

SHRI JAGANNATH SANSKRIT VISHVAVIDYALAYA ACT, 1981

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ORISSA ACT 31 OF 1981

SHRI JAGANNATH SANSKRIT VISHVAVIDYALAYA ACT, 1981

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AN ACT TO ESTABLISH AND INCORPORATE A SANSKRIT VISHVAVIDYALAYA

BE it enacted by the Legislature of the State of Orissa in the Thirty-second Year of the Republic of India, as follows :—

Short title
extent and
commence-
ment,

1. (1) This Act may be called Shri Jagannath Sanskrit Vishvavidyalaya Act, 1981.
- (2) It shall extend to the whole of the State of Orissa.
- (3) It shall be deemed to have come into force with effect from the 7th day of July, 1981.

Definition

2. In this Act, unless the context otherwise requires,—
 - (a) "Adhishad" (Syndicate) means the Adhishad of the Vishvavidyalaya ;
 - (b) "affiliated institution" means an institution affiliated to the Vishvavidyalaya whether in whole or in part ;
 - (c) "Director of Public Instruction" means the Director of Public Instruction, Higher Education, Orissa and includes such officer, not below to the rank of an Additional Director, as may be nominated by him, from time to time, to perform the functions and exercise the powers of the Director of Public Instruction under this Act ;
 - (d) "Institution" means a Mahavidyalaya, Vidyalyaya or Pathashala managed by or affiliated to the Vishvavidyalaya ;
 - (e) "Mahavidyalaya" (College) means an institution admitted to the Vishvavidyalaya in accordance with the provisions of this Act and the statutes and includes a Mahavidyalaya managed by the Vishvavidyalaya but does not include a Pathashala or Vidyalyaya whether it is an independent institution or forms part of a Mahavidyalaya as defined herein ;
 - (f) "Pathashala" means an institution for imparting instruction up to Prathama stage ;
 - (g) "prescribed" means prescribed by the statutes made under this Act ;
 - (h) "registered Acharya" means a person possessing the degree of Acharya and registered under this Act ;
 - (i) "Regulations" means the Regulations made by the Vidya Parishad of the Vishvavidyalaya ;
 - (j) "Samsad" (Senate) means the Samsad of the Vishvavidyalaya ;
 - (k) "Statutes" means the Statutes made under this Act ;
 - (l) "Vidyalaya" means an institution for imparting instruction of Madhyama, Shastri or Acharya standard but does not include a Mahavidyalaya ;
 - (m) "Vidya Parishad" (Academic Council) means the Vidya Parishad of the Vishvavidyalaya ;
 - (n) "Vishvavidyalaya" means Shri Jagannath Sanskrit Vishvavidyalaya, Orissa established under this Act.

Incorporation.

3. (1) The first Kuladhipati and Kulapati of the Vishvavidyalaya, and the first members of the Samsad, the Adhishad and the Vidya Parishad and all persons who may hereafter become such officers and members so long as they continue to hold such office or membership, are hereby constituted a body corporate by the name of Shri Jagannath Sanskrit Vishvavidyalaya.

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

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

(4) The Vishvavidyalaya established under this Act shall be deemed to have been incorporated for the purpose, among others, of—

- (a) making provision for giving instruction in such branches of learning as it deems fit ;
- (b) promoting original research ;
- (c) admitting institutions to its privileges ;
- (d) examining students and granting or conferring certificates, diplomas or degrees and other academic distinctions to or on such persons who fulfil the conditions as specified in the Regulations ;
- (e) inspecting the institutions and supervising all matters of education and discipline therein ; and
- (f) controlling the residence and discipline of the students of the Vishvavidyalaya and promoting their physical, mental and moral welfare.

Officers,
teachers and
authorities of
the Vishva-
vidyalaya.

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

- (i) the Kuladhipati (Chancellor) ;
- (ii) the Kulapati (Vice-Chancellor) ;
- (iii) the Kula Sachiva (Registrar) ;
- (iv) the Bittadhikari (Finance Officer) ;
- (v) the Pariksha Niyantaka (Controller of Examination) ;
- (vi) the Upakula Sachiva (Deputy Registrar) ;
- (vii) the Sahayak Kula Sachiva (Assistant Registrar) ; and
- (viii) such other officers as the Statutes may declare to be officers of the Vishvavidyalaya.

(2) The following shall be the teachers of the Vishvavidyalaya, namely:—

- (i) Pracharyas (Professors) ;
- (ii) Upacharyas (Readers) ;
- (iii) Pradhyapakas (Lecturers) ;
- (iv) Shikshakas (Instructors) ; and
- (v) such other teachers as the Statutes may declare to be teachers of the Vishvavidyalaya.

(3) The following shall be the authorities of the Vishvavidyalaya, namely:—

- (i) the Samsad (the Senate) ;
- (ii) the Adhishad (the Syndicate) ;
- (iii) the Vidya Parishad (the Academic Council) ; and
- (iv) such other authorities as the Statutes may declare to be authorities of the Vishvavidyalaya.

The
Kuladhipati.

5. (1) The Governor of Orissa shall be the Kuladhipati of the Vishvavidyalaya.

(2) The Kuladhipati shall, by virtue of his office, be the head of the Vishvavidyalaya and shall, when present, preside at the convocations of the Vishvavidyalaya 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 Kuladhipati.

(4) The Kuladhipati shall decide all disputes with regard to the election of members of the authorities of the Vishvavidyalaya and his decision shall be final.

(5) The Kuladhipati shall have the right to make an inspection or cause an inspection to be made by such person or persons as he may direct, of the Vishvavidyalaya, its buildings, laboratories, workshops and equipment and any institution associated with the Vishvavidyalaya and also of any examination, teaching or other work conducted or done by the Vishvavidyalaya and to make an enquiry or cause an enquiry to be made in like manner in respect of any matter connected with the Vishvavidyalaya and in every such case, he shall give notice to the Kulasachiva of his intention to make an inspection or enquiry or to cause an inspection or enquiry to be made in which the Vishvavidyalaya shall be entitled to be represented.

(6) The Kuladhipati may, with reference to the result of such inspection or enquiry direct the concerned authority or authorities of the Vishvavidyalaya or the Kulapati, as the case may be, to take such remedial measures as he deems necessary within such period as he may fix in that behalf.

(7) The concerned authority or authorities of the Vishvavidyalaya or the Kulapati as the case may be, shall report to the Kuladhipati 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 Kuladhipati within the period fixed by him under sub-section (6):

Provided that where the report is to be made by the Adhishad, Vidya Parishad or the Kulapati, it shall be submitted through the Samsad which may express its opinion thereon.

(8) If the concerned authority or the Kulapati, as the case may be, fails to comply with the direction issued by the Kuladhipati within the period fixed under sub-section (6), or within such further period as the Kuladhipati may allow in that behalf, the Kuladhipati may take such remedial measures as he deems proper.

(9) The Kuladhipati may, by order in writing, annul any proceeding of the Samsad, Adhishad, Vidya Parishad or any other authority which is not in conformity with this Act and the Statutes:

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

(10) The Kuladhipati may, by an order and for reasons to be recorded in writing postpone for a period not exceeding four months the holding of elections to the Samsad, Adhishad or Vidya Parishad.

The
Kulapati.

6. (1) The Kulapati shall be a whole-time officer of the Vishvavidyalaya and shall be appointed by the Kuladhipati from a panel of three names recommended by a Committee from among persons who are not members of the Committee :

Provided that if the Kuladhipati is of the opinion that none of the persons so recommended is suitable for appointment as Kulapati or none of the persons so recommended is willing to accept the appointment as Kulapati, the Kuladhipati may call for fresh nomination of a panel of three more names and in such a case he shall appoint one from the panel. If, however, none of them is also willing to accept the appointment, the Kuladhipati may nominate a person of competence, ability and character to hold the office of Kulapati.

(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 Kuladhipati and the remaining member shall be elected by the Adhishad and the Kuladhipati shall appoint one of the members to be the Chairman of the Committee.

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

(a) a member of any of the authorities of the Vishvavidyalaya ; or

(b) an employee of the Vishvavidyalaya or of any institution.

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

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

(6) The term of office of the Kulapati shall be three years from the date of his appointment and any person holding such office shall, subject to the provisions contained in sub-section (1), be eligible for reappointment :

Provided that no person shall be appointed as Kulapati for more than two terms.

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

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

(9) In case the office of the Kulapati falls vacant due to any other reason, the vacancy shall be filled in the manner specified in sub-section (1) and the person appointed to fill such vacancy shall hold office and shall be eligible for reappointment in accordance with the provisions contained in sub-section (6) :

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

(10) The executive authority of the Vishvavidyalaya shall vest in the Kulapati.

(11) The Kulapati shall, when present, preside at the meetings of the Samsad and at every meeting of any other authority of which he is a member and in the absence of the Kuladhipati shall also preside at a Convocation of the Vishvavidyalaya.

(12) The Kulapati shall be paid a salary of three thousand rupees per month and shall be entitled to a rent-free furnished quarters.

(13) Subject to availability of funds in the budget, the Kulapati shall have power to sanction expenditure up to ten thousand rupees on any single item during the course of a financial year and shall make a report of all such expenditure to the Adhishad at the earliest opportunity:

Provided that the Kulapati shall, before sanctioning the expenditure, obtain the opinion of the Bittadhikari.

(14) If the Kulapati 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 Vishvavidyalaya, 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 Kulapati the matter shall be referred to the Kuladhipati whose decision thereon shall be final:

Provided that if the matter involves any financial transaction, the Kulapati shall, before passing such order or taking such decision, obtain the opinion of the Bittadhikari

(15) The Kulapati shall review the performance of teachers and officers of the Vishvavidyalaya annually and submit a report thereon to the Kuladhipati.

(16) The Kulapati shall have power to require the teachers of different institutions to report to him about the conduct of examinations and also the power to give such directions to the officers in charge of the examinations as he deems necessary.

(17) The Kulapati shall, at least once in a year, inspect the institutions.

(18) Notwithstanding anything contained in the foregoing sub-sections, the Kuladhipati shall appoint such person as he deems fit to be the first Kulapati of the Vishvavidyalaya newly established under this Act, and the person so appointed shall hold office for such period, not exceeding two years, and subject to such terms and conditions as the Kuladhipati may fix in that behalf.

(19) If at any time upon representation made or otherwise and after making such enquiry as may be deemed necessary, it appears to the Kuladhipati that the Kulapati—

- (i) has made default in performing any duty imposed on him, by or under this Act, or
- (ii) has acted in a manner prejudicial to the interests of the Vishvavidyalaya, or
- (iii) is incapable of managing the affairs of the Vishvavidyalaya;

the Kuladhipati may, notwithstanding the fact that the term of office of the Kulapati has not expired, by an order in writing stating the reasons therein, require the Kulapati to relinquish his office from such date as may be specified in the order.

(20) No order under sub-section (19) shall be passed unless the particulars of the grounds on which such action is proposed to be taken are communicated to the Kulapati and he is given a reasonable opportunity of showing cause against the proposed order.

(21) As from the date specified in the order under sub-section (19) the Kulapati shall be deemed to have relinquished the office and the office of the Kulapati shall fall vacant.

7. (1) The Kulasachiva shall be appointed by the Kuladhipati. He shall be a whole-time officer of the Vishvavidyalaya and shall act as Secretary to the Samsad, the Adhishad and the Vidya Parishad.

(2) The Kulasachiva shall—

- (a) manage the properties and investments of the Vishvavidyalaya;
- (b) remain in custody of the properties and funds of the Vishvavidyalaya;
- (c) remain in custody of the records, the common seal and such other property of the Vishvavidyalaya as the Kulapati shall commit to his charge;
- (d) sign all contracts made on behalf of the Vishvavidyalaya;
- (e) subject to the control of the Kulapati, be the head of the Vishvavidyalaya office;
- (f) exercise and perform such other powers and duties as may be prescribed by the Statutes or the Regulations and as may, from time to time, be assigned to him by the Samsad, the Adhishad or the Vidya Parishad; and
- (g) generally render such assistance to the Kulapati as may be required by him.

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

The Bitadhikari,

8. (1) There shall be a Bittadhikari for the Vishvavidyalaya and he shall be appointed by the Kuladhipati in consultation with the State Government from among the Class I officers of the Orissa Finance Service. His salary and allowance shall be paid by the Vishvavidyalaya. He shall—

- (a) be responsible for the proper investment of the funds of the Vishvavidyalaya;
- (b) exercise general supervision of such funds;
- (c) tender advice with regard to financial transactions of the Vishvavidyalaya;
- (d) be responsible to the Kulapati for preparation and presentation of the annual financial estimates and statements of accounts for presentation by the Kulapati;
- (e) ensure that all moneys are expended for the purposes for which they are granted or allotted by the appropriate authority;
- (f) examine the statements of accounts of the Mahavidyalayas managed by the Vishvavidyalaya and submit a report on such examination to the Adhishad, and
- (g) exercise such other powers and perform such other functions as may be prescribed.

(2) The Bittadhikari shall be responsible to the Kulapati for ensuring that no expenditure not authorised in the budget is incurred by the Vishvavidyalaya otherwise than by way of investments and shall disallow any expenditure which contravenes the terms of any regulation or for which provision is required to be made but has not been made.

(3) He shall have the right to speak in and otherwise take part in the proceedings of the Adhishad as and when required, and in all such cases his advice will be recorded in the proceedings of the Adhishad, but he shall not be entitled to vote.

(4) His advice on all financial matters shall be taken before they are given effect to and wherever a decision is taken to the contrary, it shall be reported to the Kuladhipati whose decision thereon shall be final.

The Samsad

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

Ex officio Members—

- (a) the Kulapati ;
- (b) the Director of Public Instruction, Higher Education ;
- (c) the Director of Public Instruction, Schools ;
- (d) the Officer-in-charge of Ayurvedic studies in the State, if any ;
- (e) the President of the Board of Secondary Education, Orissa;
- (f) the Superintendent, Sanskrit Studies, Orissa ;
- (g) the Advocate-General, Orissa;
- (h) the Pradhanacharyas (Principal) of the Mahavidyalayas managed by or affiliated to the Vishvavidyalaya;

Nominated Members—

- (i) two members to be nominated by the Kuladhipati from among persons having special knowledge in oriental subjects;
- (j) one member to be nominated by the Kuladhipati from among the Presidents and Secretaries of each of the recognised Sanskrit Associations of the State;

(k) three students to be nominated by the Kulapati from among the students who have shown outstanding performance in all or any of the following activities out of whom at least one shall be a lady student :—

(i) academic pursuits;

(ii) cultural activities;

(l) one member to be nominated by the Kuladhipati from the otherwise unrepresented interests;

Elected Members—

(m) such number of members elected by the Pradhanacharyas and Heads of affiliated Vidyalayas from among themselves as may be fixed by the Kuladhipati so that the number is, as nearly as may be, one-fourth of the total number of the Mahavidyalayas and Vidyalayas;

(n) ten members to be elected from among themselves by the Pracharyas and Upacharyas of the Mahavidyalayas and of the teaching departments of the Vishvavidyalaya;

(o) such number of members elected by the Heads of Pathashalas from among themselves as may be fixed by the Kuladhipati, so that the number is, as nearly as may be, one-tenth of the total number of such Pathashalas;

(p) representatives of registered teachers of institutions [other than the categories mentioned in clauses (m), (n) and (o)] at the ratio of one for every seven affiliated institutions and one more when the residual fraction exceeds three, to be elected from amongst themselves by the said registered teachers of affiliated institutions of the Vishvavidyalaya;

(q) five members to be elected from among themselves by the registered Acharyas who are not teachers of any affiliated institution and have no financial interest with the Vishvavidyalaya, either directly or indirectly, one of whom, where available, may be a woman;

(r) two persons to be elected by the Vidya Parishad from among its members;

(s) two persons to be elected by the Orissa Legislative Assembly from among its members;

Members for Life—

(f) Any person who makes a donation of fifty thousand rupees or more in favour of the Vishvavidyalaya.

(2) The terms of office of the members of the Samsad other than the *ex officio* members and members for life, shall be five years:

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

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

(a) sanctioning the budget of the Vishvavidyalaya;

(b) determination of the degrees and diplomas to be granted by the Vishvavidyalaya;

(c) making provision for research and for advancement and dissemination of knowledge;

(d) consideration of the annual report and the annual financial estimates and to make such recommendations thereon as it deems fit;

(e) reviewing the actions taken by the Adhishad and to make such recommendations thereon as it deems fit and it shall be the duty of the Adhishad to take appropriate action in pursuance of such recommendations ;

(f) to propose to the State Government new Statutes or amendment or repeal of any of the Statutes either of its own motion or on the recommendation of the Adhishad ; and

(g) to exercise the powers of the Vishvavidyalaya not otherwise provided for,

(4) Notwithstanding anything contained in this Act, for the purpose of constituting the Samsad for the first time, the members referred to in clauses (m) to (s) of sub-section (1) shall be nominated by the Kuladhipati, so far as may be, from among persons belonging to the categories specified in the said clauses respectively and the members so nominated shall hold office for a period of two years.

The Adhishad.

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

Ex officio Members—

- (a) the Kulapati ;
- (b) the Director of Public Instruction, Higher Education ;
- (c) the Pradhanacharya of the Mahavidyalaya managed by the Vishvavidyalaya ;

Other Members—

- (d) one Pracharya from Post-graduate Departments of the Vishvavidyalaya who is a member of the Samsad elected by the Samsad ;
- (e) two Pradhanacharyas of Mahavidyalayas who are members of the Samsad elected by the Samsad ;
- (f) one teacher-member of the Samsad, other than Pradhanacharyas and Pracharyas elected by the Samsad ;
- (g) one member of the Samsad from among the registered Acharyas elected by the Samsad ; and
- (h) one person to be nominated by the Kuladhipati from among persons of eminence in the field of oriental studies.

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

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

- (a) appointment of members of the Faculties and Board of Studies and determination of the procedure to be followed in the conduct of business of the said Faculties and Boards and the quorum required at the meetings thereof
- (b) appointment of examiners and determination of their remuneration, duties and powers ;
- (c) award of scholarships and prizes ;
- (d) prescription of text-books for the different courses of studies ;
- (e) imposition of punishments for malpractice by examinees and misconduct of students ;
- (f) control of examinations ;
- (g) supervision and annual inspection of institutions affiliated to the Vishvavidyalaya ;
- (h) determination of the standard of instruction and in particular whether the standard laid down by the Vidya Parishad shall be raised or lowered to bring it in conformity with the degrees or examinations concerned ;
- (i) preparation of the annual report, a report on annual inspection and the annual budget and submission thereof to the Samsad ;
- (j) management of funds and properties of the Vishvavidyalaya

(4) The Adhishad may delegate such of its functions and powers to the Kulapati as it deems necessary.

(5) Notwithstanding anything contained in this Act, for the purpose of constituting the Adhishad for the first time, the members referred to in clauses (d) to (g) of sub-section (1) shall be nominated by the Kuladhipati, so far as may be, from among persons belonging to the categories specified in the said clauses respectively and the members so nominated shall hold office for a period of two years.

The Vidya Parishad.

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

Ex officio Members :—

- (a) the Kulapati ;
- (b) the Director of Public Instruction, Higher Education ;
- (c) the Officer in charge of Ayurvedic Studies, if any ;
- (d) the President, Board of Secondary Education, Orissa ;
- (e) the Heads of Departments of the Vishvavidyalaya ;
- (f) the Pradhanacharyas of the Mahavidyalayas ;

Other Members :—

- (g) ten Heads of the Vidyalayas nominated by the Kulapati by rotation for a period of one year ;
- (h) five Heads of the Pathashalas nominated by the Kulapati by rotation for a period of one year ;
- (i) two persons of academic eminence nominated by the Kuladhipati ;
- (j) not more than ten teachers of institutions to be co-opted as members by the Vidya Parishad as the Parishad may consider adequate.

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

Powers of the Vidya Parishad.

12. (1) The Vidya Parishad shall, subject to the provisions of this Act, and the Statutes, have power to make Regulations prescribing all courses of studies and curricula, have general control of teaching in the institutions and shall be responsible for the maintenance of standards of instruction.

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

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

- (a) to advise the Adhishad on all academic matters ;
- (b) to determine the standard of proficiency to be required for ordinary degrees ;
- (c) to determine whether any new subject of instruction shall be included in the curriculum of any institution or whether any subject shall be omitted therefrom ;
- (d) to formulate, modify or revise schemes for the constitution or reconstitution of departments of teaching ;
- (e) to make regulations relating to courses, examinations and the conditions subject to which students shall be admitted to examinations for degrees of the Vishvavidyalaya ;
- (f) to make proposals to the Adhishad for the institution of posts of Pracharyas, Upacharyas, Pradhyapakas and Sikshakas or other teaching posts and in regard to the duties and emoluments thereof ;

- (g) to call for reports from the persons engaged in research and to make recommendations to the Adhishad thereon ;
- (h) to control and manage the Vishvavidyalaya library or libraries, to frame rules regarding its or their use and to appoint a Library Committee or Committees ;
- (i) to recognise on such conditions as may be prescribed, the degrees, diplomas and certificates granted by other Universities or Vishvavidyalayas and institutions of higher learning and accord such recognition on reciprocal basis wherever applicable ; and
- (j) to decide the conditions under which exemption relating to admission of students to examinations may be given.

Registration of teachers and Acharyas.

13. Subject to the Statutes made in that behalf, any Acharya of the Vishvavidyalaya and any teacher of an institution shall, on payment of such fees and subject to such conditions as may be prescribed, be entitled to register himself as a registered Acharya or, as the case may be, registered teacher of the Vishvavidyalaya :

Provided that any Acharya of any Vishvavidyalaya established under any law, or of any recognised learned Association, ordinarily residing in the State of Orissa shall on payment of the prescribed fees, be entitled to register himself as a registered Acharya of the Vishvavidyalaya.

Explanation—The expression 'ordinarily residing' for the purpose of this proviso shall mean one who has resided for a total period of one hundred and eighty days during the year immediately preceding the date of payment of fees.

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

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

Filling of casual vacancies.

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

Proceedings of Vishvavidyalaya and bodies not invalidated by vacancies, etc.

16. No act or proceeding of any authority, committee or body of the Vishvavidyalaya shall be invalid merely by reason of—

- (a) any vacancy therein or any defect in the constitution thereof; or
- (b) any defect in the election, nomination or appointment of a person acting as a member thereof; or
- (c) any irregularity in its procedure not affecting the merits of the case.

Affiliation of educational institutions as Mahavidyalaya, Vidyalaya and Pathashalas.

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

- (a) it is an institution recognised by Government for imparting instruction of the required stage ;
- (b) concurrence of Government to the proposal has been obtained ;
- (c) the admission of the institution as a Mahavidyalaya, Vidyalaya or Pathashala, on an application made in that behalf and after the Adhishad has recorded its opinion thereon, been approved by the Samsad ; and
- (d) all provisions of the statutes relating to admission of educational institutions as Mahavidyalaya, Vidyalaya or Pathashala have been substantially complied with.

Exclusion of institutions from privileges of the Vishvavidyalaya.

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

(2) The Adhishad, shall after giving the Governing Body or Managing Committee of the institution a reasonable opportunity of stating its objections to the proposal, consider the proposal and transmit a copy of its proceedings along with a copy of the objections filed by them to the Samsad.

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

Provided that where the Samsad decides to deprive an institution, either in whole or in part of its privileges, it shall transmit a copy of its proceedings along with a copy of the proceedings of the Adhishad to the Kuladhipati who shall have power to rescind or modify the order of the Samsad.

Termination of privileges granted by other Universities to educational institutions.

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

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

20. (1) The Kulasachiva, Upakulasachiva and the Pariksha Nyantraka shall be appointed by the Kuladhipati on the recommendation of a Committee consisting of the Kulapati, the Director of Public Instruction or his nominee not below the rank of an Additional Director of Public Instruction and one member to be elected by the Adhishad from among the remaining members thereof:

Provided that the Kuladhipati shall appoint any person whom he deems fit to be the first Kulasachiva of the Vishvavidyalaya established under this Act and the person so appointed shall hold office for such period, not exceeding two years and subject to such terms and conditions as the Kuladhipati may fix in that behalf.

(2) All other officers of the Vishvavidyalaya, except the Bittadhikari, shall be appointed by the Kulapati on the recommendation of a Selection Committee consisting of the Director of Public Instruction or his nominee not below the rank of an Additional Director of Public Instruction, the Kulasachiva, one member to be elected by the Adhishad from amongst the remaining members thereof and two experts appointed by the Kulapati, wherever necessary.

(3) The Pracharyas, Upacharyas and Pradhyapakas of the Vishvavidyalaya shall be appointed by the Kuladhipati from a panel of names of suitable persons prepared by a Committee consisting of—

- (a) the Kulapati ;
- (b) the Director of Public Instruction, Orissa or his nominee not below the rank of an Additional Director of Public Instruction;
- (c) three experts appointed by the Kulapati out of a panel of five name recommended by the Adhishad; and
- (d) one member to be elected by the Adhishad from among the remaining members thereof.

(4) In addition to the Kulapati one out of the three experts and one out of the remaining members shall form the quorum at a meeting of the Committee referred to in sub-section (3):

Provided that eminent scholars including retired persons may be appointed by the Chancellor on the recommendation of the Adhishad by negotiation on contract basis.

(5) Subject to the statutes, if any prescribed in that behalf, the employees of the Vishvavidyalaya, other than those specified in the preceding sub-section, shall be appointed by the Kulapati.

Creation of posts.

21. (1) The posts of officers (other than the Kuladhipati and the Kulapati), teachers and other employees of the Vishvavidyalaya shall be created by the Kulapati with the concurrence of the State Government and their scales of pay and allowance shall be determined by the State Government from time to time.

(2) Creation of all posts referred to in sub-section (1) shall be in accordance with the yard-stick approved by the State Government. In the absence of any prescribed yard-stick, the yard-stick for the corresponding posts under the State Government shall be followed.

Audit of Accounts.

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

Statutes

23. (1) Subject to the provisions of this Act, the statutes—

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

(a) the procedure to be followed for the election of members of the different authorities of the Vishvavidyalaya ;

(b) matters relating to registration of Acharyas and of teachers and maintenance of registers thereof ; and

(c) the procedure to be followed at the meeting of the Samsad, Adhishad and the Vidya Parishad and the quorum required therefor ; and

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

(a) the constitution, powers and duties of the Faculties, Boards of Studies Bitta Samiti (Finance Committee) or such other authorities or bodies as the Vishvavidyalaya may, from time to time, deem necessary to appoint ;

(b) the constitution and functions of Managing Committees or Governing Bodies of affiliated institutions ;

(c) the admission of educational institutions as affiliated institutions and the withdrawal of privileges of affiliated institutions so admitted ;

(d) the admission of students to the Vishvavidyalaya and their examinations ;

(e) the residential arrangements for students of the Vishvavidyalaya ;

(f) the mode of appointment and duties of examiners ;

(g) the conferment and withdrawal by the Vishvavidyalaya of degrees diplomas, certificates and other academic distinctions ;

(h) the general discipline and control of the Vishvavidyalaya ;

(i) the accounts to be kept and the use to be made of the funds of the Vishvavidyalaya ;

(j) manner of recruitment of officers (other than the Kulapati), teachers and other employees and conditions of their services ;

(k) powers and duties of the officers, teachers and other employees of the Vishvavidyalaya ;

(l) rules to regulate the conduct of the Vishvavidyalaya employees ;

(m) inspection of institutions ; and

(n) any other matter which has to be or may be prescribed under this Act.

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

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

(4) The State Government may from time to time make new or additional Statutes or may amend or repeal the Statutes.

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

(6) Every such proposal as is referred to in sub-section (5) and accepted by the Samsad shall be forwarded to the State Government for their consideration.

Regulations

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

- (a) encouragement of co-operation and reciprocity among the institutions of the Vishvavidyalaya ;
- (b) admission of students to the Vishvavidyalaya and prescribing the examinations to be recognised as equivalent to the examinations held by the Vishvavidyalaya ;
- (c) courses and examinations and the conditions subject to which students of institutions shall be admitted to examinations for the degrees, diplomas and certificates of the Vishvavidyalaya ;
- (d) granting of exemptions relating to the admission of students to examinations;
- (e) management of the libraries of the Vishvavidyalaya ;
- (f) constitution of departments of teaching ; and
- (g) welfare of students of the institutions.

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

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

25. The Vishvavidyalaya shall have a fund called the General Fund to which the shall be credited:—

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

Foundation Fund.

26. (1) The Vishvavidyalaya shall have a fund called the Foundation Fund,

(2) The Foundation Fund shall consist of—

- (a) any contributions to the Fund which may be made by the State Government, any local authority or other public body or by any other Government or persons ; and
- (b) any contribution to the Fund which may be made by the Vishvavidyalaya.

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

(4) The corpus of the Foundation Fund shall be kept in tact but the interest thereon may be utilised for purposes of the Vishvavidyalaya.

Constitution
of other
Funds.

27. The Vishvavidyalaya shall have such other funds and maintain such accounts as the Adhishad may determine.

Removal
from
membership
and
withholding
of degrees.

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

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

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

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

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

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

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

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

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

(a) on resignation in writing addressed to the Kulapati; or

(b) if he absents himself from three consecutive meetings of the Samsad, Adhishad or Vidya Parishad as the case may be; or

(c) if he acquires, directly or indirectly, by himself or by any other person any pecuniary interest in any contract or employment in or on behalf of the Vishvavidyalaya or becomes an officer in any company registered under the Companies Act, 1956, which has any such interest and if the Kuladhipati in consultation with the Samsad considers that on the grounds aforesaid the membership shall be terminated:

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

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

Disqualifica-
tion.

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

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

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

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

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

Explanation—For the purposes of this clause the expression 'term' shall include 'part of a term'.

Supersession
of authorities
and taking
over Manage-
ment.

30. (1) If the State Government, after making such enquiry as they deem fit, are satisfied that the management of the Vishvavidyalaya has not been or cannot 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 Vishvavidyalaya that the administration of the Vishvavidyalaya is not likely to promote its objective, they may, after consultation with the Kuladhipati, by an order notified in the Gazette (hereinafter referred to as the 'notified order') take over the management of the affairs of the Vishvavidyalaya and appoint an officer to be the Prashasaka (Administrator) of the Vishvavidyalaya.

(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 Vishvavidyalaya 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 Kuladhipati, 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 Samsad, the Adhishad and the Vidya Parishad shall be deemed to have been superseded and the members thereof holding office immediately before issue of the notified order shall be deemed to have vacated their offices as such;
- (b) the offices of the members of the Samsad for life shall remain in abeyance during the operation of the notified order ;
- (c) the Kulapati shall be deemed to have vacated his office as such ;
- (d) the powers and functions of the said authorities and of the Kulapati shall during the operation of the notified order, be exercised and performed by the Prashasaka;
- (e) the Prashasaka shall for the purpose of signing the diplomas granted by the Vishvavidyalaya, be designated as the Kulapati;
- (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 Vishvavidyalaya shall deliver the property, books documents and other papers to the Prashasaka or to such person as may be authorised by him 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 Prashasaka shall take all necessary steps for the reconstitution of the Samsad, the Adhishad and the Vidya Parishad and for the appointment of Kulapati so that the members of the said authorities and the Kulapati can assume office upon the expiry of the notified order.

(7) All elections and nominations necessary for the purpose of reconstitution of the said authorities or for the purpose of appointment of Kulapati 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.

Act to over-
ride other
laws.

31. Save as otherwise provided, the provisions of this Act shall have effect notwithstanding anything to the contrary in any other Act, rule or regulations.

Removal of
doubts and
difficulties.

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

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

Repeal and
savings.

33. (1) The Jagannath Sanskrit Vishvavidyalaya Ordinance, 1981 is hereby repealed, Orissa Ordinance No 3 of 1981

(2) Notwithstanding such repeal, anything done or any action taken, including any order made, notification issued, direction given or Statutes framed, under the said Ordinance shall be deemed to have been done, taken, made, issued, given or framed, as the case may be, under the corresponding provisions of this Act.