

XVIII

# THE ALLAHABAD UNIVERSITY ACT, 1887.

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[Price four annas and three pies.]

## ACT No. XVIII OF 1887.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 25<sup>th</sup>  
September, 1887.)

An Act to establish a University at Allahabad:

WHEREAS it has been determined to establish a University at Allahabad; It is hereby enacted as follows:—

1. (1) This Act may be called the Allahabad University Act, 1887; and

Title and commencement.

(2) It shall come into force at once.

2. (1) A University shall be established at Allahabad, and the Governor General for the time being shall be the Patron of the University.

Establishment and incorporation of University.

(2) The University shall consist of a Chancellor, a Vice-Chancellor and such number of Fellows as may be determined in manner hereinafter provided.

(3) The University shall be a body corporate by the name of the University of Allahabad, having perpetual succession and a common seal, with power to acquire and hold property, moveable or immovable, to transfer the same, to contract, and to do all other things necessary for or incidental to the purposes of its constitution.

(4) The University shall come into existence on such day as the Local Government may, by notification in the official Gazette, appoint in this behalf.

3. The Lieutenant-Governor of the North-Western Provinces for the time being shall be the Chancellor of the University, and the first Chancellor shall be the Honourable Sir Alfred Comyns Lyall, Knight Commander of the Most Honourable Order of the Bath, Knight Commander of the Most Eminent Order of the Indian Empire.

Chancellor.

4. (1) The

Vice-Chancellor.

4. (1) The Vice-Chancellor shall be such one of the Fellows as the Chancellor may from time to time appoint in this behalf.

(2) Except as provided in sub-sections (3) and (4), he shall hold office for two years from the date of his appointment, and on the expiration of his term of office may be re-appointed.

(3) If a Vice-Chancellor leaves India he shall thereupon cease to be Vice-Chancellor unless the Chancellor otherwise directs.

(4) The Hon'ble Sir John Edge, Knight, Queen's Counsel, Chief Justice of the High Court of Judicature for the North-Western Provinces, shall be deemed to have been appointed the first Vice-Chancellor, and his term of office shall, subject to the provisions of sub-section (3), expire on the last day of December, 1889.

Fellows.

5. (1) The following persons shall be Fellows, namely:—

(a) all persons for the time being holding such offices under the Government as the Local Government may, by notification in the official Gazette, specify in this behalf;

(b) persons whom the Chancellor may from time to time appoint by name as being eminent benefactors of the University, or persons distinguished for attainments in Literature, Science or Art, or for services to the cause of education; and

(c) such persons as may from time to time be elected by the Senate of the University and approved by the Chancellor:

Provided that—

(i) the whole number of the Fellows holding office under clauses (a), (b) and (c), exclusive of the Vice-Chancellor, shall not be less than thirty; and

(ii) the number of persons for the time being elected and approved under clause (c) shall

not

not exceed the number for the time being appointed under clause (b).

(2) A person appointed under clause (b), or elected and approved under clause (c), of sub-section (1) shall not, by succeeding to an office notified under clause (a) of that sub-section, cease to be a Fellow under clause (b) or clause (c) thereof, as the case may be.

6. (1) The offices specified in Part I of the schedule shall be deemed to have been specified in a notification issued under section 5, sub-section (1), clause (a); and

First Fellows.

(2) The persons named in Part II of the schedule shall, except for the purposes of the second clause of the proviso to section 5, sub-section (1), be deemed to be Fellows appointed under clause (b) of sub-section (1) of section 5, or elected and approved under clause (c) of that sub-section.

7. (1) The Local Government may, by notification in the official Gazette, cancel or amend any portion of Part I of the schedule or any notification under section 5, sub-section (1), clause (a).

Vacation of office of Fellow.

(2) The Chancellor may, with the consent of not less than two-thirds of the members of the Senate present at a meeting specially convened for the purpose, remove any Fellow appointed under clause (b) of sub-section (1) of section 5 or elected and approved under clause (c) of that sub-section.

(3) If any Fellow leaves India without the intention of returning thereto, or is absent from India for more than four years, he shall thereupon cease to be a Fellow.

8. Every person who has filled the office of Patron or Chancellor shall be an honorary Fellow of the University, but shall not be a member of the Senate.

Honorary Fellows.

9. (1) The Chancellor, Vice-Chancellor and Fellows for the time being shall form the Senate of the University.

Constitution and powers of Senate.

(2) The Senate shall have the entire management of, and superintendence over, the affairs, concerns and property of the University, and shall provide for that management

management and exercise that superintendence in accordance with the rules for the time being in force under this Act.

Chairman at meetings of Senate.

10. At every meeting of the Senate the Chancellor, or, in his absence, the Vice-Chancellor, or, in the absence of both, a Fellow chosen by the Fellows present at the meeting or by a majority of them, shall preside as Chairman.

Proceedings at meetings of Senate.

11. (1) When a question respecting the election of any person to be a Fellow under section 5, sub-section (1), clause (c), comes before the Senate at a meeting, it shall be decided by a majority of the votes given thereat by the members in person or by proxy.

(2) Every other question which comes before the Senate at a meeting shall be decided by a majority of the votes of the members present.

(3) No question shall be decided at any such meeting unless ten members at the least, besides the Chairman, are present at the time of the decision.

(4) The Chairman and, subject to the foregoing provisions of this section respecting the mode of voting, every Fellow shall have one vote, and the Chairman, in case of an equality of votes, shall have a second or casting vote.

Appointment of Syndicate, Faculties, examiners and officers.

12. Subject to the rules for the time being in force under this Act, the Senate may from time to time—

(1) appoint, or provide for the appointment of, a Syndicate, from among the members of the Senate ;

(2) constitute Faculties of Arts and Law and, with the previous approval of the Governor General in Council, of Science, Engineering and Medicine ;

(3) appoint, suspend and remove, or provide for the appointment, suspension and removal of, examiners, officers and servants of the University ;

(4) appoint, or provide for the appointment of, professors and lecturers, and suspend and remove;

remove, or provide for the suspension and removal of, professors and lecturers appointed by the Senate.

13. (1) The Syndicate shall be the executive committee of the Senate, and may discharge such functions of the Senate as it may be empowered to discharge by the rules for the time being in force under this Act.

Functions and proceedings of Syndicate.

(2) The Vice-Chancellor shall be a member of the Syndicate and shall preside as Chairman at every meeting of the Syndicate at which he is present.

(3) If the Vice-Chancellor is absent from any such meeting, the members present shall choose one of their number to be Chairman of the meeting.

(4) Every question at a meeting shall be decided by a majority of the votes of the members present.

(5) In case of an equality of votes the Chairman shall have a second or casting vote.

14. Subject to the rules for the time being in force under this Act, the Senate may confer on persons who have passed such examinations in the University and fulfilled such other conditions as may be prescribed under this Act—

Power to confer degrees after examination.

(a) in the Faculty of Arts, the degrees of Bachelor and Master of Arts;

(b) in the Faculty of Law, the degrees of Bachelor and Doctor of Laws;

and, if empowered by the Governor General in Council in this behalf,—

(c) in the Faculty of Science, the degrees of Bachelor and Doctor of Science;

(d) in the Faculty of Medicine, the degrees of Bachelor and Doctor of Medicine;

(e) in the Faculty of Engineering, the degrees of Bachelor and Master of Civil Engineering.

15. If the Vice-Chancellor and not less than two-thirds of the other members of the Syndicate recommend that an honorary degree be conferred on any

Power to confer honorary degree.

person,



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 a degree, and their recommendation is supported by a majority of the members present at a meeting of the Senate and is confirmed by the Chancellor, the Chancellor may, on behalf of the Senate, confer on that person the degree of Doctor of Laws without requiring him to undergo any examination.

Power to  
levy fees.

16. (1) The Senate may charge such reasonable fees for entrance into the University and continuance therein, for admission to the examinations of the University, for attendance at any lectures or classes in connection with the University, and for the degrees to be conferred by the University, as may be imposed by the rules for the time being in force under this Act.

(2) Such fees shall be carried to a General Fee Fund for the payment of expenses of the University.

Power to  
make rules.

17. (1) The Senate shall, as soon as may be after the coming into existence of the University, and may from time to time thereafter, make rules consistent with this Act touching—

- (a) the mode and time of convening the meetings of the Senate and of transacting business thereat;
- (b) the appointment, constitution and duties of the Syndicate and the Faculties, and the election of Fellows under section 5, sub-section (1), clause (c);
- (c) the appointment, suspension, removal, duties and remuneration of examiners, officers and servants;
- (d) the appointment, duties and remuneration of professors and lecturers, and the suspension and removal of professors and lecturers appointed by the Senate;
- (e) the previous course of instruction to be followed by candidates for the examinations of the University;
- (f) the

(f) the examinations to be passed and the other conditions to be fulfilled by candidates for degrees; and,

(g) generally, all matters regarding the University.

(2) All such rules shall be reduced into writing and sealed with the common seal of the University, and shall,—

(a) in the case of rules made under clause (e) or clause (f) of sub-section (1), after they have been confirmed by the Local Government and sanctioned by the Governor General in Council; and,

(b) in the case of all other rules, after they have been sanctioned by the Local Government, be binding on all members of the University or persons admitted thereto and on all candidates for degrees.

(3) If, on the expiration of eighteen months from the date on which the University comes into existence, rules have not been made and sanctioned or, as the case may be, have not been made, confirmed and sanctioned, under the foregoing provisions of this section, touching a matter mentioned in sub-section (1), the Local Government may, by notification in the official Gazette, make such rules touching that matter as it thinks fit.

(4) Subject, in the case of rules touching any matter mentioned in clause (e) or clause (f) of sub-section (1), to the sanction of the Governor General in Council, rules made by the Local Government under sub-section (3) shall be deemed to have been made and sanctioned, or, as the case may be, to have been made, confirmed and sanctioned, under sub-sections (1) and (2).

18. (1) Every examiner, officer or servant appointed or remunerated by the Senate shall, for the purposes of the Indian Penal Code, be deemed to be a public servant.

Examiners, officers and servants of the Senate to be deemed to be public servants.

(2) The word "Government" in the definition of "legal



“legal remuneration” in section 161 of that Code shall, for the purposes of sub-section (1), be deemed to include the Senate, and sections 162 and 163 of the Code shall be construed as if the words “or with any member of the Senate of the Allahabad University” were inserted after the words “with any Lieutenant-Governor.”

Duty of Local Government to enforce Act and rules.

19. It shall be the duty of the Local Government to require that the proceedings of the University shall be in conformity with this Act and the rules for the time being in force thereunder, and the Local Government may exercise all powers necessary for giving effect to its requisitions in this behalf, and may, among other things, annul, by a notification in the official Gazette, any such proceeding which is not in conformity with this Act and those rules.

Notifications in certain cases.

20. All appointments made under section 4, all appointments made and elections approved under section 5, sub-section (1), clauses (b) and (c), all degrees conferred under sections 14 and 15, and all rules made under section 17, shall be notified in the local official Gazette.

Annual accounts and audit thereof.

21. (1) The accounts of the income and expenditure of the University shall be submitted once in every year to the Local Government for such examination and audit as that Government may direct.

(2) For the purposes of the examination and audit the auditor appointed by the Local Government may by letter require the production before him of any books, vouchers and other documents which he deems necessary, and may require any person holding or accountable for any such books, vouchers or documents to appear before him at the examination and audit or adjournment thereof and to answer all questions which may be put to him with respect thereto or to prepare and submit any further statement which the auditor considers necessary in explanation thereof.

(3) Any person who in the absence of reasonable excuse, the burden of proving which shall lie upon

upon him, refuses or neglects to comply with a requisition under sub-section (2) shall be punished for every such refusal or neglect with fine which may extend to one hundred rupees.

(4) When the auditor has completed the examination and audit he shall report the result thereof to the Local Government, and that Government may thereupon disallow any payment made contrary to law and surcharge it on the person making or authorizing the making of the illegal payment.

(5) If the amount of a payment so surcharged is not paid, as the Local Government directs, within fourteen days after demand being made therefor, the Secretary of State for India in Council may proceed by suit in any Court of competent jurisdiction to recover the amount from the person on whom the surcharge was made.

#### THE SCHEDULE.

(See section 6.)

##### PART I.

Offices to be deemed to have been specified under section 5, sub-section (1), clause (a) :—

The office of—

Bishop of Calcutta ;

Chief Justice of the High Court of Judicature for the North-Western Provinces ;

Chief Commissioner of the Central Provinces ;

Agent to the Governor General in Rajputana ;

Chief Secretary to the Government of the North-Western Provinces and Oudh ;

Secretary to the Government of the North-Western Provinces and Oudh in the Public Works Department ;

Commissioner of Allahabad ;

Commissioner of Lucknow ;

Commissioner

Commissioner of Agra ;  
Director of Public Instruction, North-Western Provinces  
and Oudh ;  
Principal of the Muir Central College, Allahabad ;  
Principal of the Queen's College, Benares.

PART II.

Persons to be deemed to have been appointed, or to have been elected and approved, as Fellows under section 5, sub-section (1), clause (b) or clause (c) :—

1. The Hon'ble James Wallace Quinton, Bachelor of Arts, Bengal Civil Service, Member of the Board of Revenue of the North-Western Provinces, Companion of the Most Exalted Order of the Star of India, Fellow of the Calcutta University, Additional Member of the Council of the Governor General for making Laws and Regulations, Member of the Council of the Lieutenant-Governor of the North-Western Provinces and Oudh for making Laws and Regulations.

2. The Hon'ble William Tyrrell, Bachelor of Arts, Bengal Civil Service, Judge of the High Court of Judicature for the North-Western Provinces.

3. The Hon'ble Syed Ahmed, Khan Bahadur, Companion of the Most Exalted Order of the Star of India, Fellow of the Calcutta University, Member of the Council of the Lieutenant-Governor of the North-Western Provinces and Oudh for making Laws and Regulations.

4. The Hon'ble Syed Mahmud, Barrister-at-Law, Judge of the High Court of Judicature for the North-Western Provinces.

5. The Hon'ble Pandit Ajudhya Nath, Member of the Council of the Lieutenant-Governor of the North-Western Provinces and Oudh for making Laws and Regulations.

6. Lieutenant-Colonel John Greenlaw Forbes, of the Royal Engineers, Fellow of the Calcutta University, Joint Secretary to Government, North-Western Provinces and Oudh, in the Public Works Department.

7. Surgeon-Major James Cleghorn, Doctor in Medicine, Civil Surgeon, Lucknow.

8. Rájá Shiva Prasada, Companion of the Most Exalted Order of the Star of India.

9. Mortimer

9. Mortimer Sloper Howell, Esquire, Bengal Civil Service, District Judge, North-Western Provinces, Companion of the Most Eminent Order of the Indian Empire, Fellow of the Calcutta University.

10. Rájá Jai Kishan Das, Bahadur, Deputy Collector, North-Western Provinces, Companion of the Most Exalted Order of the Star of India, Fellow of the Calcutta University.

11. Rájá Udai Pratab Singh, Talúqdár of Bhinga in the Bahraich District.

12. Brigade-Surgeon Emanuel Bonavia, Doctor in Medicine, Civil Surgeon, Etáwah.

13. Mahamahopadhyaya Bapu Deva Shastri, Sanskrit College, Benares, Companion of the Most Eminent Order of the Indian Empire.

14. John C. Nesfield, Esq., Master of Arts, Inspector of Schools, Oudh Division.

15. Kenneth Deighton, Esq., Bachelor of Arts, Inspector of Schools, Rohilkhand Division.

16. William Charles Benett, Esq., Bengal Civil Service, Secretary to the Government of the North-Western Provinces and Oudh.

17. Michael J. White, Esq., Master of Arts, Principal, Canning College, Lucknow.

18. Alexander Thomson, Esq., Principal, Agra College.

19. Bábú Pramoda Das Mittra, Honorary Magistrate, Benares.

20. Charles H. Hill, Esq., Barrister-at-Law, Allahabad.

21. William H. Wright, Esq., Bachelor of Arts, Professor of English Literature, Muir Central College, Allahabad.

22. W. N. Boutflower, Esq., Bachelor of Arts, Professor of Mathematics, Muir Central College, Allahabad.

23. Shams-ul-Ulama Maulavi Zaka-ulla, Khan Bahadur, *Emeritus* Professor of Arabic, Muir Central College, Allahabad.

24. Samuel Alexander Hill, Esq., Bachelor in Science, Professor of Physical Science, Muir Central College, Allahabad, and Meteorological Reporter to the Government.

25. The Reverend John Hewlett, Master of Arts, Principal, London Mission College, Benares.

26. Pandit

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26. Pandit Lakshmi Shankar Misra, Master of Arts, Professor of Physical Science, Benares College.

27. Theodore Beck, Esq., Bachelor of Arts, Principal, Muhammadan Anglo-Oriental College, Aligarh.

28. Pandit Aditya Rám Bhattacharya, Master of Arts, Professor of Sanskrit, Muir Central College, Allahabad.

29. Munshi Newal Kishore, Lucknow.

30. Bábú Bireswar Mitra, Professor of Law, Benares College.

31. Lála Mukand Lál, Rae Bahadur, Honorary Assistant Surgeon to the Viceroy, Lecturer, Medical College, Agra.

32. Bábú Ram Saran Das, Master of Arts, Fyzabad.