriber is on leave without pay, no subscription or contribution shall be payable for the period of such leave.

(5) The amount of subscription or contribution to be paid in any one installment shall be rounded off to the nearest rupee.

Explanation: For the purpose of this Statute, the pay/leave salary of a subscriber shall be deemed to exclude any compensatory allowance which may be drawn by him.

(6) Payment of gratuity/death gratuity to an employee shall be made in terms of the order as may be issued by the State Government from time to time in this behalf.

Deposit of fund:

13. All amounts accruing to the Fund shall be deposited to the Siliguri Treasury, either directly or through a Current Account maintained at the State Bank of India, North Bengal University Campus Branch, in the manner prescribed in the West Bengal Non-Government Educational Institutions and Local Authorities (Control of Provident Fund of Employees) Act, 1983 (West Bengal Act XXXIX of 1983) (hereinafter referred to as the Control of provident Fund Act, 1983) and the rules made thereunder.

Payment of interest on fund:

14. (1) Payment of interest on Fund Account and the rate of interest shall be regulated in the manner prescribed in the provident Funds Act, 1925 (19 of 1925), read with Control of Provident Fund Act, 1983.

(2) The interest on the accumulated amount of Fund shall be admissible till six months with effect from (a) the date on which the resignation of an employee is accepted by the Executive Council/Vice-Chancellor, or (b) the date of retirement, or (c) the date of death of an employee, whichever is earlier;

Provided that the employee, who has been allowed to subscribe voluntarily after re-employment on superannuation, shall be entitled to receive the usual rate of interest on the accumulated amount without the employer's contribution till six months with effect from the date of termination of re-employment or the date on which the voluntary subscription ceases, whichever is earlier.

Finance Officer to operate accounts etc.:

15. Subject to the directions, if any, of the Executive Council the Finance Officer shall operate on behalf of the University all account deposits and investments made under Statutes 13 of these Statutes and shall have power to do all such things as may be necessary for this purpose.

Personal ledger account of subscriber:

16. (1) The Finance Officer shall maintain a Personal Ledger Account in Form No. 3(P.F.) in respect of each subscriber and all subscriptions and contributions made and all interest accrued to the credit of the account of the subscriber as also all withdrawals made there from shall be entered in such Personal Ledger Account.

(2) A Statement of the accumulated amount in the account of each subscriber shall be furnished to him once a year.

If the subscriber wishes to point out any mistake or discrepancy in the statement so furnished, he shall send an objection in writing to the Finance Officer within one month from the date of issue of the statement. If no such objection is received, the statement shall be deemed to have been accepted as correct by the subscriber.

Account of the fund:

17. The Finance Officer shall maintain an account showing all receipts to and disbursements from the fund and such account shall be audited once a year in such manner as the Executive Council may decide.

Advances from the fund:

18. (1) No final withdrawal of the accumulated amount shall be allowed until a subscriber quits his services in the University or dies, whichever is earlier.

(2) The Vice-Chancellor may sanction an advance to a subscriber from the accumulated amount in the account of the subscriber, subject to the following conditions :—

(a) there is no unpaid balance of any previous advance outstanding against the subscriber.

(b) the purpose of the advance shall be to meet expenses in connection with any one of the following events :—

(i) illness of the subscriber or a member of his family, or

(ii) daughter's marriage or dependent sister's marriage, or

(iii) funeral and other ceremonies which, by the religion of the subscriber, are obligatory upon him to perform,

(iv) building a house or purchase of land, or

(v) any other satisfactory reason which is not repugnant to the provisions of the Provident Fund Act, 1925 (19 of 1925), read with the Control of Provident Fund Act, 1983.

(3) The Vice-Chancellor may, in case of urgent necessity and on the recommendation of the Finance Officer on application submitted through the Head of the Department, sanction advances to a subscriber of an amount not exceeding seventy-five percent of the total subscriptions paid by the subscriber.

(4) Every application for an advance from the Fund shall be made in Form No. 4(P.F.) .

(5) An advance shall be recovered in installments not exceeding thirty at the option of the subscriber exercised in writing in the application for the advance.

(6) Recovery of an advance shall commence on the first occasion after the advance is made on which the subscriber draws pay for a full month.

(7) Recoveries of advances under this Statute shall be credited as they are made to the subscriber's account in the Fund.

(8) If the Vice-Chancellor applies for an advance from the accumulated amount in his account the sanctioning authority shall be the Executive Council, which shall also decide every other question relating to such advance.

(9) An employee may, subject to paragraphs (10) and (11) draw an advance for special purposes at any time after completion of 20 years of service (including broken period of service, if any) or within 10 years before retirement on superannuation whichever is earlier from the amount standing to his credit of this fund. The amount so withdrawn shall be non-refundable.

Purposes for which non-refundable advance may be sanctioned:

(10) (a) Such withdrawal may be sanctioned by the authorities competent to sanction an advance for special reasons at any time after the completion of twenty years of service (including broken period of service, if any), of a subscriber or within 10 years before the date of his retirement or superannuation, whichever is earlier from the amount standing to his credit in the fund, for one or more of the following purposes namely: (i) for education outside India for academic, technical, professional or vocational course beyond the High School stage,

(ii) for any medical, engineering or other technical or specialized course in India beyond the High School stage provided the course of study is for not less than three years.

(b) Meeting the expenditure in connection with marriage of the subscriber or his sons or daughters, and any other female relations actually dependent on him.

(c) Meeting the expenses in connection with illness, including where necessary, the travelling expenses of the subscriber and members of his family or any persons actually dependent on him.

(d) Building or acquiring a suitable house or ready built flat for his residence including the cost of the site.

(e) Repaying on outstanding amount on account of loan expressly taken for building or acquiring a suitable house or ready built flat for his residence.

(f) Purchasing a house-site for building a house thereon for his residence or repaying any outstanding amount on account of loan expressly taken for this purpose.

(g) Reconstructing or making additions or alterations to a house already owned or acquired by a subscriber.

(h) Renovating, additions, or alterations to a house already owned or acquired by the subscriber.

(i) Constructing a house on a site purchased under clause (f).

(11) Any sum withdrawn by a subscriber at any one time for one or more of the purpose specified in paragraph (10) from the amount standing to his credit in the Fund shall not exceed seventy-five percent of his own subscription and interest thereon.

Final payment of provident fund to subscriber:

19. (1) Every subscriber on his retirement shall be entitled to receive the accumulated amount in his account calculated up to the date of his retirement subject to the right of the Executive Council to deduct there from

any sum referred to in Statute 22 of these Statutes provided that the total sum so deducted shall not exceed the total of all contributions made by the University to the account and of any interest accrued thereon.

(2) In this Statute "retirement" means and includes :

- (a) final retirement after attaining the age of retirement, or
- (b) resignation after completion of not less than two years' continuous service in the University, or
- (c) termination of appointment due to abolition of the post, or to expiry of the term of the contract of service, or
- (d) retirement on medical grounds.

(3) If a subscriber resigns before the completion of two years' continuous service he shall be entitled to receive the amount of his own subscription and the interest accrued thereon but shall not be entitled to receive the contributions made by the University and the interest accrued thereon unless the University decides otherwise on the recommendation of the Vice-Chancellor. All contributions and interest thereon shall in such a case revert to the University Fund.

(4) In the event of the dismissal of a subscriber on account of misconduct or negligence of duty, he shall be entitled to receive only the amount of his own subscriptions and the interest accrued thereon while all contributions made by the University and the interest accrued thereon shall revert to the University fund.

(5) Every application for final withdrawal of the accumulated amount at the credit of a subscriber shall be made in Form No. 5(P.F.).

(6) The final payment of the accumulated Fund of a subscriber, who leaves the University on resignation to join a service elsewhere, shall be transferred to his present employer, unless decided otherwise by the Executive Council.

Final payment on subscriber's death:

20. (1) On death of a subscriber the claims for final withdrawal of the accumulated amount in his account shall, subject to the provisions of Statutes 10 and 22 of these Statutes, be paid in accordance with the terms of the subscriber's nomination to his nominee or nominees surviving on the date of his death or to their legal representatives.

(2) If any of the nominees of the subscriber has predeceased him, the whole of the amount which would have been payable to such nominee had he been surviving on the date of the death of the subscriber shall, subject to the provisions of Statute 10 of these Statutes be paid to such other person (referred to hereafter as a substitute nominee), if any, on whom the right to receive such payment has been conferred in accordance with provisions to sub-section (1) of section 5 of the Provident Fund Act, 1925.

(3) If there are no nominees or substitute nominees surviving at the time of the death of the subscriber, the accumulated amount shall be paid to the subscriber's legal representative or such other person or persons as may be declared by a competent Civil Court to be entitled to receive the same, provided that if the amount does not exceed Rs.500/-, it may be paid to such person or persons as the Executive Council may consider to be the proper person or persons to receive the same.

Assignment and encumbrances:

21. Subject to the provisions of the Provident Fund Act, 1925, the University shall not bound by, or recognize, any assignment or encumbrance executed or attempted to be created which affects the disposal of the accumulated amount in accordance with these Statutes.

Charge on contribution and interest thereon:

22. Notwithstanding any other provisions contained in these Statutes, the University shall have the first charge upon all contributions made by the University in respect of a subscriber and the interest accrued thereon for his debts and other liabilities to the University. The University shall have the right to reimburse itself out of such contributions and interest for such debts and liabilities at the time the accumulated amount is finally paid to the subscriber, his nominees or any other person.

Question relating to interpretation:

23. Any question arising in respect of the interpretation of these Statutes or the matters not covered by these Statutes or the Control of Provident Fund Act, 1983 or the rules made there under shall be decided by the Executive Council, subject to the provisions of the Provident Funds Act, 1925 (19 of 1925), read with the Control of Provident Fund Act, 1983.

24. All subscribers to the Fund and their nominees, heirs and legal representatives shall be bound by the provisions of these Statutes and Rules made or directions issued, if any, under Statute 6 of these Statutes as amended or revised from time-to-time.

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