

THE ATAL BIHARI VAJPAYEE MEDICAL UNIVERSITY,
UTTAR PRADESH ACT, 2018

(U.P. ACT No. 42 OF 2018)

[As passed by the Uttar Pradesh Legislature, assented to by the Governor and published in Uttar Pradesh Gazette Extraordinary on December 22, 2018]

**AN
ACT**

to provide for the establishment of a State Medical University, at Lucknow in the Uttar Pradesh by the name of Atal Bihari Vajpayee Medical University, Uttar Pradesh and for matters connected therewith and incidental thereto.

IT IS HEREBY enacted in the *Sixty-ninth* Year of the Republic of India as follows:-

CHAPTER-I

PRELIMINARY

**Short title,
extent and
commencement**

1. (1) This Act may be called the Atal Bihari Vajpayee Medical University, Uttar Pradesh Act, 2018.

(2) It extends to the whole of the State of Uttar Pradesh.

(3) It shall come into force on such date as the Government may, by notification, appoint and different dates may be appointed for different provisions of this Act.

Definitions

2. In this Act, unless the contexts otherwise requires:-

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

(2) 'Affiliated College' or 'Affiliated Institution' means a college or an institution affiliated to the University in accordance with the provisions of this Act and Statutes made thereunder;

(3) 'Appointed Date' means the date notified by the State Government under sub-section (3) of section 1;

(4) 'Dental Sciences, Medicine and Nursing' shall have the meanings respectively assigned to them in the Dentists Act, 1948, the Indian Medical Council Act, 1956 and the Indian Nursing Council Act, 1947;

(5) 'Faculty' means a Teaching Faculty of the University;

(6) 'Government' means the State Government of Uttar Pradesh;

(7) 'Hostel' means a unit of residence for students maintained or recognized by the University;

(8) 'Management' in relation to an affiliated college means the managing committee or other body charged with managing affairs of that college and recognized as such by the University;

(9) 'Medical Sciences' means modern scientific medicine in all its branches and include surgery, dental sciences, nursing, para-medical sciences and other allied disciplines in all their branches;

(10) 'Prescribed' means prescribed by the Statutes;

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

(12) 'Teacher' means a teacher employed by the University or its Affiliated Colleges for imparting instructions or guiding or conducting research and includes a Director or a Principal of an Affiliated College;

(13) 'University' means the Atal Bihari Vajpayee Medical University, Uttar Pradesh established under this Act.

CHAPTER-II

THE UNIVERSITY

Incorporation of the University

3. The Chancellor, the Vice-Chancellor and the members of the Executive Council and the Academic Council, for the time being holding office as such in the University shall constitute a body corporate by the name of Atal Bihari Vajpayee Medical University, Uttar Pradesh.

First appointment of Vice-Chancellor and staff

4. (1) First Vice-Chancellor shall be appointed by the Government for two years.

(2) The Pro-Vice-Chancellor and Medical Superintendent(s) of Hospitals may be appointed by the Vice-Chancellor from amongst the Professors of the University.

Objects of the University

5. The objects of the University shall be:-

(a) to disseminate and advance knowledge in medicine, dental sciences, nursing, pharmacy, para-medical and such other disciplines as may be prescribed from time to time and to ensure efficient and systematic instructions, teaching, training and research therein,

(b) to provide for multi-disciplinary and super speciality hospitals including trauma centers,

(c) to treat patients in its hospitals and health centers,

(d) to affiliate, supervise and regulate affiliated (government and privately managed) colleges and to conduct examinations thereto,

(e) to administer, manage and control the hospitals, diagnostic centers and blood banks,

(f) to facilitate research in traditional and innovative areas,

(g) to establish a center for imparting training to teachers and other technical and para-medical aspirants, and

(h) to implement various schemes of Union, State and other agencies.

Powers and duties of the University

6. The University shall have the powers and functions:-

(i) to institute teaching and training in such branches of medicine, dental sciences, nursing, para-medical and other disciplines as the University may think fit and to make provisions for research and for the advancement and dissemination of knowledge in those branches and manage the accreditation thereof;

(ii) to institute and award degrees, in affiliated medical colleges, dental colleges, nursing institutions and para-medical institutions and such constituent & autonomous colleges;

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

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

(a) have pursued a course of study in the University or its affiliated Colleges; or

(b) have carried on research in the University;

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

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

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

(viii) to institute and award scholarship, fellowships, studentship, stipend, medals, prizes and to undertake other student welfare activities;

(ix) to recognize for the purposes of admissions to a course of study for a degree, as equivalent to its own degree, any degree conferred by another University or as equivalent to the Intermediate Examination of the Board of High School and Intermediate Education, Uttar Pradesh or any equivalent examination conducted by any other University or Authority;

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

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

(xii) to fix and collect fees and other charges;

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

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

(xv) to undertake publication of works of merit, research and patent;

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

(xvii) to admit any Government or private Medical or Dental College or any such institution as is imparting education, or training in Nursing and Para-medical degree courses to the privileges of affiliation or to withdraw or curtail any such privileges and to guide and control the works of such institution;

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

Jurisdiction and admission to privileges

7. (1) Notwithstanding anything to the contrary in any other Law of the State, the provisions of this Act shall prevail.

(2) No college or institution in the State of Uttar Pradesh imparting education in Medical Sciences or dental sciences or degree courses in nursing and para-medical disciplines shall be affiliated with any other University and the sanction of the Government, be associated in any way with or seek admission to any privileges of any other State University.

(3) Any such privilege enjoyed from other University before the appointed date by any Medical College or Institution of Medical Science situated in the State shall stand withdrawn with effect from such date.

(4) On and from the appointed date, all colleges and institutions of medical sciences previously admitted to the privileges of or affiliated to the King George's Medical University, Lucknow or the Uttar Pradesh University of Medical Sciences, Saifai, Etawah or Shakuntala Misra National Rehabilitation University or any State University constituted under the Uttar Pradesh State Universities Act, 1973 shall be deemed to be admitted to the privileges or affiliated to this University.

University open to all castes and creeds

8. 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 favour of the Scheduled Castes, the Scheduled Tribes, Other Backward Classes, women students and other categories in accordance with any law or orders of the Government for the time being in force.

INSPECTION AND INQUIRY

Visitation

9. (1) The 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 administrator and finances of the University.

(2) Where the 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 a representative of the University and he shall have the right to be heard as such:

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

(3) The person or persons appointed to inspect or inquire under sub-section (1) shall have all the powers of 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 judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code.

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

(5) The Vice-Chancellor shall then within such time as the 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 Government the 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 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

Officers of the University

10. The following shall be the officers of the University:-

- (a) the Chancellor,
- (b) the Vice-Chancellor,
- (c) the Pro-Vice-Chancellor,
- (d) the Registrar,
- (e) the Finance Officer,
- (f) the Controller of Examinations,
- (g) the Deans of Faculty,
- (h) such other officers as may be declared by the Statutes to be the Officers of the University.

**The
Chancellor**

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

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

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

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

**The Vice-
Chancellor**

12. (1) The Vice-Chancellor shall be a whole time salaried officer of the University and shall be appointed by the Chancellor except as provided by sub-section (6) or sub-section (10) from amongst the persons whose names are submitted to him by the committee constituted in accordance with provisions of sub-section (3).

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

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

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

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

(3) The Vice-Chancellor shall be appointed by the Chancellor on the recommendation of a committee consisting of:-

(a) the Chief Secretary;

(b) the Principal Secretary to Government of Uttar Pradesh, Department of Medical Education;

(c) the Vice-Chancellor, King George's Medical University;

(d) the Director, Sanjay Gandhi Post Graduate Institute of Medical Sciences, Lucknow;

(e) One expert in medical field, not below the rank of a Head of Medical Institution or Medical University to be nominated by the Chancellor.

(4) 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 (2) and also whenever so required and before such date as may be specified by the Chancellor submit to the Chancellor the names of not less than three and not more than five persons to hold the office of the Vice-Chancellor. The Committee shall while submitting the names, also forward to the Chancellor a concise statement showing the academic qualification of each of the persons so recommended but shall not indicate any order of preference.

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

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

(7) 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.

(8) 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.

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

(b) Where a vacancy in the office of Vice-Chancellor occurs and it cannot be conveniently and expeditiously filled in accordance with the provisions of sub-section (1) to (6);

(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) Until a Vice-Chancellor appointed under sub-section (1) or sub-section (6) or sub-section (9) assumes office, 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 willfully omits or refuses to carry out the provisions of this Act or abuses the powers vested in him, or if it otherwise appears to the Chancellor that the continuance of the Vice-Chancellor in office is detrimental to the interest of the University, the Chancellor may, after making such inquiry as he deems proper, by order, remove the Vice-Chancellor.

(12) During the pendency, or in contemplation of any inquiry referred to in sub-section (11) 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.

**Powers and
Duties of the
Vice-
Chancellor**

13. (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 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) The Vice-Chancellor shall be an *ex-officio* member and Chairperson of the Executive Council, the Academic Council and the Finance Committee.

(3) The Vice-Chancellor 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 powers of the Chancellor under sections 11 and 50 possess all such powers as may be necessary in that behalf.

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

Provided that The Vice-Chancellor may delegate his power under this sub-section to any other officer of the University.

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

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

Provided further that if an 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 confirm 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 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 authorized and provided for in the budget.

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

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

The Pro-Vice-Chancellor

14. (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 a special allowance of such amount as may be determined by general or special orders by the Government.

(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 absence of the Vice-Chancellor and shall exercise such powers and perform such duties as may be assigned or delegated to him by the Vice-Chancellor.

The Registrar

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

(2) The Registrar shall be appointed by the 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, Academic Council, Admission Committee, Disciplinary Committee for a teacher and of every Selection Committee for appointment and promotion of teachers of the University, and shall be bound to place before these authorities and the Vice-Chancellor all such informations required from time to time but he shall nor 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 except in accordance with the order of the Government.

(6) Deputy Registrar(s) and Assistant Registrar(s) may be appointed to aid and assist the Registrar on the conditions prescribed under the Statutes, against the strength sanctioned by the Government.

The Finance Officer

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

(2) An Accounts Officer may be appointed to aid and assist the Finance Officer on the conditions prescribed under the Statutes, against the strength sanctioned by the Government.

(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 Officers shall be responsible:—

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

(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) The Finance Officer shall not be offered nor shall he accept any remuneration for any work in the University.

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

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

The Controller of Examination

17. (1) The Controller of Examinations shall be a whole time officer of the University

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

(3) The Controller of Examinations shall be responsible for the due custody of the records pertaining to his work. He shall be *ex-officio* Secretary of the Examination Committee of the University and shall be responsible to place before such committee all such informations as may be necessary for the transaction of its business. He shall also perform such other duties as may be prescribed by the Statutes and Ordinances 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) 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 Examination shall conduct the examinations and make all other arrangements thereto and be responsible for the due execution of all processes connected therewith.

(6) The Controller of Examinations shall not be offered nor shall he accept any remuneration for any work in the University except in accordance with an order of the Government.

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

(8) The Additional Controller of Examinations and the Deputy Controller of Examinations may be appointed to aid and assist the Controller of Examination on the conditions prescribed under the Statutes, against the strength sanctioned by the Government.

Other Officers

18. The power 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 Examination, if any appointed shall be such as may be prescribed or laid down by the Ordinances.

CHAPTER-IV

AUTHORITIES OF THE UNIVERSITY

Authorities of the University

19. The following shall be authorities of the University, namely:—

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

(i) the Admission Committee;

(j) Such other authorities as may be declared by the Statutes to be authorities of the University.

Constitution of the Executive Council 20. (1) The Executive Council shall consist of the following members, namely:-

(a) the Vice-Chancellor, who shall be Chairperson thereof;

(b) the Pro-Vice-Chancellor, if any;

(c) the Principal Secretary/Secretary to Government of Uttar Pradesh, Medical Education Department, or his nominee not below the rank of a Special Secretary;

(d) the Principal Secretary/Secretary to Government of Uttar Pradesh, Finance Department, or his nominee not below the rank of a Special Secretary;

(e) the Deans of two Faculties of the University including its affiliated colleges, by rotation, in order of seniority;

(f) the Director General, Medical Education and Training, Uttar Pradesh;

(g) the Director, All India Institute of Medical Sciences, New Delhi or his nominee not below the rank of a Professor;

(h) the Vice-Chancellor, King George's Medical University, Uttar Pradesh, Lucknow;

(i) the Director, Sanjay Gandhi Post Graduate Institute of Medical Sciences, Lucknow;

(j) the Director, Dr. Ram Manohar Lohia Institute of Medical Sciences, Lucknow;

(k) two retired Principals of State Medical Colleges, nominated by the Executive Council;

(l) one Principal of a State Medical College, nominated by the Vice-Chancellor;

(m) two Senior Professors of the University including its affiliated Colleges, nominated by the Vice-Chancellor;

(n) two eminent Director/Head, retired from medical institution of National or International repute, nominated by the Chancellor.

(o) two eminent members of civil society engaged in medical profession or social service or retired civil servants or retired judges, nominated by the Chancellor on the recommendation of the state Government.

(2) The term of the office of the members of the Executive Council other than *ex-officio* members shall be of three years.

(3) A person shall be disqualified for being a member (other than an *ex-officio* member) as and for being a member of the Executive Council if he or his relative is in service of the University or its affiliated college or 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 any duties of a similar nature in relation to the University.

Explanation:- In this section relative means the relations defined in section 2 of the Companies Act, 2013 and prescribed under rule 4 of the Companies (Specification of Definitions Details) Rules, 2014 as amended from time to time.

**Powers and duties
of Executive
Council**

21. (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 acquire or transfer any movable or immovable property on behalf of the University;
- (iii) to make amend or repeal Statutes and Ordinances;
- (iv) to administer any funds placed at the disposal of the University for specific purpose;
- (v) to prepare the budget of the University;
- (vi) to award scholarship, fellowships, bursaries, medals and other award in accordance with the Ordinances;
- (vii) to appoint officers, teachers and other employees of the University and to define their duties and the conditions of their service and to provide for the filling of temporary casual vacancies in their posts;
- (viii) to fix the fees, emoluments and traveling and other allowances of the examiners;
- (ix) to direct the form and the use of the common seal of the University;
- (x) to regulate and enforce discipline among members of the teaching, administrative and other staff of University in accordance with the Statutes and the Ordinances;
- (xi) to manage and regulate the finance, accounts, investments, property, business and all other administrative affairs of the University and for that purpose, to appoint such agents as it may think fit;
- (xii) to invest any money belonging to the University (including any income from any trust or endowed property) in such stock funds shares or securities as it shall from time to time think fit or in the purchase of immovable property with the like power of varying such investment from time to time;
- (xiii) to provide the buildings, premises, furniture and apparatus and other means needed for carrying on the work of the University;
- (xiv) to enter into, vary, carry-out and cancel contracts on behalf of the University;
- (xv) to regulate and determine all other matters concerning the University as well as constituent, affiliated colleges, hospitals and Health Centers 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 Government be transferred (except by way of letting from month to month in the ordinary course of management) by the Executive Council by way of mortgage, sale, exchange, gift or otherwise nor shall any money be borrowed, or advance taken on the security thereof except as a condition of receipt of any grant-in-aid of the University from the Government or with the previous sanction of the Government from any other person.

(3) No expenditure in respect of which approval of the Government is 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 Government except in accordance with any general or special order of the 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 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 numbers, qualifications and emoluments of teachers and the fees payable to examiners except after considering the advice of the Academic Council and the Boards of Faculties concerned.

(7) The Executive Council 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.

**Academic
Council**

22. (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 conferred or imposed upon it by the statutes.

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

(i) the Vice-Chancellor;

(ii) the Dean of the Faculties;

(iii) all other Heads of Departments of the University;

(iv) all Professors of the University who are not Heads of departments;

(v) two retired Principals of the Medical Institutions or Medical Colleges to be nominated by the Vice-Chancellor;

(vi) two Professor, two Associate Professor and two Assistant Professors from each Faculty to be nominated by the Vice-Chancellor, and;

(vii) five persons of the academic eminence to be nominated by the Vice-Chancellor.

(3) The term of office of nominated members shall be two years.

**The Finance
Committee**

23. (1) The Finance Committee shall consist of:—

(a) the Vice-Chancellor, who shall be the Chairperson thereof;

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

(c) the Principal Secretary to the 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 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 Joint Secretary to the Government and an officer so deputed shall also have the right to vote.

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

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

The Faculties

24. (1) The University shall have Faculties of Medicine, Dental Sciences, Nursing, Para-medical and such other faculties as may be prescribed.

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

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

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

(5) The Dean shall be the Chairperson of the Board of Faculty and be responsible for:-

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

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

(6) In each Department of teaching in the University there shall be a Head of the Department whose appointment shall be regulated by Statutes.

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

(8) These 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.

**Admission
Committee**

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

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

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

(4) Subject to the provision of sub-section (5), the Committee may issue any direction with regard to criteria or methods of admissions (including the number of students to be admitted) to affiliated colleges which shall have binding effects on such colleges.

(5) Notwithstanding anything to the contrary contained in any other provision of this Act, reservation of seats for admission in any course of study in the University and affiliated colleges (excluding the minority institutions) for the students belonging to the Scheduled Castes, the Scheduled Tribes, Other Backward Classes of Citizens, Female students, Differently-abled students and other categories in accordance with any law or orders may be made and regulated by such orders as the Government may, make in that behalf.

(6) Notwithstanding anything to the contrary contained in the foregoing sub-sections, admissions to the various courses shall subject to any orders of the Central or State Regulatory Bodies.

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

**Examination
Committee**

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

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

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

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

(c) to make recommendations to the Academic Council for the improvement of the examination system;

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

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

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

**Other
Authorities**

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

CHAPTER- V

AFFILIATION AND RECOGNITION OF COLLEGES

**Affiliated
Colleges**

28. (1) The Executive Council may admit any college which fulfils such conditions of affiliation, as may be prescribed, to the privileges of affiliation or enlarge the privileges of any college already affiliated or subject to the provisions of sub-section (7), withdraw or curtail any such privilege.

(2) It shall be lawful for an affiliated college to make arrangement with any other affiliated college situated in the same local area, or with the University, for co-operation in the work of teaching or research.

(3) Save as provided in this Act, the management of an affiliated college shall be free to manage and control the affairs of the college and be responsible for its maintenance and upkeep, and its Principal shall be responsible for the discipline of its students and for the superintendence and control over its staff.

(4) Every affiliated college shall furnish such reports, returns and other particulars as the Executive Council or the Vice-Chancellor may call for.

(5) The Executive Council shall cause every affiliated college to be inspected from time to time at intervals not exceeding five years by one or more persons authorized by it in that behalf, and a report of the inspection shall be made to the Executive Council.

(6) The Executive Council may direct an affiliated college so inspected to take such action as may appear to it to be necessary within such period as may be specified.

(7) The privileges of affiliation of a college which fails to comply with any direction of the Executive Council under sub-section (6) or to fulfill the conditions of affiliation may, after obtaining a report from the Management of the college and with the previous sanction of the Chancellor, be withdrawn or curtailed by the Executive Council in accordance with the provisions of the Statutes.

(8) Notwithstanding anything to the contrary contained in sub-sections (1) and (7), if the Management of an affiliated college has failed to fulfill the conditions of affiliation, the Chancellor may, after obtaining a report from the Management and the Vice-Chancellor, withdraw or curtail the privileges of affiliation thereof.

**Constituent
Colleges**

29. (1) Constituent Colleges shall be such as may be named by the Statutes and shall be maintained by the University or by the Government.

(2) The Principal of a Constituent College shall have general control over the staff to the college. He may exercise such other powers as may be prescribed.

**Autonomous
Colleges**

30. The University on the recommendations of the University Grants Commission, may grant in the manner prescribed to an affiliated college as an autonomous college which satisfies the conditions prescribed in that behalf, the privileges of varying, for the students receiving instructions in the college, the courses of study prescribed by the University and holding examination in the courses so varied.

CHAPTER-VI

**RECRUITMENT AND SERVICE CONDITIONS OF TEACHERS OF THE
UNIVERSITY**

**Appointment of
Teachers**

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

Provided that the teachers may be engaged on contract basis for a period not exceeding one year in special circumstances when there is acute need for the permission of any regulatory body. Minimum qualifications and experience shall be such as prescribed as per the guidelines of the Government.

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

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

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

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

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

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

(4) The Selection Committee for the appointment of a teacher in the University shall consist of-

(i) the Vice-Chancellor, who shall be the Chairperson thereof;

(ii) the Head of the Department concerned:

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

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

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

(5) (a) A panel of six or more experts in each subject of study shall be drawn up by the Chancellor after consulting the corresponding faculty in Indian 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 after every three years.

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

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

(a) 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 the case of a Professor or an Associate Professor the persons present to form the quorum must include at least two expert.

(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 prescribed by the Statutes.

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

Promotion to the Post of Associate Professor and Professor

32. (1) Notwithstanding anything to the contrary contained in any other provision of this Act, an Assistant Professor substantively appointed or an Associate Professor substantively appointed or promoted under this section in the University, who has put in such length of service and possesses such qualification 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 31 in such manner and subject to such conditions as may be prescribed.

Contract of appointment of teachers of the University

33. (1) Except as otherwise provided by Statutes, no teacher of the University and affiliated Colleges 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 to the contrary 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 Government may by general or special order specify.

Pensions, Provident Fund, etc.

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

Limits of additional remunerative work permissible to teachers

35. (1) The conditions regarding payment of remuneration to the teachers for any duties performed in connection with any examination conducted by an Indian University or 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 offices' include the offices of Provost, Warden or Superintendent of a Hostel, Proctor, Games Superintendent and Librarian.

Tribunal of Arbitration

36. (1) Any dispute arising out of a contract of appointment referred to in section 33 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- VII

RECRUITMENT AND SERVICE CONDITIONS OF NON-TEACHING STAFF OF THE UNIVERSITY

Service conditions of Non-teaching Staff

37. (1) The direct recruitment and promotion on different posts in different services shall be made by the respective appointing authority on the recommendations of the Recruitment Board or the Promotion Committees as prescribed in the Statutes.

(2) The strength of the services and each category of posts therein shall be such as may be determined by the Executive Council and approved by the Government from time to time.

(3) The determination of age and the length of service or experience shall be counted as on the July 1 of that recruitment year, which starts from 1st July of every year.

(4) For Direct Recruitment or Promotion on different posts etc., age, minimum qualification, experience, reservation and other conditions of services shall be such as may be prescribed.

(5) Employees may be outsourced as per the directions of the Government against the vacant sanctioned posts.

CHAPTER-VIII

STATUTES, ORDINANCES AND REGULATIONS

Statutes

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

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

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

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

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

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

(f) the constitution of a new pension scheme 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 other academic distinctions;

(h) the conferment of honorary degrees;

(i) the withdrawal of degrees and other academic distinctions;

(j) the establishment, amalgamation, abolition and reorganization of Faculties;

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

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

(m) the number, minimum qualification, 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 or an affiliated college and the preparation and maintenance of record of their service;

(n) the institution of scholarship, fellowships, studentships, medals and prizes;

(o) the holding of convocation, if any;

(p) the conditions under which colleges and other institutions may be admitted to the privileges of affiliation by the University and the conditions under which any such privilege may be withdrawn;

(q) the recognition of the Management of any affiliated college; and

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

Statutes how made

39.(1) The first Statutes of the University shall be made by the 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, power or constitutions 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 therefrom or remit it to the Executive Council for further consideration.

(5) Any statutes 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 to the contrary contained in the forgoing sub-section the Government may in order to implement any decision taken by it in the interest of learning, teachers, students or other staff or on the basis of any suggestion or recommendation of the University Grants Commissions or other Central Regulatory Authority or the State or National Education Policy with regard to the Executive Council to make new or additional Statutes or amend or repeal the Statutes referred to in sub-section (1) within a specified time and if the Executive Council fails to comply with such requirement of the 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 Government under sub-section (6) or to make new or additional statutes inconsistent with such Statutes.

Ordinances

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

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

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

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

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

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

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

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

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

(h) the fees which may be charged by the University or by an affiliated college for any purpose;

(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 traveling and daily allowances to be paid to persons employed on the business of the University; and

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

Ordinances how made

41. (1) The Ordinances shall be made by the Executive Council and shall be submitted to the Chancellor for his approval.

(2) The Executive Council may from time to time make new or additional Ordinances or may amend or repeal the Ordinances referred to in sub-section (1):

Provided that no ordinances shall be made:-

(a) affecting the admission of students or prescribing examinations to be recognized as equivalent to the University examinations or the further qualifications mentioned in sub-section (1) of section 25 for admission to the degree courses of the University unless a draft of the same has been proposed by the Academic Council, or

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

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

(3) The Executive Council shall not have power to amend any draft proposed by the Academic Council under sub-section (2) but may reject it or return to the Academic Council for reconsideration either in whole or in part together with any amendments which the Executive Council may suggest.

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

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

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

Regulations

42. (1) Subject to the provisions of this Act, the Statutes and the Ordinances, an authority or other body of the University may make regulations-

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

(b) providing for all matters which by this Act, the Statutes or the 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 Ordinances.

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

(3) The Executive Council may direct any authority or other body of the University 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 Ordinances, make Regulations providing for the course of study for any examination, degree or diploma of the University only after the Board of Faculty concerned has proposed a draft of the same.

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

CHAPTER- IX

ANNUAL REPORTS AND ACCOUNTS

Annual Report

43. The annual report of the University shall be prepared under the direction of the Executive Council.

Accounts and Audit

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

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

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

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

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

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

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

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

Provided that notwithstanding anything in sub-section (7) of section 13, the Vice-Chancellor may in the case of fire, flood, excessive rainfall or other sudden or unforeseen circumstances, incur non-recurring expenditure not exceeding rupees one lakh not sanctioned in the budget and he shall immediately inform the Government in respect of all such expenditure.

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

Surcharge

45. (1) An officer specified in any of the clauses (b) to (h) of section 10 shall be liable to surcharge for the loss, waste or misapplication of any money or property of the University if such loss, waste or misapplication is a direct consequence of his neglect or misconduct.

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

CHAPTER – X

MISCELLANEOUS

Manner of appointment of officers and members of authorities

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

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

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

- Filling of casual vacancies** **47.** (1) Any casual vacancy among the members other than *ex-officio* members of any authority or body of the University shall be filled in the same manner in which the member whose vacancy is to be filled up was chosen and the person filling the vacancy shall be a member of such authority or body for the residue of the term for which the person whose place he fills would have been a member.
- (2) A person who is a member of any authority of the University as a representative of another body, whether of the University or outside shall retain his seat on such authority for only so long as he continues to be the representative of such body.
- Proceeding not to be invalidated by vacancies, etc.** **48.** (1) No act or proceeding of any authority or body or committee of the University shall be invalid merely by reason of,—
- (a) any vacancy or defect in the constitution thereof; or
- (b) some person having taken part in the proceedings who was not entitled to do so; or
- (c) any defect in the nomination or appointment of a person acting as member thereof; or
- (d) any irregularity in its procedure not affecting the merits of the case.
- Removal from membership of the University** **49.** The Executive Council may by a two third majority of the members present and voting remove any person from membership of any authority or other body of the University upon the ground that such person has been convicted of any offence involving moral turpitude or upon the ground that he has been guilty of scandalous conduct or had behaved in a manner unbecoming of a member of the University and may upon the same ground withdraw from any person any degree or certificate conferred or granted by the University.
- Reference to the Chancellor** **50.** If any question arises whether any person has been duly elected or appointed as or is entitled to be a member of any authority or other body of the University (including a question as to the validity of a Statute, Ordinance or Regulation, not being a Statute or Ordinance made or approved by the Government or by the Chancellor) is in conformity with this Act or the Statutes or the Ordinances made thereunder, the matter shall be referred to the Chancellor and the decision of the Chancellor thereon shall be final:
- Provided that no reference under this section shall be made:
- (a) more than three months after the date when the question could have been raised for the first time;
- (b) by any person other an authority or officer of the University or a person aggrieved:
- Provided further that the chancellor may in exceptional circumstances:
- (a) act *suo moto* or entertain a reference after the expiry of the period mentioned in the preceding proviso;
- (b) Where the matter referred relates to a dispute about the election and the eligibility of the persons so elected is in doubt, pass such orders of stay as he thinks just and expedient.
- Mode of proof of University record** **51.**(1) A copy of any receipt, application, notice, order, proceeding or resolution of any authority or committee of the University or other documents in possession of the University or any entry in any register duly maintained by the University, if certified by the Registrar, shall be received as *prima facie* evidence of such receipt, application, notice, order, proceeding, resolution or document or the existence of entry in the register and shall be admitted as evidence of the matters and transactions therein recorded where the original thereof would, if produced, have been admissible in evidence.

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

Officers and employees to be public servants

52. The Vice-Chancellor, Registrar, Finance Officer and other employees of the University shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Act, to be public servants within the meaning of section 21 of the Indian Penal Code.

Bar of Suit

53. No suit or other legal proceeding shall lie against the Government or the University or any officer or authority or body thereof in respect of anything done or purported or intended to be done in pursuance of the Act, the Statutes or the Ordinances made thereunder.

CHAPTER – XI

TRANSITORY PROVISION

Constitution of authority

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

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

Amendment of certain Acts

55. The enactments specified in column 2 of the Schedule are hereby amended to the extent mentioned in the column 3 thereof.

Power to remove difficulties

56. (1) The Government, may for the purposes of removing any difficulties, 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 two years 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 questions in any court on the ground that no difficulty as is referred to in that subsection existed or was required to be removed.

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SCHEDULE

(See Section 55)

S. No	Name of the Enactment	Extent of Amendments
(1)	(2)	(3)
1	The Uttar Pradesh State Universities Act, 1973 (President's Act, 10 of 1973 as amended & re-enacted by UP Act No. 29 of 1974)	(1) In section 2, for clause (2), the following clause shall be substituted, namely: “(2) ‘Affiliated College’ means an institution, not being an institutions related to medical and allied sciences, affiliated to the University in accordance with the provisions of this Act and Statutes to that University;” (2) In section 5, sub-section (6) shall be omitted.
2	The King George’s Medical University, Uttar Pradesh Act, 2002 (UP Act No. 8 of 2002)	In section 11, clause (XVIII) shall be omitted.
3	Dr. Shakuntala Misra National Re-Habilitation University Act, 2009 (UP Act No. 1 of 2009)	In section 5, clause (ii) for the words “to affiliate such colleges & other institutions of the State”, the words “to affiliate such colleges & other institutions, not being the college and institutions imparting teaching and training in medical and allied sciences in the State” shall be substituted.
4	The Uttar Pradesh University of Medical Sciences, Saifai, Etawah Act 2015, (UP Act No. 15 of 2016)	In section 6, clause (q) shall be omitted.

STATEMENT OF OBJECTS AND REASONS

In order to commemorate the memory of the Ex. Prime Minister Late Sri Atal Bihari Vajpayee, it has been decided to establish a State Medical University at Lucknow in Uttar Pradesh by the name of Atal Bihari Vajpayee Medical University, Uttar Pradesh.

2. The main features of the Bill are mentioned below,-

(a) the main objects of the University shall be to disseminate and advance knowledge in medicine, dental sciences, nursing, para-medical and other disciplines;

(b) to empower the University,-

(i) to affiliate Government as well as privately managed institutions and conduct examinations thereto and to abolish the power of affiliation by amending the Acts of certain other Universities of the State;

(ii) to administer, manage and control the hospitals, diagnostic centres and blood banks;

(iii) to facilitate research in traditional and innovative areas;

(iv) to establish a centre for imparting training to teachers and other technical and para-medical aspirants; and

(c) the functions of the University *inter alia* shall be to implement various schemes of Union, State and other agencies.

3. The Atal Bihari Vajpayee Medical University, Uttar Pradesh Bill, 2018 is introduced accordingly.