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ORISSA ACT 21 OF 1966

[THE BERHAMPUR UNIVERSITY ACT, 1966]

[Received the assent of the Governor on the 10th December 1966, first published in an extraordinary issue of the Orissa Gazette, dated the 15th December 1966.]

AN ACT TO ESTABLISH AND INCORPORATE A UNIVERSITY TO BE KNOWN AS THE BERHAMPUR UNIVERSITY IN THE STATE OF ORISSA

BE it enacted by the Legislature of the State of Orissa in the Seventeenth Year of the Republic of India as follows:—

1. (1) This Act may be called the Berhampur University Act, 1966. Short title, extent and commencement.

(2) It shall extend to the districts of Ganjam, Koraput and Khondmals of the State of Orissa.

(3) It shall come into force on such date as the State Government may, by notification² appoint in that behalf.

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

(a) “Academic Council” means the Academic Council of the University;

(b) “affiliated institution” means any institution affiliated to the University whether in whole or in part;

³[(b-1) “autonomous college, institution or department” means a college, institution or department as the case may be, on which the status autonomy has been conferred under this Act;]

(c) “college” means an institution admitted to the University in accordance with the provisions of this Act and the Statutes [and includes a college managed by the University,] but does not include a school, whether it is an independent institution or forms part of a college as defined herein;

1. For statement of Objects and Reasons, see *Orissa Gazette*, Extraordinary, dated the 5th October 1966 (No. 1183).

2. Came into force w. e. f. 1-1-1967, vide Notification No. 36270-IV-E.-B.-12/65-E., dated the 24th December 1966, published in *Orissa Gazette*, Extraordinary, dated the 24th December 1966 (No. 1478).

3. Inserted by the Orissa University Laws (Fourth Amendment) Act 1978 (Or. Act 12 of 1978), s. 2 (A).

4. Inserted by the Orissa University Laws (Amendment) Act, 1976 (Or. Act 27 of 1976) s. 2 (A) (i).

(Sec. 3)

- [(cc) "Director of Public Instruction" mean the Director of Public Instruction, Orissa and includes such other officer as may be authorised by the State Government from time to time to perform the functions and exercise the powers of the Director of Public Instruction under this Act;]
- (d) "district" and "subdivision" shall respectively mean the district and subdivision within the meaning of the Orissa Revenue Administration (Units) Act, 1963. Orissa Act 22 of 1963.
- (e) "prescribed" means prescribed by the Statutes;
- (f) "registered graduate" means a graduate registered under this Act ;
- (g) "Regulations" means the Regulations made by the Academic Council of the University ;
- (h) "Senate" means the Senate of the University;
- (i) "Statutes" means the Statutes of the University made under this Act ;
- (j) "Syndicate" means the Syndicate of the University; and
- (k) "University" means the Berhampur University.

Incorporation.

3. (1) The first Chancellor and Vice-Chancellor of the University and the first members of the Senate and all persons who may hereafter become such officers or members, so long as they continue to hold such office or membership, are hereby constituted a body corporate by the name of the Berhampur University.

(2) The University shall have perpetual succession and a common seal, and shall sue and be sued by the said name.

(3) The University shall be deemed to have been incorporated for the purposes, among others, of making provision for giving instruction in such branches of learning as it deems fit, of promoting original research, of examining students and conferring degrees, of admitting educational institutions to its privileges, of inspecting the colleges and supervising all matters of education and discipline therein, of controlling the residence and discipline of the students of the University and of promoting their physical, mental and moral welfare.

(Secs. 4-5)

4. (1) The following shall be the officers of the University, namely:—

- (i) the Chancellor ;
- (ii) the Vice-Chancellor ;
- (iii) the Registrar ;
- (iv) the Finance Officer ;
- (v) the Deputy Registrar ;
- (vi) the Assistant Registrar ; and
- (vii) such other officers as the Statutes may declare to be officers of the University.

Officers,
Teachers and
Authorities
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 the Statutes may declare 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 the Statutes may declare to be authorities of the University.

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.

(*Sec. 5-contd.*)

(4) The Chancellor shall finally decide all disputes with regard to the election of members of the authorities of the University.

(5) The Chancellor shall have the right to make an inspection or cause an inspection to be made by such person or persons as he may direct, of the University, its buildings, laboratories, workshops and equipment and any institution associated with the University and also of the examinations, teaching and other work conducted or done by the University and to make an enquiry or cause an enquiry to be made in like manner in respect of any matter connected with the 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 University shall be intitled to be represented thereat.

²[(6) (a) The Chancellor may, with reference to the result of such inspection or enquiry, direct the concerned authority or authorities of the University or the Vice-Chancellor, as the case may be, to take such remedial measures as he deems necessary and within such period as he may fix in that behalf.

(b) The concerned authority or authorities of the 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 clause (a):

Provided that where the report is to be made by the Syndicate, Academic Council or the Vice-Chancellor, it shall be submitted through the Senate which may express its opinion thereon.

(c) 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 clause (a) or within such further period as the Chancellor may allow in that behalf, the Chancellor may take such remedial measures as he deems proper.]

¹Substituted by the Orissa University Laws (Amendment) Act, 1967 (Or. Act 28 of 1967), s. 2 (i) (a) for "give notice to the University".

²Substituted by the Orissa University Laws (Amendment) Act, 1976 (Or. Act 27 of 1976), s. 2 (B).

(Sec. 6)

(7) 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 and the Statutes :

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 consider the same.

¹[(8) The Chancellor may, by an order and for reasons to be recored in writing postpone for a period not exceeding four months the holding of elections to the Senate, Syndicate and the Academic Council.]

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 from among persons who are not members of the Committee.

The Vice-Chancellor

²[Provided that if the Chancellor is of the opinion that none of the persons so recommended is suitable for appointment as Vice-Chancellor, he may call for a fresh panel of three names from the Committee which had recommended the earlier panel and shall appoint one of the persons named in such fresh panel.]

³[(2) The Committee 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 elected by the Syndicate and the Chancellor shall appoint one of the members to be the Chairman of the Committee.]

(3) 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 University; or

(b) an employee of the University or of any college or institution ⁴[maintained or recognised by or] affiliated to the University.

1. Inserted by the Orissa University Laws (Amendment) Act, 1967 (Or. Act 28 of 1967), s. 2 (i) (c).

2. Added by the Orissa University Laws (Amendment) Act, 1976 (Or. Act 27 of 1976), s. 2 (C) (i).

3. Substituted by *ibid.*, s. 2 (C) (ii).

4. Inserted by *ibid.*, s. 2 (C) (iii).

(Sec. 6—*co id.*)

(4) 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.

¹[(4-a) 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 Vice-Chancellor after attaining the age as aforesaid.]

(5) The term of office of the Vice-Chancellor shall be² three years] from the date of his appointment and any person holding such Office shall, subject to the provisions contained in sub-section (1), be eligible for reappointment.

³[Provided that no person shall be appointed as Vice-Chancellor or more than two terms.]

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

(7) 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 person⁴[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 perform the functions of the Vice-Chancellor and shall be entitled to all emoluments attached to the office.

⁵[(8) 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 reappointment in accordance with the provisions contained in sub-section (5):

1. Inserted by the Orissa University Laws (Amendment) Act, 1967 (Or. Act 28 of 1967), s. 2(ii) (a).

2. Substituted by the Orissa University Laws (Amendment) Act, 1976 (Or. Act 27 of 1976), s. 2 (C) (iv).

3. Added by the *ibid*

4. Inserted by *ibid.*, s. 2 (C) (v).

5. Substituted by the Orissa University Laws (Amendment) Act, 1965 (Or. Act 1 of 1965), s. 2.

(Sec. 6—contd.)

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 four 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.]

¹ [(8-a) The executive authority of the University shall vest in the Vice-Chancellor.]

(9) The Vice-Chancellor 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.

² [(10) The Vice-Chancellor shall be paid a consolidated salary of three thousand rupees per month and shall be entitled to a rent-free furnished quarters.]

(11) Subject to availability of funds in the budget the Vice-Chancellor shall have power to sanction ^{3***} expenditure up to ⁴[ten thousand rupees] on any single item during the course of a financial year and he shall make a report of all such expenditure to the Syndicate at the earliest opportunity.

⁵ [(11-a) If the Vice-Chancellor 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 the 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

1. Inserted by the Orissa University Laws (Amendment) Act, 1967 (Or Act 28 of 1967), s 2. (ii) (b).

2. Substituted by the Orissa University Laws (Amendment) A, 1980 (Or. Act 16 of 1980), s. 2

3. Omitted by the Orissa University Laws (Amendment) Act, 1967 (Or Act 28 of 1967), & 2 (ii) (d).

4. Substituted by the Orissa University Laws (Amendment) Act, 1976 (Or. Act 27 of 1976), s. 2 (C) (vii).

5. Inserted by *ibid.*, s. 2 (C). (viii)

(Sec. 7)

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.

(11-b) The Vice-Chancellor shall review the performance of teachers and officers of the University annually and submit a report thereon to the Chancellor.

(11-c) The Vice-Chancellor shall have power to require the teachers of different colleges to report to him about the conduct of University examinations and to give such directions to the officers in charge of the examination as he deems necessary.]

(12) The Vice-Chancellor shall ¹[, at least once in a year,] inspect the colleges and institutions of, or affiliated to, the University.

(13) Notwithstanding anything contained in the foregoing sub-sections the Chancellor shall appoint such person as he deems fit to be the first Vice-Chancellor of the University, who 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.

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

(2) The Registrar shall—

(a) manage the properties and investments of the University;

²[(a-1) remain in custody of the properties and funds of the University;]

(b) sign all contracts made on behalf of the University;

(c) subject to the control of the Vice-Chancellor, be the head of the University Office;

1. Substituted by the Orissa University Laws (Amendment) Act, 1967 (Or. Act 28 of 1967), s. 2 (ii)(e).

2. Inserted by *ibid.* s. 2 (iii).

(Sec. 8)

- (d) 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 imposed on him by the Senate, the Syndicate and the Academic Council; and
- (e) generally render such assistance to the Vice-Chancellor as may be desired by him in the performance of his duties.

(3) 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.

(4) Notwithstanding anything contained in section 20, the first Registrar of the University shall be appointed by the Chancellor and he 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.

8. (1) The Finance Officer shall be appointed by the Chancellor and he shall— Finance Officer

- (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 to the Syndicate;
- (e) be responsible for seeing that all moneys are expended on the purposes for which they are granted or allotted by the appropriate authority;
- (f) examine statements of accounts of the University Colleges and submit a report on such examination to the Syndicate; and

(Sec. 9)

(g) exercise such other powers and perform such other functions as may be prescribed.

(2) The first Finance Officer of the University shall be appointed by the Chancellor for such period, not exceeding one year, and subject to such terms and conditions as the Chancellor may fix in that behalf.

The Senate

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

Ex-officio Members

- (a) the Vice-Chancellor;
- (b) the Director of Public Instruction, Orissa;
- ¹[(c) the Director of Medical Education and Training, Orissa;]
- (d) the President of the Board of Secondary Education, Orissa; and in case the Director of Public Instruction, Orissa happens to be the President, the Vice-President of the said Board;
- (e) the Advocate-General, Orissa;
- (f) the Deans of Faculties who are not otherwise members;
- ²[(g) the Principals of colleges who have teaching experience for at least ³[ten years] in any college affiliated to any University established under law ;]
- ⁴[(h) the Heads of Post-graduate Departments of the University and of the colleges not being below the rank of a Reader ;]
- (i) * * *⁵

Members for Life

- (j) such persons, not exceeding five in number, as may be appointed by the Chancellor on the ground that they have rendered eminent services to the cause of education ;
- (k) any person who makes a donation of at least twenty-five thousand rupees to or for the purposes of the University either generally or for any specified purpose approved by the Senate ;

1. Substituted by the Orissa University Laws (Second Amendment) Act, 1978 (Or. Act 9 of 1978), s. 2.

2. Substituted by the Orissa University Laws (Amendment) Act, 1967 (Or. Act 28 of 1967), s. 2(iv)(a) (1).

3. Substituted by the Orissa University Laws (Amendment) Act, 1976 (Or. Act 27 of 1976), s. 2 (D)(a)(i).

4. Substituted by the Orissa University Laws (Amendment) Act, 1967 (Or. Act 28 of 1967), s. 2 (iv)(a) (2).

5. Omitted by the *ibid.*, s. 2 (iv)(a)(3).

*(Sec. 9—Contd.)**Elected Members*

- (l) two persons to be elected by the Academic Council from among its members ;
- (m) one person from each of the colleges in which instruction is given up to a degree standard to be elected by the registered college teachers of the college from among themselves ;
- (n) three persons to be elected by the registered college teachers of all the remaining colleges taken together from among themselves ;
- [Provided that not more than one person shall be elected from any one college ;]
- (o) two persons to be elected by the Board of Secondary Education, Orissa from among its members of whom one shall be a graduate school teacher and the other a school teacher connected with basic education ;
- (p) fifteen persons to be elected from among themselves by the registered graduates who are not teachers of any college^{2*} *;
- (q) two persons to be elected by the members of the Orissa Legislative Assembly from among themselves ;
- (r) two persons to be elected by the lady registered graduates from among themselves ;
- (s) two persons to be elected by such learned societies in the areas to which this Act extends as the Chancellor may direct ;

Other Members

- (t) the outgoing Vice-Chancellor ;

1. Added by the Orissa University Laws (Amendment) Act, 1967 (Or Act 28 of 1967), s. 2 (iv)(a)(4).

2. Deleted by *ibid.*, s. 2(iv)(a)(5).

(Sec. 9 contd.)

- (ii) one person to be nominated by each association, firm or other body making a donation of at least one lakh of rupees to or for the purposes of the University either generally or for any specified purpose approved by the Senate ; ¹]
- (v) two persons to be nominated by the Chancellor from among graduates belonging to the Scheduled Tribes or Scheduled Castes.
- ²[(w) two students to be nominated by the Vice-Chancellor from among the presidents and secretaries of college unions ³[and University Student Unions ;]
- (x) two students to be nominated by the Vice-Chancellor from among the students who have shown outstanding performance in all or any of the following activities:—
 - (i) academic pursuits;
 - (ii) sports;
 - (iii) National Service Scheme;
 - (iv) National Cadet Corps;
 - (v) Cultural activities; and
 - (y) one lady student to be nominated by the Vice-Chancellor].

⁴[Provided that the disqualification specified in clause (d) of section 28 shall not apply to the nomination of students under clauses (w), (x) and (y)].

(2) The term of office of the members of the Senate other than the *ex-officio* members and members for life shall be five years.

(3) As near as may be, one-fifth of elected members, other than those elected by the members of the Orissa Legislative Assembly, shall retire in rotation at the end of each year in accordance with the Statutes and an equal number shall be elected to fill the vacancies so caused.

1. Deleted by the Orissa University Laws (Amendment) Act, 1976 (Or. Act 27 of 1976), s. 2(D)(a)(ii).

2. Inserted by *ibid* s. 2 (D) (a) (iii).

3. Added by the Orissa University Laws (Amendment) Act 1978 (Or. Act 8 of 1978), s. 2.

4. Inserted by the Orissa University Laws (Amendment) Act, 1976 (Or. Act 27 of 1976), s. 2 (D) (b).

(Sec. 9 contd.)

(4) Subject to the provisions of this Act and the statutes and Senate shall, [**] perform the functions and exercise the powers as herein specified, namely:—

- (a) sanctioning the budget of the University ;
- (b) determination of the degrees and diplomas to be granted by the University ;
- (c) determination of the time in a student's career at which courses shall be taken ;
- (d) making provision for research and for advancement and dissemination of knowledge ;
- (e) consideration of the annual report and the annual financial estimates and to make such recommendations thereon as it deems fit ;
- (f) reviewing the actions taken by the Syndicate in relation to management of the Funds, concerns, properties and other affairs of the University and to make such recommendations thereon as it deems fit and it shall be the duty of the Syndicate to take appropriate action in pursuance of such recommendation:
- (g) to make new Statutes or to amend or repeal any of the Statues either of its own motion or on the recommendation of the Syndicate; and
- (h) to exercise the powers of the University not otherwise provided for.

(5) Notwithstanding anything contained in this Act, for the purpose of constituting the Senate for the first time the members referred to in clauses (l) to (s) of sub-section (1) shall be nominated by the Chancellor, so far as may be, from among persons belonging to the categories specified in the said clauses respectively and the members so nominated shall hold office for one year ² and four months]:

1. Deleted by the Orissa University Laws (Amendment) Act 1976 (Or. Act 27 of 1976) s. 2 (D) (c) which was inserted by the Orissa University Laws (Amendment) Act, 1967. Or. Act 28 of 1967), s. 2 (iv) (b)

1. Inserted by the Orissa University Laws (Amendment) Act, 1967 (Or. Act 28 of 1967), s. 2 (iv) (c).

(Sec. 10)

Provided that in doing so the Chancellor shall give preference to persons belonging to the aforesaid categories, if any, who, immediately prior to the commencement of this Act, were holding office as members of the Senate of the Utkal University established under the Utkal University Act, 1943.

Orissa Act 13
of 1943,

The Syndi-
cate.

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

Ex-officio members

- (a) the Vice-Chancellor;
- (b) the Director of Public Instruction, Orissa or any officer, not below the rank of a [Additional Director] nominated by the Director either generally or for any particular purpose;
- (c) the Principal of the Berhampur Medical College;
- (d) the Principal of the Khallikote College;

Other members

- ² [³ (e) one person to be nominated by the Chancellor from among the members of the Senate other than those specified in clauses (w), (x) and (y) of sub-section (1) of section 9;]
- (f) one person to be elected by the Academic Council from among its members; and
- ⁴ [(g) nine persons to be elected by the Senate from among its members of whom two shall be University Postgraduate teachers, four shall be college teachers, and the remaining shall be persons not in any way connected with the University or with any college.]

1. Substituted by the Orissa University Laws (Amendment) Act 1967. (Or. Act 23 of 1967), s. 2 (v) (a) for "Joint Director".

2. Substituted by the *ibidi* s. 4 (i) (a).

3. Substituted by the Orissa University Laws (Amendment) Act, 1976. (Or. Act 27 of 1976), s. 2 (E) (a) (i)

4. Substituted by the Orissa University Laws (Amendment) Act, 1976. (Orissa Act 27 of 1976), s. 2 (E) (a) (ii).

(Sec. 10 contd.)

[* * *]

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

(4) Subject to the provisions of this Act and the Statutes the Syndicate shall perform the functions and exercise the powers as herein specified, 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) prescription of text-books for the different courses of study;
- (e) general disciplinary control of the students of the University;
- (f) control of examinations;
- (g) supervision and ²[annual] inspection of Colleges and other institutions affiliated to the University;

³[*

*]

- (j) determination of the standard of instruction and in particular whether the standard laid down by the Academic Council shall be raised or lowered to being it in conformity with the degree or examination concerned;

1. Deleted by the Orissa University Laws (Amendment) Act, 1967 Sub-Section (2) (Or. Act 28 of 1967), s. 4. (i) (b).

2. Inserted by the Orissa University Laws (Amendment) Act, 1967 (Or. Act 28 of 1967), s. 2 (v) (b) (1).

3. Omitted by the Orissa University Laws (Amendment) Act, 1976 (Or. Act 27 of 1976), s. 2 (E) (b).

(Sec. 11)

(k) management of Funds, concerns, properties and other affairs of the University; and

¹[(l) preparation of the annual report, a report on annual inspection and the annual budget and submission thereof to the Senate.]

²[(m) to declare a college, an institution or a department as autonomous college or institution or department, as the case may be.]

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

(6) Notwithstanding anything contained in this Act, for the purpose of constituting the Syndicate for the first time the members referred to in clauses (e) ^{3**} and (h) of sub-section (1) shall be nominated by the Chancellor, so far as may be, from among persons belonging to the categories specified in the said clauses respectively and the members so nominated shall hold office for one year ⁴{and four months};

Provided that in doing so the Chancellor shall give preference to persons belonging to the aforesaid categories, if any, who, immediately prior to the commencement of this Act, were holding office as members of the Syndicate of the Utkal University established under the Utkal University Act, 1943.

Orissa Act,
13 of 1943.

The Academic Council.

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

Ex-Officio members

- (a) The Vice-Chancellor;
- (b) the Director of Public Instruction, Orissa;
- (c) the President of the Board of Secondary Education, Orissa; and in case the Director of Public Instruction, Orissa happens to be the President, the Vice-President of the said Board;

1. Substituted by the Orissa University Laws (Amendment) Act, 1967 (Or. Act 28 of 1967), s.2 (v) (b) (2).

2. inserted by the Orissa University Laws (Fourth Amendment) Act, 1978 (Or. Act 12 of 1978), s. 2. (B).

3. Deleted by the Orissa University Laws (Amendment) Act, 1967 (Orissa Act 28 of 1967), s. 4. (i) (c).

4. Inserted by *ibid.*, s.2 (v) (c).

- [(d) the Principals of colleges who have teaching experience for at least ten years in any college affiliated to any University established under law;]
- (e) Deans of Faculties;
- (f) all heads of departments of the University and of the post-graduate colleges;

2* * * *

Other members

- (h) two persons to be elected by the Senate from among its members ³[who are neither teachers nor students;]

4* * * *

- (j) not more than ⁵[ten] teachers of colleges to be co-opted as members by the Academic Council so as to secure such representation of the different branches of learning as the Council may consider adequate.

(2) The term of office of the members referred to in clauses (h) ^{6*} * and (j) of sub-section (1) shall be three years.

(3) Notwithstanding anything contained in this Act, for the purpose of constituting the Academic Council for the first time the members referred to in clause (h) shall be nominated by the Chancellor, so far as may be, from among persons belonging to the categories specified in the said clause and the persons so nominated shall hold office for one year ⁷[and four months]:

Provided that in doing so the Chancellor shall give preference to persons belonging to the aforesaid categories, if any, who, immediately prior to the commencement of this Act, were holding office as members of the Academic Council of the Utkal University established under the Utkal University Act, 1943.

Orissa Act 13 of 1943.

1. Substituted by the Orissa University Laws (Amendment) Act, 1976 (Or. Act 27 of 1976), s.2 (F) (a).
2. Omitted by the Orissa University Laws (Amendment) Act, 1967 (Or. Act 28 of 1967), s. 2 (vi) (a) (2).
3. Substituted by the Orissa University Laws (Amendment) Act, 1976 (Or. Act 27 of 1976), s. 2 (F) (b).
4. Omitted by the Orissa University Laws (Amendment) Act, 1967 (Or. Act 28 of 1967), s. 2 (vi) (a)(2).
5. Substituted by *ibid.*, s.4 (ii).
6. Deleted by *ibid.*, s.2 (vi) (b).
7. Inserted by *ibid.*, s. 2 (vi) (c).

(Secs. 12—14)

Registration
of college
teachers and
graduates.

12. Subject to the statutes made in that behalf, any graduate of the University and any teacher of a college 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:

¹[Provided that any graduate of any University established under any law ordinarily residing in the areas to which this Act extends shall, on payment of the prescribed fees, be entitled to register himself as a registered graduate of the University.

Explanation—The expression ‘ordinarily residing’ for the purpose of the proviso shall mean one who has resided for a total period of one hundred and eighty days during a year within the said areas.]

Transfer of
registered
graduates.

²[12-A. Notwithstanding anything contained in the Utkal University Act, 1966 any person enrolled or deemed to be enrolled as registered graduate for life under that Act and residing within the areas to which this Act extends may, within one month from the 8th day of November, 1967 exercise his option in writing addressed to the Registrar of the Utkal University for continuing as such registered graduate, failing which he shall be deemed to be a registered graduate for life enrolled under this Act with effect from the date of expiry of the aforesaid period of one month.]

Orissa Act
20 of 1966.

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

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

Filling of ca-
sual vacancies.

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

1. Added by the Orissa University Laws (Amendment) Act, 1967 (Or. Act 23 of 1967), s. 2 (vii).

2. Inserted by *ibid* s. 4 (iii).

15. (1) The Academic Council shall, subject to the provisions of this Act and the Statutes, have power to make Regulations prescribing all courses of study and curricula, have general control of teaching in the colleges and shall be responsible for the maintenance of standards of instruction.

Powers of
the Academic
Council.

(2) It shall have power to make regulations consistent with this Act and the Statutes, relating to all matters which by this Act or the Statutes may be provided for by Regulations.

(3) In particular and without prejudice to the generality of the foregoing powers it shall have power.

- (a) to advise the Syndicate on all academic matters;
- [(a-1) to determine the standard of proficiency to be required for ordinary degrees;]
- (a-2) 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;]
- (b) to formulate, modify or revise schemes for the constitution or reconstitution of departments of teaching;
- (c) to make Regulations relating to courses, examinations and the conditions subject to which students shall be admitted to examinations for degrees of the University;
- (d) to make proposals to the Syndicate for the institution of professorships, readerships, ²[lectureship] or other teaching posts and in regard to the duties and emoluments thereof;
- (e) to call for reports from the persons engaged in research and to make recommendations to the Syndicate thereon;
- (f) to control and manage the University library or libraries, to frame rules regarding its or their use and to appoint a library committee or committees;
- (g) to make regulations for encouragement of co-operation and reciprocity among the colleges, with a view to promoting academic life; *³

1. Inserted by the Orissa University Laws (Amendment) Act, 1976 (Or. Act 27 of 1976), s. 2 (G)

2. Substituted by the Orissa University Laws (Amendment) Act, 1967 (Or. Act 28 of 1967), s. 2 (viii) (a) for "lecturership".

3. Deleted by *ibid.*, s. 2 (viii) (b).

¹[(g-1) 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 ; and]

(h) to decide the conditions under which exemption relating to admission of students to examinations may be given.

Proceedings not to be invalid by reason of vacancies

²[16. No act or proceeding of any authority or other body of the University shall be invalid merely by reason of existence of any vacancy among its members.]

Admission of educational institutions as colleges.

17. No educational institution shall be admitted as a college unless the following conditions are complied with, namely:—

(a) the admission of the institution as a college has, on an application made in that behalf, and after the Syndicate has recorded its opinion thereon, been approved by the Senate; and

(b) all provisions of the Statutes relating to the admission of educational institutions as colleges have been substantially complied with.

Exclusion of colleges from privileges of the University.

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

(2) The Syndicate shall, after giving the governing body of the college a reasonable opportunity of stating its objections to the proposal, consider the proposal and transmit a copy of its proceedings alongwith a copy of the objections filed by the governing body to the Senate.

(3) The Senate shall consider the proposal and shall decide as it thinks fit and its decision shall be final:

Provided that where the Senate decides to deprive a college, either in whole or in part, of its privileges, it shall transmit a copy of its proceedings alongwith a copy of the proceedings of the Syndicate to the Chancellor who shall have power to rescind or modify the order of the Senate.

1. Inserted by the Orissa University Laws (Amendment) Act, 1976 (Or. Act 28 of 1967). s. 2 (viii) (b).

2. Substituted by the Orissa University Laws (Third Amendment) Act, 1978 (Or. Act 2 of 1978) s. 2.

(Secs. 19-20)

19. Notwithstanding anything in any other law for the time being in force, no educational institution in the areas to which this Act extends shall, after the commencement of this Act, be associated in any way with or seek admission to any privileges of any other University and any such privileges granted by any such other University to any educational institution in the aforesaid areas prior to the commencement of this Act shall be deemed to have been withdrawn on the commencement of this Act :

Termination of privileges granted by other Universities to educational institutions.

Provided that any educational institution which in accordance with the provision of this section has been deprived of any such privileges shall, notwithstanding anything contained in section 17, be deemed to have been granted the like privileges by the University as may be determined by the Syndicate.

20. (1) The Registrar, Deputy Registrar and the Assistant Registrar of the University shall be appointed by the Chancellor on the recommendation of a Committee consisting of the Vice-Chancellor, the Director of Public Instruction, Orissa and one member to be elected by the Syndicate from amongst the remaining members thereof.

Appointment of officers, teachers and other employees of the University and their conditions of service.

(2) The teachers of the University shall be appointed ¹[by the Syndicate] on the recommendation of a Committee consisting of—

- (a) the Vice-Chancellor ;
- (b) the Director of Public Instruction, Orissa ;
- (c) three experts selected by the Syndicate ; and
- (d) one member to be elected by the Syndicate from amongst the remaining members thereof.

²[Provided that in case the Syndicate differs from the recommendations of the Committee, the matter shall be referred to the Chancellor whose decision thereon shall be final.]

³ [(2-a) The Vice-Chancellor, two out of the three experts and one out of the remaining members of the aforesaid Committee shall form the quorum at a meeting of the Committee.]

1. Substituted by the Orissa University Laws (Amendment) Act, 1967 (Or. Act 28 of 1967), s. 2 (i.e) (a) for "by the Chancellor".

2. Added by the Orissa University Laws (Amendment) Act, 1976 (Or. Act 27 of 1976), s. 2 (h).

3. Inserted by the Orissa University Laws (Amendment) Act, 1967 (Or. Act 28 of 1967), s.2 (ix) (b).

(Secs. 21-22)

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

(4) The officers (other than the Chancellor and the Vice-Chancellor), teachers and other employees of the University shall be paid such salary and other emoluments as the Chancellor may, from time to time determine.

Audit of
accounts.

¹ [21. The accounts of the University shall, once at least 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

Statutes

22. (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 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;

³[(b-1) the extent of autonomy which a college, an institution or a department may have and the matters in relation to which such autonomy may be exercised;]

(c) the procedure to be followed at meetings of the Senate, Syndicate and the Academic Council and the quorum required therefor; and

(d) the procedure to be followed for retirement by rotation of members of the Senate; 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;

1. Substituted by the Orissa University Laws (Amendment Act, 1976) (Or. Act 27 of 1976), s. 2 (I).

2. Inserted by the Orissa University Laws (Fourth Amendment) Act, 1978 (Or. Act 12 of 1978) s. 2 (C).

(Sec. 22-*contd.*)

- (c) the admission of educational institutions as colleges and the withdrawal or privileges of colleges so admitted;
- (d) the admission of students to the University and their examinations;
- (e) the residential arrangements for students of the University;
- (f) the mode of appointment and duties of examiners;
- (g) the conferment and withdrawal by the university of degrees, diplomas, certificates and other academic distinctions;
- (h) the general discipline and control of the University;
- (i) the accounts to be kept and the use to be made of the Funds of the University;
- (j) manner of recruitment of officers (other than the Vice-Chancellor), teachers and other employees and conditions of their service;
- (k) powers and duties of the officers, teachers and other employees of the University;
- (l) rules to regulate the conduct of the University employees;
- (m) inspection of affiliated colleges; and
- (n) any other matter which has to be or may be prescribed under this Act.

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

¹[(3) The State Government and, subject to the provisions contained in sub-section (4), (5) and (6), the Senate may, from time to time, make new or additional Statutes, or may amend or repeal the Statutes.]

(4) The Syndicate may, from time to time, lay before the Senate, any proposals for new statutes, or for the amendment or repeal of any of the existing Statutes and it shall be the duty of the Senate duly to consider all such proposals.

¹ Substituted by the Orissa University Laws (Amendment) Act, 1976 (Or. Act 27 of 1976), s. 2 (J) (a).

(Sec. 23)

{(5) Every new Statute or addition to the Statutes or amendment to, or repeal of, the Statutes made by the Senate shall be submitted to the State Government who may either disallow it or allow it with or without modifications.}

(6) No Statute or addition to the Statutes or amendment or repeal of the Statutes made by the Senate shall have validity until allowed by the State Government.

Regulations

23. (1) The Regulations shall be made by the Academic Council and subject to the provisions of this Act, they may provide for all or any of the following matters, namely :—

- (a) encouragement of co-operation and reciprocity among the colleges ;
- (b) admission of students to the University and prescribing the examinations 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 ;
- (d) granting of exemptions relating to the admission of students to examinations;
- (e) management of the libraries of the University ;
- (f) constitution of departments of teaching ; and
- (g) welfare of students of the affiliated institutions.

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

1. Substituted by the Orissa University Laws (Amendment) Act, 1975 (Or. Act 27 of 1975), s. 2 (j) (b).

(Secs. 24-25)

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

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

General
Fund of
the Univer-
sity.

- (a) its income from fees, endowments and grants, if any ;
- (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.

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

Foundation
Fund.

(2) The Foundation Fund shall consist of—

- (a) the sum of not less than two lakhs of rupees which shall be given to it by the State Government ;
- (b) 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
- (c) any contributions to the Fund which may be made by the 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 University.

1. Substituted by the Orissa University Laws (Amendment) Act, 1967 (Or. Act 28 of 1967), s. 2 (x) for " by any other State Government. "

(Secs. 26-27)

(5) The expenditure incurred in pursuance of clause (a) of sub-section (2) shall be expenditure charged on the Consolidated Fund of the State.

Constitution
of other
funds.

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

Removal
from
membership
and with-
holding of
degrees.

27. (1) The Syndicate may remove any person from membership of any of the authorities or other bodies of the University, if he has been convicted by a court of law of an offence involving moral turpitude or withdraw the degree, diploma or mark of honour conferred on or granted to such person by the 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 degree, diploma or mark of honour for such period not exceeding two years as it may fix :

Provided 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) 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.

(4) The Syndicate may, on sufficient cause shown in that behalf, restore or confer the degree, diploma or mark 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 student:

Provided that no degree, diploma or mark of honour shall be withdrawn, withheld, restored or conferred and no name shall be removed from or re-entered in the register of University students without giving the person concerned a reasonable opportunity of being heard and unless the proposal is accepted by not less than two-thirds of the members of the Syndicate.

(Sec. 28)

(5) A member of any of the authorities of the University other than an *ex-officio* member, shall be deemed to vacate his office—

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

(b) if he absents himself from three consecutive meetings of the Senate, Syndicate or Academic Council, as the case may be; 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, 1956, which has any such interest and if the Chancellor in consultation with the Senate considers that on the grounds aforesaid the membership shall be terminated:

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

Provided further that the provisions contained in clause (c) shall not be applicable to the teachers of the University or of any college.

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

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

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

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

(d) is a registered student of the University¹; or]

²[(e) has been for two or more terms a member of any one of the authorities.

1. Substituted by the Orissa University Laws (Fourth Amendment) Act, 1978 (Or. Act 12 of 1978), s. 2 (D) (i).

2. Inserted by *ibid.*, s. 2 (D) (ii).

(Sec. 28-A)

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

Supersession
of authorities
and taking
over
management.

[28-A. (1) If the State Government, after making such enquiry as they deem fit, are satisfied that the Management of the University has not been or can not be carried out 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 the University that the administration of the University is not likely to promote its objectives, they may, after consultation with the Chancellor, by an order notified in the Gazette (hereinafter referred to as the ‘notified order’) take over the management of the affairs of the University and appoint an officer to be the administrator for the University.

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

Provided that if the State Government are of the opinion that in order to secure the proper management of the affairs of the University it is expedient that such notified order should continue in force for a further period, they may, from time to time, by like order, and after consultation with the Chancellor, extend the period of its operation by such further period as may be specified therein, so, however, that in no case the notified order shall remain in force for more than a total period of three years.

(3) A copy of every notified order and of every order issued under the proviso to sub-section(2) 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 Senate, Syndicate and the Academic Council 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;

3. Inserted by the Orissa University Laws (Amendment) Act, 1976 (Or, Act, 27 of 1976), s. 2 (k).

(*Sec. 28-A contd.*)

(b) the offices of the members of the Senate for life shall remain in abeyance during the operation of the notified order;

(c) the Vice-Chancellor shall be deemed to have vacated his office as such;

(d) the powers and functions of the said authorities and of the Vice-Chancellor shall during the operation of the notified order, be exercised and performed by the Administrator ;

(e) the Administrator shall, for the purposes of signing the Diplomas granted by the University, be designated as the Vice-Chancellor ;

(f) 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 the 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 ;

(g) 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 any 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 Senate, Syndicate and the Academic Council 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 :

(Secs. 29-30)

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 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 and nominations necessary for the purposes of reconstitution of the said authorities or for the purposes of appointment of the Vice-Chancellor shall be held in advance in accordance with the provisions of this Act and the Statutes framed thereunder and all persons who are to take part at any such election by virtue of holding office as member of any of the said authorities shall, notwithstanding the fact that they have not assumed such office, be eligible to take such part.]

Repeal

29. The Utkal University Act, 1943 (hereinafter referred to as the said Act), is hereby repealed: Orissa Act 13
of 1943

Provided that—

- (a) teachers of colleges in the areas to which this Act extends, who were enrolled as registered college teachers for life under the said Act shall be deemed to be registered college teachers for life enrolled under this Act; and
- (b) until Statutes and Regulations are made under the appropriate provisions of this Act, Statutes and Regulations made under the said Act in so far as they are not inconsistent with this Act shall subject to such modifications and adaptations, if any, as may be made therein by the Chancellor, continue to be in force and shall be deemed to be Statutes and Regulations made under the corresponding provisions of this Act.

Transitory provisions.

30. Notwithstanding anything to the contrary contained in this Act or in any Statutes or Regulation made thereunder—

- (a) any student who immediately prior to the commencement of this Act was studying in the colleges, which have been or may

(Sec. 30—contd.)

hereafter be admitted to the privileges of the University, for a degree, diploma or certificate of the Utkal University established under the Utkal University Act, 1943, shall, in accordance with the Regulations of the latter University be entitled to be examined by and if on the results of such examination he qualifies, be entitled to be awarded the corresponding degree, diploma or the certificate, as the case may be, of the University ; and

Orissa Act 13
of 1943

- (h) if before the commencement of this Act the Utkal University established as aforesaid has held any examination in respect of the colleges which have been or may hereafter be admitted to the privileges of the University, the result of which has been published but the degrees, diplomas or certificates relating thereto have not been conferred or granted or if the result of any such examinations has not been published by the said Utkal University, then such examination shall be deemed to have been held and the results deemed to have been published by the University.

APPENDIX I

PROVISION OF THE ORISSA UNIVERSITY LAWS
(AMENDMENT) ACT, 1967 (OR. ACT 28 OF 1967)
NOT INCORPORATED IN THE
ORIGINAL ACT.

	*	*	*	*
Repeal and Savings.	6. (1)	*	*	*

(2) Notwithstanding such repeal anything done, any action taken, any Statutes made or any notification issued in exercise of any power conferred by or under the said Ordinance shall be deemed to have been done, taken, made or issued in exercise of the powers conferred by or under this Act as if this Act was in force on the day on which such thing was done, action was taken, Statutes were made or notification was issued.

APPENDIX II

PROVISION OF THE ORISSA UNIVERSITY LAWS
(AMENDMENT) ACT, 1976 (OR. ACT 27 OF
1976) NOT INCORPORATED IN THE
ORIGINAL ACT.

Transitory
Provision

4. The amendment of the University Acts by section 2 of this Act shall not in any way affect—

(a) the term of office of the Vice-Chancellor of any of the Universities; or

(b) the membership of any member of the Syndicate of any of the Universities,

holding office immediately prior to the coming into force of this Act.