

# **The U.P. State Council Of Higher Education Act, 1995**

UTTAR PRADESH

India

## **The U.P. State Council Of Higher Education Act, 1995**

### **Act 22 of 1995**

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The U.P. State Council Of Higher Education Act, 1995(U.P. Act No. 22 of 1995)(As passed by the Uttar Pradesh Legislature)Received the assent of the Governor on 25.8.1995 and published in the U.P. Gazette, Extraordinary, Part 1, Section (Ka), dated 25.8.1995.An Act to provide for the establishment of a State Council of Higher Education in the State of Uttar Pradesh and for matters connected therewith and incidental thereto.Whereas the National Policy on Education, 1986 of the Government of India contains recommendations that State level planning and co-ordination of higher education shall be done through the State Council of Higher Education;And whereas the University Grants Commission constituted a committee to make recommendations regarding the setting up of State Councils of Higher Education as per the aforesaid National Policy;And whereas the said committee recommended that there is a pressing need for an effective machinery for promotion and Co-ordination of Higher Education at the State level and Co-ordination of State level programmes with those of the University Grants Commission;And whereas the University Grants Commission has laid down the guidelines for setting up of State Councils of Higher Education as recommended by the said Committee;And whereas the State Government has accordingly decided to establish a State Council of Higher Education as recommended in the National Policy on Education of the Government of India and by the University Grants Commission;Now, therefore, it is hereby enacted in the Forty-sixth year of the Republic of India as follows :-

### **1. Short title, commencement and application. -**

(1)This Act may be called the Uttar Pradesh State Council of Higher Education Act, 1995.(2)It shall be deemed to have come into force on May 25,1995.(3)It shall apply to all the Universities and Colleges to which the Uttar Pradesh State Universities Act, 1973 applies.

### **2. Definitions. -**

In this Act -(a)"College" means any institution maintained or recognised by the University to provide for the teaching necessary for admission to a degree of the University and includes an

affiliated College, an associated College, an autonomous College and a constituent College;(b)"council" means the Uttar Pradesh State Council of Higher Education established under Section 3;(c)"Fund" means the fund of the Council referred to in Section 15;(d)"higher education" means education, whether professional, technical or otherwise, leading to the obtaining of any degree or diploma from any University;(e)"institution of higher education" means an institution conducting any course of study in higher education, which is approved as such by the State Government;(f)"member" means a member of the Council and includes the Chairman and the Member-Secretary;(g)"regulations" means the regulations made by the Council under this Act;(h)"University Grants Commission" means the University Grants Commission established under Section 4 of the University Grants Commission Act, 1956;(i)a word or expression defined in the Uttar Pradesh State Universities Act, 1973 used, but not defined herein, shall have the same meaning as is assigned to it in that Act.

### **3. Establishment of Council of Higher Education. -**

(1)There shall be established a Council by the name "the Uttar Pradesh State Council of Higher Education".(2)The Council shall be a body corporate.(3)The headquarters of the Council shall be at Lucknow.

### **4. Constitution of Council. -**

The Council shall consist of the following members, namely :-

(a) a Chairman, to be appointed by the State Government from amongst eminent academicians, who is or has been a Vice-Chancellor or a senior administrative officer, serving or retired, not below the rank of Additional Secretary to the Government of India, having aptitude and experience in the field of education.

(aa) [ two Vice-Chairmen to be nominated by the State Government to resolve the issues of the representatives of public.] [Inserted by U.P. Act No. 34 of 2007 (w.e.f. 7.8.2007).]

(b) the Principal Secretary/Secretary to the State Government in the Department of Higher Education.	Member Secretary
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(c) the Principal Secretary/Secretary to the State Government in the Department of Finance.	Member
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(d) the Principal Secretary /Secretary to the State Government in the Department of Planning.	Member
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(e) the Secretary or any other officer of the University Grants Commission not below the rank of a Joint Secretary nominated by the Chairman of the University Grants Commission.	Member
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(f) the Director of Higher Education, Uttar Pradesh.	Member
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(g) the Director of Technical Education, Uttar Pradesh.	Member
	Members

(h) three persons nominated by the State Government from amongst the Vice-Chancellors of the Universities.

(i) not more than three persons nominated by the State Government from amongst eminent academicians each in the field of Education, Engineering and Law. Members

(j) one person co-opted by the Council from amongst the Principal of Colleges. Member

(k) one person co-opted by the Council from amongst reputed industrialists whose contribution to the cause of higher education is significant. Member

## **5. Temporary association of persons with the Council for particular purpose.**

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The Council may associate with itself for any particular purpose any person whose assistance or advice it may desire in carrying out its work. A person associated with the Council for any particular purpose shall have a right to take part in the discussions relevant to that purpose but shall not have a right to vote a meeting of the Council.

## **6. Disqualification for membership of Council. -**

A person shall be disqualified for being appointed as Chairman or for being nominated as a member of the Council or for being such Chairman or nominated member, if - (a) he is of unsound mind; (b) he is an undischarged insolvent; (c) he has been sentenced for any offence involving moral turpitude, punishable under any law with imprisonment such sentence not having been annulled and a period of five years has not elapsed from the date of expiration of the sentence; (d) he is a paid officer or employee of the Council; or (e) he incurs such other disqualifications as may be prescribed by the State Government.

## **7. Terms and conditions of service of Chairman and nominated members. -**

(1) The Chairman shall hold office for a term of three years and the nominated members and the co-opted member shall hold office for a term of one year and shall be eligible for re-appointment or renomination or cooption for a further term of three years, or one year, as the case may be : Provided that if a person has attained the age of 65 years, he shall not be eligible for appointment or re-appointment as a Chairman of the Council. (2) The Chairman or the nominated member or co-opted member may, by writing under his hand addressed to the State Government or the Council as the case may be, resign his office but he shall continue to hold office until his resignations accepted by the State Government or, as the case may be, by the Council. (3) Subject to the provisions of this section, the other terms and conditions of service of the Chairman and the nominated members shall be such as may be prescribed. (4) The Chairman shall exercise such powers and perform such functions as may be prescribed.

## **8. Powers and duties of Member-Secretary. -**

The Member-Secretary shall exercise the powers and perform the functions conferred or imposed on

him under this Act and such other powers and functions as may be prescribed.

## **9. Removal from membership of Council. -**

If, at any time, it appears to the State Government that the Chairman or a nominated member or the co-opted member has shown himself to be unsuitable for office or has been guilty of misconduct or neglect which renders his removal expedient, the State Government may, after giving him a reasonable opportunity to show-cause, by notification, remove the Chairman or such nominated or co-opted member, as the case may be, from the office.

## **10. Filling of casual vacancy. -**

If a vacancy occurs in the office of the Chairman or of a nominated or co-opted member, either by reason of his death, resignation, removal or otherwise, such vacancy shall be filled, as soon as may be, by the State Government or by the Council, as the case may be, and such Chairman or nominated or co-opted member shall hold office for a period not exceeding six months or till a duly nominated or co-opted member joins whichever is earlier.

## **11. Powers and functions of Council. -**

(1)The functions of the Council shall be to co-ordinate and determine standards in Universities and Colleges in accordance with the guidelines issued by the University Grants Commission from time to time.(2)Subject to the provisions of sub-section (1), the functions of the Council shall include -I. Planning and Co-ordination :(a)to prepare consolidated programmes in the sphere of higher education in the State keeping in view the overall priorities and perspectives of higher education in the State and the guidelines issued by the University Grants Commission and to assist in their implementation;(b)to assist the University Grants Commission in respect of determination and maintenance of standards and suggest remedial action wherever necessary;(c)to prepare perspective plans for development of higher education in the State;(d)to submit to the State Government, if so required by it, the development programmes of Universities and Colleges, along with its comments and recommendations;(e)to promote co-operation of institutions of higher education amongst themselves and explore the scope or interaction with industry and other related establishment;(f)to formulate norms and principles or starting new Colleges and additional subjects and departments in the existing College in accordance with the guidelines issued by the State Government and the University Grants Commission;(g)to suggest ways and means for augmenting additional resources for higher education in the State;(h)to co-ordinate research finding at national and international level for promotion of scientific research in the Universities and Colleges.II. Academic Functions :(a)to encourage innovations in curriculum development, restructuring and updating of syllabi in Universities and Colleges;(b)to co-ordinate the programmes of autonomous Colleges and to monitor their implementation;(c)to devise methods and steps to improve the standards of examinations conducted by the Universities and autonomous Colleges and to suggest necessary reforms;(d)to facilitate training of teachers in Universities and Colleges and to oversee the functioning of the academic staff Colleges through co-ordination and to encourage publication of quality text books, monographs and reference books etc.:(e)to develop programmes for effective academic co-operation

and interaction between the faculties in the Universities and Colleges and to facilitate mobility of teachers and students in and outside the State;(f)to advise on regulating the admissions in the Universities and Colleges;(g)to encourage sports, games, physical education, cultural activities and other extra-curricular activities in the Universities and Colleges;(h)to encourage extension activities and to promote interaction between Universities and industries through effective consultancy in special areas relevant to the Universities and regional planning and development;(i)to prepare an overview report on the working of the Universities and Colleges in the State and to furnish a copy thereof to the State Government and such other authorities as the State Government may specify;(j)to identify Centres of Excellence in the Universities and provide national and international linkage for the growth of science and technology in frontier areas;(k)to promote Institutions of Excellence within or outside the University in frontier areas of knowledge including molecular biology, genetic engineering, aerospace, biotechnology;(l)to set up a State Centre for Scientific Research and co-ordinate the research activities among Universities;(m)to institute prestigious awards to outstanding scientists, academicians and technologists for their contributions;(n)to work in liaison with the University Grants Commission, All India Council for Technical Education and other central agencies in relation to higher education.III. Advisory Functions :(a)to make suggestions to the State Government regarding the norms, if any, relating to the establishment of new Universities and Colleges;(b)to examine the laws relating to the Universities, the Statutes, Ordinances and Regulations of Universities in the State and to suggest modifications whenever required to maintain uniformity in the administration without prejudice to the autonomy for the academic pursuits;(c)to identify and to administer innovative programmes for sustainable growth through self-generating funds from services such as consultancy to industries, institutions and national and international organisations;(d)to advise the State Government or any University, College or institution of higher education on any other matter relating to higher education and research which they may refer to the Council;(e)to advise the State Government for starting new Colleges and additional subjects and departments in the existing Colleges.IV. Financial Functions :(a)to release and monitor grants-in-aid to Universities and Colleges for the purposes specified by the State Government;(b)to administer and regulate the Student Welfare Fund, National Scholarships, other scholarships, Travel Grant, Publication Grant and such other grants as may be specified by the State Government; and to sanction financial assistance therefrom;(c)to release and monitor research funds, if any, received by the Council from national and international funding agencies;(d)to advise the State Government on steps to make institutions self-sufficient and viable.V. Other Functions :(a)to publish history of freedom-fighters of Uttar Pradesh and the matters related thereto;(b)to perform such other functions necessary for promoting excellence in higher education and research as may be entrusted to it by the State Government from time to time.

## **12. Meetings of Council. -**

The Council shall meet, as often as may be necessary, at such time and place and observe such rules of procedure as may be provided in the regulations :Provided that the Council shall meet at least once in three months.

### **13. Staff of Council. -**

The Council shall appoint such number of employees as may be sanctioned by the State Government from time to time. The terms and conditions of service of the employees of the Council shall be such as may be provided in the regulations.

### **14. Budget of Council. -**

The Council shall prepare, in such form and at such time, every year as may be prescribed, a budget in respect of the next financial year showing the estimated receipts and expenditure and it shall be submitted, in such form as may be prescribed, to the State Government for its approval.

### **15. Fund of Council. -**

(1)The Council shall have its own Fund in which shall be credited -(a)all moneys provided by the State Government;(b)all moneys provided by the Central Government;(c)all moneys provided by the University Grants Commission;(d)all moneys received by the Council by way of grants, gifts, donations, benefactions, bequests of transfers;(e)all moneys received by the Council in any other manner or from any other source.(2)All moneys credited to the Fund shall be deposited in such banks or invested in such manner as the Council may, with the approval of the State Government, decide.(3)The Fund shall be applied towards meeting the expenses of the Council including the expenses incurred in the exercise of its powers and discharge of its functions under Section 11.

### **16. Annual Accounts and Audit. -**

(1)The accounts of the Council shall be maintained in such manner and in such form as may be prescribed. The Council shall prepare an annual statement of accounts in such form as may be prescribed.(2)The accounts of the Council shall be audited at least once in a year by such auditor as the State Government may appoint in this behalf.(3)The auditor appointed under sub-section (2) shall, for the purposes of audit, have such rights, privileges and authority as may be prescribed.(4)The Member-Secretary to the Council shall cause the audit report to be printed and shall forward a printed copy thereof to each member and place such report before the Council for consideration at its next meeting.(5)The Council shall take appropriate action forthwith to remedy any defect or irregularity that may be pointed out in the audit report.(6)The accounts of the Council as certified by the auditor together with the audit report along with the remarks of the Council thereon shall be forwarded to the State Government within such period as may be prescribed.(7)The State Government may, by order in writing, direct the Council to take such action as may be specified in the order to remedy, within such time as may be specified therein, the defects, if any, disclosed in the audit report, and the Council shall comply with such direction.

## **17. Annual report. -**

The Council shall, as soon as may be, after the end of each financial year, prepare and submit to the State Government, before such date and in such form as may be prescribed, a report giving an account of its activities during the previous year and the report shall also give an account of the activities, if any, which are likely to be undertaken by the Council in the next financial year and the State Government shall cause every such report to be laid before both the House of the State Legislature as soon as may be after its receipt. A copy of the annual report shall also be forwarded to the University Grants Commission.

## **18. Power to issue directions. -**

The State Government may issue to the Council such directions as in its opinion are necessary or expedient for carrying out the purpose of this Act and the Council shall give effect to all such directions.

## **19. Authentication of orders and other instruments of the Council. -**

All orders, decisions and other instruments shall be authenticated by the Member-Secretary of the Council or any other officer of the Council authorised by the Council in this behalf.

## **20. Proceedings of Council not to be invalid on the ground of defect in Constitution etc. -**

The Council shall have power to act, notwithstanding any vacancy in the membership, or any defect in the constitution thereof, and the proceedings of the Council shall be valid notwithstanding that some person, who was not entitled to be a member had sat, voted or otherwise taken part in the proceedings of the Council.

## **21. Members and employees of Council to be public servants. -**

The Chairman, every member, the Member-Secretary and every employee of the Council, when acting or purporting to act in pursuance of the provisions of this Act or the rules or regulations or orders or directions made or issued thereunder shall be deemed to be a public servant within the meaning of Section 2 of the Indian Penal Code.

## **22. Protection of action taken in good faith. -**

No suit, prosecution or other legal proceedings shall lie against the State Government, the Council or the Chairman or any member thereof or any employee or person acting under the directions of the State Government or the Council, for anything done or intended to have been done in good faith in pursuance of the provisions of this Act or the rules, regulations, orders or directions made or issued thereunder.

### **23. Power to call for information. -**

The Council may require any University or College to submit such information, document or record relating to the matters referred to in Section 11 as it thinks fit and such University or the College shall be bound to furnish to the Council the required information, document or record.

### **24. Power to inspect records, registers etc. -**

The Member-Secretary or any other person authorised by the Council shall have access to every record, register or document in possession of the University or College and may inspect and take copies of relevant records or documents relating to the matters referred to in Section 11.

### **25. Power to make rules. -**

The State Government may make rules for carrying out the purposes of this Act.

### **26. Power to make regulations. -**

The Council may, subject to any rules made by the State Government and with the previous approval of the State Government, make regulations -(a)laying down the procedure to be followed at its meetings and the number of members required to form the quorum.(b)providing for all matters which by this Act are to be provided for by regulations, and(c)providing for any other matter solely concerning the Council and not provided for by this Act or the rules made thereunder.

### **27. Power to remove difficulties. -**

(1)If any difficulty arises in giving effect to the provisions of this Act, the State Government may if occasion requires, by a notified order not inconsistent with the provisions of this Act direct that this Act shall have effect subject to such adaptations whether by way of modification, addition or omission, as it may deem to be necessary and expedient:Provided that no such order shall be made after the expiration of two years from the date of the commencement of this Act.(2)The provisions made by any order under sub-section (1) shall have effect as if enacted in this Act and any such order may be made so as to be retrospective to any date not earlier than the date of commencement of this Act.(3)Every order made under sub-section (1) shall be laid, as soon as may be before both the Houses of the State Legislature and the provisions of sub-section (1) of Section 23-A of the Uttar Pradesh General Clauses Act, 1904 shall apply as they apply in respect of the rules made by the State Government under any Uttar Pradesh Act.

### **28. Repeal and savings. -**

(1)The Uttar Pradesh State Council of Higher Education Ordinance, 1995 (U.P. Ordinance No. 26 of 1995) is hereby repealed.(2)Notwithstanding such repeal, anything done or any action taken under the Ordinance referred to in sub-section (1) shall be deemed to have been done or taken under this



Act as if the provisions of this Act were in force at all material times.