

UNIVERSITY OF ALLAHABAD ACT, 2005

26 of 2005

[June 23, 2005]

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SCHEDULE 1 :- THE STATUTES OF THE UNIVERSITY

UNIVERSITY OF ALLAHABAD ACT, 2005

26 of 2005

[June 23, 2005]

An Act to declare the University of Allahabad to be an institution of national importance and to provide for its incorporation and matters connected therewith or incidental thereto. Be it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follow

1. Short title and commencement :-

(1) This Act may be called the University of Allahabad Act, 2005.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act.

2. Declaration of University of Allahabad as Institution of national importance :-

Whereas the objects of the University of Allahabad in the State of Uttar Pradesh are such as to make it an Institution of national importance, it is hereby declared that the said University is an Institution of national importance.

3. Definitions. In this Act, and in all Statutes made hereunder, unless the context otherwise requires :-

(a) "Academic Council" means the Academic Council of the

University;

(b) "academic staff" means such categories of staff as are designated as academic staff by the Statutes;

(c) "appointed day" means the date of establishment of the University of Allahabad under sub-sec. (1) of Sec. 4;

(d) "Centre" means a unit of the University or of a University Institute providing teaching, consultancy and research facilities;

(e) "Chancellor" means the Chancellor of the University appointed under Sec. 13;

(f) "Constituent College" means a college prescribed as such by the Statutes;

(g) "Constituent Institute" means an Institute prescribed as such by the Statutes;

(h) "Court" means the Court of the University;

(i) "Department" means a Department of a Faculty;

(j) "Director" means the head of a University Institute or Constituent Institute;

(k) "employee" means any person appointed by the University and includes teachers and other staff of the University;

(l) "Executive Council" means the Executive Council of the University;

(m) "Faculty" means a Faculty of the University;

(n) "Finance Officer" means the Finance Officer of the University appointed under Sec. 18;

(o) "Ordinances" means the Ordinances of the University;

(p) "Principal" means the head of a University College or a Constituent College;

(q) "Pro-Vice-Chancellor" means the Pro-Vice-Chancellor of the University appointed under Sec. 15;

(r) "Registrar" means the Registrar of the University appointed under Sec. 17;

(s) "Regulations" means the Regulations of the University;

(t) "Statutes" means the Statutes of the University;

(u) "teacher" means Professors, Readers and Lecturers appointed or recognised by the University;

(v) "University means the University of Allahabad established and incorporated under Sec. 4;

(w) "University appointed teacher" means a teacher appointed by the University for imparting instruction and conducting research in the University or any college or institution maintained by the University;

(x) "University College" means a college or an institution maintained by the University or admitted to the privileges of the University as a Faculty;

(y) "University Institute" means an Institute, established and maintained by the University;

(z) "University recognized teacher" means a teacher recognized by the University for imparting instruction and conducting research in a college or institution admitted to the privileges of the University; and

(za) "Vice-Chancellor" means the Vice-Chancellor of the University appointed under Sec. 14.

4. Incorporation of University of Allahabad :-

(1) The University of Allahabad in the State of Uttar Pradesh, established under the Uttar Pradesh State Universities Act, 1973 (President's Act 10 of 1973) shall be established as a body corporate under this Act having perpetual succession and a common seal and shall sue and be sued by the said name.

(2) The first Chancellor, the first Vice-Chancellor and the first members of the Court, the Executive Council and the Academic Council, and all persons who may hereafter become such officers or members, so long as they continue to hold such office or membership, shall constitute the University.

(3) The headquarters of the University shall be at Allahabad.

5. Effect of incorporation of Allahabad University. On and from the appointed day :-

(a) any reference to the University of Allahabad in any law (other

than this Act) or in any contract or other instrument shall be deemed as a reference to the University;

(b) all properties, movable and immovable, of or belonging to the University of Allahabad shall vest in the University;

(c) all rights and liabilities of the University of Allahabad shall be transferred to, and be the rights and liabilities of, the University;

(d) every person employed by the University of Allahabad immediately before the appointed day shall hold his office or service in the University by the same tenure, at the same remuneration and upon the same terms and conditions and with the same rights and privileges as to pension, leave, gratuity, provident fund and other matters as he would have held the same if this Act had not been passed, and shall continue to do so unless and until his employment is terminated or until such tenure, remuneration and terms and conditions are duly altered by the Statutes; Provided that if the alternation so made is not acceptable to such employee, his employment may be terminated by the University in accordance with the term of the contract with the employee or, if no provision is made therein in this behalf, on payment to him by the University of compensation equivalent to three months' remuneration in case of permanent employees and one month's remuneration in the case of other employees;

Provided further that every person employed before the appointed day, pending the execution of a contract under Sec. 34, shall be deemed to have been appointed in accordance with the provisions of a contract consistent with the provisions of this Act and the Statutes:

Provided also that any reference, by whatever form of words, to the Vice-Chancellor and Pro-Vice-Chancellor of the University of Allahabad in any law for the time being in force, or in any instrument or other document, shall be construed as a reference respectively to the Vice-Chancellor and the Pro-Vice-Chancellor of the University;

(e) the Vice-Chancellor of the University, appointed under the provisions of the Uttar Pradesh State Universities Act, 1973 (President's Act 10 of 1973) shall be deemed to have been appointed as the Vice-Chancellor under this Act, and shall hold office for a period of three months or till such time the Vice-Chancellor is appointed, whichever is earlier.

6. Objects of University :-

The objects of the University shall be to disseminate and advance knowledge by providing instructional and research facilities in such branches of learning as it may deem fit; to make provisions for integrated courses in the humanities, the social sciences, the basic and applied science and technology in the educational programmes of the University; to take appropriate measures for promoting innovations in teaching- learning process, inter-disciplinary and professional studies and research, removal of gender disparities and the digital divide, and the application of knowledge to social advancement, national progress and human welfare; and to educate and train human resource for the development of the country.

7. Powers of University :-

The University shall have the following powers, namely:

- (i) to provide for instruction in such branches of learning as the University may, from time to time, determine and to make provisions for research and for the advancement and dissemination of knowledge;
- (ii) to grant, subject to such conditions as the University may determine, diplomas or certificates and confer degrees or other academic distinctions on the basis of examinations, evaluation or any other method of testing and to withdraw any such diplomas, certificates, degrees or other academic distinctions for good and sufficient cause;
- (iii) to confer honorary degrees or other distinctions in the manner prescribed by the Statutes;
- (iv) to organise and to undertake open learning programmes, extramural studies, training and extension services;
- (v) to institute Chairs, Principalships, Professorships, Readerships and Lecturerships and other teaching: and academic positions, required by the University and to appoint persons to such Chairs, Principalships, Professorships, Readerships and Lecturerships and other teaching and academic positions;
- (vi) to recognize persons as University recognized teachers;
- (vii) to declare persons working in any other University or organisation, as teachers of the University;

(viii) to appoint, on contract or otherwise, visiting Professors, Emeritus Professors, Consultants, Scholars and such other persons who may contribute to the advancement of the objects of the University;

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

(x) to lay down conditions of service of all categories of employees, including their code of conduct;

(xi) to establish and maintain University Colleges and University Institutes for imparting instruction and conducting research;

(xii) to admit to its privileges colleges and institutions situated within the territorial jurisdiction of the University, as University Colleges, Constituent Institutes and Constituent Colleges, and to withdraw all or any of those privileges in accordance with such conditions as may be prescribed by the Statutes;

(xiii) to confer autonomous status on a college or an institution or a Department, as the case may be, and to withdraw such status, in accordance with the Statutes;

(xiv) to co-operate or collaborate or associate with any other University or authority or institution of higher learning in such manner as may be prescribed and for such purposes as the University may determine;

(xv) to determine standards of admission, including examination, evaluation or any other method of testing, to the University, and the institutions maintained by or admitted to the privileges of the University;

(xvi) to demand and receive payment of fees and other charges;

(xvii) to establish and recognise hostels and supervise the residence of the students of the University, make arrangements for promoting their health and general welfare and guide the Constituent Colleges and the Constituent Institutes to like ends in respect of the students enrolled thereat;

(xviii) to regulate and enforce discipline among the students and the employees, and to take such disciplinary measures in this regard as may be deemed by the University to be necessary;

(xix) to institute and award fellowships, scholarships, studentships,

medals and prizes;

(xx) to receive benefactions, donations and gifts and to acquire, hold, manage and dispose off any property, movable or immovable, including trust and endowment properties, for the purposes of the University; Provided that no immovable property shall be disposed off except with the prior approval of the Central Government;

(xxi) to borrow, with the approval of the Central Government, on the security of the property of the University, money for the purposes of the University; and

(xxii) to do all such other acts and things as may be necessary, incidental or conducive to the attainment of all or any of the objects of the University.

8. Jurisdiction :-

(1) Save as otherwise provided by this Act, the powers conferred on the University shall be exercisable in respect of the area within a radius of sixteen kilometres from the Convocation Hall of the University, without prejudice to the territorial jurisdiction over the said area that may be assigned to any other University.

(2) On and from the appointed day, all institutions admitted to the privileges of, or maintained by, the Universities of Allahabad as incorporated under the Uttar Pradesh State Universities Act, 1973 (President's Act 10 of 1973) shall stand admitted to the privileges of, or maintained by, the University aHd shall be governed by such conditions as may be prescribed by Statutes.

9. University open to all persons irrespective of gender, class or creed :-

The University shall be open to all persons of either sex and whatever caste, creed, race or class and it shall not be lawful for the University to adopt or impose on any person, any test whatsoever of religious belief or profession in order to entitle him to be appointed as teacher of the University or to hold any office therein or be admitted as a student in the University or to graduate thereat or to enjoy or exercise any privilege thereof: Provided that nothing in this section shall be deemed to prevent the University from making special provisions for the employment or admission of women, physically handicapped or of persons belonging to the weaker sections of the society and, in particular, of the Scheduled Castes and the Scheduled Tribes.

10. The Visitor :-

(1) The President of India shall be the Visitor of the University.

(2) The Visitor may, from time to time, appoint one or more persons to review the work and progress of the University, including the colleges and institutions maintained by it, and to submit a report thereon; and upon receipt of such report, the Visitor may, after obtaining the views of the Executive Council thereon through the Vice-Chancellor, take such action and issue such directions as he considers necessary in respect of any of the matters dealt with in the report and the University shall be bound to comply with such directions.

(3) The Visitor shall have the right to cause an inspection to be made, by such person or persons as he may direct, of the University, its buildings, libraries, laboratories and equipment, and of any college or institution maintained by the University or admitted to its privileges; and also of the examinations, teaching and other work conducted or done by the University and to cause inquiry to be made in like manner in respect of any matter connected with the administration or finances of the University, and the said colleges and institutions.

(4) The Visitor shall, in every matter referred to in sub-sec. (3), give notice of his intention to cause an inspection or inquiry to be made

(a) to the University, if such inspection or inquiry is to be made in respect of the University or any college or institution maintained by it, or

(b) to the Management of the college or institution, if the inspection or inquiry is to be made in respect of a college or institution admitted to the privileges of the University, and the University or the Management, as the case may be, shall have the right to make such representations to the Visitor, as it may consider necessary.

(5) After considering the representations, if any, made by the University or the Management, as the case may be, the Visitor may cause to be made such inspection or inquiry as is referred to in sub-sec. (3).

(6) Where any inspection or inquiry has been caused to be made by

the Visitor, the University or the Management shall be entitled to appoint a representative, who shall have the right to be present and be heard at such inspection or inquiry.

(7) The Visitor may, if the inspection or inquiry is made in respect of the University or any college or institution maintained by it, address the Vice-Chancellor with reference to the result of such inspection or inquiry together with such views and advice with regard to the action to be taken thereon, as the Visitor may be pleased to offer, and on receipt of address made by the Visitor, the Vice-Chancellor shall communicate to the Executive Council, the views of the Visitors with such advice as to the Visitor may offer upon the action to be taken thereon.

(8) The Visitor may, if the inspection or inquiry is made in respect of any college or institution admitted to the privileges of the University, address the Management concerned through the Vice-Chancellor with reference to the result of such inspection or inquiry, his views thereon and such advice as he may be pleased to offer upon the action to be taken thereon.

(9) The Executive Council or the Management, as the case may be, communicate, through the Vice-Chancellor to the Visitor such action, if any, as it proposes to take or has been taken upon the result of such inspection or inquiry.

(10) Where, the Executive Council or the Management, as the case may be, does not, within a reasonable time, take action to the satisfaction of the Visitor, the Visitor may, after considering any explanation furnished or representation made by the Executive Council or the Management, issue such directions as he may think fit and the Executive Council or the Management, as the case may be, shall comply with such directions.

(11) Without prejudice to the foregoing provisions of this section, the Visitor may, by order in writing, annul any proceeding of the University which is not in conformity with the Act or the Statutes or the Ordinances; Provided that before making any such order, the Visitor shall call upon the Registrar to show cause why such an order should not be made, and, if any cause is shown within a reasonable time, he shall consider the same.

(12) The Visitor shall have such other powers as may be prescribed by the Statutes.

11. The Chief Rector :-

The Governor of the State of Uttar Pradesh shall be the Chief Rector of the University.

12. Officers of University. The following shall be the officers of the University :-

(1) the Chancellor;

(2) the Vice-Chancellor;

(3) the Pro-Vice-Chancellor;

(4) the Deans of Faculties;

(5) the Registrar;

(6) the Finance Officer; and

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

13. The Chancellor :-

(1) The Chancellor shall be appointed by the Visitor in such manner as may be prescribed by the Statutes.

(2) The Chancellor shall, by virtue of his office, be the head of the University and shall, if present, preside at the Convocations of the University held for conferring degrees and meetings of the Court.

14. The Vice-Chancellor :-

(1) The Vice-Chancellor shall be appointed by the Visitor in such manner and on such terms and conditions of service as may be prescribed by the Statutes.

(2) The Vice-Chancellor shall be the principal executive and academic officer of the University and shall exercise general supervision and control over the affairs of the University and give effect to the decisions of all the authorities of the University.

(3) The Vice-Chancellor may, if he is of the opinion that immediate action is necessary on any matter, exercise any power conferred on any authority of the University by or under this Act and shall report to such authority at its next meeting the action taken by him on such matter:

Provided that such exercise of power shall be made only in

emergent situations and in no case in respect of creation, and upgradation of posts and appointments thereto: Provided further that if the authority concerned is of the opinion that such action ought not to have been taken, it may refer the matter to the Visitor whose decision thereon shall be final:

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

(4) The Vice-Chancellor, if he is of the opinion that any decision of any authority of the University is beyond the powers of the authority conferred by the provisions of this Act, the Statutes or the Ordinances or that any decision taken is not in the interest of the University, may ask the authority concerned to review its decision within sixty days of such decision and if the authority refuses to review the decision either in whole or in part or no decision is taken by it within the said period of sixty days, the matter shall be referred to the Visitor whose decision thereon shall be final.

(5) The Vice-Chancellor shall exercise such other powers and perform such other duties as may be prescribed by the Statutes or the Ordinances.

15. The Pro-Vice-Chancellor :-

The Pro-Vice-Chancellor shall be appointed in such manner and on such terms and conditions of service, and shall exercise such powers and perform such duties, as may be prescribed by the Statutes.

16. The Dens of Faculties :-

Every Dean of Faculty shall be appointed in such manner and shall exercise such powers and perform such duties as may be prescribed by the Statutes.

17. The Registrar :-

(1) The Registrar shall be appointed in such manner and on such terms and conditions of service as may be prescribed by the Statutes.

(2) The Registrar shall have the power to enter into agreements, sign documents and authenticate records on behalf of the University and shall exercise such powers and perform such duties as may be prescribed by the Statutes.

18. The Finance Officer :-

The Finance Officer shall be appointed in such manner and on such terms and conditions of service, and shall exercise such powers and perform such duties, as may be prescribed by the Statutes.

19. Other Officers :-

The manner of appointment and powers and duties of other officers of the University shall be prescribed by the Statutes.

20. Authorities of University :-

The following shall be the authorities of the University,

- (1) the Court,
- (2) the Executive Council;
- (3) the Academic Council;
- (4) the Boards of Faculties;
- (5) the Finance Committee; and
- (6) such other authorities as may be declared by the Statutes to be authorities of the University.

21. The Court :-

(1) The constitution of the court and the term of office of its members shall be prescribed by the Statutes.

(2) Subject to the provisions of this Act, the court shall have the following powers and functions, namely:

(a) to review, from time to time, the broad policies and programmes of the University and to suggest measures for the improvement and development of the University;

(b) to consider and pass resolutions on the annual report and annual accounts of the University and the audit report on such accounts;

(c) to advise the Visitor in respect of any matter which may be referred to it for advice; and

(d) to perform such other functions as may be which may be prescribed by the Statutes.

22. The Executive Council :-

(1) The Executive Council shall be the principal executive body of the University.

(2) The constitution of the Executive Council, the term of office of its members and its powers and functions shall be prescribed by the Statutes.

23. The Academic Council :-

(1) The Academic Council shall be the principal academic body of the University and shall, subject to the provisions of this Act, the Statutes and the Ordinances, co-ordinate and exercise general supervision over the academic policies of the University;

(2) The constitution of the Academic Council, the term of office of its members and its powers and functions shall be prescribed by the Statutes.

24. The Finance Committee :-

The constitution, powers and functions of the Finance Committee shall be prescribed by the Statutes.

25. Other authorities :-

The constitution, powers and functions of the Boards of Faculties and such other authorities as may be declared by the Statutes to be authorities of the University shall be prescribed by the Statutes.

26. The Faculties and Departments :-

(1) The University shall have such Faculties as are prescribed by the Statutes.

(2) Each Faculty shall have such Departments as are prescribed by the Statutes, and each Department shall have such subjects of study as may be assigned to it by the Ordinances.

27. Power to make Statutes :-

Subject to the provisions of this Act, the Statutes may provide for all or any of the following matters, namely:

(a) the constitution, powers and functions of the authorities and other bodies of the University as may be constituted from time to time;

- (b) the appointment and continuance in office of the members of the said authorities and bodies, the filling up of vacancies of members, and all other matters relating to those authorities and other bodies for which it may be necessary or desirable to provide;
- (c) the appointment, powers and duties of the officers of the University and their emoluments and conditions of service;
- (d) the appointment of teachers, academic staff and other employees of the University, their emoluments and conditions of service;
- (e) the recognition of persons as University recognised teachers.
- (f) the declaration of persons working in other Universities or other organisations as teachers of the University for a specified period;
- (g) the conditions of service of employees of the University including provisions for pension, insurance and provident fund, the manner of termination of service and disciplinary action relating to such employees;
- (h) the principles governing the seniority of service of the employees of the University;
- (i) the procedure for arbitration in cases of dispute between employees or students and the University;
- (j) the procedure for appeal to the Executive Council by any employee or student against the action of any officer or authority of the University;
- (k) the conditions under which colleges and institutions may be admitted to the privileges of the University and the withdrawal of such privileges;
- (l) the establishment and abolition of Faculties, Departments, University Institutes, Centres and University Colleges;
- (m) the conferment of autonomous status on a college or institution or a Department and the withdrawal of such statuses;
- (n) the conferment of honorary degrees;
- (o) the withdrawal of degrees, diplomas, certificates and other academic distinctions;
- (p) the registration of graduates;

(q) the delegation of powers vested in the authorities of officers of the University;

(r) the maintenance of discipline among the employees and students; and

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

28. Statutes, how to be made :-

(1) The First Statutes are those set out in the Schedule.

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

Provided that the Executive Council shall not make, amend or repeal any Statute affecting the status, powers or constitution of any authority of the University until such authority has been given an opportunity of expressing an opinion in writing on the proposed changes, and any opinion so expressed shall be considered by the Executive Council.

(3) Every new Statute or addition to the Statutes or any amendment or repeal of a Statute shall require the assent of the Visitor who may assent thereto or withhold assent or remit to the Executive Council for re-consideration.

(4) A new Statute or a Statute amending or repealing an existing Statute shall have no validity unless it has been assented to by the Visitor.

(5) Notwithstanding anything contained in the foregoing sub-sections, the Visitor may make new or additional Statutes, or amend or repeal the Statutes referred to in sub-sec. (1), during the period of three years immediately after the commencement of this Act: Provided that the Visitor may, on the expiry of the said period of three years, make, within one year from the date of such expiry, such detailed Statutes as he may consider necessary and such detailed Statutes shall be laid before both Houses of Parliament.

(6) Notwithstanding anything contained in this section, the Visitor may direct the University to make provisions in the Statutes in respect of any matter specified by him and if the Executive Council is unable to implement such direction within sixty days of its

receipt, the Visitor may, after considering the reasons, if any, communicated by the Executive Council for its inability to comply with such direction, make or amend the Statutes suitably.

29. Power to make Ordinances :-

(1) Subject to the provisions of this Act and the Statutes, the Ordinances may provide for all or any of the following matters, namely:

(a) the admission and enrolment of students to the University and institutions maintained by or admitted to the privileges of the University;

(b) the courses of study to be laid down for all degrees, diplomas and certificates of the University;

(c) the medium of instruction and examination;

(d) the award of degrees, diplomas, certificates and other academic distinctions, the qualifications for the same and the means to be taken relating to the granting and obtaining of the same;

(e) the fees to be charged for courses of study in the University and for admission to the examinations, degrees and diplomas of the University;

(f) the institution of, and conditions for award of fellowships, scholarships, studentships, medals and prizes;

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

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

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

(j) the establishment of Centres, University Institutes, Boards of Studies, Specialised Laboratories and Committees;

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

(l) the manner of co-operation and collaboration with other

Universities, Institutions and other Agencies including learned bodies or associations;

(m) the setting up of a machinery for redressal of grievances of employees; and

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

(2) The first Ordinances shall be made by the Vice-Chancellor with the previous approval of the Central Government and the Ordinances so made may be amended, repealed or added to at any time by the Executive Council in the manner prescribed by the Statutes.

30. Regulations :-

The authorities of the University may make Regulations consistent with this Act, the Statutes and the Ordinances for the conduct of their own business and that of the Committees, if any, appointed by them and not provided for by this Act, the Statutes or the Ordinances and for such matters as may be prescribed by the Statutes or the Ordinances.

31. Annual report :-

(1) The annual report of the University shall be prepared under the direction of the Executive Council, which shall include, among other matters, the steps taken by the University towards the fulfilment of its objects and shall be submitted to the Court on or after such date as may be prescribed by the Statutes and the Court shall consider the report in its annual meeting.

(2) The Court shall submit the annual report to the Visitor along with its comments, if any.

(3) A copy of the annual report, as prepared under sub-sec. (1) shall also be submitted to the Central Government, which shall, as soon as may be, cause the same to be laid before both Houses of Parliament.

32. Accounts and audit :-

(1) The annual accounts and balance sheet of the University shall be prepared under the directions of the Executive Council and shall once at least every year, and at intervals of not more than fifteen months, be audited by the Comptroller and Auditor-General of

India or by such persons as he may authorise in this behalf.

(2) A copy of the annual accounts together with the audit report thereon shall be submitted to the Court and the Visitor along with the observations of the Executive Council.

(3) Any observations made by the Visitor on the annual accounts shall be brought to the notice of the Court and the observations of the Court, if any, shall, after being considered by the Executive Council, be submitted to the Visitor.

(4) A copy of the annual accounts together with the audit report as submitted to the Visitor, shall also be submitted to the Central Government, which shall, as soon as may be, cause the same to be laid before both Houses of Parliament.

(5) The audited annual accounts after having been laid before both Houses of Parliament shall be published in the Gazette of India.

33. Furnishing returns, etc :-

The University shall furnish to the Central Government such returns or other information with respect to its property or activities as the Central Government may, from time to time, require.

34. Conditions of service of employees :-

(1) Every employee of the University shall be appointed under a written contract, which shall be lodged with the University and a copy of which shall be furnished to the employee concerned.

(2) Any dispute arising out of the contract between the University and any employee shall, at the request of the employees, be referred to a Tribunal of Arbitration consisting of one member appointed by the Executive Council, one member nominated by the employee concerned and an umpire appointed by the Visitor.

(3) The decision of the Tribunal shall be final and no suit shall lie in any Civil Court in respect of the matters decided by the Tribunal.

(4) Every request made by the employee under sub-sec. (2), shall be deemed to be a submission to arbitration upon the terms of this section within the meaning of the Arbitration and Conciliation Act, 1996 (26 of 1996).

(5) The procedure for regulating the work of the Tribunal shall be prescribed by the Statutes.

35. Procedure of appeal and arbitration and disciplinary cases against students :-

(1) Any student or candidate for an examination whose name has been removed from the rolls of the University by the orders or resolution of the Vice-Chancellor, Discipline Committee or Examination Committee, as the case may be, and who has been debarred from appearing at the examinations of the University for more than one year, may, within ten days of the date of receipt of such orders or copy of such resolution by him, appeal to the Executive Council and the Executive Council may confirm, modify or reverse the decision of the Vice-Chancellor or the Committee, as the case may be.

(2) Any dispute arising out of any disciplinary action taken by the University against a student shall, at the request of such student, be referred to a Tribunal of Arbitration and the provisions of sub-secs. (2), (3), (4) and (5) of Sec. 34 shall, as far as may be, apply to a reference made under this sub-section.

36. Right to appeal :-

Every employee or student of the University or of an Institution maintained by the University or admitted to its privileges shall, notwithstanding anything contained in this Act, have a right to appeal within such time as may be prescribed by the Statutes, to the Executive Council against the decision of any officer or authority of the University, and thereupon the Executive Council may confirm, modify or reverse the decision appealed against.

37. Provident and pension funds :-

(1) The University shall constitute for the benefit of its employees such provident fund or pension fund or provide such insurance schemes as it may deem fit in such manner and subject to such conditions as may be prescribed by the Statutes.

(2) Where such provident fund or pension fund has been so constituted, the Central Government may declare that the provisions of the Provident Funds Act, 1925 (19 of 1925); shall apply to such fund as if it were a Government provident fund.

38. Disputes as to constitution of University authorities and bodies :-

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

authority or other body of the University, the matter shall be referred to the Visitor whose decision thereon shall final.

39. Filling of casual vacancies :-

All casual vacancies among the members, other than ex officio members, of any authority or other body of the University shall be filled, as soon as may be, by the person or body who appoints, elects or co-opts the member whose place has become vacant and person appointed, elected or co-opted to a casual 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 member.

40. Proceedings of University authorities or bodies not invalidated by vacancies :-

No act or proceedings of any authority or other body of the University shall be invalid merely by reason of the existence of a vacancy or vacancies among its members.

41. Protection of action taken in good faith :-

No suit or other legal proceeding shall lie against any officer or other employee of the University for anything which is in good faith done or intended to be done in pursuance of any of the provisions of this Act, the Statutes or the Ordinances.

42. Mode of proof of University record :-

Notwithstanding anything contained in the Indian Evidence Act, 1872 (1 of 1872) or in any other law for the time being in force, a copy of any receipt, application, notice, order, proceeding or resolution of any authority or other body of the University, or any other document 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, proceeding, resolution or document or the existence of entry in the register and shall be admitted as evidence of the matters and transactions therein where the original thereof would, if produced, have been admissible in evidence.

43. Power in remove difficulties :-

(1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty: Provided that no such order shall be made under this section after the expiry of three years from the

commencement of this Act.

(2) Every order made under sub-sec. (1) shall be laid, as soon as may be after it is made, before such House of Parliament while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the order or both Houses agree that the order should not be made, the order shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that order.

44. Statutes, Ordinances and Regulations to be published in the Official Gazette and to be laid before Parliament :-

(1) Every Statute, Ordinance or Regulation made under this Act shall be published in the Official Gazette.

(2) Every Statute, Ordinance or Regulation made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive session aforesaid, both Houses agree in making any modification in the Statute, Ordinance or Regulation or both Houses agree that the Statute, Ordinance or Regulation should not be made, the Statute, Ordinance or Regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that Statute, Ordinance or Regulation.

(3) The power to make Statutes, Ordinances or Regulations shall include the power to give retrospective effect, from a date not earlier than the date of commencement of this Act, to the Statute, Ordinance or Regulations or any of them but no retrospective effect shall be given to any Statute, Ordinance or Regulation so as to prejudicially affect the interests of any person to whom such Statute, Ordinance or Regulation may be applicable.

45. Transitional provisions :-

(1) Notwithstanding anything contained in this Act and Statutes,

(a) the first Chancellor and the first Vice-Chancellor shall be appointed by the Central Government in such manner and on such conditions as may be deemed fit and each of the said officers shall hold office for such term, not exceeding five years, as may be specified by the Central Government.

(b) the first Registrar and the first Finance Officer shall be appointed by the Central Government and each of the said officers shall hold office for a term of three years;

(c) the first Court and the first Executive Council shall consist of not more than thirty-one members and fifteen members, respectively, who shall be nominated by the Central Government and shall hold office for a term of three years;

(d) the first Academic Council shall consist of not more than thirty-one members, who shall be nominated by the Central Government and shall hold office for a term of three years:

Provided that if any vacancy occurs in the above-mentioned offices or authorities, the same shall be filled by appointment or nomination, as the case may be, by the Central Government, and the person so appointed or nominated shall hold office for so long as the officer or member in whose place he is appointed or nominated would he held office if such vacancy had not occurred.

(2) Till such time as the first Ordinances are not made under sub-sec. (2) of Sec. 29, in respect of the matters that are to be provided for by the Ordinances under this Act and Statutes, the relevant provisions of the Statutes and the Ordinances made immediately before the commencement of this Act under the provisions of the Uttar Pradesh State Universities Act, 1973 (President's Act 10 of 1973) shall be applicable insofar as they are not inconsistent with the provisions of this Act and the Statutes.

46. Amendment of Presidents Act 10 of 1973 :-

(1) In the Uttar Pradesh State Universities Act, 1973,

(a) the word "Allahabad", except in clause (b) of sub-sec. (2) of Sec. 12, sub-sec. (1) of Sec. 31-B, clause (b) of sub-sec. (1) of Sec. 74, clause (j) of sub-sec. (3) of Sec. 74, and entries relating

to Serial No. 5 in the Schedule, wherever it occurs, shall be omitted;

(b) in the Schedule, Serial No. 2 and the entries relating thereto shall be omitted. (2) Notwithstanding such omission, (a) all appointments made, order issued, degrees and other academic distinctions conferred, diplomas and certificates awarded, privileges granted, or other things done (including the registration of graduates) under the Uttar Pradesh State Universities Act, 1973 (President's Act 10 of 1973) shall be deemed to have been respectively made, issued, conferred, awarded, granted or done under the corresponding provisions of this Act and, except as otherwise provided by or this Act or the Statutes, continue in force unless and until they are superseded by any order made under this Act or the Statutes; and (b) all proceedings of Selection Committees for the appointment or promotion of teachers that took place before the commencement of this Act and all actions of the Executive Council in respect of the recommendations 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, except if the concerned authorities take, with the approval of the Visitor, a decision to the contrary.

SCHEDULE 1

THE STATUTES OF THE UNIVERSITY