

- (b) in the case of a teacher of an affiliated or associated college, one member nominated by the management of the college, one member nominated by the teacher concerned, and one member (who shall act as convener) nominated by the Vice-Chancellor :

Provided that in the case of colleges established and administered by a minority referred to in clause (1) of Article 30 of the Constitution of India, the Convener shall be selected by the nominees of the management and the teacher concerned out of a panel of five persons suggested by the management and approved by the Vice-Chancellor :

Provided further that in the event of their failure to appoint the Convener within the time prescribed, the Vice-Chancellor shall nominate a Convener out of the panel.

(2) If for any reason, a vacancy occurs in the office of a member of the Tribunal, the appropriate person or body concerned shall nominate another person in accordance with provisions of sub-section (1) to fill the vacancy and the proceedings may be continued before the Tribunal from the stage at which the vacancy is filled.

(3) The decision of the Tribunal shall be final and binding on the parties and shall not be questioned in any court.

(4) The Tribunal of Arbitration shall have the power —

- (i) to regulate its own procedure ;
- (ii) to order re-instatement of the officer or teacher concerned ; and
- (iii) to award salary to the officer or teacher concerned, after deducting therefrom such income which such officer or teacher might have otherwise derived during his suspension, removal, dismissal or termination from service.

(5) Nothing contained in any law for the time being in force relating to arbitration shall apply to an arbitration under this section.

(6) No suit or proceedings shall lie in any court in respect of any matter which is required by sub-section (1) to be referred to the Tribunal of Arbitration :

Provided that every decision of the Tribunal referred to in sub-section (3) shall be executable by the lowest court having territorial jurisdiction, as if it were a decree of that court.

## CHAPTER VII

### AFFILIATION AND RECOGNITION

**37. Affiliated Colleges.**—(1) This section shall apply to the Universities of Agra, Gorakhpur, Kanpur and Meerut and such other Universities (not

being the Universities of Lucknow and Allahabad) as the State Government may, by notification in the Gazette, specify.

(2) The Executive Council may, with the previous sanction of the Chancellor, admit any college which fulfils such conditions of affiliation, as may be prescribed, to the privileges of affiliation or enlarge the privileges of any college already affiliated or subject to the provisions of sub-section (8), withdraw or curtail any such privilege.

[\* \* \*]

(3) It shall be lawful for an affiliated college to make arrangement with any other affiliated college situated in the same local area, or with the University, for co-operation in the work of teaching or research.

(4) Except as provided by this Act, the management of an affiliated college shall be free to manage and control the affairs of the college and be responsible for its maintenance and upkeep, and its Principal shall be responsible for the discipline of its students and for the superintendence and control over its staff.

(5) Every affiliated college shall furnish such reports, returns and other particulars as the Executive Council or the Vice-Chancellor may call for.

(6) The Executive Council shall cause every affiliated college to be inspected from time to time at intervals not exceeding five years by one or more persons authorised by it in that behalf, and a report of the inspection shall be made to the Executive Council.

(7) The Executive Council may direct an affiliated college so inspected to take such action as may appear to it to be necessary within such period as may be specified.

(8) The privileges of affiliation of a college which fails to comply with any direction of the Executive Council under sub-section (7) or to fulfil the conditions of affiliation may, after obtaining a report from the Management of the college and with the previous sanction of the Chancellor, be withdrawn or curtailed by the Executive Council in accordance with the provisions of the Statutes.

[(9) Notwithstanding anything contained in sub-section (2) and (8), if the Management of an affiliated college has failed to fulfil the conditions of affiliation, the Chancellor may, after obtaining a report from the Management and the Vice-Chancellor, withdraw or curtail the privileges of affiliation.]

---

1. Proviso omitted by U. P. Act No. 5 of 1975.

2. Inserted by U. P. Act No. 5 of 1977.

## NOTES

The original proviso to sub-section (2) was as follows :

‘Provided that previous sanction of the Chancellor shall not be required for the grant of an application of an affiliated college for permission to start instruction in a subject, being a subject in which instruction is not already given in that college, for a bachelor’s degree in respect of which the college is already affiliated.’

**38. Associated Colleges.**—(1) This section shall apply to the Universities of Lucknow and Allahabad and such other Universities (not being the Universities of Agra, Gorakhpur, Kanpur or Meerut or the Sampurnanand Sanskrit Vishwavidyalaya) as the State Government may, by notification in the Gazette, specify.

(2) Associated colleges shall be such as may be named by the Statutes.

(3) It shall be lawful for an associated college to make arrangements with any other associated college or colleges or with the University for cooperation in the work of teaching.

(4) The conditions of recognition of an associated college shall be prescribed by the Statutes or imposed by the Executive Council, but no associated college shall except with the previous approval of the Chancellor, be authorised to impart instruction for post-graduate degrees :

Provided that if an associated college is refused recognition for imparting instruction for post-graduate degrees, such college may, with the approval of the Chancellor, be granted affiliation by any University referred to in Section 37, anything in the Section 5 notwithstanding, and thereupon, such college shall cease to be an associated college.

(5) Except as provided by this Act, the Management of an associated college shall be free to manage and control the affairs of the college and be responsible for its maintenance and up-keep. The Principal of every such college shall be responsible for the discipline of its students and for the superintendence and control over its staff.

(6) The Executive Council shall cause every associated college to be inspected from time to time at intervals not exceeding three years by one or more persons authorised by it in this behalf and a report of the inspection shall be made to the Executive Council.

(7) The recognition of an associated college may, with the previous sanction of the Chancellor, be withdrawn by the Executive Council if it is satisfied after considering any explanation furnished by the management, that it has ceased to fulfill the conditions of its recognition or that it persists in making default in the performance of its duties under this Act or in the removal of any defect in its work pointed out by the Executive Council.

(8) Notwithstanding anything in this section or in Section 5, a college situated within the area of any University to which this section applies, may with the consent of that University be admitted to the privileges of affiliation by any University to which Section 37 applied.

**39. Disqualification for membership of Management.**—A person shall be disqualified for being chosen as, and for being, a member of the Management of an affiliated or associated college (other than a college maintained exclusively by the State Government or by local authority), if he or his relative accepts any remuneration for any work in or for such college or any contract for the supply of goods to or for the execution of any work for such college :

Provided that nothing in this 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 college or for any duties as Superintendent or Warden of a training unit or of a hall or hostel of the college or as a proctor or tutor or for any duties, of a similar nature in relation to the college.

*Explanation.*—The term 'relative' shall have the meaning assigned to it in the Explanation to Section 20.

**40. Inspection, etc., of Affiliated and Associated Colleges.**—(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 any affiliated or associated college, including buildings, laboratories and equipments thereof and also of the examinations, teaching and other work conducted or done by it, or cause an inquiry to be made in respect of any matter connected with the administration and finances of such college.

(2) Where the State Government decides to cause an inspection or inquiry to be made under sub-section (1), it shall inform the Management of the same and a representative appointed by the Management and where the Management fails to appoint a representative, the Principal of the college may be present at such inspection or inquiry and shall have the right to be heard on behalf of the Management but no legal practitioner shall appear, plead or act on behalf of the college at such inspection or inquiry.

(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 480 and 482 of the Code of Criminal Procedure, 1898<sup>1</sup> and any proceedings before him or them shall be deemed to be

1. See now Cr. P. C., 1973 (2 of 1974).

judicial proceedings within the meaning of Sections 193 and 228 of the Indian Penal Code.

(4) The State Government may communicate to the Management, the result of such inspection or inquiry and may issue direction as to the action to be taken and the Management shall forthwith comply with such directions.

(5) The State Government shall inform the Vice-Chancellor about any communication made by it to the Management under sub-section (4).

(6) The State Government may, at any time, call for any information from the Management or Principal of an affiliated or associated college in connection with such inspection or inquiry.

**41. Constituent colleges.**—(1) Constituent colleges shall be such as may be named by the Statutes.

(2) The Principal of a constituent college shall be responsible for the discipline of the students enrolled in the college and shall have general control over the ministerial and inferior staff allotted to the college. He shall exercise such other powers as may be prescribed by the Statutes.

**42. Autonomous college.**—(1) The University may grant in the manner prescribed, to an affiliated or associated college which satisfies the conditions prescribed in that behalf, the privileges of varying, for the students receiving instruction in such college, the courses of study prescribed by the University, and holding examination in the courses so varied.

(2) The extent to which the courses may be varied and the manner of holding the examination conducted by such college shall be determined in each case by the University.

(3) Such a college shall be declared in the manner prescribed as an autonomous college.

**43. Working Men's colleges.**—(1) The University may, under such conditions as may be prescribed, recognize, an affiliated or associated college as a 'Working Men's College' for the purpose of providing courses for degrees to persons, otherwise eligible for admission to such courses, who may be unable to be enrolled as whole-time students by reasons of being engaged in business, trade, agriculture or industry or employed in any other form of service.

(2) The courses for such students shall extend over a period which shall not be less than one and a half time the duration prescribed for such courses for other students.

(3) Each such course shall be organized separately.

**44. Institutes.**—The University may establish one or more Institutes to organize and conduct teaching and research in any subject.