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PART III—Acts of the West Bengal Legislature.

GOVERNMENT OF WEST BENGAL

LAW DEPARTMENT

Legislative

NOTIFICATION

No. 104-L.— 27th January, 2016.—The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information:—

West Bengal Act XXXI of 2015

**THE BRAINWARE UNIVERSITY
ACT, 2015.**

[*Passed by the West Bengal Legislature.*]

[Assent of the Governor was first published in the *Kolkata Gazette, Extraordinary*, of the 27th January, 2016.]

An Act to provide for the establishment and incorporation of the Brainware University at Barasat, in the district of North 24 Parganas, West Bengal and to confer the status of a private University thereon and for matters connected therewith and incidental thereto;

WHEREAS it is expedient to provide for the establishment and incorporation of the Brainware University at Barasat, in the district of North 24 Parganas, West Bengal promoted by the Sabita Devi Education Trust, an educational and charitable trust duly created and registered under the Indian Trust Act, 1882, and to confer the status of a Private University thereon and for matters connected therewith and incidental thereto.

II of 1882.

*The Brainware University Act, 2015.**(Sections 1, 2.)*

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

Short title, extent
and
commencement.

1. (1) This Act may be called the Brainware University Act, 2015.
- (2) It shall extend to the whole of the State of West Bengal.
- (3) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Definitions.

2. In this Act, unless the context otherwise requires:—

- (1) “Academic Council” means the Academic Council of the University;
 - (2) “Administrator” means the Administrator appointed under this Act by the State Government;
 - (3) “Chairman” means the Chairman of the Governing Board;
 - (4) “Chancellor” means the Chancellor of the University;
 - (5) “distance education” means education imparted by a combination of any two or more means of communication like contact programmes, correspondence courses, online courses, broadcasting, telecasting, seminars and any other such methodology;
- Note.— Through distance education a student is expected to study a course or a part of it without being present physically;
- (6) “employee” means a person appointed by the University to work in the University or its study centres, off-campus centres, off-shore campus and includes a teacher, officer and any other employee of the University other than the Visitor;
 - (7) “fee” means collection of money made by the University from the students for the purpose of any course of study and incidental thereto, in the University;
 - (8) “Finance Committee” means the Finance Committee of the University;
 - (9) “Governing Board” means the Governing Board of the University;
 - (10) “Governor” means the Governor of the State of West Bengal;
 - (11) “Off-campus centre” means a centre of the University established by it outside the main campus, operated and maintained as its constituent unit, having the University’s complement of facilities and employees;
 - (12) “Off-shore campus” means a campus of the University established by it outside India, operated and maintained as its constituent unit, having the University’s complement of facilities and employees;
 - (13) “prescribed” means prescribed by rules made under this Act;
 - (14) “Registered office” means the registered office of the University;
 - (15) “Regulatory Body” means —

- (a) a body established by the Central Government for laying down norms and conditions for ensuring academic standards of higher education in its designated areas of coverage, including University Grants Commission, All India Council for Technical Education, Council for Scientific and Industrial Research, Department of Science and Technology, Distance Education Council, Indian Council of Scientific Research, National Assessment and Accreditation Council, National Council for Teacher Education, Pharmacy Council for India, Bar Council of India, Medical Council of India, Dental Council of India, Indian Nursing Council, Central Council of Homoeopathy, Central Council of Indian Medicine, Council of

*The Brainware University Act, 2015.**(Section 3.)*

Architecture, Rehabilitation Council of India and such other statutory body as may be established or incorporated by the Central Government for the purpose of regulating higher education; and

(b) the State Government of West Bengal in the Higher Education Department;

(16) "Regulatory Committee" shall mean the committee constituted by the State Government for the purpose of this Act;

(17) "Sponsoring trust" in relation to the University means the Sabita Devi Education Trust, an educational and charitable trust duly constituted and registered under the Indian Trust Act, 1882;

II of 1882.

(18) "State Government" means the Government of West Bengal in the Higher Education Department;

(19) "Statutes, Regulations and Ordinances" shall mean respectively the Statutes, the Regulations and the Ordinances of the University as may be framed by the University in the manner provided under this Act with prior approval of the State Government;

(20) "Student" means a person enrolled in the University for taking a course of study leading to a degree, diploma, certificate or other academic distinction duly instituted by the University including a research degree;

(21) "Study Centres" means a centre established and maintained or recognized by the University for the purpose of advising, counselling or for rendering any other assistance required by the student in the context of distance education;

(22) "Teacher" means a Professor, Associate Professor, Assistant Professor, or any other person required to impart education or to guide research or to render guidance in any other form to the students for pursuing a course of study in the University for the purpose of this Act;

(23) "University" means the Brainware University established and incorporated under Section 3 of this Act;

(24) "University Grants Commission" means the University Grants Commission, established under the University Grants Commission Act, 1956.

III of 1956.

Establishment
and
incorporation of
the University.

3. (1) There shall be established and incorporated a University by the name of the Brainware University at Barasat, North 24-Parganas within the territory of West Bengal duly sponsored and financed by the Sabita Devi Education Trust, an educational and charitable trust, more specifically described under Schedule-A of this Act.

(2) The University shall be a body corporate by the name of the Brainware University having perpetual succession and common seal and shall, by the said name, sue and be sued.

(3) The University shall be a self-financed unitary University.

(4) In all suits and other legal proceedings by or against the University, the pleadings shall be signed and verified by the Registrar or any other official as may be duly authorized by the Chancellor and all processes in such suits and proceedings shall be issued to, and served on, the Registrar or on such other official as may be authorised by the Chancellor.

(5) The headquarters of the University shall be at the University campus at Barasat, North 24-Parganas, West Bengal.

*The Brainware University Act, 2015.**(Sections 4, 5.)*

(6) The University may have departments or schools or centres anywhere in the State of West Bengal as may be decided by the Governing Board with prior approval of the State Government and the relevant Regulatory Bodies.

(7) All existing institutes held by the sponsoring trust may be integrated within the University after being subsumed by the University in due course as may be decided by the Governing Board and with prior approval of the State Government in writing :

Provided that every such institute so subsumed within the University shall, under no circumstances, be permitted to be used or operated as the University study centre, University Campus, off-campus, off-shore campus or in any like manner within such period as may be determined by the Regulatory Body from time to time:

Provided further that the procedure of subsumption shall be such as may be notified by the State Government.

Properties of the University and its application.

4. (1) The movable and immovable properties of the Sponsoring trust as described under Schedule-B shall be deemed to have been transferred and vested absolutely to the University with effect from the date of coming into force of this Act.

(2) The properties, movable or immovable, so transferred to the University shall be used and administered by the Governing Board in such manner as may be provided for by the Regulations.

(3) The properties transferred and vested in the name of the University under sub-section (1) shall be applied for meeting the liabilities of the University in the event of dissolution or winding up of the University in such manner as may be prescribed by rules.

Restrictions and obligations of the University.

5. (1) The tuition fees for professional courses such as Engineering and Technology, Management etc., in the University shall be such as may be determined by the State Government from time to time.

(2) The University shall allow free-ship in tuition fees to at least five *percent* of their total strength, to the students belonging to poor and economically backward classes.

Note.— The relevant criteria for determining poor and economically backward class shall be such as may be determined by the State Government from time to time.

(3) The University shall compulsorily make provision for reservation of seats for the students domiciled in the State of West Bengal to the extent of at least twenty-five *percent* of the total number of students in the University.

(4) The University shall make provisions for reservation of non-teaching posts in the University for the persons domiciled in the State of West Bengal to the extent of at least fifty *percent* of the total number of non-teaching employees of the University.

(5) The University shall appoint adequate number of teachers and officers in the University for maintaining the academic standards specified and shall ensure that the qualifications of such teachers or officers of the University shall not be lower than as prescribed by the relevant Regulatory Bodies.

(6) The University shall compulsorily place in the public domain every information in relation to the University which would be of interest to the students and other stake holders, *inter alia*, including the courses offered, number of seats under different quotas, fees and other charges, facilities and amenities offered, faculty in place and such other relevant information.

*The Brainware University Act, 2015.**(Sections 6, 7.)*

Objects of the University.

6. The objects of the University shall be as follows, namely:—
- (i) to provide instruction, teaching, training and research in various branches and specialized fields of study of Science, Technology, Medicine, Management, Law, Humanities, Social Sciences, Education, Performing Arts, Sports and any other fields of study including the imparting of skills that have employment potentiality;
 - (ii) to establish the main campus at Barasat, North 24-Parganas, West Bengal, and to have study centres, campuses, Off-campus centres, Off-shore campuses and regional centres at different places in India and abroad as per the norms and regulations of the University Grants Commission and other relevant Regulatory Bodies;
 - (iii) to provide regular and distance education programmes;
 - (iv) to institute degrees, diplomas, certificates and other academic distinctions on the basis of examination, or any other method of evaluation;
 - (v) to collaborate with other colleges or Universities, research institutions, industry associations, professional associations or any other organization, in India and abroad, and to conceptualize, design and develop specific educational and research programmes, training programmes and exchange programmes for students, faculty members and others;
 - (vi) to disseminate knowledge through seminars, conferences, executive education programmes, community development programmes, publications and training programmes;
 - (vii) to undertake programmes for the training and development of faculty members and teachers of the University and other institutions in India and abroad;
 - (viii) to undertake collaborative research with any organization in India and abroad;
 - (ix) to create higher levels of intellectual abilities;
 - (x) to create entrepreneurs by providing necessary skills and support;
 - (xi) to provide consultancy to industry, Government, public and private organization;
 - (xii) to create an Industry Academia partnership by inviting Industry and institutions in the University's campus and other University's places for mutual benefits;
 - (xiii) to ensure that the standard of degrees, diplomas, certificates and other academic distinctions are not lower than those laid down by the Regulatory Bodies in India;
 - (xiv) to do all things necessary or expedient to promote the objectives of this Act;
 - (xv) to pursue any other objective as may be assigned to the University by the State Government.

University shall remain open to all irrespective of sex, religion, class, colour, creed or opinion.

7. No person shall be discriminated against or be excluded from any office of the University or from membership of any of its authorities or from admission to any course of study leading to a degree, diploma or other academic distinction on the grounds of sex, race, creed, caste, class, place of birth and religious belief or political or other opinion.

*The Brainware University Act, 2015.**(Section 8.)*

Powers and
functions of the
University.

8. Subject to the provisions of this Act and the policy of the State Government in this regard, the University shall exercise the following powers and functions, namely:—

- (i) to administer and manage the University, its departments, schools, centres for research, education and instruction as are necessary for the furtherance of the objects of the University;
- (ii) to provide for instruction, education, training and research in such branches of knowledge or learning of its programmes of study and allied areas;
- (iii) to conduct innovative experiments in new methods and technologies in the core and emerging fields of education to achieve high standards of such education, training and research;
- (iv) to provide courses and curricula and to provide for flexibility in the education system and delivery methodologies, including electronic and distance learning;
- (v) to hold examinations through physical or electronic mode and to confer degrees, diplomas or to grant certificates and other academic distinctions or to award titles on persons, subject to such conditions, as the University may determine, and to withdraw or cancel any such degrees, diplomas, certificates, or other academic distinctions or titles in the manner provided for by the Regulations;
- (vi) to confer ordinary and honorary degrees or other distinctions in the manner provided for by the Statutes;
- (vii) to establish such centres, specialized study centres or other units within the campus and departments for research and instruction as are in the opinion of the University necessary for the furtherance of its objects;
- (viii) to provide printing, reproduction and publication of research and other works and to organize exhibitions;
- (ix) to sponsor and undertake research in all aspects of information and communication technology and allied areas;
- (x) to collaborate or associate with, advise, administer, control, develop, maintain, or take over by way of merger or otherwise, any educational institution having similar objects;
- (xi) to develop and maintain linkages with educational or other institutions in any part of the world through exchange of teachers and scholars in such manner as may be conducive to their common objects;
- (xii) to develop and maintain relations with teachers, researchers and domain experts in information and communication technology and allied areas in any part of the world for achieving the objects of the University;
- (xiii) to regulate expenditure and to manage the finances and to maintain accounts of the University;
- (xiv) to receive funds from industry, institutions, national and international organizations, national or international financial institutions including nationalized banks or from any other source, or to receive loans, subsidies, grants, assistance, donations, benefactions, bequests and to transfer of movable and immovable properties, for the purposes and objects of the University in such manner as may be provided for by the Regulations;
- (xv) to establish, maintain and manage halls and hostels for the use and residence of the students;
- (xvi) to supervise and control the residence and regulate the discipline of the students of the University and to make arrangements for promoting their health, general welfare and cultural activities;

*The Brainware University Act, 2015.**(Section 9.)*

- (xvii) to fix, demand, receive and recover fees and such other charges as may be provided for by the Regulations;
- (xviii) to institute and award fellowships, scholarships, prizes, medals and other awards;
- (xix) to purchase or to take on lease or accept as gifts or otherwise any land or building or works or any other movable or immovable property which may be necessary or expedient for the purpose of the University and for its expansion and on such terms and conditions as it may deem fit and proper and to construct or alter and maintain any such building or works;
- (xx) to lease, exchange, or otherwise dispose of all or any of the properties of the University, movable or immovable, on such terms as it may think fit and consistent with the interest, activities and objects of the University in such manner as may be provided for by the Regulations;
- (xxi) to draw and accept, to make and endorse, to discount and negotiate all promissory notes, bills, exchange, cheques or other negotiable instruments;
- (xxii) to raise and borrow money on bond, mortgages, promissory notes or other obligations or securities founded or based upon all or any of the properties and assets of the University or without any securities and upon such terms and conditions as it may think fit and to pay out of the funds of the University, all expenses incidental to the raising of money, and to repay and redeem any money borrowed;
- (xxiii) to invest the funds of the University in such securities and transpose any investment from time to time in such manner as it may deem fit in the interest of the University;
- (xxiv) to execute conveyances regarding transfer, mortgages, leases, licences, agreements and other conveyances in respect of property, movable or immovable including Government securities belonging to the University or to be acquired for the purpose of the University within the guidelines of the Central Government and the State Government and the Reserve Bank of India;
- (xxv) to admit students into the courses offered by the University in the manner as may be provided for by the Regulations;
- (xxvi) to create academic, technical, administrative, ministerial and other posts and to make appointment thereto;
- (xxvii) to regulate and enforce discipline among the employees of the University and to provide for such disciplinary measures as may be provided for by the Regulations;
- (xxviii) to institute Professorship, Associate Professorship, Assistant Professorship and any other teaching, academic or research posts and to prescribe qualifications for them not repugnant to the requirement of the Regulatory Bodies;
- (xxix) to appoint persons as Professors, Associate Professors, Assistant Professors as teachers and researchers of the University;
- (xxx) to do all such other acts and things as the University may consider necessary, conducive or incidental to the attainment or enlargement of all or any of the objects of the University.

Teaching in the University.

9. (1) All recognized teaching in connection with any degrees, diplomas, certificates, awards, distinctions of the University shall be conducted by the teachers of the University under the general control of the Governing Board and the Academic Council.

