

BRAINWARE UNIVERSITY RULES, 2018

PART and Notifications by the Governor of West Bengal, the High Court, Government Treasury. etc. GOVERNMENT OF WEST BENGAL DEPARTMENT OF HIGHER EDUCATION. (INTEGRATED LAW CELL) BIKASH BHABAN, SALT LAKE CITY KOLKATA - 700 091 NOTIFICATION NO. 408-L/OM-204L/2017, dated, Kolkata the 3rd Day of January, 2019:- In exercise of the powers conferred by section 39 of the Brainware University Act, 2015 (West Ben. Act XXXI of 2015), and in supersession the earlier rules made in this regard vide Department's Notification No. 14-ILC dated 15.01.2018, published in the Kolkata Gazette Extraordinary' dated 15.01.2018, the Governor is hereby pleased to make the following rules: Registered No. WB/SC-247 kolkata 1. Extraordinary Published by Authority FRIDAY JANUARY 4.2019 6a3ttte [SAKA 1939 2 Rules Short title and commencement.— (1) These rules may be called the Brainware University Rules, 2018. (2) They shall come into force on the date of their publication in the Gazette. Definitions:— In these rules, unless the context otherwise require, (a) "Act" means the Brainware University Act, 2015; "Administrator" means the Administrator appointed by the State Government by order for the purposes of the Act, "Chairman" means the Chairman of the Regulatory Committee constituted under these rules; "Chancellor" means the Chancellor of the University. "Constituent" means the Regulatory Committee constituted by the State Government; (g) (h) (j) (k) THE KOLKATA GAZETTE EXTRAORDINARY JANUARY 4, 2019 "endowment fund" means the endowment fund constituted in the manner prescribed under these rules; "professional course" means the courses conducted in the University declared as such by Regulatory Body; "properties of the University" shall mean and include all properties movable or immovable, held by the University in any form; "security deposit" means the security deposit pledged in the name of the State Government by the University; "University" means the Brainware University; "Visitor" means the Visitor of the University. 3. 5. (2) All other words and expressions used but not defined in these rules shall have the same meaning as have been assigned to them under the Act. Powers of Visitor:— The Governor of the State of West Bengal shall by virtue of his office, be the Visitor of the University. (1) (2) Without prejudice to the powers conferred by section 10 of the Act, the Visitor can through its Secretariat, summons any employee including the Chancellor of the University for the purpose of any enquiry or investigation, (3) Every Honorary Degree proposed by the University shall be conferred only upon prior approval of the Visitor. (4) Any association, understanding or collaboration with International Universities (Associations) regard to academic programme faculty exchange programme by the University may be made on the advice of the Visitor. (5) The Visitor may address any meeting of the Governing Board and the decision taken in such manner not be annulled or reversed or altered in any subsequent of the (Governing Board. (6) The Visitor shall have powers to give direction to the University from time to time not inconsistent with the provisions of the Act and the rules made hereunder. Visitor's Secretariat:— (1) There shall be a Visitor's Secretariat in the Higher Education, Science and Technology and Biotechnology Department and the Additional Chief Secretary or the Principal Secretary or the Secretary of the as the case may be, shall be the Secretary to the Visitor. (2) All application or proposal for nomination of any member in the Governing Board by the Visitor reference to the Visitor in regard to the conferment of Honorary degree including reference regarding attendance of any meeting including convocation of the University or shall be made through the Visitor's Secretariat. (3) The Visitor's Secretariat may, upon receipt of appropriate instruction from the Visitor; communicate the relevant information to the University regarding any reference or proposal referred to under sub-rule (2) The Visitor's Secretariat may perform such other acts as it may deem necessary in furtherance of the purposes of the Act. Regulatory Committee: (1) (2) There shall be a Regulatory Committee to be constituted in the manner hereinafter provided, for the purposes of the Act. The Regulatory Committee constituted under the Act may act as a Regulator for the University. KOLKATA GAZETTE, EXTRAORDINARY JANUARY 2019 3 (3) The Regulatory Committee shall meet at such place and on such time as the Committee may decide from time to time: Provided that the Committee shall not use any premises provided by the University concerned for convening its meeting. 6

7. Constitution of the Committee:—(1) The Regulatory Committee shall consist of the following members: (a) (b) (c) (d) (e) the Chairman- who shall be an Officer of the State Government not below the rank of a Special Secretary to the Government of West Bengal and to be appointed by the State

Governinent by Order: the Vice Chairinan (Academic) of the West Bengal State Council of Higller Education,-Ex-officio- 111 exuber; One Vice chancellor of a State-aided (jniversity, to be notninate,d by the State Government, to- a period of two years: the Director of Public Instruction, iVest Bengal- Ex-officio member; the D)irector of Technical West Bengal.-ex-officio member; and two persons not below the rank of Deputy Secretary to the Government of West Bengal, one from tunongst the State Administrative Service and other from the West Bengal Legal Service, to be nominated by the State Government by order. (2) The Member-Secretary• ofthe West Bengal State Council ofHigher Education shall act as the AMember Secretary of the Committee. (3) 'l'he tenure of the Chairman of the (lomnlittee shall be for three years or until he attains the age of sixty-five vears, whichever IS earlier. (4) The Columnittee may co-opt Legal and Accounts experts as rnenlber to the Cjornrnittee who shall also be fi•om the officers of the State Governnlent» (5) A rmember shall cease to his membership in the C?ornnittee as soon he ceases to the post or capacity by virtue of vv'hich he becolnes the ber of the ittee. Powers and functions of the Cornnittee:— YVithout prejudice to the generality of the provisions ofthe Act and the rules hereunder, the Regulatory C.'ornmit'ee shall have the fk)llowing powers, namely:- (1) (2) (3) (4) (6) (7) to call for any records of the University, its calnpuses, centers or institutions run by the (Jniversity to cause inspection of the University, its buildingn halls, hostel. library, laboratory, including carnpus, center and other institutions r.naintained by the University, to inspect the academic, administrative and financial activities of the University, to summon any person associated with the University o; to any witness in relation to any proceedings conducted by the I.Jniversity and to enforce their attendance in the same manner and with the same authority vested to a Civil Court under the provisions of the Code of Clivil Procedure. 1 to recommend to the State (Govcr-l)lneut för dissolution of any authority ofthe University including the (Govennsx Board: to reconÄinend to the University ibr starting new course and also to suagest syllabus and curriculum of vartous subjects or courses as per IJ(GC guidelines, if any to prescribe fees of professional courses in the University and to course 'fee for other courses. not inconsistent with the rules of relevant regulatorye bodies and in considering the unit cost of educat)0h. infrastructural facilities provided to the students. quality of education and faculties etc. 4 8. 9. 10. 11

12. THE KOLKÆIA GAZETTE, EXTRAORDINARY, JANUARY 4, 2019 (8) to direct the University to adopt the admission policy not inconsistent with the norms of Regulatory Bodies« (9) to recomrned to the State Government the dissolution of the University.(10) to do such other fianctions under the provisions of the Act. l)etermination of certain disputes by the Committee: (2) (3) (4) (5) The University, its authority• Body including its einployee may prefer application to the Regulatory C',ommittee regarding any disputes in between the University or body or employees. The Regulatory Committee may, upon giving an opportunity of hearing to the other party in dispute. determine the dispute and issue necessary direction in this regard. Every' direction issued in this regard is binding upon the University, its employee or anyt Body or authority of the Universitvo The proceedings drawn under this lille shall be cleemed to be a proceeding drawn under the Arbitration and C.onciliation Act 1996. The result of the proceedings shall be binding on the party to the dispute concerned. Fixation of fees in professional courses:— (1) (2) The State Government slvall determine the tui(ion fees for professional courses, by notificationh not inconsistent with the provisions of the Act- The University subject to the provisions of the Act. shall be bound to follow the instructions and directions given by the Regulatory C0iTlülittee or the State Government. as the case rnav be: Provided that in case of any conflict directions viven by the Regulatory Committee and the State Government, the State Governmentts directions shall prevail Determination of poor and economically Backward Classes : (2) (3) The State Government in consultation with other relevant Departments of the Government, determine the criteria för identifying a person or student to be belong to the economically Backward Classes. The State (Government may from tinie to time, and not:ify the appropriate authorities who will be competent to issue certificate identifying the poor and econ.omically Backward Classes. The (jniversity shall Inake provisions for reservation of five percent of its whole intake capacity för the weaker persons domiciled in the State of West Bengal. Reservation of seats:— -l'he University' shall rnake reservation of seats for the students domiciled in the State of wrest Bengal to the (1) tune of twenty-five percent in each course;programme in an academic year. (2) The State Government nyay by notification determine the appropriate persons who shall be competent to issue domiciled certificate for this purpose. Tuition Fees Waiver Scheme:— (1) (2) (3) *l'he University shall waive tuition fees of poor and economically Backward Classes students to the tune of at

least five percent. The State Government may under sub-rule (1) recommend to the 'University for waiver of tuition fees, considering the social need of the State under the principle of corporate social responsibility. State on gasifraction of necessary documents regarding income of parents or guardians niav reconunenci to the University for allow insz free-ship. THE KOLKATA GAZETT*E EXTRAORDINARY, JANUARY 4, 2019 5 13. 14, 15. (4) In allowing the free-ship scheme, the State Ciovernment may consider the market demands of the subject and cost to be incurred in pursuing a specific course. Maintenance/ Utilization of Endowment Fund:— (1) There shall be established an Endowrnent Fund by the Urlive\city as provided under the Act, (2) 'lVhe enclovrment flind shall be established and executed in appended to the Schedule to these rules and the instrument is to be properly starnped and registered before the appropriate Registering authority. (3) A certified copy of the registered instrument executing Endowment fimd. shall be subniitted to the State Government soon after its registration. (4) The State Government may, from tinnie to tinie, collect the status of the fund from the bank in which the fund is kept invested, and the executor of the fund shall furnish a bank gtlarantee to this eEffect (5) The Annual report of the University shall consist a statetnent to the effect along with details that the Endowment Funds is regularly administered. :Maintenance/ Utilization of Security Deposit:— (1) (2) (4) (5) There shall be pledged a security deposit of Rs. I .00 crore in Form-B appended to the Schedule to these rules by the University. The Deed of Pledge shall be executed in favor of the State Government along with a Bank Guarantee, Vhe Deed o f Pledge shall be executed by the C..hancellor of the I-Iniversity being authorized by the sponsoring trust and to be registered before the appropriate Reeistering authority. An Officer of the State Goven)ment not below the rank of an Assistant Secretary to the Government of West Bengal will be authorized to execute the Deed of Pledge on behalf of the State Government* The State Government rmay at any point oftime, upon satisfaction to that effect that the provisions of the Act IS violated by the (Iniversity, Inay forfeit the security deposit through the Bank (Guarantee furnished in this 'INhe University shall be given an opportunity of being heard befOre förfeiting the security deposit Procedure during dissolution or winding up of the University:— (1) Notice of dissolution of the University shall be given to the State Governinent at least one year in advance (2) T'he notice of dissolution shall be accon'lpaniecl by a resolution of the Governing Board along with a resolution of the sponsoring trust, (3) receipt of notice of)winding up the State (Government shall appoint an Adillinistrator which shall replace the Governing Board of the University and also the (DI rancellor of the University. (4) details on the working of the University (5) The property of whatever kind owned or possessed by the University shall be usecl by the Adinistratlor during the dissolution process of the University. I he Adrnillstrator shall soon after his appointnwnt. prepare an inventory of all properties, including its assets (6) and liabilities and shall furnish to the State Governnment for consideration. (7) The University shall not be dissolvcel until the liabilities of the University are completely yneet up by realizin(' the same from the properties of the University 6 16. 17. "IHE KOLKA*IA EXCIRAORDINARY, JANUARY 4, 2019 Powers and functions of Administrator:— [PART I (l') (2) (3) (4) (5) (6) The person associated with higher education who shall preferably be an Officer of the State Government not below the rank of a Joint Director of Public Instruction, or of a Joint Secretary to the State Government may be appointed as Administrator. The administrator shall on his appointment: immediately stop all kind of admission process in any course pursued in the University. No new employment shall be permitted during dissolution procedure. However, auditor or some other experts necessary in furtherance of closure of the University rmay be engaged by the Administrator. The adrnistratlor, shall wherever necessary apply to the relevant regulatory authority for closure of courses from the immediately next academic session and shall strive to obtain No Objection Certificate froin relevant regulatory authority The Adli)inistratlor shall arrange all examinations for the remaining students and publish results and award degree to the eligible students xn regular nunner until the last student of the University is passed out. After closure of all acadernic activities, the Administrator shall submit a report to the State Government regarding the assets and liabilities of the University. Annual report of the University: (1) (2) (3) The University shall within 30th August every year submit to the State Government an Annual Report regarding the levorking of the University. The annual report shall interalia contain the academic and administrative detail of the University. No Annual report shall be accepted •unless the same is accompanied with the resolution of the Governing Board to the effect that the annual report is placed in the Governing Board and passed unanimously By order of the Governor. DR. S- SHUKLA Additional Chief Secretary to the Governjnenl

of West Bengal IQ Sri Smt. sponoring trust narnely THE KOLKATA GAZETTE, EXTPu\ORDINARY, JANI} ARY 4, 2019 SCHEDULE FORM-A ENDOWMENT AGREEMENT (See rule •1 3) the Chancellor of the Brainware IJniversity, being empowered by the vide its resolution dated part of this instrument) do, hereby, make a fixed deposit of Ten Crores in (copy being Bank, vide No (description) out of the trustts funds, specifically for the purpose of establishment of an endowment for the use and benefit of the University

1. Schedule and Form of Contributions:—The trust sponsored the University in its meeting dated resolves that a sum of Rs. Ten Crores will be placed in a nationalized bank namely in the form of a long term fixed deposits in the nurne of the University out of its ovvn fund accumulated from its inconle as reflected in the last years balance sheet of the trust furnished to the Income Tax Departrne!)t with its Annual Return and Audit Report. The Fund will be known as the Brainware University Endowrnent Fund and will be kept invested until dissolution; winding up of the (Jniversity. *The Society further resolved that the Fund will never be renujved fronl the above mentioned bank unless the bank is into liquidation or otherwise closed It is also resolved that the interest proceeds of the fund shall only be usecl the developrment of the University

11. Purpose: IXhe Brainware University Endowment Fund shall be a permanent endowment and shall be used .tör the benefit of the University *The purpose of the fund is actually to secure the smooth functioninz of the University during winding up procedure. *The fund guarantees the student of the University that there should not be sudden closure of the University for which the future of the student Inay be jeopardized, Ill. Adrninistration Vhe F. ndowlnent .Fund shall be adininistered by the Sponsoring society. Endowment Iliund shall never become the part of the University fund. el*heso funds and all tilture carmnng to the endowment. Including those Inade by the sponsoring society in future, shall be subject to the provisions of this aureement and shall be as pernranent endowment funds. Investment:— Che (acknowledges and agrees that in connection with acltn inistration and management o fthe endowlnent funds, the sponsorino• society may charge certain expenses against the endovx Inent funds för adrninistration. nu.Inagelment. and similar charges. V. Declaration I hereby further declare that I shall remain bound and accountable to place the whole endowinent tund to the A(lhninistrator as Inay be appointed by the State Governinent during the dissolution of the University. Given under my hand. sealed and delivered Witness: 8 I, Sri/ Smt. THE KOLKATA GAZETTm EXIRAORDINARY, JANUARY 4, 2019 FORM-B PROFORMA DEED OF PLEDGE OF SECURITY DEPOSIT (See rule 14) the Chancellor of the Brainware University being vide its resolution dated empowered by the sponsoring trust namely being part of this instrument) do, hereby, nvake a fixed deposit, of Rs. One Crore In (copy Bank* (description) out of the tlost funds, and the same is hereby pledged along with the Bank vide No Guarantee (being part of this instrument) in the narne ofthe State Government in the Department of Higher Education on 2018 on the following terms and conditions:- day of L That I, being the Chancellor of the Brainware University, hereby, undertake that the University shall abide by the provisions of the Brainware University Act. in its tnte spirit and objectives' That I, being the C).hancellor of the Brainware IJniversity. hereby. undertake that the University shall abide by the Government instructions issued from time to time not inconsistent with the provisions of the Brainware University Act,, That I, being the Chancellor of the Brainware University, hereby, pledge the Bank Guarantee (Description) of Rs. Branch vide (Description) in Bank at 1 Crore v,/hich is fixed as a long deposit in favor of the State Govenmne.nt in the Departinent of Higher Education and hereby undertake that in the event of any breach or violation of any provisions of the Brainware University Act, 2015 the State Government nvay forfeit the said sum of Rs. I XOO Crore at one tin-le or in installments on the strength of the above mentioned Bank Ciuarantee. Given under hand, sealed and delivered -Witness: 1. Published by the I..)epartnment of F! i *her Education (Inteerateci CA.ell), West Bengal and printed at Saraswaty Press I.,td (Cioverntnent of \Ve.S1 Bengal Enterprise), Kolkata 056,