

UTTAR PRADESH TECHNICAL UNIVERSITY ACT, 2000

Preamble - THE UTTAR PRADESH TECHNICAL UNIVERSITY
ACT, 2000

THE UTTAR PRADESH TECHNICAL UNIVERSITY ACT, 2001

[Act No. 23 of 2000]

PREAMBLE

An Act to provide for the establishment of a
Technical University in Uttar Pradesh for the
advancement and development of technical education
and for matters connected therewith or incidental
thereto

It is hereby enacted in the Fifty-first Year of
the Republic of India as follows :--

1. Received the assent of the Governor on May 7, 2000 and published in the U.P. Gazette, Extra., Part 1, Section (Ka), dated 8th May, 2000, pp. 16-31

Section 1 - Short title

This Act may be called the Uttar Pradesh Technical University Act, 2000.

Section 2 - Definitions

In this Act, unless the context otherwise requires,--

(a) "College" means a college or an institution affiliated to the University in accordance with this Act and the Regulations;

(b) "Existing college" means a college or an institution which imparts technical education and is run and maintained by a University established by or under the Uttar Pradesh State Universities Act, 1973 and includes a Faculty of such University imparting technical education;

(c) "Other Backward Classes of citizens" means the Backward Classes of citizens specified in Schedule I of the Uttar Pradesh Public Services (Reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes) Act, 1994;

(d) "prescribed" means prescribed by the Regulations;

(e) "Principal" means the head of the college, by whatever name called, and includes where there is no Principal, a person for the time being duly appointed, to act as Principal and in the absence of the Principal or the acting Principal, the Vice-Principal duly appointed as such;

(f) "Regulations" means the Regulations of the University made under this Act;

(g) "technical education" means programmes of education, research and training in Engineering, Technology, Architecture, Management, Town Planning, Pharmacy and Applied Arts and Crafts and such other programmes or areas as the Central Government may in consultation with the All India Council for Technical Education, by

notification in the Gazette declare;

(h) "University" means the Uttar Pradesh Technical University established under Section 3.

Section 3 - Establishment and incorporation of the University

(1) There shall be established at Lucknow University by the name of the Uttar Pradesh Technical

University.

(2) The Chancellor, the Vice-Chancellor, and the members of the Executive Council and the Academic Council for the time being holding office as such in the University shall constitute a body corporate by the name of the Uttar Pradesh Technical University.

Section 4 - Territorial exercise of Powers

(1) The University shall, in the exercise of its powers under this Act, have jurisdiction over the whole of Uttar Pradesh.

(2) Every college or institution other than an existing college, imparting technical education in the state on the date of the commencement of this Act shall, with effect from such date as may be notified in this behalf by the State Government, be deemed to be affiliated to the University established under Section 3 and shall cease to be affiliated to, or associated with the University established by or under the Uttar Pradesh State Universities Act, 1973, hereinafter referred to in this section as erstwhile University:

Provided that a student pursuing his study in technical education in any college or institution, other than existing College, on the date of such commencement, shall be entitled and be allowed to continue and complete such study under the erstwhile University after such commencement and the erstwhile University shall hold examination of such student and confer degree or any other academic distinction on him in accordance with the procedure in force for the time being in the erstwhile University.

Section 5 - University open to all classes and creed

The University shall be open to all persons irrespective of class or creed:

Provided that 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 Regulations:

Provided further that nothing in this section shall be deemed to prevent the University for making special provision for admission of students belonging to the Scheduled Castes, the Scheduled Tribes or Other Backward Classes of citizens:

Provided also that the University may maintain any college exclusively for women.

Section 6 - Powers and duties of the University

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

(a) to provide and upgrade education, training and research in technical education and to create

entrepreneurship and a conducive environment for pursuit of the technical education in close co-operation with industries;

(b) to admit any college to privileges of affiliation or to enlarge the privileges of any college already affiliated, or to withdraw or curtail any such privilege and to guide and control the work of such colleges;

(c) to institute and confer degree or other academic distinctions;

(d) to hold examinations for, and to grant and confer degrees or other academic distinctions to, and on, persons, who--

(i) have pursued a course of study in a college;
or

(ii) have carried on research in a college recognised in that behalf by the University, under conditions laid down in the Regulations;

(e) to confer honorary degree or other academic distinction in the manner and under conditions laid down in the Regulations;

(f) to institute and award fellowships, scholarships, studentships, exhibitions and prizes in accordance with the Regulations;

(g) to demand and receive such fees and other charges as may be fixed by the Regulations;

(h) to make provisions for the advancement of technical education amongst classes and communities which are educationally backward;

(i) to make provisions for,--

(i) the maintenance of National Cadet Corps or other similar organisations; (ii)

physical and military training; and

(ii) sports and athletic clubs;

(j) to make appointments of officers and other employees of the University to the posts created by the State Government;

(k) to receive gifts, grants, donations or benefactions from the State Government or the Central Government and to receive bequests,

donations or transfers of movable or immovable property from testators, donors or transferors, as the case may be, and to hold and manage the same;

(l) to lay down the conditions of affiliation of colleges and to satisfy itself by periodical inspection that such conditions are satisfied;

(m) to co-operate or collaborate with other Universities and authorities in such manner and for such purposes as the University may determine from time to time;

(n) to do all such other acts or things whether incidental to the powers aforesaid or not, as may be necessary to further the objects of the University.

Section 7 - Officers of the University

The following shall be the officers of the University-- (a) the Chancellor;

(b) the Vice-Chancellor;

(c) the Pro-Vice-Chancellor; (d) the Finance Officer;

(e) the Registrar;

(f) the Controller of Examinations;

(g) such other officers of the University as may be declared by the Regulations to be the officers of the University.

Section 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 shall, when present, preside 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 Regulations.

Section 9 - The Vice-Chancellor

(1) The Vice-Chancellor shall be a whole-time salaried officer of the University and shall be appointed by the Chancellor from amongst distinguished persons in the field of technical education whose names are submitted to him by the committee constituted in accordance with the provisions of sub-section (2):

Provided that the first Vice-Chancellor shall be appointed by the State Government.

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

(a) Principal Secretary or Secretary, as the case may be, to the State Government in the

Technical Education Department who shall also be the convenor of the Committee; (b) One person nominated by the All India Council for Technical Education;

(c) One person nominated by the Chancellor.

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

(4) The emoluments and other conditions of service of the Vice-Chancellor shall be such as may be determined by the State Government from time to time:

Provided that the emoluments and other conditions of service of a Vice-Chancellor shall not be varied to his disadvantage during the term of his office.

(5) Where the Vice-Chancellor is unable to discharge his functions owing to absence, illness or any other cause, the Pro-Vice-Chancellor shall discharge the functions of the Vice-Chancellor until the Vice-Chancellor resumes his duties.

(6) 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 enquiry as he deems proper, by order, remove the Vice-Chancellor.

(7) During the pendency or in contemplation, of any inquiry referred to in sub-section (6), 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 emoluments to which he was otherwise entitled;

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

Section 10 - 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 and Colleges;

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

(c) in the absence of the Chancellor, preside at any convocation of the University; (d) be responsible for the maintenance of discipline in the University;

(e) be responsible for holding and conducting the University examinations properly and at

due times and for ensuring that the results of such examinations are published expeditiously and that the academic session of the University starts and ends on due dates.

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

(3) The Vice-Chancellor 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 subsection be entitled to vote.

(4) It shall be the duty of the Vice-Chancellor to ensure the faithful observance of the provisions of this Act and Regulations and he shall, without prejudice to the powers of the Chancellor 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 Academic Council and the Finance Committee:

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

(6) Where any matter 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 that 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 Regulations:

Provided further that if the officer, authority or other body is of opinion that such action ought not to have been taken it may refer the matter to the Chancellor who may either confirm the action taken by the Vice-Chancellor or 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 anything previously done by or under the order of the Vice-Chancellor:

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

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

(8) The Vice-Chancellor shall exercise such other powers as may be laid down by the Regulations.

Section 11 - The Pro-Vice-Chancellor

(1) The Vice-Chancellor may, with the approval of the executive council appoint a Pro-Vice-Chancellor from amongst the professors of the colleges.

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

(3) The Pro-Vice-Chancellor shall be entitled to such honorarium as may be determined by the State Government from time to time.

(4) 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 meeting of the University in the absence of the Vice-Chancellor and shall exercise such other powers and perform such duties as may be assigned or delegated to him by the Vice-Chancellor.

Section 12 - The Finance Officer

(1) There shall be a Finance Officer for the University, who shall be appointed by the State

Government by notification 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 the accounts to the Executive Council and also for drawing and disbursing funds on behalf of the University.

(3) The Finance Officer 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 proposed expenditure which may contravene the provisions of this Act or the terms of any regulations;

(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 by the Regulations.

Section 13 - The Registrar

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

(2) The Registrar shall be appointed by the State Government on such terms and conditions as may be prescribed.

(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 and shall be bound to place before the Executive Council all such information as may be necessary for transaction of its business. He shall also perform such other duties as may be prescribed 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) The Registrar shall not be offered nor shall he accept any remuneration for any work in the University save such as may be provided by the Regulations.

Section 14 - The Controller of Examination

(1) The Controller of Examination shall be a whole-time officer of the University.

(2) The Controller of Examination shall be appointed by the State Government by notification and his remuneration and allowances shall be paid by the University.

(3) The Controller of Examination 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 information as may be necessary for transaction of its business. He shall also perform such other duties as may be prescribed by the Regulations 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 college, the production of such return or the furnishing of such information as may be necessary for the discharge of his duties.

(4) Subject to the superintendence of the Vice-Chancellor, the Controller of Examinations shall have administrative control over the employees working under him and have, in this

regard, all the powers of the Registrar.

(5) Subject to the superintendence of the Examinations Committee, the Controller of Examinations shall conduct the Examinations and make all other arrangements therefor and be responsible for the due execution of all processes connected therewith.

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

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

Section 15 - Powers, duties, terms and conditions of service of other officers

Except as otherwise provided in this Act, the mode of appointment, terms and conditions of service and the powers and duties of the officers of the University other than the Chancellor, the Vice-

Chancellor, the Finance Officer and the Registrar shall be such as may be prescribed.

Section 16 - Authorities of the University

The following shall be the Authorities of the University, namely:-- (a) the Executive Council; (b) the Academic Council; (c) the Finance Committee; (d) the Examination Committee; and

(e) such other authorities as may be declared by the Regulations to be Authorities of the

University.

Section 17 - 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 Vice-Chancellor, University of Roorkee;

(d) the Director, Indian Institute of Technology, Kanpur;

(e) Secretary to the State Government in the Technical Education Department; (f) Secretary to the State Government in the Finance Department; (g) Chairman, All Indian Council for Technical Education or his nominee; (h) Two reputed industrialists nominated by the Chancellor on the recommendation of the

State Government;

(i) Two eminent technologists nominated by the Chancellor on the recommendation of the

State Government;

(j) Two Principals of colleges, by rotation, nominated by the State Government.

(2) Notwithstanding anything in sub-section (1), no person shall be appointed as a member of the Executive Council unless he is a graduate.

(3) The term of office of members mentioned in clause (h), (i) and (j) shall be two years.

(4) A person shall be disqualified for being nominated as, and for being, a member of the Executive Council if he, or his relative, accepts 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.

Explanation.--In this sub-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.

Section 18 - Power and duties of the Executive Council

(1) The Executive Council shall be the principal executive body of the University and shall have the following powers, namely:--

(a) to supervise and control the affairs of the

University;

(b) to hold and control the property and funds of the University;

(c) to recommend emoluments and terms and conditions of service of the Vice-Chancellor; (d) to approve academic programmes;

(e) to make, amend or repeal Regulations; (f) to prepare the budget of the University;

(g) to administer any funds placed at the disposal of the University;

(h) to acquire or transfer any movable, immovable or intellectual property of the University; (i) to direct the form and use of the common seal of the University;

(j) to appoint such committees as may be required for the efficient functioning of the

University;

(k) to determine the emoluments and terms and conditions of service of the staff of the

University;

(1) to authorise operation of bank accounts of the University;

(m) to regulate and determine all other matter concerning the University in accordance with this Act or the Regulations.

(2) Every meeting of the Executive Council shall be held on such date, time and place as may be fixed by the Vice-Chancellor.

(3) The Members of the Executive Council shall be entitled to such allowance as may be prescribed.

(4) 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.

(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 may, subject to any conditions laid down in the Regulations, 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.

Section 19 - Academic Council

(1) The Academic Council shall be the principal academic body of the University and shall, subject to the provisions of this Act and the Regulations, have the control and general regulation of, and be responsible for the maintenance of standard of instruction, education and examination in the University and shall exercise such other powers and perform such other duties as may be conferred or imposed upon it by the Regulations and may advise the Executive Council on all academic matters.

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

(a) The Vice-Chancellor

(b) The Pro-Vice-Chancellor

Member

(c) Five such principals of colleges as are not members of the

Executive Council
Members

(d) One Head of the Department of the University of Roorkee

nominated by Vice-Chancellor of that University
Member

(e) One Head of the Department of the Indian Institute of

Technology, Kanpur nominated by the Director of the said

Institute
Member

(3) The term of office of the members referred to in clause (c) of sub-section (2) shall be one year.

Section 20 - Finance Committee

(1) The Finance Committee shall consist of following members, namely :--

(a) The Vice-Chancellor
Chairman

(b) The Secretary to the State Government
in the Finance

Department
Member

(c) The Secretary to the State Government
in the Technical

Education Department
Member

(d) Two members of the Executive Council
nominated by

the Vice-Chancellor, and
Member

(e) The Finance Officer
Member

(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 limit 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 as may be conferred or imposed on it by this Act or the Regulations.

(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 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.

Section 21 - Examination Committee

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

(2) The Committee shall supervise generally all the 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 the 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, finalize the same and declare the result of the University.

(3) The examination committee may appoint such number of sub-committee as it thinks fit, and in

particular, may delegate to any one or more persons or sub-committee, the power to deal with and decide cases relating to the use of unfair means by the examinees.

(4) Notwithstanding anything contained in this Act it shall be lawful for the Examination Committee or as the case may be, for a sub-committee or any person to whom the Examination 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.

(5) Subject to the provisions of this Act and the Regulations, the Examination Committee may issue such directions as it considers necessary for the arrangement for conduct of the examinations.

Section 22 - Other Authorities

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

Section 23 - Affiliation of Colleges

(1) This section shall apply to the colleges.

(2) This Executive Council may, with the previous sanction of the State Government, 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 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 upkeep, 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 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 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.

Section 24 - 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 any work for such college.

Explanation.--The term "relative" shall have the meaning assigned to it in the explanation to sub-section (4) of Section 17.

Section 25 - 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 building, laboratories and equipments thereof and also of the examinations, teaching and other work conducted or done by it, or cause an inquiry to be made in respect of any matter connected with the administration and 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 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 345 and 346 of the Code of Criminal Procedure, 1973 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 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 it 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 a college in connection with such inspection or inquiry.

Section 26 - Institute

The University, with the prior approval of State Government may establish one or more institutes to organize and conduct teaching and research in any subject.

Section 27 - Bar of charging 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.

Section 28 - Contribution and donation to college

Where a contribution or donation, either in cash or in kind, is taken or received by any college including a college maintained exclusively by

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

Section 29 - Regulations how made

(1) The First Regulations 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 regulations or may

amend or repeal the Regulations referred to in sub-section (1):

Provided that the Executive Council shall not make, amend or repeal any regulation 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 All India Council for Technical Education or the State or National Education Policy require the Executive Council to make new or additional regulations or amend or repeal the regulations 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 regulations or amend or repeal the regulations referred to in sub-section (1) or sub-section (2).

Section 30 - Regulations

Subject to the other provisions of this Act the regulations 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 the 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 qualification 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.

Section 31 - 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 objects.

(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.

Section 32 - 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's every year.

(3) Any observation made by the State Government be 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.

Section 33 - 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) The State Government, after considering the audit report and the reply of the officer referred to in sub-section (2), may take suitable decision in this behalf.

(4) 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 surcharge shall be recovered as arrears or in such other manner as may be directed by the State Government.

Section 34 - 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 Regulation 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.

Section 35 - 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 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 seat on such authority for so long as he continues to be the representative of such body.

Section 36 - Proceeding not to be invalidated by vacancy, 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.

Section 37 - 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.

Section 38 - Reference to the Chancellor

If any question arises whether any person has been duly elected or appointed as, or is entitled to be, a 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 question 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.

Section 39 - 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 Regulations made thereunder.

Section 40 - Mode of proof of University record

(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 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 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.

Section 41 - 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 fit to be necessary or expedient:

Provided that no such order shall be made after December 31, 2002.

(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.

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