

Sankhya 01 of 2009) as passed by the Uttar Pradesh Legislature and assented to by the Governor on February 18, 2009 :-

DR. SHAKUNTALA MISRA REHABILITATION UNIVERSITY
(FOR DIFFERENTLY ABLED) UTTAR PRADESH ACT, 2009

(U.P. ACT No. 1 of 2009)

(As passed by the Uttar Pradesh Legislature)

AN

ACT

to establish and incorporate a University for persons with different abilities at Lucknow in Uttar Pradesh and to provide for matters connected therewith or incidental thereto.

IT IS HEREBY enacted in the Sixtieth year of the Republic of India as follows :-

Short title and commencement

1. (1) This Act may be called Dr. Shakuntala Misra Rehabilitation University (For Differently Abled) Uttar Pradesh Act, 2009.

(2) It shall be deemed to have come into force on September 19, 2008.

Definitions

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

(a) "Academic Council" means the Academic Council of the University constituted under section 22;

(b) "Executive Council" means the Executive Council of the University constituted under section 14;

(c) "Faculty" means a Faculty of the University;

(d) "General Council" means the General Council of the University constituted under section 9;

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

(f) "Prescribed" means prescribed by statutes;

(g) "Registrar" means the Registrar of the University appointed under section 30;

(h) "statutes" means the statutes of the University made under section 32;

(i) "Secretary-in-Charge" means the Principal Secretary or the Secretary, as the case may be, of the concerned department of Government of Uttar Pradesh;

(j) "Senior officers of the State" means officers of the Provincial Service of Uttar Pradesh posted in the University by the State Government;

(k) "Teacher" means a teacher employed by the University for imparting education and guiding and conducting research in the University;

(l) "University" means Dr. Shakuntala Misra Rehabilitation University (For Differently Abled) established under section 3;

(m) "Vice Chancellor" means the Vice Chancellor of the University appointed under section 27 ;

(n) "Visitor" means the Visitor of University referred to in section 7.

3. (1) With effect from such date as the State Government may by notification appoint, there shall be established in the State of Uttar Pradesh a University by the name of Dr. Shakuntala Misra Rehabilitation University (For Differently Abled).

Establishment and
incorporation of
the University

(2) The University shall be a body corporate.

(3) The headquarter of the University shall be at Lucknow.

(4) In relation to the University to be established under this section,-

(a) the State Government shall appoint interim officers of the University and constitute interim authorities of the University in such manner, as it thinks fit;

(b) the officers appointed and members of the authorities constituted under clause (a) shall hold office until the appointment of officers or the constitution of the authorities in accordance with clause (c) or such other earlier date as may be specified by the State Government in this behalf :

Provided that the State Government may, by notification, extend the term of members of such authorities, for a period not exceeding two years.

(c) the State Government shall take steps for the appointment of officers and constitution of authorities of the University in accordance with the provisions of this Act, so that the same may be completed before the expiry of the respective terms of the interim officers and members of authorities referred to in clause (b).

4. The objectives of the University shall be, -

Objectives of the
University

(a) to facilitate and promote studies, research and extension work in the emerging areas including rehabilitation courses with focus on visual impairment, hearing impairment, mental retardation, rehabilitation engineering / technology, community based rehabilitations, rehabilitation psychology, speech and hearing, locomotors and cerebral palsy, autism spectrum disorder, rehabilitation therapy, vocational counseling and rehabilitation, social work / administration etc. through conventional teaching and distance education system;

(b) to advance and disseminate learning and knowledge on disability and related issues, including general education by regular and distance mode of education;

(c) to develop in the students and research scholars a sense of responsibility to serve society in the field of disability by developing skills in regard to special education, vocational and general education;

(d) to empower physically challenged students and provide them higher education in an accessible environment alongwith other students;

(e) to hold examinations and confer degrees and other academic distinctions; and

(f) to do all such things as are incidental, necessary or conducive to the attainment of all or any of the objectives of the University.

5. The powers and functions of the University shall be:-

Powers and
Functions of the
University

(i) to administer and manage the University and such centres for research, education and instruction as are necessary for the furtherance of the objectives of the University;

(ii) to affiliate such colleges and other institutes of the state who, in addition to routine branches of knowledge provide special education as per norms of the rehabilitation Council of India, as the University may deem fit, hold examinations and to confer degrees and grant diplomas or certificates and other academic distinctions to such conditions as the University may determine. The affiliation can be withdrawn subject to violation of the above

conditions;

(iii) to provide for instructions in such branches of knowledge of learning pertaining to disability, as the University may deem fit and to make provision for research and for the advancement and dissemination of knowledge of disability;

(iv) to sponsor and undertake research in all aspects disability and social development;

(v) to prescribe qualifications and to regulate the admission of students to the University for a course of study for a degree or a diploma,

(vi) to organise and undertake extra mural teaching and extension services;

(vii) to hold examinations and to grant diplomas or certificates, and to confer degrees and other academic distinctions on persons subject to such conditions as the University may determine and to withdraw any such diplomas, certificates, degree or other academic distinctions for good and sufficient cause;

(viii) to confer honorary degree or other distinctions in such, manner as may be prescribed;

(ix) to fix, demand and receive fees and other charges;

(x) to Institute and maintain halls and hostels and to recognize places of residence for the students of the University and to withdraw such recognition accorded to any such place of residence;

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

(xii) to make arrangements in respect of the residence, discipline and teaching of students;

(xiii) to create academic, technical, administrative, ministerial and other posts with the prior approval of the State Government;

(xiv) to regulate and enforce discipline among the employees of the University and to take such disciplinary measures as may be deemed necessary;

(xv) to institute professorships, readerships, Assistant Professorships, and any other teaching, academic or research posts required by the University with the prior approval of the State Government;

(xvi) to appoint persons as professors, readers, Assistant Professors or otherwise as teachers and research scholars of the University;

(xvii) to institute and award fellowships, scholarship, prizes and medals;

(xviii) to provide for printing, reproduction and preservation of research and other works and to organize exhibitions;

(xix) to co-operate with any other organization in the matter of education, training and research in disability, social development and allied subjects for such purposes as may be agreed upon on such terms and conditions as the University may from time to time determine;

(xx) to co-operate with institutions of higher learning in any part of the world having objects wholly or partially similar to those of the University, by exchange of teachers and scholars and generally in such manner as may be conducive to the common objects.

(xxi) to regulate the expenditure and to manage the accounts of the University;

(xxii) to establish and maintain, within the premises of the University or elsewhere, such class rooms and study halls as the University may consider necessary and adequately furnish the same and to establish and maintain such libraries and reading rooms as may appear convenient or necessary for the University;

(xxiii) to receive grants, subventions, subscriptions, donations and gifts for the purpose of the University and consistent with the objectives for which the University is established;

(xxiv) to purchase, take on lease or accept as gifts or otherwise, any land or building or works, which may be necessary or convenient for the purpose of the University, on such terms and conditions as it may think fit and proper, and to construct, or to alter and maintain, any such building or works;

(xxv) to sell, exchange, lease or otherwise dispose of all or any portion of the properties of the University, movable or, immovable, on such terms as it may deem fit and proper without prejudice to the interest and activities of the University;

Provided that where the properties have been created with the financial assistance of the State or the Central Government prior approval of the State Government shall be necessary;

(xxvi) to draw and accept, to make and endorse to discount and negotiate, Government of India and other promissory notes, bills of exchange, cheques or other, negotiable instruments;

(xxvii) to execute conveyances transfer, re-conveyances, mortgages, leases, licenses and agreements in respect of property, movable or immovable including Government securities belonging to the University or to be acquired for the purpose of the University with prior approval of the State Government;

(xxviii) to appoint in order to execute an instrument or transact any business of the University, any person as it may deem fit;

(xxix) to enter into any agreement with Central Government, State Government, the University Grants Commission or other authorities for receiving grants;

(xxx) to raise and borrow money on bonds, mortgages, promissory notes or other obligations or securities, funded or based upon all or any of the properties and assets of the University or without any securities and upon such terms and conditions as it may deem fit and to pay out of the funds of the University all expenses incidental to the raising of money, and to repay and redeem any money borrowed;

(xxxi) to invest the funds of the University or fund entrusted to the University in or upon such securities and in such manner as it may deem fit and from time to time transpose any investment;

(xxxii) to constitute for the benefit' of the academic, technical, administrative and other staff, in such manner and subject to such conditions as may be prescribed by the statutes, such as pension, insurance, provident fund and gratuity as it may deem fit and to make such grants as it may think fit for the benefit of any employees of the University and to aid in establishment and support of the associations, institutions, funds, trusts and conveyance calculated to benefit the staff and the students of the University.

(xxxiii) to do all such other Ordinances and things as the University may consider necessary, conducive or incidental to the attainments or enlargements of all or any of its objectives.

Teaching in
University

6. (1) All recognised teaching in connection with the degrees, diplomas and certificates of the University shall be conducted under the control of the General Council by the teachers of the University in accordance with such syllabus as may be prescribed.

(2) The courses and curricula and the authorities responsible for organising such teaching shall be such as may be prescribed.

Visitor of the
University

7. (1) The Governor of Uttar Pradesh shall be the Visitor of the University:

(2) The Visitor shall have the right to cause inspection to be made, by such person or persons as he may direct, of the University, its buildings, libraries and equipments 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 administration and finances of the University

(3) The Visitor shall 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 or inquiry and the Vice Chancellor shall communicate to the General Council the Views of the Visitor along with such, advice as the Visitor may have offered on the action to be taken thereon.

(5) The General Council shall communicate through the Vice Chancellor the Visitor such action, if any, as it proposes to take or has been taken on the result of such inspection or inquiry.

Authorities of the
University

8. The following shall be the authorities of the University:-

- (i) the General Council;
- (ii) the Executive Council;
- (iii) the Academic Council;
- (iv) the Finance Committee; and
- (v) such other authorities as may be prescribed.

General Council

9. (1) There shall be a General Council of the University which shall consist of the following members, namely:-

I. Ex-officio Members

- (i) The Chief Minister of Uttar Pradesh;
- (ii) The Minister of Handicapped Welfare, Government of Uttar Pradesh;
- (iii) The Chairperson of Dr. Shakuntala Misra Smriti Seva Sansthan, Lucknow;
- (iv) The Secretary in charge of Handicapped Welfare, Government of Uttar Pradesh;
- (v) The Secretary in charge of Higher Education, Government of Uttar Pradesh;
- (vi) The Secretary in charge of Medical Education, Government of Uttar Pradesh;
- (vii) The Secretary in charge of Vocational Training Department Government of Uttar Pradesh;
- (viii) The Secretary in charge of Finance, Government of Uttar Pradesh;
- (ix) The Commissioner for persons with disabilities, Government of Uttar Pradesh;
- (x) The Vice-Chancellor of the University;
- (xi) The Director of National Institute for visually handicapped, Government of India or his nominee;
- (xii) The Director of National Institute for hearing handicapped, Government of India or his nominee;
- (xiii) The Director of National Institute for mentally handicapped, Government of India or his nominee;
- (xiv) The Director of National Institute for orthopedically handicapped, Government of India or his nominee;
- (xv) The Chairperson, Rehabilitation Council of India or his nominee.

II. Nominated Members

(xvi) a Vice-Chancellor of a University of Uttar Pradesh to be nominated by the State Government;

(xvii) four eminent persons who are working or who have worked in the field of disability to be nominated by the State Government;

(xviii) two eminent persons to be nominated by the chairperson of the General Council;

(2) The Chief Minister of Uttar Pradesh shall be the Chairperson of the General Council and the Vice-Chancellor of the University shall be the Secretary of the General Council.

10.(1) The term of the office of the nominated members of the General Council shall subject to sub-section (2) and (3) be two years.

(2) A nominated member of the General Council, shall cease to be such member if his nomination as such is withdrawn by the nominating body or person as the case may be.

Term of Office of Members of the General Council

(3) A member of the General Council shall cease to be a member, if he resigns or becomes of unsound mind, or becomes insolvent or is convicted of a criminal offence involving moral turpitude or if a member other than the Vice-Chancellor accepts a full time appointment in the University or if he fails to attend three consecutive meetings of the General Council without the leave granted by the Chairperson or acts against the interests of the University.

(4) A member of General Council may resign his office by a letter addressed to the Chairperson and such resignation shall take effect as soon as it has been accepted by the Chairperson.

(5) Any vacancy in the General Council shall be filled by nomination, of a person by the respective authority entitled to make the same and the person so nominated shall hold office so long only as the member in whose place he is nominated could hold office if the vacancy had not occurred.

Powers of the
General Council

11. The General Council shall have the following powers, namely:—

(i) to recommend the name of the Vice-Chancellor of the University under the provisions of this Act.

(ii) to exercise the powers and functions of the University referred to in section 5 except where such powers are given to some other authority or officer of the University under the provisions of this Act;

(iii) to review from time to time the broad policies and programmes of the University and to take measures for the improvement and development of the University;

(iv) to consider and pass resolutions as deemed fit on the annual report, financial estimates, annual accounts and the audit reports on such accounts;

(v) to delegate all or any of its powers to the Vice Chancellor or any committee or any sub-committee or to any one or more of its members, and

(vi) to perform such other functions as it may deem necessary for the efficient functioning and administration of the University.

Meetings of the
General Council

12. (1) The General Council shall meet at least once in a year and at least fifteen days notice shall be given for its meetings.

(2) The Chairperson shall preside over the meeting of the General Council and in his absence, any member duly authorized by the Chairperson shall preside over the meeting.

(3) One third of the total number of members of the General Council shall form a quorum for a meeting.

(4) Each member shall have one vote and if there be equality of votes on any question to be determined by the General Council, the Chairperson or the person presiding over the meeting shall, in addition, have a casting vote.

(5) If urgent action by the General Council becomes necessary, the Chairperson may permit the business to be transacted by circulation of papers to the members of the General Council. The action proposed to be taken shall not be taken unless agreed to by one-third of the total members of the General Council. The action so taken shall be forthwith intimated to all the members of the General Council and the papers shall be placed before the next meeting of the General Council for confirmation.

(6) A report of the working of the University during the previous year, together with a statement of receipts and expenditure, the balance sheet as audited, and the financial estimate shall be presented by the Vice Chancellor to the General Council in the annual meeting.

13. (1) The Executive Council shall be chief executive body of the University.

The Executive Council

(2) The administration, management and control of the University and the income thereof shall be vested in the Executive Council which shall control and administer the property and funds of the University.

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

Constitution of the Executive Council

(i) The Vice-Chancellor;

(ii) Three members of the General Council to be nominated by the Chairperson of the General Council;

(iii) The Director Handicapped Welfare Government of Uttar Pradesh;

(iv) The Director Higher Education Government of Uttar Pradesh;

(v) The Registrar of the University;

(vi) Three eminent persons in the field of education nominated by the visitor;

(vii) Three persons of social eminence nominated by the State Government;

(viii) The General Secretary or Secretary of Dr. Shakuntala Misra Smriti Seva Sansthan, Lucknow;

(ix) Two whole time Senior Professors of the University, by rotation according to seniority;

(2) The Vice-Chancellor shall be the Chairperson of the Executive Council and the Registrar shall be the Secretary of the Executive Council.

15. (1) Where a person has become a member of the Executive Council by reason of the office or appointment he holds, his membership shall terminate when he ceases to hold that office or appointment.

Term of Office of Executive Council

(2) A member of the Executive Council shall cease to be a member thereof if he resigns or becomes of unsound mind or becomes insolvent or is convicted of a criminal offence involving moral turpitude or-if member other than the Vice-Chancellor or a member of a faculty accepts a full time appointment in the University or if he fails to attend three consecutive meetings of the Executive Council without the leave granted by the Chairperson of the Executive Council or acts against the interests of the University.

(3) Members of the Executive Council shall relinquish their membership on the expiry of three years from the date on which they become members of the Executive Council unless the membership of the Executive Council is previously terminated as provided in the foregoing sub-sections but shall be eligible for re-nomination or re-appointment, as the case may be.

(4) A member of the Executive Council other than *ex-officio* member may resign his office by a letter addressed to the Chairperson of the Executive Council and such resignation shall take effect as soon as it has been accepted by the Chairperson of the Executive Council.

(5) Any vacancy in the Executive Council shall be filled either by appointment or nomination, as the case may be, by the respective authority empowered to make such appointment or nomination and on the expiry of the period of the vacancy such appointment or nomination shall cease to be effective.

Powers and
functions of the
Executive Council

16. Without prejudice to the provisions of section 13, the Executive Council shall have the following powers and functions:—

(i) to create teaching posts in the University and to determine the qualifications, emoluments and duties attached thereto with the prior approval of the State Government after considering the recommendations of the Academic Council;

(ii) to appoint from time to time, Professors, Readers, Lecturers, other members of the teaching staff, the Librarian and such other members of the teaching staff as may be necessary on the recommendations of the Selection Committee constituted by statutes for the purpose;

(iii) to create administrative, ministerial and other necessary posts to determine the minimum qualifications and emoluments of such posts with the prior approval of the State Government;

(iv) to manage and, regulate the finances, accounts investments, property, business and all other administrative affairs of the University;

(v) to invest any money belonging to the University including any unapplied income, in such stock funds, shares or securities, as it may, from time to time, deem fit or in the purchase of immovable property in India, with the like power of varying such investments from time to time;

(vi) to transfer or accept transfers of any movable or immovable property on behalf of the University :

Provided that no immovable property shall be transferred to the third party without the prior approval of the State Government.

(vii) to enter into, vary, carryout and cancel contracts on behalf of the University and for that purpose to appoint such officers as it may deem fit;

(viii) to provide the buildings, premises, furniture and apparatus and other means needed for carrying on the work of the University;

(ix) to entertain, adjudicate and to redress any grievances of the Officer of the University, the teacher, the students and employees who may, for any reason, feel aggrieved;

(x) to appoint examiners and moderators, and if necessary to remove them and to fix their fees, emoluments and traveling and other allowances, after consulting the Academic Council;

(xi) to select a common seal for the University and to provide for the custody of the seal;

(xii) to make such statutes as may, from time to time be considered necessary for regulating the affairs and the management of the University and to alter, modify and to rescind them;

(xiii) to delegate any of its powers except the powers to make statutes to any Officer or Authority either temporarily or permanently; and

(xiv) to exercise such other powers and to perform such other duties as may be conferred or imposed on it by or under this Act.

Reservation in
admissions and
appointment

17. (1) The Executive Council may, by statutes, provide for reservations of seats to the residents of the State of Uttar Pradesh and Members of Scheduled Castes, Scheduled Tribes and other backward classes as defined in the Uttar Pradesh Public Services (Reservation, for Scheduled Castes, Scheduled Tribes and Other Backward Classes) Act, 1994 in admission to the various courses.

(2) The Executive Council shall, by statutes, provide for not less than fifty percents seats reserved for persons with disabilities in admissions to the various courses out of which fifty percent seats shall be reserved for visually handicapped students.

(3) The provisions of the Uttar Pradesh Public Services (Reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes) Act, 1994 and the orders and instructions issued from time to time by the State Government with respect to reservation shall be applicable to the posts to be filled by direct recruitment or by promotion in every existing teaching or non-teaching staff of the University.

18. (1) The Executive Council shall meet at least once in three months and not less than fifteen days notice shall be given to the members thereof for such meeting.

Meetings of the Executive Council

(2) The Chairperson of the Executive Council shall preside over a meeting of the Executive Council, and in his absence the members present shall elect a person from amongst themselves to preside over the meeting.

(3) One-third of the total number of members of the Executive Council, shall form the quorum at any meeting thereof.

(4) Each member of the Executive Council shall have one vote and if there shall be equality of votes on any question to be determined by the Executive Council, the Chairperson of the Executive Council, or as the case may be, the member presiding over that meeting shall, in addition, have a casting vote.

19. (1) Subject to the provisions of this Act or the statutes made in this behalf the Executive Council may by resolution, constitute such standing committees or appoint *ad-hoc* committees for such purposes and with such powers as it may think fit for exercising any power or discharging any function of the University or for enquiring into, reporting or advising upon any matter relating to the University.

Constitution of Standing Committee and appointment of *ad-hoc* committees by the Executive Council

(2) The Executive Council may co-opt persons to a standing committee or an ad-hoc committee as it considers suitable and may permit them to attend the meetings of the Executive Council.

20. The Academic Council shall be the academic body of the University and shall, subject to the provision of this Act and the statutes, have power of control and general regulation of and be responsible for, the maintenance of standards of instructions, education and examination of the University and shall exercise such other powers and perform such other functions as may be conferred upon or assigned to, it by this Act or the statutes, It shall have the right to advise the Executive Council on all academic matters.

Academic Council

21. (1) The Academic Council shall consist of the following members, namely:-

Constitution of the Academic Council

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

(ii) three persons from amongst the educationists of repute or men of letters or members of any profession or eminent public men, who are not in service of the University nominated by the Chairperson in consultation with the General Council;

(iii) the Director Handicapped Welfare Department, Government or his nominee not below the rank of Deputy Director;

(iv) all the Heads of the Departments of the University;

(v) all Professors other than the Heads of the Department, if any;

(vi) two members of the teaching staff, one each representing the Readers and the Lecturers of the University.

(2) The term of the members other than *ex-officio* members shall be two years.

(3) Where a person has become a member of the Academic Council by reason of the office or appointment he holds, his membership shall terminate when he ceases to hold such office of appointment.

(4) A member of the Academic Council shall cease to be a member thereof if he resigns or becomes of unsound mind or becomes insolvent or is convicted of a criminal offence involving moral turpitude or if a member other than the Vice Chancellor or a member of faculty accepts full time appointment in the University or if he fails to attend three consecutive meetings of the Academic Council without the leave of the Chairperson of the Academic Council.

(5) Unless the membership of the Academic Council thereof is previously terminated as provided in the foregoing sub-sections, members of the Academic Council shall relinquish their offices on the expiry of two years from the date on which they become member of the Academic Council but shall be eligible for re-nomination or re-appointment, as the case may be.

(6) A member, of the Academic Council other than an *ex-officio* member may resign his office by a letter addressed to the Chairperson of the Academic Council and such resignation shall take effect as soon as it has been accepted by the Chairperson of the Academic Council.

(7) Any vacancy in the Academic Council shall be filled either by appointment or nomination, as the case may be, by the respective authorities to make the same.

Powers and the duties of Academic Council

22. Subject to the provisions of this Act or the statutes, the Academic Council shall in addition to all other powers vested in it, have the following powers, namely:-

(i) to report on any matter referred to or delegated to it by the General Council or the Executive Council;

(ii) to make recommendations to the Executive Council with regard to the creation, abolition or classification of teaching posts in the University and the qualifications, emoluments and duties attached thereto;

(iii) to formulate and modify or revise schemes for organisation of the faculties and to assign to such faculties their respective subjects and also to report the Executive Council as to the expediency of the abolition or subdivision of any faculty or the combination of one faculty with another;

(iv) to promote research within the University and to require, from time to time, report on such research;

(v) to consider proposals submitted by the faculties;

(vi) to lay norms and to appoint committees for admission to the University;

(vii) to recognise diplomas and degrees of other Universities and Institutions and to determine their equivalence in relation to the diplomas and degree of the University;

(viii) to fix, subject to any conditions accepted by the General Council, the time, mode and conditions of competitions for fellowship, scholarship and other prizes and to award the same;

(ix) to make recommendations to the Executive Council in regard to the appointment of examiners and if necessary their removal and the fixation of their

fees, emoluments and travelling and other expenses;

(x) to make arrangements for the conduct of examinations and to fix dates for holding them;

(xi) to declare the results of the various examinations or to appoint committees or officers to do so, and to make recommendations regarding the conferment or grant of degrees, honours, diplomas, licences, titles and marks of honour;

(xii) to award stipends, scholarship, medals and prizes and to make other awards in accordance with the regulations and such other conditions as may be attached to the awards;

(xiii) to publish list of prescribed or recommended text books and to publish syllabus of the prescribed courses of study;

(xiv) to prepare such forms and registers as are, from time to time, prescribed by statutes; and

(xv) to perform, in relation to academic matters, all such duties and to do all such Ordinances as may be necessary for the proper carrying out the provisions of this Act and the statutes.

23. (1) The Academic Council shall meet as often as may be necessary, but not less than twice during an academic year.

Meetings of the
Academic
Council

(2) The Chairperson of the Academic Council shall preside over the meeting of the Academic Council, and in his absence, the members present shall elect a person from amongst themselves to preside over the meeting.

(3) One third of the total number of members of the Academic Council shall form the quorum for a meeting of the Academic Council.

(4) Each member of the Academic Council shall have one vote and if there shall be equality of votes on any question to be determined by the Academic Council, the Chairperson of the Academic Council, or as the case may be, the member presiding over the meeting shall, in addition, have a casting vote.

24. (1) There shall be a Finance Committee consisting of the following members namely:-

The Finance
Committee

(i) the Vice Chancellor;

(ii) one member nominated by the General Council from amongst its members;

(iii) one member nominated by the Executive Council from amongst its members;

(iv) the Secretary-in-charge, Department of Higher Education, Uttar Pradesh or his nominee not below the rank of Deputy Director;

(v) the Secretary-in-charge of Handicapped Welfare Department Government Uttar Pradesh or his nominee not below the rank of Deputy Director;

(vi) the Secretary-in-charge, Finance Department, Uttar Pradesh or his nominee not below the rank of Deputy Director;

(vii) the Registrar;

(viii) the Finance Officer- Member Secretary.

(2) The nominated members of the Finance Committee shall hold office for a period of two years.

(3) The Finance Committee shall have the following powers, duties and functions namely:-

(i) to examine and scrutinize the annual budget of the University and to make recommendations on financial matters to the Executive Council;

- (ii) to consider all proposals for new expenditure and to make recommendations to the Executive Council;
- (iii) to consider the periodical statements of accounts and to review the finances of the University from time to time and to consider re-appropriation statements and audit reports to make recommendations to the Executive Council;
- (iv) to give its views and to make recommendations to the Executive Council on any financial matter affecting the University either on its own initiative or on reference from the Executive Council or the Vice Chancellor.

(4) The Finance Committee shall meet once in every six months. The quorum shall be four members of the Finance Committee Provided that the third quorum shall not complete without the Secretary to the Government of Uttar Pradesh in Finance Department or an officer not below the rank of Deputy Director nominated by him.

(5) The Vice Chancellor shall preside over the meetings of the Finance Committee, and in his absence, the members present shall elect a person from amongst themselves to preside over the meeting.

(6) Unless a proposal having financial implication has been recommended by the Finance Committee, the Executive Council shall not take decision thereon, as if the Executive Council disagrees with the recommendations of the Finance Committee, it shall return the proposal to the Finance Committee with the reason for the disagreement and if the Executive Council again disagrees with the recommendations of the Finance Committee then the decision of the Executive Council shall be final.

Selection
Committee

25. (1) The Executive Council shall constitute a Selection Committee for making recommendations to the Executive Council for appointment to the posts of teachers and other employees in the University.

(2) (a) The selection committee shall consist of the following members, namely:-

(i) the Vice Chancellor who shall be the Chairperson of the Committee for all teaching posts and the non-teaching posts of Group 'A' and Group 'B';

(ii) the Registrar shall be the Chairperson of the committee for all non-teaching posts of Group 'C' and Group 'D';

(iii) the Head of the Department concerned, if any who is not lower in rank than that of the post for which selection is to be made;

(iv) (a) Where an appointment is to be made for any teaching post, three experts nominated by the Visitor from amongst a panel of names recommended by the Academic Council and approved by the Executive Council :

Provided that till the constitution of Academic Council and Executive Council the above referred experts shall be nominated by the Vice-Chancellor.

(b) Where an appointment is to be made to any post other than concerned with teaching, the Registrar shall constitute the selection committee as per the Provisions of Uttar Pradesh Direct Recruitment Rules, 2002 (Outside the Perview of Public Service Commission) for Group "c" post as amended from time to time.

Officer of the
University

26. The following shall be the officers of the University, namely:-

- (i) the Vice Chancellor;
- (ii) the Finance Officer,
- (iii) the Registrar;
- (iv) such other officers as may be prescribed.

27. (1) The Vice Chancellor shall be a whole time salaried officer of the University. The Vice Chancellor after the commencement of this Act shall be appointed by the Visitor from amongst persons whose names are sent to the Visitor by the Committee constituted in accordance with provisions of sub-section (2) :

The Vice
Chancellor

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 :-

- (i) One person to be nominated by the Visitor.
- (ii) One person to be nominated by the General Council.
- (iii) One person to be nominated by the Executive Council.

(3) The Committee shall, as far as may be, at least six months 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 (4), and also whenever so required and before such date as may be specified by the visitor; submit to the visitor the names of not less than three persons and not more than five persons suitable to hold the office of the Vice Chancellor.

(4) The Committee shall, while submitting the names, also forward to the visitor a concise statement showing the academic qualifications and other distinctions of each of the persons so recommended, but shall not indicate any order of preference.

(5) The Vice Chancellor shall hold office for a term of five years from the date on which he enters upon his office, which may be extended for a further period of two years by the Visitor on the recommendation by the General Council:

Provided that the extension of term of first Vice-Chancellor may be granted by the State Government :

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

(6) Subject to the provisions of this Act, the emoluments and other conditions of service of the Vice Chancellor shall be such as may be prescribed.

(7) The Vice Chancellor shall not be entitled to the benefit of any pension, insurance or provident fund.

(8) The State Government may appoint any suitable person to the office of Vice Chancellor for a term not exceeding six months if the 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 Chairperson of the General Council.

(9) If in the opinion of the General Council, 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 General Council that the continuance of the Vice Chancellor in office is detrimental to the interest of the University, it may, after making proper inquiry which shall be completed preferably within six months, recommend the removal of the Vice Chancellor to the Visitor by an order. The Visitor may remove the Vice-Chancellor from the office.

(10) During the pendency or in contemplation, of any inquiry referred to in sub-section (8) the State Government 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 under sub section (5).

(b) the functions of the office of the Vice Chancellor shall be performed by the person specified in the order.

(11) The Vice Chancellor shall, -

(a) ensure that the provisions of this Act and the statutes are duly observed and shall have all powers as are necessary for that purpose;

(b) subject to the specific and general directions of the Executive Council, the Vice Chancellor shall exercise all powers of the Executive Council in the management and administration of the University.

(c) convene the meetings of the General Council, the Executive Council, the Academic Council and shall perform all other Acts, as may be necessary to give effect to the provisions of this Act;

(d) have all powers relating to the proper maintenance of discipline in the University.

(12) If, in the opinion of the Vice Chancellor, any emergency has arisen, which requires immediate action, he shall take such action as he deems necessary and shall report the same for confirmation, In the next meeting, of the authority concerned which in the ordinary course would have dealt with the matter.

Heads of the
Department

28. (1) There shall be a Head of the Department for each of the departments in the University.

(2) The powers, functions, appointments and the conditions of service of the Heads of the Departments shall be such as may be prescribed.

The Finance
Officer

29. (1) There shall be a Finance Officer for the University, who shall be appointed by notification by the State Government and the salary and allowances thereof shall be paid by the University.

(2) The Finance Officer shall:-

(a) present the budget (annual estimates) and the statement of account to the Executive Council and also draw and disburse funds on behalf of the University;

(b) speak in and otherwise take part in the proceedings, pertaining to matters of finance, of the Executive Council except voting;

(c) ensure that no expenditure, not authorized in the budget is incurred by the University (otherwise than by way of investment);

(d) disallow any proposed expenditure which may contravene the provision of this Act or statutes.

(e) ensure that no financial irregularity is committed and take steps to set right any irregularities pointed out during audit;

(f) ensure that the property and investments of the University are duly preserved and managed;

(g) to exercise general supervision over the funds of the University;

(h) advise in financial matter either *suo motu* or on his advice being sought;

(i) collect the incomes, disburse the payments and maintain the accounts of the University;

(j) ensure that the registers of buildings, lands items of furniture and equipments are maintained up to date and that stock checking of equipment and other consumable material is conducted regularly in the University;

(k) probe into any unauthorized expenditure and other financial irregularities and suggest to the competent authority, disciplinary action against persons at fault.

(l) perform such other duties in respect of financial matters as may be assigned to him by the Executive Council or the Vice Chancellor.

(3) In the event of the post of the Finance Officer remaining vacant for any reason the Vice Chancellor may authorize any officer in the service of the University to exercise such powers, functions and the duties of the Finance Officer as the Vice Chancellor deems fit.

(4) The Finance Officer shall have access to such records and documents and he may require the production of the such records and documents and the furnishing of such information pertaining to affairs of the University as in his opinion shall be necessary for the discharge of his duties.

30. (1) The Registrar shall be a whole time officer of the University. He shall be appointed by the State Government from amongst the senior officers of the State having adequate experience in the field of disability and having high qualification.

The Registrar

(2) The Registrar shall be the *ex-officio* Secretary of the Executive Council, Academic Council, but shall not be deemed to be a member of any of these authorities.

(3) The Registrar shall:-

(i) comply with all directions and orders of the Executive Council and the Vice Chancellor;

(ii) be the custodian of the records, common seal and such other property of the University as the Executive Council shall commit to his charge;

(iii) issue all notices convening meeting of the Executive Council, the Academic Council, the Finance Committee, the faculties, the Board of studies and of any committee, appointed by the authorities of the University;

(iv) keep the minutes of all meetings of the Executive Council, the Academic Council, the Finance Committee, the faculty and any committee appointed by the authorities of the University ;

(v) conduct the official correspondence of the Executive Council and the Academic Council;

(vi) supply the visitor the copies of the agenda of the meetings of the authorities of the University as soon as they are issued and the minutes of the meetings of the authorities ordinarily within a month of the holding of the meeting;

(vii) call a meeting of the Executive Council forthwith in an emergency, when neither the Vice Chancellor nor the officer duly authorised is able to Act and to take its directions for carrying on the work of the University ;

(viii) represent the University in suits or proceedings by or against the University, sign powers of attorney and verify the pleadings or depute representatives for the purpose;

(ix) be directly responsible to the Vice Chancellor for the proper discharge of his duties and functions;

(x) perform such other duties as may be assigned to him from time to time, by the Executive Council or the Vice Chancellor under the provisions of this Act or the statutes;

(4) In the event of the post of the Registrar remaining vacant for any reason, the Vice Chancellor may authorise any officer in the service of the University to exercise such powers, functions, and the duties of the Registrar as the Vice Chancellor deems fit.

31. (1) Subject to the statutes made for the purpose every other officer or employee of the University shall be appointed under written contract setting out the conditions of service as prescribed by the statutes which shall be lodged with the University and a copy thereof furnished to the officer or employee concerned.

Other officers and employees

(2) Any dispute arising out of the contract between the University and any of its officers or employees shall, at the request by the officer or the employee concerned, or at the instance of the University be referred to a Tribunal for arbitration consisting of three members appointed by the Executive Council as prescribed by the regulations.

How to make Statutes

32. (1) The Executive Council may make statutes for carrying out the provisions of this Act:

Provided that the Executive Council shall not make any statutes affecting the status, powers or constitution of any authority of the University until such authority has been given an opportunity of expressing an opinion in writing on the proposed changes, and any opinion so expressed shall be considered by the Executive Council:

Provided further that except with the prior concurrence of the Academic Council, the Executive Council shall not make, amend or repeal any statutes affecting any or all of the following matters, namely :-

- (i) the constitution, powers and duties of the Academic Council;
- (ii) the authorities responsible for organizing teaching in connection with the University courses and related academic programmes;
- (iii) the withdrawal of degrees, diplomas, certificates and other academic distinctions;
- (iv) the establishment and abolition of faculties, departments, halls and institutions;
- (v) the institution of fellowships, scholarships, studentships, exhibitions, medals and prizes;
- (vi) conditions and modes of appointment of examiners or, conduct or standard of examinations, or any other course of study;
- (vii) mode of enrolment or admission of students;
- (viii) examinations to be recognized as equivalent to Examinations of the University.

(2) The Academic Council shall have the power to propose statutes on all the matters specified in clauses (i) to (viii) of sub-section (1) and matters connected therewith or incidental thereto.

(3) Where the Executive Council has rejected the draft of any statutes proposed by the Academic Council, the Academic Council may appeal to the Visitor, who shall by order, *direct* that the proposed statutes may be laid before the next meeting of the General Council for its approval and that pending such approval of the General Council it shall have effect from such date as may be specified in that order:

Provided that if any statute is not approved by the General Council at such meeting, it shall cease to have effect.

(4) All statutes made by the Executive Council shall be placed before the General Council at its next meeting, and the General Council shall have the power to amend or cancel any statutes made by the Executive Council.

Fund of the University

33. (1) There shall be a Fund of the University to which the following shall be credited:—

- (a) any contribution or grant made by the State Government;
- (b) any contribution or grant made by the University Grants Commission or the Central Government;
- (c) any bequests, donations, endowments or other grants made by private individuals or institutions;
- (d) income received by the University from fees and charges; and
- (e) amounts received from any other source; but shall not include any funds received from any agency for sponsoring a scheme,

(2) The amount in the Fund of the University shall be kept in a Scheduled Bank as defined in the Reserve Bank of India Act, 1934 (Act no. 2 of 1934) or in a corresponding new bank constituted under the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (Act no. 5 of 1970) and the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980 (Act no. 40 of 1980) or may be invested in such securities authorized by the Indian Trusts Act, 1882 (Act no. 2 of 1882) as may be decided by the Executive Council.

(3) The Fund of the University may be utilized for such purpose of the University and in such manner as may be prescribed.

34. (1) The Annual Accounts and the balance sheet of the University shall be prepared under the directions of the Executive Council.

The annual reports and audit of accounts

(2) The accounts of the University shall, at least once in a year, be audited by the Director, Local Funds Accounts, Uttar Pradesh or by such person or persons as the State Government may authorize in this behalf.

(3) The accounts when audited shall be published by the Executive Council and a copy of the accounts together with the audit report shall be placed before the General Council and shall also be submitted to the State Government.

(4) The Annual Accounts shall be considered by the General Council at its annual meeting. The General Council may pass resolutions with reference thereto and communicate the same to the Executive Council. The Executive Council shall consider the suggestions made by the General Council and take such action thereon as it deems fit. The Executive Council shall inform the General Council at its next meeting, all actions taken by it or the reasons for not taking actions.

35. (1) The Executive Council shall prepare before such date as may be prescribed by the statutes, the financial estimates for the ensuing year and place the same before the General Council.

Financial Estimates

(2) The Executive Council may, in case where the expenditure in excess of the amount provided in the budget is to be incurred or in cases of urgency for reasons to be recorded in writing, incur expenditure subject to such restrictions and conditions as may be prescribed. Where no provision has been made in the budget in respect of such excess expenditure a report shall be made to the General Council at its next meeting.

36. (1) An officer specified in section 26 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.

Surcharge

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

37. All contracts relating to the management and administration of the University shall be expressed as made by the Executive Council, and shall be executed by the Vice Chancellor where the value of the contracts is above ten lakh rupees and by the Registrar, where its value does not exceed ten lakh rupees.

Execution of contracts

38. The University shall have power to grant Degrees, Diplomas and other academic distinctions and titles under this Act.

Grant of degree, diploma etc. by the University

39. If not less than two-third of the members of Academic Council, recommend that an honorary degree or academic distinction be conferred on any person on the ground that he is in their opinion by reason of eminent attainment and position, fit and proper to receive such degrees or academic distinction, the General Council may by a resolution, decide that the same may be conferred on the person recommended.

Honorary Degree

Withdrawal of a Degree or a Diploma	<p>40. (1) The General Council, may, on the recommendation of the Executive Council, withdraw any distinction, degree diploma or privilege conferred on or granted to any person by a resolution passed by the majority of the total membership of the General Council and by a majority of not less than two-third of the members of the General Council present and voting at the meeting, if such person has been convicted by a Court of law, for an offence, which in the opinion of the General Council involves moral turpitude or if he has been guilty of gross-misconduct.</p> <p>(2) No action under this section shall be taken against any person unless he has been given an opportunity to show cause against the action proposed to be taken.</p> <p>(3) A copy of the resolution passed by the General Council shall be immediately sent to the person concerned.</p> <p>(4) Any person aggrieved by the decision taken by the General Council may appeal to the Visitor within thirty days from the date of the receipt of such resolution.</p> <p>(5) The decision of the Visitor in such appeal shall be final.</p>
Transfer of Property	<p>41. The State Government may transfer to the University buildings, lands and any other property whether movable or immovable for use and management by the University on such conditions and subject to such limitations as the State Government may deem fit for the purposes of this Act.</p>
Discipline	<p>42. (1) The final authority responsible for maintenance of discipline among the students of the University shall be the Vice Chancellor. His directions in that behalf shall be carried out by the Heads of the Department, hostels and institutions of the University.</p> <p>(2) Notwithstanding anything contained in sub-section (1) the punishment of debarring a student from the examination or rustication from the University or a hostel or an institution, shall on the report of the Vice Chancellor be considered and imposed by the Executive Council:</p> <p>Provided that no such punishment shall be imposed without giving to the student concerned a reasonable opportunity of being heard.</p>
Sponsored schemes	<p>43. Whenever the University receives funds, from any Government, the University Grants Commission or other agencies sponsoring a scheme to be executed by the University, notwithstanding anything in this Act and statutes,</p> <p>(a) the amount so received shall be kept by the University separately from the Fund of the University and utilized only for the purposes of the scheme; and</p> <p>(b) the staff required to execute the scheme shall be recruited in accordance with the terms and conditions stipulated by the sponsoring organization.</p>
Proceedings of Authorities of Bodies not invalid	<p>44. (1) Notwithstanding that the General Council, the Executive Council the Academic Council or any other authority or body of the University is constituted or there is a defect in its constitution or re-constitution at any time, notwithstanding that there is no Act or proceeding of any authority, committee or of the University shall not be invalid merely by reasons of</p> <p>(a) any vacancy in or defect in the constitution thereof; or</p> <p>(b) any defect in the election, nomination or appointment of a person acting as a member thereto; or</p> <p>(c) any irregularity in its procedure not affecting the merits of the case.</p> <p>(2) No resolution of any authority or body of the University shall be deemed to be invalid on account of any irregularity in the service of notice upon any member provided that the proceedings of such authority or body if not prejudicially affected by such irregularity.</p>

<p>45. If any difficulty arises with respect to the establishment of the University or in connection with the first meeting of any authority of the University or otherwise in giving effect to the provisions of this Act and the statutes, the State Government may at any time, before all authorities of the University have been constituted, by order, make any appointment or do anything consistent so far as may be, with the provisions of this Act, which appear to it necessary or expedient for the purpose of removing the difficulty and every such order shall have effect as if such appointment or action had been made or taken in the manner provided in this Act:</p>	<p>Removal of Difficulties</p>
<p>Provided that before making any such order the State Government shall ascertain and consider the report in this behalf, if any, of the Vice Chancellor and such appropriate authority of the University as may have been constituted :</p>	
<p>Provided further that no such order shall be made after three years of the date of commencement of this Act.</p>	
<p>46. Notwithstanding anything contained in this Act and the statutes made thereunder the Vice Chancellor may, with the previous approval of the Chairperson of the General Council and subject to the availability of funds, discharge all or any of the functions of the University for the purpose of carrying out the provisions of this Act and the statutes and for that purpose he may exercise any powers or perform any duties, which by this Act and the statutes are to be exercised or performed by any authority of the University until such authority comes into existence as provided by this Act and the statutes.</p>	<p>Transitory provisions</p>
<p>47. No suit, prosecution or other legal proceedings shall lie against and no damages shall be claimed from the University, the Vice Chancellor, the authorities or officers of the University or any other person in respect of anything which is done or purported to have been done in good faith in pursuance of this Act or any statutes.</p>	<p>Indemnity</p>
<p>48. The provisions of this Act and any statutes shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.</p>	<p>Act to have overriding</p>
<p>49. (1) Dr. Shakuntala Misra Uttar Pradesh Viklang Vishwavidyalaya Adhyadesh, 2008 is hereby repealed.</p> <p>(2) Notwithstanding such repeal, anything done or any action taken under the Ordinance referred to in sub-section (1) shall be deemed to have been done or taken under this Act as if the provisions of this Act were in force at all material times.</p>	<p>U.P. Ordinance no. 5 of 2008.</p>

STATEMENT OF OBJECTS AND REASONS

Sections 26 and 27 of the Persons with Disabilities (Equal Opportunities and Full Participation, Protection of Rights) Act, 1995 ensure accessible education in a barrier free environment to all children with disabilities up to 18 years of age, section 48 of the said Act provides for research and development in the universities for innovative causes of disabilities. Besides the above provisions section 49 of the said Act provides for facilitating higher education to children with disabilities through Open University in distance mode. Although several colleges and universities in Uttar Pradesh were imparting higher education, but there was lack of institutions, which could provide higher education to children with disabilities according to their needs. Moreover it was felt that children with disabilities do not excel at par with general students due to their physical and social problems and some times they are deprived of acquiring higher education. Keeping in view the difficulties of children with disabilities pursuing higher education, it was decided to make a law for the establishment of a university, which shall become a centre of excellence, for ensuring higher education to children with disabilities in an accessible and barrier free environment suitable for them. It was also decided to reserve not less than fifty per cent seats of the proposed University for children with disabilities in all courses and fifty per cent of the seats as so reserved shall be reserved for visually handicapped students. The University shall also facilitate and promote job oriented vocational/technical courses suitable to different categories of students with disabilities so as to ensure their social educational and economic rehabilitation.

Since the State Legislature was not in session and immediate legislative action was necessary to implement the aforesaid decisions, Dr. Shakuntala Misra Uttar Pradesh Viklang Vishwavidyalaya Adhyadesh, 2008 (U.P. Ordinance no. 5 of 2008) was promulgated by the Governor on August 29, 2008.

Thereafter it has been decided to amend the provisions of the aforesaid Ordinance mainly to change the name of the University as well as the short title of the replacing Bill, to empower the University to affiliate certain colleges and institutes and to increase the term of the Vice-Chancellor from three years to five years and also to provide for extension of the term of Vice-Chancellor for the period of two years.

This Bill is introduced to replace the aforesaid Ordinance, with the aforesaid amendment.

By order,
S. M. A. ABIDI,
Pramukh Sachiv..

