



The Uttar Pradesh Educational Institutions (Prevention of Dissipation of
Assets) Act, 1974
Act 3 of 1975

Keyword(s):
Institution, Management, Property

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THE UTTAR PRADESH EDUCATIONAL INSTITUTIONS
(PREVENTION OF DISSIPATION OF ASSETS)
ACT, 1974

(U. P. ACT NO. 3 OF 1975)

[Authoritative English Text* of the Uttar Pradesh Shaikshik Sansthan (Asthiyon
Ke Apavyaya Ka Niwaran) Adhiniyam, 1974]

AN
ACT

to provide for measures to prevent the dissipation of the assets of educational
institutions.

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

1. (1) This Act may be called the Uttar Pradesh Educational Institutions
(Prevention of Dissipation of Assets) Act, 1974. Short title and
extent.

(2) It extends to the whole of Uttar Pradesh.

2. In this Act, unless the context otherwise requires :—

Definitions.

(a) 'director' means the Director of Education (Higher Education)
or the Director of Education (Secondary Education), as the case may
be, and includes an Additional Director of Education, Joint Director of
Education, Deputy Director of Education, District Inspector of Schools
or a Regional Inspectress of Girls Schools, authorised by the Director
in this behalf ;

(b) 'institution', or 'educational institution' means an institution
recognised by the Board of High School and Intermediate Education,
Uttar Pradesh, or a degree college or a post-graduate college affiliated to
or recognised by a University established by or under an Uttar Pradesh
Act, but does not include an institution which is maintained by the
Central Government, the State Government or a local authority ;

(c) 'management', in relation to an institution, means the managing
committee or other body or person charged with managing the affairs of
that institution ;

(d) 'property', in relation to an institution, includes all immovable
properties belonging to or endowed wholly or purely for the benefit of the
institution, including lands, buildings and all other rights and interests
arising out of such property as may be in the ownership, possession, power
or control of the Management.

3. The management of every institution shall furnish to the Director
initially, within a period of three months from the date of commencement of
this Act, and thereafter annually by 30th day of September, an inventory of all
properties belonging to or endowed for purposes of the institution together with
such particulars as may be considered necessary by the Director in the form pres-
cribed by him. Submission of
inventory of pro-
perty.

4. (1) Notwithstanding, anything in any other law for the time being in
force, the management shall not incur any expenditure which is not in conform-
ity with the aims and objects of the educational institution or is so excessive
as to be disproportionate to the income thereof or is, for any other reasons,
such as no prudent management would deem fit to incur in the interest of the
institution, and which is not sanctioned under this Act. Prevention of
dissipation.

*(For Statement of Objects and Reasons, please see *Uttar Pradesh Gazette Extraordinary*
dated July 23, 1974.)

(Passed in Hindi by the Uttar Pradesh Legislative Assembly on August 7, 1974 and by
the Uttar Pradesh Legislative Council on August 14, 1974).

(Received the assent of the President on February 17, 1975, under Article 201 of the Consti-
tution of India and was published in the *Uttar Pradesh Gazette Extraordinary*, dated
March 3, 1975.

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(2) Without prejudice to the generality of provisions of sub-section (1), the Director may by general or special order prohibit the management from incurring any specified expenditure or expenditure on any specified item or any expenditure beyond a specified limit or except in accordance with specified conditions and restrictions on any specified item.

(3) (a) Where the management is of opinion that certain expenditure is necessary or expedient but the nature or amount of the expenditure is disproportionate to its income, the management shall not incur it without the prior sanction in writing of the Director.

Explanation—Any expenditure in respect of any item which is authorised by or under the Intermediate Education Act, 1921, the Uttar Pradesh High Schools and Intermediate Colleges (Payment of Salaries of Teachers and other Employees), Act, 1971, the Uttar Pradesh State Universities Act, 1973, or any rule, regulation or bye-law or any Statute or Ordinance made under any of these enactments, or under any order of the State Government or of the Director or under any decree of a court, if it is in accordance with the rules, norms or principles or within the limits prescribed by or under the aforesaid enactment, rule, regulation, bye-law, Statute, Ordinance, order or decree shall not require the sanction of the Director under this sub-section.

(b) The management shall not incur any expenditure which is prohibited under sub-section (2).

(4) (a) The Director shall, upon a representation being made to him against an order under sub-section (2) or upon an application for sanction being made to him under sub-section (3), and upon consideration of such matters and information as he may consider necessary, give his order expeditiously.

(b) On failure of the Director to pass his order within eight weeks from the date of receipt of the representation or application and such other documents or information as may be required by him in that behalf, his sanction to the expenditure proposed to be incurred by the management shall be deemed to have been granted.

(c) The Director may allow or refuse the representation or application in whole or in part.

(5) If the management be aggrieved against an order of the Director under sub-section (4) it may prefer an appeal to the State Government within thirty days from the date of communication of the order, and the decision of the State Government thereon shall be final.

Previous approval
necessary for
transfer of pro-
perty.

5. (1) Notwithstanding anything in any other law for the time being in force, no transfer of property belonging to or endowed for purposes of an educational institution shall be valid unless prior written sanction of the Director, on the ground of the transfer being necessary or beneficial to or expedient in the interest of the institution, has been obtained.

(2) The management, if aggrieved by an order of the Director refusing sanction under sub-section (1), may within thirty days from the date of communication thereof to it appeal against that order to the District Judge within whose jurisdiction the said institution or the property concerned lies, and the order of the District Judge in appeal shall be final.

Powers
Director.

6. For the purposes of an inquiry under sub-section (4) of section 4 or sub-section (1) of section 5, the Director shall have the following powers, namely :—

(a) by himself or with such assistance as he may deem fit, to enter the premises of any educational institution ;

(b) by himself or with such assistance as he may deem fit, to inspect all property belonging to, and all records and documents relating to the educational institutions ;

(c) to call for any reports, statements, accounts or other information relating to the funds, property or income of the institution at such time and place and in such form as he may direct ;

(d) to take or direct the management or any other person in charge of or having concern with the administration of the institution to take measures for the protection of the property of the institution ; and

(e) to direct the management or any other person in charge of or having concern with the administration of the institution to take measures for the recovery of any property lost to the institution.

7. If any member of the management of any educational institution or any other person in charge of or having concern with the administration of any such institution :— Penalty.

(a) refuses, neglect or fails to comply with the provisions of this Act, or the orders and directions issued thereunder or obstruct any proceedings taken under this Act ; or

(b) refuses, neglects or fails to furnish any reports, statements, accounts or other information called for under this Act,
such member or other person shall be punishable with imprisonment which may extend to one year or with fine or with both.

8. (1) No officer or servant of the State Government shall be liable in any civil or criminal proceedings in respect of any act done or purporting to be done in good faith in pursuance of this Act or any order made thereunder. Protection of action taken under this Act.

(2) No suit or other legal proceedings shall lie against the State Government for any damage caused or likely to be caused or any injury suffered or likely to be suffered by virtue of anything in good faith done or intended to be done in pursuance of this Act or any order made thereunder.