



The Intermediate Education (Amendment) Act, 1980

Act 29 of 1972

Keyword(s):

Institution, Management Committee, Education, Library, Employee, Intermediate

Amendments appended: 1 of 1981, 9 of 1981, 6 of 1984, 18 of 1987, 16 of 2008

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विधान पुस्तकालय

(राजकीय प्रकाशन)

उत्तर प्रदेश, लखनऊ

इन्टरमीडिएट शिक्षा (संशोधन) अधिनियम, 1972

(उत्तर प्रदेश अधिनियम संख्या 29, 1972)

[उत्तर प्रदेश विधान सभा ने दिनांक 5 जनवरी, 1972 ई० तथा उत्तर प्रदेश विधान परिषद् ने दिनांक 11 जनवरी, 1972 ई० की बैठक में स्वीकृत किया ।]

['भारत का संविधान' के अनुच्छेद 201 के अन्तर्गत राष्ट्रपति ने दिनांक 29 जून, 1972 ई० को स्वीकृति प्रदान की तथा उत्तर प्रदेशीय सरकारी असाधारण गजट में दिनांक 3 जुलाई, 1972 ई० को प्रकाशित हुआ ।]

इन्टरमीडिएट शिक्षा अधिनियम, 1921 में अग्रेतर संशोधन करने के लिये

अधिनियम

संयुक्त प्रान्त
अधिनियम संख्या
2, 1921

भारत गणराज्य के बाईसवें वर्ष में निम्नलिखित अधिनियम बनाया जाता है :—

- 1—यह अधिनियम इन्टरमीडिएट शिक्षा (संशोधन) अधिनियम, 1972 कहलायेगा ।
- 2—इन्टरमीडिएट शिक्षा अधिनियम, 1921 (जिसे एतद्पश्चात् 'मूल अधिनियम' कहा गया है) की धारा 16-घ में —

(क) उपधारा (4) में, उसके प्रथम प्रतिबन्धात्मक खण्ड और उसके ठीक पूर्ववर्ती पैरा के स्थान पर निम्नलिखित पैरा तथा प्रतिबन्धात्मक खण्ड रख दिये जायें, अर्थात्—

संक्षिप्त नाम

संयुक्त प्रान्त
अधिनियम संख्या
2, 1921 की
धारा 16-घ का
संशोधन

"ऐसा आदेश दिये जाने की अवधि प्रथमतः एक वर्ष से अधिक की न होगी :

प्रतिबन्ध यह है कि यदि राज्य सरकार की यह राय हो कि किसी संस्था के उचित प्रबन्ध को अनवरत रूप से सुनिश्चित करने के लिये ऐसा करना इष्टकर है, तो वह समय-समय पर आदेश का प्रवर्तन ऐसी अवधि के लिये, जो एक बार में एक वर्ष से अधिक न हो, जिसे वह निर्दिष्ट करे, बढ़ा सकती है, किन्तु इस प्रकार कि उक्त आदेश के प्रवर्तन की कुल अवधि, जिसके अन्तर्गत इस उपधारा के अधीन प्रारम्भिक आदेश में निर्दिष्ट अवधि भी है, पांच वर्ष से अधिक न हो :

अग्रेतर प्रतिबन्ध यह है कि राज्य सरकार ऐसे आदेश को किसी भी समय विरुद्धित कर सकती है ;";

[उद्देश्य और कारणों के विवरण के लिये कृपया दिनांक 30 अगस्त, 1971 ई० का सरकारी असाधारण गजट देखिये ।]

(ख) उपधारा (5) में शब्द, "उक्त संस्था के ले न लिये जाने" के स्थान पर शब्द "आदेश न दिये जाने" रख दिये जायं, तथा निम्नलिखित को उसके प्रतिबन्धात्मक लच्छ के रूप में बढ़ा दिया जाय, अर्थात्—

"प्रतिबन्ध यह है कि इस उपधारा की किसी बात से यह नहीं समझा जायेगा कि इससे प्राधिकृत नियन्त्रक को किसी ऐसी सम्पत्ति का (प्रबन्ध के सामान्य क्रम में माह प्रति माह किराये पर देने के सिवाय) अन्तरण करने या उसे भारित करने (सिवाय राज्य सरकार से संस्था के लिये कोई सहायता अनुदान प्राप्त करने की शर्त के रूप में) का अधिकार प्राप्त होता है।";

(ग) उपधारा (5) के पश्चात् निम्नलिखित उपधारायें बढ़ा दी जायं, अर्थात् :—

"(5-क) यदि उपधारा (4) में अभिदिष्ट सिफारिश प्राप्त होने पर राज्य सरकार का उस उपधारा के पैरा (क) अथवा पैरा (ख) में उल्लिखित परिस्थितियों के विद्यमान होने का समाधान हो जाय और यह भी समाधान हो जाय कि विशेष और अपवाधिक कारणों से, जो अभिलिखित किये जायेंगे, उस उपधारा के अधीन कार्यवाही करना पर्याप्त रूप से प्रभावकारी नहीं होगा और संस्था के हित में यह आवश्यक है कि उसका प्रबन्ध तुरन्त एक प्राधिकृत नियन्त्रक को सौंपा जाय, तो राज्य सरकार आदेश द्वारा ऐसी अवधि के लिये जो आदेश में निर्दिष्ट की जायं प्राधिकृत नियन्त्रक को नियुक्ति कर सकती है और वह प्राधिकृत नियन्त्रक प्रबन्धाधिकरण या ऐसे किसी व्यक्ति का अपवर्जन करते हुये संस्था का प्रबन्ध, जिसमें संस्था की भूमि, भवनों, निधियों तथा संस्था के या उसमें निहित अन्य परिसम्पत्ति का प्रबन्ध सम्मिलित है, अपने हाथ में ले सकता है और जब भी कभी प्राधिकृत नियन्त्रक द्वारा इस प्रकार प्रबन्ध अपने हाथ में ले लिया जाय, उसे, केवल ऐसे प्रतिबन्धों के अधीन रहते हुये जो राज्य सरकार आरोपित करे, संस्था के प्रबन्ध में वे सब अधिकार और प्राधिकार प्राप्त होंगे जो इस उपधारा के या उपधारा (4) के अधीन आदेश न दिये जाने की वशा में उक्त संस्था के प्रबन्धाधिकरण को प्राप्त होते।

(5-ख) उपधारा (5) या उपधारा (5-क) के अधीन दिये गये किसी आदेश की अवधि प्रथमतः एक वर्ष से अधिक की न होगी :

प्रतिबन्ध यह है कि यदि राज्य सरकार की यह राय हो कि किसी संस्था के और ऐसी संस्था की या उसमें निहित सम्पत्ति के उचित प्रबन्ध को अनवरत रूप से सुनिश्चित करने के लिये ऐसा करना इष्टकर है, तो वह समय-समय पर आदेश का प्रवर्तन ऐसी अवधि के लिये, जो एक बार में एक वर्ष से अधिक न हो, जिसे वह निर्दिष्ट करे, बढ़ा सकती है किन्तु इस प्रकार कि उक्त आदेश के प्रवर्तन की कुल अवधि, जिसके अन्तर्गत उपधारा (5) या उपधारा (5-क) के अधीन प्रारम्भिक आदेश में निर्दिष्ट अवधि भी है, पांच वर्ष से अधिक न हो :

प्रतिबन्ध यह भी है कि यदि पांच वर्ष की उपरोक्त अवधि की समाप्ति के समय संस्था का कोई प्रबन्धाधिकरण बंध रूप से संगठित न हो तो प्राधिकृत नियन्त्रक तब तक संस्था का प्रबन्ध अपने हाथ में रखे रहेगा जब तक राज्य सरकार का समाधान न हो जाय कि बंध रूप से प्रबन्धाधिकरण का संघटन हो गया है :

अग्रेतर प्रतिबन्ध यह है कि राज्य सरकार ऐसे आदेश को किसी भी समय विलुप्त कर सकती है।";

(घ) उपधारा (6) में शब्द "उपधारा (4) के खंड (1)" के बाद शब्द "या उपधारा (5) या उपधारा (5-क)" बढ़ा दिये जायं।

(ङ) उपधारा (7) के स्थान पर निम्नलिखित उपधारा रख दी जाय, अर्थात् :—

"(7) संस्था के प्रबन्ध तथा नियन्त्रण से सम्बन्धित (जिसके अन्तर्गत कोई प्रशासन योजना भी है) अथवा संस्था की या उसमें निहित सम्पत्ति से सम्बन्धित किसी अन्य अधिनियमिता या संलेख में दी गई किसी बात के असंगत होते हुये भी उपधारा (4) या उपधारा (5) या उपधारा (5-क) के अधीन दिया गया कोई आदेश या निर्देश प्रभावी होगा।"

(च) उपधारा (8) में शब्द "उपधारा (4) या उपधारा (5)" के स्थान पर शब्द "उपधारा (4), उपधारा (5) या उपधारा (5-क)" रख दिये जायं ;

बंधीकरण

3—किसी भी न्यायालय या अन्य प्राधिकरण के किसी निर्णय, डिक्री या आदेश में किसी प्रतिकूल बात के होते हुए भी, इस अधिनियम के प्रारम्भ होने के पूर्व मूल अधिनियम की धारा 16-घ के अधीन दिया गया या दिये जाने के लिए तात्पर्यित प्रत्येक आदेश इस अधिनियम द्वारा यथा संशोधित उक्त धारा के अधीन दिया गया समझा जायेगा और उसका इसी प्रकार निर्वहन किया जायेगा और बंध तथा प्रभावी समझा जायेगा और सदैव से ही बंध तथा प्रभावी समझा जायेगा मानो इस अधिनियम के उपबन्ध सभी सारवान अवसरों पर प्रवृत्त थे, और तदनुसार, उक्त धारा के अधीन राज्य सरकार द्वारा अथवा ऐसे व्यक्ति द्वारा, जो प्राधिकृत नियन्त्रक का कार्य करें या करने के लिये तात्पर्यित हो, किया गया कोई कार्य या की गई कोई कार्यवाही विधि के प्राधिकार से किया गया या की गई और सदैव से किया गया या की गई समझी जायेगी।

No. 376(2)/XVII-V-1—121-78

Dated Lucknow, February 11, 1981

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 Intermediate Shiksha (Sanshodhan) Adhiniyam, 1980 (Uttar Pradesh Adhiniyam Sankhya 1 of 1981) as passed by the Uttar Pradesh Legislature and assented to by the President on February 4, 1981 :

THE INTERMEDIATE EDUCATION (AMENDMENT) ACT, 1980

[U. P. ACT NO. 1 OF 1981]

(As passed by the Uttar Pradesh Legislature)

AN

ACT

further to amend the Intermediate Education Act, 1921

IT IS HEREBY enacted in the Thirty-first Year of the Republic of India as follows :—

1. This Act may be called the Intermediate Education (Amendment) Act, 1980. Short title.
2. In section 2 of the Intermediate Education Act, 1921, hereinafter referred to as the principal Act, in clause (aaa), the words "and except for purposes of section 3, includes an Additional Director of Education" shall be inserted at the end. Amendment of section 2 of U.P. Act II of 1921.
3. In section 16-A of the principal Act, after sub-section (6), the following sub-section shall be inserted, namely :— Amendment of section 16-A.

"(7) Whenever there is dispute with respect to the Management of an institution, persons found by the Regional Deputy Director of Education, upon such enquiry as is deemed fit to be in actual control of its affairs may, for purposes of this Act, be recognised to constitute the Committee of Management of such institution until a court of competent jurisdiction directs otherwise :

Provided that the Regional Deputy Director of Education shall, before making an order under this sub-section, afford reasonable opportunity to the rival claimants to make representations in writing.

Explanation—In determining the question as to who is in actual control of the affairs of the institution, the Regional Deputy Director of Education shall have regard to the control over the funds of the institution and over the administration, the receipt of income from its properties, the Scheme of Administration approved under sub-section (5) and other relevant circumstances."
4. In section 16-B of the principal Act, in sub-section (3), for the words "clause (a) or (b) of sub-section (3) of section 16-D" the words "sub-section (3) of section 16-D" shall be substituted. Amendment of section 16-B.
5. In section 16-C of the principal Act, in sub-section (1), for the words "Subject to the regulations governing the principles for according approval to the Scheme of Administration", the words "Subject to the provisions of this Act" shall be substituted. Amendment of section 16-C.
6. For section 16-D of the principal Act, the following sections shall be substituted, namely :— Insertion of sections 16-CC, 16-CCC and 16-DD and substitution of section 16-D.

"16-CC. The Scheme of Administration in relation to any institution, whether recognised before or after the commencement of the Intermediate Education (Amendment) Act, 1980, shall not be inconsistent with the principles laid down in the Third Schedule.

16-CCC. (1) Where in relation to any institution, the Scheme of Administration has been or deemed to have been approved under section 16-A, or section 16-B or section 16-C, at any time before the commencement of the Intermediate Education (Amendment) Act, 1980, and such Scheme of Administration is inconsistent with the provisions of this Act, the Director shall send, within a period of six months from such commencement, a notice to such institution suggesting any alteration or modification therein and requiring the institution to submit a fresh Scheme of Administration or to amend or alter the existing Scheme.

(2) While making any suggestion in the Scheme of Administration under sub-section (1), the Director shall give his reasons therefor and shall also afford an opportunity to the institution to make a representation within such period as may be specified in the notice.

(3) The Director shall consider any representation made in accordance with sub-section (2) and may approve the Scheme of Administration in its original form or subject to any alteration or modification suggested under sub-section (1) or with any other changes as may appear to him to be just and proper :

Provided that where the Director proposes to make any new alteration or modification in the Scheme of Administration, he shall give an opportunity to the institution to make a representation within such period as may be specified by him.

16-D. (1) The Director may cause a recognised institution to be inspected from time to time.

(2) The Director may direct a management to remove any defect or deficiency found on inspection or otherwise.

(3) In on the receipt of information or otherwise, the Director is satisfied that—

(i) the Committee of Management of an institution has failed to comply with the judgment of any court or any direction made under this Act or any other law for the time being in force ; or

(ii) the Committee has failed to appoint teaching staff possessing such qualifications as are necessary for the purpose of ensuring the maintenance of academic standard in the institution or has appointed or retained in service any teaching or non-teaching staff in contravention of the provisions of this Act or the Regulations ; or

(iii) any dispute with respect to the right claimed by different persons to be lawful office-bearers of the Committee of Management has affected the smooth and orderly administration of the institution concerned ; or

(iv) the Committee has persistently failed to provide the institution with such adequate and proper accommodation, library, furniture, stationery, laboratory equipment or other facilities as are necessary for the efficient administration of such institution ; or

(v) the Committee has substantially diverted, misapplied or misappropriated the property of the institution to its detriment or has transferred any property in contravention of the provisions of the Uttar Pradesh Educational Institutions (Prevention of Dissipation of Assets) Act, 1974 ; or

(vi) the draft of the Scheme of Administration has not been submitted within the time allowed therefor under section 16-B, or that the Management of the institution is being conducted otherwise than in accordance with the Scheme of Administration or the affairs of the institution are being otherwise mis-managed ;

(vii) the Scheme of Administration in relation to an institution, approved before the commencement of the Intermediate Education (Amendment) Act, 1980, is inconsistent with the provisions of this Act and the management of the institution has failed to alter or modify it within a reasonable time despite notice under section 16-CCC ;

he may refer the case to the Board for withdrawal of recognition of such institution, or issue notice to the Committee of Management to show cause within thirty days from the date of receipt of such notice why an order under sub-section (4) should not be made.

(4) Where the Committee of Management of an institution fails to show cause within the time allowed under sub-section (3) or within such extended time as the Director may from time to time allow, or where the Director is, after considering the cause shown by the Committee of Management, satisfied that any of the grounds mentioned in sub-

U. P.
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section (3) exists, he may, recommend to the State Government to appoint an Authorised Controller for that institution, and thereupon, the State Government may, by order, for reasons to be recorded, 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 such institution and its properties :

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 institution and its properties, 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, but excluding the period specified in sub-section (8), does not exceed five years :

Provided further that if at the expiration of the said period of five years, there is no lawfully constituted Committee of Management of the institution, the Authorised Controller shall continue to function as such, until the State Government is satisfied that a Committee of Management has been lawfully constituted.

(5) If on the receipt of information or otherwise, the State Government is of opinion that in relation to an institution the ground mentioned in clause (iii) or clause (v) of sub-section (3) exists, and that the interest of the institution calls for immediate action, it may, notwithstanding anything contained in the said sub-section, issue notice to the Management of such institution to show cause within fifteen days from the date of receipt of such notice why an Authorised Controller be not appointed in respect of such institution.

(6) Where the Committee of Management of the concerned institution fails to show cause within the time allowed under sub-section (5), or within such extended time as the State Government may, from time to time allow, or where the State Government is, after considering the cause shown by the Committee of Management, satisfied that any of the grounds mentioned in clause (iii) or clause (v) of sub-section (3) exists, it may, by order and for reasons to be recorded, appoint an Authorised Controller in respect of such institution, and thereupon, the provisions of sub-section (4) shall, *mutatis mutandis* apply.

(7) Every notice issued by the Director under sub-section (3) on or before the service of the notice referred to in sub-section (5) and not finally disposed of on the date of such service shall, with effect from the said date, be deemed to have been placed in abeyance :

Provided that nothing contained in this sub-section shall be deemed to prevent the Director to take action upon grounds other than those mentioned in clauses (iii) and (v) of sub-section (3) in case the notice issued by the State Government under sub-section (5) is discharged.

(8) If the State Government is of opinion that immediate suspension of the Committee of Management is also necessary or expedient in the interest of the institution concerned, it may, while issuing notice under sub-section (5), by order and for reasons to be recorded, suspend the Committee of Management and make such arrangement as it thinks proper for managing the affairs of the institution pending the order that may subsequently be made under sub-section (6) :

Provided that the suspension shall not remain in force for more than six months from the date it becomes effective.

Explanation I—For the removal of doubts it is hereby declared that in computing the period of time specified in sub-section (4) or sub-section (8), the time during which the operation of the order was suspended by the High Court in exercise of the powers under Article 226 of the Constitution shall be excluded.

Explanation II—Nothing in sub-section (4) or sub-section (6) shall preclude the State Government from revoking an order of appointment of an Authorised Controller appointed under any of the said provisions.

(9) Nothing in this section shall be construed to confer on the Authorised Controller appointed under sub-section (4) or sub-section (8), the power to transfer any immovable property belonging to the institution (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 for the institution from the State Government or the Government of India).

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

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

(11) The Director may give to the Authorised Controller such directions as he may deem necessary for the proper management of the institution or its properties, and the Authorised Controller shall carry out those directions.

(12) No order made by the Board withdrawing recognition in pursuance of a reference made under sub-section (3) and no order made or direction given under this section by the Director or the State Government shall be called in question in any court, and no injunctions shall be granted by any court in respect of any action taken or to be taken in pursuance of any power conferred by or under this section.

(13) The powers conferred by this section shall be in addition to, and not in derogation of any powers conferred on the State Government or the Authorised Controller under any other law for the time being in force.

(14) Nothing contained in sub-sections (3) to (13) shall apply to an institution established and administered by a minority referred to in clause (1) of Article 30 of the Constitution of India.

16-DD. (1) Wherever an Authorised Controller is appointed under sub-section (4) or sub-section (8) of section 16-D—

(a) he shall take over the Management of the concerned institution and its properties to the exclusion of its Committee of Management, and shall, subject to such restrictions as the State Government may impose, have all such powers and authority as the Committee would have if the institution and its properties were not taken over under the said sub-sections ;

(b) every person in whose possession, custody or control any property of the institution may be, shall deliver such property to the Authorised Controller forthwith.

(2) Every person who on the date of the order referred to in sub-section (4) or sub-section (8) of section 16-D has in his possession or control any books or other documents relating to the institution or to its property shall be liable to account for the said books and other documents to the Authorised Controller, and shall deliver them to him or to such person as the Authorised Controller may specify in this behalf.

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

Explanation—In this section and section 16-D, unless the context otherwise, requires, 'property' in relation to an institution, includes all property, movable and immovable belonging to or endowed wholly or partly for the benefit of the institution 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 institution, cash in hand, cash at bank, income from fees, boys funds and Government grants, 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 institution and all books of accounts, 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 institution."

7. After section 16-E of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 16-EE.

"16-EE. (1) Where any employee of an institution has been re-trenched on or after July 1, 1974 but before the commencement of the Intermediate Education (Amendment) Act, 1980, and such employee possesses minimum qualifications prescribed therefor on the date of initial appointment the Regional Deputy Director of Education shall, on an application made in this behalf, direct that subject to the provisions of this section, such employee be absorbed against any permanent vacancy occurring in the same or any other institution situate in any district within his jurisdiction :

Provided that in the case of an employee retrenched on or after the date of such commencement the Regional Deputy Director of Education may issue directions under this section without any application from the employee concerned.

(2) Every application referred to in sub-section (1) shall be made within six months from the date of commencement of the Intermediate Education (Amendment) Act, 1980.

(3) Where any direction is issued by the Regional Deputy Director of Education under sub-section (1) the following consequences shall ensue, namely:—

(i) the Committee of Management of the institution concerned shall be bound to comply with every such direction, and the employee in whose favour such direction is issued shall be deemed to be an employee of such institution from the date of the order of appointment issued by the Committee to him or from the expiry of a period of two months from the date of service of the direction on the Committee of Management under sub-section (1), whichever is earlier.

(ii) the period of substantive service rendered by such employee in any institution before the date of his retrenchment shall be counted for the purposes of his seniority and pension.

(iii) where the employee concerned fails to join the post within the time allowed therefor, the benefits of this section shall not be available to him.

(4) Any person aggrieved by the direction issued under sub-section (1) may make a representation to the Director within one month from the date of service on him of such direction, and the order of the Director thereon shall be final.

(5) The provisions of this section shall have effect notwithstanding anything contained in any other provisions of this Act or any other law for the time being in force.

Explanation—For the purposes of this section—

(a) 'employee' in relation to an institution means a teacher, head of institution or other employee thereof holding a permanent post on the date immediately preceding the date of retrenchment ;

(b) 'institution' includes a training institution recognised by the State Government or the Director ;

(c) retrenchment in relation to an employee of an institution means the termination of his services for any reason other than resignation, retirement or removal by way of punishment inflicted in disciplinary proceedings."

Amendment of section 16-H.

8. In section 16-H of the principal Act, in sub-section (1) for the words "sub-sections (2) to (7)", the words "sub-section (2) to sub-section (13)" shall be substituted.

Insertion of a new Schedule.

9. After the second Schedule to the principal Act, the following Schedule shall be inserted, namely—

"THIRD SCHEDULE

(See Section 16-CC)

Principles on which approval to a Scheme of Administration shall be accorded

Every Scheme of Administration shall,—

- (1) provide for proper and effective functioning of the Committee of Management ;
 - (2) provide for the procedure for constitution the Committee of Management by periodical elections ;
 - (3) provide for the qualifications and disqualifications of the members and office-bearers of the Committee of Management and the term of their offices :
- Provided that no such Scheme shall contain provisions creating monopoly in favour of any particular person, caste, creed, religion or family ;**
- (4) provide for the procedure of calling meetings and the conduct of business at such meetings ;
 - (5) provide that all the decisions shall be taken by the Committee of Management and powers of delegation, if any, shall be limited and clearly defined ;
 - (6) ensure that the powers and duties of the Committee of Management and its office-bearers are clearly defined ;
 - (7) provide for the maintenance and security of property belonging to the institution and also for the utilization of its funds and for the regular checking and auditing of accounts."

By order,

R. C. DEO SHARMA,

Sachiv.

Dated Lucknow, April 14, 1981

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 Intermediate Shiksha (Sanshodhan) Adhiniyam, 1981 (Uttar Pradesh Adhiniyam Sankhya 9 of 1981), as passed by the Uttar Pradesh Legislature and assented to by the Governor on April 13, 1981 :

THE INTERMEDIATE EDUCATION (AMENDMENT) ACT, 1981

[U.P. ACT NO. 9 OF 1981]

(As passed by the Uttar Pradesh Legislature)

AN

ACT

further to amend the Intermediate Education Act, 1921

IT IS HEREBY enacted in the Thirty-second Year [of the Republic of India as follows :

- Short title. 1. This Act may be called the Intermediate Education [(Amendment) Act, 1981.
- Amendment of section 3 of U.P Act II of 1921. 2. In section 3 of the Intermediate Education Act, 1921, hereinafter referred to as the principal Act, in sub-section (1), in clause (c), for the word "eleven" wherever occurring, the word "twelve" shall be substituted.
- Amendment of section 16-EE. 3. In section 16-EE of the principal Act, after sub-section (5) and before the Explanation, the following sub-section shall be inserted and be deemed to have been inserted from February 11, 1981, namely:—
“(6) Nothing in this section shall apply to an institution established and administered by a minority referred to in clause (1) of Article 30 of the Constitution of India.”
- Amendment of Third Schedule. 4. In the Third Schedule to the principal Act, in the proviso to paragraph (3), the word 'religion' shall be omitted and be deemed to have been omitted from February 11, 1981.

By order,
G. B. SINGH,
Sachiv.

Dated Lucknow, March 26, 1984

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 Intermediate Shiksha (Sanshodhan) Adhiniyam, 1984 (Uttar Pradesh Adhiniyam Sankhya 6 of 1984) as passed by the Uttar Pradesh Legislature and assented to by the President on March 23, 1984.

THE INTERMEDIATE EDUCATION (AMENDMENT) ACT, 1984

[U. P. ACT no. 6 OF 1984]

(As passed by the Uttar Pradesh Legislative Assembly)

AN
ACT

furtherto amend the Intermediate Education Act, 1921

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

Short title and commencement.

1. (1) This Act may be called the Intermediate Education (Amendment) Act, 1984.

(2) It shall be deemed to have come into force on May 23, 1983.

Amendment of section 16-CCC of U. P. Act no. II of 1921.

2. In section 16-CCC of the Intermediate Education Act, 1921, hereinafter referred to as the principal Act, in sub-section (1), for the words "six months" the words "three years" shall be substituted and be deemed always to have been substituted.

Amendment of section 16-D.

3. In section 16-D of the principal Act, in sub-section (8), in Explanation II, in the Hindi version thereof, for the words and figure "या उपधारा (8)" the words and figure "या उपधारा (6)" shall be substituted.

Validation.

4. Notwithstanding anything contained in the principal Act, anything done or any action taken under the provisions of the principal Act as they stood immediately before the commencement of this Act, shall be and be deemed always to have been valid as if the provisions of this Act were in force at all material times.

Repeal and savings.

5. (i) The Intermediate Education (Amendment) (Second) Ordinance, 1983, is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the provisions of the principal Act as amended by the Ordinance, referred to in sub-section (1), shall be deemed to have been done or taken under the corresponding provisions of the principal Act as amended by this Act, as if the provisions of this Act were in force at all material times.

By order,
G. B. SINGH,
Sachiv.

No. 1159/XVII-V-1—1(KA)-36-1986

Dated Lucknow, July 30, 1987

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 Intermediate Shiksha (Saanshodhan) Adhiniyam, 1987 (Uttar Pradesh Adhiniyam Sankhya 18 of 1987) as passed by the Uttar Pradesh Legislature and assented to by the President on July 29, 1987:

THE INTERMEDIATE EDUCATION (AMENDMENT) ACT, 1987

[U. P. ACT no. 18 OF 1987]

(As passed by the Uttar Pradesh Legislature)

AN

ACT

further to amend the Intermediate Education Act, 1921

IT IS HEREBY enacted in the Thirty-eighth Year of the Republic of India as follows :—

1. (1) This Act may be called the Intermediate Education (Amendment) Act, 1987.

Short title and commencement

(2) It shall be deemed to have come into force on October 14, 1986.

2. For section 7-A of the Intermediate Education Act, 1921, hereinafter referred to as the principal Act, the following section shall be substituted, namely :—

Substitution of section 7-A of U.P. Act no. 11 of 1921

“7-A. Notwithstanding anything contained in clause (4) of section 7—
Recognition of (a) the Board may, with the prior approval of
an institution in the State Government, recognise an institution in
any new subject any new subject or group of subjects or for a
or for a higher higher class ;
class

(b) the Inspector may permit an institution to open a new section in an existing class.”

3. After Section 7-A of the principal Act, the following sections shall be inserted, namely :—

Insertion of new section 7-AA and 7-AB

“7-AA. (1) Notwithstanding anything contained in this Act, the management of an institution may, from its own resources, employ—

or part-time instructors (i) as in interim measure part-time teachers for imparting instructions in any subject or group of subjects or for a higher class for which recognition is given or in any section of an existing class for which permission is granted under section 7-A ;

(ii) part-time instructors to impart instructions in moral education or any trade or craft under socially useful productive work or vocational course.

(2) No recognition shall be given and no permission shall be granted under section 7-A, unless the Committee of Management furnishes such security in cash or by way of Bank guarantee to the Inspector as may be specified by the State Government from time to time.

(3) No part-time teacher shall be employed in an institution unless such conditions as may be specified by the State Government by order in this behalf are complied with.

(4) No part-time teacher or part-time instructor shall be employed unless he possesses such minimum qualifications as may be prescribed.

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(5) A part-time teacher or a part-time instructor shall be paid such honorarium as may be fixed by the State Government by general or special order in this behalf.

(6) Nothing in this Act shall preclude a person already serving as a teacher in an institution from being employed as a part-time teacher or a part-time instructor under section 7-AA.

“7-AB. Nothing in the Uttar Pradesh High School and Intermediate Colleges (Payment of Salaries of Teachers and other Employees) Act, 1971 or the Uttar Pradesh Secondary Education Services Commission and Selection Boards Act, 1982, shall apply in relation to part-time teachers and part-time instructors employed in an institution under section 7-AA.”

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**Repeal and
savings**

4. (1) The Intermediate Education (Amendment) Ordinance, 1987, is hereby repealed.

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(2) Notwithstanding such repeal, anything done or any action taken under the provisions of the principal Act, as amended by the Ordinance referred to in sub-section (1), shall be deemed to have been done or taken under the corresponding provisions of the principal Act, as amended by this Act, as if the provisions of this Act were in force at all material times.

By order,
S. N. SAHAY,
Sachiv.

No. 826(2)/LXXIX-V-1-08-1(Ka)13-2007

Dated Lucknow, May 30, 2008

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 Intermediate Shiksha (Sanshodhan) Adhiniyam, 2007 (Uttar Pradesh Adhiniyam Sankhya: 16 of 2008) as passed by the Uttar Pradesh Legislature and assented to by the President on May 21, 2008.

THE INTERMEDIATE EDUCATION (AMENDMENT) ACT, 2007

(U.P. ACT NO. 16 OF 2008)

[As passed by the Uttar Pradesh Legislature]

AN

ACT

further to amend the Intermediate Education Act, 1921.

IT IS HEREBY enacted in the fifty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Intermediate Education (Amendment) Act, 2007.

(2) It shall extend to the whole of Uttar Pradesh.

Short title and
extend

Amendment of
section 3 of U.P.
Act no. 2 of 1921

2. For section 3 of the Intermediate Education Act, 1921 hereinafter referred to as the principal Act, the following sections shall be substituted, namely:

"3. (1) the Board shall consist of a Chairman (which office shall be held Constitution of the Board by the Director, *ex-officio*) and the following other member, namely:-

(a) two heads of the institution, maintained by the State Government, nominated by the State Government;

(b) two teachers of the institutions maintained by the State Government, nominated by the State Government;

(c) the Director, State Council of Educational Research and training Uttar Pradesh, Lucknow or a representative nominated by him;

(d) the Director, State Institute of Educational Management and Training Uttar Pradesh, Allahabad or representative nominated by him;

(e) the Additional Director of Education (Correspondence), Correspondence Education Institute, Allahabad;

(f) the Additional Director of Education, (Vocational Education), Lucknow;

(g) two person related to Education, nominated by the State Government;

(h) two women related to the Women's Education, nominated by the State Government;

(i) the Director, State Institute of Science Education, Allahabad, *ex-officio*;

(j) the Principal, State Institute of Education Allahabad *ex-officio*;

(k) the Director, Bureau of Psychology, Allahabad *ex-officio*;

(l) the Secretary, Board of Secondary Sanskrit Education, Lucknow, *ex-officio*;

(m) one District Inspector of Schools nominated by the State Government;

(n) one Regional Joint Director of Education nominated by the State Government;

(o) the Regional Officer, Central board of Secondary Education, Allahabad *ex-officio*;

(p) the Principal, Government Physical Training College, Rampur, *ex-officio*;

(q) one Professor of a Degree College affiliated to a University established by law in Uttar Pradesh nominated by the State Government;

(r) one Professor of an Engineering College affiliated to an Engineering University established by law in Uttar Pradesh nominated by the State Government;

(s) one Professor of Agricultural University established by law in Uttar Pradesh, nominated by the State Government;

(t) one Professor of a Medical College affiliated to a Medical University nominated by the State Government.

(2) The Secretary of the Board shall be the *ex-officio* member-secretary of the Board.

(3) As soon as may be after the nomination of the Board has been completed, the State Government shall notify that the Board has been duly constituted".

3. In section 4 of the principal Act, in sub-section (2) for the words "elected or nominated" the word "nominated" shall be *substituted*.

Amendment of section 4

4. In section 13 of the principal Act for sub-section (2) the following sub-section shall be *substituted*, namely:-

Amendment of section 13

"(2) Such Committees shall consist of the members of the Board only:

Provided that no member of the Board shall be the member of more than one kind of Committee of these Committees and the members of the Committees shall hold office as such till they are members of the Board.

5. The First Schedule to the principal Act shall be *omitted*.

Omission of the First Schedule

STATEMENT OF OBJECTS AND REASONS

Section 3 of the Intermediate Education Act, 1921 provides for the constitution of the Board. In accordance with the existing provisions of the said section the Board shall consist of a Chairman who shall be the Director of Education and 9 *ex-officio* members, 31 members nominated by the State Government and 32 elected members. With a view to making the working of the Board more efficient and for achieving the objective of fundamental educational aim of the Board, it has been decided to amend the said Act mainly to provide for reducing the number of members from 72 members to 25 members and nomination of teachers and heads by the State Government instead of the election thereof.

The Intermediate Education (Amendment) Bill, 2007 is introduced accordingly.

By order,
S.M.A ABIDI,
Pramukh Sachiv.