

भारत का राजपत्र
The Gazette of India

असाधारण

EXTRAORDINARY

भाग II — खण्ड 2

PART II — Section 2

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं 21]

नई दिल्ली, सोमवार, दिसम्बर 20, 2004/ अग्रहायण 26, 1926

No. 21]

NEW DELHI, MONDAY, DECEMBER 20, 2004/ AGRAHAYANA 26, 1926

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on 20th December, 2004:—

I

BILL NO. LIV OF 2004

A bill to provide for the establishment of a Coastal Aquaculture Authority for regulating the activities connected with coastal aquaculture in the coastal areas and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Fifty-fifth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Coastal Aquaculture Authority Act, 2004.

Short title and
commencement.

(2) Provisions of section 27 shall come into force at once and the remaining provisions of this Act shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. (1) In this Act, unless the context otherwise requires,—

Definitions.

(a) "Authority" means the Coastal Aquaculture Authority established under sub-section (1) of section 4;

(b) "Chairperson" means the Chairperson of the Authority;

(c) "coastal aquaculture" means culturing, under controlled conditions in ponds, pens, enclosures or otherwise, in coastal areas, of shrimp, prawn, fish or any other aquatic life in saline or brackish water; but does not include fresh water aquaculture;

(d) "coastal area" means the area declared as the Coastal Regulation Zone, for the time being, in the notification of the Government of India in the Ministry of Environment and Forests (Department of Environment, Forests and Wildlife) No. S.O.114(E), dated the 19th February, 1991 and includes such other area as the Central Government may, by notification in the Official Gazette, specify;

(e) "member" means the member of the Authority appointed under sub-section (3) of section 4 and includes the Chairperson and the member-secretary;

(f) "prescribed" means prescribed by rules made under this Act;

(g) "regulations" means the regulations made by the Authority under this Act.

(2) Words and expressions used herein and not defined but defined in the Environment (Protection) Act, 1986 shall have the meanings respectively assigned to them in that Act.

29 of 1986.

CHAPTER II

GENERAL POWERS OF CENTRAL GOVERNMENT

Powers of Central Government to take measures to protect environment.

3. The Central Government shall take all such measures as it deems necessary or expedient for regulation of coastal aquaculture by prescribing guidelines, to ensure that coastal aquaculture does not cause any detriment to the coastal environment and the concept of responsible coastal aquaculture contained in such guidelines shall be followed in regulating the coastal aquaculture activities to protect the livelihood of various sections of the people living in the coastal areas.

CHAPTER III

THE COASTAL AQUACULTURE AUTHORITY

Establishment of Authority and appointment of Chairperson and members.

4. (1) With effect from such date as the Central Government may, by notification in the Official Gazette, appoint in this behalf, there shall be established for the purposes of this Act an Authority to be called the Coastal Aquaculture Authority.

(2) The head office of the Authority shall be at such place as the Central Government may decide.

(3) The Authority shall consist of the following members who shall be appointed by the Central Government, namely:—

(a) the Chairperson who is, or has been, a Judge of a High Court;

(b) one member who is an expert in the field of coastal aquaculture;

(c) one member who is an expert in the field of coastal ecology nominated by the Department of Ocean Development of the Central Government;

(d) one member who is an expert in the field of environment protection or pollution control nominated by the Ministry of Environment and Forests of the Central Government;

(e) one member to represent the Ministry of Agriculture of the Central Government;

(f) one member to represent the Ministry of Commerce of the Central Government;

(g) four members to represent the coastal States on rotation basis;

(h) one member-secretary.

(4) The term of office of the Chairperson and every other member shall be three years.

(5) The salaries and allowances payable to, and the other terms and conditions of service of, the members shall be such as may be prescribed.

5. A person shall be disqualified for being appointed as a member if he—

(a) has been convicted and sentenced to imprisonment for an offence which, in the opinion of the Central Government, involves moral turpitude; or

Disqualifications for appointment as member.

(b) is an undischarged insolvent; or

(c) is of unsound mind and stands so declared by a competent court; or

(d) has been removed or dismissed from the service of the Government or a Corporation owned or controlled by the Government; or

(e) has, in the opinion of the Central Government, such financial or other interest in the Authority as is likely to affect prejudicially the discharge by him of his functions as a member.

6. Subject to sub-section (5) of section 4, any person ceasing to be a member shall be eligible for reappointment as such member for not more than two consecutive terms.

Eligibility of member for reappointment.

7. (1) The Authority shall meet at such times and places and shall observe such rules of procedure in regard to the transaction of business at its meetings (including the quorum thereat) as may be specified by regulations.

Meetings of Authority.

(2) If for any reason the Chairperson is unable to attend any meeting of the Authority any other member chosen by the members present at the meeting shall preside at the meeting.

(3) All questions which come up before any meeting of the Authority shall be decided by a majority of votes of the members present and voting and in the event of an equality of votes, the Chairperson or in his absence the person presiding, shall have and exercise a second or casting vote.

8. No act or proceeding of the Authority shall be invalidated merely by reason of—

Vacancy in Authority not to invalidate proceeding.

(a) any vacancy in, or any defect in the constitution of, the Authority; or

(b) any defect in the appointment of a person acting as a member of the Authority; or

(c) any irregularity in the procedure adopted by the Authority not affecting the merits of the case.

9. (1) For the purposes of discharging its functions, the Authority shall appoint such number of officers and other employees as it may consider necessary on such terms and conditions as may be specified by the regulations.

Appointment of officers, consultants and other employees of Authority.

(2) The Authority may appoint, from time to time, any person as adviser or consultant as it may consider necessary on such terms and conditions as may be specified by the regulations.

10. All orders, decisions and other instruments of the Authority shall be authenticated under the signature of the Chairperson or any other member or any officer of the Authority authorised by the Chairperson in this behalf.

Authentication of orders and other instruments of Authority.

CHAPTER IV

POWERS AND FUNCTIONS OF AUTHORITY

Functions of
Authority.

11. (1) Subject to any guidelines issued by the Central Government under section 3, the Authority shall exercise the following powers and perform the following functions, namely:—

- (a) to make regulations for the construction and operation of aquaculture farms within the coastal areas;
- (b) to inspect coastal aquaculture farms with a view to ascertaining their environmental impact caused by coastal aquaculture;
- (c) to register coastal aquaculture farms;
- (d) to order removal or demolition of any coastal aquaculture farms which is causing pollution after hearing the occupier of the farm; and
- (e) to perform such other functions as may be prescribed.

(2) Where the Authority orders removal or demolition of any coastal aquaculture farm under clause (d) of sub-section (1), the workers of the said farm shall be paid such compensation as may be settled between the workers and the management through an authority consisting of one person only to be appointed by the Authority and such authority may exercise such powers of a District Magistrate for such purpose, as may be prescribed.

Power to enter.

12. Subject to any rule made in this behalf, any person generally or specially authorised by the Authority in this behalf, may, wherever it is necessary to do so for any purposes of this Act, at all reasonable times, enter on any coastal aquaculture land, pond, pen or enclosure and—

- (a) make any inspection, survey, measurement, valuation or inquiry;
- (b) remove or demolish any structure therein; and
- (c) do such other acts or things as may be prescribed:

Provided that no such person shall enter on any coastal aquaculture land, pond, pen or enclosure without giving the occupier of such aquaculture land, pond, pen or enclosure at least twenty-four hours' notice in writing of his intention to do so.

Registration
for coastal
aquaculture.

13. (1) Save as otherwise provided in this section, no person shall carry on, or cause to be carried on, coastal aquaculture in coastal area or traditional coastal aquaculture in the traditional coastal aquaculture farm which lies within the Coastal Regulation Zone referred to in sub-section (9) and is not used for coastal aquaculture purposes on the appointed day unless he has registered his farm with the Authority under sub-section (5) or in pursuance of sub-section (9), as the case may be.

(2) Notwithstanding anything contained in sub-section (1), a person engaged in coastal aquaculture, immediately before the appointed day, may continue to carry on such activity without such registration for a period of three months from that day and if he makes an application for such registration under sub-section (4) within the said period of three months, till the communication to him of the disposing of such application by the Authority.

(3) The registration made under sub-section (5) or in pursuance of sub-section (9)—

- (a) shall be valid for a period of five years;
- (b) may be renewed from time to time for a like period; and
- (c) shall be in such form and shall be subject to such conditions as may be specified by the regulations.

(4) A person who intends to carry on coastal aquaculture shall make an application for registration of his farm before the Authority in such form accompanied with such fees as may be prescribed for the purpose of registration under sub-section (5).

(5) On receipt of an application for registration of a farm under sub-section (4), the Authority shall consider the application in the prescribed manner and after considering the application either register the farm or reject the application:

Provided that the Authority shall not reject the application without recording the reason for such rejection.

(6) The Authority shall, after registering a farm under sub-section (5), issue a certificate of registration in the prescribed form to the person who has made the application for such registration.

(7) In the case of a farm comprising more than two hectares of water spread area, no application for registration to commence any activity connected with coastal aquaculture shall be considered under sub-section (5) unless the Authority, after making such inquiry as it thinks fit, is satisfied that registration of such farm shall not be detrimental to the coastal environment.

(8) Notwithstanding anything contained in this section,—

(a) no coastal aquaculture shall be carried on within two hundred metres from High Tide Lines; and

(b) no coastal aquaculture shall be carried on in creeks, rivers and backwaters within the Coastal Regulation Zone declared for the time being under the Environment (Protection) Act, 1986:

29 of 1986.

Provided that nothing in this sub-section shall apply in the case of a coastal aquaculture farm which is in existence on the appointed day and to the non-commercial and experimental coastal aquaculture farms operated or proposed to be operated by any research institute of the Government or funded by the Government:

Provided further that the Authority may, for the purposes of providing exemption under the first proviso, review from time to time the existence and activities of the coastal aquaculture farms and the provisions of this section shall apply on coastal aquaculture farms in view of such review.

Explanation.—For the purposes of this sub-section, “High Tide Line” means the line on the land up to which the highest water line reaches during the spring tide.

(9) Notwithstanding anything contained in this section, any traditional coastal aquaculture farm which lies within the Coastal Regulation Zone declared by the notification of the Government of India in the Ministry of Environment and Forests (Department of Environment, Forests and Wildlife) No. S.O. 114(E), dated the 19th February, 1991 and is not used for coastal aquaculture purposes on the appointed day shall be registered under sub-section (5) by producing before the Authority, by the person who is the owner of such farm, the documentary proof of such ownership failing which such farm shall not be registered under sub-section (5) and if such person after such registration does not utilise such farm, within one year, for coastal aquaculture purposes, the registration shall be cancelled by the Authority.

(10) A person, who intends to renew the registration of a farm made under sub-section (5) or in pursuance of sub-section (9), may make an application within two months before the expiry of such registration to the Authority in the prescribed form accompanied with the prescribed fee and the Authority shall, after receiving such application, renew the registration and for such purpose make an entry with its seal on the registration certificate relating to such form issued under sub-section (6).

(11) The Authority may refuse to renew the registration of a farm under sub-section (10) if the Authority is satisfied that the person to whom such registration is made has failed to utilise such farm for coastal aquaculture purposes or without any reasonable cause has violated any provision of this Act or the rules or regulations made thereunder or any direction or order made by the Authority in pursuance of section 11:

Provided that such refusal to renew the registration shall not be made without providing such person an opportunity of being heard.

Explanation 1.—For the purposes of this section, “appointed day” means the date of establishment of the Authority.

Explanation 2.—For the removal of doubts, it is hereby declared that the expression “to renew the registration” used in sub-sections (10) and (11) shall be construed to include further renewal of the registration.

Punishment for carrying on coastal aquaculture without registration.

14. If any person carries on coastal aquaculture or traditional coastal aquaculture or causes the coastal aquaculture or traditional coastal aquaculture to be carried on in contravention of sub-section (1) of section 13, he shall be punishable with imprisonment for a term which may extend to three years or with fine which may extend to one lakh rupees, or with both.

Cognizance of offence.

15. No court shall take cognizance of an offence under section 14 without a written complaint filed by an officer of the Authority authorised in this behalf by it.

CHAPTER V

FINANCE, ACCOUNTS AND AUDIT

Payment to Authority.

16. The Central Government may, after due appropriation made by Parliament, by law, in this behalf, pay to the Authority in each financial year such sums as may be considered necessary for the performance of functions of the Authority under this Act.

Fund of Authority.

17. (1) The Authority shall have its own fund and all sums which may, from time to time, be paid to it by the Central Government and all the receipts of the Authority (including any sum which any State Government or any other authority or person may hand over to the Authority) shall be credited to the fund and all payments by the Authority shall be made therefrom.

(2) All moneys belonging to the fund shall be deposited in such banks or invested in such manner as may, subject to the approval of the Central Government, be decided by the Authority.

(3) The Authority may spend such sums as it thinks fit for performing its functions under this Act, and such sums shall be treated as expenditure payable out of the fund of the Authority.

Budget.

18. The Authority shall prepare, in such form and at such time each year as may be prescribed, a budget, in respect of the financial year next ensuing, showing the estimated receipts and expenditure and copies thereof shall be forwarded to the Central Government.

Annual report.

19. The Authority shall prepare once in every calendar year, in such form and at such time as may be prescribed an annual report giving a true and full account of its activities during the previous year and copies thereof shall be forwarded to the Central Government and that Government shall cause the same to be laid before both Houses of Parliament.

Accounts and audit.

20. (1) The Authority shall cause to be maintained such books of account and other books in relation to its accounts in such form and in such manner as may, in consultation with the Comptroller and Auditor-General of India, be prescribed.

(2) The Authority shall, as soon as may be, after closing its annual accounts, prepare a statement of accounts in such form, and forward the same to the Comptroller and Auditor-General of India by such date, as the Central Government may, in consultation with the Comptroller and Auditor-General of India, determine.

(3) The accounts of the Authority shall be audited by the Comptroller and Auditor-General of India at such times and in such manner as he thinks fit.

(4) The accounts of the Authority as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf together with the audit report thereon shall be forwarded annually to the Central Government and that Government shall cause the same to be laid before both Houses of Parliament.

CHAPTER VI

MISCELLANEOUS

45 of 1860.

21. The Chairperson and other members and the officers and other employees of the Authority and the authority appointed by the Authority shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

Chairperson and other members, officers and other employees of Authority, etc., to be public servants.

22. No suit, prosecution or other legal proceeding shall lie against the Central Government or the Authority or the Chairperson and other members of the Authority or the authority appointed by the Authority or any person authorised by the Authority or any officer authorised by the Chairperson for anything which is in good faith done or intended to be done in pursuance of this Act or any rule or regulations or order made thereunder.

Protection of action taken in good faith.

23. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:

Power to remove difficulties.

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

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

24. (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.

Power of Central Government to make rules.

(2) In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:—

(a) the guidelines under section 3;

(b) the salaries and allowances payable to, and the other terms and conditions of service of, the members under sub-section (5) of section 4;

(c) the other functions of the Authority under clause (e) of sub-section (1) of section 11;

(d) the powers of a District Magistrate to be exercised by the authority under sub-section (2) of section 11;

(e) the rules subject to which any person referred to in section 12 may enter upon any coastal aquaculture land, pond, pen or enclosure under that section;

(f) the other acts or things under clause (c) of section 12;

(g) the form of application and the fee to be accompanied therewith under sub-section (4) of section 13;

- (h) the manner of considering application under sub-section (5) of section 13;
- (i) the form of certificate of registration under sub-section (6) of section 13;
- (j) the form of application and the fee to be accompanied therewith under sub-section (10) of section 13;
- (k) the form and time of preparing budget under section 18;
- (l) the form and time of preparing annual report under section 19;
- (m) the books of account and other books to be maintained in relation to the accounts of the Authority and the form and manner of maintaining such books of account and other books under sub-section (1) of section 20;
- (n) any other matter which is required to be, or may be, prescribed.

Power of
Authority
to make
regulations.

25. (1) The Authority may, by notification in the Official Gazette, make regulations not inconsistent with the provisions of this Act and the rules made thereunder to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing powers, such regulations may provide for all or any of the following matters, namely:—

- (a) the times and places of the meetings of the Authority and the rules of procedure to be observed in regard to the transaction of business at its meetings (including quorum thereat) under sub-section (1) of section 7;
- (b) the terms and conditions of appointment of the officers and other employees under sub-section (1) of section 9;
- (c) the terms and conditions of appointment of adviser or consultant under sub-section (2) of section 9;
- (d) for the construction and operation of coastal aquaculture farms within the coastal areas under clause (a) of sub-section (1) of section 11;
- (e) the form and conditions of registration under clause (c) of sub-section (3) of section 13;
- (f) generally for better regulation of the coastal aquaculture.

Rules and
regulations to
be laid before
Parliament.

26. Every rule and every regulation made under this Act, shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation or both Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.

Validation.

27. (1) Notwithstanding anything contained in clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 or clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, in the notification of the Government of India in the Ministry of Environment and Forests (Department of Environment, Forests and Wildlife) No. S.O.114(E), dated the 19th February, 1991 (hereafter referred to in this section as the said notification), in paragraph 2, after sub-paragraph (xiii), the following sub-paragraph shall be inserted and shall always be deemed to have been inserted with effect from the 19th day of February, 1991, namely:—

29 of 1986.

“(xiv) nothing contained in this paragraph shall apply to coastal aquaculture.”.

(2) The said notification shall have and shall be deemed always to have effect for all purposes as if the foregoing provisions of this section had been in force at all material times and accordingly notwithstanding anything contained in any judgment, decree or order of any court, tribunal or other authority, no coastal aquaculture carried on or undertaken or purporting to have been carried on or undertaken shall be deemed to be in contravention of the said notification and shall be deemed to be and to have always been for all purposes in accordance with law, as if the foregoing provisions of this section had been in force at all material times and notwithstanding anything as aforesaid and without prejudice to the generality of the foregoing provisions, no suit or other proceeding shall be maintained or continued in any court for the enforcement of any direction given by any court of any decree or order directing the removal or closure of any coastal aquaculture farm's activity or demolition of any structure connected thereunder which would not have been so required to be removed, closed or demolished if the foregoing provisions of this section had been in force at all material times.

STATEMENT OF OBJECTS AND REASONS

The Supreme Court in Writ Petition (Civil) No. 561 of 1994 has held that aquaculture is an industry and hence it is covered by the prohibition imposed by the sub-paragraph (i) of paragraph 2 of the notification of the Government of India in the Ministry of Environment and Forests (Department of Environment, Forests and Wildlife) No. S.O. 114(E), dated the 19th February, 1991 issued under sub-sections (1) and (2) of section 3 of the Environment (Protection) Act, 1986, read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986. The Supreme Court has further directed that an Aquaculture Authority shall be established to regulate aquaculture in coastal areas. The intention of the Government was not to treat coastal aquaculture as a prohibited activity within the meaning of the said notification. The effect of this judgment is to close all aquaculture farms, except traditional and improved traditional, in the coastal areas. This activity mainly utilises saline areas along the coastline, which areas are not suitable for other activities and provides employment to approximately three lakh workers. Larger investment of public and private funds has also been made in the farming activity. If these farms are closed down, it may lead to about three lakhs workers being rendered unemployed. Hence, it was considered necessary to save the employment of the workers and also the investment already made in this economic activity and to provide for future growth of aquaculture farming in a manner, which is consistent with the requirement of safeguarding of the environment. In order to achieve the above objects and to clear all doubts, it was decided to amend the said notification to clarify that aquaculture was not intended to be a prohibited activity within the meaning of that notification. Since it is necessary to validate all coastal aquaculture farms set up hitherto retrospectively, and achieve the above objects, a Bill titled as "The Aquaculture Authority Bill, 2000" was introduced in the Rajya Sabha on 28th February, 2000. The Bill was referred to the Department-related Parliamentary Standing Committee on Agriculture for examination and report. The Standing Committee, after interaction with various Organisations/Departments, presented its report on 5th December, 2000 before the Parliament. Since some recommendations made by the said Standing Committee were substantive in nature, it has been considered appropriate by the Government to withdraw the said Bill and to introduce a fresh Bill on the lines recommended by the said Standing Committee.

2. The Notes on clauses appended to the Bill explain in details the various provisions of the Bill.

SHARAD PAWAR

Notes on clauses

Clause 2 deals with the definitions of certain expressions used in the Bill.

Clause 3 confers certain powers on the Central Government to regulate coastal aquaculture by providing guidelines to ensure that coastal aquaculture shall not be detrimental to the coastal environment and to protect the livelihood of various sections of the people living in coastal areas.

Clause 4 provides for the establishment of the Coastal Aquaculture Authority and appointment of Chairperson and members. Sub-clause (3) of this clause provides that the Authority shall consist of a Chairperson and ten members to be appointed by the Central Government and sub-clause (5) deals with salaries, allowances, other terms and conditions of service of the members.

Clause 5 deals with the disqualifications for being appointed as a member of Authority.

Clause 6 deals with the eligibility of members for reappointment.

Clause 7 provides for the meetings of the Authority for transaction of business. It also provides that in the absence of the Chairperson, any other member chosen by the members present and voting and in the event of equality of votes, the Chairperson or in his absence the person presiding, shall and exercise a second or casting vote.

Clause 8 lays down the circumstances, which will not invalidate the proceedings of the Authority.

Clause 9 deals with the appointment of officers and other employees and consultants or advisers of the Authority.

Clause 10 provides for authentication of the orders and other instruments of the Authority.

Clause 11 provides for the functions of the Authority. This clause provides that the Authority shall have various functions, *inter alia*, to make regulations for construction and operation of coastal aquaculture farms, their registration as well as removal or demolition of farms for specific reasons. It also provides for appointment of a one-man authority to determine the compensation to workers if the farms are to be removed or demolished as per the orders of the Authority.

Clause 12 empowers any person authorised by the Authority to enter into any coastal aquaculture land, pond, pen or enclosure and to make inspection, survey, measurement, valuation or inquiry and to remove or demolish any structure therein. This clause also provides that said person shall enter into any aquaculture land, pond, pen or enclosure after giving at least twenty-four hours' notice in writing of his intention to do so to the occupier of such aquaculture land, pond, pen or enclosure.

Clause 13 provides detailed procedures for registration of coastal aquaculture farms to undertake aquaculture activities including validity period, renewal, inquiry to ensure protection of coastal environment and the areas where the coastal aquaculture shall not be carried out.

Clause 14 provides for punishment for carrying out coastal aquaculture without registration.

Clause 15 provides that no court shall take cognizance of an offence without a written complaint filed by an officer of the Authority.

Clause 16 provides provision for payment of sum to the Authority by the Central Government to perform its functions under the proposed legislation.

Clause 17 provides that the Authority shall have its own fund, and all its receipts should be credited thereto and all payments should be made therefrom.

Clause 18 imposes obligation on the Authority to prepare the budget in respect of the financial year next ensuing showing the estimated receipts and expenditure and to forward the copies thereof to the Central Government.

Clause 19 imposes obligation on the Authority to prepare and submit to the Central Government, after the end of each financial year, an annual report giving a true and full account of its activities during the previous year. The report so submitted by the Authority shall be laid before both Houses of Parliament.

Clause 20 imposes obligation on the Authority to maintain books of account and other books in relation to its accounts.

Clause 21 provides that the Chairperson and other members, officers and employees of the Authority and the authority appointed by the Authority shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (45 of 1860).

Clause 22 provides that no suit, prosecution or other proceedings shall lie against the Central Government or the Authority or the Chairperson and other members of the Authority or the authority appointed by the Authority or any other person authorised by the Chairperson for anything which is in good faith done or intended to be done in pursuance of the Bill.

Clause 23 seeks to empower the Central Government to make such orders as are necessary for removal of any difficulty which may arise while giving effect to the provisions of this Bill within a period of two years from the date of the commencement of the proposed enactment.

Clause 24 empowers the Central Government to make rules for carrying out the provisions of the proposed enactment. The matters in respect of which rules may be made by the Central Government are enumerated in detail in sub-clause (2).

Clause 25 seeks to empower the Authority to make regulations consistent with the provisions of the proposed legislation and the rules made thereunder to carry out the provisions of the proposed legislation. The matters in respect of which regulations may be made by the Central Government are enumerated in detail in sub-clause (2).

Clause 26 provides that every rule and regulation made under the proposed legislation shall be laid before each House of Parliament.

Clause 27 provides for amending the notification of Government of India in the Ministry of Environment and Forests, number S.O. 114(E), dated the 19th February, 1991 issued under the Environment (Protection) Act, 1986 to clarify that aquaculture was not intended to be a prohibited activity within the meaning of that notification by inserting a sub-paragraph that nothing contained in the notification shall apply to coastal aquaculture. It also provides that this amendment to the above notification shall have and shall be deemed always to have effect for all purposes as if the amendment had been in force at all material times to validate all coastal aquaculture farms set up hitherto retrospectively.

FINANCIAL MEMORANDUM

Sub-clause (1) of clause 4 of the Bill provides for the establishment of a Coastal Aquaculture Authority and sub-clause (5) of the said clause relates to the salaries and allowances of the Chairperson and other members of the Authority. Clause 9 provides that the Authority shall appoint officers, consultants and other employees and the terms and conditions of such officers, consultants and other employees of the Authority may be specified in regulations.

2. It is estimated that the Bill, when enacted, will involve a recurring expenditure of rupees seventy-one lakhs and ninety-seven thousand and a non-recurring expenditure of rupees forty-six lakhs during every financial year.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 24 of the Bill empowers the Central Government to make rules to carry out the provisions of the Bill. The matters in respect of which rules may be made, *inter alia*, includes the terms and conditions of the appointment of the members, procedure to be followed by members in the discharge of their functions, the inspection of the aquaculture farms, the form and manner in which the budget and annual report are to be prepared by the Authority and the manner in which the accounts of the Authority are to be maintained.

2. Clause 25 of the Bill empowers the Authority to make regulations consistent with the provisions of the Bill and the rules made thereunder. The matters in respect of which regulations may be made, *inter alia*, relate to regulating the meetings of the Authority and procedure for conducting business thereat, the terms and conditions of service of the officers and employees of the Authority, regulations for the construction and operation of aquaculture farms within the coastal areas.

3. The matters in respect of which the rules or regulations may be made are matters of procedure and administrative detail, the delegation of legislative powers are, therefore, of a normal character.

II

BILL NO. LV OF 2004

A bill further to amend the Hindu Succession Act, 1956.

Be it enacted by Parliament in the Fifty-fifth Year of the Republic of India as follows:—

Short title and
commencement.

1. (1) This Act may be called the Hindu Succession (Amendment) Act, 2004.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Substitution
of new
section for
section 6.
Devolution of
interest in
coparcenary
property.

2. For section 6 of the Hindu Succession Act, 1956 (hereinafter referred to as the principal Act), the following section shall be substituted, namely:—

'6. (1) On and from the commencement of the Hindu Succession (Amendment) Act, 2004, in a Joint Hindu family governed by the Mitakshara law, the daughter of a coparcener shall,—

(a) also by birth become a coparcener in her own right; the same manner as the son here;

(b) have the same rights in the coparcenary property as she would have had if she had been a son;

(c) be subject to the same liabilities and disabilities in respect of the said coparcenary property as that of a son,

and any reference to a Hindu Mitakshara coparcener shall be deemed to include a reference to a daughter:

Provided that nothing contained in this sub-section shall apply to a daughter married before the commencement of the Hindu Succession (Amendment) Act, 2004.

(2) Any property to which a female Hindu becomes entitled by virtue of sub-section (1) shall be held by her with the incidents of coparcenary ownership and shall be regarded, notwithstanding anything contained in this Act or any other law for the time being in force in, as property capable of being disposed of by her by will or other testamentary disposition.

(3) Where a Hindu dies after the commencement of the Hindu Succession (Amendment) Act, 2004, his interest in the property of a Joint Hindu family governed by the Mitakshara law, shall devolve by testamentary or intestate succession, as the case may be, under this Act and not by survivorship, and the coparcenary property shall be deemed to have been divided as if a partition had taken place and,—

(a) the daughter is allotted the same share as is allotted to a son;

(b) the share of the pre-deceased son or a pre-deceased daughter, as they would have got had they been alive at the time of partition, shall be allotted to the surviving child of such pre-deceased son or of such pre-deceased daughter; and

(c) the share of the pre-deceased child of a pre-deceased son or of a pre-deceased daughter, as such child would have got had he or she been alive at the time of the partition, shall be allotted to the child of such pre-deceased child of the pre-deceased son or a pre-deceased daughter, as the case may be.

Explanation.— For the purposes of this sub-section, the interest of a Hindu Mitakshara coparcener shall be deemed to be the share in the property that would have been allotted to him if a partition of the property had taken place immediately before his death, irrespective of whether he was entitled to claim partition or not.

(4) After the commencement of the Hindu Succession (Amendment) Act, 2004, no court shall recognise any right to proceed against a son, grandson or great-grandson for the recovery of any debt due from his father, grandfather or great-grandfather on the ground of the pious obligation under the Hindu law, of such son, grandson or great-grandson to discharge any such debt:

Provided that in the case of any debt contracted before the commencement of the Hindu Succession (Amendment) Act, 2004, nothing contained in this sub-section shall affect—

(a) the right of any creditor to proceed against the son, grandson or great-grandson, as the case may be; or

(b) any alienation made in respect of or in satisfaction of, any such debt, and any such right or alienation shall be enforceable under the rule of pious obligation in the same manner and to the same extent as it would have been enforceable as if the Hindu Succession (Amendment) Act, 2004 had not been enacted.

Explanation.—For the purposes of clause (a), the expression "son", "grandson" or "great-grandson" shall be deemed to refer to the son, grandson or great-grandson, as the case may be, who was born or adopted prior to the commencement of the Hindu Succession (Amendment) Act, 2004.

(5) Nothing contained in this section shall apply to a partition, which has been effected before the commencement of the Hindu Succession (Amendment) Act, 2004.

Omission of
section 23.

3. Section 23 of the principal Act shall be omitted.

Amendment
of section 30.

4. In section 30 of the principal Act, for the words "disposed of by him", the words "disposed of by him or by her" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

The Hindu Succession Act, 1956 has amended and codified the law relating to intestate succession among Hindus. The Act brought about changes in the law of succession among Hindus and gave rights which were till then unknown in relation to women's property. However, it does not interfere with the special rights of those who are members of Hindu Mitakshara coparcenary except to provide rules for devolution of the interest of a deceased male in certain cases. The Act lays down a uniform and comprehensive system of inheritance and applies, *inter alia*, to persons governed by the Mitakshara and Dayabhaga schools and also to those governed previously by the Murumakkattayam, Aliyasantana and Nambudri laws. The Act applies to every person who is a Hindu by religion in any of its forms or developments including a Virashaiva, a Lingayat or a follower of the Brahmo, Pararthana or Arya Samaj; or to any person who is Buddhist, Jain or Sikh by religion; or to any other person who is not a Muslim, Christian, Parsi or Jew by religion. In the case of a testamentary disposition, this Act does not apply and the interest of the deceased is governed by the Indian Succession Act, 1925.

2. Section 6 of the Act deals with devolution of interest of a male Hindu in coparcenary property and recognises the rule of devolution by survivorship among the members of the coparcenary. The retention of the Mitakshara coparcenary property without including the females in it means that the females cannot inherit in ancestral property as their male counterparts do. The law by excluding the daughter from participating in the coparcenary ownership not only contributes to her discrimination on the ground of gender but also has led to oppression and negation of her fundamental right of equality guaranteed by the Constitution. Having regard to the need to render social justice to women, the States of Andhra Pradesh, Tamil Nadu, Karnataka and Maharashtra have made necessary changes in the law giving equal right to daughters in Hindu Mitakshara coparcenary property. The Kerala Legislature has enacted the Kerala Joint Hindu Family System (Abolition) Act, 1975.

3. It is proposed to remove the discrimination as contained in section 6 of the Hindu Succession Act, 1956 by giving equal rights to daughters in the Hindu Mitakshara coparcenary property as the sons have. Section 23 of the Act disentitles a female heir to ask for partition in respect of a dwelling house wholly occupied by a joint family until the male heirs choose to divide their respective shares therein. It is also proposed to omit the said section so as to remove the disability on female heirs contained in that section.

4. The above proposals are based on the recommendations of the Law Commission of India as contained in its 174th Report on "Property Rights of Women: Proposed Reform under the Hindu Law".

5. The Bill seeks to achieve the above objects.

H. R. BHARDWAJ.

III

BILL NO. LVI OF 2004

A bill to provide for the prevention of solemnisation of child marriages and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Fifty-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the Prevention of Child Marriage Act, 2004.

(2) It extends to the whole of India except the State of Jammu and Kashmir; and it applies also to all citizens of India without and beyond India:

Provided that nothing contained in this Act shall apply to the Renoncants of the Union territory of Pondicherry.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint; and different dates may be appointed for different States and any reference in any provision to the commencement of this Act shall be construed in relation to any State as a reference to the coming into force of that provision in that State.

Short title,
extent and
commencement.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "child" means a person who, if a male, has not completed twenty-one years of age, and if a female, has not completed eighteen years of age;

(b) "child marriage" means a marriage to which either of the contracting parties is a child;

(c) "contracting party", in relation to a marriage, means either of the parties whose marriage is or is about to be thereby solemnised;

(d) "Child Marriage Prevention Officer" includes the Child Marriage Prevention Officer appointed under sub-section (1) of section 16;

66 of 1984.

(e) "district court" means, in any area for which a Family Court established under section 3 of the Family Courts Act, 1984 exists, such Family Court, and in any area for which there is no Family Court but a city civil court exists that court and in any other area, the principal civil court of original jurisdiction and includes any other civil court which may be specified by the State Government, by notification in the Official Gazette, as having jurisdiction in respect of the matters dealt with in this Act;

9 of 1875.

(f) "minor" means a person who, under the provisions of the Majority Act, 1875 is to be deemed not to have attained his majority.

3. (1) Every child marriage, whether solemnised before or after the commencement of this Act, shall be voidable at the option of the contracting party who was a child at the time of the marriage:

Child marriages to be voidable at the option of contracting party being a child.

Provided that a petition for annulling a child marriage by a decree of nullity may be filed in the district court only by a contracting party to the marriage who was a child at the time of the marriage.

(2) If at the time of filing a petition, the petitioner is a minor, the petition may be filed through his or her guardian or next friend along with the Child Marriage Prevention Officer.

(3) The petition under this section may be filed at any time but before the child filing the petition completes two years of attaining majority.

(4) While granting a decree of nullity under this section, the district court shall make an order directing both the parties to the marriage and their parents or their guardians to return to the other party, his or her parents or guardian, as the case may be, the money, valuables, ornaments and other gifts received on the occasion of the marriage by them from the other side, or an amount equal to the value of such valuables, ornaments, other gifts and money:

Provided that no order under this section shall be passed unless the concerned parties have been given notices to appear before the district court and show cause why such order should not be passed.

4. (1) While granting a decree under section 3, the district court may also make an interim or final order directing the male contracting party to the child marriage, and in case the male contracting party to such marriage is a minor, his parent or guardian to pay maintenance to the female contracting party to the marriage until her remarriage.

Provision for maintenance and residence to female contracting party to child marriage.

(2) The quantum of maintenance payable shall be determined by the district court having regard to the needs of the child, the lifestyle enjoyed by such child during her marriage and the means of income of the paying party.

(3) The amount of maintenance may be directed to be paid monthly or in lump sum.

(4) In case the party making the petition under section 3 is the female contracting party, the district court may also make a suitable order as to her residence until her remarriage.

5. (1) Where there are children born of the child marriage, the district court shall make an appropriate order for the custody of such children.

Custody and maintenance of children of child marriages.

(2) While making an order for the custody of a child under this section, the welfare and best interests of the child shall be the paramount consideration to be given by the district court.

(3) An order for custody of a child may also include appropriate directions for giving to the other party access to the child in such a manner as may best serve the interests of the child, and such other orders as the district court may, in the interest of the child, deem proper.

(4) The district court may also make an appropriate order for providing maintenance to the child by a party to the marriage or their parents or guardians.

Legitimacy of children born of child marriages.

6. Notwithstanding that a child marriage has been annulled by a decree of nullity under section 3, every child begotten or conceived of such marriage before the decree is made, whether born before or after the commencement of this Act, shall be deemed to be a legitimate child for all purposes.

Power of district court to modify orders issued under section 4 or section 5.

7. The district court shall have the power to add to, modify or revoke any order made under section 4 or section 5 and if there is any change in the circumstances at any time during the pendency of the petition and even after the final disposal of the petition.

Court to which petition should be made.

8. For the purpose of grant of reliefs under sections 3, 4 and 5, the district court having jurisdiction shall include the district court having jurisdiction over the place where the defendant or the child resides, or where the marriage was solemnised or where the parties last resided together or the petitioner is residing on the date of presentation of the petition.

Punishment for male adult marrying a child.

9. Whoever, being a male adult above eighteen years of age, contracts a child marriage shall be punishable with simple imprisonment which may extend to two years or with fine which may extend to one lakh rupees or with both.

Punishment for solemnising a child marriage.

10. Whoever performs, conducts or directs or abets any child marriage shall be punishable with simple imprisonment which may extend to two years and shall be liable to fine which may extend to one lakh rupees unless he proves that he had reasons to believe that the marriage was not a child marriage.

Punishment for promoting or permitting solemnisation of child marriages.

11. (1) Where a child contracts a child marriage, any person having charge of the child, whether as parent or guardian or any other person or in any other capacity, lawful or unlawful, including any member of an organisation or association of persons who does any act to promote the marriage or permits it to be solemnised, or negligently fails to prevent it from being solemnised, including attending or participating in a child marriage, shall be punishable with simple imprisonment which may extend to two years and shall also be liable to fine which may extend up to one lakh rupees:

Provided that no women shall be punishable with imprisonment.

(2) For the purposes of this section, it shall be presumed, unless and until the contrary is proved, that where a minor child has contracted a marriage, the person having charge of such minor child has negligently failed to prevent the marriage from being solemnised.

Marriage of a minor child to be void in certain circumstances.

12. Where a child, being a minor—

(a) is taken or enticed out of the keeping of the lawful guardian; or

(b) by force compelled, or by any deceitful means induced to go from any place;

or

(c) is sold for the purpose of marriage; and made to go through a form of marriage or if the minor is married after which the minor is sold or trafficked or used for immoral purposes,

such marriage shall be null and void.

13. (1) Notwithstanding anything to the contrary contained in this Act, if, on an application of the Child Marriage Prevention Officer or on receipt of information through a complaint or otherwise from any person, a Judicial Magistrate of the first class or a Metropolitan Magistrate is satisfied that a child marriage in contravention of this Act has been arranged or is about to be solemnised, such Magistrate shall issue an injunction against any person including a member of an organization or an association of persons prohibiting such marriage.

Power of court to issue injunction prohibiting child marriages.

(2) A complaint under sub-section (1) may be made by any person having personal knowledge or reason to believe, and a non-governmental organization having reasonable information, relating to the likelihood of taking place of solemnisation of a child marriage or child marriages.

(3) The Court of the Judicial Magistrate of the first class or the Metropolitan Magistrate may also take *suo motu* cognizance on the basis of any reliable report or information.

(4) For the purposes of preventing solemnisation of mass child marriages on certain days such as *Akshaya Trutiya*, the District Magistrate shall be deemed to be the Child Marriage Prevention Officer with all powers as are conferred on a Child Marriage Prevention Officer by or under this Act.

(5) The District Magistrate shall also have additional powers to stop or prevent solemnisation of child marriages and for this purpose, he may take all appropriate measures and use the minimum force required.

(6) No injunction under sub-section (1) shall be issued against any person or member of any organization or association of persons unless the Court has previously given notice to such person, members of the organization or association of persons, as the case may be, and has offered him or them an opportunity to show cause against the issue of the injunction:

Provided that in the case of any urgency, the Court shall have the power to issue an interim injunction without giving any notice under this section.

(7) An injunction issued under sub-section (1) may be confirmed or vacated after giving notice and hearing the party against whom the injunction was issued.

(8) The Court may either on its own motion or on the application of any person aggrieved, rescind or alter an injunction issued under sub-section (1).

(9) Where an application is received under sub-section (1), the Court shall afford the applicant an early opportunity of appearing before it either in person or by an advocate and if the Court, after hearing the applicant rejects the application wholly or in part, it shall record in writing its reasons for so doing.

(10) Whoever knowing that an injunction has been issued under sub-section (1) against him disobeys such injunction shall be punishable with imprisonment of either description for a term which may extend to two years or with fine which may extend to one lakh rupees or with both:

Provided that no woman shall be punishable with imprisonment.

14. Any child marriage solemnised in contravention of an injunction order issued under section 13, whether interim or final, shall be void *ab initio*.

Child marriages in contravention of injunction orders to be void.

15. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, an offence punishable under this Act shall be cognizable and non-bailable.

Offences to be cognizable and non-bailable.

Child Marriage
Prevention
Officers.

16. (1) The State Government shall, by notification in the Official Gazette, appoint for the whole State, or such part thereof as may be specified in that notification, an officer or officers to be known as the Child Marriage Prevention Officer having jurisdiction over the area or areas specified in the notification.

(2) The State Government may also request a respectable member of the locality with a record of social service or an officer of the Gram Panchayat or Municipality or an officer of the Government or any public sector undertaking or an office bearer of any non-governmental organization to assist the Child Marriage Prevention Officer and such member, officer or office bearer, as the case may be, shall be bound to act accordingly.

(3) It shall be the duty of the Child Marriage Prevention Officer—

(a) to prevent solemnisation of child marriages by taking such action as he may deem fit;

(b) to collect evidence for the effective prosecution of persons contravening the provisions of this Act;

(c) to advise either individual cases or counsel the residents of the locality generally not to indulge in promoting, helping, aiding or allowing the solemnisation of child marriages;

(d) to create awareness of the evil which results from child marriages;

(e) to sensitize the community on the issue of child marriages;

(f) to furnish such periodical returns and statistics as the State Government may direct; and

(g) to discharge such other functions and duties as may be assigned to him by the State Government.

(3) The State Government may, by notification in the Official Gazette, subject to such conditions and limitations, invest the Child Marriage Prevention Officer with such powers of a police officer as may be specified in the notification and the Child Marriage Prevention Officer shall exercise such powers subject to such conditions and limitations, as may be specified in the notification.

(4) The Child Marriage Prevention Officer shall have the power to move the Court for an order under sections 4, 5 and 13 and along with the child under section 3.

Child Marriage
Prevention
Officers to be
public servants.

17. The Child Marriage Prevention Officers shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

45 of 1860.

Protection of
action taken in
good faith.

18. No suit, prosecution or other legal proceedings shall lie against the Child Marriage Prevention Officer in respect of anything in good faith done or intended to be done in pursuance of this Act or any rule or order made thereunder.

Power of State
Government
to make rules.

19. (1) The State Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

(2) Every rule made under this Act shall, as soon as may be after it is made, be laid before the State Legislature.

Repeal and
savings.

20. (1) The Child Marriage Restraint Act, 1929 is hereby repealed.

19 of 1929.

(2) Notwithstanding such repeal, all cases and other proceedings pending or continued under the said Act at the commencement of this Act shall be continued and disposed of in accordance with the provisions of the repealed Act, as if this Act had not been passed.

STATEMENT OF OBJECTS AND REASONS

The Child Marriage Restraint Act, 1929 was enacted with a view to restraining solemnisation of child marriages. The Act was subsequently amended in 1949 and 1978 in order, *inter alia*, to raise the age limit of the male and female persons for the purpose of marriage. The Act, though restrains solemnisation of child marriages yet it does not declare them to be void or invalid. The solemnisation of child marriages is punishable under the Act.

2. There has been a growing demand for making the provisions of Act more effective and the punishment thereunder more stringent so as to eradicate or effectively prevent the evil practice of solemnisation of child marriages in the country. This will enhance the health of children and the status of women. The National Commission for Women in its Annual Report for the year 1995-96 recommended that the Government should appoint Child Marriage Prevention Officers immediately. It further recommended that— (i) the punishment provided under the Act should be made more stringent; (ii) marriages performed in contravention of the Act should be made void; and (iii) the offences under the Act should be made cognizable.

3. The National Human Rights Commission undertook a comprehensive review of the existing Act and made recommendations for comprehensive amendments therein *vide* its Annual Report 2001-2002. The Central Government, after consulting the State Governments and Union territory Administrations on the recommendations of the National Commission for Women and the National Human Rights Commission, has decided to accept almost all the recommendations and give effect to them by repealing and re-enacting the Child Marriage Restraint Act, 1929.

4. The salient features of the Bill are as follows:—

(i) To make a provision to declare child marriage as voidable at the option of the contracting party to the marriage, who was a child.

(ii) To provide a provision requiring the husband or, if he is a minor at the material time, his guardian to pay maintenance to the minor girl until her remarriage.

(iii) To make a provision for the custody and maintenance of children born of child marriages.

(iv) To provide that notwithstanding a child marriage has been annulled by a decree of nullity under the proposed section 3, every child born of such marriage, whether before or after the commencement of the proposed legislation, shall be legitimate for all purposes.

(v) To empower the district court to add to, modify or revoke any order relating to maintenance of the female petitioner and her residence and custody or maintenance of children, etc.

(vi) To make a provision for declaring the child marriage as void in certain circumstances.

(vii) To empower the courts to issue injunctions prohibiting solemnisation of marriages in contravention of the provisions of the proposed legislation.

(viii) To make the offences under the proposed legislation to be cognizable for the purposes of investigation and for other purposes.

(ix) To provide for appointment of Child Marriage Prevention Officers by the State Governments.

(x) To empower the State Governments to make rules for effectively administration of the legislation.

5. The Bill seeks to achieve the above objects.

H.R. BHARDWAJ.

NEW DELHI;

The 16th December, 2004.

FINANCIAL MEMORANDUM

Clause 16 of the Bill seeks to empower the State Government to appoint one or more Child Marriage Prevention Officers for the purpose of prevention of solemnisation of child marriages and the Child Marriage Prevention Officers shall have jurisdiction over such area or areas as may be specified by the State Government, by notification. Serving officers can also be designated as Child Marriage Prevention Officers under the Act. The expenditure in this regard is to be borne by the respective State Government.

2. The State Government in respect of a Union territory is the Central Government. If an officer other than a serving officer is appointed as the Child Marriage Prevention Officer, some recurring expenditure will be involved in regard to payment of salary and allowances to such officer. Some office expenditure of a negligible nature may also be involved. The exact amount of such expenditure would depend upon the number of Child Marriage Prevention Officers as may be appointed.

3. There shall be no other expenditure of a recurring or non-recurring nature.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 19 of the Bill empowers State Governments to make rules for carrying out the provisions of the proposed legislation. The rules are required to be laid before the State Legislature. The matters in respect of which the rules may be made are matters of procedure and administrative details and it is not practicable to provide for them in the Bill itself.

2. The delegation of legislative power is, therefore, of a normal character.

IV

BILL NO. LVIII OF 2004

A bill further to amend the Railways Act, 1989.

BE it enacted by Parliament in the Fifty-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the Railways (Amendment) Act, 2004.

Short title and
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

24 of 1989.

2. In section 2 of the Railways Act, 1989 (hereinafter referred to as the principal Act),—

Amendment
of section 2.

(a) after clause (1), the following clause shall be inserted, namely:—

‘(1A) “Authority” means the Rail Land Development Authority constituted under section 4A.’;

(b) after clause (32), the following clause shall be inserted, namely:—

‘(32A) “railway land” means any railway land other than falling under railway track.’

Insertion of
new Chapter
IIA.

3. After Chapter II of the principal Act, the following Chapter shall be inserted, namely:—

“CHAPTER IIA

RAIL LAND DEVELOPMENT AUTHORITY

Establishment
of Railway
Land
Development
Authority.

4A. The Central Government may, by notification, establish an authority to be called the Rail Land Development Authority to exercise the powers and discharge the functions conferred on it by or under this Act.

Composition
of Authority.

4B. (1) The Authority shall consist of a Chairman, Vice-Chairman and not more than four members including experts from out side the railway administration.

(2) The Member Engineering, Railway Board shall be the Chairman, *ex officio* of the Authority.

(3) The Vice-Chairman and the other members shall be appointed by the Central Government and shall be chosen from amongst persons who are or have been working in the Civil Engineering, Finance and Traffic disciplines of a railway administration and having adequate experience in the relevant discipline as the Central Government may consider necessary.

Terms and
conditions of
appointment of
Vice-Chairman
and other
Members.
Functions of
Authority.

4C. The terms and conditions of appointment of the Vice-Chairman and the other Members of the Authority, other than the Chairman, and the manner of filling casual vacancies among them shall be such as may be prescribed.

4D. (1) The Authority shall discharge such functions and exercise such powers of the Central Government or a railway administration in relation to the development of railway land and as are specifically assigned to it by the Central Government.

(2) In particular, and without prejudice to the generality of the foregoing power, the Central Government may assign to the Authority all or any of the following functions, namely:—

(i) to prepare scheme or schemes for use of railway land in conformity with the provisions of this Act;

(ii) to develop railway land for commercial use as may be entrusted by the Central Government or a railway administration for the purpose of generating revenue by non-tariff measures;

(iii) to develop and provide consultancy, construction or management services and undertake operation in India in relation to the development of rail land and property;

(iv) to carry out any other work or function as may be entrusted to it by the Central Government, or a railway administration, by order in writing.

Powers of
Authority to
enter into
agreements
and execute
contracts.

4E. Subject to such directions as may be given to it by the Central Government, the Authority shall be empowered to enter into agreements on behalf of the Central Government and execute contracts.

Procedure of
transaction of
business of
Authority.

4F. The Authority shall have power to regulate, by means of regulations made by it, its own procedure (including quorum at its meetings) and the conduct of all business to be transacted by it, the constitution of Committees and Sub-Committees of Members and the delegation to them any of the powers (excluding the power to make regulations under this Chapter) and to perform duties of the Authority.

4G. (1) For the purpose of enabling it efficiently to discharge its functions under this Act, the Central Government shall provide the Authority with such officers and other employees, and the Authority shall, subject to the rules as may be made by the Central Government in this behalf, appoint, whether on deputation or otherwise, such number of officers and other employees as it may deem necessary.

Appointment of officers and other employees of Authority.

(2) The salaries and allowances payable to, and the other terms and conditions of service of, the officers and other employees appointed for the purpose of the Authority, shall be such as may be prescribed.

4H. The salaries and allowances payable to the Vice-Chairman and other Members of the Authority and the administrative expenses including the salaries, allowances and pensions payable to the officers and other employees of the Authority shall be defrayed out of the Consolidated Fund of India.

Salaries, allowances, etc., to be defrayed out of Consolidated Fund of India.

4-I. (1) The Authority may, with the previous approval of the Central Government, make regulations, consistent with this Act and the rules made thereunder for carrying out the provisions of this Chapter.

Power of Authority to make regulations.

(2) Every regulation made by the Authority under this Chapter shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the regulation or both Houses agree that the regulation should not be made, the regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that regulation."

4. In section 11 of the principal Act, after clause (d), the following clause shall be inserted, namely:—

Amendment of section 11.

"(da) developing any railway land for commercial use;"

STATEMENT OF OBJECTS AND REASONS

As per the Ninth Plan document, the Railways can supplement their financial resources through non-tariff measures like commercial utilisation of land and the air space above such land. The Railways within the existing set up took up the commercial utilisation of land but the desired success could not be achieved. Further, development of property being a specialized field requires expertise, marketing acumen, innovative strategies and full time attention. It is, therefore, considered necessary to set up a separate authority to be called the Rail Land Development Authority under the Railways Act, 1989 which could exclusively deal with commercial development of railway land and the air space above such land. The Rail Land Development Authority is proposed to be set up by suitably amending the Railways Act, 1989, by inserting a new Chapter IIA therein. The Authority shall, *inter alia*,—

(a) prepare scheme or schemes for use of railway land in conformity with the provisions of the Act;

(b) develop railway land for commercial use as may be entrusted to it by the Central Government or a railway administration for the purpose of generating revenue by non-tariff measures;

(c) develop and provide consultancy, constructions and management services and undertake operations in India in relation to development of land and property; and

(d) undertake beautification of station surroundings and provide modern amenities to rail users, etc. through the commercial development route.

It is also proposed to amend section 11 of the Railways Act, 1989 so as to include commercial utilisation of railway land as part of the work of the Railways.

2. The Bill seeks to achieve the above objects.

LALU PRASAD.

FINANCIAL MEMORANDUM

Clause 3 of the Bill seeks to insert a new Chapter IIA in the Railways Act, 1989. The said chapter seeks to incorporate new sections 4A to 4-I in the Act. The proposed new section 4A provides for the establishment of a authority to be called the Rail Land Development Authority. The Authority shall consist of a Chairman, Vice-chairman and not more than four members including an expert from outside the Railway Board. The Member Engineering Railway Board shall be the Chairman, *ex-officio* of the Authority. The terms and conditions of appointment of the Vice-chairman and other members shall be determined by rules.

Proposed new section 4G provides that the Central Government shall provide the Authority with officers and other employees and the salaries and allowances payable to, and the other terms and conditions of service of, such officers and other employees of the Authority shall be determined by rules.

Proposed new section 4G provides that the salaries and allowances payable to the Vice-chairman and other members of the Authority and the administrative expenses including the salary and allowances payable to the officers and other employees of the Authority shall be defrayed out of the Consolidated Fund of India.

2. The recurring expenditure is estimated to be Rs. 75 lakhs per annum approximately.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 3 of the Bill provides for insertion of a new Chapter IIA (containing sections 4A to 4-I) relating to Railway Land Development Authority in the Railways Act, 1989.

Proposed new section 4C empowers the Central Government to make rules for laying down the terms and conditions of appointment of the Vice-Chairman and the other members of the Authority, other than the Chairman, and the manner of filling casual vacancies among them.

Sub-section (1) of proposed new section 4G empowers the Central Government to make rules regulating the appointment of officers and other employees of the Railway Land Development Authority. Sub-section (2) of the said section 4G empowers the Central Government to make rules laying down the salaries and allowances payable to and the other terms and conditions of service of the officers and other employees appointed by the Authority.

Proposed section 4-I empowers the Authority to make, with the previous approval of the Central Government, regulations, consistent with the provisions of the Act and the rules made thereunder for carrying out the provisions of new Chapter IIA.

The rules are required to be laid before Parliament under section 199 of the Railways Act, 1989. The regulations are required to be laid before Parliament under sub-section (2) of proposed section 4-I.

The matters in respect of which rules may be made by the Central Government or the regulations may be made by the Authority are matters of procedure and administrative details and it is not practicable to provide for them in the Bill itself. The delegation of legislative power is, therefore, of a normal character.

V

BILL NO. LIX OF 2004

A bill to repeal the Parel Investments and Trading Private Limited and Domestic Gas Private Limited (Taking Over of Management) Act, 1979.

WHEREAS for giving effect to the policy of the State towards securing the principle specified in clause (b) of article 39 of the Constitution, it was proposed to acquire the undertakings of the Parel Investments and Trading Private Limited (hereinafter referred to as "PITCL") as well as Domestic Gas Private Limited (hereinafter referred to as "DGPL") and collectively referred to as "the said Companies" so that the means and resources as to bottling, transporting, marketing and distribution of liquefied petroleum gas of the said Companies become vested in the State and thereby, are so distributed as best to subserve the common good;

AND WHEREAS pending the acquisition of the undertakings of the said Companies for the purpose of nationalisation of the business of bottling, transporting, marketing and distribution of liquid petroleum gas carried on by them, the management of the undertakings

29 of 1979.

of the said Companies was taken over by the Central Government by the Parel Investments and Trading Private Limited and Domestic Gas Private Limited (Taking Over of Management) Act, 1979, and the Hindustan Petroleum Corporation Limited was appointed as the Custodian of the said undertakings;

AND WHEREAS in terms of a Memorandum of Compromise entered into on the 11th April, 2002 by the said Companies and its certain shareholders on the one part and the Central Government and the Custodian on the other part, two separate Deeds of Assignment both dated the 2nd April, 2004 were executed between PITCL and DGPL respectively through the Custodian as the Assignors and the Central Government as the Assignee and registered with the Sub-Registrar of Assurances at Mumbai on the 2nd August, 2004, to assign, transfer and vest in the Central Government, the undertakings and business of the said Companies together with their assets and properties and more particularly described in sub-section (2) of section 3 of the said Act and in the manner set out in the said Memorandum of Compromise, but excluding the assets not to be taken over and to be handed over back to PITCL and DGPL respectively for the consideration and in the manner set out in the said Deeds;

AND WHEREAS in terms of the said Memorandum of Compromise two other separate Deeds of Assignment both dated the 2nd April, 2004 were executed between the Central Government and the Hindustan Petroleum Corporation Limited and registered with the Sub-Registrar of Assurances at Mumbai on the 2nd August, 2004, to assign, transfer and vest in the Hindustan Petroleum Corporation Limited the undertakings and business of the said Companies together with their assets and properties excluding the assets not to be taken over and to be handed over back to PITCL and DGPL respectively for the consideration and in the manner set out the said Deeds;

AND WHEREAS in pursuance of the execution of the aforesaid Deeds of Assignment and acquisition of undertakings of the said Companies by the Central Government and thereafter by the Hindustan Petroleum Corporation Limited, it has become necessary to repeal the said Act and to revest the management of the said Companies in respect of their business and assets other than those relating to liquefied petroleum gas through their respective board of directors, as may be appointed in accordance with the law for the time being in force.

BE it enacted by Parliament in the Fifty-fifth Year of the Republic of India as follows:—

1. This Act may be called the Parel Investments and Trading Private Limited and Domestic Gas Private Limited (Taking Over of Management) Repeal Act, 2004.

Short title.

29 of 1979. 2. (1) The Parel Investments and Trading Private Limited and Domestic Gas Private Limited (Taking Over of Management) Act, 1979 is hereby repealed.

Repeal and savings.

29 of 1979. (2) On the repeal of the Parel Investments and Trading Private Limited and Domestic Gas Private Limited (Taking Over of Management) Act, 1979, the management of the Parel Investments and Trading Private Limited and Domestic Gas Private Limited shall be vested and deemed to have been vested in the respective board of directors of the said Companies to be appointed after such repeal and possession of the assets of the said Companies relating to their business other than the business relating to liquefied petroleum gas and not taken over by the Central Government by the Act so repealed shall be deemed to have been taken over by, and continued with, the said Companies through their respective board of directors, as may be appointed in accordance with the law for the time being in force.

10 of 1897. 29 of 1979. (3) Notwithstanding such repeal and without prejudice to the provisions contained in the General Clauses Act, 1897 with respect to repeals, anything done or action taken including any agreement entered into under any provision of the Parel Investments and Trading Private Limited and Domestic Gas Private Limited (Taking Over of Management) Act, 1979, by the Central Government or the Custodian appointed by it shall continue to be in force and have effect as if this Act had not been passed.

STATEMENT OF OBJECTS AND REASONS

Parel Investments and Trading Company Limited (PITCL) and Domestic Gas Private Limited (DGPL) were distributors of Caltex (India) Limited for sale of its packed liquefied petroleum gas in southern and eastern India. The management of the said two companies was taken over by the Government and the Hindustan Petroleum Corporation Limited (HPCL) was appointed as the custodian by the Parel Investments and Trading Company Limited and Domestic Gas Private Limited (Taking Over of Management) Act, 1979, pending acquisition of their liquefied petroleum gas business.

2. Due to long standing litigation, a Memorandum of Compromise dated 11th April, 2002 was executed between the Parel Investments and Trading Company Limited and the Domestic Gas Private Limited on the one part and the Central Government and the Hindustan Petroleum Corporation Limited on the other part and two other separate Deeds of Assignment dated the 2nd April, 2004 were executed by which the conveyancing of liquefied petroleum gas business and related assets of the said two companies in favour of the Central Government and the Hindustan Petroleum Corporation Limited has since been effected.

3. It is proposed to reinvest the management of undertakings of the said two companies in so far as their non-liquefied petroleum gas business and assets are concerned as it was not the intention of the Central Government to acquire such business or assets. It is, therefore, proposed to give effect to the memorandum of compromise and Deeds of Assignment and return the non-liquefied petroleum gas business and assets of the said two companies to them by repealing the Parel Investments and Trading Company Limited and Domestic Gas Private Limited (Taking Over of Management) Act, 1979.

4. The Bill seeks to achieve the above objects.

MANI SHANKAR AIYAR.

VI

BILL No. LVII of 2004

A bill to declare the University of Allahabad to be an institution of national importance and to provide for its incorporation and matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Fifty-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the University of Allahabad Act, 2004.

Short title
and
commence-
ment.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act.

2. Whereas the objects of the University of Allahabad in the State of Uttar Pradesh are such as to make it an Institution of national importance, it is hereby declared that the said University is an Institution of national importance.

Declaration
of University
of Allahabad
as Institution
of national
importance.

Definitions.

3. In this Act, and in all Statutes made hereunder, unless the context otherwise requires, —

- (a) "Academic Council" means the Academic Council of the University;
- (b) "academic staff" means such categories of staff as are designated as academic staff by the Statutes;
- (c) "appointed day" means the date of establishment of the University of Allahabad under sub-section (1) of section 4;
- (d) "Centre" means a unit of the University or of a University Institute providing teaching, consultancy and research facilities;
- (e) "Chancellor" means the Chancellor of the University appointed under section 13;
- (f) "Constituent College" means a college prescribed as such by the Statutes;
- (g) "Constituent Institute" means an Institute prescribed as such by the Statutes;
- (h) "Court" means the Court of the University;
- (i) "Department" means a Department of a Faculty;
- (j) "Director" means the head of a University Institute or Constituent Institute;
- (k) "employee" means any person appointed by the University and includes teachers and other staff of the University;
- (l) "Executive Council" means the Executive Council of the University;
- (m) "Faculty" means a Faculty of the University;
- (n) "Finance Officer" means the Finance Officer of the University appointed under section 18;
- (o) "Ordinances" means the Ordinances of the University;
- (p) "Principal" means the head of a University College or a Constituent College;
- (q) "Pro-Vice-Chancellor" means the Pro-Vice-Chancellor of the University appointed under section 15;
- (r) "Registrar" means the Registrar of the University appointed under section 17;
- (s) "Regulations" means the Regulations of the University;
- (t) "Statutes" means the Statutes of the University;
- (u) "teacher" means Professors, Readers and Lecturers appointed or recognised by the University;
- (v) "University" means the University of Allahabad established and incorporated under section 4;
- (w) "University appointed teacher" means a teacher appointed by the University for imparting instruction and conducting research in the University or any college or institution maintained by the University;
- (x) "University College" means a college or an institution maintained by the University or admitted to the privileges of the University as a Faculty;
- (y) "University Institute" means an Institute, established and maintained by the University;

(z) "University recognized teacher" means a teacher recognized by the University for imparting instruction and conducting research in a college or institution admitted to the privileges of the University; and

(za) "Vice-Chancellor" means the Vice-Chancellor of the University appointed under section 14.

U.P. Act 10 of
1973.

4. (1) The University of Allahabad in the State of Uttar Pradesh, established under the Uttar Pradesh Universities Act, 1973, shall be established as a body corporate under this Act having perpetual succession and a common seal and shall, sue and be sued by the said name.

Incorporation
of University
of Allahabad.

(2) The first Chancellor, the first Vice-Chancellor and the first members of the Court, the Executive Council and the Academic Council, and all persons who may hereafter become such officers or members, so long as they continue to hold such office or membership, shall constitute the University.

(3) The headquarters of the University shall be at Allahabad.

5. On and from the appointed day, —

Effect of
incorporation
of Allahabad
University.

(a) any reference to the University of Allahabad in any law (other than this Act) or in any contract or other instrument shall be deemed as a reference to the University;

(b) all property, movable and immovable, of or belonging to the University of Allahabad shall vest in the University;

(c) all rights and liabilities of the University of Allahabad shall be transferred to, and be the rights and liabilities of, the University;

(d) every person employed by the University of Allahabad immediately before the appointed day shall hold his office or service in the University by the same tenure, at the same remuneration and upon the same terms and conditions and with the same rights and privileges as to pension, leave, gratuity, provident fund and other matters as he would have held the same if this Act had not been passed, and shall continue to do so unless and until his employment is terminated or until such tenure, remuneration and terms and conditions are duly altered by the Statutes:

Provided that if the alteration so made is not acceptable to such employee, his employment may be terminated by the University in accordance with the term of the contract with the employee or, if no provision is made therein in this behalf, on payment to him by the University of compensation equivalent to three months' remuneration in case of permanent employees and one month's remuneration in the case of other employees:

Provided further that every person employed before the appointed day, pending the execution of a contract under section 34, shall be deemed to have been appointed in accordance with the provisions of a contract consistent with the provisions of this Act and the Statutes:

Provided also that any reference, by whatever form of words, to the Vice-Chancellor and Pro-Vice-Chancellor of the University of Allahabad in any law for the time being in force, or in any instrument or other document, shall be construed as a reference respectively to the Vice-Chancellor and the Pro-Vice-Chancellor of the University;

U.P. Act 10 of
1973.

(e) the Vice-Chancellor of the University, appointed under the provisions of the Uttar Pradesh State Universities Act, 1973 shall be deemed to have been appointed as the Vice-Chancellor under this Act, and shall hold office for a period of three months or till such time the Vice-Chancellor is appointed, whichever is earlier.

Objects of
University.

6. The objects of the University shall be to disseminate and advance knowledge by providing instructional and research facilities in such branches of learning as it may deem fit; to make provisions for integrated courses in the Humanities, the Social Sciences, the basic and applied Science and Technology in the educational programmes of the University; to take appropriate measures for promoting innovations in teaching-learning process, interdisciplinary and professional studies and research, removal of gender disparities and the digital divide, and the application of knowledge to social advancement, national progress and human welfare; and to educate and train human resource for the development of the country.

Powers of
University.

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

(i) 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;

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

(iii) to confer honorary degrees or other distinctions in the manner prescribed by the Statutes;

(iv) to organise and to undertake open learning programmes, extramural studies, training and extension services;

(v) to institute Chairs, Principalships, Professorships, Readerships and Lecturerships and other teaching and academic positions, required by the University and to appoint persons to such Chairs, Principalships, Professorships, Readerships and Lecturerships and other teaching and academic positions;

(vi) to recognize persons as University recognized teachers;

(vii) to declare persons working in any other University or organisation, as teachers of the University;

(viii) to appoint, on contract or otherwise, visiting Professors, Emeritus Professors, Consultants, Scholars and such other persons who may contribute to the advancement of the objects of the University;

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

(x) to lay down conditions of service of all categories of employees, including their code of conduct;

(xi) to establish and maintain University Colleges and University Institutes for imparting instruction and conducting research;

(xii) to admit to its privileges colleges and institutions situated within the territorial jurisdiction of the University, as University Colleges, Constituent Institutes and Constituent Colleges, and to withdraw all or any of those privileges in accordance with such conditions as may be prescribed by the Statutes;

(xiii) to confer autonomous status on a college or an institution or a Department, as the case may be, and to withdraw such status, in accordance with the Statutes;

(xvi) to co-operate or collaborate or associate with any other University or authority or institution of higher learning in such manner as may be prescribed and for such purposes as the University may determine;

(xv) to determine standards of admission, including examination, evaluation or any other method of testing, to the University, and the institutions maintained by or admitted to the privileges of the University;

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

(xvii) to establish and recognise hostels and supervise the residence of the students of the University, make arrangements for promoting their health and general welfare and guide the Constituent Colleges to like ends in respect of the students enrolled thereat;

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

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

(xx) to receive benefactions, donations and gifts and to acquire, hold, manage and dispose off any property, movable or immovable, including trust and endowment properties, for the purposes of the University;

Provided that no immovable property shall be disposed off except with the prior approval of the Central Government;

(xxi) to borrow, with the approval of the Central Government, on the security of the property of the University, money for the purposes of the University; and

(xxii) 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.

8. (1) Save as otherwise provided by this Act, the powers conferred on the University shall be exercisable in respect of the area within a radius of sixteen kilometres from the Convocation Hall of the University, without prejudice to the territorial jurisdiction over the said area that may be assigned to any other University.

Jurisdiction.

(2) On and from the appointed day, all institutions admitted to the privileges of, or maintained by, the University of Allahabad as incorporated under the Uttar Pradesh State Universities Act, 1973 shall stand admitted to the privileges of, or maintained by, the University and shall be governed by such conditions as may be prescribed by Statutes.

U.P. Act 10 of
1973.

9. The University shall be open to all persons of either sex and of whatever caste, creed, race 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 appointed as a teacher of the University or to hold any office therein or be admitted as a student in the University or to graduate thereat or to enjoy or exercise any privilege thereof:

University
open to all
persons
irrespective
of gender,
class or creed.

Provided that nothing in this section shall be deemed to prevent the University from making special provisions for the employment or admission of women, physically handicapped or of persons belonging to the weaker sections of the society and, in particular, of the Scheduled Castes and the Scheduled Tribes.

10. (1) The President of India shall be the Visitor of the University.

The Visitor.

(2) The Visitor may, from time to time, appoint one or more persons to review the work and progress of the University, including the colleges and institutions maintained by it, and to submit a report thereon; and upon receipt of such report, the Visitor may, after obtaining the views of the Executive Council thereon through the Vice-Chancellor, take such action and issue such directions as he considers necessary in respect of any of the matters dealt within the report and the University shall be bound to comply with such directions.

(3) The Visitor shall have the right to cause an inspection to be made, by such person or persons as he may direct, of the University, its buildings, laboratories and equipment, and

of any college or institution maintained by the University or admitted to its privileges; 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 or finances of the University, and the said colleges and institutions.

(4) The Visitor shall, in every matter referred to in sub-section (3), give notice of his intention to cause an inspection or inquiry to be made—

(a) to the University, if such inspection or inquiry is to be made in respect of the University or any college or institution maintained by it, or

(b) to the Management of the college or institution, if the inspection or inquiry is to be made in respect of a college or institution admitted to the privileges of the University, and the University or the Management, as the case may be, shall have the right to make such representations to the Visitor, as it may consider necessary.

(5) After considering the representations, if any, made by the University or the Management, as the case may be, the Visitor may cause to be made such inspection or inquiry as is referred to in sub-section (3).

(6) Where any inspection or inquiry has been caused to be made by the Visitor, the University or the Management shall be entitled to appoint a representative, who shall have the right to be present and be heard at such inspection or inquiry.

(7) The Visitor may, if the inspection or inquiry is made in respect of the University or any college or institution maintained by it, address the Vice-Chancellor with reference to the result of such inspection or inquiry together with such views and advice with regard to the action to be taken thereon, as the Visitor may be pleased to offer, and on receipt of address made by the Visitor, the Vice-Chancellor shall communicate to the Executive Council, the views of the Visitor with such advice as the Visitor may offer upon the action to be taken thereon.

(8) The Visitor may, if the inspection or inquiry is made in respect of any college or institution admitted to the privileges of the University, address the Management concerned through the Vice-Chancellor with reference to the result of such inspection or inquiry, his views thereon and such advice as he may be pleased to offer upon the action to be taken thereon.

(9) The Executive Council or the Management, as the case may be, communicate, through the Vice-Chancellor to the Visitor such action, if any, as it proposes to take or has been taken upon the result of such inspection or inquiry.

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

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

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

(12) The Visitor shall have such other powers as may be prescribed by the Statutes.

Chief Rector.

11. The Governor of the State of Uttar Pradesh shall be the Chief Rector of the University.

12. The following shall be the officers of the University,—Officers of
University.

- (1) the Chancellor;
- (2) the Vice-Chancellor;
- (3) the Pro-Vice-Chancellor;
- (4) the Deans of Faculties;
- (5) the Registrar;
- (6) the Finance Officer; and

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

13. (1) The Chancellor shall be appointed by the Visitor in such manner as may be prescribed by the Statutes.

The
Chancellor.

(2) The Chancellor shall, by virtue of his office, be the head of the University and shall, if present, preside at the Convocations of the University held for conferring degrees and meetings of the Court.

14. (1) The Vice-Chancellor shall be appointed by the Visitor in such manner and on such terms and conditions of service as may be prescribed by the Statutes.

The Vice-
Chancellor.

(2) The Vice-Chancellor shall be the principal executive and academic officer of the University and shall exercise general supervision and control over the affairs of the University and give effect to the decisions of all 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 report to such authority the action taken by him on such matter:

Provided that such exercise of power shall be made only in emergent situations and in no case in respect of creation, and upgradation of posts and appointments thereto:

Provided further that if the authority concerned is of the opinion that such action ought not to have been taken, it may refer the matter to the Visitor whose decision thereon shall be final:

Provided also that any person in the service of the University who is aggrieved by the action taken by the Vice-Chancellor under this sub-section shall have the right to appeal against such action to the Executive Council within three months from the date on which decision on such action is communicated to him and thereupon the Executive Council may confirm, modify or reverse the action taken by the Vice-Chancellor.

(4) The Vice-Chancellor, if he is of the opinion that any decision of any authority of the University is beyond the powers of the authority conferred by the provisions of this Act, the Statutes or the Ordinances or that any decision taken is not in the interest of the University, may ask the authority concerned to review its decision within sixty days of such decision and if the authority refuses to review the decision either in whole or in part or no decision is taken by it within the said period of sixty days, the matter shall be referred to the Visitor whose decision thereon shall be final.

(5) The Vice-Chancellor shall exercise such other powers and perform such other duties as may be prescribed by the Statutes or the Ordinances.

15. The Pro-Vice-Chancellor shall be appointed in such manner and on such terms and conditions of service, and shall exercise such powers and perform such duties, as may be prescribed by the Statutes.

The Pro-Vice-
Chancellor.

- The Deans of Faculties. 16. Every Dean of Faculty shall be appointed in such manner and shall exercise such powers and perform such duties as may be prescribed by the Statutes.
- The Registrar. 17. (1) The Registrar shall be appointed in such manner and on such terms and conditions of service as may be prescribed by the Statutes.
- (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 powers and perform such duties as may be prescribed by the Statutes.
- The Finance Officer. 18. The Finance Officer shall be appointed in such manner and on such terms and conditions of service, and shall exercise such powers and perform such duties, as may be prescribed by the Statutes.
- Other officers. 19. The manner of appointment and powers and duties of other officers of the University shall be prescribed by the Statutes.
- Authorities of University. 20. The following shall be the authorities of the University,—
- (1) the Court;
 - (2) the Executive Council;
 - (3) the Academic Council;
 - (4) the Boards of Faculties;
 - (5) the Finance Committee; and
 - (6) such other authorities as may be declared by the Statutes to be authorities of the University.
- The Court. 21. (1) The constitution of the Court and the term of office of its members shall be prescribed by the Statutes.
- (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 to suggest measures for the improvement and development of the University;
 - (b) to consider and pass resolutions on the annual report and annual accounts of the University and the audit report on such accounts;
 - (c) to advise the Visitor in respect of any matter which may be referred to it for advice; and
 - (d) to perform such other functions as may be prescribed by the Statutes.
- The Executive Council. 22. (1) The Executive Council shall be the principal executive body of the University.
- (2) The constitution of the Executive Council, the term of office of its members and its powers and functions shall be prescribed by the Statutes.
- The Academic Council. 23. (1) The Academic Council shall be the principal academic body of the University and shall, subject to the provisions of this Act, the Statutes and the Ordinances, co-ordinate and exercise general supervision over the academic policies of the University.
- (2) The constitution of the Academic Council, the term of office of its members and its powers and functions shall be prescribed by the Statutes.
- The Finance Committee. 24. The constitution, powers and functions of the Finance Committee shall be prescribed by the Statutes.
- Other authorities. 25. The constitution, powers and functions of the Boards of Faculties and such other authorities as may be declared by the Statutes to be authorities of the University shall be prescribed by the Statutes.

26. (1) The University shall have such Faculties as are prescribed by the Statutes.

The Faculties
and
Departments.

(2) Each Faculty shall have such Departments as are prescribed by the Statutes, and each Department shall have such subjects of study as may be assigned to it by the Ordinances.

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

Power to
make
Statutes.

(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 and bodies, the filling up of vacancies of members, and all other matters relating to those authorities and other bodies for which it may be necessary or desirable to provide;

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

(d) the appointment of teachers, academic staff and other employees of the University, their emoluments and conditions of service;

(e) the recognition of persons as University recognized teachers.

(f) the declaration of persons working in other Universities or other organisations as teachers of the University for a specified period;

(g) the conditions of service of employees of the University including provisions for pension, insurance and provident fund, the manner of termination of service and disciplinary action relating to such employees;

(h) the principles governing the seniority of service of the employees of the University;

(i) the procedure for arbitration in cases of dispute between employees or students and the University;

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

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

(l) the establishment and abolition of Faculties, Departments, University Institutes, Centres and University Colleges;

(m) the conferment of autonomous status on a college or institution or a Department and the withdrawal of such status;

(n) the conferment of honorary degrees;

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

(p) the registration of graduates;

(q) the delegation of powers vested in the authorities or officers of the University;

(r) the maintenance of discipline among the employees and students; and

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

28. (1) The First Statutes are those set out in the Schedule.

Statutes, how
to be made.

(2) The Executive Council may, from time to time, make new or additional Statutes or may amend or repeal the Statutes referred to in sub-section (1):

Provided that the Executive Council shall not make, amend or repeal any Statute 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.

(3) Every new Statute or addition to the Statutes or any amendment or repeal of a Statute shall require the assent of the Visitor who may assent thereto or withhold assent or remit to the Executive Council for re-consideration.

(4) A new Statute or a Statute amending or repealing an existing Statute shall have no validity unless it has been assented to by the Visitor.

(5) Notwithstanding anything contained in the foregoing sub-sections, the Visitor may make new or additional Statutes, or amend or repeal the Statutes referred to in sub-section (1), during the period of three years immediately after the commencement of this Act:

Provided that the Visitor may, on the expiry of the said period of three years, make, within one year from the date of such expiry, such detailed Statutes as he may consider necessary and such detailed Statutes shall be laid before both Houses of Parliament.

(6) Notwithstanding anything contained in this section, the Visitor 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 direction within sixty days of its receipt, the Visitor may, after considering the reasons, if any, communicated by the Executive Council for its inability to comply with such direction, make or amend the Statutes suitably.

Power to
make
Ordinances.

29. (1) Subject to the provisions of this Act and the Statutes, the Ordinances may provide for all or any of the following matters, namely:—

(a) the admission and enrolment of students to the University and institutions maintained by or admitted to the privileges of the University;

(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 degrees, diplomas, certificates 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 and diplomas of the University;

(f) the institution of, and conditions for 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 students of the University;

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

(j) the establishment of Centres, University Institutes, Boards of Studies, Specialised Laboratories and Committees;

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

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

(m) the setting up of a machinery for redressal of grievances of employees; and

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

(2) The first Ordinances shall be made by the Vice-Chancellor with the previous approval of the Central Government and the Ordinances so made may be amended, repealed or added to at any time by the Executive Council in the manner prescribed by the Statutes.

30. The authorities of the University may make Regulations consistent with this Act, the Statutes and the Ordinances for the conduct of their own business and that of the Committees, if any, appointed by them and not provided for by this Act, the Statutes or the Ordinances and for such matters as may be prescribed by the Statutes or the Ordinances.

Regulations.

31. (1) The annual report of the University shall be prepared under the direction of the Executive Council, which shall include, among other matters, the steps taken by the University towards the fulfilment of its objects and shall be submitted to the Court on or after such date as may be prescribed by the Statutes and the Court shall consider the report in its annual meeting.

Annual report.

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

(3) A copy of the annual report, as prepared under sub-section (1), shall also be submitted to the Central Government, which shall, as soon as may be, cause the same to be laid before both Houses of Parliament.

32. (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 the Comptroller and Auditor-General of India or by such persons as he may authorise in this behalf.

Accounts and audit.

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

(3) Any observations made by the Visitor on the annual accounts shall be brought to the notice of the Court and the observations of the Court, if any, shall, after being considered by the Executive Council, be submitted to the Visitor.

(4) A copy of the annual accounts together with the audit report as submitted to the Visitor, shall also be submitted to the Central Government, which shall, as soon as may be, cause the same to be laid before both Houses of Parliament.

(5) The audited annual accounts after having been laid before both Houses of Parliament shall be published in the Gazette of India.

33. The University shall furnish to the Central Government such returns or other information with respect to its property or activities as the Central Government may, from time to time, require.

Furnishing returns, etc.

34. (1) Every employee of the University shall be appointed under a written contract, which shall be lodged with the University and a copy of which shall be furnished to the employee concerned.

Conditions of service of employees.

(2) Any dispute arising out of the contract between the University and any employee shall, at the request of the employee, be referred to a Tribunal of Arbitration consisting of one member appointed by the Executive Council, one member nominated by the employee concerned and an umpire appointed by the Visitor.

(3) The decision of the Tribunal shall be final and no suit shall lie in any civil court in respect of the matters decided by the Tribunal.

(4) Every request made by the employee under sub-section (2), shall be deemed to be a submission to arbitration upon the terms of this section within the meaning of the Arbitration and Conciliation Act, 1996.

26 of 1996.

(5) The procedure for regulating the work of the Tribunal shall be prescribed by the Statutes.

Procedure of
appeal and
arbitration in
disciplinary
cases against
students.

35. (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 Vice-Chancellor, Discipline Committee or Examination Committee, 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 orders or copy of such resolution by him, appeal to the Executive Council and the Executive Council may confirm, modify or reverse the decision of the Vice-Chancellor or the Committee, as the case may be.

(2) Any dispute arising out of any disciplinary action taken by the University against a student shall, at the request of such student, be referred to a Tribunal of Arbitration and the provisions of sub-sections (2), (3), (4) and (5) of section 34 shall, as far as may be, apply to a reference made under this sub-section.

Right to
appeal.

36. Every employee or student of the University or of an Institution maintained by the University or admitted to its privileges shall, notwithstanding anything contained in this Act, have a right to appeal within such time as may be prescribed by the Statutes, to the Executive Council against the decision of any officer or authority of the University, and thereupon the Executive Council may confirm, modify or reverse the decision appealed against.

Provident and
pension funds.

37. (1) The University shall constitute for the benefit of its employees such provident or pension fund or provide such insurance schemes as it may deem fit in such manner and subject to such conditions as may be prescribed by the Statutes.

(2) Where such provident fund or pension fund has been so constituted, the Central Government may declare that the provisions of the Provident Funds Act, 1925, shall apply to such fund as if it were a Government provident fund.

19 of 1925.

Disputes as to
constitution
of authorities
and bodies.

38. If any question arises as to whether any person has been duly appointed or elected as, or is entitled to be, a member of any authority or other body of the University, the matter shall be referred to the Visitor whose decision thereon shall be final.

Filling of
casual
vacancies.

39. All casual vacancies among the members, other than *ex officio* members, of any authority or other body of the University shall be filled, as soon as may be, by the person or body who appoints, elects or co-opts the member whose place has become vacant and person appointed, elected or co-opted to a casual vacancy shall be a member of such authority or body for the residue of the term for which the person whose place he fills would have been member.

Proceedings of
authorities or
bodies not
invalidated by
vacancies.

40. 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.

Protection of
action taken in
good faith.

41. No suit or other legal proceeding shall lie against any officer or other employee of the University for anything which is in good faith done or intended to be done in pursuance of any of the provisions of this Act, the Statutes or the Ordinances.

Mode of
proof of
University
record.

42. Notwithstanding anything contained in the Indian Evidence Act, 1872 or in any other law for the time being in force, a copy of any receipt, application, notice, order, proceeding or resolution of any authority or other body of the University, or any other document in possession of the University, or any entry in any register duly maintained by the University, if certified by the Registrar, shall be received as *prima facie* evidence of such receipt, application, notice, order, proceeding, resolution or document or the existence of entry in the

1 of 1872.

register and shall be admitted as evidence of the matters and transactions therein where the original thereof would, if produced, have been admissible in evidence.

43. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:

Power to
remove
difficulties.

Provided that no such order shall be made under this section after the expiry of three years from the commencement of this Act.

(2) Every order made under sub-section (1) shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the order or both Houses agree that the order should not be made, the order shall thereafter have effect only in such modified form or be of no effect as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that order.

44. (1) Every Statute, Ordinance or Regulation made under this Act shall be published in the Official Gazette.

Statutes,
Ordinances
and
Regulations
to be
published in
the Official
Gazette and
to be laid
before
Parliament.

(2) Every Statute, Ordinance or Regulation made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the Statute, Ordinance or Regulation or both Houses agree that the Statute, Ordinance or Regulation should not be made, the Statute, Ordinance or Regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that Statute, Ordinance or Regulation.

(3) The power to make Statutes, Ordinances or Regulations shall include the power to give retrospective effect, from a date not earlier than the date of commencement of this Act, to the Statute, Ordinance or Regulations or any of them but no retrospective effect shall be given to any Statute, Ordinance or Regulation so as to prejudicially affect the interests of any person to whom such Statute, Ordinance or Regulation may be applicable.

45. (1) Notwithstanding anything contained in this Act and the Statutes,—

Transitional
provisions.

(a) the first Chancellor and the first Vice-Chancellor shall be appointed by the Central Government in such manner and on such conditions as may be deemed fit and each of the said officers shall hold office for such term, not exceeding five years, as may be specified by the Central Government;

(b) the first Registrar and the first Finance Officer shall be appointed by the Central Government and each of the said officers shall hold office for a term of three years;

(c) the first Court and the first Executive Council shall consist of not more than thirty-one members and fifteen members, respectively, who shall be nominated by the Central Government and shall hold office for a term of three years;

(d) the first Academic Council shall consist of not more than thirty-one members, who shall be nominated by the Central Government and shall hold office for a term of three years:

Provided that if any vacancy occurs in the above-mentioned offices or authorities, the same shall be filled by appointment or nomination, as the case may be, by the Central Government, and the person so appointed or nominated shall hold office for so long as the officer or member in whose place he is appointed or nominated would have held office if such vacancy had not occurred.

(2) Till such time as the first Ordinances are not made under sub-section (2) of section 29, in respect of the matters that are to be provided for by the Ordinances under this Act and Statutes, the relevant provisions of the Statutes and the Ordinances made immediately before the commencement of this Act under the provisions of the Uttar Pradesh State Universities Act, 1973 shall be applicable insofar as they are not inconsistent with the provisions of this Act and the Statutes.

U.P. Act 10
of 1973.

Amendment
of U. P. Act
10 of 1973.

46. (1) In the Uttar Pradesh State Universities Act, 1973,—

(a) the word "Allahabad", except in clause (b) of sub-section (2) of section 12, sub-section (1) of section 31B, clause (b) of sub-section (1) of section 74, clause (j) of sub-section (3) of section 74, and entries relating to Serial No. 5 in the Schedule, wherever it occurs, shall be omitted;

(b) in the Schedule, Serial No. 2 and the entries relating thereto shall be omitted.

(2) Notwithstanding such omission,—

(a) all appointments made, orders issued, degrees and other academic distinctions conferred, diplomas and certificates awarded, privileges granted, or other things done (including the registration of graduates) under the Uttar Pradesh State Universities Act, 1973, shall be deemed to have been respectively made, issued, conferred, awarded, granted or done under the corresponding provisions of this Act and, except as otherwise provided by or this Act or the Statutes, continue in force unless and until they are superseded by any order made under this Act or the Statutes; and

U.P. Act 10
of 1973.

(b) all proceedings of Selection Committees for the appointment or promotion of teachers that took place before the commencement of this Act and all actions of the Executive Council in respect of the recommendations of such Selection Committees where no orders of appointment on the basis thereof were passed before the commencement of this Act shall, notwithstanding that the procedure for selection has been modified by this Act, be deemed to have been valid but further proceeding in connection with such pending selections shall be taken in accordance with the provisions of this Act and be continued from the stage where they stood immediately before such commencement, except if the concerned authorities take, with the approval of the Visitor, a decision to the contrary.

THE SCHEDULE

(See section 28)

THE STATUTES OF THE UNIVERSITY

1. (1) The Chancellor shall be appointed by the Visitor from a panel of not less than three persons recommended by the Executive Council from amongst persons of eminence in the academic or public life of the country:

The
Chancellor.

Provided that if the Visitor does not approve of any of the persons so recommended, he may call for fresh recommendations from the Executive Council.

(2) The Chancellor shall hold office for a term of five years and shall not be eligible for re-appointment:

Provided that notwithstanding the expiry of his term of office the Chancellor shall continue to hold office until his successor enters upon his office.

2. (1) The Vice-Chancellor shall be appointed by the Visitor from a panel of not less than three persons who shall be recommended by a Committee as constituted under clause (2):

The Vice-
Chancellor.

Provided that if the Visitor does not approve of any of the persons included in the panel, he may call for an extended or a fresh panel.

(2) The Committee referred to in clause (1) shall consist of three persons, out of whom two shall be nominated by the Executive Council and one by the Visitor and the nominee of the Visitor shall be the convener of the Committee:

Provided that none of the members of the Committee shall be an employee of the University or an institution maintained by, or admitted to the privileges of, the University or a member of any authority of the University.

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

(4) The Vice-Chancellor shall hold office for a term of five years from the date on which he enters upon his office, or until he attains the age of sixty-five years, whichever is earlier, and he shall not be eligible for re-appointment:

Provided that notwithstanding the expiry of the said period of five years, he shall continue in office until his successor is appointed and enters upon his office:

Provided further that the Visitor may direct any Vice-Chancellor after his term has expired, to continue in office for such period, not exceeding a total period of one year, as may be specified by him or till his successor is appointed and enters upon his office, whichever is earlier.

(5) The emoluments and other conditions of service of the Vice-Chancellor shall be as follows:—

(i) the Vice-Chancellor shall be paid a monthly salary and allowances, other than house rent allowance, at the rates fixed by the Central Government from time to time and he shall be entitled, without payment of rent, to use a furnished residence throughout his term of office and no charge shall fall on the Vice-Chancellor in respect of the maintenance of such residence;

(ii) the Vice-Chancellor shall be entitled to such terminal benefits and allowances as may be fixed by the Central Government from time to time:

Provided that where an employee of the University, or a college or an institution maintained by, or admitted to the privileges of, the University, or of any other University or any college or institution maintained by or admitted to the privileges of, such other University, is appointed as the Vice-Chancellor, he may be allowed to continue to contribute to any

provident fund of which he is a member and the University shall contribute to the account of such person in that provident fund at the same rate at which the person had been contributing immediately before his appointment as the Vice-Chancellor:

Provided further that where such employee had been member of any pension scheme, the University shall make the necessary contribution to such scheme;

(iii) the Vice-Chancellor shall be entitled to travelling allowance at such rates as may be fixed by the Executive Council;

(iv) the Vice-Chancellor shall be entitled to leave on full pay at the rate of thirty days in a calendar year and the leave shall be credited to his account in advance in two half-yearly instalments of fifteen days each on the first day of January and July every year:

Provided that if the Vice-Chancellor assumes or relinquishes charge of the office of the Vice-Chancellor during the currency of a half year, the leave shall be credited proportionately at the rate of two and-a-half days for each completed month of service;

(v) in addition to the leave referred to in sub-clause (iv), the Vice-Chancellor shall also be entitled to half-pay leave at the rate of twenty days for each completed year of service, and half-pay leave may also be availed of as commuted leave on full pay on medical certificate:

Provided that when such commuted leave is availed of, twice the amount of half-pay leave shall be debited against half-pay leave due.

(6) If the office of the Vice-Chancellor becomes vacant due to death, resignation or otherwise, or if he is unable to perform his duties due to ill-health or any other cause, the Pro-Vice-Chancellor shall perform the duties of the Vice-Chancellor:

Provided that if the Pro-Vice-Chancellor is not available, the senior most Professor shall perform the duties of the Vice-Chancellor until a new Vice-Chancellor assumes office or until the existing Vice-Chancellor resumes the duties of his office, as the case may be.

Powers and
duties of the
Vice-
Chancellor.

3. (1) The Vice-Chancellor shall be *ex officio* Chairman of the Executive Council, the Academic Council and the Finance Committee and shall, in the absence of the Chancellor, preside at the Convocations held for conferring degrees and at meetings of the Court.

(2) The Vice-Chancellor shall be entitled to be present at, and address, any meeting of any authority or other body of the University, but shall not be entitled to vote thereat unless he is a member of such authority or body.

(3) It shall be the duty of the Vice-Chancellor to see that this Act, the Statutes, the Ordinances and the Regulations are duly observed and he shall have all the powers necessary to ensure such observance.

(4) The Vice-Chancellor shall have all the powers necessary for the proper maintenance of discipline in the University and he may delegate any such powers to such person or persons as he deems fit.

(5) The Vice-Chancellor shall have the power to convene or cause to be convened the meetings of the Executive Council, the Academic Council and the Finance Committee.

Pro-Vice-
Chancellor.

4. (1) The Pro-Vice-Chancellor shall be appointed by the Executive Council on the recommendation of the Vice-Chancellor:

Provided that where the recommendation of the Vice-Chancellor is not accepted by the Executive Council, the matter shall be referred to the Visitor who may either appoint the person recommended by the Vice-Chancellor or ask the Vice-Chancellor to recommend another person to the Executive Council:

Provided further that the Executive Council may, on the recommendation of the Vice-Chancellor, appoint a Professor to discharge the duties of a Pro-Vice-Chancellor in addition to his own duties as a Professor.

(2) The term of office of a Pro-Vice-Chancellor shall be such as may be decided by the Executive Council but it shall not in any case exceed five years or until the expiration of the term of office of the Vice-Chancellor, whichever ever is earlier:

Provided that a Pro-Vice-Chancellor whose term of office has expired shall be eligible for re-appointment:

Provided further that, in any case, a Pro-Vice-Chancellor shall retire on attaining the age of sixty-five years:

Provided also that a Pro-Vice-Chancellor shall, while discharging the duties of the Vice-Chancellor under clause (6) of Statute 1, continue in office notwithstanding the expiration of his term of office as Pro-Vice-Chancellor, until the Vice-Chancellor resumes office or a new Vice-Chancellor assumes office, as the case may be.

(3) The emoluments and other terms and conditions of service of a Pro-Vice-Chancellor shall be such as may be prescribed by the Ordinances.

(4) The Pro-Vice-Chancellor shall assist the Vice-Chancellor in respect of such matters as may be specified by the Vice-Chancellor in this behalf, from time to time, and shall also exercise such powers and perform such duties as may be assigned or delegated to him by the Vice-Chancellor.

5. (1) Every Dean of Faculty shall be appointed by the Vice-Chancellor from amongst the Professors in the Faculty by rotation in the order of seniority for a period of three years:

Deans of
Faculties.

Provided that in case there is only one Professor or no Professor in a Faculty, the Dean shall be appointed, for the time being, from amongst the Professor, if any, and the Readers in the Faculty by rotation in the order of seniority:

Provided further that in the case of a Faculty comprising a University College, the Principal of such University College shall be the *ex officio* Dean of the Faculty.

(2) When the office of the Dean is vacant or when the Dean is, by reason of illness, absence or any other cause, unable to perform duties of his office, the duties of the office shall be performed by the senior-most Professor or Reader, as the case may be, in the Faculty.

(3) The Dean shall be the *ex officio* Chairman of the Board of the Faculty and shall be responsible for the conduct and maintenance of the standards of teaching and research in the Faculty and shall have such other functions as may be prescribed by the Ordinances.

(4) The Dean shall have the right to be present and to speak at any meeting of the Boards of Studies or Committees of the Faculty, but shall not have the right to vote thereat unless he is a member thereof.

(5) Notwithstanding anything contained in clause (1), every teacher serving as Dean of a Faculty immediately before the appointed day, shall continue as such up to the date on which he would have continued as Dean if the Act had not been enacted and thereafter the Dean of the concerned Faculty shall be appointed in accordance with the provisions of clause (1) above.

6. (1) The Registrar shall be appointed by the Executive Council on the recommendation of a Selection Committee constituted for the purpose and shall be a whole-time salaried officer of the University.

Registrar.

(2) He shall be appointed for a term of five years and shall be eligible for re-appointment.

(3) The emoluments and other terms and conditions of service of the Registrar shall be such as may be prescribed by the Ordinances:

Provided that the Registrar shall retire on attaining the age of sixty years:

Provided further that a Registrar shall, notwithstanding his attaining the age of sixty years, continue in office until his successor is appointed and enters upon his office or until the expiry of a period of one year, whichever is earlier.

(4) When the office of the Registrar is vacant or when the Registrar is, by reason of illness, absence or any other cause, unable to perform the duties of his office, the duties of the office shall be performed by such person as the Vice-Chancellor may appoint for the purpose.

(5) (a) The Registrar shall have power to take disciplinary action against such of the employees, excluding teachers and other academic staff, as may be specified in the order of the Executive Council and to suspend them pending inquiry, to administer warnings to them or to impose on them the penalty of censure or the withholding of increment:

Provided that no such penalty shall be imposed unless the person has been given a reasonable opportunity of showing cause against the action proposed to be taken in regard to him.

(b) An appeal shall lie to the Vice-Chancellor against any order of the Registrar imposing any of the penalties specified in sub-clause (a).

(c) In a case where the inquiry discloses that a punishment beyond the power of the Registrar is called for, the Registrar shall, upon the concluding of the inquiry, make a report to the Vice-Chancellor along with his recommendations:

Provided that an appeal shall lie to the Executive Council against an order of the Vice-Chancellor imposing any penalty.

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

(7) It shall be the duty of the Registrar —

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

(b) to issue all notices convening meetings of the Court, the Executive Council, and the Academic Council, the college development council and of any Committees appointed by those authorities;

(c) to keep the minutes of all the meetings of the Court, the Executive Council and the Academic Council and of any Committees appointed by those authorities;

(d) to conduct the official correspondence of the Court, the Executive Council and the Academic Council;

(e) to arrange for and superintend the examinations of the University in the manner prescribed by the Ordinances;

(f) to supply to the Visitor copies of the agenda of the meetings of the authorities of the University as soon as they are issued and the minutes of such meetings;

(g) to represent the University in suits or proceedings by or against the University, sign powers of attorney and verify pleadings or depute his representative for the purpose; and

(h) to perform such other duties as may be specified in the Statutes, the Ordinances or the Regulations or as may be required from time to time by the Executive Council or the Vice-Chancellor.

The Finance
Officer.

7. (1) The Finance Officer shall be appointed by the Executive Council on the recommendations of a Selection Committee constituted for the purpose and he shall be a whole-time salaried officer of the University.

(2) The Finance Officer shall be appointed for a term of five years and shall be eligible for re-appointment.

(3) The emoluments and other terms and conditions of service of the Finance Officer shall be such as may be prescribed by the Ordinances:

Provided that the Finance Officer shall retire on attaining the age of sixty years:

Provided further that the Finance Officer shall, notwithstanding his attaining the age of sixty years, continue in office until his successor is appointed and enters upon his office or until the expiry of a period of one year, whichever is earlier.

(4) When the office of the Finance Officer is vacant or when the Finance Officer is, by reason of illness, absence or any other cause, unable to perform the duties of his office, the duties of the office shall be performed by such person as the Vice-Chancellor may appoint for the purpose.

(5) The Finance Officer shall be *ex officio* Secretary of the Finance Committee, but shall not be deemed to be a member of such Committee.

(6) The Finance Officer shall —

(a) exercise general supervision over the funds of the University and shall advise it as regards its financial policy; and

(b) perform such other financial functions as may be assigned to him by the Executive Council or as may be prescribed by the Statutes or the Ordinances.

(7) Subject to the control of the Executive Council, the Finance Officer shall —

(a) hold and manage the property and investments of the University including trust and endowed property;

(b) ensure that the limits fixed by the Executive Council for recurring and non-recurring expenditure for a year are not exceeded and that all moneys are expended on the purpose for which they are granted or allotted;

(c) be responsible for the preparation of annual accounts and the budget of the University and for their presentation to the Executive Council;

(d) keep a constant watch on the state of the cash and bank balances and on the state of investments;

(e) watch the progress of the collection of revenue and advise on the methods of collection employed;

(f) ensure that the registers of buildings, land, furniture and equipment are maintained up-to-date and that stock-checking is conducted; of equipment and other consumable materials in all offices, Departments, University Institutes, Centres and Specialised Laboratories;

(g) bring to the notice of the Vice-Chancellor unauthorised expenditure and other financial irregularities and suggest disciplinary action against persons at fault; and

(h) call for from any office, Department, University Institute, independent Centre, Specialised Laboratory or User Facility maintained by the University any information or returns that he may consider necessary for the performance of his duties.

(8) Any receipt given by the Finance Officer or the person or persons duly authorised in this behalf by the Executive Council for any money payable to the University shall be sufficient discharge for payment of such money.

The Court.

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

(a) *Ex officio Members*

- (i) the Chancellor;
- (ii) the Vice-Chancellor;
- (iii) the Pro-Vice-Chancellor, if any;
- (iv) the members of the Executive Council other than the Vice-Chancellor, the Pro-Vice-Chancellor and the Deans of Faculties;
- (v) the Deans of Faculties;
- (vi) the Finance Officer;
- (vii) the Dean of Research and Development, in case he is not a member under any other provision of this sub-clause;
- (viii) the Dean of College Development, in case he is not a member under any other provision of this sub-clause;
- (ix) the Librarian;
- (x) such Heads of Departments, Directors of University Institutes, Directors of Constituent Institutes and Heads of Centres which are not comprised in any University Institute, as are not members under any other provision of this sub-clause; and
- (xi) two Principals of Constituent Colleges, to be selected by rotation in the order of length of substantive service as Principals.

(b) *Representatives of the academic staff*

- (i) five Professors, three Readers and three Lecturers from among the University appointed teachers of the Faculties, to be selected by rotation in the order of seniority;
- (ii) one Professor, one Reader and one Lecturer from among the University recognized teachers of the University Colleges, to be selected by rotation in the order of seniority;
- (iii) two Professors, two Readers and two Lecturers from among the teachers of the University Institutes, to be selected by rotation in the order of seniority;
- (iv) two Professors, one Reader and one Lecturer from among the University recognized teachers of the Constituent Institutes, to be selected by rotation in the order of seniority; and
- (v) six persons from among the University recognized teachers of the Constituent Colleges, to be selected by rotation in the order of seniority, of whom at least two shall be Lecturers.

(c) *Representatives of Students*

one student from each group of subjects assigned to the Faculties who, having secured the highest marks in that group of subjects at the preceding degree examination of the University, is pursuing a course of study for a Post-graduate degree in the same group of subjects in the University or in a college or institution maintained by the University or admitted to the privileges of the University;

Provided that a representative of students shall no longer continue as such representative on the termination of his enrolment as a student.

(d) Representatives of Registered Graduates

ten representatives of the registered Graduates, not being persons in the service or students of the University or an institution maintained by or admitted to the privileges of the University or a member of the management of such institution, to be co-opted by the Court in accordance with the procedure laid down in the Regulations.

(e) Representatives of Parliament

(i) three representatives of Parliament, two to be nominated by the Speaker of the Lok Sabha and one by the Chairman of the Rajya Sabha, from amongst the members thereof:

Provided that consequent upon a Member of Parliament becoming a Minister or Speaker/Deputy Speaker, Lok Sabha or Deputy Chairman, Rajya Sabha, his nomination shall be deemed to have been terminated.

(f) Nominees of the Visitor, the Chief Rector and the Chancellor

(i) seven persons representing learned professions and special interests, including representatives of Industry, Commerce, Labour and Agriculture, to be nominated by the Visitor;

(ii) two eminent educationists, to be nominated by the Chief Rector; and

(iii) three persons of distinction in public life, to be nominated by the Chancellor.

(2) The term of office of the members of the Court under sub-clauses (a), (b), (e) and (f) of clause (1) shall be three years and under sub-clauses (c) and (d) thereof shall be one year.

(3) An annual meeting of the Court shall be held on a date to be fixed by the Executive Council unless some other date has been fixed by the Court in respect of any year.

(4) At the annual meeting of the Court, a report on the working of the University during the previous year, together with a statement of the receipts and expenditure, the balance sheet as audited, and the financial estimates for the next year shall be presented.

(5) A copy of the statement of receipts and expenditure, the balance sheet and the financial estimates referred to in clause (4) shall be sent to every member of the Court at least seven days before the date of the annual meeting.

(6) Special meetings of the Court may be convened by the Executive Council or the Vice-Chancellor or if there is no Vice-Chancellor, the Pro-Vice-Chancellor or if there is no Pro-Vice-Chancellor, by the Registrar.

(7) Twenty-five members of the Court shall form a quorum for a meeting of the Court.

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

The
Executive
Council.

(a) the Vice-Chancellor;

(b) the Pro-Vice-Chancellor, if any;

(c) three Deans of Faculties, to be selected by rotation in the order in which the Faculties are enumerated in clause (1) to Statute 14;

(d) one Director of a Constituent Institute, to be selected by rotation in the order of length of substantive service as such Director;

(e) one Principal of a Constituent College, to be selected by rotation in the order of length of substantive service as such Principal;

(f) two Professors, two Readers and two Lecturers from among the University appointed teachers, to be selected by rotation in the order of seniority;

(g) one person from among the University recognized teachers of University Colleges, to be selected by rotation in the order of seniority;

(h) two persons from among the University recognized teachers of Constituent Institutes, to be selected by rotation in the order of seniority, of whom at least one shall be a Lecturer;

(i) three persons from among the University recognized teachers of Constituent Colleges, to be selected by rotation in the order of seniority, of whom at least one shall be a Lecturer;

(j) four persons to be nominated by the Visitor;

(k) one person of academic eminence to be nominated by the Chief Rector; and

(l) one person of academic eminence to be nominated by the Chancellor.

(2) The term of office of members of the Executive Council under sub-clauses (c) to (g) of clause (1) shall be two years, and of members under sub-clauses (h) to (j) thereof shall be three years.

(3) No person shall continue to be a member of the Executive Council in more than one capacity, and whenever a person becomes such member in more than one capacity, he shall within two weeks thereof intimate to the Registrar in writing as to the capacity in which he desires to be such member and vacate the other seat, failing which the seat held by him earlier in point of time shall be deemed to have been vacated.

(4) Seven members of the Executive Council shall form a quorum for a meeting of the Executive Council.

Powers and
functions of
the Executive
Council.

10. (1) The Executive Council shall have the power of management and administration of the revenues and property of the University and the conduct of all administrative affairs of the University not otherwise provided for.

(2) Subject to the provisions of the Act, the Statutes and the Ordinances, the Executive Council shall, in addition to all other powers vested in it, have the following powers, namely:—

(i) to create teaching and other academic posts, to determine the number and emoluments of such posts and to define the duties and conditions of service of Professors, Readers, Lecturers and other academic staff;

Provided that no action shall be taken by the Executive Council in respect of the number and qualifications of teachers and other academic staff otherwise than after consideration of the recommendations of the Academic Council;

(ii) to appoint such Professors, Readers, Lecturers and other academic staff, as may be necessary, and the Directors of University Institutes and Heads of independent Centres on the recommendation of the Selection Committee constituted for the purpose and to fill up temporary vacancies therein;

(iii) to recognise persons as University recognized teachers in the manner prescribed by the Ordinances;

(iv) to create administrative, ministerial and other necessary posts (including Chairs) and to make appointments thereto in the manner prescribed by the Ordinances;

(v) to grant leave of absence to any salaried officer of the University other than the Vice-Chancellor, and to make necessary arrangements for the discharge of the functions of such officer during his absence;

(vi) to regulate and enforce discipline among employees in accordance with the Statutes and the Ordinances;

(vii) to manage and regulate the finances, accounts, investments, property, business and all other administrative affairs of the University and for that purpose to appoint such agents as it may think fit;

(viii) to fix limits on the total recurring and the total non-recurring expenditure for a year on the recommendation of the Finance Committee;

(ix) to invest any money belonging to the University, including any unapplied income, in such stocks, funds, share or securities, from time to time as it may think fit or in the purchase of immovable property in India, with the like powers of varying such investment from time to time;

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

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

(xii) to enter into, vary, carry out and cancel contracts on behalf of the University;

(xiii) to entertain, adjudicate upon, and if thought fit, to redress any grievances of the employees and students of the University who may, for any reason, feel aggrieved;

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

(xv) to select a common seal for the University and provide for the custody and use of such seal;

(xvi) to make such special arrangements as may be necessary for the residence and discipline of women students;

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

(xviii) to provide for the appointment of Visiting Professors, Emeritus Professors, Consultants and Scholars and determine the terms and conditions of such appointments; and

(xix) to exercise such other powers and perform such other duties as may be conferred or imposed on it by the Act or the Statutes.

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

The Academic Council.

(a) the Vice-Chancellor;

(b) the Pro-Vice-Chancellor, if any;

(c) the Deans of the Faculties;

(d) the Dean of Research and Development;

(e) the Dean of Students Welfare;

(f) the Dean of College Development;

(g) the Librarian;

(h) such Heads of Departments, Directors of University Institutes and Heads of Centres not comprised in any University Institute, as are not members under sub-clauses (b) to (f):

Provided that where a subject assigned to any Faculty is not placed under any Department, the Chairman of the Board of Studies of the subject shall be a member of

the Academic Council in case he is not already a member under sub-clauses (b) to (g);

(i) one Professor, one Reader and one Lecturer from each Faculty, selected by rotation in the order of seniority of Professors, Readers or Lecturers, as the case may be, of the concerned Faculty;

(j) the Directors of Constituent Institutes;

(k) one Professor (not being Director) of each Constituent Institute, selected by rotation in the order of seniority;

(l) two Principals of Constituent Colleges, selected by rotation in the order of length of substantive service as Principal;

(m) two members of the academic staff (not being Principals) of Constituent Colleges from each group of subjects assigned to a Faculty of the University, selected by rotation in the order of seniority as such members of the academic staff of the concerned group of subjects; and

(n) five persons, not being persons in the service of the University or a college or an institution admitted to the privileges of the University, to be co-opted by the Academic Council.

(2) The term of office of members (other than *ex officio members*) of the Academic Council shall be three years.

(3) Twenty-five members of the Academic Council shall form a quorum for a meeting of the Academic Council.

Powers and
functions of
the Academic
Council.

12. Subject to the provisions of the Act, the Statutes and the Ordinances, the Academic Council shall, in addition to all other powers vested in it, have the following powers, namely:—

(a) to exercise general supervision over the academic policies of the University and to give directions regarding methods of instruction, co-ordination of teaching among the Constituent Colleges, evaluation of research and maintenance and improvement of academic standards;

(b) to promote co-ordination between Faculties, Departments, University Institutes and independent Centres, collaboration between the University and Constituent Institutes and establish such committees, boards or schools as may be deemed necessary for these purposes;

(c) to consider matters of general academic interest either on its own initiative, or on a reference by a Faculty, University Institute, independent Centre or Constituent Institute or the Executive Council, and to take appropriate action thereon;

(d) to advise the Executive Council on all academic matters, including —

(i) matters relating to the examinations conducted by the University;

(ii) the qualifications required to be possessed by persons imparting instruction in particular subjects for the degrees of the University; and

(iii) matters referred to it for advice by the Executive Council;

(e) to consider and approve proposals submitted by the Boards of Studies through the Boards of Faculties or by University Institutes or independent Centres or Constituent Institutes in respect of courses of study and research degree programmes;

(f) to recommend for the consideration of the Executive Council the principles and criteria on which examiners and Inspectors for various kinds of inspection of the University Colleges, Constituent Institutes and Constituent Colleges may be appointed; and

(g) to frame such Regulations and rules consistent with the Statutes and the Ordinances regarding the academic functioning of the University, discipline, residence, admissions, award of fellowships, scholarships, studentships, medals and prizes, fees, concessions, corporate life and attendance.

13. (1) The Finance Committee shall consist of the following members, namely:—

The Finance Committee.

(i) the Vice-Chancellor;

(ii) the Pro-Vice-Chancellor;

(iii) three persons to be nominated by the Executive Council, out of whom at least one shall be a member of the Executive Council; and

(iv) three persons to be nominated by the Visitor.

(2) Five members of the Finance Committee shall form a quorum for a meeting of the Finance Committee.

(3) All the members of the Finance Committee, other than *ex officio* members, shall hold office for a term of three years.

(4) A member of the Finance Committee shall have the right to record a minute of dissent if he does not agree with any decision of the Finance Committee.

(5) The Finance Committee shall meet at least thrice every year to examine the accounts and to scrutinise proposals for expenditure.

(6) All proposals relating to creation of posts, and those items which have not been included in the Budget, shall be examined by the Finance Committee before they are considered by the Executive Council.

(7) The annual accounts and the financial estimates of the University prepared by the Finance Officer shall be laid before the Finance Committee for consideration and comments and thereafter submitted to the Executive Council for approval.

(8) The Finance Committee shall recommend limits for the total recurring expenditure and the total non-recurring expenditure for the year, based on the income and resources of the University (which, in the case of productive works, may include the proceeds of loans).

14. (1) The University shall have the following Faculties, namely —

Faculties and Departments.

(i) the Faculty of Arts;

(ii) the Faculty of Commerce;

(iii) the Faculty of Law;

(iv) the Faculty of Medicine; and

(v) the Faculty of Science.

(2) The constitution and term of office of members of the Board of each Faculty, its powers and functions and the provisions in respect of the meetings thereof shall be prescribed by the Ordinances:

Provided that the first Board of each Faculty shall be nominated by the Executive Council and shall hold office for a period of one year.

(3) The Faculty of Arts shall consist of the following Departments, namely:—

(i) Ancient History, Culture and Archaeology;

(ii) Anthropology;

(iii) Arabic and Persian;

(iv) Education;

- (v) English and Modern European Languages;
- (vi) Geography;
- (vii) Hindi and Modern Indian Languages;
- (viii) Journalism and Mass Communication;
- (ix) Medieval and Modern History;
- (x) Music and Performing Arts;
- (xi) Philosophy;
- (xii) Physical Education;
- (xiii) Political Science;
- (xiv) Psychology;
- (xv) Sanskrit; Pali, Prakrit and Oriental Languages;
- (xvi) Urdu; and
- (xvii) Visual Arts.

(4) The Faculty of Commerce shall consist of the following Departments, namely:—

- (i) Commerce and Business Administration; and
- (ii) Economics.

(5) The Faculty of Law shall consist of the following Department, namely:—

Law.

(6) The Faculty of Medicine shall consist of the following Departments, namely:—

- (i) Anaesthesia;
- (ii) Anatomy;
- (iii) Cardiology;
- (iv) Ear, Nose and Throat;
- (v) Forensic Medicine;
- (vi) Medicine;
- (vii) Microbiology;
- (viii) Obstetrics and Gynaecology;
- (ix) Ophthalmology;
- (x) Orthopaedics;
- (xi) Paediatrics;
- (xii) Pathology and Bacteriology;
- (xiii) Pharmacy;
- (xiv) Pharmacology;
- (xv) Physiology;
- (xvi) Radiology;
- (xvii) Social and Preventive Medicine;
- (xviii) Surgery; and

(xix) Tuberculosis.

(7) The Faculty of Science shall consist of the following Departments, namely:—

- (i) Botany;
- (ii) Bio-Chemistry;
- (iii) Chemistry;
- (iv) Defence and Strategic Studies;
- (v) Earth and Planetary Sciences;
- (vi) Electronics and Communication;
- (vii) Home Science;
- (viii) Mathematics;
- (ix) Physics;
- (x) Statistics; and
- (xi) Zoology.

(8) Each Department shall be headed by a Head of the Department, whose manner of appointment, term of office and functions shall be prescribed by the Ordinances.

(9) Each Department shall have a Departmental Committee, the constitution, term of office of members and functions whereof shall be prescribed by the Ordinances.

(10) There shall be a Board of Studies for each subject, the constitution, term of office of members and functions whereof shall be prescribed by the Ordinances.

15. (1) There shall be Selection Committees for making recommendations to the Executive Council for appointment to the posts of Professor, Reader, Lecturer, Registrar, Finance Officer, Librarian and Directors of University Institutes and Heads of independent Centres maintained by the University.

Selection
Committees.

(2) The Selection Committee for appointment to the posts specified in Column 1 of the Table below shall consist of the Vice-Chancellor, a nominee of the Visitor and the persons specified in the corresponding entry in Column 2 of the said Table:

TABLE

1	2
Professor/Reader	(i) The Dean of the Faculty. (ii) The Head of the Department. (iii) Three experts in the concerned subject/field, to be appointed by the Executive Council, out of the panel recommended by the Academic Council.
Lecturer	(i) The Dean of the Faculty/Head of the Department. (ii) Three experts in the concerned subject/field, to be appointed by the Executive Council, out of the panel recommended by the Academic Council.
Registrar/Finance Officer	(i) Two members of the Executive Council nominated by it. (ii) One person not in the service of the University or an institution maintained by, or admitted to, the privileges of the University, nominated by the Executive Council.

1

2

Librarian	(i) Three persons not in the service of the University or an institution maintained by, or admitted to, the privileges of the University, who have special knowledge of the subject of the Library Science/ Library Administration to be nominated by the Executive Council. (ii) One person not in the service of the University or an institution maintained by, or admitted to, the privileges of the University, nominated by the Executive Council.
Director of University Institute or Head of independent Centre maintained by the University.	Three experts in the concerned subject/field, to be appointed by the Executive Council, out of the panel recommended by the Academic Council.

Explanation 1. Where the appointment is being made for an inter-disciplinary project, the head of the project shall be deemed to be the Head of the Department concerned.

Explanation 2. In the case of a University Institute, the Director and in the case of an independent Centre, the Head thereof shall be deemed to be the Head of the Department concerned.

(3) The Vice-Chancellor, or in his absence the Pro-Vice-Chancellor, shall convene and preside at the meeting of the Selection Committee:

Provided that the meeting of the Selection Committee shall be fixed after prior consultation with, and subject to the convenience of Visitor's nominee and the experts approved by the Executive Council.

(4) Four members, including at least two experts, must be present to form the quorum for a meeting of the Selection Committee.

(5) The procedure to be followed by the Selection Committee shall be laid down in the Ordinances.

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

(7) Appointments to temporary posts shall be made in the manner indicated below—

(i) If the temporary vacancy is for duration longer than one academic session, it shall be filled on the advice of the Selection Committee in accordance with the procedure indicated in the foregoing clauses:

Provided that if the Vice-Chancellor is satisfied that in the interests of work it is necessary to fill the vacancy, the appointment may be made on a purely temporary basis on the advice of a local Selection Committee referred to in sub-clause (ii) for a period not exceeding six months.

(ii) If the temporary vacancy is for a period less than a year, an appointment to such vacancy shall be made on the recommendation of a local Selection Committee consisting of the Dean of the Faculty concerned, the Head of the Department and a nominee of the Vice-Chancellor:

Provided that if the same person holds the offices of the Dean and the Head of the Department, the Selection Committee may contain two nominees of the Vice-Chancellor.

(iii) No teacher appointed temporarily on the advice of a local Selection Committee shall be continued in service on such temporary employment, unless he is subsequently selected by a regular Selection Committee, for temporary or permanent appointment.

(iv) Where a teacher has been appointed to a Department on the recommendation of a regular Selection Committee on a temporary post, and such post subsequently becomes permanently vacant or another permanent post of the same rank and grade becomes available in the same Department, the Executive Council may appoint such teacher on permanent basis in such Department without further reference to a regular Selection Committee.

16. (1) Notwithstanding anything contained in Statute 15, the Executive Council may invite a person of high academic distinction and professional attainments to accept a post of Professor or Reader or any other academic post in the University, as the case may be, on such terms and conditions as it deems fit and on the person agreeing to do so appoint him to the post.

Special mode of appointment.

(2) The Executive Council may declare a person working in any other University or organisation as teacher of the University for a specified period.

(3) Appointments to Chairs and of Emeritus Professors shall be made by the Executive Council in accordance with the procedure laid down in the Ordinances for such tenure and on such terms and conditions as it deems fit.

(4) The Executive Council may appoint a person selected in accordance with the procedure laid down in Statute 15 for a fixed tenure on such terms and conditions as it deems fit.

17. (1) The academic staff shall consist of teachers and staff employed for imparting instruction or for conducting, or assisting in the conduct of, research.

Academic staff.

(2) The manner of appointment of the academic staff, other than teachers, shall be such as may be prescribed by the Ordinances.

18. (1) The qualifications of University recognised teachers shall be such as may be determined by the Ordinances.

Recognition of teachers.

(2) All applications for the recognition of teachers shall be made in such manner as may be laid down by the Regulations made by the Executive Council in that behalf.

(3) The Executive Council may, on a reference from the Vice-Chancellor, withdraw recognition from a teacher:

Provided that the teacher or the college or institution concerned may, within a period of thirty days from the date of the order of withdrawal, appeal against the order to the Visitor whose decision shall be final.

19. (1) Any authority of the University may appoint as many standing or special Committees as it may deem fit, and may appoint to such Committees persons who are not members of such authority.

Committees.

(2) Any Committee appointed under clause (1) may deal with any subject delegated to it subject to subsequent confirmation by the authority appointing it.

20. (1) All the teachers and other academic staff of the University shall, in the absence of any agreement to the contrary, be governed by the terms and conditions of service and code of conduct as are specified in the Statutes, the Ordinances and the Regulations.

Terms and conditions of service and code of conduct of the teachers, etc.

(2) The emoluments of members of the academic staff shall be such as may be prescribed by the Ordinances.

(3) Every teacher and other member of the academic staff of the University shall be appointed on a written contract, the form of which shall be prescribed by the Ordinances.

(4) A copy of every contract referred to in clause (3) shall be deposited with the Registrar.

Terms and conditions of service and code of conduct of other employees.

Seniority list.

21. (1) All the employees of the University, other than the academic staff, shall, in the absence of any contract to the contrary, be governed by the terms and conditions of service and code of conduct as are specified in the Statutes, the Ordinances and the Regulations.

(2) The manner of appointment and emoluments of employees, other than the academic staff, shall be such as may be prescribed by the Ordinances.

22. (1) Whenever, in accordance with the Statutes, any person is to hold an office or be a member of an authority of the University by rotation according to seniority, such seniority shall be determined according to the length of continuous service of such person in his grade and in accordance with such other principles as the Executive Council may, from time to time, prescribe.

(2) It shall be the duty of the Registrar to prepare and maintain in respect of each class of persons to whom the provisions of these Statutes apply, a complete and up-to-date seniority list in accordance with the provisions of clause (1).

(3) If two or more persons have equal length of continuous service in a particular grade or the relative seniority of any person or persons is otherwise in doubt, the Registrar may, on his own motion and shall, at the request of any such person, submit the matter to the Executive Council whose decision thereon shall be final.

(4) The provisions of this Statute shall not affect the *inter se* seniority of the employees working in the University before the appointed day.

Removal of employees of the University.

23. (1) Where there is an allegation of misconduct against a member of the academic staff or other employee of the University, the Vice-Chancellor, in the case of such member of the academic staff, and the authority competent to appoint (hereinafter referred to as the appointing authority) in the case of other employee may, by order in writing, place such member of the academic staff or other employee, as the case may be, under suspension and shall forthwith report to the Executive Council the circumstances in which the order was made:

Provided that the Executive Council may, if it is of the opinion, that the circumstances of the case do not warrant the suspension of the member of the academic staff, revoke such order.

(2) Notwithstanding anything contained in the terms of the contract of appointment or of any other terms and conditions of service of the employees, the Executive Council in respect of the academic staff, and the appointing authority in respect of other employees, shall have the power to remove such member of the academic staff or other employee, as the case may be, on grounds of misconduct.

(3) Save as aforesaid, the Executive Council, or as the case may be, the appointing authority, shall not be entitled to remove any member of the academic staff or other employee except for a good cause and after giving three months' notice or on payment of three months' salary in lieu thereof.

(4) No teacher, member of the academic staff or other employee shall be removed under clause (2) or clause (3) unless he has been given a reasonable opportunity of showing cause against the action proposed to be taken in regard to him.

(5) The removal of a member of the academic staff or other employee shall take effect from the date on which the order of removal is made:

Provided that where the teacher, member of the academic staff or other employee is under suspension at the time of his removal, such removal shall take effect from the date on which he was placed under suspension.

(6) Notwithstanding anything contained in the foregoing provisions of this Statute, a teacher, member of the academic staff or other employee may resign —

(a) if he is a permanent employee, only after giving three months' notice in writing to the Executive Council or the appointing authority, as the case may be, or by paying three months' salary in lieu thereof;

(b) if he is not a permanent employee, only after giving one month's notice in writing to the Executive Council or, as the case may be, the appointing authority or by paying one month's salary in lieu thereof:

Provided that such resignation shall take effect only on the date on which the resignation is accepted by the Executive Council or the appointing authority as the case may be.

24. There shall be a Librarian of the University, who shall be appointed by the Executive Council on the recommendations of the Selection Committee constituted for the purpose and shall exercise such powers and perform such duties as may be prescribed by Ordinances.

The Librarian.

25. There shall be a Dean of Research and Development to assist the Vice-Chancellor in the planning and co-ordination of research, development and consultancy and extension services in the University, who shall be appointed from amongst the Professors in the manner prescribed by the Ordinances.

Promotion of research, development and consultancy and extension services.

26. (1) The Executive Council may, on the recommendation of the Academic Council and by a resolution passed by a majority of not less than two-thirds of the members present and voting, make proposals to the Visitor for the conferment of honorary degrees:

Honorary degrees.

Provided that in case of emergency, the Executive Council may, on its own motion, make such proposals.

(2) The Executive Council may, by a resolution passed by a majority of not less than two-thirds of the members present and voting, withdraw, with the previous sanction of the Visitor, any honorary degree conferred by the University.

27. The Executive Council may, by a special resolution passed by a majority of not less than two-thirds of the members present and voting, withdraw a degree or academic distinction conferred on, or any certificate or diploma granted to, any person by the University for good and sufficient cause:

Withdrawal of degrees, etc.

Provided that no such resolution shall be passed until a notice in writing has been given to that person calling upon him to show cause within such time as may be specified in the notice why such a resolution should not be passed and until his objections, if any, and any evidence he may produce in support of them, have been considered by the Executive Council.

28. (1) All powers relating to the maintenance of discipline and disciplinary action in relation to the students of the University shall vest in the Vice-Chancellor.

Maintenance of discipline amongst students of the University.

(2) There shall be a Proctor of the University to assist the Vice-Chancellor in the exercise of the powers referred to in clause (1), who shall be appointed by the Executive Council from amongst the Professors and Readers in the manner prescribed by the Ordinances.

(3) The Vice-Chancellor may delegate all or any of the powers referred to in clause (1), as he deems proper, to the Proctor and to such other officers as he may specify in this behalf.

(4) Without prejudice to the generality of the powers referred to in clause (1), the Vice-Chancellor may, in exercise of such powers, by order, direct that any student or students be expelled or rusticated, for a specified period, or be not admitted for a stated period to a course or courses of study in the University or an institution maintained by or admitted to the privileges of the University, or be punished with fine for an amount to be specified in the order, or be debarred from taking an examination or examinations conducted by the University,

for one or more years, or that the results of the student or students concerned in the examination or examinations in which he or they have appeared be cancelled.

(5) The Deans of Faculties, Heads of Departments and Centres, Directors of University Institutes and Constituent Institutes and Principals of University Colleges and Constituent Colleges shall have the authority to exercise all such disciplinary powers over the students in their respective Faculties, Departments, independent Centres, University Institutes, Constituent Institutes, University Colleges and Constituent Colleges, as may be necessary for the proper conduct of the work thereof.

(6) Without prejudice to the powers of the Vice-Chancellor and the Deans, Heads, Directors and Principals specified in clause (5), detailed rules of discipline and proper conduct shall be made by the University, and such Deans, Heads, Directors and Principals may also make such supplementary rules as they deem necessary for the purposes stated therein.

(7) At the time of admission, every student shall be required to sign a declaration to the effect that he submits himself to the disciplinary jurisdiction of the Vice-Chancellor and other authorities of the University.

Maintenance
of discipline
among
Students of
institutions
admitted to
the privileges
of the
University.
University
Institutes,
independent
Centres,
University
Colleges and
Constituent
Institutes.

29. All powers relating to discipline and disciplinary action in relation to students of an institution admitted to the privileges of the University, shall vest in the Director or Principal, as the case may be, of the institution, in accordance with the procedure prescribed by the Ordinances.

30. (1) The Institutes of the University immediately before the commencement of the Act, namely:—

- (i) The Institute of Inter-Disciplinary Studies;
- (ii) The Institute of Professional Studies; and
- (iii) The National Centre of Experimental Mineralogy and Petrology,

shall continue as University Institutes and the Centre of Behavioural and Cognitive Sciences shall continue as an independent Centre of the University, and all matters relating thereto shall be provided for by the Ordinances.

(2) The Institute of Correspondence Courses and Continuing Education shall continue as a temporary self-financing University Institute, and all matters relating thereto shall be provided for by the Ordinances.

(3) The manner of establishing University Institutes, Centres and University Colleges maintained by the University and other matters relating to them shall be prescribed by the Ordinances.

(4) The following shall be the University Colleges, namely:—

The Motilal Nehru Medical College and Swarup Rani Nehru Hospital, Allahabad.

(5) The following shall be the Constituent Institutes, namely:—

- (i) The Govind Ballabh Pant Social Science Institute, Allahabad;
- (ii) The Harish Chandra Research Institute of Mathematics and Mathematical Physics, Allahabad; and
- (iii) The Kamala Nehru Postgraduate Medical Institute, Allahabad.

(6) The admission of institutions to the privileges of the University as Constituent Institutes and University Colleges and other matters relating to Constituent Institutes and University Colleges shall be prescribed by the Ordinances.

31. (1) The following shall be the Constituent Colleges, namely:—

Constituent
Colleges.

- (i) Allahabad Degree College, Allahabad;
- (ii) Arya Kanya Degree College, Allahabad;
- (iii) Chaudhary Mahadeo Prasad Degree College, Allahabad;
- (iv) Ewing Christian College, Allahabad;
- (v) Iswar Saran Degree College, Allahabad;
- (vi) Hamidia Girls Degree College, Allahabad;
- (vii) Jagat Taran Girls Degree College, Allahabad;
- (viii) K. P. Training College, Allahabad;
- (ix) Rajarshi Tandon Girls Degree College, Allahabad;
- (x) Sanwal Dass Sadan Lal Khanna Girls Degree College, Allahabad; and
- (xi) Shyama Prasad Mukherji Government Degree College, Allahabad.

(2) Matters relating to the constitution of the management, the powers of the Vice-Chancellor to issue directions to, and to enforce his orders against, the management, the conditions for the continuance, enlargement and withdrawal of the privileges of Constituent Colleges and the grant to and withdrawal from them of the autonomous status shall be prescribed by the Ordinances:

3 of 1956.

Provided that every Constituent College shall be required to undergo the process of assessment by a visiting Peer Team of the National Assessment and Accreditation Council, set up under section 12 (ccc) of the University Grants Commission Act, 1956, and accreditation by the said Council within a period of three years from the date of the commencement of the Act.

U.P. Act 10
of 1973.

(3) Where under the provisions of the Uttar Pradesh State Universities Act, 1973 a Constituent College had been granted permission by the predecessor University to impart instruction for a Post-graduate degree other than the degree of Bachelor of Laws or to exercise the privileges of an Autonomous College, such permission shall cease to have effect upon the expiry of the academic year immediately following the academic year during which the Act has commenced or of the period for which such permission had been granted by the predecessor University, whichever is earlier, without prejudice to the right of the Constituent College concerned to apply afresh for such permission in accordance with the provisions of the Statutes and the Ordinances.

(4) There shall be constituted, by Ordinances, a College Development Council to monitor and promote the academic functioning and development of the Constituent Colleges.

(5) The College Development Council shall be headed by the Dean of College Development, who shall be appointed by the Executive Council from among the Professors of the University in the manner prescribed by the Ordinances.

32. Convocations of the University for the conferring of degrees or for other purposes shall be held in such manner as may be prescribed by the Ordinances.

Convocations.

Acting
Chairman of
meetings.

33. Where no provision is made for a President or Chairman to preside over a meeting of any authority of the University or any Committee of such authority or when the President or Chairman so provided for is absent, the members present shall elect one from among themselves to preside at such meeting.

Resignation.

34. Any member, other than an *ex officio* member, of the Court, the Executive Council, the Academic Council or any other authority of the University or any Committee of such authority may resign by letter addressed to the Registrar and the resignation shall take effect as soon as such letter is received by the Registrar.

Disqualification.

35. (1) A person shall be disqualified for being chosen as, and for being, a member of any of the authorities of the University—

(i) if he is of unsound mind;

(ii) if he is an undercharged insolvent;

(iii) if he has been convicted by a court of law of an offence involving moral turpitude and sentenced in respect thereof to imprisonment for not less than six months.

(2) If any question arises as to whether a person is or had been subjected to any of the disqualifications mentioned in clause (1), the question shall be referred to the Visitor and his decision shall be final and no suit or other proceeding shall lie in any civil court against such decision.

Residence
condition for
membership
and office.

36. Notwithstanding anything contained in the Statutes, a person who is not ordinarily resident in India shall not be eligible to be an officer of the University or a member of any authority of the University.

Membership
of authorities
by virtue of
membership
of other
bodies.

37. Notwithstanding anything contained in the Statutes, a person who holds any post in the University or is a member of any authority or body of the University in his capacity as a member of a particular authority or body or as the holder of a particular appointment shall hold such office or membership only for so long as he continues to be a member of that particular authority or body or the holder of that particular appointment, as the case may be.

Registered
Graduates.

38. The provisions in respect of the registration of graduates and the maintenance of the register of Registered Graduates shall be prescribed by the Ordinances.

Dean and
Board of
Students
Welfare.

39. (1) There shall be a Dean of Students Welfare to co-ordinate the measures for promoting the welfare of the students of the University, who shall be appointed by the Executive Council from among the Professors and Readers of the University in the manner prescribed by the Ordinances.

(2) There shall be constituted in the University, a Board of Students Welfare, the constitution, term of office of members and functions whereof shall be prescribed by the Ordinances.

Ordinances,
how made.

40. (1) The first Ordinances made under sub-section (2) of Section 28 may be amended, repealed or added to at any time by the Executive Council in the manner specified in the following sub-sections.

(2) No Ordinance in respect of the matters enumerated in sub-section (1) of Section 28 shall be made by the Executive Council unless a draft of such Ordinance has been proposed by the Academic Council.

(3) The Executive Council shall not have power to amend any draft of any Ordinance proposed by the Academic Council under clause (2), but may reject the proposal or return the draft to the Academic Council for re-consideration, either in whole or in part, together with any amendment which the Executive Council may suggest.

(4) Where the Executive Council has rejected or returned the draft of an Ordinance proposed by the Academic Council, the Academic Council may consider the question afresh and in case the original draft is reaffirmed by a majority of not less than two-thirds of the members present and voting and more than half the total number of members of the Academic Council, the draft may be sent back to the Executive Council which shall either adopt it or refer it to the Visitor whose decision shall be final.

(5) Every Ordinance made by the Executive Council shall come into effect immediately.

(6) Every Ordinance made by the Executive Council shall be submitted to the Visitor within two weeks from the date of its adoption.

(7) The Visitor shall have the power to direct the University to suspend the operation of any Ordinance.

(8) The Visitor shall inform the Executive Council about his objection to the Ordinance referred to in clause (7) and may, after receiving the comments of the University, either withdraw the order suspending the Ordinance or disallow the Ordinance, and his decision shall be final.

41. (1) The authorities of the University may make Regulations consistent with the Act, the Statutes and the Ordinances for the following matters, namely:— Regulations.

(i) laying down the procedure to be observed at their meetings and the number of members required to form a quorum;

(ii) providing for all matters which are required by the Act, the Statutes or the Ordinance to be prescribed by Regulations;

(iii) providing for all other matters solely concerning such authorities or committees appointed by them and not provided for by the Act, the Statutes or the Ordinances.

(2) Every authority of the University shall make Regulations providing for the giving of notice to the members of such authority of the dates of meeting and of the business to be considered at meetings and for the keeping of a record of the proceedings of meetings.

(3) The Executive Council may direct the amendment in such manner as it may specify of any Regulation made under the Statutes or the annulment of any such Regulation.

42. Subject to the provisions of the Act and the Statutes, any officer or authority of the University may delegate his or its powers to any other officer or authority or person under his or its respective control and subject to the condition that overall responsibility for the exercise of the powers so delegated shall continue to vest in the officer or authority delegating such powers. Delegation of Powers.

STATEMENT OF OBJECTS AND REASONS

The University of Allahabad was incorporated and established as a central university under the Allahabad University Act, 1887. Consequent upon implementation of the Government of India Act, 1919 classifying education as a provincial subject, the University became a provincial university in 1921 and was reorganized as a unitary, teaching and residential university under the Allahabad University Act, 1921. Presently, it is governed by the Uttar Pradesh State Universities Act, 1973 (UP Act No.10 of 1973).

2. The University demonstrated excellence in academics and research over the years but of late, it has started facing difficulties owing to a number of reasons and the need for restoration of its central university status and its declaration to be an institution of national importance has been felt for quite some time. It is expected that restoration of its central university status would help in strengthening this prestigious university and improving the quality of teaching and research.

3. The Bill seeks to achieve the above objectives.

ARJUN SINGH.

FINANCIAL MEMORANDUM

Clause 4(1) of the Bill provides for establishment of the University of Allahabad in the State of Uttar Pradesh as a body corporate by the name of University of Allahabad. The non-plan requirement for maintenance of the University along with its University College, Constituent Institutes and Constituent Colleges during the years 2004-2005, 2005-2006 and 2006-2007 is estimated at Rs. 85 crore, Rs. 95 crore and Rs. 105 crore respectively. Besides, 'Plan Assistance' of Rs. 150 crore spread over three years has also been estimated for upgradation of library, equipment, buildings and other infrastructure. The expenditure would be met from the Consolidated Fund of India through the budgetary provision under the Department of Secondary and Higher Education, Ministry of Human Resource Development.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 28 of the Bill provides that the first Statutes are those set out in the Schedule to the Bill. It also empowers the Executive Council of the University to make new or additional Statutes or to amend or repeal the Statutes of the University subject to the assent of the Visitor. Sub-clause (5) of the aforesaid clause empowers the Visitor also to make new or additional Statutes or amend or repeal the Statutes of the University during the period of three years immediately after the commencement of the Act. Sub-clause (6) further empowers the Visitor to 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 directions within sixty days of its receipt, the visitor may, after considering the reasons, if any, communicated by the Executive Council for its inability to comply with such direction, make or amend the Statutes suitably. The matters in respect of which the Executive Council and the Visitor may make, amend or repeal Statutes include the constitution, powers and functions of the authorities and other bodies of the University, the appointment of officers and teachers of the University, the conditions of service of employees of the University and other such matters.

2. Sub-clause (2) of Clause 29 of the Bill empowers the Vice-Chancellor to make the first Ordinances of the University with the previous approval of the Central Government and provides that the Ordinances so made may be amended, repealed or added to at any time by the Executive Council in the manner prescribed by the Statutes. The matters in respect of which Ordinances may be made, or as the case may be, amended, repealed or added to relate to admission of students, courses of study, medium of instruction and examination, the establishment of Centres, Institutes, Boards of Studies, Specialised Laboratories and Committees and the manner of co-operation and collaboration with other Universities, Institutions and other agencies, the setting up of a machinery for redressal of grievances of employees and other such matters.

3. Clause 30 of the Bill enables the authorities of the University to make Regulations, consistent with the Act, the Statutes and the Ordinances for the conduct of their own business and that of the Committees appointed by them and also for such matters as may be prescribed by the Statutes or Ordinances.

4. Clause 43 empowers the Central Government, by order, to remove certain difficulties, which may appear to be necessary or expedient. Further, such an order is not to be made after the expiry of period of three years from the commencement of the Act and that such order shall be laid before each House of Parliament.

5. Clause 44 provides that every Statute, Ordinance or Regulation shall be published in the Official Gazette. Further, every Order, Statute, Ordinance or Regulation made under the Act shall be laid before each House of Parliament.

6. The matters for which the Statutes, Ordinances or Regulations may be made pertain to matters of procedure or detail and it is not possible to provide for them in the Bill. The delegation of legislative powers is, therefore, of normal character.

YOGENDRA NARAIN,
Secretary-General.