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Jalandhar, June 24, 2014

NOTIFICATION

Minister

In pursuance of the provisions of Clause (3) of Article 349 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of 'the Sanskrit Education Bill 2014' (Adhiniyam Sanskritya 21 of 2014).

As passed by the Uttarakhand Legislative Assembly and assented to by the Governor on: 23 June, 2014.

THE UTTARAKHAND SANSKRIT EDUCATION
ACT, 2014

UTTARAKHAND (ACT NO. 21 OF 2014)

WHEREAS, it is expedient to establish a Board to regulate and supervise the system and process of Sanskrit Education, Teacher Education and Departmental Training within the unified structure of Elementary and Secondary Education in Uttarakhand, and to prescribe curriculum therefore-

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ACT

It is HEREBY enacted by the Uttarakhand State Assembly in the Sixty Fifth Year of the Republic of India as follows-

PART-I

PRELIMINARY

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| Short title, Extent and Commencement:- | 1. | (a) This Act may be called the Uttarakhand Sanskrit Education Act, 2014,
(b) It shall come into force at once.
(c) It extends to the whole of the Uttarakhand State. |
| Definitions:- | 2. | In this Act unless there is repugnant in the subject or context
(a) "State government" means the government of Uttarakhand. |

- (b) "Board" means the Board of Sanskrit Education, Uttarakhand.
- (c) "Director" means the Director of Sanskrit Education, Uttarakhand.
- (d) "Chairman" means the chairman Board of Sanskrit Education, Uttarakhand.
- (e) "Directorate" means the Directorate of Sanskrit Education, Uttarakhand.
- (f) "Joint-Director" means the Joint Director of the Sanskrit Education, Uttarakhand.
- (g) "Deputy Director" means the Deputy Director of Sanskrit Education, Uttarakhand.
- (h) "Secretary" means the secretary Board of Sanskrit Education, Uttarakhand.
- (i) "Deputy Secretary" means the Deputy Secretary Board of Sanskrit Education, Uttarakhand.
- (j) "Assistant Director of education" means the District Assistant Director of Sanskrit Education."
- (k) "Member of Board" means the member of Board of Sanskrit Education, Uttarakhand.
- (l) "Institution" means a recognized Sanskrit Uttaranchal (Intermediate College), Poorvacharya (High School) Pratima (Junior High School) and Sanskrit Pratima Vidyalaya (Primary School)
- (m) "Added Institution" means the institution that provided grant by state government.
- (n) "School" means the Sanskrit education of board approved government Sanskrit school, under government Sanskrit school, non government Sanskrit school, self finance Sanskrit school.

place fixed by the Board purposes of holding its examinations and includes the entire premises thereto.

(iv) "Centre Superintendent" means a person appointed by the Sanskrit Board of Education to conduct and supervise examinations of the Board and includes an Additional Superintendent and Associate Superintendent.

(v) "Invigilator" means person who assist the Superintendent of an instituting and supervising the examinations at Centre.

(x) "Maintenance grant" means such grant-in-aid of a recognized institution, as the State Government by the general or special order in that behalf direct to be treated as maintenance grant appropriate to the level of the institution.

(y) "Salary" of teacher or employee of an institution receiving maintenance grant from the State Government means the aggregate of the emoluments including dearness or any other allowance, for the time being payable to him at the rates approved for the purpose of payment of maintenance grant.

(z) "Property" in relation to a recognized institution, includes all immovable properties belonging to or endowed wholly or purely for the benefit of the institution, including lands, buildings and all other rights and interests arising out of such property or may be in the ownership, possession, power or control of the Management.

(aa) "Recognition" means, recognition

for the purpose of adopting the curriculum prescribed by the Board, and for preparing candidates for admission to the Board's Examinations.

(ab) "Language medium" means the Sanskrit education & board through the government and administrative work of Sanskrit and Hindi.

(ac) "Regulation" means regulations made by the Board under this Act.

(ad) "Prescribed" means prescribed by Regulations under this Act.

PART-II

Departmental structure of the Sanskrit School Education, functions and powers

- Departmental structure of the Sanskrit School Education, functions and powers
3. (1) The State Government may establish Sanskrit research & Training, Education management & planning, Sanskrit cultural and Sanskrit Science center and Sanskrit Vidyalaya Samiti at State, District, Block and Nyay Panchayat or appropriate level for planning, implementation, control, administration, direction, monitoring and financial management of Sanskrit education except of Director, Joint Director, Deputy Director, Sanskrit Education Directorate, District Assistant Director, Sanskrit Education, Secretary & Deputy Secretary of Sanskrit Education Board at state level.
 - (2) The State Government shall appoint such officers and employees in the institutions as mentioned in sub-section (1) as the State Government may deem fit.
 - (3) The officers and employees

appointed under sub-section (2) shall discharge such functions and exercise powers, as may be prescribed in the rule.

**Functions of
the State
Council of
Sanskrit
Education.**

4. (1) It will take support and coordination from Sanskrit Academy for regeneration and nurture of Sanskrit education under Sanskrit education management.
- (2) Without prejudice to the generality of the preceding power, the following functions shall be discharged by the officers posted under sub-section (1) of section 2.
 - (a) To prepare annual estimates and accounts for carrying out activities.
 - (b) To get permission of the State Government for other projects those to be implemented in Sanskrit education beside centrally sponsored and of the state projects functioning in state and education for all Sarvashiksha Abhiyan (SSA), Rashtriya Madhyamik Shiksha Abhiyan (RMSA) conducted by Uttarakhand Sanskrit Education Board.
 - (c) To cooperate with other authorities at National and Regional level educational, academic and financial plans.
 - (d) To provide Sanskrit school educational support and guidance at all levels of Sanskrit school education.
 - (e) To conduct Training during the

service or retirement.

(f) To submit to Sanskrit education Board/ State Government suggestions for educational improvement.

(g) Without prejudice to the generality of the preceding power, the following functions shall be discharged by the officers posted under sub-section (1) of section 3,

(a) To prepare, modify or revise curriculum and syllabus for different stages Sanskrit school education.

(b) To prepare text-books, reading material and other instructional material.

(c) To prepare, modify and revise curriculum, syllabus and training material teacher education.

(d) To prepare curriculum and material for Departmental examinations.

(e) To send curriculum, syllabus, reading material and other material for consideration of the Board.

(f) To conduct researches of different kinds, or get them conducted, in the field of Sanskrit School Education and Teacher Education.

(g) To publish curriculum, syllabus, reading material, other material, and research work.

(h) To extend material and different publications regarding Sanskrit School Education Teacher Education.

(i) To determine evaluation process for different stages of Sanskrit School Education Teacher Education and Departmental Examination.

(j) To evaluate educational quality.

(k) To conduct pre service and in service training programmes.

(l) To induct new educational technology in the field of Sanskrit education and training.

(m) To use Sanskrit/Hindi as a medium language for working government and administrative work.

(n) To prepare annual estimates and accounts for carrying out activities under sub-section (3) (a) to (m).

PART-III

DEPARTMENTAL STRUCTURE OF THE SCHOOL EDUCATION, FUNCTIONS AND POWERS

Establishment of the Board:-	5	With effect from such date as the State Government may, by notification in the Official Gazette, appoint, there shall be a Board to be known as the Uttaranchal Board of Sanskrit School Education.
Constitution of the Board:-	6	(1) The Board shall consist of a Chairman and the following members, namely (a) Director, Sanskrit School Education - Chairman, ex officio. (b) Three heads of secondary institutions (Uttamacharya) recommended by the Sanskrit Director/Chairman and nominated by the State Government, one from a Government (boys) institution, one from private institution and one from girls' institution. (c) Three heads of institutions of primary school (Sanskrit Prathamik School) and junior high school level (Sanskrit Prathama School) recommended by the Sanskrit Director/Chairman and nominated by the State Government, one

from a Government primary institution, (Sanskrit pathshala institution) one from private institution and one from girls' institution.

(d) three teachers of secondary (Uttarashiksha) institutions recommended by the Sanskrit Director/Chairman and nominated by the State Government, one from a Government (Boys) institution, one from private institution and one from girls' institution, and three teachers of institutions of primary school (Sanskrit pathshala school) and junior high school level (Sanskrit padma school) recommended by the Sanskrit Director/Chairman and nominated by the State Government, one from a Government primary (Sanskrit pathshala school) institution, one from private institution and one from girls' institution.

(e) One teacher each of Sanskrit University or Sanskrit Degree colleges established by law in Uttarakhand or of Sanskrit college affiliated or associated thereto, recommended by the Sanskrit Director/Chairman and nominated by the State Government.

(f) One expert Sanskrit Academy of Uttarakhand recommended by the Sanskrit Director/Chairman and nominated by the State Government.

(g) Three teachers (specially yoga, ayurved and Information & Communication Technology) from Universities established by Law in Uttarakhand or any Degree college

affiliated or associated there to, recommended by the Sanskrit Director/Chairman and nominated by the State Government.

(h) One expert of Rastriya Sanskrit Sansthan, New Delhi recommended by the Sanskrit Director/Chairman and nominated by the State Government.

(i) One expert of medical college recommended by the Sanskrit Director/Chairman and nominated by the State Government.

(j) Two expert of State Council of Educational Research and Training, Uttarakhand recommended by the Sanskrit Director/Chairman and nominated by the State Government.

(k) One member of Finance Department recommended by the Sanskrit Director/Chairman and nominated by the State Government.

(l) One expert of Uttarakhand Board of Secondary Education recommended by the Sanskrit Director/Chairman and nominated by the State Government.

(m) Two senior officers of Sanskrit Education recommended by the Sanskrit Director/Chairman and nominated by the State Government.

(n) One member from Nepali/Pali language recommended by the Sanskrit Director/Chairman and nominated by the State Government.

(o) The Principal, of Mahatma Pratap Sports College, Dehradun, ex officio.

(p) The Secretary of the Board, ex officio who shall be Member Secretary

		of the Board.
		(2) The State Government may nominate not more than four persons connected with education to be the Members of the Board to secure the representation of minorities (whether based on religion or language) Scheduled Castes and Scheduled Tribes, not otherwise adequately represented.
		(3) The State Government shall notify that the Board has been established properly.
Removal of Members-	7	(1) The State Government may be duly remove from the Board any Member who, in its opinion-
		(a) refuses to act,
		(b) has become incapable to act,
		(c) has so abused his office as to render his continuance in office detrimental to the public interest, or
		(d) is otherwise reasonable to continue as a member.
		(2) A member who, without information is being absent from three successive meetings of the board, shall be removed.
Term of office of members :-	8	Members other than ex officio members shall hold office for a term of three years as specified by the State Government.
		Provided that the member shall, not with standing the expiration of his term, continue to hold office until his successor takes over his office.
Filling casual	9	All The casual vacancies from council (other than ex-office members) will be

- Chairman:-** filled by Director/Chairman by convenient procedure as directed by Act.
- Powers of the Board:-** 18 Subject to the provisions of this Act, the Board shall have following powers, namely:
- (a) To prescribe curriculum, syllabus, evaluation process, text-book, other books and instructional material, if any, at Intermediate, (Uttaramadhyama) High School, (poovramadhyama) Junior High School, (pratham) Primary School level, (Sanskrit pathshala school) Teacher Education and training of officers and employees in such branches of education as it thinks fit.
 - (b) To publish or manufacture, whether to the exclusion, complete or partial, of others or otherwise, all or any such text-books, other books or instructional material.
 - (c) To preparation, modification or revision of curriculum, syllabus and teaching and training material.
 - (d) To provide diploma or certificate to persons :-
 - (i) Those who get curriculum/Training from such institution and those who get in-service training from such institution recognized by Board.
 - (ii) Those teachers who have completed in-service/pre-service training and who

have taken private education under the conditions laid down by regulation and have passed examination of the board under the same condition.

- (e) To recognize institutions for the purpose of adopting its curriculum and its examinations.
- (f) To conduct examinations at the end of different stages of Sanskrit school education, and to conduct teacher training examinations and departmental examinations.
- (g) To admit candidates to its examinations.
- (h) To demand and receive such fee as may be prescribed in the regulations.
- (i) To publish or withhold publication of the results of its examination wholly or in part.
- (j) To call for reports from the Director on the condition of recognized institutions or of institutions applying for recognition.
- (k) To decide the representation and appeal respect to recognition of the institution.
- (l) To Co-operate with other agencies at national or regional level in educational work plan.
- (m) To establish co-ordination with national or state level government or non government agencies in field of Sanskrit, yoga, Ayurved

and scientific research.

- (n) To establish co-ordination with State Institute of Educational Management and Training (SIEMAT), Institute of Advanced Studies in Education (IASI), CTE and SCERT.
- (o) To co-operate with other authorities in such manner and for such purpose as the Board may determine.
- (p) To conduct researches of different kinds, or get them conducted, in the field of Sanskrit School Education, Teacher Education and Evaluation.
- (q) To publish curriculum, syllabus, reading material, other material and research work.
- (r) To control material and disseminate publications regarding Sanskrit School Education and Teacher Education.
- (s) To determine evaluation process for Sanskrit School Education, Teacher Education and Departmental Examinations.
- (t) To submit to the State Government its views on any matter with which it is concerned.
- (u) To see the schedules of new demands proposed to be included in the budget. Relating to institutions recognized by it and to submit, if it thinks fit, its views thereon for the consideration of the State Government.

- (v) To do all such other acts and things as may be requisite in order to further the objects of the Board as a body constituted for regulating and supervising Intermediate, (Uttaranchal) High School, (Pravara) Junior High School, (prathma) Primary Education (Sanskrit prathmik Education) and Teacher Education.
- (w) To exercise any other power by, or under this Act or any other law for the time being in force.

PART-IV

RECOGNITION OF AN INSTITUTION IN ANY NEW SUBJECT OR FOR A HIGHER CLASS

- Recognition of an institution in any new subject or for a higher class:-
11. Notwithstanding anything contained in Clause (a) of Section 10
- (a) The Uttaranchal Sanskrit Education Board may, with the prior approval of the State Government, recognize an institution in any new subject or group of subjects or for a higher class.
- (b) The District Education Officer (Assistant Director Sanskrit) may permit an institution to open a new section in an existing class.

PART-V

PROHIBITION OF UNAUTHORIZED CONFERMENT OF DIPLOMAS AND CERTIFICATES

- Prohibition of unauthorized conferment of Diplomas and Certificates:-
12. No person shall confer, grant or issue or hold himself entitled to confer, grant or issue any diploma or certificate or document stating or implying that the holder, grantee or recipient has pursued a course of study in any institution

- privately, or has passed the Intermediate, (Uttamacharya) High School, (poorvacharya) Junior High School, (prathama) Primary (prathini) or Teacher Education examination or any examination described in manner reasonably calculated to cause it to be believed to be the Intermediate, (Uttamacharya) High School, (poorvacharya) Junior High School, (prathama) Primary (prathini) or Teacher Education examination.
- Bar of charging** 13 No person connected with the management of an institution and no head of the institution or teacher or any other employee thereof shall directly or indirectly take or receive or cause to be taken or received any contribution, donation, fees or any other payment of any sort, either in cash or in kind, except the fees at the rates specified in any order issued by the State Government in this behalf from or on behalf of any student as a condition for granting him admission to or permitting him after such admission to continue in such institution.
- Penalty for** 14 Whoever contravenes the provisions of Section 12 or Section- 13 Shall be punishable with imprisonment for a term which may extend to three years and also with fine which may be up to five thousand rupees or with both and if the person so contravening is a society or any association of persons, every member of such society or association who knowingly and willingly authorizes

Proper utilization of donations:-	or permits such contribution shall be so payable. 15 Where a contribution or donation, either in cash or in any kind, is taken or received by an institution including an institution maintained exclusively by the State Government or a local authority, the contribution or donation so received shall be utilized only for the purpose for which it was given to it, and in the case of an institution maintained exclusively by the State Government, the cash contribution or donation shall be credited to the personal account of such institution which shall be operated in accordance with the general or special orders of the State Government.
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PART-VI POWER OF THE STATE GOVERNMENT

Powers of the State Government:-	16 (1) The State Government shall have the right to address the Board with reference to any of the works conducted or done by the Board and to communicate to the Board its views on any matter with which the Board is concerned. (2) The Board shall report to the State Government such action, if any, as it is proposed to take or has been taken upon its communication. (3) If the Board does not, within a reasonable time, take action to the satisfaction of the State Government, the State Government may, after considering an explanation furnished or representation made by the Board, issue
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concurrent meetings of the Board, shall call a meeting at any time after due notice, on a requisition signed by not less than one-fourth of the total membership of the Board and stating the business to be brought before the meetings.

(3) In any emergency, arising out of the administrative business of the Board, which, in the opinion of the Chairman, requires that immediate action should be taken, the Chairman shall take such action as he deems necessary and shall thereafter report his action to the Board at its next meeting.

(4) The Chairman shall exercise such other powers as may be prescribed by the regulations.

Appointment,
powers and
duties of
Secretary

19 (1) The secretary shall be appointed by the State Government upon such conditions and for such period as prescribed in the rules.

(2) The secretary shall, subject to the control of the Board, be the administrative officer of the Board. He shall be responsible for the presentation of the annual estimates and statement of accounts.

(3) He shall be responsible for seeing that all moneys are expended on the purpose for which they are granted or allotted.

(4) He shall be responsible for keeping the minutes of the Board.

(5) He shall exercise such powers as are necessary for the conduct of the examinations.

Constitution of 20 Committees

(4) He shall exercise such other powers and discharge functions as may be prescribed by the regulations.

(1) The Board shall constitute the following committees as prescribed in the regulations. Different committees may be constituted for different areas.

(2) The following shall be the committees of the Board, namely

- (a) Curriculum/Syllabus Committee,
- (b) Examinations Committee,
- (c) Results Committee,
- (d) Recognition Committee, and
- (e) Finance Committee.

(3) Aforesaid Committees shall consist of the members of the Board only and such Committees shall be constituted in such a way that as far as possible at least one member from each of the following classes are present in each of the Committees -

- (a) Heads of institutions mentioned in Clauses (b) and (c) of sub-section (1) of Section 6.
- (b) Teachers mentioned in Clause (d) of sub-section (1) of Section 6.
- (c) Teachers and professors mentioned in Clause (e) and (g) of sub-section (1) of Section 6.
- (d) Persons mentioned in Clauses (f), (h), (i), (j), (k), (l) and (a) of subsection (1) and subsection (2) of Section 6.
- (e) Persons mentioned in Clauses (m) and (o) of sub-section (1) of Section 6.

Provided that no Member of the

Board shall serve on more than one of such Committees, and the term of members of the committee shall cease with the cessation of the membership of the Board.

(4) In addition to the Committees mentioned in sub-section (2), the Board shall appoint such other committees, if any, as may be prescribed and such different Committees may be appointed for different areas.

(5) *Ad-hoc* Committees shall be constituted in such manner and the terms of members of such Committees shall be such as may be prescribed.

Exercise of
powers
delegated by
Board to
Committees:-

21 All matters relating to the exercise by the Board, of powers conferred upon it by this Act which have by Regulation been delegated by the Board to any one of its committees the Board before exercising any such powers, shall receive and consider the report of the committee with respect to the matter in question.

Power to make
Regulations of
the Board:-

22 (1) The Board may make regulations to provide for all or any of the following matters, namely:

- (a) The constitution, powers and duties of committees.
- (b) The conferment of diplomas and certificates.
- (c) The conditions of recognition of institutions for the purposes of its examinations.
- (d) The courses of study to be laid down for all certificate and diploma.
- (e) The conditions under which

candidates shall be admitted to the Examinations of the Board and shall be eligible for diplomas and certificates.

- (f) The fees for admission to the examinations.
- (g) The conduct of examinations.
- (h) The appointment of examiners and their duties and powers in relation to the Board's examinations.
- (i) The admission of institutions to the privileges of recognition and the withdrawal of recognition.
- (j) Appointment of committees at village, *nyaya panchayat*, block, district and region level for inspection, supervision, management and recognition of institutions, and delegation of powers to them.
- (k) All matters which by this Act are to be or may be provided for by Regulations.
- (l) The conditions under which grants-in-aid shall be given to institutions recognized by the Board.
- (m) The formation of parent-teacher association.
- (2) No regulation under sub-section (1) shall be made except prior approval of the State Government.

Power of
Board to make
by-laws-

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- (1) Subject to the provisions of this Act the Board may make by-laws to provide for all or any of the following matters, namely-
 - (a) Laying down the procedure to be

observed at their meetings and the number of members required to form a quorum.

(b) Such matters which are not provided for in this Act and regulations.

(2) The State Government may issue direction to amend or rescind of any by-laws made under this section by the Board or its Committee.

Proceedings not invalidated by reasons of vacancies. 24 No act or proceedings of the Board shall be called in question or shall be invalid on the ground merely of the existence of any vacancy or defect in the constitution of the Board.

Officers and Staff of the Board and its Committee to be public servants. 25 Officers and Staff of the Board or its committee shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, (1860) (45 of 1860).

Provisions for assistance during examination. 26 (1) For the conduct of Board's examinations, evaluation of answer-books in such Examination and preparation of result thereof, the Committee of Management, Head of Institution, every teacher and other employee in relation to an institution, shall render such assistance, perform such duties and discharge such functions as may be required, entrusted or assigned to it or him by or under this Act.

(2) Where the Director is satisfied that any such Committee, Head of Institution, teacher or employee has Failed to carry out any direction issued

under sub-section (1), he may, for the conduct of Board's Examinations, evaluation of answer books in such examination or preparation of result thereof, take such measures (including requisition and taking possession of the building, furniture or any other property of the institution) and for such period as appears to him to be necessary therefore.

PART-VIII

SCHEME OF ADMINISTRATION, TERMS OF MANAGEMENT COMMITTEE AND APPOINTMENT OF AUTHORISED CONTROLLER

Scheme of Administration: (1) Notwithstanding anything in any law, document or decree or order of a Court of other instrument there shall be Scheme of administration (hereinafter referred to as the Scheme of Administration) for every recognized institution, which shall be submitted along with the application for recognition for the sanction of the Director. The Scheme of Administration shall amongst other matters provide for the constitution of a Committee of Management (hereinafter called the Committee of Management) vested with authority to manage and conduct the affairs of the institution. The Head of the institution and two teachers, thereof, who shall be selected by rotation according to seniority in the manner to be prescribed by Regulations, shall be ex-officio members of the Committee of Management with a right to vote.

(4) No member of the Committee of Management shall either attend a meeting of the committee or exercise his right to vote whenever a charge concerning his personal conduct is under discussion.

(5) The Scheme of Administration shall also describe subject to any Regulations, the respective powers, duties and functions of the Head of the Institution and Committee of Management in relation to the Institution.

(6) Where more than one recognized institution is maintained by a body or authority, there shall be separate Committee of Management for each institution unless otherwise provided in the Regulations for any class of institution.

(7) The Scheme of Administration of every institution shall be subject to the approval of the Director and no amendment to or change in the Scheme of Administration shall be made at any time without the prior approval of the Director.

Provided that where the Management of an institution is aggrieved by an order of the Director refusing to approve an amendment or change in the Scheme Of Administration, the State Government, on the representation of the Management, may, if it is satisfied that the proposed amendment or change in the Scheme of Administration is in the interest of the institution, order the

Director to approve of the same, and thereupon the Director shall act accordingly.

(6) Every recognized institution shall be managed in accordance with the Scheme of Administration framed under and in accordance with sub-section (1) to sub-section (5) and Sections 29 and 30.

(7) Whenever there is dispute with respect to the Management of an institution, person found by the Joint Director of Sanskrit Education upon such enquiry as is deemed fit to be in actual control of its affairs may, for purpose of this Act, be recognized to constitute the Committee of Management of such institution until a Court of competent jurisdiction directs otherwise.

Provided that the Joint Director of Sanskrit Education shall, before making an order under this sub-section, afford reasonable opportunity to the rival claimants to make representations in writing.

Explanation- In determining the question as to who is in actual control of the affairs of the institution, the Joint Director of Sanskrit Education shall have regard to the control over, the funds of the institution and over the administration, the receipt of income from its properties, the Scheme of Administration approved under sub-section (5) and other relevant circumstances.

- Scheme of Administration not to be inconsistent with the Schedule:** 28. The Scheme Of Administration in relation to any institution, whether suggested before or after the commencement of this Act shall not be inconsistent with the principles laid down in the First Schedule.
- Scheme of Administration to be Presented for sanction before the Director:** 29. Where in relation to any institution, the Scheme of Administration has been or deemed to have been approved under Section 27 at any time before the commencement of the this Act and such Scheme of Administration is inconsistent with the provisions of this Act, the institution shall submit, within period of Six months from such commencement, a fresh Scheme of Administration Consistent with the principles laid down in the first schedule for the approval of the Director.
- Requirement of Amendment or Alteration in the Scheme of Administration:** 30. (1) While making any suggestion in the Scheme of Administration submitted under section 27 or 29 the Director shall send, within such period of time as may be prescribed, a notice to such institution suggesting any alteration or modification therein and requiring the institution to submit a fresh Scheme, of Administration or to amend or alter the existing Scheme.
- (2) While making any suggestion in the Scheme of Administration, the Director shall give his reasons therefore and shall also afford an opportunity to the institution to make a representation within such period as may be specified in the notice.
- (3) The Director shall consider any

representation made in accordance with subsection (2) and may approve the Scheme of Administration in its original form Or subject to any alteration or modification suggested under subsection (1) or with any other changes as may appear to him, to be just and proper.

Provided that where the Director proposes to make any new alteration or modification in the Scheme of Administration, he shall give an opportunity to the institution to make a representation within such period as may be specified by him.

(4) Subject to the provisions of this act, the Director shall, within such period of as may be prescribed, either approve the Draft Scheme of Administration submitted under Section 27 or section 29, or suggest any alteration or modification in the Scheme of Administration.

Provided that if the Director does not suggest any alteration or modification in the Draft Scheme of Administration, within the period of time illustrated by regulations the Draft Scheme of Administration shall be deemed to have been approved.

Term of Management Committee :	31	In the Scheme of Administration framed under Section 27 of this Act, the term of office of the Committee of Management shall not be prescribed for a period exceeding three years.
Inspection of the recognized	32	(1) The Director may inspect a recognized institution or cause it to be

Institution and
removal of
defects.

inspected by the departmental officers from time to time.

(2) The Director may direct a management to remove any defect or deficiency found on inspection or otherwise.

(3) If on the receipt of information or otherwise, the Director is satisfied that—

(i) The Committee of Management of an institution has failed to comply with the judgment of any Court or any direction made under this Act or any other law for the time being in force; or

(ii) the Committee has failed to appoint teaching staff possessing such qualifications as are necessary for the purpose of ensuring to maintenance of academic standard in the institution or has appointed or retained in service any teaching or non-teaching staff in contravention of the provision of this Act or the Regulations; or

(iii) Any dispute with respect to the right claimed by different persons to be lawful office-bearers of the Committee of Management has affected the smooth and orderly administration of the institution concerned; or

(iv) The Committee has persistently failed for three years to provide the institution with such adequate and proper accommodation, library, furniture, stationery, laboratory equipment or other facilities as are necessary for the efficient administration of such institution; or

(v) The Committee has substantially diverted, misapplied or misappropriated the property of the institution to its detriment or has transferred any property in contravention of the provisions of the Uttar Pradesh Educational Institutions (Prevention of Dissipation of Assets) Act, 1974, or

(vi) The draft of the Scheme of Administration had not been submitted within the time allowed therefore under Section 29, or that the Management of the institution is being conducted otherwise than in accordance with the Scheme of Administration or the affairs of the institution are being otherwise mismanaged.

(vii) the Scheme of Administration in relation to an institution, approved before the commencement of this Act, is inconsistent with the provisions of this Act and the management of the institution has failed to alter or modify it within a reasonable time despite notice under Section 12, he may refer the case to Board for withdrawal of recognition of such institution, or issue notice to the Committee of Management to show cause within thirty days from the date of receipt of notice why an order under sub-section (4) should not be made.

(4) Where the Committee of Management of an institution fails to show cause within the time allowed under sub-section (3) or within such extended time as the Director may, from

time to time allow, or where the Director is, after considering the cause shown by the Committee of Management satisfied that any of the grounds mentioned in sub-section (3) exists, he may recommend to the State Government to appoint an authorized Controller for that institution thereupon, the State Government may, by order, for reasons to be recorded authorize any person (hereinafter referred to as the authorized Controller) to take over, for such period not exceeding two years, as may be specified, the Management of such institution and its properties.

Provided that if the State Government is of opinion that it is expedient so to do in order to continue to secure the proper management of the institution and its properties, it may from time to time, amend the operation of the order, for such period not exceeding one year at a time, as it may specify, so however, that the period specified in the initial order, but excluding the period specified in sub-section (8), does not exceed five years.

Provided further that if at the expiration of the said period of five years there is no lawfully constituted Committee of Management of the institution. The authorized Controller shall continue to function as such, until the State Government is satisfied that a Committee of Management has been lawfully constituted.

(5) If on the receipt of information or

otherwise, the State Government is of opinion that in relation to an institution the ground mentioned in Clause (iii) or Clause (v) of sub-section (3) exists, and that the interest of the institution calls for immediate action, it may, notwithstanding anything contained in the said subsection, issue notice to the Management of such institution to show cause within fifteen days from the date of receipt of such notice why an authorized Controller be not appointed in respect of such institution.

(6) Where the Committee of Management of the concerned institution fails to cause within the time allowed under sub-section (5), or with in such extended time as the State Government may, from time to time, allow or where the State Government is, after considering the cause shown by the Committee of Management, satisfied that any of the grounds mentioned in Clause (iii) or Clause (v) of sub-section (3) exists, it may by order and for reasons to be recorded, appoint an authorized Controller in respect of such institution and thereupon, the provisions of sub-section (4) shall mutatis mutandis apply.

(7) Every notice issued by the Director under sub-section (3) on or before the service of the notice referred to in sub-section (5) and not finally disposed of on the date of such service shall, with effect from the said date, be deemed to have been in obedience.

Provided that nothing contained in this sub-section shall be deemed to prevent the Director to take action upon grounds other than those mentioned in Clauses (ii) and (v) of sub-section (3) in case the notice issued by the State Government under sub-section (2) is discharged,

(8) If the State Government is of opinion that immediate suspension of the Committee of Management is also necessary or expedient in the interest of the institution concerned, it may, while issuing notice under sub-section (5), by order and for reasons to be recorded, suspend the Committee of Management and make such arrangement as it thinks proper for managing the affairs of the institution pending the order that may subsequently be made under sub-section (6).

Provided that the suspension shall not remain in force for more than six months from the date it becomes effective.

Explanation (i): For the removal of doubts, it is hereby declared that in computing the period of time specified in sub-section (4) or sub-section (8), the time during which the operation of the order was suspended by the High Court in exercise of the powers under Article 226 of the Constitution shall be excluded.

Explanation (ii): Nothing in sub-section (4) or sub-section (6) shall preclude, the State Government from

issuing an order of appointment of an authorized controller appointed under any of the said provisions.

(9) Nothing in the section shall be construed to confer on the authorized Controller appointed under sub-section (4) or sub-section (8), the power to transfer any immovable property belonging to the institution (except by way of letting from month to month in the ordinary course of management) or to create any charge thereon (except as a condition of receipt of any grant-in-aid for institution from the State Government or the Government of India).

(10) Any order made under this section shall have effect notwithstanding anything inconsistent therewith contained in any other enactment or in any instrument (including any Scheme of Administration) relating to the management and control of the institution or its property.

Provided that the property of the institution and any income there from shall continue to be applied for the purposes of the institution as provided in any such instrument.

(11) The Director may give to the authorized Controller such directions as he may deem necessary for the proper management of the institution or its properties, and the authorized Controller shall carry out those directions.

(12) No order made by the Board

withdrawing recognition in pursuance of a reference made under sub-section (3) and order made or direction given under this section by the Director or the State Government shall be called in question except court of competent jurisdiction and no injunction shall be granted except court of competent jurisdiction in respect of any action taken or to be taken in pursuance of any powers conferred by or under this section.

(13) The power conferred by this section shall be in addition to, and not in derogation of any powers conferred on the State Government or the authorized Controller under any other law for the time being in force.

(14) Nothing contained in sub-section (3) or (13) shall apply to institutions established and administered by a minority referred to in Clause (1) of Article 30 of the Constitution of India.

**Appointment
of Authorized
Controller:-**

33 (1) whenever an authorized controller is appointed under sub-section (4) or sub-section (8) of Section 22-

(a) He shall take over the management of the concerned institution and its properties to the exclusion of its Committee of Management, and shall, subject to such restrictions as the State Government may impose, have all such power and authority as the Committee would have if the institution and its properties were not taken over under the said sub-section.

(b) Every person in whose possession, custody or control any property of the

institution may be shall deliver such property to the authorized Controller forthwith.

(2) Every person who on the date of the order referred to in sub-section (4) of sub-section (8) of section 32 has in his possession or control any books or other documents relating to the institution or its property shall be liable to account for the said books and other documents to the authorized Controller, and shall deliver them to him or to such person as the authorized Controller may specify in this behalf.

(3) The authorized Controller may apply to the Collector for delivery of possession and control over the institution or its properties or any part thereof, and the Collector may take all necessary steps for securing possession to the authorized Controller of such institution or property, and in particular, may use or cause to be used such force as may be necessary.

Explanation: In this section and section 32, unless the context otherwise requires, "property" in relation to an institution, includes property, movable and immovable belonging to or endowed wholly or partly for the benefit of the institution including lands, building (including hotels), works, library, laboratory, instruments, equipments, furniture, stationery, stores, automobiles and other vehicles, if any, and other things pertaining to the institution, cash in hand, cash at bank, income from fees,

boys' funds, grants, investments and book debts, all other rights and interests arising out of such property as may be in the ownership, possession, power or control of the institution and all books of accounts, registers and all other documents of whatever nature relating thereto, and shall also be deemed to include all subsisting borrowings, liabilities and obligations of whatever kind, of the institution.

PART-IX

APPOINTMENT OF TEACHERS AND EMPLOYEES, CONSTITUTION OF SELECTION COMMITTEE

- Procedure for selection of teachers, Employees and heads of institutions- 34
- (1) Subject to the provisions of this Act, the Head of Institution and teachers of an institution is appointed by the Committee of Management in the manner hereinafter provided.
- (2) Every post of Head of Institution or teacher of an institution shall, except to the extent prescribed for being filled by promotion, be filled by direct recruitments after intimation of the vacancy to the Joint Director of Sanskrit Education and the Joint Director, Sanskrit Education give direction to the Management Committee for advertising the vacancy containing such particulars as may be prescribed, in at least two daily newspapers having wide circulation in the State.
- (3) No person shall be appointed as Head of Institution or teacher in an

institution unless he possesses qualification prescribed by the Regulation.

(4) Every application for appointment as Head of institution or teacher of an institution in pursuance of an advertisement published under sub-section (2) shall be made to the District Assistant Director of Sanskrit Education and shall be accompanied by such fee which shall be paid in such manner as may be prescribed.

(5) (i) After the receipt of application under sub-section (4), the District Assistant Director of Sanskrit Education shall cause to be awarded, in respect of each such application, quality-point marks in accordance with the procedure and principles prescribed, and shall forward the applications to the Committee of the Management.

(ii) The applications shall be dealt with, candidates shall be called for interview, and the meeting of the Selection Committee shall be held in accordance with the Regulations.

(6) The selection Committee shall prepare a list containing in order of preference the names as far as possible of three candidates for a post found by it to be suitable for appointment and shall communicate its recommendations together with such list to the Committee of Management.

(7) Subject to the provisions of sub-section (8) the Committee of the Management shall, on receipt of the

recommendations of the Selection Committee under sub-section (6), first offer appointment to the candidate given the first preference by the Selection Committee, and on his failure to join the post, the candidate next to him in the list prepared by the Selection Committee under this section, and on the failure of such candidate also, to the last candidate specified in such list.

(8) The Committee of Management shall, where it does not agree with the recommendations of the Selection Committee, refer the matter together with the reasons of such disagreement to the Joint Director of Nonskri Education in the case of appointment to the post of Head of Institution and to the District Assistant Director of Saredri Education in the case of appointment to the post of teacher of an institution, and his decision shall be final.

(9) Where no candidate approved by the Selection Committee for appointment is available, a fresh selection shall be held in the manner laid down in the section.

(10) Where the State Government, in case of the appointment of Head of Institution, and the Director in the case of appointment of teacher of an institution, is satisfied that any person has been appointed as Head of Institution or teacher, as the case may be, in contravention of the provisions of this Act, the State Government or, as the

case may be, the Director shall, after affording an opportunity of being heard to such person, cancel such appointment and pass such consequential order as may be necessary.

(11) No male candidate shall be eligible for appointment to the post of Head of Institution or teacher in a girl's institution, but the provision of this subsection shall not apply in the context of the following-

(a) appointment by promotion to a higher post other than the post of Head of Institution in that institution in case of a candidate already working in a girl's institution as a permanent teacher, or

(b) Appointment of a blind teacher as a teacher of music.

(12) The selection process for the appointment of clerical (ministerial) or grouped employee shall be as prescribed.

Constitution of Selection Committees-

(1) for the selection of candidates for appointment as Head of an Institution, there shall be a Selection Committee consisting of

(i) The President or any member of the Committee of Management nominated by the Committee by resolution in that behalf, who shall be the Chairman.

(ii) A member to the Committee of Management other than the one referred to in Clause (i), nominated by it in this behalf.

(ii) three experts nominated by the Director of Sanskrit Education from persons not belonging to the district in which the institution is situated, out of the panel of names prepared under this section.

(2) For the selection of candidates for appointment as teacher in an institution, there shall be a Selection Committee consisting of-

(i) The President or any member of the Committee of Management nominated by the Committee by resolution in that behalf who shall be the Chairman.

(ii) The Head of such institution.

(iii) three experts nominated by the Joint Director of Sanskrit Education from persons not belonging to the district in which the institution is situated, out of the panel of names prepared under this section.

(3) The selection of candidates for appointment of clerical (ministerial) staff in an institution, made by following provision

(1) Regular section against sanctioned posts.

(i) the President or any member of the Committee of Management nominated by the Committee by resolution in that behalf who shall be the Chairman.

(ii) the Head of such institution.

(iii) One officer nominated by the Joint Director of Sanskrit Education not below the rank of

provincial education service cadre.

- (3) Through out-sourcing on the recommendation of Director/ Chairman and approval of state Government.
- (4) For the selection of candidates for appointment in Group-D is only based on Outsourcing.

Conditions of service of Head of Institutions, teachers and other employees:-

- 34. (1) Every person employed in a recognized institution shall be governed by such conditions of service as may be prescribed by Regulations and any agreement between the managements and such employee in so far as it is inconsistent with the provisions of this Act or with the Regulations shall be void.
- (2) Without prejudice to the generality of the powers conferred by sub-section (1), the Regulations may provide for-
 - (a) The period of probation, the conditions of confirmation and the procedure and conditions for promotion and punishment, [including suspension pending or in contemplation of inquiry or during the pendency of investigation, inquiry or trial in any criminal case for an offence involving moral turpitude] and the emoluments for the period of suspension and termination of service with notice.
 - (b) The scale of pay and payment of salaries.
 - (c) Transfer of service from one

recognised institution to another.

(d) Grant of leave and Provident Fund and other benefits, and

(e) Maintenance of record of work and service.

(3) (a) No Principal, Headmaster or teacher may be discharged or removed or dismissed from service or reduced in rank or subjected to any diminution in emoluments, or served with Notice of termination of service except with the prior approval in writing of the Joint Director of Sanskrit Education. The decision of the Joint Director of Sanskrit Education shall be communicated within the period to be prescribed by regulations.

(b) The Joint Director of Sanskrit Education may approve or disapprove or reduce or enhance the punishment or approve or disapprove of the notice for termination of service proposed by the management.

Provided that in the cases of punishment, before passing orders, Joint Director of Sanskrit Education shall give an opportunity to the Principal, the Headmaster or the teacher to show cause within a Month of the receipt of the notice why the proposed punishment should not be inflicted.

(c) Any party may prefer an appeal to the Director of Sanskrit Education, against an order of the Joint Director of Sanskrit Education under Clause (b), within one month from the date of

receipt of the order to that party, and the Director of Sanskrit may, after such further inquiry, if any, as he considers necessary, confirm, set aside or modify the order, and the order passed by the Director of Sanskrit shall be final.

(4) An order made or decision given by the competent authority under sub-section (3) shall not be questioned except court of competent jurisdiction any Court and the parties concerned shall be bound to execute the directions contained in the order or decision within the period that may be specified therein.

(5) No Head of Institution or teacher shall be suspended by the Management unless in the opinion of the Management -

(a) The charges against him are serious enough to merit his dismissal, removal or reduction in rank, or

(b) His continuance in office is likely to hamper or prejudice the conduct of disciplinary proceedings against him, or

(c) Any criminal case for an offence involving moral turpitude against him is under investigation, inquiry or trial.

(6) Where any Head of institution or teacher is suspended by the Management Committee, it shall be reported to the Joint Director of Sanskrit Education within seven days from the date of the order of suspension and the

report shall contain such particulars as may be prescribed accompanied by all relevant documents.

(7) No such order of suspension shall, unless approved by the Joint Director of Sanskrit Education, shall remain in force for more than sixty days from the date of such order, and the order of the Joint Director of Sanskrit Education shall be final and shall not be questioned except on a writ of competent jurisdiction.

(8) If, at any time, the Joint Director of Sanskrit Education is satisfied that in disciplinary proceedings against the Head of Institution or teacher, suspension is being made, for no fault of the Head of Institution or the teacher, the Joint Director of Sanskrit Education may, after affording opportunity to the Management to make representation revoke an order of suspension passed under this section.

(9) A person will not be eligible for appointment in an Institution, if such person was related to any member of the Committee of Management or the Principal or Headmaster of the Institution concerned.

Explanation: For the purpose of this sub-section, a person shall be deemed to be related to another if-

- (a) They are members of a Hindu undivided family, or
- (b) They are husband and wife, or
- (c) The one is related to the other in the manner indicated in the Second Schedule.

PART-X
PAYMENT OF SALARY OF THE TEACHERS AND
OTHER EMPLOYEES OF INSTITUTIONS
RECEIVING MAINTENANCE GRANT FROM THE
STATE GOVERNMENT

Payment of 37 Subject to the provisions of this
 salary of the , Act, salary of the teachers and other
 teachers and employees of institutions receiving
 of institutions maintenance grant from the State
 receiving Government shall be paid in hereinafter
 maintenance arranged manner.
 grant from the
 State
 Government:

Payment of 38 (1) Not with standing any contract to
 salary within . the contrary, the salary of a teacher or
 time and other employee of an institution
 without receiving maintenance grant from the
 unauthorized State Government in respect of any
 deduction:- period from the day of the
 commencement, shall be paid to him
 before the expiry of the Tenth day, or
 such earlier day as the State
 Government may by general or special
 order in that behalf appoint, of the
 month next following the month in
 respect of which or any part of which, it
 is payable.

(2) The salary shall subject to the
 provision of sub-section (1), be paid
 without deduction of any kind except
 those authorized by the regulations or
 by any rules made under the Act or by
 any other law for the time being in
 force.

(3) where the salary of a teacher or other employee of an institution is not paid in accordance with sub-section (1) due to any default on the part of the management, the District Assistant Director of Sanskrit Education may, without prejudice to any other provisions of this Act, pay or cause to be paid within ten days from the date mentioned in that sub-section such salary from the moneys credited to the account mentioned in section 45 at the rate of salary last drawn by such teacher or employee as the case may be, and in case fresh appointment at the rate of the minimum of the pay scale in which he has been appointed, and any adjustment in respect of such payment shall, thereafter be made as soon as possible.

Power to inspect 39
etc:-

(1) The District Assistant Director of Sanskrit Education may at any time, for the purposes of this Act, inspect or cause to be inspected any institution or call for such information and records (including registers, book of accounts and vouchers) from its management with regard to the payment of salaries to its teachers or employees or give to its management any direction for the observance of such canons of financial propriety (including any direction for retrenchment of any teacher or employee or for prohibition of any wasteful expenditure) as he thinks fit.

(2) Where a direction under sub-section (1) is given for retrenchment of

any teacher or employee, it shall be complied within accordance with the provisions of this Act and the regulations or, as the case may be, the conditions of his service.

(3) (a) Notwithstanding anything contained in any law and without prejudice to the generality of the powers conferred under sub-section (1) the Director may any time, by general or specific order, direct a teacher, who takes part in a strike or remains in it or takes part in it otherwise, which has been prohibited under section 3 of Uttar Pradesh Maintenance of Essential Service Act 1968 (as adopted in Uttarakhand) to be present on his duty by the day or time specified in the order.

(b) Not with standing anything contained in this Act, on a default committed by a teacher to be present on duty, the contract with the Management regarding teacher's employment shall be void from the date or time specified in the above mentioned direction.

(c) Where a contract becomes void under sub-section (b), the concerned teacher shall cease to hold appointment, and he shall not be entitled of any notice before such cessation of his services, nor shall any disciplinary enquiry be expedient before such action, notwithstanding anything contained in the conditions of his services in the Act.

(d) Specifically, and without prejudice to the generality of the consequences specified for that reason, the State

Procedure for 40
payment of
salary in the
case of certain
institutions
receiving
maintenance
grant from the
State
Government:-

Government shall not be liable for the payment of salary of any teacher after such date or time specified in such direction notwithstanding anything contained in section.

(1) The management of every institution receiving maintenance grant from the State Government shall for the purpose of disbursement of salaries to its teachers and employees open in a scheduled bank or a co-operative bank a separate account to be operated jointly by a representative of the management and by the District Assistant Director of Sanskrit Education or such other officer as may be authorized by Assistant Director of Sanskrit Education in that behalf,

Provided that after the account is opened the District Assistant Director of Sanskrit Education may, if he is, subject to any rules made under this Act, satisfied that it is expedient in the public interest to do so, instruct the bank that the account shall be operated by the representative of the management alone, and may at any time revoke such instruction.

Provided further that in the case referred to in the proviso to sub-section (2), or where a difficulty arises in the disbursement of salaries due to any default of the management the District Assistant Director of Sanskrit Education may instruct the bank that the account shall be operated only by himself or by such other officer as may be authorized

by him in that behalf and may at any time revoke such instruction,

(2) The management shall deposit in the said account by such date as may be specified by general or special orders by the District Assistant Director of Sanskrit Education, eighty percent or where the state government or an officer authorized by the state government having regard to the money required to be disbursed, directs a higher percentage, then such higher percentage as it or he may direct of the amount received from students, as fees which in accordance with the general or special orders of the state government in that behalf [and for so long as such Orders are not made in, accordance with the directions of the District Assistant Director of Sanskrit Education] form part of the maintenance fund.

(3) The entire amount of the maintenance grant and the amount of eighty percent or such higher percentage as the state government or an officer authorized by the state government may by general or special order in that behalf determine, of the grants, for reimbursement of feeships and other similar concession shall also be paid by the state government into the said account.

(4) No money credited to the said account shall be applied for any purpose except the following, namely :

(a) Payment of the said salaries falling due for any period from the date of the

commencement of this Act.

(b) Credit of the institution's contribution, if any, to the provident fund accounts of the teachers and employees.

(c) such other expenditure for the purposes of the institution receiving maintenance grant from the State Government as may be decided by the State Government or an officer authorized by it in that behalf and such portion of the balance in the account at the end of the month of July each year as exceeds the aggregate of one month's salary of the teachers and employees of the institution receiving maintenance grant from the State Government after meeting the liability for payment of their salaries for the period for which fees have been realized from the students shall be made over to the management for expenditure on the institution receiving maintenance grant from the State Government.

(5) The salary of a teacher or employee shall be paid by transfer of the amount from the said account to his account, if any, in the same bank, or if he has no account in that bank, then by cheque.

(6) In respect of a place where there is no scheduled bank or a co-operative bank the provision of this section shall apply with such modifications as the State Government may by notification in the Gazette specify and the references in this section to bank shall in that case be construed as references to a post

**Enforcement of 41
provisions and
directions:**

offer savings bank.

(1) Where the District Assistant Director of Sanskrit Education on the basis of an inspection of an institution receiving maintenance grant from the State Government or its records or otherwise is satisfied that its management has committed default in complying with any direction given under Section 32 or with any provision of Section 33 or Section 40 he may recommend to the Deputy Director of Sanskrit Education, that action be taken against the institution under sub-section (2).

(2) On receipt of a recommendation under sub-section (1), the Deputy Director of Sanskrit Education, may call upon the management to comply with the said direction or provision or to show cause within a week why the management should not be suspended.

(3) Where the management fails to comply as aforesaid or to show cause, or the Deputy Director of Sanskrit Education considers the cause shown to be insufficient, he may by order suspend the management for such period not exceeding one year as may be specified in the order, and authorize any person (hereinafter referred to as the Managing Administrator) to take over the management of the institution receiving maintenance grant from the State Government for the said period.

Provided that the Deputy Director of Sanskrit Education, may

(8) Any order made or direction given under this section shall have effect not with standing anything inconsistent therewith contained in any other enactment or instrument relating to the management and control of the institution receiving maintenance grant from the State Government (including any scheme of administration) or relating to the property belonging to or vested in the institution.

Appeal:- 42 An appeal against the order of the Deputy Director of Sarvodaya Education, superseding the management under section 41 may be preferred to the Director within one month from the date on which the order is communicated to the management and the Director may after such further inquiry, if any, as he considers necessary either set it aside or confirm or modify it, and pending the disposal of appeal may stay the operation of the order on such terms, if any, as he thinks fit.

Revision:- 43 The State Government may call for and examine the record of any appeal decided by the Director under section 42 for the purpose of satisfying itself as to the correctness or propriety of any order passed by him, and it may pass such order thereon as it thinks fit.

Provided that no order superseding the management of an institution receiving maintenance grant from the State Government or extending the period of suppression thereof shall

be passed under this section unless an opportunity has been given to the management to show cause against the proposed order.

Approval for posts:- 42 No institution receiving maintenance grant from the State Government shall create a new post of teacher or other employee except with previous approval of the Director, or such other officer as may be empowered in that behalf by the director.

Liability respect salary:- in of 43 (1) The State Government shall be liable for payment of salaries of teachers and employees of every institution receiving maintenance grant from the State Government due in respect of any period from the date of the commencement of this Act.

(2) The State Government may recover any amount in respect of which any liability is incurred by it under subsection (1) by attachment of the income from the property belonging to or vested in the institution as if that amount were an arrear of land revenue due from the institution receiving maintenance grant from the State Government.

(3) Nothing in this section shall be deemed to derogate from the liability of the institution for any such dues to the teacher or employee.

Penalties and Procedures:- and 44 (1) If any default is committed in complying with any direction under Section 38 or with the provisions of Section 39 or Section 40, every person who at the time the default was committed was Manager or any other

person vested with the authority to manage and conduct the affairs of the institution receiving maintenance grant from the State Government shall, unless he proves that the default was committed without his knowledge or that he exercised all due diligence to prevent the commission of the default, be punishable, in the case of a default in complying with the provisions of Section 39 with fine which may extend to one thousand rupees and in case of any other default, with imprisonment which may extend to six months or fine which may extend to one thousand rupees or with both.

(2) No court shall take re-cognizance of any offence punishable under this section except with the previous sanction of the Director of Sarakrit Education except court of competent jurisdiction.

(3) Every offence under this section shall be cognizable, but no police officer below the rank of an Additional Superintendent shall investigate any such offence without the order of a Magistrate of the first class or make arrest therefore without a warrant.

(4) No Court below the rank of a Magistrate of the first class shall take cognizance of an offence under this section, except court of competent jurisdiction.

PART-XI MISCELLANEOUS

- | | | |
|--|-----------|--|
| <p>Exemption of certain classes of institutions from the operation of certain sections:-</p> | <p>47</p> | <p>The provisions of sections 27, 28-29, sub-section (2) to sub-section (14) of section 32 and sections 33 to 46 shall not apply to recognized institutions run and maintained by the State Government or the Central Government.</p> |
| <p>Delegation of Powers by the Director:-</p> | <p>48</p> | <p>Subject to the approval of the State Government, the Director may, by a notification in the official Gazette, delegate all or any of the powers conferred upon him by or under this Act, except the powers which he exercise as Chairman of the Board as an officer or officers of the Sankar Education Department not lower in rank than a Joint Director of Sankar Education.</p> |
| <p>Protection for acts done in good faith:-</p> | <p>49</p> | <p>No suit, prosecution or other legal proceeding shall lie against the State Government, the Board or any of its Committee or any other person or any person authorized by the State Government, the Board or any of its Committee in respect of anything which is in good faith done or intended to be done in pursuance of this Act.</p> |
| <p>Bar of Jurisdiction of Courts:-</p> | <p>50</p> | <p>No order or decision made by the Board or any of its Committee in exercise of the powers conferred by or under this Act shall be called in question in any Court, except court of competent jurisdiction.</p> |
| <p>Power to remove difficulties:-</p> | <p>51</p> | <p>If any difficulty arises in giving effect to the provisions of this Act or by reason of anything contained in this Act, the State Government may, by notification in the Gazette, remove the</p> |

difficulty by making such incidental or consequential provisions, not affecting the substance.

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

Provided further that such every order as soon as shall be laid, before the State Legislative Assembly.

Application of
Provision of
Panchayati Raj
Act-

52 Notwithstanding anything contained in this Act, the provisions of Panchayati Raj Act, as far as they are related to the management of education, shall apply.

Repeal and
Savings

53 In exercise of the powers conferred by section 50 sub-section (1-a) of Uttar Pradesh State University Act, 1972 (President Act No. 10 of 1973) as promulgated and amended by Uttar Pradesh University (Re-enact and amendment) Act, 1974 (Uttar Pradesh Act No. 29 of 1974) read with section 21 of Uttar Pradesh General Clause Act, 1954 (Uttar Pradesh Act no. 1 of 1954), the Governor is pleased to promulgate Uttarakhand Sanskrit Education Act, 2014 for the purpose of amending Sampurnanand Sanskrit University, 1st Regulation, 1978, shall be amended to this extend.

SCHEDULE-ONE

(See Section 28)

**Principles on which approval to a Scheme of
Administration shall be accorded:-**

Every scheme of Administration shall-

- (1) Provide for proper and effective functioning of the Committee of Management.
- (2) Provide for the procedure for constituting the Committee of Management by periodical elections.
- (3) Provide for the qualifications and disqualifications of the members and office-bearers of the Committee of Management and the term of their offices.

Provided that no such scheme shall contain provisions creating monopoly in favor of any particular person, cast, creed or family:

- (4) Provide for the procedure of calling of meetings and the conduct of business at such meetings.
- (5) Provide that all the decisions shall be taken by the Committee of Management and powers of delegation, if any, shall be limited and clearly defined.
- (6) ensure that the powers and duties of the committee of Management and its office-bearers are clearly defined.
- (7) Provide for the maintenance and security of property belonging to the institution and also for the utilization of its funds and for the regular checking and auditing of accounts.

SCHEDULE-TWO

(See Section 36)

List of Relatives

1. Father
2. Mother (including step-mother)
3. Son (including step-son)
4. Son's wife
5. Daughter (including step-daughter)
6. Father's father
7. Father's mother
8. Mother's mother
9. Mother's father
10. Son's son
11. Son's son's wife
12. Son's daughter
13. Son's daughter's husband
14. Daughter's husband
15. Daughter's son
16. Daughter's son's wife
17. Daughter's daughter
18. Daughter's Daughter's husband
19. Brother (including step-brother)
20. Brother's wife
21. Sister's (including step-sister)
22. Sister's husband
23. Wife's (or husband's) brother
24. Wife's (or husband's) father
25. Wife's (or husband's) sister
26. Brother's son
27. Brother's daughter

By Order,

K.D. BHATT,
Principal Secretary