

---

## **Uttar Pradesh Educational Institutions (Taking-Over Of Management) Act, 1976**

**18 of 1976**

**[01 May 1976]**

### CONTENTS

1. Short Title, Extent And Commencement
2. Definitions
3. Management Of The Scheduled Institutions To Vest In The State Government
4. Power Of The State Government To Authorise District Inspector Of Schools Or Any Other Officer To Take Over Management Of Scheduled Institutions
5. Penalties
6. Termination Of Appointment Of Teachers
7. Protection Of Action Taken In Good Faith
8. Repeal And Saving

## **Uttar Pradesh Educational Institutions (Taking-Over Of Management) Act, 1976**

**18 of 1976**

**[01 May 1976]**

An Act to provide (or the taking over in the public interest of the management of educational institutions run directly or indirectly by unlawful organisations or by their members or sympathisers. Whereas by the Central Government's Order No. SO-306 (E), dated July 3, 1975, the Central Government directed that Rule 33 of the Defence and Internal Security of India Rules, 1971, shall apply to certain organizations including the organization known as Rashtriya Swayam Sewak Sangh; And whereas the said organization, namely, the Rashtriya Swayam Sewak Sangh or its members or sympathisers are known to have been running, directly or indirectly, the educational institutions specified in the Schedule; And whereas as a result of the action taken against the said organization and persons, places any funds connected with it, the management of the said institutions was disrupted and it was apprehended that the continued running of the said educational

institutions was likely to be interrupted; And whereas with a view to maintaining the imparting of instruction in the said educational institutions in a proper manner and without being vitiated by the ideology of the said organization, the State Government took over through its officers the management of the said educational institutions on different dates from July, 1975 onwards; And whereas the formal or informal instruction that used to be imparted in the said educational institutions, before their management was so taken over, tended to misguide the children studying therein, and to inculcate feelings of communalism in their impressionable minds, and it is apprehended that if such institution be permitted to be continued the maintenance of harmony between different religious communities in India may be prejudiced and the process of emotional integration among them be retarded; And whereas it is apprehended that other organizations to which the said Rule 33 of the Defence and Internal Security of India Rules, 1971, apply, or their members or sympathisers, may also be found to run educational institutions in which the instruction imparted, formally or informally, may likewise tend to misguide the children studying therein and inculcate in their impressionable minds, feelings contrary to the national objectives of secularism and emotional integration between different religious communities; And whereas it is accordingly in the public interest to take over the management of the aforesaid educational institutions for a temporary period; Now, therefore, it is hereby enacted in the Twenty-seventh Year of the Republic of India, as follows : Statement of Objects and Reasons.--

(1) The Central Government by their Order No. S.O. 306 (E), dated July 3, 1975 directed that, Rule 33 of the Defence and Internal Security of India Rules, 1971, shall apply to certain organizations including the organization known as Rashtriya Swayam Sewak Sangh. Many educational institutions were being run, directly or indirectly, by the said organization or by its members or sympathisers. As a result of the action taken against the said organization and against persons, places and funds concerned with it, the management of the said institutions were disrupted and it was apprehended that their continued running would be interrupted. The State Government, therefore, took over the management of the said institutions on different dates from July, 1975 onwards. (2) Besides, the State Government was satisfied that the instructions that used to be imparted, formally or informally in the said educational institutions, before their management was so taken over, tended to misguide the children

studying therein, and to inculcate feelings of communalism in their impressionable minds, and it was apprehended that if such instructions were continued it would be prejudicial to the maintenance of harmony between different religious communities in India and would retard the process of emotional integration among them. (3) It was, therefore, considered necessary, in the public interest, that the State Government should takeover the management of the aforesaid educational institutions for a temporary period. It was also considered necessary to take enabling powers so that similar actions could be taken in future in respect of educational institutions that they may be found to be run directly or indirectly, by other organizations to which Rule 33 applies or by their members or sympathisers. (4) As the State Legislature was not in session, the Uttar Pradesh Educational Institutions (Taking over of Management) Ordinance, 1976, was promulgated by the Governor on February 28, 1976, for carrying out the above purpose and for providing for matters connected therewith. (5) This Bill is being introduced to replace the said Ordinance with certain modifications of a formal nature.. 1. Received the assent of the President on May 1, 1976, and published in the U.P. Gazette (Extra.), dated May 1, 1976, pp. 10-17.

### **1. Short Title, Extent And Commencement :-**

- (1) This Act may be called the Uttar Pradesh Educational Institutions (Taking over of Management) Act, 1976.
- (2) It extends to the whole of Uttar Pradesh.
- (3) It shall be deemed to have come into force on February 28, 1976.

### **2. Definitions :-**

In this Act--

(a) "appointed date" means--

- (i) in relation to an educational institution specified in the Schedule in the first instance, the date of commencement of this Act;
- (ii) in relation to an educational institution specified subsequently by notification under sub-section (2) of Section 3, the date of publication of such notification in the Gazette;

(b) "scheduled institution" means an educational institution specified in the Schedule, being an institution which was being run, or may in future be found to be run, directly or indirectly--

- (i) by the organization known as the Rashtriya Swayam Sewak Sangh or by its members or sympathisers, whether through the society known as Shishu Shiksha Prabandh Samiti, Uttar Pradesh or through any other society or body whatsoever; or
- (ii) by any other organization to which Rule 33 of the Defence and Internal Security for India Rules, 1971, for the time being applies, or by its members or sympathisers.

### **3. Management Of The Scheduled Institutions To Vest In The State Government :-**

(1) On and from the appointed date, the management of all scheduled institutions shall vest in the State Government for a period of one year from such date:

Provided that the State Government may by notification extend the aforesaid period by one year or less at a time, so, however, that the total period of extension does not exceed two years in the aggregate,

(2) The State Government may by notification include in the Schedule any other educational institution in respect of which it is satisfied that it is being run, directly or indirectly, by the Rashtriya Swayam Sewak Sangh or by any other organization to which Rule 33 of the Defence and Internal Security of India Rules, 1971, for the time being applies or by their members or sympathisers, and upon the publication of such notification in the Gazette the Schedule shall be deemed to be amended accordingly.

(3) In the case of scheduled institutions the management of which has before the commencement of this Act been taken over by the District Inspector of Schools or any other officer in pursuance of any order issued or purporting to have been issued under the Defence and Internal Security of India Rules, 1971, such taking over shall be deemed to have been effected under the provisions of sub-section (1) and the management of such scheduled institution shall be deemed to have vested in the State Government under this section as if this Act were in force at all material times :

Provided that the period during which the management of the institutions was so vested in the State Government prior to the twenty-eighth day of February, 1976, shall be in addition to the period of one year from such date and the maximum period of extension mentioned in sub-section (1).

(4) After the expiry of the period referred to in sub-section (1), the management of the institution concerned shall revert to the society

or other body from which the management of the institution was taken over :

Provided that the State Government may before handing over the management of such institution to such body require that the members of such body shall take such steps as may be specified, including, if necessary, the reconstitution of the governing body thereof, with a view to ensuring that the instruction that would be imparted in the educational institution after such reversion would fall in line with the national objectives of secularism and emotional integration between different religious communities.

(5) For the removal of doubts it is hereby declared that no compensation or any other amount whatsoever shall be due to the society or other body owning a scheduled institution in respect of its management, remaining with the State Government for a temporary period as aforesaid in accordance with the provisions of this Act.

#### **4. Power Of The State Government To Authorise District Inspector Of Schools Or Any Other Officer To Take Over Management Of Scheduled Institutions :-**

(1) The State Government may by a general or special order authorise the District Inspector of Schools or any other officer (hereinafter called the "authorised officer") to take over the management of any scheduled institution, and the officer so authorised shall, under the superintendence and directions of the State Government, carry on the management of such institution.

(2) On the issue of an order under sub-section (1) the charge of management of the scheduled institution shall vest in the authorised officer, and all persons in charge of the management of such scheduled institution immediately before the issue of such order shall cease to be in charge of such management and shall be bound to deliver to the authorised officer all assets, books of accounts, registers or other documents in their custody relating to such institution and to comply with any other direction issued by him in connection therewith :

Provided that in case the management of any scheduled institution is already with the District Inspector of Schools or any other authorised officer immediately before the commencement of this Act, it shall be deemed to have vested in such officer under this section as if this Act, were in force at all material times and such officer were duly authorised by the State Government under this

section.

(3) In particular, and without prejudice to the generality of the power of management referred to in sub-section (2), the authorised officer shall have powers to appoint and terminate the services of teachers and other employees, and also disciplinary powers, including power of dismissal or suspension, over the teachers and other employees of the scheduled institution, the power to manage the properties appurtenant to or endowed for the scheduled institution, the power to operate bank accounts of the scheduled institution, and the power to realise fees from the students of the scheduled institution.

## **5. Penalties :-**

If any person, after commencement of this Act--

(a) fails to deliver the authorised officer any assets, books of account, register or any other documents in his custody relating to the scheduled institution in respect of the management of which such officer has been authorised; or

(b) retains any property of such scheduled institution or removes or destroys it; or

(c) fails to comply with any direction issued by the authorised officer under this Act;

he shall be punishable with imprisonment for a term which may extend to three years or with fine which may extend to two thousand rupees or with both.

## **6. Termination Of Appointment Of Teachers :-**

(1) Notwithstanding anything contained in any other law or in any contract or other instrument, if the State Government is satisfied that the continuance in service of a teacher of a scheduled institution is prejudicial to the purposes of this Act it may, at any time, by notice, without assigning any reason, terminate his services.

(2) The period of such notice shall be three months or the period specified in the conditions of service, if any, applicable to him, whichever is less :

Provided that the services of any such teacher may be terminated, without such notice or by a shorter notice, and on such termination, the teacher shall be entitled to claim from the scheduled institution a sum equivalent to the amount of his pay plus allowances, if any, for the period of notice or, as the case may be, for the period by

which such notice falls short of three months, at the same rates at which he was drawing immediately before such termination.

(3) The State Government may by order direct that the power conferred on it by sub-section (1) shall, in such circumstances and under such conditions, if any, as may be specified in the direction, be exercised or discharged by any officer or authority specified in this behalf.

(4) Any order of termination of services of a teacher or other employee of a scheduled institution passed or purported to be passed by an authorised officer before the commencement of this Act shall be deemed to be duly passed by him under sub-section (1) as if he were duly authorised by a direction under sub-section (2) in this behalf, and shall be deemed to be valid notwithstanding that no notice as provided in sub-section (1) or sub-section (2) was given and notwithstanding any other defect of form :

Provided that every such teacher or other employee whose services were so terminated shall be entitled to claim a sum mentioned in sub-section (2) from the scheduled institution.

## **7. Protection Of Action Taken In Good Faith :-**

(1) No suit, prosecution or legal proceedings shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act or any order or direction issued thereunder.

(2) No suit or other legal proceedings shall lie against the State Government for any damage caused or likely to be caused by anything which is in good faith done or intended to be done or deemed to be done in pursuance of this Act.

## **8. Repeal And Saving :-**

(1) The Uttar Pradesh Educational Institutions (Taking over of Management) Ordinance, 1976 (U.P. Ordinance 14 of 1976), is hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act as if this Act were in force at all material times.