



The Uttar Pradesh Doctor Bhimrao Ambedkar University Act, 1989
Act 25 of 1989

Keyword(s):

Academic Council, Faculty, Hall, Hostel, Statutes, Teacher, University

Amendment appended: 15 of 1994

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No. 1939 (2) /XVII-V-1-1 (KA) 35-1989

Dated Lucknow, October 6, 1989

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 Doctor Bhim Rao Ambedkar Vishwavidyalaya Adhiniyam, 1989 (Uttar Pradesh Adhiniyam Sankhya 25 of 1989) as passed by the Uttar Pradesh Legislature and assented to by the Governor on October 6, 1989.

THE UTTAR PRADESH DOCTOR BHIMRAO AMBEDKAR UNIVERSITY
ACT, 1989

[U. P. ACT NO. 25 OF 1989]

(As passed by the U.P. Legislature)

AN

ACT

to provide for the establishment of Doctor Bhimrao Ambedkar University at Lucknow in Uttar Pradesh and for matters connected therewith or incidental thereto.

WHEREAS, it is expedient to establish and incorporate a unitary teaching and research residential University at Lucknow as a memorial of the life and works of the late Doctor Bhimrao Ambedkar ;

It is hereby enacted in the Fortieth Year of the Republic of India as follows :—

CHAPTER I

Preliminary

1. (1) This Act may be called the Uttar Pradesh Doctor Bhimrao Ambedkar University Act, 1989.

Short title and commencement

(2) It shall come into force on such date as the State Government may, by notification, appoint in this behalf.

2. In this Act,—

Definitions

(a) 'Academic Council', 'Court' and 'Executive Council' mean respectively the Academic Council, the Court and the Executive Council of the University ;

(b) 'faculty' means a faculty of the University ;

(c) 'Hall' means a unit of residence for students maintained by the University at which provision is made for imparting tutorial and other supplementary instructions ;

(d) 'hostel' means a unit of residence for students maintained by the University ;

(e) 'prescribed' means prescribed by the Statutes ;

(f) 'regulation' means a regulation made by the University under this Act ;

(g) 'rule' means a rule made by the State Government under this Act ;

(h) 'Statutes', 'Ordinances' and 'Regulations', mean respectively the Statutes, Ordinances and Regulations of the University made under this Act ;

(i) 'teacher' includes a professor, Associate Professor, Assistant Professor or any person appointed under this Act for the conduct of teaching or research work in the University ;

(j) 'University' means the Doctor Bhimrao Ambedkar University established under section 3.

CHAPTER II

The University

3. (1) There shall be established at Lucknow a unitary, teaching and research residential University by the name of Doctor Bhimrao Ambedkar University.

Establishment and incorporation of the University

(2) The first Chancellor and the first Vice-Chancellor of the University 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 are hereby constituted a body corporate by the name of Doctor Bhimrao Ambedkar University.

4. The University shall be open to all persons irrespective of class or creed, but nothing in this section shall be deemed to require the University to admit to any course of study a larger number of students than may be determined by the Ordinances :

University open to all classes and creed

Provided that nothing in this section shall be deemed to prevent the University from making special provisions for admission of students belonging to the Scheduled Castes or Scheduled Tribes.

5. The objects of the University shall be to disseminate and advance knowledge, wisdom and understanding by teaching and research and by

Objects of the University.

the example and influence of its corporate life and to endeavour to promote the study of the principles for which Bhimrao Ambedkar worked during his life time, namely, national integration, social justice, democratic way of life, the history of the Constitutions of the world, advance technology and modern sciences.

Powers and
duties of the
University

6. The University shall have the following powers and duties, namely :—

(a) to provide for post-graduate teaching and conduct of research in such disciplines of such branches of learning as the University may from time to time determine ;

(b) to conduct experiments in new methods of education in order to arrive at satisfactory standards of such education ;

(c) to prescribe courses and curricula for post-graduate studies ;

(d) to hold examinations and grant in such manner, such degrees or other academic distinctions and titles in post-graduate education as may be laid down in the Statutes and Ordinances ;

(e) to confer honorary degree or other academic distinctions in such manner and under such conditions as may be laid down in the Statutes ;

(f) to co-operate or collaborate with other Universities and Authorities in such manner and for such purposes as the University may determine ;

(g) to institute and award scholarship, fellowships and prizes as may be laid down in the Statutes and Ordinances ;

(h) to institute and maintain halls and hostels ;

(i) to supervise and control the residence and regulate the discipline of the students and to make arrangements for promoting their health ;

(j) to receive grants, gifts, donations, benefactions, bequests and transfers of properties, both movable and immovable, from donors, benefactors, testators or transferors, as the case may be ;

(k) to deal with property belonging to, or vested in, the University in any manner which is considered necessary for promoting the objects of the University ;

(l) to demand and receive such fees as may be laid down in the Ordinances ;

(m) to take decisions on questions of policy relating to the administration of the affairs and working of the University ;

(n) to create such posts and to appoint thereto such officers, teachers and other employees as may be necessary for carrying out the functions of the University ;

(o) to do all such other acts and things whether incidental to the powers aforesaid or not, as may be necessary to further the objects of the University.

CHAPTER III

Officers of the University

Officers of the
University

7. The following shall be the officers of the University—

(a) the Chancellor ;

(b) the Vice-Chancellor ;

(c) the Finance Officer ;

(d) the Registrar ;

- (e) the Dean of the Faculties ;
- (f) the Dean of Students Welfare ;
- (g) such other officers as may be declared by the Statutes to be the officers of the University.

8. (1) The Governor shall be the Chancellor of the University. The Chancellor shall, by virtue of his office be the Head of the University and the President of the Court and shall, when present, preside at the meeting of the Court, and at any convocation of the University. The Chancellor

(2) Every proposal for the conferment of an honorary degree or other honorary academic distinction shall be subject to the confirmation of the Chancellor.

(3) It shall be the duty of the Vice-Chancellor to furnish such information or records relating to the administration of the affairs of the University as the Chancellor may call for.

(4) The Chancellor shall have such other powers as may be conferred on him by or under this Act or the Statutes.

9. (1) The Vice-Chancellor shall be a whole-time salaried officer of the University and shall be appointed by the Chancellor in the manner laid down in the Rules. The Vice-Chancellor

(2) The Vice-Chancellor shall hold office for a term of three years from the date on which he enters upon his office :

Provided that the Vice-Chancellor may by writing under his hand addressed to the Chancellor resign his office, and shall cease to hold his office on the acceptance by the Chancellor of such resignation.

(3) The emoluments and other conditions of service of the Vice-Chancellor shall be such as may be determined by the State Government by general or special order in that behalf.

(4) Where a vacancy in the office of Vice-Chancellor occurs or is likely to occur, by reason of leave or any other cause not being the expiration of term, and it can not be conveniently and expeditiously filled in accordance with the provisions prescribed, the Chancellor may appoint any suitable person to be the Vice-Chancellor for a term not exceeding six months and may, from time to time, extend the term of such appointment so however, that the total term of such appointment, including the term specified in the original order, does not exceed one year :

Provided that the Vice-Chancellor appointed under this sub-section shall cease to hold office on assumption of office by the Vice-Chancellor appointed under sub-section (1).

(5) Where the office of the Vice-Chancellor is vacant, the Senior most Professor shall discharge the duties of the Vice-Chancellor until a Vice-Chancellor appointed under sub-section (1) or sub-section (4), as the case may be, assumes office.

10. (1) The Vice-Chancellor shall be the principal executive and academic officer of the University and shall—

(a) exercise general supervision and control over the affairs of the University ;

(b) give effect to the decisions of the authorities of the University ;

(c) in the absence of the Chancellor, preside at the meetings of the Court and at any convocation of the University ;

(d) be responsible for the maintenance of discipline in the University ;

(e) be responsible for holding and conducting the University examinations properly and at due times and for ensuring that the results of such examinations are published expeditiously and that the academic session of the University starts and ends on proper dates.

(2) The Vice-Chancellor shall be an *ex-officio* member and Chairman of the Executive Council, Academic Council and the Finance Committee.

(3) The Vice-Chancellor shall have the right to speak and otherwise to take part in the meeting of any other authority or body of the University but shall not by virtue of this sub-section be entitled to vote.

Powers and
duties of the
Vice-Chancellor

(4) It shall be the duty of the Vice-Chancellor to ensure the faithful observance of the provisions of this Act, the Statutes and the Ordinances and he shall, without prejudice to the powers of the Chancellor possess all such powers as may be necessary in that behalf.

(5) The Vice-Chancellor shall have the power to convene or cause to be convened, meetings of the Executive Council, the Court, the Academic Council and the Finance Committee :

Provided that he may delegate such power to any other officer of the University.

(6) Where any matter is of urgent nature requiring immediate action and the same can not be immediately dealt with by any officer or the authority or other body of the University empowered by or under this Act, to deal with it, the vice-Chancellor may take such action as he may deem fit and shall forthwith report the action taken by him to the Chancellor and also to such officer, authority, or other body as, in the ordinary course, would have dealt with the matter :

Provided that no such action shall be taken by the Vice-Chancellor without the previous approval of the Chancellor, if it would involve a deviation from the provisions of the Statutes or the Ordinances :

Provided further that if such officer, authority or other body is of opinion that such action ought not to have been taken it may refer the matter to the Chancellor who may either confirm the action taken by the Vice-Chancellor or annul the same or modify it in such manner, as he thinks fit and thereupon, it shall cease to have effect or, as the case may be, take effect in the modified form, so however, that such annulment or modification shall be without prejudice to the validity of anything previously done by or under the order of the Vice-Chancellor :

Provided also that any person in the service of 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.

(7) Nothing in sub-section (6) shall be deemed to empower the Vice-Chancellor to incur any expenditure not duly authorised and provided for in the budget.

(8) Where the exercise of the power by the Vice-Chancellor under sub-section (6) involves the appointment of an officer or a teacher of the University, such appointment shall terminate on an appointment being made in the prescribed manner or on the expiration of a period of six months from the date of the order of the Vice-Chancellor, whichever is earlier.

(9) The Vice-Chancellor shall exercise such other powers as may be laid down by the Statutes and the Ordinances.

The
officer

Finance

11. (1) There shall be a Finance Officer for the University, appointed by the State Government by notification and his remuneration and allowances shall be paid by the University.

(2) The Finance Officer shall be responsible for presenting the budget (annual estimates) and the statement of accounts to the Executive Council and also for drawing and disbursing funds on behalf of the University.

(3) He shall have the right to speak and otherwise to take part, in the proceedings of the Executive Council but shall not be entitled to vote.

(4) The Finance Officer shall have the duty—

(a) to ensure that no expenditure, not authorised in the budget, is incurred by the University (otherwise than by way of investment);

(b) to disallow any proposed expenditure which may contravene the provisions of this Act or the terms of any Statutes or Ordinances;

(c) to ensure that no other financial irregularity is committed and to take steps to set right any irregularities pointed out during audit;

(d) to ensure that the property and investments of the University are duly preserved and managed.

(5) The Finance Officer shall have access to, and may require the production of, such records and documents of the University and the furnishing of such information pertaining to its affairs as in his opinion may be necessary for the discharge of his duties.

(6) All contracts shall be entered into and signed by the Finance Officer on behalf of the University.

(7) Other powers and functions of the Finance Officer shall be such as may be prescribed.

12. (1) The Registrar shall be a whole-time Officer of the University.

The Registrar

(2) The Registrar shall be appointed in accordance with, and his conditions of service shall be governed by, the rules.

(3) The Registrar shall have the power to authenticate records on behalf of the University.

(4) The Registrar shall be responsible for the due custody of the records and the common seal of the University. He shall be *ex-officio* Secretary of the Executive Council, the Court, the Academic Council, the Admissions Committee and the Examinations Committee and of every Selection Committee for appointment of teachers of the University, and shall be bound to place before these authorities all such information as may be necessary for transaction of their business. He shall also perform such other duties as may be prescribed by the Statutes and Ordinances or required, from time to time, by the Executive Council or the Vice-Chancellor but he shall not by virtue of this sub-section be entitled to vote.

(5) Subject to the superintendence of the Examinations Committee, the Registrar shall conduct the Examinations and make all other arrangements necessary therefor and be responsible for the due execution of all processes connected therewith.

(6) The Registrar shall not be offered nor shall he accept any remuneration for any work in the University save such as may be provided for by the rules.

13. The powers of officers of the University other than the Chancellor, the Vice-Chancellor, the Finance Officer and the Registrar shall be such as may be laid down by the Statutes and the Ordinances.

Other Officers.

CHAPTER IV

Authorities of the University

14. The following shall be the authorities of the University—

Authorities of the University.

(a) the Executive Council;

(b) the Court;

(c) the Academic Council;

(d) the Finance Committee;

(e) the Boards of Faculties;

(f) the Selection Committees for appointment of teachers;

(g) the Admissions Committee;

(h) the Examinations Committee;

(i) such other authorities as may be declared by the Statutes to be authorities of the University.

15. (1) The Executive Council shall consist of—

Constitution of the Executive Council

(a) the Vice-Chancellor *ex-officio*, who shall also be the Chairman thereof;

(b) the Deans of two Faculties, by rotation in the manner prescribed *ex-officio*;

(c) four persons to be elected by members of the Court from among such of them as are not, enrolled as students, or in the service, of the University;

(d) four persons of academic eminence to be nominated by the Chancellor.

(2) All the members of the Executive Council other than *ex-officio* members, shall hold office for a term of three years.

(3) No person shall be elected or nominated a member of the Executive Council for more than two consecutive terms.

(4) Notwithstanding anything in sub-section (1), no person shall be elected or nominated as a member of the Executive Council unless he is a post-graduate.

(5) A person shall be disqualified for being chosen as, and for being, a member of the Executive Council if he or his relative accepts any remuneration for any work in or for the University or any contract for the supply of goods to or for the execution of any work for the University:

Provided that nothing in this sub-section shall apply to the acceptance of any remuneration by a teacher as such, or for any duties performed in connection with an examination conducted by the University or for any duties as Superintendent or Warden of a training unit or any hall or hostel or proctor or tutor or for any duties of a similar nature in relation to the University.

Explanation—In this section “relative” means the relations defined in section 6 of the Companies Act, 1956 and includes the wife’s (or husband’s) brother, wife’s (or husband’s) father, wife’s (or husband’s) sister, brother’s son and brother’s daughter.

Powers and duties of Executive Council

16. (1) The Executive Council shall be the principal Executive body of the University, and subject to the provisions of this Act, have the following powers, namely:—

- (i) to hold and control the property and funds of the University;
- (ii) to acquire or transfer any movable or immovable property on behalf of the University;
- (iii) to make, amend or repeal Statutes and Ordinances;
- (iv) to administer any funds placed at the disposal of the University for specific purposes;
- (v) to prepare the budget of the University;
- (vi) to award scholarships, fellowships, bursaries, medals and other rewards in accordance with the Statutes and Ordinances;
- (vii) to appoint officers, teachers and other employees of the University and to define their duties and the conditions of their service, and to provide for the filling of temporary, casual vacancies in their posts;
- (viii) to fix the fees, emoluments and travelling and other allowances of the examiners;
- (ix) to arrange for and direct the inspection of halls, hostels and other places of residence of Students;
- (x) to direct the form and use of the common seal of the University;
- (xi) to regulate and enforce discipline among the members of teaching, administrative and other staff of the University in accordance with the Statutes and the Ordinances;
- (xii) to manage and regulate the finances, accounts, investments, property, business and all other administrative affairs of the University, and for that purpose to appoint such agents as it may think fit;
- (xiii) to invest any money belonging to the University (including any income from trust and endowed property) in such stocks, funds, shares or securities as it shall from time to time think fit or in the purchase of immovable property in India with the like power of varying such investment from time to time;

(xiv) to provide the buildings, premises, furniture and apparatus and other means needed for carrying on the work of the University;

(xv) to enter into, vary, carry out, and cancel contracts on behalf of the University;

(xvi) to regulate and determine all other matters concerning the University in accordance with this Act, the Statutes and the Ordinances.

(2) No immovable property of the University shall, except with the prior sanction of the State Government, be transferred, except by way of letting from month to month in the ordinary course of management, by the Executive Council by way of mortgage, sale, exchange, gift or otherwise, nor shall any money be borrowed or advance taken on the security thereof except as a condition of receipt of any grant-in-aid of the University from the State Government, or, with the previous sanction of the State Government, from any other person.

(3) No expenditure in respect of which approval of the State Government is required by this Act or the Statutes or Ordinances shall be incurred except with such approval previously obtained, and no post shall be created except with the prior approval of the State Government.

(4) The pay and other allowances to various categories of the employees of the University shall be such as may be approved by the State Government.

(5) The Executive Council shall not exceed the limits of recurring and non-recurring expenditure to be incurred in each financial year fixed by the Finance Committee.

(6) The Executive Council shall not take any action in regard to the number, qualifications and emoluments of teachers, and the fees payable to examiners, except after considering the advice of the Academic Council and the Boards of Faculties concerned.

(7) The Executive Council shall give due consideration to every resolution of the Court, and take such action thereon as it shall deem fit and report to the Court, the action taken or, as the case may be, the reasons for non-acceptance of the resolution.

(8) The Executive Council may, subject to any condition laid down in the Statutes, delegate such of its powers as it deems fit to an officer or any other authority of the University, or to a Committee appointed by it.

17. The Court shall consist of the following members, namely:—

The Court.

Class I—Ex-officio Members.

(i) the Chancellor;

(ii) the members of the Executive Council;

(iii) the Finance Officer;

Class II—Representatives of Teachers, etc.

(iv) all heads of the department of the University;

(v) the Deans of Faculties of the University;

(vi) two representatives of provosts and wardens of hostels and halls of the University, selected by rotation in the manner prescribed;

(vii) five teachers to be selected in the manner prescribed;

Class III—Representatives of students.

(viii) one student from each of the faculties to be selected in the manner prescribed;

Class IV—Representatives of the State Legislature

(ix) one member of the Legislative Council to be elected by it;

(x) two members of the Legislative Assembly to be elected by it;

(2) The term of office of the members, other than *ex-officio* members, nominated or elected under this section, shall be three years from the date of their nomination or election, as the case may be.

Powers and duties of the Court.

18. The Court shall be an advisory body and subject to the provisions of this Act, it 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 the annual accounts of the University and the audit report thereon ;

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

(d) to perform such other duties and exercise such other functions as may be assigned to it by this Act or the Statutes or by the Chancellor.

Meeting of the Court.

19. (1) The Court shall meet once a year on a date to be fixed by the Vice-Chancellor and such meeting shall be called the annual meeting of the Court.

(2) The Vice-Chancellor may, whenever he thinks fit, and shall upon a requisition in writing signed by not less than one-fourth of the total membership for the time being, of the Court, convene a special meeting of the Court.

Academic Council

20. (1) The Academic Council shall be the principal Academic body of the University and subject to the provisions of this Act, the Statutes and the Ordinances—

(a) shall have the control and general regulation of, and be responsible for, the maintenance of standards of instruction, education and research carried on or imparted in the University ;

(b) may advise the Executive Council on all academic matters including matters relating to examinations conducted by the University ;

(c) shall have such powers and duties as may be conferred or imposed upon it by the Statutes.

(2) The Academic Council shall consist of the following members, namely—

(i) the Vice-Chancellor ;

(ii) the Deans of all Faculties of the University ;

(iii) all Heads of the Department of the University ;

(iv) all professors of the University who are not Head of the Department ;

(v) five teachers to be selected in the manner prescribed ;

(vi) the Dean of Students Welfare ;

(vii) the Librarian of the University ;

(viii) three persons of academic eminence to be co-opted in the manner prescribed.

(3) The term of office of members other than the *ex-officio* members shall be such as may be prescribed.

21. (1) The Finance Committee shall consist of—

The Finance Committee.

(a) the Vice-Chancellor ;

(b) the Registrar ;

(c) one person, not being a member of the Executive Council or the Academic Council or a person in the service of the University, to be elected by the Executive Council ;

(d) the Finance Officer who shall also be the Secretary of the Committee.

(2) The Finance Committee shall advise the Executive Council on matters relating to the administration of property and funds of the University. It shall, having regard to the income and resources of the University, fix limits for the total recurring and non-recurring expenditure for the ensuing financial year and may, for any special reasons, revise during the financial year the limits of expenditure so fixed and the limits so fixed shall be binding on the Executive Council.

(3) The Finance Committee shall have such other powers and duties as may be conferred or imposed on it by this Act or the Statutes.

22. (1) The University shall have such faculties as may be prescribed.

The Faculties

(2) Each faculty shall comprise such departments of teaching as may be prescribed and each department shall have such subjects of study as may be assigned to it by the Ordinances.

(3) There shall be a Board of each Faculty, the constitution (including the term of office of its members) and powers and duties whereof shall be such as may be prescribed.

(4) There shall be a Dean of each Faculty who shall be chosen from amongst the Professors by rotation in order of seniority and shall hold office for three years.

(5) The Dean shall be the Chairman of the Board of Faculty and be responsible for—

(a) the organisation and conduct of the teaching and research work of departments comprised in the Faculty ;

(b) the due observance of the Statutes, Ordinances and Regulations relating to the Faculty.

(6) In each department of teaching in the University, there shall be a Head of the Department whose appointment shall be regulated by Statutes.

(7) The Head of the Department shall be responsible to the Dean for the organisation of teaching in the department and have such other powers and duties as may be provided in the Ordinances.

23. (1) There shall be an Admissions Committee of the University, the constitution whereof shall be such as may be provided for in the Ordinances.

Admissions Committee.

(2) The Admissions Committee shall have the power to appoint such number of sub-committees as it thinks fit.

(3) Subject to the superintendence of the Academic Council, the Admissions Committee shall lay down the principles or norms governing the policy of admission to various courses of studies in the University

24. (1) There shall be an Examinations Committee in the University, the constitution whereof shall be such as may be provided for in the Ordinances.

Examinations Committee

(2) The Committee shall supervise generally all examinations of the University including moderation and tabulation, and perform the following other functions, namely—

(a) to appoint examiners and moderators and, if necessary, to remove them ;

(b) to review from time to time the results of University examinations and submission of reports thereon to the Academic Council ;

(c) to make recommendations to the Academic Council for the improvement of the examination system ;

(d) to scrutinise the list of examiners proposed by the Board of Studies, finalise the same and declare the results of the examinations.

(3) The Examinations Committee may appoint such number of sub-committees as it thinks fit, and in particular may delegate to any one or more persons or sub-committees the power to deal with and decide cases relating to the use of unfair means by the examinees.

(4) Notwithstanding anything contained in this Act, it shall be lawful for the Examinations Committee or, as the case may be, for a sub-committee or any person to whom the Examinations Committee has delegated its power in this behalf, under sub-section (3) to debar an examinee from future examinations of the University, if in its or his opinion, such examinee is guilty of using unfair means at any such examination.

Other Authorities

25. The constitution, powers and duties of other authorities of the University shall be such as may be prescribed.

CHAPTER V

Appointment and Conditions of Service of Teachers and officers

Appointment of teachers

26. The teachers and other employees shall be appointed by the Executive Council. The qualifications, the manner of selection and appointment, the emoluments and other conditions of service of the teachers and other employees shall be such as may from time to time be prescribed.

Pensions, Provident Fund, etc.

27. The University shall constitute, for the benefit of its officers, teachers and other employees, in such manner and subject to such conditions as may be specified by general or special order by the State Government, such pension, insurance or provident fund, as the State Government, may deem fit.

CHAPTER VI

Statutes, Ordinances and Regulations

Statutes

28. Subject to the provisions of this Act, the Statutes may provide for any matter relating to the University and shall in particular, provide for—

(a) the constitution, powers and duties of the authorities of the University;

(b) the election, appointment and term of office of the members of the authorities of the University, including the continuance in office of the first members, and the filling in of vacancies in their membership and all other matters relating to these authorities for which it may be necessary to provide ;

(c) the powers and duties of the officers of the University ;

(d) the classification and recruitment (including minimum qualifications and experience) of teachers of the University, the maintenance by them of their progress report, the rules of conduct to be observed by them and their emoluments and other conditions of service ;

(e) the recruitment (including minimum qualifications and experience) and their emoluments and other conditions of service of persons appointed to other posts in the University ;

(f) the constitution of a pension or provident fund or the establishment of an insurance-scheme for the benefit of officers, teachers and other employees of the University ;

(g) the institution of degrees and diplomas ;

(h) the conferment of honorary degrees ;

(i) the withdrawal of degrees and diplomas, certificates and other academic distinctions ;

(j) the establishment, amalgamation, abolition and re-organisation of Faculties ;

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(1),

- (k) the establishment of departments of teaching in the Faculties ;
- (l) the establishment, abolition and re-organisation of halls and hostels,
- (m) the institution of scholarships, fellowships, studentships, medals and prizes ;
- (n) the holdings of convocation, if any, and
- (o) all other matters which by this Act are to be or may be provided for by the Statutes.

29. (1) The State Government may make and may likewise amend the first Statutes from time to time within two years of the commencement of this Act and such amendment may be retrospective to a date not earlier than the date of commencement of the First Statutes made by the State Government.

Statutes now made

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

(3) The Executive Council shall not propose the draft of any Statutes affecting the status, power or constitution of any authority of the University until such authority has been given an opportunity of expressing its opinion upon the proposal and any opinions so expressed shall be in writing and shall be submitted to the Chancellor.

(4) Every new Statute or addition to a Statute or any amendment or repeal of Statute shall be submitted to the Chancellor who may assent to it or withhold his assent therefrom or remit it to the Executive Council for further consideration.

(5) A Statute passed by the Executive Council shall have effect from the date it is assented to by the Chancellor or from such later date as may be specified by him.

30. (1) Subject to the provisions of this Act and the Statutes, the Ordinances may provide for any matter which by this Act or the Statutes is to be or may be provided for by the Ordinances.

Ordinances

(2) Without prejudice to the generality of the provisions of sub-section (1), the Ordinances shall provide for the following matters, namely :—

- (a) the admission of students to the University and their enrolment and continuance as such ;
- (b) the courses of study to be laid down for all degrees, diplomas and other academic distinctions of the University ;
- (c) the conditions under which students shall be admitted to the examinations, degrees and diplomas of the University and shall be eligible for the award of such degrees and diplomas ;
- (d) the conditions of the award of scholarships, fellowships, studentships, bursaries, medals and prizes ;
- (e) the conditions of residence of students and the management of halls and hostels ;
- (f) the maintenance of discipline among the students of the University ;
- (g) the formation of parent-teachers association ;
- (h) the fees which may be charged by the University ;
- (i) the conditions subject to which persons may be recognised as qualified to give instructions in halls and hostels ;
- (j) the conditions and mode of appointment and the duties of examining bodies, examiners, moderators, invigilators and tabulators ;
- (k) the conduct of examinations ;
- (l) the remuneration and allowances including travelling and daily allowances to be paid to persons employed on the business of the University.

Ordinances how
made

31. (1) The First Ordinances of the University shall be made by the State Government by notification :

Provided that for the purpose of bringing the provisions of any such Ordinances into accord with the provision of this Act and the Statutes, the Chancellor may by order make such adaptations and modifications of the Ordinances whether by way of repeal, amendment or addition as may be necessary or expedient and, provided that the Ordinances shall from such date as may be specified in the order have effect subject to the adaptations and modifications so made and any such adaptation or modification shall not be called in question.

(2) Save as otherwise provided in this section, the Executive Council may, from time to time, make new or additional Ordinances or may amend or repeal the Ordinances referred to in sub-section (1):

Provided that no Ordinance shall be made—

(a) affecting the admission of students, unless a draft of the same has been proposed by the Academic Council; or

(b) affecting the conditions and mode of appointment and duties of examiners and the conduct or standard of examinations of any course of study except in accordance with a proposal of the Faculty concerned and unless a draft of such Ordinance has been proposed by the Academic Council; or

(c) affecting the number, qualifications and emoluments of teachers of the University or the income or expenditure of the University, unless a draft of the same has been approved by the State Government.

(3) The Executive Council shall not have power to amend any draft proposed by the Academic Council under sub-section (2) but may reject it or return to the Academic Council for reconsideration either in whole or in part together with any amendments which the Executive Council may suggest.

(4) All Ordinances made by the Executive Council shall have effect from such date as it may direct and shall be submitted as soon as may be to the Chancellor.

(5) The Chancellor may, at any time signify to the Executive Council his disallowance of such Ordinances other than those referred to in clause (c) of the proviso to sub-section (2) and from the date of receipt by the Executive Council of intimation of such disallowance, such Ordinances shall become void.

(6) The Chancellor may direct that the operation of any Ordinance other than those referred to in clause (c) of the proviso to sub-section (2) shall be suspended until he has an opportunity of exercising his power of disallowance. An order of suspension under this sub-section shall cease to have effect on the expiration of one month from the date of such order.

Regulations

32. (1) Subject to the provisions of this Act, the Statutes and the Ordinances, an authority or other body of the University may make Regulations—

(a) laying down the procedure to be followed at its meeting and the number of members required to form the quorum ;

(b) providing for all matters which by this Act, the Statutes or the Ordinances are to be provided by Regulations ;

(c) providing for any other matter solely concerning such authority or body and not provided for by this Act, the Statutes and the Ordinances.

(2) The Regulations made by any authority or other body of the University shall provide for the giving of notice to its members of the dates of meetings and the business to be transacted there and for the keeping of record of the proceedings of such meetings.

(3) The Executive Council may direct any authority or other body of the University other than the Court to cancel or to amend in such form as may be specified in the direction, any Regulation made by such authority or body and such authority or body shall thereupon cancel or amend the Regulation accordingly :

Provided that any authority or other body of the University, if dissatisfied with any such direction may appeal to the Chancellor who may after obtaining the views of the Executive Council pass such orders as he thinks fit.

(4) The Academic Council may subject to the provisions of the Ordinances, make Regulations providing for the course of study for any examination, degree or diploma of the University only after the Board of Faculty concerned has proposed a draft of the same.

(5) The Academic Council shall not have power to amend or reject any draft proposed by the Board of Faculty under sub-section (4), but may return it to the Board for further consideration together with its own suggestions.

CHAPTER VII

Annual Reports and Accounts

33. (1) The Annual Report of the University shall be prepared under the direction of the Executive Council and shall be submitted to the Court a month before its annual meeting and the Court shall consider it in its annual meeting.

Annual Report

(2) The Court may, by resolution, make recommendations on such report and communicate the same to the Executive Council which may take such action thereon as it thinks fit.

34. (1) The annual accounts and balance-sheet of the University shall be prepared under the direction of the Executive Council and all money accruing to or received by the University from whatever source and all amounts disbursed or paid shall be entered in the accounts maintained by the University.

Account and audit.

(2) A copy of the annual accounts and the balance-sheet shall be submitted to the State Government which shall cause the same to be audited.

(3) The annual accounts and the balance-sheet as audited shall be printed and copies thereof shall, together with copies of the audit report be submitted by the Executive Council to the Court and the State Government.

(4) The Executive Council shall also prepare, before such date as may be prescribed, the budget for the ensuing year.

(5) Every item of new expenditure above such amount as may be prescribed which it is proposed to include in the budget shall be referred by the Executive Council to the Finance Committee which may make recommendations thereon.

(6) The Executive Council shall, after considering the recommendations, if any, of the Finance Committee approve the budget finally.

(7) The annual accounts, the balance-sheet and audit report shall be considered by the Court at its annual meeting and the Court may, by resolution, make recommendations with reference thereto and communicate the same to the Executive Council.

(8) It shall not be lawful for the Vice-Chancellor or the Executive Council to incur any expenditure either not sanctioned in the budget, or in the case of funds granted to the University, subsequent to the sanction of the budget by the State Government or the Government of India or the University Grants Commission or any international organisation or Foundation, save in accordance with the terms of such grant.

CHAPTER VIII

Miscellaneous and Transitory Provision

35. (1) The State Government shall have the right to cause an inspection to be made by such person or persons as it may direct, of the University including its buildings, libraries, laboratories, workshops and equipments and also of the examinations, teaching and other work conducted or done by the University or to cause an inquiry to be made in the like manner in respect of any matter connected with the administration and finances of the University.

Powers of State Government to cause inspection to be made in the affairs of the University.

(2) Where the State Government decides to cause an inspection or inquiry to be made under sub-section (1), it shall inform the University of the same through the Vice-Chancellor and any person nominated by the Executive Council may be present at such inspection or inquiry as the representative of the University and he shall have the right to be heard as such.

(3) The person or persons appointed to inspect or inquire under sub-section (1) shall have all the powers of a civil court while trying a suit under the Code of Civil Procedure, 1908, for the purpose of taking evidence on oath and of enforcing the attendance of witnesses and compelling production of documents and material objects, and shall be deemed to be a civil court within the meaning of sections 345 and 346 of the Code of Criminal Procedure, 1973 and the proceeding before him shall be deemed to be judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code.

(4) The State Government shall address the Vice-Chancellor with reference to the result of such inspection or inquiry, and the Vice-Chancellor shall communicate to the Executive Council the view of the State Government together with such advice as the State Government may offer upon the action to be taken thereon.

(5) The Vice-Chancellor shall then within such time as the State Government may fix, submit to it a report of the action taken or proposed to be taken by the Executive Council.

(6) If the authorities of the University do not, within a reasonable time, take action to the satisfaction of the State Government, the State Government may after considering any explanation which such authorities may furnish, issue such directions as it may think fit, and the authorities of the University shall comply with such directions.

(7) The State Government shall send to the Chancellor a copy of every report of an inspection or inquiry caused to be made under sub-section (1) and of every communication received from the Vice-Chancellor under sub-section (5) and of every direction issued under sub-section (6) and also of every report or information received in respect of compliance with such direction.

Filling of casual vacancies

36. (1) Any casual vacancy among the members, other than *ex-officio* members, of any authority or body of the University shall be filled in the same manner in which the members whose vacancy is to be filled up was chosen, and the person filling the 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 a member.

(2) A person, who is a member of any authority of the University as a representative of another body, whether of the University or outside, shall retain his seat on such authority for so long as he continues to be the representative of such body and thereafter till his successor is duly appointed.

Reference to the chancellor

37. If any question arises whether any person has been duly elected or appointed as, or is entitled to be, member of any authority or other body of the University, or whether any decision of any authority or officer of the University including any question as to the validity of a Statute, Ordinances or Regulation, not being a Statute or Ordinances or Regulation made or approved by the State Government or by the Chancellor is in conformity with this Act or the Statutes or the Ordinances made thereunder the matter shall be referred to the Chancellor and the decision of the Chancellor shall be final:

Provided that no reference under this section shall be made—

(a) more than three months after the date when the question could have been raised for the first time;

(b) by any person other than an authority or officer of the University or a person aggrieved;

Provided further that the Chancellor may in exceptional circumstances—

(a) act *suo motu* or entertain a reference after the expiry of the period mentioned in the preceding proviso;

(b) where the matter referred relates to a dispute about the election, and the eligibility of the person so elected is in doubt, pass such order of stay as he thinks just and expedient.

38. No suit or other legal proceedings shall lie against the State Government or its officers or the University or any officer, authority or body thereof in respect of anything done or purported to be done in pursuance of this Act or the rules or the Statutes of the Ordinances made thereunder.

Bar of suit

39. (1) A copy of any receipt, application, notice, order, proceeding or resolution of any authority or committee of the University or other documents 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 recorded where the original thereof would if produced have been admissible in evidence.

Mode of proof of University record.

(2) No officer or servant of the University shall in any proceeding to which the University is not a party, be required to produce any document, register or other record of the University the contents whereof can be proved under sub-section (1) or to appear as witness to prove the matters and transactions recorded therein unless by order of the court of law made for special cause.

40. The State Government may, by notification, make rules for carrying out the purposes of this Act.

Power to make rules

41. (1) The State Government shall appoint interim officers of the University (other than the Chancellor) and shall constitute interim authorities of the University in such manner as it thinks fit;

Appointment of interim officers and Constitution of interim authorities.

(2) the Officers appointed and members of the authorities constituted under sub-section (1) shall hold office until the appointment of officers or the constitution of the authorities in accordance with the provisions of this Act or such other earlier date as may be specified by the State Government in this behalf:

Provided that the State Government may, by notification, extend the term of such officer or the members of such authorities for a period not exceeding one year.

42. (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, within a period of two years from the commencement of this Act, by order published in the *Gazette*, from time to time, make such provision including adaptation or modification, if any, of the provisions of this Act not affecting the substance thereof, as appears to it to be necessary or expedient for removing the difficulty.

Power to remove difficulties

(2) Every order made under sub-section (1) shall be laid before both Houses of the State Legislature.

(3) No order under sub-section (1) shall be called in question in any court of law on the ground that no difficulty as is referred to in sub-section (1) existed or was required to be removed.

Ordi-
No. 3
9

43. (1) The Uttar Pradesh Doctor Bhimrao Ambedkar University Ordinance, 1989 is hereby repealed.

Repeal and Saving

(2) Notwithstanding such repeal, anything done or any action taken under the provisions of the Ordinance referred to in sub-section (1) 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.

By order,
NARAYAN DAS,
Sachiv.

Dated Lucknow, May 2, 1994

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 Doctor Bhimrao Ambedkar Vishwavidyalaya (Nirсан) Adhiniyam, 1989 (Uttar Pradesh Adhiniyam Saukhya 15 of 1994) as passed by the Uttar Pradesh Legislature and assented to by the Governor on April 30, 1994.

**THE UTTAR PRADESH DOCTOR BHIMRAO AMBEDKAR
UNIVERSITY (REPEAL) ACT, 1994**

(U. P. Act no. 15 of 1994)

[As passed by the U. P. Legislature]

AN

ACT

*to repeal the Uttar Pradesh Doctor Bhimrao Ambedkar University
Act, 1989.*

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

Short title and
commencement

1. (1) This Act may be called the Uttar Pradesh Doctor Bhimrao Ambedkar University (Repeal) Act, 1994.

(2) It shall come into force on such date as the State Government may, by notification, appoint in this behalf.

Repeal of U. P.
Act no. 25 of
1989

2. The Uttar Pradesh Doctor Bhimrao Ambedkar University Act, 1989 is hereby repealed.

By order,
N. K. NARANG,
Sachiv.