

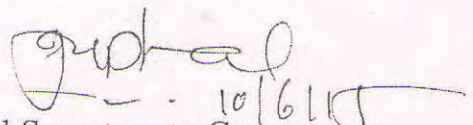
GOVERNMENT OF ODISHA
DEPARTMENT OF HIGHER EDUCATION

NOTIFICATION

HE FE I (B) (POL) 10/15 12446 HE/dt 10.06.15

In exercise of the powers conferred by sub-section (3) of section 1 of the Odisha State Open University Act, 2014 (Odisha Act 5 of 2015), the State Government do hereby appoint the 10th June 2015, as the date on which the said Act shall come into force.

By order of the Governor,


Principal Secretary to Government

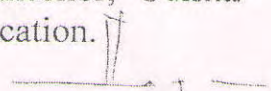
Memo No 12447 /HE, Dt. 10.06.15

Copy forwarded to the Asst. Director, Govt, Branch Press., Unit III, Bhubaneswar, with a request to publish the notification in an extra ordinary issue of the Odisha Gazette and supply 100 Copies to this Deptt.


Joint Secretary to Govt.

Memo No 12448(3) /HE, Dt. 10.06.15

Copy forwarded to the Addl. Secretary to Chancellor Raj Bhawan BBSR/ Private Secretary to Chief Minister/Private Secretary to Minister Higher Education, Odisha for kind information of Hon'ble Chancellor, Odisha/ Hon'ble Chief Minister, Odisha/ Hon'ble Minister, Higher Education.


Joint Secretary to Govt.

Memo No 12449(3) /HE, Dt. 10.06.15

Copy forwarded to the Secretary, University Grants Commission, Bahadur Saha Zafar Marg, New Delhi./ Secretary to Govt. of India, Ministry of HRD, New Delhi for information and necessary action.


Joint Secretary to Govt.

The Odisha Gazette



EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 275, CUTTACK, SATURDAY, FEBRUARY 21, 2015 / FALGUNA 2, 1936

LAW DEPARTMENT

NOTIFICATION

The 21st February, 2015

No.1732-I-Legis-15/2014/L.—The following Act of the Odisha Legislative Assembly having been assented to by the Governor on the 16th February, 2015 is hereby published for general information.

ODISHA ACT 5 OF 2015

THE ODISHA STATE OPEN UNIVERSITY ACT, 2014

AN ACT TO ESTABLISH AND INCORPORATE AN OPEN UNIVERSITY
IN ODISHA FOR INTRODUCTION AND PROMOTION OF
OPEN UNIVERSITY AND DISTANCE EDUCATION
SYSTEMS IN THE EDUCATIONAL PATTERN OF
THE STATE AND FOR THE CO-ORDINATION
AND DETERMINATION OF STANDARDS
IN SUCH SYSTEMS.

Be it enacted by the Legislature of the State of Odisha in the
Sixty-fifth Year of the Republic of India as follows:—

CHAPTER I PRELIMINARY

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Odisha State Open University Act, 2014.
- (2) It extends to the whole of the State of Odisha.
- (3) It shall come into force on such date as the State Government may, by notification, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—
 - (a) "Academic Council" means the Academic Council of the University;

- (b) "Authorities" means the authorities of the University;
- (c) "Board of Management" or "Board" means the Board of Management of the University;
- (d) "Board of Recognition" means the Board of Recognition of the University;
- (e) "Chancellor" means the Chancellor of the University;
- (f) "Director" means the Director of Schools of the University;
- (g) "Distance Education Council" means the Distance Education Council declared by the statute as an authority of the IGNOU established under section 16 of the IGNOU Act;
- (h) "Distance education system" means the system of imparting education through any means of communication, such as broadcasting, telecasting, correspondence courses, seminars, contact programmes, internet and such other means of communication or the combination of any two or more of such means;
- (i) "Employee" means any person appointed by the University and includes teachers, officers (other than the Chancellor) and other staff of the University;
- (j) "Finance Committee" means the Finance Committee of the University;
- (k) "Government" means the Government of Odisha;
- (l) "IGNOU" means the "Indira Gandhi National Open University" established under section 3 of the Indira Gandhi National Open University Act, 1985;
- (m) "Planning Board" means the Planning Board of the University;
- (n) "Prescribed" means prescribed by the Statutes, Ordinances, Regulations or Rules made under this Act;

- (o) "Recognised Institution" means the institution established for research or specialised studies and recognised as such by the University;
- (p) "Regional Centre" means a centre established or maintained by the University for the purpose of co-ordinating and supervising the work of Study Centres and recognised and for performing such other functions as may be conferred on such centre by the Board of Management;
- (q) "Regulations" means the Regulations made by any authority of the University under this Act for the time being in force;
- (r) "School" means a School of Studies of the University;
- (s) "Skill Development Education Council" means the Skill Development Education Council of the University;
- (t) "Statutes", "Ordinances" and "Regulations" means, respectively, the Statutes, Ordinances and Regulations of the University made under this Act and for the time being in force;
- (u) "Student" means a student of the University, and includes any person who has enrolled himself for pursuing any course of study of the University;
- (v) "Study Centre" means a centre established, maintained or recognized by the University for the purpose of advising, counselling or for rendering any other assistance required by the students;
- (w) "Teachers" means Professors, Readers, Lecturers or any other person as may be designated as such by the ordinance for imparting instruction in the university or for giving guidance or rendering assistance to students for pursuing any course of study of the university or to conduct research or to render guidance in any other form to students for pursuing a course of study of the

University and shall include part-time and whole time teachers in Regional centres or study center;

- (x) "University" means the Odisha State Open University established under this Act;
- (y) "University Grants Commission" means the Commission established under the University Grants Commission Act, 1956; and
- (z) "Vice-Chancellor" means the Vice- Chancellor of the University.

Act 30
of 1956.

CHAPTER II

ESTABLISHMENT OF THE UNIVERSITY, ITS OBJECTIVES AND FUNCTIONS

Establishment
and
incorporation
of the
University.

3. (1) There shall be established a University by the name of "the Odisha State Open University".

(2) The headquarters of the University shall be at Sambalpur and the University may establish, maintain or recognise institutes, schools, regional centers and study centres and such other institute at such places in the State as it may deem fit.

(3) With the establishment of this University,–

(a) the other Universities of the State who are continuing their open and distance education programmes shall be given option to continue the same subject to conditions that such Universities shall develop their own open and distance learning system by establishing, maintaining or recognising institutes, schools, regional centers and study centers in the State in accordance with law or guidelines of the Distance Education Council for the time being in force, dispensing with franchise system of conducting various open and distance education programmes, within a period of three years from the date of commencement of this Act;

(b) on failure of the conditions specified in clause (a) by other Universities of the State providing distance education programmes, through open and distance learning system, the

Government shall, subject to the guidelines of the Distance Education Council for the time being in force, issue directions to such Universities to wind up such open and distance education programmes in the manner as may be prescribed;

(c) a University, the headquarters of which is situated outside the State of Odisha, shall obtain approval of the Government for establishing or continuing distance education programmes through open and distance learning system in the State in accordance with the guidelines of the Distance Education Council, within a period of one year from the date of commencement of this Act failing which such establishment or continuance of the said programmes by such Universities shall be treated as unauthorised and the Government shall issue directions to such University to wind up such open and distance learning system in such manner as may be prescribed; and

(d) the provisions of clause (c) shall not apply to the Universities established under any law made by the Parliament.

(4) The first Vice-Chancellor, the first Registrar, the first Comptroller of Finance, the first Controller of Examinations, the members of the first Board of Management, the Academic Council, the Planning Board and the Finance Committee 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 "Odisha State Open University".

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

(6) Subject to the provisions of this Act and the Statute, 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 been acquired by it, for the purposes of the University and to contract and to do all other things necessary for the purpose of this Act.

(7) In all suits and other legal proceedings by or against the University, the pleadings shall be signed and verified by, and all processes in such suit and proceedings shall be issued to and be served on, the Registrar.

Objects
of the
University.

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

- (a) to endeavour through education, research, training and extension to play a positive role in the development of the state, basing on the rich heritage of the state, to promote and advance the status of employment of the people of Odisha and its human resources;
- (b) to strengthen the existing degree, certificate and diploma courses by way of introducing add-on courses related to the needs of employment;
- (c) to advance and disseminate learning and knowledge by different means, including the use of communication technology;
- (d) to provide access to higher education for large segments of the population, and in particular, the disadvantaged groups such as those living in remote and rural areas including working people, housewives and other adults who wish to upgrade or acquire knowledge through studies in various fields;
- (e) to promote acquisition of knowledge in a rapidly developing and changing society and to offer opportunities for upgrading knowledge, training and skills in the context of innovations, research and discovery in all fields of human endeavours;
- (f) to provide an innovative system of university level education, flexible and open, in regard to methods and pace of learning, combination of courses, eligibility for enrolment, age of entry, conduct of examination and operation of the programmes with a view to promote learning and encourage excellence in new fields of knowledge;
- (g) to establish the following schools of the University, namely:—
 - (i) School of Social Sciences and Humanities;
 - (ii) School of Sciences and Technology;
 - (iii) School of Education (Continuing and Extension);
 - (iv) School of Teacher Education;

- (v) School of Business and Management Studies;
- (vi) School of Health Care Studies;
- (vii) School of Computer and Information Sciences;
- (viii) School of Agriculture; and
- (ix) Subject to the approval of the Government, any other Schools as it may deem fit;
- (h) to contribute to the improvement of the educational system in Odisha by providing a non-formal channel complementary to the formal system and encouraging transfer of credits and exchange of teaching staff by making wide use of texts and other software developed by the University;
- (i) to provide education and training in the various arts, crafts and skills and vocational courses;
- (j) to provide or arrange training of teachers required for such activities or institutions;
- (k) to provide suitable post-graduate courses of study and promote research;
- (l) to provide the counselling and guidance to its students; and
- (m) to promote national integration and the integrated development of the human resources through its policies and programmes.

(2) The University shall strive to fulfill the above objects by a diversity of means of distance and continuing education, and shall function in co-operation with the existing Universities and Institutions of higher learning and make full use of the latest scientific knowledge and new educational technology to offer a high quality of education to meet contemporary needs.

(3) The University shall strive to promote Skill Development Education through taking measures for diligent supervision and superintendence aimed at standardization of all skill related education in the State.

Powers
of the
University.

5. (1) Subject to such orders, rules, regulations, guidelines and directions issued from time to time, by the Central Government, State Government, University Grants Commission, All India Council for Technical Education, Distance Education Council and National Teacher Education

Council, or any other law for the time being in force, the University shall have the following powers, namely:—

- (i) to provide for admission and instruction in such branches of knowledge, including technology, vocation and professions as the University may determine from time to time and to make provision for research, and extension by offering the following courses, namely:—
 - (a) Certificate Courses in Engineering Science, Paramedical, Agriculture, Foreign Language, Mason and Carpentry;
 - (b) Graduate level courses;
 - (c) Diploma Courses in Laboratory Technician, Computer hardware;
 - (d) Management Courses;
 - (e) Computer Application Courses;
 - (f) P.G. Level Courses;
 - (g) Teacher Education Courses like CT/B.Ed./M.Ed.;
 - (h) Other Skill Development and Vocational Courses; and
 - (i) Add-on Courses.
- (ii) to plan and prescribe courses of study of degree, diploma, certificates or for any other purpose;
- (iii) to hold examinations or test and confer degrees, diplomas and grant certificates or other academic distinctions or recognitions on persons who have pursued approved courses of study in the University or conducted research in the manner laid down by the Statutes and Ordinances;
- (iv) to confer honorary degrees or other academic distinctions in the manner laid down by the Statutes;
- (v) to withdraw or cancel any Degree, Diploma or Certificate conferred or granted by the University in the manner prescribed by the Statutes;
- (vi) to determine the manner in which distance education system in relation to the academic programmes of the University may be organized ;
- (vii) to institute professorship, readerships, lectureships and other academic positions necessary for imparting instruction or for

preparing educational material or for conducting other academic activities, including guidance, designing and delivery of course and evaluation of the work done by the students, and to appoint persons to such professorship, readership, lectureship and other academic positions;

- (viii) to lay down the courses of instructions or courses of studies for various examinations;
- (ix) to co-operate with, and seek the co-operation of , other Universities and institutions of higher learning, professional bodies and organizations for such purpose as the University considers necessary;
- (x) to hold and manage trusts and endowments and to institute and award fellowships, scholarships, medals, prizes and such other awards for recognition of merit as the University may deem fit;
- (xi) to establish and maintain such regional centers as may be determined by the University from time to time;
- (xii) to establish, maintain or recognise Study Centers in the manner laid down by the Statutes;
- (xiii) to inspect regional centers, study centers and recognised institutions and take measures to ensure proper standards of instruction, teaching and training with adequate library and laboratory provisions;
- (xiv) to organize and conduct refresher courses, workshops, seminars and other programmes for teachers, lesson writers, evaluators and other academic staff;
- (xv) to recognise examinations of, or periods of study (whether in full or part) at other Universities, institutions or other places of higher learning as equivalent to examinations or periods of study in the University, and to withdraw such recognition at any time;
- (xvi) to make provision for research and development in educational technology and matters related thereto;
- (xvii) to create administrative, ministerial and other posts as the University may deem necessary, from time to time and to make

appointments thereto, subject to condition that the university shall bear the salary cost of officers both teaching and non-teaching and other staff so appointed or engaged out of its own fund and shall not be entitled to any grant whatsoever from the Government towards that salary, remuneration, fess or honorarium cost;

(xviii) to receive benefactions, donations and gifts for the purposes of the University and maintain proper accounts thereof;

(xix) to acquire, hold and manage property both movable and immovable, to lease, sell or otherwise transfer or dispose of any property movable or immovable, which may vest in, or be acquired by it, for the purposes of the University, and to enter into contract and do all other acts or things necessary for the purposes of this Act:

Provided that no such lease, sale or transfer of immovable property shall be made without the prior approval of the Government:

Provided further that where the Government is satisfied that any such property may, in the interest of the University, be given on lease or otherwise transferred or disposed of, the Government shall issue necessary directions to the University and the University shall comply with such directions forthwith;

(xx) to borrow, with the approval of the Government, whether on the security of the property of the University or otherwise, money for the purpose of the University;

(xxi) to enter into, carry out, vary or cancel contracts;

(xxii) to fix, to demand and receive such fees and other charges, as may be approved by the Chancellor from time to time;

(xxiii) to promote, control and maintain discipline among the students of the University;

(xxiv) to lay down and regulate the salary, scale of pay, allowances and other conditions of service of the employees and the members of the teaching, other academic and non-teaching staff of the University including their code of conduct;

- (xxv) to engage, either on contract or otherwise, visiting Professors, Emeritus Professors, Consultants, fellows, scholars, artist, course writers and such other persons who may contribute to the advancement of the objects of the University;
 - (xxvi) to conduct, co-ordinate, supervise, regulate and control post-graduate teaching and research work in the University;
 - (xxvii) to recognize persons working in other Universities, institutions or organizations as teachers of the University on such terms and conditions as may be laid down by the Ordinances;
 - (xxviii) to determine standards and to specify conditions for the admission of students to course of study of the University which may include examination, evaluation and any other method of testing;
 - (xxix) to take the disciplinary action against the students of the University and to impose such punishments upon them as may be deemed fit for breach of discipline or misconduct, within or outside the University including the use of unfair means at an examination or in relation thereto by themselves or by any other persons or abatement thereof;
 - (xxx) to make arrangements for the promotion of the general health and welfare of the students and the employees;
 - (xxxi) to take all such measures for standardisation of skill development education courses and programmes in the State;
 - (xxxii) to provide for the preparation of instructional materials, including films, cassettes, tapes, video cassettes and other software; and
 - (xxxiii) to do all such acts as may be necessary or incidental to the exercise of all or any of the powers of the University and conducive to the promotion of all or any of the objects of the University.
- (2) Notwithstanding anything contained in any other law for the time being in force, but without prejudice to the provisions of sub-section (1), it shall be the duty of the University to take all such steps as it may deem fit for

the promotion of the Open University and distance education systems and for the determination of standards of teaching, evaluation and research in such systems.

(3) In carrying out its objects, the University shall strive for cooperation with the Indira Gandhi National Open University and shall observe, to the extent feasible, the education norms and standards prescribed by it for Open Learning Systems.

Jurisdiction.

6. The University shall, in exercise of its powers, have jurisdiction over the whole of the State of Odisha.

University
open
to all
classes,
castes and
creeds.

7. (1) The University shall be open to persons of either sex and of whatever race, creed, caste or class, and it shall not be lawful for the University to adopt or impose on any person any test whatsoever of religious belief or profession in order to entitle him to be appointed as a teacher of the University or to hold any other office therein or admitted as a student in the University, or to graduate there at, or to enjoy or exercise any privilege thereof.

(2) Nothing in sub-section (1) shall be deemed to prevent the University from making any special provision for the appointment or admission of women or of persons belonging to the weaker sections of the society, and in particular, of persons belonging to the Scheduled Castes or Scheduled Tribes.

CHAPTER III

THE CHANCELLOR AND OFFICERS OF THE UNIVERSITY

The Officers
of the
University.

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

- (i) the Vice-Chancellor;
- (ii) the Directors of Schools;
- (iii) the Director, Skill Development Education Council;
- (iv) the Registrar;
- (v) the Comptroller of Finance;
- (vi) the Controller of Examination; and
- (vii) Such other officers as may be declared by the Statutes to be the officers of the University.

The
Chancellor.

9. (1) The Governor of Odisha 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 over the convocations of the University convened for the purpose of conferring degrees or for any other purpose.

(3) Every proposal for conferment of an honorary degree shall be subject to confirmation by the Chancellor.

(4) The Chancellor shall decide all disputes with regard to the election, nomination or selection of members of the authorities of the University and his decision thereon shall be final.

(5) The Chancellor shall be competent to call, from time to time, such information or record relating to any affairs of the University and the Vice-Chancellor shall furnish the same and after perusal of such information or record it shall be lawful for the Chancellor to give, in the interest of the University, directions to the Vice-Chancellor, as he deems fit, and the Vice-Chancellor shall comply with such directions.

(6) Subject to the provisions of sub-sections (7) and (8), the Chancellor shall have the right to cause an inspection to be made, by such person or persons as he may direct, of the University, its buildings, libraries, laboratories and equipment and of any regional centre or any study centre and so also of the examination, instruction and other work conducted or done by the University, and to cause an inquiry to be made in like manner in respect of any matter connected with the administration and finances of the University.

(7) The Chancellor shall, in every case, give notice to the University of his intention to cause an inspection or inquiry to be made and the University shall, on receipt of such notice, have the right to make, within thirty days from the date of receipt of the notice or such other period as the Chancellor determine, such representation to him as it may consider necessary.

(8) After considering the representation, if any, made by the University, the Chancellor may cause to be made such inspection or inquiry as is referred to in sub-section (6).

(9) Where an inspection or inquiry has been caused to be made by the Chancellor, the University shall be entitled to appoint a representative who shall have the right to appear in person and to be heard at such inspection or inquiry.

(10) The Chancellor may address the Vice-Chancellor with reference to the result of such inspection or inquiry together with such views and advice with regard to the action to be taken thereon as the Chancellor may be pleased to offer and on receipt of the address made by the Chancellor, the Vice-Chancellor shall communicate forthwith to the Board of Management the result of the inspection or inquiry and the views of the Chancellor and the advice tendered by him with regard to the action to be taken thereon.

(11) The Board of Management shall communicate through the Vice-Chancellor to the Chancellor such action, if any, as it proposes to take or has been taken by it on the result of such inspection or inquiry.

(12) Where the Board of Management does not take action to the satisfaction of the Chancellor within a time limit fixed by the Chancellor, the Chancellor may, after considering any explanation furnished or representation made by the Board of Management, issue such directions as he may think fit and the Board of Management shall be bound to comply with such directions.

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

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

(14) The Chancellor shall have such other powers as may be specified by the Statutes.

The
Vice-Chancellor.

10. (1) The Vice-Chancellor shall be appointed by the Chancellor from a panel of three names recommended under sub-section (4) by a Committee appointed for the purpose under sub-section (2).

(2) For the purpose of sub-section (1), a Committee shall be constituted which shall consist of the following members, namely:-

- (i) one member not connected with the University to be nominated by the Board of Management;
- (ii) one member to be nominated by the Chairperson of the Distance Education Council;

- (iii) one member to be nominated by the Chancellor, who shall be the Chairman of the Committee.

(3) The business of the Committee shall be conducted in such manner as may be prescribed, from time to time, by the Government on that behalf.

(4) The Committee constituted under sub-section (2) shall within a reasonable time select three persons whom it considers fit for being appointed as Vice-Chancellor and shall recommend to the Chancellor the names of the persons so selected together with such other particulars, if any:

Provided that the Committee shall not select any such persons who, if appointed as Vice-Chancellor, would cease to hold that office on account of attaining the age of sixty five years before completion of the term of three years.

(5) The Vice-Chancellor shall hold office for a term of three years from the date he assumes office as such and he shall be eligible for re-appointment to that office for a further term, subject to the provisions contained in sub-section(1):

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

Provided further that no person appointed as Vice-Chancellor shall continue to hold office as such after he attains the age of sixty five years.

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

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

(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 for a term of three years and shall be eligible for re-appointment in accordance with the provisions contained in sub-section (5).

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

(10) The emoluments to be paid to the Vice-Chancellor, and the terms and conditions subject to which he shall hold office, shall be such, as may be prescribed by the Statutes.

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

Provided that no such removal shall be made without holding an enquiry being conducted by a Committee consisting of at least three members not below the rank of a Vice-Chancellor.

(12) If at any time upon representation made or otherwise, it appears to the Chancellor that the Vice-Chancellor,—

- (a) has made default in performing any duty imposed on him by or under this Act, or
- (b) has acted in a manner prejudicial to the interest of the University, or
- (c) is incapable of managing the affairs of the university, the Chancellor may notwithstanding the fact that the term of office of Vice-Chancellor has not expired, by an order, in writing, stating the reasons therein, require the Vice-Chancellor to relinquish his office as from such date as may be specified in the order.

(13) No order under sub-section (12) shall be passed unless the particulars of the grounds on which such action is proposed to be taken are communicated to the Vice Chancellor and he is given reasonable opportunity of showing cause against the proposed order.

(14) From the date specified in the order made under sub-section (12), the Vice-Chancellor shall be deemed to have relinquished the office and the office of the Vice-Chancellor shall fall vacant.

Powers of the
Vice-Chancellor.

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

(2) The Vice-Chancellor shall be the principal academic and executive officer of the University and shall exercise supervision and control over the affairs of the University and give effect to the decisions of all the authorities of the University.

(3) Subject to availability of funds in the budget, the Vice-Chancellor shall have the power to sanction, after obtaining the opinion of the Comptroller of Finance, expenditure upto such sum as may be prescribed during the course of a financial year and shall make a report of all such expenditure to the Board of Management at the earliest.

(4) 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 obtain orders of the concerned authority for that purpose, he may pass such order or take such decision as he deems proper and shall at the earliest opportunity thereafter report his action to such officer or authority who in ordinary course is competent to deal with the matter for ratification, and where the authority differs from the Vice-Chancellor, the matter shall be referred to the Chancellor whose decision thereon shall be final:

Provided that if the matter involves any financial transaction, the Vice-Chancellor shall, before passing such order or taking such decision, obtain the opinion of the Controller of Finance.

(5) If in the opinion of the Vice-Chancellor any decision of any officer or authority of the University is beyond the powers conferred by the provisions of this Act or Statutes, Ordinances, regulations or rules made thereunder or is not in the interest of the University, he shall request the concerned officer or authority to review its decision within fifteen days from such decision and in case the authority refuses to review such decision either in whole or in part or fails to take any decision within the said period, such matter shall be referred to the Chancellor whose decision thereon shall be final:

Provided that the decision of the officer or authority concerned shall remain suspended during the period of review of such decision by the officer or the authority or the Chancellor, as the case may be, under this sub-section.

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

(7) The Vice-Chancellor shall have power, —

- (i) to require the teachers of the University or Regional Centres of the University to report to him about the conduct of University examination; and
- (ii) to give such directions to the officers in charge of such examinations as he deems necessary.

(8) The Vice-Chancellor shall ensure that the provisions of the Act, the Statutes, Ordinances, regulations and rules are observed.

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

The Director of
Schools.

12. Each Schools shall be headed by a Director of Schools and every such Director shall be appointed in such manner, on such emolument and other conditions of service and shall exercise such powers and perform such duties and functions as may be prescribed by the Statutes.

The Director, Skill
Development
Education
Council.

13. The Director, Skill Development Education Council shall be appointed in such manner, on such emolument and other conditions of service, and shall exercise such powers and perform such duties and functions as may be prescribed by the Statutes.

The Registrar.

14. (1) The Registrar shall be appointed by the Chancellor for a period of three years on the recommendation of the Government.

(2) The Registrar shall be a whole-time officer of the University and shall act as a member of the Board of Management and the Academic Council of the University.

(3) No person shall be appointed as a Registrar of the University unless he holds the post of a Professor or Senior Reader or any equivalent post with at least fifteen years of experience on research and educational administration including five years teaching experience in post-graduate classes.

(4) The emoluments to be paid to the Registrar and the terms and conditions of his service shall be such as may be prescribed by the Statutes.

- (5) The Registrar shall, subject to the control of the Vice-Chancellor, —
- (a) manage the properties and investments of the University;
 - (b) remain in custody of the properties and funds of the University;
 - (c) remain in custody of the records, the common seal and such other property of the University as the Vice-Chancellor shall entrust him;
 - (d) execute all contracts on behalf of the University;
 - (e) ensure that all moneys are utilised for the purpose for which the funds are granted or allotted by the appropriate authority; and
 - (f) exercise and perform such other powers and duties as may be prescribed by the Statutes and Regulations and as may, from time to time, be assigned to him by the Board of Management and the Academic Council.
- (6) The Registrar shall generally render such assistance to the Vice-Chancellor, as may be required by him in the performance of his duties.
- (7) The Registrar shall have the right to speak and otherwise take part in the proceeding at a meeting of any of the authorities of the University but shall not be entitled to vote at any such meeting.
- (8) All suits or other legal proceedings by or against the University shall be instituted by or against the Registrar.

The Comptroller
of Finance.

15. (1) The Comptroller of Finance shall be appointed by the Chancellor in consultation with the Government and shall be whole-time officer of the University.

(2) The salary, allowances and conditions of service of the Comptroller of Finance shall be such as may be prescribed by the Statutes.

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

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

- (a) be responsible for the proper investment of the funds of the University;
- (b) exercise general supervision of such funds;

- (c) tender advice with regard to financial transactions of the University;
- (d) be responsible for preparation and presentation of the annual financial estimates and statements of accounts for presentation by the Vice-Chancellor;
- (e) ensure that all moneys are utilised in appropriate manner for the purpose for which they are granted or allotted by the appropriate authority;
- (f) examine the statements of accounts of the University and submit a report to the Board of Management; and
- (g) exercise such other powers and perform such other functions as may be prescribed.

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

(6) The Comptroller of Finance shall have the right to speak and other wise take part in the proceedings of the Board of Management as and when required, and in all such cases, his advice shall be recorded in the proceedings of the Board of Management, but he shall not be entitled to vote.

(7) The advice of the Comptroller of Finance on all financial matters shall be taken before they are given effect to.

The Controller
of Examination.

16. (1) The Controller of Examination shall be appointed by the Board of Management on the recommendation of the Government from amongst the Readers of the University or Readers of the Odisha Education Service for a period of three years and shall be a whole-time officer of the University.

(2) The Controller of Examination shall perform such duties as may from time to time be assigned to him by the Board of Management and the Vice-Chancellor.

(3) The Controller of Examination shall be responsible for the preparation of question papers, fixation of time Schedule for the examination, valuation, publication of results, issue of certificates and such other works related to examinations.

(4) The Controller of Examination shall be in-charge of conduct of examination of the University and matters relating thereto and he shall perform such other duties, as may be prescribed by the Statutes or Ordinances or, as may be required by the Vice-Chancellor.

Other Officers.

17. The manner of appointment, emoluments, powers, duties and functions of the other officers of the University shall be such as may be prescribed by the Statutes.

CHAPTER IV

AUTHORITIES OF THE UNIVERSITY

Authorities of the University.

18. The following shall be the authorities of the University, namely:-

- (i) The Board of Management;
- (ii) The Academic Council;
- (iii) The Skill Development Education Council;
- (iv) The Planning Board;
- (v) The Board of Recognition;
- (vi) The Finance Committee;
- (vii) The School of Studies; and
- (viii) Such other authorities as may be declared by the Statutes to be the authorities of the University.

The Board of Management.

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

- (a) Vice-Chancellor;
- (b) The Registrar;
- (c) Director, Skill Development Education Council;
- (d) Three employees of the University who shall be nominated by the Vice-Chancellor, of which one shall be from among the Directors of School of Studies and the other two from among the teachers and other academic staff other than the Directors of School;
- (e) Five persons, who are not employees of the University, to be nominated by the Chancellor, representing the following area of specialisations:

- (i) Two eminent educationists;
 - (ii) One person from the non-formal or voluntary sector;
 - (iii) One person representing Commerce or Industry; and
 - (iv) One person representing learned Professions.
- (f) Three representatives of the Government of Odisha; Secretary, Department of Higher Education and Secretary, Industries and Secretary, Labour and Employment, in their ex-officio capacity;
- (g) Two members of the Odisha Legislative Assembly nominated by the Speaker;
- (h) Three persons to be co-opted by the Board of Management from the following sectors, namely:-
- (i) One expert on Vocational Education and Training, and
 - (ii) Two experts on rotation basis from education, agriculture, public health care, rural industries and distance education.

(2) Members of the Board of Management, other than ex-officio members, shall hold office for a term of three years:

Provided, however, that persons nominated or appointed from the University shall hold office for a term of two years.

(3) The term of office of members of the Board of Management shall commence from the date of appointment, or nomination, as the case may be.

(4) Six members of the Board of Management shall form the quorum for a meeting of the Board.

The
Powers of
Board of
Managem
ent.

20.(1) The Board of Management shall have the power of management and administration of the revenue and property of the University and the conduct of all administrative affairs of the University not otherwise provided for.

(2) Subject to the provisions of the Act, the Statutes and the Ordinances, the Board of Management shall, in addition to other powers vested in it under the Statutes, have the following powers, namely:-

- (i) to effect standardization of skill-related education available in the State;

- (ii) to create teaching and other academic posts and to prescribe the functions and conditions of service of Professors, Readers, Lecturers and other teachers and other academic staff employed by the University;
- (iii) to prescribe qualifications for teachers and other academic staff;
- (iv) to approve the appointment of such Professors, Readers, Lecturers and other teachers and academic staff, as may be necessary on the recommendations of the Selection Committees constituted for the purpose;
- (v) to approve appointments to temporary vacancies of any academic staff;
- (vi) to specify the manner of appointment of temporary vacancies of academic staff;
- (vi) to provide for the appointment of visiting Professors, Emeritus Professors, Fellows, artists and writers and determine the terms and conditions of such appointments;
- (vii) to manage and regulate the finances, accounts, investments, property of the University and all other affairs of the University and to appoint such agents as may be considered fit;
- (viii) to invest any money belonging to the University, including any unapplied income, in such stocks, funds, shares or securities as it thinks fit or in the purchase of immovable property in the state with like power of varying such investment from time to time:

Provided that no action under this clause shall be taken without consulting the Finance Committee;

- (ix) to create administrative, ministerial and other necessary posts after taking into account the recommendations of the Finance Committee and to specify the manner of appointment thereto;
- (x) to regulate and enforce discipline amongst the employees in accordance with the Statutes and Ordinances;
- (xi) to transfer or accept transfers of any immovable or movable property on behalf of the University;

- (xii) to entertain, adjudicate upon, or redress the grievances of the employees and the students of the University who may, for any reason, feel aggrieved;
- (xiii) to fix the remuneration payable to course writers, counsellors, examiners and invigilators, and travelling and other allowances payable, after consulting the Finance Committee;
- (xiv) to select the common seal for the University and to provide for the use of such seal;
- (xv) to institute fellowships, scholarships, studentship; and
- (xvi) to exercise such other powers and perform such other functions as may be conferred or imposed on it by the Act or the Statutes.

The Academic
Council.

21. (1) There shall be an Academic council of the University, which shall be the Principal academic body of the University and shall, subject to the provisions of this Act and the Rules, Statutes or Ordinances, made thereunder, co-ordinate and exercise general supervision over the academic policies of the University.

(2) The Academic Council shall be responsible for maintaining the academic standards and perform such other duties and functions as may be conferred or imposed upon it by the Statutes.

(3) The constitution of the Academic Council and the term of office of its members and its powers and functions shall be such as may be prescribed by the Statutes.

Skill
Development
Education
Council.

22. (1) Subject to the provisions of this Act and the Statutes, the Skill Development Education Council shall have the following powers and functions, namely:—

- (a) to organize and promote skill-related study and training programmes;
- (b) to approve the courses of studies of the academic programmes prepared by the planning Board;
- (c) to give recognition to industries, firms, institutions, different registered workshops, laboratories, training institutes as the training platform for students of the University;

- (d) to workout the modalities to standardise vocational and skill development courses offered by various organisations;
- (e) to recommend for withholding of recognition of the defaulting bodies specified in clause(c); and
- (f) to exercise such other powers and perform such other functions as may be prescribed by the Statutes.

(2) The constitution, and the other powers, duties and functions of the Skill Development Education Council shall be such as may be prescribed by the Statutes.

The Planning Board.

23. (1) There shall be constituted a Planning Board of the University which shall be the principal planning body of the University and shall also be responsible for the monitoring of the developments of the University on the lines indicated in the objects of the University.

(2) The constitution of the Planning Board, the term of office of its members and its powers and functions shall be such as may be prescribed by the Statutes.

Board of Recognition.

24. (1) The Board of Recognition shall be responsible for admitting Government recognised colleges to the privileges of the University for providing add-on and skill development courses.

(2) The constitution and other powers and functions of the Board of Recognition shall be such as may be prescribed by the Statutes.

The Finance Committee.

25. (1) The constitution, powers, duties and functions of the Finance Committee shall be such as may be prescribed by the Statutes.

The Schools of Studies.

26. (1) Subject to the provisions of clause (g) of sub-section (1) of section 4 there shall be such number of Schools of Studies as the University may, with the approval of the Government, determine, from time to time.

(2) The constitution, powers and functions of the Schools of Studies shall be such as may be prescribed by the Statutes.

Other Authorities.

27. The constitution, powers, duties and functions of other authorities which may be declared by the Statutes to be authorities of the University shall be such as may be prescribed by the Statutes.

CHAPTER V

STATUTES, REGULATIONS AND ORDINANCES

The Statutes.

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

- (a) the powers, duties and functions that may be exercised and performed by the Vice-Chancellor;
- (b) the emoluments and other conditions of service of the Vice-Chancellor;
- (c) the manner of appointment and emoluments of Directors, Registrar, Comptroller of Finance, Controller of Examination and other Officers, and the powers, duties and functions that may be exercised and performed by each of the Officers;
- (d) the procedure for constitution of different authorities of the University, the term of office of the members of such authorities and the powers and functions that may be exercised and performed by such authorities;
- (e) the manner of appointment of teachers and other employees of the University, their qualifications, the code of conduct and other conditions of service including the manner of termination of service and other disciplinary action;
- (f) the acceptance and management of trusts, bequests, donations and endowments;
- (g) conferment of honorary degrees;
- (h) holding of convocations to confer degrees;
- (i) institution and maintenance, by the University, of departments, centres of research or specialised studies and post-graduate centres;
- (j) registration of graduates and maintenance of list of registered graduates;
- (k) procedure at meeting of authorities of the University and for the transaction of their business; and
- (l) all other matters which, by or under this Act are to be, or may be prescribed by the Statutes.

Statutes how
to be made.

29. (1) The first Statutes shall be framed by the Government.

(2) Subject to the provision contained in sub-section(3), (4) and (5), the Board of Management may, from time to time, make new or additional Statutes or may amend or repeal the Statutes.

(3) The Board of Management may, from time to time, make any proposal to the Chancellor for new Statutes or for the amendment or repeal of the Statutes in force to the Chancellor.

(4) On receipt of a proposal under sub-section(3) the Chancellor in consultation with the Government, may either disapprove it or approve it with or without modification.

(5) No Statutes or amendment or repeal of the Statutes made by the Board of Management shall have effect until it is approved by the Chancellor.

(6) The Government may also propose for new Statutes or for the amendment or repeal of any Statutes in force to the Chancellor.

(7) The first Statutes or subsequent Statutes shall come into force from the date of its publication in the official Gazette.

The
Ordinances.

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

- (a) the admission of students to the University, the courses of study and the fees therefore, the qualifications pertaining to degrees, diplomas, certificates and other academic distinctions, the conditions for the grant of fellowships, awards and the like;
- (b) the conduct of examinations, including the terms and conditions for appointment of examiners and the general discipline of students;
- (c) management of the Departments or Schools of the University;
- (d) laying down the policy and norms regarding,—
 - (i) fixation of examination fees and emoluments, traveling and other allowances to be paid to the examiners, moderators and such other staff appointed for the examination work;

- (ii) payment for teachers, lesson writers, evaluators and other academic staff appointed for organization and conducting refresher courses, workshop, seminars and other programmes;
- (iii) rates of tuition fees and other charges receivable from the students subjects to the provisions of law for the time being in force; and
- (iv) rates of remuneration to visiting professors, emeritus professors, consultants, fellows, scholars, artists, course writers.
- (e) the conduct and discipline of the students and the action to be taken against them for breach of discipline or misconduct, with due regard to the Odisha Conduct of Examination Act, 1988 including the following, namely:-
 - (i) use of unfair means at an examination or in relation thereto, by the student himself or by any other student, or abatement thereof;
 - (ii) refusal to appear or give evidence in any authorized inquiry by an officer in-charge of an examination or by any officer or authority of the University; or
 - (iii) disorderly or otherwise objectionable conduct whether within or outside the University;
- (f) the conduct of examinations and other tests, and the manner in which the candidates may be assessed or examined by the examiners;
- (g) the inspection of regional centres, study centres and recognized institution;
- (h) the mode of execution of contracts or agreements for, or on behalf of the University;
- (i) the rules to be observed and enforced by study centers and recognized institutions regarding transfer of students;
- (j) the holding of convocations to confer degrees, diplomas, to grant certificates, other academic distinctions and recognitions to persons who have passed approved courses of study in the University or conducted research;

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1988.

- (k) collaboration with other Universities in the State, other statutory authorities and with departments of the Government;
- (l) the appointments, for a specified period or periods, of teachers and other academic staff working in any other University or organisation for undertaking joint projects;
- (m) the principles governing the seniority of service of the employees of the University;
- (n) the procedure for the settlement of dispute between the University and the students;
- (o) provision for reservation of required number of posts of teachers, officers and other employees of the University consistent with the law of the Government;
- (p) all other matters for which provision is, in the opinion of the Board of Management, necessary for exercise of any powers conferred by the Act or the Statutes;
- (q) any other matter which by this Act or the Statutes, is to be, or may be, provided for by the Ordinances.

(2) The First Ordinances of the University shall be made by the Vice-Chancellor which, after being approved by the Board of Management, shall be submitted to the Chancellor for his approval.

(3) The Chancellor in consultation with the Government shall either approve the Ordinances or give suggestions for modifications therein.

(4) The Vice-Chancellor shall either modify the Ordinances incorporating the suggestion of the Chancellor or give reasons for not incorporating any of the suggestions made by the Chancellor and shall return the First Ordinances alongwith such reasons, if any, to the Chancellor and on receipt of the same, the Chancellor shall consider the comments of the Vice-chancellor and shall approve the First Ordinances of the University with or without such modifications and then the First Ordinances, as approved by the Chancellor shall be published in the Official Gazette and upon such publication the Ordinances shall come into force.

Subsequent
Ordinances.

31. (1) The Board of Management may propose for new ordinances or for the amendment or repeal of Ordinances in force to the Chancellor.

(2) The Chancellor shall, in consultation with the Government, approve the proposal of the Board of Management under sub-section (1) or give suggestion for modifications therein.

(3) The Board of Management shall either modify the Ordinances incorporating the suggestion of the Chancellor or give reasons for not incorporating any of the suggestions made by the Chancellor and shall return the Ordinances alongwith such reason, if any, to the Chancellor and on receipt of the same, the Chancellor shall consider the comments of the Board of Management and shall approve the Ordinances with or without modifications and then the Ordinances, as approved by the Chancellor, shall be published in the Official Gazette and upon such publication the Ordinances shall come into force.

The
Regulations.

32. The authorities of the University may make regulations consistent with the Act, the Statutes and the Ordinances, for the conduct of their own business and that of the Committees, if any, appointed by them and not provided for by this Act, the Statutes, or the Ordinances, in the manner prescribed by the Statutes.

CHAPTER VI

FINANCE AND ACCOUNTS

University
Fund.

33. (1) The University shall establish a fund to be called the University Fund to which the following shall be credited, namely: —

- (a) any contribution or grant by the State Government, Central Government, Distance Education Council, Indira Gandhi National Open University, Industrial Undertakings, Corporations, Companies, Associations, other bodies or local authorities;
- (b) any income of the University from all sources including income from fees and charges and sale proceeds;
- (c) bequests, donations, endowments and other grants, if any, received by the University; and
- (d) miscellaneous receipts.

(2) The University may, from time to time, establish such other funds in such name and for such specific purposes as may be decided by the Board of Management in consultations with the Government.

(3) The fund shall be kept in a Nationalised Bank or Scheduled Bank or invested in such securities as may be decided by the Board of Management.

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

(5) The University may, with previous approval of the Government as regards the purpose and amount of loan, and subject to such conditions as may be specified by the Government as to security and rate of interest, borrow any sum of money from any Nationalised Bank or Scheduled Bank or any other corporate body or any financial institution.

Annual Financial
Estimates.

34. (1) The annual financial estimates of the University for any financial year shall be prepared under the direction of the Board of Management, atleast five months before the commencement of the financial year.

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

(3) The financial estimates shall be submitted to the Board of Management for its approval.

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

(5) The University shall submit such estimates as approved by the Board of Management to the Government for the purpose of providing the annual grant.

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

(7) The Board of Management 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.

(8) The financial year of the University shall be the same as that of the Government.

Annual
Accounts
and Audit.

35. (1) The annual statement of accounts of the University for a financial year shall be prepared under the directions of the Board of Management within a period of three months, after the close of the financial year.

(2) The annual accounts as approved by the Board of Management shall be audited, by the Auditor appointed by the Government.

(3) The annual accounts, as approved by the Board of Management together with the copy of the audit report and a copy of the statement showing the action taken by the University on the objections and points raised by the Auditor in his previous reports, shall be forwarded by the Board of Management as soon as possible and in any case, within the period of nine months from the end of financial year to the Chancellor and to the Auditor appointed by the Government.

(4) It shall be competent for the Chancellor to give directions to the University, regarding the manner in which the accounts relating to certain specific activities or schemes shall be maintained, or to take necessary action against the authority, the officer or any employee of the University found guilty in the audit report for committing irregularities, and the University shall act according to the directions of the Chancellor.

Annual
Report.

36. (1) The annual report of the University shall be prepared under the direction of the Board of Management, which shall include, among other matters, the steps taken by the University towards the fulfilment of its objectives.

(2) The annual report so prepared shall be submitted to the Chancellor on or before such date as may be prescribed by the statute.

Financial
control of the
Government.

37. Without obtaining the prior approval of the Government, the University shall not,-

- (i) create any new post of officers, teachers or other employees;
- (ii) revise the pay, allowances, post-retirement benefits and other benefits having financial implications offered to its officers, teachers and other employees;
- (iii) make any provision that may add any financial burden on the Government; and
- (iv) fill up the sanctioned vacant post.

CHAPTER VII

MISCELLANEOUS

Conditions of
service of
employees.

38. (1) The condition of service of the employees of the University shall be such as may be prescribed in the statutes.

(2) Every employee of University shall be appointed under a written contract and such contract shall not be inconsistent with the provisions of the Act, the Statutes and the Ordinances.

(3) The contract referred to in sub-section (2) shall be lodged with the University and a copy of which shall be furnished to the employees concerned.

Settlement of
disputes.

39. Reference of any dispute arising out of a contract of employment referred to in sub-section (2) of section 38 between the University and an employee, including the settlement thereof shall be such as may be prescribed in the statutes.

Disputes as to
Constitution of
University
Authorities and
bodies.

40. (1) Where any question arises as to –

- (a) the interpretation of any provision of this Act or any Statutes, Ordinances, Regulations or Rules, or
- (b) whether any person has been duly appointed as, or entitled to be, a member of any authority or other body of the University, the matter shall be referred to the Government whose decision thereon shall be final.

(2) Any nominee or ex-officio member appointed by any authority or body of the University shall be deemed to have vacated his office, whenever his nomination or appointment is cancelled by the authority concerned or he ceases to hold office by virtue of which he has been a member of the authority or body of the University.

Filling of Casual
Vacancy.

41. When any vacancy occurs in the office of a member, other than an ex-officio member, or any authority, or other body of the University before the expiry of the term of office of such member, the vacancy shall be filled up, as soon as conveniently may be, by appointment or co-option, as the case may be, of a member who shall hold office so long as the member in whose place he has been appointed or co-opted would have held it, if the vacancy had not occurred.

Proceedings not
invalidated by
vacancies.

42. No act or proceedings of any authority or body of the University shall be invalidated merely by reason of any vacancy in its membership.

Authorities and
Officers to be
responsible.

43. It shall be the duty of every authority and officer of the University to ensure that the interest of the University is duly safe-guarded.

Disqualifications.

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

- (a) is, on the date of election, nomination or selection, of unsound mind or deaf-mute; or
- (b) is declared bankrupt or insolvent; or
- (c) has been convicted of and sentenced by a Criminal Court to undergo imprisonment for an offence involving moral turpitude; or
- (d) is being elected, nominated or selected consecutively for a second term, save as otherwise provided elsewhere in this Act.

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

Supersession
of authorities
and taking over
Management.

45. (1) If the Government, after making such enquiry as it may deem fit, are satisfied that the management of the University has not been or cannot be carried on in accordance with the provisions of the 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 objective, it may, after consultation with the Chancellor, issue notice requiring the University to show cause within forty-five days as to why an order of its supersession should not be issued.

(2) If the Government, on receipt of reply of the University on the notice issued under sub-section (1), is satisfied that there is a prima-facie case of contravening all or any of the provisions of this Act or the Rules, Statutes or Ordinances or regulations made thereunder or of financial mismanagement or of maladministration, it shall make an order of such enquiry as it may consider necessary.

(3) The Government shall, for the purposes of any enquiry under sub-section (2), appoint an inquiry officer or officers to inquire into any of the allegations and to make report thereon.

(4) The inquiry officer or officers appointed under sub-section (3) shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 while trying a suit in respect of the following matters, namely:—

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1908.

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of any such document or any other material as may be predicable in evidence;
- (c) requisitioning any public record from the University; and
- (d) any other matter which may be prescribed.

(5) The inquiry officer or officers inquiring under this Act shall be deemed to be a civil court for the purposes of section 195 and chapter XXVI of the Code of Criminal Procedure, 1973.

Act 2 of
1974.

(6) On receipt of the enquiry report from the officer or officers appointed under sub-section (3), if the Government is satisfied that the University has contravened all or any of the provisions of this Act or the Rules, Statutes or Ordinances or regulations made thereunder or has violated any of the directions issued by it under this Act or a situation of financial mismanagement and mal-administration has arisen in the University which threatens the academic standard of the University, it shall make orders for liquidation of the university and appoint an administrator.

(7) The order under sub-section (6) shall remain in force for such period, not exceeding one year, as the State Government may specify therein.

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

(9) Upon making the order under sub-section (6)—

- (a) the authorities of the concerned University shall be deemed to have been superseded and the members thereof holding office immediately before the issue of the order shall be deemed to have vacated their offices as such;

- (b) the concerned Vice-Chancellor shall be deemed to have vacated his office as such;
- (c) the powers and functions of the authorities and the Vice-Chancellor shall, during the operation of the order, be exercised and performed by the Administrator;
- (d) the Administrator shall, for the purpose of signing the Degrees, Diplomas and other certificates granted by the University, be designated as the Vice-Chancellor thereof;
- (e) every person ceasing to hold office as aforesaid and having possession, custody or control of any property of, or any books, documents or other papers relating to, 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; and
- (f) the Government shall take all necessary steps for securing possession of the properties, books, documents and other papers.

(10) No person, who ceases to hold office by reason of the order under sub-section (6), shall be entitled to any compensation for the loss of his office.

(11) The Administrator shall take all necessary steps for the reconstitution of the authorities and for the appointment of the Vice-Chancellor so that the members of the said authorities and the Vice-Chancellor can assume office upon the expiry of the period specified in sub-section (7):

Provided that notwithstanding anything contained in this Act, the 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 order under sub-section (6) for such term not exceeding three years as it may think fit.

(12) All elections, selections and nominations for the purpose of reconstitution of the said authorities shall be held in advance in accordance with the provisions of this Act and Statutes and all persons who are to take

part in any such election, selection or nomination by virtue of holding office as member of any authority shall, notwithstanding the fact that they have not assumed such office, be eligible to take such part.

Protection of
action taken in
good faith.

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

Mode of
proof of
University
record.

47. A copy of receipt, application, notice, order, proceeding, resolution of any authority or committee of the University, or other documents in the possession of the University, or any entry in any register duly maintained by the University, if certified by the Registrar, shall be admitted as evidence of the matters and transactions specified therein, where the original thereof would, if produced have been admissible in evidence.

Power to
make rules.

48. The Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to
remove the
difficulties.

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

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

Transitional
provisions.

50. (1) Notwithstanding anything contained in this Act and the statutes,—

- (a) the Government may appoint the first Vice-Chancellor, first Registrar, the first Comptroller of Finance and the first Controller of examination for a period not exceeding three years on such terms and conditions as the Government thinks fit;
- (b) the first Board of Management shall consist of not more than eleven members who shall be nominated by the Government and they shall hold office for a term of three years; and

- (c) the first Finance Committee shall consist of not more than seven members who shall be nominated by the Government and they shall hold office for a term of three years.

Act not in
derogation of
any other law.

51. The provisions of this Act shall be in addition to, and not in derogation of, the provisions of any other law, for the time being in force.

By Order of the Governor

MIHIR RANJAN PARIDA

Principal Secretary to Government. I/c.