

No. 296 (2)/LXXIX-V-1-2022-1-ka-1-2022

Dated Lucknow, June 3, 2022

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Bhatkhande Sanskriti Vishwavidyalaya Adhiniyam, 2022 (Uttar Pradesh Adhiniyam Sankhya 2 of 2022) as passed by the Uttar Pradesh Legislature and assented to by the Governor on June 3, 2022. The Sanskriti Anubhag is administratively concerned with the said Adhiniyam.

**THE BHATKHANDE SANSKRITI VISHWAVIDYALAYA**

**ACT, 2022**

(U.P. Act no. 2 of 2022)

[As passed by the Uttar Pradesh Legislature]

AN

ACT

*to establish and incorporate a teaching, research and extension University with a view to upgrade and reconstitute the existing Bhatkhande Music Institute Deemed University, Lucknow in the State of Uttar Pradesh and to provide for matters connected therewith or incidental thereto.*

It IS HEREBY enacted in the Seventy third Year of the Republic of India as follows:-

**CHAPTER-I**

**PRELIMINARY**

1. (1) This Act may be called the Bhatkhande Sanskriti Vishwavidyalaya Act, 2022. Short title and commencement
- (2) It shall be deemed to have come into force with effect from January 6, 2022.
2. In this Act unless the context otherwise requires: Definitions
- a. "Academic Council", means the Academic Council of the University constituted under section 22;
- b. "Affiliated College" means an institution affiliated to the University in accordance with the provisions of this Act and Statutes of the University;
- c. "Autonomous College" means an affiliated or recognized college declared as such in accordance with the provisions of section 40;
- d. "Chancellor" means the Chancellor of the University;
- e. "Constituent College" means an institution maintained by the University and named as such by the Statutes;
- f. "Director" in relation to an Institute, means the head of such Institute;
- g. "Executive Council" means the Executive Council of the University constituted under section 19;
- h. "Existing University" means Bhatkhande Music Institute Deemed University;
- i. "Faculty" means a faculty of the University;
- j. "Foundation course" means a course of greater awareness of oneself and of the social cultural and natural environment;
- k. "Hall" means a unit of residence for students maintained or recognized by the University in which provision is made for imparting tutorial and other supplementary instructions;

l. "Hostel" means a unit of residence for students maintained or recognized by the University, other than a hall, and "hostel of an affiliated or recognized college" means a unit of residence for students of that college;

m. "Institute" means an Institute established by the University under section 41;

n. "Management" in relation to an affiliated or recognized college means the Managing Committee or other body charged with managing the affairs of that college and recognized as such by the University;

o. "Other Backward Classes of citizens" shall have the same meaning as in the Uttar Pradesh Public Services (Reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes) Act, 1994;

p. "Prescribed" means prescribed by the Statutes;

q. "Principal" in relation to an affiliated, recognized or a constituent college means the head of such college and includes, the person for the time being duly appointed to Act as Principal, and in the absence of the Principal or Acting Principal, a Vice-Principal duly appointed as such;

r. "Registrar" means the Registrar of the University appointed under section 14;

s. "Recognized College" means any institution recognized by the University and authorized under the provisions of this Act and the Statutes of the University to provide for the teaching necessary for admission to a degree of the University;

t. "Secretary" means the Principal Secretary or the Secretary, as the case may be, of the concerned Department of the Government of Uttar Pradesh;

u. "Self finance course" means a course with respect to which all financial liabilities shall be borne by the Management of an recognized or affiliated college or by the University;

v. "Senior officers of the State" means officers of the Provincial Service of Uttar Pradesh posted in the University by the State Government;

w. "Statutes", "Ordinances" and "Regulations" means respectively the Statutes, Ordinances and Regulations of the University;

x. "Teacher" means Professor, Associate Professor, Assistant Professor imparting instructions or guiding research in the University or a Constituent College or Affiliated College or a Recognized College or Institute of the University or such other persons as may be declared to be the teacher by the Statutes;

y. "University" means the Bhatkhande Sanskriti Vishwavidyalaya established under section 3;

z. "Vice Chancellor" and "Pro-Vice Chancellor" means the Vice Chancellor and Pro-Vice Chancellor of the University appointed under sections 11 and 13 respectively.

## CHAPTER II

## THE UNIVERSITY

3. (1) With effect from such date as the State Government may, by notification in the Gazette appoint, there shall be established in the State of Uttar Pradesh a University by the name of "Bhatkhande Sanskriti Vishwavidyalaya".

Establishment  
and  
Incorporation  
of the University

(2) With effect from the date of commencement of this Act, the Bhatkhande Music Institute Deemed University shall cease to function as such, and all the assets and liabilities of the said Deemed to be University shall stand transferred to the University.

(3) The University shall be a body corporate. The Chancellor, the Vice-Chancellor, the members of the Executive Council and the Academic Council for the time being holding office as such in the University shall constitute the body corporate.

(4) The headquarter of the University shall be at Lucknow.

(5) The University shall have perpetual succession and a common seal, and shall sue and be sued by its name.

(6) In relation to the University to be established under sub-section (1):-

(a) the State Government shall appoint interim officers of the said University and shall constitute interim authorities of such University in such manner as it thinks fit;

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

Provided that the State Government may, by notification, extend the term of the members of such authorities for a period not exceeding one year.

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

4. The objectives of the University shall be :-

Objectives of the  
University

(i) to provide for instruction and training in all branches of Music, Art and Culture in India in order to achieve highest standard in education of Music, Art and Culture and to disseminate the same in society at large;

(ii) to facilitate research for the advancement and dissemination of knowledge in order to promote Indian Classical Music, Art and Culture, in India and abroad, and to establish new campus of University in India and abroad in order to achieve this goal;

(iii) to undertake extra mural studies, extension programs and field outreach activities in order to contribute to the development of society;

(iv) to own, manage, and develop as an institution for the advancement of Classical Music, open to all irrespective of caste, creed, race, and religion, economic position or social status;

(v) to bring about musical, intellectual, emotional and ethical integration of an individual possessing the basic values of humanism, secularism, and democracy; capable of giving a fuller response to social and environmental challenges, and having a strong character and high ethical standard;

(vi) to organise and impart excellent music education in classical, vocal and instrumental forms and dance education in classical as well as contemporary forms;

(vii) to nurture a musical temper and train a person in practical music and musicology to make the individual better suited to the increasingly music oriented society of the day;

(viii) to promote the study of cultural heritage and provide a musical background for retaining human touch so as to mellow down the harshness of a mechanical world;

(ix) to promote, preserve and encourage the folk music and dances of India;

(x) to facilitate research in Science of Music and all the three branches of Indian Classical Music, Vocal, Instrumental and Dancing;

(xi) to collect and preserve the best classical compositions in the form of tapes, records, manuscripts, photographs, instruments, costumes and ornaments etc.;

(xii) to organize and conduct short term and refresher courses, summer camps etc. and invite experts and research scholars from within the country and abroad for delivering lectures regarding the promotion of Indian Culture;

(xiii) to offer job oriented diploma and certificate courses in the field of performing arts, film making, visual arts, archaeology, musicology and archives;

(xiv) to produce, direct and perform music programmes before the public and music connoisseurs as a part of training and promotion of Indian Music as well as for the promotion of the other objectives of the University;

(xv) to introduce various courses regarding teaching and learning in the field of Choreography, Script writing, Cinematography, Music Composition, Lyrics Writing, Song Recordings, Music Designing, Anchoring, Costume Designing, Make-up, Light Designing, Instrument making and to promote programmes based on Indian Culture;

(xvi) to publish a Research Journal of international standards with a view to preserve and promote Indian Music, Arts and Culture;

(xvii) to invite respected vocalists, instrumentalists, dance maestro, drawing and painting artists, and subject experts from the field of museum, archaeology and archives to impart training in workshops; and to create study material for audio visual library of the Institute as well as to help in developing the extra-curricular activities par excellence;

(xviii) to collect, evaluate and preserve the best classical compositions, manuscripts, photographs, instruments, costumes, ornaments, audio-video recordings, etc;

(xix) to promote, preserve and pave the way for performance and research of folk culture of Uttar Pradesh and India;

(xx) to collect, evaluate and preserve the best classical compositions, manuscripts, photographs, instruments, costumes, ornaments, audio-video recordings, etc;

(xxi) to foster cultural and academic contacts within India and abroad through cultural and academic exchange programs with a view to facilitate students, teachers, and to conduct research for their foreign visits to attend seminars and performances as well as to give advancement to their studies;

(xxii) to grant affiliation and to enter into Memorandum of Understanding (MoUs) with the Universities, museums and Academies of the same nature from different States of India and other countries of abroad;

(xxiii) to establish a Research and Documentation Cell in University to enrich pure Indian classical music, accessible to the world by way of both real and virtual teaching in the digital era of globalization;

(xxiv) to promote and encourage Guru Shishya Prampara tradition of Indian Culture;

(xxv) to initiate research in Music as a therapy and to promote and encourage inter-disciplinary researches therein;

(xxvi) to establish inter-departmental cultural academic exchange programme and courses with any similar Universities or Institutes;

(xxvii) to prepare professional courses of highest academic level synthesising music, art, culture and tourism to promote employment;

(xxviii) to sign M.O.U. with different Pilgrimage Development Boards established or to be established by the Government of Uttar Pradesh for granting Degree, Diploma, for participation in research and cultural activities and also to have co-operation with other activities of these Boards in order to promote cultural diversity;

(xxix) to set up a separate faculty for study and research in traditional theatre of different cultural zones of Uttar Pradesh i.e., Awadh, Poorvanchal, Bundelkhand, Braj and Pashchimanchal Uttar Pradesh, etc;

(xxx) to promote study of and to establish centres related to Uttar Pradesh Classical Gharanas, and classical and folk music in countries like Mauritius, Surinam, Trinidad, etc;

(xxxi) to facilitate scholarships to those students of the University, who are pursuing their further studies abroad in the field of music, arts and culture;

(xxxii) to facilitate students to achieve different fellowships;

(xxxiii) to set up a mega auditorium for performance and a digital studio, well-equipped with modern facilities and techniques for music composing, editing, dubbing and other related works. along with a mini auditorium to promote performing skills among the students and artists, by way of workshops and seminars/symposias and exhibition gallery for various exhibitions;

(xxxiv) to set up a modern library, digitally equipped library for studies and other similar works;

(xxxv) to set up a museum of rare instruments related to folk, tribal and contemporary music, art and culture;

(xxxvi) to felicitate the reputed and distinguished personalities of the State of Uttar Pradesh, of India and abroad to give them proper recognition of their lifelong works and achievements to music art and culture, and to develop a sense of responsibility among the students and research scholars of the University so that they can serve the society in fields of music and arts by developing skills in respect thereof;

(xxxvii) to organize lectures, seminars, symposia and conferences to make music and arts with efficient instruments of socio-cultural and academic development;

(xxxviii) to hold examinations and confer degrees and other academic distinctions;

(xxxix) to do all such other acts and things as may be necessary or desirable to further the objects of the University.

Powers and  
Functions of the  
University

5. The University shall have the following powers and functions, namely,-

(i) to provide for instruction in such branches of learning as the University may think fit, and to make provisions for research and for the advancement and dissemination of knowledge of art and culture;

(ii) to admit any college to the privileges of affiliation or recognition or to enlarge the privileges of any college already affiliated or recognized, as the case may be, or to withdraw or curtail any such privilege and to guide and control the work of affiliated and recognized colleges.

(iii) to confer degrees, diplomas and other academic distinctions;

(iv) to hold examination for, and to grant and confer degrees, diplomas and other academic distinctions to and on persons, who:-

(a) have pursued a course of study in the University, a constituent college or an affiliated college, or recognized college; or

(b) have carried on research in the University or in an institution recognized in that behalf by the University or independently, under conditions laid down in the Statutes and the Ordinances; or

(c) have pursued a course of study by correspondence whether residing within the area of the University or not, and have been registered by the University as external candidates, subject to such conditions as may be laid down in the Statutes and Ordinances; or

(d) are teachers or other employees in the University or in an Institute or in a constituent or affiliated or recognized college or in any other educational institution under conditions laid down in the Statutes and the Ordinances, and have carried on private studies under the conditions laid down in the Statutes and the Ordinances; or

(e) are persons residing within the area of the University and have carried on private studies under conditions laid down in the Statutes and Ordinances; or

(f) are blind and are residing within the area of the University and have carried on private studies under conditions laid down in the Statutes and the Regulations;

(v) 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;

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

(vii) to institute teaching posts required by the University and to appoint persons to such posts;

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

(ix) 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 ;

(x) to institute and award scholarships, fellowships (including travelling fellowship), studentships and prizes in accordance with the Statutes and the Ordinances;

(xi) to institute and maintain halls and hostels and to recognize places of residence for students of the University, the Institutes or the constituent or recognized colleges affiliated; or

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

(xiii) to supervise and control the residence and to regulate the discipline of students of the University, the Institute and the constituent or affiliated or recognized colleges and to make arrangements for promoting their health;

(xiv) to publish books, monographs, periodicals and papers in various subjects taught in the University, the Institute and the constituent or affiliated or recognized colleges;

(xv) to raise loans;

(xvi) to receive grants, subventions, subscriptions, donations, and gifts for the purpose of the University and consistent with the objectives for which the University is established;

(xvii) to acquire, hold, manage and dispose of any property, movable or immovable, including trust and endowment properties for the purposes of the University;

(xviii) to create administrative, ministerial and other necessary posts and to make appointments thereto; and

(xix) to do all such acts and things, whether incidental to the powers aforesaid or not as may be requisite in order to further the objects of the University

6. The jurisdiction of the University shall extend to the whole of the State of Uttar Pradesh. Jurisdiction

7. (1) The University shall be open to all persons (including the teachers and students) of whatever race, religion, caste, creed, class or sex: University open to all classes  
Castes and creed

(2) The University shall not admit to any course of study a larger number of students than may be determined by the Statutes and Regulations:

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 citizens.

## CHAPTER-III

## INSPECTION AND INQUIRY

## Visitation

8. (1) The State Government, shall have the right to cause an inspection to be made by such person or persons as it may direct, of the University or any constituent college or any Institute maintained by the University including its buildings, libraries, laboratories, workshops and equipment and also of the examinations, teaching and other work conducted or done by the University or such colleges or Institute or to cause an inquiry to be made in the like manner in respect of any manner connected with the administration and finances of the University or such college or such Institute.

(2) Where the State Government decides to cause an inspection or inquiry to be made under sub-section (1), it shall inform the University of the same through the Registrar, and any person nominated by the Executive Council may be present at such inspection or inquiry as representative of the University and he shall have the right to be heard as such:

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

(3) The person or persons appointed as per Statutes to inspect or inquire under sub-section (1) shall have all the powers of a Civil Court, while trying a suit under the Code of Civil Procedure, 1908, (Act no. 5 of 1908) for the purpose of taking evidence on oath and enforcing the attendance of witnesses and compelling production of documents and material objects, and shall be deemed to be a Civil Court within the meaning of sections 345 and 346 of the Code of Criminal Procedure, 1973 (Act no. 2 of 1974) and any proceeding before him or them shall be deemed to be judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code, 1860 (Act no. 45 of 1860).

(4) The State Government shall address the Vice-Chancellor with reference to the result of such inspection or inquiry, and the Vice-Chancellor shall communicate to the Executive Council the views of the State Government with such advice as the State Government may offer upon the action to be taken thereon.

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

(6) If the University authorities do not within a reasonable time, take action to the satisfaction of the State Government, the Government may after considering any explanation which the University authorities may furnish, issue such directions as it may think fit, and the University authorities shall be bound to comply with such directions.

(7) The State Government shall send to the Chancellor a copy of every report of an inspection or inquiry caused to be made under sub-section (1), of every communication received from the Vice-Chancellor under sub-section (5), of every direction issued under sub-section (6), and also of every report or information received in respect of compliance or non-compliance with such direction.

(8) Without prejudice to the provisions of sub-section (6) if the Chancellor, on consideration of any document or material referred to in sub-section (7) of this section including any report of an inquiry held before the commencement of this Act is of opinion that the Executive Council has failed to carry out its functions or has abused its powers, he may, after giving it an opportunity of submitting a written explanation order that in supersession of the said Executive Council, an *ad hoc* Executive Council consisting of the Vice-Chancellor and such other persons not exceeding ten in number as the Chancellor may appoint in that behalf including any member of the superseded Executive Council shall for such period not exceeding two years as the Chancellor may from time to time specify and subject to the provisions of sub-section (11), exercise and perform all the powers and functions of the Executive Council under this Act.



(9) Nothing in section 19 shall apply to the composition of the *ad-hoc* Executive Council that may be constituted under sub-section (8).

(10) Upon an order being made under sub-section (8), the term of office of all members of the Executive Council superseded thereby, including *ex-officio* members shall cease and all such members shall vacate their offices as such.

(11) During the period of operation of an order under sub-section (8), the provisions of this Act, shall have effect subject to the following modifications, namely:-

(a) in section 19, after sub-section (5), the following sub-section shall be deemed *inserted*:

“(6) A meeting of the Executive Council shall be held at least once every two months:”

(b) in section 20, in sub-section (1), after the words “subject to the provisions of this Act”, the words “and subject also to the control of the Chancellor” shall be deemed *inserted*;

(12) A fresh Executive Council shall be constituted in accordance with the provisions of section 19 with effect from the expiration of the period of operation of an order under sub-section (8).

(13) Any Statute, Ordinance, Regulation or other rules made during the period of operation of an order under sub-section (8), in accordance with the provisions of this Act, as deemed modified by virtue of the provisions of sub-section (11) shall, notwithstanding the expiration of such period, continue in force until amended, repealed or rescinded in accordance with the provisions of this Act.

#### CHAPTER-IV

##### OFFICERS OF THE UNIVERSITY

9. The following shall be the officers of the University

Officers of the University

- (a) the Chancellor;
- (b) the Vice-Chancellor;
- (c) the Registrar;
- (d) the Finance Officer;
- (e) the Controller of Examinations;
- (f) the Deans of the Faculties;
- (g) the Dean of Students Welfare;

(h) such other officers as may be declared by the Statutes to be the officers of the University.

10. (1) The Governor shall be the Chancellor of the University. He shall, by virtue of his office, be the Head of the University.

The Chancellor

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

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

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

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

The Vice-Chancellor

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

(a) one person (not being a person connected with the University, an Institute and a constituent college, a recognized or affiliated college or a hall or hostel, or any authorities of the University) to be nominated by the Executive Council at least three months before the date on which a vacancy in the office of the Vice-Chancellor is due to occur by reason of expiry of his term:

Provided that if any member of the Executive Council, including the Vice-Chancellor, is an applicant for the post of Vice-Chancellor he shall recuse the said meeting while discussing the agenda point of this issue.

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

(c) one person to be nominated by the Chancellor who shall also be the convener of the Committee:

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

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

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

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

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

(7) (a) Only such person shall be eligible for appointment to the office of Vice Chancellor who has not attained the age of sixty-five years;

(b) The Vice-Chancellor shall hold the office for a term of three years from the date he enters upon his office or till he attains the age of sixty eight years whichever is earlier;

(c) The Vice-Chancellor who has not attained the age of sixty-five years may be appointed as such for second term:

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

(8) Subject to the provisions of this Act, the emoluments and other conditions of service of the Vice-Chancellor shall be such as may be determined by the Statutes.

(9) The Vice-Chancellor shall not be entitled to the benefit of any pension, insurance or provident fund constituted under section 32:

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

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

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

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

(c) any other emergency :

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

(11) Until a Vice-Chancellor appointed under sub-section (1) or sub-section (5) or sub-section (10) assumes office, the Pro-Vice-Chancellor, if any, or the senior-most Professor of the University shall discharge the duties of the Vice-Chancellor as well.

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

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

(a) such Vice-Chancellor shall refrain from performing the functions of the office of Vice-Chancellor but shall continue to get the salary and University residence.

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

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

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

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

(c) in the absence of the Chancellor, preside over any convocation of the University;

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

Powers and  
Functions of the  
Vice-Chancellor

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

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

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

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

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

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

(6) Where any matter (other than the appointment of teacher of the University) is of urgent nature requiring immediate action and the same could not be immediately dealt with by any officer or the authority or other body of the University empowered by or under this Act to deal with it, the Vice-Chancellor may take such action as he may deem fit and shall forthwith report the action taken by him to the Chancellor and also to the officer, authority, or other body who or which in the ordinary course would have dealt with such matter:

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

Provided further that if the officers, authority or other body is of the 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 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) Where the exercise of the power by the Vice-Chancellor under sub-section (6) involves the appointment of an officer such appointment shall terminate an appointment being made in the prescribed manner or on the expiration of a period of six months from the date of the order of the Vice-Chancellor, whichever is earlier.

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

Pro-Vice-  
Chancellor

13. (1) The senior-most professor of the University shall be appointed as Pro-Vice-Chancellor by the Vice Chancellor with prior approval of the Chancellor :

Provided that if any enquiry is pending against senior most professor or he is punished for any financial, administrative or moral misconduct the next senior most Professor will be considered for the post of Pro Vice-Chancellor having no such disabilities.

(2) 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 in the absence of the Vice Chancellor preside over the meetings of the University. He shall not be entitled for any other emoluments than his entitlement as professor for the post of Pro Vice Chancellor.

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

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

The Registrar

(2) The Registrar shall be appointed by the State Government from amongst the senior-most administrative officers of the State or Registrar, Deputy Registrar and Assistant Registrar, separate service cadre created by rules made in this regard by notification in official Gazette by the State Government.

He may be appointed in accordance with, and his conditions of service may be governed by such rules.

(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 the ex-officio Secretary of the Executive Council, the Academic Council and the Admissions Committee and of every Selection Committee for appointment of teachers of the University and shall be bound to place before these authorities all such information as may be necessary for transaction of their business. He shall also perform such other duties required, as may be prescribed by the Statutes and Ordinances, 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 works in the University save such as may be provided for by rules made under sub-section (2)

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

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

The Finance Officer

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

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

(4) The Finance Officer shall have the duty-

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

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

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

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

(e) to ensure that internal audit is conducted atleast twice in a financial year, and shall take all corrective measures and actions subject to the provisions of this Act as required by the such audit report.

(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.

The Controller  
of Examination

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

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

(3) The Controller of Examinations shall be responsible for the due custody of the records pertaining to his work. He shall be *ex officio* Secretary of the Examinations Committee of the University and shall be bound to place before such Committee all such information as may be necessary for transaction of its business. He shall also perform such other duties as may be prescribed by the Statutes and Ordinances, as required from time to time, by the Executive Council or the Vice-Chancellor but he shall not, by virtue of this sub-section, be entitled to vote. He may require, from any office or institute of the University, the production of such return or the furnishing of such information as may be necessary for the discharge of his duties.

(4) The Controller of Examination shall have administrative control over the employees working under him.

(5) Subject to the superintendence of the Examination Committee, the Controller of Examination shall conduct the examination 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 Examination is for any reason unable to act or the office of Controller of Examination 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 Examination resumes his duties or the vacancy is filled, as the case may be.

Other Officers

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

#### CHAPTER-V

##### AUTHORITIES OF THE UNIVERSITY

Authorities of the  
University

18. The following shall be the authorities of the University-

- (a) the Executive Council;
- (b) the Academic Council;
- (c) the Finance Committee;
- (d) Faculties

(e) such other authorities as may be declared by the Statutes to be authorities of the University.

Constitution of  
the Executive  
Council

19. (1) The Executive Council shall consist of-

- (a) the Vice-Chancellor who shall be the Chairman thereof;
- (b) the Pro-Vice-Chancellor, if any;

(c) the Deans of two Faculties by rotation in the manner prescribed;

(d) one member from amongst the Professors or Associate Professors belonging to the Scheduled Castes or Scheduled Tribes and one member from amongst the Professors or Associate Professors belonging to Other Backward Classes of citizen nominated by the Chancellor;

(e) three persons of academic eminence - one person each from the field of music, art and culture to be nominated by the Chancellor;

(f) one retired judge of the High Court of Judicature at Allahabad to be nominated by the Chancellor;

(g) Additional Chief Secretary or Principal Secretary or Secretary, Culture Department of State Government, as the case may be, or his nominee not below the rank of Special Secretary;

(h) Additional Chief Secretary or Principal Secretary or Secretary, Higher Education Department of State Government, as the case may be, or his nominee not below the rank of Special Secretary;

(i) Additional Chief Secretary or Principal Secretary or Secretary, Finance Department of the State Government, as the case may be, or his nominee not below the rank of Special Secretary.

(2) The term of office of members mentioned in:-

(i) clauses (c) and (d) of sub section(1) shall be one year.

(ii) clause (e) or clause (f) of sub-section (1) shall be three years.

(3) No person shall be a member of the Executive Council for more than two consecutive terms.

(4) Notwithstanding anything in sub-section (1) no person shall be nominated as a member of the Executive Council unless he is a graduate or an eminent person from the field of music, art and culture.

(5) A person shall be disqualified for being chosen as and for being, a member of the Executive Council if he or his relative accepts any remuneration for any work in or for the University or any contract for the supply of goods to or for the execution of any work for the University:

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 teachers for any duties of a similar nature in relation to the University.

*Explanation :-* The expression "relative" shall have the same meaning as defined in clause (77) of section 2 of the Companies Act, 2013 ( Act no. 18 of 2013).

20. (1) The Executive Council shall be the principal executive body of the University and subject to the provisions of this Act, shall 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 teachers and other employees of the University and to define their duties and conditions of their service, and to provide for the filling of temporary casual vacancies in their posts;

Powers and  
Functions of  
the Executive  
Council

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

(ix) to admit any college to the privileges of affiliation or recognition or enlarge the privileges of any college already affiliated/recognised or withdraw or curtail any such privilege;

(x) to arrange for and direct the inspection of Institutes, affiliated, recognized or constituent colleges, halls, hostels and other places of residence of students;

(xi) to direct the form and use of common seal of the University;

(xii) to regulate and enforce discipline among officers and 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 others administrative affairs of the University and for that purpose, to appoint such agents as it may think fit;

(xiv) to invest any money belonging to the University (including any income from trust and endowed property) and purchase immovable property as per the directions of the State Government.

(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 appoint Committees for admissions and examinations in the manner as provided in Statutes;

(xviii) to regulate and determine all other matters concerning the University as well as Institutes, constituent, affiliated and recognized 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 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 Regulations 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]:

Provided that in case of self finance courses no such approval of the State Government is required.

(4) The Executive Council may with the prior approval of 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 lien and seniority as such teacher and also to continue to earn increments in his pay scale during the period of his assignment and to contribute towards provident fund and earn retirement benefits, if any, in accordance with 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 recognized 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 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.

21. (1) The Executive Council shall meet atleast once in three months except in emergency meeting, and not less than fifteen days' notice shall be given to the members thereof of such meeting.

Meeting of  
the Executive  
Council

(2) One-third of the total number of members of the Executive Council shall form the quorum at any meeting thereof.

(3) Decision shall be taken by the majority in the meeting of the Executive Council.

22. (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:-

Academic  
Council

(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) Subject to the provisions of this Act or the Statutes, the Academic Council shall in addition to all other powers vested in it, have the following powers, namely:—

(i) to report on any matter referred on delegated to it by the Executive Council;

(ii) to make recommendations to the Executive Council with regard to the creation, abolition or classification of teaching posts in the University and the qualification, emoluments and duties attached thereto;

(iii) to formulate and modify or revise schemes for organization of the faculties and to assign to such faculties their respective subjects and also to report to the Executive Council as the expediency of the abolition or subdivision of any faculty or the combination of one faculty with another;

(iv) to make arrangement through regulations for the instruction and examination of persons other than those enrolled in the University;

(v) to promote research with the University and to require, from time to time, to report on such research;

(vi) to consider proposals submitted by the faculties;

(vii) to recognize diplomas and degrees of other Universities and Institutions and to determine their equivalence in relation to the diplomas and degrees of the University;

(viii) to fix, subject to any conditions accepted by the Executive Council, the time, mode and conditions of competitions for fellowship, scholarships and other prizes and to award the same;

(ix) to make recommendations to the Executive Council with regards to the appointment of examiners and, if necessary their removal and the fixation of their fees, emoluments and travelling and other expenses;

(x) to make recommendation to Executive Council for arrangement of the conduct of examination and to fix dates for holdings them;

(xi) to declare the result of the various examinations or to, appoint committees or officers to do so, and to make recommendations regarding the conferment of grant of degrees, honours, diplomas, licenses, titles and marks of honours;

(xii) to award stipends, scholarships, medals and prizes and to make other awards in accordance with the regulations and such other conditions as may be attached to the awards;

(xiii) to publish list of prescribed or recommended text books and to publish syllabus of the prescribed courses of study;

(xiv) to prepare such form and registers as are from time to time, prescribed by regulations; and to perform in relation to academic matters, all such duties and to do all such acts as may be necessary for the proper carrying out of provisions of this Act.

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

(i) the Vice-Chancellor;

(ii) the Deans of all Faculties, if any ;

(iii) all Heads of Departments of the University and where there is no department in a subject in the University, the senior-most teacher from affiliated colleges representing that subject from the Faculty concerned;

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

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

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

(vii) one Principal of affiliated or recognized colleges (if any) to be selected by rotation in the manner prescribed;

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

(ix) the Dean of Students Welfare ;

(x) the Librarian of the University; and

(xi) three persons of academic eminence – one person each from the field of Art, Music and Culture to be nominated by the Chancellor:

Provided that if there is no member belonging to the Scheduled Castes or Scheduled Tribes or the Other Backward Classes of citizens in the Academic Council constituted under this sub-section, the Vice-Chancellor may nominate one member belonging to the Scheduled Castes or Scheduled Tribes and One member belonging to Other Backward Classes from an affiliated college or the University.

(4) Subject to the provisions of section 61 the term of office of members other than *ex officio* members shall be three years.

(5) Unless a proposal having academic importance has been recommended by the Academic Council, the Executive Council shall not take a decision thereon and if the Executive Council disagrees with the recommendations of the Academic Council, it shall refer the proposal back to the Academic Council with reasons for the disagreement and the decision of Executive Council shall be final.

23. (1) The Academic Council shall meet at least once in three months except in emergency meeting and not less than fifteen days' notice shall be given to the members thereof of such meeting.

Meeting of  
the Academic  
Council

(2) One-third of the total number of members of the Academic Council shall form the quorum at any meeting thereof.

(3) Decision shall be taken by the majority in the meeting of the Academic Council.

24. (1) The Finance Committee shall consist of :-

The Finance  
Committee

(a) the Vice-Chancellor;

(b) the Additional Chief Secretary or Principal Secretary, or Secretary Culture to the State Government, as the case may be;

(c) the Additional Chief Secretary or Principal Secretary or Secretary, Finance Department of the State Government, as the case may be;

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

(e) the Registrar;

(f) the Controller of Examination;

(g) one member from the Executive Council to be nominated by the Executive Council;

(h) the Finance Officer or Finance Controller (whosoever is senior) 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 Special 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 the decision of Executive Council shall be final.

25. (1) The Finance Committee shall meet at least once in three months except in emergency meeting, and not less than fifteen days' notice shall be given to the members thereof of such meeting.

Meeting of  
the Finance  
Committee

(2) One-third of the total number of members of the Finance Committee shall form the quorum at any meeting thereof.

(3) Decision shall be taken by the majority in the meeting of the Finance Committee.

26. Notwithstanding anything provided by this Act, the meeting of the Finance Committee shall not take place in the absence of members of the Finance Committee as provided in clauses (b) and (c) of sub-section (1) of section 24.

Bar of the  
Meeting of  
Finance  
Committee

The  
Faculties

27. (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 Act.
- (3) There shall be a Dean of each Faculty who shall be appointed from amongst the Professors of the University by rotation in order of seniority and shall hold office for three years:
- Provided that if there is no Professor in the Faculty, the office of Dean shall be held by Associate Professors and if there are no Associate Professors, then by other teachers in that Faculty, by rotation in order of seniority.
- (4) The Dean shall be the Chairman of the 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.
- (5) In each Department of teaching in the University, there shall be a Head of the Department whose appointment shall be regulated by Statutes:
- Provided that every person holding the office of Head of Department immediately before the date of commencement of this sub-section shall, subject to the provisions of this Act and the Statutes, continue to hold office on the same terms and conditions as he held immediately before the said date.
- (6) 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.
- (7) 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.

Other  
Authorities

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

#### CHAPTER-VI

##### APPOINTMENT AND CONDITIONS OF SERVICE OF TEACHERS

Appointment  
of Teachers

29. (1) Subject to the provisions of this Act,-
- (a) Assistant Professor, Associate Professor, Professor and all other teaching staff of the University shall be appointed by the Executive Council on the recommendation of a Selection Committee constituted in the manner as prescribed by the Statutes.
- (b) Assistant Professor, Associate Professor, Professor and all other teaching staff of the affiliated or recognized colleges (other than a college maintained exclusively by the State Government) shall be appointed by the Management of the affiliated or recognized college, as the case may be, on the recommendation of Selection Committees constituted in the manner as prescribed by the Statutes.
- (c) Director of an Institute or the Principal of constituent college shall be appointed by the Executive Council on the recommendation of a Selection Committee in the manner as prescribed by the Statutes.
- (d) The Principal of an affiliated or recognized college (other than those appointed by the management of the affiliated or recognized college) shall be appointed on the recommendation of a Selection Committee in the manner as prescribed by the Statutes.
- (e) The Selection Committee for the post of Librarian, a Deputy Librarian and Assistant Librarian shall be the same as that of a Professor, Associate Professor and Assistant Professor.

(2) Qualification, experience and conditions of service of Assistant Professor, Associate Professor, Professor, Director of an Institute, Principal of constituent recognized and affiliated colleges and all other teaching staff under sub section (1) of this section shall be such as prescribed by the statutes.

30. Subject to the provision of this Act, all teaching staff appointed under sub-section (1) of section 29 shall be promoted in such manner and have such length of service and qualifications as prescribed by the Statutes.

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

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

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

32. The University and every affiliated or recognized college shall constitute, for the benefit of its officers, teachers and other employees, in such manner and subject to such conditions as may be specified by general or special order by the State Government such pension, insurance or provident fund as it may deem fit including a fund from which such teachers or their heirs, as the case may be, shall be paid pension or gratuity in the event of their incurring disability, wound or death in connection with the discharge of their duties as Superintendent of a Centre or invigilator as defined in Uttar Pradesh Universities (Provisions regarding Conduct of Examinations) Act, 1965.

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

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

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

34. (1) Any dispute arising out of a contract of appointment referred to in section 31 or section 32 shall be referred to a Tribunal of Arbitration as prescribed by the Statutes.

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

(3) The Tribunal of Arbitration shall have the power:-

- (i) to regulate its own procedure;
- (ii) to order re-instatement of the officer or teacher concerned; and
- (iii) to award salary to the officer or teacher concerned, after deducting therefrom such income which such officer or teacher might have otherwise derived during his suspension, removal, dismissal or termination from service.

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

Personal promotion to Teachers of University  
Contract of Appointment of Teachers of the University

Pensions, Provident Fund etc.

Limits of Additional Remunerative Work Permissible to Teachers

Tribunal of Arbitration

(5) No suit or proceedings shall lie in any Court in respect of any matter which is required by sub-section (1) to be referred to the Tribunal of Arbitration:

Provided that every decision of the Tribunal referred to in sub-section (2) shall be executable by the lowest Court having territorial jurisdiction, as if it were a decree of that Court.

#### CHAPTER-VII

##### AFFILIATION AND RECOGNITION

Affiliation and withdrawal of Affiliation of Colleges

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

Provided that if in the opinion of the Chancellor a college substantially fulfils the conditions of affiliation, he may sanction grant of affiliation to that college or enlarge the privileges thereof in specific subjects for one term of a course of study on such terms and conditions as he may deem fit:

Provided further that unless all the prescribed conditions of affiliation are fulfilled by a college, it shall not admit any student in the first year of the course of study for which affiliation is granted under the foregoing proviso after one year from the date of commencement of such affiliation.

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

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

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

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

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

(7) The privileges of affiliation of a college which fails to comply with any direction of the Executive Council under sub-section (6) or to fulfil the conditions of affiliation may, after obtaining a report from the Management of the college, be withdrawn or curtailed by the Executive Council in accordance with the provisions of the Statutes.

(8) Notwithstanding anything contained in sub-section (1) and (7), if the Management of an affiliated college has failed to fulfil the conditions of affiliation, the State Government may, after obtaining a report from the Management and the Vice-Chancellor, withdraw or curtail the privileges of affiliation.

(9) Any institution, whose application is rejected by the University, may prefer an appeal to the State Government within thirty days from the receipt of the order of rejection, which may either allow the appeal or reject it. The State Government shall also have power to review the matter of application of a college in cases where complaints have been received by it with respect to the irregularities committed by the college.

36. (1) Recognized colleges shall be such as may be named by the Statutes. Recognition and Withdrawal of Recognition of Colleges
- (2) It shall be lawful for a recognized college to make arrangements with any other recognized college or colleges or with the University for co-operation in the work of teaching.
- (3) The conditions of recognition of a recognized college shall be prescribed by the Statutes or imposed by the Executive Council but no recognized college shall except with the previous approval of the Chancellor, be authorised to impart instruction for post-graduate degrees:
- Provided that if a recognized college is not authorized to grant recognition for imparting instruction for post-graduate degrees, such college may, with the approval of the Chancellor, be granted affiliation by any University referred to in section 35 anything in section 5 notwithstanding and thereupon, such college shall cease to be a recognized college for post graduate course.
- (4) Except as provided by this Act, the Management of a recognized college shall be free to manage and control the affairs of the college and be responsible for its maintenance and upkeep. The Principal of every such college shall be responsible for the discipline of its students and for the superintendence and control over its staff.
- (5) The Executive Council shall cause every recognized college to be inspected from time to time at intervals not exceeding three years by one or more persons authorised by it in this behalf and a report of the inspection shall be made to the Executive Council.
- (6) The recognition of a recognized college may with the previous sanction of the Chancellor be withdrawn by the Executive Council, if it is satisfied after considering any explanation furnished by the management that it has ceased to fulfil the conditions of its recognition or that it persists in making default in the performance of its duties under this Act or in the removal of any defect in its work pointed out by the Executive Council.
37. A person shall be disqualified from being chosen as and for being a member of the Management of an affiliated or recognized college (other than a college maintained exclusive be the State Government or by local authority), if he or his relative accepts any remuneration for any work in or for such college or accepts any contract for the supply of goods to or for the execution of any work for such college: Disqualification from Membership of Management
- Provided that nothing in this section shall apply to the acceptance of any remuneration by a teacher as such or for any duties performed in connection with an examination conducted by the college or for any duties as Superintendent or Warden of a training unit or of a hall or hostel of the college or as a Proctor or tutor or for any duties of a similar nature in relation to the college.
- Explanation.*— The term 'relative' shall have the same meaning as assigned to it in the Explanation to section 19.
38. (1) The State Government shall have the right to cause an inspection to be made by such person or persons as it may direct, of any affiliated and recognised college, including buildings, laboratories and equipments thereof and also of the examinations teaching and other work conducted or done by it, or cause an inquiry to be made in respect of any matter connected with the administration and finances of such college. Inspection etc of Affiliated and Recognized Colleges
- (2) Where the State Government decides to cause an inspection or inquiry to be made under sub-section (1), it shall inform the Management of the same and a representative appointed by the Management and where the Management fails to appoint a representative, the Principal of the college may be present at such inspection or inquiry and shall have the right to be heard on behalf of the Management but no legal practitioner shall appear, plead or act on behalf of the college at such inspection or inquiry.

(3) The person or persons appointed to inspect or inquire under sub-section (1) shall have all the powers of a Civil Court while trying a suit under the Code of the Civil Procedure, 1908 (Act no. 5 of 1980), for the purpose of taking evidence on oath and of enforcing the attendance of witnesses and compelling production of documents and material objects, and shall be deemed to be a Civil Court within the meaning of sections 480 and 482 of the Code of Criminal Procedure, 1973 (Act no. 2 of 1974) 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, 1860 (Act no. 45 of 1860).

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

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

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

Constituent  
Colleges

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

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

Autonomous  
College

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

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

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

Institutes

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

Bar of  
Charging Any  
Donation etc.  
for Admission  
to a College

42. No person connected with the Management of an affiliated or recognized college and no Principal or other teacher or other employee thereof shall directly or indirectly take or receive or cause to be taken or received any contribution donation, fees or any other payment of any sort, either in cash or in kind except the fees at the rates laid down in the 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).

Contribution  
and Donations  
to Colleges

43. Where a contribution or donation either in cash or in kind is taken or received by any affiliated or recognized college, the contribution or donation so received shall be utilised only for the purpose for which it was given to it.

Halls, Hostels  
and Delegacy  
of the  
University

44. (1) The halls and hostels of the University shall be:-

(a) those maintained by the University and named in the Statutes;

(b) those recognised by the Executive Council on such general or special conditions as may be provided by the Ordinances.

(2) The warden and other staff of the halls and hostels shall be appointed in the manner provided by the Ordinances.

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



CHAPTER -VIII  
STATUTES, ORDINANCES, REGULATIONS  
AND ANNUAL REPORTS

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

(a) the constitution power and functions of the authorities of the University;

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

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

(d) the classification and recruitment (including minimum qualifications and experience) of Principals and other teachers of the University and of affiliated and recognized colleges, the maintenance by them of their annual academic progress report, the rules of conduct to be observed by them and their emoluments and other conditions of service (including provisions relating to compulsory retirement);

(e) the recruitment (including minimum qualifications and experience) and their emoluments and other conditions of service (including provisions relating to compulsory retirement) of persons appointed to other posts under the University;

(f) the constitution of a pension or provident fund or the establishment of an insurance-scheme for the benefit of officers, teachers and other employees of the University;

(g) the institution of degrees and diplomas;

(h) the conferment of honorary degrees;

(i) the withdrawal of degrees and diplomas certificates and other academic distinctions;

(j) the establishment, amalgamation, abolition and reorganization of Faculties;

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

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

(m) the conditions under which colleges and other institutions may be admitted to the privileges of affiliation or recognition by the University and the conditions under which any such privilege may be withdrawn;

(n) the recognition of the Management of any affiliated or recognized college;

(o) the number, minimum qualification and experience; the emoluments and other conditions of service including the age of retirement and provisions relating to compulsory retirement of salaried employees (not being teachers) of the University or an affiliated or recognized college, and the preparation and maintenance of records of their service;

(p) the institution of scholarships, fellowships, studentships, medals and prizes;

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

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

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

Statutes, how to  
be made

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

(2) The Executive Council may, from time to time, make new or additional Statutes or may amend or repeal the same from time to time with assent of the Chancellor.

(3) The Executive Council shall not propose the draft of any Statute affecting the status, power or constitution of any authority of the University until such authority has been given an opportunity of expressing its opinion upon the proposal and any opinion so expressed shall be in writing and shall be submitted to the Chancellor.

(4) Every new Statute or addition to a Statute or any amendment or repeal of Statute shall be submitted to the Chancellor who may assent to it or withhold his assent therefrom or remit it to the Executive Council for further consideration.

(5) A Statute passed by the Executive Council shall have effect from the date it is assented to by the Chancellor or from such later date as may be specified by him.

(6) Notwithstanding anything contained in the foregoing sub-section the State Government may, in order to implement any decision taken by it in the interest of learning, teaching or research or for the benefit of teachers, students or other staff or on the basis of any suggestion or recommendation of any regulatory body or the State or National Education Policy, with regard to the qualifications of the teachers require the Executive Council to make new or additional Statutes or amend or repeal the Statutes referred to in sub-section (1) within a specified time and if the Executive Council fails to comply with such requirement the State Government may with the assent of the Chancellor, make new or additional Statutes or amend or repeal the Statutes referred to in sub-section(1).

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

Ordinances

47. (1) Subject to the provisions of this Act and the Statutes, the Ordinances may provide for any matter which is to be provided for by this Act or the Statutes or is to be or may be provided for by the Ordinances.

(2) Without prejudice to the generality of the provisions of sub-section (1), the Ordinances shall provide for the following matters, namely :-

(a) the admission of students to the University and their enrolment and continuance as such;

(b) the course of study to be laid down for all degrees, diplomas and other academic distinctions of the University;

(c) the conditions under which students shall be admitted to the examinations, degrees and diplomas of the University and shall be eligible for the award of such degrees and diplomas;

(d) the conditions of the award of scholarships, fellowships studentships, degrees, medals, and prizes;

(e) the conditions of residence of students at the University and the management of halls and hostels maintained by the University;

(f) the recognition and management of halls and hostels not maintained by the University;

(g) the maintenance of discipline among the students of the University;

(h) all matters relating to correspondence courses and private candidates;

(i) the formation of parent-teachers association;

(j) the fees which may be charged by the University or by an affiliated or recognized college for any purpose;

(k) the conditions subject to which persons may be recognized as qualified to give instructions in halls and hostels;

(l) the conditions and mode of appointment and the duties of examining bodies, examiners, moderators, invigilators and tabulators;

(m) the conduct of examinations;

(n) the remuneration and allowances including travelling allowance or any daily allowances to be paid to persons employed on the business of the University; and

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

48. (1) The first Ordinances shall be made by the State Government. Thereafter, Ordinances shall be made by the Executive Council with consent of the Chancellor.

Ordinance,  
how to be  
made

(2) In the case of the existing University, for so long as the First Ordinances are not so made, the Ordinances of the University of Lucknow as in force immediately before the commencement of this Act, insofar as they are not inconsistent with the provisions of this Act, shall apply, subject to such adaptations and modifications as may be necessary or expedient, as the State Government may, by notification in the *Gazette* provide:

Provided that for the purpose of making the provisions of any such Ordinances in consonance and accordance with the provisions of this Act and the Statutes, the Chancellor, may by order, make such adaptations and modifications of the Ordinances whether by way of repeal, amendment or addition as may be necessary or expedient and provide that the Ordinances shall, from such date as may be specified in the order, have effect subject to the adaptations and modifications so made and any such adaptation or modification shall not be called in question.

(3) Save as otherwise provided in this section, the Executive Council may; from time to time, make new or additional Ordinances or may amend or repeal the Ordinances referred to in sub-sections (1) and (2):

Provided that no Ordinance shall be made:-

(a) affecting the admission of students or prescribing examinations to be recognized as equivalent to the University examinations or the further qualifications mentioned in sub-section (1) of section 45 for admission to the degree courses of the University unless a draft of the same has been proposed by the Academic Council; or

(b) affecting the conditions and mode of appointment and duties of examiners and the conduct or standard of examinations or any course of study except in accordance with a proposal of the Faculty or Faculties concerned unless a draft of such Ordinance has been proposed by the Academic Council; or

(c) affecting the number, qualifications and emoluments of teachers of the University or the income or expenditure of the University unless a draft of the same has been approved by the State Government.

(4) The Executive Council shall not have power to amend any draft proposed by the Academic Council under sub-section (3) but may reject it or return to the Academic Council for reconsideration either in whole or in part, together with any amendments which the Executive Council may suggest.

(5) All Ordinances made by the Executive Council shall have effect from such date as it may direct and shall be consented by the Chancellor.

(6) The Chancellor may, at any time signify to the Executive Council his disallowance of such Ordinances other than those referred to in clause (c) of the proviso to sub-section (3) and from the date of receipt by the Executive Council of intimation of such disallowance, such Ordinances shall become void.

(3) The University Fund shall be kept in any Scheduled Bank as defined in the Reserve Bank of India Act, 1934 (Act no.2 of 1934) at the discretion of the Executive Council on the recommendations of Finance Committee.

(4) The funds of the University shall be applied towards the expenses of the University including expenses incurred in the exercise of its powers and discharge of its functions in such manner as may be prescribed.

(5) The annual accounts and balance-sheet of the University shall be prepared by the Finance Committee under the direction of the Executive Council and all money accruing to or received by the University from whatever source and all amounts disbursed or paid shall be entered in the accounts maintained by the University.

(6) A copy of the annual accounts and the balance-sheet shall be submitted to the State Government which shall cause the same to be audited.

(7) The audited annual accounts and the balance-sheet audited shall be printed and copies thereof shall, together with copies of the audit report, be submitted by the Executive Council to the State Government.

(8) The Executive Council shall also prepare, before such date as may be prescribed, the budget for the ensuing year.

(9) Every item of new expenditure above such amount as may be prescribed, which is proposed to be included in the budget shall be referred by the Executive Council to the Finance Committee which may make recommendations thereon.

(10) The Executive Council shall approve the budget finally after considering the recommendations, if any, of the Finance Committee.

(11) It shall not be lawful for the Vice-Chancellor or the Executive Council to incur any expenditure:-

(a) either not sanctioned in the budget, or in the case of funds granted to the University, subsequent to the sanction of the budget by the State Government or the Government of India or the University Grants Commission or any international organization or Foundation save in accordance with the terms of such grant :

Provided that notwithstanding anything in sub-section (7) of section 12, the Vice-Chancellor may, in the case of fire, flood, excessive rainfall or other sudden or unforeseen natural calamities and circumstances, incur non-recurring expenditure not exceeding rupees five lakhs not sanctioned in the budget and he shall immediately inform the State Government in respect of all such expenditure;

(b) on any litigation in opposition to any order of the Chancellor any or order of the State Government made under this Act.

(12) Subject to the provisions of this Act, all relevant financial rules of the State Government as laid down in the Financial Handbook shall be applicable.

52. (1) An officer specified in clauses (c) to (h) of section 9 shall be liable to surcharge for the loss, waste or misapplication of any money or property of the University if such loss, waste or misapplication is a direct consequence of his neglect or misconduct.

Surcharge

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

## CHAPTER-X

## REGULATION OF AFFILIATED DEGREE COLLEGES

Regulation of  
Affiliated  
Degree  
Colleges

53. (1) Regulation of Affiliated Degree Colleges shall be as prescribed by the Statutes.

(2) 'Property', in relation to an affiliated or recognized college, includes all property, movable and immovable belonging to or endowed wholly or partly for the benefit of the college, including lands, buildings (including hostels), works, library, laboratory, instruments, equipment, furniture, stationery, stores, automobiles and other vehicles if any, and other things pertaining to the college, cash on hand, cash at bank, investments, and book debts and all other rights and interests arising out of such property as may be in the ownership, possession, power or control of the college and all books of account, registers, and all other documents of whatever nature relating thereto, and shall also be deemed to include all subsisting borrowings, liabilities and obligations of whatever kind of the college.

(3) 'Salary' means the aggregate of the emoluments including dearness or any other allowance for the time being payable to a teacher or other employee after making permissible deductions.

Power of the  
State  
Government to  
Issue Notice

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

(i) that its Management has persistently committed wilful default in paying the salary of the teachers or other employees of the college by the twentieth day of the month next following the month in respect of which or any part of which it is payable; or

(ii) that its Management has failed to appoint teaching staff possessing such qualifications as are necessary for the purpose of ensuring the maintenance of academic standards in relation to the college or has appointed or retained in service any teacher in contravention of the Statute or Ordinances; or

(iii) that any dispute with respect to the right claimed by different persons to be lawful office-bearers of its Management has affected the smooth and orderly administration of the college; or

(iv) that its Management has persistently failed to provide the college with such adequate and proper accommodation, library, furniture, stationery, laboratory, equipment, and other facilities, as are necessary for efficient administration of the college; or

(v) that its Management has substantially diverted, misapplied or misappropriated the property of the college to the detriment of the college;

then in such situations it may call upon the Management to show-cause why an order under section 55 should not be made :

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

Authorised  
Controller

55. (1) If the State Government after considering the explanation, if any, submitted by the Management under section 54 is satisfied that any ground mentioned in that section exists, it may by order, authorise any person (hereinafter referred to as the Authorised Controller) to take over, for such period not exceeding two years as may be specified, the Management of the college and its property to the exclusion of the Management and whenever the Authorised Controller so takes over the Management, he shall, subject only to such restrictions as State Government may impose, have in relation to the Management of the college and its property all such powers and authority as the Management would have if the college and its property were not taken over under this sub-section :

Provided that if the State Government is of opinion that it is expedient so to do in order to continue to secure the proper Management of the college and its property, it may, from time to time, extend the operation of the order for such period, not

exceeding one year at a time, as it may specify, so however, that the total period of operation of the order, including the period specified in the initial order under this sub-section does not exceed five years:

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

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

(2) Where the State Government while issuing a notice under section 54 is of opinion, for reasons to be recorded, that immediate action is necessary in the interest of the college, it may suspend the Management, which shall thereupon cease to function, and make such arrangement as it thinks proper for managing the affairs of the college and its property till further proceedings are completed:

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

Provided further that in computation of the said period of six months, the time during which the operation of the order was suspended by any order of the High Court passed in exercise of jurisdiction under Article 226 of the Constitution of India or any period during which the Management failed to show cause in pursuance of the notice under section 54, shall be excluded.

(3) Nothing in sub-section (1) shall be construed to confer on the Authorised Controller the power to transfer any immovable property belonging to college (except by way of letting from month to month in the ordinary course of management or to create any charge thereon) except as a condition of receipt of any grant-in-aid of the college from the State Government or the Government of India.

(4) Any order made under this section shall have effect notwithstanding anything inconsistent therewith contained in any other enactment of the State of Uttar Pradesh or in any instrument relating to the management and control of the college or its property:

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

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

56. Nothing contained in section 55 shall apply to a college established and administered by a minority referred to in clause (1) of Article 30 of the Constitution of India.

Section 55 not applied to minority colleges

57. (1) Where an order has been passed under section 55 in respect of a college, every person in whose possession or custody or under whose control any property of the college may be, shall deliver the property to the Authorised Controller forthwith.

Duty to deliver possession to the Authorised Controller

(2) Any person who on the date of such order has in his possession or under his control any books or other documents relating to the college or to its property, shall be liable to account for the said books and other documents to the Authorised Controller and shall deliver them up to him or to such person as the Authorised Controller may specify in this behalf.

(3) The Authorised Controller may apply to Collector for delivery of possession and control over the college or its property or any part thereof and the Collector may take all necessary steps for securing possession to the Authorised Controller of such college or property, and in particular may use or cause to be used such force as may be necessary.

Offence and Penalties

58. (1) Whoever contravenes the provisions of section 42 shall on conviction, be punished with imprisonment for a term which may extend to three months or with fine which may extend to one thousand rupees or both.

(2) Any person who:-

(a) having in his possession, custody or control any property of a college in respect of which an order has been made under section 55, wrongfully withholds such property from the Authorised Controller appointed under that section or from any person authorised by him in that behalf; or

(b) wrongfully obtains possession of any property of such college; or

(c) wilfully withholds or fails to furnish the Authorised Controller or any person specified by him as required by sub-section (2) of section 57 any books or other documents which may be in his possession custody or control; or

(d) wilfully obstructs any person from duly carrying out all or any of the provisions of this Act;

shall, on conviction be punished with imprisonment for a term which may extend to one year or with fine or with both :

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

Cognizance by Courts

59. No Court shall take cognizance of an offence punishable under section 58 except with the previous sanction of the State Government.

Offences by registered societies

60. (1) If the person committing the offence under section 58 is a society registered under the Societies Registration Act, 1860 (Act no. 21 of 1860) the society as well as every person in charge of and responsible to the society for the conduct of its business at the time of the commission of the offence shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

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

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

#### CHAPTER-XI

##### CASUAL VACANCIES, DIRECTION BY

##### THE STATE GOVERNMENT AND REFERENCE TO THE CHANCELLOR

Filling of casual vacancies

61. (1) Any casual vacancy among the members, other than *ex-officio* members, of any authority or body of the University shall be filled in the same manner in which the members whose vacancy is to be filled up was chosen, and the person filling the vacancy shall be a member of such authority or body for the residue of the term for which the person whose place he fills would have been a member.

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

62. 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.

Proceeding not to be invalidated by vacancies, etc.

63. The membership of any person of any authority or body of the University shall suo-moto cease to exist upon the ground that such person has been convicted of an offence involving moral turpitude or upon the ground that he has been guilty of scandalous conduct or has behaved in a manner unbecoming of a member of the University and may upon the same grounds withdraw from any person any degree or certificate conferred or granted by the University.

Removal from membership of the University

64. (1) A copy of any receipt, application, notice, order, proceeding, or resolution of any authority or committee of the University or other documents in possession of the University or any entry in any register duly maintained by the University, if certified by the Registrar, shall be received as prima facie evidence of such receipt, application, notice, order, proceedings, resolution or document or the existence of entry in the register and shall be admitted as evidence of the matters and transactions therein recorded where the original thereof would, if produced, have been admissible in evidence.

Mode of proof of University record

(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) but 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.

65. (1) Where a decision of the Management of an affiliated or recognized college to dismiss, remove or to reduce a teacher in rank or to punish him in any other manner or to terminate his services, has not been approved by the Vice-Chancellor or where an order of suspension of such teacher has been stayed, revoked or modified by the Vice-Chancellor in accordance with the provisions of this Act and the Management has committed default in paying the salary of such teacher which became due to him in consequence of the Vice-Chancellor's order, the Vice-Chancellor may pass an order requiring the management to pay the amount of salary as may be specified in the order and during the period of suspension, may also require the management to pay the suspension allowance at the rate of one-half of the salary payable, if the said amount has not been paid.

Power of Vice-Chancellor to enforce his order against Management

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

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

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

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

66. No suit or other legal proceedings shall lie against the State Government or the Director of Culture or the Authorised Controller or the University or any officer, authority or body thereof in respect of anything done or purported or intended to be done in pursuance of the Act or the rules or the Statutes or the Regulations made thereunder.

Bar of suit



Power of State Government to issue directions

67. (1) The State Government shall have power to issue directions to the University, from time to time, as may be required for compliance of the provisions of this Act and the regulations.

(2) Without prejudice to the provisions of sub-section (1), the State Government may issue directions, when it requires, in regard to the following matters, namely:-

- (a) fees and charges;
- (b) raising of funds and borrowing money;
- (c) creation of posts and appointments;
- (d) revision of pay-scales and up-gradation of scales.

Reference to the Chancellor

68. If any question arises whether any person has been duly appointed as or is entitled to be member of any authority or other body of the University, or whether any decision of any authority or officer of the University (including any question as to the validity of a Statute or Regulation), not being a Statute or Ordinance made or approved by the State Government or by the Chancellor, is in conformity with this Ordinance or the Statutes or the 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 :

Provided further that the Chancellor may in exceptional circumstances:-

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

## CHAPTER-XII

### ENROLMENT, DEGREE, DIPLOMA AND OTHERS

Qualification for Enrolment of the Students

69. (1) No student shall be eligible for admission to the course of study for a degree unless,-

- (a) he has passed:-
  - (i) the Intermediate Examination of the Board of High School and Intermediate Education, Uttar Pradesh, or of the University or Board incorporated by any law for the time being in force; or
  - (ii) any examination or any degree conferred by any other University, being an examination or degree recognized by the University as equivalent to the Intermediate Examination or to a degree of the University; and

(b) he possesses such further qualifications, if any, as may be specified in the Regulations.

(2) The conditions under which students may be admitted to the Diploma courses of the University shall be prescribed by the Regulations.

(3) The University shall have the power to recognize (for the purposes of admission to a course of study for a degree), as equivalent to its own degree, any degree conferred by any other University or, as equivalent to the Intermediate Examination of any Indian University, any examination conducted by any other authority.

(4) Any student whose work or conduct is unsatisfactory may be removed from the University or an Institute or a constituent college or an affiliated or associated college in accordance with the provisions of the Ordinances.

70. The Executive Council may, on the recommendation of the Academic Council, institute and confer such degrees, diplomas, certificates and other academic distinctions as may be prescribed.

Degree, Diploma and other Academic Distinctions

71. If, on the recommendation of the Academic Council, not less than two thirds of the members of the Executive Council recommend that an honorary degree or other academic distinction be conferred on any person on the ground that he is, in their opinion, by reason of eminent position and attainments a fit and proper person to receive such degree or other academic distinction and the recommendation is confirmed by the Chancellor, the Executive Council may confer on such person the honorary degree or other academic distinction so recommended without requiring him to undergo any examination.

Honorary Degree

72. (1) The Chancellor may, on the recommendation of the Executive Council, withdraw any distinction, degree, diploma or privilege conferred on or granted to any person who has been convicted by a Court of law for an offence involving moral turpitude or if he has been guilty of gross misconduct, by a resolution passed by majority of the total membership of the Executive Council and by a majority of not less than two-thirds of the members of the Executive Council present and voting.

Withdrawal of Degree or Diploma

(2) No action under sub-section (1) shall be taken against any person unless he has been given an opportunity to show cause against the action proposed to be taken.

(3) The resolution so passed by the Executive Council shall take effect immediately and the copy of the same shall be sent to the person concerned.

#### CHAPTER-XIII

##### TRANSITORY PROVISION

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

Continuation of existing Officers of the University

(2) The State Government shall, soon after the commencement of this Act or as soon as practicable preferably within period of one month, appoint the full time Registrar and the Finance Officer of the University.

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

Transitional Provisions for Constitution of authorities

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

(3) Notwithstanding anything contained in section 11, the first Vice Chancellor shall be appointed by the State Government as soon as practicable after the enactment of this Act, for a period of not exceeding three year on such terms and conditions as the State Government thinks fit.

(4) Notwithstanding anything contained in this Act, the first Vice-Chancellor shall be assisted by the Advisory Committee consisting of not more than ten members having experience in the field of Higher Education, Academics (Art, Music and Culture), Administration, Constructions, Computer, Legal (a person retired from the post of District Judge) and Finance and other relevant fields required for the smooth functioning of the University, to be nominated by the Chancellor in consultation with State Government.

(5) It shall be the duty of first Vice-Chancellor:-

(a) to make arrangements for the constitution of other authorities of the University within six months after the date of his appointment;

(b) with previous approval of the Chancellor, to make additional Statutes, Ordinance or Regulations to provide for any matter not provided for by the first Statutes, Ordinance or Regulations.

(c) to constitute provisional authorities and bodies and on their recommendations to make rules providing for conducting the work of the University;

(d) with prior approval and control of the State Government to make such financial arrangements as may be necessary for better implementation of this Act or any part thereof to be brought in force;

(e) to appoint any committees as he may think fit to discharge such of his functions as he may direct; and

(f) generally to exercise all or any of the powers conferred on the Executive Council by or under the provisions of this Act.

(6) The tenure of the Advisory Committee, duties and powers the first Vice-Chancellor as provided in sub-section (4) and (5) of this section shall be co-terminus to his tenure as provided in sub-section (3) of this section.

#### CHAPTER-XIV

#### SUPPLEMENTARY PROVISIONS

Power of the  
State  
Government to  
Remove  
Difficulties

75. If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by an order published in the Official Gazette, make such provisions not inconsistent, with the provisions of this Act, as appear to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made under this section after the expiry of two years from the date of commencement of this Act.

Committees

76. (1) The University may for the purpose of carrying out the provisions of the Act, constitute such committees as may be required by it.

(2) The Constitution of such committee, the term of office of its members and its powers and functions shall be such as may be prescribed.

Grievance  
Removal  
Machinery

77. Subject to the provisions of this Act, the Vice Chancellor may form an internal committee in such manner as provided in Statutes for collecting the facts related to grievance and will pass a speaking order within a stipulated time frame.

Miscellaneous

78. (1) Subject to the provision of this Act, until Statutes, Ordinance and Regulations are framed for the functioning of the University, the State Government rules regarding leave, disciplinary actions against teaching and non-teaching staff, promotion, financial transactions or any other matter, which is related to the University, shall be applicable.

(2) Every teaching and non-teaching post in the University shall be created with the prior permission of the State Government.

Repeal and  
Savings

79. (1) The Government Order No.274/Four-2001-11(12)83 of Sanskriti Anubagh dated 18<sup>th</sup> April, 2001 and the Bhatkhande Rajya Sanskriti Vishwavidyalaya Ordinance, 2022 (U.P. Ordinance no. 1 of 2022) are hereby repealed.

(2) Notwithstanding such repeal, all appointments made, orders issued, degrees or diplomas conferred or certificates issued, privileges granted or other things done (including registration of graduates) under the aforesaid Government Order shall be deemed to have been respectively made, issued, conferred, granted or done under the corresponding provisions of this Act, and except as otherwise provided by or under this Act continue in force unless and until they are superseded by any

order made under this Act. All proceedings of the Selection Committee which took place before the commencement of this Act and all actions of the Management or actions taken on the basis of recommendation of such Selection Committees, where no orders of appointment on the basis thereof were passed before the commencement of this Act, shall notwithstanding that the procedure for selection has been modified by this Act, be deemed to have been valid but further proceeding in connection with such pending selections shall be taken in accordance with the provisions of this Act and be continued from the stage where they stood immediately before such commencement.

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

### STATEMENT OF OBJECTS AND REASONS

There is a huge potential for the development of music and art in Uttar Pradesh. For students having special interest in music and art and those who want to adopt it as a professional career in future, there is a need for a conducive environment for the development of not only art, music and cultural activities in the State, but there is also a need to provide them with an option to choose art and music as a profession.

In order to provide opportunities for good education and training to the budding students by establishing infrastructure and facilities in the field of arts and music, and to adopt a pragmatic approach to basic education in courses related to art, music and related branches, it had been decided to establish and incorporate a teaching, research and extension University with a view to upgrade and reconstitute the existing Bhatkhande Music Institute Deemed University, Lucknow in the State of Uttar Pradesh to promote development of skills and physical aptitude in the students of art, culture and its related new dimensions for creating employment opportunities for the youth in this field and for matters connected therewith and incidental thereto.

Since the State Legislature was not in session and immediate legislative action was necessary to implement the aforesaid decision, the Bhatkhande Rajya Sanskriti Vishwavidyalaya Ordinance, 2022 (U.P. Ordinance no. 1 of 2022) was promulgated by the Governor on January 6, 2022.

The Bhatkhande Sanskriti Vishwavidyalaya Bill, 2022 is introduced to replace the aforesaid Ordinance.

By order,  
ATUL SRIVASTAVA,  
Pramukh Sachiv.