

GOVERNMENT OF WEST BENGAL
LEGISLATIVE DEPARTMENT

West Bengal Act XX of 1986

**THE WEST BENGAL UNIVERSITY
LAWS (AMENDMENT) ACT, 1986.**

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Calcutta Gazette, Extraordinary*, of the 22nd October, 1986.]

[22nd October, 1986.]

An Act to amend the Calcutta University Act, 1979, the Vidyasagar University Act, 1981, the Burdwan University Act, 1981, the Jadavpur University Act, 1981, the North Bengal University Act, 1981, the Rabindra Bharati Act, 1981 and the Kalyani University Act, 1981.

WHEREAS it is expedient to amend the Calcutta University Act, 1979, the Vidyasagar University Act, 1981, the Burdwan University Act, 1981, the Jadavpur University Act, 1981, the North Bengal University Act, 1981, the Rabindra Bharati Act, 1981 and the Kalyani University Act, 1981, for the the purposes and in the manner hereinafter appearing;

West Ben.
Act
XXXVIII of
1979.
West Ben.
Act XVIII of
1981.
West Ben.
Act XXIII of
1981.
West Ben.
Act XXIV
of 1981.
West Ben.
Act XXV of
1981.
West Ben.
Act XXXVI
of 1981.
West Ben.
Act XL of
1981.

It is hereby enacted in the Thirty-seventh Year of the Republic of India, by the Legislature of West Bengal, as follows:—

1. (1) This Act may be called the West Bengal University Laws (Amendment) Act, 1986.

Short title
and
commenc-
ment.

(2) This section, clauses (a) and (b) of section 5 and sections 9 and 10 shall be deemed to have come into force on the 8th day of July, 1986; clause (a) of section 6 shall come into force on the date of publication of this Act in the *Official Gazette*; and the remaining provisions of this Act shall be deemed to have come into force on the 1st day of January, 1986.

The West Bengal University Laws (Amendment) Act, 1986.

[West Ben. Act]

(Sections 2, 3.)

Amendment
of West Ben.
Act
XXXVIII of
1979.

2. In the Calcutta University Act, 1979, after section 37, the following section shall be inserted:—

‘Part-time
Teachers or
part-time
non-teaching
staff not to
be entitled to
be enrolled
as voters or
to be
nominated.

37A. Notwithstanding anything contained elsewhere in this Act, no person shall,—

- (a) if he is a Teacher, not holding any wholetime teaching post, or appointed for a specified period, or
- (b) if he is a member of the non-teaching staff, not appointed on a regular scale of pay, or not holding any whole-time non-teaching post,

be entitled to be enrolled as a voter for, or to cast his vote at, an election to any authority or body of the University or of any college or institution affiliated to the University or to be nominated to any such authority or body.

Explanation.—“Regular scale of pay” shall mean pay which, subject to any conditions prescribed by the University, rises by periodical increments from a minimum to a maximum.’.

Amendment
of West Ben.
Act XVIII of
1981.

3. In the Vidyasagar University Act, 1981,—

- (a) in section 17, in sub-section (1), in clause (v) under the heading “(a) *ex officio* members”, after the words “Government of West Bengal”, the words “or his nominee not below the rank of Deputy Secretary to the Government of West Bengal” shall be inserted;
- (b) in section 20, in sub-section (1), in clause (iii) under the heading “(a) *ex officio* members”, after the words “Government of West Bengal”, the words “or his nominee not below the rank of Deputy Secretary to the Government of West Bengal” shall be inserted;
- (c) after section 36, the following section shall be inserted:—

‘Part-time
Teachers or
part-time
non-teaching
staff not to
be entitled to
be enrolled
as voters or
to be
nominated.

36A. Notwithstanding anything contained elsewhere in this Act, no person shall,—

- (a) if he is a Teacher, not holding any whole-time teaching post, or appointed for a specified period, or
- (b) if he is a member of the non-teaching staff, not appointed on a regular scale of pay, or not holding any whole-time non-teaching post,

*The West Bengal University Laws (Amendment)
Act, 1986.*

XX of 1986.]

(Section 4.)

be entitled to be enrolled as a voter for, or to cast his vote at, an election to any authority or body of the University or of any college or institution affiliated to the University or to be nominated to any such authority or body.

Explanation.—“Regular scale of pay” shall mean pay which, subject to any conditions prescribed by the University, rises by periodical increments from a minimum to a maximum.’;

- (d) in section 57, in sub-section (4),—
 - (i) in clause (a), for the words “not exceeding two years”, the words “not exceeding three years” shall be substituted, and
 - (ii) in clause (b), for the words “not exceeding two years”, the words “not exceeding three years” shall be substituted.
- 4. In the Burdwan University Act, 1981,—
 - (a) in section 17, in sub-section (1), in clause (v) under the heading “(a) *ex officio* members”, after the words “Government of West Bengal”, the words “or his nominee not below the rank of Deputy Secretary to the Government of West Bengal” shall be inserted;
 - (b) in section 20, in sub-section (1), in clause (iii) under the heading “*ex officio* members”, after the words “Government of West Bengal”, the words “or his nominee not below the rank of Deputy Secretary to the Government of West Bengal” shall be inserted;
 - (c) after section 35, the following section shall be inserted:—

‘Part-time
Teachers or
part-time non-
teaching staff
not to be entitled
to be enrolled as
voters or to be
nominated.

35A. Notwithstanding anything con-
tained elsewhere in this Act, no person
shall,—

- (a) if he is a Teacher, not holding any whole-time teaching post, or appointed for a specified period, or
- (b) if he is a member of the non-teaching staff, not appointed on a regular scale of pay, or not holding any whole-time non-teaching post,

be entitled to be enrolled as a voter for, or to cast his vote at, an election to any authority or body of the University or of any college or institution affiliated to the University or to be nominated to any such authority or body.

Amendment
of West
Ben. Act
XXIII of
1981.

*The West Bengal University Laws (Amendment)
Act, 1986.*

[West Ben. Act

(Section 5.)

Explanation.—“Regular scale of pay” shall mean pay which, subject to any conditions prescribed by the University, rises by periodical increments from a minimum to a maximum.’.

Amendment
of West
Ben. Act
XXIV of
1981.

5. In the Jadavpur University Act, 1981,—

(a) in section 16, in sub-section (1), for clause (iii), the following clause shall be substituted:—

“(iii) the Secretary, Education Department, Government of West Bengal, *ex officio* or his nominee not below the rank of Deputy Secretary to the Government of West Bengal;”;

(b) in section 19, in sub-section (1), for clause (ii) under the heading “(a) *ex officio* members”, the following clause shall be substituted:—

“(ii) the Secretary, Education Department, Government of West Bengal or his nominee not below the rank of Deputy Secretary to the Government of West Bengal;”;

(c) in section 32, sub-section (5) shall be omitted;

(d) after section 32, the following section shall be inserted:—

‘Part-time Teachers or part-time non-teaching staff not to be entitled to be enrolled as voters or to be nominated. 32A. Notwithstanding anything contained elsewhere in this Act, no person shall,—

(a) if he is a Teacher, not holding any whole-time teaching post, or appointed for a specified period, or

(b) if he is a member of the non-teaching staff, not appointed on a regular scale of pay, or not holding any whole-time non-teaching post,

be entitled to be enrolled as a voter for, or to cast his vote at, an election to any authority or body of the University or of any college or institution affiliated to the University or to be nominated to any such authority or body.

Explanation.—“Regular scale of pay” shall mean pay which, subject to any conditions prescribed by the University, rises by periodical increments from a minimum to a maximum.’.

*The West Bengal University Laws (Amendment)
Act, 1986.*

XX of 1986.]

(Section 6.)

6. In the North Bengal University Act, 1981,—

(a) in section 2, for clause (21), the following clause shall be substituted and shall be deemed always to have been substituted:—

(21) “Teacher” means a Principal, Professor, Assistant Professor, Reader, Lecturer, Demonstrator, Tutor, Instructor or any other person, appointed or recognized as such by the University, either whole-time or part-time, for the purpose of imparting instruction or conducting research in the University or in any affiliated college or institution; ;

(b) in section 17, in sub-section (1), in clause (v) under the heading “(a) *ex officio* members”, after the words “Government of West Bengal”, the words “or his nominee not below the rank of Deputy Secretary to the Government of West Bengal” shall be inserted;

(c) in section 20, in sub-section (1), in clause (iii) under the heading “(a) *ex officio* members”, after the words “Government of West Bengal”, the words “or his nominee not below the rank of Deputy Secretary to the Government of West Bengal” shall be inserted;

(d) after section 35, the following section shall be inserted:—

‘Part-time
Teachers or
part-time non-
teaching staff
not to be entitled
to be enrolled as
voters or to be
nominated.

35A. Notwithstanding anything con-
tained elsewhere in this Act, no person
shall,—

(a) if he is a Teacher, not holding any
whole-time teaching post, or
appointed for a specified period, or

(b) if he is a member of the non-teaching
staff, not appointed on a regular scale
of pay, or not holding any whole-
time non-teaching post,

be entitled to be enrolled as a voter for, or to cast his vote at, an election to any authority or body of the University or of any college or institution affiliated to the University or to be nominated to any such authority or body.

Explanation.—“Regular scale of pay” shall mean pay which, subject to any conditions prescribed by the University, rises by periodical increments from a minimum to a maximum.’

Amendment
of West
Ben. Act
XXV of
1981.

*The West Bengal University Laws (Amendment)
Act, 1986.*

[West Ben. Act

(Section 7.)

Amendment
of West
Ben. Act
XXXVI of
1981.

7. In the Rabindra Bharati Act, 1981,—

- (a) in section 17, in sub-section (1), in clause (iv) under the heading “(a) *ex officio* members”, after the words “Government of West Bengal”, the words “or his nominee not below the rank of Deputy Secretary to the Government of West Bengal” shall be inserted;
- (b) in section 20, in sub-section (1), in clause (iii) under the heading “(a) *ex officio* members”, after the words “Government of West Bengal”, the words “or his nominee not below the rank of Deputy Secretary to the Government of West Bengal” shall be inserted;
- (c) after section 33, the following section shall be inserted:—

‘Part-time Teachers or part-time non-teaching staff not to be entitled to be enrolled as voters or to be nominated.

33A. Notwithstanding anything contained elsewhere in this Act, no person shall,—

- (a) if he is a Teacher, not holding any whole-time teaching post, or appointed for a specified period, or
- (b) if he is a member of the non-teaching staff, not appointed on a regular scale of pay, or not holding any whole-time non-teaching post,

be entitled to be enrolled as a voter for, or to cast his vote at, an election to any authority or body of the University or of any college or institution affiliated to the University or to be nominated to any such authority or body.

Explanation.—“Regular scale of pay” shall mean pay which, subject to any conditions prescribed by the University, rises by periodical increments from a minimum to a maximum.’.

Amendment
of West
Ben. Act XL
of 1981.

8. In the Kalyani University Act, 1981,—

- (a) in section 17, in sub-section (1), in clause (v) under the heading “(a) *ex officio* members”, after the words “Government of West Bengal”, the words “or his nominee not below the rank of Deputy Secretary to the Government of West Bengal” shall be inserted;

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Act, 1986.*

XX of 1986.]

(Section 9.)

(b) in section 20, in sub-section (1), in clause (iii) under the heading “(a) *ex officio* members”, after the words “Government of West Bengal”, the words “or his nominee not below the rank of Deputy Secretary to the Government of West Bengal” shall be inserted;

(c) in section 33, the following section shall be inserted:—

‘Part-time
Teachers or
part-time non-
teaching staff
not to be entitled
to be enrolled as
voters or to be
nominated.

33A. Notwithstanding anything con-
tained elsewhere in this Act, no person
shall,—

(a) if he is a Teacher, not holding any
whole-time teaching post, or
appointed for a specified period, or
(b) if he is a member of the non-teaching
staff, not appointed on a regular scale
of pay, or not holding any whole-
time non-teaching post,

be entitled to be enrolled as a voter for, or to cast his vote at,
an election to any authority or body of the University or of
any college or institution affiliated to the University or to be
nominated to any such authority or body.

Explanation.—“Regular scale of pay” shall mean pay
which, subject to any conditions prescribed by the University,
rises by periodical increments from a minimum to a
maximum.’.

9. (1) Anything done or any action taken under the Calcutta University Act, 1979 or the Vidyasagar University Act, 1981 or the Burdwan University Act, 1981 or the Jadavpur University Act, 1981 or the North Bengal University Act, 1981 or the Rabindra Bharati Act, 1981 or the Kalyani University Act, 1981 during the period commencing on the 1st day of January, 1986 and ending on the date immediately preceding the date of publication of West Bengal University Laws (Amendment) Ordinance, 1986 in the *Official Gazette* shall, to the extent such thing or such action is inconsistent with or contrary to the provisions, as the case may be, of the Calcutta University Act, 1979 or the Vidyasagar University Act, 1981 or the Burdwan University Act, 1981 or the Jadavpur University Act, 1981 or the North Bengal University Act, 1981 or the Rabindra Bharati Act, 1981 or the Kalyani University Act, 1981, as amended by this Act, be deemed to be void and be of no effect as if this Act were in force on the day on which such thing was done or such action was taken.

Action to be
void.

West Ben.
Act
XXXVIII
of 1979.
West Ben.
Act XVIII
of 1981.
West Ben.
Act XXIII
of 1981.
West Ben.
Act XXIV
of 1981.
West Ben.
Act XXV
of 1981.
West Ben.
Act XXXVI
of 1981.
West Ben.
Act XL
of 1981.
West Ben.
Ord. IV
of 1986.

*The West Bengal University Laws (Amendment)
Act, 1986.*

[West Ben. Act XX of 1986.]

(Section 10.)

(2) For the removal of doubts, it is hereby declared that nothing in sub-section (1) shall affect in any way the election or nomination of any person before the 1st day of January, 1986 in accordance with the provisions of the Calcutta University Act, 1979 or the Vidyasagar University Act, 1981 or the Burdwan University Act, 1981 or the Jadavpur University Act, 1981 or the North Bengal University Act, 1981 or the Rabindra Bharati Act, 1981 or the Kalyani University Act, 1981 as in force before the 1st day of January, 1986, and the person so elected or nominated shall continue in office in accordance with the provisions, as the case may be, of the Calcutta University Act, 1979 or the Vidyasagar University Act, 1981 or the Burdwan University Act, 1981 or the Jadavpur University Act, 1981 or the North Bengal University Act, 1981 or the Rabindra Bharati Act, 1981 or the Kalyani University Act, 1981 as in force before the 1st day of January, 1986.

(3) The provisions of this section shall have effect notwithstanding anything contained in any other law for the time being in force or in any judgment, decree or order of any court, tribunal or other authority.

Repeal and
saving.

10. (1) The West Bengal University Laws (Amendment) Ordinance, 1986 is hereby repealed.

West Ben.
Ord. IV of
1986.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been validly done or taken under this Act.
