

CHAPTER I

PRELIMINARY

1. Short title, commencement 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, 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 Sampurananad Sanskrit Vishvavidyalaya), The State Government may, [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) [omitted by U.P. Act 29 of 1974]

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;

(14) 'Prescribed' means prescribed by the 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graduate' means a graduate of the University registered under the provisions of this Act or under any enactment repealed by this Act;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 [for imparting instruction or guiding or conducting research in the University or in an Institute or in a constituent, affiliated or associated college] and included a Principal or 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 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;

(21) 'Working Men's College' means an affiliated or associated college recognised 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 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 Kumaon at Nainital and a University of Garhwal at Srinagar (District Garhwal) for the areas respectively specified in the Schedule.

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

shall be established —

- (a) a University of Bundelkhand at Jhansi;
- (b) a University of Avadh at Faizabad;
- (c) a University of Rohilkhand at Bareilly;

¹¹[(d) a University to be known as Purvanchal University at Jaunpur;]
for the areas respectively specified in the Schedule.

(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;

¹²(b) the officers appointed and members of the authorities constituted under clause (a) shall hold office [* * * * *]¹³ until the appointment of ¹⁴officers or the constitution of the authorities in accordance with clause (c) [or such other earlier date as may be specified by the State Government in this behalf]:

¹⁵[Provided that the State Government 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 the institution known as Kashi Vidyapith at Varanasi 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

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- 11. Inserted by U.P. Act. 19, of 1987
 - 12. Subs, by U.P. Act. 12 of 1978
 - 13. Deleted by U.P. Act. 19, of 1987
 - 14. Subs, by U.P. Act. 19, of 1987
 - 15. Insterted by U.P. Atc.

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 :

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 sub-section (5), any notification under this section may provide for the following matters namely —

(a) provisions in respect of representation of various interest 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 any then existing University to continue to remain registered graduates of 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 purposes 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 Kanpur University in respect of institution and research in the Ayurvedic and Unani systems of medicine and advancement and dissemination of knowledge thereof shall be exercisable throughout Uttar Pradesh.

¹⁶(5) Notwithstanding anything contained in sub-section (1) the

homoeopathic educational or instructional institutions throughout Uttar Pradesh may be affiliated to the University of Agra or the Kanpur 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 to any course of study a larger number 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 Scheduled Tribes or other backward classes of citizens

7. Powers and duties of the 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 recognised, 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 associated college; or

(b) have carried on research in the University or in an institution recognised 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 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 Educa-

tion of the State Government, and have carried on private studies under conditions laid down in the Statutes and the 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 degree or other academic distinction 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 inspections and otherwise that those conditions are satisfied ;

(12) to institute and award scholarships, fellowships (including travelling fellowship), studentships and prizes in accordance with the Statutes and the 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 associated colleges affiliated ; 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,

17 - A. Additional powers and duties of certain University. - Upon being authorised by the State Government by notification under the Uttar Pradesh Homoeopathic Medicine Act, 1951, the University of Agra or the Kanpur University , as the case may be, shall —

(a) hold examinations for and grant diplomas in Homoeopathy ;

(b) take over the functions of holding of examinations for courses prescribed by the Board of Homoeopathic 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 buildings, libraries, laboratories, workshops and equipment and also of the examinations, teaching and other work conducted or done by the University or such colleges or Institute 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 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 [Sections 345 and 346 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 Sections 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 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 supersession, of the said Executive Council, an ad hoc 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 member 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), 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’s ;

(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 other rules 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 UNIVERSITY

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, the Pro-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 ;

(g) the Deans of the Faculties

(h) the Dean of 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 meeting 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 confirmation 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.

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

11. Pro-Chancellor. — (1) Maharaja Vibhuti Narain Singh of Varanasi shall continue to be the Pro-Chancellor for life of the Sampurnanad 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 Vishavidyalaya.

(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 or hostel) to be elected by the Executive Council [at least three months before the date on 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 convenor of the Committee :

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[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 qualification 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 the 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, ²¹[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 person of academic eminence shall be constituted by the Chancellor which shall submit the names in accordance with sub-section(3)

(6) No act or proceeding of the Committee shall be invalidated merely by reason of the existence of a vacancy or vacancies among its members or by reason of some person having taken part in the proceeding/ Who is subsequently found not to have been entitled to do so.

(7) The Vice-Chancellor shall hold office for a term or 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 :

²²[Provided that when any teacher or other employee of any University or any affiliated or associated college is appointed as Vice-Chancellor, he shall be allowed to continue to contribute to the 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 the sole judge), the Chancellor may appoint any

21. Ins. by U.P. Act. 5 of 1977

22. Ins. by U.P. Act. 5 of 1977

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 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 :

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 sub-section (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 the case of any other University shall discharge the duties of the Vice-Chancellor as well.

"(12) If in the opinion of the Chancellor, the Vice-Chancellor wilfully 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 interest of the University, the Chancellor may, after making such inquiry as he deems proper, by order, remove the Vice-Chancellor.

(13) During the pendency or in contemplation, of any inquiry referred to in sub-section (12) the Chancellor may order that till further orders-

(a) such Vice-Chancellor shall refrain from performing the functions of the office of Vice-Chancellor, but shall continue

to get the entitlements to which he was otherwise entitled under sub-section (8);

(b) the functions of the office of the Vice-Chancellor shall be performed by the person specified in the order."

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 the decisions of the authorities of the University ;

(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;

²³(e) be responsible for holding and conducting the University examinations properly and at due times and for ensuring that the results of such examination 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 meeting of any other authority or body of the University but shall not by virtue of this sub-section be entitled to vote.

23. Ins. by U.P. Act 5 of 1977

(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 Ordinance and he shall, without prejudice to the power of the Chancellor²⁴ [under Sections 10 and 68] possess all such powers as may be 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.

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(6) Where any matter other than the 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 taken by him to the Chancellor and also to 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 provisions of the Statutes or the Ordinances :

Provided further that if the officers, 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 annul the same, 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 order of the Vice-Chancellor :

Provided also that any person in the service of University who is

24. Subs. by Act. 29 of 1974

24A. Ins. by U.P. Act 1 of 1992

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 authorised 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 officer 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.

14. The Pro-Vice-Chancellor. — (1) This section applies only to the Universities of Lucknow, Allahabad and Gorakhpur and to 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 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.

(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 take part in the proceedings of the Executive Council but shall not be entitled to vote.

(4) The Finance Officer shall have the duty —

(a) to ensure that no expenditure, not authorised in the budget, is incurred by the University (otherwise than by way of investment) ;

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

(c) to ensure that no other financial irregularity is committed and to take steps 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 in his opinion may be necessary for the discharge of his duties.

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

(7) Other powers 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 conditions of service shall be governed by, rules made under Section 17.

(3) The Registrar shall have the power to authenticate records 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 Court, the Academic Council, the Admissions

Committee and the Examinations Committee and of every Selection Committee for appointment of teachers of the University, and shall be bound to place before these authorities all such information as may be necessary for 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) Subject to the superintendence of the Examinations Committee the Registrar shall conduct the examinations and make all other arrangements necessary therefor and be responsible for the due execution of all processes connected therewith.

(6) The Registrar shall not be offered nor shall he accept any remuneration for any work in the University save such as may be provided for by rules made under Section 17.

17. 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 :

²⁵[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 ²⁶[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 either provisionally or finally, and if, in the latter 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 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 :

²⁷[Provided that such absorption in the service shall not operate as a bar against holding or continuing to hold any disciplinary proceeding against

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, be 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 latter 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 or annulment shall be without prejudice to the validity of anything previously done thereunder.

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 and the Registrar shall be such as may be laid down by the Statutes and the Ordinances.

CHAPTER V

AUTHORITIES OF THE UNIVERSITY

19. Authorities of the University . - The following shall be the authorities of the University —

(a) the Executive Council ;

(b) the Court ;

(c) the Academic Council ;

(d) the Finance Committee ;

(e) the Boards of Faculties ;

(f) the Selection Committees for appointment of teachers of the University ;

(g) the Admissions Committee ;

(h) the Examinations Committee ; and

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

20. Constitution of the 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 Deans of two Faculties, by rotation in the manner prescribed

²⁸(d) in the case of Universities of Agra, Gorakhpur, Meerut, Kumaon and Garhwal —

(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;

(ii) three Principals and two other teachers of affiliated colleges, to be selected in the manner prescribed;

and in the case of any other University mentioned in or notified under sub-section (1) of Section 37, four Principals and four other teachers of affiliated colleges to be selected in the manner prescribed;]

(e) In the case of University mentioned in or notified under sub-section (1) of Section 38 —

(i) two Professors [other than the Pro-Vice-chancellor or 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 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 a constituent college or an affiliated or associated college or hall or hostel;

(g) four persons of academic eminence to be nominated by the Chancellor.

(2) The term of office of members mentioned in —

- (i) clauses (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) of sub-section (1) shall be two years.]

(3) No person shall be a member of the Executive Council under clause (f) or clause (g) of sub-section (1) for more than two consecutive terms.

(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, 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 :

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 a training unit or any hall or hostel or proctor or tutor 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 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 scholarship, fellowships, bursaries, medals and other rewards in accordance with the Statutes and 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 casual vacancies in their posts ;

(viii) to fix the fees, emoluments and travelling and other allowances of the examiners ;

(ix) ³¹[Subject to the provisions of Section 37] to admit any college to the privileges of affiliation or recognition or enlarge the privileges of an college already affiliated, recognised 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 of residence of students;

(xi) to direct the term 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 the Ordinances ;

(xiii) to manage and regulate the finances, accounts, investment 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 an 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 into, 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 college in accordance with this Act, the Statutes and 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, sale, exchange, gift or otherwise nor shall any money be borrowed, or advance taken on the 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 except with such approval previously obtained, and no post shall be created either in the University or in any Institute or constituent college maintained by the University except with the prior approval of the State Government [or except in accordance with any general or special order of the State Government].

³³(3-A) The Executive Council may, with the prior approval of the University Grants Commission and the 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 and non-recurring expenditure to be incurred in each financial year fixed by the Finance Committee.

(6) The Executive Council shall not take any 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 thereon 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. — (1) The Court shall consist of the following members, namely —

Class I - Ex-officio Members

- (i) the Chancellor ;
- (ii) the members of the Executive Council ;
- (iii) the Finance Officer ;

Class II— Life Memebers

(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 Deans 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 Graduates

(xi) fifteen representatives of registered graduates to be elected, 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 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) [omitted by U.P. Act 29 of 1974, S.10]

Class VII — Representatives of the State Legislature

(xiv) two members of the Legislative Assembly to be elected by it.

(xv) five members of the Legislative Assembly to be elected by it.

(2) The term of office of members of each class, except classes 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 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 the improvement and development of the University ;

(b) to consider and pass resolution 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 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 the 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 a subject in the University, the senior-most teachers 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, to be selected 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 ;

(ix) 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 of the Academic Council shall be five years.

members other than ex-officio members shall be such as may be prescribed.

26. The Finance Committee .— (1) The Finance Committee shall consist of—

(a) the vice -Chancellor ;

(b) the Pro-Vice-Chancellor, if any ;

(c) the Registrar ;

(d) one person, not being a member of the 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.

(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 total 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.

(3) The Finance Committee shall have such other powers and duties may be conferred or imposed on it by this Act or the Statutes.

27. The Faculties. - (1) The University shall have such Faculties as may be prescribed.

(2) Each Faculty shall comprise such departments of teaching as may be prescribed and each department shall have such subjects of study as may be assigned to it by the Ordinance.

(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 :

³⁶[Provided that in the case of a Medical, Engineering, Ayurvedic 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 :

³⁷[Provided also that if there is no Professor in the Faculty, the office of Dean shall be held by Readers, 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 is 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.

³⁸[(6) In each Department of teaching in the University, there shall be a Head of the Department whose appointment shall be regulated by Statute.]

Provided that every person holding the office of Head of Department immediately before the date of commencement of this sub-section shall be 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.

(7) The Head of Department shall be responsible to the Dean for the Organisation 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. Admissions 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

id 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 [(including the number of students to be admitted)] to constituent colleges maintained by the State Government and affiliated or associated colleges, and such directions shall be binding on such colleges.

"(5) Notwithstanding anything contained in any other provision of this Act,-

(a) reservation of seats for admission in any course of study in University, Institute constituent college, affiliated college or associated college for the students belonging to the Scheduled Castes, Scheduled Tribes and other backward classes of citizens may be made and regulated by such orders as the State Government may, by notification make in that behalf :

Provided that reservation under this clause shall not exceed fifty per cent of the total number of seats in any course of study :

Provided further that reservation under this clause shall not apply in the case of an institution established and administered by minorities referred to in clause (1) of Article, 30 of the onstitution.

(b) admission to medical and engineering colleges and courses of instruction for degrees in education and yurvedic or Unani systems of medicine (including the number of students to be admitted), shall subject to clause (a), be regulated by such orders (which if necessary may be with retrospective effect, but not effective prior to January 1, 1979) as the State Government may by notification, make in that behalf :

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

(c) in making an order under clause (a), the State Government may direct that any person who wilfully acts in a manner intended to contravene, or defeat the purposes of the order shall be punishable with imprisonment not exceeding three months or with fine not exceeding one thousand rupees, or with both, as may be specified in the order.

(5-A) Every order made under clause (a) of sub-section (5) shall be laid as soon as may be, before both Houses of the State Legislature and the provisions of sub-section (1) of section 23A of the Uttar Pradesh General Clauses Act, 1904 shall apply as they apply in respect of rules 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. Examinations Committee. — (1) There shall be an Examinations 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 Examinations 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-committees the power to deal with and decide cases relating to the use of unfair means by the examinees.

⁴¹[(4) Notwithstanding anything contained in this Act, it shall be lawful for an Examinations 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. — (1) The constitution, powers and duties of other authorities of the University shall be such as may be prescribed.

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 ⁴² 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. ^{42A} 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 :

* *] 1. The Words " as by a Local authority by Section 10 of U.P. Act. 12 of 1997

(2) x (42A) Inserted by U.P. Act 1 of 1992.

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 the Department) ; the head of Department concern

(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 :

⁴³[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 proviso 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 a 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 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.

⁴⁴[(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 or to a permanent post in a vacancy caused

43. Ins. by U.P. Act. 5 of 1977

44. Subs. by U.P. Act. 5 of 1977

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 services after giving an 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 qualifications 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 in 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.]

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(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 —

Ins. by U.P. Act. 1 of 1992

³⁶[Provided that in the case of a Medical, Engineering, Ayurvedic 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 :

³⁷[Provided also that if there is no Professor in the Faculty, the office of Dean shall be held by Readers, 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 is 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.

³⁸[(6) In each Department of teaching in the University, there shall be a Head of the Department whose appointment shall be regulated by Statute]

Provided that every person holding the office of Head of Department immediately before the date of commencement of this sub-section shall be 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.

(7) The Head of Department shall be responsible to the Dean for the Organisation 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. Admissions 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

(i) is serving as such on 22 Nov.1991 continuously since such initial appointment by way of short term arrangement;

(ii) possessed on 22 Nov,1991 the qualification required for regular appointment to the post under provisions to the post under the provisions of the relevant Statutes in force on the date of the initial appointment,

(iii) 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 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 constituent college), shall consist of —

(i) the Vice-Chancellor who shall be the chairman thereof.

(ii) the Head of the Department concerned :

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 :

⁴⁰Provided further that where the Chancellor is satisfied that in the special circumstances of the case, a Selection Committee cannot be constituted in accordance with the preceding proviso, he may direct the constitution of the Selection Committee in such manner as he thinks fit.]

(iii) in the case of a Professor or Reader, three experts, and in any other case, two experts be nominated by the Chancellor

(iv) in the case of 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 ;

46. Ins. by U.P. Act. 5 of 1977

stituent college, the Director of the Institute or the Principal of the constituent college, as the case may be.

(b) The Selection Committee for the appointment of the Director of 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 ⁴⁶ shall consist of

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

[(ii) one of the Deans or Professors of those Faculties which comprise subjects taught in the college, to be nominated by the Vice-Chancellor]. ⁴⁷

(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, 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 by the Management suggested and approved by the Vice-Chancellor.

⁴⁸[Provided also that in the case of colleges 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 Professors suggested by the Management and approved by the Vice-Chancellor, and if the requisite number of such Deans or Professors is not so available, the panel may include the names of Principals of affiliated or associated colleges.]

5 * Words, "or by a local authority omitted by U.P. Act 12 of 1978, 5, 10

7 ** Inserted by U.P. Act 12, 1978

9 Ins. by U.P. Act. 5 of 1977

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

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

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

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

* [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 a 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 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 I. — For the purposes of this sub-section, a branch or subject in which a separate course of study is prescribed for a post-graduate degree or for Part I or Part II thereof shall be deemed to be a separate subject of study.

Explanation II. — Where the post of teacher to be selected is common

1 **** The word by a local authority omitted by Act 12, 1978 of Section 1

2 * Inserted by U.P. Act 29 of 1974.

more than one subject of study, the expert may belong to either of such subjects of study.

¹[(d) The Chancellor or the Vice-Chancellor, as the case may be, may nominate 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, on any person whose name appears high or in the specified order not being available for a meeting of the Selection Committee, person whose name appears nearest lower in the specified order shall be invited to serve on the Committee.]

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

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

Provided that in the case of professor or a Reader the person invited to form the quorum must include at least two experts.

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

(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 along with the reasons of such disagreement, and his decision shall be final :

³[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.]

Inserted by U.P. Act 29, 1974 Section 12

Inserted by U.P. Act 29, 1974 Section 12

Inserted by U.P. Act. 5, 1977

"(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 the 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 alongwith 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 to 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 affiliate 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 colleges on the ground of interest or participation in the deliberations of such Committees and other matters relating to appointment of such Principals and teachers shall be prescribed in the Statutes.

(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.

⁴[(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 Committee, 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 prior approval of the Vice-Chancellor, may appoint on deputation on the post of a teacher any Government servant who possesses the qualifications prescribed for the post.]

⁵(13) omitted by U.P. Act No. 10 of 1983 (w.e.f. 18-7-1981)

⁶[31-A. Personal promotion to Teachers of University . —(1) Notwithstanding anything to the contrary contained in any other provision of the Act, a Lecturer or Reader in the University substantively appointed under section 31, who has put in such length of service and possesses such qualifications, as may be prescribed, may be given personal promotion,

Substituted by U.P. Act 5, 1977 Section 12
Inserted by U.P. Act. 9, 1985

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 (1) 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 provisions of Section 31.]

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 Ordinances.

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

(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 provisions of this Act or the Statutes or the 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 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 of its officers, teachers and other employees, in such manner and subject to such conditions as may be specified by general or special order by the State Government 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. Limits 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 for any duties performed in connection with any examination conducted by an Indian University or any body other than Public Service Commission [* * *] 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.

Explanation. — The words 'remunerative offices' include the offices of Warden or Superintendent of a Hall or Hostel, Proctor, Games Superintendent, Librarian, and any office in the National Cadet Corps, National Sports Organisation, National Social Service Scheme and University Employment Exchange.

35. Conditions of service of teachers of affiliated or associated colleges other than those 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 [* * * *]) shall be appointed under a written contract which shall contain such terms and conditions 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 remove 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 :

Provided that in the case of colleges established and administered by

Word "And the holding of remunerative Offices by them" omitted by U.P. Act. 29, of 1974 Section 13.

Word "or by a Local authority" omitted by Section 10 of U.P. Act. 12, 1978.

a minority referred to in clause (1) of Article 30 of the Constitution of India the decision of the Management terminating the service of 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.

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

(2) If for any reason, a vacancy occurs in the office of a member

he 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 therefrom 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 proceedings 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. — (1) 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 any college already affiliated or subject to the provisions of sub-section (8), and draw or curtail any such privilege.

(3) 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.

(7) The Executive Council may direct an affiliated college to be 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 fulfil 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.

¹¹[(9) Notwithstanding anything contained in sub-sections (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 University (not being the Universities of Agra, Gorakhpur, Kanpur or Meerut or the Sampurnana Sanskrit Vishwavidyalaya) as the State Government may, by notification in the Gazette, specify.

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

10. Proviso omitted by U.P. Act. 21 of 1975 Section 7

11. Inserted by section 13 U.P. Act. 5 of 1977

(3) It shall be lawful for an associated college to make arrangements with any other associated college or colleges or with the University for cooperation 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 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 up-keep. 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.

²[8] Notwithstanding anything in this section or in Section 5, any associated college situated within the area of any University to which this section applies, may subject to such directions, as may be issued by the State Government in its behalf, be admitted to the privileges of affiliation by any University to which Section 37 applies.]

9. 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 the 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 a proctor or tutor or for 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, etc, of Affiliated and 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 buildings, 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 finances 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 the 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 Sections 480 and 482 and 482 of the Code of Criminal Procedure, 1898 and any proceedings before him or them shall be deemed to be judicial proceedings 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 direction as to the action to be taken and the Management shall forthwith comply with such direction

(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 college. — (1) The University may grant in the manner prescribed, to an affiliated or associated college which satisfies the conditions prescribed in that behalf, the privileges of varying, for the students receiving instruction in such college, the courses 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 examination 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 reasons 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 time 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 Ordinances 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 of charging any donation, etc., for admission to a college.—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 an 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 as a condition for granting him admission to a

permitting him after such admission to continue in such college.]¹³

14[46 - 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 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 University of Lucknow, Allahabad, Gorakhpur and such other University 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 recognised by the Executive Council on such general or special conditions as may be provided by the Ordinances.

(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 sub-section (2) :

Provided that no such action shall be taken without giving to the management of such hall or hostel and opportunity of making a representative against the proposed action.

(5) There shall be a Delegacy to supervise the arrangements relating to the residence, health and welfare of students of the University not residing or under the care of any constituent college or hall. The constitution, powers and duties of the delegacy shall be prescribed by the Statutes.

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

Substituted by U.P. Act. 5, 1977, Section 14

Inserted by U.P. Act.5, 1977, Section 15

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, power and duties of the authorities of the University;

(b) the election, appointment and term of office of the members of the authorities of the University, including the continuance in office of the first members, and the filling in a vacancies in their membership and all other matter relating to these authorities for which it may be necessary to provide

(c) the powers and duties of the officers of the University ;

¹⁵(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);

(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 ;]

(f) The constitution of a 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;

15. Substituted by U.P. Act. 5, 1977

(k) the establishment of departments of teaching in the Faculties ;

(l) the establishment, abolition and reorganisation of halls and hostels maintained by the University ;

(m) the conditions under which college 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;

¹⁷[(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, studentships , medals and prizes ;

(q) the qualifications, conditions and manner of registration of graduates and the maintenance of a register of registered graduates ;

(r) the holding of convocation, if any ; and

(s) all other matters which by this Act are to be or may be provided by the Statutes.

50. Statutes how made. — 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.

¹⁸[(1-A) The State Government may by notification in the Gazette and whether by way of addition, substitution or omission, the First Statutes from any time (up to December 31, 1987) and any such amendment may be made prospective to a date not earlier than the date of such commencement 1990]

¹⁹[(1-B) Until the First Statutes of the Purvanchla University are made

Substituted by U.P. Act. No. 5, 1977 Section 16

Inserted by U.P. Act. No. 29, 1974 Section 15

Inserted by U.P. Act. No. 19, 1987

under this section, the Statutes of the University of Gorakhpur, as in force immediately before the establishment of the said University shall apply to subject to such adaptations and modifications as the State Government may by notification, provide.]

²¹(2) The Executive Council may, at any time [after December 3 1987] make new or additional Statutes or may amend or repeal the Statutes referred to in sub-section (1) or sub-section (1-A).]

(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 Statute shall be submitted to the Chancellor who may assent to it or withhold his assent therefrom 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.

"(6) Notwithstanding anything contained in the foregoing sub-sections, the State Government may in order to implement any decision taken by it 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).

21. Substituted by U.P. Act. No. 29, 1974, Section 15

(7) The Executive Council shall have no power to amend or repeal the Statutes made by the State Government under sub-section 5) 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 sub-section 1), the Ordinance 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, 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 scholarships, fellowship, studentship, 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 ;

[(i) the formation of parent-teachers association.] ²²

(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;

(l) 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 travelling 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 the Ordinances.

52. Ordinance 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 into accord with the provisions of this Act and the Statutes, the Chancellor may by order make such adaptations and modifications of the Ordinances whether by way of repeal, amendment or addition as may be necessary or expedient and, provided that the ordinances shall as from such date as may be specified in the order 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 Garhwa

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:

²³[(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 force immediately before the establishment of the said University, shall apply to it subject to such adaptations and modifications as the 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-section (1) and (2) :

Provided that no Ordinance shall be made —

(a) Affecting the admission of students, or prescribing examinations to be recognized as equivalent of 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) effecting 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) effecting 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 of sub-section (3) shall be suspended until he has an opportunity of exercising his power of disallowance. An order of suspensions 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 member 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 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 and 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 suggestions.

CHAPTER X

ANNUAL REPORTS 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 accruing 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 thereof 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 is 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 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 [any order of the Chancellor or of the State Government purporting to be made under this Act.]

²⁴[**55-A. Surcharge.** —(1) An officer specified in any of the clauses (c) to (i) Section 9 shall be liable to surcharge for the loss, waste or mis-application of any money or property of the University, if such loss, waste or mis-application is a direct consequence of his neglect or misconduct.

(2) The procedure of surcharge and the manner or 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, building (including hostels), works library, laboratory, instruments, equipment, furniture, stationery, stores, automobiles and other vehicles, if any, and other things pertaining to the college, cash on hand, cash at bank, investments, and good debts and all other rights and interests arising out of such property as may be in the ownership, possession, power or 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 borrowing-liabilities and obligations of whatever kind of the college ;

24. Inserted by U.P. Act. No. 12, 1978, Section 6

(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 the 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 wilful 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 qualifications 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 Statute or Ordinances ; or

(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, stationery, laboratory, equipment, and other facilities, as are necessary for efficient administration of the college ; or

(v) that its Management has substantially, diverted, misapplied or mis-appropriated 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 officebearers of the Management, such notice shall be issued to all persons claiming to be so.

58. Authorised Controller. — (1) 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 only to 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 Management would have if the college and its property were not taken over under this sub-section :

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 [five years]

²⁵ [Provided further that if at the expiration of the said period of five years, there is no lawfully constituted Management or 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 sub-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 college, 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 proceeding are completed :

Provided that no such order shall remain in force for more than six months from the date of actual taking over 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 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 therefrom 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. Clause 58 not applied to minority colleges. — Nothing contained in Section 58, shall apply to a college established and administered by 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 with.

(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 up to him or to such person as the Authorised Controller may specify in this behalf.

(3) The Authorised Controller may apply to 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 such force as may be necessary.

**PAYMENT OF SALARY TO TEACHERS AND OTHER
EMPLOYEES OF DEGREE COLLEGES**

60. A. Definitions ;—In this Chapter, unless the context otherwise requires —

(i) 'College' means any college affiliated to or recognised by any University in accordance with the provision of this Act or the Statutes made thereunder 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 [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 a 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 ;

(v) 'salary' shall have the meaning assigned to it, in clause (b) of Section 56 ;

(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 of Education (Higher Education).

60-B. Payment of salary within time and without unauthorised deductions . —(1) Notwithstanding any contract to the contrary, the salary of 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 the month in behalf, appoint, of the month next following special order in that 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. —(1) The Deputy Director may at any time, 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 expenditure) 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. — The 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 a 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 colleges.— (1) The management of every college shall for the purposes of disbursement of salaries to its teachers and employees open in the a scheduled bank or a co-operative bank or post office, a separate account (thereinafter in this Chapter called 'Salary Payment Account') to be operated jointly by 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 after the Salary Payment Account is opened, the Deputy Director may, if he is, subject of any rules made under Section 60-H satisfy that it is expedient in the public interest so to do, instruct the 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), where in any other case after giving to the Management an opportunity showing cause, the Deputy Director is of opinion that it is necessary expedient so to do, the Deputy Director may instruct the bank that the Salary Payment Account shall be operated only 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 fee 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 provisions of sub-section (2) or the orders issued thereunder, 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 sub-section (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 employees 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 in 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 ability of the college for any such dues to the teacher or employee.

60-F. Punishment, penalties and procedure. — (1) If any default committed in complying with any direction under Section 60-C, or with the provisions of Section 60-B 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 a Magistrate of the first class or make arrest therefor 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 thereunder.

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 46 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) wilfully withholds or fails to furnish the Authorised Controller or any person specified by him as required by sub-section (2) of Section 60 any books or other documents which may be in his possession, custody or control ; or

(d) wilfully 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) of clause (b) of this sub-section may at the time of convicting the accused person, order him to deliver up or refund within a time to be fixed by the Court any property wrongfully withheld or wrongfully obtained or any books or other documents wilfully 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 of Education (Higher Education).

63. Offences by 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 all 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 of authorities —

(1) Except as expressly provided by this Act or the Statutes, officers of the University and members of authorities of the University shall so far as may be, 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 any 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.

66. Proceeding not to be invalidated by vacancies, etc. — No. act

or proceeding, 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 is entitled to be, member of any authority or other body of the University, or whether any decision of any authority or officer of the University ²⁷ (including any question as to the validity of a Statute, Ordinance or Regulation, not being 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 Ordinance made thereunder **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 moto or entertain a reference after the expiry of the period

Inserted by U.P. Act. 21, 1975

mentioned in the preceding proviso ;

(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) [* * *]²⁸

²⁹[68-A. Power of Vice-Chancellor to enforce his order against Management. — (1) Where 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 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 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 is referred to in sub-section (1) , the Vice-Chancellor may also order re-instatement of the teacher concerned subject to such terms and the conditions as he thinks fit.

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

(4) Every order of the Vice-Chancellor under sub-section (2) shall be executable by the lowest civil 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.]

³⁰[69. Bar of suit. — No suit or other legal proceedings shall lie against the State Government or the Director of Education (Higher Education) or the Deputy Director (as defined in Section 60-A) or Authorised Controller or the University or any officer, authority or body thereof in respect of

28. Omitted by U.P. Act. No. 5, 1977

29. Inserted by U.P. Act. No. 5, 1977, Section 2

30. Substituted by U.P. Act. No. 21, 1977

anything done or purported or intended to be done in pursuance of the Act or the rules or the Statutes or the Ordinances made thereunder.]

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 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, proceedings, resolution or document or the existence of entry in the register and shall be admitted as evidence of the matters 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 PROVISION

71. Continuation 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) 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 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 :

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

(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 as respect 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 thinks fit.

[72-A. Transitory provisions regarding Kashi Vidyapith. —
Notwithstanding 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 as respect 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 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 forthwith ;

¹⁶[(c) the officers appointed and the members of the authorities constituted under clause (b) shall hold office up to [December 31, 1981], or until the appointment of the officers or the constitution of the authorities in accordance with clause (d) whichever be earlier ;

(d) the state Government shall take steps for the appointment of officers and constitution of authorities of the said 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).]

73. Power to remove 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 the 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 :

Provided that no such order shall be made [after December 31, 1982].³⁰

(2) Every order made under sub-section (1) shall be laid before both the 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 sub-section (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 force in relation to the existing University concerned, namely—

- (a) the Lucknow University Act, 1920 ;
- (b) the Allahabad University Act, 1921 .
- (c) the Agra University Act, 1926 ;
- (d) the Gorakhpur University Act, 1956 ;
- (e) the Varanaseya Sanskrit Vishwavidyalaya Act, 1956 ; and
- (f) the Kanpur and Meerut Universities Act, 1965.

³¹(2) Notwithstanding such repeal —

(a) all appointments made, orders issued, degrees or diplomas conferred or certificates issued, privileges granted or tother things done including registration of graduates) under any such enactment, shall be deemed to have been respectively made, issued, conferred, granted or done under the corresponding provisions of this Act, and 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 the Executive Council, as the case may be, in respect of the recommendation of such Selection Committees, where no orders of appointment on the

Substituted by Section 8 of U.P. Act. 15, 1980

Substituted by U.P. Act. No. 21, 1975

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 proceeding in connection with such pending selections shall be taken in accordance with the provisions of this Act and be continued from the stage where they stood immediately before such commencement .]

(3) Notwithstanding anything in sub-section (1) and (2), or in any other provisions of this Act—

(a) [omitted by U.P. Act 29 of 1974, S.17] ;

(b) [Omitted by U.P. Act 5 of 1977, S.25] ;

(c) where any institution has applied for affiliation to the University of Agra in accordance with the provisions of the Agra Universities 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 that 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 sub-section (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 from out of the panels in existence immediately before the commencement of this Act :

³²[Provided that the provisions of Explanation I and II to the said sub-section (5) shall apply also to the panels of experts referred to in 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 or Assistant Registrar may be filled on a provisional basis by the Chancellor, in the case of the post of Registrar or by the Vice-Chancellor in the case of the post of Deputy Registrar or Assistant Registrar ;

32. Inserted by U.P. Act. 21, 1975

³³(g) every student of the Kashi Naresh Government Degree Colleg, Gyanpur, or the Government Degree College, Jakhni, situate in district Varanasi, or the Government Degree College, Rishikesh, situate 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 1973-74 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 the year 1975 [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 the University of Agra and on the results 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) of 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;]

²(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 I or M.A. Part I Examination of 1974 from the Kashi Naresh Government Degree College, Gyanpur, Varanasi Centre and who, on the result of the examination, has been declared successful, shall be permitted by the University of Agra to appear in the B.A. Part II or M.A. Part II 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 that results of such examination the degree may be conferred by that very University, and such examination shall be deemed to be valid :

(f) any person residing within the area of the University of Allahabad or the University of Lucknow may be permitted by the University of Kanpur (hereinafter in this clause referred to as the said University) to appear in an examination 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 1965. — In Section 3 of the Uttar Pradesh Universities (Provisions regarding Conduct of Examinations) Act, 1965, for the words 'two months' the words 'six months' shall be substituted.

76. Repeal and Savings. — (1) The Uttar Pradesh State University Ordinance, 1973 (U.P. Ordinance 1 of 1973), is hereby repealed.

(2) Notwithstanding any such repeal, anything done or any action taken under the said Ordinance shall, subject to the provisions of subsection (3) of section 72, be deemed to have been done or taken under this Act as if this Act had Commenced on the 18th day of June, 1973.

THE SCHEDULE

(See Section 5)

Serial	Name of the University	Areas within which the University shall exercise jurisdiction
1	2	3
1.	The University of Lucknow	Area within a radius of sixteen kilometres 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 [3.	The University of Agra—	

(i) **Until the establishment of the University of Rohilkhand**

Districts of Agra, Aligarh, Bareilly, Bijnor, Badaun, Etah, Mainpuri, Mathura, Moradabad, Pilibhit, Rampur and Shahjahanpur.

(ii) **Upon the establishment of the University of Rohilkhand.**

Districts of Agra, Aligarh, Etah, Mainpuri and Mathura.

[4 **The University of Gorakhpur—**

(i) **Until the establishment of the Purvanchal University**

Districts of Asamgarh, Ballia, Basti, Deoria, Ghazipur, Gorakhpur, Jaunpur, Mirzapur and Varanasi.

(ii) **Upon the establishment of the Purvanchal University**

Distt. of Basti, Deoria and Gorakhpur.

[5 **The University of Kanpur—**

(i) **until the establishment of the Universities of Bundelkhand and Avadh.**

Districts of Allahabad, Banda, Bara - Banki, Etawah, Farrukhabad, Fatehpur, Hamir-pur, Hardoi, Jalaun, Jhansi, Kanpur, Lakhimpur-Kheri, Lalitpur, Lucknow, Rae Bareli, Sitapur and Unnao, excepting the area which lies within the limits of the Universities of Allahabad and Lunknow.

(ii) **upon the establishment of the University of Ayadh, but until the establishment of the University of Bundelkhand**

Districts of Allahabad, Banda, Etawah, Farrukhabad, Fatehpur, Hamirpur Hardoi, Jalaun, Jhansi, Kanpur, Lakhimpur-Kheri, Lalitpur, Lucknow, Rae Bareli, Sitapur, and Unnao, excepting the area which lies within the limits of the Universities of Allahabad and Lucknow.

(iii) **upon the establishment of Universtiy of Avadh and also the University of Bundelkhand.**

District of Allahabad, Etawah, Farrukhabad, Fatehpur, Hardoi, Kanpur, Lakhimpur-Kheri, Lucknow, Rae Bareli, Sitapur and Unnao, excepting the area which lies within the limits of the Universities of Allahabad and Lucknow.]

The University of Meerut

Districts of Bulandshahr, Muzaffarnagar Meerut, and Shaharanpur.

The University of Kumaun

Districts of Almora, Naini Tal and Pithoragarh.

The University of Garhwal

Districts of Chamoli, Dehra Dun, Garhwal, Tehri-Garhwal and Uttar Kashi.

The University of Bundelkhand

Districts of Banda, Hamirpur, Jalaun, Jhansi and Lalitpur.

10.	The University of Avadh	Districts of Bahraich, Bara Banki, Faizabad, Gonda, Pratapgarh and Sultanpur
11.	The University of Rohilkhand	Districts of Budaun, Bareilly, Bijnor Moradabad, Pilibhit, Rampur and Shahjahanpur.]
[12.	The Purvanchal University	Districts of Azamgarh, Ballia, Ghazipur, Jaunpur, Mirzapur and Varanasi.]

Appendices

(1)

The Uttar Pradesh State Universities (Centralised)

Service Rules, 1975.

No. 6884/XV-10-75—60(24)-74 dated October 31, 1975

In exercise of the powers conferred by sub-section (1) of Section 17 of the Uttar Pradesh State Universities Act, 1973, as re-enacted and amended by Uttar Pradesh Universities (Re-enactment and Amendment) Act, 1974, the Government is pleased to make the following rules for the creation of a separate service of the Registrars, Deputy Registrars and Assistant Registrars, common to all the Universities to which the aforesaid Act applies, and for regulating the recruitment to and conditions of service of persons appointed to any such service.

Part I

Preliminary

1. Short title, application and commencement. — (1) These rules may be called the Uttar Pradesh State Universities (Centralised) Service Rules, 1975.

(2) They shall apply to all the Universities to which the Uttar Pradesh State Universities Act, 1973 as re-enacted and amended by the Uttar Pradesh Universities (Re-enactment and Amendment) Act, 1974, is applicable.

(3) They shall come into force with effect from the date of publication in Official Gazette.

2. Definitions. — In these rules, unless the context otherwise requires:

(a) 'Act' means the Uttar Pradesh State Universities Act, 1973 as amended from time to time;

(b) 'Centralised Service' or 'Service' means the Centralised Service created under Rule 3 of these rules ;

- (c) 'Citizen of India' means a person who is or is deemed to be a citizen of India under Part II of the Constitution ;
- (d) 'Commission' means the Uttar Pradesh Public Service Commission ;
- (e) ' Education Department' means Education Department of the Government ;
- (f) ' Government' or 'State Government' means the Government of Uttar Pradesh ;
- (g) 'Secretary' means Secretary to Government in the Education Department;
- (h) 'University;' means a University to which the Uttar Pradesh State Universities Act, 1973 is applicable ;
- (i) Words and expressions not defined in these rules, but used in the Act, shall have the meaning assigned to them in the Act.

PART II

Cadre and strength

3. Creation of Centralised Service. — With effect from the commencement of these rules, there shall be Centralised Service common to all the Universities, which shall consist of the following administrative posts, namely —

- (1) Registrars.
- (2) Deputy Registrars.
- (3) Assistant Registrars.

4. Scale of pay. — The scales of pay for the various categories of posts mentioned in Rule 3 shall be such as the Government may from time to time fix.

5. Strength. — (1) The scales of each category of posts mentioned in Rule 3 shall be such as the Government may from time to time fix.

- (2) All the posts mentioned in Rule 3 existing in the Universities

immediately before the commencement of these rules shall from the present permanent strength of the Centralised Service.

(3) Any of the existing posts under the Centralised Service or any such post which the State Government may create in future, shall not be abolished by any University without the prior approval of the State Government.

PART III

Recruitment

1[6. Source of recruitment absorption and termination of service of existing officers. — Subject to the provisions of rule 7—

(a) thirty-three per cent of the posts of Registrar, all posts of Deputy Registrar and thirty - three per cent of the posts of Assistant Registrar shall be filled in by promotion in the manner laid down in Rule 20; and

(b) the remaining posts of Registrar and Assistant Registrar shall be filled in by direct recruitment in the manner laid down in Part V :

Provided that any fractions, obtained up to calculation of percentage in accordance with clause (a) shall be ignored :

Provided further that notwithstanding anything contained in this rule the State Government may appoint any Government servant on deputation to any of the post of the centralised service for a period not exceeding three years.

7. Absorption of the existing officer. — (1) The absorption or termination of services of the persons, serving on any of the posts mentioned in Rule 3, immediately before the commencement of the rules, shall be governed by the following provisions —

(a) Persons serving on the administrative posts of Registrar, Deputy Registrar and assistant Registrar and confirmed in any one of the said, posts before May 14, 1973, shall unless they opt otherwise, be absorbed in the Centralised Service finally.

(b) Other persons holding temporary or officiating appointment referred to in clause (a) above shall unless they opt otherwise, be absorbed provisionally, subject to such orders as the State Government may in each case pass under clause (c) below.

(c) The services of persons who are provisionally absorbed under clause (b) but who are not found suitable for absorption finally may, by order of the State Government (made on or before December 31, 1977) be

1. Substituted by notification No.1506-XV-10-77 dated 24.3.77

terminated on payment of one month's salary as compensation as provided in sub-section (2) of Section 17 of the Act.

(d) If in any case, orders of the State Government are not made to the contrary under clause (c), the persons concerned shall be deemed to have been finally absorbed in the Centralised Service.

(e) Persons serving on any of the said posts immediately prior to the commencement of these rules shall be required to exercise their option for absorption in the Centralised Service. A person who fails to communicate to the Government in the Education Department his option within a period of three months from the date of commencement of these rules shall be deemed to have opted for such absorption.

(f) The services of persons referred in clause (a) who opt against absorption, shall stand determined, with effect from the date of exercise of such option, and they shall, without prejudice to their claim to any provident fund admissible to them, be paid as compensation, the pay for the remaining period their service in the University, or six months' pay in the case of persons whose total continuous service immediately before the commencement of these rules exceeded ten years, or three months' pay in the case of persons whose total continuous service as aforesaid did not exceed ten years, whichever is less.

(g) The amount of compensation payable under clause (c) or clause (f) shall be paid by the University in which the person concerned was employed immediately before the commencement of these rules.

(2) Where in the case of a person referred to in sub-section (2) of Section 17 of the Act and absorbed in the service, any particular condition of service prescribed by these rules works out, to be less advantageous to him than that applicable to him before such absorption, then, notwithstanding anything contained in these rules, the condition applicable to him before his absorption shall apply to such person.

Explanation. — Every person to whom these rules apply, shall be liable to transfer from one University to another.]

8. Reservation for Scheduled Castes, Scheduled Tribes etc. — Reservation for Scheduled Castes, Scheduled Tribes, Disabled Military personnel and dependents of freedom fighters shall be in accordance with the orders of the State Government as in force at the time of recruitment.

Note. —Copies of the orders of the State Government as in force at

the time of commencement of these rules will be found in Schedules 1, 2 and 3 annexed hereto.

PART IV

Qualifications

9. Nationality. — A candidate for recruitment to any post in the Centralised Service must be —

(a) a citizen of India; or

(b) a Tibetan refugee who came over to India before the 1st January 1962, with the intention of permanently settling in India; or

(c) a person of Indian origin who has migrated from Pakistan, Burma, Ceylon and East African countries of Kenya, Uganda and the United Republic of Tanzania (formerly Tanzanayika and Zanzibar) with the intention of permanently settling down in India :

Provided that a candidate belonging to category (b) or (c) above shall be a person in whose favour a certificate of eligibility has been issued by the State Government :

Provided further that a candidate belonging to category (b) will be required to obtain a certificate of eligibility granted by the Deputy Inspector General of Police, Intelligence Branch, Uttar Pradesh :

Provided also that if a candidate belongs to category (c) above, no certificate of eligibility will be issued for a period of more than one year and such a candidate may be retained in service after a period of one year, only if he has acquired Indian Citizenship.

Note. — A candidate in whose case a certificate of eligibility is necessary, but the same has neither been issued nor refused may be admitted to an examination or interview and he may also be provisionally appointed subject to the necessary certificate being obtained by him or issued in his favour.

[10. Age. — (1) A candidate for direct recruitment to the post of Registrar and Assistant Registrar must have attained the minimum age and must not have attained the maximum age, mentioned below, on the first day of January, next following the year in which the recruitment is made.

	Minimum	Maximum
Registrar	35	45
Assistant Registrar	30	45

Provided that the maximum age limit shall, in the case of candidates belonging to the Scheduled Tribes and dependants of freedom fighters, be greater by five years:

Provided further that in respect of the posts already advertised by the Commission, the age limit shall be as provided in Rule 10 before the enforcement of the Uttar Pradesh State Universities (Centralised) Service Fifth Amendment) Rules, 1986.

(2) In the case of a person who has already rendered at least one year's service in any of the posts in the Centralised Service or in the University, the maximum age limit shall be greater to the extent he has rendered continuous service over the age limits mentioned in sub-rule (1)].

11. Character. — (1) The appointing authority shall satisfy itself that the character of a candidate for appointment to any post in the Service is such as may render him suitable, in all respects, for employment in the Centralised Service.

(2) Every candidate for recruitment shall be required to submit certificate of character from the principal/head of the institution last attended and from a Gazetted Officer (not related to the candidate) in active service of the State or Union Government who are well acquainted with his private life but unconnected with his school, college or University.

(3) Persons dismissed by the Union Government or any State Government or by a Local Authority or any Government body or Corporation or Public Sector undertaking or a University shall be ineligible for appointment to the service. Any person who has been convicted by a court of law for offences involving moral turpitude shall also be deemed ineligible.

12. Physical fitness. — No person shall be appointed to a post in the Centralised Service unless he is in good mental and bodily health and free from any physical defect likely to interfere with the efficient performance of his official duties. Before a candidate is finally approved for appointment to a post in the Centralised Service he shall be required to appear before the State Medical Board for medical examination and be declared fit by it.

13. Qualifications. — A candidate to any post under the Centralised Services must possess the requisite qualification as the Commission may

prescribe with the approval of the State Government.

14. Marital Status. — A male candidate who has more than one wife living and a female candidate who has married a man already having a wife living, shall not be eligible for recruitment to the Centralised Service.:

Provided that the Governor may, if satisfied that there exist special grounds for doingso, exempt any persons from the operation of this rule.

PART V

Procedure for Direct Recruitment

15. Communication of the number of vacancies. — Whenever vacancy/vacancies to a post in the service requires/require to be filled by direct recruitment, the Secretary shall send intimation about it to the Commission intimating also the number of vacancy/vacancies. If any, reserved for candidates belonging to the Scheduled Castes, Scheduled Tribes and other categories under Rule 8.

16. Applications. — (1) Applications for recruitment to the Centralised Service shall be invited by the Commission and shall be made on the prescribed form which may be obtained from the Secretary to the Commission and shall be submitted within such time as may be specified.

(2) Candidates already employed in the Centralised Service shall submit their applications through proper channel to the Government who shall forward them to the Commission along with their periodical report. Candidates employed elsewhere should submit their applications to the Commission through their employer.

17. Scrutiny of applications, interview, etc. — Recruitment to the posts of Assistant Registrar shall be made on the basis of a competitive examination. The Commission shall scrutinize the applications received and shall admit the eligible candidates to appear at the competitive examination. No candidate shall be admitted to the examination unless he holds certificate of admission granted by the Commission.

(2) After the results of the written examination have been received and tabulated, the Commission, having regard to the necessity of securing the representation of Scheduled Castes, Scheduled Tribes, etc., shall summon the

interview such number of candidates as, on the results of the written examination, have shown their suitability for being called for such interview. The marks awarded to each candidate at the interview shall be added to the marks obtained by him in the written examination.

(3) The Commission shall prepare a list of candidates arranged in order of merit and forward the same to the Secretary.

(4) The syllabus and the rules relating to the competitive examination will be prescribed from time to time by the Commission with the prior approval of the State Government.

(5) Recruitment to the post of Registrar shall be made on the basis of interview alone. The Commission shall scrutinize the applications received by them and summon for interview such candidates as seem best qualified for appointment to the Service. Thereafter the Commission shall prepare a list of candidates arranged in order of merit and forward the same to the Secretary.

18. Fees. — Candidates shall pay to the Commission and to the Medical Board such fees as may, from time to time, be prescribed by the State Government. No claim for the refund of fees shall be entertained.

19. Approved list. — On receipt of the list prepared by the Commission under Rule 17, Secretary shall, subject to the provisions of Rule 8, have the names of the candidates in a list in the same order in which they have been recommended by the Commission for appointment.

PART VI

Procedure for Promotion

20. Vacancies to be filled by promotion. — (1) Selection shall be made for recruitment by promotion —

(a) To the post of Registrar, strictly on merit from amongst the permanent Deputy Registrars ;

(b) To the post of Deputy Registrar on the basis of seniority, subject to rejection of the unfit, from amongst the permanent Assistant Registrars; and

(c) To the post of Assistant Registrar, on merit from amongst the permanent Superintendents including permanent Superintendents (Ac-

counts) in offices of the Universities.

(2) The selection shall be made in consultation with the Commission according to the Uttar Pradesh Selection by Promotion in Consultation with Public Service Commission (Procedure) Rules, 1970.

(3) The Selection Committee for the purposes of such selection, shall consist of —

(i) The Chairman or a member of the Commission representing the Commission who will be Chairman of the Committee;

(ii) The Director of Education (Higher Education), Uttar Pradesh; and

(iii) One of the Vice-Chancellors of the Universities to be nominated by the the State Government.]

PART VII

Appointment, probation and Confirmation

21. Appointment. — (1) On the occurrence of substantial vacancies, the Governments shall make appointment to the various posts in the Centralised Service from the list prepared under Rule 19 or Rule 20, as the case may be.

(2) The Government may also make appointment in temporary vacancies for a period exceeding six weeks from among the persons from the list prepared under Rules 19 and 20.

(3) If no approved candidate is available for appointment the Government may either make a temporary appointment by deputation of an officer serving under the State Government or may appoint a candidate who is eligible under the rules for permanent recruitment to the Centralised Service. No such appointment shall extend beyond the period of one year without consultation with the Commission.

(4) If a vacancy arises in any post for a period not exceeding six weeks a temporary arrangement may be made by the Vice-Chancellor concerned for the appointment of a person eligible under the rules.

22. Probation. — (1) A person on appointment to the Centralised

Service in or against a substantive vacancy, shall be placed on probation for a period of two years :

Provided that continuous service rendered in an officiating or temporary capacity in a post included in the cadre of the Centralised Service may be allowed, in whole or in part, to be counted by the State Government towards the period of probation :

Provided further that the Government may, for sufficient reasons to be recorded in writing, extend the period of probation in individual cases for a further period not exceeding two years. Any such order of extension shall specify the exact period for which the probationary period is extended.

(2) If during or at the end of the period of probation or extended period of probation, it is found that the person concerned has not made sufficient use of his opportunities or has otherwise failed to come up to the standard expected of him, he may be reverted to his substantive post, if any, or if he does not hold a lien on any post his services may be dispensed with without entitling him to any compensation.

23. Confirmation. — A probationer shall be confirmed in his appointment at the end of the period of probation or the extended period of probation, as the case may be, if his work and conduct are satisfactory and his integrity is certified by the Vice-Chancellor of the University in which he has, during the period of probation, worked.

24. Seniority. — (1) Seniority in any category of posts in the Centralised Service shall be determined by the date of the order of appointment in substantive capacity to that category provided that if two or more candidates are appointed on the same date, their seniority inter-se shall be determined according to the order in which their names appear in the list prepared under Rule 19 or 20.

(2) Seniority of the officers in Service at the commencement of these rules may be determined in any Category of posts on the basis of total length of continuous service followed by confirmation in that category.

(3) If a dispute arises in regard to the seniority of an Officer, the matter shall be decided by orders of the Government which shall be final.

Note. — A candidate appointed directly may lose his seniority if he fails to join without valid reasons when a vacancy is offered to him. Whether the reasons in a particular case are valid or not shall be subject to the decision of the State Government.

25. Transfer. — The state Government may transfer any member of

the Centralised Service from one University to another.

PART VIII

Other Provisions

26. Paying Authority. — Subject to the provisions of these rules, the pay and allowances of persons appointed to Centralised Service shall be paid by the University in which such person is for the time being posted.

27. Pay during probation. — (1) A person on probation, if he is not already in the permanent service of a University shall draw during the period of probation, the minimum pay of the post for the first year and increments as they accrue, provided that, if the period of probation is extended on account of failure to give satisfaction, the extended period shall not count for increment unless the Government so directs.

(2) The pay during the period of probation of a person who is already holding a substantive post in the service of a University before recruitment to the Centralised Service, shall be regulated in accordance with the relevant rules relating to the pay of the employees of the University.

28. Criteria for crossing efficiency bars. — (1) No member of the Centralised Service shall be allowed to cross the first efficiency bar unless he is found to have worked satisfactorily and to the best of his ability and his integrity is certified by the Vice-Chancellor of the University in which he has worked.

(2) No member of the Centralised Service shall be allowed to cross the second and subsequent efficiency bars, if any, unless he has given full satisfaction by his work, conduct, integrity and ability.

(3) Orders allowing a member of the Centralised Service to cross the efficiency bar and allowing the increment next above the bar shall be issued by the University in which he is for the time being posted.

(4) On each occasion on which a member of the Centralised Service is allowed to cross an efficiency bar which had previously been withheld, his pay, with effect from the date of crossing the bar shall be fixed in the timescale at such stage as the University may decide.

29. Canvassing. No recommendation for recruitment, either written or oral, other than those required under these rules, shall be taken into consideration. Any attempt on the part of a candidate to enlist support either directly or indirectly for his candidature by other means, shall disqualify him for appointment.

30. Leave, Leave allowances, officiating pay, fees and honoraria.

— (1) Except as otherwise provided in these rules, all matters relating to leave-salary shall be regulated in the manner laid down in the leave rules applicable to the Government servants of like status and all amendments thereto together with all explanations and clarifications issued from time to time shall, mutatis mutandis, apply.

(2) Grant of pay, including officiating and additional pay, special pay, honorarium compensatory allowance, subsistence allowance, to a member of the Centralised Service and the acceptance of fees, if any, shall be regulated on the same terms and conditions as are applicable to the Government Servants of the same status under the U.P. Fundamental and Subsidiary Rules contained in the U.P. Financial Hand - Book, Volume II, Parts II-IV.

(3) Except as expressly provided in these rules, the provisions of the U.P. Fundamental and Subsidiary Rules contained in the Financial Hand-Book, Volume II, Parts II-IV and travelling allowance rules contained in Financial Hand-Book, Volume III, shall, mutatis mutandis, apply.

Notes — (i) The corresponding authorities competent to exercise various powers under the said Hand - Book for purposes of these rules shall be such as Government may, by order, determine from time to time.

(ii) In the event of doubt about the applicability of the rules etc., the decision of the Government shall be final.

31. Incidence of leave charges, etc. — The incidence of leave charges, transit, pay and allowances including travelling allowance of a member of the Centralised Service transferred from one University to another, shall be regulated in accordance with the following principles :

(a) When a member of the service is transferred from one University to another, his transit pay and allowances shall be borne by the University to which he is transferred.

(b) Before the member of the service is allowed to draw his pay and allowances in the University to which he has been transferred, the member shall produce a certificate from the Finance Officer of the University in which he has been serving before such transfer, to the effect that such member has not drawn any such pay or allowances.

(c) Leave salary shall be borne by the University from where such member proceeds on leave.

32. Existing Provident Fund rules to continue. — Till such time as a common Provident Fund for the Centralised Service is established, the member-of the Service shall, unless otherwise provided in these rules, continue to be governed by the Provident Fund Regulations or Rules of the University in which they are posted for the time being :

Provided that notwithstanding anything contained in the regulations or the rules of such University, the minimum amount of subscription to be made by a member of such service to the Fund shall be an amount calculated at the rate of ten per cent of his salary (which term shall mean pay, leave salary or subsistence grant as defined in Financial Hand-Book, Volume II) and the contribution thereto be made by the University shall be at the rate of twelve per cent of his salary in the case of subscriber drawing a salary of Rs. 500 and ten per cent in the case of a subscriber drawing a salary of more than Rs. 500 but not exceeding Rs. 1,000 and eight per cent in each case of a subscriber drawing a salary of Rs. 1,000 or above, both amounts being separately rounded to the nearest whole rupee (50 paise or more counting as the next higher rupee) :

Provided further that a member of the Centralised Service, who was governed by any General Provident Fund Regulations or Rules of a University immediately before his absorption in or appointment to such service shall, notwithstanding anything contained in these Rules, continue to be governed by such General Provident Fund Regulations or Rules, as the case may be, in the following manner :

(i) the subscription on account of General Provident Fund of such a member shall be deducted every month from his pay by the University in which he is posted for the time being;

(ii) the said University shall pay every month the University in which such an officer was employed immediately before his absorption in or appointment to the Centralised Service his subscription to the General Provident Fund; and

(iii) the University where such an officer was employed immediately before his absorption or appointment shall be liable to pay General Provident Fund to him after his retirement and to the members of his family in accordance with the said General Provident Fund Regulations or Rules, as the case may be.

33. Provident Fund in the case of transfer — Immediately upon transfer of a member of the Centralised Service from one University to

another, otherwise than in a leave arrangement not exceeding 120 days, a new Provident Fund Account shall be opened in the name of such member under the University to which he has been transferred and the Vice-Chancellor of the University from where he has been transferred shall, within thirty days from the date of such transfer, forward to the University to which he has been transferred, a full and complete account of the member's Provident Fund and cause to be transferred to his new account the amount standing to his credit in the old account along with interest calculated up to the month in which the account is so transferred. All further interest on such amount as from the next succeeding month, shall be payable by the University where the new account has been opened.

34. Intimation to be sent promptly . — In the circumstances other than those mentioned in Rule 33 the member of the Centralised Service shall continue to subscribe to his existing Provident Fund and tender such further amounts as may be required of him in connection therewith and the University administering the Fund shall continue to credit its own contribution thereto, and it shall be incumbent on the University to which the officer has been transferred to inform with all reasonable despatch the University from where such member has been transferred, the exact amount of his emoluments. Intimation about every change therein shall similarly be sent promptly.

35. Responsibility of the University. — The responsibility for payment upon an amount becoming due shall devolve on the University which is responsible for maintaining the Provident Fund for the time being.

[36. Disciplinary proceedings. — Subject to such modifications as the State Government may make from time to time, and subject to the provisions of sub-rules (2) to (9), the rules relating to disciplinary proceedings, appeals and representations against punishment, applicable to the employees of the State Government shall mutatis mutandis apply to the members of the Centralised Service.

(2) The power to start disciplinary proceedings and to impose —

(a) the punishment of dismissal or removal from service or reduction in rank on the members of the Centralised Service shall vest in the State Government ; and

(b) other punishment shall vest in the Vice-Chancellor of the University in which the member of such service is for the time being posted:

Provided that it shall be necessary to consult the Commission before

passing an order imposing any of the punishments referred to in clause (a)

(3) Where disciplinary proceedings against a member of the Centralised Service have been started in accordance with the provisions of sub-rule (2) —

(a) by the Vice-Chancellor and after the completion of inquiry, if he comes to a provisional conclusion that a punishment referred to in clause (a) of sub-rule (2) is called for, he shall refer the case along with his findings and recommendations to the State Government for orders :

(b) by the State Government and, during or after the completion of inquiry, if it comes to a provisional conclusion that a punishment to which clause (b) of sub-rule (2) applies is called for, it shall refer the case to the Vice-Chancellor who shall pass such orders as he deems fit, and shall send a report of the action taken to the State Government.

(4) Notwithstanding anything contained in sub-rules (1) to (3), if the State Government may direct the Vice - Chancellor of a University in which any member of the Centralised Service is for the time being posted to start disciplinary proceedings against him and to inform it of the result thereof or, as the case may be, refer the case to the State Government for its final order under clause (a) of sub-rule (3) .

(5) Where the Vice-Chancellor of any University wants to start disciplinary proceedings against a member of the Centralised Service, who has been transferred to some other University, he shall submit a report to the State Government to that effect, and thereupon, the State Government may

(i) itself proceed in accordance with clause (a) of sub-rule (2); or

(ii) direct the Vice-Chancellor of the first mentioned University to start and conclude the inquiry in accordance with clause (b) of the said sub-rule or, as the case may be, refer the case to the State Government for its final order under clause (a) of sub-rule (3); or

(iii) direct the Vice-Chancellor of the University in which such member is for the time being posted to start and conclude the inquiry against such member and inform the State Government of the result thereof or, as the case may be, refer the case to the State Government for its final order under clause (a) of sub-rule (3).

(6) Where the Vice-Chancellor of a University is competent to start disciplinary proceedings under this rule, he may hold the inquiry himself or may appoint any other officer of the University for the purpose.

(7) The State Government may, at any stage, transfer any proceeding

under this rule from one officer to another officer in the same University, or from the Vice-Chancellor of one University to the Vice-Chancellor of any other University, and, unless any direction is issued to the contrary, the officer or the Vice-Chancellor to whom such proceedings are transferred shall continue the proceedings from the stage at which it was so transferred.

(8) During the course of inquiry under this rule, the Vice-Chancellor or the officer appointed by him as inquiry officer under sub-rule (6) may exercise all the powers of the inquiring authority under the Uttar Pradesh Departmental Inquiries (Enforcement of Attendance of Witnesses and Production of Documents) Act, 1976.

(9) Notwithstanding anything contained in these rules, it shall be lawful for the State Government to direct that the disciplinary proceedings against any member of the Centralised Service may be started in respect of any act or omission relating to the period before the date of his absorption in such service under Rule 7 and thereupon the provisions of sub-rules (1) to (8) shall mutatis mutandis apply.

37. Age of retirement. — (1) Subject to the provisions of sub-rule (2), the age of retirement from service of the member of the Centralised Service shall be 60 years beyond which no one shall be retained in the Service.

(2) The State Government may require a member of the Centralised Service to retire on his attaining the age of 57 years on three months' notice pay in lieu of the whole or part thereof if the State Government considers necessary to do so in public interest.

(3) A member of the Centralised Service may, on attaining the age of ~~three~~ years, voluntarily retire after giving three months notice to the State Government. In case of the member against whom disciplinary proceedings are pending or contemplated, this notice shall be effective only when it is accepted by the State Government. A notice once given under this sub-rule shall not be withdrawn without the permission of the State Government.

38. Reference to the State Government. — (1) If any dispute arises to liability of a University for payment of salary, travelling allowance, Provident Fund or any other dues to a member of the Centralised Service or any dispute or difficulty arises regarding interpretation of any of the provisions of these rules, the same be referred to the State Government whose decision thereon shall be final and conclusive.

(2) Matters not covered by these rules shall be governed by such rules

or orders as the State Government may from time to time make.

39. Power to grant exemption. — Notwithstanding anything contained in these rules, where the State Government is satisfied that the operation of any of the provisions of these rules causes undue hardship in a particular case, it may in consultation with the Commission by order dispense with or relax the requirements of that provision to such extent and subject to such conditions as it may consider necessary for dealing with case in a just and equitable manner.

40. Power to delegate. — The State Government may, by notification published in the official Gazette, delegate any of its powers under these rules to any person or authority on such conditions as it thinks fit.

Appendix

(2)

Rules for admissions to courses of instruction for degrees in Education in Affiliated or Associated Colleges of State Universities, 1983

English translation of Shiksha Anubhag-11, Noti, No. Shiksha (II)—2929/

XV-83(II)-3(58)-79, dated May 17, 1983, pp. 6-10

In exercise of the powers under sub-section (5) of Section 28 of the Uttar Pradesh State Universities Act, 1973 as amended and re-enacted by the Uttar Pradesh Universities (Re-enactment and Amendment) Act, 1974 (U.P. Act No. 29 of 1974), the Governor is pleased to supersede all previous Rules and Orders relating to admission to courses of instruction for degrees in Education in colleges affiliated to or associated with Universities established under the aforesaid Act and to direct that such admission shall be regulated here after by the Rules appended hereto—

CHAPTER I

General

1. Short title. — These rules may be called the rules for admission to courses of instruction for Degrees in Education in Affiliated/Associated Colleges of State Universities. These Rules shall come into force with effect from the academic session 1983-84.

2. Definitions. — In these rules unless the context otherwise required

(a) 'Act' means the Uttar Pradesh State Universities Act, 1973 as amended and re-enacted by the Uttar Pradesh Universities (Re-enactment and Amendment) Act, 1974.

(b) 'College' means such college as is duly affiliated to or associated with a University established under the Act;

(c) 'Course of Instruction' means such course of instruction as is imparted in a college for preparing students for admission to examination for B.Ed. or as the case may be M.Ed. degree conducted by the University to which such college is affiliated or associated ;

(d) 'University' means the University to or with which the candidate is deemed to have been duly selected for promotion.

CHAPTER II

Admission to B. Ed. Classes

3. Qualifications for admission. — The minimum educational qualification requisite for the admission of a candidate to B. Ed. Classes shall be the graduate degree with at least two school teaching subjects, of the University established by law.

Explanation. — A candidate who has passed an examination for the degree of B.A. with Education or Psychology or Philosophy as one of the subjects and any one of the school teaching subjects as another subject or B. Com. or B.Sc. (Ag.) or B.Sc. (Home Science) as the case may be shall be deemed to possess the minimum qualification within the meaning of the Rule.

But if a candidate has offered one school teaching subject or Education or Psychology or Philosophy at the graduation level and has thereafter passed an examination at the graduation/post-graduation level with another school teaching subject shall also be deemed to possess the minimum qualification within the meaning of this Rule.

4. Maximum number approved for admissions to B. Ed. Classes. — (1) The maximum number of students to be admitted in every college shall be such as may be prescribed by the Vice-Chancellor of the University and no person shall be admitted in excess of such number in any case. In prescribing the maximum number of students to be admitted the Vice-Chancellor shall take into account the teachers available in the college concerned for B. Ed. instructions, so as to maintain the teacher pupil ratio at 1:15.

(2) In a college having Science classes also the number of seats for a candidate holding a B. Sc. Degree shall be prescribed by the Vice-Chancellor. In prescribing such number of seats, the Vice-Chancellor shall take into account the number of Science teachers available in the B. Ed., Department of the College so as to maintain in respect of such candidates the teacher pupil ratio at 1:15.

5. Reservation of seats. — In every college, reservation of seats for admission to B. Ed. Classes shall in relation to the total number of seats in such college be made in favour of the Scheduled Castes and Scheduled Tribes Backward Castes and Handicapped candidates to the extent of 18 per cent, 2 per cent, 10 per cent and 2 per cent respectively :

Provided that where sufficient number of candidates belonging to the Scheduled Caste, Scheduled Tribes, Backward Caste and handicapped candidates is not available for admission such seats as are reserved for them and remain unfilled shall be filled by the general candidates.

Note. — A handicapped candidate shall have to submit along with his application a certificate from the Chief Medical Officer of the district to the effect that though he is handicapped he is not dumb, deaf, does not stammer, or does not suffer from skin disease or any other disease which is likely to spread among children or cause hindrance in class teaching.

6. Application for admission. — (1) Every candidate for admission to B. Ed. classes shall apply in the manner hereinafter provided in the prescribed form to be obtained from the office of the Registrar of the University concerned on payment of Rs. 3 for each form. The last date for applying for admission shall ordinarily be the 31st day of May or such date in the month of June as the University may prescribe.

(2) The candidate shall send by registered post one copy of the application to the Registrar of the University.

(3) Another copy of such application containing the number and date of the postal registration receipt shall be sent to the college by registered post.

(4) No such application received in the office of Registrar or the college after such date as may be prescribed by the University in this behalf shall be entertained.

7. Basis of selection. — In respect of every candidate for admission to a course of instructions in B. Ed. classes, a statement of marks allotted to him shall be prepared in the manner hereinafter provided and the candidates shall subject to the other provisions of these rules be admitted to such course of instruction strictly on the basis of such marks in order of merit.

8. Allotment of marks. — (1) Every candidate shall be allotted marks equal to a total of percentage of total marks obtained by him in each of the High School, Intermediate and graduate examinations and one-fourth of the percentage of marks obtained by him in the post-graduate examination and

such additional marks, if any as he may be entitled to under these Rules.

Explanations. — (a) Where a candidate has passed the Higher Secondary Examination and thereafter graduated after passing a three-year degree course, marks shall be allotted to him equal to a total of twice the percentage of marks obtained by him in the Higher Secondary Examination and marks obtained in the graduation examination.

(b) Where a candidate has passed more than one post-graduate examinations, he shall be allotted one-fourth of the marks which the candidate has indicated in his application under Rule 6.

(2) A candidate falling under any of the categories specified below shall on furnishing such certificates as may be specified by the University in that behalf be allotted extra marks indicated against each but the total of extra marks thus obtained shall not exceed twenty - five.

Marks

(1) Candidates taking part in National or State or Inter-University games and sports competition.

15

(Certificates of participating in the National or State level games or sports competitions issued by the Government Sports Department only shall be accepted).

(2) Candidates taking part in Inter - College Sports Competition conducted

any University.

(3) Male candidates obtaining 'C' certificates and female candidates obtaining 'G-2' certificates in the National Cadets Corps. 15

Or

Male candidates obtaining 'B' certificates and female candidates obtaining 'G-1' certificates. 10

Or

Candidates serving for 240 hours and participation in two or more special camps in National Service Scheme. 15

Candidates serving for 240 hours and participating in one special camps in National Service Scheme. 10

Or

Candidates serving for 240 hours in National Service Scheme 5

(4) Candidates related to a freedom-fighter as his son or daughter or his son's son or his son's unmarried daughter (this concession shall cease after the year 1985). 15

(5) Candidates being defence employee in active service or demobilised or honourably retired or related to such an employee or a disabled, or traceless defence employee as his son, daughter or wife. 15

(6) Candidates employed in Police or PAC or Homeguard or B.S.F. for S.S.B. or ITB or CRD or Civil Defence Organisation or related to such an employee whether in active service or retired, disabled or deceased as his son or daughter. 15

(7) Candidates being widows or divorced or abandoned women (such candidates shall furnish legal certificates to this effect). 15

²(8) Son/Daughter/Wife of Teacher or non-teaching employee of any recognised educational institution. 10 Marks

Illustrations. — A candidate, who has secured 55 per cent marks in the High school Examination, 50 per cent marks in Intermediate Examination, 52.2 per cent marks in graduation examination and 60 per cent marks in the post-graduation examination shall be allotted 172.2 Marks [55+50+52.2+15 (One - fourth of 60 per cent) = 172.2].

If this candidate obtains extra 30 marks on furnishing prescribed certificates under Rule 8 (2) then out of these extra marks 25 extra marks only, shall be added to the marks allotted above. Thus the total of all marks allotted to this candidate will be 197.2.

(3) If marks obtained on the basis of the above Rules 8(1) and 8(2) are of equal preference shall be given to that candidate who has graduated from the same University to which the college in which he is seeking admission, is affiliated or associated, but no extra marks shall be allotted on this account to that candidate.

9. Preparation of list of candidates in order of merit. — (1) On receiving the applications under Rule 6 there shall be prepared in quadruplicate in every college in respect of such applications, two lists namely list 'A' for the reserved seats and the list 'B' for unreserved seats, containing the names in order of merit of qualified candidates together with the particulars mentioned in Rule 8.

(2) The list prepared under this Rule duly signed by the Principal of the college shall be sent to the University within one week from the last date fixed for submission of applications under Rule 6.

10. Selection Committee. — (1) For selection of candidate for admission to the B.Ed. Classes there shall be a selection committee consisting of the following three members for every college, namely:

- (i) A nominee of the Vice-Chancellor of the University (who shall also be convener of the committee).
- (ii) A nominee of the Director of Education (Higher Education).
- (iii) Principal of the college or in his absence the seniormost teacher of the B.Ed. Department of the college.

(2) The selection committee shall hold its sittings at the headquarters of the University or with prior approval of the Vice-Chancellor, in the College.

(3) All the applications for admission received in the college as well as the lists of candidates forwarded to the University under Rule 9 shall after comparison with the application received in such University and due verification be placed before the selection committee.

(4) The selection committee shall on a consideration of the applications and lists referred to in sub-rule (3) prepare in order of merit list of candidates fit for admission.

(5) The list prepared under sub-rule (4) shall contain the names of candidates selected for admission to the reserved and the unreserved seats available in the college as well as the marks allotted to each such candidate under these Rules.

(6) The selection committee shall also prepare a waiting list of such candidates as may be admitted in accordance with these Rules in the event of the failure of a candidate included in the list under sub-rule (5) to join the

college.

(7) The selection committee shall prepare the lists under sub-rule (5) or sub-rule (6) ordinarily by the end of June and shall forthwith furnish one copy thereof to the University and another copy thereof to the college.

(8) In the event of any one member of selection committee being absent, the proceedings of selection shall not be rendered illegal.

11. Admission of selected candidates. — (1) The Principal of the college shall send intimation by registered post at the earliest to every candidate whose name is included in the list prepared under sub-rule (5) of Rule 10 and that candidate shall within fifteen days of the date of registration of intimation in the post office, take admission in that college and on his failure to do so he shall forfeit his claim to admission.

12. Medical Certificate. — Every candidate selected under Rule 10 shall have to furnish, before admission, a certificate given or countersigned by the Chief Medical Officer in which it should be clearly mentioned that the candidate does not stammer and on account of any disease of the ear, the eye or any other limb, is not unfit to be a teacher.

13. Disqualification for admission in certain cases. — Notwithstanding anything in these Rules where it is discovered that a candidate has been punished on account of using unfair means in any examination or has been expelled from any educational institution the Principal of the college may, subject to the approval of the Vice-Chancellor of the University, refuse to admit such candidate.

CHAPTER III

Admission to M.Ed. Classes

14. Introductory. — The provisions of this Chapter shall apply for admission to a course of instruction in M.Ed. classes only in any college.

15. Academic qualifications for admission. — (1) No person shall be admitted in any college unless he has passed an examination for the degree of B.Ed. conducted by a University established by law or an examination for the diploma of recognised B.T. or L.T.

(2) Only those applications for admission to M.Ed. will be considered where the candidates, according to the statutes of the concerned University, fulfil all other qualifications except M.Ed., for appointment as a lecturer in B.A. (Education) or in the B.Ed. department in the degree colleges of the

State.

16. Admissions according to merit. — Candidates shall be admitted strictly in order of merit on the basis of percentage of marks obtained in the B.Ed. or its equivalent other recognised examinations, full marks obtained in the theory and fifty per cent marks obtained in the practical examination shall be considered in calculating the percentage.

Illustration. — If a candidate has secured 240 marks out of 500 in the Theory and 140 marks out of 200 in the Practical Examination, then for the sake of calculation, the full marks obtained by him will be $240 + (140 \text{ or } 70) / 2 = 310$ and his percentage will be $44.28 (310 + 100) / 700$

17. Application of Rules of Chapter II. — The provisions of Rule 4, 5, 6, 9, 10, 11, 13 shall mutatis mutandis apply to admission under this Chapter also.

न-संख्या--३६५ (क-३)

रजि० नं० एल०डब्लू०/एन०पी० ५६१

लाइसेन्स नं० डब्लू पी०-४१

लाइसेन्स टू पोस्ट एट कन्सेशनल रेट

सरकारी गजट, उत्तर प्रदेश

उत्तर प्रदेशीय सरकार द्वारा प्रकाशित

असाधारण

विधायी परिशिष्ट
भाग-१, खण्ड (क)
(उत्तर प्रदेश अधिनियम)

लखनऊ, शुक्रवार, ५ मई, १९६५

वैशाख १५, १९१७ शक सम्बत्

उत्तर प्रदेश सरकार

शिक्षा अनुभाग-१०

संख्या १५१३-१५-१०-६५-१५ (१८)-६४

लखनऊ, ५ मई, १९६५

अधिसूचना

उत्तर प्रदेश लोक सेवा (अनुसूचित जातियों, अनुसूचित जन-जातियों और अन्य पिछड़े
गों के लिए आरक्षण) अधिनियम १९६४ (उत्तर प्रदेश अधिनियम संख्या ४ सन् १९६४) की
।रा ४ की उपधारा (१) के अधीन शक्ति का प्रयोग करके राज्यपाल प्रत्येक विश्वविद्यालय,
।सको उत्तर प्रदेश राज्य विश्वविद्यालय अधिनियम, १९७३ (उत्तर प्रदेश अधिनियम संख्या २६

सन् १९७४) द्वारा तथा संशोधित और पुनः अधिनियमित राष्ट्रपति अधिनियम संख्या १० १९७३) लागू है के कुलपति को विश्वविद्यालय के अधिकारियों, अध्यापकों और अन्य कर्मचारियों की नियुक्तियों के विषय में सन् १९६४ के उक्त अधिनियम के उपबन्धों के अनुपालन सुनिश्चित करने के लिए उत्तरदायित्व सौंपते हैं ।

आज्ञा से,
एम० रामचन्द्रन,
सचिव

In pursuance of the provisions of clause (3) of Article 348 of the Constitution of India the Governor is pleased to order the publication of the following English translation of notification no. 1513/XV 10-95-15(18)-94, dated May 5, 1995.

No. 1513/XV-10-95-15 (18)-94

Dated Lucknow, May 5, 1995

In exercise of the powers under sub-section (1) of section 4 of the Uttar Pradesh Public Services (Reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes) Act, 1994 (U.P. Act No. 4 of 1994), the Governor is pleased to entrust the Vice-Chancellor of every University to which, the Uttar Pradesh State Universities Act, 1973 (President's Act No. 10 of 1973) as amended and re-enacted by (U.P. Act No. 29 of 1974), is officable with the responsibility of ensuring compliance of the provisions of the said Act of 1994 in respect of appointments of officers, teachers and other employees of the University.

By order,
M. RAM CHANDRAN
Sachiv.

पी०एस०यू०पी०-ए०पी० २ सी० शिक्षा--(८७४) -- १९९५ -- २००० (मेक०)।

संख्या--५०१

रजि० नं० एल०डब्लू०/एन०पी० ५६१

लाइसेन्स नं० डब्लू पी०-४१

लाइसेन्स टू पोस्ट एट कन्सेशनल रेट

सरकारी गजट, उत्तर प्रदेश

उत्तर प्रदेशीय सरकार द्वारा प्रकाशित

असाधारण

विधायी परिशिष्ट
भाग-२, खण्ड (क)
(उत्तर प्रदेश अध्यादेश)

लखनऊ, मंगलवार, ११ जुलाई, १९६५

आषाढ़ २०, १९१७ शक सम्बत्

उत्तर प्रदेश सरकार

विधायी अनुभाग-१

संख्या १२२६ सत्रह/वि-१-२-(क) २८-१९६५

लखनऊ, ११ जुलाई, १९६५

अधिसूचना

विविध

संविधान के अनुच्छेद २१३ के खण्ड (१) द्वारा प्राप्त शक्तियों का प्रयोग करके राज्यपाल
होदय ने निम्नलिखित उत्तर प्रदेश राज्य विश्वविद्यालय (द्वितीय संशोधन) अध्यादेश, १९६५
उत्तर प्रदेश अध्यादेश संख्या २८ सन् १९६५) प्रख्यापित किया है जो इस अधिसूचना द्वारा
असाधारण की, सूचनार्थ प्रकाशित किया जाता है।

उत्तर प्रदेश राज्य विश्वविद्यालय (द्वितीय संशोधन) अध्यादेश, १९६६
(उत्तर प्रदेश अध्यादेश संख्या २८ सन् १९६६)

(भारत गणराज्य के छियालीस वर्ष में राज्यपाल द्वारा प्रख्यापित
उत्तर प्रदेश राज्य विश्वविद्यालय अधिनियम, १९७३ का अग्रतर
संशोधन करने के लिए
अध्यादेश

चूंकि राज्य विधान मण्डल सत्र में नहीं है और राज्यपाल का
समाधान हो गया है कि ऐसी परिस्थितियाँ विद्यमान हैं जिनके
उन्हें तुरन्त कार्यवाही करना आवश्यक हो गया है;

अतएव, अब, संविधान के अनुच्छेद २१३ के खण्ड (१) द्वारा
शक्ति का प्रयोग करके राज्यपाल निम्नलिखित अध्यादेश प्रख्यापित
हैं --

- १- यह अध्यादेश उत्तर प्रदेश राज्य विश्वविद्यालय (द्वितीय संशोधन) अध्यादेश, १९६६ [संक्षिप्त नाम] कहा जायेगा ।
- उत्तर प्रदेश अधिनियम संख्या २६ सन् १९७४ द्वारा यथासंशोधित और पुनः अधिनियमित राष्ट्रपति अधिनियम संख्या १० सन् १९७३ की धारा २ का संशोधन
- २- उत्तर प्रदेश राज्य विश्वविद्यालय अधिनियम, १९७३, जिसे आगे अधिनियम कहा गया है, कि धारा २ में, --
- (क) खण्ड (५-क) के पश्चात् निम्नलिखित खण्ड बढ़ा दिया जायेगा अर्थात्-- "(५-ख) "केन्द्रीय अध्ययन बोर्ड" का तात्पर्य धारा १८ में निर्दिष्ट केन्द्रीय अध्ययन बोर्ड से है,";
- (ख) खण्ड (६) के पश्चात् निम्नलिखित खण्ड बढ़ा दिया जायेगा अर्थात्-- "(६-क) "समन्वय परिषद्" का तात्पर्य धारा १८-क के अन्तर्गत समन्वय परिषद् से है,";
- (ग) खण्ड (६) के पश्चात् निम्नलिखित खण्ड बढ़ा दिया जायेगा अर्थात्-- "(६-क) "आधारभूत पाठ्यक्रम" का तात्पर्य स्वयं के और आचार्य और सामाजिक, सांस्कृतिक और प्राकृतिक पर्यावरण जानकारी के पाठ्यक्रम से है।"
- धारा ४ का संशोधन
- ३- मूल अधिनियम की धारा ४ में, --
- (क) उपधारा (१-क) में, खण्ड (ख) में शब्द "जिसे १८ जून, १९६६ से डाक्टर राम मनोहर लोहिया विश्वविद्यालय, फैजाबाद कहा जायेगा" के स्थान पर निम्नलिखित शब्द रख दिये जायेंगे, अर्थात्--
- "जिसे १८ जून, १९६४ से डाक्टर राम मनोहर लोहिया विश्वविद्यालय, फैजाबाद और उत्तर प्रदेश राज्य विश्वविद्यालय (द्वितीय संशोधन) अध्यादेश, १९६६ के प्रारम्भ होने के दिनांक से डाक्टर राम मनोहर लोहिया विश्वविद्यालय, फैजाबाद कहा जायेगा"
- (ख) उपधारा (२) में, शब्द "नामक संस्था को" के पश्चात् शब्द "उत्तर प्रदेश राज्य विश्वविद्यालय (द्वितीय संशोधन) अध्यादेश, १९६६"

के प्रारम्भ होने के दिनांक से महात्मा गाँधी काशी विद्यापीठ, वाराणसी कहा जायेगा” बढ़ा दिये जायेंगे।

अध्याय चार-क ४- मूल अधिनियम में, अध्याय ४ के पश्चात् निम्नलिखित अध्याय बढ़ा बढ़ाया जाना दिथा जायेगा, अर्थात्-

अध्याय ४-क

वय परिषद् समन्वय परिषद् और केन्द्रीय अध्ययन बोर्ड

१८-क (१) एक समन्वय परिषद् होगी जिसका अध्यक्ष कुलाधिपति होगा और उसमें निम्नलिखित अन्य सदस्य होंगे, अर्थात् --

- (एक) समस्त विश्वविद्यालयों के कुलपति;
- (दो) उत्तर प्रदेश उच्च शिक्षा परिषद् का अध्यक्ष;
- (तीन) राज्य सरकार के न्याय विभाग का सचिव,;
- (चार) राज्य सरकार के वित्त विभाग का सचिव;
- (पांच) राज्यपाल का सचिव,
- (छ) राज्य सरकार के उच्च शिक्षा विभाग का सचिव जो समन्वय परिषद् का पदेन सचिव होगा ।

(२) विश्वविद्यालय अनुदान आयोग की सिफारिशों या उसके द्वारा जारी दिशा निर्देशों के अधीन रहते हुये समन्वय परिषद् की शक्तियों और कृत्य निम्नलिखित होंगे, अर्थात्;

- (क) स्नातक उपाधि के लिये अध्ययन के सामान्य पाठ्यक्रम की सिफारिश करना;
- (ख) आधारभूत पाठ्यक्रम के लिये या प्रत्येक विषय या विषयों के समूहों के लिये केन्द्रीय अध्ययन बोर्ड के गठन के सम्बन्ध में सिफारिश करना;
- (ग) विश्वविद्यालयों के बीच शैक्षिक कार्यक्रमों में सहयोग के उपायों और साधनों की सिफारिश करना;
- (घ) विश्वविद्यालयों के सामान्य हित के विषयों पर विचार करना और सिफारिश करना;

(३) समन्वय परिषद् की बैठक लखनऊ में या ऐसे अन्य स्थान पर और ऐसे अन्तराल पर जैसा कुलाधिपति विनिश्चय करें, होगी।

अध्ययन १८-(ख १) आधारभूत पाठ्यक्रम या ऐसे अन्य विषयों या विषयों के समूह के लिये, जिन्हें कुलाधिपति समन्वय परिषद् की सिफारिश पर अधिसूति करें, केन्द्रीय अध्ययन बोर्ड होगा।

(२) आधारभूत पाठ्यक्रम के केन्द्रीय अध्ययन बोर्ड में निम्नलिखित होंगे:

- (एक) प्रत्येक विश्वविद्यालय के उपाचार्य के अनिन्म पद का एक अध्यापक या सम्बद्ध या सहयुक्त विद्यालय का प्राचार्य, जिसे कुलपति द्वारा नाम निर्दिष्ट किया जायेगा, और

- (दो) पांच शिक्षाविद को जो विश्वविद्यालय अनुदान आयोग प्रतिष्ठित आचार्यों की सूची में हों, जिन्हें समन्वय समिति सिफारिश पर कुलाधिपति द्वारा नाम-निर्दिष्ट किया जायेगा।
- (३) अन्य विषयों या विषयों के समूह के लिये केन्द्रीय अध्ययन में निम्नलिखित होंगे :
- (एक) विषय या विषयों के समूह के सम्बन्ध में, जिनके लिये केन्द्रीय अध्ययन बोर्ड का गठन किया जाना है, प्रत्येक विश्वविद्यालय के अध्ययन बोर्ड का संयोजक :
- परन्तु यह कि यदि किसी विश्वविद्यालय में विषय या विषयों के समूह में अध्ययन बोर्ड न हो तो कुलपति विश्वविद्यालय उपाचार्य के स्तर में अनिम्न किसी अध्यापक या किसी सम्बद्ध सहयुक्त विद्यालय के प्राचार्य की नाम-निर्दिष्ट कर सकता है;
- (दो) किसी सम्बद्ध या सहयुक्त विद्यालय में स्नातकोत्तर स्तर विषय का अध्यापन करने वाला एक विभागाध्यक्ष जिसे कुलाधिपति द्वारा नाम-निर्दिष्ट किया जायेगा;
- (तीन) किसी सम्बद्ध या सहयुक्त विद्यालय में स्नातक स्तर तक विषय का अध्यापन करने वाला एक विभागाध्यक्ष जिसे कुलाधिपति द्वारा नाम-निर्दिष्ट किया जायेगा;
- (चार) विषय के तीन विशेषज्ञ जो विश्वविद्यालय अनुदान आयोग प्रतिष्ठित अध्यापकों की सूची में हों, जिन्हें समन्वय समिति सिफारिश पर कुलाधिपति द्वारा नाम-निर्दिष्ट किया जायेगा;
- (पांच) राज्य के बाहर से विषय के दो अन्य विशेषज्ञ जिन्हें कुलाधिपति द्वारा नाम-निर्दिष्ट किया जायेगा ।
- (४) आधारभूत पाठ्यक्रम के लिये केन्द्रीय अध्ययन बोर्ड और केन्द्रीय अध्ययन बोर्डों का अध्यक्ष समन्वय समिति की सिफारिश पर कुलाधिपति द्वारा नाम-निर्दिष्ट किया जायेगा ।
- (५) केन्द्रीय अध्ययन बोर्ड के गठन और पदेन सदस्यों से लेकर उसके सदस्यों के नाम-निर्देशन को राज्य सरकार द्वारा अधिसूचित किया जायेगा ।
- (६) केन्द्रीय अध्ययन बोर्ड की अवधि उपधारा (५) में निम्नलिखित अधिसूचना के दिनांक से तीन वर्ष होगी और सदस्यों की पदावधि के अध्ययन बोर्ड की अवधि के साथ समाप्त होगी ।
- परन्तु यह कि किसी आकस्मिक रिक्ति को भरने के लिये नाम-निर्दिष्ट किसी सदस्य की पदावधि उसके पूर्ववर्ती की शेष पदावधि तक के लिये ही होगी ।
- (७) विश्वविद्यालय अनुदान आयोग की सिफारिशों या उसके

जारी दिशा निर्देशों के अधीन रहते हुये, केन्द्रीय अध्ययन बोर्ड के कृत्य निम्नलिखित होंगे, अर्थात्--

- (क) समन्वय परिषद् की सिफारिशों और कुलाधिपति के अनुमोदन के अधीन अध्ययन और परीक्षाओं के पाठ्यक्रमों, और शैक्षिक कैलेण्डर निर्धारित करना और स्नातक पूर्व स्तर के लिये पाठ्य पुस्तकों और अन्य पुस्तकों की सिफारिश करना,
- (ख) समन्वय परिषद या कुलाधिपति द्वारा निर्दिष्ट किसी विषय पर विचार करना और रिपोर्ट देना, और
- (ग) इस अधिनियम के संगत ऐसे अन्य कृत्यों का सम्पादन ऐसे समय के भीतर करना जो कुलाधिपति के लिखित आदेश द्वारा सम्पादन करने की अपेक्षा की जाय ।
- (घ) अपने कृत्यों का अनुपालन करने में केन्द्रीय अध्ययन बोर्ड ऐसे विशेषज्ञों से भी परामर्श कर सकता है जो उसके सदस्य नहीं हैं ।
- (ङ) कुलाधिपति द्वारा अनुमोदित केन्द्रीय अध्ययन बोर्ड की सिफारिशों राज्य में सभी विश्वविद्यालयों के सम्बन्ध में उस दिनांक से प्रवृत्त होंगी जो कुलाधिपति द्वारा अधिसूचित किया जाय ।
- (१०) कुलाधिपति किसी भी समय केन्द्रीय अध्ययन बोर्ड के किसी विनिश्चय को इस आधार पर, निलम्बित, उपान्तरित या संशोधित कर सकता है कि यह इस धारा में दिये गये उद्देश्यों की पूर्ति नहीं करता है और विषय पर नये सिरे से विचार करने के लिये बोर्ड को निर्देश दे सकता है ।

१८-ग उत्तर प्रदेश राज्य उच्च शिक्षा परिषद अध्यादेश, १९६५ के अधीन गठित उत्तर प्रदेश राज्य उच्च शिक्षा परिषद समन्वय परिषद और केन्द्रीय अध्ययन बोर्ड की सचिवीय सहायता देगी ।

५-- मूल अधिनियम की धारा २० में, उपधारा (१) खण्ड (घ) में, शब्द "आगरा, गोरखपुर, मेरठ, कुमायूं, और गढ़वाल विश्वविद्यालयों" के स्थान पर शब्द "आगरा, गोरखपुर, कुमायूं, कानपुर, रुहेलखण्ड और बुन्देलखंड, और हेमवती नन्दन बहुगुणा गढ़वाल विश्वविद्यालय, चौधरी चरण सिंह विश्वविद्यालय, मेरठ और डाक्टर राम मनोहर लोहिया अवध विश्वविद्यालय, फैजाबाद विश्वविद्यालयों" रख दिये जायेंगे ।

६-- मूल अधिनियम की धारा २६ में,

(क) उपधारा (१) में, खण्ड (क) के पश्चात् निम्नलिखित खण्ड बढ़ा दिये जायेंगे, अर्थात्--

“(कक) राज्य सरकार के उच्चशिक्षा विभाग का सचिव,

(ककक) राज्य सरकार के वित्त विभाग का सचिव”;

(ख) इस प्रकार संशोधित उपधारा (१) के पश्चात् निम्नलिखित उपधारा बढ़ा दी जायेगी, अर्थात्--

वीय सहायता

२० का
धन

२६ का
धन

“(१-क) उपधारा (१) के खण्ड (कक) या खण्ड (ककक) निर्दिष्ट कोई सदस्य वित्त समिति की किसी बैठक में स्वयं भा लेने के बजाय राज्य सरकार के संयुक्त सचिव से अनिम्न पद किसी अधिकारी को प्रतिनियुक्त कर सकता है और इस प्र प्रतिनियुक्त अधिकारी को मत देने का भी अधिकार होगा।”
(ग) उपधारा (३) के पश्चात् निम्नलिखित उपधारा बढ़ा दी जाये-
अर्थात्--

“(४) जब तक वित्तीय निहितार्थ वाले किसी प्रस्ताव की समिति द्वारा सिफारिश न की जाय, कार्य परिषद इस पर विनिश्चय नहीं करेगी और यदि कार्य परिषद्, वित्त समिति सिफारिशों से असहमत हो तो वह निर्दिष्ट प्रस्ताव को असहमति के कारणों के साथ वित्त समिति को वापस करेगी और यदि कार्य परिषद पुनः वित्त समिति की सिफारिशों से असहमत तो मामले को कुलाधिपति को निर्दिष्ट किया जायेगा जिस विनिश्चय अन्तिम होगा।”

- धारा ३१-क का संशोधन ७- मूल अधिनियम की धारा ३१-क में, उपधारा (१) में, शब्द “मौखिक रूप से” निकाल दिये जायेंगे।
- धारा ७२-घ का संशोधन ८- मूल अधिनियम की धारा ७२-घ को उसकी उपधारा (१) के में पुनः संख्याकित किया जायेगा और इस प्रकार पुनः संख्याकित उपधारा (१) के पश्चात् निम्नलिखित उपधारा बढ़ा दी जाये-
अर्थात्:---

“(२) उत्तर प्रदेश राज्य विश्वविद्यालय (द्वितीय संशोधन) अध्यादेश १९६५ के प्रारम्भ होने के दिनांक से, इस अधिनियम या कानून के अधिनियम, परिनियम, अध्यादेश, परिनियत संलेख या तत्समय प्रवृत्त कि- अन्य विधि या किसी अन्य दस्तावेज या कार्यवाहियों में अ- विश्वविद्यालय या डाक्टर राम मनोहर लोहिया विश्वविद्यालय, फैजा- के प्रति किसी निर्देश को डाक्टर राममनोहर लोहिया अ- विश्वविद्यालय, फैजाबाद के प्रति निर्देश समझा जायेगा।”

- नई धारा ७२-ड का बढ़ाया जाना ९- मूल अधिनियम की धारा ७२-घ के पश्चात् निम्नलिखित धारा ब- दी जायेगी, अर्थात् :-

“७२-ड - उत्तर प्रदेश राज्य विश्वविद्यालय (द्वितीय संशोधन) अध्यादेश, १९६५ के काशी विद्यापीठ के नाम प्रारम्भ होने के दिनांक से इस अधिनियम या किसी के पश्चिर्तन पर संक्रमण-नियम, परिनियम, अध्यादेश, परिनियत संलेख या कालीन उपबन्ध तत्सम- प्रवृत्त किसी अन्य विधि या किसी अन्य दस्तावेज या कार्यवाहि- में काशी विद्यापीठ के प्रति किसी निर्देश को महात्मा गांधी का

अनुसूची का
संशोधन

विद्यापीठ, वाराणसी के प्रति निर्देश समझा जायेगा ।
90- मूल अधिनियम की अनुसूची में, क्रम संख्या 90 के सामने स्तम्भ
२ में, शब्द अनुसूची का "डाक्टर राम मनोहर लोहिया विश्वविद्यालय,
फैजाबाद" के स्थान पर शब्द "डाक्टर राम मनोहर लोहिया अवध
विश्वविद्यालय, फैजाबाद" रख दिये जायेंगे ।

मोती लाल बोरा,
राज्यपाल,
उत्तर प्रदेश

आज्ञा से,
नरेन्द्र कुमार नारंग,
प्रमुख सचिव

No. 1226 (2)/XVII-V-1-2(KA) 28-1995
Dated Lucknow, July 11, 1995

In pursuance of the provisions of clause (3) of Article 348 of the Constitutions, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Rajya Vishwavidyalaya (Dwitiya Sanashodhan) Adhyadesh, 1995 (Uttar Pradesh Adhyadesh Sankhya 28 of 1995) promulgated by the Governor.

THE UTTAR PRADESH STATE UNIVERSITIES
(SECOND AMENDMENT) ORDINANCE, 1995
(U.P. ORDINANCE NO. 28 OF 1995)
*(Promulgated by the Governor in the Forty-Sixth Year of the
Republic of India)*

AN
ORDINANCE

*further to amend the Uttar Pradesh State Universities Act,
1973.*

WHEREAS the State Legislatuer is not in session and the Governor is satisfied that circumstances Exist which render it necessary for him to take immediate action;

Now, THEREFORE, in exercise of the powers conferred by clause (1) of Article 2'13 of the Constitution, the Governor is pleased to promulgate the following Ordinance :-

This Ordinance may be called the Uttar Pradesh State Universities (Second Amendment) Ordinance, 1995.

In Section 2 of the Uttar Pradesh State Universities Act, 1973, hereinafter effect to as the principal Act-

(a) *after* clause (5-A) the following clause shall be *inserted* namely :-

Short title

Amendment of
of the President
10 of 1973 as am
and re - enacted
Act no. 29 of 1974

"(5 B) "Central Board of Studies" means the Central Boards of Studies referred to in Section 18-B";

(b) *after* clause (6) the following clause shall be *inserted* namely :-

"(6 A) "Co-ordination Council" means the Co-ordination Council constituted under Section 18-A";

(c) *after* clause (9) the following clause shall be *inserted* namely :-

"(9-A) "Foundation Course" matter a course of greater awareness of oneself and of the social, cultural, and natural environment."

Amendment of section 4

3. In Section 4 of the principal Act in subsection (1-A) in (a) clause (b), for the words "which shall with effect from June 18, 1994 be called the Doctor Rma Manohar Lohia University, Faizabad," the following words shall be *substituted*, namely:-

"Which shall be called the Doctor Ram Manohar Lohia University, Faizabad with effect from June 18, 1994, and the Doctor Ram Manohar Lohia Avadh University, Faizabad with effect from the date of commencement of the Uttar Pradesh State Universities (Second Amendment) Ordinance, 1995,";

(B) in sub-section (2), *after* the words "this Act" the words "which shall be called Mahatma Gandhi Kashi Vidyapith, Varanasi with effect from the date of commencement of the Uttar Pradesh State Universities (Second Amendment) Ordinance, 1995" shall be *inserted*.

Insertion of a

New chapter IV-A

4. In the Principal Act, *after* chapter IV, the following chapter shall be *inserted*, namely :-

CHAPTER IV-A

CO-ORDINATION COUNCIL AND CENTRAL BOARD OF STUDIES

Co-ordination Council

18-A (1) There shall be a co-ordination Council which shall consist of 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* Secretary 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 subject;
- (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.

18-B (1) There shall be Central Board of Studies for 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 Educationists who are on the eminent Professor's 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 subjects or group of subject shall consist of --

- (i) convenor, Board of studies of each University in respect of the subject or group of subject 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 a 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 upto the Post graduate level;
- (iii) One Head of Department in an affiliated or associated College nominated by the Chancellor, teaching the subject upto the Degree level;

- (iv) three experts on the subject who are on the eminent professor's list of the University Grants Commission, nominated by the Chancellor on the recommendation of the Co-ordination Council; and
- (v) two other experts on 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 undergraduate 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 notified 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 fulfil the objectives set out in this section and may direct the Board to consider the matter afresh.

18-C The Uttar Pradesh State Council of Higher Education constituted under the Uttar Pradesh State Council of Higher

Education Ordinance, 1995, shall provide secretarial assistance to the Co-ordinating Council and the Central Boards of studies."

Amendment of
section 20

5. In Section 20 of the principal Act, in sub-section (1), in clause (d), for the words "Universities of Agra, Gorakhpur, Meerut, Kumaun and Garhwal", the words "Universities of Agra, Gorakhpur, Kumaun, Kanpur, Rohilkhand and Bundelkhand and the Hemvati Nandan Bahuguna Garhwal University, the Chaudhari Charan Singh University, Meerut and the Doctor Ram Manohar Lohia Avadh University, Faizabad" shall be substituted.

Amendment of
section 26

6. In section 26 of the Principal Act :-

(a) in sub-section (1) after clause (a), the following clauses shall be *inserted*, namely :-

"(aa) The Secretary to the State Government in the Higher Education Department;

(aaa) the Secretary to the State Government in the Finance Department;"

(b) after sub-section (1), as so amended, the following sub-section shall be *inserted*, namely :-

"(1-A) A member referred to in clause (aa) or clause (aaa) of subsection (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."

(c) after sub-section (3), the following sub-section shall be *inserted*, namely :-

"(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."

Amendment of
section 31

7. In section 31-A of the Principal Act, in sub-section (1) the word "substantively" shall be *omitted*.

Amendment of
section 72-D

8. Section 72-D of the Principal Act shall be re-numbered as sub-section (1) thereof and after sub-section (1) as so re-numbered, the following sub-section shall be *inserted*, namely:-

"(2) with effect from the date of commencement of the

- Uttar Pradesh State Universities (Second Amendment) Ordinance, 1995, any reference of the University of Avadh, 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 Lohia Avadh University, Faizabad."
- Insertion of new section 72-E
- transitory provision on the change of the name of the Kashi Vidyapith
- Amendment of the Schedule
9. After section 72-D of the principal Act, the following section shall be *inserted* namely :-
- 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 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 Mahatma Gandhi Kashi Vidyapith, Varanasi.
10. In the Schedule to the Principal Act, in column 2, against serial number 10, for the words "Doctor Ram Manohar Lohia University, Faizabad", the Word "Doctor Ram Manohar Lohia Avadh University, Faizabad shall be *substituted*.

MOTILAL VORA
Governor,
Uttar Pradesh
By order,
N.K. NARANG,
Pramukh Sachiv.

पी०एस०यू०पी०-ए०पी० १०६ सी० (विद्या०)--(१६०५)--१९९५ -- ८५० (मेक०)।

क्रम-संख्या--२१६(क-२)

रजि० नं० एल०डब्लू०/एन०पी० ५६१

लाइसेंस नं० डब्लू पी०-४१

लाइसेंस टू पोस्ट ऐट कन्सेशनल रेट

सरकारी गजट, उत्तर प्रदेश

उत्तर प्रदेशीय सरकार द्वारा प्रकाशित

असाधारण

विधायी परिशिष्ट

भाग-२, खण्ड (क)

(उत्तर प्रदेश अध्यादेश)

लखनऊ, शनिवार २५ फरवरी, १९६५

फाल्गुन ६, १९१६ शक सम्बत्

उत्तर प्रदेश सरकार

विधायी अनुभाग-१

संख्या ४४०/सत्रह/वि-१-२-(क) १४-१९६५

लखनऊ, शनिवार २५ फरवरी, १९६५

अधिसूचना

विविध

संविधान के अनुच्छेद २१३ के खण्ड (१) द्वारा प्राप्त शक्तियों का प्रयोग करके राज्यपाल महोदय ने निम्नलिखित उत्तर प्रदेश राज्य विश्वविद्यालय (संशोधन) अध्यादेश, १९६५ (उत्तर प्रदेश अध्यादेश ७ सन् १९६५) प्रख्यापित किया है जो इस अधिसूचना द्वारा सर्वसाधारण को, सूचनार्थ प्रकाशित किया जाता है।

उत्तर प्रदेश राज्य विश्वविद्यालय (संशोधन) अध्यादेश, १९६५
 (उत्तर प्रदेश अध्यादेश संख्या ७ सन् १९६५)
 (भारत गणराज्य के छियालीसवे वर्ष में राज्यपाल द्वारा प्रख्यापित)
 उत्तर प्रदेश राज्य विश्वविद्यालय अधिनियम, १९७३ का अग्रतर
 संशोधन करने के लिए
 अध्यादेश

चूंकि राज्य विधान मण्डल सत्र में नहीं है और राज्यपाल का यह समाधान हो गया है कि ऐसी परिस्थितियाँ विद्यमान हैं जिनके कारण उन्हें तुरन्त कार्यवाही करना आवश्यक हो गया है;

अतएव, अब, संविधान के अनुच्छेद २१३ के खण्ड (१) द्वारा प्रदत्त शक्ति का प्रयोग करके राज्यपाल निम्नलिखित अध्यादेश प्रख्यापित करते हैं --

- १- यह अध्यादेश उत्तर प्रदेश राज्य विश्वविद्यालय (संशोधन) अध्यादेश, १९६५ [संक्षिप्त नाम] कहा जायेगा ।
- २- उत्तर प्रदेश राज्य विश्वविद्यालय अधिनियम, १९७३ की धारा ६ में जिसे आगे मूल अधिनियम कहा गया है, खण्ड (च) के पश्चात् निम्नलिखित खण्ड बढ़ा दिया जायेगा, अर्थात् --
 “(च) परीक्षा नियंत्रक, यदि कोई नियुक्ति हो;”

उत्तर प्रदेश अधिनियम संख्या २६
 सन् १९७४ द्वारा ब्यार्तशोधित
 और पुनः अधिनियमित राष्ट्रपति
 अधिनियम संख्या १० सन् १९७३
 की धारा ६ का संशोधन

धारा १६ का संशोधन

३- मूल अधिनियम की धारा १६ में, --

(क) उपधारा (४) में, में शब्द “विद्या परिषद्, प्रवेश समिति और परीक्षा समिति” के स्थान पर शब्द “विद्या परिषद् और प्रवेश समिति” रख दिए जायेंगे;

(ख) उपधारा (५) निकाल दी जायेगी ।

४- मूल अधिनियम की धारा १६ के पश्चात् निम्नलिखित धारा बढ़ा दिया जायेगी, अर्थात्-

“१६-क (१) यह धारा केवल लखनऊ, इलाहाबाद, गोरखपुर, और कानपुर विश्वविद्यालयों को और किसी ऐसे अन्य विश्वविद्यालय को लागू होती है [परीक्षा नियंत्रक] जिसे राज्य सरकार राजपत्र में अधिसूचना द्वारा इस निमित्त विनिर्दिष्ट करें।

नई धारा १६-क
 का बढाया जाना

- (२). परीक्षा नियंत्रक विश्वविद्यालय का पूर्णकालिक अधिकारी होगा।
- (३) परीक्षा नियंत्रक की नियुक्ति राज्य सरकार राजपत्र में अधिसूचना प्रकाशित करके करेगी और उसके पारिश्रमिक और भत्तों का संदाय विश्वविद्यालय द्वारा किया जायेगा।
- (४) परीक्षा नियंत्रक अपने कार्य से सम्बन्धित अभिलेखों की सम्यक् अभिरक्षा के लिए उत्तरदाई होगा। वह विश्वविद्यालय की परीक्षा समिति का पदेन सचिव होगा और वह ऐसी समिति के समक्ष ऐसी समस्त जानकारी प्रस्तुत करने को बाध्य होगा जो उसके कार्य सम्पादन के लिए आवश्यक हो। वह ऐसे अन्य कर्तव्यों का भी पालन करेगा जो परिनियमों और अध्यादेशों द्वारा विहित किए जाएं या कार्य-परिषद् अथवा कुलपति द्वारा समय-समय पर अपेक्षित हों, किन्तु वह इस उपधारा के आधार पर मत देने का हकदार न होगा। वह विश्वविद्यालय के किसी कार्यालय या संस्थान से ऐसे विवरण प्रस्तुत करने की या ऐसी जानकारी देने की अपेक्षा कर सकता है जो उसके कर्तव्यों के निर्वहन के लिए आवश्यक हों।
- (५) परीक्षा नियंत्रक अपने अधीन कार्यरत कर्मचारियों के ऊपर प्रशासनिक नियंत्रक रखेगा और उसे इस सम्बन्ध में कुल सचिव की सभी शक्तियां प्राप्त होंगी।
- (६) परीक्षा समिति के अधीक्षणाधीन रहते हुए, परीक्षा नियंत्रक परीक्षाओं का संचालन करेगा और उनके लिए आवश्यक सभी अन्य प्रबन्ध करेगा और तत्सम्बन्धी सभी प्रक्रियाओं के सम्यक् निष्पादन के लिए उत्तरदायी होगा।
- (७) परीक्षा नियंत्रक को राज्य सरकार के आदेश के अनुसार के सिवाय, विश्वविद्यालय में किसी कार्य के लिए कोई पारिश्रमिक न तो दिया जायेगा और न वह स्वीकार करेगा।
- (८) यदि कभी परीक्षा नियंत्रक किसी कारणवश कार्य करने में असमर्थ हो या परीक्षा नियंत्रक का पद रिक्त हो, तो उसके पद के समस्त कर्तव्यों का पालन यथास्थिति परीक्षा नियंत्रक के पुनः कार्यभार सम्भालने या रिक्ति के भरे जाने तक ऐसे व्यक्ति द्वारा सम्पादित किया जायेगा जिसे कुलपति द्वारा नियुक्त किया जाय।”

मूल अधिनियम की धारा १८ में, शब्द “वित्त अधिकारी तथा कुलसचिव” के स्थान पर शब्द “वित्त अधिकारी, कुलसचिव और परीक्षा नियंत्रक, यदि कोई नियुक्त हों,” रख दिए जायेंगे।

धारा २० का संशोधन

६- मूल अधिनियम की धारा २० में :-

(क) उपधारा (१) में, खण्ड (घ) के पश्चात् निम्नलिखित खण्ड बढ़ा दिया जायेगा, अर्थात् :-

“(ज) छात्रों को प्राप्त उद्योगपतियों में से राज्य सरकार द्वारा नाम-निर्दिष्ट एक व्यक्ति जिसने उच्च शिक्षा के क्षेत्र में मूल्यवान योगदान किया हो।”;

(ख) उपधारा (२) में, खण्ड (तीन) में शब्द और अक्षर “खण्ड (घ)” के स्थान पर शब्द और अक्षर “खण्ड (घ) और (ज)” रख दिये जायेंगे;

(ग) उपधारा (३) में, शब्द और अक्षर और “(घ)” के स्थान पर शब्द और अक्षर “या (घ) या (ज)” रख दिए जायेंगे।

धारा २६ का संशोधन

७- मूल अधिनियम की धारा २६ में, उपधारा (१) में, खण्ड (ग) के पश्चात् निम्नलिखित खण्ड बढ़ा दिया जायेगा, अर्थात् :-
“(ग) परीक्षा नियंत्रक,”

श्री लाल मोरा
राज्यपाल,
उत्तर प्रदेश

आज्ञा से,
नरेन्द्र कुमार नारंग,
प्रमुख सचिव

No. 44 (2)/XVII-V-1-2(KA)-14-1995

Dated Lucknow, February 25, 1995

In pursuance of the provisions of clause (3) of Article 348 of the Constitutions, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Rajya Vishwavidyalaya (Sanashodhan) Adhyadesh, 1995 (Uttar Pradesh Adhyadesh Sankhya 7 of 1995) promulgated by the Governor.

THE UTTAR PRADESH STATE UNIVERSITIES AMENDMENT)
ORDINANCE, 1995

(U.P. ORDINANCE NO. 7 OF 1995)

(Promulgated by the Governor in the Forty-Sixth Year of the
Republic of India)

AN
ORDINANCE

further to amend the Uttar Pradesh State Universities Act,
1973.

WHEREAS the State Legislatuer is not in session and the

Governor is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, THEREFORE, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution, the Governor is pleased to promulgate the following Ordinance :-

1. This Ordinance may be called the Uttar Pradesh State Universities Ordinance, 1995.

2. In Section 9 of the Uttar Pradesh State Universities Act, 1973, hereinafter effect to as the principal Act- after clause (F) the following clause shall be inserted namely :-

"(FF) the Controller of Examination, if any, appointed.";

3. In Section 16 of the principal Act,-

(a) in subsection (4) for the words "the Academic Council, the Admissions Committee and the Examinations Committee", the words "the Academic Council and the Admissions Committee" shall be substituted.

(B) Sub section (5) shall be omitted.

4. After section 16 of the principal Act, the following sections shall be inserted, namely :-

16-A (1) This section applies only to the Universities of the [Controller] Lucknow, Allahabad, Gorakhpur and Kanpur and [examinations] 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 whole time officer of the University.

(3) The Controller of examinations 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.

(4) The Controller of Examinations shall be responsible for the due custody of the 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 informations 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 sub-section, be entitled to vote. He may require, from any office or institute of the University, the production of such return or the furnishing of such information as may be necessary for the discharge of his duties.

(5) The Controller of Examinations shall have administrative control over the employees working under him

Short title

Amendment of Section 2 of the President's Act no. 10 of 1973 as amended and re-enacted by U.P. Act no. 29 of 1991.

Amendment of section 16

Amendment of section 16-A

Insertion of a new section 16-A