

# **The U.P. University of Medical Sciences, Saifai, Etawah Act, 2015**

UTTAR PRADESH

India

## **The U.P. University of Medical Sciences, Saifai, Etawah Act, 2015**

### **Act 15 of 2016**

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The U.P. University of Medical Sciences, Saifai, Etawah Act, 2015(U.P. Act No. 15 of 2016)Received the assent of the Governor on May 2, 2016 and published in the U.P. Gazette, Extra., Part 1, Section (Ka), dated 17th May, 2016, pp. 23-45 Current Central Legislation/Lucknow Law Times 20-7-2016/25-7-2016(As passed by the Uttar Pradesh Legislature)An Act to provide for the establishment of a Medical Sciences University by the name of Uttar Pradesh University of Medical Sciences by transfer of the Uttar Pradesh Rural Institute of Medical Sciences and Research and associated Dental Sciences, Para Medical College, Nursing College and College of Pharmacy at Saifai, Etawah in Uttar Pradesh and for matters connected therewith or incidental thereto It is hereby enacted in the Sixty-sixth Year of the Republic of India as follows -Statement of Objects and Reasons. - With a view to providing medical facilities to the different kind of patients suffering from various diseases and to general skilled medical teachers in the State, it has become necessary to establish a Medical University at Saifai, Etawah in the State. It has, therefore, been decided to make a law to provide for the establishment of a new Medical University by the name of the Uttar Pradesh University of Medical Sciences, Saifai, Etawah in place of the existing Rural Institute of Medical Sciences and Research, Saifai, Etawah Uttar Pradesh.The Uttar Pradesh University of Medical Sciences, Saifai, Etawah, Bill, 2015 is introduced accordingly.

## **Chapter I Preliminary**

### **1. Short title and commencement.**

(1)This Act may be called the Uttar Pradesh University of Medical Sciences, Saifai, Etawah Act, 2015.(2)It shall come into force on such date as the State Government may, by notification, appoint

in this behalf.

## **2. Definitions.**

- In this Act, -(a)"Academic Council", "Board of Governors", and "Executive Council" mean respectively the Academic Council, Board of Governors, and the Executive Council of the University;(b)"appointed date" means the date of notification by the State Government under sub-section (2) of Section 1;(c)"dentistry" and "medicine" shall have the meanings assigned to them in the Dentists Acts, 1948 and the Indian Medicine Act, 1956 respectively;(d)"faculty" means a faculty of the University;(e)"hostel" means a unit of residence for students maintained or recognised by the University;(f)"Institute" means the Uttar Pradesh Rural Institute of Medical Sciences and Research, Saifai, Etawah established under the Uttar Pradesh Rural Institute of Medical Sciences and Research, Saifai Act, 2005;(g)"prescribed" means prescribed by the Statutes;(h)"registered graduate" means a graduate of the University;(i)"Statutes", "Ordinances" and "regulations" means respectively the statutes, ordinances and regulations of the University;(j)"teacher" means a teacher employed by the University for imparting instructions and guiding and conducting research in the University;(k)"University" means the Uttar Pradesh University of Medical Sciences Saifai, Etawah established under this Act.

## **Chapter II**

### **The University**

## **3. Establishment and incorporation of the University.**

(1)On and from the appointed date there shall be established a medical University by the name of the Uttar Pradesh University of Medical Sciences, Saifai, Etawah.(2)The University shall be a body corporate.

## **4. Transfer of Institute to the University and utilisation of assets.**

- On the appointed date, -(a)the land and all properties, assets, and rights pertaining to the existing Uttar Pradesh Rural Institute of Medical Sciences and Research, hospital, Dental College, para medical college, nursing college, college of pharmacy, trauma centre, super speciality hospital situated at Saifai, Etawah belonging to State Government shall stand transferred to the University; and(b)all the officers, teachers and other employees of the Institute shall become the officers, teachers and other employees of the University in such capacity and in such manner as may be prescribed.

## **5. Objects of the University.**

- The objects of the University shall be, -(a)to disseminate and advance knowledge in medicine, dentistry, para medical science, nursing and pharmacy and to ensure efficient and systematic

instructions, teaching, training and research therein;(b)to provide for a multipurpose super-specialty hospital and trauma centre by upgrading the existing institution, and to establish them as a centre of excellence and to provide treatment for patients in the hospitals;(c)to establish a centre for imparting training to teachers;(d)to develop training centre and facilities for paramedical human resource;(e)to administer manage and control the hospitals, pathological laboratories, diagnostic centres and blood banks and such other peripheral specialised hospital related services and facilities;(f)to establish, as and when required specialised and individual departments to deal with emerging medical and surgical specialties and sub-specialties;

## **6. Powers and duties of the University.**

- The University shall have the following powers and duties, namely -(a)to institute teaching and training in such branches of medicine, dentistry, paramedical college, nursing college, college of pharmacy as the, University may think fit and to make provisions for research and for the advancement and dissemination of knowledge in those branches;(b)to institute and award degrees, diplomas, certificates and other academic distinctions;(c)to admit student to the various courses of study of the University and to conduct examinations or tests and lay down conditions in respect thereof;(d)to hold examinations for and to grant and confer degrees, diplomas and other academic distinctions to and on persons who, -(i)have pursued a course of study in the University, or(ii)have carried on research in the University;(e)to confer honorary degrees or other academic distinctions in the manner and under conditions laid down in the Statutes;(f)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;(g)to co-operate or collaborate with other Universities and for such purpose as the University may determine;(h)to institute and award scholarships, fellowships (including travelling fellowship), studentships, stipend, medals and prize in accordance with the Statutes and Ordinances;(i)to recognise for the purpose 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 Education Uttar Pradesh, examination of the Board of High School and Intermediate Education, Uttar Pradesh, and any examination conducted by any other University or authority;(J)to establish maintain and administer institutes of teaching and research, hospitals, laboratories, libraries or other things necessary to carry out the objects of the University;(k)to establish maintain and administer hostels and to recognise places of residence for students of the University;(l)to fix and collect fees and other charges in accordance with the Ordinances;(m)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;(n)to undertake publication of works of merit and research;(o)to provide for management and treatment of the patients in its hospitals;(p)to do all such acts and things whether incidental to the power as aforesaid or not as may be required in order to further the objects of the University;(q)to admit any government or private medical, dental, paramedical or nursing college to the privileges of affiliation or recognition in such manner and on such terms and conditions as may be prescribed and to withdraw or curtail any such privilege; and to guide and control the work of such college.

## **7. University open to all race, class creed or sex.**

- The University shall be open to all persons irrespective of race, class, creed or sex: Provided that the University may, - (i) restrict the eligibility of admission to the courses of study of the University. (ii) make reservations in favours of the Scheduled Castes, the Scheduled Tribes, Other Backward Classes, girl students and other categories in accordance with any law or orders of the State Government for the time being in force.

## **8. Inspection Inquiry, and Visitation.**

(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. (3) The person or persons appointed to inspect or inquire under sub-section (1) shall have all the powers of civil court under the Code of Civil Procedure, 1908 for the purpose of taking evidence on oath and of enforcing the attendance of witness 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 the 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 with such directions. (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**

## 9. Officers of the University.

- The following shall be the 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 Examinations,(g)The Deans of Faculties,(h)The Dean of Students Welfare,(i)Such other officers as may be declared by the Statutes to be the Officers of the University.

## 10. The Chancellor.

(1)The Chief Minister of Uttar Pradesh shall be the ex-officio Chancellor of the University.(2)The Chancellor, by virtue of his office, will be the head of the University.(3)The Chancellor shall have such powers as may be conferred on him by this Act or the Statutes made thereunder.(4)Every proposal for the conferment of an honorary degree or distinction shall be subject to the confirmation by the Chancellor.(5)The Chancellor shall, if present, preside at the convocation of the University held for conferring degrees and diplomas.

## 11. The Vice-Chancellor.

(1)The Vice-Chancellor shall be a whole time salaried officer of the University and shall be appointed by the Chancellor from amongst the persons whose names are submitted to him by the Committee constituted in accordance with provisions of sub-section (2).(2)The Committee referred to in sub-section (1) shall consist of the following members, namely -

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| (a) the Chief Secretary, Government of Uttar Pradesh   | the ex-officio Chairman of the Committee |
| (b) the Principal Secretary or the Secretary to the State Government in the Medical Education Department | Convener                                 |
| (c) the Vice-Chancellor, King George's Medical University  | Member                                   |
| (d) the Director, Sanjay Gandhi Post Graduate Institute of Medical Sciences, Lucknow                     | Member                                   |
| (e) One person nominated by the Chancellor   | Member                                   |

(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 persons 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 qualification of each of the persons so recommended but shall not indicate any order of preference.(4)Where the Chancellor does not consider anyone 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)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

reasons of some person having taken part in the proceeding who is subsequently found not to have been entitled to do so.(6)The Vice-Chancellor shall hold office for a term of three years from the date on which he enters upon his office: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.(7)Subject to the provisions of this Act the emoluments and other conditions of services of the Vice-Chancellor shall be such as may be determined by the State Government by general or special order in that behalf.(8)The Vice-Chancellor shall not be entitled to the benefit of any pension, insurance or provident fund in respect of his service as Vice-Chancellor.(9)In any of the following circumstances (of the existence of which the Chancellor shall be the sole Judge) the 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 the 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 the vacancy in the office of Vice-Chancellor occurs and it cannot be conveniently and expeditiously filled in accordance with the provisions of subsections (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.(10)In the absence of the Vice-Chancellor, the Pro Vice-Chancellor if any or where there is no Pro Vice-Chancellor the senior most Professor of the University shall discharge the duties of the Vice-Chancellor as well.(11)If in the opinion of the Chancellor the Vice-Chancellor wilfully 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.(12)During the pendency, or in contemplation of any inquiry, the Chancellor may order that till further orders.(a)Such Vice-Chancellor shall refrain from performing the functions of the office of the 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.

## **12. Power and duties of the Vice-Chancellor.**

(1)The Vice-Chancellor shall be the principal executive and academic officer of the University and shall -(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 any meetings of the authorities 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 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 possess all such powers as may be necessary in that behalf.(5)The Vice-Chancellor shall have the powers to convene or cause to be convened meetings of the Executive Council, the Academic Council, or 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 a 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 Act:Provided further that if an officer 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 conform the action taken by the Vice-Chancellor or annul the same or modify it in such manner as he 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 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 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 authorised and provided for in the budget.(8)The Vice-Chancellor shall exercise such other powers as may be laid down by the Statutes and Ordinances.

### **13. The Pro Vice-Chancellor.**

(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 such honorarium as may be recommended by the Executive Council.(5)The 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 other powers and perform such other duties as may be assigned or delegated to him by the Vice-Chancellor.

### **14. The Finance Officer.**

(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 the ex-officio Secretary of the Finance Committee.(3)The Finance Officer shall be responsible for presenting the budget (annual estimates) and the statement

of accounts to the Executive Council and also for drawing and disbursing funds on behalf of the University.(4)The Finance Officer 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.(5)The Finance Officer shall have the duties, -(a)to ensure that no expenditure not authorised 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.(6)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.(7)All contracts shall be entered into and signed by the Finance Officer on behalf of the University.(8)Other powers and functions of the Finance Officer shall be such as may be prescribed.(9)Where the Finance Officer is for any reason unable to act or the office of the Finance Officer is vacant all the duties of the office shall be performed by such person as may be appointed by the Vice-Chancellor until the Finance Officer resumes his duties or as the case may be the vacancy is filled.

## **15. The Registrar.**

(1)The Registrar shall be whole time officer of the University.(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.(6)Other power and functions of the Registrar shall be such as may be prescribed.(7)Where the Registrar is for any reason unable to act or the office of Registrar is vacant all the duties of the office shall be performed by such person as may be appointed by the Vice-Chancellor until the Registrar resumes his duties or as the case may be the vacancy is filled.

## **16. The Controller of Examinations.**

(1)The Controller of Examination shall be a whole time officer of the University.(2)The Controller of Examinations 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 Examinations 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 Examinations 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 Examinations 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 nor 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 Examinations resumes his duties or as the case may be the vacancy is filled.(8)Other power and functions of the Controller of Examinations shall be such as may be prescribed.

## **17. Other Officers.**

- 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 declared under the Statutes shall be such as may be prescribed.

## **Chapter IV**

### **Authorities of the university**

## **18. Authorities of the University.**

- The following shall be authorities of the University -(a)the Board of Governors,(b)the Executive Council,(c)the Academic Council,(d)the Finance Committee,(e)such other authorities as may be declared by the Statutes to be the authorities of the University.

## **19. Constitution of the Board of Governors.**

(1)The Board of Governors shall consist of -

(a) the Chancellor;	Chairperson
(b) the Chief Secretary, Uttar Pradesh Government; the Principal Secretary, or the Secretary to the State Government in the	Vice-Chairperson
(c) Medical Education Department; or his nominee not below the rank of Special Secretary to the Government	Member
(d) three eminent persons, nominated by the State Government; three academicians or eminent medical personalities, of which two shall be	Member
(e) nominated by the Medical Council of India and the other by the Dental Council of India;	Member
(f) the Vice-Chancellor;	Member-Secretary

## **20. Power and duties of the Board of Governors.**

(1)The Board of Governors shall be the principal governing body of the University and shall have the following powers, namely -(a)to review decisions of other authorities of the University if they are not in conformity with the provisions of this Act, or the Statutes or the Ordinances;(b)to lay down policies to be pursued by the University;(c)to approve the budget, annual report and annual accounts of the University, and to consider the annual audit report.(2)The Board of Governors shall, from time to time, meet at the intervals not exceeding six months at such time and place as the Chancellor thinks fit.

## **21. The Executive Council.**

(1)The Executive Council shall consist of following members -(a)The Vice-Chancellor who shall be the Chairman thereof;(b)The Pro Vice-Chancellor, if any;(c)The Deans of Faculties;(d)Two senior most professors of the University (other than the Dean);(e)Three eminent persons of national or international repute from the medical profession nominated by the Chancellor;(J)The Director General Medical Education Uttar Pradesh;(g)The Principal of a State Medical College nominated by the Chancellor;(h)The Director, SGPGIMS, 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)Vice-Chancellor, King George Medical University, or nominee(2)The term of office of 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 10 of the Companies Act, 1956 and includes the wife (or husbandâ s), brother, wifeâ s (or husbandâ s) sister, brother, son and brotherâ s daughter.

## **22. Powers and duties of the Executive Council.**

(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 -(i)to hold control of the property and funds of the University;(ii)to administer any funds placed at the disposal of the University for specific purpose;(iii)to prepare the budget of the University;(iv)to award scholarship, fellowship bursaries, medals and other awards in accordance with the Statutes and Ordinances;(v)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 causal vacancies in their posts;(vi)to fix the fees, emoluments and travelling and other allowances of the examiners;(vii)to regulate and enforce discipline among members of the teaching administrative and other staff of University in accordance with the Statutes and the Ordinances;(viii)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;(ix)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;(x)to provide the buildings, premises, furniture and apparatus and other means needed for carrying on the work of the University;(xi)to enter into, vary, carry out and cancel contracts on behalf of the University;(xii)to regulate and determine all other matters concerning the University in accordance 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 acquired or 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 or 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 Statutes or Ordinances shall be incurred except with such approval previously obtained and no post shall be created in the University except with the prior approval of the State Government 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, qualification 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 may deem fit to report to the Board of Management, 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.(9)The Registrar shall be the Secretary of the Executive Council.

## **23. Academic Council.**

(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 -(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 prescribed.(2)The Academic Council shall consist of the following members, namely -(i)the Vice-Chancellor, who shall be the Chairperson thereof;(ii)the Deans of faculty or faculties;(iii)all heads of departments of the University;(iv)all professors of the University who are not head of departments;(v)five persons of the academic eminence to be co-opted in the manner as may be prescribed;(vi)five teachers to be selected in such manner as may be prescribed;(vii)the Dean of students welfare;(viii)the Librarian of the University.

## **24. The Finance Committee.**

(1)The Finance Committee shall consist of the following members -(a)the Vice-Chancellor, who shall be the Chairperson thereof;(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;(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 in 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 Special Secretary to the State Government and an officer so deputed shall also have the right to vote.(3)The Finance Committee shall advice 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 ensuring financial year and may, for any special reasons, revise during the financial year the limits of expenditures so fixed and the limit fixed shall be binding on the Executive Council.(4)The Finance Committee shall have such other powers and duties as may be prescribed.

## **25. The Faculties.**

(1)The University shall have five faculties namely Medical, Dental, para medical science, Nursing and Pharmacy.(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 or 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 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 Chairperson of the board of faculty be responsible for -(a)The organisation 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 regulated by Statutes.(7)The Head of the Department shall be responsible to the dean for the organisation 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.

## **26. Other Authorities.**

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

## **Chapter V**

### **Appointment and conditions of service of teachers and officers**

## 27. Appointment of Teachers.

(1) Subject to the provisions of this Act the teachers shall 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. (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 giving 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 of probation as the case may be the period of probation shall stand extended until the final order of the Executive Council under the first proviso. (3) 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 this behalf may make officiating appointment in a vacancy or post likely to last for more than six months without such reference. (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 of the concerned department; (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: Provided that where the Chancellor is satisfied that in the special circumstances of the case a Selection Committee cannot be constituted in accordance with the above proviso, he may direct the constitution of the Selection Committee in such manner as he thinks fit. (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 University 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 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 subject of study. (c) The Chancellor may intimate in a specified order a large 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 teacher on the ground of interest for participating in the deliberations of such, committee and other matters relating to appointment of such teachers shall be such as may be prescribed.(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.

## **28. Promotions to the post of Associate Professor and Professor.**

(1)Notwithstanding anything contained in any other provision this Act, an Assistant Professor substantively appointed in the University or an Associate Professor substantively appointed or promoted under this section in the University who has put in such qualifications as may be prescribed may be given personal promotion respectively to the post of Associate Professor or 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 27 in such manner and subject to such conditions as may be prescribed.

## **29. Contract appointment of teachers of the University.**

(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.

## **30. Pensions, Provident Fund etc.**

- The University shall apply the pension and provident fund rules, 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 from time to time.

## **31. Limits of additional remunerative work permissible to teachers.**

(1)The conditions regarding payment of remuneration to the teachers for any duties performed in an Indian University or anybody 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 officers include the offices of warden or superintendent of a Hostel, Proctor, Games Superintendent and Librarian.

## **32. Tribunal of Arbitration.**

(1)Any dispute arising out of a contract of appointment 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 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**

#### **33. Statutes.**

- Subject to the provisions of this Ordinance, 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 matter 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 appointment 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 reorganisation of hostels maintained by the University;(m)the number, minimum qualification and experience, the emoluments and other conditions of services 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 scholarship, fellowships studentships, medals and prizes;(o)the qualifications, conditions and manner of registration of graduates and the maintenance of a registration 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.

### **34. Statutes how made.**

(1)The First Statutes of the University shall be made by the State Government by notification.(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 Statutes affecting the status, powers or constructions 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 Statutes or addition to a Statutes or any amendment or repeal of Statutes 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-section the State Government may, in order to implement any decision taken by it in the interest of learning, teaching or research for benefit of teachers students or other staff, 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.

### **35. Ordinances.**

(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 by the Ordinances.(2)Without prejudice to the generality of the provisions of sub-section (1) the Ordinance shall provide for the following matter, 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 examination, 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, students 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 tot maintained by the University.(g)The maintenance of discipline among the students of the University and the punishment.(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 allowance 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.

### **36. Ordinances how made.**

(1)The Executive Council may from time to time make new or additional Ordinances:Provided that no Ordinances shall be made -(a)affecting the admission of student or prescribing examinations to be recognised as equivalent to the University examinations or the further qualifications mentioned in sub-section (1) of Section 46 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 teacher of the University or the income or expenditure of the University unless a draft of the same has been approved by the State Government.(2)The Executive Council shall not have power to amend any draft proposed by the Academic Council under this section 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.(3)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.(4)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 (1) and from the date of receipt by the Executive Council of intimation of such disallowance such Ordinance shall become void.(5)The Chancellor may direct that the operation of any Ordinance other than those referred to in clause (c) of the proviso to sub-section (1) shall be suspended until he has an opportunity of exercising his power of disallowance. An order of suspension under this subsection shall cease to have effect on the expiration of one month from of such order.

### **37. Regulations.**

(1)Subject to the provisions of this Act, the Statutes and the Ordinances, an authority or other body of the University may make regulations regarding -(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 Ordinance 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 proceeding of such meetings.(3)The Executive Council may direct any authority or other body of the University to

cancel or to amend in such form as may be specified in the directions 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 Ordinance make regulations providing for the course of study for any examinations, 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.

## **Chapter VII**

### **Annual reports and accounts**

#### **38. Annual Report.**

(1)The annual report of the University shall be prepared under the direction of the Executive Council and shall be submitted a month before its annual meeting and the Board of Governors shall consider it in its annual meeting.(2)The Board of Governors 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.

#### **39. Accounts and Audit.**

(1)The annual accounts and balance sheet of the University shall be prepared under the direction of the Executive Council and all accruing amount 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.