



The Uttar Pradesh State Council of Higher Education Act, 1995
Act 22 of 1995

Keyword(s):

College, Council, Fund, Higher Education, Institution of Higher Education, Member, University Grants Commission

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Dated Lucknow, August 25, 1995

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 Rajya Uchcha Shiksha Parishad Adhiniyam, 1995 (Uttar Pradesh Adhiniyam Sankhya 22 of 1995) as passed by the Uttar Pradesh Legislature and assented to by the Governor on August 25, 1995;

**THE UTTAR PRADESH STATE COUNCIL OF HIGHER EDUCATION
ACT, 1995**

(U. P. ACT No. 22 OF 1995), *Amended by*

[As passed by the Uttar Pradesh Legislature] 30/2007

AN
ACT

to provide for the establishment of a State Council of Higher Education in the State of Uttar Pradesh and for matters connected therewith and incidental thereto.

WHEREAS the National Policy on Education, 1986 of the Government of India contains recommendations that State level planning and co-ordination of higher education shall be done through the State Council of Higher Education;

AND WHEREAS the University Grants Commission constituted a committee to make recommendations regarding the setting up of State Councils of Higher Education as per the aforesaid National Policy;

AND WHEREAS the said committee recommended that there is a pressing need for an effective machinery for promotion and co-ordination of higher Education at the State level and co-ordination of State level programmes with those of the University Grants Commission;

AND WHEREAS the University Grants Commission has laid down the guidelines for setting up of State Councils of Higher Education as recommended by the said Committee;

AND WHEREAS the State Government has accordingly decided to establish a State Council of Higher Education as recommended in the National Policy on Education of the Government of India and by the University Grants Commission;

NOW, THEREFORE, it is hereby enacted in the [Forty-sixth] Year of the Republic of India as follows :—

1. (1) This Act may be called [the Uttar Pradesh State] Council of Higher Education Act, 1995.

Short title, commencement and application.

(2) It shall be deemed to have come into force on May 25, 1995.

(3) It shall apply to all the Universities and Colleges to which the Uttar Pradesh State Universities Act, 1973 applies.

2. In this Act—

Definitions.

(a) "college" means any institution maintained or recognized by the University to provide for the teaching necessary for admission to a degree of the University and includes an affiliated college, an associated college, an autonomous college and a constituent college;

(b) "Council" means the Uttar Pradesh State Council of Higher Education established under section 3;

(c) "Fund" means the fund of the Council referred to in section 15;

(d) "higher education" means education, whether professional, technical or otherwise, leading to the obtaining of any degree or diploma from any University;

(e) "institution of higher education" means an institution conducting any course of study in higher education, which is approved as such by the State Government;

(f) "member" means a member of the Council and includes the Chairman and the Member-Secretary;

(g) "regulations" means the regulations made by the Council under this Act;

(h) "University Grants Commission" means the University Grants Commission established under section 4 of the University Grants Commission Act, 1956;

(i) a word or expression defined in the Uttar Pradesh State Universities Act, 1973 used, but not defined herein, shall have the same meanings as is assigned to it in that Act.

3. (1) There shall be established a Council by the name "the Uttar Pradesh State Council of Higher Education."

Establishment of Council of Higher Education.

(2) The Council shall be a body corporate.

(3) The headquarters of the Council shall be at Lucknow.

4. The Council shall consist of the following members, namely :—

Constitution of Council.

(a) a Chairman, to be appointed by the State Government from amongst eminent academicians, who is or has been a Vice-Chancellor or a senior administrative officer, serving or retired, not below the rank of Additional Secretary to the Government of India, having aptitude and experience in the field of education;

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Secretary to the State ... Member Secretary
"(aa) two Vice-Chairman to be nominated by the State Government to resolve the issues of the representatives of public."

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(a) the Principal Secretary to Government in the Department of Planning.

(e) the Secretary or any other officer of the University Grants Commission not below the rank of a Joint Secretary nominated by the Chairman of the University Grants Commission;

(f) the Director of Higher Education, Uttar Pradesh ... Member

- (g) the Director of Technical Education Uttar Pradesh; ... *Member*
- (h) three persons nominated by the State Government from amongst the Vice-Chancellors of the Universities; ... *Members*
- (i) not more than three persons nominated by the State Government from amongst eminent academicians each in the field of Education, Engineering and Law; ... *Members*
- (j) one person co-opted by the Council from amongst the Principals of Colleges. ... *Member*
- (k) one person co-opted by the Council from amongst reputed industrialists whose contribution to the cause of higher education is significant, ... *Member*

Temporary association of persons with the Council for particular purpose.

5. The Council may associate with itself for any particular purpose any person whose assistance or advice it may desire in carrying out its work. A person associated with the Council for any particular purpose shall have a right to take part in the discussions relevant to that purpose but shall not have a right to vote at a meeting of the Council.

Disqualification for membership of Council.

6. A person shall be disqualified for being appointed as Chairman or for being nominated as a member of the Council or for being such Chairman or nominated member, if—

- (a) he is of unsound mind;
- (b) he is an undischarged insolvent;
- (c) he has been sentenced for any offence involving moral turpitude, punishable under any law with imprisonment such sentence not having been annulled and a period of five years has not elapsed from the date of expiration of the sentence;
- (d) he is a paid officer or employee of the Council; or
- (e) he incurs such other disqualifications as may be prescribed by the State Government.

Terms and conditions of service of Chairman and nominated members.

7. (1) The Chairman shall hold office for a term of three years and the nominated members and the co-opted member shall hold office for a term of one year and shall be eligible for re-appointment or re-nomination or co-option for a further term of three years, or one year, as the case may be:

Provided that if a person has attained the age of 65 years, he shall not be eligible for appointment or re-appointment as a Chairman of the Council.

(2) The Chairman or the nominated member or, co-opted member may, by writing under his hand addressed to the State Government or the Council as the case may be, resign his office but he shall continue to hold office until his resignation is accepted by the State Government or, as the case may be, by the Council.

(3) Subject to the provisions of this section, the other terms and conditions of service of the Chairman and the nominated members shall be such as may be prescribed.

(4) The Chairman shall exercise such powers and perform such functions as may be prescribed.

Powers and duties of Member-Secretary.

8. The Member-Secretary shall exercise the powers and perform the functions conferred or imposed on him under this Act and such other powers and functions as may be prescribed.

Removal from membership of Council.

9. If, at any time, it appears to the State Government that the Chairman or a nominated member or the co-opted member has shown himself to be unsuitable for office or has been guilty of mis-conduct or neglect which renders his removal expedient, the State Government may, after giving him a reasonable opportunity to show cause, by notification, remove the Chairman or such nominated or co-opted member, as the case may be, from the office.