

ORISSA ACT 27 OF 1976

**THE ORISSA UNIVERSITY LAWS (AMENDMENT) ACT, 1976**

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## ORISSA ACT 27 OF 1976

**\*THE ORISSA UNIVERSITY LAWS (AMENDMENT) ACT, 1976**

[ Received the assent of the Governor on the 6th May 1976, first published in an extraordinary issue of the Orissa Gazette, dated the 12th May 1976 ]

AN ACT TO AMEND THE UTKAL UNIVERSITY ACT, 1966, THE BERHAMPUR UNIVERSITY ACT, 1966, THE SAMBALPUR UNIVERSITY ACT, 1966 AND THE UTKAL UNIVERSITY (TAKING OVER OF MANAGEMENT) ACT, 1974

**B**E it enacted by the Legislature of the State of Orissa in the Twenty-seventh Year of the Republic of India, as follows :—

Short title

1. This Act may be called the University Laws (Amendment) Act, 1976.

General Amendments of Orissa Acts 20, 21 and 22 of 1966.

2. The following amendments shall be made in the Utkal University Act, 1966, the Berhampur University Act, 1966 and the Sambalpur University Act, 1966, namely:—

Orissa Act 20 of 1966.  
Orissa Act 21 of 1966.  
Orissa Act 22 of 1966.

In each of the said Acts—

(A) in section 2,—

(i) in clause (c), after the word “Statutes” the words and comma “and includes a college managed by the University,” shall be inserted ;

(ii) after clause (c), the following new clause shall be inserted, namely:—

“(cc) “Director of Public Instruction” means the Director of Public Instruction, Orissa and includes such other officer as may be authorised by the State Government from time to time to perform the functions and exercise the powers of the Director of Public Instruction under this Act;”;

(B) in section 5, for sub-section (6), the following sub-section shall be substituted, namely:—

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

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

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

\* For the Bill see Orissa Gazette, Extraordinary, dated the 30th March, 1976 (No. 438).

- (c) If the concerned authority or the Vice-Chancellor, as the case may be, fails to comply with the direction issued by the Chancellor within the period fixed under clause (a) or within such further period as the Chancellor may allow in that behalf, the Chancellor may take such remedial measures as he deems proper.”;

(C) in section 6,—

(i) to sub-section (1), the following proviso shall be added, namely:—

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

(ii) for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) The Committee shall consist of three members out of whom one member shall be nominated by the Chairman, University Grants Commission, one member shall be nominated by the Chancellor and the remaining member shall be elected by the Syndicate and the Chancellor shall appoint one of the members to be the Chairman of the Committee.”;

(iii) in clause (b) of sub-section (3), after the words “college or institution”, the words “maintained or recognised by or” shall be inserted;

(iv) in sub-section (5), for the words “five years”, the words “three years” shall be substituted and the following proviso shall be added thereto, namely :—

“Provided that no person shall be appointed as Vice-Chancellor or more than two terms.”;

(v) in sub-section (7), after the words “appoint a person”, the words and comma “on such terms and conditions as he deems necessary,” shall be inserted ;

(vi) for sub-section (10), the following sub-section shall be substituted, namely :—

“(10) The Vice-Chancellor shall be paid a salary of two thousand and five hundred rupees per month and such allowances as the Chancellor may be pleased to sanction from time to time and shall be entitled to a rent-free furnished quarters.”;

(vii) in sub-section (11), for the words, “five thousand rupees” the words “ten thousand rupees” shall be substituted;

(viii) after sub-section (11), the following new sub-sections shall be inserted, namely :—

“(11-a) If the Vice-Chancellor is of the opinion that any order or decision in respect of any matter which is required under the provisions of this Act or the Statutes to be passed or made by any authority of

the University, is necessary to be passed or made immediately and it is not practicable to convene a meeting of the concerned authority for that purpose, he may pass such order or take such decision as he deems proper and place the order or decision, as the case may be, before the concerned authority at its next meeting for ratification; and where the authority differs from the Vice-Chancellor, the matter shall be referred to the Chancellor whose decision thereon shall be final.

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

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

(D) in section 9,—

(a) in sub-section ( 1 ),—

( i ) in clause (g), for the words “ eight years”, the words “ten years” shall be substituted;

(ii) in clause (u), the word “ and ” occurring at the end shall be deleted;

(iii) after clause (v), the following clauses shall be inserted, namely :—

“(w) two students to be nominated by the Vice-Chancellor from among the presidents and secretaries of college unions ;

(x) two students to be nominated by the Vice-Chancellor from among the students who have shown outstanding performance in all or any of the following activities:—

(i) academic pursuits;

(ii) sports;

(iii) National Service Scheme;

(iv) National Cadet Corps;

(v) Cultural activities; and

(y) one lady student to be nominated by the Vice-Chancellor.”;

(b) after sub-section (1), the following proviso shall be inserted, namely:—

“Provided that the disqualification specified in clause (d) of section 28 shall not apply to the nomination of students under clauses (w), (x) and (y) ; ”

(c) in sub-section (4), the words "be the supreme Governing Body of the University and shall" shall be deleted;

(E) in section 10,—

(a) in sub-section (1),—

(i) for clause (e), the following clause shall be substituted, namely:—

"(e) one person to be nominated by the Chancellor from among the members of the Senate other than those specified in clauses (w), (x) and (y) of sub-section (1) of section 9 ;";

(ii) for clause (g), the following clause shall be substituted, namely:—

"(g) nine persons to be elected by the Senate from among its members of whom two shall be University Post-graduate teachers, four shall be college teachers, and the remaining shall be persons not in any way connected with the University or with any college.";

(b) in sub-section (4), clauses (h) and (i) shall be omitted;

(F) in section 11, in sub-section (1),—

(a) for clause (d), the following clause shall be substituted, namely:—

"(d) the Principals of colleges who have teaching experience for at least ten years in any college affiliated to any University established under law;";

(b) in clause (h), for the words "who are not teachers" the words "who are neither teachers nor students" shall be substituted ;

(G) in section 15, in sub-section (3), after clause (a), the following new clauses shall be inserted, namely:—

"(a-1) to determine the standard of proficiency to be required for ordinary degrees;

(a-2) to determine whether any new subject of instruction shall be included in the curriculum of any college or whether any subject shall be omitted therefrom;";

(H) in section 20, to sub-section (2), the following proviso shall be added, namely: —

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

(I) for section 21, the following section shall be substituted, namely :—

"21. The accounts of the University shall, once at least in every year and at intervals of not more than fifteen months, be

audited in accordance with the provisions of the Orissa Local Fund Audit Act, 1948 and the provisions of that Act shall apply to such audit.”;

Orissa Act 5  
of 1948.

(J) in section 22,—

(a) for sub-section (3), the following sub-section shall be substituted, namely :—

“(3) The State Government and, subject to the provisions contained in sub-sections (4), (5) and (6), the Senate may, from time to time, make new or additional Statutes, or may amend or repeal the Statutes.”;

(b) for sub-section (5), the following sub-section shall be substituted, namely :—

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

(K) after section 28, the following new section shall be inserted, namely :—

Supersession  
of authori-  
ties and  
taking over  
management.

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

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

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

(3) A copy of every notified order and of every order issued under the proviso to sub-section (2) shall, as soon as may be after it is issued, be laid before the State Legislature.

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

(a) the Senate, Syndicate and the Academic Council shall be deemed to have been superseded and the members thereof holding office immediately before the issue of the notified order, shall be deemed to have vacated their offices as such;

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

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

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

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

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

Amendment  
of  
Orissa Act 7  
of 1975.

3. In the Utkal University (Taking Over of Management) Act, 1974, section 10 shall be renumbered as sub-section (1) thereof and after sub-section (1) as so renumbered, the following sub-section shall be inserted, namely :—

Orissa Act.  
7 of 1975.

“(2) All elections and nominations necessary for the purposes of such reconstitution or appointment as aforesaid shall be held in advance in accordance with the provisions of the University Act and the Statutes framed thereunder.

(3) All persons who are to take part at any such election by virtue of holding office as members of any of the said authorities shall, notwithstanding the fact that they have not assumed such office, be eligible to take such part.”

Transitory  
Provision.

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

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

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

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