

ORISSA ACT 5 OF 1989

***THE ORISSA UNIVERSITIES ACT, 1989**

[Received the assent of the Governor on the 3rd April 1989 first published in an extraordinary issue of the *Orissa Gazette*, dated the 3rd April 1989]

**AN ACT TO CONSOLIDATE AND AMEND THE LAWS
RELATING TO CERTAIN UNIVERSITIES
IN THE STATE OF ORISSA.**

BE it enacted by the Legislature of the State of Orissa in the Fortieth year of the Republic of India, as follows:—

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Orissa Universities Act, 1989.
- (2) It shall extend to the whole of the State of Orissa.
- (3) It shall be deemed to have come into force on the 15th day of November, 1988.

Definitions

2. In this Act, unless the context otherwise requires,—
 - (a) "Academic Council" means the Academic Council of a University ;
 - (b) "affiliated institution" means a College or an institution affiliated to a University whether in whole or in part;
 - (c) "autonomous college", "autonomous institution" or "autonomous department" means a college, institution or department, as the case may be, on which the status of autonomy has been conferred under this Act;
 - (d) "College" means an institution admitted to a University in accordance with the provisions of this Act and the statutes and includes a college managed by a University, but does not include a school, whether it is an independent institution or forms part of a college as defined herein;
 - (e) "Constituent College" means a college managed by a University ;
 - (f) "Director" means the Director of Higher Education, Orissa or his nominee who shall be not below the rank of a Professor ;
 - (g) "District" and "Subdivision" shall respectively mean the District and Sub-division within the meaning of the Orissa Revenue Administrative (Units) Act, 1963 ; Orissa Act
22 of 1963
 - (h) "prescribed" means prescribed by statutes ;
 - (i) "registered graduate" means a graduate registered under this Act ;
 - (j) "registered teacher" means a teacher registered under this Act ;
 - (k) "Regulations" means the Regulations made by the Academic Council under section 25 of this Act;

*For the Bill see *Orissa Gazette*, Extraordinary, dated the 18th March 1989 (No. 449)

- (l) "Senate" means the Senate of a University ;
- (m) "Statutes" means the Statutes of the concerned University made under this Act ;
- (n) "Syndicate" means the Syndicate of a University ;
- (o) "Teacher of the University" means a teacher specified in sub-section (2) of section 4 ; and
- (p) "University" means a University established or deemed to have been established under this Act.

Explanation—Reference to the University in this Act shall be construed as references to each of the Universities ;

- (g) the expressions Vishvavidyalaya, Kuladhipati, Kulapati, Adhishad, Sansad, Bidya Parishad, Kulasachib, Bittadhikari, Pariksha Niyantaka, Upakulasachib, Sahayak Kulasachib, Mahavidyalaya, Pracharya, Upacharya, Pradhyapaka, Shikshaka and Acharya in relation to Sri Jagannath Sanskrit Vishvavidyalaya shall respectively mean University, Chancellor, Vice-Chancellor, Syndicate, Senate, Academic Council, Registrar, Comptroller of Finance, Controller of Examinations, Deputy Registrar, Assistant Registrar, College, Professor, Reader, Lecturer, Instructor and Graduate.

Establishment
and in-
corporation.

3. (1) The following Universities shall be deemed to have been established under this Act, namely:—

- (i) the Utkal University established under the Utkal University Act, 1966 having jurisdiction over the districts of Cuttack, Puri, Balasore, Mayurbhanj Keonjhar and the district of Dhenkanal excluding the Athmallik Subdivision; Orissa Act 20 of 1966.
- (ii) the Berhampur University established under the Berhampur University Act, 1966 having jurisdiction over the districts of Ganjam, Koraput and Phulbani excluding the Boud Subdivision thereof; Orissa Act 21 of 1966.
- (iii) the Sambalpur University established under the Sambalpur University Act, 1966 having jurisdiction over the districts of Sambalpur, Balangir, Sundargarh, Kalahandi, the Boud Subdivision of the district of Phulbani and the Athmallik Subdivision of the district of Dhenkanal; Orissa Act 22 of 1966.
- (iv) Sri Jagannath Sanskrit Vishvavidyalaya established under the Sri Jagannath Sanskrit Vishvavidyalaya Act, 1981 having jurisdiction over the whole of the State of Orissa. Orissa Act 31 of 1981.

(2) The Chancellor and Vice-Chancellor of every University and the members of the Senate, Syndicate and the Academic Council thereof shall constitute a body corporate by the name of that University.

(3) The University shall have perpetual succession and a common seal and shall sue and be sued by its name.

(4) Subject to the provisions of this Act and the Statutes, the University shall be competent to acquire and hold property, both movable and immovable, to lease, sell or otherwise transfer any movable or immovable property which may have become vested in, or may have been acquired by it, for the purposes of the University and to contract and do all other things necessary for the purposes of this Act.

(5) Every University shall be deemed to have been incorporated for the purposes, among others, of—

- (a) making provision for giving instruction in such branches of learning as it deems fit ;
- (b) promoting original research ;
- (c) examining students and conferring degrees;
- (d) admitting educational institutions to its privileges ;
- (e) inspecting the Colleges and supervising all matters of education and discipline therein; and
- (f) controlling the residence and discipline of the students of the University and promoting their physical, mental and moral welfare.

Officers, teachers and authorities of University.

4. (1) The following shall be the officers of the University, namely:—
- (i) the Chancellor ;
 - (ii) the Vice-Chancellor ;
 - (iii) the Registrar ;
 - (iv) the Comptroller of Finance;
 - (v) the Controller of Examinations ; and
 - (vi) such other officers as may be prescribed to be officers of the University.
- (2) The following shall be the teachers of the University, namely:—
- (i) Professors ;
 - (ii) Readers ;
 - (iii) Lecturers ; and
 - (iv) such other teachers as may be prescribed to be teachers of the University.
- (3) The following shall be the authorities of the University, namely:—
- (i) the Senate ;
 - (ii) the Syndicate ;
 - (iii) the Academic Council ; and
 - (iv) such other authorities as may be declared by the Statutes to be the authorities of the University.

The Chancellor.

5. (1) The Governor of Orissa shall be the Chancellor of the University.
- (2) The Chancellor shall by virtue of his office be the Head of the University and shall, when present, preside at the convocations of the University convened for the purpose of conferring degrees or for any other purpose.
- (3) Every proposal for conferment of an honorary degree shall be subject to confirmation by the Chancellor.
- (4) The Chancellor shall decide all disputes with regard to the election, nomination or selection of members of the authorities of the University and his decision shall be final.
- (5) The Chancellor shall have the right—
- (i) to make an inspection or cause an inspection to be made by such person or persons as he may direct, of any University, its buildings, laboratories, workshops and equipment and institutions associated with such University and of any examination, teaching or other work conducted or done by such University ; and
 - (ii) to make an enquiry or cause an enquiry to be made in like manner in respect of any matter connected with any University, and in every such case, he shall give notice to the Registrar of his intention to make an inspection or enquiry or to cause an inspection or enquiry to be made and the concerned University shall be entitled to be represented thereat;

Provided that the person entrusted with such enquiry or inspection shall not be below the rank of Registrar or of its equivalent rank.

(6) The Chancellor may, with reference to the result of such inspection or enquiry, direct the concerned authority or authorities of such University or the Vice-Chancellor, as the case may be, to take such remedial measures as he deems necessary within such period not being later than six months from the date of receipt of the direction as he may fix in that behalf.

(7) The concerned authority or authorities of such University or the Vice-Chancellor, as the case may be, shall report to the Chancellor such action, if any, as they have taken or propose to take upon the result of such inspection or enquiry and such report shall be submitted to the Chancellor within the period fixed by him under sub-section (6).

(8) If the concerned authority or the Vice-Chancellor, as the case may be, fails to comply with the direction issued by the Chancellor within the period fixed under sub-section (6) or within such further period not being later than three months as the Chancellor may allow in that behalf, the Chancellor may take such remedial measures or pass such order as he deems proper.

(9) The Chancellor shall be competent to issue directions or instructions not inconsistent with the provisions of this Act and Statutes on any matter connected with a University when any authority or Vice-Chancellor fails to act in accordance with the provisions of this Act, the Statutes, or the Regulations.

(10) The Chancellor may, by order in writing, annul any proceeding of the Senate, Syndicate, Academic Council or any other authority which is not in conformity with this Act, the Statutes, the Regulations or the directions issued under sub-section (9):

Provided that before making any such order he shall call upon the authority concerned to show cause as to why such an order should not be made and if any cause is shown within a reasonable time, he shall, after giving an opportunity of hearing if so deemed proper, consider the same.

The Vice-Chancellor.

6. (1) The Vice-Chancellor shall be a whole-time officer of the University and shall be appointed by the Chancellor from a panel of three names recommended by a Committee unanimously who are not members of the Committee.

(2) If the persons approved on priority basis by the Chancellor, out of the panel so recommended, are not willing to accept the appointment, the Chancellor may call for a fresh panel of three different names from the said Committee or if the Chancellor is of the opinion that none of the persons out of the said panel is suitable for appointment as Vice-Chancellor, the Chancellor may take steps to constitute another Committee to give a fresh panel of three different names and shall appoint one of the persons named in the fresh panel, as the Vice-Chancellor.

(3) The Committee referred to in sub-section (1) shall consist of three members out of whom one member shall be nominated by the Chairman, University Grants Commission, one member shall be nominated by the Chancellor and the remaining member shall be selected by the Syndicate of the concerned University, and the Chancellor shall appoint one of the members to be the Chairman of the Committee.

(4) No person shall be eligible to be a member of the Committee, if he is—

(a) a member of any of the authorities of the concerned University ; or

(b) an employee of such University or of any college or institution maintained or recognised by or affiliated to that University.

(5) The business of the Committee shall be conducted in such manner as may be determined, from time to time, by the Chancellor in that behalf.

(6) No person who has attained the age of sixty-five years shall be eligible to be appointed as Vice-Chancellor and no person shall continue to hold the office of the Vice-Chancellor after attaining the age as aforesaid.

(7) The term of office of the Vice-Chancellor shall be three years from the date he assumes office as such, and any person holding such office shall, subject to the provisions contained in sub-section (1) be eligible for re-appointment:

Provided that no person shall be appointed as Vice-Chancellor for more than two terms.

(8) The Chancellor may extend from time to time the term of office of the Vice-Chancellor for a total period not exceeding six months without following the procedure laid down in sub-section (1).

(9) In case the office of the Vice-Chancellor falls vacant due to the absence of the Vice-Chancellor on leave, the Chancellor shall appoint a person on such terms and conditions as he deems necessary to act as the Vice-Chancellor during the period for which the Vice-Chancellor proceeds on leave and the person so appointed shall exercise the powers and performs the functions of the Vice-Chancellor and shall be entitled to all emoluments attached to the office.

(10) In case the office of the Vice-Chancellor falls vacant due to any other reason, the vacancy shall be filled in the manner specified in sub-section (1) and the person appointed to fill such vacancy shall hold office and shall be eligible for re-appointment in accordance with the provisions contained in sub-section (7):

Provided that where it is not reasonably practicable to fill up the vacancy in the manner aforesaid immediately after it occurs, the Chancellor may appoint a person to act as the Vice-Chancellor for such period, not exceeding six months, as he may fix and the person so appointed shall exercise the powers and perform the functions of the Vice-Chancellor and shall be entitled to all emoluments attached to the office.

(11) The executive authority of the University shall vest in the Vice-Chancellor.

(12) The Vice-Chancellor of the University shall, when present, preside at the meetings of the Senate and at every meeting of any other authority of which he is a member and, in the absence of the Chancellor, shall also preside at a Convocation of the University.

(13) The conditions of service such as salary and allowances of the Vice-Chancellor of the University shall be such as may be prescribed.

(14) Subject to availability of funds in the budget, the Vice-Chancellor of the University shall have power to sanction, after obtaining the opinion of the Comptroller of Finance, expenditure up to such sum as may be prescribed during the course of a financial year and shall make a report of all such expenditure to the Syndicate at the earliest opportunity:

Provided that it shall be competent for the Vice-Chancellor to differ from the opinion of the Comptroller of Finance, if he deems it so fit, after recording his reasons therefor.

(15) If the Vice-Chancellor of a University is of the opinion that any order or decision in respect of any matter, which is required under the provisions of this Act or the Statutes to be passed or made by any authority of that University, is necessary to be passed or made immediately and it is not practicable to convene a meeting of the concerned authority for that purpose, he may pass such order or take such decision as he deems proper and place the order or decision, as the case may be, before the concerned authority at its next meeting for ratification, and where the authority differs from the Vice-Chancellor the matter shall be referred to the Chancellor whose decision thereon shall be final:

Provided that if the matter involves any financial transaction, the Vice-Chancellor shall, before passing such order or taking such decision, obtain the opinion of the Comptroller of Finance, but it shall be competent for the Vice-Chancellor to differ from such opinion, if he deems it so fit, after recording his reasons therefor.

(16) The Vice-Chancellor of every University shall review the performance of teachers and officers of that University annually and submit a report thereon to the Chancellor in the manner prescribed.

(17) The Vice-Chancellor shall have power—

(i) to require the teachers of different colleges to report to him about the conduct of University examination; and

(ii) to give such directions to the officers in charge of such examinations as he deems necessary in consultation with the Controller of Examination.

(18) The Vice-Chancellor shall inspect the colleges and institutions of, or affiliated to the University at least once in three years.

(19) Notwithstanding anything contained in this section, the Chancellor shall appoint such person as he deems fit to be the first Vice-Chancellor of a University newly established under this Act and the person so appointed shall hold office for such period, not exceeding one year, and subject to such terms and conditions as the Chancellor may fix in that behalf.

(20) The Chancellor may, at any time, by an order in writing, remove the Vice-Chancellor of a University from office if in his opinion it appears that his continuance in office is detrimental to the interests of that University:

Provided that no such removal shall be made without an enquiry being conducted by a sitting or retired Judge of the High Court or Supreme Court and giving the Vice-Chancellor a reasonable opportunity of being heard.

(21) As from the date specified in the order made under sub-section (20), the Vice-Chancellor shall be deemed to have relinquished the office and the office of the Vice-Chancellor shall fall vacant.

Registrar

7. (1) The Registrar shall be appointed by the Chancellor. He shall be a whole time officer of the concerned University and shall act as Secretary to the Senate, the Syndicate and the Academic Council of such University.

(2) The Registrar shall, subject to the control of the Vice-Chancellor,—

- (a) manage the properties and investments of the University;
- (b) remain in custody of the properties and funds of the University;
- (c) remain in custody of the records, the common seal and such other property of the University as the Vice-Chancellor shall commit to his charge;
- (d) sign all contracts made on behalf of the University;
- (e) be the head of the University Office;
- (f) exercise and perform such other powers and duties as may be prescribed by the Statutes and the Regulations and as may, from time to time, be assigned to him by the Senates, Syndicate and the Academic Council.

(3) The Registrar shall generally render such assistance to the Vice-Chancellor as may be required by him in the performance of his duties.

(4) The Registrar shall have the right to speak and otherwise take part in the proceedings at a meeting of any of the authorities of the University but shall not be entitled to vote at any such meeting.

Comptroller
of Finance

8. (1) The Comptroller of Finance shall be appointed by the Chancellor in consultation with the State Government from among the officers of the Orissa Finance Service and shall be a whole-time officer of the University.

(2) The salary, allowances and other dues of the Comptroller of Finance shall be paid by the concerned University,

(3) The Comptroller of Finance shall, subject to the control of the Vice-Chancellor,—

- (a) be responsible for the proper investment of the funds of the University;
- (b) exercise general supervision of such funds;
- (c) tender advice with regard to financial transactions of the University;
- (d) be responsible for preparation and presentation of the annual financial estimates and statements of accounts for presentation by the Vice-Chancellor;

- (e) ensure that all moneys are expended for the purpose for which they are granted or allotted by the appropriate authority;
- (f) examine the statements of accounts of the constituent colleges and submit a report on such examination to the Syndicate ; and
- (g) exercise such other powers and perform such other functions as may be prescribed.

(4) The Comptroller of Finance shall be responsible to the Vice-Chancellor for ensuring that no expenditure outside the budget is incurred by the University otherwise than by way of investments and shall disallow any expenditure which is not permissible under the Statutes.

(5) The Comptroller of Finance shall have the right to speak in, and otherwise take part in the proceedings of the Senate and the Syndicate as and when required, and in all such cases, his advice shall be recored in the proceedings of the Syndicate, or the Senate, as the case may be but he shall not be entitled to vote.

(6) The advice of the Comptroller of finance on all financial matters, shall be taken before they are given effect to and, save as provided in the proviso to sub-sections (14) and (15) of section 6, wherever a decision is taken to the contrary in respect of any expenditure exceeding ten thousand rupees, it shall be reported to the Chancellor whose decision thereon shall be final.

Senate

9. (1) The Senate shall consist of the following members, namely:—

Ex Officio members :

- (a) the Vice-Chancellor of the concerned University ;
- (b) the Director ;
- (c) the Director of Medical Education and Training, Orissa ;
- (d) the Director, Technical Education, Orissa ;
- (e) the Chairman, Council of Higher Education, Orissa or the Vice-Chairman duly authorised by him ;
- (f) the Advocate-General, Orissa ;
- (g) the Principal of Shriram Chandra Bhanj Medical College in case of Utkal University, the Principal of Maharaja Krishna Chandra Gajapati Medical College in case of Berhampur University and the Principal of Veer Surendra Sai Medical College in case of Sambalpur University ;
- (h) the Principal of Revenshaw College in case of Utkal University, the Principal of Khallikote College in case of Berhampur University, , the Principal of Gangadhar Meher College in case of Sambalpur University and one of the Principals of Sanskrit Colleges to be selected by the Chancellor in case of Shri Jagannath Sanskrit Vishvavidyalaya ;
- (i) the Principals of the Burla Engineering^e College, and Regional Engineering College in case of Sambalpur University and the Principal of Engineering College (Talcher) in case of Utkal University ;
- (j) Chairman, Post-Graduate Council of the concerned University ;
- (k) heads of all Post-Graduate Departments of the concerned University ;

Other Members :

- (l) Principals other than those specified in clauses (g), (h) and (i) of no more than one-third the number of affiliated colleges of the concerned University, subject to a maximum of twenty, as may be nominated by the Chancellor on seniority-cum-rotation basis in the manner prescribed keeping in view the representations of the Districts, Institutions for "women minorities" professional subjects, Post-Graduate studies and the non Government Colleges ;
- (m) two members of the concerned Academic Council, to be elected from among themselves ;
- (n) three members of the Orissa Legislative Assembly to be elected from among themselves ;

- (o) two persons from learned societies within the jurisdiction of the University, to be nominated by the Chancellor ;
- (p) four students to be elected by the Presidents, Vice-Presidents, Secretaries and Assistant Secretaries of the College Unions and University Students Union of the concerned University from among themselves ;
- (q) one member from amongst the non-teaching employes of the concerned University to be elected from among themselves ;
- (r) the outgoing Vice-Chancellor of the concerned University ;
- (s) ten members to be elected by the registered college teachers of the concerned University from among themselves and three members to be elected by the Post-Graduate teachers of the concerned University from among themselves ;
- (t) thirteen registered graduates of the concerned University other than the teachers of a University or any College, of whom seven shall be elected by the registered graduates other than the Ladies, three shall be elected by the registered lady graduates from among themselves, respectively, and two shall be from the Scheduled Tribes and one shall be from the Scheduled Castes to be nominated by the Chancellor ;
- (u) three students including a lady student of the concerned University, to be nominated by the Vice-Chancellor, of whom two shall be from students having outstanding performance in academic pursuits and one shall be from students having outstanding performance in sports ;
- (v) five eminent persons to be nominated by the Chancellor.

Provided that in respect of Shree Jagannath Sanskrit Vishvavidyalaya the *ex-officio* members specified in clauses (c) and (d) shall not be taken as *ex-officio* members".

(2) The term of office of the members of the Senate other than the *ex-officio* members shall be three years:

Provided that the term of office of student-members shall be for one academic year.

(3) The Senate shall exercise and perform the following powers and functions, namely:—

- (i) to review policies and programmes of the University and suggest measures for its improvement and development ;
- (ii) to consider the annual report, annual accounts and audit report of the University and to pass resolutions thereon ;
- (iii) to exercise such other powers and perform such other functions as may be prescribed ;

10. (1) The Syndicate shall consist of the following members, namely :—

Ex officio members:

- (a) the Vice-Chancellor of the concerned University ;
- (b) the Director ;
- (c) the Chairman, Post-Graduate Council of the concerned University ;
- (d) the Principal of Shriram Chandra Bhanj Medical College in case of Utkal University, the Principal of Maharaja Krishna Chandra Gajapati Medical College in case of Berhampur University and the Principal of Veer Surendra Sai Medical College in case of Sambalpur University ;
- (e) the Principal of Ravenshaw College in case of Utkal University, the Principal of Khallikote College in case of Berhampur University, the Principal of Gangadhar Meher College in case of Sambalpur University and one of the Principals of Sanskrit Colleges to be selected by the Chancellor in case of Shri Jagannath Sanskrit Vishvavidyalaya ;
- (f) the Principals of the Burla Engineering College and Regional Engineering College in case of Sambalpur University and the Principal of Engineering College (Talcher) in case of Utkal University ;

Other members :

- (x) two Professors of the concerned University and one Professor from Colleges affiliated to the concerned University, to be nominated by the Chancellor on seniority-cum-rotation basis ;
- (h) one member of the concerned Academic Council to be elected by the members thereof ;
- (i) two members of the concerned Senate other than those specified in clauses (a), (b), (g), (h), (i), (j), (m), (p), and (u) of sub-section (1) of section 9 to be elected by the members thereof ;
- (j) one eminent person to be nominated by the Chancellor ;
- (k) two Principals of Colleges affiliated to the University who have completed not less than twenty years of service, to be nominated by the Chancellor on seniority-cum-rotation basis, keeping in view the representation of different Districts within the local jurisdiction of the concerned University.

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

(3) Subject to the provisions of this Act and the Statutes, the Syndicate shall perform the functions and exercise the powers, as specified hereunder, namely :—

- (a) appointment of members of the Faculties and Boards of Studies and determination of the procedure to be followed in the conduct of business of the said Faculties and Boards and the quorum required at the meetings thereof ;
- (b) appointment of examiners and determination of their remuneration, duties and powers ;
- (c) award of scholarships and prizes ;
- (d) imposition of punishments for malpractice of examinees and misconduct of students ;
- (e) control of examinations and publication of results ;
- (f) determination of the standard of instruction and in particular whether the standard laid down by the Academic Council shall be raised or lowered to bring it in conformity with the degrees or examinations concerned ;
- (g) passing of the annual budget of the University ;
- (h) Preparation of the annual report and annual accounts of the University and submission thereof to the Senate along with the audit report ;
- (i) determination of the degrees and diplomas to be granted by the University ;
- (j) making proposals for the conferment of honorary degrees, subject to the approval of the Chancellor ;
- (k) withdrawal of degrees on the recommendation of the Academic Council ;
- (l) making provision for research and for advancement and dissemination of knowledge ;
- (m) management of funds, properties of the University and sanctioning the budget of the University ;
- (n) declaring a college, an institution or a department as autonomous college, autonomous institution or autonomous department, as the case may be ;
- (o) framing of new or additional statutes or amendment or repeal of the Statutes as provided in sub-section (4) of section 24 ;
- (p) exercising the powers of the University not otherwise provided for.

(4) The Syndicate may delegate such of its functions and powers to the Vice-Chancellor as it deems necessary,

Academic
Council.

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

Ex Officio Members:

- (a) the Vice-Chancellor of the concerned University;
- (b) the Director;
- (c) the Director of Medical Education and Training;
- (d) the Director of Technical Education, Orissa;
- (e) the Director, Correspondence Course, wherever the faculty exists;
- (f) the Chairman, Council of Higher Secondary Education, Orissa;
- (g) the Chairman, Post-Graduate Council of the concerned University.

Other Members:

- (h) all the heads of departments of the Post-Graduate subjects of the concerned University and the constituent and affiliated colleges thereof;
- (i) the Principals of constituent colleges of the concerned University;
- (j) Principals of not more than one-third the number of affiliated colleges of the University, subject to a maximum of twenty, as may be nominated by the Chancellor keeping in view the representation of the districts, Institutions for women, minorities, professional subjects and Post-Graduate studies and the non-Government Colleges;
- (k) two persons of academic eminence nominated by the Chancellor;
- (l) not more than ten teachers of Colleges within the jurisdiction of the concerned University as may be co-opted as members by the Academic Council so as to secure such representation of different branches of learning as such Council may consider adequate;
- (m) Librarian of the concerned University;
- (n) the officer in charge of students welfare of the concerned University;

Provided that in respect of Shri Jagannath Sanskrit Vishvavidyalaya the *ex officio* members specified in clauses (c) and (d) shall not be taken as *ex officio* members.

(2) The term of office of the members referred to clauses in (j), (k) and (l) of sub-section (1) shall be three years.

Powers of the
Academic
Council.

12. (1) The Academic Council shall, subject to the provisions of this Act, and the Statutes, have Power to make Regulations relating to all matters which by such Act or the Statutes may be provided by Regulations besides prescribing therein courses of studies and curricula, shall have general control of teaching in the Colleges within the jurisdiction of the concerned University and shall be responsible for the maintenance of standards of instruction.

(2) In particular and without prejudice to the generality of the foregoing powers, the Academic Council shall have power—

- (a) to advise the Syndicate on all academic matters;
- (b) to determine the standard of proficiency to be required for ordinary degrees;
- (c) to determine whether any new subject of instruction shall be included in the curriculum of any college or whether any subject shall be omitted therefrom;
- (d) to formulate, modify or revise schemes for the constitution or reconstitution of departments of teaching;
- (e) to make Regulations relating to courses, examinations and the conditions subject to which students shall be admitted to examinations for degrees of the University;
- (f) to call for reports from persons engaged in research and to make recommendations to the Syndicate thereon;
- (g) to control and manage the University library or libraries, to frame Regulations regarding its or their use and to appoint a Library Committee or Committees;

- (h) to make Regulations for encouragement of co-operation and reciprocity among the colleges with a view to promoting uniformity of standards in academic life and pursuit ;
- (i) to recognise on such conditions, as may be prescribed, the degrees, diplomas and certificates granted by other Universities and institutions of higher learning and accord such recognition on reciprocal basis wherever applicable ;
- (j) to recommend to the Syndicate for withdrawal of a degree conferred on any person ; and
- (k) to define the conditions under which exemption relating to admission of students to examinations may be given.

Registration
of College
Teachers and
Graduates.

13. Any graduate of the University and any teacher of a college within the jurisdiction of the University shall, on payment of such fees and subject to such conditions as may be prescribed, be entitled to register himself as a registered graduate or as the case may be, registered college teacher of the University :

Provided that any graduate of a University established under any law ordinarily residing in the area over which such University has its jurisdiction under this Act shall, on payment of the prescribed fees, be entitled to register himself as a registered graduate of such University :

Provided further that no person shall be registered as a graduate or teacher in more than one University at a time.

Explanation—The expression “ordinarily residing” for the purposes of the first proviso shall mean one who has resided within the area referred to in the said proviso for a total period of one hundred and eighty days during the year immediately preceding the date of payment of fees.

Membership
to cease if the
person ceases
to hold the
office by vir-
tue of which
he became a
member.

14. Any person who has become a member of any of the authorities of a University by the process of nomination, election or selection shall, on ceasing to hold the office or on ceasing to hold membership of the association or body, as the case may be, by virtue of which he was nominated, elected or selected, cease to hold office as such member.

Suspension
of any mem-
ber by Chan-
cellor.

15. (1) The Chancellor shall have the power to suspend any member other than an *ex officio* member of any authority of a University and members of the Orissa Legislative Assembly elected to the Senate for the whole or part of the remaining portion of the term if after enquiry he is satisfied that such member has committed serious misconduct and further continuance of such member in such authority is detrimental to the interest of the University:

Provided that no suspension order will be issued without giving such member an opportunity of being heard.

(2) If a member of any authority or body of a University is charge-sheeted criminally on charges of corruption or moral turpitude, the Chancellor may, if he is satisfied that the continuance of such a member will be detrimental to the interest of the University, place such member under suspension till the final disposal of the case ending in his acquittal in the court of law or till the end of the term of such member, whichever is earlier.

Filling of
casual vacan-
cies.

16. All vacancies arising by reason of death or otherwise among the members of any of the authorities of the University who were nominated, elected or selected shall be filled up as soon as convenient may be, by nomination, election or selection, as the case may be, and the person so nominated, elected or selected shall hold office for the unexpired portion of the term of his predecessor in office.

Proceedings
of University
and bodies
not invalida-
ted by vacan-
cies etc.

17. No act proceeding of any authority, committee or body of a University shall be invalid merely by reason of—

- (a) existence of any vacancy in, or
- (b) any defect in the nomination, selection, election or appointment of at person acting as member thereto, or
- (c) any irregularity in its procedure not affecting the merits of the case.

Admission of educational institutions as Colleges.

18. (1) No educational institution shall be admitted as college, unless the following conditions are complied with, namely:—

- (a) it is a college recognised by Government as such imparting higher education;
- (b) concurrence of Government to the proposal has been obtained;
- (c) the institution has appointed teachers with qualifications prescribed by the University Grants Commission or the State Government, as the case may be;
- (d) the institution has buildings, library, laboratory and other infrastructure required for imparting education;
- (e) the admission of the institution as a college has, on an application made in that behalf, been approved by the Syndicate; and
- (f) all provisions of the Statutes relating to admission of educational institutions as colleges have been fully complied with:

Provided that in case the institution has substantially complied with the provisions of the Statutes, it can be admitted provisionally as a college for one academic session at a time for a maximum period of two academic sessions.

(2) Notwithstanding anything contained in sub-section (1), any educational institution, which is considered to be devoted to higher field of research, may be admitted to such privileges of the University as it may determine from time to time.

Exclusion of colleges from privileges of University.

19. (1) Any two members of the Syndicate or the Director may bring forward a proposal in the Syndicate that a college be deprived, either in whole or part, of its privileges.

(2) The Syndicate shall cause an inquiry into the defects of the college pointed out in the aforesaid proposal with due notice to the Governing Body of the College and shall allow a period of two months to the college to rectify the defects mentioned in the notice.

(3) In case the Governing Body of the college fails to rectify the defects during the aforesaid period the Syndicate may decide to deprive the college, either in whole or in part, of its privileges and shall submit a copy of its proceedings alongwith a copy of the enquiry report with objections filed by the Governing Body, if any, to the Chancellor, who shall have power to rescind or modify the order of the Syndicate.

Termination of privileges granted by other Universities to educational institutions.

20. Notwithstanding anything to the contrary in any other law for the time being in force no educational institution in the area within the jurisdiction of any University, except institutions under the Orissa University of Agriculture and Technology established under the Orissa University of Agriculture and Technology Act, 1965, shall, after the commencement of this Act, be associated in any way with or seek admission to any privilege granted by any such other University to any educational institution in the aforesaid area prior to the commencement of this Act, shall be deemed to have been withdrawn on the commencement of this Act. Orissa Act.

Provided that any educational institution which, in accordance with the provisions of this section, has been deprived of such privilege shall, notwithstanding anything contained in section 18, be deemed to have been granted like privilege by the University within whose jurisdiction the institution is situated.

Appointment of officers, teachers and other employees of the University.

21. (1) All officers of the University, excepting the Registrar and the Comptroller of Finance, shall be appointed by the concerned Vice-Chancellor on the recommendation of a Selection Committee consisting of the Director, the Registrar, one member to be selected by the Syndicate of such University from amongst the remaining members thereof and two experts appointed by the said Vice-Chancellor whatever necessary.

(2) The teachers of a University shall be appointed by the Syndicate of that University on the recommendation of a Selection Committee consisting of the concerned Vice-Chancellor, Director, an expert nominated by the Chancellor in the

case of appointment of Professor, and three experts selected by the said Vice-Chancellor from out of the list of six experts furnished by the said Syndicate which shall not include,—

- (i) any teacher of such University or of any of its constituent or affiliated colleges; or
- (ii) any person who has been an examiner of such University in the preceding or the relevant year:

Provided that where the Committee fails to make any specific recommendation or where the Syndicate differs from the recommendation made by the Committee, the matter shall be referred to the Chancellor whose decision thereon shall be final:

Provided further that nothing in clause (ii) shall apply to experts to be nominated to a Committee for selection of Professor.

(3) The quorum at a meeting of the Committee referred to in sub-section (2) shall be four of whom at least two shall be experts including the expert nominated by the Chancellor in the case of appointment of a Professor.

(4) Subject to the provisions, if any, in the Statutes, the employees of a University, other than those specified in the preceding sub-sections, shall be appointed by the Vice-Chancellor.

Creation of posts.

22. (1) All posts of officers (which shall not include the Vice-Chancellor), teachers and other employees of a University shall be created and the scales of pay and allowances attached to such posts shall be determined by the Chancellor subject to specific allotment of funds for this purpose in the budget of the concerned University and shall be in accordance with the yardstick formulated by such University with the approval of the State Government.

(2) Till such yardstick is finalised, the yardstick for the teaching posts prescribed by the University Grants Commission and that for the other corresponding posts under the State Government shall be followed.

(3) Whenever posts are created beyond the yardstick approved by the State Government under sub-section (1), prior concurrence of the State Government shall be obtained.

Audit of accounts.

23. (1) The accounts of the University shall at least once in every year and at intervals of not more than fifteen months, be audited in accordance with the provisions of the Orissa Local Fund Audit Act, 1948, and the provisions of that Act shall apply to such audit. Orissa Act 5 of 1948.

(2) All reports on audit made under sub-section (1) shall, as soon as may be after they are received from the Examiner of Local Accounts, be laid before the State Legislature for a total period of fourteen days which may be comprised in one or more sessions.

(3) The State Government shall have power to conduct special audit if required in respect of utilisation of funds granted by the Government to a University and such University shall comply with the directions issued by the Government on such audit report.

Statutes.

(24). (1) Subject to the provisions of this Act, the Statutes—

(i) shall provide for the following matters, namely :—

(a) the procedure to be followed for the election, selection or nomination of members of the different authorities of the University;

(b) matters relating to registration of graduates and of college teachers and maintenance of registers therefor;

(c) the extent of autonomy which a college, and institution or a department may have and the matter in relation to which such autonomy may be exercised;

(d) the procedure to be followed at the meetings of the authorities of the University and the quorum required therefor; and

(ii) may provide for all or any of the following matters, namely:—

- (a) the constitution, powers and duties of the Faculties, Boards of Studies, Finance Committee or such other authorities or bodies as the University may, from time to time, deem necessary to appoint;
- (b) the constitution and functions of Governing Bodies of colleges;
- (c) the admission of educational institutions as colleges and the withdrawal of privileges of colleges so admitted;
- (d) the residential arrangements for students of the University;
- (e) the mode of appointment and duties of examiners;
- (f) the conferment and withdrawal by the University of degrees, diplomas, certificates and other academic distinctions;
- (g) the general discipline and control of the University;
- (h) the accounts to be kept and the use to be made of the funds of the University;
- (i) manner of recruitment of officers excluding the Vice-Chancellor, teachers and other employees and conditions of their services;
- (j) powers and duties of the officers, teachers and other employees of the University;
- (k) rules to regulate the conduct of University employees;
- (l) inspection of affiliated colleges;
- (m) special arrangements for women, the Scheduled Castes and the Scheduled Tribes;
- (n) any other matter which is required to be or may be prescribed.

(2) In relation to matters not provided for in the Statutes, the corresponding rules, if any, of the State Government shall *mutatis mutandis* apply to the University.

(3) The first Statutes shall be framed by the State Government.

(4) Subject to the provisions contained in sub-sections (5), (6) and (7), the Syndicate may, from time to time, make new or additional Statutes or may amend or repeal the Statutes.

(5) The Syndicate may, from time to time, make any proposals for new Statutes or for the amendment or repeal of any of the existing Statutes to the Chancellor;

Provided that in academic matters or matters relating to teachers or students, the Syndicate shall consult the Academic Council before making any such proposal.

(6) On receipt of a proposal under sub-section (5), the Chancellor in consultation with the State Government, may either disallow it or allow it with or without modification.

(7) No Statute or addition to the Statutes or amendment or repeal of the Statutes made by the Syndicate shall have validity until it is allowed by the Chancellor.

Regulations

25. (1) Subject to the provisions of this Act and Statutes, the Academic Council may make Regulations providing for all or any of the following matters, namely:—

- (a) encouragement of co-operation and reciprocity among the Colleges of the concerned University;
- (b) admission of students to the University and prescribing the examination to be recognised as equivalent to the examinations held by the University.

- (c) University courses and examinations and the conditions subject to which students of colleges shall be admitted to examinations for the degrees and diplomas of the University keeping in view the uniformity and parity in syllabi and academic standards up to the degree stage in all the Universities;
- (d) granting of exemptions relating to the admission of students to examination;
- (e) management of the libraries of the University;
- (f) constitution of departments of teaching;
- (g) welfare of students of the affiliated institutions.

(2) Regulations so made shall come into force on such date as the Academic Council may specify in that behalf:

Provided that the concerned Vice-Chancellor may, if in his opinion it is necessary so to do, give immediate effect to any such Regulation.

General
Fund of
University.

26. The University shall have a fund called the General Fund to which shall be credited—

- (a) its income from fees, endowments and grants, if any; and
- (b) contributions which may be made by the State Government, on such conditions as they may impose, towards the development of laboratories, libraries, museums and workshops; salaries of such teachers of the University as are appointed for research work and towards the advancement and dissemination of knowledge in particular branches of learning.

Foundation
Fund.

27. (1) The University shall have a fund called the Foundation Fund.

(2) The Foundation Fund shall consist of—

(a) any contributions to the Fund which may be made by the State Government, any local authority or other public body or by any other Government or person; and

(b) any contribution to the Fund which may be made by the concerned University.

(3) The Foundation Fund shall be invested in securities, issued or guaranteed by the Central Government or by any State Government, and such investment shall not be varied without the consent of the Chancellor.

(4) The corpus of the Foundation Fund shall be kept in tact but the interest thereon may be utilised for the purposes of the concerned University laid down in the Statutes.

Constitution
of other
funds.

28. The University shall have such other funds and maintain such accounts as the Syndicate thereof may determine.

Removal
from member
ship and
withholding of
degrees.

29. (1) The Syndicate may remove any person from membership of any of the authorities or other bodies of such University if he has been convicted by a Court of law of an offence involving moral turpitude or may on the recommendation of the Academic Council withdraw the degree, diploma or mark of honour conferred on or granted to such person by that University for such period as it considers proper if he has been guilty of gross misconduct.

(2) The Syndicate may in the case of any student for any of the reasons specified in sub-section (1)—

(a) remove his name from the register of University students; or

(b) withhold his degrees, diplomas or marks of honour for such period not exceeding two years as it may fix.

Provide that in the case of conviction in a court of law for an offence involving moral turpitude the period of such withholding may exceed two years.

(3) No degree, diploma or mark of honour shall be withdrawn or withheld, and no name shall be removed from the register of University students under sub-section (1) or (2) without giving the person concerned a reasonable opportunity of being heard.

(4) Any person aggrieved by an order under sub-section (1) or sub-section (2) may, within thirty days of the communication of the order, prefer an appeal before the chancellor, whose decision thereon shall be final.

(5) The syndicate may, on sufficient cause shown in that behalf, restore or confer the degrees, diplomas or marks of honour withdrawn or withheld, as the case may be, or direct re-entry of the name of the student removed from the register of University students :

Provided that no degree, diploma or mark of honour shall be restored, conferred or re-entered in the register of University students unless the proposal is accepted by not less than two-third of the members of the Syndicate.

(6) A member of any of the authorities of the University other than an *ex officio* member, shall be deemed to have vacated his office—

(a) on resignation in writing addressed to the Vice-Chancellor; or

(b) if he absents himself from three consecutive meetings of the authority of which he is a member; or

(c) if he acquires directly or indirectly by himself or by any other person any pecuniary interest in any contract or employment in or on behalf of the University or becomes an officer in any company registered under the Companies Act, 1936, which has any such interest and if the Chancellor, in consultation with the concerned syndicate, considers that on the grounds aforesaid the membership shall be terminated: I of 1936

Provided that the concerned Vice-Chancellor may, for good and sufficient reasons, exempt any member from the operation of clause (b):

Provided further that the provisions of clause (c) shall not apply to the teachers and employees of the concerned University and its constituent and affiliated colleges.

Disqualifications.

30. A person shall be disqualified for election, nomination or selection as member of any of the authorities of a University, if he—

(a) is, at the date of election, nomination or selection, of unsound mind or deaf-mute; or

(b) is an uncertified bankrupt or undischarged insolvent; or

(c) has been convicted of and sentenced by a criminal court to imprisonment for an offence involving moral turpitude; or

(d) is being elected, nominated or selected consecutively for a second term.

Explanation—For the purpose of this clause the expression “term” shall include “part of a term”.

Supersession of authorities and taking over management.

31. (1) If the State Government, after making such enquiry as they deem fit, are satisfied that the management of any University has not been or cannot be carried on in accordance with the provisions of this Act or that there has been such default in the performance of its duties by any of the authorities of such University that the administration of such University is not likely to promote its objective, they may, after consultation with the Chancellor, by an order notified in the Gazette (herein-after referred to as the “notified order”), take over the management of the affairs of such University and appoint an officer to be the Administrator for such University.

(2) The notified order shall remain in force for such period, not exceeding one year, as the State Government may specify therein.

(3) A copy of every notified order shall, as soon as may be after it is issued, be laid before the State Legislature.

(4) Upon issue of the notified order under sub-section (1),—

- (a) the authorities of the concerned University shall be deemed to have been superseded and the members thereof holding office immediately before the issue of the notified order shall be deemed to have vacated their offices as such;
- (b) the concerned Vice-Chancellor shall be deemed to have vacated his office as such;
- (c) the powers and functions of the authorities and the Vice-Chancellor shall during the operation of the notified order, be exercised and performed by the Administrator;
- (d) the Administrator shall, for the purpose of signing the Diplomas granted by such University, be designated as the Vice-Chancellor thereof;
- (e) every person ceasing to hold office as aforesaid and having possession, custody or control of any property of, or any books, documents or other papers relating to such University shall deliver the property, books, documents and other papers to the Administrator or to such person as may be authorised by the Administrator in this behalf;
- (f) the State Government may take all necessary steps for securing possession of the properties, books, documents and other papers as aforesaid.

(5) No person who ceases to hold office by reason of the issue of a notified order, shall be entitled to any compensation for the loss of office.

(6) The Administrator shall take all necessary steps for the reconstitution of the authorities and for the appointment of the Vice-Chancellor so that the members of the said authorities and the Vice-Chancellor can assume office upon the expiry of the notified order:

Provided that notwithstanding anything contained in any other provision of this Act, the State Government may, in consultation with the Chancellor, appoint the officer acting as the Administrator to be the Vice-Chancellor of the concerned University with effect from the date of expiry of the notified order for such term not exceeding three years as they may fix.

(7) All elections, selections and nominations for the purpose of reconstitution of the said authorities shall be held in advance in accordance with the provisions of this Act and Statutes and all persons who are to take part at any such election, selection or nomination by virtue of holding office as member of any authority shall, notwithstanding the fact that they have not assumed such office, be eligible to take such part.

Alteration of jurisdiction of Universities and establishment of new Universities.

32. (1) The State Government may, by notification,—

- (a) alter the territorial jurisdiction of any University;
- (b) establish one or more new Universities by altering the territorial jurisdiction of all or any of the existing Universities; or
- (c) change the name of any University.

(2) The alteration of jurisdiction, establishment of any new University or change in the name of any existing University made under sub-section (1) shall take effect on and from such date as may be appointed in the aforesaid notification (hereinafter referred to as the appointed date).

(3) The State Government may, where the circumstances so require, by general or special order, provide for all or any of the following matters arising out of or in relation to the alteration of jurisdiction, establishment of a new University or change of name made under sub-section (1),—

- (a) cessation of the term of office of the Vice-Chancellor and members of authorities, Committees and other bodies of the concerned University or Universities, as the case may be, who were holding office as such immediately prior to the appointed date;

- (b) reorganisation or reconstitution of the authorities, Committees and other bodies of the concerned University or Universities, as the case may be;
- (c) administration of the affairs of the concerned Universities, University or, as the case may be, till the appointment of a new Vice-Chancellor and constitution or reconstitution of the authorities, Committees and other bodies thereof;
- (d) constitution or reconstitution of the authorities, Committees and other bodies of the University or Universities, as the case may be;
- (e) amalgamation, allocation, utilisation of apportionment of assets and liabilities;
- (f) absorption of the officers and employees of the university or Universities affected by the notification issued under sub-section (1);
- (g) any matter necessary ancillary or incidental to such alteration, establishment or change in name for which this Act and the Statutes make no provision or make insufficient provisions and provisions in that behalf are necessary in the opinion of State Government.

(4) Every notification made under sub-section (1) shall, as soon as may be after it is made, be laid before the State Legislature.

(5) Where, as a result of an order made under sub-section (3), it is necessary to appoint a Vice-Chancellor or to reconstitute or constitute an authority, a committee or body, such appointment, reconstitution or constitution, as the case may be, shall be made within one year from the appointed date.

Repeal and savings.

33 (1) The Utkal University Act, 1966, the Berhampur University Act, 1966, the Sambalpur University Act, 1966, Shri Jagannath Sanskrit Vishvavidyalaya Act, 1981 (hereinafter referred to as the said Acts) and the Orissa Universities Ordinance, 1988 (hereinafter referred to as the Ordinance), are hereby repealed.

Orissa Act
20 of 1966.
Orissa Act
21 of 1966.
Orissa Act
22 of 1966.
Orissa Act
31 of 1981.
Orissa
Ordinance
No. 5 of
1988.

(2) Notwithstanding such repeal,—

- (a) the authorities constituted officers, teachers and other employees appointed, notifications issued including notification for appointment of Administrator, orders made, action taken, things done or contracts entered into under the said Acts or the Ordinance, shall be deemed to have been constituted, appointed, issued, made, taken, done or entered into under this Act.
- (b) the authorities, which shall not include an Administrator, continuing in office under the said Acts, immediately before the commencement of this Act shall continue to hold office for a period of one year from the date of commencement of this Act or until they are constituted in accordance with the Provisions of this Act, whichever is earlier;
- (c) any person holding office as Vice-Chancellor under the said Acts shall be deemed to be the Vice-Chancellor appointed under this Act, and shall, subject to the other provisions of this Act, continue to hold office till he is replaced by another Vice-Chancellor, appointed in accordance with the provisions of this Act;
- (d) Statutes and Regulations made under the said Acts or the Ordinance shall in so far as they are not inconsistent with this Act, be deemed to have been made under this Act and shall continue in force until new provisions are made under this Act.

Removal of doubts and difficulties.

34. If any doubt or difficulty arises in giving effect to the provisions of this Act the State Government may, as occasions may require, by order, do anything not inconsistent with the provisions of this Act or the Statutes, which appears to them necessary for the purpose of removing the doubt or difficulty:

Provided that no order shall be issued under this section after the expiration of a period of two years from the date of commencement of this Act.