

the expression 'Head of the Management' means the chairman of such committee.<sup>1</sup>

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

(15) 'Principal', in relation to an affiliated, associated or a constituent college, means the head of such college ;

(16) 'registered graduate' means a graduate of the University registered under the provisions of this Act or under any enactment repealed by this Act ;

(17) 'Statutes', Ordinances' and 'Regulations' means respectively the Statutes, Ordinances and Regulations of the University ;

(18) 'teacher' means a person employed [for imparting instruction or guiding or conducting research in the University or in an Institute or in a constituent, affiliated or associated college]<sup>2</sup> and includes a Principal or Director ;

(19) 'teacher of the University' means a teacher employed by the University for imparting instruction and guiding or conducting research either in the University or in an Institute or in constituent college maintained by the University ;

(20) 'University' means no existing University or a new University established after the commencement of this Act under Section 4 ;

(21) 'Working Men's College' means an affiliated or associated college recognised as such in accordance with the provisions of Section 43 ;

## CHAPTER II THE UNIVERSITIES

**3. Incorporation of Universities.**—(1) The Chancellor, the Vice-Chancellor and the members of the Executive Council, the Court and the Academic Council for the time being holding office as such in any University shall constitute a body corporate by the name of that University.

(2) Each University shall have perpetual succession and a common seal and shall sue and be sued by its name.

**4. Establishment of new Universities and alteration of the areas or names of Universities** —(1) With effect from such date as the State Government may by notification in the Gazette appoint in that behalf, there shall be established a University of Kumaun at Naini Tal and a University of Garhwal at Srinagar (District Garhwal) for the areas respectively specified in the Schedule.

---

1. Proviso added by U. P. Act No. 12 of 1978.

2. Substituted by U. P. Act No. 29 of 1974 for the words 'by the University or by a constituent, affiliated or associated college for imparting instruction or guiding or conducting research.'

<sup>1</sup>[(1-A) With effect from such date or dates as the State Government may by notification in the Gazette appoint in this behalf, there shall be established—

- (a) a University of Bundelkhand at Jhansi ;
- (b) a University of Avadh at Faizabad ; and
- (c) a University of Rohilkhand at Bareilly ;

for the areas respectively specified in the Schedule.

(1-B) in relation to the University to be established under sub-section (1-A)—

- (a) the State Government shall appoint interim officers of the Universities (other than the Chancellor) and shall constitute interim authorities of such Universities in such manner as it thinks fit ;

- <sup>2</sup>[(b) the officers appointed and members of the authorities constituted under clause (a) shall hold office upto 31 December, 1981<sup>3</sup>, or until the appointment of officers or the constitution of the authorities in accordance with clause (c) whichever be earlier ;]

<sup>4</sup>[Provided that the State Government may, by notification, extend the term of the members of such authorities for a period not exceeding one year.]

- (c) the State Government shall take steps for the appointment of officers and constitution of authorities of such Universities in accordance with the provisions of this Act, so that the same may be completed before the expiry of the respective terms of the interim officers and members under clause (b).]

(2) With effect from such date as the State Government may, by notification in the Gazette, appoint in that behalf the institution known as Kashi Vidyapith at Varanasi shall be deemed to be a University established under the provisions of this Act,

(3) As from the date appointed under sub-section (2)—

- (i) the society known as the Kashi Vidyapith, Varanasi shall be dissolved, and all property movable and immovable, and rights, powers and privileges of the society shall be transferred to and vest in the University and shall be applied to the objects and purposes for which the University is established ;
- (ii) all debts, liabilities and obligations of the said society shall be transferred to the University and shall thereafter be discharged and satisfied by it ;

1. Added by U. P. Act No 29 of 1974.

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

3. 1978 deleted and substituted by 1981 w.e.f. January 1, 1979 by U. P. Act No. 15 of 1980.

4. Added by U. P. Act No. 5 of 1977.

- (iii) all references in any enactment to the said society shall be construed as reference to the University ;
  - (iv) any will, deed or other document, whether made or executed before or after the commencement of this Act which contains any request, gift or trust in favour of the said society shall be construed as if the University was therein named instead of such society ;
  - (v) subject to the provisions of this Act, every person employed immediately before the said date in the said society shall with effect from that date, become an employee of the University by the same tenure and upon the same conditions of service or conditions as similar thereto as changed circumstances may permit, as he would have held under the said society, if such notification had not been issued.
- (4) The State Government may by notification in the Gazette.
- (a) increase the area of a University ;
  - (b) diminish the area of a University ; or
  - (c) alter the name of a University :

Provided that no such notification shall be issued except with the previous approval by resolution of both the Houses of the State Legislature.

(5) Any notification under this section may contain such provisions for the amendment of the Schedule, and the Statutes, Ordinances and Regulations of the University or Universities affected by such notification as may be necessary to give effect to the provisions of the notification, and thereupon the Schedule and such Statutes, Ordinances and Regulations shall stand amended accordingly.

(6) Without prejudice to the generality of the provisions of sub-section (5), any notification under this section may provide for the following matters namely—

- (a) provisions in respect of representation of various interests or classes of persons in the authorities of the University or Universities affected by the said notification;
- (b) provisions for exercise of option by registered graduates of any then existing University to continue to remain registered graduates of same University or to get registered with a newly established University so, however, that no person shall be registered graduate of more than one University;
- (c) such other supplemental, incidental and consequential provisions as the State Government may deem necessary.

*Explanation*—For the purposes of this Section and Section 5 ‘Kashi Vidyapith’ means the institution known as Kashi Vidyapith at Varanasi

established and administered by the Society known as Kashi Vidyapith registered under the Societies Registration Act 1860 (21 of 1860), in respect of which the Nirikshak Sabha of the said Society has passed a resolution on 28th May, 1972 requesting the State Government to take over the entire movable and immovable properties of the said institution and to convert it into a State University.

#### NOTE

Before Substitution Section 4 (1-B) (b) was as follows :—

'(b) the officers appointed and members of the authorities constituted under clause (a) shall hold office for a term of two years from the date of such appointment or constitution, as the case may be.'

**5. Territorial exercise of powers.**—(1) Save as otherwise provided by or under this Act, the powers conferred on each University (other than the Sampurnanand Sanskrit Vishvavidyalaya and the Kashi Vidyapith) shall be exercisable in respect of the area for the time being specified against it in the Schedule.

(2) The Sampurnanand Sanskrit Vishvavidyalaya may affiliate institutions situated in any part of the territory of India and recognize teachers of, and admit to its examinations candidates from such territory or abroad :

Provided that the Vishvavidyalaya shall not—

(a) affiliate an institution outside Uttar Pradesh; or

(b) recognize any teacher employed in an institution situated outside Uttar Pradesh and maintained by any Government;

except upon the recommendation of the Government concerned.

(3) Nothing in this Act relating to affiliation or recognition of colleges shall apply to the Kashi Vidyapith.

(4) Notwithstanding anything contained in sub-section (1), the powers conferred on the Kanpur University in respect of institution and research in the Ayurvedic and Unani systems of medicine and advancement and dissemination of knowledge thereof shall be exercisable throughout Uttar Pradesh.

<sup>1</sup>[(5) Notwithstanding anything contained in sub-section (1) the homoeopathic educational or instructional institutions throughout Uttar Pradesh may be affiliated to the University of Agra or the Kanpur University.]

**6. University open to all classes and creed.**—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 :

---

1. Inserted by Homoeopathic Medicine (Amendment) Act 1977, U. P. Act No. 14 of 1977.

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.

**7. Powers and duties of the University.**—The University shall have the following powers and duties, namely—

(1) to provide for instruction in such branches of learning as the University may think fit, and to make provision for research and for the advancement and dissemination of knowledge;

(2) to admit any college to the privileges of affiliation or recognition or to enlarge the privileges of any college already affiliated or recognised, as the case may be, or to withdraw or curtail any such privilege and to guide and control the work of affiliated and associated colleges ;

(3) to institute degrees, diplomas and other academic distinctions;

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

(a) have pursued a course of study in the University, a constituent college or an affiliated college, or associated college ; or

(b) have carried on research in the University or in an institution recognised in that behalf by the University or independently, under conditions laid down in the Statutes and the Ordinances; or

(c) have pursued a course of study by correspondence whether residing within the area of the University or not, and have been registered by the University, subject to such conditions as may be laid down in the Statutes and Ordinances as external candidates; or

(d) are teachers or other employees in the University or in an Institute or in a constituent or affiliated or associated college or in any other educational institutions under conditions laid down in the Statutes and the Ordinances or are inspecting officers permanently employed in the Department of Education of the State Government, and have carried on private studies under conditions laid down in the Statutes and the Ordinances; or

(e) are women residing within the area of the University and have carried on private studies under conditions laid down in the Statutes and Ordinances; or

(f) are blind and are residing within the area of the University and have carried on private studies under conditions laid down in the Statutes and the Ordinances;

(5) to hold examinations for and to grant the degree of Bachelor of Arts or Commerce or Master of Arts or Commerce to persons residing within the area of the University who have carried on private studies under conditions laid down in the Statutes and the Ordinances;

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

(7) to grant such diplomas to, and to provide such lectures and instructions for persons, not being students of the University, as the University may determine;

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

(9) to institute teaching posts required by the University and to appoint persons to such posts;

(10) to recognize teachers for giving instruction in halls;

(11) to lay down the conditions of affiliation or recognition of colleges and to satisfy itself by periodical inspection and otherwise that those conditions are satisfied;

(12) to institute and award scholarships, fellowships (including travelling fellowship), studentship and prizes in accordance with the Statutes and the Ordinances;

(13) to institute and maintain halls and hostels and to recognize places of residence for students of the University, the Institutes or the constituent or associated colleges affiliated; or

(14) to demand and receive such fees and other charges as may be fixed by the Ordinances;

(15) to supervise and control the residence and to regulate the discipline of students of the University, the Institute and the constituent or affiliated or associated colleges and to make arrangements for promoting their health;

(16) to create administrative, ministerial and other necessary posts and to make appointments thereto; and

(17) to do all such acts and things, whether incidental to the powers aforesaid or not, as may be requisite in order to further the objects of the University.

**17-A. Additional powers and duties of certain University.**—Upon being authorised by the State Government by notification under the Uttar Pradesh Homoeopathic Medicine Act, 1951, the University of Agra or the Kanpur University, as the case may be, shall—

(a) hold examinations for and grant diplomas in Homoeopathy;

---

1. Inserted by U. P. Homoeopathic Medicine (Amendment) Act 1977, U. P. Act No. 14 of 1977.

- (b) take over the functions of holding of examinations for courses prescribed by Board of Homoeopathic Medicine constituted under the said Act and granting diplomas and shall exercise and perform all the powers and functions of such Board under the said Act with respect to holding of such examinations and granting of diplomas.

### CHAPTER III INSPECTION AND INQUIRY

8. **Visitation.**—(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 or any constituent college or any Institute maintained by the University, including its buildings, libraries, laboratories, workshops and equipment and also of the examinations, teaching and other work conducted or done by the University or such colleges or Institute 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 or such college or such Institute.

(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 Registrar, and any person nominated by the Executive Council may be present at such inspection or inquiry as representative of the University and he shall have the right to be heard as such :

Provided that no legal practitioner shall appear, plead or act on behalf of the University 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 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],<sup>1</sup> and any proceeding before him or them 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 views of the State Govern-

---

1. Substituted by U. P. Act No. 5 of 1977. Originally, the words and figures were "Sections 480 and 482 of the Code of Criminal Procedure, 1898".