The Uttar Pradesh Educational Institutions (Taking Over of Management) Act, 1976
Act 18 of 1976

Keyword(s):
Scheduled Institution, Educational Institution, Management
THE UTTAR PRADESH EDUCATIONAL INSTITUTIONS (TAKING OVER OF MANAGEMENT) ACT, 1976

(U. P. ACT NO. 18 OF 1976)

†[Authoritative English Text of the Uttar Pradesh Shiksha Shanstho (Prabandha Hah Man Lovan) Adhiniyam, 1976].

AN

ACT

to provide for the taking over in the public interest of the management of educational institutions run directly or indirectly by unlawful organisations or by their members or sympathisers.

WHEREAS by the Central Government's Order no. SO-306 (E), dated July 3, 1975, the Central Government directed that rule 33 of the Defence and Internal Security of India Rules, 1971, shall apply to certain organisations including the organisation known as Rashtriya Swayam Sewak Sangh;

AND WHEREAS the said organisation, namely the Rashtriya Swayam Sewak Sangh or its members or sympathisers are known to have been running, directly or indirectly, the educational institutions specified in the Schedule;

AND WHEREAS as a result of the action taken against the said organisation and persons, places and funds connected with it, the management of the said institutions was disrupted and it was apprehended that the continued running of the said educational institutions was likely to be interrupted;

AND WHEREAS with a view to maintaining the imparting of instruction in the said educational institutions in a proper manner and without being vitiated by the ideology of the said organisation, the State Government took over through its officers the management of the said educational institutions on different dates from July 1975 onwards;

AND WHEREAS the formal or informal instruction that used to be imparted in the said educational institutions, before their management was so taken over, tended to misguide the children studying therein, and to inculcate feelings of communalism in their impressionable minds, and it is apprehended that if such instruction be permitted to be continued the maintenance of harmony between different religious communities in India may be prejudiced and the process of emotional integration among them be retarded;

AND WHEREAS it is apprehended that other organisations to which the said rule 33 of the Defence and Internal Security of India Rules, 1971, apply, or their members or sympathisers, may also be found to run educational institutions in which the instruction imparted, formally or informally, may likewise tend to misguide the children studying therein and inculcate in their impressionable minds feelings contrary to the national objectives of secularism and emotional integration between different religious communities:

†(For Statement of Objects and Reasons, please see Uttar Pradesh Gazette Extraordinary, dated April 5, 1976).

(Passed in Hindi by the Uttar Pradesh Legislative Assembly on April 2, 1976 and by the Uttar Pradesh Legislative Council on April 9, 1976).

(Received the Assent of the President on May 1, 1976, under Article 201 of the Constitution of India and was published in the Uttar Pradesh Gazette Extraordinary, dated May 1, 1976).
AND WHEREAS it is accordingly in the public interest to take over the management of the aforesaid educational institutions for a temporary period;

Now, THEREFORE, it is hereby enacted in the Twenty-seventh Year of the Republic of India, as follows:—

1. (1) This Act may be called the Uttar Pradesh Educational Institutions (Taking Over of Management) Act, 1976;
   (2) It extends to the whole of Uttar Pradesh;
   (3) It shall be deemed to have come into force on February 28, 1976.

Definitions.

2. In this Act—
   (a) "appointed date" means—
      (i) in relation to an educational institution specified in the Schedule in the first instance, the date of commencement of this Act;
      (ii) in relation to an educational institution specified subsequently by notification under sub-section (2) of section 3, the date of publication of such notification in the Gazette;
   (b) "Scheduled institution" means an educational institution specified in the Schedule, being an institution which was being run, or may in future be found to be run, directly or indirectly—
      (i) by the organisation known as the Rashtriya Swayam Sewak Sangh or by its members or sympathisers, whether through the society known as Shishu Shiksha Prabandh Samiti, Uttar Pradesh or through any other society or body whatsoever; or
      (ii) by any other organisation to which rule 33 of the Defence and Internal Security of India Rules, 1971, for the time being applies, or by its members or sympathisers.

3. (1) On and from the appointed date, the management of all scheduled institutions shall vest in the State Government for a period of one year from such date:

   Provided that the State Government may by notification extend the aforesaid period by one year or less at a time, so, however, that the total period of extension does not exceed two years in the aggregate.

   (2) The State Government may by notification include in the Schedule any other educational institution in respect of which it is satisfied that it is being run, directly or indirectly, by the Rashtriya Swayam Sewak Sangh or by any other organisation to which rule 33 of the Defence and Internal Security of India Rules, 1971, for the time being applies, or by their members or sympathisers, and upon the publication of such notification in the Gazette the Schedule shall be deemed to be amended accordingly.

   (3) In the case of scheduled institutions the management of which has before the commencement of this Act been taken over by the District Inspector of Schools or any other officer in pursuance of any order issued or purporting to have been issued under the Defence and Internal Security of India Rules, 1971, such taking over shall be deemed to have been effected under the provisions of sub-section (1) and the management of such scheduled institutions shall be deemed to have vested in the State Government under this section as if this Act were in force at all material times:

   Provided that the period during which, the management of the institutions was so vested in the State Government prior to the twenty-eighth day of February, 1976, shall be in addition to the period of one year from such date and the maximum period of extension mentioned in sub-section (1).

   (4) After the expiry of the period referred to in sub-section (1), the management of the institution concerned shall revert to the society or other body from which the management of the institution was taken over:

   Provided that the State Government may before handing over the management of such institution to such body require that the members of such body shall take such steps as may be specified, including, if necessary, the reconstitu-
tion of the governing body thereof, with a view to ensuring that the instruction that would be imparted in the educational institution after such reversion would fall in line with the national objectives of secularism and emotional integration between different religious communities.

(5) For the removal of doubts it is hereby declared that no compensation or any other amount whatsoever shall be due to the society or other body owning a scheduled institution in respect of its management, remaining with the State Government for a temporary period as aforesaid in accordance with the provisions of this Act.

4. (1) The State Government may, by a general or special order, authorise the District Inspector of Schools or any other officer (hereinafter called the “authorised officer”) to take over the management of any scheduled institution, and the officer so authorised shall, under the superintendence and directions of the State Government, carry on the management of such institution.

(2) On the issue of an order under sub-section (1) the charge of management of the scheduled institution shall vest in the authorised officer, and all persons in charge of the management of such scheduled institution immediately before the issue of such order shall cease to be in charge of such management and shall be bound to deliver to the authorised officer all assets, books of accounts, registers or other documents in their custody relating to such institution and to comply with any other direction issued by him in connection therewith:

Provided that in case the management of any scheduled institution is already with the District Inspector of Schools or any other authorised officer immediately before the commencement of this Act, it shall be deemed to have vested in such officer under this section as if this Act were in force at all material times and such officer were duly authorised by the State Government under this section.

(3) In particular, and without prejudice to the generality of the power of management referred to in sub-section (2), the authorised officer shall have powers to appoint and terminate the services of teachers and other employees, and also disciplinary powers, including power of dismissal or suspension, over the teachers and other employees of the scheduled institution, the power to manage the properties appurtenant to or endowed for the scheduled institution, the power to operate bank accounts of the scheduled institution, and the power to realise fees from the students of the scheduled institution.

5. If any person, after commencement of this Act—

(a) fails to deliver to the authorised officer any assets, books of account, register or any other documents in his custody relating to the scheduled institution in respect of the management of which such officer has been authorised; or

(b) retains any property of such scheduled institution or removes or destroys it; or

(c) fails to comply with any direction issued by the authorised officer under this Act;

he shall be punishable with imprisonment for a term which may extend to three years or with fine which may extend to two thousand rupees or with both.

6. (1) Notwithstanding anything contained in any other law or in any contract or other instrument, if the State Government is satisfied that the continuance in service of a teacher of a scheduled institution is prejudicial to the purposes of this Act, it may, at any time, by notice, without assigning any reason, terminate his services.

(2) The period of such notice shall be three months or the period specified in the conditions of service, if any, applicable to him, whichever is less.

Provided that the services of any such teacher may be terminated, without such notice or by a shorter notice, and on such termination, the teacher shall be entitled to claim from the scheduled institution a sum equivalent to the amount of his pay plus allowances, if any, for the period of notice or, as the case may be, for the period by which such notice falls short of three months, at the same rates at which he was drawing immediately before such termination.
(3) The State Government may by order direct that the power conferred on it by sub-section (1) shall, in such circumstances and under such conditions, if any, as may be specified in the direction, be exercised or discharged by any officer or authority specified in this behalf.

(4) Any order of termination of services of a teacher or other employee of a scheduled institution passed or purported to be passed by an authorised officer before the commencement of this Act shall be deemed to be duly passed by him under sub-section (1) as if he were duly authorised by a direction under sub-section (2) in this behalf, and shall be deemed to be valid notwithstanding that no notice as provided in sub-section (1) or sub-section (2) was given and notwithstanding any other defect of form:

Provided that every such teacher or other employee whose services were so terminated shall be entitled to claim a sum mentioned in sub-section (2) from the scheduled institution.

7. (1) No suit, prosecution or legal proceedings shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act or any order or direction issued thereunder.

(2) No suit or other legal proceedings shall lie against the State Government for any damage caused or likely to be caused by anything which is in good faith done or intended to be done or deemed to be done in pursuance of this Act.

8. (1) The Uttar Pradesh Educational Institutions (Taking Over of Management) Ordinance, 1976 is hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act as if this Act were in force at all material times.

SCHEDULE

AGRA DIVISION

1. Agra
   1. Saraswati Vidya Mandir Inter College, Agra.
   5. Saraswati Vidya Mandir, Firozabad, Agra.

2. Aligarh

3. Etah
   2. Saraswati Shishu Mandir, Ganj Dundwara, Etah.
   3. Saraswati Shishu Mandir, Marhara Gate, Etah.

4. Mainpuri
   1. Saraswati Vidya Mandir, Station Road, Mainpuri.
   2. Shishu Mandir Purva Madhyamik Vidyalaya, Mainpuri.
   4. Saraswati Shishu Mandir, Bebar, Mainpuri.

5. Mathura
   2. Saraswati Sh.shu Mandir, Chorghat, Vrindaban, Mathura.

MEERUT DIVISION

1. Meerut
   1. Saraswati Shishu Mandir, Purwa Mahavir, Meerut.
   2. Saraswati Shishu Mandir, Kothi Gate, Hapur.

2. Muzaffarnagar
   1. Saraswati Shishu Mandir, Muzaffarnagar.
   2. Saraswati Shishu Mandir, Khatoli.
3. Bulandshahr
1. Saraswati Shishu Mandir, Civil Lines, Bulandshahr.
2. Saraswati Shishu Mandir, Station Road, Dadri.
5. Vivekanand Balmandir, Aurangabad.
7. Saraswati Bal Mandir, Rabupura.
8. Deo Nagri Inter College, Gulawati, Bulandshahr.

4. Saharanpur

ALLAHABAD DIVISION

1. Allahabad
2. Saraswati Shishu Mandir, Ananda, Clive Road, Allahabad.

2. Etawah
2. Saraswati Shishu Mandir, Kasba Debiapur, Etawah.

3. Farrukhabad
1. Saraswati Shishu Mandir, Farrukhabad.
2. Saraswati Shishu Mandir, Kayamganj, Farrukhabad.
5. Saraswati Shishu Mandir, Chiramau.

4. Fatehpur
1. Saraswati Shishu Mandir, Khaga, Fatehpur.
2. Saraswati Shishu Mandir, Chowk, Fatehpur.

5. Kanpur
2. Sanatan Dharam Saraswati Shishu Mandir, Kaushalpuri, Kanpur.
7. Saraswati Shishu Mandir, Railbazar, Kanpur.
8. Saraswati Shishu Mandir, Jhinjhat, Kanpur.

LUCKNOW DIVISION

1. Lucknow
1. Saraswati Shishu Mandir, Niralanagar, Lucknow.
2. Saraswati Shishu Mandir, Model House, Lucknow.

2. Kheri
1. Saraswati Shishu Mandir, Kheri.
2. Dharam Sabha Inter College, Lakhimpur-Kheri.

3. Sitapur
1. Saraswati Shishu Mandir, Vivekanandpuri, Sitapur.
2. Saraswati Shishu Mandir, Maholi, Sitapur.

4. Hardoi
1. Patel Bataso Rajrani Inter College, Terwa, Gausganj, Hardoi.
2. Bhartiya Inter College, Pali, Hardoi.

JHANSI DIVISION

1. Jhansi
1. Saraswati Shishu Mandir, Jhansi.
2. Saraswati Shishu Mandir, Mauranipur, Jhansi.

2. Banda
2. Rajendra Saraswati Shishu Mandir, Karvi, Banda.
### 3. Hamirpur
1. Saraswati Shishu Mandir, Hamirpur.
2. Saraswati Shishu Mandir, Rath, Hamirpur.
3. Shishu Shiksha Sadan, Mahoba, Hamirpur.
4. Shishu Shiksha Niketan, Kusara, Hamirpur.

### 4. Jalaun
1. Saraswati Shishu Mandir, Kothi, Jalaun.
2. Saraswati Shishu Mandir, Jalaun.

### 5. Lalitpur
1. Saraswati Shishu Mandir, Lalitpur.

#### Kumaun Division

1. Naini Tal
   1. Saraswati Shishu Mandir, Halidwani, Naini Tal.
   2. Saraswati Shishu Mandir, Panakpur, Naini Tal.
   4. Saraswati Shishu Mandir, Khudima, Naini Tal.
   5. Saraswati Shishu Mandir, Kashipur, Naini Tal.
   7. Saraswati Shishu Mandir, Kiшка, Naini Tal.
   8. Saraswati Shishu Mandir, Rudrapur, Naini Tal.
   10. Saraswati Shishu Mandir, Gadarpur, Naini Tal.
   11. Junior High School, Halidwani, Naini Tal.

2. Almora
   1. Saraswati Shishu Mandir, Almora.
   2. Saraswati Shishu Mandir, Bagheswar.
   5. Krishi Uchchatar Madhyamik Vidyalya, Vijaypur Patiya, Almora.

3. Pithoragarh
   1. Saraswati Shishu Mandir, Pithoragarh.
   2. Saraswati Shishu Mandir, Lohaghat, Pithoragarh.
   4. Shishu Mandir, Dharchula, Pithoragarh.
   5. Vivekanand Vidiya Mandir, Pithoragarh.

#### Garhwal Division

1. Dehra Dun
   1. Saraswati Shishu Mandir School, Dehra Dun.
   2. Saraswati Shishu Mandir School, Rishikesh, Dehra Dun.

2. Chamoli
   1. Saraswati Shishu Mandir, Joshimath, Chamoli.

3. Garhwal
   1. Shishu Sadan, Kotdwar, Garhwal.
   2. Shishu Sadan, Shrinagar, Garhwal.

4. Tehri-Garhwal
   1. Saraswati Shishu Mandir, Tehri.

5. Uttarkashi
   1. Saraswati Shishu Mandir, Uttarkashi.

#### Varanasi Division

1. Varanasi
|       | 2. Saraswati Shishu Mandir, Sikendrapur Town, Ballia.  
|       | 3. Saraswati Shishu Mandir, Bithara Road, Ballia.  

|              | 2. Saraswati Shishu Mandir, Jangipur, Ghaziapur.  
|              | 4. Saraswati Shishu Mandir, Jamariva, Ghaziapur.  
|              | 6. Adarsh Shishu Mandir, Mohammadabad, Yusufpur, (Shaheednagar), Ghaziapur.  
|              | 7. Saraswati Shishu Mandir, Saidpur, Ghaziapur.  
|              | 8. Adarsh Bai Vidyas Niketan, Dilkarnagar, Ghaziapur.  

|           | 2. Saraswati Shishu Mandir, Shahganj, Jaunpur.  
|           | 4. Saraswati Shishu Mandir, Machahal, Jaunpur.  
|           | 5. Pandit Dua Dayal Upadhyaya Saraswati Shishu Mandir, Mungra, Badshahpur, Jaunpur.  
|           | 7. Shishu Mandir, Rampur, District Jaunpur.  

|            | 2. Bhartiya Shishu Mandir, Naghat, Mirzapur.  
|            | 3. Shishu Shiksha Niketan, Obra, Mirzapur.  
|            | 5. Madho Vidyalaya Inter College, Pursottampur, Mirzapur.  

**ROHILKHAND DIVISION**

| 1. Bareilly | 1. Saraswati Shishu Mandir, Pilibhit Road, Bareilly.  
|             | 2. Vivekanand Saraswati Shishu Mandir, Kasba Aonla, Bareilly.  
|             | 4. Saraswati Vidyas Mandir, Bareilly.  
|             | 5. Sri Krishna Junior High School, Nawabganj, Bareilly.  

|          | 2. Saraswati Shishu Mandir, Chandpur, Bijnor.  
|          | 3. Saraswati Shishu Mandir, Noorpur, Bijnor.  
|          | 4. Saraswati Shishu Mandir, Dhampur, Bijnor.  

|           | 2. Dayanand Saraswati Shishu Mandir, Sahaswan, Badaun.  
|           | 3. Saraswati Shishu Mandir, Ujhan, Badaun.  
|           | 5. Saraswati Shishu Mandir, Islamnagar, Badaun.  

|            | 2. Saraswati Shishu Mandir, Puranpur, Pilibhit.  
|            | 5. Sanatan Dharam Bankey Bihar Rama Inter College, Pilibhit.  


|                  | 2. Saraswati Shishu Mandir, Tilhar, Shahjahanpur.  
|                  | 5. Lala Hari Ram Vidyalaya, Khudaganj, Shahjahanpur.  


**GORAKHPUR DIVISION**

|              | 2. Saraswati Shishu Mandir, Nautanwa, Gorakhpur.  
|              | 5. Gopal Shishu Mandir, Gola, Gorakhpur.  


### 2. Azamgarh
2. Saraswati Shishu Mandir, Mau, Azamgarh.
5. Saraswati Shishu Mandir, Madhuban, Azamgarh.
7. Saraswati Shishu Mandir, Sarai Mir, Azamgarh.

### 3. Basti
2. Saraswati Shishu Mandir, Bansli, Basti.

### 4. Deoria
1. Saraswati Shishu Mandir, Tamkuhi Road, Deoria.
2. Saraswati Shishu Mandir, Padrauna, Deoria.
5. Saraswati Shishu Mandir, Bhatni, Deoria.
10. Saraswati Shishu Mandir, Indupur, Deoria.

### Faizabad Division

#### 1. Faizabad
1. Saraswati Shishu Mandir, Haiderganj, Faizabad.
2. Saraswati Shishu Mandir, Gosainganj, Faizabad.
4. Saraswati Shishu Mandir, Tanda, Faizabad.
5. Saraswati Shishu Mandir, Ramnagar Colony, Faizabad.

#### 2. Bahraich
1. Saraswati Shishu Mandir, Bahraich.
2. Saraswati Shishu Mandir, Nanpara, Bahraich.
5. Saraswati Shishu Mandir, Jarwal, Bahraich.

#### 3. Bara Banki
1. Saraswati Shishu Mandir, Bara Banki.
2. Saraswati Shishu Mandir, Fatehpur, Bara Banki.

#### Gonda
1. Saraswati Shishu Mandir, Gonda.
2. Saraswati Shishu Mandir, Mankapur Road, Gonda.
3. Baba Garibdas Saraswati Shishu Mandir, Uttrala, Gonda.
4. Saraswati Shishu Mandir, Colonelanj, Gonda.
5. Saraswati Shishu Mandir, Balrampur, Gonda.
7. Saraswati Shishu Mandir, Nawabganj, Gonda.

#### 5. Pratapgarh
1. Saraswati Shishu Mandir, Pratapgarh.
2. Saraswati Shishu Mandir, Patti, Pratapgarh.

#### 6. Sultanpur
1. Saraswati Shishu Mandir, Sultanpur.
2. Saraswati Shishu Mandir, Musafirkhana, Sultanpur.