



The Uttar Pradesh Higher Education Grants Commission Act, 1974
Act 5 of 1975

Keyword(s):

Chairman, College, Commission, Fund or Fund of The Commission, Member, University

Amendment appended: 20 of 1986

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THE UTTAR PRADESH HIGHER EDUCATION GRANTS COMMISSION
ACT, 1974

(U. P. ACT NO. 5 OF 1975)

[† *Authoritative English Text of the Uttar Pradesh Uchhatar Shiksha Anudan
Ayog Adhiniyam, 1974*]

AN
ACT

*to establish a Higher Education Grants Commission and to provide for
matters connected therewith*

It is hereby enacted in the Twenty-fifth Year of the Republic of India as
follows :

CHAPTER I

PRELIMINARY

1. This Act may be called the Uttar Pradesh Higher Education Grants
Commission Act, 1974.

Short title.

2. In this Act unless the context otherwise requires—

Definitions.

(a) 'Chairman' means the Chairman of the Commission, and includes
the Vice-Chairman or any other member for the time being performing
the functions of the Chairman ;

*[For Statement of Object and Reasons, please see *Uttar Pradesh Gazette (Extraordinary)*
dated March 27, 1974.]

(Passed in Hindi by the Uttar Pradesh Legislative Council on August 17, 1974, and by the
Uttar Pradesh Legislative Assembly on February 25, 1975.)

(Received the Assent of the Governor on March 6, 1975, under Article 200, of the Constitu-
tion of India and was published in the *Uttar Pradesh Gazette Extraordinary*, dated March 13,
1975).

PRICE 20 PAISE

(b) 'College' means an affiliated college or associated college to which the privilege of affiliation or recognition as such is granted by a University ;

(c) 'Commission' means the Uttar Pradesh Higher Education Grants Commission established under section 3 ;

(d) 'fund' or 'fund of the Commission' means the fund constituted under section 14 ;

(e) 'Member' means a member of the Commission and includes the Chairman ;

(f) 'prescribed' means prescribed by rules made under this Act ;

(g) 'regulations' means regulations made under this Act ;

(h) 'university' means a University as defined in clause (20) of section 2 of the Uttar Pradesh State Universities Act, 1973.

CHAPTER II

ESTABLISHMENT OF THE COMMISSION

Establishment of Commission.

3. (1) With effect from such date as the State Government may, by notification in the *Gazette* appoint, there shall be established a Commission by the name of the Uttar Pradesh Higher Education Grants Commission.

(2) The Commission shall be a body corporate having perpetual succession and a common seal, and shall by the said name sue and be sued.

Composition of the Commission.

4. (1) The Commission shall consist of the following members, namely—

(a) one person, of academic eminence, who is not an officer of the State Government, to be appointed by it as Chairman ;

(b) two persons of academic eminence, one of whom shall be a person who is or has been Vice-Chancellor of a University to be appointed by the State Government ;

(c) the Secretary to the State Government in the Education Department, *ex officio* ; and

(d) the Secretary to the State Government in the Finance Department, *ex officio*.

(2) The State Government may nominate one of the members referred to in clause (b) of sub-section (1) as Vice-Chairman.

(3) Every appointment under clause (a) or clause (b) of sub-section (1) shall take effect from the date on which it is notified by the State Government in the *Gazette*.

(4) An officer referred to in clause (c) or clause (d) of sub-section (1) may, instead of attending a meeting of the Commission himself, depute an officer not below the rank of Joint Secretary in his department or in the case of the officer referred to in clause (c) ; the Director of Education (Higher Education) to attend the meeting. The officer so deputed shall have the right to take part in the proceedings of the meeting and shall also have the right to vote.

Terms and conditions of service of Chairman and Members.

5. (1) A person appointed as a member of the Commission shall, unless he becomes disqualified for continuing as such under the rules that may be made under this Act, hold office for a term of three years.

(2) Except in the case of an *ex officio* member no person shall be a member of the Commission for more than two consecutive terms.

(3) A member of the Commission may resign his office by writing under his hand addressed to the State Government but he shall continue in office until his resignation is accepted by the State Government.

(4) Any casual vacancy in the office of the Chairman or other member of the Commission shall be filled up in the same manner in which the Chairman or member whose vacancy is to be filled up was chosen, and such person filling the vacancy shall be the Chairman or other member of the Commission for the residue of the term for which the person whose place he fills would have been Chairman or other member as the case may be

(5) The office of the Chairman shall be wholetime, and the terms and conditions of his service shall be such as the State Government may by order direct.

(6) Other members and persons associated with the Commission under section 8 shall be paid such allowances from the fund of the Commission as the State Government may by order direct.

6. The Commission shall meet at such times and places and shall observe such rules of procedure in regard to the transaction of business at its meetings as may be provided by regulations. Meetings of the Commission.

7. No act done or proceeding taken under this Act by the Commission, shall be invalidated merely on the ground of— Acts not to be invalidated by informality, vacancy, etc.

(a) any vacancy or defect in the constitution of the Commission ; or

(b) any defect or irregularity in the appointment of a person acting as a member thereof ; or

(c) any defect or irregularity in such Act or proceeding not effecting the substance.

8. (1) The Commission may associate with itself, in such manner and for such purposes as may be determined by regulations, any person whose assistance or advice it may desire in carrying out any of the provisions of this Act. Temporary association of persons with the Commission for particular purposes.

(2) A person associated with it by the Commission under sub-section (1) for any purpose shall have a right to take part in the discussions relevant to that purpose but shall not have a right to vote at a meeting of the Commission.

9. (1) The Secretary of the Commission shall be appointed by the State Government, on such terms and conditions as the State Government may determine. Staff of the Commission.

(2) Subject to such directions as may be issued by the State Government in this behalf, the Commission may appoint such other employees as it may think necessary for the efficient performance of its functions under this Act, and on such terms and conditions of service as the Commission thinks fit.

10. All orders and decisions of the Commission shall be authenticated by the signature of the Chairman or the Vice-Chairman, and all other instruments issued by the Commission shall be authenticated by the signature of the Secretary or any other officer of the Commission authorised by it in this behalf. Authentication of orders and other instruments of the Commission.

CHAPTER III

POWERS AND FUNCTIONS OF THE COMMISSION

11. It shall be the general duty of the Commission to take in consultation with the Universities or other bodies concerned, all such steps as it may think fit for the promotion of higher education and research in Universities and Colleges, and for the purpose of performing its functions under this Act, the Commission may— Functions of the Commission.

(a) inquire into the financial needs of Universities and Colleges ;

(b) allocate and disburse out of the fund of the Commission, such grants to Universities and colleges as it may deem necessary or appropriate for the maintenance or development of such Universities and colleges or of any specified activities of such Universities and colleges or for any other general or specified purpose :

Provided that in making any grant to any such University or college, the Commission shall give due consideration to the development of the University or college concerned, its financial needs, the standard attained by it and the purpose which it may serve ;

(c) recommend to any University measures necessary for the improvement of higher education ;

(d) without prejudice to the provision of clause (b), advise the State Government on the allocation of any grants to Universities and Colleges for any general or specified purpose out of the Consolidated Fund of the State ;

(e) where it appears to it that any grant allocated by it to a College under clause (b) or by the State Government on its recommendation under clause (d) has not been or is not being utilised for the purpose for which it was allocated and wholly or partly disbursed, make such direct arrangements as it may think fit for the proper utilization of the grant for such purpose, including any direct payment for purchase of equipment or direct payment of salaries, and may for that purpose require the College to refund the grants already disbursed or deduct the same from any further grant already allocated or that may be allocated to it ;

(f) advise the State Government, if such advice is asked for, on the establishment of a new University or college or on proposals, connected with the expansion of the activities of any University or college ;

(g) advise any University, if such advice is asked for through the Chancellor on the establishment of a new college or on proposals connected with expansion of the activities of any college ;

(h) advise the State Government or any University on any question which may be referred to the Commission by the State Government or the University, as the case may be ;

(i) collect information on all such matters relating to higher education in India and other countries as it thinks fit and make the same available to any University or college ;

(j) require a University or college to furnish it with such information as may be needed relating to the financial position of the University or college or the studies in the various branches of learning undertaken in that University or college, together with all relevant information relating to the standards of teaching and examination in that University or college respecting each of such branches of learning ;

(k) perform such other functions as may be prescribed or as may be deemed necessary by the Commission for advancing the cause of higher education in the State or as may be incidental or conducive to the discharge of the above functions.

Inspection.

12. (1) For the purpose of ascertaining the financial needs of a University or a college the Commission may, with the consent of the University, cause an inspection of any department or departments thereof to be made in such manner it may think fit and by such person or persons as it may direct.

(2) The Commission shall communicate to the University its views in regard to the results of any such inspection and may, after ascertaining the opinion of the University, recommend to the University the action to be taken as a result of such inspection.

Payment to the Commission.

13. The State Government may, after the due appropriation made by the State Legislature in this behalf, pay to the Commission, in each financial year, such sums as may be considered necessary for the performance of the functions of the Commission under this Act.

Fund of the Commission.

14. (1) The Commission shall have its own Fund ; and all sums which may from time to time, be paid to it by the State Government, or the Government of India, or any other person (including any body, organisation or foundation) and all the receipts of the Commission (including any sum which the State Government or any other authority or person may handover to Commission), shall be carried to the Fund and all payments by the Commission for performing its functions under this Act shall be made therefrom.

(2) All moneys belonging to the Commission shall be deposited in such banks or invested in such manner as may, subject to any directions of the State Government, be decided by the Commission.

15. The Commission shall prepare in such form and at such time each year as the State Government direct, a budget in respect of the financial year next ensuing showing the estimated receipts and expenditure, and copies thereof shall be forwarded to the State Government. **Budget.**

16. The Commission shall prepare once every year, in such form and at such time as may be directed by the State Government, an annual report giving a true and full account of its activities during the previous year, and copies thereof shall be forwarded to the State Government and the Government shall cause the same to be laid before both Houses of the State Legislature. **Annual Report.**

17. (1) The Commission shall cause to be maintained such books of accounts and other books in relation to its account in such form and in such manner as the State Government may, by general or special order direct. **Account and Audit.**

(2) The Commission shall, as soon as may be after closing its annual accounts, prepare statement of accounts in such form, and forward the same to the Accountant General by such date as the State Government may, in consultation with the Accountant General determine, for audit under section 14 of the Comptroller and Auditor Generals' (Duties, Powers and Conditions of Service) Act, 1971.

(3) The annual accounts of the Commission together with the audit report thereon shall be forwarded to the State Government and the Government shall cause the same to be laid before both Houses of the State Legislature.

CHAPTER IV

MISCELLANEOUS

18. (1) In the discharge of its functions under this Act, the Commission shall be guided by such directions on questions of policy as may be given to it by the State Government. **Directions by the State Government.**

(2) If any dispute arises between the State Government and the Commission as to whether a question is or is not a question of policy the decision of the State Government shall be final.

19. The Commission shall furnish to the State Government such returns or other information with respect to its property or activities as the State Government may from time to time, require. **Returns and Information.**

20. (1) The State Government may, by notification in the *Gazette*, delegate, either unconditionally or subject to such conditions as it thinks fit, to the Commission any of its powers and functions under the Uttar Pradesh State Universities Act, 1973, or under rule made under section 17 thereof but excluding the power to make such rules and may at any time modify or withdraw such delegation. **Delegation.**

(2) The Commission may, delegate, either unconditionally or subject to such conditions as it think fit, to its Chairman, Vice-Chairman or any of its officers, any of its powers and functions, including any powers with regard to the incurring of expenditure in connection with the maintenance of the office and internal administration of the Commission but excluding any power or function delegated to it under sub-section (1), and may at any time modify or withdraw such delegation.

(3) Subject to the provisions of sub-sections (1) and (2), the Chairman may delegate, either unconditionally or subject to such conditions as he thinks fit, to the Vice-Chairman or the Secretary, any of his powers and functions and may at any time modify or withdraw such delegation.

21. (1) The State Government may, by notification in the official *Gazette*, make rules to carry out the purposes of this Act. **Power to make rules.**

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the disqualifications for continuing as a member of the Commission ;

(b) the additional functions which may be performed by the Commission under clause (k) of section 11;

(c) any other matter which has to be, or may be, prescribed.

(3) All rules made under this Act shall, as soon as may be after they are made, be laid before each House of the State Legislature, while it is in session for a total period of not less than thirty days, extending in its one session or more than one successive sessions, and shall, unless some later date is appointed, take effect from the date of their publication in the *Gazette* subject to such modifications or annulments as the two Houses of the Legislature may, during the said period, agree to make, so however, that any such modifications or annulment shall be without prejudice to the validity of anything previously done thereunder.

Power to make regulations.

22. (1) The Commission may make regulations consistent with this Act and the rules made thereunder for—

(a) regulating the meetings of the Commission and the procedure for conducting business thereof;

(b) regulating the manner in which and the purposes for which persons may be associated with the Commission under section 8;

(c) specifying the terms and conditions of service of the employees appointed by the Commission;

(d) defining the qualifications that should ordinarily be required of any person to be appointed to the teaching staff of a University or college having regard to the branch of education in which he is expected to give instruction;

(e) regulating the maintenance of standards and work or facilities in Universities.

(2) No regulation shall be made under clause (a), clause (b) or clause (c) of sub-section (1) except with the previous approval of the State Government.

Bar of Suit.

23. No suit or other legal proceeding shall lie against the State Government or the Commission or its Chairman or any member or officer thereof in respect of anything done or purported or intended to be done in pursuance of this Act or the rules made thereunder.

Dated Lucknow, September 20, 1986

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 Uttar Pradesh Uchchatar Shiksha Anudan Ayog (Nirсан) Adhiniyam, 1986 (Uttar Pradesh Adhiniyam Sankhya 20 of 1986) as passed by the Uttar Pradesh Legislature and assented to by the Governor on September 19, 1986.

THE UTTAR PRADESH HIGHER EDUCATION GRANTS
COMMISSION (REPEAL) ACT, 1986

[U.P. ACT NO 20 OF 1986]

(As passed by the Uttar Pradesh Legislature)

AN
ACT

to repeal the Uttar Pradesh Higher Education Grants Commission Act, 1974

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

Short title

1. This Act may be called the Uttar Pradesh Higher Education Grants Commission (Repeal) Act, 1986.

Repeal of U. P.
Act no. 5 of
1975

2. The Uttar Pradesh Higher Education Grants Commission Act, 1974 is hereby repealed.

By order,
S.N. SAHAY,
Sachiv.