The Intermediate Education (Amendment) Act, 1980

Act 29 of 1972

Keyword(s):
Institution, Management Committee, Education, Library, Employee, Intermediate

उच्चतम न्यायालय, 29 जून, 1972

[उच्छतम न्यायालय संचालन सूचना 29 जून, 1972]

[उच्छतम न्यायालय संचालन सूचना 29 जून, 1972]

"भारत का संविधान" के अनुसार, विषय-सूचना 29 जून, 1972 को स्थलीकृत प्रवर्तक ने दिनांक 3 जुलाई, 1972 को प्रकाशित हुआ।

उच्छतम न्यायालय, 1921 में ग्रंथि प्रकाशित करने के लिए

प्रविधिकार

भारत का संविधान के बारे में निम्नलिखित प्रविधिकार वनमा जाता है——

1—यह प्रविधिकार उच्छतम न्यायालय (संविधान) प्रविधिकार, 1972 कहलावेग।

2—उच्छतम न्यायालय (संविधान) प्रविधिकार, 1921 (जिसे एल्सीलास्ट साली 'मूल प्रविधिकार' कहा जा रहा है) का बारा 16—व में —

(क) उपचार (4) में, उसके प्रथम प्रविधिकार्यकारक मण्डल और उसके ठीक पूर्ववर्ती पृष्ठ के स्तर पर निम्नलिखित पृष्ठ तथा प्रविधिकारक लघु रस्सी दिये जाएँ, प्रविधिकार——

"ऐसा प्रविधि दिये जाने की प्रविधि प्रथम: एक वर्ष से प्रारंभ की न होगी : प्रविधि यह गई है कि यदि राज्य सरकार की यह राय हो कि किसी संस्था के उचित प्रविधि को अन्य रूप से सुनिश्चित करने के लिये ऐसा करता है, तो यह सम्प्रयास्पद प्रविधि का प्रविधि ऐसी प्रविधि के लिये, जो एक वर्ष में एक वर्ष से प्रविधि न हो, जिसे राज्य ने निरूपित करता है, जिन्हें इस प्रकार कि उत्तर प्रदेश के प्रविधि की गृह प्रविधि, जिसके अन्तर्गत इस उपचारा के प्रविधि प्रारंभिक प्रविधि में निरूपित प्रविधि भी है, पांच वर्ष से प्रविधि न हो : प्रविधि प्रविधि यह है कि राज्य ने ऐसे प्रविधि की हिस्सा भी समय सिद्धित कर सकती है ; ;

उच्छतम न्यायालय के विवरण के लिये ही यह है विवरण 30 अगस्त, 1971 को सरकारी प्रसाधन में प्रकाशित कर सकती है।
उपायार (5) में बताया गया है, "उक्त संस्था के लिए न लिये जाने" के स्वामि पर लागू "अदेश न लिये जाने" तथा निम्नलिखित की उसके प्रत्यक्ष-परमाणु सूचना के बाद में बढ़ा दिया जाना, अतः —

"प्रतिवेदन यह है कि इस उपायार की किसी बात से यह नहीं समझा जायेगा कि इसके प्रायोजक निर्देश को किसी ऐसी समस्ति का (प्रायोजन के सामाय का मांग में भाग में माना जाए किसी तरह पर देने के रूप में निर्देश निर्देश देने या उसे भाग में करने) (स्वतंत्र राजन राजनीति से संबंधित के लिए कोई सहायता दूर निर्देश करने की प्रक्रिया के रूप में) का प्रकाशक प्राप्त होता है।"।

(ग) उपायार (5) के पश्चात् निम्नलिखित उपायारें बढ़ा दी जायें, अतः —:

"(5-क) यदि उपायार (4) में आभासित स्वतंत्रता प्राप्त होने पर राजकीय सरकार का उस उपायार के पैरा (5) अवज्ञा पैरा (5) में उल्लिखित प्रतिवेदन के विवरण होने पर सम्मान हो सामाजिक और अर्थदृष्टि से जो निभाया और अवज्ञा करना चाहता है, तो उपायार के अभियोग की वांछनीय स्थिति का प्राप्त होने और संस्था के संबंध में यह आवश्यक है कि उसका साधन तुलना एक अविचार निर्देश की संबंधित जाने तो राजकीय सरकार अवज्ञा के लिए निधित्त की गयी स्वतंत्रता निर्देश की निम्नलिखित सत्यता पर संकल्प हो और यह स्वतंत्र

(5 ब) उपायार (5) या उपायार (5-क) के प्रवेश दिये गये किसी बादेस के प्रतिवेदन प्राप्त होने पर उपरोक्त के अनुसार निधित्त सत्यता का संचालन की होगी और उपरोक्त के समय संपर्क के बाद संभावित के संबंध में संस्था का अनुभव तथा राजनीति के प्रक्रिया के साथ संबंधित किसी राज ध्वस्त करने के लिए एक व्यक्ति का प्रतिवेदन से संबंधित हो, तो यह सामसंग्रह राजनीति खाता का प्रवेश ऐसी प्रवेश के लिए, जो एक बार का एक बार है ध्वस्त नहीं हो, तो यह निधित्त करने, बढ़ा दी हो जिसके अधिकार बढ़ा दी हो जिसके अधिकार के प्रवेश के अनुसार निधित्त सत्यता का संचालन हो गया है।

(प) उपायार (6) में सब "उपायार (4) के श्रेणी (1)" के बाद लिखा "या उपायार (5) या उपायार (5-क)" बढ़ा दिया जाय।

(क) उपायार (7) के स्थान पर निम्नलिखित उपायार रख दी जाए, प्रकारः —

"(7) संस्था के प्राप्त तथा निर्देशण से संबंधित (जिसके प्रतिक्रिया कोई प्रकार का संबंधी प्राप्त होगा संबंधी संस्था के कोई समस्ति से संबंधित किसी गायब ध्वस्त किया गया माना जाएगा तथा संबंधित किसी गायब के संबंध में न करता हो तो यह उपायार (5) या उपायार (5) के प्रवेश दिया गया कोई दृष्टि के निधित्त सत्यता होगा।"

(क) उपायार (8) में सब "उपायार (4) या उपायार (5)" के बाद "उपायार (4) उपायार (5) रख दिये जाएं।

3-किसी भी नामकरण के बाद प्रकार विवरण के किसी निर्देश, दीक्षा या प्रवेश के किसी प्रकार बात के होते ही भी, इस प्रकार भावना के प्रारम्भ होने पर पूरा मूल ध्वस्त किया गया 16-से-प्रारंभ दिया गया या दिया जाने के लिए तात्पर्य प्राप्त करेगा इस प्रकार द्वारा यह संबंधित उपरोक्त अवज्ञा के प्रवेश दिया गया समस्ति जानें और उसका इसी प्रकार निर्देश किया जाएगा और तब तथा प्रारंभ संबंधित जानें और दृष्टि के संबंध में हो जाएगा और प्रारंभ के संबंध में हो जाएगा या इस प्रकार भावना के प्रारंभ करने के लिए निधित्त हो, किसी गायब के कार्य की गई कोई कार्यान्वयन दीक्षा के प्रकार भावना के संबंध में किया गया या की गई और तत्काल दृष्टि के संबंध में किया गया या की गई सामान्य जानें।

141 अनुसंधान (लेख)—1972—1,834-50 श्रेणी।
THE INTERMEDIATE EDUCATION (AMENDMENT) ACT, 1980
[U. P. ACT NO. 1 OF 1981]
(As passed by the Uttar Pradesh Legislature)

AN ACT further to amend the Intermediate Education Act, 1921

IT IS HEREBY enacted in the Thirty-first Year of the Republic of India as follows:—

1. This Act may be called the Intermediate Education (Amendment) Act, 1980.

2. In section 2 of the Intermediate Education Act, 1921, hereinafter referred to as the principal Act, in clause (aaa), the words "and except for purposes of section 3, includes an Additional Director of Education" shall be inserted at the end.

3. In section 16-A of the principal Act, after sub-section (6), the following sub-section shall be inserted, namely:—

"(7) Whenever there is dispute with respect to the Management of an institution, persons found by the Regional Deputy Director of Education, upon such enquiry as is deemed fit to be in actual control of its affairs may, for purposes of this Act, be recognised to constitute the Committee of Management of such institution until a court of competent jurisdiction directs otherwise:

Provided that the Regional Deputy Director of Education shall, before making an order under this sub-section, afford reasonable opportunity to the rival claimants to make representations in writing.

Explanation—In determining the question as to who is in actual control of the affairs of the institution, the Regional Deputy Director of Education shall have regard to the control over the funds of the institution and over the administration, the receipt of income from its properties, the Scheme of Administration approved under sub-section (5) and other relevant circumstances."

4. In section 16-B of the principal Act, in sub-section (3), for the words "clause (a) or (b) of sub-section (3) of section 16-D" the words "sub-section (3) of section 16-D" shall be substituted.

5. In section 16-C of the principal Act, in sub-section (IV), for the words "Subject to the regulations governing the principles for according approval to the Scheme of Administration", the words "Subject to the provisions of this Act" shall be substituted.

6. For section 16-D of the principal Act, the following sections shall be substituted, namely:—

"16-CC. The Scheme of Administration in relation to any Institution, whether recognised before or after the commencement of the Intermediate Education (Amendment) Act, 1980, shall not be inconsistent with the principles laid down in the Third Schedule.

16-CCC. (1) Where in relation to any Institution, the Scheme of Administration has been or deemed to have been approved under section 16-A, or section 16-B or section 16-C, at any time before the commencement of the Intermediate Education (Amendment) Act, 1980, and such Scheme of Administration is inconsistent with the provisions of this Act, the Director shall send, within a period of six months from such commencement, a notice to such Institution suggesting any alteration or modification therein and requiring the Institution to submit a fresh Scheme of Administration or to amend or alter the existing Scheme."
(2) While making any suggestion in the Scheme of Administration under sub-section (1), the Director shall give his reasons therefor and shall also afford an opportunity to the institution to make a representation within such period as may be specified in the notice.

(3) The Director shall consider any representation made in accordance with sub-section (2) and may approve the Scheme of Administration in its original form or subject to any alteration or modification suggested under sub-section (1) or with any other changes as may appear to him to be just and proper:

Provided that where the Director proposes to make any new alteration or modification in the Scheme of Administration, he shall give an opportunity to the institution to make a representation within such period as may be specified by him.

16-D. (1) The Director may cause a recognised institution to be inspected from time to time.

(2) The Director may direct a management to remove any defect or deficiency found on inspection or otherwise.

(3) In the receipt of information or otherwise, the Director is satisfied that:

(i) the Committee of Management of an institution has failed to comply with the judgment of any court or any direction made under this Act or any other law for the time being in force; or

(ii) the Committee has failed to appoint teaching staff possessing such qualifications as are necessary for the purpose of ensuring the maintenance of academic standard in the institution or has appointed or retained in service any teaching or non-teaching staff in contravention of the provisions of this Act or the Regulations; or

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

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

(v) the Committee has substantially diverted, misapplied or misappropriated the property of the institution to its detriment or has transferred any property in contravention of the provisions of the Uttar Pradesh Educational Institutions (Prevention of Dissipation of Assets) Act, 1974; or

(vi) the draft of the Scheme of Administration has not been submitted within the time allowed therefor under section 16-B, or that the Management of the institution is being conducted otherwise than in accordance with the Scheme of Administration or the affairs of the institution are being otherwise mis-managed;

(vii) the Scheme of Administration in relation to an institution, approved before the commencement of the Intermediate Education (Amendment) Act, 1980, is inconsistent with the provisions of this Act and the management of the institution has failed to alter or modify it within a reasonable time despite notice under section 16-CCC;

he may refer the case to the Board for withdrawal of recognition of such institution, or issue notice to the Committee of Management to show cause within thirty days from the date of receipt of such notice why an order under sub-section (4) should not be made.

(4) Where the Committee of Management of an institution fails to show cause within the time allowed under sub-section (3) or within such extended time as the Director may from time to time allow, or where the Director is, after considering the cause shown by the Committee of Management, satisfied that any of the grounds mentioned in sub-
section (3) exists, he may, recommend to the State Government to
appoint an Authorised Controller for that institution, and thereupon,
the State Government may, by order, for reasons to be recorded, autho-
rise 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 such institution and its properties:

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
institution and its properties, 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, but excluding
the period specified in sub-section (8), does not exceed five years:

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

(5) If on the receipt of information or otherwise, the State Govern-
ment is of opinion that in relation to an institution the ground men-
tioned in clause (iii) or clause (v) of sub-section (3) exists, and that the
interest of the institution calls for immediate action, it may, notwith-
standing anything contained in the said sub-section, issue notice to the
Management of such institution to show cause within fifteen days from
the date of receipt of such notice why an Authorised Controller be not
appointed in respect of such institution.

(6) Where the Committee of Management of the concerned institu-
tion fails to show cause within the time allowed under sub-section (5), or
within such extended time as the State Government may, from time to
time allow, or where the State Government is, after considering the
cause shown by the Committee of Management, satisfied that any of the
grounds mentioned in clause (iii) or clause (v) of sub-section (3) exists,
it may, by order and for reasons to be recorded, appoint an Authorised
Controller in respect of such institution, and thereupon, the provisions
of sub-section (4) shall, mutatis mutandis apply.

(7) Every notice issued by the Director under sub-section (8) on or
before the service of the notice referred to in sub-section (5) and not
finally disposed of on the date of such service shall, with effect from the
said date, be deemed to have been placed in abeyance:

Provided that nothing contained in this sub-section shall be deemed
to prevent the Director to take action upon grounds other than those
mentioned in clauses (iii) and (v) of sub-section (3) in case the notice
issued by the State Government under sub-section (5) is discharged.

(8) If the State Government is of opinion that immediate suspension
of the Committee of Management is also necessary or expedient in the
interest of the institution concerned, it may, while issuing notice under
sub-section (5), by order and for reasons to be recorded, suspend the
Committee of Management and make such arrangement as it thinks
proper for managing the affairs of the institution pending the order that
may subsequently be made under sub-section (6):

Provided that the suspension shall not remain in force for more than
six months from the date it becomes effective.

Explanation I—For the removal of doubts it is hereby declared that in
computing the period of time specified in sub-section (4) or sub-
section (8), the time during which the operation of the order was
suspended by the High Court in exercise of the powers under Article 226
of the Constitution shall be excluded.

Explanation II—Nothing in sub-section (4) or sub-section (6) shall
preclude the State Government from revoking an order of appointment
of an Authorised Controller appointed under any of the said provisions.
(9) Nothing in this section shall be construed to confer on the Authorised Controller appointed under sub-section (4) or sub-section (8), the power to transfer any immovable property belonging to the institution (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 for the institution from the State Government or the Government of India).

(10) Any order made under this section shall have effect notwithstanding anything inconsistent therewith contained in any other enactment or in any instrument (including any Scheme of Administration) relating to the management and control of the institution or its property:

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

(11) The Director may give to the Authorised Controller such directions as he may deem necessary for the proper management of the institution or its properties, and the Authorised Controller shall carry out those directions.

(12) No order made by the Board withdrawing recognition in pursuance of a reference made under sub-section (8) and no order made or direction given under this section by the Director or the State Government shall be called in question in any court, and no injunctions shall be granted by any court in respect of any action taken or to be taken in pursuance of any power conferred by or under this section.

(13) The powers conferred by this section shall be in addition to, and not in derogation of any powers conferred on the State Government or the Authorised Controller under any other law for the time being in force.

(14) Nothing contained in sub-sections (8) to (13) shall apply to an institution established and administered by a minority referred to in clause (1) of Article 30 of the Constitution of India.

16-DD. (1) Wherever an Authorised Controller is appointed under sub-section (4) or sub-section (8) of section 16-D—

(a) he shall take over the Management of the concerned institution and its properties to the exclusion of its Committee of Management, and shall, subject to such restrictions as the State Government may impose, have all such powers and authority as the Committee would have if the institution and its properties were not taken over under the said sub-sections;

(b) every person in whose possession, custody or control any property of the institution may be, shall deliver such property to the Authorised Controller forthwith.

(2) Every person who on the date of the order referred to in sub-section (4) or sub-section (8) of section 16-D has in his possession or control any books or other documents relating to the institution or to its property shall be liable to account for the said books and other documents to the Authorised Controller, and shall deliver them to him or to such person as the Authorised Controller may specify in this behalf.

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

Explanation—In this section and section 16-D, unless the context otherwise requires, ‘property’ in relation to an institution, includes all property, movable and immovable belonging to or endowed wholly or partly for the benefit of the institution 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 institution, cash in hand, cash at bank, income from fees, boys funds and Government grants, 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 institution and all books of accounts, 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 institution."

7. After section 16-E of the principal Act, the following section shall be inserted, namely:-

"16-EE. (1) Where any employee of an institution has been retrenched on or after July 1, 1974 but before the commencement of the Intermediate Education (Amendment) Act, 1980, and such employee possesses minimum qualifications prescribed therefor on the date of initial appointment the Regional Deputy Director of Education shall, on an application made in this behalf, direct that subject to the provisions of this section, such employee be absorbed against any permanent vacancy occurring in the same or any other institution situate in any district within his jurisdiction:

Provided that in the case of an employee retrenched on or after the date of such commencement the Regional Deputy Director of Education may issue directions under this section without any application from the employee concerned.

(2) Every application referred to in sub-section (1) shall be made within six months from the date of commencement of the Intermediate Education (Amendment) Act, 1980.

(3) Where any direction is issued by the Regional Deputy Director of Education under sub-section (1) the following consequences shall ensue, namely :

(i) the Committee of Management of the institution concerned shall be bound to comply with every such direction, and the employee in whose favour such direction is issued shall be deemed to be an employee of such institution from the date of the order of appointment issued by the Committee to him or from the expiry of a period of two months from the date of service of the direction on the Committee of Management under sub-section (1), whichever is earlier.

(ii) the period of substantive service rendered by such employee in any institution before the date of his retrenchment shall be counted for the purposes of his seniority and pension.

(iii) where the employee concerned fails to join the post within the time allowed therefor, the benefits of this section shall not be available to him.

(4) Any person aggrieved by the direction issued under sub-section (1) may make a representation to the Director within one month from the date of service on him of such direction, and the order of the Director thereon shall be final.

(5) The provisions of this section shall have effect notwithstanding anything contained in any other provisions of this Act or any other law for the time being in force.

Explanation—For the purposes of this section—

(a) 'employer' in relation to an institution means a teacher, head of institution or other employee thereof holding a permanent post on the date immediately preceding the date of retrenchment;

(b) 'institution' includes a training institution recognised by the State Government or the Director;

(c) retrenchment in relation to an employee of an institution means the termination of his services for any reason other than resignation, retirement or removal by way of punishment inflicted in disciplinary proceedings."
Amendment of section 16-I.

8. In section 16-H of the principal Act, in sub-section (1) for the words “sub-sections (2) to (7)”, the words “sub-section (2) to sub-section (13)” shall be substituted.

9. After the second Schedule to the principal Act, the following Schedule shall be inserted, namely—

“THIRD SCHEDULE

(See Section 16-GG)

Principles on which approval to a Scheme of Administration shall be accorded.

Every Scheme of Administration shall,—

(1) provide for proper and effective functioning of the Committee of Management;

(2) provide for the procedure for constitution the Committee of Management by periodical elections;

(3) provide for the qualifications and disqualifications of the members and office-bearers of the Committee of Management and the term of their offices:

Provided that no such Scheme shall contain provisions creating monopoly in favour of any particular person, caste, creed, religion or family;

(4) provide for the procedure of calling meetings and the conduct of business at such meetings;

(5) provide that all the decisions shall be taken by the Committee of Management and powers of delegation, if any, shall be limited and clearly defined;

(6) ensure that the powers and duties of the Committee of Management and its office-bearers are clearly defined;

(7) provide for the maintenance and security of property belonging to the institution and also for the utilization of its funds and for the regular checking and auditing of accounts.”

By order,

R. C. DEO SHARMA

Sachiv.
No. 944(2)/XVII-V-1—9-81

Dated Lucknow, April 14, 1981

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 Intermediate Shiksha (Sanshodhan) Adhiniyam, 1981 (Uttar Pradesh Adhiniyam Sankhya 9 of 1981), as passed by the Uttar Pradesh Legislature and assented to by the Governor on April 13, 1981:

THE INTERMEDIATE EDUCATION (AMENDMENT) ACT, 1981
[U.P. ACT NO. 9 OF 1981]
(As passed by the Uttar Pradesh Legislature)

AN
ACT

Further to amend the Intermediate Education Act, 1921

It is hereby enacted in the Thirty-second Year of the Republic of India as follows:

1. This Act may be called the Intermediate Education Amendment Act, 1981.

2. In section 3 of the Intermediate Education Act, 1921, hereinafter referred to as the principal Act, in sub-section (1), in clause (c), for the word “eleven” wherever occurring, the word “twelve” shall be substituted.

3. In section 16-EE of the principal Act, after sub-section (5) and before the Explanation, the following sub-section shall be inserted and be deemed to have been inserted from February 11, 1981, namely:

“(6) Nothing in this section shall apply to an institution established and administered by a minority referred to in clause (1) of Article 30 of the Constitution of India.”

4. In the Third Schedule to the principal Act, in the proviso to paragraph (3), the word “religion” shall be omitted and be deemed to have been omitted from February 11, 1981.

By order,

G. B. SINGH,
Sachiv.

पौ0 एम0 यू0 फड0—ए0 फड0 9 पात0 (विभाग0)—4-4-81—(158)—1981—700 (चेंक0)।
No. 678(2)/XVII-V—1-1-(Ka)-34-1983

Dated Lucknow, March 26, 1984

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 Intermediate Shiksha (Sanshodhan) Adhiniyam, 1984 (Uttar Pradesh Adhiniyam Sankhya 6 of 1984) as passed by the Uttar Pradesh Legislature and assented to by the President on March 23, 1984.

THE INTERMEDIATE EDUCATION (AMENDMENT) ACT, 1984

[U. P. Act no. 6 of 1984]

(As passed by the Uttar Pradesh Legislative Assembly)

AN

ACT

further to amend the Intermediate Education Act, 1921

IT IS HEREBY enacted in the Thirty-fifth Year of the Republic of India as follows:

1. (1) This Act may be called the Intermediate Education (Amendment) Act, 1984.

(2) It shall be deemed to have come into force on May 23, 1983.

2. In section 16-C of the Intermediate Education Act, 1921, hereinafter referred to as the principal Act, in sub-section (1), for the words "six months" the words "three years" shall be substituted and be deemed always to have been substituted.

3. In section 16-D of the principal Act, in sub-section (8), in Explanation II, in the Hindi version thereof, for the words and figure "वा उपरांत (8)" the words and figure "वा उपरांत (6)" shall be substituted.

4. Notwithstanding anything contained in the principal Act, anything done or any action taken under the provisions of the principal Act as they stood immediately before the commencement of this Act, shall be and be deemed always to have been valid as if the provisions of this Act were in force at all material times.

5. (1) The Intermediate Education (Amendment) (Second) Ordinance, 1983, is hereby repealed.

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

By order,

G. B. SINGH,
Sachiv.
No. 1159/XVII-V-1—I(KA)-36-1986

Dated Lucknow, July 30, 1987

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 Intermediate Shiksha (Samajik) Adhiniyam, 1987 (Uttar Pradesh Adhiniyam Sankhya 18 of 1987) as passed by the Uttar Pradesh Legislature and assented to by the President on July 29, 1987:

THE INTERMEDIATE EDUCATION (AMENDMENT) ACT, 1987

[ U. P. ACT no. 18 OF 1987 ]

(As passed by the Uttar Pradesh Legislature)

AN

ACT

further to amend the Intermediate Education Act, 1921

It is hereby enacted in the Thirty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Intermediate Education (Amendment) Act, 1987.

(2) It shall be deemed to have come into force on October 14, 1986.

2. For section 7-A of the Intermediate Education Act, 1921, hereinafter referred to as the principal Act, the following section shall be substituted, namely:—

"7-A. Notwithstanding anything contained in clause (4) of section 7—

Recognition of an institution in any new subject or group of subjects or for a higher class ;

(b) the Inspector may permit an institution to open a new section in an existing class."

3. After Section 7-A of the principal Act, the following sections shall be inserted, namely:—

"7-AA. (1) Notwithstanding anything contained in this Act, the management of an institution may, from its own resources, employ—

(i) as in interim measure part-time teachers for imparting instructions in any subject or group of subjects or for a higher class for which recognition is given or in any section of an existing class for which permission is granted under section 7-A ;

(ii) part-time instructors to impart instructions in moral education or any trade or craft under socially useful productive work or vocational course.

(2) No recognition shall be given and no permission shall be granted under section 7-A, unless the Committee of Management furnishes such security in cash or by way of Bank guarantee to the Inspector as may be specified by the State Government from time to time.

(3) No part-time teacher shall be employed in an institution unless such conditions as may be specified by the State Government by order in this behalf are complied with.

(4) No part-time teacher or part-time instructor shall be employed unless he possesses such minimum qualifications as may be prescribed.
(5) A part-time teacher or a part-time instructor shall be paid such honorarium as may be fixed by the State Government by general or special order in this behalf.

(6) Nothing in this Act shall preclude a person already serving as a teacher in an institution from being employed as a part-time teacher or a part-time instructor under section 7-AB.

"7-AB. Nothing in the Uttar Pradesh High School and Intermediate Exemption Colleges (Payment of Salaries of Teachers and other Employees) Act, 1971 or the Uttar Pradesh Secondary Education Services Commission and Selection Boards Act, 1982, shall apply in relation to part-time teachers and part-time instructors employed in an institution under section 7-AA."

4. (1) The Intermediate Education (Amendment) Ordinance, 1987, is hereby repealed.

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

By order,

S. N. SAHAY,
Sachiv.
THE INTERMEDIATE EDUCATION (AMENDMENT) ACT, 2007

[As passed by the Uttar Pradesh Legislative Assembly] 

To amend the Intermediate Education Act, 1981.

In pursuance of the provisions of clause (a) of Article 346 of the Constitution of India, the Governor of Uttar Pradesh is pleased to order the publication of the following English translation of the Intermediate Education Act, 2007 (Uttar Pradesh, Act 346 of 2007) as passed by the Uttar Pradesh Legislative Assembly on the 21st day of May, 2007.


The Governor of Uttar Pradesh hereby amends the Intermediate Education Act, 1981 by inserting a new section 6A in the said Act, as follows:

In Section 6A of the said Act, for the words "sub-section (5)," substitute the words "sub-section (3)."

This Act may be called the Intermediate Education (Amendment) Act, 2007.

[Passed by the Uttar Pradesh Legislative Assembly]
For section 3 of the Intermediate Education Act, 1921 hereinafter referred to as the principal Act, the following sections shall be substituted, namely:

3. (1) the Board shall consist of a Chairman (which office shall be held Constitution of the Board by the Director, ex-officio) and the following other member, namely:

(a) two heads of the institution, maintained by the State Government, nominated by the State Government;

(b) two teachers of the institutions maintained by the State Government, nominated by the State Government;

(c) the Director, State Council of Educational Research and training Uttar Pradesh, Lucknow or a representative nominated by him;

(d) the Director, State Institute of Educational Management and Training Uttar Pradesh, Allahabad or representative nominated by him;

(e) the Additional Director of Education (Correspondence), Correspondence Education Institute, Allahabad;

(f) the Additional Director of Education, (Vocational Education) Lucknow;

(g) two persons related to Education, nominated by the State Government;

(h) two women related to the Women's Education, nominated by the State Government;

(i) the Director, State Institute of Science Education, Allahabad, ex-officio;

(j) the Principal, State Institute of Education Allahabad ex-officio;

(k) the Director, Bureau of Psychology, Allahabad ex-officio;

(l) the Secretary, Board of Secondary Sanskrit Education, Lucknow, ex-officio;

(m) one District Inspector of Schools nominated by the State Government;

(n) one Regional Joint Director of Education nominated by the State Government;

(o) the Regional Officer, Central Board of Secondary Education, Allahabad ex-officio;

(p) the Principal, Government Physical Training College, Rampur, ex-officio;

(q) one Professor of a Degree College affiliated to a University established by law in Uttar Pradesh nominated by the State Government;

(r) one Professor of an Engineering College affiliated to an Engineering University established by law in Uttar Pradesh nominated by the State Government;

(s) one Professor of Agricultural University established by law in Uttar Pradesh, nominated by the State Government;

(t) one Professor of a Medical College affiliated to a Medical University nominated by the State Government.
(2) The Secretary of the Board shall be the ex-officio member-secretary of the Board.

(3) As soon as may be after the nomination of the Board has been completed, the State Government shall notify that the Board has been duly constituted*.

3. In section 4 of the principal Act, in sub-section (2) for the words "elected or nominated" the word "nominated" shall be substituted.

4. In section 13 of the principal Act for sub-section (2) the following sub-section shall be substituted, namely—

"(2) Such Committees shall consist of the members of the Board only:

Provided that no member of the Board shall be the member of more than one kind of Committee of these Committees and the members of the Committees shall hold office as such till they are members of the Board.

5. The First Schedule to the principal Act shall be omitted.

STATEMENT OF OBJECTS AND REASONS

Section 3 of the Intermediate Education Act, 1921 provides for the constitution of the Board. In accordance with the existing provisions of the said section the Board shall consist of a Chairman who shall be the Director of Education and 9 ex-officio members, 31 members nominated by the State Government and 32 elected members. With a view to making the working of the Board more efficient and for achieving the objective of fundamental educational aim of the Board, it has been decided to amend the said Act mainly to provide for reducing the number of members from 72 members to 25 members and nomination of teachers and Heads by the State Government instead of the election thereof.

The Intermediate Education (Amendment) Bill, 2007 is introduced accordingly.

By order,

S.M.A. ABIDI,

Pramukh Sachiv.