



The Uttar Pradesh Chhatrapati Shivaji Maharaj Medical University Act, 2002

Act 8 of 2002

Keyword(s):

Academic Council, Denstry, Faculty, Gandhi Memorial and Associated Hospitals, Hostel, Institutions, King George's Medical College, Registered Graduate, University

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No. 1697(2)/XVII-V-1-1(KA) -25-2002

Dated Lucknow, September 6, 2002

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 Chhatrapati Shahuji Maharaj Chikitsa Vishwavidyalaya Adhiniyam, 2002 (Uttar Pradesh Adhiniyam Sankhya 8 of 2002) as passed by the Uttar Pradesh Legislature and assented to by the Governor on September 5, 2002.

THE UTTAR PRADESH
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occurring in
Medical Uni

(U. P. ACT NO. 8 OF 2002)

[As passed by the Uttar Pradesh Legislature]

AN

ACT

to provide for the establishment of a Medical University by the name of Chhatrapati Shahuji Maharaj Medical University by transfer of the King George's Medical College and the Gandhi Memorial and Associated Hospitals from the University of Lucknow to the said Medical University and for matters connected therewith.

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

CHAPTER-I

Preliminary

1. (1) This Act may be called the Uttar Pradesh Chhatrapati Shahuji Maharaj Medical University Act, 2002. h Subs by 18/2007

Short title and commencement

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

2. In this Act-

Definitions

(1) 'Academic Council', 'Court' and 'Executive Council' mean respectively the Academic Council, the Court and the Executive Council of the University;

(2) 'appointed date' means the date notified by the State Government under sub-section (2) of section 1;

Subs
by
1/2003
4/2004
15/2006
18/2007
31/2007

(3) 'dentistry' and 'medicine' shall have the meanings assigned to them in the Dentists Acts, 1948 and the Indian Medicine Act, 1956 respectively;

(4) 'faculty' means a faculty of the University;

(5) 'Gandhi Memorial and Associated Hospitals' means the Gandhi Memorial Hospitals, the Queen Mary's Hospitals, the Kasturba Clinic and Hospitals (Tuberculosis), the Children Hospitals, the hospitals attached to the Faculty of Dental Sciences, the Leprosy Hospitals and Blood Bank, the Rehabilitation and Artificial Limb Centre and includes all hospitals, dispensaries and laboratories which are attached to or adjuncts of any of the aforementioned hospitals and the blood bank;

(6) 'hostel' means a unit of residence for students, maintained or recognized by the University;

(7) 'institutions' means the King George's Medical College and the Gandhi Memorial and Associated Hospitals;

(8) 'King George's Medical College' includes all dispensaries; lecture rooms, museums, laboratories, libraries, hostels and boarding houses used in connection with, or as accessories to, or adjuncts of the said College including the Dental Faculty thereof;

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

(10) 'registered graduate' means a graduate of the University registered in accordance with the Statutes and includes a graduate who has acquired any medical degree as a student of the King George's Medical College before the appointed date;

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

(12) 'teacher' means a teacher employed by the University for imparting instruction and guiding and conducting research in the University;

(13) 'University' means the Chhatrapati Shahuji Maharaj Medical University established under this Act.

CHAPTER-II

The University

3. The Chancellor, the Vice Chancellor, and the members of the Executive Council, the Court and the Academic Council for the time being holding office as such in the University shall constitute a body corporate by the name of Chhatrapati Shahuji Maharaj Medical University.

4. On and from the appointed date-

(a) the control and management of the institutions which were transferred by executive order with effect from March 1, 1921 from the State Government to the Government of Uttar Pradesh together with the control, management and disposal of all the assets pertaining thereto which were in existence at the time of the transfer together with all accretions and accessories thereto shall be transferred to the new University and vest in the University;

Incorporation
of the University

Transfer of King
George's Medical
College etc. from
Lucknow
University to
the new
University

(b) all properties and assets pertaining to the said institutions, whether acquired or created out of grants from the State Government or otherwise, including any cash balances held by the Lucknow University in the names of the institutions or on their account, whether in deposit, with any bank or otherwise, shall stand transferred from the Lucknow University to and vest in, the University;

(c) subject to the provisions of section 5, all rights, powers and privileges, duties, debts, liabilities and obligations of the Lucknow University, contractual or otherwise, arising or accrued or incurred in relation to the affairs of any of the institutions shall stand transferred to the University;

(d) any doubt or difference in regard to whether any asset or liability stands transferred under the foregoing clauses shall be referred to the State Government, whose decision thereon shall be final;

(e) all references in any will, deed or other documents, whether made or executed before or after the appointed date, which contains any bequest, gift endowment or trust in favour of the Lucknow University for the purposes of any of the institutions, shall be construed as if the Chhatrapati Shahuji Maharaj Medical University was therein named instead of the Lucknow University.

5. The properties, assets and rights transferred to the University by virtue of section 4, shall continue to be utilized for the purposes for which they were being utilised or were intended to be utilized immediately before the appointed date.

Utilisation of assets etc.

6. Notwithstanding anything contained in the Uttar Pradesh State Universities Act, 1973 and the statutes made thereunder,-

Transfer of King George's Medical College to the University

(a) the King George's Medical College shall with effect from the appointed date cease to be a constituent college of the Lucknow University and shall stand upgraded and be transferred to the University.

(b) any student of the King George's Medical College who immediately prior to the appointed date was studying for any examinations of the Lucknow University shall continue his studies as a student of the University and be permitted to complete his courses in preparation therefor and be admitted to the examinations of the University.

7. (1) The person holding office as Principal of the King George's Medical College immediately before the appointed date shall on abolition of the post of Principal with effect from that date, stand appointed as Vice Chancellor until a regular appointment is made to the post by the Chancellor in accordance with this Act.

First appointments of Vice Chancellor and Staff

(2) The ~~Pro-Vice Chancellor and a~~ Chief Superintendent of Hospitals may be appointed by the Vice Chancellor from among professors of the University.

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(3) The senior-most professor of the University, excluding the Dental Faculty, shall be the Dean of the Medical Faculty and shall hold office for a period of three years, and the post shall thereafter be rotated in accordance with seniority.

(4) The person holding office as Dean of the Dental Faculty immediately before the appointed date, shall continue to hold office until the expiry of his term in accordance with the Uttar Pradesh State Universities Act, 1973, and thereafter, the office shall rotate in order of seniority every three years.

Interim Executive
Council

8. Until the constitution of the new Executive Council for the University in accordance with the provisions of this Act, an interim Executive Council consisting of the following members, shall discharge the duties of the Executive Council :-

- (a) The Vice Chancellor, who shall be the Chairman thereof;
- (b) ~~The Pro-vice-Chancellor, if any;~~ *Omitted by 4/2004*
- (c) The Deans of Faculties;
- (d) two senior most Professors of the University (other than Deans);
- (e) the Senior Judge, Lucknow Bench of the High Court or another Judge of that Bench deputed by him for any meeting;
- (f) the Director General, Medical Education, Uttar Pradesh;
- (g) the Principal of a State Medical College, nominated by the Chancellor;
- (h) the Director, Sanjay Gandhi Post Graduate Institute of Medical Sciences, Lucknow;
- (i) the Director, All India Institute of Medical Sciences, New Delhi, or a Professor of that Institute deputed by him to attend any meeting;
- (j) two retired Principals and two retired Professors of King George's Medical College as it stood before the appointed date, nominated by the Chancellor;
- (k) one eminent person of national or international repute from the medical profession nominated by the Chancellor.

Transfer of
teacher, etc.

9. Every teacher or other servant of the Lucknow University duly appointed in connection with the affairs of the institutions and serving the institutions as such immediately before the appointed date shall, unless within ninety days from the appointed date he gives notice in writing to the University of his intention not to become an employee of the University, become teacher or other servant of the University and shall hold his office by the same tenure and upon the same terms and conditions and with the same rights as to retirement benefits or other matters as he would have held under the Lucknow University if this Act had not been passed and shall continue to do so until his employment under the University is duly terminated or until those terms and conditions are duly altered in accordance with this Act or statutes made thereunder.

Objects of the
University

10. The objects of the University shall be-

- (a) to disseminate and advance knowledge in medicine and dentistry and to ensure efficient and systematic instructions, teaching, training and research therein;
- (b) to provide for a multipurpose super-speciality hospital and trauma center by upgrading the existing institutions and to establish them as a center of excellence;
- (c) to treat patients in its hospitals;
- (d) to develop a nursing training center;
- (e) to administer, manage and control the hospitals, including the Rehabilitation and Artificial Limb Centre, pathological laboratories, diagnostic centers and blood banks;
- (f) to establish a tele-medicine departments;
- (g) to develop a reproductive and population control research institute;
- (h) to develop a genetics departments;

(i) to develop an environment and pollution control institute;

(j) to develop transfusion medicine;

(k) to develop a nutrition research center;

(l) to develop gene-therapy, molecular biology, robotic surgery, bio-informatics, organs transplantation, bio-technology, immunology and clinical epidemiology and other state-of-the-art facilities in medicine and dentistry; and

(m) to establish a center for imparting training to teachers.

11. The University shall have the following powers and duties, namely :-

Powers and duties
of the University

(i) to institute teaching and training in such branches of medicine and dentistry as the University may think fit, and to make provisions for research and for the advancement and dissemination of knowledge in those branches;

(ii) to institute and award degrees, diplomas, certificates and other academic distinctions;

(iii) to admit students to the various courses of study of the University and to conduct examinations or tests and lay down conditions in respect thereof;

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

(a) have pursued a course of study in the University, or

(b) have carried on research in the University;

(v) to confer honorary degrees or other academic distinctions in the manner and under conditions laid down in the Statutes;

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

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

(viii) to institute and award scholarships, fellowships (including travelling fellowship), studentships, stipend, medals and prizes in accordance with the Statutes and Ordinances;

(ix) to recognize for the purposes of admission to a course of study for a degree or diploma, as equivalent to its own degree any degree or diploma conferred by any other university or, as equivalent to the Intermediate examination of the Board of High School and Intermediate Education, Uttar Pradesh, any examination conducted by any other university or authority;

(x) to establish, maintain and administer institutes of research, hospitals, laboratories, libraries or other things necessary to carry out the objects of the University;

(xi) to establish, maintain and administer hostels and to recognize places of residence for students of the University;

(xii) to fix and collect fees and other charges in accordance with the Ordinances;

(xiii) to supervise and control the residents, and to regulate the discipline of students of the University, the institutes and to make arrangements for promoting their health;

(xiv) to create teaching, administrative, ministerial and other necessary posts required by the University and to make appointments thereto;

(xv) to undertake publications of works of merit and research;

(xvi) to provide for management and treatment of the patients in its hospitals;

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

University shall be open to all persons irrespective of race, class, creed and religion by 13/2003
the University may,—

University of admission to the courses of study of the

favour of the Scheduled Castes, the Scheduled Tribes, girl students and other categories in accordance with the orders of the State Government for the time being in force.

Inspection and Inquiry

Visitation

13. (1) The State Government shall have the right to cause an inspection to be made by such person or persons as it may direct, of the University, including its buildings, libraries, laboratories, workshops and equipment and also of the examinations, teaching and all other works conducted or done by the University or, to cause an inquiry to be made in the like manner in respect of any matter connected with the administration and finances of the University.

(2) Where the State Government decides to cause an inspection or inquiry to be made under sub-section (1), it shall inform the University of the same through the Registrar, and any person nominated by the Executive Council may be present at such inspection or inquiry as representative of the University and he shall have the right to be heard as such:

Provided that no person shall appear, plead or act as legal practitioner on the behalf of the University at such inspection or inquiry.

(3) The person or persons appointed to inspect or inquire under sub-section (1) shall have all the powers of a civil court, while trying a suit under the Code of Civil Procedure, 1908, for the purposes of taking evidence on oath and of enforcing the attendance of witnesses and compelling production of documents and material objects, and shall be deemed to be a civil court within the meaning of sections 345 and 346 of the Code of Criminal Procedure, 1973, and the proceedings before him or them shall be deemed to be judicial proceedings within the meaning of sections 193 and 228 of the Indian Penal Code.

(4) The State Government shall address the Vice-Chancellor with reference to the result of such inspection or inquiry, and the Vice-Chancellor shall communicate to the Executive Council the views of the State Government with such advice as the State Government may offer upon the action to be taken thereon.

(5) The Vice-Chancellor shall then, within such time as the State Government may fix, submit to it a report of the action taken or proposed to be taken by the Executive Council.

(6) If the University authorities do not, within a reasonable time, take action to the satisfaction of the State Government, the State Government may, after considering any explanation which the University authorities may furnish, issue such directions as it may think fit, and the University authorities shall be bound to comply

omit any Government or private institution as is imparting education on the same conditions as may be prescribed and to guide and control the

(7) The State Government shall send to the Chancellor a copy of every report of an inspection or inquiry caused to be made under sub-section (1) and of every communication received from the Vice-Chancellor under sub-section (5), and of every direction issued under sub-section (6), and also of every report or information received in respect of compliance or non-compliance with such directions.

CHAPTER III Officers of the University

14. The following shall be the officers of the University—

Officers of the
University

(a) the Chancellor;

(b) the Vice-Chancellor;

~~(c) the Pro-Vice-Chancellor;~~

(d) the Finance Officer;

(e) the Registrar;

(f) the Controller of examination, if any,

(g) the Deans of the Faculties;

(h) the Dean of the Students Welfare;

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

Omitted by 4/2004

15. (1) The Governor shall be the Chancellor of the University. He shall by virtue of his office be the Head of the University and the President of the Court and shall when present, preside at meetings of the Court, and at any convocation of the University.

The Chancellor

(2) Every proposal for the conferment of any honorary degree shall be subject to the confirmation by the Chancellor.

(3) It shall be the duty of the Vice-Chancellor to furnish such information or records relating to the administration of the affairs of the University, as the Chancellor may call for.

(4) The Chancellor shall have such other powers as may be conferred on him by or under the Statutes or the Ordinances.

16. (1) The Vice-Chancellor shall be a whole-time salaried officer of the University and shall be appointed by the Chancellor, except as provided by sub-section (5) or sub-section (10), from amongst the persons whose names are submitted to him by the Committee constituted in accordance with the provisions of sub-section (2).

The Vice-
Chancellor

(2) The Committee referred to in sub-section (1) shall consist of the following members, namely—

(a) one person (not being a person connected with the University, or hostel) to be elected by the Executive Council at least three months before the date on which a vacancy in the office of the Vice-Chancellor is due to occur by reason of expiry of his term;

(b) one person who is or has been a Judge of the High Court of Judicature at Allahabad, including the Chief Justice thereof, nominated by the said Chief Justice; and

(c) one person to be nominated by the Chancellor who shall also be the convenor of the Committee.

Provided that where the Executive Council fails to elect any person in accordance with clause (a), then the Chancellor shall nominate in addition to the person nominated by him under clause (c), one person in lieu of the representative of the Executive Council.

(3) The Committee, shall as far as may be, at least sixty days before the date on which a vacancy in the office of the Vice-Chancellor is due to occur by reason of expiry of term or resignation under sub-section (7), and also whenever so required and before such date as may be specified by the Chancellor submit to the Chancellor the names of not less than three and not more than five persons suitable to hold the office of the Vice-Chancellor. The Committee shall, while submitting the names, also forward to the Chancellor a concise statement showing the academic qualifications and other distinctions of each of the persons so recommended but shall not indicate any order of preference.

(4) Where the Chancellor does not consider any one or more of persons recommended by the Committee to be suitable for appointment as Vice-Chancellor or if one or more of the persons recommended is or are not available for appointment and the choice of the Chancellor is restricted to less than three persons, he may require the Committee to submit a list of fresh names in accordance with sub-section (3).

(5) If the committee in the case referred to in sub-section (3) or sub-section (4) fails or is unable to suggest any names within the time specified by the Chancellor, or if the Chancellor does not consider any one or more of the fresh names recommended by the Committee to be suitable for appointment as Vice-Chancellor another Committee consisting of three persons of academic eminence shall be constituted by the Chancellor which shall submit the names in accordance with sub-section (3).

(6) No act or proceeding of the Committee shall be invalidated merely by reason of the existence of a vacancy or vacancies among its members or by reason of some person having taken part in the proceedings who is subsequently found not to have been entitled to do so.

Subs by

Subs by 31/2007

(7) (a) Only such person shall be eligible for the appointment to the office of Vice-Chancellor who has not attained the age of 65 years;

(b) The Vice-Chancellor shall hold office for a term of three years from the date he enters upon his office or till he attains the age of sixty-eight years, whichever is earlier.

(c) The Vice-Chancellor, who has not attained the age of 65 years, may be appointed as such for second term.

Provided that the Vice-Chancellor may by writing under his hand addressed to the Chancellor resign his office, and shall cease to hold his office on the acceptance by the Chancellor of such resignation."

the office of Vice-Chancellor may appoint any suitable person to the office of Vice-Chancellor for a term not exceeding six months as he may specify-

(a) where a vacancy in the office of Vice-Chancellor occurs or is likely to occur by reason of leave or any other cause, not being resignation or expiry of term, of which a report shall forthwith be made by the Registrar to the Chancellor;

(b) where a vacancy in the office of Vice-Chancellor occurs and it cannot be conveniently and expeditiously filled in accordance with the provisions of sub-sections (1) to (5);

(c) any other emergency;

Provided that the Chancellor may, from time to time, extend the term of appointment of any person to the office of Vice-Chancellor under this sub-section, so however, that the total term of such appointment (including the term fixed in the original order) does not exceed one year.

(11) Until a Vice-Chancellor appointed under sub-section (1) or sub-section (5) or sub-section (10) assumes office, the ~~Pro-Vice-Chancellor, if any, or where there is no Pro-Vice-Chancellor,~~ the seniormost Professor of the University shall discharge the duties of the Vice-Chancellor as well.

h Omitted By
4/2004.

(12) If in the opinion of the Chancellor, the Vice-Chancellor willfully omits or refuses to carry out the provisions of this Act or abuses the powers vested in him, or if it otherwise appears to the Chancellor that the continuance of the Vice-Chancellor in office is detrimental to the interest of the University, the Chancellor may, after making such inquiry as he deems proper, by order, remove the Vice-Chancellor.

(13) During the pendency, or in contemplation, of any inquiry referred to in sub-section (12) the Chancellor may order that till further orders -

(a) such Vice-Chancellor shall refrain from performing the functions of the office of Vice-Chancellor, but shall continue to get the emoluments to which he was otherwise entitled under sub-section (8);

(b) the functions of the office of the Vice-Chancellor shall be performed by the person specified in the order.

17.(1) The Vice-Chancellor shall be the principal executive and academic officer of the University and shall -

Powers and
duties of the Vice-
Chancellor

(a) exercise general supervision and control over the affairs of the University;

(b) give effect to the decisions of the authorities of the University;

(c) in the absence of the Chancellor, preside at meetings of the Court and at any convocation of the University;

(d) be responsible for the maintenance of discipline in the University including the prohibition of any violent or indecent ragging of fresh students by their seniors;

(e) be responsible for holding and conducting the University examinations properly and at due times and for ensuring that the results of such examinations are published expeditiously and that the academic session of the University starts and ends on proper dates.

(2) He shall be an *ex-officio* member and Chairman of the Executive Council, the Academic Council and the Finance Committee.

(3) He shall have the right to speak in and otherwise to take part in the meeting of any other authority or body of the University but shall not by virtue of this sub-section be entitled to vote.

(4) It shall be the duty of the Vice-Chancellor to ensure the faithful observance of the provisions of this Act, the Statutes and the Ordinances and he shall, without prejudice to the power of the Chancellor under sections 15 and 53 possess all such powers as may be necessary in that behalf.

(5) The Vice-Chancellor shall have the power to convene or cause to be convened meetings of the Executive Council, the Court the Academic Council and the Finance Committee:

Provided that he may delegate this power to any other officer of the University.

(6) Where any matter other than the appointment of teacher of the University is of urgent nature requiring immediate action and the same could not be immediately dealt with by any officer or the authority or other body of the University empowered by or under this Act to deal with it the Vice-Chancellor may take such action as he may deem fit and shall forthwith report the action taken by him to the Chancellor and also to the officer, authority, or other body who or which in the ordinary course would have dealt with the matter.

Provided that no such action shall be taken by the Vice-Chancellor without the previous approval of the Chancellor, if it would involve a deviation from the provisions of the Statutes or the Ordinances:

Provided further that if an officers, authority or other body is of opinion that such action ought not to have been taken, he or it may refer the matter to the Chancellor who may either confirm the action taken by the Vice-Chancellor or annul the same or modify it in such manner, as thinks fit and thereupon, it shall cease to have effect or, as the case may be, take effect in the modified form, so however, the such annulment or modification shall be without prejudice to the validity of anything previously done by or under the order of the Vice-Chancellor:

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

(7) Nothing in sub-section (6) shall be deemed to empower the Vice-Chancellor to incur any expenditure not duly authorized and provided for in the budget.

(8) Where the exercise of the power by the Vice-Chancellor under sub-section (6) involves the appointment of an officer such appointment shall terminate on appointment being made in the prescribed manner or on the expiration of a period of six months from the date of the order of the Vice-Chancellor, whichever is earlier.

(9) The Vice-Chancellor shall exercise such other powers as may be laid down by the Statutes and Ordinances.

The Pro-Vice-Chancellor

18. (1) The Vice-Chancellor, if he considers necessary, may appoint a Pro-Vice-Chancellor from amongst the professors of the University.

(2) The Pro-Vice-Chancellor appointed under sub-section (1) shall discharge the duties in addition to his duties as a professor.

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

(4) The Pro-Vice-Chancellor shall get an honorarium of rupees one thousand per month.

(5) Pro-Vice-Chancellor shall assist the Vice-Chancellor in respect of such matters, as may be specified by the Vice-Chancellor in this behalf from time to time and shall preside over the meetings of the University in the absence of the Vice-Chancellor and shall exercise such powers and perform such duties as may be assigned or delegated to him by the Vice-Chancellor.

The Finance Officer

19. (1) There shall be a Finance Officer for the University, who shall be appointed by the State Government by a notification, and his remuneration and allowances shall be paid by the University.

(2) The Finance Officer shall be responsible for presenting the budget (annual

n- Omitted by 4/2004

estimates) and the statement of account to the Executive Council and also for drawing and disbursing funds on behalf of the University.

(3) He shall have the right to speak in and otherwise to take part in the proceedings of the Executive Council but shall not be entitled to vote.

(4) The Finance Officer shall have duty -

(a) to ensure that no expenditure not authorized in the budget, is incurred by the University (otherwise than by way of investment);

(b) to disallow any proposed expenditure which may contravene the provisions of this Act or the terms of any Statutes or ordinances;

(c) to ensure that no other financial irregularity is committed and to take steps to set right any irregularities pointed out during audit;

(d) to ensure that the property and investments of the university are duly preserved and managed.

(5) The Finance Officer shall have access to and may require the production of such records and documents of the University and the furnishing of such information pertaining to its affairs as in his opinion may be necessary for the discharge of his duties.

(6) All contracts shall be entered into and signed by the Finance Officer on behalf of the University.

(7) Other power and functions of the Finance Officer shall be such as may be prescribed.

20. (1) The Registrar shall be a whole-time officer of the University.

The Registrar

(2) The Registrar shall be appointed by the State Government on such terms and conditions as may be prescribed.

(3) The Registrar shall have the power to authenticate records on behalf of the University.

(4) The Registrar shall be responsible for the due custody of the records and the common seal of the University. He shall be the *ex-officio* Secretary of the Executive Council and shall be bound to place before the Executive Council all such information as may be necessary for the transaction of its business. He shall also perform such other duties as may be prescribed or required from time to time, by the Executive Council or the Vice-Chancellor but he shall not by virtue of this sub-section, be entitled to vote.

(5) The Registrar shall not be offered nor shall he accept any remuneration for any work in the University save such as may be provided by the regulations.

21. (1) The Controller of Examination shall be a whole-time officer of the University.

The Controller of Examination

(2) The Controller of Examination shall be appointed by the State Government by notification and his remuneration and allowances shall be paid by the University.

(3) The Controller of Examination shall be responsible for the due custody of the records pertaining to his work. He shall be *ex-officio* Secretary of the Examination Committee of the University and shall be bound to place before such committee all such information as may be necessary for the transaction of its business. He shall also perform such other duties as may be prescribed by the Regulations or as may be required, from time to time, by the Executive Council or the Vice-Chancellor but he shall not, by virtue of this sub-section, be entitled to vote.

(4) Subject to the superintendence of the Vice-Chancellor, the Controller of Examination shall have administrative control over the employees working under him and have, in this regard, all the powers of the Registrar.

(5) Subject to the superintendence of the Examinations Committee, the Controller of Examination shall conduct the examinations and make all other arrangements therefore and be responsible for the due execution of all processes conducted therewith.

(6) The Controller of Examination shall not be offered not shall he accept any remuneration for any work in the University except in accordance with an order of the State Government.

(7) Where the Controller of Examination is for any reason unable to act or the office of Controller of Examination is vacant, all the duties of the office shall be performed by such person as may be appointed by the Vice-Chancellor, until the Controller of Examination resumes his duties or as the case may be, the vacancy is filled.

Other Officers

Omitted
by 4/2004

22. The powers of Officers of the University other than the Chancellor, the Vice-Chancellor, the ~~Pro-Vice-Chancellor~~, the Finance Officer, the Registrar and the Controller of Examinations, if any appointed, shall be such as may be laid down by the Statutes.

CHAPTER IV

AUTHORITIES OF THE UNIVERSITY

Authorities of the
University

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

- (a) the Executive Council;
- (b) the Court;
- (c) the Academic Council;
- (d) the Finance Committee;
- (e) the Boards of Faculties;
- (f) the Selection Committees for appointment of teachers of the University;
- (g) the Admissions Committee;
- (h) the Examination Committee ; and
- (i) such other authorities as may be declared by the Statutes to be authorities of the University.

Constitution of
the Executive
Council

24. (1) The Executive Council shall consist of the chairman and other members specified in section 8 besides four persons to be elected by members of the Court from among such of them as are not enrolled as student or in service of the University.

(2) The term of the office of the members of the Executive Council other than *ex-officio* members shall be such as may be prescribed.

(3) A person shall be disqualified for being chosen as and for being a member of the Executive Council if he or his relative accepts any remuneration for any work in or for the University or any contract for the supply of goods to or for the execution of any work for the University:

Provided that nothing in this sub-section shall apply to the acceptance of any remuneration by a teacher as such for any duties performed in connection with an examination conducted by the University or for any duties as Superintendent or warden of a training unit or any hostel or proctor or tutor or any duties of a similar nature in relation to the University.

Explanation :- In this section, 'relative' means the relations defined in section 6 of the Companies Act, 1956 and includes the wife's (or husband's) brother, wife's (or husband's) father, wife's (or husband's) sister, brother's son and brother's daughter.

25. (1) The Executive Council shall be the principal executive body of the university and, subject to the provisions of this Act, have the following powers, namely:-

Power and duties
of Executive
Council

- (i) to hold control of the property and funds of the University;
- (ii) to acquire or transfer any movable or immovable property on behalf of the University;
- (iii) to make, amend or repeal Statutes and Ordinances;
- (iv) to administer any funds placed at the disposal of the University for specific purpose;
- (v) to prepare the budget of the University;
- (vi) to award scholarships, fellowship, bursaries, medals and other rewards in accordance with the Statutes and Ordinances;
- (vii) to appoint officers, teachers and other employees of the University and to define their duties and the conditions of their service, and to provide for the filling of temporary casual vacancies in their posts;
- (viii) to fix the fees, emoluments and travelling and other allowances of the examiners;
- (ix) to direct the form and the use of the common seal of the University;
- (x) to regulate and enforce discipline among members of the teaching administrative and other staff of University in accordance with the Statutes and the Ordinances;
- (xi) to manage and regulate the finance, accounts, investments, property, business and all other administrative affairs of the University, and for the purpose, appoint such agents as it may think fit;
- (xii) to invest any money belonging to the University (including any income from any trust or endowed property) in such stock, funds shares or securities as it shall from time to time think fit or in the purchase of immovable property in India, with the like power of varying such investment from time to time;
- (xiii) to provide the buildings, premises, furniture and apparatus and other means needed for carrying on the work of the University;
- (xiv) to enter into, vary, carry out, and cancel contracts on behalf of the University;
- (xv) to regulate and determine all other matters concerning the University in accordance with this Act, the Statutes and the Ordinances with this Act, the statutes and the ordinances.

(2) No immovable property of the University shall, except with the prior sanction of the State Government, be transferred (except by way of letting from month to month in the ordinary course of management) by the Executive Council by way of mortgage, sale, exchange, gift or otherwise nor shall any money be borrowed, or advance taken on the security thereof except as a condition of receipt of any grant-in-aid of the University from the State Government, or with the previous sanction of the State Government, from any other person.

(3) No expenditure in respect of which approval of the State Government required by this Act or the the Statutes or Ordinances shall be incurred except with such approval previously obtained, and no post shall be treated in the University except with the prior approval of the State Government or except in accordance with any general or special order of the State Government.

(4) The pay and other allowances to various categories of the employees of the University shall be such as may be approved by the State Government.

(5) The Executive Council shall not exceed the limits of recurring and non-recurring expenditure to be incurred in each financial year fixed by the Finance Committee.

(6) The Executive Council shall not take any action in regard to the number, qualifications and emoluments of teachers, and the fees payable to examiners, except after considering the advice of the Academic Council and the Boards of Faculties concerned.

(7) The Executive Council shall give due consideration to every resolution of the Court, and take such action thereon as it shall deem fit report to the court, the action taken or, as the case may be, the reasons for non-acceptance of the resolution.

(8) The Executive Council may, subject to any conditions laid down in the Statutes, delegate such of its powers as it deems fit to an officer or any other authority of the University, or to a Committee appointed by it.

The Court

26. (1) The Court shall consist of the following members, namely -

CLASS I- EX OFFICIO MEMBERS

- (i) the Chancellor;
- (ii) the members of the Executive Council
- (iii) the Finance Officer;

CLASS II-LIFE, MEMBERS

- (iv) Such Indians who have made donations of not less than two lakhs of rupees to the University;
- (v) such non-resident Indians who have made donations of not less than ten thousand Pounds, Sterling or their equivalent in other foreign currency to the University;

CLASS III-REPRESENTATIVES OF TEACHERS ETC.

- (vi) the Deans and all other heads of the departments of the University;
- (vii) two representatives of provosts and wardens of hostels of the University to be selected by rotation in the manner prescribed;
- (viii) ten teachers to be selected in the manner prescribed.

CLASS IV- REGISTERED GRADUATES

- (ix) Fifteen representatives of registered graduates to be elected, by registered graduates of such standing as may be prescribed from amongst such of them as are not in the service of the University.

CLASS V- REPRESENTATIVES OF STUDENTS.

- (x) One student from each of the Faculties, who having secured the highest marks in that faculty at the preceding degree examination of the University is pursuing a course of study for a postgraduates medical degree in the University.

CLASS VI- REPRESENTATIVES OF THE STATE LEGISLATURE

- (xi) one member of the Legislative Council to be elected by it;
- (xii) two members of the Legislative Assembly to be elected by it.

(2) The terms of office of the members of each class, except classes I, II and V, mentioned in sub-section (1) shall be three years and the term of the members of the said Class V shall be one year.

27. The court shall be an advisory body subject to the provision of this Act. It shall have the following powers and functions, namely :—

Powers and duties of the Court

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

(b) to consider and pass resolution on the annual report and the annual accounts of the University and the audit report thereon :—

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

(d) to perform such other duties and exercise such other functions may be assigned to it by this Act or the Statutes or by the Chancellor.

28. (1) The Court shall meet once a year on a date to be fixed by the Vice-Chancellor and such meeting shall be called the annual meeting of the Court.

Meeting of the court

(2) The Vice-Chancellor may, whenever he thinks fit, and shall, upon a requisition in writing signed by not less than one-fourth of the total membership of the Court, convene a special meeting of the Court.

29. (1) The Academic Council shall be the principal academic body of the University and, subject to the provisions of this Act, the Statutes and the Ordinances —

Academic Council

(a) shall have the control and general regulation of, and be responsible for the maintenance of standards of instruction, education and research carried on or imparted in the University;

(b) may advise the Executive Council on all academic matters including matters relating to examinations conducted by the University ; and

(c) shall have such powers and duties as may be conferred or imposed upon it by the Statutes.

(2) The Academic council shall consist of the following members, namely :—

- (i) the Vice-Chancellor;
- (ii) the Dean of lab faculties;
- (iii) all other heads of departments of the University;
- (iv) all professors of the University who are not head of departments;
- (v) two retired principals of the King George's Medical College or State Medical Colleges to be selected in the manner prescribed ;
- (vi) five teachers to be selected in the manner prescribed ;
- (vii) the Dean of Students Welfare;
- (viii) the Librarian of the University; and
- (ix) five persons of the academic eminence to be co-opted in the manner prescribed.

30. (1) The Finance Committee shall consist of-

The Finance Committee

(a) the Vice-Chancellor;

(b) the Principal Secretary to the State Government in the Medical Education Department;

(c) the Principal Secretary to the State Government in the Finance Department.

~~(d) the Pro-Vice-Chancellor, if any;~~

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(e) the Registrar ;

(f) the Controller of Examinations;

(g) the Finance Officer, who shall also be the Secretary of the Committee.

(2) A member referred to clause (b) or clause (c) of sub-section (1) may, instead of attending any meeting of the Finance Committee himself, depute an officer not below the rank of a Joint-Secretary to the State Government, and an officer so deputed shall also have the right to vote.

(3) The Finance Committee shall advise the Executive Council on matters relating to the administration of property and funds of the University. It shall, having regard to the income and resource of the University, fix limits for the total recurring and non-recurring expenditure for the ensuing financial year and may, for any special reasons, revise during the financial year the limits of expenditure so fixed and the limits fixed shall be binding on the Executive Council.

(4) The Finance Committee shall have such other powers and duties as may be conferred or imposed on it by this Act or the Statutes.

The Faculties

31. (1) The University shall have only two faculties, namely Medical and Dental.

(2) Each Faculty shall comprise such departments of teaching as may be prescribed and each department shall have such subjects of study as may be assigned to it by the Ordinances.

(3) There shall be a Board of each Faculty, the constitution (including the term of office of its members) and powers and duties of which shall be such as may be prescribed.

(4) There shall be a Dean of each Faculty who shall be chosen from amongst the professors by rotation in order of seniority and shall hold office for three years.

(5) The Dean shall be the Chairman of the Board of Faculty be responsible for -

(a) the organization and conduct of the teaching and research work of departments comprised in the Faculty; and

(b) the due observance of the Statutes, Ordinances and Regulations relating to the Faculty.

(6) In each department of teaching in the University, there shall be a head of department whose appointment shall be regulated by Statutes:

Provided that every person holding the office of head of department immediately before the date of commencement of this sub-section shall, subject to the provision of this Act and Statutes, continue to hold office on the same terms and conditions as he held immediately before the said date.

(7) The head of department shall be responsible to the dean for the organization of teaching in the department and have such other powers and duties as may be provided in the Ordinances.

(8) There shall be constituted in accordance with the provisions of the Ordinances, Boards of Studies in respect of different subjects of study and more than one subject may be assigned to one Board of Studies.

Admissions Committee

32. (1) There shall be an Admissions Committee of the University, the constitution of which shall be such as may be provided for in the Ordinances.

(2) The Admissions Committee shall have the power to appoint such number of sub-committees as it thinks fit.

(3) Subject to the superintendence of the Academic Council and to the provisions of sub-section (5), the Admissions Committee shall lay down the principles or norms governing the policy of admission for various courses of studies in the University.

(4) Subject to the provisions of sub-section (5) the Committee may issue any direction as respects criteria or methods of admissions including the number of students to be admitted.

(5) Notwithstanding anything contained in any other provision of this Act, reservation of seats for admission in any course of study in the University, for the students belonging to the Scheduled Castes, Scheduled Tribes and other backward classes of citizens may be made and regulated by such law or orders as the State Government may, by notification, make in that behalf.

(6) Notwithstanding anything contained in the foregoing sub-sections, admissions to the undergraduate and post-graduate classes shall, subject to any orders of the State Government, continue to be governed by the provision applicable to the King George's Medical College immediately before the appointed date.

(7) No student admitted to the University in contravention of the provisions of this section shall be permitted to take up any examination conducted by the University, and the Vice-Chancellor shall have the power to cancel any admission made in such contravention.

33. (1) There shall be an Examination Committee in the University, the constitution of which shall be as may be provided for in the Ordinances.

Examination
Committee

(2) The Committee shall supervise generally all the examinations of the University, including moderation and tabulation, and perform the following other functions, namely :—

(a) to appoint examiners and moderators and, if necessary, to remove them;

(b) to review from time to time the result of University examinations and submission of reports thereon to the Academic Council;

(c) to make recommendations to the academic council for the improvement of the examination system;

(d) to scrutinize the list of examiners proposed by the Board of Studies, finalize the same and declare the results of the University.

(3) The Examination Committee may appoint such number of sub-committees as it thinks fit, and in particular may delegate to any one or more persons or sub-committees the power to deal with and decide cases relating to the use of unfair means by the examinees.

(4) Notwithstanding anything contained in this Act, it shall be lawful for an Examinations Committee or, as the case may be, for a sub-committee or any person to whom the Examinations Committee has delegated its power in this behalf under sub-section (3), to debar an examinee from future examinations of the University, if in its or his opinion, such examinee is guilty of using unfair means at any such examination.

34. The constitution, powers and duties of other authorities of the University shall be such as may be prescribed.

Other Authorities

CHAPTER V

Appointment and Conditions of Service of teachers and Officers

35. (1) Subject to the provisions of this Act, the teachers shall be appointed by the Executive Council on the recommendation of a Selection Committee in the manner hereinafter provided. the selection committee shall meet as often as necessary.

Appointment of
teachers

(2) The appointment of every such teacher, not being an appointment under sub-section (3), shall in the first instance be on probation for one year which may be extended by the Executive Council for a period not exceeding one year :

Provided that no order of termination of service during or on the expiry of the period of probation shall be passed in the case of a teacher of the University, except by the order of the Executive Council made after considering the report of the Vice-Chancellor and (unless the teacher is himself the head of the department), the head of the department concerned :

Provided further that no such order of termination shall be passed except after notice to the teacher concerned giving him an opportunity of explanation in respect of the grounds on which his services are proposed to be terminated :

Provided also that if a notice is given before the expiry of the period of probation or the extended period probation, as the case may be, the period of probation shall stand extended until the final order of the Executive of Council under the first proviso.

(3) (a) In the case of a teacher of the University other than a Professor, the Vice-Chancellor in consultation with the Dean of the Faculty and the head of the department concerned and an expert nominated by the Chancellor in that behalf may make officiating appointment in a vacancy caused by the grant of leave to an incumbent for a period not exceeding ten months without reference to the selection Committee, but shall not fill any other vacancy or post likely to last for more than six months without such reference.

(b) Where before or after the commencement of this Act, any teacher is appointed (after reference to a Selection Committee) to a temporary post likely to last for more than six months, and such post is subsequently converted into a permanent post or to a permanent post in a vacancy caused by the grant of leave to an incumbent for a period exceeding ten months and such post subsequently becomes permanently vacant or any post of same cadre and grade is newly created or falls vacant in the same department, then unless the Executive Council decides to terminate his services after giving an opportunity to show cause, it may appoint such teacher in a substantive capacity to that post without reference to a Selection Committee :

Provided that this clause shall not apply unless the teacher concerned holds the prescribed qualifications for the post at the time of such substantive appointment, and he has served continuously, for a period of not less than one year after his appointment made after reference to a selection committee:

Provided further that appointment in a substantive capacity under this clause of a teacher who had served, before such appointment, continuously for a period of less than two years, shall be on probation for one year which may be extended for a period not exceeding one year, and the provisions of sub-section (2) shall apply accordingly.

(4) The Selection Committee for the appointment of a teacher shall consist of—

(i) The Vice-Chancellor who shall be the Chairman thereof;

(ii) The Head of the Department concerned:

Provided that the Head of the Department shall not sit in the Selection Committee, when he is himself a candidate for appointment or when the post concerned is of a higher rank than his substantive post and in that event his office shall be filled by the senior most Professor in the Department and if there is no Professor, by the Dean of the Faculty:

Provided further that where the Chancellor is satisfied that in the special circumstances of the case, a Selection Committee cannot be constituted in accordance with the preceding proviso, he may direct the constitution of the Selection Committee in such manner as he thinks fit.

(iii) In the case of a Professor or an Associate Professor, three experts, and in any other case, two experts to be nominated by the Chancellor;

(5) (a) A panel of six or more experts in each subject of study shall be drawn up by the Chancellor after consulting the corresponding Faculty in Indian Universities or such academic bodies or research institutions in or outside Uttar Pradesh as the Chancellor may consider necessary. Every expert to be nominated by the Chancellor under sub-section (4) shall be a person whose name is borne on such panel.

(b) A panel referred to in clause (a) shall be revised after every three years.

Explanation I- For the purposes of this sub-section, a branch of subject in which a separate course of study is prescribed for a postgraduate degree shall be deemed to be a separate subject of study.

Explanation II- Where the post of teacher to be selected is common to more than one subject of study, the expert may belong to either of such subjects of study.

(c) The Chancellor may intimate in a specified order, a larger number of names of experts than required under sub-section (4) for serving as his nominees on the Selection Committee. In such case, on any person whose name appears higher in the specified order not being available for a meeting of the Selection Committee, a person whose name appears nearest lower in the specified order shall be requested to serve on the Committee.

(6) No recommendation made by a Selection Committee referred to in sub-section (4) shall be considered to be valid unless one of the experts has agreed to such selection.

(7) Subject to the provisions of sub-section (6), the majority of the total membership of any Selection Committee shall form the quorum of such Committee :

Provided that in the case of a Professor or an Associate Professor the persons present to form the quorum must include at least two experts.

(8) It shall be open to the Selection Committee to recommend one or more but not more than three names for each post.

(9) In the case of appointment of a teacher, if the Executive Council does not agree with the recommendation made by the Selection Committee, the Executive Council shall refer the matter to the Chancellor along with the reasons of such disagreement, and his decision shall be final :

Provided that if the Executive Council does not take a decision on the recommendations of the Selection Committee within a period of four months from the date of the meeting of such Committee, then also the matter shall stand referred to the Chancellor, and his decision shall be final .

(10) The disqualification of members of Selection Committee for appointment of teachers on the ground of interest for participating in the deliberations of such Committees and other matters relating to appointment of such teachers shall be prescribed by the Statutes.

(11) No selection for any appointment under this section shall be made except after advertisement of the vacancy in at least three issues of two newspapers having adequate circulation in Uttar Pradesh.

36. (1) Notwithstanding anything contained in any other provision of this Act, an Assistant Professor substantively appointed in the University, or, an Associate Professor, substantively appointed, or promoted under this section in University, who has put in such length of service and possesses such qualifications as may be prescribed, may be given personal promotion respectively to the post of Associate Professor or Professor.

Promotion to the Post of Associate Professor and Professor

(2) The promotion under sub-section (1) shall be given on the recommendation of the Selection Committee, constituted under sub-section (4) of Section 35, in such manner and subject to such conditions as may be prescribed.

Contract of appointment of teachers of the University.

37. (1) Except as otherwise provided by Statutes, no salaried officer and teacher of the University shall be appointed except under a written contract which shall be consistent with the provisions of this Act, the Statutes and Ordinances.

(2) The original contract shall be lodged with the Registrar and a copy thereof shall be furnished to the officer or teacher concerned.

(3) Notwithstanding anything contained in any contract or other instrument, no teacher of the University shall have right of private practice except to such extent if any, and subject to such conditions and restrictions as the State Government may, by general or special order specify.

Pensions, Provident Fund etc.

38. The University shall constitute, for the benefit of its officers, teachers and other employees, in such manner and subject to such conditions as may be specified by general or special order by the State Government such pension, insurance or provident fund, as it may deem fit including a fund from which such teachers or their heirs, as the case may be, shall be paid pension or gratuity in the event of their incurring disability, wound or death in connection with the discharge of their duties as Superintendent of a Centre or invigilator as defined in Uttar Pradesh Universities (Provisions regarding Conduct of Examinations) Act, 1965.

Limits of additional remunerative work permissible to teachers.

39. (1) The conditions regarding payment of remuneration to the teachers for any duties performed in connection with any examination conducted by an Indian University or any body other than Public Service Commission shall be such as may be prescribed.

(2) No teacher shall at any time, hold more than one remunerative office carrying duties other than teaching or duties connected with examination.

Explanation-The words 'remunerative offices' include the offices of Warden or Superintendent of a hostel, Proctor, Games Superintendent and Librarian.

Tribunal of Arbitration

40. (1) Any dispute arising out of a contract of appointment referred to in section 37 shall be referred to a Tribunal of Arbitration which shall consist of one member nominated by the Executive Council, one member nominated by the officer or teacher concerned and one member (who shall act as convener) nominated by the Chancellor.

(2) If for any reason, a vacancy occurs in the office of a member of the Tribunal, the appropriate person or body concerned shall nominate another person in accordance with provisions of sub-section (1) to fill the vacancy and the proceedings may be continued before the Tribunal from the stage at which the vacancy is filled.

(3) The decision of the Tribunal shall be final and binding on the parties and shall not be questioned in any court.

(4) The tribunal of Arbitration shall have the powers-

(a) To regulate its own procedure;

(b) To order re-instatement of the officer or teacher concerned; and

(c) To award salary to the officer or teacher concerned, after deducting there from such income which such officer or teacher might have otherwise derived during his suspension, removal, dismissal or termination from service.

(5) Nothing contained in any law for the time being in force relating to arbitration shall apply to an arbitration under this section.

(6) No suit or proceedings shall lie in any court in respect of any matter which is required by sub-section (1) to be referred to the Tribunal of Arbitration :

Provided that every decision of the Tribunal referred to in sub-section (3) shall be executable by the lowest court having territorial jurisdiction, as if it were a decree of that court.

CHAPTER VI

Statutes, Ordinances And Regulations

Statutes

41. Subject to the provisions of this Act, the Statutes may provide for any matter relating to the University and shall in particular, provide for -

(a) The constitution, power and duties of the authorities of the University;

(b) The election, appointment and term of office of the members of the authorities of the University, including the continuance in office of the first members, and the filling in of vacancies in their membership and all other matters relating to these authorities for which it may be necessary to provide;

(c) The powers and duties of the officers of the University;

(d) The classification and recruitment (including minimum qualification and experience) of teachers of the University, the maintenance by them of their annual academic progress report, the rules of conduct to be observed by them and their emoluments and other conditions of service (including provisions relating to compulsory retirement)

(e) The recruitment (including minimum qualifications and experience) and their emoluments and other conditions of service (including provisions relating to compulsory retirement) of persons appointed to other posts under the University;

(f) The constitution of a pension or provident fund or the establishment of an insurance-scheme for the benefit of officers, teachers and other employees of the University;

(g) The institution of degrees and diplomas;

(h) The conferment of honorary degrees;

(i) The withdrawal of degrees and diplomas, certificates and other academic distinctions;

(j) The establishment, amalgamation, abolition and reorganisation of Faculties;

(k) The establishment of departments of teaching in the Faculties;

(l) The establishment, abolition and reorganization of hostels maintained by the University;

(m) The number, minimum qualification and experience, the emoluments and other conditions of service, including the age of retirement and provisions relating to compulsory retirement of salaried employees (not being teachers) of the University and the preparation and maintenance of record of their service;

(n) The institution of scholarships, fellowships, studentships, medals and prizes;

(o) The qualifications, conditions and manner of registration of graduates and the maintenance of a register of registered graduates;

(p) The holding of convocation, if any; and

(q) All other matters which by this Act are to be or may be provided for by the Statutes.

Statutes how
made

42. (1) The first Statutes of the University shall be made by the State Government, by notification, provided that for so long as the First Statutes are not so made, the Statutes of the Lucknow University as in force immediately before the appointed date in so far as they are not so inconsistent with the provisions of this Act, shall, subject to such adaptations and modifications whether by way of repeal, amendment or addition as may be necessary or expedient, as the State Government may, by notification provide, continue in force, and any such adaptation or modification shall not be called in question.

(2) The executive Council may make new or additional Statutes or may amend or repeal the Statutes referred to in sub-section (1).

(3) The Executive Council shall not propose the draft of any Statute affecting the status, power or constitution of any authority of the University until such authority has been given an opportunity of expressing its opinion upon the proposal and any opinion so expressed shall be in writing and shall be submitted to the Chancellor.

(4) Every new Statute or addition to a Statute or any amendment or repeal of Statute shall be submitted to the Chancellor who may assent to it or withhold his assent there from or remit it to the Executive Council for further consideration.

(5) A Statute passed by the executive Council shall have effect from the date it is assented to by the Chancellor or from such later date as may be specified by him.

(6) Notwithstanding anything contained in the forgoing sub-sections, the State Government may in order to implement any decision taken by it in the interest of learning, teaching or research or for the benefit of teachers, students or other staff or on the basis of any suggestion or recommendation of the University Grants Commission or the State or National Education Policy with regard to the qualifications of the teachers, require the Executive Council to make new or additional Statutes or amend or repeal the Statutes referred to in sub-section(1) within a specified time and if the Executive Council fails to comply with such requirement of the State Government may, with the assent of the Chancellor, make new or additional Statutes or amend or repeal the Statutes referred to in sub-section(1).

(7) The Executive Council shall have no power to amend or repeal the Statutes made by the State Government under sub-section(6) or to make new or additional Statutes inconsistent with such Statutes.

Ordinances

43. (1) Subject to the provisions of this Act and the Statutes the Ordinances may provide for any matter which by this Act or the Statutes is to be or may be provided for by the Ordinances.

(2) Without prejudice to the generality of the provisions of sub-section (1), the Ordinance shall provide for the following matters, namely-

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

(b) The courses of study to be laid down for all degrees, diplomas and other academic distinctions of the University;

(c) The conditions under which students shall be admitted to the examinations, degrees and diplomas of the University and shall be eligible for the award of such degrees and diplomas;

(d) The conditions of award of scholarships, fellowships, studentships, bursaries, medals and prizes;

(e) The conditions of residence of students at the University and the management of hostels maintained by the University;

(f) The recognition and management of hostels not maintained by the university;

(g) The maintenance of discipline among the students of the University and the punishment including suspension, expulsion or restrictions for breach of discipline or for any violent or indecent ragging of fresh students by their seniors;

(h) The fees which may be charged by the University;

(i) The conditions and mode of appointment and the duties of examining bodies, examiners, moderators, invigilators and tabulators;

(j) The conduct of examinations;

(k) The remuneration and allowances including travelling and daily allowances to be paid to persons employed on the business of the University;

(l) All other matters which by this Act or the Statutes are to be or may be provided for by the Ordinances.

44. (1) The first Ordinances of University shall be the Ordinances of the Lucknow University as in force immediately before the appointed date insofar as they are not inconsistent with the provisions of this Act :

Ordinances how made

Provided that for the purpose of bringing the provisions of any such Ordinances into accord with the provisions of this Act and the Statutes, the Chancellor may by order make such adaptations and modifications of the Ordinances whether by way of repeal, amendment or addition as may be necessary or expedient and provide that the Ordinances shall as from such date as may be specified in the order have effect subject to the adaptations or modifications so made and any such adaptation or modification shall not be called in question.

(2) Save as otherwise provided in this section, the Executive Council may, from time to time, make new or additional Ordinances or may amend or repeal the Ordinances referred to in sub-sections (1) :

Provided that no Ordinance shall be made—

(a) affecting the admission of student, or prescribing examinations to be recognized as equivalent to the University examinations or the further qualifications mentioned in sub-section (1) of section 45 for admission to the degree courses of the University, unless a draft of the same has been proposed by the Academic council; or

(b) affecting the conditions and mode of appointment and duties of examiners and the conduct or standard of examinations or any course of study except in accordance with a proposal of the Faculty concerned and unless a draft of such Ordinance has been proposed by the Academic Council; or

(c) affecting the number, qualifications and emoluments of teachers of the University or the income or expenditure of the University, unless a draft of the same has been approved by the State Government.

(3) The Executive Council shall not have power to amend any draft proposed by the Academic Council under sub-section (3) but may reject it or return to the Academic Council for reconsideration either in whole or in part together with any amendments, which the Executive Council may suggest.

(4) All ordinances made by the Executive Council shall have effect from such date as it may direct and shall be submitted as soon as may be to the Chancellor.

(5) The Chancellor may at any time signify to the Executive Council his disallowance of such Ordinances other than those referred to in clause (c) of the proviso to sub-section (2) and from the date of receipt by the Executive Council of intimation of such disallowance, such Ordinance shall become void.

(6) The Chancellor may direct that the operation of any ordinance other than those referred to in clause (c) of the proviso to sub-section (2) shall be suspended until he has an opportunity of exercising his power of disallowance. An order of suspension under this sub-section shall cease to have effect on the expiration of one month from date of such order.

Regulations

45. (1) Subject to the provisions of this Act, the statutes and the Ordinances, an authority or other body of the University may make Regulations-

(a) laying down the procedure to be followed at its meeting and the number of members required to form the quorum;

(b) providing for all matters which by this Act, the Statutes or the Ordinances are to be provided by Regulations; and

(c) providing for any other matter solely concerning such authority or body and not provided for by this Act, the Statutes and the Ordinance.

(2) The regulations made by any authority or other body of the University shall provide for the giving of notice to its members of the dates of meetings and the business to be transacted thereat and for keeping of record of the proceedings of such meetings.

(3) The Executive Council may direct any authority or other body of the University other than the Court to cancel or to amend in such form as may be specified in the direction, any Regulation made by such authority or body and such authority or body shall thereupon cancel or amend the Regulation accordingly.

(4) The Academic Council may, subject to the provisions of the Ordinances, make Regulations providing for the course of study for any examination, degree or diploma of the University only after the Board of Faculty concerned has proposed a draft of the same.

(5) The Academic Council shall not have power to amend or reject any draft proposed by the Board of Faculty under sub-section (4), but may return it to the Board for further consideration together with its own suggestions.

(6) Until any Regulations are made under this section, the relevant Regulations of the Lucknow University as in force immediately before the appointed date shall continue to be in force.

CHAPTER VII

Annual Reports And Accounts

Annual Report

46. (1) The Annual Report of the University shall be prepared under the direction of the Executive Council and shall be submitted to the Court a month before its annual meeting and the Court shall consider it in its annual meeting.

(2) The Court may by resolution make recommendations on such report and communicate the same to the Executive Council which may take such action thereon as it thinks fit.

Accounts and Audit

47. (1) The annual accounts and balance-sheet of the University shall be prepared under the direction of the Executive Council and all accruing by the University from whatever source and all amounts disbursed or paid shall be entered in the accounts maintained by the University.

(2) A copy of the annual accounts and the balance-sheet shall be submitted to the State Government which shall cause the same to be audited.

(3) The annual accounts and the balance-sheet audited shall be printed and copies thereof shall, together with copies of the audit report, be submitted by the Executive Council to the Court and the State Government.

(4) The Executive Council shall also prepare, before such date as may be prescribed, the budget for the ensuing year.

(5) Every item of new expenditure above such amount as may be prescribed which is proposed to be included in the budget shall be referred by the Executive Council to the Finance Committee, which may make recommendations thereon.

(6) The Executive Council shall, after considering the recommendations, if any, of the Finance Committee approve the budget finally.

(7) The annual accounts, the balance-sheet and the audit report shall be considered by the court at its annual meetings, and the Court may, by resolution make recommendations with reference thereto and communicate the same to the Executive Council.

(8) It shall not be lawful for the Vice-Chancellor or the Executive Council to incur any expenditure –

(a) either not sanctioned in the budget, or in the case of funds granted to the University, subsequent to the sanction of the budget, by the State Government or the Government of India or the University Grants Commission or any international organization or Foundation, save in accordance with the terms of such grant:

Provided that notwithstanding anything in sub-section (7) of section 17, the Vice-Chancellor may, in the case of fire, flood, excessive rainfall or other sudden or unforeseen circumstances, incur non-recurring expenditure not exceeding rupees fifty thousand not sanctioned in the budget and he shall immediately inform the State Government in respect of all such expenditure;

(b) on any litigation in opposition to any order of the Chancellor or of the State Government purporting to be made under this Act.

48. (1) An officer specified in any of the clauses (b) to (i) of section 14 shall be liable to surcharge for the loss, waste or misapplication of any money or property of the University, if such loss, waste or misapplication is a direct consequence of his neglect or misconduct.

Surcharge

(2) The procedure of surcharge and the manner of recovery of the amount involved in such loss, waste or misapplication shall be such as may be prescribed.

CHAPTER VIII

Miscellaneous

49. (1) Except as expressly provided by this Act or the Statutes, officers of the University and members of authorities of the University shall so far as may be, be chosen by methods other than election.

Manner of appointment of officers and members of authorities.

(2) Where a provision is made in this Act or the Statutes for any appointment by rotation or according to seniority or other qualification, the manner of rotation and determination of seniority and other qualifications shall be such as may be prescribed.

(3) Where a provision for an election is made in this Act, such election shall be conducted according to the system of proportional representation by means of the single transferable vote, and where provision for an election is made in the Statutes, it shall be held in such manner as the Statutes may provide.

(4) Except as expressly provided by this Act, no officer or employee of the University shall be eligible to seek election to any authority or other body of the University.

Filling of casual vacancies

50. (1) Any casual vacancy among the members, other than *ex-officio* members, of any authority or body of the University shall be filled in the same manner in which the members whose vacancy is to be filled up was chosen, and the person filling the vacancy shall be a member of such authority or body for the residue of the term for which the person whose place he fills would have been a member.

(2) A person who is a member of any authority of the University as a representative of another body, whether of the University or outside, shall retain his seat on such authority for only so long as he continues to be the representative of such body.

Proceeding not to be invalidated by vacancies, etc.

51. No act or proceeding, of any authority or body or committee of the University, shall be invalid merely by reason of—

- (a) any vacancy or defect in the constitution thereof; or
- (b) some person, having taken part in the proceedings who was not entitled to do so; or
- (c) any defect in the election, nomination or appointment of a person acting as member thereof; or
- (d) any irregularity in its procedure not affecting the merits of the case.

Removal from membership of the University

52. The court may, by a two-third majority of the members present and voting remove any person from membership of any authority or other body of the University upon the ground that such person has been convicted of any offence which, in the opinion of the Court, is an offence involving moral turpitude or upon the ground that he has been guilty of scandalous conduct or had behaved in a manner unbecoming of a member of the University and may upon the same ground withdraw from any person any degree, or certificate conferred or granted by the University.

Reference to the Chancellor

53. If any question arises whether any person has been duly elected or appointed as, or is entitled to be a member of any authority or other body of the University (including any question as to the validity of a Statute, Ordinance or Regulation, not being a Statute or Ordinance made or approved by the State Government or by the Chancellor) is in conformity with this Act or the Statutes or the Ordinances made thereunder, the matter shall be referred to the Chancellor, and the decision of the Chancellor thereon shall be final:

Provided that no reference under this section shall be made—

- (a) more than three months after the date when the question could have been raised for the first time;
- (b) by any person other than an authority or officer of the University or a person aggrieved:

Provided further that the Chancellor may in exceptional circumstances—

- (a) act *suo motu* or entertain a reference after the expiry of the period mentioned in the preceding proviso;
- (b) where the matter referred relates to a dispute about the election, and the eligibility of the persons so elected is in doubt, pass such orders of stay as he thinks just and expedient.

Mode of proof of University record

54. (1) A copy of any receipt, application, notice, order, proceeding or resolution of any authority or committee of the University or other documents in possession of the University or any entry in any register duly maintained by the University, if certified by the Registrar shall be received as *prima facie* evidence of such receipt, application, notice, order, proceedings, resolution or document or the existence of entry in the register and shall be admitted as evidence of the matters and transactions therein recorded where the original thereof would, if produced, have been admissible in evidence.

(2) No officer or servant of the University shall in any proceeding to which the University is not a party, be required to produce any document register or other record of the University the contents of which can be proved under sub-section (1) by a certified copy, or to appear as a witness to prove the matters and transactions recorded therein unless by order of the court made for special cause.

CHAPTER IX

Transitory Provision

55. (1) Every authority of the University shall, as soon as may be after the commencement of this Act, be constituted in accordance with the provisions of this Act.

Constitution of
authority

(2) Until any authority of the University is constituted under sub-section (1), the State Government may, by order, direct by whom and in what manner the powers, duties and functions exercisable or dischargeable under this Act by any authority of University other than the executive Council shall exercised or discharged.

56. Notwithstanding the transfer of the institutions from the Lucknow University to the University.

(a) All appointment made, orders issued, degrees or diplomas conferred or certificates issued, privileges granted or other things done (including registration of graduates) under any such enactment, shall be deemed to have been respectively made, issued, conferred, granted or done under the corresponding provisions of this Act, and except as otherwise provided by or under this Act continue in force unless and until they are superseded by any order made under this Act;

(b) all proceedings of Selection committee for appointment of teachers of King George's Medical College which took place before the commencement of this Act and all actions by the Executive Council of the Lucknow University in respect of the recommendations of such Selection Committee, where no orders of appointment on the basis thereof were passed before the commencement of this Act, shall be deemed to have been valid, but further proceedings in connection with such pending selections shall be taken in accordance with the provisions of this Act and be continued from the stage where they stood immediately before such commencement;

(c) until fresh panels of experts are drawn up under sub-section (5) section 35, the Chancellor, may nominate experts to Selection Committee under that section from out of the panels in existence immediately before the commencement of this Act :

Provided that the provisions of Explanations I and II to the sub-section (5) of said section shall apply also to the panels of experts referred to in this clause and to nominations made from such panels under this clause:

(d) until a Finance Officer is appointed in the University, the functions of the Finance Officer under this Act shall be performed by the Finance officer of the King George's Medical college;

(e) until a Registrar is appointed in the University, the functions of the Registrar under this Act shall be performed by a teacher of the University nominated by the Vice-Chancellor.

Power to remove
difficulties

57. (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 :

Provided that no such order shall be made after 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.

By order,
A. B. SHUKLA,
Pramukh Sachiv.

STATEMENT OF OBJECTS AND REASONS

With a view to providing proper treatment to the patients suffering from various diseases and developing a centre of excellence in the field of medical science in addition to the Sanjaya Gandhi Post Graduate Institute of Medical Sciences in the State, it has been decided to make a law to provide for the establishment of a Medical University by the name of Chhatrapati Shahuji Maharaj Medical University by transfer of the King George's Medical College and the Gandhi Memorial and Associated Hospitals from the University of Lucknow to the said Medical University.

The Uttar Pradesh Chhatrapati Shahuji Maharaj Medical University Bill, 2002 is introduced accordingly.