

CONTENTS

Sections	Page
CHAPTER I-Perliminary	
1. Short Title Commence-Ment And Application	5
2. Definitions	6
CHAPTER II -The Universities	
3. Incorporation of Universities	10
4. Establishment of new Universities and alteration of the areas or names of Universities	10
5. Territorial Exercise of Powers	14
6. University Open to all Classes and Creed	15
7. Powers and duties of University	15
CHAPTER III - Inspection and Inquiry	
8. Visitation	19
CHAPTER IV- Officers of the Universities	
9. Officers of The University	22
10. The Chancellor	22
11. Pro-Chancellor	23
12. The Vice-Chancellor	23
13. Powers and duties of the Vice-Chancellor	26
14. Pro-Vice- Chancellor	29
15. The Finance Officer	29
16. The Registrar	30
17. The Centralisation of services of Registrars, Deputy Registrars and Assistant Registrars	32
18. Other Officers	
CHAPTER V- Authorities of the University	
19. Authorities Of The University	39
20. Constitution of Executive Council	39
21. Powers and duties of the Executive Council	42
22. The Court	45
23. Powers and duties of the Court	47
24. Meeting of the court	47
25. Academic Council	47
26. The Finance Committee	49
27. The Faculties	50
28. Admission Committee	52
29. Examination Committee	56
30. Other Authorities	57

Chapter VI- Appointment and condition of Service of Teachers and Officers

31.	Appointment of teachers	58
31 A.	Personal promotion to teachers of the University	67
31 B.	Special Provision with Regard to Appointment	68
32.	Contract of Appointment of Teachers of the University	68
33.	Pensions, Provident Fund etc.	69
34.	Limit of Additional Remunerative work Permissible to Teachers	69
35.	Conditions Of Service Of Teachers Of Affiliated Or Associated Colleges Other Than Maintained By Government Or Local Authority	70
36.	Tribunal of Arbitration	71

CHAPTER VII- Affiliation and Recognition

37.	Affiliated Colleges	73
38.	Associated Colleges	74
39.	Disqualification for Membership of Management	75
40.	Inspection of Affiliated or Associated Colleges	76
41.	Constituent Colleges	77
42.	Autonomous Colleges	77
43.	Working Men's Colleges	77
44.	Institutes	78

CHAPTER VIII - Admissions and Examinations

45.	Admission of Students	79
46.	Bar on charging any donation etc. for admission to colleges	80
46 A.	Contribution And Donations To Colleges	80
47.	Halls, Hostels and Delegacy of the University	80
48.	Examinations	81

CHAPTER IX- Statutes, Ordinance and Regulations

49.	Statutes	82
50.	Statutes How Made	84
51.	Ordinances	86
52.	Ordinances How Made	87
53.	Regulations	89

CHAPTER X - Annual Reports and Accounts

54.	Annual Report	91
55.	Accounts and Audit.	91
55-A.	Surcharge	92

CHAPTER XI- Regulations of Degree Colleges

56.	Definitions	94
57.	Power of State Government to issue notice	94
58.	Authorised Controller	95
59.	Clauses 58 not Applied to Minority Colleges	97
60.	Duty to Deliver Possession to the Authorised Controller	97

CHAPTER XI-A- Payments of Salary to Teachers and other Employees of Degree Colleges

60 A. Definitions	99
60-B. Payment of Salary within Time without Unauthorised Deduction	100
60-C. Power to inspect	100
60-CC. Supernumerary Post of Teachers	100
60-D. Procedure for payment of salary in case of certain college	101
60-E. Liability on respect of salary	103
60-F. Punishment Penalties and Procedure	103
60-G. Finality of Orders	104
60-H. Rule Making Power	104

CHAPTER XII- Penalties and Procedure

61. Penalties	105
62. Cognizance by courts	105
63. Offences of registered Societies	106

CHAPTER XIII - Miscellaneous

64. Manner of Appointment of officers and members or authorities	107
65. Filling of casual vacancies	107
66. Proceedings not to be invalidated by vacancies etc.	108
67. Removal from membership of the University	108
68. Reference to the Chancellor	108
68-A. Power of Vice-Chancellor to enforce his order against management	109
69. Bar of Suit	110
70. Mode of Proof of University record	110

CHAPTER XIV - Transitory Provisions

71. Continuations of existing officers of the University	112
72. Constitution of authorities	112
72-A. Transitory provisions regarding Kashi Vidyapeeth	113
73. Removal of difficulties	115
74. Repeal of certain enactments	115
75. Amendment of U.P. Act XXIV of 1985	120
76. Repeal and savings:	120
THE SCHEDULE	122

The Act

NOTIFICATION

No. 2978(2)/XVII-V-1-170-72

(Dated Lucknow, September 2, 1973)

and Amendment

No. 3475 XVII-V-1-51-74

(Dated Lucknow September 25, 1974)

The Uttar Pradesh State Universities Act, 1973.

(Act No. 10 of 1973)

It is hereby enacted¹ as follows :

CHAPTER I

Perliminary

1. Short Title Commence-Ment And Application

- (1) This Act may be called the Uttar Pradesh State Universities Act, 1973.
- (2) It shall come into force on such date as the State Government may from time to time by notification in the Gazette, appoint and different dates may be appointed in relation to different existing universities and references to commencement of this Act in relation to an existing University shall be construed as the date on which this Act comes into force in relation thereto.
- (3) In its application to the Varanaseya Sanskrit Vishvavidyalaya (Which after the coming into force of this Act in relation to that University shall be called the Sampurnanand Sanskrit Vishvavidyalaya, the State Government may ² (from time to time) by notification in the Gazette, make such exceptions or modifications not affecting the substance, in the provisions of this Act, as the circumstances may require.

(4)(a) In its application to the Kashi Vidyapith after it is established as a University under sub-section (2) of Section 4, the State Government may, by notification in the Gazette, make such exceptions or modifications not affecting the substance, in the provisions of this Act, as the circumstances may require.

(b) ³[-----]

2. Definitions- In this Act, Unless the context otherwise requires : -

(1) "Academic Council", "Court", and "Executive Council" mean respectively the Academic Council, the Court and the Executive Council of the University.

(2) "Affiliated college" means an institution affiliated to the University in accordance with the provisions of this Act and Statutes of that University.

(3) "Area of the University" means the area specified in respect of the University by or under Section 5 or Section 4, as the case may be.

(4) "Associated college" means any institution recognized by the University and authorized under the provisions of ⁴[this Act and the Statutes of the University] to provide for the teaching necessary for admission to a degree of the University.

(5) "Autonomous college" means an affiliated or associated college declared as such in accordance with the provisions of Section 42.

(5-A) ⁵other backward classes of citizens' shall have the same meaning as in the Uttar Pradesh Public Services (reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes) Act-1994.

³ Omitted by U.P. Act No. 29 of 1974 (vide U.P. Govt. Notification No.3457/XVII-V-1-51-74 dated 25-9-74 it was as under : (b) Without prejudice to the generality of the power under clause (a), such exceptions and modifications may be made in provisions relating to the manner of appointments of officers including provisions regarding any office held ex-officio) and to the constitution of the authorities of that University.

⁴ Substituted vide U.P. Act. No. 29 of 1974 for the words this Act (U.P. Govt. Notification No. 3457/xvii-1-51-74 dated 25-9-74.

⁵ Inserted by U.P. Act No./20 of 1994 (vide U.P. Govt. Notification No. 1336/17-V-1-1(ka)26-1994, dated 31-8-94 (w.e.f. 15.7.94)

- (5-B) ⁶Central Board of Studies" means the Central Board of Studies referred to in Section 18B.
- (6) "Constituent College" means an institution maintained by the University or by the State Government and named as such by the Statutes.
- (6-A) "Co-ordination Council" means the Co-ordination Council constituted under Section 18A.
- (7) "Director" in relation to an Institute, means the head of such Institute.
- (8) "Existing University" means the University of Lucknow, Allahabad, Agra, which shall from September 24, 1995 be called Dr. Bhim Rao Ambedkar University, Agra, ⁷ Gorakhpur, Kanpur, [which shall from September 24, 1995 be called Chhatrapati Shahu Ji Maharaj University, Kanpur ⁸], or Meerut [which shall from January 17, 1994 be called Chaudhary Charn Singh University Meerut] or the Sampurnanand Sanskrit Vishwavidyalaya, as the case may be.
- (9) "Faculty" means a faculty of the University.
- (9-A) "Foundation Course" means a course of greater awareness of oneself and of the social, cultural and natural environment.
- (10) "hall (or college) of a University" means a unit of residence for students maintained or recognized by the University at which provision is made for imparting tutorial and other supplementary instruction.
- (11) "hostel of a University" means a unit of residence for students maintained or recognized by the University, other than a hall, and "hostel of an affiliated or associated college" means a unit of residence for students of that college.
- (12) "Institute" means an Institute established by the University under Section 44.

⁶ Inserted by U.P. Act No. 2 of 1995 (vide U.P. Govt. Notification No. 1226(2)XVII-V-2(ka)-28-1995, dated 11-7-1995)

⁹ Inserted by U.P. Act No. 2 of 1995(vide U.P. Govt. Notification No. 1226(2)XVII-V-1-(ka)28-1995, dated 11-7-1995.

- (13) "management", in relation to an affiliated or associated college, means the managing committee or other body charged with managing the affairs of that college and recognized as such by the University.

¹⁰[Provided that in relation to any such college maintained by a Municipal Board or a Nagar Mahapalika, the expression, 'Management' means the educational committee of such Board or Mahapalika, as the case may be, and the expression 'Head of the Management' means the Chairman of such Committee.]

- (14) "Prescribed", means prescribed by Statutes.
- (15) "Principal", in relation to an affiliated, associated or a constituent college, means the head of such college.
- (16) "Registered graduate" means a graduate of the University registered under the provisions of this Act or under any enactment repealed by this act.
- (17) "Statutes", "Ordinances" and "Regulations" means respectively the Statutes, Ordinances and Regulations of the University.
- (18) "Teacher" means a person employed ¹¹[for imparting instruction or guiding or conducting research in the university or in an institute or in a constituent, affiliated or associated college] and includes a Principal or a Director.
- (19) "teacher of the University" means a teacher employed by the University for imparting instruction and guiding or conducting research either in the University or in an Institute or in a constituent college maintained by the University.
- (20) "University" means an existing University or a new University established after the commencement of this Act under Section 4.

¹⁰ Proviso inserted by U.P. Act No. 12 of 1978 (vide U.P. Govt. Notification No. 1146/XVII-V-1-1-78, dated 24-4-78)

¹¹ Substituted for words 'by the University or by a constituent, affiliated or associated college for imparting instruction or guiding or conducting research' by U.P. Act No. 29 of 1974 (vide U.P. Govt. Notification No. 345 XVII-V-1-51-74 dated 25.9.74).

(21) "Working Men's College' means an affiliated or associated college recognized as such in accordance with the provisions of Section 43.

CHAPTER II

The Universities

3. Incorporation of Universities

- (1) The Chancellor, The Vice-Chancellor and the members of the Executive Council, the Court and the Academic Council for the time being holding office as such in any University shall constitute a body in corporate by the name of that University.
- (2) Each University shall have perpetual succession and a common seal and shall sue and be sued by its name.

4. Establishment of new Universities and alteration of the areas or names of Universities-

- (1) With effect from such date as the State Government may, by notification in the gazette, appoint in that behalf, there shall be established a University of Kumaun at Naini Tal and a University of Garhwal [which shall from April 25,1989 be called the Hemvatinandan Bahuguna Garhwal University] at Srinagar (District Garhwal) for the areas respectively specified in the Schedule.

¹²[(1-A) With effect from such date or dates as the State Government may, by notification in gazette, appoint in this behalf there shall be established-

- (a) a University of Bundelkhand at Jhansi;
- (b) a University of [Avadh at Faizabad which shall be called Dr. Ram Manohar Lohia University, Faizabad with effect from June 18,1994 and the Dr. Ram Manohar Lohia Avadh University Faizabad with effect from July", 1995] Dr. Ram Manohar Lohia Awadh University at Faizabad¹³,
- (c) a University of Rohilkhand at Bareilly for the areas respectively specified in the Schedule]

¹² Inserted by U.P. Act No. 29 of 1974(vide U.P. Govt. Notification No. 3457/XVII-V-1-51-74 dated 25-2-1974)

¹³ Inserted by U.P. Act No. 20 of 1994(vide U.P. Govt. Notification No. 1336/17-V-1-1(ka)26-1994, dated 31-8-1994) (w.e.f. 15-7-1994)

(d) a university to be known as Purvanchal University at Jaunpur.

¹⁴(1-B) In relation to the Universities to be established under sub-section (1-A)

(a) The State Government shall appoint interim officers of the Universities (other than the Chancellor) and shall constitute interim authorities of such Universities in such manner as it thinks fit.

(b) The Officers appointed and members of the authorities constituted under clause (a) shall hold office up to December 31, 1982 or until the appointment of officers or the constitution of the authorities in accordance with clause (c) or such other earlier dates as may be specified by the state govt. in this behalf, whichever be earlier.

¹⁵[provided that the State Govt. may, by notification, extend the term of the members of such authorities for a period not exceeding one year]

(c) The State Government shall take steps for the appointment of officers and constitution of authorities of such Universities in accordance with the provisions of this Act, so that the same may be completed before the expiry of the respective terms of the interim officers and members under clause (b).

(2) With effect from such date as the State Government may, by notification in the Gazette, appoint in that behalf of the institution, known as Mahatma Gandhi

¹⁴ Inserted by U.P. Act No. 29 of 1974 (vide U.P. Govt. Notification No. 3457/XVII-V-1-51-74 dated 25-9-1974).

Substituted by U.P. Act No. 12 of 1978 (vide U.P. Govt. Notification No. 1146/XVII-V-1-9-1978 dated 27-4-1978)

Clause (b) as inserted originally by U.P. Act No. 29 of 1974, was as follows :-

"(b) The Officers appointed and the members of the authorities constituted under clause (a) shall hold office for a term of two years from the date of such appointment or constitution as the case may be, subsequently, it was amended, as follows, by U.P. Act No. 12 of 1978.

"(b) The Officers appointed and the members of the authorities constituted under clause (a) shall hold office upto December 31, 1978, or until the appointment of officers or the constitution of the authorities in accordance with clause (c) substituted by U.P. Act No. 15 of 1980 and shall be deemed to have come into force on January 1, 1980 whichever be earlier.

¹⁵ Inserted by U.P. Act No. 5 of 1977 (vide U.P. Govt. Notification No. 2182/XVII-V-1-61-77 dated 24-7-1977).

Kashi Vidyapith, Varanasi¹⁶ shall be deemed to be a University established under the provisions of this Act.

- (3) As from the date appointed under sub-section (2)
- (i) the society known as the Kashi Vidyapith, Varanasi, shall be dissolved, and all property movable and immovable, and rights, powers and privileges of the society shall be transferred to and vest in the University and shall be applied to the objects and purposes for which the University is established.
 - (ii) all debts, liabilities and obligations of the said society shall be transferred to the University and shall thereafter be discharged and satisfied by it.
 - (iii) all references in any enactment to the said society shall be construed as reference to the University.
 - (iv) any will, deed or other document, whether made or executed before or after the commencement of this Act, which contains any request, gift or trust in favour of the said society shall be construed as if the University was therein named instead of such society.
 - (v) subject to the provisions of this Act, every person employed immediately before the said date in the said society shall with effect from that date, become an employee of the University by the same tenure and upon the same conditions of service or conditions as similar thereto as changed circumstances may permit, as he would have held under the said society, if such notification had not been issued.
- (4) The State Government may, by notification in the Gazette :
- (a) increase the area of a University;
 - (b) diminish the area of a University, or
 - (c) alter the name of a University.

¹⁶ Inserted by U.P. Act No. 2 of 1995 (vide U.P. Govt. Notification No. 1226(2)/XVII-V-1-2-(ka)28-1995 dated 11-7-1995).

Provided that no such notification shall be issued except with the previous approval by resolution of both the Houses of the State Legislature.

- (5) Any notification under this section may contain such provisions, for the amendment of the Schedule and the Statutes, Ordinances and Regulations of the University or Universities affected by such notification, as may be necessary to give effect to the provisions of the notification and thereupon the Schedule and such Statutes, Ordinances and Regulations shall stand amended accordingly.
- (6) Without prejudice to the generality of the provisions of section (5), any notification under this section may provide for the following matters, namely.
 - (a) provisions in respect of representation of various interests or classes of persons in the authorities of the University or Universities affected by the said notification.
 - (b) provisions for exercise of option by registered graduates of the then existing University to continue to remain registered graduates, of the same University or to get registered with a newly established University so, however, that no person shall be registered graduate of more than one University.
 - (c) such other supplemental, incidental and consequential provisions as the State Government may deem necessary.

EXPLANATION :

For the purpose of this section and section 5 "Kashi Vidyapith" means the institution known as Kashi Vidyapith at Varanasi established and administered by the Society known as Kashi Vidyapith" registered under the Societies Registration Act, 1860 (21 of 1860) in respect of which the Nirikshak Sabha of the said Society has passed a resolution on 28th May, 1972 requesting the State Government to take over the entire movable and immovable properties of the said institution and to convert it into a State University.

5. Territorial Exercise of Powers

- (1) Save as otherwise provided by or under this Act the powers conferred on each University (other than the Sampurnanand Sanskrit Vishvavidyalaya and the Kashi Vidyapith) shall be exercisable in respect of the area for the time being specified against it in the Schedule.
- (2) The Sampurnanand Sanskrit Vishvavidyalaya may affiliate institutions, situated in any part of the territory of India and recognize teachers of and admit to its examinations candidates from such territory or abroad.

Provided that the Vishvavidyalaya shall not:-

- (a) affiliate an institution outside Uttar Pradesh, or
 - (b) recognize any teacher employed in an institution situated outside Uttar Pradesh and maintained by any Government . except upon the recommendation of the government concerned.
- (3) Nothing in this Act relating to affiliation or recognition of colleges shall apply to the Kashi Vidyapith.
 - (4) Notwithstanding anything contained in sub-section (1) the powers conferred on the [Chhatrapati Sahu Ji Maharaj University, Kanpur] in respect of Instruction and research in the Ayurvedic and Unani systems of medicine and advancement and dissemination of knowledge thereof shall be exercisable throughout Uttar Pradesh.
 - ¹⁷(5) Not withstanding anything contained in sub-section (1) the homoeopathic educational or instructional institutions throughout Uttar Pradesh may be affiliated to Dr. Bhim Rao Ambedkar University, Agra or Chhatrapati Shahu Ji Maharaj University, Kanpur¹⁸.
 - (-6) Not withstanding any thing contained in sub section(1) or sub section(1) of the 37, the institutions established or proposed to be established for imparting education or instruction in western medical science as defined in the Indian medical degrees act,1915 engineering technology or management any where

¹⁷ Inserted by Homoeopathic Medicine (Amendment Act 1977 (U.P.Act No. 14 of 1977).

¹⁸ Inserted by U.P.N. 4 of 1996 vide U.P. Govt. Notification No. 33/VII/V-1 -1(ka)-42-1996 dated 6-1-1996)

in U.P. may subject to such directions as may be issued by the state govt. in this behalf be affiliated to any university.

6. University Open to all Classes and Creed

The University shall be open to all persons irrespective of class or creed, but nothing in this section shall be deemed to require the university to admit any course of study a large no of students than may be determined by the ordinances. Provided that nothing in this section shall be deemed. to prevent the University from making special provisions for admission of students belonging to the Scheduled Castes or Scheduled Tribes and citizens of Other Backward Class¹⁹.

7. Powers and duties of University

The University shall have the following powers and duties, namely.

- (1) to provide for instruction in such branches of learning as the University may think fit, and to make provision for research and for the advancement and dissemination of knowledge.
- (2) to admit any college to the privileges of affiliation or recognition or to enlarge the privileges of any college already affiliated or recognized, as the case may be, or to withdraw or curtail any such privilege and to guide and control the work of affiliated and associated colleges.
- (3) to institute degrees, diplomas and other academic distinctions.
- (4) to hold examinations for, and to grant and confer degrees, diplomas and other academic distinctions to and on persons, who -
 - (a) have pursued a course of study in the University, a constituent college or an affiliated college, or an associated college; or
 - (b) have carried on research in the University or in an institution recognized in that behalf by the University or independently, under conditions laid down in the Statutes and the Ordinances; or
 - (c) have pursued a course of study by correspondence whether residing within the area of the University or not, and have been registered by

¹⁹ Inserted by U.P.No. 20 of 1994 vide U.P. Govt. Notification No. 1336/Seventy -V-1-1(ka)-26-1994 dated 31-8-1994)

the University, subject to such conditions as may be laid down in the Statutes and Ordinances as external candidates; or

- (d) are teachers or other employees in the University or in an Institute or in a constituent or affiliated or associated college or in any other educational institutions under conditions laid down in the Statutes and the Ordinances or are inspecting officers permanently employed in the Department of Education of the State Government and have carried on private studies under conditions laid down in the Statutes and Ordinances; or
- (e) are women residing within the area of the University and have carried on private studies under conditions laid down in the Statutes and Ordinances;

or

- (f) are blind and are residing within the area of the University and have carried on private studies under conditions laid down in the Statutes and the Ordinances.
- (5) to hold examinations for and to grant the degree of Bachelor of Arts or Commerce or Master of Arts or Commerce to persons residing within the area of the University who have carried on private studies under conditions laid down in the Statutes and the Ordinances.
- (6) to confer honorary degrees or other academic distinctions in the manner and under conditions laid down in the Statutes.
- (7) to grant such diplomas to, and to provide such lectures and instructions for persons not being students of the University, as the University may determine.
- (8) to co-operate or collaborate with other Universities and authorities in such manner and for such purposes as the University may determine;
- (9) to institute teaching posts required by the University and to appoint persons to such posts.
- (10) to recognize teachers for giving instruction in halls;

- (11) To lay down the conditions of affiliation or recognition of colleges and to satisfy itself by periodical inspection and otherwise that those conditions are satisfied.
- (12) To institute and award scholarships, fellowships (including traveling fellowship), studentship and prizes in accordance with the Statutes and Ordinances;
- (13) To institute and maintain halls and hostels and to recognize places of residence for students of the University, the institutes or the constituent or affiliated or associated colleges; or
- (14) To demand and receive such fees and other charges as may be fixed by the Ordinances;
- (15) To supervise and control the residence and to regulate the discipline of students of the University, the institute and the constituent or affiliated or associated colleges and to make arrangements for promoting their health;
- (16) To create administrative, ministerial and other necessary posts and to make appointments thereto; and
- (17) To do all such acts and things, whether incidental to the powers aforesaid or not, as may be requisite in order to further the objects of the University.

²⁰[7-A]

Additional Powers and Duties of certain Universities

Upon being authorised by the State Government by notification under the Uttar Pradesh Homoeopathic Medicine Act, 1951 Doctor Bhim Rao Ambedkar University, Agra or Chhatrapati Shahu Ji Maharaj University, Kanpur²¹, as the case may be, shall -

- (a) Hold examinations for and grant diplomas in Homeopathy.

²⁰ Inserted by Homoeopathic Medicine (Amendment) Act, 1977 (U.P. Act No. 14 of 1977).

²¹ Substituted by U.P. Act No. 4 of 1996 (vide U.P. Govt. Notification No. 33/XVII-V-1-1(ka)-43-1996, dated 6.1.1996)

- (b) Take care, over the functions of holding examinations for courses prescribed by the Board of Homeopathic Medicine constituted under the said Act and granting diplomas and shall exercise and perform all the powers and functions of such Board under the said Act with respect to holding of such examinations and granting of diplomas.

CHAPTER III
INSPECTION AND INQUIRY

8. Visitation

- (1) The State Government shall have the right to cause an inspection to be made by such person or persons as it may direct, of the University or any constituent college or any Institute maintained by the University, including its building, Libraries laboratories, workshops and equipment and also of the examinations, teaching and other work conducted or done by the University or such colleges or Institutes or to cause an inquiry to be made in the like manner in respect of any matter connected with the administration and finances of the University or such college or such Institute.
- (2) Where the State Government decides to cause an inspection or inquiry to be made under sub-section (1) it shall inform the University of the same through the Registrar, and any person nominated by the Executive Council may be present at such inspection or inquiry as representative of the University and he shall have the right to be heard as such.

Provided that no legal practitioner shall appear, plead or act on behalf of the University at such inspection or inquiry.

- (3) The person or persons appointed to inspect or inquire under sub-section (1) shall have all the powers of a civil court, while trying a suit under the Code of Civil Procedure, 1908, for the purpose of taking evidence on oath and of enforcing the attendance of witnesses and compelling production of documents and material objects, and shall be deemed to be a civil court within the meaning of ¹[Sections 345 and 346 and of the Code of Criminal Procedure 1973]and any proceeding before him or them shall be deemed to be judicial proceeding within the meaning of Section 193 and 228 of the Indian Penal Code.
- (4) The State Government shall address the Vice-Chancellor with reference to the result of such inspection or inquiry, and the Vice-Chancellor shall

¹ Substituted by U.P. Act No. 5 of 1977, (vide U.P. Govt. Notification No. 2182/ XVII-V-1-61-77 dated 24-7-77 w.e.f. 21.4.77 The original words were : -
Sections 480 and 482 of the Code of Criminal Procedure 1868.

communicate to the Executive Council the views of the State Government with such advice as the State Government may offer upon the action to be taken thereon.

- (5) The Vice-Chancellor shall then ;within such time as the State Government may fix, submit to it a report of the action taken or proposed to be taken by the Executive Council.
- (6) If the University authorities do not within a reasonable time take action to the satisfaction of the State Government the Government may, after considering any explanation which the University authorities may furnish, issue such directions as it may think fit, and the University authorities shall be bound to comply with such directions.
- (7) The State Government shall send to the Chancellor a Copy of every report of an inspection or inquiry caused to be made under sub-section (1) and of every communication received from the Vice-Chancellor under sub-section (5) and of every direction issued under sub-section (6) and also of every report or information received in respect of compliance or non-compliance with such direction.
- (8) Without prejudice to the provisions of sub-section (6) if the Chancellor on consideration of any document or material referred to in sub-section (7) of this section including any report of an inquiry held before the commencement of this Act, is of opinion that the Executive Council has failed to carry out its functions or has abused its powers, he may after giving it an opportunity of submitting a written explanation, order that in super session of the said Executive Council, an adhoc Executive Council consisting of the Vice-Chancellor and such other persons not exceeding ten in number as the Chancellor may appoint in that behalf including any number of the superseded Executive Council, shall for such period not exceeding two years as the Chancellor may from time to time specify, and subject to the provisions of sub-section (11) exercise and perform all the powers and functions of the Executive Council under this Act.
- (9) Nothing in Section 20 shall apply to the composition of the ad hoc Executive Council that may be constituted under sub-section(8).

- (10) Upon an order being made under sub-section (8) of the term of office of all members of the Executive Council superseded thereby, including ex-officio members, shall cease and all such members shall vacate their offices as such.
- (11) During the period of operation of an order under sub-section (8), the provisions of this Act, shall have effect subject to the following modifications, namely.
- (a) in section 20, after sub-section (5) the following sub-section shall be deemed inserted.
- "(6) A meeting of the Executive Council shall be held at least once every two months."
- (b) in section 21, in sub-section (1) after the words "subject to the provisions of this Act", the words "and subject also to the control of the Chancellor" shall be deemed inserted.
- (c) in section 24, in sub-section (2), the words "and shall upon a requisition in writing signed by not less than one-fourth of the total membership of the Court" shall be deemed omitted.
- (12) A fresh Executive Council shall be constituted in accordance with the provisions of section 20 with effect from the expiration of the period of operation of an order under sub-section (8).
- (13) Any Statute, Ordinance, Regulation or Order made during the period of operation of an order under sub-section(8), in accordance with the provisions of this Act, as deemed modified by virtue of the provisions of sub-section (11), shall notwithstanding the expiration of such period, continue in force until amended, repealed or rescinded in accordance with the provisions of this Act.

CHAPTER IV
OFFICERS OF THE UNIVERSITIES

9. Officers of The University

The following shall be the officers of the University :

(a) The Chancellor

(b) In the case of Sampurnanand Sanskrit Vishvavidyalaya only
Chancellor.

(c) The Vice-Chancellor;

(d) In the case of Universities referred to in sub-section (1) of section 14, the
Pro-Vice-Chancellor.

(e) The Finance Officer;

(f) The Registrar;

[controller of examinations if any appointed]

(g) The Dean of the Students Welfare;

(i) Such other officers as may be declared by the Statutes to be the officers of
the University.*

10. The Chancellor

(1) The Governor shall be the Chancellor of the University. He shall by virtue
of his office, be the Head of the University and the President of the Court and
shall, when present, preside at meetings of the Court, and at any convocation
of the University.

(2) Every proposal for the conferment of an honorary degree shall be subject
to the conformation of the Chancellor.

(3) It shall be the duty of the Vice-Chancellor to furnish such information or
records relating to the administration of the affairs of the University as the
Chancellor may call for.

* Members of the Executive Council have been declared to be the officers of the University
under Statutes 2, 01-A, by Notification No. 925/15-85-15(75)83 dated 25.2.85

(4) The Chancellor shall have such other powers as may be conferred upon him by or under this Act or the Statutes.

11. Pro-Chancellor

(1) Maharaj Vibhuti Narain Singh of Varanasi shall (Pro-Chancellor) continue to be the Pro-Chancellor for life of the Sampurnanand Sanskrit Vishvavidyalaya.

(2) The Pro-Chancellor shall in the absence of the Chancellor, preside at meetings of the Court and at any convocation of the Vishvavidyalaya.

(3) The Pro-Chancellor shall have such other powers as may be conferred upon him by or under this Act or the Statutes.

12. The Vice-Chancellor

(1) The Vice-Chancellor shall be a whole time salaried officer of the University and shall be appointed by the Chancellor except as provided by sub-section (5) or sub-section (10) from amongst the persons whose names are submitted to him by the committee constituted in accordance with the provisions of sub-section(2).

(2) The Committee referred to in sub-section (1) shall consist of the following members, namely.

(a) One person (not being a person connected with the University, an institute, a constituent college, an associated or affiliated college or a hall of hostel) to be elected by the Executive Council¹ [at least three months before the date in which a vacancy in the office of the Vice-Chancellor is due to occur by reason of expiry of his term.

(b) One person who is or has been a judge of the High Court of Judicature at Allahabad including the Chief Justice thereof nominated by the said Chief Justice; and

(c) One person to be nominated by the Chancellor who shall also be the Convener of the committee.

¹ Inserted by U.P. Act No. 5 of w.e.f. 21.4.77 (vide U.P.Govt. Notification No. 2182/XVII-V-61-77 dated 24.7.77.

²[Provided that where the Executive Council fails to elect any person in accordance with clause (a) then the Chancellor shall nominate in addition to the person nominated by him under clause (c) one person in lieu of the representative of the Executive Council.]

(3) The Committee shall, as far as may be, at least sixty days before the date on which a vacancy in the office of the Vice-Chancellor is due to occur by reason of expiry of term or resignation under sub-section (7), and also whenever so required and before such date as may be specified by the Chancellor, submit to the Chancellor the names of not less than three and not more than five persons suitable to hold the office of the Vice-Chancellor. The Committee shall, while submitting the names also forward to the Chancellor a concise statement showing the academic qualifications and other distinctions of each of the persons so recommended, but shall not indicate any order of preference.

(4) Where the Chancellor does not consider any one or more of persons recommended by the committee to be suitable for appointment as Vice-Chancellor or if one or more of the persons recommended is or are not available for appointment and choice of the Chancellor is restricted to less than three-persons, he may require the committee to submit a list of fresh names in accordance with sub-section (3).

(5) If the Committee in the case referred to in sub-section (3) or sub-section (4) fails or is unable to suggest any names within the time specified by the Chancellor ³[or if the Chancellor does not consider any one or more of the fresh names recommended by the Committee to be suitable for appointment as Vice-Chancellor], another committee consisting of three persons of academic eminence shall be constituted by the Chancellor which shall submit the names in accordance with sub-section (3).

(6) No act or proceedings of the Committee shall be invalidated merely by reason of the existence of a vacancy or vacancies among its members or by

² Inserted by U.P. Act No. 5 of 1977 w.e.f. 21.4.77 (vide U.P.Govt. Notification No. 2182/XVII-V-1-61-77 dated 24.7.77.

³ Inserted by U.P. Act No. 5 of w.e.f. 21.4.77 (vide U.P.Govt. Notification No. 2182/XVII-V-61-77 dated 24.7.77.

reason of some person having taken part in proceedings who is subsequently found not to have been entitled to do so.

(7) The Kulpati (Vice-Chancellor) shall hold office for a term of three years from the date on which he enters upon his office.

Provided that the Vice-Chancellor may, by writing under his hand addressed to the Chancellor resign his office and shall cease to hold his office on the acceptance by the Chancellor of such resignation.

(8) Subject to the Provisions of this Act, the emoluments and other conditions of service of the Vice-Chancellor shall be such as may be determined by the State Government by general or special order in that behalf.

(9) The Vice-Chancellor shall not be entitled to the benefit of any pension, insurance or provident fund constituted under section 33.

⁴[Provided that when any teacher or other employee of any University or affiliated or associated college is appointed as Vice-Chancellor he shall be allowed to continue to contribute to Provident Fund to which he is a subscriber and the contribution of the University shall be limited to what it had been contributing immediately before his appointment as Vice-Chancellor.]

(10) In any of the following circumstances (of the existence of which the Chancellor shall be sole judge) the Chancellor may appoint any suitable person to the office of Vice-Chancellor for a term not exceeding six months as he may specify.

(a) where a vacancy in the office of Vice-Chancellor occurs or is likely to occur by reason of leave or any other cause, not being resignation or expiry of term, of which a report shall forthwith be made by the Registrar to the Chancellor.

(b) where a vacancy in the office of Vice-Chancellor occurs and it cannot be conveniently and expeditiously filled in accordance with the provisions of sub-section (1) to (5);

(c) any other emergency;

⁴ Inserted by U.P. Act No. 21 of 1975 and deemed always to have been inserted (vide U.P. Govt. Notification No. 1666/XVII-V-1.26.75 dated 3.5.75.

Provided that the Chancellor may from time to time, extend the term of appointment of any person to the office of Vice-Chancellor under this sub-section, so however that the total term of such appointment (including the term fixed in the Original order) does not exceed one year.

(11) Until a Vice-Chancellor appointed under sub-section (1) or sub-section (5) or subsection (10) assumes office, the Pro-Vice-Chancellor, If any, or where there is no Pro-Vice-Chancellor the senior most Professor of the University in the case of the University of Gorakhpur and any University mentioned in or specified under section 38, or the senior-most Principal of an affiliated college in case of any other University shall discharge the duties of the Vice-Chancellor as well.⁵"

(12) (1) If in the opinion of the Chancellor, the Vice-Chancellor willfully omits or refuses to carry out the provisions of this Act or abuses the powers vested in him, or if it otherwise appears to the Chancellor that the continuance of the Vice-Chancellor in office is detrimental to the interests of the University, the Chancellor may, after making such inquiry as he deems proper, by order, remove the Vice-Chancellor.

(13) The Chancellor shall have the power to suspend the Vice-Chancellor during the pendency or in contemplation of any inquiry referred to in sub-section (12) and during the period of such suspension, the Vice-Chancellor shall continue to get the emoluments to which he was otherwise entitled under sub-section (8)".

13. Powers and duties of the Vice-Chancellor

(1) The Vice-Chancellor shall be the principal executive and academic officer of the University and shall.

(a) exercise general supervision and control over the affairs of the University including the constituent colleges and the institutes maintained by the University and its affiliated and associated colleges;

(b) give effect to decisions of the authorities of the University;

⁵ Inserted by U.P. Act No. 19 of 1992 (vide U.P.Govt. Notification No. 1890/XVII-V-01.2 (ka) 22 - dated w.e.f. 8.5.90.

(c) in the absence of the Chancellor preside at meetings of the Court and at any convocation of the University.

(d) be responsible for the maintenance of discipline in the University.

⁶(e) be responsible for holding and conducting the University examinations properly and at due times and for ensuring that the results of such examinations are published expeditiously and that the academic session of the University starts and ends on proper dates.

(2) He shall be an ex-officio member and Chairman of the Executive Council, Academic Council and the Finance Committee.

(3) He shall have the right to speak in and otherwise to take part in the meetings of any other authority or body of the University but shall not by virtue of this sub-section be entitled to vote.

(4) It shall be the duty of the Vice-Chancellor to ensure the faithful observance of the provisions of this Act, the Statutes and the Ordinances and he shall, without prejudice to the powers of the Chancellor under ⁷[sections 10 and 68], possess all such powers as maybe necessary in that behalf.

(5) The Vice-Chancellor shall have the power to convene or cause to be convened meetings of the Executive Council, the Court, the Academic Council and the Finance Committee;

Provided that he may delegate this power to any other officer of the University.

(6) Where any matter ⁸[other than appointment of teacher of the University,] is of urgent nature requiring immediate action and the same could not be immediately dealt with by any officer or the authority or other body of the University empowered by or under this Act to deal with it the Vice-Chancellor may take such action as he may deem fit and shall forthwith report the action

⁶ Inserted by U.P. Act No. 5 of 1977 (vide U.P.Govt. Notification No. 2182/XVII-V-61-77 dated 24.7.77 w.e.f. 21.4.77.

⁷ Substituted by U.P. Act No. 29 of 1974 (vide U.P.Govt. Notification No. 2457/XVII-V-1-51-75 dated 25.9.74) Originally the word and figure were "under Section 10".

⁸ Inserted by U.P. Act No. of 1 of 1992 (vide U.P.Govt. Notification No. 564/XVII-V-1-1 (ka) 1-1992 dated 3.3.1992 w.e.f. 22.11.1999.)

taken by him to the Chancellor and also the officer, authority or other body who or which in the ordinary course would have dealt with the matter.

Provided that no such action shall be taken by the Vice- Chancellor without the previous approval of the Chancellor, if it would involve a deviation from the provision of the Statutes or the Ordinances.

Provided further that if the officer, authority or other body is of opinion that such action ought not to have been taken it may refer the matter to the Chancellor, who may either confirm the action taken by the Vice-Chancellor or modify it in such manner, as he thinks fit and thereupon, it shall cease to have effect or, as the case may be, take effect in the modified form, so however, that such annulment or modification shall be without prejudice to the validity of any thing previously done by or under the orders of the Vice-Chancellor.

Provided also that any person in the service of the University who is aggrieved by the action taken by the Vice-Chancellor under this sub-section shall have the right to appeal against such action to the Executive Council, within three months from the date on which decision on such action is communicated to him and thereupon the Executive Council may confirm, modify or reverse the action taken by the Vice-Chancellor.

(7) Nothing in sub-section (6) shall be deemed to empower the Vice-Chancellor to incur any expenditure not duly authorized and provided for in the budget.

(8) Where the exercise of the power by the Vice-Chancellor under sub-section (6) involves the appointment of an officer⁹ (.....) of the University such appointment shall terminate on appointment being made in the prescribed manner or on the expiration of a period of six months from the date of the order of the Vice-Chancellor whichever is earlier.

(9) The Vice-Chancellor shall exercise such other powers as may be laid down by the Statutes and the Ordinances.

⁹ Words "or a teacher" omitted by U.P. Act 1 of 1992 (vide U.P.Govt. Notification No. 564/XVII-V-1-21 (ka) 1-1991 dated 3.3.92) w.e.f. 22.11.91.

14. Pro-Vice- Chancellor

(1) This section applies to the University of Lucknow, Allahabad, Gorakhpur, (Dr.Bhim Rao Ambedkar University,Agra; Chhatrapati Shahu Ji Maharaj University, Kanpur; Ch.Charan Singh University, Meerut; Sampurnanand Sanskrit University, Varanasi; Kashi Vidyapith Varanasi; Kumaun University, Nainital. Hemvati Nandan Bahuguna Garhwal University Garhwal, Dr. Ram Manohar Lohia University Faizabad; Bundelkhand University, Jhansi and Rohilkhand University, Bareilly)¹⁰. and any other University specified in that behalf by the State Government by notification in the Gazette.

(2) The Vice-Chancellor, if he considers necessary, may appoint a Pro-Vice-Chancellor from amongst the Professors of the University.

(3)The Pro-Vice-Chancellor appointed under sub-section (2) shall discharge his duties in addition to his duties as a Professor.

(4) The Pro-Vice-Chancellor shall hold office at the pleasure of the Vice-Chancellor.

(5) The Pro-Vice-Chancellor shall get an honorarium of Rupees three hundred per month.

(6) The Pro-Vice-Chancellor shall assist the Vice-Chancellor in respect of such matters, as may be specified by the Vice-Chancellor in this behalf from time to time and shall preside over the meetings of the University in the absence of the Vice-Chancellor and shall exercise such other powers and perform such duties as may be assigned or delegated to him by the Vice-Chancellor.

15. The Finance Officer

(1) There shall be a Finance Officer for the University, who shall be appointed by the State Government by a notification published in the official Gazette and his remuneration and allowances shall be paid by the University.

¹⁰ Inserted by U.P. Act No. 21 of 1974 (vide U.P.Govt. Notification No. 3452/XVII-V-94-6(6) dated 14.11.94) w.e.f. 14.11.1994.

(2) The Finance Officer shall be responsible for presenting the budget (annual estimates) and the statement of accounts to the Executive Council and also for drawing and disbursing funds on behalf of the University.

(3) He shall have the right to speak in and otherwise to taken part in the proceedings of the Executive Council but shall not be entitled to vote.

(4) The Finance Officers shall have the duty -

(a) to ensure that no expenditure, not authorized in the budget, is incurred by the University (otherwise than by way of investments).

(b) to disallow any proposed expenditure which may contravene the provisions of this Act or the terms of any Statute or Ordinances.

(c) to ensure that no other financial irregularities is committed and to take step to set right any irregularities pointed out during audit;

(d) to ensure that the property and investments of the University are duly preserved and managed.

(5) The Finance Officer shall have access to and may require the production of such records and documents of the University and the furnishing of such information pertaining to its affairs as to his opinion may be necessary for the discharge of duties.

(6) All contracts shall be entered into and signed by the Finance Officer on behalf of the University.

(7) Other power and functions of the Finance Officer shall be such as may be prescribed.

16. The Registrar

(1)The Registrar shall be a whole time Officer of the University.

(2) The Registrar shall be appointed in accordance with, and his condition of service shall be governed by the rules made under section 17.

(3) The Registrar shall have the power to authenticate record on behalf of the University.

(4) The Registrar shall be responsible for the due custody of the records and the common seal of the University. He shall be Ex-Officio Secretary of the

Executive Council, the Academic Council, the Court, and the Examination Committee¹¹ and of every Selection Committee for appointment of teacher of the University, and shall be bound to place before the authorities all such information as may be necessary for the transaction of their business. He shall also perform such other duties as may be prescribed by the Statutes and Ordinances or required, from time to time, by the Executive Council or the Vice-Chancellor but he shall not, by virtue of this sub-section be entitled to vote.

(5) Omitted¹².

(6) The Registrar shall not be offered not shall he accept any remuneration for any work in the University save such as may be provided for in the rules made under section 17.

16. Controller of Examinations A (1) This section applies to the Universities of Lucknow, Allahabad, Gorakhpur and C.S.J.M. University Kanpur and to any other University specified in that behalf by the State Government by notification in the official gazette.

(2) The controller of examinations shall be a whole time officer of the University.

(3) The controller of examination shall be appointed by the state govt. by a notification published in the official gazette and his remuneration and allowances shall be paid by university.

(4) The Controller of Examinations shall be responsible for the due custody of records pertaining to his work. He shall be Ex-Officio Secretary of the Examinations Committee of the University and shall be bound to place before such committee all such information as may be necessary for transaction of its business, He shall also perform such other duties as may be prescribed by the Statutes and Ordinances or required, from time to time, by the Executive Council or the Vice-Chancellor but he shall not, by virtue of this

¹¹ Substituted by U.P. Act No. 14 of 1995 (vide U.P. Govt. Notification No. 1495 (vide U.P. Govt. Notification No. 1495 (2)/XVII010 (ka) 24, 1995, Dated 8.8.1995) w.e.f. 25.2.1995.

¹² Omitted by U.P. Act No. 14 of 1995 (vide U.P. Govt. Notification No. 1995 (2)/XVII-1-1 (ka)-24-1995, dated 8.8.1991) w.e.f. 25.2.1995)

sub-section, be entitled to vote. He may require, from any office or institute or the university the production of such return of the furnishing of such information as may be necessary for the discharge of his duties.

(5) The Controller of Examination shall have administrative control over the employees working under his and have, in this regard all the powers of the Registrar.

(6) Subject to the superintendence of the Examination Committee the Controller of Examinations shall conduct the examinations and make all the arrangements therefore and be responsible for the due execution of all process connected therewith.

(7) The Controller of Examinations shall not be offered nor shall he accept any remuneration for any work in the University, except in accordance with the order of the State Government.

(8) While the Controller of Examinations is, for any reasons, is unable to act or the office of Controller of Examinations is vacant, all the duties of the office shall be performed by such person as may be appointed by the Vice-Chancellor until the Controller of Examinations resumes his duties or, as the case may be, the vacancy is filled.

16-B. In the Universities to which the provisions of Section 16-A do not apply, the duties of Controller of Examinations shall be discharged by the Registrar and with respect for such Universities, the Registrar shall be deemed to be the Controller of Examinations for the purpose of this Act.

17. The Centralisation of services of Registrars, Deputy Registrars and Assistant Registrars

(1) The State Government shall by rules made by notification in the official Gazette, provide for the creation of a separate service of Registrars, Deputy Registrars and Assistant Registrars, common to all the Universities and regulate the recruitment to and conditions of service of persons appointed to any such service.

¹³[Provided that any rules made under this sub-section may be made retrospectively to a date not earlier than October 31, 1975.]

(2) When any such service is created, the persons then serving on ¹⁴[the administrative posts of Registrars, Deputy Registrars and Assistant Registrars) if confirmed before May 14, 1973,; shall be absorbed in the service finally and other persons serving on the said posts may, if found suitable, be absorbed in such service finally, and if, in the later case, any person is not absorbed finally, then his services shall be deemed to have been terminated on payment of one month's salary as compensation.

(3) Where any person referred to in sub-section (2) is absorbed in the service, the conditions of service applicable to him shall not be less advantageous than those applicable to him before his absorption, except; that he shall be liable to transfer from one University to another.

¹⁵[Provided that such absorption in the service shall not operate as a bar against holding or continuing to hold any disciplinary proceeding against a member of the service in respect of any act committed before the date of such absorption.]

(4) All rules made under this section shall, as soon as may be after they are made, laid before each House of the State Legislature, while it is in session, for a total period of not less than thirty days extending in its one session or more than one successive sessions, and shall unless some later date is appointed, take effect from the date of their publication in the Gazette subject to such modifications or annulments as the two Houses of the Legislature may during the said period agree to make, so, however, that any such modification

¹³ Rules made by the State Government are given in Appendix.

Inserted by U.P. Act No. 5 of 1977 w.e.f. 21.4.77 (vide U.P. Govt. Notification No. 2182/XVII-V-1-61-77 dated 24.7.77)

¹⁴ Substituted for words "the posts of Registrars, Deputy Registrars and Assistant Registrars" by U.P. Act No. 29 of 1974 (vide U.P. Govt. Notification No. 3457/XVII-V-1-51-74 dated 24.7.77)

¹⁵ Inserted by U.P. Act No. 5 of 1977 w.e.f. 21.4.77 and deemed always to have been inserted (vide U.P. Govt. Notification No. 2182/XVII-V-1-61-77 dated 24.7.77)

or annulment shall be without prejudice to the validity of any thing previously done there under.

18. Other Officers

The powers of officers of the University, other than the Chancellor, the Pro-Chancellor, the Vice-Chancellor, the Pro-Vice-Chancellor, the Finance Officer, the Registrar and the Controller of Examinations, if any appointed¹⁶ shall be such as may be laid down by the Statutes and the Ordinances.

¹⁶ Inserted by U.P. Act No. 2 of 1995 (vide U.P. Govt. Notification No. 1226/XVII-V-1-2(ka)-28-1995, dated 11.7.1995)

CHAPTER IV-A¹⁷

CO-ORDINATION COUNCIL AND CENTRAL BOARD OF STUDIES

- 18-A (1) There shall be a Co-ordination Council which shall consist of the Chancellor as its Chairman, and the following other members, namely :-
- (i) the Vice-Chancellors of all the Universities;
 - (ii) the Chairman of the Uttar Pradesh State Council of Higher Education;
 - (iii) Secretary to the State Government in the Judicial Department;
 - (iv) Secretary to the State Government in The Finance Department;
 - (v) Secretary to the Governor;
 - (vi) Secretary to the State Government in the Higher Education Department who shall be ex-officio of the Co-ordination Council.
- (2) Subject to the recommendation of, or guidelines issued by the University Grants Commission, the powers and functions of the Co-ordination Council shall be as follows, namely :-
- (a) to recommend common courses of study for a Bachelor's Degree;
 - (b) to recommend in respect of the constitution of a Central Board of studies for the Foundation Course or for each subject or group of subjects;
 - (c) to recommend ways and means of Co-operation in academic programmes amongst the Universities;
 - (d) to consider and recommend matters of common interest to the Universities.
- (3) The Co-ordination Council shall meet at Lucknow or such other place and at such intervals as the Chancellor may determine.

¹⁷ Inserted by U.P. Act No. 14 of 1996 (vide U.P. Govt. Notification No. 1995 (2)/VII-V-1 (ka) - 24-1995, dated 8.8.1995) w.e.f. 25.2.1995.

18-B Central Board of Studies

- (1) There shall be Central Board of Studies for the Foundation Course or such other subjects or group of subjects as the Chancellor may on the recommendation of the Co-ordination council, notify.
- (2) The Central Board of Studies for Foundation Course shall consist of :
 - (i) One teacher from each University not below the rank of a Reader or a Principal of an affiliated or associated college, nominated by the Vice-Chancellor, and
 - (ii) Five Educations who are on the eminent Professors' list of the University Grants Commission nominated by the Chancellor on the recommendation of the Co-ordination Council.
- (3) The Central Board of Studies for other subject or group of subjects shall consist of :
 - (i) The Convener, Board of Studies of each University in respect of the subject or group of subjects for which the Central Board of Studies is to be constituted.

Provided that if a University does not have a Board of Studies in the subject or group of subjects, the Vice-Chancellor may nominate any teacher not below the rank of Reader in; the University or a Principal of an affiliated or associated college;

- (ii) One Head of the Department in an affiliated or associated college nominated by the Chancellor, teaching the subject up to the Post-graduate level.
- (iii) One Head of the Department in an affiliated or associated college nominated by the Chancellor, teaching the subject up to the degree level;
- (iv) There experts of the subject who are on the eminent Professor's list of the University Grants Commission, nominated by the Chancellor on the recommendations of the Co-ordination Council; and

(v) two other experts of the subject from outside the State nominated by the Chancellor.

(4) The Chairman of the Central Board of Studies for Foundation Course and other Central Boards of Studies shall be nominated by the Chancellor on the recommendation of the Co-ordination Council.

(5) The constitution of the Central Board of Studies and the nomination of the members thereon, other than ex-officio members, shall be notified by the State Government.

(6) The term of the Central Board of Studies shall be three years from the date of notification referred to in sub-section (5) and the term of the members shall be co-terminus with it;

Provided that the term of office of a member nominated to fill a casual vacancy shall be the remainder of his predecessor's term.

(7) Subject to the recommendations of, or guidelines issued by the University Grants Commission, the functions of the Central Board of studies shall be as follows namely :-

(a) Subject to the recommendations of the Co-ordination Council and the approval of the Chancellor, to prescribe the courses of study and examinations, and the academic calendar, and to recommend text books and other books for under graduate level;

(b) to consider and report on any matter referred to it by the Co-ordination council, or the Chancellor; and

(c) to perform such other functions consistent with this Act within such time as the Chancellor may by an order in writing, require it to perform.

(8) In carrying out its functions, the Central Board of Studies may consult such experts also who are not its members.

(9) The recommendations of the Central Board of Studies, approved by the Chancellor, shall come into force in respect of all Universities in the State with effect from the date as may be specified by the Chancellor.

(10) The Chancellor may at any time suspend, modify or amend any decision of the Central Board of Studies on the ground that it does not fulfill the objectives set out in this sub-section and may direct the Board to consider the matter afresh.

18-C Secretarial assistance

The Uttar Pradesh State Council of Higher Education constituted under the Uttar Pradesh State Council of Higher Education Act. - 1995 shall provide Secretarial assistance to the Co-ordination Council and the Central Board of Studies.

CHAPTER V

Authorities Of The University*

19. The following shall be authorities of the University.
- (a) The Executive Council.
 - (b) The Court;
 - (c) The Academic Council;
 - (d) The Finance Committee;
 - (e) The Board of Faculties;
 - (f) The Selection Committees for appointment of teachers of the University,
 - (g) The Admissions Committee;
 - (h) The Examination Committee and
 - (i) Such other authorities as may be declared by the Statutes to be authorities of the University.
20. **Constitution of Executive Council**
- (1) The Executive Council shall consist of:-
- (a) the Vice-Chancellor who shall be the Chairman thereof;
 - (b) the Pro-Vice-Chancellor, if any;
 - (c) the Dean of two faculties, by rotation in the manner prescribed;

* Substituted by U.P. Act No. 5 of 1977 w.e.f. 21.4.77 (vide U.P. Govt. Notification No. 3457/XVII-V-1-51-74 dated 24.7.77)

Originally clause (d) was as follows :-

(d) in the case of a University, other than the University of Agra, mentioned in or notified under sub-section of section 37.

(i) One Professor other than the Pro-Vice-Chancellor, or a Dean referred to in clause (c) above, one Reader and one Lecturer of the University, to be selected in the manner prescribed, and
(ii) Three Principals and two teachers of affiliated colleges, to be selected in the manner prescribed and in the case of the University of Agra.

(i) One teacher of that University to be selected in the manner prescribed; and

(ii) Three Principals and four teachers of affiliated colleges, to be selected in the manner prescribed;

- (d) in the case of Universities of Gorakhpur, Kumaun, Rohilkhand and Bundelkhand and the Dr. Bhim Rao Ambedkar University, Agra, the Chhatrapati Shahu Ji Maharaj University, Kanpur; the Hemvati Nandan Bahuguna Garhwal University, Garhwal; the Ch. Charan Singh University, Meerut and the Doctor Ram Manohar Lohia Avadh University, Faizabad¹.
- (i) one Professor other than the Pro-Vice-Chancellor or a dean referred to in clause (c) above, one reader and one Lecturer of the University, to be selected in the manner prescribed; and
- (ii) three Principals and two other teachers of affiliated colleges, to be selected in the manner prescribed and in the case of other Universities mentioned in or notified under sub-section (1) of section 37, four principals and four other teachers affiliated colleges to be selected in the manner prescribed; and
- (e) in the case of a University mentioned in or notified under sub-section (1) of section 38 -
- (i) two Professors [other than the Pro-Vice-Chancellor or a Dean referred to in clause (c) above, two Readers and two Lecturers of the University to be selected in the manner prescribed;
- (ii) one Principal of an associated college to be selected in the manner prescribed.
- (f) four persons to be elected by the members of the Court from among such of them as are not enrolled as students of or in the service of the university or an institute or of constituent college or an affiliated or associated college or a hall or hostel;

¹ Inserted by U.P. Act No. 4 of 1996 (vide U.P. Govt. Notification No. 33/XVII-V-1-1 (ka) - 43-1996, dated 6.1.1996)

Previously it was substituted as in the case of Universities of Agra, Gorakhpur, Kumaun, Kanpur, Rohilkhand and Bundelkhand and the Hemwati Nandan Bahuguna Garhwal University, Garwal, Ch. Charan Singh University, Meerut and the Doctor Ram Manohar Lohia Awadh University, Faizabad (vide U.P. Act No. 14 of 1995 (vide U.P. Govt. Notification No. 1495 (2)/XVII-V-1-1 (ka) 24-1995, dated 8.8.1995) w.e.f. 25.2.1995.

- (g) four persons of academic eminence to be nominated by the Chancellor
²[Provided that one of the persons so nominated shall be a person who is or has been a judge of the Supreme Court or High Court.]
- (h) One person, from amongst the reputed industrialists who have made valuable contribution in the field of higher education to be nominated by the State Government.
- ³(2). The term of office of members mentioned in :
- i) clause (c), (d) and (e) of sub-section (1) shall be one year;
- ii) clause (f) of sub-section (1) shall be three years; and
- iii) clause (g) or clause (h)⁴ of sub-section (1) shall be two years.
- (3). No person shall be a member if the Executive Council under clause (f) or clause (g) or clause (h)¹ of sub-section (1) for more than two consecutive years.
- (4) Notwithstanding anything in sub-section (1) no person shall be elected or nominated as a member of the Executive Council unless he is a graduate.
- (5) A person shall be disqualified for being chosen as, and for being a member of the Executive Council if he or his relative accepts any remuneration for any work in or for the University or any contract for the supply of goods to or for the execution of any work for the University.

² Proviso inserted by U.P. Act No. 9 of 1988 (vide U.P. Govt. Notification No. 480/XVII-V-1 (ka) 4-1988 dated 4.4.88)

³ Substituted by U.P. Act No. 10 of 1982 w.e.f. 8.7.81 (vide U.P. Govt. Notification No. 759/XVII-V-1-111-1981 dated 26.2.82)

Originally sub-section (2) was as follow :-

"(2) All the members of the Executive Council, other than the Ex-officio members shall hold office for a term of three years. "Subsequently, it was substituted and was deemed always to have been substituted as follows. vide U.P. Act No. 29 of 1974 (U.P. Govt. Notification No. 3457/XVII-V-1-51-74 dated 25.9.74.

"The term of office of members mentioned in clauses (c), (d) and (e) of sub-section (i) shall be one year, and of members mentioned in clause (f) and (g) thereof shall be three years.

section 6 to Companies Act reproduced in Append XII.

⁴ Inserted by U.P. Act No. 14 of 1995 (vide U.P. Govt. Notification No. 1495/XVII-V-1-1 (ka)-24-1995 dated 8.8.1995). w.e.f. 25.2.1995.

Provided that nothing in this sub-section shall apply to the acceptance of any remuneration by a teacher as such or for any duties performed in connection with an examination conducted by the University or for any duties as Superintendent or Warden of any hall and hostel or proctor or tutor or for any duties of a similar nature in relation to the University.

EXPLANATION : In this section "relative" means the relations defined in section 6 of the Companies act, 1956" and includes the wife's (or husband's) brother, wife's (or husband's) father, wife's (or husband's) sister, brother's son and brother's daughter.

21. Powers and duties of the Executive Council

(1) The Executive Council shall be the **principal executive body** of the University, and subject to the provisions of this Act, have the following powers, namely

- i) to hold and control the property and funds of the University;
- ii) to acquire or transfer any movable or immovable property on behalf of the University;
- iii) to make, amend or repeal Statutes and Ordinances;
- iv) to administer any funds placed at the disposal of the University for specific purposes;
- v) to prepare the budget of the University;
- vi) to award scholarships, fellowships, bursaries, medals and other rewards in accordance with the Statutes and the Ordinances;
- vii) to appoint officers, teachers and other employees of the University and to define their duties and the conditions of their service and to provide for the filling of temporary causal vacancies in their posts.
- viii) ⁵[-----] to fix the fees, emoluments and traveling and other allowances of the examiners.

⁵ Words "to direct the holding of examinations and publication of results and" omitted by U.P. Act No. 5 of 1977 (vide U.P. Govt. Notification No. 2182/XVII-V-1-61-77 dated 24.7.77) w.e.f. 21.4.77

- ix) ⁶[subjects to the provisions of section 37] to admit any college to the privileges of affiliation or recognition or enlarge the privileges of any college affiliated, recognized or withdraw or curtail any such privilege;
 - x) To arrange for and direct the inspection of Institutes, affiliated, associated or constituent colleges, halls, hostels, and other places or residence of students.
 - xi) To direct the form and use of the common seal of the University;
 - xii) to regulate and enforce discipline among members of the teaching, administrative and other staff of the University in accordance with the Statutes and Ordinances;
 - xiii) to manage and regulate the finance, accounts, investments, property, business and all other administrative affairs of the University, and for that purpose, to appoint such agents as it may think fit.
 - xiv) to invest any money belonging to the University (including any income from trust and endowed property) in such stocks, funds, shares or securities as it shall from time to time think fit or in the purchase of immovable property in India, with the like power of varying such investment from time to time.
 - xv) to provide the buildings, premises, furniture and apparatus and other means needed for carrying on the work of the University.
 - xvi) to enter, to vary, carry out and cancel contracts on behalf of the University;
 - xvii) to regulate and determine all other matters concerning the University as well as Institutes, constituent, affiliated and associated colleges in accordance with the Act, the Statutes and the Ordinances.
- (2) No immovable property of the University shall, except with the prior sanction of the State Government, be transferred (except by way of letting from month to month in the ordinary course of management) by the Executive Council by way of mortgage, sales, exchange, gift or otherwise, nor shall any money be borrowed or advance taken on the

⁶ Inserted by Ibid.

security thereof except as a condition of receipt of any grant-in-aid of the University from the State Government, or with the previous sanction of the State Government, from any other person.

- (3) No expenditure in respect of which approval of the State Government is required by this Act or the Statutes or Ordinances shall be incurred or any Institute or constituent college maintained by the university except with such approval previously obtained, and no post shall be created either in the University except with the prior approval of the State Government ⁷[or except in accordance with any general or specific order of the State Government.]

⁸[3-A] The Executive Council may, with the prior approval of the University Grants Commission and State Government, create supernumerary post of a teacher of the University with a view to enabling a teacher who is for the time being holding a responsible position of national importance in India or abroad in educational administration or other similar assignments, to retain his lien and seniority as such teacher and also to continue to earn increments in his pay scale during the period of his assignment and to contribute towards provident fund and earn retirement benefits, if any, in accordance with the Statutes :-

Provided that no salary shall be payable to such teacher by the University for the period of such assignment.

- (4) The pay and other allowances to various categories of the employees of the University or of any Institute or constituent college or affiliated or associated college shall be such as may be approved by the State Government.
- (5) The Executive Council shall not exceed the limits of recurring expenditure to be incurred in each financial year fixed by the Finance Committee.

⁷ Inserted by U.P. Act No. 21 of 1975 (vide U.P. Govt. Notification No. 1666/XVII-V-1-26-75 dated 3.5.75)

⁸ Inserted by U.P. Act No. 5 of 1977 w.e.f. 21.4.77 (vide U.P. Govt. Notification No. 2182/XVII-V-1-61-77 dated 24.7.77)

- (6) The Executive Council shall not take action in regard to the number, qualifications and emoluments of teachers, and the fees payable to examiners, except after considering the advice of the Academic Council and the Boards of faculties concerned.
- (7) The Executive Council shall give due consideration to every resolution of the court, and take such action there on as it shall deem fit and report to the court, the action taken or as the case may be, the reasons, for non-acceptance of the resolution.
- (8) The Executive Council may, subject to any conditions laid down in the Statutes, delegate such of its powers as it deems fit to an officer or any other authority of the University, or to a committee appointed by it.

22. The Court

The Court shall consist of the following members, namely:-

Class I: Ex-officio Members

- (i) the Chancellor,
- (ii) the member of the Executive Council,
- (iii) the Finance Officer.

Class II: Life Members

- (iv) in the case of an existing University, every person who was a life member of the Court or Senate immediately before the commencement of this Act.

Class III: Representatives of Teachers etc.

- (v) all heads of departments of the University and of constituent colleges maintained by it;
- (vi) The Dean of faculties of Medicine and Engineering, if they are not members of the Executive Council.
- (vii) two representatives of provosts and wardens of hostels and halls of the University and of its constituent colleges and Institutes to be selected by rotation in the manner prescribed.

- (viii) all principals of constituent colleges maintained by the State Government.
- (ix) Fifteen teachers to be selected in the manner prescribed;
- (x) two representatives of the managements of the affiliated or associated colleges to be selected by rotation in the manner prescribed.

Class IV : Registered Graduate

- (xi) fifteen representatives of registered graduates to be selected, by registered graduates of such standing as may be prescribed from amongst such of them as are not in the service of the University or of an institute or of a constituent college or in the service or connected with the management of affiliated college, associated college, hall or hostel;

Class V : Representation of Students

- (xii) one student from each of the Faculties, who having secured the highest marks in that Faculty at the preceding degree examination of any University is pursuing a course of study for a post-graduate degree or a law or a medical or engineering degree in the University (including an affiliated or associated college).

Class VI : Nominees of Chancellor

- (xiii)⁹ [Omitted]

Class VII : Representative of the State Legislature

- (XIV) two members of the legislative council to be elected by it.
- (xv) five members of the legislative Assembly to be elected by it.

⁹ Omitted By U.P. Act No. 29 of 1974 (vide U.P. Govt. Notification No. 3457/XVII-V-1-51-74 dated 25.9.74) clause (xiii) was- "not than ten nominees of the Chancellor of whom at least five shall be nominated to represent fine arts, culture industry, commerce, agriculture, horticulture, learned bodies, learned profession of the region."

- (2) The term of the office of members of each class, except class I, II and V mentioned in sub-section (1) shall be three years and the term of the members of the said Class V shall be one year.

23. Powers and duties of the Court

The Court shall be an advisory body and subject to the provisions of this act, it shall have the following powers and functions namely -

- a) to review from time to time, the broad policies and programmes of the University and to suggest measures for improvement and development of the University.
- b) to consider and pass resolutions on the annual report and the annual accounts of the University and the audit report thereon.
- c) to advise the Chancellor in respect of any matter which may be referred to it for advice; and
- d) to perform such other duties and exercise such other functions as may be assigned to it by this Act or the Statutes or by the Chancellor;

24. Meeting of the court

- (1) The Court shall meet once a year on a date to be fixed by the Vice-Chancellor and such meeting shall be called the annual meeting of the Court.
- (2) The Vice-Chancellor may, whenever he thinks fit, and shall upon a requisition in writing signed by not less than one-fourth of the total membership of the Court, convene a special meeting of the Court.

25. Academic Council

- (1) The Academic Council shall be the Principal academic body of the University and subject to the provisions of this Act, the Statutes, and the Ordinances :-
- (a) Shall have the control and general regulation of and be responsible for the maintenance of standard of instruction, education and research carried on or imparted in the University.
 - (b) may advise the Executive Council on all academic matters including matters relating to examinations conducted by the University and;

- (c) shall have such powers and duties as may be conferred or imposed upon it by the Statutes.
- (2) The academic Council shall consist of the following members, namely :
- i) The Vice-Chancellor
 - ii) the Deans of all Faculties, if any,
 - iii) all Heads of Departments of the University, and where there is no department in the subject in the university ,the senior-most teacher from affiliated colleges, representing that subject on the Faculty concerned;
 - iv) all Professors of the University who are not Heads of Departments;
 - v) the principals of constituent colleges and the Directors of Institutes, if any;
 - vi) two Professors from each constituent college, if any, by rotation in order of seniority to be determined in the manner prescribed;
 - vii) three Principals of affiliated or associated colleges to be selected by rotation in the manner prescribed;
 - viii) Fifteen teachers to be selected in the manner prescribed;
 - iv) the Dean of students' Welfare;
 - x) the Librarian of the University; and
 - xi) five persons of academic eminence to be co-opted in the manner, prescribed
- (3) subject to the provisions of section 65* the term of office of the members other than Ex-officio members shall be such as maybe prescribed.

* Substituted for "50" by U.P. Act No. 5 of 1977 w.e.f. 21-4-77 (vide U.P. Govt. Notification No. 21.8.2/XVII-V-1-51-77 dated 24.7.77)

26. The Finance Committee

- (1) The Finance Committee shall consists of -
- a) The Vice-Chancellor aa)¹⁰ The Secretary to the State Government of the Higher Education Department. aaa)¹⁰ The secretary to The Government of the State Government of the Finance Department;
 - b) The Pro-Vice-Chancellor if any;
 - c) The Registrar ;¹¹ cc) The Controller or Examinations;
 - d) One person not being a member of Executive Council or the Academic Council or a person in the service of the University or an Institute or of a constituent college or a member of the managing committee of any affiliated or associated college or a person in the service of such college to be elected by the Executive Council, and
 - (e) The Finance Officer who shall also be the Secretary of the Committee.
- ¹²(1-a) A member referred to in clause (aa) or clause (aaa) of sub-clause. (1) may, instead of attending any meeting of the Finance Committee himself, depute an officer not below the rank of a Joint Secretary to the State Government and an officer so deputed shall also have the right to vote.
- (2) The Finance Committee shall advise the Executive Council on matters relating to the administration of property and funds of the University. It shall, having regard to the income and resources of the university, fix limits for the recurring and non recurring expenditure for the ensuing financial year and may, for any special reasons, revise during the financial year the limits of expenditure so fixed and the limits so fixed shall be binding on the executive. Council

¹⁰ Inserted by U.P. Act No. 2 of 1995 (vide U.P. Govt. Notification No. 1228(2)/XVII-V-1-2 (ka) -28-1995 dated 11.7.1995)

¹¹ Inserted by U.P. Act No. 14 of 1995 (vide U.P. Govt. Notification No. 1495 (2)/XVII-V-1-1 (ka) -24-1995 dated 8.8.1995) w.e.f. 25.2.1995.

¹² Inserted by U.P. Act No. 4 of 1996 (vide U.P. Govt. Notification No. 33/XVII-V-1-1 (ka)-43-1996 dated 6.1.1996)

- (3) The finance committee shall have such other powers and duties as may be conferred or imposed on it by this Act or the statutes.
- (4) Unless a proposal having financial implication has been recommended by the Finance committee, the executive council shall not take a decision thereon, and if the executive council disagrees with the recommendation of the finance committee it shall refer the proposal back to the finance Committee with reasons for the disagreements and if the executive council again disagrees with the recommendation of the finance committee the matter shall be referred to the chancellor whose decision thereon shall be final.

27. The Faculties

- (1) The University shall have such faculties as may be prescribed.
- (2) each faculty shall comprise such department of teaching as may be prescribed and each department shall have such subjects of study as may be assigned to it by the ordinances.
- (3) There shall be a board of each faculty the constitution (including the term of office of its members.) and powers and duties of which shall be such as may be prescribed.
- (4) there shall be a dean of each faculty who shall be chosen from amongst the professors by rotation in order of seniority and shall hold office for three years.

¹³[provided that in the case of a Medical, Engineering, Ayurvedic or Fine Arts college, the Principal of such college shall be the Ex-officio Dean of Medical, Engineering, Ayurvedic or Fine Arts Faculty, as the case may be;]

Provided further that where there is more than one such college, the Deanship of each such faculty shall rotate amongst the Principals of such colleges;

¹³ Substituted by U.P. Act No. 25 of 1974 (vide U.P. Govt. Notification No. 3457/XVII-V-1-51-74 dated 25.9.74) Originally the First proviso was as follow: "Provided that in the case of Medical or Engineering college, the Principal of such college shall be the Ex-officio Dean of Medical or Engineering Faculty."

¹⁴[Provided also that if there is no Professor in the Faculty, the office of Dean shall be held by Reader, and if there are no Readers, then by other teachers in that Faculty, by rotation in order of seniority.

- (5) The Dean shall be the Chairman of the Board of Faculty and be responsible for:
- (a) the organization and conduct of the teaching and research work of departments comprised in the Faculty; and
 - (b) the due observance of the Statutes, Ordinances and Regulations relating to the Faculty.

¹⁵[(6) in each department of teaching in the University, there shall be a Head of the Department whose appointment shall be regulated by Statutes;

Provided that every person holding the office of Head of Department immediately before the date of commencement of this sub-section shall, subject to the provisions of this Act and the Statutes, continue to hold office on the same terms and conditions as he held immediately before the said date.]

¹⁴ Substituted by U.P. Act No. 5 of 1977 w.e.f. 21.4.77 (vide U.P. Govt. Notification No. 2182/XVII-V-1-61-77 dated 24.7.77)

Originally, the third proviso was as follows :-

"Provided also that in the case of a faculty where there is no Professor, the office of the Dean shall be held in rotation by the teacher in that faculty according to seniority."

¹⁵ Substituted by U.P. Act No. 29 of 1974 (vide U.P. Govt. Notification No. 1666/XVII-V-1-51-74 dated 25.9.74)

Originally, sub-section (6) was as follows :-

"(6) (a) In each department of teaching in the University, there shall be a Head of that department who shall hold office for a term of three years.

(b) The post of the Head of Department shall rotate amongst the Professors according to seniority; Provided that in the case of Departments :-

(i) Where there is only one Professor, the Headship shall rotate between Professors & Readers of at least five years standing according to seniority.

(ii) Where there is no Professor, Headship shall rotate amongst Readers of at least five years standing according to seniority; and

(iii) Where there is no Professor or there is only one Reader, the Headship shall rotate amongst the Reader and the Lecturers of at least ten years standing according to seniority."

- (7) The Head of Department shall be responsible to the Dean for the organization of teaching in the Department and have such other powers and duties as may be provided in the Ordinances.
- (8) There shall be constituted in accordance with the provisions of the Ordinances, Boards of Studies in respect of different subjects of study and more than one subject may be assigned to one Board of Studies.

28. Admission Committee

- (1) There shall be an Admissions Committee of the University, the constitution of which shall be such as may be provided for in the Ordinances,
- (2) The Admissions Committee shall have the power to appoint such number of sub-committees as it thinks fit.
- (3) Subject to the Superintendence of the Academic Council and to the provisions of sub-section (5) the Admissions Committee shall lay down the principles or norms governing the policy of admission to various courses of studies in the University and may also nominate a person or a sub-committee as the admitting authority in respect of any course of study in an Institute or a constituent college maintained by the University.
- (4) Subject to the provisions of sub-section (5) the Committee may issue any direction as respects criteria or methods of admissions as class¹⁶[including the number of students to the admitted] to constituent colleges maintained by the Statute Government and to affiliated or associated colleges, and such directions shall be binding on such colleges.

¹⁷[(5) Notwithstanding anything contained in any other provisions of the Act, admissions to Medical and Engineering colleges and to courses of

¹⁶ Inserted by U.P. Act No. 21 of 1975 (vide U.P. Govt. Notification No. 1666/XVII-V-1-26-75 dated 3.5.75)

¹⁷ Substituted by U.P. Act No. 15 of 1980 (vide U.P. Govt. Notification No. 2692/XVII-V-1-60-1980 dated 25.9.80)

Originally, sub-section (5) was as follows :-

instruction for degrees in Education or Ayurvedic and Unani Systems of Medicine (including the number of students to be admitted), shall subject to clause (a) be regulated by such orders, as the State Government may, by notification make in that behalf.

Provided that no order regulating admissions under this clause shall be inconsistent with the rights of minorities in the matter of establishing and administering educational institutions of their choice.]

¹⁸The Uttar Pradesh State Universities : (reservation in Admission for Scheduled castes, Scheduled Tribes and Other Backward Classes Order 1994.)

1. (i) This order may be called the Uttar Pradesh State Universities (Reservation in Admission for Scheduled Castes, Scheduled Tribes and Other Backward Classes) Order, 1994.

(ii) It shall come into force at once.

2. Subject to the provisions of sub-section (5) of section-28 of the Uttar Pradesh State Universities Act 1973, with effect from the academic session of 1994-95, following percentages of seats in any course of study in a University, Institute, Constituent Colleges, Affiliated Colleges or Associated Colleges shall be reserved for admission for the candidates belonging to the Scheduled Castes, Schedule Tribes and Other Backward Classes of citizens, namely :

Scheduled Castes - Twenty one percent

Scheduled Tribes - Two percent

Other Backward Classes of Citizen - Twenty seven percent.

Provided that where any University has provided for reservation in admissions in favour of any other category of candidates than those referred

"(5) Admissions to medical and engineering colleges shall be regulated by such orders as the State Government may, by notification in the Gazette make in that behalf."

Subsequently, words "and to course of instruction for degrees in education (including the numbers of students to be admitted)" where inserted after the words "methods of admissions" by U.P. Act No. 21 of 1975 w.e.f. 9.5.75 (vide U.P. Govt. Notification No. 1666/XVII-V-1-26-75 dated 3.5.75)

¹⁸ Inserted vide U.P. Govt. Notification No. 2638/XV-X-94-15(55)/89, dated 20.7.1994

to above, the candidates selected for admission on the basis of such reservation shall be placed in the appropriate category to which he belongs. For example, if a candidate selected for admission in any course of study on the basis of reservation in favour of sports persons, belongs to the Scheduled Castes, Scheduled Tribes or other Backward Classes, he will be placed in the respective category to which he belongs by making necessary adjustments and similarly, if he belongs to general category, he will be placed in that category after making necessary adjustment.

Provided further that the seats, if reserved under any other law for the time being in force, or under any order of the Government of India, for the students belonging to any other State, shall not be included in the total number of seats for the purpose of commuting the percentages under this paragraph.

EXPLANATION - For the purpose of this order, the general category means the category other than those referred to in paragraph-2.

- (2) The reservation in admission as provided in sub-paragraph (1) shall also apply in any course of study in a University, Institute or such colleges in respect of any academic session, prior to academic session 1994-95, for which admissions are to be made.
- (3) If eligible candidates belonging to the Scheduled Tribes are not available to fill the seats reserved for them under paragraph-2, such seats shall be filled by a candidate belonging to the Scheduled Castes,
- (4) Subject to paragraph-3, where due to non-availability of eligible candidates, any of the seat reserved under paragraph-2 remains unfilled, it shall be filled by a candidate of general category.

EXPLANATION - For the purpose of paragraph-3 and 4, it is clarified that a candidate belonging to the Scheduled Castes, Scheduled Tribes or Other Backward Classes of Citizen shall not be eligible if he fails to secure the minimum qualifying marks, if any, in any admission test or under any norm relating to admission.

- (5) If a candidate belonging to any of the categories mentioned in paragraph-2 gets selected for admission on the basis of merit with general category

candidates, he shall not be adjusted against the seats reserved for such category under paragraph-2.

- (6) The teachers belonging to the Scheduled Castes, Scheduled Tribes or Other Backward Classes of citizens shall, as far as possible, be given representation in the admission Committee to ensure fair admissions.
- (7) The Chairperson of the Admission Committee and the Vice-Chancellor in the case of a University and such Chairperson and the Head of the Institution in any other case, shall be responsible for due observance of this order.
- (8) Whoever willfully acts in a manner intended to contravene or defeat the purpose of this order shall, on conviction be punishable with imprisonment, which may extend to three months or with fine which may extend to one thousand rupees or with both.

Notwithstanding any thing contained in any provision of this Act -

- (a) Seats shall be reserved for the students belonging to Scheduled Castes, Scheduled Tribes or Other Backward Classes of Citizens in admission to any course of study in a University, Institute Constituent College, Affiliated College or Associated college by the orders which may be issued and regulated by the State Government by notification in Gazette:

Provided that the reservation under this section shall not be applicable to any Institution established and administered by Minority Sections under Article 30(1) of the constitution.

Provided further that the reservation under this section shall not be applicable to Uttar Pradesh Public Service (Schedule Castes, Scheduled Tribes Reservation Act-1994) and Other Backward Classes of Citizens indicated in Schedule-2.

- (b) In admissions to training courses for the degree in Medical and Engineering Colleges and Education or Ayurvedic and Unani Medical System (under which the number of students to be admitted is also inclusive) shall be regulated by such orders (which, if the need be, may be issued with retrospective effect but it shall not take effect from or before 1st January, 1979) which the State Government, for the purpose, may pass by issuing a notification.

Provided that under this section, any order for regulation of admission shall not be inconsistent with the rights of Minority Communities to establish and administer educational institutions of their choice.

(c) While issuing any order under section (a), the State Government may direct that any person who acts in a manner intended to contravene or defeat the purpose of this order, shall on conviction, be punishable with imprisonment for not more than three months or fined not more than one thousand rupees or with both, as mentioned in the order.

5.(a) Each order issued under clause (a) of sub-section-8 shall be put up before both Assembly and the State Legislative Council and the provisions of sub-section 1 of Section-23(a) of Uttar Pradesh General Section Act, 1964 shall enforce in the same manner as they come into force in respect of regulations made by the State Government under any Uttar Pradesh Act.

(6) No student admitted to any college in contravention of the provisions of this section shall be permitted to take up any examination conducted by the University, and the Vice-Chancellor shall have the power to cancel any admission made in such contravention.

29. Examination Committee

(1) There shall be an Examination Committee in the University the constitution of which shall be as may be provided for in the Ordinances.

(2) Except as provided in sub-section (2) of section 42 the Committee shall supervise generally all examinations of the University, including moderation and tabulation and perform the following other functions namely :

(a) to appoint examiners and moderators and if necessary, to remove them,

(b) to review from time to time the results of University examinations and submission of reports thereon to the Academic Council.

(c) to make recommendations to the Academic Council for the improvement of the examination system.

(d) to scrutinise the list of examiners proposed by the Board of Studies, finalise the same and declare the result of the University.

(3) The Examination Committee may appoint such number of sub-committees as it thinks fit, and in particular, may delegate to any one or more persons or sub-committee the power to deal with and decide case relating to the use of unfair means by the examinees."

¹⁹[4] Notwithstanding anything contained in this Act, it shall be lawful for an Examination Committee or, as the case may be, for a sub-committee or any person to whom the Examinations Committee has delegated its power in this behalf under sub-section (3), to debar an examinee from future examinations of the University, if in its or his opinion, such examinee is guilty of using unfair means at any such examination]

30. Other Authorities

The constitution, powers and duties of other authorities of the University shall be such as may be prescribed.

¹⁹ Inserted by U.P. Act No. 5 of 1977 (vide U.P. Govt. Notification No. 2182/XVII-V-1-61-77 dated 24.7.77) w.e.f. 21.4.77)

Chapter VI*

Appointment and conditions of service of teachers and officers

31. Appointment of teachers

(1) Subject to the provisions of this Act, the teachers of the University and the teachers of an affiliated or associated college (other than a college maintained exclusively by the State Government ¹[-----] shall be appointed by the Executive Council or the Management of the affiliated or associated college, as the case may be, on the recommendation of a Selection Committee in the manner hereinafter provided, ²[The Selection Committee shall meet as often as necessary.]

(2) The **appointment** of every such teacher, **Director** and **Principal** not being an appointment under sub-section (3), shall in the first instance be on probation for one year which may be extended for a period not exceeding one year.

Provided that no order of termination of service during or on the expiry of the period of probation shall be passed -

(a) in the case of a teacher of the University, except by order of the Executive Council made after considering the report of the Vice-Chancellor and (unless the teacher is himself the Head of Department), the Head of the Department concerned;

(b) in the case of Principal of an affiliated or associated college, except by order of the Management; and

(c) in the case of any other teacher of an affiliated or associated college except by order of the management made after considering the report of the principal and (unless such teacher is the senior-most teacher of the subject) also of the senior-most teacher of the subject.

* "Provisions of Chapter VI, in relation to affiliated colleges, are not applicable to the extent of their inconsistency with the provisions of U.P. Higher Education Service Commission Act w.e.f. 1.11.82 vide Appendix IV.

¹ Words "or by a local authority" Originally occurring were omitted by U.P. Act No. 12 of 1978 (U.P. Govt. Notification No. 1146/XVII-V-1-9-78 dated 27.4.78)

² Inserted by U.P. Act No. 1 of 1992 (vide U.P. Govt. Notification No. 564/XVII-V-1- (ka)-1-1992 dated 3.3.92, w.e.f. 21.11.1991)

³[Provided further that no such order of termination shall be passed except after notice to the teacher concerned giving him an opportunity of explanation in respect of the grounds on which his services are proposed to be terminated.]

Provided also that if a notice is given before the expiry of the period of probation or the extended period of probation, as the case may be, the period of probation shall stand extended until the final order of the executive council under clause (a) of the first provision or as the case may be until the approval of the vice-chancellor under section 35 is communicated to the teacher concerned.

(3) (a) in the case of teacher of the university other than a professor, the vice-chancellor in consultation with the dean of the faculty and the head of the department concerned and an expert nominated by the chancellor in that behalf and in the case of the teacher of an affiliated or associated college, the management in consultation with an expert nominated by the vice-chancellor in that behalf may make officiating appointment in a vacancy caused by the grant of leave to an incumbent for a period not exceeding ten months without reference to the selection committee. but shall not fill any other vacancy or post likely to last for more than six months without such reference.

⁴[(b)Where before or after the commencement of this act any teacher is appointed (after reference to a selection committee) to a temporary post likely to last more than six months and such post is subsequently converted into a permanent post or to a permanent post in a vacancy caused by the grant of leave to an incumbent for a period, exceeding ten months and such post subsequently becomes permanently vacant or any post of same cadre and grade is newly created or falls vacant in the same department, then unless the executive council or the management, as the case may be, decides to terminate his service after giving an

³ Inserted by U.P. Act No. 5 of 1977 w.e.f. 21.4.77 (vide U.P. Govt. Notification No. 2182/XVII-V-1-61-77 dated 24.7.77)

⁴ Substituted by U.P. Act No. 5 of 1977 w.e.f. 21.4.77 (vide U.P. Govt. Notification No. 2182/XVII-V-1-61-77 dated 24.7.77 clause (b) of sub-section (b) was originally as follows :-
"(b) Where before or after the commencement of this Act, any teacher is appointed (after reference to a Selection Committee) to a temporary post likely to last for more than six months and such post is subsequently converted into a permanent post, the Executive Council or the Management, as the case may be, may without fresh reference to the Selection Committee, appoint such teacher in a substantive capacity."

opportunity to show cause, it may appoint such teacher in a substantive capacity to that post without reference to a selection committee.

Provided that this clause shall not apply unless the teacher concerned holds the prescribed qualification for the post at the time of such substantive appointment, and he has served continuously for a period of not less than one year after his appointment made after reference to a selection committee.

Provided further that appointment is a substantive capacity under this clause of a teacher who had served before such appointment, continuously for a period of less than two years, shall be on probation for one year which may be extended for a period not exceeding one year, and the provisions of sub-section(2) shall apply accordingly:]

⁵[(c) Any teacher of the university who was appointed as lecturer on or before June 30,1991 without reference to the selection committee by way of a short term arrangement in accordance with the provisions for the time being in force for such appointment, may be given substantive appointment by the executive council, if any substantive vacancy of the same cadre and grade in the same department is available on November 22,1991, if such teacher-

(1) Is serving as such on November 22,1991 continuously since such initial appointment by way of short term arrangement:

(2) Possessed on November 22,1991 the qualifications required for regular appointment to the post under the provisions of the relevant statutes in force on the date of the initial appointment:

(3) Has been found suitable for regular appointment by the executive council.

A teacher appointed by way of short-term arrangement as aforesaid who does not get a substantive appointment under this clause shall cease to hold such post on such a date as the executive council may specify.]

(4) (a) The selection committee for the appointment of a teacher of the university (other than the director of an institute and the principal of a constituent college), shall consist of-

⁵ Inserted by U.P. Act No. 1 of 1992 (vide U.P. Govt. Notification No. 564/XVII-V-1-2 (ka)-1-1992 dated 3.3.92) w.e.f. 22.11.91.

(i) The Vice-chancellor, who shall be the chairman thereof;

(ii) The head of the department concerned;

(iii) In the case of a professor or reader, three experts and in any other cast two experts, to be nominated by the chancellor.

(iv) In the case of a appointment of teachers, in a department of a constituent medical college upgraded under any scheme sanctioned by the central government, one nominee each of the central government, and the state government;

(v) In the case of appointment of teachers of an institute or constituent college, the director of the institute or the principal of the constituent, college as the case may be.

Provided that the Head of the Department shall not sit in the selection committee, when he is himself a candidate for appointment or when the post concerned is of a higher rank than his substantive post and in that event his office shall be filled by the professor in the department and if there is no professor by the dean of the faculty.

⁶[Provided further that where the Chancellor is satisfied that in the special circumstances of the case, a selection committee for the post of professor or Reader can not be constituted in accordance with the preceding proviso he may direct the constitution of the Selection Committee in such manner as he thinks fit]

(b) The Selection Committee for the appointment of the Director of an Institute or the Principal of a constituent college shall consist of -

(i) The Vice-Chancellor, who shall be the Chairman thereof;

(ii) two experts to be nominated by the Chancellor;

(c) The Selection Committee for the appointment of the Principal of an affiliated or an associated college (other than a college maintained exclusively by the State Government ⁷[-----] shall consist of -

⁶ Inserted by U.P. Act No. 5 of 1977 w.e.f. 21.4.77 (vide U.P. Govt. Notification No. 2182/XVII-V-1-61-77 dated 24.7.77)

⁷ Words "or by a local authority" deleted by U.P. Act No. 12 of 1978 (vide U.P. Govt. Notification No. 1148/XVII-V-1-9-78 dated 27.4.78).

(i) the Head of the Management, or a member of the Management nominated by him, who shall be the Chairman;

⁸[(ii) one of the Deans or Professors of those Faculties, which comprise subjects taught in the college, to be nominated by the Vice-Chancellor;]

(iii) one member of the management nominated by the Management; and

(iv) two experts to be nominated by the Vice-Chancellor;

Provided that in the case of appointment of the Principal of an affiliated college, the Dean of faculty shall not sit in the selection committee, if he is himself a teacher of that college.

Provided further that in the case of colleges established and administered by a minority referred to in clause(1) of article 30 of the constitution of India the experts shall be nominated by the management from out of a panel of five experts suggested by the management and approved by the Vice-Chancellor.

⁹[Provided also that in the case of college referred to in the preceding proviso, the dean or professor who shall be the member of the selection committee under sub clause (ii) shall also be nominated by the management from out of a panel of five deans or professor suggested by the management and approved by the Vice-Chancellor, and if the requisite number of such Deans or Professor is not so available, the panel may include the names of Principals of affiliated or associated colleges.]

(d) The Selection Committee for the appointment of other teachers of an affiliated or associated college (other than a college maintained exclusively by the State Government ¹⁰[] shall consist of --

(i) The Head of the Management or a member of the Management nominated by him, who shall be the Chairman;

⁸ Substituted by U.P. Act No. 12 of 1978 (vide *ibid.*) sub-clause (ii) originally was, "(ii) One of the Deans of those Faculties which comprise subjects taught in the college, to be nominated by the Vice-Chancellor."

⁹ Inserted by U.P. Govt. Act No. 29 of 1974 and always deemed to have been inserted (vide U.P. Govt. Notification No. 3457/XVII-V-1-51-74 dated 25.9.74).

¹⁰ Words "or by a local authority" omitted by U.P. Act No. 12 of 1978 (vide U.P. Govt. Notification No. 1148/XVII-V-1-9-78, dated 27.4.78).

(ii) the Principal of the college and another teacher of the college nominated by the principal;

(iii) two experts to be nominated by the Vice-Chancellor;

¹¹[Provided that in the case of a college where there is no Principal or other teacher available for being a member of the Selection Committee under sub-clause (ii) the remaining members referred to in this clause shall constitute such Selection Committee.]

Provided further that in the case of colleges established and administered by a minority referred to in clause (1) of Article 30 of the constitution of India, the experts shall be nominated by the management from out of the panel of five experts suggested by the Management and approved by the Vice-Chancellor.

(5)(a) A panel of six or more experts in each subject of study shall be drawn up by the Chancellor after consulting the corresponding faculty in Indian Universities or such academic bodies or research institutions in or outside Uttar Pradesh as the Chancellor may consider necessary. Every expert to be nominated by the Chancellor under sub-section (4) shall be a person whose name is borne on such panel.

(b) the Board of each Faculty shall maintain a standing panel of sixteen or more experts in each subject of study, and every expert to be nominated by the Vice-Chancellor under sub-section (4) shall be a person whose name is borne on the panel.

(c) A panel referred to in clause (a) or clause (b) shall be revised after every three years.

Explanation 1. For the purpose of this sub-section, branch of any subject in which a separate course of study is prescribed for a postgraduate degree or for Part I or part II thereof, shall be deemed to be a separate subject of study.

Explanation 2. Where the post of teacher to be selected is common to more than one subject of study the expert may belong to either of such subject of study.

¹¹ Inserted by U.P. Govt. Act No. 29 of 1974 (vide U.P. Govt. Notification No. 3457/XVII-V-1-51-74 dated 25.9.74).

¹²[(d) The Chancellor or the Vice-Chancellor, as the case may be, may intimate in a specified order, a larger number of names of experts than required under sub-section (4) for serving as his nominees on the Selection Committee. In such case any person whose name appears higher in the specified order not being available for a meeting of the Selection Committee, a person whose name appears nearest lower in the specified order shall be requested to serve on the Committee.]

(6) No recommendation made by a Selection Committee referred to in sub-section (4) shall be considered to be valid unless one of the experts had agreed to such selection.

(7) Subject to the provisions of sub-section (6) the majority of the total membership of any Selection Committee shall form the quorum of any such Committee.

¹³[(7-A) It shall be open to the Selection Committee to recommend one or more but not more than three names for each post.

(Provided that in the case of a Professor or a Reader, the persons present to form the quorum must include at least two experts)¹⁴

(8)(a) In the case of appointment of a teacher of the University, if the Executive Council does not agree with the recommendation made by the Selection Committee, the Executive Council shall refer the matter to the Chancellor alongwith the reasons of such disagreement, and his decision shall be final.

¹⁵[Provided that if the Executive Council does not take a decision on the recommendations of the Selection Committee within a period of four months from the date of the meeting of such Committee, then also the matter shall stand referred to the Chancellor, and his decision shall be final.]

¹² Inserted by U.P. Govt. Act No. 29 of 1974 (vide U.P. Govt. Notification No. 3457/XVII-V-1-51-74 dated 25.9.74).

¹³ Inserted by U.P. Govt. Act No. 29 of 1974 and deemed always to have been inserted (vide U.P. Govt. Notification No. 3457/XVII-V-1-51-74 dated 25.9.74).

¹⁴ Inserted by U.P. Govt. Act No. 4 of 1995 (vide U.P. Govt. Notification No. 2/XVII-V-1-1- (ka)-1-1995, dated 17.2.1995). w.e.f. 15.2.1995.

¹⁵ Inserted by U.P. Govt. Act No. 5 of 1977 w.e.f. 21.4.77 (vide U.P. Govt. Notification No. 2182/XVII-V-1-61-77 dated 24.7.77).

¹⁶(aa) Where the failure of the Executive Council to take a decision within the period specified in the proviso to clause (a) is not attributable to any fault of the Executive Council, the Chancellor may require the Executive Council to take a decision within such time as the Chancellor may from time to time allow, and may direct the Vice-Chancellor to call a meeting of the Executive Council for that purpose :Provided that -

(i) If the Executive Council does not agree with the recommendations made by the Selection Committee, the Executive Council shall refer the matter to the Chancellor along with the reasons of such disagreement and his decision shall be final :

(ii) if the Executive Council does not take a decision within the time allowed by the Chancellor, the Chancellor shall decide the matter and his decision shall be final."

(b) In the case of appointment of a teacher of an affiliated or associated college, if the Management does not agree with the recommendation made by the Selection Committee, the Management shall refer the matter of the Vice Chancellor along with the reasons of such disagreement, and his decision shall be final.

Provided that in the case of appointment of a teacher of an affiliated or associated college, established and administered by a minority referred to in clause (1) of Article 30 of the Constitution of India, if the Management does not agree with the recommendation made by a Selection Committee, the Management shall have the right to appoint another Selection Committee and the decision of that Committee shall be final.

(9) The disqualification of members of Selection Committee for appointment of teachers of the University and the Principals and other teachers of such affiliated or associated college on the ground of interest for participating in the deliberations of such Committees and other matter relating to appointment of such Principals and teachers shall be prescribed by the Statutes.

¹⁶ Inserted by U.P. Ordinance No. 19 of 1992 (vide U.P. Govt. Notification No. 1890/XVII-V-1-1-2(ka)/22-1990 dated 26.7.90).

(10) No selection for any appointment under this section shall be made except after advertisement of the vacancy in at least three issues of two newspapers having adequate circulation in Uttar Pradesh.

¹⁷(11) (a) No teacher recommended by the Selection Committee shall be appointed by the management of an affiliated or associated college other than a college maintained exclusively by the State Government) unless prior approval of the Vice Chancellor has been obtained.

(b) The Management shall, as soon as possible, after the meeting of the Selection Committee submit the recommendations of the Committees along with other relevant documents to the Vice Chancellor for approval.

(c) The Vice Chancellor if he is satisfied that the candidate recommended by the Selection Committee does not possess the minimum qualifications or experience prescribed, or that the procedure laid down in the Act for the selection of the teacher has not been followed shall convey to the Management, his disapproval.

Provided that if the Vice-Chancellor does not convey his disapproval within a period of one month from the date of receipt of the documents referred to in clause (b), or does not send to the Management any intimation in connection therewith, he shall be deemed to have approved of the proposal.]

(12) Notwithstanding anything contained in this section, the Executive Council, with the prior approval of the Chancellor, or the Management with the

¹⁷ Substituted by U.P. Act No. 5 of 1977 (vide U.P. Govt. Notification No. 2182/XVII-V-1-61-77 dated 24.7.77 w.e.f. 21.4.77. The original sub-section (ii) was as follows :

"(11) in the case of college established and administered by a minority referred in clause (1) of Article (30) of the Constitution of India, the Management of the college may appoint a teacher only after the Vice-Chancellor is satisfied that

(i) the candidate possesses the minimum qualification and experience prescribed for the post and

(ii) the procedure laid down in the Act and the Statutes for the selection of the teachers has been followed.

Subsequently, by the U.P. Act No. 29 of 1974 (vide U.P. Govt. Notification No. 2182/XVII-V-1-61-77 dated 24.7.77), in the sub-section (11), (a) for the words "colleges established and administered by a minority" referred to in clause (i) of articles 30 of the Constitution of India, the words "affiliated or associated colleges (other than those maintained exclusively by the State Government or by the local authority" were substituted and (b) in clause (ii) for the words "the Act and the Statutes", the words "this Act" were substituted and deemed to have always been substituted.

prior approval of the Vice-Chancellor, may appoint on deputation or the post of a teacher any Government servant who possesses the qualifications prescribed for the post.

¹⁸(13)[-----]

¹⁹**31 A. Personal promotion to teachers of the University**

(1) Notwithstanding anything to the contrary contained in any other provision of this Act, 'a lecturer in the University appointed under Section 31, or a Reader in the University appointed under Section 31 or promoted under this section ²⁰who has put in such length of service and possesses such qualifications, as may be prescribed, may be given personal promotion, respectively to the post of Reader or Professor.

(2) such personal promotion shall be given on the recommendation of the selection committee, constituted under clause (a) of sub -section (4) of section 31 in such manner and subject to such conditions as may be prescribed;

(3) Nothing contained in this section shall affect the posts of the teachers of the university to be filled by direct appointment in accordance with the provision of section 31]

²⁰ (a)"**31-AA. Promotion To The Post Of Associate Professor & Professor**

(1) Notwithstanding anything contained in any other provision of this Act, an assistant professor, substantively appointed in the faculty of medicine or dental sciences of the University of Lucknow or an associate professor, substantively appointed, or promoted under this section, in the said faculties of the said university, who has put in such length of service and possesses

¹⁸ Omitted by U.P. Act No. 10 of the 1989 w.e.f. 18.7.81 Sub-section (19) which was inserted by U.P. Act No. 5 of 1977 w.e.f. 21.4.77) was as follows :-

"(13) The Principal of the King George's Medical College, Lucknow, shall be appointed on the recommendation of the selection committee constituted under clause (b) of sub section (4) from amongst the Professors of the Colleges and the provisions of sub-section (10) shall not apply in relation to such selection.

¹⁹ Inserted by U.P. Govt. Act No. 9 of 1985 w.e.f. 3.4.85.

²⁰ Inserted by U.P. Govt. Act No. 4 of 1996 (vide U.P. Govt. Notification No. 33/XVII-V-1-1 (ka)-43-1996, dated 6.1.1996).

²⁰ (a) Inserted by U.P. Act No. 9 of 1998 (vide U.P. Govt. Notification No. 296 (2)/XVII-V-1-1 (ka)-33-1997 dated 13.2.1998.

such qualifications as may be prescribed, may be given personal promotion respectively to the post of associate professor or professor."

(2) The promotion under sub-section (1) shall be given on the recommendation of the Selection Committee, constituted under clause (a) of sub-section (4) of section 31, in such manner and subject to such conditions as may be prescribed.

Explanation:- with regard to the faculty of medicine or dental sciences of the university of Lucknow, the word "reader" referred to in clause (a) of sub-section (4) of section 31 shall be construed as "associated professor"

31 B. Special Provision with Regard to Appointment

(1) ²⁰ (b) Notwithstanding anything to the contrary contained in any other provision of this act or in the Uttar Pradesh higher education services commission act, 1980 appointment to the post of principal or teacher of the Moti Lal Nehru Regional Engineering College, Allahabad shall be made in accordance with the rules and bye- laws of the Moti Lal Nehru Regional Engineering College Society, Allahabad.

(2) All appointments made before the commencement of the Uttar Pradesh State Universities (Amendment) Act, 1998 in accordance with the provisions of sub-section (1) shall be deemed to have been made under the said sub-section as if the provisions of the said sub-sections were in force at all material times.

32. Contract of Appointment of Teachers of the University

(1) Except as otherwise provided by Statutes, no salaried officer and teacher of the University shall be appointed except under a written contract which shall be consistent with the provisions of this Act, the Statutes and the Ordinances.

(2) The original contract shall be lodged with the Registrar and copy thereof shall be furnished to the officer or teacher concerned.

²⁰ (b) Inserted by U.P. Act No. 9 of 1998 (vide U.P. Govt. Notification No. 296 (2)/XVII-V-1-1 (ka)-33-1997 dated 13.2.1998.

(3) In the case of an officer or teacher employed before the commencement of this Act, all contracts in force, immediately before such commencement, shall to the extent of any inconsistency with the provision of this act or the statues or ordinances be deemed to have been modified by the said provisions.

(4) Notwithstanding anything contained in any contract or other instrument, teachers of any constituent medical college shall not have the right of private practice, except to such extent, if any, and subject to such conditions and restrictions as the state government may by general or special order specify.

33. Pensions, Provident Fund etc.

The University and every affiliated or associated college shall constitute, for the benefit if its officers, teachers and other employees, in such manner and subject to such conditions as may be ²¹[specified by general or special order of the State Govt.] such pension, insurance or provident fund, as it may deem fit including a fund from which such teacher or their heirs, as the case may be, shall be paid pension or gratuity in the event of their incurring disability, wound or death in connection with the discharge of their duties as superintendent of a centre or invigilator as defined in Uttar Pradesh Universities (provisions regarding conduct of examinations) Act, 1965.

34. Limit of Additional Remunerative work Permissible to Teachers

(1) The conditions regarding payment of remuneration to the teachers of the University or for an affiliated or an associated college or any duties performed in connection with any examination conducted by an Indian University or any body other than Public Service Commission ²²[.....] shall be such as may be prescribed.

(2) No teacher of the University or of an affiliated or associated college shall at any time, hold more than one remunerative office carrying duties other than teaching or duties connected with any examination

²¹ Inserted by U.P. Act No. 21 of 1975 (vide U.P. Govt. Notification No. 1666/XVII-V-1-26-75 dated 9.5.75).

²² Words "and the holding of remunerative offices by them" occurring in the originally sub-section (1) omitted by U.P. Govt. Act No. 29 of 1974 (vide U.P. Govt. Notification No. 3457/XVII-V-1-51-74 dated 25.9.74)

EXPLANATION:- The words "remunerative office" include the offices of Warden or Superintendent of a Hall or Hostel, Proctor, Games Superintendent, Librarian, and any office in the National Sports Origination, National Social Service Scheme and University Employment Exchange.

35. Conditions Of Service Of Teachers Of Affiliated Or Associated Colleges Other Than Maintained By Government Or Local Authority

(1) Every teacher in an affiliated or associated college (other than a college maintained exclusively by the State Government ²³ [----]) shall be appointed under a written contract which shall contain such terms and condition as may be prescribed. the contract shall be lodged with the university and a copy thereof shall be given to the teacher concerned, and another copy thereof shall be retained by the college concerned.

(2) Every decision of the management of such college to dismiss or a teacher or to reduce him in rank or to punish him in any other manner shall, before it is communicated to him, be reported to the vice-chancellor and shall not take effect unless it has been approved by the vice-chancellor:

provided that in the case of colleges established and administered by a minority referred to in clause (1)of article 30 of the constitution of India, the decision of the management dismissing, removing or reducing in rank or punishing in any other manner, any teacher shall not require the approval of the vice-chancellor but shall be reported to him and unless he is satisfied that the procedure prescribed in this behalf has been followed, the decision shall not be given effect to.

(3) The provisions of sub-section(2)shall also apply to any decision to terminate the services of a teacher, whether by way of punishment or otherwise, but shall not apply to any termination of service on the expiry of the period for which the teacher was appointed.

(4) Nothing in sub-section(2)shall be deemed to apply to an order of suspension under pending inquiry, but any such order may be stayed, revoked or modified by the Vice-Chancellor.

²³ Words "or by a local authority" were omitted from original Section 35 (1) by U.P. Govt. Act No. 12 of 1978 (vide U.P. Govt. Notification No. 1148/XVII-V-1-9-78 dated 24.7.78.

Provided that in the case of colleges established and administered by a minority referred to in clause (1) of Article 30 of the constitution of India, such order may be stayed, revoked or modified by the Vice-Chancellor only if the conditions prescribed for such suspension are not satisfied.

(5) Other conditions of service of teachers of such colleges shall be such as may be prescribed.

36. Tribunal of Arbitration

(1) Any dispute arising out of a contract of appointment referred to in section 32 or section 33 shall be referred to a Tribunal of Arbitration which shall consist of the following members, namely :-

(a) in the case of an officer or teacher of the University, one member nominated by the Executive Council, one member nominated by the officer or teacher concerned and one member (who shall act as Convener) nominated by the Chancellor;

(b) in the case of a teacher of affiliated or associated college, one member nominated by the Management of the College, one member nominated by the teacher concerned, and one member (who shall act as convener) nominated by the Vice-Chancellor;

Provided that in the case of colleges established and administered by a minority referred to in clause (1) of Article 30 of the constitution of India, the Convener shall be selected by the nominees of the Management and the teacher concerned out of a panel of five persons suggested by the management and approved by the Vice-Chancellor.

Provided further that in the event of their failure to appoint the convener within the time prescribed the Vice-Chancellor shall nominate a Convener out of the panel.

(2) If for any reason, a vacancy occurs in the office of a member of the Tribunal, the appropriate person or body concerned shall nominate another person in accordance with provisions of sub-section (1) to fill the vacancy and the proceedings may be continued before the Tribunal from the stage at which the vacancy is filled.

(3) The decision of the Tribunal shall be final and binding on the parties and shall not be questioned in any court.

(4) The Tribunal of Arbitration shall have the power -

(i) to regulate its own procedure;

(ii) to order re-instatement of the officer or teacher concerned; and

(iii) to award salary to the officer or teacher concerned, after deducting there from such income which such officer or teacher might have otherwise derived during his suspension, removal, dismissal or termination from service.

(5) Nothing contained in any law for the time being in force relating to arbitration shall apply to an arbitration under this section.

(6) No suit or proceeding shall lie in any court in respect of any matter which is required by sub-section (1) to be referred to the Tribunal of Arbitration;

Provided that every decision of the Tribunal referred to in sub-section (3) shall be executable by the lowest court having territorial Jurisdiction, as if it were a decree of that court.

CHAPTER VII

AFFILIATION AND RECOGNITION

37. Affiliated Colleges

(i) This section shall apply to the Universities of Agra, Gorakhpur, Kanpur, and Meerut and such other Universities (not being the Universities of Lucknow and Allahabad) as the State Government may, by notification in the Gazette, specify.

(2) The Executive Council may, with the previous sanction of the Chancellor, admit any college which fulfils such conditions of affiliation as may be prescribed, to the privileges of affiliation or enlarge the privileges of college already affiliated or subject to the provision of sub-section (8) withdraw or curtail any such privilege :

(3) ¹[-----] It shall be lawful for an affiliated college to make arrangement with any other affiliated college situated in the same local area, or with the University for co-operation in the work of teaching or research.

(4) Except as provided by this Act, the management of an affiliated college shall be free to manage and control the affairs of the college and be responsible for its maintenance and upkeep, and its Principal shall be responsible for the discipline of its students and for the superintendence and control over its staff.

(5) Every affiliated college shall furnish such reports returns and other particulars as the Executive Council or the Vice-Chancellor may call for.

(6) The Executive Council shall cause every affiliated college to be inspected from time to time at intervals not exceeding five years by one or more persons authorised by it in that behalf, and a report of the inspection shall be made to the Executive Council.

¹ 1. Proviso to sub-section (2) occurring in Original section omitted by U.P. Govt. Act No. 21 of 1975 (vide U.P. Govt. Notification No. 1666 /XVII-V-1-26-75 dated 9.5.75. The proviso was "Provided that previous sanction of the Chancellor shall not be required for the grant of an application of an affiliated college for permission to start instruction in a subject, being a subject in which instruction is not already given in that college, for a Bachelors degree in respect of which the college is already affiliated.

(7) The Executive Council may direct an affiliated college so inspected to take such action as may appear to it to be necessary within such period as may be specified.

(8) The privileges of affiliation of a college which fails to comply with any direction of the Executive Council under sub-section (7) or to fulfill the conditions of affiliation may, after obtaining a report from the Management of the college and with the previous sanction of the Chancellor, be withdrawn or curtailed by the Executive Council in accordance with the provisions of the Statutes.

²[(9) Notwithstanding anything contained in sub-section (2) and (8) if the Management of an affiliated college has failed to fulfil the conditions of affiliation the Chancellor may, after obtaining a report from the Management and the Vice-Chancellor, withdraw or curtail the Privileges of affiliation.

38. Associated Colleges

(1) This section shall apply to the Universities of Lucknow and Allahabad and such other Universities (not being the Universities of Agra, Gorakhpur, Kanpur or Meerut or the Sampurnanand Sanskrit Vishvavidyalaya) as the State Government may by notification in the Gazette, specify.

(2) Associated colleges shall be such as may be named by the Statutes.

(3) It shall be lawful for an associated college to make arrangements with any other associated college or colleges or with the University for co-operation in the work of teaching.

(4) The conditions of recognition of an associated college shall be prescribed by the Statutes or imposed by the Executive Council but no associated college shall, except with the previous approval of the Chancellor, be authorised to impart instruction for post graduate degrees. Provided that if an associated college is refused recognition for imparting instruction for post-graduate degrees, such college may with the approval of the Chancellor, be granted affiliation by any University referred to in section 37, anything in

² Inserted by U.P. Act No. 5 of 1977 w.e.f. 21.4.77 (vide U. P Govt. Notification No. 2182/XVI I-V-1-61-77 dated 24.7.77).

section 5 notwithstanding, and thereupon, such college shall cease to be an associated college.

(5) Except as provided by this Act, the Management of an associated college shall be free to manage and control the affairs of the college and be responsible for its maintenance and upkeep. The Principal of every such college shall be responsible for the discipline of its students and for the superintendence and control over its staff.

(6) The Executive Council shall cause every associated college to be inspected from time to time at intervals not exceeding three years by one or more persons authorised by it in this behalf and a report of the inspection shall be made to the Executive Council.

(7) The recognition of an associated college may, with the previous sanction of the Chancellor, be withdrawn by the Executive Council, if it is satisfied after considering any explanation furnished by the management that it has ceased to fulfil the conditions of its recognition or that it persists in making default in the performance of its duties under this Act or in the removal of any defect in its work pointed out by the Executive Council.

(8) Notwithstanding anything in this section or in section 5 a college situated within the area of any University to which this section applies, may with the consent of that University be admitted to the privileges of affiliation by any University to which section 37 applies.

39. Disqualification for Membership of Management

A person shall be disqualified for being chosen as, and for being a member of the Management of an affiliated or associated college (other than a college maintained exclusively by the State Government or by local authority), if he or his relative accepts any remuneration for any work in or for such college or any contract for the supply of goods to or for execution of any work for such college. Provided that nothing in this section shall apply to the acceptance of any remuneration by a teacher as such or for any duties performed in connection with an examination conducted by the college or for any duties as Superintendent or Warden of a training unit or of a hall or hostel

of the college or as proctor or tutor or any duties of a similar nature in relation to the college.

Explanation : The term "relative" shall have the meaning assigned to it in the Explanation to section- 20

40. Inspection of Affiliated or Associated Colleges

(1) The State Government shall have the right to cause an inspection to be made by such person or persons as it may direct, of any affiliated or associated college, including the building, laboratories and equipments thereof and also of the examinations, teaching and other work conducted or done by it, or cause an inquiry to be made in respect of any matter connected with the administration and finance of such college.

(2) Where the State Government decides to cause an inspection or inquiry to be made under sub-section (1), it shall inform the Management of the same and a representative, appointed by the Management and where the Management fails to appoint a representative, the Principal of the college may be present at such inspection or inquiry and shall have the right to be heard on behalf of the Management but no legal practitioner shall appear, plead, or act on behalf of the college at such inspection or inquiry.

(3) The person or persons appointed to inspect or inquire under sub-section (1) shall have all the powers of a civil court while trying a suit under the Code of Civil Procedure; 1908 for the purpose of taking evidence, on oath and of enforcing the attendance of witness and compelling production of documents and material objects, and shall be deemed to be a civil court within the meaning of sections 480 and 482 of the Code of Criminal Procedure, 1898* and any proceeding before him or them shall be deemed to be judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code.

(4) The State Government may communicate to the Management the result of such inspection or inquiry and may issue directions as to the action to be taken and the Management shall forthwith comply with such directions.

* See now Cr. P C. 1973 (vide U.P. Act No. 2 of 1974)

(5) The State Government shall inform the Vice-Chancellor about any communication made by it to the Management under sub-section (4).

(6) The State Government may at any time, call for any information from the Management or Principal of an affiliated or associated college in connection with such inspection or inquiry.

41. Constituent Colleges

(1) Constituent colleges shall be such as may be named by the Statutes.

(2) The Principal of a constituent college shall be responsible for the discipline of the students enrolled in the college and shall have general control over the ministerial and inferior staff allotted to the college. He shall exercise such other powers as may be prescribed by the Statutes.

42. Autonomous Colleges

(1) The University may grant in the manner prescribed, to an affiliated or associated college which satisfies the conditions prescribed in that behalf, the privilege of varying for the students receiving instruction in such college, the course of study prescribed by the University, and holding examination in the courses so varied.

(2) The extent to which the courses may be varied and the manner of holding the examinations conducted by such college shall be determined in each case by the University

(3) Such a college shall be declared in the manner prescribed as an autonomous college.

43. Working Men's Colleges

(1) The University may, under such conditions as may be prescribed, recognize an affiliated or associated college as a "working Men's College" for the purpose of providing courses for degrees to persons, otherwise eligible for admission to such courses, who may be unable to be enrolled as whole-time students by reason of being engaged in business, trade, agriculture or industry or employed in any other form of service.

(2) The courses for such students shall extend over a period which shall not be less than one and a half times the duration prescribed for such courses for other students.

(3) Each such course shall be organized separately

44. Institutes

The University may establish one or more Institutes to organize and conduct teaching and research in any subject.

CHAPTER VIII

ADMISSIONS AND EXAMINATIONS

45. Admission of Students

- (1) No student shall be eligible for admission to the course of study for a degree unless
 - (a) He has passed
 - (i) The Intermediate Examination of the Board of High School and Intermediate Education, Uttar Pradesh, or of any University or Board incorporated by any law for the time being in force; or .
 - (ii) Any examination, or any degree conferred by any other University, being an examination or degree recognized by the University, as equivalent to the Intermediate Examination or to a degree of the University; and
 - (b) He possesses such further qualifications, if any, as may be specified in the Ordinances;

Provided that the University may prescribe by Ordinance any lower qualifications for admission to a degree in Fine Arts.

- (2) The conditions under which students may be admitted to the diploma courses of the University shall be prescribed by the Ordinances.
- (3) The University shall have the power to recognize (for the purpose of admission to a course of study for a degree), as equivalent to its own degree, any degree conferred by any other University or as equivalent to the Intermediate Examination of any Indian University, any examination, conducted by any other authority.
- (4) any student whose, work or conduct is unsatisfactory may be removed from the University or an Institute or a constituent college or an affiliated or associated college in accordance with the provisions of the Ordinances.

46. Bar on charging any donation etc. for admission to colleges

No person connected with the Management of an affiliated or associated college and no Principal or other teacher or other employee thereof shall directly or indirectly take or receive or cause to be taken or received any contribution, donation, fees or any other payment of any sort, either in cash or in kind, except the fees at the rates laid down in the Ordinances, from or on behalf of any pupil ¹[as a condition for granting him admission to or permitting him after such admission to continue in such college.]

²46 A. Contribution And Donations To Colleges

Where a contribution or donation, either in cash or in kind is taken or received by any affiliated or associated college including a college maintained exclusively by the State Government or a local authority the contribution or donation so received shall be utilised only for the purpose for which it was given to it and in the case of a college maintained exclusively by the State Government any cash contribution or donation shall be credited to the personal ledger account of such institution which shall be operated in accordance with the general or special orders of the State Government.

47. Halls, Hostels and Delegacy of the University

- (1) This section shall apply to the Universities of Lucknow, Allahabad, Gorakhpur and such other University as the State Government may, by notification specify.
- (2) The halls and hostels of the University shall be -
 - (a) those maintained by the University and named in the Statutes;
 - (b) those maintained by the University Council on such general or special conditions as may be provided by the Ordinances.

¹ 1. Inserted by U.P. Act No. 5 of 1977 w.e.f. 21 .4.77 (vide U.P. Govt. Notification No.2182 / XVII-V-1-61-77 dated 24.7.77.)

² Ibid

- (3) The Warden and other staff of the halls and hostels shall be appointed in the manner provided by the Ordinances.
- (4) The Executive Council shall have power to suspend or withdraw the recognition of a hall or hostel which is not maintained in accordance with the conditions referred to in clause (b) of subsection (2);

Provided that no such action shall be taken without giving to the Management of such hall or hostel an opportunity of making a representation against the proposed action.
- (5) There shall be a Delegation to supervise the arrangements relating to the residence, health and welfare of students of the University not residing in or under the care of any constituent college or hall. The constitution, power and duties of the Delegation shall be prescribed by the Statutes.

48. Examinations

Subject to the provisions of this Act and the Statutes, the Examination Committee shall direct the arrangements for the conduct of examinations.

CHAPTER IX

STATUTES, ORDINANCES AND REGULATIONS

49. Statutes

Subject to the provisions of this Act, the Statutes may provide for any matter relating to the University and shall, in particular, provide for-

- (a) the constitution, powers and duties of the authorities of the University;
- (b) the election, appointment and term of office of the members or the authorities of the University, including the continuance in office of the first members, and the filling in of vacancies in their membership, and all other matters relating to these authorities for which it may be necessary or desirable to provide;
- (c) the powers and duties of the officers of the University;
- ¹[(d) the classification and recruitment (including minimum qualifications and experience) of Principals and other teachers of the University and of affiliated and associated colleges, the maintenance by them of their annual academic progress report, the rules of conduct to be observed by them and their emoluments and other conditions of service (including provisions relating to compulsory retirement).]
- ²[(e) The recruitment (including minimum qualifications and experience) and their emoluments and other conditions of service (including provisions relating to compulsory retirement) of persons appointed to other posts under the University

¹ Substituted by U.P. Act No. 5, of 1977 (and deemed always to have been inserted) (vide U. P. Govt. Notification No.2182vXV I I-V-1-61-77 dated 24.7.77); clause (d) originally was as follows :

"(d) the classification and manner of appointment of teachers of the University, the maintenance by them of their annual academic progress report. and the rules of conduct to be observed by them and other conditions of their service."

² Substituted by U.P. Act No. 5 of 1977 and always deemed to have been substituted (vide U.P. Govt. Notification No.2182/XVII-V-1-61-77 DATED 24.7.77); clause (e) originally was :

"(e) the recruitment and the conditions of service of persons appointed to other posts under the university."

- (f) the constitution of pension or provident fund or the establishment of an insurance scheme for the benefit of officers, teachers and other employees of the University;
- (g) the institution of degrees and diplomas;
- (h) the conferment of honorary degrees;
- (i) the withdrawal of degrees and diplomas, certificates and other academic distinctions;
- (j) the establishment, amalgamation, abolition and reorganisation of Faculties;
- (k) the establishment of department of teaching in the Faculties;
- (l) the establishment, abolition and reorganisation of halls and hostels maintained by the University;
- (m) the conditions under which colleges and other institutions may be admitted to the privileges of affiliation or recognition by the University and the conditions under which any such privilege may be withdrawn;
- (n) the recognition of the Management of any affiliated or associated college;
- ³(o) the number, minimum qualifications, and experience, the emoluments and other conditions of service, including the age of retirement and provisions relating to compulsory retirement of salaried employees (not being teachers) of the University or an affiliated or associated college and the preparation and maintenance of record of their service;
- (p) the institution of scholarships, fellowships, statesmanship, medals and prizes;
- (q) the qualifications, conditions and manner of the registration of graduates and the maintenance of register of registered graduates :

³ Substituted by U. P. Act No. 5 of 1977 (vide U. P. Govt. Notification No. 2182/XVII-V-1-61-77 dated 24.7.77); clause (o) originally was :

"(o) The classification and manner of appointment and the conditions of service of teachers of affiliated or associated colleges, as case may be, including the rules of conduct to be observed by them."

- (r) the holding of convocation, if any; and
- (s) all other matters which by this Act are to be or may be provided for by the Statutes.

50. Statutes How Made

- (1) The First Statutes of the University shall be made by the State Government by notification in the Gazette and in the case of any existing University, for so long as the first Statutes are not so made, the Statutes as in force immediately before the commencement of this Act, in so far as they are not inconsistent with the provisions of this Act, shall subject to such adaptations and modifications, whether by way of repeal, amendment or addition as may be necessary or expedient, as the State Government may, by notification in the Gazette provide, continue in force, and any such adaptation or modification shall not be called in question.

- ⁴(1-A) The State Government may, by Notification in the Gazette, amend whether by way of addition, substitution or commission, the First Statutes at any time upto ⁶[December 31, 1990]⁸ and any such amendment may be retrospective to a date not earlier than the date of such commencement.]

⁴⁻⁶ Inserted by U.P Act No.29 of 1974 (vide U. P Govt. Notification No. 3457/XVII-V-1-51-74 dated 25.9.74) originally clause (1-A) was as follows :

"(1-A) The State Government may, by notification in the Gazette amend whether by way of addition, substitution or omission, the First Statutes at any time within a period of one year from the date of commencement of such statutes and any such amendment may be retrospective to a date not earlier than the date of such commencement."

Thereafter, for the words : "within a period of one year from the date of commencement of such Statutes" the words and figures "upto December 31 , 1977 were substituted and always deemed to have been substituted by U. P. Act. No. 5 of 1977 from 24.4.77 (vide U. P Govt. Notification No.2182/XVI I-V-1-61-77 dated 24.7.77).

- ⁵(2) The Executive Council may after ⁷[December 31, 1990]⁹ make new or additional Statutes or may amend or repeal the statutes referred to in sub-section (1) or sub-section (1-A)J.
- (3) The Executive Council shall not propose the draft of any Statute affecting the status, power or constitution of any authority of the University until such authority has been given an opportunity of expressing its opinion upon the proposal and any opinion so expressed shall be in writing and shall be submitted to the Chancellor.
- (4) Every new statute or addition to a Statute or any amendment or repeal of a Statute shall be submitted to the Chancellor who may assent to it or withhold his assent there from or remit it to the Executive Council for further consideration.
- (5) A Statute passed by the Executive Council shall have effect from the date it is assented to by the Chancellor or from such later date as may be specified by him.
- ¹⁰(6) Notwithstanding anything contained in the foregoing sub-section, the State Government may, in order to implement any decision taken by it

⁵⁻⁷ Substituted by Act No. 29 of 1974 (vide U. P. Govt. Notification No. 3457/XVII-V-1-61-77 dated 24.7.77) originally, clause (2) was as follows :

"(2) The Executive Council may from time to time make new or additional Statutes or may amend or repeal the Statutes referred to sub-section (1) :'

Subsequently, for the words "from time to time" the words "after the expiry of the period of one year from the date of commencement of the First Statutes" were substituted by U. P. Act No. 29 of 1974. Thereafter, for the above mentioned words, words, "December 31 , 1977' was substituted by U. P Act No. 5 of 1 977.

⁸⁻⁹ Further regarding 4 and 5 :-

"1977" substituted by "1978" w.e.f. 1-12-77 by U. P. Act No. 12 of 1978; "1978" substituted by "1980" w.e.f. 1-1-79 by U. P. Act No. 15 of 1980, "1981" substituted by "1982" w.e.f. 29-12-81 by U. P Act No. 25 of 1 982; "1 982" substituted by "1984" w.e.f. 1 .1.84 by U.P Act No. 6 of 1983. "1984" substituted by. "1985" by Act No. 9 of 1985; "1985" substituted by "1987" w.e.f. 21-9-86 by U. P Act No. 16 of 1986 w.e.f. 21-5-86. Ultimately "1987 was substituted by "1990" by U. P. Act No. 9 of 1988 (vide U. P Govt. Notification No.488/XVII-V-1-(ka)-4-1988 dated 4.4.88).

Further regarding 6 :

Amended vide U.P. Act No. 9 of 1998 (vide U.R Govt. Notification No.296 (2)/ XVII-1-1- (ka)-33-1997 dated 13.2.1998.

¹⁰ Inserted by U.R Act No. 4 of 1995 (vide U.R Govt. Notification No. (2)/XVII-V-1-1995, dated 17.2.1995). (w.e.f. 15.2.1995).

on the basis of any suggestion or recommendation of the University Grants Commission or the State or national education policy with regard to the qualifications of the teachers, require the Executive Council to make new or additional Statutes or amend or repeal the Statutes referred to in sub-section (1) or sub-section (1-A) within a specified time and if the Executive Council fails to comply with such requirement, the State Government may make new or additional Statutes or amend or repeal the Statutes referred to in sub-section (1) or sub-section (1-A).

The Executive Council shall have no power to amend or repeal the Statutes made by the State Government under subsection (6) or to make new or additional Statutes inconsistent with such Statutes.

51. Ordinances

- (1) Subject to the provisions of this Act and the Statutes, the Ordinances may provide for any matter which by this Act or the Statutes is to be or may be provided for by the Ordinances.
- (2) Without prejudice to the generality of the provisions of subsection (1), the Ordinances shall provide for the following matters, namely
 - (a) the admission of students to the University and their enrolment and continuance as such;
 - (b) the courses of study to be laid down for all degrees, diplomas and other academic distinctions of the University;
 - (c) the conditions under which students shall be admitted to the examinations of degrees and diplomas of the University and shall be eligible for the award of such degrees and diplomas;
 - (d) the conditions of the award of the scholarship, fellowships, statesmanship, bursaries, medals and prizes;
 - (e) the conditions of residence of students at the University and the management of halls and hostels maintained by the University;
 - (f) the recognition and management of halls and hostels not maintained by the University;

- (g) the maintenance of discipline among the students of the University;
- (h) all matters relating to correspondence courses and private candidates;
- ¹¹[(i) the formation of parent -teacher association;
- (j) the fees which may be charged by the University or by an affiliated or associated college for any purpose;
- (k) the conditions subject to which persons may be recognised as qualified to give instructions in halls and hostels; the conditions and mode of appointment and the duties of examining bodies, examiners, moderators, invigilators and tabulators.
- (m) the conduct of examinations;
- (n) the remuneration and allowances including traveling and daily allowances to be paid to persons employed on the business of the University;
- (o) all other matters which by this Act or the Statutes are to be or may be provided for by Ordinances.

52. Ordinances How Made

- (1) The First Ordinances of each existing University shall be the Ordinances as in force immediately before the commencement of this Act in so far as they are not inconsistent with the provisions of this Act; Provided that for the purpose of bringing the provisions of any such Ordinances in accordance with the provisions of this Act and the Statutes the Chancellor may, by the order make such adaptations and modifications of the Ordinance whether by way of repeal, amendment or addition as may be necessary or expedient and provide that the Ordinances shall as from such date as may be specified in the order

¹¹ Substituted by U.P. Act No. 5 of 1977 w.e.f. 21-4-77 (vide U.P. Govt. Notification No. 2182/XVII-V-1-61-77 dated 24.7.77)

Originally clause (i) was- "(i) the number qualifications, emoluments and other conditions of service including the age of retirement of salaried officers of the University other than teachers and the preparation and maintenance of records of their service." Later, for words "Salaried Officers", words "Salaried employees" were substituted by U.P. Act No. 21 of 1975.

have effect subject to the adaptations and modifications so made and any such adaptation or modification shall not be called in question.

- (2) The First Ordinances of the Universities of Kumaun and Garhwal and of any other University to be established after the commencement of this Act shall be made by the State Government by notification in the Gazette.
- (2-A) until the first ordinances of the Purvanchal University are made under sub-section (2) the ordinances of the University of Gorakhpur, as in the force immediately before the establishment of the said University, shall apply to it subject to State Government may; by notification, provide.
- (3) Save as otherwise provided in this section the Executive Council may, from time to time make new or additional Ordinances or may amend or repeal the Ordinances referred to in sub-sections (1) and (2).

Provided that no Ordinance shall be made -

- (a) affecting the admission of students, or prescribing examinations to be recognized as equivalent to the University examinations or the further qualifications mentioned in sub-. section (1) of Section 45 for admission to the degree courses of. the University, unless a draft of the same has been proposed by the Academic Council; or
- (b) affecting the conditions and mode of appointment and duties of examiners and the conduct or standard of examinations or any course of study except in accordance with a proposal of the Faculty or Faculties concerned and unless a draft of such Ordinance has been proposed by the Academic Council; or.
- (c) affecting the number, qualifications and emoluments of teachers of the University or the income or expenditure of the University; unless a draft of the same has been approved by the State Government.
- (4) The Executive Council shall not have power to amend any draft proposed by the Academic Council under sub-section (3) but may reject it or return to the Academic Council for reconsideration either in

whole or in part together with any amendments which the Executive Council may suggest.

- (5) All Ordinances made by the Executive Council shall have effect from such date as it may direct and shall be submitted, as soon as may be, to the Chancellor.
- (6) The Chancellor may, at any time, signify to the Executive Council his disallowance of such Ordinances other than those referred to in clause (c) of the proviso to sub-section (3) and from the date of receipt by the Executive Council of intimation of such disallowance, such ordinances shall become void.
- (7) The Chancellor may direct that the operation of any Ordinance other than those referred to in clause (c) of the proviso to sub-section (3) shall be suspended until he has an opportunity of exercising his power of disallowance. An order of suspension under this sub-section shall cease to have effect on the expiration of one month from the date of such order.

53. Regulations

- (1) Subject to the provisions of this Act, the Statutes and the Ordinances, an authority or other body of the University may make Regulations. -
 - (a) laying down the procedure to be followed at its meeting and the number of members required to form the quorum;
 - (b) providing for all matters which by this Act, the Statutes or the Ordinances are to be provided by Regulations; and
 - (c) Providing for any other matter solely concerning such authority or body and not provided for, by this Act the Statutes and the Ordinances.
- (2) The Regulations made by any authority or other body of the University shall provide for the giving of notice to its members of the dates of meetings and the business to be transacted thereat and for the keeping of record of the proceedings of such meetings.
- (3) The Executive Council may direct any authority or other body of the University other than the Court to cancel or to amend in such form as

may be specified in the direction, any Regulation made by such authority or body shall thereupon cancel or amend the Regulation accordingly;

Provided that any authority or other body of the University, if dissatisfied with any such direction may appeal to the Chancellor who may after obtaining the views of the Executive Council pass such orders as he thinks fit.

- (4) The Academic Council may subject to the Provisions of the Ordinances, make Regulations providing for the course of study for any examination, degree or diploma of the University only after the Board of Faculty concerned has proposed a draft of the same.
- (5) The Academic Council shall not have power to amend or reject any draft proposed by the Board of Faculty under sub-section (4), but may return it to the Board for further consideration together with its own suggestion.

CHAPTER X

ANNUAL REPORT AND ACCOUNTS

54. Annual Report

- (1) The Annual Report of the University shall be prepared under the direction of the Executive Council and shall be submitted to the Court a month before its annual meeting and the Court shall consider it in its annual meeting.
- (2) The Court may, by resolution make recommendations on such report and communicate the same to the Executive Council which may take such action thereon as it thinks fit.

55. Accounts and Audit

- (1) The annual accounts and balance sheet of the University shall be prepared under the direction of the Executive Council and all money accounted to or received by the University from whatever source and all amounts disbursed or paid shall be entered in the accounts maintained by the University.
- (2) A copy of the annual accounts and the balance-sheet shall be submitted to the State Government which shall cause the same to be audited.
- (3) The annual accounts and the balance-sheet audited shall be printed and copies there of shall together with copies of the audit report be submitted by the Executive Council, to the Court and the State Government.
- (4) The Executive Council shall also prepare before such date as may be prescribed the budget for the ensuing year.
- (5) Every item of new expenditure above such amount as may be prescribed which it proposed to include in the budget shall be referred by the Executive Council to the Finance Committee which may make recommendations thereon.

- (6) The Executive Council shall after considering the recommendations, if any, of the Finance Committee approve the budget finally.
- (7) The annual accounts, the balance-sheet and the audit report shall be considered by the Court at its annual meeting and the Court may, by resolution, make recommendations with reference thereto and communicate the same to the Executive Council.
- (8) It shall not be lawful for the Vice-Chancellor or the Executive Council to incur any expenditure :
 - (a) either not sanctioned in the budget, or in the case of funds granted to the University subsequent to the sanction of the budget, by the State Government or the Government of India or the University Grants Commission or any international organisation or Foundation, save in accordance with the terms of such grant :

Provided that notwithstanding anything in sub-section (7) of section 13, the Vice-Chancellor may in the case of the fire, flood, excessive rainfall or other sudden or unforeseen circumstances incur non-recurring expenditure not exceeding rupees five thousand not sanctioned in the budget and he shall immediately inform the State Government in respect of all such expenditure.
 - (b) on any litigation in opposition to ¹[any order of the Chancellor or of the State Government purporting to be made under this Act.]

55-A. Surcharge

- (1) ²An officer specified in any of the clause (c) to (i) of Section 9 shall be liable to surcharge to the loss; waste or misapplication of any money or property of the University, if such loss, waste or mis-application is a direct consequence of his neglect or misconduct.

¹ Substituted by U. P Act No 12 of 1978 for the words and figures "Any order of the Chancellor purporting to be made under section (68" (vide U. P Govt. Notification No. I 1196/XVII-V-1-9-1978 dated 17-4-78)

² Inserted by Ibid.

- (2) The procedure of surcharge and the manner of recovery of the amount involved in such loss, waste or mis-application shall be such as may be prescribed.]

CHAPTER XI

REGULATION OF DEGREE COLLEGES

56. Definitions

In this Chapter, unless the context otherwise requires :

- (a) "property", in relation to an affiliated or associated college, includes all property, movable and immovable belonging to or endowed wholly or partly for the benefit of the college, including lands, buildings (including hostels), works, library, laboratory, instruments, equipment, furniture, stationary, stores, automobiles and other vehicles, if any, and other things pertaining to the college, cash on hand, cash at bank, investments, and bank debts and all other rights and interest arising out of such property as may be in the ownership, possession, power of control of the college and all books of account, registers and all other documents of whatever nature relating thereto, and shall also be deemed to include all subsisting borrowings, liabilities and obligation of whatever kind of the college.
- (b) "Salary" means the aggregate of the emoluments including dearness or any other allowance for the time being payable to a teacher or other employee after making permissible deductions.

57. Power of State Government to issue notice

If the State Government receives information in respect of any affiliated or associated college (other than a college maintained exclusively by the State Government or a local authority) :

- (i) that its management has persistently committed willful default in paying the salary of the teachers or other employees of the college by the twentieth day of the month next following the month, in respect of which or any part of which it is payable; or
- (ii) that its management has failed to appoint teaching staff possessing such qualification as are necessary for the purpose of ensuring the maintenance of academic standards in relation to the college or has appointed or retained in service any teacher in contravention of the

Statutes or Ordinances; or "has failed to comply with the orders of the Director of Education (Higher Education) made on the basis of the recommendation of the Uttar Pradesh Higher Education Services Commission under the Uttar Pradesh Higher Education Services Commission Act, 1980:"¹

- (iii) that any dispute with respect to the right claimed by different persons to be lawful office bearers of its Management has affected the smooth and orderly administration of the college; or
- (iv) that its Management has persistently failed to provide the college with such adequate and proper accommodation, library, furniture, stationary, laboratory, equipment and other facilities as are necessary for the efficient administration of the college; or
- (v) that its Management has substantially diverted, misapplied or misappropriated the property of the college to the detriment of the college, it may call upon the Management to show cause why an order under section 58 should not be made :

Provided that where it is in dispute as to who are the office-bearers of the Management, such notice shall be issued to all persons claiming to be so.

58. Authorised Controller

- (a) If the State Government after considering the explanation, if any, submitted by the Management under section 57 is satisfied that any ground mentioned in that section exists, it may, by order, authorise any person (hereinafter referred to as the Authorised Controller) to take over, for such period not exceeding two years as may be specified, the management of the college and its property to the exclusion of the Management and whenever the Authorised Controller so takes over the management he shall, subject to only such restrictions as State Government may impose, have in relation to the management of the college and its property all such powers and authority as the

¹ Inserted by U.P. Act No. 9 of 1998, Vide U.P. Govt. Notification No. 296 (2)/XVII-V-I-I (Ka)-33-1997, dated 13.12.1998)

Management would have if the college and its property were not taken over under this subsection.

Provided that if the State Government is of opinion that it is expedient so to do in order to continue to secure the proper management of the college and its property, it may, from time to time extend the operation of the order for such period, not exceeding one year at a time, as it may specify so, however that the total period of operation of the order including the period specified in the initial order, under this sub-section does not exceed ²[five] years :

³[Provided further that if at the expiration of the said period of five years there is no lawfully constituted Management of the College the Authorised Controller shall continue to function as such until the State Government is satisfied that the Management has been lawfully constituted;

Provided also that the State Government may at any time revoke an order made under this section.]

- (2) Where the State Government while issuing a notice under section 57 is of opinion, for reasons to be recorded, that immediate action is necessary in the interest of the colleges, it may suspend the Management which shall thereupon cease to function and make such arrangement as it thinks proper for managing the affairs of the college and its property till further proceedings are completed;

Provided that no such order shall remain in force for more than six months from the date of actual taking over of the Management in pursuance of such order;

Provided further that in computation of the said period of six months the time during which the operation of the order was suspended by any

² "Four years" occurring originally. substituted by "Five Years" w.e.f. 25-6-82 by U. P Act No. 4 of 1983 (U. P Government Notification No. 902/XVII-V-1 (KA)-19-82 dated 11-3-1983).

³ Second proviso substituted by U. P. Act No. 4 of 1983 w.e.f. 25-6-82. Prior to that second proviso originally was :

"Provided further that the State Government may at any time revoke any order made under this sub-section."

order of the High Court passed in exercise of jurisdiction under Article 226 of the Constitution or any period during which the Management failed to show cause in pursuance of the notice under section 57 shall be excluded.

- (3) Nothing in sub-section (1) shall be construed to confer on the Authorised Controller the power to transfer any immovable property belonging to college (except by way of letting from month to month in the ordinary course of management) or to create any charge thereon (except as a condition of receipt of any grant-in-aid of the college from the State Government or the Government of India).
- (4) Any order made under this section shall have effect notwithstanding anything inconsistent therewith contained in any other enactment or in any instrument relating to the management and control of the college or its property;

Provided that the property of the college and any income there from shall continue to be applied for the purposes of the college as provided in any such instrument.

- (5) The Director of Education (Higher Education) may give to the Authorised Controller such directions as he may deem necessary for the proper management of the college or its property and the Authorised Controller shall carry out those directions.

59. Clauses 58 not Applied to Minority Colleges

Nothing contained in section 58, shall apply to a college established and administered by a minority referred to in clause (1) of Article 30 of the Constitution of India.

60. Duty to Deliver Possession to the Authorised Controller

- (1) Where an order has been passed under Section 58 in respect of a college, every person in whose possession or custody or under whose control any property of the college may be, shall deliver the property to the Authorised Controller forthwith.

- (2) Any person who on the date of such order has in his possession or under his control any books or other documents relating to the college or to its property shall be liable to account for the said books and other documents to the Authorised Controller and shall deliver them to such person as the Authorised Controller may specify in this behalf.
- (3) The Authorised Controller may apply to the Collector for delivery of possession and control over the college or its property or any part thereof and the Collector may take all necessary steps for securing possession to the Authorised Controller of such college or property and in particular may use or cause to be used such force as may be necessary.

CHAPTER XI-A*
PAYMENT OF SALARY TO TEACHERS AND
OTHER EMPLOYEES OF DEGREE COLLEGES

****60 A. Definitions**

- A. In this Chapter unless the context otherwise requires:
- (i) "College" means any College affiliated to or recognized by any University in accordance with the provisions of this Act or the Statutes made there under and for the time being receiving maintenance grant from the State Government but does not include a college maintained exclusively by the State Government or a ¹(Nagar Mahapalika).
 - (ii) "Deputy Director" means the Regional Deputy Director of Education and includes any other officer authorised by the State Government to perform all or any of the functions of the Deputy Director under this Chapter :
 - (iii) "employee" in relation to a college, means a non-teaching employee of such college :
 - (a) in respect of whose employment maintenance grant was being paid by the State Government during the financial year 1974-75; or
 - (b) who was appointed to post with the permission of the Director of Education (Higher Education) ;
 - (iv) "maintenance grant" means such grant-in-aid of a college as the State Government by general or special order in that behalf directs to be treated as maintenance grant appropriate to the level of that college :

* Chapter XI-A inserted by U.P Act No. 21 of 1975 (vide U.P Govt. Notification No. 1166/XVII-V-1-26-75 dated 3-5-75)

** By U.P Govt. Notification dated 12-3-85 Joint Director in the Directorate of Higher Education, U.P. Allahabad and the Regional Officers of the Higher Education have been authorised to perform all or any of the functions of the Deputy Director for the purposes of Chapter XI-A.

¹ For Words "Local authority" words "Nagar Mahapalika" substituted by U.P Act. No. 15 of 1980 (vide U.P. Govt. Notification No. 2692/XVII-V-1-60-1980 dated 25-9-80 w.e.f. 26-9-79)

- (v) "Salary" shall have the meaning assigned to it in clause (b) or section 36.
- (vi) "teacher" in relation to a college, means a teacher in respect of whose employment maintenance grant was being paid by the State Government during the financial year 1974-75 or who is employed with the approval of the Vice-Chancellor of the University concerned :
 - (a) to a post created before April 1, 1975, with the permission of the Vice-Chancellor concerned; or
 - (b) to a post created, after March 31, 1975, with the permission of the Director or Education (Higher Education).

60-B. Payment of Salary within Time without Unauthorised Deduction

- (1) Notwithstanding any contract to the contrary, the salary of a teacher or other employee of any college in respect of any period after the 31st day of March, 1975 shall be paid to him before the expiry of the 20th day or such earlier day as the State Government may, by general or special order in that behalf, appoint of the month next following the month in respect of which or any part of which it is payable.
- (2) The salary shall be paid without deductions of any kind except those authorised by this Act, the Statutes or the Ordinances or by any other law for the time being in force.

60-C. Power to inspect

- (a) The Deputy Director may at anytime for the purposes of this Chapter inspect or cause to be inspected any college or call for such information and records (including registers, books of account and vouchers) from its management with regard to the payment of salaries to its teachers or employees or give to its management any direction for the observance of such canons of financial propriety (including any direction for retrenchment of any teacher or .employee or for prohibition of any wasteful expenditures) as he thinks fit.
- (2) Every direction for retrenchment under sub-section (1) shall be issued after obtaining the prior approval of the Director of Education (Higher

Education) and shall specify a future date on which such retrenchment shall become operative.

- (3) Where any direction for retrenchment is issued in accordance with sub-section (1) and (2) the teacher or the employee concerned shall, with effect from the date specified in such direction, cease to be a teacher or employee of the college for the purposes of the maintenance grant payable under this Chapter.

60-CC. Supernumerary Post of Teachers

²The Vice-Chancellor may, with the prior approval of the State Government, create any supernumerary post with a view to enabling a teacher who is for the time being holding responsible position of national importance in India or abroad in educational administration or other similar assignment to retain his lien and seniority as such, teacher and also to continue to earn increments in his pay scale during the period of his assignment and to contribute towards provident fund and earn retirement benefits, if any, in accordance with the Statutes :

Provided that no salary shall be payable to such teacher by the college for the period of such assignment.]

60-D. Procedure for payment of salary in case of certain college

- (1) The management of every college shall for the purpose of disbursement of salaries to its teachers and employees open in a schedule bank or a co-operative bank or post office, a separate account (hereinafter in this Chapter called "Salary payment Account") to be operated jointly by a representative of the management and by the Deputy Director or such other officer as may be authorised by the Deputy Director in that behalf.

Provided that the Salary Payment Account is opened, the Deputy Director may, if he is, subject to any rules made under section 60-H, satisfied that it is expedient in the public interest so to do, instruct the

² Sec. GO-CC inserted by U.P Act No. 5 of 1977 w.e.f. 21-4-77 (vide U.P. Govt. Notification No. 2182/ XVII-V-I-61-77 dated 24-7-77).

Bank that the account shall be operated by the representative of the management alone, and may at any time revoke such instruction;

Provided further that in the case referred to in sub-section (3) or where in any other case after giving to the Management an opportunity of showing cause the Deputy Director is of opinion that it is necessary or expedient so to do, the Deputy Director may instruct the bank that the Salary Payment Accounts shall be operated only by himself or by such other officer as may be authorised by him in that behalf and may at any time revoke such instruction.

- (2) The State Government may from time to time require by general or special order that the Management of a college shall deposit in the Salary Payment Account such portion of the amount received from students as fees and also such portion, if any, of the income received from any property, movable or immovable belonging to or endowed wholly or partly for the benefit of the College and by such date as may be specified in that order and thereupon, the Management shall be bound to comply with such direction.
- (3) Where the Deputy Director is of opinion that the Management has failed to deposit the fees in accordance with the provision of sub-section (2) or the orders issued there under, the Deputy Director may, by order prohibit the management from realising any fees from the students and thereupon the Deputy Director may realise the fees (either through the teachers of the college or in such other manner as he thinks fit) directly from the students and shall deposit the fees so recovered in the Salary Payment Account.
- (4) The State Government shall also pay into the Salary Payment Account such amount as maintenance grant which after taking into consideration the amounts deposited under subsections (2) and (3) is necessary for making payment in accordance with sub-section (5).
- (5) No money credited to the Salary Payment Account shall be applied for any purpose except the following namely:

- (a) for payment of salary to the teachers and other employees of the college falling due for any period after March 31 , 1975;
- (b) for crediting the management's contribution, if any, to the provident fund accounts of teachers and employees of the college concerned.
- (6) The salary of a teacher or employee shall be paid by transfer of the amount from the Salary Payment Account to his account, if any, in the same bank or if he has no account in that bank then by cheque.

60-E. Liability on respect of salary

- (1) The State Government shall be liable for payment of salaries of teachers and employees of every college due in respect of any period after March, 31 , 1975.
- (2) The State Government may recover any amount in respect of which any liability is incurred by it under sub-section (1) by attachment of the income from the property belonging to or vested in the college as if that amount were an arrear of land revenue due from such college.
- (3) Nothing in this section shall be deemed to derogate from the liability of the college for any such dues to the teacher or employee.

60-F. Punishment Penalties and Procedure

- (1) If any default is committed in complying with any direction under section 60-C, or with the provisions of section 60B or section 60-D, every person who at the time the default was committed was manager or any other person vested with the authority to manage and conduct the affairs of the college shall, unless he proves that the default was committed without his knowledge or that he exercised all due diligence to prevent the commission of the default, be punishable, in the case of a default in complying with the provisions of section 60-B with fine which may extend to one thousand rupees, and in the case of any other default, with imprisonment which may extend to six months or with fine which may extend to one thousand rupees or with both.
- (2) No court shall take cognizance of any offence punishable under this section except with the previous sanction of the Deputy Director.

- (3) Every offence under this section shall be cognizable but no police officer below the rank of a Deputy Superintendent shall investigate any such offence without the order of Magistrate of the first class or make arrest therefore without a warrant.
- (4) No court below the rank of a Magistrate of the first class shall take cognizance of an offence under this section.

60-G. Finality of Orders

No order made or direction given by the State Government, the Director of Education (Higher Education), the Deputy Director or other officer in exercise of any power (conferred by or under this Chapter) shall be called in question in any court.

60-H. Rule Making Power

- (1) The State Government may by notification in the Gazette, make rules for carrying out the purposes of this Chapter. (2) All rules made under this Chapter shall, as soon as may be, after they are made be laid before each house of the State Legislature while it is in session for a total period of thirty days comprised in its one session or more than one successive sessions and shall unless some later date is appointed, take effect from the date of their publication in the official Gazette, subject to such modifications or annulments as the two Houses of Legislature may during the said period agree to make, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done there under.

CHAPTER XII

PENALTIES AND PROCEDURE

61. Penalties

- (1) Whoever contravenes the provisions of section 46 shall, on conviction be punished with imprisonment for a term which may extend to three months or with fine which may extend to one thousand rupees or both.
- (2) Any person who
 - (a) having in his possession, custody or control any property of a college in respect of which an order has been made under section 58 wrongfully withholds such property from the Authorised Controller appointed under that section or from any person authorised by him in that behalf; or
 - (b) wrongfully obtains possession of any property of such college; or
 - (c) willfully withholds or fails to furnish to the Authorised Controller or any person specified by him as required by subsection (2) of section 60 any books or other documents which may be in his possession, custody or control; or
 - (d) willfully obstructs any person from duly carrying out all or any of the provisions of this Act;

shall on conviction be punished with imprisonment for a term which may extend to one year or with fine, or with both Provided that the Court trying any offence under clause (a) or clause (b) of this subsection may, at the time of convicting the accused person, order to deliver up or refund within a time to be fixed by the Court, any property wrongfully obtained or any book or other document willfully withheld.

62. Cognizance by courts

No court shall take cognizance of an offence punishable under section 61 except with the previous sanction of the Director or Education (Higher Education).

63. Offences of registered Societies

- (1) If the person committing the offence under section 61 is a society registered under the Societies Registration Act, 1860 the society as well as every person in charge of and responsible to the society for the conduct of its business at the time of the commission of the offence shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly :

Provided that nothing contained in this section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised due diligence to prevent the commission of such offence.

- (2) Notwithstanding anything contained in sub-section (1) where any offence under this Act has been committed by a registered society and it is proved that the offence has been committed with the consent or connivance of, or that the commission of offence is attributable to any neglect on the part of any member of the society such member shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

CHAPTER XIII

MISCELLANEOUS

64. Manner of Appointment of officers and members or authorities

- (1) Except as expressly provided by this Act or the Statutes, officers of the University and members or authorities of the University, shall so far as may be, chosen by methods other than election.
- (2) Where a provision is made in this Act or the Statutes for any appointment by rotation or according to seniority or other qualifications, the manner of rotation and determination of seniority and other qualifications shall be such as may be prescribed.
- (3) Where a provision for an election is made in this Act, such election shall be conducted according to the system of proportional representation by means of the single transferable vote and where provision for an election is made in the Statutes it shall be held in such manner as the Statutes may provide.
- (4) Except as expressly provided by this Act, no officer or employee of the University shall be eligible to seek election to any authority or other body of the University.

65. Filling of casual vacancies

- (1) Any casual vacancy among the members; other than ex-officio members, of any authority or body of the University shall be filled in the same manner in which the members whose vacancy is to be filled up was chosen; and the person filling the vacancy shall be a member of such authority or body for the residue of the term for which the person whose place he fills would have been a member.
- (2) A person who is a member of an authority of the University as a representative of another body whether of the University or outside shall retain his seat on such authority for so long as he continues to be

the representative of such body, "and thereafter till his successor is duly appointed".⁰¹

66. Proceedings not to be invalidated by vacancies etc.

No act or proceedings of any authority or body or committee of the University shall be invalid merely by reason of :

- (a) any vacancy or defect in the constitution thereof, or
- (b) some person having taken part in the proceedings who was not entitled to do so, or
- (c) any defect in the election, nomination or appointment of a person acting as member thereof, or
- (d) any irregularity in its procedure not affecting the merits of the case.

67. Removal from membership of the University

The Court may by a two-third majority of the members present and voting remove any person from membership of any authority or other body of the University upon the ground that such person has been convicted of an offence which in the opinion of the Court is an offence involving moral turpitude or upon the ground that he has been guilty of scandalous conduct or has behaved in a manner unbecoming of a member of the University and may upon the same grounds withdraw from any person any degree, diploma, or certificate conferred or granted by the University

68. Reference to the Chancellor

If any question arises whether any person has been duly elected or appointed as, or entitled to be a member of any authority or other body of the University, or whether any decision of any authority or officer of the University ¹[including any question as to the validity of a Statute or Ordinance made or approved by the State Government or by the Chancellor], is in conformity with this Act or the Statutes or the

⁰¹ The words "And thereafter till his successor is duly appointed" were omitted by U.P. Act No. 9 of 1998 (Vide U.P. Govt. Notification No. 29 6(2)/XVII-VI-I (Ka) 33-1997, dated 13.2.1998)

¹ Inserted by U.P. Act No.21 of 1975 (vide U.P Govt. Notification No. 1666/XVII-V-1-26-75 dated 03-05-75).

Ordinances made there under the matter shall be referred to the Chancellor and the decision of the Chancellor thereon shall be final :

Provided that no reference under this section shall be made:

- (a) more than three months after the date when the question could have been raised for the first time;
- (b) by any person other than an authority or officer of the University or a person aggrieved :

Provided further that the Chancellor may in exceptional circumstances :

- (a) act suo-motu or entertain a reference after the expiry of the period mentioned in the preceding provision;
- (b) where the matter referred relates to a dispute about the election, and the eligibility of the person so elected is in doubt, pass such orders of stay, as he thinks just and expedient.
- (c) ²[-----]

68-A. Power of Vice-Chancellor to enforce his order against management

³Where a decision of the Management of an affiliated or associated college to dismiss remove or to reduce a teacher in rank or to punish him in any other manner or to terminate his services, has not been approved by the Vice-Chancellor or where an order of suspension of such a teacher has been stayed, revoked or modified by the Vice-Chancellor in accordance with the provisions of this Act or of an Act repealed by section 74 and the management has committed default in paying the salary of such teacher which became due to him in consequence of the Vice-Chancellor's order, the Vice-Chancellor may pass an order, requiring the management to pay the amount of salary as may be specified in the order and during the period of suspension, may also require the Management to pay the suspension

² Clause (c) omitted by U.P Act No. 5 of 1997 (vide U.P. Govt. Notification No. 2182/XVII-V-1-61-77 dated 21-4-77) w.e.f. 21-4-77; It was "(c) review any decision made by him earlier under this section."

³ Inserted by Ibid w.e.f. 21-4-77.

allowance at the rate of one-half of the salary payable, if the said amount has not been paid.

(2) In any such case as in referred in sub-section (1) the Vice-Chancellor may also order re-instatement of the teacher concerned subject to such terms and conditions as the thinks fit.

(3) The amount of salary or suspension allowance required to be paid under an order of Vice-Chancellor under sub-section (1) shall, on a certificate issued by him to that effect, be recovered by the Collector as arrears of land revenue.

(4) Every order of the Vice-Chancellor under sub-section (1) or sub-section (2) shall be executable by the lowest court having territorial jurisdiction, as if it were a decree of that court.

(5) No suit shall lie against any management or teacher in respect of any matter for which a relief can be granted by the Vice-Chancellor under this section.

69. Bar of Suit

⁴No suit or other legal proceedings shall lie against the State Govt. or Director of Education (Higher Education) or Deputy Director (as defined in Section 60-A) or Authorised Controller or the University or any officer, authority or body thereof in respect of anything done or purported or intended to be done in pursuance of the Act or the rules or the Statutes or the Ordinances made there under.

70. Mode of Proof of University record

(1) A copy of any receipt, application, notice, order, proceeding, or resolution of any authority or committee of the University or other

⁴ Substituted by U.P Act No. 21 of 1975 (vide U.P. Govt. Notification No.

IGGG/XVII- V-1-26-75. dated 3-5-57). The original Section 69 was as follows :

"69. All acts and orders duly and in good faith done or passed by the University or any of its officers, authorities or bodies shall, except as provided in this Act be final and no suit or other legal proceedings shall lie against the State Government or the Director of Education (Higher Education) or the Authorised Controller or the University or any officer, authority or body thereof in respect of any Thing done or purported or intended to be done in pursuance of this Act or the Statutes or the Ordinances made there under"

documents in possession of the University or any entry in any register duly maintained by the University, if certified by the Registrar shall be received as prima facie evidence of such receipt, application, notice, order, proceeding, resolution or document of the existence of entry in the register and shall be admitted as evidence of the matter and transactions therein recorded where the original thereof would, if produced, have been admissible in evidence.

(2) No officer or servant of the University shall in any proceeding to which the University is not a party be required to produce any document, register or other record of the University the contents of which can be proved under sub-section (1) by a certified copy or to appear as a witness to prove the matters and transactions recorded therein unless by order of the court made for special cause.

CHAPTER XIV

TRANSITORY PROVISIONS

71. Continuations of existing officers of the University

Subject to the provisions of this Act, every person holding office as an officer of an existing University on the date immediately before the commencement of this Act, shall continue to hold office on the same terms and conditions until the expiration of his term of office.

72. Constitution of authorities

¹[(1) Every authority of an existing University shall, as soon as may be, after the commencement of this Act, be constituted in accordance with the provisions, of this Act, and every person holding office as a member of such authority immediately before the commencement of this Act shall, on the date of such commencement, cease to be such member.]

(2) Until any authority of the University is constituted under sub-section (1), the State Government may, by order, direct from time to time by whom and in what manner the powers, duties and functions exercisable or dischargeable under this Act by any authority of University shall be exercised or discharged :

²[Provided that no such direction shall be issued after December 31, 1981*.]

¹ Substituted and deemed always as substituted by U.P. Act No. 21 of 1975 (vide U.P. Govt. Notification No. 1 666/X VII-V-1-26-75 dated 3-5-75) Original sub-section (1) was as follows :

"(1) Even authority of an existing University shall as soon as may be, after the commencement of this Act, be constituted in accordance with the provisions of this Act; and every person holding office, as a member of such authority immediately before the commencement of this Act shall on such commencement cease to be such member."

² Proviso to sub-section (2) substituted by U.P. Act No. 21 of 1975 and deemed to have been substituted (ibid). The original proviso was :

"Provided that no such direction shall be issued alter one year from the commencement of this Act." In proviso to sub-section (2) of Sec. 72, as amended by U.P. Act No. 21 of 1975 the words and figures were "Dec. 31, 1977". Subsequcntly, "1977" was substituted by "1978" w.e.f. 25-11-77 by U.P. Act No. 12 of " 1978" vide U.P. Govt. Notifications No. 1146/XVII-V-1-9-78. dated 27-4-78); "1978" substituted by "1981" by U.P. Act No. 15 of 1980 w.e.f. 1-1-79.

- (3) The Administrative Committees and the Academic Committees constituted in pursuance of sub-section (2) of section 67 of the Uttar Pradesh State Universities Ordinance, 1973 shall on the 15th September, 1973 stand dissolved except in respect of things done or omitted to be done by such committees before that date but nothing in this sub-section shall be deemed to preclude the State Government from taking, as from that date such action under sub-section (2) as it think fit.

72-A. Transitory provisions regarding Kashi Vidyapeeth

³Notwithstanding anything contained in this Act. :

- (a) -every person holding office as an officer (other than the Chancellor) of the Kashi Vidyapith on the date immediately before its establishment as a University shall continue to hold office as such on the same terms and conditions except in respect of tenure as he held on the said date until fresh appointments are made under clause (b);
- (b) as soon as may be after the commencement of this section the State Government may appoint interim officers of the said University (other than the Chancellor) and shall constitute interim authorities of the said University in such a manner as it thinks fit, upon which the corresponding officers referred to in clause (a) shall cease to hold office and the corresponding authorities shall stand dissolved;
- ⁴[(c) the officers appointed and the members of the authorities constituted under clause (b) shall hold office upto December 31, 1981 ⁵] until the

³ Inserted by U.P Act No. 29 of 1974 (vide U.P Govt. Notification No. 3457/XVII-V-1-51-74 dated 25-9-74).

⁴⁻⁵ Substituted by U.P. Act No. 12 of 1978 (vide U.P. Govt. Notification No. 1148/XVII-V-1-9-78 dated 27-4-78 clause (c) originally inserted by U. P Act No. 29 of 1974 was" (c) the officer appointed and the member of the authorities constituted under clause (b) shall hold office for a term of two years from the date of such appointment as constitution, as the case may be, "subsequently by U.P. Act No. 5 of 1977, "two" was substituted by "three" w.e.f. 21-4-77. Therefore words" for a term of three years from the date of such appointment or constitution as the case may "were substituted by" December 31, 1978 by U.P. Act No. 12 of 1978 and "1978" substituted by U.P Act No. 15 of 1980 w.e.f 1-1-79,

appointment of the officers or the constitution of the authorities in accordance with clause (d) whichever be earlier:

(d)(1) the State Government shall take steps for the appointment of officers and constitution of authorities of the University in accordance with the provisions of this Act, so that the same may be completed before the expiry of the respective terms of the interim officers and members under clause (c).

⁶(2) with effect from the date of commencement of the Uttar Pradesh State Universities (Second Amendment) Ordinance 1995, any reference to the University of Awadh or to the Doctor Ram Manohar Lohia University, Faizabad in this Act or any rules, Statutes, Ordinance, Statutory instruments or any other Law for the time being in force or in any document or proceedings shall be construed as a reference to the Doctor Ram Manohar Lohiya Awadh University, Faizabad.

⁷2-e. with effect from the date of commencement of the Uttar Pradesh State Universities (Second Amendment) Ordinance, 1995, any reference to the Kashi Vidyapith in this Act or any rule, Statutes, Ordinance, statutory instruments or any other Law for the time being in force or in any document or proceedings for the time being in force or in any document or proceedings shall be construed as a reference to the Mahatma Gandhi Kashi Vidyapith Varanasi.

⁸2-f. with effect from September 24, 1995, any reference to the University of Agra and Kanpur University in this Act or any rule, Statutes, Ordinance, statutory instruments or any other law for the time being in force in any

Then"1981."

⁶ Inserted by U.P. Act No. 2 of 1995 (vide U.P. Govt. Notification No. 1226 (2) /XVII-V-1-2(ka) 28-1995, dated 11-7-1995).

⁷ Inserted by U.P Act No. 37 of 1995 (vide U.P. Govt. Notification No. 1901 (2)/XVII-5-1-2 (ka)-37-1995, dated 23-9-1995).

⁸ Inserted by U.P. Act No. 4 of 1996 (vide U.P Govt. Notification No 33/XVII-V-1 (ka)-43-1996 dated 06-1-1996)

document or proceedings shall be construed as a reference to Doctor Bhim Rao Ambedkar University, Agra and Chhatrapati Shahuji Maharaja University, Kanpur respectively.

73. Removal of difficulties

- (1) The State Government may for the purpose of removing any difficulty, particularly in relation to the transition from the provisions of the enactments repealed by section 74 to the provisions of this Act, by order published in official Gazette direct that the provisions of this act, shall during such period as may be specified in the order, have effect subject to such adaptations whether by way of modification, addition or omission as it may deem to be necessary or expedient :

⁹(Provided that no such order shall be made after December 31, 1982*)

- (2) Every order made under sub-section (1) shall be laid before both Houses of the State Legislature.
- (3) No order under sub-section (1) shall be called in question in any court on the ground that no difficulty as is referred to in subsection (1) existed or required to be removed.

74. Repeal of certain enactments

- (1) The following enactments are hereby repealed with effect from the respective dates on which this Act is brought into in relation to the existing University concerned, namely :
 - (a) the Lucknow University Act, 1920;
 - (b) the Allahabad University Act, 1921;

⁹ Substituted by U.P Act No. 5 of 1977 and U.P Act No. 12 of 1978. original provision was "Provided that no such order shall be made after two years from the commencement of this Act". Thereafter words "after two years from the commencement of this Act". Thereafter words "after two years from the commencement of this Act" were substituted by "after december 31, 1977" by U. P. Act. No. 5 of 1977 w. e. f 21.4.77 and "1977" was substituted by "1978" w.e.f 25.11.77 by U.P. act No. 12 of 1978. "1978" was substituted by "1981" by U. P Act No. 15 of 1980. "1978" substituted by 1981 w.e.f 1-1-79 by U.P. Act No. 15 of 1980. "1981" substituted by "1982" by U.P. , Act No. 25 of 1982.

- (c) the Agra University Act, 1926;
- (d) the Gorakhpur University Act, 1956;
- (e) the Varanaseya Sanskrit Vishwavidyalaya Act, 1656 and
- (f) the Kanpur and Meerut Universities Act. 1965.

¹⁰[(2) Notwithstanding such repeal,

- (a) All appointments made, orders issued, degrees or diplomas conferred or certificates issued, privileges granted or other things done (including registration of graduates) under any such enactment shall be deemed to have been respectively made, issued, conferred, granted except as otherwise provided by or under this Act continue in force unless and until they are superseded by any order made under this Act.
- (b) All proceedings of Selection Committees which took place before the commencement of this Act and all actions by the Management or by the Executive Council as the case may be, in respect of the recommendations of such Selection Committee where no orders of appointment on the basis thereof were passed before except as otherwise provided by or under this Act continue in force unless and until they are superseded by any order made under this Act, (c) All proceedings of Selection Committees which took place before the commencement of this Act and all actions by the Management or by the Executive Council, as the case may be, in respect of the recommendations of such Selection Committee where no orders of appointment on the basis thereof were passed before the commencement of this Act, shall notwithstanding that the procedure for selection has been modified by this Act be deemed to have been valid, but further proceedings in connection with such pending selection shall be taken in accordance with the provisions of this Act and be continued

¹⁰ Substituted by U.P. Act No. 21 of 1975. Original sub-section (2) was as under :

"(2) Not withstanding such repeal, all appointments made, orders issued degrees or diplomas conferred or certificates issued, privileges granted or other things done (including registration of graduates) under any such enactment and in force immediately before the commencement of this Act, shall so far as they are not inconsistant with this Act, be deemed to have been respectively made, issued, conferred granted or done under this Act."

from the stage where they stood immediately before such commencement.

(3) Notwithstanding anything in sub-section (1) and (2) or in any other provision of this Act :

(a) Omitted ¹¹[----]

(b) Omitted ¹¹[----]

(c) where any institution has applied for affiliation to the University of Agra in accordance with the provisions of the Agra University Act, 1926, before June 18, 1973 and such application was pending on the said date and the place where the institution is situated lies under this Act outside the area of the University of Agra, such application may be disposed of by the competent authorities of the University of Agra as if the institution would be affiliated to the University and upon the grant of such application by the Chancellor, the institution would stand affiliated to the University within whose territorial jurisdiction as specified in section 5, the institution would lie;

(d) until fresh panels of experts are drawn up under subsection (5) of section 31, the Chancellor or the Vice-Chancellor as the case may be, may nominate experts to a Selection Committee under that section

¹¹ Clauses (a) and (b) of sub-section (3) omitted by U.P. Act No. 29 of 1974 and No. 5 of 1977 respectively. The original clauses (a) and (b) were as under :

"(a) every person holding the office of the head of a department of teaching in a University immediately before the commencement of this Act shall continue to hold such office until First Statutes are made under section 50, read with section 64(2) in respect of the rotation of the said office and when such First Statutes are made the matter shall be governed by the provisions thereof.

(b) every person holding the office of the Dean of a Faculty in a University immediately before the commencement of this Act who has not completed the term of his office in accordance with the Statutes made under the repealed enactment concerned shall continue to hold office till the completion of this term or until First Statutes are made under the aforesaid sections in respect of the rotation of the said office whichever be earlier and upon such completion where it takes place before the said First Statutes are made the person who would next be entitled in order of rotation prescribed under those Statutes would assume office as Dean and hold it for a period of three years."

from out of the panels in existence immediately before the commencement of this Act :

¹²[Provided that the provisions of Explanation I and II to the said subsection (5) shall apply also to the panels of experts referred to this clause and to nominations made from such panels under this clause.]

- (e) until a Finance Officer is appointed in a University the functions of the Finance Officer under this Act shall be performed by a Dean of Faculty nominated by the Chancellor in that behalf;
- (f) until rules are made under section 17, any vacancy in a post of Registrar, Deputy Registrar and Assistant Registrar may be filled on a provisional basis by the Chancellor in the case of the post of Registrar and by the Vice-Chancellor in the case of the post of Deputy Registrar or Assistant Registrar.

¹³[(g) every student of the Kashi Naresh Government Degree College, Gyanpur, or the Government Degree College Jakhni, situated in District Varanasi or the Government Degree College, Rishikesh, situated in District DehraDun, who -

- (1) immediately before the commencement of Uttar Pradesh State Universities Ordinance, 1973, was studying for a degree of the University of Agra; or
- (2) was admitted as a student of any of the said colleges during the academic year 1973 for a degree of the said University; or
- (3) is eligible to appear at any degree examination of the said University in the year 1974 or in year 1975 ¹⁴[or in the year 1976] as an ex-student :
shall be permitted to complete his course in accordance with the syllabus of the University of Agra, and necessary arrangements for the instruction and examination of such students shall be made by

¹² Inserted by U.P. Act No. 21 of 1975

¹³ Inserted by U.P. Act No. 29 of 1974.

¹⁴ Inserted by U.P. Act No. 21 of 1975.

University of Agra and on the result of such examination, the degree may be conferred by that very University:

- (h) until the faculties are constituted in the Universities referred to in sub-section (1) or sub-section (1-A) or section (4), the Selection Committee referred to in clause (c) of sub-section (4-of section 31) shall consist of the following members namely :
 - (1) the Head of the management or a member of the management nominated by him, who shall be the Chairman;
 - (2) one member of the Management nominated by the management; and
 - (3) three experts to be nominated by the Vice-Chancellor.
- ¹⁵[(i) every person residing within the area of the University of Gorakhpur who was permitted by the Agra University to appear in B. A. Part 1 or M. A. Part 1 Examination of 1974 from the Kashi Naresh Government Degree College, Gyanpur, Varanasi Centre and declared successful shall be permitted by the University of Agra to appear in the B. A. Part 2 or M. A. Part 2 Examination, as the case may be of the said University from the Kashi Naresh Government Degree College, Gyanpur, Varanasi Centre, during the academic years 1974-75 and 1975-76 and on the result; of such examination the degree may be conferred by that very University and such examination shall be deemed to be valid;
- (j) every teacher or other salaried employee serving in the college of Arts and Crafts, Lucknow on the date of promulgation of the Uttar Pradesh Education Laws Amendment Ordinance, 1976 shall, subject to any general or special order of the State Government as may be made from time to time be deemed to be a teacher or other employee of the University of Lucknow.
- (k) any person residing within the area of the University of Allahabad or the University of Lucknow may be permitted by the University of

¹⁵ Inserted by U.P. Act No. 5 of 1977.
Vide U.P. Act No. 15 of 1986.

Kanpur (hereinafter in this clause referred to in clause (5) of section 7 and on the result of such examination, a degree may be conferred by the said University notwithstanding that such person was not residing within the area of the said University.

75. Amendment of U.P. Act XXIV of 1985

In section 3 of the Uttar Pradesh Universities (Provisions Regarding Conduct of Examination) Act. 1965, for the words "two months" the words "six months" shall be substituted.

76. Repeal and savings:

(1) The Uttar Pradesh State Universities (Amendment) Ordinance, 1997 is hereby repealed.

¹⁶(2) Notwithstanding such repeal anything done or any action taken under the provisions of the principal Act, as amended by the Ordinance referred to in sub-section (1) shall be deemed to have been done or taken under the corresponding provisions of the principal Act as amended by this Act as if the provisions of this Act were in force at all material times

Savings : ^{**}[Notwithstanding any thing contained in the Principal Act :

(a) anything done or any action taken or any order made by any officer or authority of the University or by the State Government in the exercise or purported exercise of their powers or in the discharge of their duties under the said Act at any time after July 21, 1980 (hereinafter in this clause referred to as the said date) by before July 31, 1980 shall be as valid and operative as if the provisions of this Act were in force at all material times and such thing, action or order shall not be questioned in any court, tribunal or authority merely on the ground that such officer, authority or Government had no jurisdiction to do such thing or to take such action or to make such order after the said date;

¹⁶ U.P. Act No. 9 of 1998.

^{**} Vide U.P. Act No. 15 of 1986.

- (b) the officers appointed and the members of authorities constituted under clause (a) or sub-section (1-B) of section 4 of the Principal Act and holding their respective offices on April 21, 1980 shall be deemed to continue to hold such offices upto December 31, 1981, or until the officers are duly appointed and authorities are duly constituted in accordance with clause (c) of the said sub-section whichever be earlier;
- (c) the appointment of every teacher made during the period commencing from June 12, 1973 and ending on August 22, 1980 in accordance with Statute 173-A of the First Statute made under the Lucknow University Act, 1920 and subsisting on August 22, 1980 shall be and be deemed always to have been valid and for that purpose the provisions of the said Statute 173-A shall be deemed to be in force during the said period and where the temporary post held by such teacher has before August 22, 1980 been converted into a permanent post as referred to in clause (b) of sub-section-(3) of section 31, such teacher shall be deemed to have been approved in substantive capacity to such permanent post in accordance with the said clause (b) with effect from the date of such conversion and shall be deemed to have been confirmed on the said post with effect from the date of expiration of the period of one year from the date of such conversion.]

THE SCHEDULE

(See Section 5)

Sl. No.	Name of The University	Areas within which the University shall exercise Jurisdiction
1.	The University of Lucknow	Area within a radius of sixteen kilometers from the Convocation Hall of the University.
2.	The University of Allahabad	Area within a radius of sixteen kilometers from the Convocation Hall of the University.
3.	Dr. Bhim Rao Ambedkar University, Agra (i) Until the establishment of the University of Rohilkhand. (ii) Upon the establishment of the University of Rohilkhand	Districts of Agra, Aligarh, Bareilly, Bijnor, Badaun, Etah, Mainpuri, Mathura, Moradabad, Pilibhit, Rampur & Shahjahanpur. Districts of Agra, Aligarh, Etah, Mainpuri and Mathura.
4.	The University of Gorakhpur- (i) Until the establishment of the University of Awadh. (ii) Upon the establishment of the University of Awadh.	Districts of Azamgarh, Bahraich, Balia, Basti, Deoria, Faizabad, Gonda, Gorakhpur, Pratapgarh, Sultanpur and Varansasi. Districts of Azamgarh, Balia, Basti, Deoria, Ghazipur, Gorakhpur, Jaunpur, Mirzapur and Varanasi.
5.	Chhatrapati Sahu Ji Maharaj University, Kanpur (i) Until the establishment of the Bundelkhand and Awadh Universities. (ii) Upon the establishment	Districts of Allahabad, Banda, Barabanki, Etawah, Farrukhabad, Fatehpur, Hamirpur, Hardoi, Jalaun, Jhansi, Kanpur, Lakhimpur Khiri, Lalitpur, Lucknow, Raibareili, Sitapur and Unnao excepting the area which is within the limits of the Universities of Allahabad and Lucknow.

	of the University of Awadh but until the establishment of the University of Bundelkhand. (iii) Upon the establishment of the Universities of Awadh and Bundelkhand.	Districts of Allahabad, Etawah, Fatehpur, Farrukhabad, Hardoi, Kanpur, Lakhimpur Khiri, Lucknow, Raibareilly, Sultanpur and Unnao excepting the area which is within the limits of the University of Allahabad and Lucknow. Same as in (ii)
6.	The Universities of Meerut. (Ch. Charan Singh University, Meerut)	District of Bulandshahar, Meerut, Muzaffarnagar and Saharanpur
7.	The University of Kumaun, Nainital	District of Almora, Nainital and Pithoragarh.
8.	The University of Garhwal, (Hemwati Nandan Bahuguna University, Garhwal)	Districts of Chamoli, Dehradun, Garhwal, Tehrigarhwal and Uttar Kashi.
9.	The University of Bundelkhand, Jhansi	Districts of Banda, Hamirpur, Jalaun, Jhansi and Lalitpur
10.	Dr. Ram Manohar Lohia, Awadh University, Faizabad	Districts of Bahraich, Barabanki, Faizabad, Gonda, Pratapgarh and Sultanpur
11.	The University of Rohilkhand, Bareilly	Districts of Badaun, Bareilly, Bijnor, Moradabad, Pilibhit, Rampur, and Shahjahanpur.