

THE UTTAR PRADESH TECHNICAL UNIVERSITY ACT, 2000

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Dated Lucknow, May 8, 2000

In pursuance of the provisions of clause(3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Pravidhik Vishwavidyalaya Adhiniyam, 2000 (Uttar Pradesh Adhiniyam Sankhya 23 of 2000) as passed by the Uttar Pradesh Legislature and assented to by the Governor on May 7. 2000.

THE UTTAR PRADESH TECHNICAL UNIVERSITY ACT, 2000¹

(U.P. ACT NO. 23 OF 2000)

(As passed by the Uttar Pradesh Legislature)

AN

ACT

to provide for the establishment of a Technical University in Uttar Pradesh for the advancement and development of technical education and for matters connected therewith of incidental thereto.

It is HEREBY enacted in the Fifty-first Year of the Republic India as follows:-

CHAPTER-I

PRELIMINARY

Short title

1. This Act may be called the Uttar Pradesh Technical University Act, 2000.

Definitions

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

(a) ["College" means a college or an institution affiliated to the University and shall include an autonomous college constituent college and associated college referred to under sections 26-A, 26-B and 26-C respectively.]²

(b) "Existing college" mean a college or an institution which imparts technical education and is run and maintained by a University established by or under the Uttar Pradesh State Universities Act, 1973 and includes a Faculty of such University imparting technical education;

1. For view this act see Gazette Extraordinary, dated 08 May, 2000 (w.e.f. 08 May, 2000).

2. Subs. by sec. 2 of U. P. Act no. 18 of 2006. (w.e.f. 01 June , 2006).

- (c) "other backward classes of citizens" means the backward classes of citizens specified in Schedule I of Uttar Pradesh Public Services (Reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes) Act, 1994;
- (d) "prescribed" means prescribed by the Relations;
- (e) "Principal" means the head of the college, by whatever name called, and includes where there is no Principal, a person for the time being duly appointed, to act as Principal and in the absence of the Principal or the acting Principal, the vice principal duly appointed as such;
- (f) "Regulations" means the Regulations of the University made under this Act;
- (g) "technical education" means programmes of education, research and training in Engineering, Technology, Architecture, Management, Town Planning, Pharmacy and Applied Arts and Crafts and such other programmes or areas as the Central Government may in consultation with the All India Council for Technical Education, by notification in the Gazette declare;
- (h) ["University" means Dr. APJ Abdul Kalam Technical University, Uttar Pradesh, Lucknow established under section 3.]¹**

CHAPTER- II

THE UNIVERSITY

Establishment
and
incorporation
of the
University

[3.(1) On the date of commencement of the Uttar Pradesh Technical University (Amendment) Act, 2013 the existing Mahamaya Technical University, Gautam Buddh Nagar shall merge with the Gautam Buddh Technical University, Lucknow and the University established after such merger shall be called the Uttar Pradesh Technical University. Lucknow.]

(2) On the date of commencement of the Uttar Pradesh Technical University (Amendment) Act, 2013, the Chancellor, the Vice Chancellor, the Executive Council the Academic Council and other authorities holding office as such in the Gautam Buddh Technical University, Lucknow shall constitute the body corporate of the University.]²

1. Subs. by sec. 2 of U. P. Act no. 13 of 2015. (w.e.f. 09 September, 2015).

2. Subs. by sec. 3 of U. P. Act no. 21 of 2013. (w.e.f. 01 November, 2013).

["(2-A) On and from the commencement of the Uttar Pradesh Technical University (Amendment) Act, 2015, 'the Uttar Pradesh Technical University, Lucknow, established under this Act, shall be called Dr. A.P.J. Abdul Kalam Technical University, Uttar Pradesh, Lucknow.'"]¹

[(3) Other matters, such as academic, administrative, financial etc. relating to the merger of the Universities referred to in sub-section (1), shall be settled in such manner as may be notified from time to time by the State Government.]²

**Territorial
Exercise of
Powers**

[4. (1) The University shall have jurisdiction over the whole of Uttar Pradesh.

(2) On or after the date of commencement of the Uttar Pradesh Technical University (Amendment) Act, 2013 every college or institution which was affiliated to or associated with or was a constituent college or institute of the universities referred to in sub-section (1) of section 3 shall be deemed to be affiliated to or associated with or shall become a constituent college or institute as the case may be of the University on the same terms and conditions as before unless otherwise prescribed by the University."]³

**University open
to all classes
and creed**

5. The university shall be open to all persons irrespective of class or creed:

Provided that nothing in this section shall be deemed to require the university to admit to any course of study a larger number of students than may be determined by the regulations:

Provided further that nothing in this section shall be deemed to prevent University for making special provision for admission of students belonging to the Scheduled Castes, the Scheduled Tribes or Other Backward Classes of citizens:

Provided also that the University may maintain any college exclusively for women.

1. Insert by sec. 3 of U. P. Act no. 13 of 2015. (w.e.f. 09 September , 2015).

2. Subs. by sec. 3 of U. P. Act no. 21 of 2013. (w.e.f. 01 November , 2013).

3. Subs. by sec. 4 of U. P. Act no. 21 of 2013. (w.e.f. 01 November , 2013).

6. The University shall have the following powers and duties, namely:-

- (a) to provide and upgrade education, training and research in technical education and to create entrepreneurship and a conducive environment for pursuit of the technical education in close co-operation with industries;
- (b) to admit any college to privileges of affiliation or to enlarge the privileges of any college already affiliated, or to withdraw or curtail any such privilege and to guide and control the work of such colleges;
- (c) to institute and confer degree or **[such other academic distinctions as may be prescribed]¹.**
- (d) to hold examinations for, and to grant and confer degrees or **[such other academic distinctions as may be prescribed]²** to and on persons, who
 - (i) have pursued a course of study in a college; or
 - (ii) have carried on research in a college recognized in that behalf by the University. under conditions laid down in the Regulations;
- (e) to confer honorary degree or other academic distinction in the manner and under conditions laid down in regulations;
- (f) to institute and award fellowships, scholarships, studentships, exhibitions and prizes in accordance with the Regulations;
- (g) to demand and receive such fees and other charges as may be fixed by the Regulations;
- (h) to make provisions for the advancement of technical education amongst classes and communities which are educationally backward;
- (i) to make provisions for-
 - (i) the maintenance of National Cadet Corps or other similar organizations
 - (ii) physical and military training; and
 - (iii) sports and athletic clubs;
- (j) to make appointments of officers and other employees of the University to the posts created by the State Government;
- (k) to receive gifts, grants, donations or benefactions from the State

1. Modify by sec. 5 of U. P. Act no. 21 of 2013. (w.e.f. 01 November , 2013).

2. Modify by sec. 5 of U. P. Act no. 21 of 2013. (w.e.f. 01 November , 2013).

Government or the Central Government and to receive bequests, donations or transfers of movable or immovable property from testators, donors or transferers, as the case may be, and to hold and manage the same;

- (l) to lay down the conditions of affiliation of colleges and to satisfy itself by periodical inspection that such conditions are satisfied;
- (m) to co-operate or collaborate with other Universities and authorities in such manner and for such purposes as the University may determine from time to time;
- (n) to do all such other acts or things whether incidental to the powers aforesaid or not, as may be necessary to further the objects of the University.

CHAPTER - III

OFFICERS OF THE UNIVERSITY

Officers of the University

7. The following shall be the officers of the University
- (a) the Chancellor;
 - (b) the Vice Chancellor;
 - (c) the Pro-Vice Chancellor;
 - (d) the Finance Officer;
 - (e) the Registrar;
 - (f) the Controller of Examination
 - (g) such other officer of the University as may be declared by the regulations to be the officers of the University.

The Chancellor

- 8.(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 an honorary degree shall be subject to the confirmation of the Chancellor.
 - (3) It shall be the duty of the Vice-Chancellor to furnish such information or records 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 this Act or the Regulations.

The Vice-Chancellor

9. (1.) The Vice-Chancellor shall be a whole-time salaried officer of the University

and shall be appointed by the Chancellor from amongst distinguished persons in the field of technical education whose names are submitted to him by the committee constituted in accordance with the provisions of sub-section (2):

Provided that the first Vice-Chancellor shall be appointed by the State Government.

(2.) The committee referred to in sub-section (1) shall consist of the following members, namely:

- (a) Principal Secretary or Secretary, as the case may be, to the State Government in the Technical Education Department who shall also be the convener of the Committee;
- (b) One person nominated by the All India Council for Technical Education;
- (c) One person nominated by the Chancellor.

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

(b) The Vice Chancellor shall hold office for a term of three years from the date on which he enters upon his office or 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 terms.

Provided that the Vice Chancellor may be writing under his hand addressed to the Chancellor resign his office, and shall cause to hold his office on the acceptance by the Chancellor of such resignation.]¹

(4.) The emoluments and other conditions of service of the Vice Chancellor shall be such as may be determined by the State Government from time to time:

Provided that the emoluments and other conditions of service of a Vice Chancellor shall not be varied to his disadvantage during the term of his office.

(5.) Where the Vice-Chancellor is unable to discharge his functions owing to absence, illness or any other cause, the Pro-Vice Chancellor shall discharge the functions of the Vice Chancellor until the Vice-Chancellor resumes his duties.

1. Subs. by sec. 2 of U. P. Act no. 28 of 2007. (w.e.f. 25 August, 2007).

- (6.) If in the opinion of the Chancellor, the Vice-Chancellor wilfully omits or refuses to carry out the provisions of this Act or abuses the powers vested in him, or if it otherwise appears to the Chancellor that the continuance of the Vice-Chancellor in office is detrimental to the interest of the University, the Chancellor may, after making such enquiry as he deems proper, by order, remove the Vice-Chancellor.
- (7.) During the pendency or in contemplation of any inquiry referred to in sub-section (6), the Chancellor may order that till further orders-
 - (a) such Vice-Chancellor shall refrain from performing the functions of the office of Vice-Chancellor, but shall continue to get the emoluments to which he was otherwise entitled;
 - (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**

10. (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 and colleges;
 - (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;
 - (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 due dates .
- (2) The Vice Chancellor shall be an ex officio member and Chairman of the Executive Council, 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 subsection 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 and Regulations and he shall, without prejudice the powers of the Chancellor posses 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 meeting of the Executive Council, the Academic Council and the Finance Committee:

Provided that he may delegate such power to any other officer of the University

- (6) Where any matter is of urgent nature requiring immediate action and the same could not be immediately dealt with by any officer of 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 that matter:

Provided that no such action shall be taken by the Vice Chancellor without the previous approval of the Chancellor, it would involve deviation from the provisions of the Regulations:

Provided further that if the officer, authority or other body is of opinion that such action ought not to have been taken 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, that such annulment or modification shall be without prejudice to the validity of anything previously done by or under the order of the Vice Chancellor:

Provided also that any person in the service of the University who is aggrieved by the action taken by the Vice-Chancellor under this sub-section, shall have the right to appeal against such action to the Executive Council within three months from 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) The Vice-Chancellor shall exercise such other powers as may be laid down by the Regulations.

The Pro-Vice-Chancellor

11. (1) The Vice-Chancellor may, with the approval of the executive council, appoint a Pro-Vice-Chancellor from amongst the professors of the colleges.
- (2) The Pro-Vice-Chancellor shall hold the office at the pleasure of Vice-

Chancellor.

- (3) The Pro-Vice-Chancellor shall be entitled to such honorarium as may be determined by the State Government from time to time.
- (4) 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 meeting of the University in the absence of the Vice-Chancellor and shall exercise such other powers and perform such duties as may be assigned or delegated to him by the Vice-Chancellor.

The Finance Officer

- 12. (1) There shall be a Finance Officer for the University, who shall be appointed by the State Government by notification and his remuneration and allowances shall be paid by the University.
- (2) The Finance Officer shall be responsible for presenting the budget (annual estimates) and the statement of the account to the Executive Council and also for drawing and disbursing funds on behalf of the University.
- (3) 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.
- (4) The Finance Officer shall have the duty:
 - (a) to ensure that no expenditure, not authorized in the budget, is incurred by the University otherwise than by way investment;
 - (b) To disallow proposed expenditure which may contravenes the provisions of this Act or the terms of any regulations.
 - (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.
- (5) 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.
- (6) All contracts shall be entered into and signed by the Finance Officer on behalf of the University.
- (7) Other powers and functions of the Finance Officer shall be such as may be prescribed by the Regulations.

- The Registrar** 13.
- (1) The Registrar shall be a whole time officer of the University.
 - (2) The Registrar shall be appointed by the State Government 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 ex-officio Secretary of the Executive Council and shall be bound to place before the Executive Council all such information as may be necessary for transaction of its business. He shall also perform such other duties as may be prescribed or required from time to time, by the Executive Council or the Vice-Chancellor but he shall not, by virtue of this sub-section, be entitled to vote.
 - (5) The Registrar shall not be offered nor shall he accept any remuneration for any work in the University save such as may be provided by the Regulations.

- The Controller of Examination** 14.
- (1) The Controller of Examination shall be a whole-time officer of the University.
 - (2) The Controller of Examination shall be appointed by the State Government by notification and his remuneration and allowances shall be paid by the University.
 - (3) The Controller of Examination shall be responsible for the due custody of the records pertaining to his work. He shall be ex-officio Secretary of the Examination Committee of the University and shall be bound to place before such Committee all such information as may be necessary for transaction of its business. He shall also perform such other duties as may be prescribed by the Regulations or required, from time to time, by Executive Council or the Vice- Chancellor but he shall not by virtue of this sub-section, be entitled to vote. He may require from any college. The production of such return or the furnishing of such information as may be necessary for the discharge of his duties.
 - (4) Subject to the superintendence of the Vice-Chancellor, the Controller of Examinations shall have administrative control over the employees working under him and have in this regard, all the powers of the Registrar.

- (5) Subject to the superintendence of the Examination Committee, the Controller of Examinations shall conduct the Examinations and make all other arrangements therefor and be responsible for the due execution of all processes connected therewith.
- (6) The Controller of Examination shall not be offered nor shall he accept any remuneration for any work in the University except in accordance with the order of the State Government.
- (7) While the Controller of Examination is for any reason unable to act or the office of Controller of Examinations 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 resume his duties or, as the case may be the vacancy is filled.

Power, duties, terms and conditions of service of other officers.

- 15. Except as otherwise provided in this Act the mode of appointment terms and condition of service and the powers and duties of the officers of the University other than the Chancellor, the Vice-Chancellor, the Finance Officer and the Registrar shall be such as may be prescribed.

CHAPTER-IV AUTHORITIES OF UNIVERSITIES

Authorities of the University

- 16. The following shall be the Authorities of the University, namely:
 - (a) the Executive Council:
 - (b) the Academic Council:
 - (c) the Finance Committee:
 - (d) the Examination Committee; and
 - (e) such other authorities as may be declared by the regulation to be Authorities of the University.

Constitution of the Executive Council

- 17. **[(1) The Executive Council shall consist of**
 - (a) the Vice-Chancellor, who shall be the Chairman thereof**

- (b) the Pro-Vice-Chancellor. if any:**
 - (c) the Director Indian Institute of Technology, Roorkee or his nominee not below the rank of senior professor**
 - (d) the Director, Indian Institute of Technology, Kanpur, or his nominee not below the rank of senior professor.**
 - (e) The Principal Secretary/Secretary to the state Government in the Technical Education Department or his nominee not below the rank of Special Secretary.**
 - (f) The Principal Secretary/Secretary to the state Government in the Finance Department or his nominee not below the rank of Special Secretary.**
 - (g) Chairman, All Indian Council for Technical Education or his nominee;**
 - (h) two reputed industrialists nominated by the Chancellor on the recommendation of the State Government;**
 - (i) two eminent technologists nominated by the Chancellor recommendation of the State Government;**
 - (j) two Principals of colleges, by rotation, nominated by the State Government.]¹**
- (2)** Notwithstanding anything in sub-section (1), no person shall be appointed as a member of the Executive Council unless he is a graduate.
 - (3)** The term of office of members mentioned in clause (h),(i) and (j) shall be two years.
 - (4)** A person shall be disqualified for being nominated as, and for being a member of the Executive Council he or his relative, accepts 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.

Explanation: In this sub-section 'relative' means the relations defined in section (6) of the Companies Act, 1956 and includes the wife's (or husband's brother, wife's (or husband's father, wife's (or husband's) sister, brother's son and brother's daughter.

1. Subs. by sec. 4 of U. P. Act no. 5 of 2010. (w.e.f. 01 May, 2010).

**Power and
duties of the
Executive
Council**

18. (1) The Executive Council shall be the principal executive body of the University and shall have the following powers, namely:-
- (a) to supervise and control the affairs of the University;
 - (b) to hold and control the property and funds of the University;
 - (c) to recommend emoluments and terms and conditions service of the Vice-Chancellor;
 - (d) to approve academic programmes;
 - (e) to make, amend or repeal Regulations;
 - (f) to prepare the budget of the University;
 - (g) to administer any funds placed at the disposal of the University;
 - (h) to acquire or transfer any movable, immovable or intellectual property of the University;
 - (i) to direct the form and use of the common seal of the University;
 - (j) to appoint such committees as may be required for the efficient functioning of the University;
 - (k) to determine the emoluments and terms and condition of service of the staff of the University;
 - (l) to authorize operation of bank accounts of the University;
 - (m) to regulate and determine all other matter concerning the University in accordance with this Act or the regulations.
- (2) Every meeting of the Executive Council shall be held on such date, time and place as may be fixed by the Vice-Chancellor.
- (3) The Members of the Executive Council shall be entitled such allowance as may be prescribed.
- (4) No immovable property of the University shall except with the prior sanction of the State 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 State Government, or with the previous sanction of the State Government, from any other person.
- (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 may, subject to any conditions laid down in the Regulations, 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**

19. (1) The Academic Council shall be the principal academic body of the University and shall subject to the provisions of this Act and the Regulations, have the control and general regulation of and be responsible for the maintenance of standard or instruction, education and examination in the University and shall exercise such other powers and perform such other duties as may be conferred or imposed upon it by the Regulations and may advise the Executive Council on all academic matters.
- (2) The Academic Council shall consist of the following persons namely:
- (a) The Vice-Chancellor Chairman
 - (b) The Pro-Vice-Chancellor.....Member
 - (c) Five such principals of college as are
not members of the Executive Council.....Member
 - (d) One Head of the Department of the
University of Roorkee nominated by
Vice Chancellor of that University..... Member
 - (e) One Head of the Department of the
Indian Institute of Technology, Kanpur
nominated by the Director
of the said Institute.....Member
- (3) The term of office of the members referred to in clause (c) sub section (2) shall be one year.

**Finance
Committee**

20. (1) The Finance Committee shall consist of following members namely:
- (a) The Vice-Chancellor..... Chairman
 - (b) **[The Principal Secretary/Secretary to the State
Government in the Finance Department or his
nominee not below the rank of Special
Secretary..... Member**
 - (c) **The Principal Secretary/Secretary to the State
Government in the Technical Education
Department or his nominee not below the rank
of Special Secretary.....Member]¹**

1. Subs. by sec. 5 of U. P. Act no. 5 of 2010. (w.e.f. 01 May, 2010).

- (d) Two members of the Executive Council
nominated by the Vice Chancellor; and..... Member
- (e) The Finance Officer Member

- (2) The Finance Committee shall advise the Executive Council on matters relating to the administration of property and funds of the University. It shall, having 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 limit of expenditure so fixed and the limits so fixed shall be binding on the Executive Council.
- (3) The Finance Committee shall have such other powers and duties as may be conferred or imposed on it by this Act or the Regulations.
- (4) Unless a proposal having financial implication has been recommended by the Finance Committee, the Executive Council shall not take a decision thereon, and if the Executive Council disagrees with the recommendation of the Finance Committee, it shall refer the proposal back to the Finance Committee with reasons for the disagreement and if the Executive Council again disagrees with the recommendation of the Finance Committee the matter shall be referred to the Chancellor whose decision thereon shall be final.

**Examination
Committee**

- 21. (1) There shall be an Examination Committee in the University the constitution of which shall be such as may be provided in the Regulations
- (2) The Committee shall supervise generally all the examination 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 results of the University examinations 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 result of the University.
- (3) The examination committee may appoint such number of sub-committee

as it thinks fit, and in particular. may delegate to any one or more persons or sub-committee, the power 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 the 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 examination.
- (5) Subject to the provisions of this Act and the Regulation, the Examination Committee may issue such directions as considers necessary for the arrangement for conduct of the examinations.

**Other
Authorities**

22. The Constitution, powers and duties of other authorities of the University shall be such as may be prescribed.

CHAPTER V AFFILIATION

**Affiliation of
Colleges**

23. (1) This section shall apply to the colleges.
- (2) This Executive Council may, **[with the previous permission/approval of the State Government]¹**, 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 withdraw or curtail any such privilege.
- (3) It shall be lawful for a college to make arrangement with any other college situated in the same local area, or with the University, for co-operation in the work of teaching or research.
- (4) Excepts as provided by this Act, the management of a 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.
- (5) Every college shall furnish such reports, returns and other particulars as the Executive Council or the Vice Chancellor may call for.

1. Subs. by sec. 2 of U. P. Act no. 19 of 2007. (w.e.f. 02 June, 2007).

- (6) The Executive Council shall cause every college to be inspected from time to time at intervals not exceeding five years by one or more persons authorised by it in that behalf, and a report of the inspection shall be made to the Executive Council.
- (7) The Executive Council may direct a college so inspected take such action as may appear to it to be necessary within such period as may be specified.
- (8) The privileges of affiliation of a college which fails to comply with any direction of the Executive Council under sub-section (7) or to fulfill the conditions of affiliation may, after obtaining report from management of the college and with the previous sanction of the [State Government]¹, be withdrawn or curtailed by the Executive Council in the accordance with the provisions of the Regulations.
- (9) Notwithstanding anything contained in sub-sections (2) and (8). if the management of any college has failed to fulfill the conditions of affiliation, the [State Government]² may, after obtaining a report from the Management and the Vice-Chancellor, withdraw or curtail the privileges of affiliation.

**Disqualification
for
membership of
Management**

24. A person shall be disqualified for being chosen as, and for being, a member of the Management of a college (other than a college maintained exclusively by the State Government or by local authority), if he or his relative accepts any remuneration for any work in or for such college or any contract for the supply of goods to, or for the execution of any work for such college.

Explanation: The term "relative" shall have the meaning assigned to it in the explanation to sub-section (4) of section 17.

**Inspection and
inquiry**

25. (1) The State Government shall have the right to cause an inspection to be made by such person as it may direct, of any college, including its building, laboratories and equipment thereof and also of the examinations, teaching and other work conducted or done by it, or cause an inquiry to be made in respect of any matter connected with the administration and finances of such college.
- (2) Where the State Government decides to cause an inspection or inquiry to be made under sub-section (1), it shall inform the Management of the

1. & 2. Subs. by sec. 2 of U. P. Act no. 19 of 2007. (w.e.f. 02 June, 2007).

college and a representative appointed by the management and where the Management fails to appoint a representative, the Principal of the college may be present at such inspection or inquiry and shall have the right to be heard on behalf of the Management but no legal practitioner shall appear, plead or act on behalf of the college at such inspection or inquiry.

- (3) The person or persons appointed to inspect or inquire under sub-section (1) shall have all the powers of a civil court while trying a suit under the Code of the Civil Procedure, 1908, for the purpose of taking evidence on oath and of enforcing the attendance of witnesses 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 any proceedings before him or them shall be deemed to be judicial proceedings within the meaning of sections 193 and 228 of the Indian Penal Code.
- (4) The State Government may communicate to the Management of the college, the result of such inspection or inquiry and may issue direction as to the action to be taken and the management shall forthwith comply with such direction.
- (5) The State Government shall inform the Vice-Chancellor about the communication made by it to the Management under sub-section (4) and the Vice-Chancellor shall communicate the Executive Council the views of the State Government with such advice as the State Government may offer upon the action to be taken thereon.
- (6) The Vice-Chancellor shall then within such time as the State Government may fix, submit to it a report of the action taken or proposed to be taken by the Executive Council.
- (7) If the University authorities do not, within a reasonable time take action to the satisfaction of the State Government, the State Government may, after considering an explanation which the University authorities may furnish, issue such direction as it may think fit, and the University authorities shall be bound to comply with such directions.
- (8) The State Government may, at any time, call for a information from the

Management or Principal of college in connection with such inspection or inquiry.

Institute 26. The University, with the prior approval of State Government, may establish one or more institutes to organize and conduct teaching and research in any subject.

Autonomous College [26-A(1)The university may grant, in such manner as may be prescribed, to an affiliated college which satisfies the conditions prescribed in that behalf, the privileges of an autonomous college, Such college may vary for the students receiving instruction therein, the courses of study prescribed by the University, and hold examinations in the courses so varied.

(2) The extent to which the courses may be varied and manner of holding the examinations conducted by such college shall be determined in each case by the University.

(3) Such a college shall be declared as an autonomous college in such manner as may be prescribed.

Constituent College 26-B(1) Constituent college shall be such as may be named by University.

(2) The Principal of a constituent college shall be responsible for the discipline of the students enrolled in the college and shall have general control over the ministerial and inferior staff allotted to the constituent college. He shall exercise such other powers as may be prescribed by the regulation specific to the powers of Principal.

Associate College 26-C(1) An associated college shall either be a Government college or Government Society college. Such college may be named by the University as associate college.

(2) It shall be lawful for an associated college to make arrangements with any other associated college or with the University for co-operation in the field of teaching."]¹

Bar of charging any donation etc. for admission to a college 27. No person connected with the management of a college and no principal or other teacher or employee thereof shall directly or indirectly take or receive or cause to be taken or received any contribution, donation, fees or

1. Insertion of new section 26-A, 26-B and 26-C by sec.3 of U. P. Act no. 18 of 2006. (w.e.f. 01 June , 2006).

any other payment of any sort, either in cash or in kind, except the fees at the rates laid down in the regulations from or on behalf of any pupil as a condition for granting him admission to or permitting him after such admission to continue in such college.

**Contribution
and donation to
college**

28. Where a contribution or donation, either in cash or in kind, is taken or received by any college including a college maintained exclusively by the State Government or a local authority, the contribution or donation so received shall be utilized only for the purpose for which it was given to it and the case of a college maintained exclusively by the State Government any cash contribution or donation shall be credited to the personal ledger account of such institution which shall be operated in accordance with the general or special orders of the State Government.

CHAPTER-VI REGULATIONS

**Regulations
how made**

29. (1) The First Regulations of the University shall be made by the state Government by notification.
- (2) The Executive Council may, from time to time, make new or additional Regulations or may amend or repeal the Regulations referred to in sub-section (1):
- Provided that the Executive Council shall not make, amend or repeal any Regulation affecting the status, power constitution of any authority of the University until such authority has been given a reasonable opportunity to express its opinion in writing on the proposed changes and any opinion so expressed has been considered by the Executive Council.
- (3) Notwithstanding anything contained in the foregoing sections, the State Government may in order to implement any decision taken by it in the interest of learning, teaching or research on the basis of any suggestion or recommendation of the University Grants Commission or All India Council for Technical Education or the State or National Education Policy require the Executive Council to make new or additional Regulations or amend or repeal the Regulations referred to in sub section (1) or sub-section (2) within a specified time and if the Executive Council fails to

comply with such requirement the State Government may make new or additional regulations or amend or repeal the Regulations referred to in sub-section (1) or sub-section (2).

Regulations

30. Subject to the other provisions of this Act the Regulations may provide for any matters relating to the University and shall in particular, provide for-

- (a) the appointment, powers and duties of the officers of the University;
- (b) the constitution of Pension or Provident Fund and the establishment of an insurance scheme for the benefit of the officers and other employees of the University;
- (c) the conferment of honorary degrees;
- (d) the withdrawal of degrees and other academic distinctions;
- (e) the conditions under which colleges may be admitted to the privileges of affiliation by the University and the conditions under which any such privilege may be withdrawn;
- (f) the degrees and other academic distinctions to be awarded by the University, the qualification for the same and the amounts to be taken relating to the granting and obtaining of the same;
- (g) the fees to be charged for courses of the study in the University and for admission to the examination, degrees and other academic distinctions of the University;
- (h) the conditions of the award of fellowships scholarships, studentships, medals and prizes;
- (i) the conduct of examinations including terms of office and manner of appointment and duties of examining bodies, examiners and moderators;
- (j) the power to remove officers (excluding Chancellor) and employees of the University and their emoluments and terms and conditions of service;
- (k) all other matters which by this Act are to be or may be provided for by the regulations.

CHAPTER-VII

ANNUAL REPORTS AND ACCOUNTS

Annual Report

31. (1) The Annual Report of the University shall be prepared under the direction of the Executive Council which shall include, among other matters, the steps taken by the University towards of fulfillment of its

objects.

- (2) The annual report so prepared shall be submitted to the Chancellor on or before such date as may be prescribed.
- (3) A copy of annual report, prepared under sub-section (1) shall also be submitted to the State Government.

**Accounts and
audit**

32. (1) The annual accounts and balance sheet of the University shall be prepared under the direction of the Executive Council and shall, once at least every year, and at intervals of not more than fifteen months, be audited by the Director, Local Fund Accounts, Uttar Pradesh or by such person or persons as the State Government may authorise in this behalf.
- (2) A copy of the annual accounts and the balance sheet together with the audit report thereon shall be submitted to the State Government along with the observation, if any, or the executive council before the thirtieth of September's every year.
- (3) Any observation made by the State Government be on the annual accounts shall be brought to the notice of the Executive Council and the views of the Executive Council if any, on such observations shall be submitted to the State Government.

Surcharge

33. (1) Whenever any complaint is received by the State Government regarding loss, waste or misapplication of any money or property of the University or the State Government on its own thinks fit, it may direct for special audit of the University being done by the Director, Local Fund Accounts. Uttar Pradesh or by any officer subordinate to him.
- (2) On receiving special audit report, the State Government shall issue a notice to the officer of the University on account of whose negligence or misconduct, the loss, waste or misapplication referred to in sub-section (1), has occurred, calling upon him to explain his action within the time fixed by the State Government in this behalf.
- (3) The State Government, after considering the audit report and the reply of the officer referred to in sub-section (2), may take suitable decision in this behalf.

- (4) If the State Government is of the opinion that the officer should be held responsible for paying the surcharge determined by the State Government, the surcharge shall be recovered as arrears or in such other manner as may be directed by the State Government.

CHATER-VIII MISCELLANEOUS

**Manner of
appointment of
officers and
members of
authorities**

34. (1) Except as expressly provided by this act, or the Regulations, officers of the University and members of authorities of the University shall so far as may be, be chosen by methods other than election.
- (2) Where a provision is made in this Act of the regulation for any appointment by rotation or according to seniority or other qualifications the manner of rotation and determination of seniority and other qualifications shall be such as may be prescribed.

**Filling of casual
vacancies**

35. (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 an authority of the University as a representative of another body, whether of the University or outside, shall retain his seat on such authority for so long as he continues to be the representative of such body.

**Proceeding not
to be
invalidated in
vacancy, etc.**

36. 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 institution thereof, or
 - b. some person having taken part in the proceedings who was not entitled to do so, or
 - c. any defect in the election, nomination or appointment of a person acting as member thereof, or
 - d. any irregularity in its procedure not affecting the merits of the case.

Power of the
State
Government to
issue direction

["36-A The State Government may issue such directions from time to time to the University on policy matters, not in consistent with the provisions of this Act, as it may deem necessary. Such directions shall be complied with by the University.]¹

Removal from
membership of
the University

37. 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 an offence which in the opinion of the executive Council, is an offence involving moral turpitude or upon the ground that he has been guilty of scandalous conductor had behaved in a manner unbecoming of a member of the University and may upon the same grounds withdraw from any person any degree of certificate conferred or granted by the University.

Reference to
the
Chancellor

38. If any question arises whether any person has been duly elected or appointed as, are is entitled to be member of any authority or other body of the University or whether any decision of any authority or the officer of the University (including any question as to the validity of a regulation) is in conformity with this Act or Regulations 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 than an authority or officer of the University or a person aggrieved.

Bar of suit

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

1. Insertion by sec. 4 of U. P. Act no. 18 of 2006. (w.e.f. 01 June , 2006).

Mode of proof
of University
record

40. (1) A copy of any receipt, application, notice order, proceedings or a 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, proceedings, resolution or a 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 servant 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.

Insertion of
section 40-A

["40-A With effect from the date of commencement of the Uttar Pradesh Technical University (Amendment Act, 2013 any reference to the Gautam Buddh Technical University or Mahamaya Technical University in any rules, Statues, regulations, ordinances and statutory instruments of any law for the time being in force or in any document o proceedings shall be construed as a reference to the University".]¹

Insertion of
new section 40-
B

["40-B With effect from the date of commencement of the Uttar Pradesh Technical University (Amendment) Act, 2015 any reference to the Uttar Pradesh Technical University, Lucknow in any rules, statutes, regulations, ordinances and statutory instruments of any law for the time being in force or in any document or proceedings shall be construed as a reference to Dr. APJ Abdul Kalam Technical University Uttar Pradesh, Lucknow.]"²

1. Insertion by sec. 6 of U. P. Act no. 21 of 2013. (w.e.f. 01 November , 2013).

2. Insertion by sec. 4 of U. P. Act no. 13 of 2015. (w.e.f. 09 September , 2015).

41. (1) The State Government may, for the purpose of removing any difficulty by notified order direct that the provision 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 to be necessary or expedient:

Provided that no such order shall be made after **[June 30, 2014]**¹

- (2) Every order made under sub-section (1) shall be laid before both the Houses of the State Legislature.
- (3) No order under sub-section (1) shall be called in question in any court on the ground that no difficulty as is referred to in sub-section (1) existed or required to be removed.

1. Subs. by sec. 7 of U. P. Act no. 21 of 2013. (w.e.f. 01 November , 2013).