

Rep. by Act 58 of 1958, No. 24 Sch. I (as amended 1.26.1960)

THE BANARAS HINDU UNIVERSITY (AMENDMENT) ACT, 1958

No. 34 OF 1958

[20th September, 1958]

An Act further to amend the Banaras Hindu University Act, 1915.

BE it enacted by Parliament in the Ninth Year of the Republic of India as follows:—

Short title. 1. This Act may be called the Banaras Hindu University (Amendment) Act, 1958.

Substitution of new section for section 9. 2. For section 9 of the Banaras Hindu University Act, 1915 (hereinafter referred to as the principal Act), the following section shall be substituted, namely:—

The Court.

“9. The functions of the Court shall be—

(a) to advise the Visitor in respect of any matter which may be referred to it for advice;

(b) to advise any authority of the University in respect of any matter which may be referred to the Court by such authority; and

(c) to perform such other duties and exercise such other powers as may be assigned to it by the Visitor or under this Act.”

Insertion of new section 12A.

3. After section 12 of the principal Act, the following section shall be inserted, namely:—

Proceedings of University authorities or bodies not to be invalidated by vacancies, etc.

“12A. No act or proceeding of any authority or body of the University shall be invalid by reason only of the existence of any vacancy among its members or any defect in the constitution thereof.”

Amendment of section 17.

4. In section 17 of the principal Act, for sub-sections (3), (4), (5), (6) and (7), the following sub-section shall be substituted, namely:—

“(3) The Executive Council may, from time to time, make new or additional Statutes or may amend or repeal the Statutes; but every new Statute or addition to the Statutes or any amend-

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ment or repeal of a Statute shall require the previous approval of the Visitor who may sanction, disallow or remit it for further consideration.”.

5. In section 18 of the principal Act, for sub-sections (5), (6), (7) and (8), the following sub-sections shall be substituted, namely:— Amendment of section 18.

“(5) Where the Executive Council has rejected the draft of an Ordinance proposed by the Academic Council, the Academic Council may appeal to the Visitor who may pass such order thereon as he thinks fit.

(6) All Ordinances made by the Executive Council shall be submitted, as soon as may be, to the Visitor who may, within two months from the date of receipt thereof disallow any such Ordinance or remit it to the Executive Council for further consideration.

(7) 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 two months from the date of such order.”.

6. In section 19 of the principal Act, the proviso to sub-section (3) shall be omitted. Amendment of section 19.

7. The Statutes of the University shall be amended as follows:— Amendment of Statutes

(i) in clause (2) of Statute 4 and clauses (2) and (3) of Statute 6, the words “at the next annual meeting of the Court” shall be omitted;

(ii) in Statute 12,—

(a) clause (2) shall be omitted;

(b) in clause (5)(a), the words “and the Court” shall be omitted;

(iii) for Statute 14, the following Statute shall be substituted, namely:—

“14. (1) The Court shall consist of the following members, namely:— The Court.

(a) the Chancellor, *ex-officio*,

(b) the Pro-Chancellor, *ex officio*,

(c) the members of the Executive Council, *ex officio*,

(d) two persons from the Departments and Colleges of the University, nominated by the Visitor,

(e) two persons from among the teachers of the University other than Professors, nominated by the Visitor,

(f) five persons from among the old students of the University, nominated by the Visitor,

(g) three members of Parliament, two to be nominated by the Speaker of the House of the People from among the members thereof and one to be nominated by the Chairman of the Council of States from among the members thereof,

(h) twenty-nine persons nominated by the Visitor from among persons who are men of standing in public life, or have special knowledge or practical experience in education or have rendered eminent services in the cause of education.

(2) Seventeen members of the Court shall form a quorum.”;

(iv) Statute 16 shall be omitted;

(v) for Statute 17, the following Statute shall be substituted, namely:—

“17. (1) The Executive Council shall consist of the following members, namely:—

(a) the Vice-Chancellor, *ex officio*,

(b) seven persons nominated by the Visitor,

(c) one person nominated by the Chief Rector.

(2) Five members of the Executive Council shall form a quorum.”;

(vi) in Statute 18,—

(a) in clause (1), for the word “Court”, the word “Visitor” shall be substituted; and the words “not otherwise provided for” shall be omitted;

(b) in clause (2) (viii), the words “otherwise than by an act of the Court” shall be omitted;

(vii) in Statute 20, in item (i), the words “the Court or” shall be omitted;

(viii) in Statute 28, for the words “The Court, the Executive Council”, the words “The Executive Council” shall be substituted;

(ix) for Statute 29, the following Statute shall be substituted, namely:—

"29. (1) The Selection Committee for making recommendations to the Executive Council in respect of any appointment specified in column (1) of the Table below shall consist of the Vice-Chancellor who shall be the Chairman thereof, the Pro-Vice-Chancellor and the persons specified in the corresponding entry in column (2) of the said Table.

Selection Committee.

THE TABLE

(1)	(2)
Professor.	Three persons not connected with the University, nominated by the Executive Council, who have special knowledge of, or interest in, the subject with which the person to be appointed will be concerned.
Reader. Lecturer. }	<p>1. The Dean of the Faculty concerned with the subject with which the person to be appointed will be concerned.</p> <p>2. The Head of the Department concerned with the subject with which the person to be appointed will be concerned.</p> <p>3. Two persons not connected with the University, nominated by the Executive Council, who have special knowledge of, or interest in, the subject with which the person to be appointed will be concerned.</p>
Registrar.	Three members of the Executive Council nominated by it.

(2) The procedure to be followed by the Selection Committee in making recommendations shall be determined by the Executive Council.

(3) If the Executive Council is unable to accept any recommendations made by the Committee, it shall record its reasons and submit the case to the Visitor for final orders.";

(x) for Statute 30, the following Statute shall be substituted, namely:—

Power to inquire into the cases of certain persons connected with the University.

“30. (1) If the Executive Council has reason to believe that the continuance in office of any person who on the 14th day of June, 1958, was holding any teaching, administrative or other post in the University would be detrimental to the interests of the University, it may, after recording briefly the grounds for such belief, refer the case of any such person, together with the connected papers, if any, in its possession, to the Solicitor-General to the Government of India:

Provided that, where an allegation of the nature referred to in this sub-section relates to a member of the Executive Council who was holding any teaching, administrative or other post in the University on the said date, the Executive Council shall, without considering the allegation, refer the case of such person, together with a copy of the allegation, to the Solicitor-General to the Government of India.

(2) If on any such reference the Solicitor-General to the Government of India is of opinion that there is a *prima facie* case for inquiry, he shall refer the case of the person concerned to a Committee to be constituted for the purpose by the Central Government and known as the Reviewing Committee, which shall consist of the following persons, namely:—

(a) a person who is or has been a Judge of a High Court nominated by the Central Government who shall be the Chairman of the Committee; and

(b) two persons nominated by the Central Government from among persons who have had administrative or other experience in educational matters.

(3) It shall be the duty of the Reviewing Committee to examine the case of every person referred to it by the Solicitor-General; and the Reviewing Committee shall, after holding such inquiry into the case as it may think fit, and after giving to the person concerned an opportunity of being heard, if he so desires, forward its recommendations to the Executive Council.

(4) The meetings of the Reviewing Committee shall be convened by such person as may be appointed for this purpose by the Chairman.

(5) On receipt of the recommendations of the Reviewing Committee, the Executive Council shall take such action thereon as it may think fit:

Provided that when the recommendations relate to any such person as is referred to in the proviso to sub-section (1), such person shall not take part in any meeting of the Executive Council in which the recommendations are considered.

(6) Before taking any action against any person on the recommendations of the Reviewing Committee, the Executive Council shall give him a reasonable opportunity of being heard.”;

(xi) in Statute 35, for the words “the Annual Meeting”, the word “meetings” shall be substituted;

(xii) in Statute 36, for the words “an Annual Meeting”, the words “a meeting” shall be substituted, and the words “or as a member of the Court or of the Executive Council” shall be omitted;

(xiii) in Statute 42, the words “and entitled to vote at the election” shall be omitted.

8. (1) Every person holding office as a member of the Court or the Executive Council, as the case may be, immediately before the 14th day of June, 1958, shall on and from the said date cease to hold office as such: Transitional provision.

Provided that where any such person held immediately before such date any other office in the University, nothing contained in this sub-section shall be construed to affect his continuance in such other office.

(2) Until the Court or the Executive Council is constituted in accordance with the provisions of clause (iii) or clause (v), as the case may be, of section 7, the Visitor may, by general or special order, direct any officer of the University to exercise the powers and discharge the duties conferred or imposed by or under the principal Act, as amended by this Act, on the Court or the Executive Council, as the case may be.

4 of 1958. 9. (1) The Banaras Hindu University (Amendment) Ordinance, 1958, is hereby repealed. Repeal and saving.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act, as if this Act had commenced on the 14th day of June, 1958.