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ORISSA ACT 9 OF 2002

THE BIJU PATNAIK UNIVERSITY OF TECHNOLOGY ACT, 2002

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***THE BIJU PATNAIK UNIVERSITY OF TECHNOLOGY ACT, 2002**

[Received the assent of the Governor on the 5th June, 2002, first published in an extraordinary issue of the Orissa Gazette, dated the 17th June, 2002 (No. 829)]

AN ACT TO PROVIDE FOR THE ESTABLISHMENT AND INCORPORATION OF A TECHNOLOGICAL UNIVERSITY IN THE STATE OF ORISSA AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

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

CHAPTER I**PRELIMINARY**

Short title
and extent.

1. (1) This Act may be called the Biju Patnaik University of Technology Act, 2002.

(2) It extends to the whole of the State of Orissa

Definitions.

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

- (a) "Academic Council" means the Academic Council of the University;
- (b) "affiliated institution" means a College or an institution affiliated to the University and includes a College or an institution deemed to be an affiliated College or institution under this Act;
- (c) "Board" means the Board of Management of the University;
- (d) "Board of Studies" means the Board of Studies of the University;
- (e) "Chancellor" means the Chancellor of the University;
- (f) "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;
- (g) "Constituent College" means a College established, managed, maintained and controlled by the University, and includes a College or a Department transferred from any other University to the management, maintenance and control of the University;
- (h) "Council" means the All India Council for Technical Education established under the provisions of the All-India Council for Technical Education Act, 1987;
- (i) "employee" means every person in the whole time employment of the University;
- (j) "Faculty" means a Faculty of the University;
- (k) "Finance Committee" means the Finance Committee of the University referred to in section 23;
- (l) "Fund" means the fund of the University established under section 25;
- (m) "Government" means the Government of Orissa;
- (n) "other Universities" means the Universities established or deemed to have been established under the Orissa Universities Act, 1989 or the Orissa University of Agriculture and Technology Act, 1965;
- (o) "prescribed" means prescribed by Statutes, Regulations or Rules;
- (p) "State" means the State of Orissa;

52 of 1987.

Orissa Act
5 of 1989.
Orissa Act
17 of 1965.

*For the Bill, see *Orissa Gazette*, Extraordinary dated the 4th April 2001. For report of the Select Committee See *Orissa Gazette* Extraordinary, dated 23rd March, 2002.

- (g) "Statutes", "Regulations" and "Rules" means respectively the "Statutes", "Regulations" and "Rules" of the University made under this Act;
- (r) "Teacher" means a Professor, Reader, Lecturer or such other person imparting instruction or conducting or supervising research either in a Constituent College or in any of the Departments of the University, or in an affiliated College, as the context may imply;
- (s) "University" means the Biju Patnaik University of Technology established under this Act; and
- (t) "University Grants Commission" means the University Grants Commission constituted under the University Grants Commission Act, 1956,

B of 1956.

CHAPTER II

THE UNIVERSITY

The University.

3. (1) There shall be established a University by the name of "Biju Patnaik University of Technology".

(2) The headquarters of the University shall be located at Rourkela.

(3) The Chancellor, the first Vice-Chancellor, the first members of the Board and the Academic Council and all persons who may hereafter become such Chancellor, officer and members, so long as they continue to hold office or membership, are hereby constituted a body corporate by the name of "Biju Patnaik University of Technology" and such body corporate shall have perpetual succession and a common seal and may sue and be sued by that 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, if for the purposes of the University and to contract and do all other things necessary for the purpose of this Act.

Objects.

4. The University shall have the following objects, namely:—

- (i) to promote education, research and training in engineering and technology including information technology and its application, architecture, pharmacy, applied arts and crafts management and applied sciences for the advancement of knowledge and for the betterment of society;
- (ii) to improve the quality of education, research and training in the field of engineering and technology, including information technology and its application, architecture, pharmacy, applied arts and crafts management and applied sciences;
- (iii) to provide facilities and opportunities for graduate and post-graduate education in engineering and technology including information technology and its application, architecture, pharmacy, applied arts and crafts management and applied science and by instruction, training, research, development and extension and by such other means as the University may deem fit;
- (iv) to devise and implement programmes of education in engineering and technology including information technology and its application, architecture, pharmacy, applied arts and crafts management and applied science that are relevant to the changing needs of society;
- (v) to serve as a centre for fostering co-operation and interaction between the academic and research community on the one hand and industry on the other;
- (vi) to organise exchange programmes with other institutions of repute in India and abroad with a view to keeping abreast of the latest developments in relevant areas of teaching and research;

- (vii) to provide for industrial consultancy service; and
- (viii) to undertake such other activities as may be required to fulfil the above objects.

Powers and
functions of
University.

5. Subject to such orders, rules, regulations, guidelines and directions as may be issued from time to time, by the Central Government or the Council under the provisions of All-India Council for Technical Education Act 1987, the University shall have the following power and functions; namely:—

52 of 1987

- (i) to establish and maintain Institutions for higher studies and research in engineering and technology including information technology and its application, architecture, pharmacy, applied arts and crafts management and applied sciences;
- (ii) to accord affiliation to any College or Institution of engineering and technology, including information technology and its application, architecture, pharmacy, applied arts and crafts management or applied sciences as an affiliated College or Institution;
- (iii) to grant autonomy to any affiliated College or Institution imparting education in engineering and technology including information technology and its application, architecture, pharmacy, applied arts and crafts, management and applied sciences;
- (iv) to provide for instruction and training in such branches of learning as are in keeping with the objects of the University and to make provision for research and for the advancement and dissemination of knowledge;
- (v) to institute degrees, titles, diplomas and other academic distinctions;
- (vi) to grant, subject to such conditions as the University may determine diplomas or certificates and confer degrees and other academic distinctions on the basis of examinations, evaluation or any other method of assessment, on deserving persons;
- (vii) to confer honorary degrees or other distinctions on distinguished persons in accordance with the conditions to be prescribed by the Statutes;
- (viii) to withdraw or cancel degrees, titles, diplomas, certificates or other distinctions under such conditions as may be prescribed by the Statutes;
- (ix) to take measures to have constant interaction with industries and other employers of technical manpower for orienting the education and training towards the needs of industries and other employers;
- (x) to provide common forum for interaction between research institutions, industries and other employers and constituent Colleges or departments and affiliated institutions of the University to ensure transfer of technology from research institutions to industries and to prepare the students of the University for using and disseminating innovative technology;
- (xi) to act in furtherance of the entrepreneurial skills and abilities among students;
- (xii) to assess the needs of the State and the Country in terms of subjects, fields of specialisation, level of education and training of technical manpower both on short-term and long-term basis and to introduce or encourage introduction of innovative training programmes and to reorient existing training programmes to meet such needs;
- (xiii) to make arrangements for promoting the health, general welfare and moral well-being of students and take such measures as would foster in them habits of hard work, self-discipline and spirit of service to society;

- (xiv) to fix the fees payable to the University and to demand and receive such fees;
- (xv) to hold and manage endowments and bursaries and to institute and award fellowships, scholarships, studentships, medals and prizes;
- (xvi) to institute, raise and provide funds wherever necessary for carrying out the functions of the University;
- (xvii) to co-operate with other Universities or Institutions or authorities or associations in such manner and for such purposes as the Board may determine;
- (xviii) to establish, maintain, manage and confer recognition to hostels;
- (xix) to co-ordinate, supervise, regulate and control the teaching, consultancy and conduct of research in the affiliated and constituent institutions to the extent deemed necessary;
- (xx) to determine the powers and duties of the officers and other employees of the University other than those provided in this Act;
- (xxi) to provide for the inspection of affiliated institutions and lay down standards of instruction and research;
- (xxii) to institute and establish Professorships, Readerships, Lecturerships and any other teaching and research posts required by the University and to appoint persons to such posts; and
- (xxiii) to do all such acts and things as may be required in furtherance of the objects of the University.

University
open to all
classes, castes
and creeds.

6. No person shall, on grounds only of religion, race, caste, sex, descent, residence, language, political opinion or any of them, be ineligible for, or discriminated against in respect of any employment or office under the University or membership of any of the authorities or bodies of the University or admission to any course of study or research in the University:

Provided that the University may, in consultation with the Government, reserve seats for the members of the Backward Classes of Citizens or Scheduled Castes or Scheduled Tribes, or Orissa domiciles or women or any other category of persons, for the purpose of admission as students to any of the Constituent Colleges or the institutions of the University or affiliated institutions.

CHAPTER III

THE CHANCELLOR AND OFFICERS OF THE UNIVERSITY

Chancellor.

7. (1) The Governor of Orissa shall, by virtue of his office, be the Chancellor of the University.

(2) The Chancellor shall be the head of the University and shall, when present, preside at the meeting of the convocation of the University.

(3) All authorities of the University shall be subordinate to the Chancellor.

(4) The Chancellor may, either *suo motu* or on a reference made to him by the Vice-Chancellor under the provisions of sub-section (8) of section 10 or by the Government, by order in writing, annul any proceeding of any of the authorities of the University which is not in conformity with this Act, the Statutes, Regulations, Rules or any other Law for the time being in force:

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

(5) The Chancellor shall have the right to suspend or dismiss any of the authorities of the University and to take measures for the interim administration of the University:

Provided that before taking any such action, the Chancellor shall give an opportunity to such authority to show cause why such an action should not be taken.

(6) Every proposal for the conferment of an honorary degree shall be subject to confirmation of the Chancellor;

(7) An appeal shall lie to the Chancellor against any order of dismissal passed by the Board or the Vice-Chancellor against any employee in the service of the University;

(8) An appeal under sub-section (7) shall be filed within sixty days from the date of service of the order of dismissal on the employee concerned;

(9) The Chancellor shall have power to remove the Vice-Chancellor from office by an order in writing on charges of mismanagement of funds or misconduct or for any other good and sufficient reasons:

Provided that no order removing the Vice-Chancellor under this sub-section shall be passed until such charges are proved by an enquiry conducted by an officer not below the rank of Secretary to Government appointed by the Chancellor for the purpose:

Provided further that the Vice-Chancellor shall not be removed under this sub-section unless he has been given a reasonable opportunity of showing cause against the action proposed to be taken against him.

Officers of
the Univer-
sity.

8. The following shall be the officers of the University, namely:—

- (i) the Vice-Chancellor;
- (ii) the Registrar;
- (iii) the Finance Officer;
- (iv) the Director, Curriculum Development;
- (v) the Director, Examination; and
- (vi) such other Officers as may be declared by the statutes to be officers of the University;

The Vice-
Chancellor.

9. (1) The Vice-Chancellor shall be appointed by the Chancellor from among technical education experts from out of a panel of three names recommended by a Committee appointed by him, who are not members of the Committee:

Provided that the first Vice-Chancellor shall be appointed by the Chancellor from a panel of three names recommended by the Government.

(2) The Committee referred to in sub-section (1) shall consist of three members of whom one shall be nominated by the University Grants Commission, one shall be elected by the Board and the remaining member shall be nominated by the Government and the Chancellor shall appoint one of the members to be the Chairman of the Committee:

Provided that no person shall be eligible to be a member of the Committee, if he is a member of any of the authorities of the University or an employee of the University or of a College or institution maintained or recognised by, or affiliated to, the University.

(3) The Committee shall make the required recommendation within a period of three months from the date of its appointment, failing which, another such Committee shall be appointed by the Chancellor to make the required recommendation to the Chancellor, who shall appoint a Vice-Chancellor accordingly.

(4) No person who has completed sixty-five years of age shall be eligible to hold the office of the Vice-Chancellor.

(5) The Vice-Chancellor shall hold office for a term of five years from the date on which he enters upon his office and shall be eligible for reappointment for another term or till he attains the age of sixty-five, whichever is earlier, without following the procedure specified in sub-section (1).

(6) The remuneration payable to, and the other conditions of service of the Vice-Chancellor shall be determined by the Chancellor:

Provided that the remuneration and other conditions of service shall not be varied to the disadvantage of the Vice-Chancellor during his tenure as such.

Power and
duties of Vice-
Chancellor.

10. (1) The Vice-Chancellor shall be the principal academic and executive officer of the University and all other officers of the University shall be subject to general supervision and control of the Vice-Chancellor.

(2) The Vice-Chancellor shall be the Chairman of the Board and the Academic Council and shall be entitled to be present at, and to address, any meeting of any authority of the University, but shall not be entitled to vote thereat unless he is a member of the authority concerned.

(3) It shall be the duty of the Vice-Chancellor to ensure that the provisions of this Act, the Statutes, Regulations and Rules are observed and he shall have all the powers as necessary for this purpose.

(4) The Vice-Chancellor shall have the right of visiting and inspecting institutions maintained by, or affiliated to, the University.

(5) If the Vice-Chancellor is of the opinion that any order or decision which is required 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 said authority for that purpose, he may pass such order or take such decision as he deems proper and place the matter before the said 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.

(6) Subject to the provisions of this Act, and the Statutes, the Vice-Chancellor shall have the power;—

(a) to make appointment to posts below the rank of Assistant Registrar and of non-teaching employees or to such posts as may be prescribed and specify their duties;

(b) to suspend, dismiss or otherwise punish any employee of the University below the rank of Assistant Registrar including non-teaching employees; and

(c) to take disciplinary action against students of the University:

Provided that he may delegate any of the powers under this sub-section to the Registrar.

(7) The Vice-Chancellor shall have the power to convene meetings of the Board or the Academic Council or any other authority of the University.

(8) It shall be the duty of the Vice-Chancellor to ensure that the proceedings of the University are carried on in accordance with the provisions of this Act, the Statutes, Regulations and Rules, and where the Vice-Chancellor is of opinion that any proceedings or order of an authority of the University is violative of any provision of this Act, the Statutes, Regulations or Rules he may, by an order in writing, stay the operation of such proceedings or order and send a report and make a reference to the Chancellor for a final decision in accordance with provisions of sub-section (4) of section 7.

(9) The Vice-Chancellor shall exercise such other powers and perform such other functions as may be prescribed by the Statutes and Regulations.

(10) In the event of absence of the Vice-Chancellor from the headquarters or during his inability to act due to reasons like illness, the Chancellor may make such arrangement for performance of the duties of the Vice-Chancellor as he may deem fit, during such absence.

(11) In the event of the occurrence of vacancy in the office of the Vice-Chancellor by reason of death, resignation or otherwise, the Chancellor may appoint any person to act as Vice-Chancellor until a regular appointment of Vice-Chancellor is made in accordance with section 9:

Provided that the period of such interim arrangement shall not exceed six months.

The Registrar.

11. (1) The Registrar shall be a whole time officer of the University and shall be appointed by the Board for such period and on such terms and conditions as may be prescribed by Statutes.

(2) The Registrar shall be responsible for—

(a) the custody of the records and the common seal of the University;

(b) maintaining a permanent record of the academic performance of students of the University including the courses taken, grades obtained, degrees awarded, prizes or other distinctions won and any other items pertaining to the academic performance of the students; and

(c) execute all contracts on behalf of the University.

(3) The Registrar shall exercise such other powers and perform such other duties as may be imposed on him by Statutes.

(4) All suits and other legal proceedings by or against the University shall be instituted by or against the Registrar.

Finance Officer.

12. (1) The Board shall appoint a person selected from among a panel containing the names of officers belonging to the Orissa Finance Service furnished by the Government, as the Finance Officer of the University for such period and on such terms as may be prescribed by Statutes.

(2) The Finance Officer shall be a whole time officer of the University and shall, subject to the control of the Vice-Chancellor, exercise such powers and perform such duties as may be prescribed by Statutes.

Director, Curriculum Development, Director, Examination and the other officers.

13. (1) The Board shall appoint the Director, Curriculum Development, the Director, Examination and also the other officers of the University as referred to in clause (vi) of Section 8, for such period and on such terms as may be prescribed by Statutes.

(2) The Director, Curriculum Development, the Director, Examination and the other officers shall exercise such powers and perform such duties as may be prescribed by Statutes.

Appointment of first officers.

14. Notwithstanding anything contained in sections 11, 12 and 13, the first Registrar, the first Finance Officer, the first Director, Curriculum Development and the first Director, Examination shall be appointed by the Chancellor on recommendation of the Government.

Appointments to be notified.

15. The appointments of the Vice-Chancellor, the Registrar, the Finance Officer, the Director, Curriculum Development, the Director, Examination and the other Officers of the University shall be notified in the Gazette.

CHAPTER IV
AUTHORITIES OF THE UNIVERSITY

Authorities
of the
University.

16. The following shall be the authorities of the University, namely:—

- (i) the Board ;
- (ii) the Academic Council ;
- (iii) the Faculties ;
- (iv) the Board of Studies ;
- (v) the Finance Committee ; and
- (vi) such other bodies or authorities as may be declared by Statutes to be authorities of the University.

Board.

17. (1) The Board shall be the chief executive body of the University and shall consist of the following members, namely:—

Ex-officio members:—

- (i) the Vice-Chancellor ;
- (ii) the Secretary to Government, Industries Department ;
- (iii) the Secretary to Government, Finance Department ;
- (iv) the Secretary to Government, Higher Education Department ;
- (v) the Secretary to Government, Science and Technology Department ;
- (vi) the Director of Technical Education and Training.

Other members—

- (vii) one person from among Directors/Deans of the University, nominated by the Vice-Chancellor ;
- (viii) one Principal of any of the affiliated or constituent Colleges of the University, nominated by the Vice-Chancellor ;
- (ix) two members of the Academic Council, elected by the members thereof ;
- (x) two members of the Orissa Legislative Assembly, elected by the members thereof ;
- (xi) two persons representing industries, both Private and Public Sectors, nominated by the Chancellor ;
- (xii) one Professor or Director of a premier technical education institution like IIT or IIM nominated by the Chancellor ;
- (xiii) one official representative of the Council nominated by it ; and
- (xiv) one member from amongst the members of Governing Bodies of affiliated institutions, nominated by the Vice-Chancellor.

(2) The term of office of the members of the Board, other than the *ex-officio* members, shall be three years from the date of their nomination or election, as the case may be, and they shall not be eligible for re-nomination or re-election for the next consecutive term.

(3) The Secretary to a Government Department may nominate any officer not below the rank of a Joint Secretary to attend any or all the meetings of the Board and the officer so nominated shall have all the powers and privileges of the members of the Board.

Powers and
functions of
Board.

18. Subject to the provision of this Act and the Statutes, the Board shall exercise and perform the following powers and functions, namely:—

- (i) to exercise the executive powers of the University including the general superintendence and control over its institutions;
- (ii) to admit an institution to the University as an affiliated institution in accordance with the terms and conditions prescribed by the Statutes;
- (iii) to make Statutes for the consideration and approval of Government;
- (iv) to hold, control and administer the properties and funds of the University including investment of money in such stocks, funds, shares or securities as deemed fit.
- (v) to provide buildings, premises, furniture, apparatus and other requisites for carrying on the work of the University and to that end enter into, vary, carry out and cancel contracts on behalf of the University;
- (vi) to direct the form and use of the common seal of the University;
- (vii) to establish, maintain and manage departments and institutes of research and other advanced centres of learning as it may, from time to time, deem necessary;
- (viii) to appoint teachers and officers of and above the rank of the Assistant Registrar and to prescribe their duties;
- (ix) to create teaching, technical, administrative, ministerial and other necessary posts;
- (x) to suspend, discharge, dismiss or otherwise take disciplinary action against teachers, and officers of and above the rank of Assistant Registrar;
- (xi) to fix and regulate the fees payable by the students subject to such instructions as may be issued by the Central Government or the Council or the University Grants Commission;
- (xii) to create research fellowships, honorary or otherwise;
- (xiii) to create fellowships, scholarships, studentships, bursaries, medals and prizes on the recommendation of the Finance Committee;
- (xiv) to exercise supervision and control over the residence and discipline of students;
- (xv) to consider and pass the financial estimates, the annual accounts, together with the audit report and the annual report of the University in accordance with the provisions of the Statutes made in this behalf;
- (xvi) to have overall supervision over the conduct of examination and approval and publication of the results thereof;
- (xvii) to appoint members to the Faculties and Board of Studies;
- (xviii) to delegate any of its powers to the Vice-Chancellor or any other authority or officer as it may deem fit;
- (xix) to prescribe procedure for the inspection of affiliated institutions so as to ensure compliance with the conditions of affiliation and to decide on the continuance of affiliation;
- (xx) to accept grants, endowments, bequests, donations and transfers of movable and immovable properties to the University on its behalf;

(xxi) to negotiate with other Universities for the recognition of the examinations of the University; and

(xxii) to exercise such other powers and perform such other duties as may be prescribed by Statutes.

Academic
Council.

19. (1) The Academic Council shall be the principal academic body of the University and subject to the provision of this Act and the Statutes, it shall co-ordinate and exercise general supervision over the academic programmes and policies of the University and shall be responsible for the maintenance of standards of instruction, research, education and examination within the University and shall exercise such powers and perform such other duties as may be conferred on it by Statutes.

(2) The Academic Council shall consist of the following members, namely:—

Ex-officio members—

- (i) the Vice-Chancellor;
- (ii) Secretary to Government, Industries Department or his nominee not below the rank of a Joint Secretary;
- (iii) Secretary to Government, Science and Technology Department or his nominee not below the rank of a Joint Secretary;
- (iv) the Director of Technical Education and Training;
- (v) the Director of Industries;
- (vi) the Deans of Faculties;
- (vii) all Directors in the University;
- (viii) Principals of all the constituent and affiliated colleges and institutions of the University;

Other members—

(ix) ten teachers of constituent and affiliated Colleges and institutions nominated by the Vice-Chancellor on rotation basis:

Provided that the number of teachers from each constituent or affiliated College or institution nominated under this category shall not exceed one;

- (x) five outstanding scholars of national or international repute from outside the State of which three shall be nominated by the Chancellor and two by the Council;
- (xi) five officers from national level institutions or organisations such as Council of Scientific and Industrial Research, Department of Science and Technology (Government of India), Indian Space Research Organisation, Defence Research and Development Organisation, Railway Design and Standards Organisation and other similar institutions, nominated by the Vice-Chancellor;
- (xii) three representatives of industries to be nominated by the Chancellor;
- (xiii) two officers in the rank of General Manager or above in the State Public Sector Undertakings which are major employers of the graduate engineers, nominated by the Government;
- (xiv) two Chief Engineers of the Government Departments, nominated by the Government; and
- (xv) two persons from industrial or technical consultancy organisations of national repute, nominated by the Government.

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

Powers and
functions of
Academic
Council.

20. Subject to the provisions of this Act and of the Statutes, the Academic Council shall have the following powers and functions, namely:—

- (1) to advise the Board on all academic matters;

(ii) to make regulations and to amend or repeal the same, on the following matters:—

- (a) prescribing courses of studies and schemes of examinations,
 - (b) conducting annual review of courses, offered, contents of curriculum and prescribing new courses to be introduced keeping in view the needs of the industry and prescribing modifications in curriculum,
 - (c) prescribing qualifications for admission of students to various courses of studies, to research degrees and to the examinations and the conditions under which exemptions may be granted,
 - (d) prescribing the standards of evaluation of the performance of students and classification of students on the basis of their performance in the examinations,
 - (e) prescribing the conditions for admission of candidates for research degrees and the requirements for the award of such degrees,
 - (f) prescribing the qualifications for recognition of teachers and scientists as supervisors for research,
 - (g) prescribing the equivalence of examinations, degrees, diplomas and certificates of other Universities,
 - (h) prescribing the qualifications of teachers in conformity with the recommendations of the Council, and
 - (i) prescribing the norms for the upgradation of teaching posts;
- (iii) to examine and act upon the recommendations of the various Faculties in making regulations;
- (iv) to determine what degrees, diplomas and other academic distinctions shall be granted by the University and to award the same;
- (v) to institute scholarships and fellowships;
- (vi) to consider the annual reports and to make suggestions thereon to the Board ;
- (vii) to recommend to the Board the conferment of honorary degrees and other distinctions ;
- (viii) to delegate such of its powers to such Committees, Standing Committees, Sub-Committees or officers of the University as it may consider necessary for discharge of its functions.; and
- (ix) to exercise such other powers and perform such other functions as may be prescribed by Statutes.

Faculties.

21. (1) The University shall constitute such number of Faculties as may be prescribed by Statutes from time to time and each such Faculty shall, subject to the control of the Academic Council, be responsible for the Co-ordination of study and research in the branches represented in the Board of Studies coming under its purview.

(2) The term of the Faculty and its constitution and membership shall be as prescribed by Statutes.

(3) Subject to the provisions of this Act, each Faculty shall exercise such powers and perform such duties as may be prescribed by Statutes.

(4) There shall be a Dean for each Faculty, who shall be nominated by the Vice-Chancellor.

(5) The Dean of each Faculty shall be responsible for the due observance of the Statutes and Regulations and in guiding the deliberations of the Faculty.

(6) The Dean of a Faculty shall hold office for a term of three years.

Board of
Studies.

22. (1) There shall be a Board of Studies for each branch of study or branches of study as the Board may decide.

(2) The constitution and powers of the Board of Studies shall be as prescribed by Statutes.

Finance
Committee.

23. (1) There shall be a Finance Committee with a person nominated by the Board as its Chairman and the Finance Officer of the University as its Convenor, to advise the University on any question affecting its finances.

(2) Subject to the provisions of this Act, the constitution, powers and functions of the Finance Committee and its procedure including the delegation of its powers, shall be as prescribed by Statutes.

CHAPTER V

SELECTION COMMITTEES

Constitution
of Selection
Committee.

24. (1) The Chancellor shall, in consultation with the Board, constitute from time to time, separate Selection Committees for the purpose of selection of candidates for recruitment to the posts of—

(a) Professors and Readers;

(b) Lecturers and other posts not being of non-teaching staff; and

(c) Non-teaching staff.

(2) The Selection Committee shall consist of such members as may be prescribed by Statutes.

(3) No person shall be directly recruited to the teaching or non-teaching posts of the University, except on the recommendation of the concerned Selection Committee constituted under sub-section (1).

(4) The quorum for a meeting of a Selection Committee shall be such as may be prescribed by Statutes subject to the condition that the quorum shall include at least one subject expert and a nominee of Government.

(5) The procedure to be followed by each Selection Committee for selection of candidates shall be such as may be prescribed by Statutes.

(6) Where an oral test is proposed to be conducted by the Selection Committee, it may invite, where it is considered necessary, any person or persons with expert knowledge in particular subject to assist the Selection Committee at the interview but such person or persons shall not be entitled to award marks.

(7) The selection lists prepared by the Selection Committee shall be published in the Notice Board of the University.

(8) The selection list published under sub-section (7) shall remain in force for a period of one year from the date of such publication and all vacancies arising during the said period shall be filled up from the list so published.

(9) Where the Board proposes to make an appointment otherwise than in accordance with the order of merit arranged by the Selection Committee, it shall record its reasons therefor in writing and submit them to the Chancellor who may approve the proposal or return it to the Board for reconsideration.

(10) After reconsideration in pursuance of sub-section (9), if the Board desires to pursue its original proposal, it shall refer the matter again to the Chancellor for his decision and the decision of the Chancellor thereon shall be final.

(11) The Chancellor shall have the power to give directions, to the Vice-Chancellor to cancel any appointment not made in accordance with the provisions of this section :

Provided that before giving a direction under this sub-section, the Chancellor shall give to the person so appointed a reasonable opportunity to show cause as to why such direction should not be given and shall consider his explanations and objections, if any.

(12) If at any time it is disclosed that a person has, while applying for appointment to any post under the University, made any false statement or declaration before the Selection Committee or in any application submitted by him or has produced any false documents, his appointment shall, without prejudice to any other action that may be taken against him, be cancelled by the Vice-Chancellor :

Provided that before cancelling any such appointment, the Vice-Chancellor shall give to the person, so appointed, a reasonable opportunity to show cause as to why the appointment should not be cancelled and shall consider his explanations and objections, if any.

CHAPTER VI

FINANCE AND ACCOUNTS

University
Fund.

25. (1) The University shall establish a fund to be called the University Fund.

(2) The following shall form part of, or be paid into, the University Fund, namely —

(a) any contribution or grant by the Government, Central Government, Council, University Grants Commission, Industrial Undertakings, Corporations, Companies or local authorities ;

(b) income of the University from any source including income from fees, charges and sale proceeds;

(c) bequests, donations, endowments and other grants, if any, received by the University ; and

(d) miscellaneous receipts.

(3) With the prior approval of Government, the University may, from time to time, establish such other funds in such name and for such specific purpose or purposes as may be decided by the Board.

(4) Every such fund shall be kept in a Nationalised Bank or Scheduled Bank or invested in such securities as may be decided by the Board.

(5) The funds and all moneys of the University shall be managed in such manner as may be prescribed by Statutes.

(6) The Government shall, for the purpose of smooth functioning of the University, make a lump sum grant to it every year.

Power to
borrow.

26. The University may, with the previous sanction of Government as regards the purpose and amount of loan and subject to such conditions as may be specified by Government as to security and rate of interest, borrow any sum of money from any Nationalised Bank or Scheduled Bank or any other incorporated body.

Financial
estimates.

27. (1) The University shall prepare the financial estimates of receipts and expenditure of the University in such manner as may be prescribed by Statutes.

(2) The Board shall consider the estimates so prepared and approve them with or without modification.

(3) The University shall submit such estimates as approved by the Board to the Government, for its sanction.

(4) The Government may pass such orders with reference to the said estimates as it thinks fit and communicate the same to the University which shall give effect to such order.

(5) The Board may, in urgent cases where expenditure in excess of the amounts provided for in the budget is found to be necessary, for reasons to be recorded in writing, incur such expenditure.

Accounts
and Audit.

28. (1) The annual accounts of the University shall be prepared by the Finance Officer under the direction of the Board and all moneys accruing to, or received by, the University from whatever sources and all amounts disbursed and paid by the University shall be entered in the accounts.

(2) The accounts of the University shall, atleast once in every year and at interval 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 3
of 1948.

(3) All reports on audit made under sub-section (2) 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.

(4) The Government shall have powers to conduct special audit if required in respect of utilisation of funds and the University shall comply with the directions issued by the Government on such audit.

(5) The auditors shall also report on any other matter relating to the accounts of the University as may be required by the Government.

(6) The University shall forthwith rectify or remedy any defect or irregularity pointed out by the auditors and report the action taken to the Government.

Annual
report.

29. (1) The Board shall prepare the annual report of the University containing such particulars as the Government may specify covering each financial year and, before its final approval, it shall be presented to the Academic Council for its review on or before such date as may be prescribed by Statutes.

(2) Copies of the annual report and the annual accounts shall be sent to Government and the Government shall place them before the State Legislature.

CHAPTER VII

STATUTES, REGULATIONS AND RULES

Statutes.

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

- (a) the constitutions, function and powers of the Faculties, Board of Studies, Finance Committee, other authorities of the University and such other bodies as may be declared to be authorities of the University ;
- (b) the method of recruitment, condition of service, powers and duties of the officers, teachers and other employees of the University ;
- (c) the conferment of honorary degrees ;
- (d) the award of degrees, diplomas, titles, certificates and other academic distinctions ;
- (e) the withdrawal of degrees, diplomas, certificates and other academic distinctions ;
- (f) the institution of fellowships, scholarships, studentships, exhibitions, medals and prizes ;
- (g) the procedure to be followed at meetings of authorities of the University including the quorum for the transaction of business by them ;
- (h) the classification of teachers of the University and other employees ;
- (i) acceptance and management of bequests, donations and endowments ;
- (j) the grant of affiliation to institutions ;
- (k) recognition of examinations of other Universities or educational institutions as equivalent to the examinations of the University ;

- (l) fees to be charged for the courses of studies in the University and for admission to the examinations, degrees and diplomas of the University;
- (m) conditions relating to the award of fellowships, scholarships, studentship, exhibitions, medals and prizes;
- (n) conduct of examinations, including the terms of office, manner of appointment and the duties of examination bodies, examiners and moderators;
- (o) supervision of students engaged in research and special studies in constituent or affiliated institutions;
- (p) fee to be charged for the service rendered by the University; and
- (q) any other matters which require to be or may be prescribed under this Act or by the Statutes.

**Procedure
for making
Statutes.**

31. (1) The First Statutes of the University shall be made by the Government by notification and shall continue to be in force until amended or superseded by Statutes made by the Board in accordance with the provisions of this section.

(2) The Board may, from time to time, make new or additional Statutes or may amend or repeal the Statutes in the manner hereinafter provided.

(3) No Statutes affecting the powers or duties of any authority of the University shall be made by the Board unless the draft of such Statutes is referred by the Vice-Chancellor to that authority for expressing its views thereon within such period as may be specified in the reference or within such further period as the Vice-Chancellor may allow and views, if any, so expressed are duly considered.

(4) Statutes passed by the Board shall be submitted to the Government, who may give or withhold its approval thereto or refer it back to the Board for reconsideration with such observations as it may deem fit.

(5) No Statutes passed by the Board shall be valid until approved by Government and it shall come into force on the date of its publication in the Gazette or on such other date as the Government may fix.

Regulations.

32. (1) The Academic Council may, subject to the approval of the Board make Regulations consistent with this Act and the Statutes.

(2) The Regulations may provide for the exercise of all or any of the powers and functions enumerated in Section 20.

(3) The Regulations shall come into force on the date of their publication in the Gazette or on such other date as the Board may direct.

Rules.

33. (1) The Academic Council, Faculties, Board of Studies and the Finance Committee of the University may, subject to the approval of the Board, make Rules consistent with this Act, the Statutes and the Regulations.

(2) The Rules may provide for—

- (a) the giving of notices to the members of each authority, the dates of meetings and the business to be transacted at their meetings and also for keeping a record of the Proceedings of the meetings;
- (b) the procedure to be followed at the meetings and number of members required to form the quorum for the meetings;
- (c) all matters solely concerning such authority or the matters not provided for by this Act, the Statutes or the Regulations.

(3) The Board may refuse to approve the Rules submitted to it or may return them to the authority concerned for further consideration or may approve the Rules without modification or subject to such modifications as the Board may deem fit.

(4) Rules made under this section shall come into force on the date of their publication in the Gazette or on such other date as the Board may direct.

CHAPTER VIII

FILLING UP VACANCIES, REMOVAL, ETC. OF MEMBERS OF THE AUTHORITIES AND BODIES OF THE UNIVERSITY

Vacancy not to invalidate the Proceedings, etc. of authorities.

34. No act or proceedings of the Board, Academic Council or any other body constituted under this Act or the Statutes shall be invalid merely by reason of any vacancy existing in the authority or body performing the act or passing the proceedings.

Filling up casual vacancies.

35. All vacancies arising by reason of death, resignation 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 any person so nominated, elected or selected shall hold office for the unexpired portion of the term of his predecessor in office.

Resignation and removal of members.

36. (1) Any member of any authority or body of the University may resign from his office by a letter addressed to the Registrar and the resignation shall take effect from the date of receipt of the letter by the Registrar.

(2) The Vice-Chancellor may, on the recommendation of the Board, remove the name of any person, convicted by a court of law of any offence involving moral delinquency or punished by the University for malpractice connected with any University examination, from membership of any authority or body of the University and for the same reason may withdraw any degree or diploma conferred or granted by the University.

(3) The Vice-Chancellor may, on the recommendation of the Board, also remove any person from the membership of any authority or body of the University if he becomes mentally unsound or a deaf-mute or has applied to be adjudicated or has been adjudicated as insolvent.

(4) If a member of any authority or body of the University who is not an *ex officio* member fails to attend three consecutive meetings of that authority or body, he shall cease to be a member of such authority or body, and thereupon the Registrar shall intimate him that he has ceased to be such member.

Provided that such authority or body may if satisfied that there was sufficient cause for the failure of the member to attend the meetings, restore him to its membership.

CHAPTER IX

TRANSFER OF COLLEGES, INSTITUTIONS, EMPLOYEES AND PROPERTY THEREOF AND AFFILIATION, ETC.

Transfer of constituent Colleges or institutions of other Universities.

37. (1) Notwithstanding anything contained in the Orissa Universities Act, 1989 or the Statutes made thereunder, or in the Orissa University of Agriculture and Technology Act, 1965 or the Statutes made thereunder, any or all the constituent Colleges, Institutions or Departments of other Universities as may be specified in the notification issued by the Government in this behalf shall, with effect from such date as may be specified in the said notification, be disaffiliated from the respective other Universities and be formed into and maintained as constituent Colleges, Institutions or the Departments of the University :

Provided that the College of the Engineering and Technology, Bhubaneswar and the University College of Engineering, Burla shall stand transferred from the other Universities concerned and be formed into and maintained as constituent Colleges of the University, immediately and the provisions of sub-sections (2) and (3) shall apply on such transfer.

(2) On and from the date so specified under sub-section (1),—

- (i) the control and management of the colleges or institutions or Departments notified under sub-section (1); and
- (ii) all the properties, assets and liabilities and rights and obligations of the respective Universities in relation to the said colleges, institutions or Departments including all obligations of the Government in relation thereto.

Shall stand transferred to, and vest in or devolve upon, the University.

(3) The compensation payable by the University to the other Universities in respect of the properties, assets and rights belonging to the other Universities transferred to, or vested in, the University under sub-section (2) in relation to any college or institution or Department to which the provisions of this Act are applied under sub-section (1) shall be such as may be agreed upon between the respective other Universities and the University:

Provided that where no such agreement is reached within a period of one year from the date specified under sub-section (1), the Government may, after giving an opportunity to the other Universities concerned and the University for making their representations in this behalf, determine the compensation payable to such other Universities and the compensation so determined shall be final and binding on such other Universities and the University.

Transfer of
services of
certain
employees.

38. (1) Notwithstanding anything contained in this Act, or any other law, but subject to the provisions of sub-section (2), where the control and management of any constituent college, institution or Department has been transferred to the University under section 37, the University shall employ all teachers and other employees of the respective constituent colleges or institutions or Departments of the other Universities concerned, who, immediately before such transfer or before the date specified under sub-section (1) of section 37, were serving in or attached to those colleges or institutions or Departments, as the case may be, on such foreign service terms and conditions, as may be determined by other Universities concerned:

Provided that no deputation or other allowance shall be payable to any such employees.

(2) Every teacher or employee of other Universities concerned shall, within a period of six months from the date of transfer of the control and management under section 37, exercise his option to revert to the services under the other University to which he belongs, failing which, he shall be deemed to have ceased to be an employee of the constituent college or institution or Department of the other University concerned and shall be absorbed in the service of the University with effect from the date of transfer referred to in sub-section (1) and shall, from the said date or on such transfer, be governed by the terms and conditions of service prescribed for the teachers or, as the case may be, employees of the University.

(3) Where any teacher or employee serving in, or attached to, any College, Institution or Department so transferred exercises option for reversion under sub-section (2) and there is no such post available in or under the other University concerned, he shall be given an opportunity to exercise an option within such time and in such manner as may be specified by the other University concerned either to be absorbed in an equivalent post available in or under such other University or to be retrenched from the service on such retrenchment benefit as may be determined by the other University concerned in consultation with the Government.

Transfer of
affiliation of
existing
institutions.

39. (1) Notwithstanding anything contained in any other law, all Colleges and Institutions imparting education in engineering and technology including information technology and its application, architecture, pharmacy, applied arts and crafts, management and applied sciences other than the Colleges and Institutions referred to in section 37 existing in the State and affiliated to any other University immediately before the date of commencement of this Act, shall be deemed to have been disaffiliated from the respective other Universities and have been affiliated to the University from that day for such period and subject to such terms and conditions, as had been specified in the order of the respective Universities from which they obtained the affiliation:

Provided that the University may impose such other terms and conditions for continuation or further extension of the terms of affiliation, not inconsistent with provisions made in or under this Act and of any law made by Parliament as it may deem fit, and the Colleges or Institutions shall be bound to comply with those terms and conditions within such reasonable time as may be prescribed by the University:

Provided further that the University shall have power to alter or withdraw the affiliation deemed to have been granted under this sub-section, if any such College or Institution concerned does not comply with the terms and conditions so imposed.

(2) For the purpose of the deemed affiliation provided in sub-section (1) every College or Institution concerned shall submit a copy of the valid letter of affiliation granted by other University concerned to the Registrar of the University within a period of three months from the date of commencement of this Act and the acknowledgement of the receipt of such copy by the University shall be a valid evidence for the purpose of such deemed affiliation.

Exclusion of jurisdiction of other Universities.

40. Notwithstanding anything contained in any other law, no University in the State other than the University established under this Act shall grant affiliation to any College or Institution which offers courses or programmes of education, research and training in the field of engineering and technology including information technology and its application, architecture, pharmacy, applied arts and crafts, management and applied sciences, after the date of commencement of this Act:

Provided that nothing in this section shall, save as otherwise provided in this Act, apply to—

- (i) any constituent College, Institution or Department of any other University or of a deemed University within the meaning of section 3 of the University Grants Commission Act, 1956 which is directly managed, controlled and financed by such University or deemed University; and
- (ii) general Colleges or Institutions affiliated to other Universities which are mainly offering courses in subjects other than engineering and technology including information technology and its application, architecture, pharmacy, applied arts and crafts, management and applied sciences.

3 of 1956.

Special provisions for students.

41. Notwithstanding anything contained in this Act, the Statutes or the Regulations, every student of the Colleges, institutions or Departments which have been disaffiliated from other Universities in accordance with provisions of section 37 or 39, who was studying in any such College or Institution or Department and was eligible to be admitted to any examination held or conducted by any such other University shall be permitted to complete his courses of studies and be admitted to the examination of the University and the University shall make arrangement—

- (a) for the instruction, teaching, training and holding examination for such student, for such period and in such manner as may be determined by the Vice-Chancellor in accordance with the courses of studies of other Universities concerned; and
- (b) for the conferment of the corresponding degree, diploma or other academic distinction of the University upon the qualified student on the result of such examination.

CHAPTER X

MISCELLANEOUS

Protection of acts and orders.

42. No suit or legal proceedings shall be instituted against, or damage claimed from, the University or its authorities, bodies or officers, for anything which is in good faith done or intended to be done, or for any order passed in good faith, in pursuance of this Act, the Statutes, Regulations or the Rules.

Question regarding interpretation and dispute regarding constitution of authority or body.

43. (1) If any question arises regarding the interpretation of any provision of this Act, or any Statutes or as to whether a person has been duly appointed or nominated or is entitled to be a member of any authority or body of the University, the matter may be referred to the Chancellor.

(2) The Chancellor shall, after taking such advice as he may deem necessary, decide the question and his decision thereon shall be final.

Registrar to forward copies of proceedings to Government.

44. The Registrar shall forward to the Government copies of the proceedings of every meeting of the Board and the Academic Council within two months of the meeting.

Powers of Government to cause inspection of University.

45. (1) The Government shall have the right to cause inspection, to be made by such person or persons as it may direct, of the University, its buildings, laboratories, libraries, museums, workshops and equipments or any institution maintained, affiliated to or approved by, the University and also of the work conducted by the University, and to cause enquiry to be made in respect of any matter connected with the University.

(2) The Government shall, before taking any action under sub-section (1), give notice to the University of its intention to cause such inspection or enquiry to be made and the University shall be entitled to be represented thereat.

(3) The Government shall communicate to the Board the result of any inspection or inquiry made under sub-section (1) and may, after ascertaining the opinion of the Board thereon, convey its views to the Vice-Chancellor and to the Board.

(4) The Government may, after considering the views of the Vice-Chancellor and the Board on the result of any inspection or inquiry made under sub-section (1), advise the University upon the action to be taken in the matter.

(5) The Board shall report to Government the action, if any, which is proposed to be taken or has been taken upon the result of any inspection or inquiry made under sub-section (1).

(6) A report under sub-section (5) shall be submitted to Government with the opinion of the Board thereon within such time as the Government may direct.

(7) Where the Board does not, within a reasonable time, take any action referred to in sub-section (4) to the satisfaction of the Government, the Government may, after considering any explanation furnished by the Board in the matter, issue such directions as it may think fit and the Board shall comply with such direction.

Appointment of Commission.

46. (1) The Government may, at any time, and shall, on the expiry of five years from the commencement of this Act and thereafter at the expiration of every five years, by an order published in the Gazette, constitute a Commission which shall consist of a Chairman and such other members not exceeding five as the Government may appoint, and such order shall define the procedure to be followed by the Commission.

(2) The Commission constituted under sub-section (1) shall inquire into, and make a report on—

- (i) the working of the University with special reference to quality and relevance of courses of studies and instructions;
- (ii) the financial position of the University;
- (iii) the suitability of the provisions of this Act or the Statutes, Regulations and Rules with a view to bringing about improvements in the affairs of the University; and
- (iv) such other matters as may be referred to it by the Government and make such recommendations to the Government as it thinks fit.

(3) On receipt of the report and the recommendations of the Commission under sub-section (2), the Government shall forthwith refer such report and recommendations to the Board for consideration and report.

Pension,
insurance
and Provi-
dent fund.

47. With the previous approval of Government, the University may make appropriate provisions for the benefit of its officers, teachers and other employees under its control in matters of pension, insurance and provident fund and for such other benefits as it may deem fit, in such manner as may be prescribed by Statutes.

Cessation of
membership.

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

Transitory.
provisions.

49. Notwithstanding the transfer of Colleges, Departments or Institutions under section 37 or section 39 of this Act, for a period of six months from the date of commencement of this Act or such further period as the Government may by notification specify, every person who, immediately before the said date of commencement, was a student of any College, Department or Institution which has been disaffiliated from any other University in accordance with the provisions of this Act and affiliated to the University, and was eligible to be admitted to any examinations held or conducted under the Regulations in force of other University concerned,—

- (a) shall be admitted to such examinations by other University concerned and the result of such examinations shall be sent by the other University concerned to the University within a reasonable time; and
- (b) the corresponding degree, diploma or other academic distinction or mark-sheet shall be issued or conferred upon the qualified students by the University on the basis of result of such examinations conducted by other University concerned.

Savings.

50. (1) On and from the date of commencement of this Act, the provisions of the Orissa University of Agriculture and Technology Act, 1965 and the Orissa Universities Act, 1989 shall cease to apply to and in respect of the colleges, institutions or Departments disaffiliated from other Universities and affiliated to the University under the provisions of sections 37 and 39.

Orissa Act
17 of 1963.

Orissa Act
5 of 1989.

(2) Such cessation shall not affect—

- (a) the previous operation of the said Acts, or
- (b) any penalty, forfeiture or punishment, incurred in respect of any offence committed under the said Acts, or
- (c) any investigation, legal proceeding or remedy in respect of such penalty, forfeiture or punishment,

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment, may be imposed as if this Act had not been passed.

Removal of
doubt or
difficulty.

51. If any doubt or difficulty arises as to the first constitution of any authority of the University or as to the reconstitution thereof after the commencement of this Act, or otherwise, in giving effect to the provisions of this Act, the Government may, by order, do anything not inconsistent with the provisions of this Act which appears to it to be necessary or expedient for the purpose of removing the doubt or difficulty:

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