

sation or Foundation, save in accordance with the terms of such grant :

Provided that notwithstanding anything in sub-section (7) of Section 13, the Vice-Chancellor may, in the case of fire, flood, excessive rainfall or other sudden or, unforeseen circumstances, incur non-recurring expenditure not exceeding rupees five thousand not sanctioned in the budget and he shall immediately inform the State Government in respect of all such expenditure ;

- (b) on any litigation in opposition to <sup>1</sup>(any order of the Chancellor or of the State Government purporting to be made under this Act.)

<sup>2</sup>[55-A. Surcharge.—(1) An officer specified in any of the clauses (c) to (i) of Section 9 shall be liable to surcharge for the loss, waste or mis-application of any money or property of the University, if such loss, waste or misapplication is a direct consequence of his neglect or misconduct.

(2) The procedure of surcharge and the manner or recovery of the amount involved in such loss, waste or misapplication shall be such as may be prescribed.]

## CHAPTER XI

### REGULATION OF DEGREE COLLEGES

56. Definitions.—In this Chapter, unless the context otherwise requires—

- (a) 'property', in relation to an affiliated or associated college, includes all property, movable and immovable, belonging to or endowed wholly or partly for the benefit of the college, including lands, buildings (including hostels), works, library, laboratory, instruments, equipment, furniture, stationery, stores, automobiles, and other vehicles, if any, and other things pertaining to the college, cash on hand, cash at bank, investments, and book debts and all other rights and interests arising out of such property as may be in the ownership, possession, power or control of the college and all books of account, registers, and all other documents of whatever nature relating thereto, and shall also be deemed to include all subsisting borrowings, liabilities and obligations of whatever kind of the college ;
- (b) 'salary' means the aggregate of the emoluments including dearness or any other allowance for the time being payable to a teacher or other employee after making permissible deductions.

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1. Substituted by U. P. Act No. 12 of 1978 for the words and figures "any order of the Chancellor purporting to be made under Section 68."

2. Inserted by U. P. Act No. 12 of 1978.

**57. Power of the State Government to issue notice.**—If the State Government receives information in respect of any affiliated or associated, college (other than a college maintained exclusively by the State Government or a local authority) —

- (i) that its Management has persistently committed wilful default in paying the salary of the teachers or other employees of the college by the twentieth day of the month next following the month in respect of which or any part of which it is payable ; or
- (ii) that its Management has failed to appoint teaching staff possessing such qualifications as are necessary for the purpose of ensuring the maintenance of academic standards in relation to the college or has appointed or retained in service any teacher in contravention of the Statute or Ordinances; or
- (iii) that any dispute with respect to the right claimed by different persons to be lawful office-bearers of its Management has affected the smooth and orderly administration of the college; or
- (iv) that its Management has persistently failed to provide the college with such adequate and proper accommodation, library, furniture, stationery, laboratory, equipment, and other facilities, as are necessary for the efficient administration of the college; or
- (v) that its Management has substantially, diverted, misapplied or misappropriated the property of the college to the detriment of the college;

it may call upon the Management to show cause why an order under Section 58 should not be made :

Provided that where it is in dispute as to who are the office-bearers of the Management, such notice shall be issued to all persons claiming to be so.

**58. Authorised Controller.**—(1) If the State Government after considering the explanation, if any, submitted by the Management under Section 57 is satisfied that any ground mentioned in that section exists, it may, by order, authorise any person (hereinafter referred to as the Authorised Controller) to take over, for such period not exceeding two years as may be specified, the Management of the college and its property to the exclusion of the Management and whenever the Authorised Controller so takes over the Management, he shall, subject only to such restrictions as State Government may impose, have in relation to the Management of the college and its property all such powers and authority as the Management would have if the college and its property were not taken over under this sub-section :

Provided that if the State Government is of opinion that it is expedient so to do in order to continue to secure the proper Management of the college and its property, it may, from time to time, extend the operation of the order for such period, not exceeding one year at a time, as it may specify, so however, that the total period of operation of the order, including the period specified in the initial order under this sub-section does not exceed five years<sup>1</sup> :

<sup>2</sup>[Provided further that if at the expiration of the said period of five years, there is no lawfully constituted Management of the college the Authorised Controller shall continue to function as such, until the State Government is satisfied that the Management has been lawfully constituted :

Provided also that the State Government may, at any time, revoke an order made under this sub-section.]

(2) Where the State Government while issuing a notice under Section 57 is of opinion, for reasons to be recorded, that immediate action is necessary in the interest of the college, it may suspend the Management, which shall thereupon cease to function, and make such arrangement as it thinks proper for managing the affairs of the college and its property till further proceedings are completed :

Provided that no such order shall remain in force for more than six months from the date of actual taking over the Management in pursuance of such order :

Provided further that in computation of the said period of six months, the time during which the operation of the order was suspended by any order to the High Court passed in exercise of jurisdiction under Article 226 of the Constitution or any period during which the Management failed to show cause in pursuance of the notice under Section 57, shall be excluded.

(3) Nothing in sub-section (1), shall be construed to confer on the Authorised Controller the power to transfer any immovable property belonging to college (except by way of letting from month to month in the ordinary course of management or to create any charge thereon) except as a condition of receipt of any grant-in aid of the college from the State Government or the Government of India.

1. 'Four years' substituted by 'five years' w. e. f. 25-6-1982 by U. P. Act No. 4 of 1983.

2. Substituted by U. P Act No. 4 of 1983 w.e.f. 25-6-1982. Prior to this, the 2nd proviso was as follows—

Provided further that the State Government, may at any time, revoke any order made under this sub-section.

(4) Any order made under this section shall have effect notwithstanding anything inconsistent therewith contained in any other enactment or in any instrument relating to the management and control of the college or its property :

Provided that the property of the college and any income therefrom shall continue to be applied for the purposes of the college as provided in any such instrument.

(5) The Director of Education (Higher Education) may give to the Authorised Controller such directions as he may deem necessary for the proper management of the college or its property, and the Authorised Controller shall carry out those directions.

59. Clause 58 not applied to minority colleges.— Nothing contained in Section 58, shall apply to a college established and administered by a minority referred to in clause (1) of Article 30 of the Constitution of India.

60. Duty to deliver possession to the Authorised Controller.— (1) Where an order has been passed under Section 58 in respect of a college, every person in whose possession or custody or under whose control any property of the college may be, shall deliver the property to the Authorised Controller forthwith.

(2) Any person who on the date of such order has in his possession or under his control any books or other documents relating to the college or to its property shall be liable to account for the said books and other documents to the Authorised Controller and shall deliver them up to him or to such person as the Authorised Controller may specify in this behalf.

(3) The Authorised Controller may apply to Collector for delivery of possession and control over the college or its property or any part thereof, and the Collector may take all necessary steps for securing possession to the Authorised Controller of such college or property, and in particular, may use or cause to be used such force as may be necessary.

#### **<sup>1</sup>CHAPTER XI-A**

#### **PAYMENT OF SALARY TO TEACHERS AND OTHER EMPLOYEES OF DEGREE COLLEGES**

<sup>2</sup>60-A. Definitions.—In this Chapter, unless the context otherwise requires—

1. Chapter XI-A inserted by U. P. Act No. 21 of 1975.
2. By notification dated 12-3-1985 Joint Director in the Directorate of Higher Education, U. P. Allahabad and the Regional Officers of the Higher Education have been authorised to perform all or any of the functions of the Deputy Director for the purposes of Chapter XI-A.