

Uttar Pradesh Arabi Pharsi University Act, 2009

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Uttar Pradesh Arabi Pharsi University Act, 2009

An Act to provide for the establishment of an Arabi-Pharsi University at Lucknow in Uttar Pradesh for teaching and research in Urdu, Arabi and Pharsi languages and to provide for matters connected therewith or incidental thereto 1. Received the assent of the Governor on February 27, 2009 and published in the U.P. Gazette, Extra., Part 1, Section (Ka), dated 28th February, 2009, pp. 21-39

CHAPTER 1 PRELIMINARY

1. Short Title And Commencement :-

(1) This Act may be called the Uttar Pradesh Arabi Pharsi University Act, 2009.

(2) It shall come into force on such date as the State Government may, by notification in the Gazette, appoint.

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 or the statutes of the University;

(3) "associated college" means any institution recognised by the University;

(4) "faculty" means a faculty of the University;

(5) "hall" (or college) of the University means a unit of residence for students maintained or recognised by the University at which provision is made for imparting tutorial and other supplementary instructions;

(6) "hostel" of the University, means a unit of residence for students maintained or recognized by the University, other than hall, and hostel of an affiliated or associated college means a unit of residence for students of that college;

(7) "prescribed" means prescribed by the statutes;

(8) "principal" in relation to an affiliated, associated or a constituent college, means the head of such college;

(9) "registered graduate" means a graduate of the University;

(10) "statutes", "ordinances" and "regulations" mean respectively the statutes, ordinances and regulations of the University;

(11) "teacher" means a person employed in the University or in an institute or in a constituent, affiliated or associated college of the University;

(12) "university" means the Uttar Pradesh ARABI-PHARSI UNIVERSITY, established under Section 3.

CHAPTER 2 THE UNIVERSITY

3. Establishment And Incorporation Of The University :-

(1) There shall be established at Lucknow in Uttar Pradesh by the name of the Uttar Pradesh Arabi Pharsi University.

(2) The University shall be a body corporate.

4. Object Of The University :-

The object of the university shall be to provide advance knowledge and wisdom and understanding by teaching and research of Urdu, Arabi and Pharsi languages to the scholars.

5. 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, the Scheduled Tribes or Other Backward Classes of citizen.

6. Power And Duties Of The University :-

The University shall have the following power and duties, namely:--

(1) to provide for instructions 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 and to guide and control the work of affiliated and associated colleges;

(3) to institute degrees, diplomas and other academic distinctions;

(4) to hold examination for granting and conferring 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 Education of the State Government, are eligible and have carried on private studies under conditions laid down in the statutes and the ordinances; or

(e) are women and are eligible and have carried on private studies under conditions laid down in the statutes and ordinances; or

(f) are blind and are eligible 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 the

University to the persons 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 post.

(10) to recognize teachers for giving instruction in halls;

(11) to lay down the conditions of affiliation or recognition of colleges and to satisfy itself by periodical inspection and otherwise that those conditions are satisfied;

(12) to institute and award scholarships, fellowships (including 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 required in order to further the objects of the University.

CHAPTER 3 OFFICERS OF THE UNIVERSITY

7. Officer Of The University :-

The following shall be the officers of the University--

(a) the Chancellor;

(b) the Vice-Chancellor;

(c) the Finance Officer;

(d) the Registrar;

- (e) the Controller of Examinations;
- (f) the Deans of Faculties;
- (g) such other officers as may be declared by the Statutes to be the officers of the University.

8. 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 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.

9. The Vice-Chancellor :-

10. Powers And Duties Of The Officers :-

The powers and duties of the Finance Officer, the Registrar, the Controller of Examination, the Deans of Faculties and other officers of the University shall be such as may be prescribed.

CHAPTER 4 AUTHORITIES OF THE UNIVERSITY

11. 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 Faculties;
- (f) the Admissions Committee;
- (g) the Examination Committee; and
- (h) such other authorities as may be declared by the Statutes to be authorities of the University.

12. Constitution Of The Executive Council :-

- (1) The Executive Council shall consist of:--

- (a) The Vice-Chancellor, who shall be the Chairman thereof;
- (b) The Deans of two Faculties by rotation in the manner as prescribed by the statutes of the University.
- (2) (a) Two Professors other than a Dean referred to in clause (b) of sub-section (1) two Readers and two Lecturers of the University, to be selected in such manner as may be prescribed:
- (b) One Principal of an affiliated college to be selected in such manner as may be prescribed.
- (3) Four persons to be elected by members of the Court from amongst 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.
- (4) (a) Four persons of academic eminence to be nominated by the Chancellor;
- (b) One person from amongst the reputed industrialists who have made valuable contribution in the field of higher education to be nominated by the State Government:
- Provided that one of the persons to be nominated under this sub-section shall be a person who is or has been a Judge of the Supreme Court or High Court.
- (5) The term of office of members shall be such as specified in the statutes and ordinances of the University.
- (6) No person shall be a member of the Executive Council for more than two consecutive terms.
- (7) Notwithstanding anything contained in any other provision of this Act, no person shall be elected or nominated as a member of the Executive Council unless he is a graduate.
- (8) A person shall be disqualified for being chosen as and for being, a member of the Executive Council if he or his relative accepts any remuneration for any work in or for the University or any contract for the supply of goods to or for the execution of any work for the University:
- 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 wives (or husbands) brother, wives (or husbands) father, wives (or husbands) sister, brothers son and brothers daughter.

13. 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 fees, emoluments and travelling and other allowances of the examiners;
- (ix) to admit any college to the privileges of affiliation or recognition;
- (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 form and use of the common seal of the University;
- (xii) to regulate and enforce discipline among members of the teaching, administrative and other staff of the University in accordance with the Statutes and the Ordinances;
- (xiii) to manage and regulate the finances, accounts, investments, property, business and all other administrative affairs of the University, and for that purpose, to appoint such agents as it may think fit;
- (xiv) to invest any money belonging to the University;
- (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 colleges in accordance with this Act the Statutes and the

Ordinances.

(2) No immovable property of the University shall, except with the prior sanction of the State Government, be transferred (except by way of letting from month to month in the ordinary course of management) by the Executive Council by way of mortgage, 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.

(4) The Executive Council may, with the prior approval of the University Grants Commission and the State Government create supernumerary post of 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 position, 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.

(5) 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.

(6) 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.

(7) 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.

(8) 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.

(9) 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.

14. The Court :-

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

Class I--Ex officio Members

(i) the Chancellor who shall be the Chairperson;

(ii) the members of the Executive Council;

(iii) the Finance Officer;

Class II--Life Members

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

Class III--Representatives of teachers, etc.

(v) all heads of departments of the University and of constituent colleges maintained by it;

(vi) 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 such manner as may be prescribed;

(vii) fifteen teachers to be selected in such manner as may be prescribed;

(viii) two representatives of the managements of the affiliated or associated colleges to be selected by rotation in such manner as may be prescribed;

Class IV--Registered Graduates

(ix) 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 a constituent college or in the service or connected with the management of affiliated college, associated college, hall or hostel;

Class V--Representation of Students

(x) one student from each of the Faculties, who having secured the highest marks in that Faculty at the preceding degree examination of the University shall pursue a course of study for a postgraduate degree in the University.

Class VI--Representation of the State Legislature

(xi) two members of the Legislative Council to be elected by it;

(xii) 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.

15. 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 board policies and programmes of the University and to suggest measures for the improvement and development of the University;

(b) to consider and pass resolutions on the annual report, 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.

16. Meeting Of The Court :-

(1) The Court shall meet once a year on a date to be fixed by the Vice-Chancellor and such meeting shall be called the annual meeting of the Court.

(2) The Vice-Chancellor may, whenever he thinks fit and shall, upon a requisition in writing signed by not less than one-fourth of the total member of the Court, convene a special meeting of the Court.

17. Academic Council :-

(1) The Academic Council shall be the principal academic body of the University and subject to the provisions of this Act, the Statutes and the ordinances--

(a) shall have the control and general regulation of, and be responsible for the maintenance of standard of instruction, education and research carried on or imparted in the University;

(b) may advise the Executive Council on all academic matters including matters relating to examinations conducted by the University; and

(c) shall have such powers and duties as may be conferred or imposed upon it by the Statutes.

(2) The Academic Council shall consist of the following members, namely:--

(i) the Vice-Chancellor who shall be the Chairperson;

(ii) the Deans of all Faculties;

(iii) all Heads of Departments of the University;

(iv) all Professors of the University who are not Heads of Departments;

(v) the Principals of constituent colleges and the Directors of Institutes;

(vi) two Professors, from each constituent college, if any by rotation in order of seniority to be determined in the manner prescribed;

(vii) three Principals of affiliated or associated colleges to be selected by rotation in the manner prescribed;

(viii) fifteen teachers to be selected in the manner prescribed;

(ix) the Librarian of the University; and

(x) five persons of academic eminence to be co-opted in the manner prescribed.

(3) The term of office of members other than ex-officio members shall be such as may be prescribed.

18. The Finance Committee :-

(1) The Finance Committee shall consist of--

(a) the Vice-Chancellor who shall be the Chairperson;

(b) the Secretary to the State Government in the Minority Welfare and Waqf Department;

(c) the Secretary to the State Government in the Finance Department;

(d) the Registrar;

(e) the Controller of Examinations;

(f) 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

(g) the Finance Officer who shall also be the Secretary of the Committee.

(2) A member referred to in clause (b) or clause (c) of sub-section

(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.

(3) 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.

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

(5) 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 recommendations of the Finance Committee, it shall refer the proposal back to the Finance Committee with reasons for the disagreement 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.

19. 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 Ordinances.

(3) There shall be a Board of each Faculty, the constitution (including the term of office of its members) and powers and duties of which shall be such as may be prescribed.

(4) There shall be a Dean of each Faculty who shall be chosen from amongst the Professors by rotation in order of seniority and shall hold office for three years.

(5) The Dean shall be the Chairman of the Board of Faculty and be responsible for--

(a) the organization and conduct of the teaching and research work of departments comprised in the Faculty; and

(b) the due observance of the Statutes, Ordinances and Regulations relating to the Faculty.

(6) In each Department of teaching in the University, there shall be

a Head of the Department whose appointment shall be regulated by Statutes.

(7) The Head of Department shall be responsible to the Dean for the organization of teaching in the department and have such other powers and duties as may be provided in the Ordinances.

(8) There shall be constituted in accordance with the provisions of the Ordinances, Boards of Studies in respect of different subjects of study and more than one subject may be assigned to one Board of Studies.

20. The Admissions Committee :-

(1) There shall be an Admissions Committee of the University, the constitution of which shall be such as may be laid down in the Ordinances.

(2) The Admissions Committee shall have the power to appoint such number of subcommittees as it thinks fit.

(3) Subject to the superintendence of the Academic Council, the Admissions Committee shall lay down the principles or, loams (sic) governing the policy of admission not (sic of) various courses of studies in the University and may also nominate a person or a subcommittee as the admitting authority in respect of any course of study in an Institute or a constituent college maintained by the University.

(4) 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.

21. The Examinations Committee :-

(1) There shall be an Examination Committee in the University, the constitution of which shall be such as may be laid down in the Ordinances.

(2) The Examination 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 scrutinize the list of examiners proposed by the Board of Studies, finalise the same and declare the result of the examination 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.

(4) Notwithstanding anything contained in any other provision of 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 subsection (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.

22. Other Authorities :-

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

CHAPTER 5 APPOINTMENT AND CONDITIONS OF SERVICE OF TEACHERS AND OTHER EMPLOYEES OF THE UNIVERSITY

23. Appointment Of Teachers :-

The appointment of the teachers and other employees of the University and the terms and conditions of service shall be such as may be prescribed.

CHAPTER 6 AFFILIATION

24. Affiliation Of Colleges :-

(1) This section shall apply to the colleges.

(2) The Executive Council may, with the previous sanction of the Chancellor, admit any college which fulfils such conditions of affiliations, as may be prescribed to the privileges of affiliation or enlarge the privileges of any college already affiliated or withdraw or curtail any such privilege.

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

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

(5) Every 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 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 a college so inspected to take such action as may appear to it to be necessary within such periods 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 regulations.

(9) Notwithstanding anything contained in sub-sections (2) and (8) if the Management of any 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.

25. Disqualification For Membership Of Management :-

A person shall be disqualified for being chosen as, and for being a member of the Management of a 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 and work for such college.

26. Inspection And Inquiry :-

(1) The State Government shall have the right to cause an inspection to be made by such person as it may direct, of any college, including its buildings, laboratories and equipments thereof and also of the examination, 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 college 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 inquiry 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 345 and 346 of the Code of Criminal Procedure, 1973 and proceeding 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 of the college, 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 the communication made by it to the Management under sub-section (4) 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.

(6) The Vice-Chancellor shall then within such time as the State Government may fix, submit to a report of the action taken or proposed to be taken by the Executive Council.

(7) If the University authorities do not, within a reasonable time, take action to the satisfaction of the State Government, the State Government may, after considering an 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.

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

27. Bar On Charging Of Any Donation Etc. For Admission To A College :-

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

CHAPTER 7 STATUTES AND ORDINANCES

28. Statutes How Made :-

(1) The First Statutes of the University shall be made by the State Government by notification.

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

Provided that the Executive Council shall not make, amend or repeal any statutes affecting the status, power or constitution of any authority of the University until such authority has been given a reasonable opportunity to express its opinion in writing on the proposed changes and any opinion so expressed has been considered by the Executive Council.

(3) Notwithstanding anything contained in the foregoing sub-sections, the State Government may in order to implement any decision taken by it in the interest of learning, teaching or research on the basis of any suggestion or recommendation of the University Grants Commission or the State or National Education Policy 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 (2) within a specified, time and if the Executive Council fails, to comply with such requirement the State Government may make new or additional statutes amend or repeal the statutes referred to in sub-section (1) or sub-section (2).

(4) Subject to the other provisions of this Act the statutes may provide for any matters relating to the University and shall in particular, provide for--

(a) the appointment, powers and duties of the officers of the University;

- (b) the constitution of Pension or Provident Fund and the establishment of an insurance scheme for the benefit of the officers and other employees of the University;
- (c) the conferment of honorary degrees;
- (d) the withdrawal of degrees and other academic distinctions;
- (e) the conditions under which colleges may be admitted to privileges of affiliation by the University and the conditions under which any such privilege may be withdrawn;
- (f) the degrees and other academic distinctions to be awarded by the University, the qualifications for the same and the amounts to be taken relating to the granting and obtaining of the same;
- (g) the fees to be charged for courses of the study in the University and for admission to the examination, degrees and other academic distinctions of the University;
- (h) the conditions of the award of fellowships, scholarships, studentships, medals and prizes;
- (i) the conduct of examinations including terms of office and manner of appointment and duties of examining bodies, examiners and moderators;
- (j) the power to remove officers (excluding Chancellor) and employees of the University and their emoluments and terms and conditions of service;
- (k) all other matters which by this Act are to be or may be provided for by the regulations.

29. Power To Make Ordinances :-

Subject to the provisions of this Act and the Statutes, the Ordinance shall be made by Executive Council which may provide for all or any of the following matters, namely:--

- (a) the admission of students to the University and their enrolment as such;
- (b) the courses of study to be laid down for all degrees, diplomas and certificates of the University;
- (c) the medium of instruction and examination;
- (d) the award of degrees, diplomas, certificates and other academic distinctions, the qualifications for the same and the means to be taken relating to the granting and obtaining of the same;
- (e) the fees to be charged for courses of study in the University and for admission to the examinations, degrees, diplomas and certificates of the University;
- (f) the conditions for the award of fellowships, scholarships,

studentships, medals and prizes;

(g) the conduct of examinations, including the term of office and manner of appointment and the duties of examining bodies, examiners and moderators;

(h) the conditions of residence of the students of the University;

(i) the special arrangements, if any, which may be made for the residence, discipline and teaching of women students and the prescribing of special courses of studies for them within the University;

(j) the appointment and emoluments of employees other than those for whom provision has been made in the Statutes;

(k) the establishment of Centers of Studies, Boards of Studies, Inter-disciplinary Studies, Special Centers, Specialized Laboratories and other Committees;

(l) the manner of co-operation and collaboration with other Universities and authorities including learned bodies or associations;

(m) the creation, composition and functions of any other body which is considered necessary for improving the academic life of the University;

(n) the remuneration to be paid to the examiners, moderators, invigilators and tabulators;

(o) such other terms and conditions of service of teachers and other academic staff as are not prescribed by the Statutes;

CHAPTER 8 ANNUAL REPORTS AND ACCOUNTS

30. Annual Report :-

(1) The Annual Report of the University shall be prepared under the direction of the Executive Council which shall include, among other matters, the steps taken by the University towards the fulfilment of its objectives.

(2) The annual report so prepared shall be submitted to the Chancellor on or before such date as may be prescribed.

(3) A copy of annual report, prepared under sub-section (1) shall also be submitted to the State Government.

31. Accounts And Audit :-

(1) The annual accounts and balance sheet of the University shall be prepared under the direction of the Executive Council and shall, once at least every year, and at intervals of not more than fifteen

months, be audited by the Director, Local Fund Accounts, Uttar Pradesh or by such person or persons as the State Government may authorise in this behalf.

(2) A copy of the annual accounts and the balance sheet together with the audit report thereon shall be submitted to the State Government along with the observation, if any of the Executive Council before the thirtieth of September every year.

(3) Any observation made by the State Government on the annual accounts shall be brought to the notice of the Executive Council and the views of the Executive Council, if any, on such observations shall be submitted, to the State Government.

32. Surcharge :-

(1) Whenever any complaint is received by the State Government regarding loss, waste or misapplication of any money or property of the University or the State Government on its own thinks fit, it may direct for special audit of the University being done by the Director, Local Fund Accounts, Uttar Pradesh or by any officer subordinate to him.

(2) On receiving special audit report, the State Government shall issue a notice to the officer of the University on account of whose, negligence or misconduct, the loss, waste or misapplication referred to in sub-section (1), has occurred, calling upon him to explain his action within the time fixed by the State Government in this behalf.

(3) If the State Government is of the opinion that the officer should be held responsible for paying the surcharge determined by the State Government, the surcharges shall be recovered as arrears or in such other manner as may be directed by the State Government.

CHAPTER 9 MISCELLANEOUS

33. Manner Of Appointment Of Officers And Members Of Authorities :-

(1) Except as expressly provided by this Act, or the Regulations, 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.

34. Filling Of Causal 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 member whose vacancy is to be filled up was chosen, and the person filling the vacancy shall be a member of such authority or body for the residue of the term for which the person whose place he fills would have been a member.

(2) A person who is a member of an authority of the University as a representative of another body whether of the University or outside, shall retain his on such authority for so long as he continues to be the representative of such body.

35. Proceeding Not To Be Invalidated By Vacancy, Etc. :-

(1) 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 the procedure not affecting the merits of the case.

36. Removal From Membership Of The University :-

The Executive Council 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 Executive Council, is an offence involving moral turpitude or upon the ground that he has been guilty of scandalous conduct or had behaved in a manner unbecoming of a member of the University and may upon the same grounds withdraw from any person any degree or certificate conferred or granted by the University.

37. Reference To The Chancellor :-

If any question arises whether any person has been duly elected or appointed as is entitled to be member of any authority or other body of the University or whether any decision of any authority or

the officer of the University (including any questions as to the validity of a regulation) is in conformity with this Act or Regulations 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.

38. Bar Of Suit :-

No suit or other legal proceeding shall lie against the State Government or the University or any officer, authority or body thereof in respect of anything done or purported or intended to be done in pursuance of the Act or Statutes made thereunder.

39. Mode Of Proof Of University Records :-

(1) A copy of any receipt, application, notice, order, proceedings or a resolution of any authority or committee of the University or other documents in possessions 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 a 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.

40. Power To Remove Difficulties :-

(1) The State Government may for the purpose of removing any difficulty by notified order direct that the provision 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 two years from the commencement of this Act.

(2) Every order made under sub-section (1) shall be laid before both Houses of the State Legislature.

(3) No order under sub-section (1) shall be called in question in any court on the ground that no difficulty as is referred to in sub-section (1) existed or required to be removed.