



The Mohammad Ali Jauhar University Act, 2005
Act 19 of 2006

Keyword(s):

Academic Council, Board, Chancellor or Vice-Chancellor and Pro-Vice-Chancellor, Court, Department, Director/Principal, Employee, Executive, Faculty, Hostel, Institution, Records and Publications, Student, Teacher of the University, Trust, University

DISCLAIMER: This document is being furnished to you for your information by PRS Legislative Research (PRS). The contents of this document have been obtained from sources PRS believes to be reliable. These contents have not been independently verified, and PRS makes no representation or warranty as to the accuracy, completeness or correctness. In some cases the Principal Act and/or Amendment Act may not be available. Principal Acts may or may not include subsequent amendments. For authoritative text, please contact the relevant state department concerned or refer to the latest government publication or the gazette notification. Any person using this material should take their own professional and legal advice before acting on any information contained in this document. PRS or any persons connected with it do not accept any liability arising from the use of this document. PRS or any persons connected with it shall not be in any way responsible for any loss, damage, or distress to any person on account of any action taken or not taken on the basis of this document.

No. 710/VII-V-1-1(Ka)-17-2005

Dated Lucknow, June 19, 2006

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 Muhammad Ali Jauhar Vishwavidyalaya Adhiniyam, 2005 (Uttar Pradesh Adhiniyam Sankhya 19 of 2006) as passed by the Uttar Pradesh Legislature and assented to by the Governor on June 16, 2006.

THE MOHAMMAD ALI JAUHAR UNIVERSITY ACT, 2005

(U.P. Act NO 19 of 2006).

[As passed by the Uttar Pradesh Legislature]

AN

ACT

to establish and incorporate a Teaching University sponsored by Maulana Mohammad Ali Jauhar Trust at Rampur in Uttar Pradesh and to provide for matters connected therewith or incidental thereto.

IT IS HEREBY enacted in the Fifty-sixth Year of the Republic of India as follows:-

Short title, and commencement

1.(1) This Act may be called the Mohammad Ali Jauhar University Act, 2005.

(2) It shall come into force on such date as the State Government may, by notification, appoint in this behalf.

Definitions

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

(a) "Academic Council" means the Academic Council of the University ;

(b) "Board" means the Board of Studies and the Planning Board etc. of the University ;

(c) "Chancellor", "Vice-Chancellor" and "Pro-Vice-Chancellor" means respectively the Chancellor, the Vice-Chancellor and the Pro-Vice-Chancellor of the University ;

- (d) "Court" means the Court of the University;
- (e) "Department" means a Department of Studies, and includes a Center of Studies and Research;
- (f) "Director/Principal" means the Head of an Institution, College, School, Polytechnic and Industrial Training Institute or the person appointed for the purpose to act as such in his absence;
- (g) "Employee" means any person appointed by the University, and includes teachers and other staff of the University;
- (h) "Executive Council" means the Executive Council of the University;
- (i) "Faculty" means the Faculty of the University;
- (j) "Hostel" means Scholars/Students Hostel of the University;
- (k) "Institution" means an Academic Institution, established or maintained by the University;
- (l) "Prescribed" means prescribed by Statutes;
- (m) "Records and Publications" mean the Records and Publications of the University;
- (n) "Statutes", "Ordinances" and "Regulations" mean respectively, the Statutes, Ordinances and Regulations of the University made under this Act;
- (o) "Student" means, a student enrolled in the Register of the University;
- (p) "Teacher of the University" means a Professor, Reader, Lecturer or such other person as may be appointed for imparting education/instruction or conducting research in the University and designated as a Teacher by the Ordinances;
- (q) "Treasurer", "Registrar", "Deputy Registrar", "Finance Officer", "Controller of Examinations", "Librarian" and "Proctor" means respectively the Treasurer, the Registrar, the Deputy Registrar, Finance Officer, Controller of Examinations, Librarian and Proctor of the University;
- (r) "Trust" means Maulana Mohammad Ali Jauhar Trust, Lucknow, Uttar Pradesh registered under the Societies Registration Act, 1860;
- (s) "University" means the Mohammad Ali Jauhar University established under this Act by the Trust;
- (t) "Visitor" mean the Visitors of the University.

3.(1) There shall be established at Rampur in Uttar Pradesh a University by the Trust in the name of the Mohammad Ali Jauhar University.

The University

(2) The University, shall be a body corporate

4. The sponsoring body, the Trust shall, for the purposes of establishing the University under this Act, fulfil the following conditions, namely:-

Conditions for the establishment of the University

(a) duly possess with title rights for 30 years or more, minimum 50 acres or contiguous land earmarked for the University;

(b) construct on the land referred to in clause (a) buildings of at least 24,000 sq. meters carpet area, out of which at least 50 per cent shall be for academic and administrative purposes;

(c) make the Statutes and the Ordinances for the administration and functioning of the University;

(d) such other conditions as may be required by the State Government to be fulfilled before the establishment of the University.

5.(1) The University shall start operation only after the State Government issues to the Trust a letter of authorization for the commencement of the functioning of the University.

Starting of the University

(2) The State Government shall issue the letter of authorization on receipt of an unambiguous affidavit alongwith documents by the Trust to the effect that all conditions referred to in section 4 have been fulfilled.

Objects of the University

6.(1) The Objects of the University shall be,—

(i) to develop and promote the languages historically studied by Muslim *i.e.* Urdu, Arabic and Persian;

(ii) to bring the Muslim Minority into the main stream for his overall development as well as the development of down trodden of India by imparting all modern and classical education for their upliftment.

(iii) to provide instructions, teaching and training in Higher Education with provisions for research, advancement and dissemination of knowledge;

(iv) to create higher levels of intellectual abilities;

(v) to establish state of the art facilities for education and training;

(vi) to carry out teaching of research and offer continuing education programme;

(vii) to provide consultancy to the industry and public organization;

(viii) to establish main campus in Rampur for all or any of the objects of the University;

(ix) to Institute and award degrees, diplomas, certificates and other academic distinctions on the basis of examination, or any other method of evaluation;

(x) to ensure that the standard of the degrees, diplomas, certificates and other academic distinctions are not lower than those laid down by various regulatory agencies;

(xi) to pursue any other objective as may be approved by the State Government;

(xii) to impart and promote, the study of science and technology, medical management and other professional courses.

Powers of the University

7. The University shall have the following powers, namely:-

(a) to provide for instructions in such branches of learning as the University may, from time to time, determine and to make provision for research and for the advancement and dissemination of knowledge;

(b) to impart and promote the study of science, technology, medical, management and other professional courses including religious languages, culture, philosophy and distant educational programmes *etc.*;

(c) to grant, subject to such conditions as the University may determine, diplomas or certificates to, and confer degrees or other academic distinctions on the basis of examinations, evaluation or any other method of testing on persons, and to withdraw any such diplomas, certificates, degrees or other academic distinctions for good and sufficient cause;

(d) to confer honorary degrees or other distinctions in the manner prescribed by the Statutes;

(e) to provide instruction, including correspondence and such other courses, to such persons as are not members of the University, as it may determine;

(f) to institute Directorships, Principalships, Professorships, Readerships, Lecturerships and other teaching or academic posts required by the University and to make appointments for the same;

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

(h) to appoint/engage persons working in any other University or Organization having specific knowledge permanently or for a specified period;

(i) to co-operate, collaborate or associate with any other University or authority or Institution in such manner and for such purpose as the University may determine;

(j) to establish and maintain Schools, Institutions and such other Centers, Specialized Laboratories or other Units for research and instructions as are, in the opinion of the University, necessary for the furtherance of its objects;

(k) to institute and award fellowships, scholarships, studentships, medal and prizes;

(l) to establish and maintain Hostels for the students of the University;

(m) to make provision for research and advisory services, and for that purpose to enter into such arrangements with other institutions or bodies as the University may deem necessary;

(n) to declare a Center, an Institution, a Department, or School, as the case may be in accordance with the Statutes;

(o) to determine standards for admission to different courses of study in the University, which may include examination, evaluation or any other, method of testing;

(p) to demand and receive payment of fees and other charges;

(q) to supervise the residences of the students of the University and to make arrangements for promoting their health and general welfare;

(r) to make special arrangements in respect of women students as the University may consider desirable;

(s) to regulate and enforce discipline among the employees and students of the University and take such disciplinary measures in this regard as may be deemed necessary by the University;

(t) to make arrangements for promoting the health and general welfare of the employees of the University;

(u) to receive donations and to acquire, hold, manage and dispose of any property, movable or immovable, for the welfare of the University;

(v) to borrow, mortgage or hypothecate with the approval of the Executive Committee of the Trust, on the security of the property of the University, money for the purposes of the University;

(w) to do all such other acts and things as may be necessary, incidental or conducive to the attainment of all or any of the objects of the University.

8. The University shall be open to persons of either sex and of whatever race, creed, caste or class, and it shall not be lawful for the University to adopt or impose on any person any test whatsoever of religious belief or profession in order to entitle him to be admitted therein as a teacher, staff member student, or to hold any office therein or to graduate thereat :

Provided that nothing in this section shall be deemed to prevent the University from making appropriate provisions for reservation of persons belonging to Muslim Community which can not exceed more than fifty per cent.

University open to
all classes and
creeds

The Visitor

9.(1) The Visitor shall be appointed by the Trust itself.

(2) The Visitor shall have the right to visit the University or any centre institutions-Colleges; Schools, Polytechnics and Industrial Training Institute maintained by the University to ensure the standard of education, discipline, decorum and proper functioning of the University.

(3) The Visitor shall have the right to take any action in the cases of dispute referred to him by the Chancellor.

Officers of the University

10. The following shall be the officers of the University:-

(i) the Chancellor;

(ii) the Vice-Chancellor;

(iii) the Pro-Vice-Chancellor;

(iv) Directors/Head of the Institutions;

(v) the Registrar;

(vi) the Treasurer;

(vii) the Deans of Faculties;

(viii) the Dean of Students' Welfare;

(ix) the Proctor;

(x) the Finance Officer; and

(xi) such other Officers as may be declared by the Statutes to be officers of the University.

The Chancellor

11.(1) The Chairman of the Maulana Mohammad Ali Jauhar Trust (Registered) shall be the Chancellor of the University till such time as determined from time to time by the Trust.

(2) The Chancellor shall, by virtue of his office, be the Head of the University.

(3) The Chancellor shall, if present, preside at the Convocation of the University held for conferring degrees.

(4) Other powers and functions of the Chancellor shall be such as may be prescribed.

Vice-Chancellor

12.(1) The Vice-Chancellor shall be appointed by the Chancellor with the prior approval of the Trust for such period as may be prescribed.

(2) The Vice-Chancellor shall be the principal executive and academic officer of the University and shall be the Chairman of the Executive Council and the Academic Council of the University, and shall exercise general supervision and control over the affairs of the University and give effect to the decision of the authorities of the University.

(3) The Vice-Chancellor may, if he is of the opinion that immediate action is necessary on any matter, exercise any power conferred on any authority of the University by or under this Act and shall convey to such authority the action taken by him on such matters:

Provided that if the authority concerned is of the opinion that such action ought not to have been taken, it may refer the matter to the Chancellor whose decision thereon shall be final:

Provided further that any person in the service of the University who is aggrieved by the action taken by the Vice-Chancellor under this sub-section shall have the right to appeal against such action to the Chancellor within one month from the date on which a decision on such action is communicated to him and thereupon the Chancellor may confirm, modify or reverse the action taken by the Vice-Chancellor.

(4) The Vice-Chancellor shall exercise such other powers and perform such other functions as may be prescribed.

13.(1) The Pro-Vice-Chancellor shall be appointed by the Chancellor in Consultation with the Trust in such manner and shall exercise such powers and perform such duties as may be prescribed.

The Pro-Vice-Chancellor

(2) The Pro-Vice-Chancellor shall assist the Vice-Chancellor in discharging day to day functions as and when required by the Vice-Chancellor.

(3) The Pro-Vice-Chancellor shall hold office during the pleasure of the Chancellor.

14.(1) The Treasurer shall be appointed in such manner, and shall exercise such powers and perform such function as may be prescribed.

The Treasurer

(2) The Treasurer shall assist the Vice-Chancellor in all financial matters including annual budget, annual auditing, allocation of funds etc.

15.(1) The Registrar shall be appointed in such manner as may be prescribed.

Registrar

(2) The Registrar shall have the power to enter into agreements, sign documents and authenticate records on behalf of the University and shall exercise such other powers and perform such other function as may be prescribed.

(3) The Registrar shall be the *ex-officio* Secretary of Executive Council and Academic Council.

16. Every Dean of a Faculty shall be appointed in such manner and shall exercise such powers and perform such functions as may be prescribed.

Deans of Faculties

17.(1) The Finance Officer shall be appointed in such manner and shall exercise such powers and perform such functions as may be prescribed.

Finance Officer

(2) The Finance Officer shall be the *ex-officio* Secretary of Finance Committee.

18. The manner of appointment and power and duties of other officers of the University shall be such as may be prescribed.

Other Officers

19. The following shall be the authorities of the University:-

Authorities of the University

(i) the Court;

(ii) the Executive Council;

(iii) the Academic Council;

(iv) the Finance Committee,

(v) the Boards of Faculties;

(vi) the Admissions Committee;

(vii) the Examinations Committee;

(viii) the Selection Committees for appointment of teachers of the University;

(ix) the Planning Board; and

(x) such other authorities as may be declared by the Statutes to be the authorities of the University.

20. (1) The constitution of the court and the term of office of its members shall be such as may be prescribed.

The Court

(2) Subject to the provisions of this Act, the Court shall have the following powers and functions, namely:-

(a) to review, from time to time, the broad policies and programmes of the University and to suggest measures for the working, improvement and development of the University;

(b) to consider and pass resolutions on the Annual Report and the Annual Accounts of the University and the Audit Report on such accounts;

(c) to advise the Visitor in respect of any matter which may be referred to it for advice; and

(d) to perform such other functions as may be prescribed.

The Council
Executives

21.(1) The Executive Council shall be the Principal Executive Body of the University,

(2) The constitution of the Executive Council, the term of office of its members and its powers and duties shall be such as may be prescribed.

The Academic
Council

22.(1) The Academic Council shall be the principal academic body of the University and shall, subject to the provisions of this Act, the Statutes, co-ordinate and exercise general Supervision over the academic function, business and activity of the University.

(2) The constitution of the Academic Council, the term of office of its members and its powers and duties shall be such as may be prescribed.

The Finance
Committee

23. (1) The Finance Committee shall be the Principal financial body of the University to take care of the financial matter.

(2) The constitution, powers and functions of the Finance Committee shall be such as may be prescribed.

Planning Board

24. (1) The Planning Board shall be the Principal Planning Body of the University.

(2) The constitution of the Planning Board, term of office of its members and its other powers and duties shall be such as may be prescribed.

Faculty and other
authorities of the
University

25. The constitution, powers and functions of the Boards of Faculties, the Admission committee, the examination committee and of such other authorities as may be declared by the Statutes to be authorities of the University, shall be such as may be prescribed.

Power to make
statutes

26. Subject to the provisions of this Act, the Statutes may provide for all or any of the following matters, namely:-

(a) the Trust may with the approval of the Chancellor make the statutes;

(b) the constitution, powers and functions of the authorities and other bodies of the University, as may be constituted from time to time;

(c) the election and continuance in office of the members of the said authorities, filling of vacancies of members, and all other matters relating to those authorities for which it may be necessary or desirable to provide;

(d) the appointment, powers and duties of the teachers and other officials of the University and their emoluments;

(e) the appointment of teachers of the University and other academic and administrative staff and their emoluments;

(f) the engagement of teachers and other academic and administrative staff working in any other University or Institution for a specific period for undertaking a joint project;

(g) the conditions of service of employees including provision for pension, insurance and provident funds etc., the administrative control and the manner of termination of service and other disciplinary action etc.;

(h) the procedure for settlement of disputes between employees or students and the University;

(i) the conferment of honorary degrees;

(j) the withdrawal of degrees, diplomas, certificates and other academic distinctions;

(k) the institution of fellowships, scholarships, studentships, medals and prizes;

(l) the maintenance of discipline amongst the students;

(m) the establishment and abolition of Faculties, Departments, Centers and other constituent Institutions/Colleges etc.

(n) the delegation of powers vested in the authorities or officers of the University; and

(o) all other matters which may by this Act are to be, or may be, prescribed.

27. Subject to the provisions of this Act and the Statutes, the Ordinances shall be made by the Executive Council with the prior approval of the Chancellor which may provide for all or any of the following matters, namely:-

Power to make Ordinances

(a) the admission of students to the University and their enrolment as such;

(b) the courses of study to be laid down for all degrees, diplomas and certificates of the University;

(c) the medium of instruction and examination;

(d) the award of degrees, diplomas, certificates and other academic distinctions, the qualifications for the same and the means to be taken relating to the granting and obtaining of the same;

(e) the fees to be charged for courses of study in the University and for admission to the examinations, degrees, diplomas and certificates of the University;

(f) the conditions for the award of fellowships, scholarships, studentships, medals and prizes;

(g) the conduct of examinations, including the term of office and manner of appointment and the duties of examining bodies, examiners and moderators;

(h) the conditions of residence of the students of the University;

(i) the special arrangements, if any, which may be made for the residence, discipline and teaching of women students and the prescribing of special courses of studies for them within the University;

(j) the appointment and emoluments of employees other than those for whom provision has been made in the Statutes;

(k) the establishment of Centers of Studies, Boards of Studies, Interdisciplinary Studies, Special Centers, Specialized Laboratories and other Committees;

(l) the manner of co-operation and collaboration with other universities and authorities including learned bodies or associations;

(m) the creation, composition and functions of any other body which is considered necessary for improving the academic life of the University;

(n) the remuneration to be paid to the examiners, moderators, invigilators and tabulators;

(o) Such other terms and conditions of service of teachers and other academic staff as are not prescribed by the Statutes;

Annual Report

28.(1) The annual report of the University shall be prepared under the direction of the Executive Council and shall be submitted to the Court on or after such date as may be prescribed by the Statutes and the Court shall consider the report in its annual meeting.

(2) The Court shall submit the annual report to the Chancellor along with its comments, if any.

Annual Accounts

29.(1) The annual accounts and balance-sheet of the University shall be prepared under the directions of the Executive Council and shall, once at least every year and at intervals of not more than fifteen months, be audited by an experienced and qualified firm of Chartered Accountant of repute.

(2) A copy of the annual accounts, together with the audit report thereon, shall be submitted to the Court and the Chancellor along with the observations of the Executive Council.

(3) Any observations made by the Chancellor on the Annual accounts shall be brought to the notice of the Court and the Executive Council and the observations, if any, shall, after being reviewed by the Executive Council, be submitted to the Chancellor.

Conditions of service of employees

30.(1) Every employee of the University shall be appointed, engaged as per provision of the Statutes.

(2) Any dispute arising between the University and any of the employees appointed substantively, shall be referred to the Executive Council of the University who shall decide the dispute within three months from the date of its reference after affording an opportunity to the employee of being heard.

(3) The aggrieved employee, may file an appeal against the order of the Executive Council to the Chancellor of the University.

(4) Any dispute in respect of any employee engaged temporarily or on *ad hoc* or part time or casual basis shall be heard and decided finally by the head of the concerned department.

(5) The decision of the Chancellor shall be final and no suit shall lie in any court in respect of the matters decided by the Chancellor of the University.

Right to Appeal

31.(1) Any student or candidate for an examination whose name has been removed from the rolls of the University by the orders/resolution of the academic Council, Proctorial Board or Controller of Examination, as the case may be, and who has been debarred from appearing at the examinations of the University for more than one year, may, within ten days of the date of receipt of such orders or copy of such resolution by him in writing, appeal to the Vice-Chancellor who may confirm, modify or reverse the decision to the aforesaid authorities or the concerned Committee, as the case may be.

(2) Any decision by the Vice-Chancellor shall be final

32. The University may constitute for the benefit of its employees such pension or provident fund or provide such insurance schemes as it may deem fit in such manner and subject to such conditions as may be prescribed.

Employees
Provident fund
and pensions

33. If any question arises as to whether any person has been duly nominated or appointed as, or is entitled to be, a member or an authority or other body of the University, the matter shall be referred to the Chancellor whose decision thereon shall be final.

Disputes as to
constitution of
University and
Bodies

34. Where any authority of the University is given power by this Act or the Statutes to appoint Committees, such Committees shall, save as otherwise provided, consist of the members of the authority concerned and of such other persons as the authority in each case may think fit.

Constitution of
Committees

35. All vacancies among the members (other than *ex-officio* members) of any authority or other body of the University shall be filled, as soon as may be convenient by the person or body who appointed, nominated or co-opted the members whose place has become vacant. The person appointed or co-opted to such vacancy shall be a member of such authority or body for the remaining term for which he has been appointed or co-opted.

Filling of the
Vacancies

36. No act or proceedings of any authority or other body of the University shall be invalid merely by reason of the existence of a vacancy or vacancies among its members.

Invalidity of
Proceedings

37. No suit or other legal proceedings shall lie against any body, Officer or Employee of the University for anything which is done in good faith or intended to be done in pursuance of any of the provisions of this Act, the Statutes or the Ordinances.

Bar of Suit

38. A copy of any receipt, application, notice, order, proceeding, resolution of any authority or Committee of the University or other documents in possession of the University, if certified by the Registrar, shall be received as *prima-facie* evidence of such receipt, application, notice, order, proceeding or resolution, documents or the existence of entry in the register and shall be admitted as evidence of the matters and transaction therein where the original thereof would, if produced have been admissible in evidence.

Mode of proof of
University record

39.(1) Every Statute or Ordinance made under this Act, shall be made available in printed form.

Publication of
Statutes and
Ordinances

(2) Every Statute or Ordinance made under this Act shall be enforced as soon as it is made, by the Competent Authority.

40.(1) The University shall establish a permanent endowment fund of at least rupees Ten Lacs which may be increased by notification issued in this behalf by the State Government from time to time.

Permanent
Endowment Fund

(2) The University shall have the power to invest the permanent endowment fund in such manner as may be prescribed.

(3) The University may transfer any amount from the general fund or the development fund to the permanent endowment fund.

(4) Any amount exceeding the minimum amount specified in sub-section (1) may be withdrawn from the permanent endowment fund by the University for the purposes of development of the University.

41.(1) The University shall establish a general fund to which the following amount shall be credited, namely:-

General Fund

(a) all fees which may be charged by the University;

(b) all sums received from any other source;

(c) all contributions made by the Trust; and

(d) all contributions made in this behalf by any other person or body which are not prohibited by any law for the time being in force.

(2) The moneys credited to the general fund shall be applied to meet all the recurring expenditure of the University.

Development
Fund

42.(1) The University shall also establish a development fund to which following moneys shall be credited, namely:-

(a) development fees which may be charged from students;

(b) all sums received from any other source for the purposes of the development of the University;

(c) all contributions made by the Trust;

(d) all contributions made in this behalf by any other person or body which are not prohibited by any law for the time being enforce; and

(e) all incomes received from the permanent endowment fund.

(2) The moneys credited to the development fund from time to time shall be utilized for the development of the University.

Maintenance of
Fund

43. The funds established under sections 40, 41 and 42 shall, subject to general supervision and control of the Court, be regulated and maintained in such manner as may be prescribed.

Fees

44. The fees charged for different academic programmes shall be in accordance with laws for the time being in force.

Power of the State
Government

45. The State Government shall have the following powers also, namely:-

(a) to issue direction with respect to any matter required to be done by the University by or under this Act or the Statutes or the Ordinances made thereunder ;

(b) to order framing of Statutes on any subject.

Dissolution of
University

46.(1) If the University proposes its dissolution in accordance with the law governing its constitutions or incorporation, it shall give atleast six month written notice to the State Government.

(2) On receipt of notice refered to in sub-section (1), the State Government shall made such arrangements for administration of the University from the date of dissolution of the University and until the last batch of students in regular courses of studies of the University complete their courses of studies in such manner as may be prescribed.

Expenditure of the
University during
dissolution

47.(1) The expenditure for administration of the University during the taking over the liabilities of the University under section 46 shall be met out of the permanent endowment fund, the general fund and the development fund.

(2) If the funds referred to sub-section (1) are not sufficient to meet the expenditure of the University during the taking over the liabilities of the University such expenditure may be met by disposing of the properties or assets of the University by the State Government.

De-recognition of
the University by
the State
Government

48.(1) Where the State Government is satisfied that the University is not functioning in accordance with the provisions of this Act on receipt of a complaint with respect to mismanagement of the University, it shall require the University to show cause within such time which shall not be less than two months, as to why the University should not be de-recognized.

(2) If, upon receipt of the reply of the University to the notice given under sub-section (1) the State Government is satisfied that a *prima facie* case of mismanagement or violation of the provisions of this Act, the Rules, the Statutes, the Ordinances thereunder is made out, it shall order such enquiry as it deems necessary.

(3) For the purposes of an inquiry under sub-section (2), the State Government shall, by notification, appoint any officer or authority as the enquiring authority to enquire into and report upon the allegations of mismanagement, violation of the provisions of this Act, the Statutes, the Ordinances or any direction issued thereunder.

(4) Where the State Government considers it necessary or expedient to suspend the Court for the purpose of an inquiry with respect to the affairs of the University, it may, by notification, order the suspension of the Court as the case may be, and make such arrangement for the administration of the University as it considers necessary till the conclusion of the inquiry.

(5) Every inquiring authority appointed under sub-section (3) shall, while performing its functions under this Act have all the powers of a Civil Court under the Code of Civil Procedure, 1908 trying a suit and in particular in respect of the following matters, namely:-

- (a) summoning and enforcing the attendance of any witness and examining him on oath;
- (b) requiring the discovery and production of any document;
- (c) requisitioning any public record or copy thereof from any office;
- (d) receiving evidence on affidavits;
- (e) any other matter which may be prescribed.

(6) If, upon receipt of the inquiry report, the State Government is satisfied that the University has been mismanaged or has violated provisions of this Act, such findings by State Government should be placed before both Houses of the State Legislatures and shall have to be passed with two third majority of the total membership of the Houses, after that a notification regarding this may be issued.

49. The State Government may issue such directions from time to time to the University on policy matters not inconsistent with the provisions of this Act as it may deem necessary. Such directions shall be complied with by the University.

Powers of the State Government to issue directions on policy matters

50.(1) The State Government may for the purposes of removing any difficulties, particularly in relation to the transition from the provisions of the Uttar Pradesh State Universities Act, 1973 to the provisions of this Act, direct that the provisions of this Act shall during such period as may be specified in the order, have effect subject to such adaptations, whether by way of modification addition or omission as it may deem necessary or expedient:

Power to remove difficulties

Provided that no such order shall be made after two years from the date of commencement of this Act.

(2) Every order made under sub-section (1) shall be laid before both the Houses of the State Legislature as soon as may be after it is made.

(3) No order made under sub-section (1) shall be called in question in any Court on the ground that no difficulty as is referred to in that sub-section existed or was required to be removed.

STATEMENT OF OBJECTS AND REASONS

Urdu languages is spoken as mother tongue by a particular section of the society of Uttar Pradesh. The Urdu language is required to be developed in such a way that any person of the society may continue their study to the higher stage of learning in Urdu literature including Arabi and Farasi languages. There is no University under the control of State wherein higher study or Urdu, Arabi and Farasi language and research therein could be facilitated to the persons who are interested in Urdu, Arabi or Farasi language. The Maulana Mohammad Ali Jauhar Trust, Lucknow has sponsored for the establishment of such University. It has, therefore, been decided to establish a University sponsored by the said Trust to be known as Mohd. Ali Jauhar University at Rampur in the State of Uttar Pradesh to provide advance knowledge and wisdom and understanding by teaching and research in Urdu, Arabi and Farasi languages to the scholar.

The Mohd. Ali Jauhar University Bill, 2005 is introduced accordingly.

By order,
RAM HARI VIJAY TRIPATHI
Pramukh Sachiv.