



The Uttar Pradesh Gautam Buddha University Act, 2002

Act 9 of 2002

Keyword(s):

Academic Council, Constituent College, Council for Technical Education, Distance Education, Education Society, Employee, Faculty

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Dated, Lucknow, September 6, 2002

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 Gautam Buddha Vishwavidyalaya Adhiniyam, 2002 (Uttar Pradesh Adhiniyam Sankhya 9 of 2002) as passed by the Uttar Pradesh Legislature and assented to by the Governor on September 5, 2002 :—

THE UTTAR PRADESH GAUTAM BUDDHA UNIVERSITY ACT, 2002

(U.P. Act No. 9 of 2002)

(As passed by the Uttar Pradesh Legislature)

A

BILL

to establish and incorporate a University sponsored by the New Okhla Industrial Development Authority and the Greater Noida Industrial Development Authority in the State and to provide for matters connected therewith or incidental thereto.

IT IS HEREBY enacted in the Fifty-third Year of the Republic of India as follows :—

CHAPTER-I

Preliminary

1. This Act may be called the Uttar Pradesh Gautam Buddha University Act, 2002. Short title

2. (1) In this Act, unless the context otherwise requires,— Definitions

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

(b) "constituent college" means a college or institution maintained by the University;

(c) "Council for Technical Education" means the All India Council for Technical Education established under section 3 of the All India Council for Technical Education Act, 1987 ;

(d) "distance education" means imparting of education through any means of communication such as broadcasting, telecasting, correspondence course, seminar, contact programme or a combination of any two or more such means;

(e) "Education Society" means the Gautam Buddha Education Society, Lal Bahadur Shastri Bhawan, Uttar Pradesh Secretariat, Lucknow registered with the Registrar of Societies, Uttar Pradesh under the societies Registration Act, 1860;

(f) "employee" means an employee appointed by the University and includes teachers and other staff of the University or a constituent college;

(g) "faculty" means a faculty of the University.

classes of citizens specified in Schedule 1 of the Uttar Pradesh Public Services (Reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes) Act, 1994;

(j) "prescribed" means prescribed by the Statutes;

(k) "principal" in relation to a constituent college means the head of the constituent college and includes, where there is no principal, the vice-principal or any other person for the time being appointed to act as principal;

(l) "Statutes" and "Ordinances" mean, respectively, the Statutes and Ordinances of the University;

(m) "teacher" means a Professor, Associate Professor, Assistant Professor or such other person as may be appointed for imparting instruction or conducting research in the University or in a constituent college and includes the principal of a constituent college ;

(n) "University" means the Gautam Buddha University established under this Act.

(2) The words and expressions used but not defined in this Act and defined in the Information Technology Act, 2000, shall have the respective meaning assigned to them in that Act.

CHAPTER-II

The University and its objects

Establishment of
the University

3. (1) The Education Society, which has been promoted by the New Okhla Industrial Development Authority and the Greater Noida Industrial Development Authority, shall have the right to establish the University in accordance with the provisions of this Act.

(2) The Education Society shall, for the purposes of establishing the University under this Act, fulfil the following conditions, namely :—

(a) acquire such area of land as the State Government may consider necessary for the establishment of the University ;

(b) create a permanent endowment fund, general fund and development fund for the purposes of this Act;

(c) arrange infrastructure and other facilities necessary for making the University functional;

(d) make the first Statutes and the first Ordinances; and

(e) such other conditions as may be required by the State Government to be fulfilled before the establishment of the University.

(3) Where the State Government is satisfied that the Education Society has fulfilled the conditions specified in sub-section (2), the State Government shall issue to the Education Society a certificate of authorisation for the establishment of the University.

(4) On receipt of the certificate of the authorisation under sub-section (3), the Education Society shall establish at the headquarters of District Gautam Buddha Nagar, the University by the name of Gautam Buddha University.

(5) The Chancellor, the Vice-Chancellor, members of the Board of Governors, members of the Board of Management and the Academic Council for the time being holding office as such in the University shall constitute a body corporate by the name of the University.

(6) On the establishment of the University under sub-section (4), the land and other movable and immovable properties acquired, created, arranged or built by the Education Society for the purposes of the University shall stand transferred to, and vest in, the University.

4. The University may have constituent colleges but shall have no power to admit any other college or institution to the privileges of affiliation.

No power to
affiliate any
institution

5. The University shall have the following powers, namely :—

Powers of the
University

(a) to provide for instructions in all branches of learning and to make provision for research and for the advancement and dissemination of knowledge;

(b) to institute and confer degrees or other academic distinctions;

(c) to hold examinations for, and to grant and confer degrees or other academic distinctions to, and on, persons, who—

(i) have pursued a course of study in the University or in a constituent college or under a distance education, or

(ii) have carried on research in the University or in a constituent college or under a distance education;

(d) to confer honorary degree or other academic distinctions in the manner and under conditions laid down in the Statutes;

(e) to institute and award fellowships, scholarships, studentships, exhibitions and prizes in accordance with the Statutes;

(f) to demand and receive such fees and charges as may be fixed by the Statutes or the Ordinances, as the case may be;

(g) to make provisions for the advancement of education in Information Technology and allied fields;

(h) to make provisions for extra curricular activities for students and employees;

(i) to make appointments of officers and employees of the University or a constituent college;

(j) to receive benefactions, donations and gifts and to acquire, hold, manage and dispose of any movable or immovable property, including trust and endowment properties for the purposes of the University or a constituent college;

(k) to institute and maintain halls and to recognise places of residence for students of the University or a constituent college;

(l) to supervise and control the residence, and to regulate the discipline, of the students of the University or a constituent college and to make arrangements for promoting their health;

(m) to create administrative, ministerial and other necessary posts;

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

(o) to provide distance education;

(p) to organise and conduct refresher courses, orientation courses, workshops, seminars and other programmes for teachers, evaluators and other academic staff;

(q) to determine standards of admission to the University or a constituent college;

(r) to lay down conditions of service of all categories of employees of the University or a constituent college;

(s) to borrow upon the security of the property of the University for the purposes of the University or a constituent college; and

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

University open to
all classes, creeds
and Sex

sex :

6. The University shall be open to all persons irrespective of class, creed or

Provided that the University shall in each branch of learning reserve twenty-three per cent of the seats for the students belonging to the Scheduled Castes and twenty-seven per cent of the seats for the students belonging to the other backward classes of citizens :

Provided further that nothing in this section shall be deemed to require the University or a constituent college to admit in any course of study a larger number of students than may be determined by the Statutes.

Residence of
Students

7. Every student of the University, other than a student who pursues a course of study by distance education, shall ordinarily reside in a hall under such terms and conditions as may be prescribed by the Ordinances.

CHAPTER-III

Officers of the University

Officers of the
University

8. The following shall be the officers of the University :—

(a) the Chancellor ;

(b) the Vice-Chancellor;

(c) the Pro-Vice-Chancellor;

(d) the Deans of Faculties;

(e) the Registrar;

(f) the Finance Officer; and

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

The Chancellor

9. (1) The Chief Minister of Uttar Pradesh shall be *Ex-officio* Chancellor of the University.

(2) The Chancellor shall, by virtue of his office, be the head of the University.

(3) The Chancellor shall have such powers as may be conferred on him by this Act or the rules made thereunder.

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

(5) The Chancellor shall, if present, preside at the convocation of the University held for conferring degrees and may delegate to any officer of the University such of his powers as he may consider necessary.

10. (1) The Vice-Chancellor shall be appointed, on such terms and conditions as may be prescribed, for a term of five years by the Chancellor from a panel of three persons recommended by the Committee constituted in accordance with the provisions of sub-section (2).

The Vice-Chancellor

(2) The Committee referred to in sub-section (1) shall consist of the following persons, namely :—

(a) one person nominated by the Chancellor,

(b) Director, Indian Institute of Technology, Kanpur;

(c) Principal Secretary or, as the case may be, the Secretary to the State Government in the Industrial Development Department;

(d) Two persons nominated by the Board of Governors one of whom shall also be appointed as the convenor of the Committee by the Board of Governors, and if none of the persons referred to in clauses (a), (b) and (c) belong to a Scheduled Caste, at least one of the persons nominated under this clause shall be from the Scheduled Caste.

(3) The Committee shall, on the basis of merit, prepare a panel of the names of three persons suitable to hold the office of the Vice-Chancellor and forward the same to the Chancellor along with a concise statement showing the academic qualifications and other distinctions of each such person.

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

(5) Where any matter other than the appointment of a teacher is of urgent nature requiring immediate action and the same could 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 the officer, authority, or other body who or which 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 the 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 the University who is aggrieved by the action taken by the Vice-Chancellor under this sub-section, shall have the right to appeal against such action to the Board of Management within three months from the date on which the decision on such action is communicated to him and thereupon, the Board of Management may confirm, modify or reverse the action taken by the Vice-Chancellor.

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

The Pro-Vice-Chancellor

11. A Pro-Vice-Chancellor may be appointed by the Vice-Chancellor in such manner to exercise such powers and perform such duties as may be prescribed.

Deans of Faculties

12. Deans of faculties shall be appointed by the Vice-Chancellor in such manner to exercise such powers and perform such duties as may be prescribed.

The Registrar

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

(2) All contracts shall be entered into and signed by the Registrar on behalf of the University.

(3) The Registrar shall have the power to authenticate records on behalf of the University and shall exercise such other powers and perform such other duties as may be prescribed or may be required from time to time, by the Chancellor or the Vice-Chancellor.

(4) The Registrar shall be responsible for the due custody of the records and the common seal of the University and shall be bound to place before the Chancellor, the Vice-Chancellor or any other authority, all such information and documents as may be necessary for transaction of their business.

The Finance Officer

14. The Finance Officer shall be appointed by the Chancellor in such manner and shall exercise such powers and perform such duties as may be prescribed or may be required by the Chancellor, the Vice-Chancellor or the Registrar.

Other Officers

15. The manner of appointment, terms and conditions of service and powers and duties of the other officers of the University shall be such as may be prescribed.

CHAPTER-IV

Authorities of the University

Authorities of the University

16. The following shall be the authorities of the University, namely :—

(a) The Board of Governors;

(b) The Board of Management;

(c) The Academic Council;

(d) The Finance Committee; and

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

The Board of Governors and its powers

17. (1) The Board of Governors shall consist of,—

(a) the Chancellor, who shall be the Chairperson thereof;

(b) the Vice-Chancellor who shall be the Member-Secretary;

(c) three persons, nominated by the Education Society, of whom one shall be from the Scheduled Castes and one from the other backward classes of citizens.

(d) Secretary to the State Government in the Industrial Development Department or his nominee not below the rank of Special Secretary to the State Government; and

(e) two academicians of which one shall be nominated by the Council for Technical Education and the other by the University Grants Commission.

(2) The Board of Governors shall be the principal governing body of the University and shall have the following powers, namely :—

(a) to review decisions of the other authorities of the University if they are not in conformity with the provisions of this Act, or the Statutes or the Ordinances;

(b) to approve the budget and annual report of the University;

(c) to lay down policies to be pursued by the University;

(d) to make new or additional Statutes or amend or repeal the first Statutes;

(e) to take decision about voluntary winding up of the University; and

(f) to approve proposals for submission to the State Government.

(3) The Board of Governors shall, from time to time, meet at the intervals not exceeding six months at such time and place as the Chancellor thinks fit.

18. (1) The Board of Management shall consist of,—

(a) the Vice-Chancellor;

(b) a nominee of the Council for Technical Education;

(c) three persons, nominated by the Education Society, of whom one shall be from the Scheduled Castes and one from the other backward classes of citizens;

(d) three professors of the University, each from different disciplines, by rotation on the basis of seniority;

(e) one professor from each faculty who shall be nominated by the Chancellor; and

(f) Secretary to the State Government in the Industrial Development Department or his nominee not below the rank of Joint Secretary to the State Government.

(2) The Vice-Chancellor shall be the Chairperson of the Board of Management.

(3) The Registrar shall be the Secretary of the Board of Management.

(4) The powers and functions of the Board of Management shall be such as may be prescribed.

19. (1) The Academic Council shall consist of,—

(a) the Vice-Chancellor, who shall be the Chairperson;

(b) the Registrar, who shall be the Secretary, and

(c) such other members as may be prescribed.

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

20. (1) The Finance Committee shall consist of,—

(a) the Vice-Chancellor, who shall be the Chairperson;

(b) the Finance Officer;

(c) one officer not below the rank of Special Secretary to the State Government nominated by the State Government; and

(d) such other members as may be prescribed;

The Board of
Management

The Academic
Council

The Finance
Committee

(2) The Finance Committee shall be the principal financial body of the University to take care of financial matters and shall, subject to the provisions of this Act, the rules, the Statutes and the Ordinances, co-ordinate and exercise general supervision over the financial matters of the University.

Other Authorities

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

Provisions not to be invalidated or rescinded by Statutes

22. No Act or proceeding of any authority of the University shall be invalid merely by reason of the existence of any vacancy or defect in the constitution of the authority.

CHAPTER-V

Statutes and Ordinances

Statutes

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

(a) the procedure for transaction of business of the authorities of the University and the composition of bodies not specified in this Act;

(b) the operation of the permanent endowment fund, the general fund and the development fund;

(c) the terms and conditions of appointment of the Vice-Chancellor, the Registrar and the Finance Officer and their powers and functions;

(d) the mode of recruitment and the conditions of service of the other officers, teachers and employees of the University;

(e) the procedure for resolution of disputes between the University and its officers, faculty members, employees and students;

(f) creation, abolition or restructuring of departments and faculties;

(g) the manner of co-operation with other Universities or institutions of higher learning;

(h) the procedure for conferment of honorary degrees;

(i) provisions regarding grant of freeships and scholarships;

(j) number of seats in different courses of studies and the procedure of admission of students to such courses including reservation of seats;

(k) the fee chargeable from students for various courses of studies;

(l) institution of fellowships, scholarships, studentships, freeships, medals and prizes;

(m) procedure for creation and abolition of posts; and

(n) other matters which are to be or may be prescribed.

First Statutes how made

24. The first Statutes shall be made by the Education Society and the Statutes so made shall be submitted to the State Government for its approval which may give its approval with or without modification.

Power to make or amend Statutes

25. The Board of Governors may, with the prior approval of the State Government, make new or additional Statutes or amend or repeal the Statutes.

26. Subject to the provisions of this Act, the rules and the Statutes, the Ordinances may provide for all or any of the following matters, namely :—

Ordinances

(a) 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 and other academic distinctions of the University;

(c) the award of degrees and other academic distinctions;

(d) the conditions of the award of fellowships, scholarships, studentships, medals and prizes;

(e) the conduct of examinations and the conditions and mode of appointment and duties of examining bodies, examiners, invigilators, tabulators and moderators;

(f) the fee to be charged for admission to the examinations, degrees and other academic distinctions of the University;

(g) the conditions of residence of the students at the University or a constituent college;

(h) maintenance of discipline among the students of the University or a constituent college;

(i) all other matters which by this Act, the rules or the Statutes, may be provided for by the Ordinances.

27. (1) The first Ordinances shall be made by the Education Society and the Ordinances so made shall be submitted to the State Government for its approval, which may within two months from the date of receipt of the first Ordinances, give its approval with or without modification.

First Ordinances

(2) Where the State Government fails to take any decision with respect to the approval of the first Ordinances within the period specified under sub-section (1), it shall be deemed that the State Government has approved the first Ordinances.

28. The Academic Council may, with the approval of the Board of Management, make new or additional Ordinances or amend or repeal the Ordinances, subject to the approval of the State Government.

Power to amend Ordinances

CHAPTER-VI

Miscellaneous

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

Conditions of service of employees

(2) Any dispute arising out of the contract between the University and an employee shall, at the request of the employee, be referred to a tribunal of arbitration consisting of one member appointed by the Board of Management, one member nominated by the employee concerned and an umpire appointed by the Chancellor.

(3) The decision of the tribunal in such matter shall be final.

(4) The procedure for regulating the work of the tribunal shall be such as may be prescribed.

30. (1) Any student or candidate for an examination whose name has been removed from the rolls of the University or a constituent college by the orders of the Vice-Chancellor or the principal or by the resolution of the Academic Council, as the case may be, and who has been debarred from appearing at the examination of the University for more than one year, may, within ten days of the date of receipt of such order or copy of such resolution, appeal to the Board of Management which may confirm, modify or reverse the decision of the Vice-Chancellor, the Academic Council or the principal, as the case may be.

Procedure of appeal and arbitration in disciplinary cases against students

(2) Any dispute arising out of any disciplinary action taken by the University against a student shall, at the request of such student, be referred to a tribunal of arbitration and the provisions of sub-sections (2) to (4) of section 29 shall, *mutatis mutandis*, apply to a reference made under this sub-section.

Right to appeal

31. Every employee or student of the University or of a constituent college shall, notwithstanding anything contained in this Act, have a right to appeal within such time as may be prescribed, to the Board of Management against the decision of any officer or authority of the University or of the principal of any such college, as the case may be, and thereupon the Board of Management may confirm, modify or reverse the decision appealed against.

Provident and pension funds

32. The University shall constitute for the benefit of its employees such provident or pension fund and provide such insurance scheme as it may deem fit in such manner and subject to such conditions as may be prescribed.

Disputes as to constitution of University authorities and bodies

33. If any question arises as to whether any person has been duly elected or appointed as, or is entitled to be, a member of any authority or other body of the University, the matter shall be referred to the Chancellor whose decision thereon shall be final.

Constitution of committees

34. Where any authority of the University is given power by this Act or the Statutes to appoint committees, such committees shall, save as otherwise provided, consist of any or all the members of the authority concerned and of such other persons, if any, as the authority in each case may think fit.

Filling of casual vacancies

35. 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 member 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.

Protection of action taken in good faith

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

Transitory provisions

37. Notwithstanding anything contained in any other provisions of this Act and the Statutes :—

(a) the first Vice-Chancellor shall be appointed by the Chancellor and the said officer shall hold office for a term of five years ;

(b) the first Registrar and the first Finance Officer shall be appointed by the Chancellor who shall hold office for a term of three years;

(c) the first Board of Governors shall consist of not more than eleven members who shall be nominated by the Chancellor and they shall hold office for a term of three years; and

(d) the first Board of Management, the first Finance Committee and the first Academic Council shall be constituted by the Chancellor for a term of three years.

Permanent endowment fund

38. (1) The University shall establish a permanent endowment fund of at least rupees ten crores which may be increased by notification issued in this behalf by the State Government, from time to time.

(2) The University shall have the power to invest the permanent endowment fund in such manner as may be prescribed.

(3) The University may transfer any amount from the general fund or the development fund to the permanent endowment fund.

(4) Any amount exceeding the minimum amount specified in sub-section (1) may be withdrawn from the permanent endowment fund by the University for the purposes of development of the University.

39. (1) The University shall establish a general fund to which the following amount shall be credited, namely :— General funds

(a) all fees which may be charged by the University;

(b) all sums received from any other source;

(c) all contributions made by the Education Society; and

(d) all contributions made in this behalf by any other person or body which are not prohibited by any law for the time being in force.

(2) The moneys credited to the general fund shall be applied to meet all the recurring expenditure of the University.

40. (1) The University shall also establish a development fund to which following moneys shall be credited, namely :— Development fund

(a) development fees which may be charged from students;

(b) all sums received from any other source for the purposes of the development of the University;

(c) all contributions made by the Education Society;

(d) all contributions made in this behalf by any other person or body which are not prohibited by any law for the time being in force; and

(e) all incomes received from the permanent endowment fund.

(2) The moneys credited to the development fund from time to time shall be utilised for the development of the University.

41. The funds established under sections 38, 39 and 40 shall, subject to general supervision and control of the Board of Governors, be regulated and maintained in such manner as may be prescribed. Maintenance of funds

42. (1) The annual report of the University shall be prepared under the direction of the Board of Management and shall be submitted to the Board of Governors for its approval. Annual report

(2) The Board of Governors shall consider the annual report in its meeting and may approve the same with or without modification.

(3) A copy of the annual report duly approved by the Board of Governors shall be sent to the State Government.

43. (1) The annual accounts and balance sheet of the University shall be prepared under the direction of the Board of Management and all moneys accruing to or received by the University from whatever source and all amount disbursed or paid shall be entered in the accounts maintained by the University. Accounts and audit

(2) The annual accounts and the balance sheet of the University shall be audited by such auditor and at such intervals as may be prescribed.

(3) A copy of the annual accounts and the balance sheet together with the audit report shall be submitted to the Board of Governors.

(4) The annual accounts, the balance sheet and the audit report shall be considered by the Board of Governors at its meeting and the Board of Governors shall forward the same to the State Government along with its observations thereon.

Mode of proof of
University
record

44. 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 transaction therein recorded where the original thereof would, if produced, have been admissible in evidence.

Dissolution of
Education
Society

45. (1) If the Education Society proposes its dissolution in accordance with the law governing its constitution or incorporation, it shall give at least six months written notice to the State Government.

(2) On receipt of the notice referred to in sub-section (1), the State Government shall make such arrangements for administration of the University from the date of dissolution of the Education Society and until the last batch of students in regular Courses of studies of the University complete their courses of studies in such manner as may be prescribed by the rules.

Expenditure of
the University
during
dissolution of
Education
Society

46. (1) The expenditure for administration of the University during the taking over period of its management under section 45 shall be met out of the permanent endowment fund, the general fund or the development fund.

(2) If the funds referred to in sub-section (1) are not sufficient to meet the expenditure of the University during the taking over period of its management, such expenditure may be met by disposing of the properties or assets of the University by the State Government.

Power to issue
directions

47. The State Government shall have the following powers also, namely :—

(a) to issue direction with respect to any matter required to be done by the University by or under this Act or the rules, the Statutes or the Ordinances made thereunder; and

(b) to order framing of Statutes on any subject.

Winding up of
the University
by the State
Government

48. (1) Where the State Government is satisfied that any of the directions given by it to the University under this Act is not complied with, or, on receipt of a complaint with respect to mismanagement of the University it shall require the University to show cause within such time as it may deem proper, but which shall not be less than one month, as to why the University should not be wound up.

(2) If, upon receipt of the reply of the University to the notice given under sub-section (1), the State Government is satisfied that a *prima facie* case of mismanagement or violation of the provisions of this Act, the rules, the Statutes, the Ordinances or any direction issued thereunder is made out, it shall order such inquiry as it deems necessary.

(3) For the purposes of an inquiry under sub-section (2), the State Government shall, by notification, appoint an officer or authority as the inquiring authority to inquire into and report upon the allegations of mismanagement, violation of the provisions of this Act, the rules, the Statutes, the Ordinances or any direction issued thereunder.

(4) Where the State Government considers it necessary or expedient to suspend the Board of Governors or the Board of Management for the purposes of an inquiry with respect to the affairs of the University, it may, by notification, order the suspension of the Board of Governors or the Board of Management, as the case may be, and make such arrangement for the administration of the University as it considers necessary till the conclusion of the inquiry.

(5) Every inquiring authority appointed under sub-section (3) shall, while performing its functions under this Act, have all the powers of a Civil Court trying a suit and in particular in respect of the following matters, namely :—

- (a) summoning and enforcing the attendance of any witness and examining him on oath;
- (b) requiring the discovery and production of any document;
- (c) requisitioning any public record or copy thereof from any office;
- (d) receiving evidence on affidavits;
- (e) any other matter which may be prescribed by the rules.

(6) If, upon receipt of the inquiry report, the State Government is satisfied that the University has been mismanaged or has violated any provisions of this Act, the rules, the Statutes, the Ordinances or any direction issued thereunder it may, by notification, order winding up of the University.

(7) While issuing a notification under sub-section (6) the State Government shall make further arrangements for the administration of the affairs of the University, till current courses of study are over.

(8) During the period of management of the University under sub-section (7), the State Government may utilise the permanent endowment fund, the general fund or the development fund for the purposes of the management of the affairs of the University. If the funds of the University are not sufficient to meet the requisite expenditure of the University, the State Government may dispose of the assets or properties of the University to meet the said expenses.

(9) Every notification under sub-section (6) shall be laid before both Houses of the State Legislature.

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

Power to make rules

50. (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by a notified order, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty :

Removal of difficulties

Provided that no order under sub-section (1) shall be made after the expiration of a period of three years from the commencement of this Act.

(2) Every order made under sub-section (1) shall, as soon as may be after it is made, be laid before both the Houses of the State Legislature and the provisions of sub-section (1) of section 23-A of the Uttar Pradesh General Clauses Act, 1904 shall apply as they apply in respect of rules made by the State Government under any Uttar Pradesh Act.

By order,

A.B. SHUKLA,

Pramukh Sachiv.

STATEMENT OF OBJECTS AND REASONS

Keeping in view the present day International Scenario in Science, Information Technology, International Law, Buddhist studies and subjects related to weaker section of the Society, establishment of a university which shall provide for instruction in all such branches of learning and to make a provision for research and dissemination of knowledge, has become necessary. It is proposed to create a center of excellence, which will provide for higher level learning facilities and ensure facilities for research and advancement in those fields. Gautam Budh Nagar with various infrastructural facilities of the highest order was found to be most suitable place for opening of such a university in the name of **Gautam Budh Vishvavidyalaya**. Since It was not possible for the State Government with its limited Financial resources to establish such a university, it was decided to establish the same sponsored by **Gautam Budh Education Society** duly registered under the **Society Registration Act 1860**. The said Society shall be promoted by the **New Okhala Industrial Development Authority** and **Greater New Okhala Industrial Development Authority** for purposes of creating the required necessary infrastructure for this university.

The Uttar Pradesh Gautam Buddha University Bill, 2002 is introduced accordingly.

पी० एस० यू० पी०-ए० पी० 546 राजपत्र (हिन्दी)—(1282)—2002—597—(कम्प्यूटर/आफसेट) ।

पी० एस० यू० पी०-ए० पी० 159 सा० विधा०—(1283)—2002—880—(कम्प्यूटर/आफसेट) ।

Dated Lucknow, August 29, 2008

NOTIFICATION
MISCELLANEOUS

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 Gautambudha Vishwavidyalaya (Sanshodhan) Adhiniyam, 2008 (Uttar Pradesh Adhiniyam Sankhya 21 of 2008) as passed by the Uttar Pradesh Legislature and assented to by the Governor on August 27, 2008:—

**THE UTTAR PRADESH GAUTAM BUDDHA UNIVERSITY (AMENDMENT)
ACT, 2008**

(U. P. Act No. 21 of 2008)

(As passed by the Uttar Pradesh Legislature)

AN

ACT

to amend the Uttar Pradesh Gautam Buddha University Act, 2002.

IT IS HEREBY enacted in the Fifty-ninth Year of the Republic of India as follows :—

1. This Act may be called the Uttar Pradesh Gautam Buddha University
(Amendment) Act, 2008.

Short title

Amendment of
section 10 of
U.P. Act no. 9
of 2002

2. In section 10 of the Uttar Pradesh Gautam Buddha University Act, 2002 hereinafter referred to as the principal Act, for sub-section (2) the following sub-section shall be substituted namely :-

“(2) The Committee referred to in sub-section (1) shall consist of the following persons, namely :-

(a) one person nominated by the Chancellor,

(b) the Director (sitting or retired) of an Indian Institute of Technology or an Indian Institute of Management.

(c) the Industrial Development Commissioner or, as the case may be, the Principal Secretary to the Government of Uttar Pradesh in the Industrial Development Department;

(d) Two persons nominated by the Board of Governors one of whom shall also be appointed as the convener of the Committee by the Board of Governors. And if none of the persons referred to in clauses (a), (b) and (c) belong to the Scheduled Castes, at least one of the persons nominated under this clause shall be from the Scheduled Castes.”

Amendment of
section 13

3. In section 13 of the Principal Act, for sub-section (1) the following sub-section shall be substituted namely :-

“(1) The Registrar shall be appointed by the Board of Management in such manner and on such terms and conditions as may be prescribed.”

Amendment of
section 14

4. For section 14 of the Principal Act, the following section shall be substituted namely :-

“14-The Finance Officer shall be appointed by the Board of Management in such manner and shall exercise such powers and perform such duties as may be prescribed or may be required by the Chancellor, the Vice-Chancellor or the Registrar.”

Amendment of
section 17

5. In section 17 of the principal Act, in sub-section (1) for clause (a) the following clause shall be substituted namely :-

“(a) the President of Gautam Buddha Education Society who shall be the Chairperson thereof;”

Amendment of
section 29

6. In section 29 of the principal Act, for sub-section (1) the following sub-section shall be substituted namely :-

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

7. In section 38 of the principal Act, for sub-section (4) the following sub-section shall be substituted namely:-

Amendment of section 38

"(4) Any amount exceeding the minimum amount specified in sub-section (1) may be withdrawn from the permanent endowment fund by the University to be credited to the general fund to meet the recurring/nonrecurring expenses of University."

8. In section 40 of the Principal Act, in sub-section (1) clause (e) shall be omitted.

Amendment of section 40

STATEMENT OF OBJECTS AND REASONS

The Uttar Pradesh Gautam Buddha University Act, 2002. (U.P. Act no. 9 of 2002) has been enacted to provide for the establishment and incorporation of a University sponsored by the New Okhla Industrial Development Authority and the Greater Noida Industrial Development Authority in the State of Uttar Pradesh. With a view to making the administration of the University more efficient, so as to make it an institution of excellence, it has been decided to amend the said Act mainly to provide for,-

- (a) changing the Constitutor of committee for the appointment of vice-chancellor ;
- (b) appointment of the Registrar and the Finance Officer by the Board of management instead of the chancellor ;
- (c) making the President of the Gautam Buddha Education Society as the Chair-Person of the Board of Governors instead of the Chancellor ;
- (d) regularisation of such employees as have worked satisfactorily during their appointment on contract basis ;
- (e) crediting of the interest of Endowment Fund to the General Fund instead of the Development Fund.

2. The Uttar Pradesh Gautam Buddha University (Amendment) Bill, 2008 is introduced accordingly.

By order,
S. M. A. ABIDI,
Pramukh Sachiv.

डी०एस०यू०पी०-ए०पी० 471 राजपत्र(हि०)-2008-(1041)-597 प्रतियां-(कम्प्यूटर / टी० / आफसेट)।

डी०एस०यू०पी०-ए०पी० 102 सा० विद्यार्थी-2008-(1042)-850 प्रतियां-(कम्प्यूटर / टी० / आफसेट)।



सरकारी गजट, उत्तर प्रदेश

उत्तर प्रदेशीय सरकार द्वारा प्रकाशित

असाधारण

विधायी परिशिष्ट
भाग-1, खण्ड (क)
(उत्तर प्रदेश अधिनियम)

लखनऊ, शुक्रवार, 20 दिसम्बर, 2013

अग्रहायण 29, 1935 शक सम्बत्

उत्तर प्रदेश सरकार

विधायी अनुभाग-1

संख्या 1329/79-वि-1-13-1(क)-14-2013

लखनऊ, 20 दिसम्बर, 2013

अधिसूचना

विविध

“भारत का संविधान” के अनुच्छेद 200 के अधीन राज्यपाल महोदय ने उत्तर प्रदेश गौतमबुद्ध विश्वविद्यालय (संशोधन) विधेयक, 2013 पर दिनांक 19 दिसम्बर, 2013 को अनुमति प्रदान की और वह उत्तर प्रदेश अधिनियम संख्या 26 सन् 2013 के रूप में सर्वसाधारण की सूचनार्थ इस अधिसूचना द्वारा प्रकाशित किया जाता है।

उत्तर प्रदेश गौतमबुद्ध विश्वविद्यालय (संशोधन) अधिनियम, 2013

(उत्तर प्रदेश अधिनियम सं० 26 सन् 2013)

[जैसा उत्तर प्रदेश विधान मण्डल द्वारा पारित हुआ]

उत्तर प्रदेश गौतमबुद्ध विश्वविद्यालय अधिनियम, 2002 का अग्रतर संशोधन करने के लिए

अधिनियम

भारत गणराज्य के चौसठवें वर्ष में निम्नलिखित अधिनियम बनाया जाता है :-

1-(1) यह अधिनियम उत्तर प्रदेश गौतमबुद्ध विश्वविद्यालय (संशोधन) अधिनियम, 2013 कहा जायेगा।

संक्षिप्त नाम और प्रारम्भ

(2) यह 23 अगस्त, 2013 को प्रवृत्त हुआ समझा जायेगा।

उत्तर प्रदेश

अधिनियम संख्या 9

सन् 2002 की धारा

10 का संशोधन

2-उत्तर प्रदेश गौतमबुद्ध विश्वविद्यालय अधिनियम, 2002 जिसे आगे मूल अधिनियम कहा गया है, की धारा 10 में-

(क) उपधारा (1) में शब्द "पाँच वर्ष" के स्थान पर शब्द "तीन वर्ष" रख दिये जायेंगे;

(ख) उपधारा (3) के पश्चात् निम्नलिखित उपधारा बढ़ा दी जायेगी, अर्थात्:-

"(3-क)(क) केवल ऐसा व्यक्ति कुलपति के पद पर नियुक्ति के लिए पात्र होगा जिसने 65 वर्ष की आयु प्राप्त नहीं की है;

(ख) कुलपति अपने पद पर कार्यभार ग्रहण करने के दिनांक से तीन वर्ष की अवधि तक अथवा अड़सठ वर्ष की आयु प्राप्त होने तक, जो भी पहले हो, पद धारण करेगा";

(ग) उपधारा (6) के पश्चात् निम्नलिखित उपधाराएं बढ़ा दी जायेंगी, अर्थात्:-

"(7) यदि कुलाधिपति की राय में कुलपति जान-बूझकर इस अधिनियम के उपबन्धों को कार्यान्वित नहीं करता है या कार्यान्वित करने से इन्कार करता है या अपने में निहित शक्तियों का दुरुपयोग करता है या यदि कुलाधिपति को अन्यथा यह प्रतीत हो कि कुलपति का पद पूरना रहना विश्वविद्यालय के लिए अहितकर है तो कुलाधिपति ऐसी जांच करने के पश्चात् जैसा वह उचित समझे, आदेश देगा, कुलपति को हटा सकते हैं।

(8) उपधारा (7) में निर्दिष्ट किसी जांच के विचारधीन रहने के दौरान या ऐसी जांच के अनुपस्थित रहने पर कुलाधिपति यह आदेश दे सकते हैं कि जब तक अग्रतर आदेश न दिया जाय-

(क) ऐसा कुलपति, कुलपति के पद के कार्य-संचालन से विरत रहेगा, किन्तु उसे वह उपलब्धियां प्राप्त होती रहेंगी जिनके लिए वह अन्यथा हकदार था;

(ख) कुलपति पद के कार्य का संचालन आदेश में विनिर्दिष्ट व्यक्ति द्वारा किया जायेगा।"

निरसन और
अपवाद3-(1) उत्तर प्रदेश गौतमबुद्ध विश्वविद्यालय (संशोधन) अध्यादेश, 2013
एतद्द्वारा निरसित किया जाता है।उत्तर प्रदेश
अध्यादेश
संख्या 10
सन् 2013

(2) ऐसे निरसन के होते हुये भी, उपधारा (1) में निर्दिष्ट अध्यादेश द्वारा यथासंशोधित मूल अधिनियम के उपबन्धों के अधीन कृत कोई कार्य या कार्यवाही इस अधिनियम द्वारा यथासंशोधित मूल अधिनियम के तत्समान उपबन्धों के अधीन कृत कार्य या कार्यवाही समझी जायेगी मानो इस अधिनियम के उपबन्ध सभी सारवान समय पर प्रवृत्त थे।

उद्देश्य और कारण

उत्तर प्रदेश गौतमबुद्ध विश्वविद्यालय अधिनियम, 2002 (उत्तर प्रदेश अधिनियम संख्या 9 सन् 2002) का अधिनियमन उत्तर प्रदेश में गौतमबुद्ध नगर में न्यू ओखला औद्योगिक विकास प्राधिकरण और ग्रेटर नोएडा औद्योगिक विकास प्राधिकरण द्वारा प्रायोजित एक विश्वविद्यालय स्थापित और उसको निगमित करने की व्यवस्था करने के लिये किया गया है। उक्त अधिनियम की धारा 10 में कुलपति के सम्बन्ध में प्रावधान किये गये हैं। उक्त धारा में, ऐसे मामलों में जहाँ कुलपति अपने कर्तव्यों और दायित्वों का निर्वहन नहीं कर रहे हैं, कुलपति के विरुद्ध कार्यवाही करने के लिये कोई उपबन्ध नहीं है और न ही कुलपति के पद पर नियुक्ति के लिये अधिकतम आयु का कोई प्रावधान है। अतएव, विश्वविद्यालय के समुचित कार्यकरण को सुनिश्चित करने और कुलपति की पदावधि राज्य विश्वविद्यालय के कुलपति की पदावधि के समान करने के उद्देश्य से यह विनिश्चय किया गया कि उक्त अधिनियम को संशोधित करके कुलपति की पदावधि पाँच वर्ष से कम करके तीन वर्ष करने, यह प्रावधान करने कि

कुलपति के पद पर नियुक्ति के लिये अधिकतम आयु 65 वर्ष होगी और कतिपय मामलों में कुलपति को हटाने के लिये कुलाधिपति को सशक्त करने की व्यवस्था की जाये।

चूंकि राज्य विधान मण्डल सत्र में नहीं था और उपर्युक्त विनिश्चय को कार्यान्वित करने के लिये तुरन्त विधायी कार्यवाही करना आवश्यक था, अतः राज्यपाल द्वारा दिनांक 23 अगस्त, 2013 को उत्तर प्रदेश गौतमबुद्ध विश्वविद्यालय (संशोधन) अध्यादेश, 2013 (उत्तर प्रदेश अध्यादेश संख्या 10 सन् 2013) प्रख्यापित किया गया।

यह विधेयक पूर्वोक्त अध्यादेश को प्रतिस्थापित करने के लिये पुरस्थापित किया जाता है।

आज्ञा से,
एस० बी० सिंह,
प्रमुख सचिव।

No. 1329(2)/LXXIX-V-1-13-1(Ka)-14-2013

Dated Lucknow, December 20, 2013

In pursuance of the provisions of clause (3) of Article 348 of the Constitution, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Gautambuddha Vishwavidyalaya (Sanshodhan) Adhiniyam, 2013 (Uttar Pradesh Adhiniyam Sankhya 26 of 2013) as passed by the Uttar Pradesh Legislature and assented to by the Governor on December 19, 2013.

THE UTTAR PRADESH GAUTAM BUDDHA UNIVERSITY (AMENDMENT)
ACT, 2013

(U.P. Act no. 26 of 2013)

[As passed by the Uttar Pradesh Legislature]

AN
ACT

further to amend the Uttar Pradesh Gautam Buddha University Act, 2002.

It IS HEREBY enacted in the Sixty-fourth Year of the Republic of India as follows:

1. (1) This Act may be called the Uttar Pradesh Gautam Buddha University (Amendment) Act, 2013.

Short title and commencement

(2) It shall be deemed to have come into force on August 23, 2013.

2. In section 10 of the Uttar Pradesh Gautam Buddha University Act, 2002 hereinafter referred to as the principal Act,—

Amendment of section 10 of U.P. Act no. 9 of 2002

(a) in sub-section (1) for the words "five years" the words "three years" shall be substituted;

(b) after sub-section (3) the following sub-section shall be inserted, namely:—

"(3-a)(a) Only such person shall be eligible for appointment to the office of Vice-Chancellor who has not attained the age of 65 years;

(b) The Vice-Chancellor shall hold office for a term of three years from the date he enters upon his office or till he attains the age of sixty-eight years whichever is earlier";

(c) after sub-section (6) the following sub-sections shall be inserted, namely:—

"(7) If in the opinion of the Chancellor, the Vice-Chancellor wilfully omits or refuses to carry out the provisions of this Act or abuses the powers vested in him, or if it otherwise appears to the Chancellor that the continuance of the Vice-Chancellor in office is detrimental to the interest of the University, the Chancellor may, after making such inquiry as he deems proper, by order, remove the Vice-Chancellor

(8) During the pendency or in contemplation, of any inquiry referred to in sub-section (7) the Chancellor may order that till further orders-

(a) such Vice-Chancellor shall refrain from performing the functions of the office of Vice-Chancellor, but shall continue to get the emoluments to which he was otherwise entitled.

(b) the functions of the office of the Vice-Chancellor shall be performed by the person specified in the order."

Repeal and saving

3. (1) The Uttar Pradesh Gautam Buddha University (Amendment) Ordinance, 2013 is hereby repealed.

U.P.
Ordinance no.
10 of 2013

(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.

STATEMENT OF OBJECTS AND REASONS

The Uttar Pradesh Gautam Buddha University Act, 2002 (U.P. Act no. 9 of 2002) has been enacted to provide for the establishment and incorporation of a University sponsored by the New Okhla Industrial Development Authority and Greater Noida Industrial Development Authority at Gautam Buddha Nagar in Uttar Pradesh. Section 10 of the said Act makes provisions with respect to the Vice-Chancellor. In the said section there is no provision for taking action against the Vice-Chancellor in cases where the Vice-Chancellor is not discharging his duties and responsibilities and the maximum age for the appointment to the office of the Vice-Chancellor. Therefore, with a view to ensuring the proper functioning of the University and for making the term of office of the Vice-Chancellor similar to that of a Vice-Chancellor of the State University it was decided to amend the said Act to provide for reducing the term of office of the Vice-Chancellor from five years to three years, making provision that the maximum age for appointment to the office of the Vice-Chancellor shall be 65 years and empowering the Chancellor to remove the Vice-Chancellor in certain cases.

Since the State Legislature was not in session and immediate legislative action was necessary to implement the aforesaid decision, the Uttar Pradesh Gautam Buddha University (Amendment) Ordinance, 2013 (U.P. Ordinance no. 10 of 2013) was promulgated by the Governor on August 23, 2013.

This Bill is introduced to replace the aforesaid Ordinance.

By order,
S. B. SINGH,
Pramukh Sachiv.