

The Integral University Act, 2004

UTTAR PRADESH

India

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Act 9 of 2004

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The Integral University Act, 2004 U.P. Act No. 9 of 2004 Statement of Objects and Reasons.-The Institute of Integral Technology, Lucknow, which is being established and run by Muslim Minority of Uttar Pradesh through the Islamic Council for Productive Education, is imparting education in various disciplines. The Islamic Council for Productive Education, which is a minority society registered under the Societies Registration Act, 1860, has sponsored to establish and incorporate a minority university by the name of the Integral University at Lucknow by merging the said Institute, the Institute of Integral Technology, into the proposed University with all its existing building, workshop, laboratories and other infrastructure etc. hitherto in possession thereof. Since it has not been possible for the State Government with its limited financial resources to establish such a University it has been decided to establish a University by the name of the Integral University in the State in private sector in the name of the Integral University. [Dated 26th February, 2004] (As passed by the Uttar Pradesh Legislature) Received the assent of the Governor on 26th February, 2004, published in the U. P. Gazette (Extraordinary), Part 1, Section (Ka), dated 27th February, 2004 An Act to establish and incorporate a Teaching University at Lucknow and to provide for matters connected therewith or incidental thereto It is hereby enacted in the Fifty-fifth Year of the Republic of India as follows:

1. Short title and commencement.

(1) This Act may be called the Integral University Act, 2004. (2) It shall come into force on such [date] [Came into force on 1-4-2004, vide Notification No. 917/70-1-2004-15 (10)-2004, dated 31st March, 2004, published in the U. P. Gazette (Extraordinary), Part 4, Section (Kha), dated 1st April, 2004.] as the State Government may, by notification, appoint in this behalf.

2. Definitions.

- In this Act, unless the context otherwise requires, -(a) "Academic Council" means the Academic Council of the University; (b) "Boards" means the Board of Studies and the Planning Board etc. of the

University;(c)"Chancellor", "Vice-Chancellor" and "Pro-Vice-Chancellor" mean respectively the Chancellor, the Vice-Chancellor and the Pro-Vice-Chancellor of the University;(d)"Court" means the Court of the University;(e)"Director/Principal" means the Head of an Institution, College, School, Polytechnic and Industrial Training Institute or the person appointed for the purpose to act as such in his absence;(f)"Department" means a Department of Studies and includes a Centre of Studies and Research;(g)"Education Society" means Islamic Council for Productive Education registered under the Societies Registration Act, 1860;(h)"Employee" means any person appointed by the University and includes teachers and other staff of the University;(i)"Executive Council" means the Executive Council of the University;(j)"Faculty" means the Faculty of the University;(k)"Hostel" means Scholars/Students Hostel of the University;(l)"Treasurer", "Registrar", "Deputy Registrar", "Finance Officer", "Controller of Examinations", "Librarian" and "Proctor" mean respectively the Treasurer, the Registrar, the Deputy Registrar, Finance Officer, Controller of Examinations, Librarian and Proctor of the University;(m)"Institution" means an Academic Institution, established or maintained by the University;(n)"Prescribe" means prescribed by Statutes;(o)"Records and Publications" means the Records and Publications of the University;(p)"Statutes", "Ordinances" and "Regulations" means respectively the Statutes, Ordinances and Regulations of the University for the time being in force;(q)"Students" means a student enrolled in the Register of the University;(r)"Teachers of the University" means Professors, Readers, Lecturers and such other persons as may be appointed for imparting education/instruction or conducting research in the University and are designated as Teachers by the Ordinances;(s)"University" means "The Integral University", established under this Act by Islamic Council for Productive Education; and(t)"Visitor" means the Visitor of the University.

3. The University.

(1)There shall be established at Lucknow a University by the Education Society in the name of the Integral University.(2)The University shall be a body corporate by the name of the Integral University and shall have perpetual succession and a common seal and shall sue and be sued by that name.(3)The Institute of Integral Technology, Lucknow shall be dissolved and all property movable and immovable shall be transferred to and vested in the University and shall be applied to the objects and purposes for which the University is established.

4. Object of the University.

- The objects of the University shall be to disseminate and advance knowledge by providing instructional, research and extension facilities in such branches of learning as it may deem fit and the University shall endeavour to provide to students and teachers the necessary atmosphere and facilities for the promotion of-(a)innovations in education leading to restructuring of courses, new methods of teaching and learning and integral development of personality;(b)studies in various disciplines;(c)inter-disciplinary studies;(d)national integration, secularism and international understanding; and(e)to bring the Muslim minorities into the mainstream for overall development of India by imparting all modern and classical education for their upliftment.

5. Powers of the University.

- The University shall have the following powers, namely, - (a) to provide for instruction in such branches of learning as the University may, from time to time, determine and to make provisions for research and for the advancement and dissemination of knowledge; (b) to impart and promote the study of science, technology, medical management and other professional courses, including religions, culture, philosophy and distant educational programs etc; (c) to grant, subject to such conditions as the University may determine, diplomas or certificates to and confer degrees or other academic distinctions on the basis of examinations, evaluation or any other method of testing on persons, and to withdraw any such diplomas, certificates, degrees or other academic distinctions for good and sufficient cause; (d) to organize and to undertake extra-mural studies, extension service and other measures for the promotion of adult education; (e) to confer honorary degrees or other distinctions in the manner prescribed by the Statutes; (f) to provide instruction, including correspondence and such other courses, to such persons as are not members of the University, as it may determine; (g) to institute Directorship, Principalships, Professorships, Readerships, Lecturerships and other teaching or academic posts required by the University and to make appointments for the same; (h) to create administrative, ministerial and other posts and to make appointments thereto; (i) to appoint/engage persons working in any other University or Organization having specific knowledge permanently or for a specified period; (j) to co-operate, collaborate or associate with any other University or authority or Institution in such manner and for such purpose as the University may determine; (k) to establish and maintain Schools, Institutions and such Centres, Specialized Laboratories or other Units for research and instructions as are, in the opinion of the University, necessary for the furtherance of its objects; (l) to institute and award fellowships, scholarships, studentships, medals and prizes; (m) to establish and maintain Hostels for the students of the University; (n) to make provision for research and advisory services, and for that purpose to enter into such arrangements with other institutions or bodies as the University may deem necessary; (o) to declare a Centre, an Institution, a Department, or School, as the case may be, in accordance with the Statutes; (p) to determine standards for admission into the University, which may include examination, evaluation or any other method of testing; (q) to demand and receive payment of fees and other charges; (r) to supervise the residence of the students of the University and to make arrangements for promoting their health and general welfare; (s) to make special arrangements in respect of women students as the University may consider desirable; (t) to regulate and enforce discipline among the employees and students of the University and take such disciplinary measures in this regard as may be deemed necessary by the University; (u) to make arrangements for promoting the health and general welfare of the employees of the University; (v) to receive donations and to acquire, hold, manage and dispose of any property, movable or immovable, including trust and endowment properties for the welfare of the University; (w) to borrow, mortgage or hypothecate with the approval of the Executive Committee of the Society, on the security of the property of the University, money for the purposes of the University; and (x) to do all such other acts and things as may be necessary, incidental or conducive to the attainment of all or any of the objects of the University.

6. University open to all classes and creeds.

- The University shall be open to persons of either sex and of whatever race, creed, caste or class and it shall not be lawful for the University to adopt or impose on any person any test whatsoever of religious belief or profession in order to entitle him to be admitted therein as a teacher or student, or to hold any office therein or to graduate thereat: Provided that nothing in this section shall be deemed to prevent the University from making appropriate provisions for reservation of Minority Community which cannot exceed more than fifty per cent.

7. The Visitor.

(1) The Governor shall be the Visitor of the University. (2) The Visitor shall have the right to visit the University, any Institutions, Colleges, Schools, Polytechnics and Industrial Training Institute maintained by the University to ensure standard of education, discipline, decorum and proper functioning of the University. (3) The Visitor shall have right to take any action in the dispute of the cases referred to him by the Chancellor.

8. Officers of the University.

- The following shall be the officers of the University:-(i) the Chancellor; (ii) the Vice-Chancellor; (iii) the Pro-Vice-Chancellor; (iv) Directors/Head of the Institutions; (v) the Registrar; (vi) the Treasurer; (vii) the Deans of Faculties; (viii) the Dean of Students' Welfare; (ix) the Proctor; (x) the Finance Officer; and (xi) such other Officers as may be declared by the Statutes to be officers of the University.

9. The Chancellor.

(1) The Chancellor shall be elected by the Court in such manner as may be prescribed. (2) The Chancellor shall, by virtue of his office, be the Head of the University. (3) The Chancellor shall, if present, preside at the Convocation of the University held for conferring degrees.

10. The Vice-Chancellor.

(1) The Vice-Chancellor shall be appointed by the Chancellor in such manner as may be prescribed for a period of five years. (2) The Vice-Chancellor shall be the Chairman of the Executive and the Academic Council of the University and shall exercise general supervision and control over the affairs of the University and give effect to the decision of all the authorities of the University. (3) The Vice-Chancellor may, if he is of the opinion that immediate action is necessary on any matter, exercise any power conferred on any authority of the University by or under this Act and shall convey to such authority the action taken by him on such matters: Provided that if the authority concerned is of the opinion that such action ought not to have been taken, it may refer the matter to the Chancellor whose decision thereon shall be final: Provided further that any person in the service of the University who is aggrieved by the action taken by the Vice-Chancellor under this sub-section

shall have the right to appeal against such action to the Chancellor within one month from the date on which a decision on such action is communicated to him and thereupon the Chancellor may confirm, modify or reverse the action taken by the Vice-Chancellor.(4)The Vice-Chancellor shall exercise such other powers and perform such other functions as may be prescribed.

11. The Pro-Vice-Chancellor.

(1)The Pro-Vice-Chancellor shall be appointed by the Vice-Chancellor and shall exercise such powers and perform such functions as may be prescribed.(2)The Pro-Vice-Chancellor shall assist the Vice-Chancellor in discharging day to day duties as and when required by the Vice-Chancellor.

12. The Treasurer.

(1)The Treasurer shall be appointed in such manner, and shall exercise such powers and perform such functions as may be prescribed.(2)The Treasurer shall assist the Vice-Chancellor in all financial matters including annual budget, annual auditing, allocation of funds etc.

13. Registrar.

(1)The Registrar shall be appointed in such manner as may be prescribed.(2)The Registrar shall have the power to enter into agreements, sign documents and authenticate records on behalf of the University and shall exercise such other powers and perform such other functions as may be prescribed.(3)The Registrar shall be ex officio Secretary of Executive Council and Academic Council.

14. Deans of Faculties.

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

15. Finance Officer.

(1)The Finance Officer shall be appointed in such manner and shall exercise such powers and perform such functions as may be prescribed.(2)The Finance Officer shall be ex officio Secretary of Finance Committee.

16. Other Officers.

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

17. Authorities of the University.

- The following shall be the authorities of the University : (i) the Court; (ii) the Executive Council; (iii) the Academic Council; (iv) the Finance Committee; (v) the Faculties; (vi) the Planning Board; and (vii) such other authorities as may be declared by the Statutes to be authorities of the University.

18. The Court.

(1) The constitution of the Court and the term of office of its members shall be such as may be prescribed. (2) Subject to the provisions of this Act, the Court shall have the following powers and functions, namely : (a) to review, from time to time, the broad policies and programs of the University and to suggest measures for the working, improvement and development of the University; (b) to consider and pass resolutions on the Annual Report and the Annual Accounts of the University and the Audit Report on such accounts; (c) to advise the Visitor in respect of any matter which may be referred to it for advice; and (d) to perform such other functions as may be prescribed.

19. The Executive Council.

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

20. The Academic Council.

(1) The Academic Council shall be the Principal Academic Body of the University and shall, subject to the provisions of this Act and the Statutes, co-ordinate and exercise general supervision over the academic policies of the University. (2) The constitution of the Academic Council, the term of office of its members and its powers and duties shall be such as may be prescribed.

21. The Planning Board.

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

22. Faculty and other authorities of the University.

- The constitution, powers and functions of the Faculties and of such other authorities as may be declared by the Statutes to be authorities of the University, shall be such as may be prescribed.

23. Power to make Statutes.

- Subject to the provisions of this Act, the Statutes may provide for all or any of the following matters, namely : (a) the constitution, powers and functions of the authorities and other bodies of the University, as may be constituted from time to time; (b) the election and continuance in office of the members of the said authorities, filling of vacancies of members, and all other matters relating to those authorities for which it may be necessary or desirable to provide; (c) the appointment, powers and duties of the officers of the University and their emoluments; (d) the appointment of teachers of the University and other academic and administrative staff and their emoluments; (e) the appointment of teachers and other academic and administrative staff working in any other University or Institution for a specific period for undertaking a joint project; (f) the conditions of service of employees including provision for pension, insurance and provident fund, the manner of termination of service and disciplinary actions; (g) the principles governing seniority of service of employees; (h) the procedure for settlement of disputes between employees or students and the University; (i) the procedure for appeal to the Executive Council by any employee or student against the action of any officer or authority of the University; (j) the conferment of honorary degrees; (k) the withdrawal of degrees, diplomas, certificates and other academic distinctions; (l) the institution of fellowships, scholarships, studentships, medals and prizes; (m) the maintenance of discipline amongst the students; (n) the establishment and abolition of Faculties, Departments, Centres and other constituent Institution/Colleges etc.; (o) the delegation of powers vested in the authorities or officers of the University; and (p) all other matters which may, by this Act are to be, or may be, prescribed.

24. Statutes how to be made.

(1) The first Statutes shall be made by the Education Society with the approval of the State Government. (2) The Executive Council may, from time to time, make new or additional Statutes referred to in sub-section (1): Provided that the Executive Council shall not make, amend or repeal any Statute affecting the status, powers or constitution of any authority of the University until such authority has been given an opportunity of expressing an opinion in writing on the proposed changes and any opinion so expressed shall be considered by the Executive Council. (3) Every new Statute or addition to the Statutes or any amendment or repeal of a Statute shall require the assent of the Visitor who may assent thereto or withhold assent or remit back to the Executive Council for consideration. (4) A new Statute or a Statute amending or repealing an existing Statute shall have no validity unless it has been assented to by the Visitor. (5) Notwithstanding anything contained in the foregoing sub-sections, the Visitor may make new or additional Statutes or amend or repeal the Statutes, referred to in sub-section (1) during the period of three years immediately after the commencement of this Act. (6) Notwithstanding anything contained in the foregoing sub-sections, the Visitor may direct the University to make provisions in the Statutes in respect of any matter specified by him and if the Executive Council is unable to implement such a direction within sixty days of its receipt, the Visitor may, after considering the reasons, if any, communicated by the Executive Council for its inability to comply with such direction, make or amend the Statutes accordingly as he deems fit.

25. Power to make Ordinances.

- Subject to the provisions of this Act and the Statutes, the Ordinances shall be made by Executive Council which may provide for all or any of the following matters, namely ;(a)the admission of students to the University and their enrollment as such;(b)the course of study to be laid down for all degrees, diplomas and certificates of the University;(c)the medium of instruction and examination;(d)the award of degrees, diplomas, certificates and other academic distinctions, the qualifications for the same and the means to be taken relating to the granting and obtaining of the same;(e)the fees to be charged for courses of study in the University and for admission to the examinations, degrees, diplomas and certificates of the University;(f)the conditions for the award of fellowships, scholarships, studentships, medals and prizes;(g)the conduct of examinations, including the term of office and manner of appointment and the duties of examination bodies, examiners and moderators;(h)the conditions of residence of the students of the University;(i)the special arrangements, if any, which may be made for the residence, discipline and teaching of women students and the prescribing of special courses of studies for them within the University;(j)the appointment and emoluments of employees other than those for whom provision has been made in the Statutes;(k)the establishment of Centres of Studies, Boards of Studies, Interdisciplinary Studies, Special Centres, Specialized Laboratories and other Committees;(l)the manner of co-operation and collaboration with other Universities and authorities including learned bodies or associations;(m)the creation, composition and functions of any other body which is considered necessary for improving the academic life of the University;(n)the remuneration to be paid to the examiners, moderators, invigilators and tabulators;(o)such other terms and conditions of service of teachers and other academic staff as are not prescribed by the Statutes.

26. Annual Report.

(1)The annual report of the University shall be prepared under the direction of the Executive Council and shall be submitted to the Court on or after such date as may be prescribed by the Statutes and the Court shall consider the report in its annual meeting.(2)The Court shall submit the annual report to the Chancellor along with its comments, if any.

27. Annual Accounts.

(1)The annual accounts and balance-sheet of the University shall be prepared under the directions of the Executive Council and shall, once at least every year and at intervals of not more than fifteen months, be audited by an experienced and qualified firm of Chartered Accountant of repute.(2)A copy of the annual accounts, together with the audit report thereon, shall be submitted to the Court and the Chancellor along with the observations of the Executive Council.(3)Any observations made by the Chancellor on the annual accounts shall be brought to the notice of the Court and the Executive Council and the observations, if any, shall, after being reviewed by the Executive Council, be submitted to the Chancellor.

28. Conditions of service of employees.

(1) Every employee of the University shall be appointed or/and engaged as per provision of the Statutes. (2) Any dispute arising between the University and any of the employees appointed substantively, shall be referred to the Executive Council of the University who shall decide the dispute after affording an opportunity to the employee within three months from the date of its reference. (3) The aggrieved employee may file an appeal against the order of the Executive Council to the Chancellor of the University. (4) Any dispute in respect of any employee engaged temporarily or on ad hoc or part time or casual basis shall be heard and decided finally by the head of the concerned department. (5) The decision of the Chancellor shall be final and no suit shall lie in any Court in respect of the matters decided by the Chancellor of the University.

29. Right to Appeal.

(1) Any student or candidate for an examination whose name has been removed from the rolls of the University by the orders or resolution of the Academic Council or Proctorial Board of Controller of Examination, as the case may be, and who has been debarred from appearing at the examinations of the University for more than one year, may, within ten days of the date of receipt of such orders or copy of such resolution by him in writing, appeal to the Vice-Chancellor who may confirm, modify or reverse the decision of the aforesaid authorities or the concerned Committee, as the case may be. (2) Any decision by the Vice-Chancellor shall be final.

30. Employees Provident Fund and Pensions.

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

31. Disputes as to Constitution of University and Bodies.

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

32. Constitution of Committees.

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

33. Filling of the Vacancies.

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

34. Invalidity of Proceedings.

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

35. Bar of Suit.

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

36. Mode of proof of University record.

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

37. Publication of Statutes and Ordinances.

(1) Every Statute or Ordinance made under this Act, shall be made available in writing. (2) Every Statute or Ordinance made under this Act shall be enforced, as soon as it is made, by the competent authority.

38. Transitional Provisions.

(1) Until this Act comes into force the President of the Society shall be the first Chancellor and shall hold his office till the election takes place under the provisions of this Act. He shall continue to exercise all the powers and perform all the functions of such authorities under this Act. (2) Until the Act comes into force the Executive Director and the Director (Engineering) of the existing Institute of Integral Technology shall be the first Vice-Chancellor and Pro-Vice-Chancellor of the University respectively and shall hold their offices till the appointment takes place as per provisions of the Act. They shall continue to exercise all the powers and perform all the functions of such authorities

under this Act. The regular appointment of Vice-Chancellor and Pro-Vice-Chancellor shall be done as per provisions of this Act within a year.(3)Until the Act comes into force the Treasurer of the Society shall be the Honorary Treasurer of the Integral University and shall hold his office till the selection takes place under the provisions of this Act within a year. He shall continue to exercise all the powers and perform all the functions of such authorities under this Act.(4)The Registrar, the Deputy Registrar (Administration), the Deputy Registrar (Academics) and the Finance Officer of the Institute of Integral Technology shall be absorbed as the Registrar, the Deputy Registrar (Administration), the Deputy Registrar (Academics) and the Finance Officer of the University and shall continue to hold their offices and shall continue to perform their functions as such.(5)The Deans of Faculties of Institute of Integral Technology shall be the Deans of Faculties of the University and shall hold their offices for a period of five years. Thereafter their services shall be regulated as per provision of the Statutes, provided any relaxation is granted for further continuation of their services on account of their merit and sound health.(6)Dean of Students' Welfare of Institute of Integral Technology shall be the Dean of the Students' Welfare of the University and shall hold his office for a period of five years. Thereafter their services shall be regulated as per provision of the Statutes, provided any relaxation is granted for further continuation of their services on account of their merit and sound health.(7)Other Officers/Staff like Teaching, Teaching Supporting, Administrative, Provost, Proctor, Hostel Wardens, Skilled and Unskilled workers etc., of Institute of Integral Technology shall either be retained or absorbed in the Integral University on the same terms and conditions.(8)Until the Executive Council and the Academic Council are formed under the provisions of this Act, all the members of the Executive Committee and the Academic Council of the Institute of Integral Technology shall act as the Executive Council and Academic Council of the University.(9)Until the Court of the University is formed the Academic Council and the Executive Committee of the University shall function as the Court.

39. Permanent Endowment Fund.

(1)The University shall establish a permanent endowment fund of at least rupees one crore which may be increased by notification issued in this behalf by the State Government from time to time.(2)The University shall have the power to invest the permanent endowment fund in such manner as may be prescribed.(3)The University may transfer any amount from the general fund or the development fund to the permanent endowment fund.(4)Any amount exceeding the minimum amount specified in sub-section (1) may be withdrawn from the permanent endowment fund by the University for the purposes of development of the University.

40. General Funds.

(1)The University shall establish a general fund to which the following amount shall be credited, namely : (a)all fees which may be charged by the University; (b)all sums received from any other source; (c)all contributions made by the Education Society; and (d)all contributions made in this behalf by any other person or body which are not prohibited by any law for the time being in force.(2)The moneys credited to the general fund shall be applied to meet all the recurring expenditure of the University.

41. Development Fund.

(1)The University shall also establish a development fund to which following moneys shall be credited, namely:(a)development fees which may be charged from students;(b)all sums received from any other source for the purposes of the development of the University;(c)all contributions made by the Education Society;(d)all contributions made in this behalf by any other person or body which are not prohibited by any law for the time being in force; and(e)all incomes received from the permanent endowment fund.(2)The moneys credited to the development fund from time to time shall be utilized for the development of the University.

42. Maintenance of Funds.

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

43. Dissolution of University.

(1)If the University proposes its dissolution in accordance with the law governing its constitutions or incorporation, it shall give at least six months written notice to the State Government.(2)On receipt of notice referred to in sub-section (1), the State Government shall make such arrangements for administration of the University from the date of dissolution of the University and until the last batch of students in regular courses of studies of the University complete their courses of studies in such manner as may be prescribed.

44. Expenditure of the University during dissolution.

(1)The expenditure for administration of the University during the taking over the liabilities of the University under Section 44 shall be met out of the permanent endowment fund, the general fund or the development fund.(2)If the funds referred to in sub-section (1) are not sufficient to meet the expenditure of the University during the taking over the liabilities of the University such expenditure may be met by disposing of the properties of assets of the University by the State Government.

45. De-recognition of the University by the State Government.

(1)Where the State Government is satisfied that the University is not functioning in accordance with the provisions of this Act, on receipt of a complaint with respect to mismanagement of the University, it shall require the University to show cause within such time which shall not be less than two months, as to why the University should not be de-recognized.(2)If, upon receipt of the reply of the University to the notice given under sub-section (1), the State Government is satisfied that a prima facie case of mismanagement or violation of the provisions of this Act, the rules, the Statutes, the Ordinances thereunder is made out, it shall order such enquiry as it deems necessary.(3)For the purposes of an enquiry under sub-section (2), the State Government shall, by

notification, appoint an officer or authority as the enquiring authority to enquire into and report upon the allegations of mismanagement or violation of the provisions of this Act, the rules, the Statutes, the Ordinances or any direction issued thereunder.(4)Where the State Government considers it necessary or expedient to suspend the Court for the purposes of an enquiry with respect to the affairs of the University, it may, by notification, order the suspension of the Court, as the case may be, and make such arrangement for the administration of the University as it considers necessary till the conclusion of the enquiry.(5)Every enquiring authority appointed under sub-section (3) shall, while performing its functions under this Act, have all the powers of a Civil Court trying a suit and in particular in respect of the following matters, namely : (a) summoning and enforcing the attendance of any witness and examining him on oath; (b) requiring the discovery and production of any document; (c) requisitioning any public record or copy thereof from any office; (d) receiving evidence on affidavits; (e) any other matter which may be prescribed by the rules.(6)If, upon receipt of the enquiry report, the State Government is satisfied that the University has been mismanaged or has violated any provisions of this Act, the Statutes and the Ordinances thereunder, it may, by notification, derecognize the University with prior approval of the University Grants Commission.(7)During the period of the management of the University under subsection (6), the State Government may utilize the permanent endowment fund, the general fund or the development fund for the purposes of the management of the affairs of the University. If the funds of the University are not sufficient to meet the requisite expenditure of the University, the State Government may dispose of the assets or the properties of the University to meet the said expenses.(8)Every notification under sub-section (6) shall be laid before both Houses of the State Legislature.

46. Power to remove difficulties.

(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.