

**THE DELHI UNIVERSITY (AMENDMENT) ACT, 1952**

No. V OF 1952



*Repealed by Act 36 of 1957*

[23rd. February, 1952]

An Act further to amend the Delhi University Act, 1922.

**BE** it enacted by Parliament as follows:—

**1. Short title and commencement.**—(1) This Act may be called the Delhi University (Amendment) Act, 1952.

(2) This section and sections 26 and 27 shall come into force at once and the remaining provisions shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different provisions.

**2. Amendment of long title and preamble, Act VIII of 1922.**—In the long title of, and the preamble to, the Delhi University Act, 1922 (hereinafter referred to as the principal Act), for the words “unitary teaching and residential University”, the words “teaching and affiliating University” shall be substituted.

**3. Amendment of section 2, Act VIII of 1922.**—In section 2 of the principal Act,—

(i) for clauses (a) and (b), the following clauses shall be substituted, namely:—

“(a) ‘College’ means an institution maintained or admitted to its privileges by the University, and includes an Affiliated College and a Constituent College;

*Explanation I.*—‘Affiliated College’ means an institution recognised by the University in accordance with the provisions of this Act and the Statutes in which instruction is provided in accordance with the provisions of the Statutes and Ordinances up to the Bachelor’s degree but exclusive of Honours and post-graduate degrees;

*Explanation II.*—‘Constituent College’ means an institution recognised as such by the Executive Council in accordance with the provisions of this Act and the Statutes;

(b) ‘Hall’ means a unit of residence for students of the University provided, maintained or recognised by it;”;

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↓ 1-3-1952, vide notfn. no. SRo 355, dt. 27-2-52, Gazette of India, 1952, Pt. II, Sec. 3, p. 329.

(ii) clause (e) shall be omitted;

(iii) for clause (h), the following clause shall be substituted, namely:—

“(h) ‘teachers of the University’ means persons appointed or recognised by the University for the purpose of imparting instruction in the University or in any College.”

**4. Amendment of section 4, Act VIII of 1922.**—In section 4 of the principal Act,—

(i) for clause (2), the following clause shall be substituted, namely:—

“(2) to hold examinations and to grant to, and confer degrees and other academic distinctions on, persons who—

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

(b) are non-collegiate women students residing within the territorial jurisdiction of the University, or

(c) are teachers in educational institutions under conditions laid down in the Statutes and Ordinances and have passed the examinations of the University under like conditions,”;

(ii) in clause (8), the words “in accordance with the Statutes and the Regulations” shall be omitted;

(iii) for clause (9), the following clause shall be substituted, namely:—

“(9) to maintain Colleges and Halls, to admit to its privileges Colleges not maintained by the University and to withdraw all or any of those privileges, and to recognise Halls not maintained by the University and to withdraw any such recognition,”;

(iv) for clause (12), the following clauses shall be substituted, namely:—

“(12) to make special arrangements in respect of the residence, discipline and teaching of women students,

(12A) to create administrative and ministerial and other necessary posts and to make appointments thereto, and”.

**5. Amendment of section 5, Act VIII of 1922.**—In section 5 of the principal Act,—

(i) in sub-section (1),—

(a) for the words “beyond a radius of 10 miles from the Convocation Hall of the University” and “that limit”, the

words "beyond the limits of the State of Delhi" and "those limits" shall, respectively, be substituted;

(b) the proviso shall be omitted;

(ii) in sub-section (2), for the words "afore-mentioned limit" and "that limit", the words "afore-mentioned limits" and "those limits" shall, respectively, be substituted.

**6. Amendment of section 6, Act VIII of 1922.**—In section 6 of the principal Act,—

(i) for the words "creed or class", the words "creed, caste or class" shall be substituted;

(ii) the words "where such test is specially prescribed by the Statutes, or" shall be omitted; and

(iii) in the proviso, for the words and brackets "not unwilling to receive it by persons (whether teachers of the University or not) approved for that purpose by the Executive Council", the words "who have consented to receive it" shall be substituted.

**7. Amendment of section 7, Act VIII of 1922.**—In section 7 of the principal Act, sub-section (5) shall be omitted.

**8. Insertion of new sections 7A and 7B in Act VIII of 1922.**—After section 7 of the principal Act, the following sections shall be inserted, namely:—

"7A. *Visitor.*—(1) The President of India shall be the Visitor of the University.

(2) The Visitor shall have the right to cause an inspection to be made by such person or persons as he may direct of the University, its buildings, laboratories and equipment and of any institution maintained by the University, and also of the examinations, teaching and other work conducted or done by the University and to cause an inquiry to be made in like manner in respect of any matter connected with the University.

(3) The Visitor shall in every case give notice to the University of his intention to cause an inspection or inquiry to be made, and the University shall be entitled to appoint a representative who shall have the right to be present and be heard at such inspection or inquiry.

(4) The Visitor may address the Vice-Chancellor with reference to the result of such inspection and inquiry, and the Vice-Chancellor shall communicate to the Executive Council the views

of the Visitor with such advice as the Visitor may offer upon the action to be taken thereon.

(5) The Executive Council shall communicate through the Vice-Chancellor to the Visitor such action, if any, as it is proposed to take or has been taken upon the result of such inspection or inquiry.

(6) Where the Executive Council does not, within a reasonable time, take action to the satisfaction of the Visitor, the Visitor may, after considering any explanation furnished or representation made by the Executive Council, issue such directions as he may think fit and the Executive Council shall be bound to comply with such directions.

(7) Without prejudice to the foregoing provisions of this section the Visitor may, by order in writing, annul any proceeding of the University which is not in conformity with this Act, the Statutes or the Ordinances:

Provided that before making any such order he shall call upon the University to show cause why such an order should not be made and, if any cause is shown within a reasonable time shall consider the same.

7B. *Chief Rector and Rectors.*—(1) The Chief Commissioner of the State of Delhi shall be the Chief Rector of the University.

(2) Such persons, as may be appointed in this behalf in accordance with the Statutes, shall be the Rectors of the University."

**9. Amendment of section 8, Act VIII of 1922.**—In section 8 of the principal Act,—

(i) for item (iv), the following item shall be substituted, namely:—

"(iv) the Pro-Vice-Chancellor, if any,".

**10. Omission of sections 9 to 15, Act VIII of 1922.**—Sections 9 to 15 (inclusive) of the principal Act shall be omitted.

**11. Substitution of new section for section 16, Act VIII of 1922.**—For section 16 of the principal Act, the following section shall be substituted, namely:—

"16. *Powers and duties of officers, etc.*—Subject to the provisions of this Act, the powers and duties of the officers of the University, the terms for which they shall hold office and the filling of casual vacancies in such offices shall be provided for by the Statutes."

**12. Amendment of section 17, Act VIII of 1922.**—In section 17 of the principal Act, after item (iii), the following item shall be inserted, namely:—

“(iii) the Finance Committee.”

**13. Substitution of new section for section 18, Act VIII of 1922.**—For section 18 of the principal Act, the following section shall be substituted, namely:—

“18. *The Court.*—The Court shall be the supreme authority of the University and shall have the power to review the acts of the Executive Council and the Academic Council (save when these authorities have acted in accordance with the powers conferred upon them under this Act, the Statutes or the Ordinances) and shall exercise all the powers of the University not otherwise provided for by this Act or the Statutes.”

**14. Omission of sections 19, 20, 22 and 24, Act VIII of 1922.**—Sections 19, 20, 22 and 24 of the principal Act shall be omitted.

**15. Substitution of new section for section 25, Act VIII of 1922.**—For section 25 of the principal Act, the following section shall be substituted, namely:—

“25. *Powers and duties of authorities of the University.*—Subject to the provisions of this Act, the constitution, powers and duties of the authorities of the University shall be provided for by the Statutes.”

**16. Substitution of new section for section 28, Act VIII of 1922.**—For section 28 of the principal Act, the following section shall be substituted, namely:—

“28. *Statutes.*—Subject to the provisions of this Act, the Statutes may provide for all or any of the following matters, namely:—

(a) the constitution, powers and duties of the Court, the Executive Council, the Academic Council, the Finance Committee and such other bodies as may be deemed necessary to constitute from time to time;

(b) the election and continuance in office of the members of the said bodies, including the continuance in office of the first members, and the filling of vacancies of members, and all other matters relative to those bodies for which it may be necessary or desirable to provide;

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

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

(e) the conferment of honorary degrees;

(f) the withdrawal of degrees, diplomas, certificates and other academic distinctions;

(g) the establishment and abolition of Faculties, Departments, Halls, Colleges and institutions;

(h) the conditions under which colleges and other institutions may be admitted to the privileges of the University and the withdrawal of such privileges;

(i) the institution of fellowships, scholarships, student-ships, exhibitions, medals and prizes; and

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

**17. Amendment of section 29, Act VIII of 1922.**—In section 29 of the principal Act, for sub-sections (2) to (7) (inclusive), the following sub-sections shall be substituted, namely:—

"(2) The Court may, from time to time, make new or additional Statutes or may amend or repeal the Statutes in the manner hereafter in this section provided.

(3) The Executive Council may propose to the Court the draft of any Statute to be passed by the Court, and such draft shall be considered by the Court at its next meeting.

(4) The Court may approve any such draft as is referred to in sub-section (3) and pass the Statutes or reject it or return it to the Executive Council for reconsideration, either in whole or in part, together with any amendments which the Court may suggest:

Provided that the Executive Council shall not propose the draft of any Statute or of any amendment of a Statute affecting the status, powers or constitution of any existing authority of the University until such authority has been given an opportunity of expressing an opinion upon the proposal, and any opinion so expressed shall be in writing and shall be considered by the Court.

(5) Any member of the Court may propose to the Court the draft of any Statute and the Court may either reject the proposal or refer such draft for consideration to the Executive

Council, which may either reject the proposal or submit the draft to the Court in such form as the Executive Council may approve, and the provisions of this section shall apply in the case of any draft so submitted as they apply in the case of a draft proposed to the Court by the Executive Council.

(6) Every new Statute or addition to the Statutes or any amendment or repeal of a Statute shall require the previous approval of the Visitor who may sanction, disallow or remit it for further consideration."

**18. Substitution of new sections for sections 30 and 31, Act VIII of 1922.**—For sections 30 and 31 of the principal Act, the following sections shall be substituted, namely:—

"30. *Ordinances.*—Subject to the provisions of this Act and the Statutes, the Ordinances may provide for all or any of the following matters, namely:—

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

(b) the courses of study to be laid down for all degrees, diplomas and certificates of the University;

(c) the degrees, diplomas, certificates and other academic distinctions to be awarded by the University, the qualifications for the same, and the means to be taken relating to the granting and obtaining of the same;

(d) the fees to be charged for courses of study in the University and for admission to the examinations, degrees and diplomas of the University;

(e) the conditions of the award of fellowships, scholarships, studentships, exhibitions, medals and prizes;

(f) the conduct of examinations, including the terms of office and manner of appointment and the duties of examining bodies, examiners and moderators;

(g) the maintenance of discipline among the students of the University;

(h) the conditions of residence of students at the University;

(i) the special arrangements, if any, which may be made for the residence, discipline and teaching of women students, and the prescribing for them of special courses of study;

(j) the giving of religious instruction;

(k) the emoluments and the terms and conditions of service of teachers of the University;

(l) the management of Colleges and other institutions founded or maintained by the University;

(m) the supervision and inspection of Colleges and other institutions admitted to privileges of the University; and

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

31. *Ordinances how made.*—(1) The Ordinances of the University as in force immediately before the commencement of the Delhi University (Amendment) Act, 1952, may be amended, repealed or added to at any time by the Executive Council:

Provided that—

(i) no Ordinance shall be made affecting the conditions of residence or discipline of students, except after consultation with the Academic Council;

(ii) no Ordinance shall be made—

(a) affecting the admission or enrolment of students or prescribing examinations to be recognised as equivalent to the University examinations or

(b) affecting the conditions, mode of appointment or duties of examiners or the conduct or standard of examinations or any course of study,

unless a draft of such Ordinance has been proposed by the Academic Council.

(2) The Executive Council shall not have power to amend any draft proposed by the Academic Council under the provisions of sub-section (1) but may reject the proposal or return the draft to the Academic Council for reconsideration, either in whole or in part, together with any amendments which the Executive Council may suggest.

(3) Where the Executive Council has rejected the draft of an Ordinance proposed by the Academic Council, the Academic Council may appeal to the Central Government and the Central Government may, by order, direct that the proposed Ordinance shall be laid before the next meeting of the Court for its approval and that pending such approval it shall have effect from such date as may be specified in the order:



Provided that if the Ordinance is not approved by the Court at such meeting, it shall cease to have effect.

(4) All Ordinances made by the Executive Council shall be submitted, as soon as may be, to the Visitor and the Court, and shall be considered by the Court at its next meeting and the Court shall have power, by a resolution passed by a majority of not less than two-thirds of the members voting, to cancel any Ordinance made by the Executive Council, and such Ordinance shall from the date of such resolution cease to have effect.

(5) The Visitor may, by order, direct that the operation of any Ordinance shall be suspended until he has had an opportunity of exercising his power of disallowance, and any order of suspension under this sub-section shall cease to have effect on the expiration of one month from the date of such order or on the expiration of fifteen days from the date of consideration of the Ordinance by the Court, whichever period expires later.

(6) The Visitor may, at any time after an Ordinance has been considered by the Court, signify to the Executive Council his disallowance of such Ordinance, and from the date of receipt by the Executive Council of intimation of such disallowance such Ordinance shall cease to have effect."

**19. Amendment of section 32, Act VIII of 1922.**—In section 32 of the principal Act,—

(i) in sub-section (1), the words "and the Boards" shall be omitted, and for the words "and Boards" in clause (c) the words "or Committees appointed by them" shall be substituted;

(ii) in the proviso to sub-section (3), for the words "Central Government" the word "Court" shall be substituted.

**20. Amendment of section 33, Act VIII of 1922.**—In section 33 of the principal Act, the words "the Statutes and" shall be omitted.

**21. Amendment of section 35, Act VIII of 1922.**—In sub-section (2) of section 35 of the principal Act, for the word "Statutes" the word "Ordinances" shall be substituted.

**22. Omission of sections 36 and 37, Act VIII of 1922.**—Sections 36 and 37 of the principal Act shall be omitted.

**23. Substitution of new section for section 39, Act VIII of 1922.**—For section 39 of the principal Act, the following section shall be substituted, namely:—

"39. *Audit of accounts.*—(1) The accounts of the University shall, once at least in every year and at intervals of not more than fifteen months, be audited by the Comptroller and Auditor-General of India.

(2) The accounts, when audited, shall be published in the Gazette of India, and a copy of the accounts together with the audit report shall be submitted by the University to the Visitor."

**24. Omission of section 40, Act VIII of 1922.**—Section 40 of the principal Act shall be omitted.

**25. Substitution of new section for section 45, Act VIII of 1922.**—For section 45 of the principal Act, the following section shall be substituted, namely:—

"45. *Conditions of service of officers and teachers.*—(1) Every salaried officer and teacher of the University shall be appointed under a written contract, which shall be lodged with the University and a copy thereof shall be furnished to the officer or teacher concerned.

(2) Any dispute arising out of a contract between the University and any of its officers or teachers shall, at the request of the officer or teacher concerned or at the instance of the University, be referred to a Tribunal of Arbitration consisting of one member appointed by the Executive Council, one member nominated by the officer or teacher concerned and an umpire appointed by the Visitor, and the decision of the Tribunal shall be final."

**26. Temporary provisions for amendment of Statutes.**—The Central Government may, by notification in the Official Gazette, make such adaptations and modifications in the Statutes in force immediately before the commencement of this Act as in its opinion may be necessary or expedient to bring the provisions of the Statutes into accord with the provisions of the principal Act as amended by this Act:

Provided that nothing in this section shall be deemed to empower the Central Government to make any adaptation or modification of any such Statutes after the expiration of three months from the date on which this Act is brought into force by the Central Government under sub-section (2) of section 1.

**27. Transitional provisions.**—Any officer or authority of the University exercising any functions under the principal Act immediately before the commencement of this Act, shall continue to exercise such functions until the corresponding new officer or authority is appointed, elected or constituted in accordance with the provisions of the principal Act as amended by this Act or the Statutes as adapted or modified under this Act.