



The Swami Vivekananda Subharti University Uttar Pradesh Act, 2008

Act 29 of 2008

Keyword(s):

Academic Council, Chancellor, Court, Department, Executive Council, Faculty, Hostel, Records and Publications, Statutes and Ordinances, Treasurer, Trust

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No. 1727(2)/LXXIX-V-1-1(Ka)-22-2008

Dated Lucknow, September 5, 2008

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 Swami Vivekanand Subharti Vishwavidyalaya Uttar Pradesh Adhiniyam, 2008 (Uttar Pradesh Adhiniyam Sankhya 29 of 2008) as passed by the Uttar Pradesh Legislature and assented to by the Governor on September 04, 2008.

THE SWAMI VIVEKANAND SUBHARTI UNIVERSITY

UTTAR PRADESH ACT, 2008

(U.P. ACT No. 29 of 2008)

(As passed by the Uttar Pradesh Legislature)

AN

ACT

to establish and incorporate a Teaching University sponsored by Subharti K.K.B. Charitable Trust, Meerut in Uttar Pradesh and to provide for matters connected therewith or incidental thereto.

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

1. This Act may be called the Swami Vivekanand Subharti University Uttar Pradesh Act, 2008. Short title
2. In this Act, unless the context otherwise requires, — Definitions
 - (a) "Academic Council" means the Academic Council of the University;
 - (b) "Board" means the Board of Studies and the Planning Board, or any other Board of the University;
 - (c) "Chancellor", "Vice-Chancellor" and "Pro-Vice-Chancellor" means respectively the Chancellor, the Vice-Chancellor and the Pro-Vice-Chancellor of the University;
 - (d) "Court" means the Court of the University;
 - (e) "Director/Principal" means the Head of an Institution, College, School, Polytechnic and Industrial Training Institute or the person appointed for the purpose to act as such in his absence;
 - (f) "Department" means a Department of Studies, and includes a Centre of Studies and Research;
 - (g) "Employee" means any person appointed by the University, and includes a teacher or any other member of the staff of the University;
 - (h) "Executive Council" means the Executive Council of the University;
 - (i) "Faculty" means a Faculty of the University;

(j) "Hostel" means Scholars/Students Hostel of the University;

(k) "Institution" means an Academic Institution established or maintained by the University,

(l) "Prescribed" means prescribed by Statutes;

(m) "Records and Publications" means the Records and Publications of the University;

(n) "Statutes" and "Ordinances" means respectively, the Statutes and Ordinances of the University for the time being in force.

(o) "Student" means a student enrolled in the Register of the University;

(p) "Teacher of the University" means Professor, Associate Professor/Reader, Asst. Professor /Lecturer and such other person as may be appointed for imparting education/instructions or conducting research in the University and is designated as Teacher by the Ordinances;

(q) "Treasurer", "Registrar", "Deputy Registrar", "Finance Officer", "Controller of Examinations", "Librarian" or "Proctor" means respectively the Treasurer, the Registrar, the Deputy Registrar, the Finance Officer, the Controller of Examinations, the Librarian or the Proctor of the University;

(r) "Trust" means Subharti K.K.B. Charitable Trust established on 15.03.1991 amended on 29.01.2005 and registered under the Indian Trusts Act 1882, on 21.05.2005 with Sub-Registrar office, Meerut.

(s) "University", means the Swami Vivekanand Subharti University, Uttar Pradesh established under this Act by the Trust.

Establishment of
University

3. (1) There shall be established at Meerut in Uttar Pradesh, a University by the Trust, in the name of Swami Vivekanand Subharti University, Uttar Pradesh.

(2) The University shall be a body corporate.

Conditions for
Establishment of
University

4. The sponsoring body, the Trust shall, for the purpose of establishing the University under this Act, fulfill the following conditions, namely:-

(a) duly possesses minimum 50 acres contiguous land;

(b) construct on land referred to in clause (a) buildings of at least 24000sq. meter carpet area. out of which at least 50 per cent, shall be for academic and administrative purposes;

(c) install equipments in offices and laboratories worth minimum Rs. five crore in the building referred to in clause (b);

(d) appoint teachers and establish infrastructure of the department / school for the purposes of teaching and/or research in at least seven subjects as per standards laid down by the University Grants Commission;

(e) make the Statutes and the Ordinances for the administration and functioning of the University;

(f) such other conditions as may be required by the State Government to be fulfilled for the establishment of the University.

5. (1) The University shall start operation only after the State Government issues to the Trust a letter of authorization for the commencement of the functioning of the University.

Starting of the University

(2) The State Government shall issue the letter of authorization after verifying the proposal along with documents received from the Trust to the effect that all conditions referred to in section (4) have been fulfilled.

6. The objects of the University shall be to disseminate and advance knowledge by providing instructional, research and extension of facilities in such branches of learning as it may deem fit and the University shall endeavour to provide to students and teachers the necessary atmosphere and facilities for the promotion of:-

Objects of the University

(a) innovations in education leading to restructuring of courses, new methods of teaching and learning and integral development of personality;

(b) studies in various disciplines;

(c) inter-disciplinary studies;

(d) national integration, secularism, social equity and engineering of international understanding and ethics.

7. The University shall have the following powers, namely:-

Powers of University

(a) to provide for instruction in such branches of learning as the University may, from time to time, determine and to make provisions for research and for the advancement and dissemination of knowledge;

(b) to impart and promote the study of Science, Technology, Medicine, Dentistry, Management, Law and other professional courses and also history, culture, philosophy, art etc. through in-campus centers or by conducting distant educational programmes, etc.

(c) to honour educational stalwarts and persons of academic eminence with the decoration of Professor Emeritus.

(d) to grant, subject to such conditions as the University may determine, diplomas or certificates to, and confer degrees or other academic distinctions on the basis of examinations, evaluation or any other method of testing persons, and to withdraw any such diplomas, certificates, degrees or other academic distinctions for good and sufficient cause;

(e) to confer honorary degrees or other distinctions in the manner prescribed;

(f) to provide education including correspondence and such other courses to such persons, who are not members of the University;

(g) to institute Directorships, Principalships, Professorships, Associate Professorships/Readerships, Assistant Professorships / Lectureships and other teaching or academic posts required by the University and to make appointments for the same;

(h) to create administrative, ministerial and other posts and to make appointments thereto;

(i) to appoint/engage persons working in any other University or Organization having specific knowledge permanently or for a specified Period;

(j) to co-operate, collaborate or associate with any other University or Authority or Institution in such manner and for such purpose as the University may determine;

(k) to establish and maintain schools, centres, specialized laboratories or other units for research and instructions as are in the opinion of the University, necessary for the furtherance of its objects;

(l) to institute and award fellowships, scholarships, studentships, medals and prizes;

(m) to establish, maintain and supervise residence/hostels for students of University and promote their health & general welfare activities.

(n) to make provisions for research and consultancy, and for that purpose to enter into such arrangements with other institutions or bodies as the University may deem necessary;

(o) to declare centre, an institution, a department, or school, as the case may be, in accordance with the Statutes;

(p) to determine standards for admission into the University, which may include examination, evaluation or any other method of testing;

(q) to demand and receive payment of fees and other charges;

(r) to make special arrangements in respect of women students as the University may consider desirable;

(s) to regulate and enforce discipline amongst the employees and students of the University and take such disciplinary measures in this regard as may be deemed necessary by the University;

(t) to make arrangements for promoting the health and general welfare of the employees of the University;

(u) to receive donations and to acquire, hold, manage and dispose of any property, movable or immovable for the welfare of the University;

(v) to borrow by way of hypothecation or mortgage against the property of University with prior approval of the Trust.

(w) to appoint, either on contract or otherwise, visiting professors, emeritus professor, consultants, fellows, scholars, artists, course writers, and such other persons who may contribute to the advancement of the objects of the University.

(x) to do all such other acts and things as may be necessary, incidental or conducive to the attainment of all or any of the objects of the University and which may be permitted by the Executive Council of the University.

8. (1) Admission to the different academic programmes shall be made in accordance with the laws for the time being in force.

Admission and Standards

(2) The University shall ensure that the academic standards of the courses offered by the University are in accordance with the guidelines of the University Grants Commission / MCI / DCI / AICTE / NCI etc. as the case may be;

(3) The teacher-student ratio shall be in accordance with the guidelines of the University Grants Commission or specific council.

9. The University shall be open to persons of either sex and of whatever race, creed, caste or class, and it shall not be lawful for the University to adopt or impose on any person any test whatsoever of religious belief or profession in order to entitle him to be admitted therein as an officer, a teacher, staff member, student, or to hold any office therein or to graduate thereat:

University open to all classes and creeds

Provided that reservation in the posts and recruitment of the employees and reservation of seats for admission in any course of study in the University for the students and persons belonging to Scheduled Caste/Schedule Tribes Other Backward Classes of citizens shall be regulated by the order of the State Government from time to time.

Reservation

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

Officers of the University

- (a) Chancellor
- (b) Vice-Chancellor
- (c) Pro-Vice-Chancellor
- (d) Principal or Head of the Institution
- (e) Registrar
- (f) Dean of Faculty
- (g) Dean of student's Welfare
- (h) Controller of Examination
- (i) Chief Proctor
- (j) Finance Officer and

(k) such other officers as may be declared by the Statutes to be officers of the University.

11. (1) A person of eminence shall be appointed by Board of Trustees of the Trust as Chancellor for a period of three years.

The Chancellor .

(2) The Chancellor may in writing under his hand addressed to the Trust, resign his office.

(3) The Chancellor shall, by virtue of his office, be the Head of the University and shall constitute interim Executive Council.

(4) The Chancellor shall, if present, preside at the Convocation of the University held for conferring degrees.

12. (1) The Vice Chancellor shall be appointed by the Chancellor in such manner as may be prescribed, for a period of three years.

The Vice-Chancellor

(2) The Vice-Chancellor shall be the principal executive and academic officer of the University and shall be the Chairman of the Executive Council and the Academic Council of the University, and shall exercise general supervision and control over the affairs of the University and give effect to the decisions of the authorities of the University.

(3) The Vice-Chancellor may, if he is of the opinion that immediate action is necessary on any matter, exercise any power conferred on any authority of the University by or under this Act and shall convey to such authority the action taken by him on such matters :

Provided that any authority or any person in the service of the University who is aggrieved by the action taken by the Vice-Chancellor under this sub-section, may prefer an appeal to the Chancellor within one month from the date of communication of the order. The Chancellor may confirm, modify or reverse action taken by the Vice-Chancellor.

(4) The Vice-Chancellor shall exercise such powers and perform such other functions as may be prescribed.

The Pro- Vice-Chancellor

13.(1) The Pro-Vice-Chancellor shall be appointed by the Vice-Chancellor and shall exercise such powers and performs such functions as may be prescribed.

(2) The Pro-Vice Chancellor appointed under sub-section (1) shall discharge his duties in addition to his duties as a professor.

(3) The Pro-Vice Chancellor shall assist the Vice-Chancellor in discharging day to day duties as and when required by the Vice-Chancellor.

Principals

14. Principal or Head of Institution shall be appointed in such manner and shall exercise such powers and perform such functions as may be prescribed.

The Registrar

15. (1) The Registrar shall be appointed in such manner as may be prescribed.

(2) The Registrar shall have the power to enter into agreements, sign documents and authenticate records on behalf of the University and shall exercise such other powers and perform such other function as may be prescribed.

(3) The Registrar shall be the *ex-officio* Secretary of the Executive Council and the Academic Council.

Dean of Faculties

16. Every Dean shall be appointed in such manner and shall exercise such powers and perform such functions as may be prescribed.

Finance Officer

17. (1) The Finance Officer shall be appointed in such manner and shall exercise such powers and perform such functions as may be prescribed.

(2) The Finance Officer shall be the *ex-officio* Secretary of Finance Committee.

Other Officers

18. The manner of appointment and powers and duties of the other officers of the University shall be such as may be prescribed. :

Authorities of the University

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

(a) Court

(b) Executive Council

(c) Academic Council

(d) Finance Committee

(e) Planning Board

(f) Boards of Faculties

(g) Admissions Committee

(h) Examinations Committee and

(i) such other authorities as may be declared by the Statutes to be authorities of the University

The Court

20. (1) The constitution of the Court and the term of office of its members shall be such as may be prescribed.

(2) Subject to the provisions of this Act, the Court shall have the following powers and functions, namely:-

(a) to review from time to time, the broad policies and programmes of the University and suggest measures for the working, improvement and development of the University.

(b) to consider and pass resolutions on the Annual Report and the Annual Accounts of the University and Audit Report of such accounts;

(c) to nominate members for various councils or Government, semi government or private bodies, where such a member is required to be sent & represent the University for the specific period as may prescribed.

(d) to perform such other functions as may be prescribed.

21. (i) The Executive Council shall be the principal executive body of the University.

The Executive Council

(2) The Constitution of the Executive Council, the term of office of its members and its powers and duties shall be such as may be prescribed.

22. (1) The Academic Council shall be the principal academic body of the University and shall subject to the provisions of the Statutes and the Ordinances, co-ordinate and exercise general supervision over the academic policies of the University.

The Academic Council

(2) The Constitution of the Academic Council, the term of office of its members and its powers and duties shall be such as may be prescribed.

23. (1) The Finance Committee shall be the principal financial body of the University to take care of the financial matters.

The Finance Committee

(2) The constitution, powers and functions of the Finance Committee shall be such as may be prescribed.

24. (1) The Planning Board shall be the principal planning body of the University. The Board shall ensure that the infrastructure and academic support system meets the norms of the University Grants Commission or the respective councils.

The Planning Board

(2) The constitution of the Planning Board, term of office of its members and its other powers and duties shall be such as may be prescribed.

25. The constitution, powers and functions of the Boards of faculties, the Admission Committee, the Examination Committee and of such other authorities of the University which may be declared by the Statutes to be the authorities of the University, shall be such as may be prescribed.

Faculty and other authorities of the University

26. (1) The Executive Council with the approval of the Chancellor shall make the Statutes for carrying out the purposes of this Act.

Power to make Statutes

(2) Subject to the provisions of this Act the Statutes may provide for all or any of the following matters, namely:—

(a) the constitution, powers and functions of the authorities and other bodies of the University, as may be constituted from time to time;

(b) the appointment and continuance in office of the members of the said authorities, filling of vacancies of members and all other matters relating to those authorities for which it may be necessary to provide;

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

(d) the appointment of teachers of the University and other academic and administrative staff; and their emoluments;

(e) the appointment of teachers and other academic and administrative staff working in any other University or Institution for a specific period for undertaking a joint project;

(f) the conditions of service of employees including provisions for retirement benefits, insurance and provident fund, the manner of termination of service and disciplinary actions;

(g) the principles governing seniority of service of employees;

(h) the procedure for settlement of disputes between employees or students and the University.

(i) the procedure for appeal to the Executive Council by any employee or student against the action of any officer or authority of the University;

(j) the conferment of honorary degrees;

(k) the withdrawal of degree, diploma, certificate and other academic distinctions;

(l) the institution of fellowships, scholarships, studentships, medals and prizes;

(m) the maintenance of discipline among the students;

(n) the establishment and abolition of Departments, Centres and other constituted institutions/Colleges etc,

(o) the delegation of powers vested in the authorities or officers of the University and

(p) all other matters which may by this Act are to be, or may be prescribed.

(3) The Executive Council shall not make, amend or repeal any Statute affecting the 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.

(4) Notwithstanding anything contained in the foregoing sub-sections the Chancellor may direct the University to make provisions in the Statutes, in respect of any matter specified by him and if the Executive Council is unable to implement such a direction within ninety days of its receipt, the Chancellor may, after considering the direction, make or amend the Statutes accordingly as he may deem fit.

Power to make
Ordinances

27. Subject to the provision of this Act and the Statutes, the Ordinances shall be made by the Executive Council with the prior approval of the Chancellor which may provide for all or any of the following matters, namely:-

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

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

(c) the medium of instruction and examination;

(d) the award of degree, diploma, certificate and other academic distinctions, the qualifications for the same and the means to be taken relating to the granting and obtaining of the same.

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

(f) the conditions for the award of fellowships, scholarships studentships, medals and prizes;

(g) the conduct of examinations, including the term of Office and manner of appointment and the duties of examining bodies, examiners and moderators;

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

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

(j) the appointment and emoluments of employees other than those for whom provision has been made in the Statutes;

(k) the establishment of Centre of Studies, Boards of Studies, Interdisciplinary Studies, Special Centres, Specialized Laboratories and other Committees;

(l) the manner of co-operation and collaboration with other Universities and authorities including learned bodies or associations;

(m) the creation, composition and functions of any other body which is considered necessary, for improving the academic mileage of the University;

(n) the remuneration to be paid to the examiners, moderators, invigilators and tabulators;

(o) such other terms and conditions of service of teachers and other academic staff as are not prescribed by the Statutes.

28. (1) The annual report of the University shall be prepared under the direction of the Executive Council and shall be submitted to the Court on or after such date as may be prescribed and the Court shall consider the report in its annual meeting.

Annual Report

(2) The court shall submit the annual report to the Chancellor along with its comments, if any.

29. (1) The annual accounts and balance sheet of the University shall be prepared under the directions of the Executive Council and shall, once at least every year and at intervals of not more than fifteen months, be audited by an experienced and qualified firm of Chartered Accountant of repute.

Annual Accounts

(2) A copy of the annual accounts, together with the audit report thereon, shall be submitted to the Court and the Chancellor along with the observations of the Executive Council.

(3) Any observations made by the Chartered Accountant on the annual accounts shall be brought to the notice of the Executive Council and the observations, if any, shall after being reviewed by the Executive Council, be submitted to the Chancellor.

30. (1) Every employee of the University shall be appointed / engaged as per provisions of the Statutes.

Conditions of Service of employees

(2) Any dispute arising between the University and any of the employees appointed substantively, shall be referred to the Executive Council who shall decide the dispute after affording an opportunity to the employee within three months from the date of its reference.

(3) The aggrieved employee, may file an appeal against the order of the Executive Council to the Chancellor.

(4) Any dispute in respect of any employee engaged temporarily or on *ad-hoc* or part time or casual basis shall be heard and decided by the Vice-Chancellor.

(5) Any person aggrieved by the order of the Vice Chancellor may prefer an appeal to the Chancellor. The decision of the Chancellor in such an appeal shall be final and no suit shall lie in any court in respect of the matters decided by the Chancellor.

31. (1) Any student or candidate for an examination, whose name has been removed from the rolls of the University by the orders or resolution of the Academic Council, Proctorial Board or Controller of Examination as the case may be and who has been debarred from appearing at the examinations of the University for more than one year, may within ten days of the date of receipt of such order by him in writing appeal to the Vice-Chancellor who may confirm, modify or reverse the decision to the aforesaid authorities or the concerned Committee, as the case may be.

Right to Appeal

Employees provident fund and welfare schemes	<p>(2) Any decision taken by the Vice-Chancellor shall be final.</p> <p>32. The University may constitute for the benefit of its employees such welfare scheme or Provident Fund or provide such insurance schemes as it may deem fit in such manner and subject to such conditions as may be decided by the Executive Council.</p>
Disputes as to the constitution of Authorities and bodies	<p>33. If any question arises as to whether any person has been duly nominated or appointed as or is entitled to be a member of any authority or other body of the University, the matter shall be referred to the Chancellor whose decision thereon shall be final.</p>
Constitution of Committees	<p>34. Where any authority of the University is given power under this Act or the Statutes to appoint Committees, such Committees have as otherwise provided, consist of the members of the authority concerned and of such other persons as the authority in each case may think fit.</p>
Filling of the vacancies	<p>35. All vacancies among the members (other than <i>ex-officio</i>) of any authority or other body of the University shall be filled, as soon as may be convenient by the person or the body, who appointed, nominated or co-opted the member whose place has become of such authority or body for the remaining term for which he has been appointed or co-opted.</p>
Invalidity of Proceedings	<p>36. No act or proceedings of any authority or other body of the University shall be invalid merely by reason of the existence of a vacancy or vacancies among its members.</p>
Mode of Proc: of University records	<p>37. A copy of any receipt, application, notice, proceeding, resolution of any authority or Committee of the University or other documents in possession of the University, if certified by the Registrar, shall be received as <i>prima-facie</i> evidence of such receipt, application, notice, order, proceeding or resolution, documents or the existence of entry in the register and shall be admitted as evidence of the matters and transaction therein where the original, if produced have been admissible in evidence.</p>
Publication of Statutes, and Ordinance	<p>38. (1) Every Statute or Ordinances made under this Act shall be made available in writing.</p> <p>(2) Each new Statute or Ordinances made under this Act shall be enforced as soon as it is made by the competent authority.</p>
Permanent Endowment fund	<p>39. (1) The Trust shall establish a permanent endowment fund of at least rupees ten crore.</p> <p>(2) The University shall have the power to invest the permanent endowment fund in such manner as may be prescribed.</p> <p>(3) The University may transfer any amount from the general fund or the development fund to the permanent endowment fund.</p> <p>(4) Any amount exceeding the minimum amount specified in sub-section (1) may be withdrawn from the permanent endowment fund by the University for the purposes of development of the University.</p>
General Fund	<p>40. (1) The University shall establish a general fund to which the following amount shall be credited, namely:—</p> <p>(a) all fees which may be charged by the University;</p> <p>(b) all sums received from any other source;</p> <p>(c) all contributions made by the Trust; and</p> <p>(d) all contributions made in this behalf by any other person or body which are not prohibited by any law for the time being in force.</p>

(2) The moneys credited to the general fund shall be applied to meet all the recurring expenditures of the University.

41. (1) The University shall also establish a development fund to which following moneys shall be credited, namely :-

Development Fund

(a) development fees, which may be charged from students;

(b) all sums received from other sources for the purpose of the development of the University;

(c) all contributions made by the Trust;

(d) all contributions made in this behalf by any other person or body which are not prohibited by any law for the time being in force; and

(e) all incomes received from the permanent endowment fund.

(2) The moneys credited to the development fund from time to time shall be utilized for the development of the University.

42. The funds established under sections 39, 40 and 41 shall subject to general supervision and control of the Court and be regulated and maintained in such manner as may be prescribed.

Maintenance of Fund

43. The University shall not be eligible for any grant-in-aid or any financial assistance from the State Government or any other body or Corporation owned and controlled by the State Government.

Financial Condition

44. The fees charged for different academic programmes shall be in accordance with laws for the time being in force.

Fees

45. (1) It shall be the duty of the University or any authority or officer of the University to furnish such informations or records relating to the administration or finance and other affairs of the University as the State Government may call for.

Power of the State Government to call for information and records

(2) The State Government, if it is of the view that there is a violation of the provisions of this Act or the Statutes or Ordinances, made thereunder, may issue such directions to the University under section 49 as it may deem necessary.

46. (1) If the University proposes its dissolution in accordance with the law governing its constitution or incorporation, it shall give at least six months written notice to the State Government.

Dissolution of University

(2) On receipt of information referred to in sub-section (1) the State Government shall make such arrangement for administration of the University from the date of dissolution of the University and until the last batch of students in regular courses of studies of the University complete their courses of studies in such manner as may be prescribed.

47. (1) The expenditure for administration of the University during the taking over the liabilities of the University under section 46 shall be met out of the permanent endowment fund, the general fund and the development fund.

Expenditure of the University during dissolution

(2) If the funds referred to in sub-section (1) are not sufficient to meet the expenditure of the University during the taking over the liabilities of the University, such expenditure may be met by disposing of the properties or assets of the University by the State Government.

48. (1) Where the State Government receives a complaint that the University is not functioning in accordance with the provisions of this Act, it shall require the University to show cause, within such time, which shall not be less than six months, referring a copy of the complaint, as to why the University should not be derecognized.

Derecognition of University

(2) If, upon receipt of the reply of the University to the notice given under sub-section (1), the State Government is satisfied that a *prima-facie* case of violation of the provisions of this Act in the functioning of the University, is made out, it shall order such enquiry as it deem necessary.

(3) For the purposes of an inquiry under sub-section (2), the State Government shall, by notification, appoint an officer or authority as the enquiring authority to enquire into the allegation of violation of the provisions of this Act.

(4) Every enquiring authority appointed under sub-section (3) shall while performing its functions under this Act, shall have all the powers of Civil Court under the Code of Civil Procedure, 1908 trying a suit and in particular in respect of the following matters, namely :-

(a) summoning and enforcing the attendance of any witness and examining him on oath;

(b) requiring the discovery and production of any document;

(c) requisitioning any public record or copy thereof from any office;

(d) receiving evidence on affidavits;

(e) any other matter which may be prescribed.

(5) If, upon receipt of the inquiry report, the State Government is satisfied that the University has violated any provision of this Act, the Government shall direct the University to make necessary improvements & suggest for proper implementation of the provisions of this Act.

(6) If it is observed that the University is violating the Act continuously for three times, the State Government may derecognize the University with prior approval of University Grant Commission.

(7) During the period of the management of the University under sub-section (6), the State Government may utilize the permanent endowment fund, the general fund or the development fund for the purposes of the management of the affairs of the University. If the funds of the University are not sufficient to meet the requisite expenditure of the University, the State Government may dispose off the assets or the properties of the University to meet the said expenses.

(8) Every notification under sub-section (6), shall be laid before both Houses of the State Legislature before implementation.

Power of the State Government on policy matters

49. The State Government may issue such directions from time to time to University on policy matters not inconsistent with the provisions of this Act, as it may deem necessary. Such directions shall be complied with by the University.

Status of assets/liabilities on dissolution/de-recognition

50. All assets and properties including permanent endowment fund, general fund or any other fund & also the liabilities of the University will belong to the proposed Trust in case of dissolution of the University under any clause mentioned herein above in the Act.

51 (1) The State Government may for the purposes of removing any difficulties, particularly in relation to the transition from the provisions of Uttar Pradesh State University Act, 1973 to the provisions of this Act, direct that the provisions of this Act shall during such period as may be specified in the order, have effect subject to such adaptations, whether by way of modification, addition or omission as it may deem necessary or expedient :

Power to remove difficulties

Provided that no such order shall be made after two years from the date of commencement of this Act.

(2) Every order made under sub-section (1) shall be laid before both the Houses of the State Legislature as soon as may be after it is made.

(3) No order made under sub-section (1) shall be called in question in any court on the ground that no difficulty as is referred to in that sub-section existed or was required to be removed.

STATEMENT OF OBJECTS AND REASONS

With a view to encouraging private sector to participate in the field of higher education, it has been decided to establish and incorporate a teaching University by the name of Swami Vivekanand Subharti University, Uttar Pradesh at Meerut in Uttar Pradesh sponsored by Subharti K.K.B. Charitable Trust, Meerut registered under the Indian Trusts Act, 1882 (Act no. 2 of 1882), so as to provide to the students and teachers the necessary atmosphere and facilities for the promotion of innovations leading to proper structuring of courses, new method of teaching and learning, and integral development of personality.

The Swami Vivekanand Subharti University Uttar Pradesh Bill, 2008 is introduced accordingly.

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