

THE UTKAL UNIVERSITY ACT, 1943

(6th August 1943)

AN ACT TO ESTABLISH AND INCORPORATE
A UNIVERSITY IN ODISHA.

WHEREAS it is expedient to establish and incorporate a University in the Province of Orissa to be known as the Utkal University ;

It is hereby enacted as follows :—

Short title and commencement.

1. (1) This Act may be called the Utkal University Act, 1943.

(2) This section shall come into force at once. The rest of this Act shall come into force on such date or dates as the Provincial Government may, by notification in the Gazette, appoint, and different dates may be appointed for different provisions of this Act.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context—

“Academic Council” means the Academic Council of the University ;

“College” means an institution admitted to the University in accordance with the provisions of this Act and the Statutes and does not include a school, whether it is an independent institution or forms a part of a “College” as defined herein ;

“Senate” means the Senate of the University ;

“Syndicate” means the Syndicate of the University ; and

“University” means the Utkal University.

Incorporation.

3. (1) The first Chancellor, Pro-Chancellor and Vice-Chancellor of the University, and the first Fellows of the

Senate, and all persons who may hereafter become such officers or Fellows, so long as they continue to hold such office or Fellowship, are hereby constituted a body corporate by the name of the Utkal University.

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

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

Authorities and officers of the University.

4. The following shall be the authorities and officers of the University :—

- (i) the Chancellor;
- (ii) the Pro-Chancellor;
- (iii) the Vice-Chancellor;
- (iv) the Senate;
- (v) the Syndicate;
- (vi) the Academic Council;
- (vii) the Registrar; and
- (viii) such other authorities and officers as the Statutes may declare to be authorities or officers of the University.

The Chancellor.

5. (1) The Governor of Orissa for the time being shall be the Chancellor.

(2) The Chancellor shall, by virtue of his office, be the head of the University, and shall, when present, preside at Convocation of the University convened for the purpose of conferring degrees and for other purposes.

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

(4) The Chancellor shall finally decide any dispute with regard to the election of any person to be a Fellow of the Senate or member of the Syndicate or member of the Academic Council.

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

(6) The Chancellor may, by order in writing, annul any proceeding of the University, which is not in conformity with this Act and the Statutes:

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.

The Pro-Chancellor. 6. (1) The Pro-Chancellor shall be appointed by the Chancellor, and shall hold office for three years from the date of his appointment, on the expiration of which period he may be reappointed from time to time, provided that no such reappointment shall be for a longer period than two years.

(2) The Pro-Chancellor shall preside at the meetings of the Senate, if he is present.

(3) When the Chancellor is incapable of acting as such due to absence or any other cause, the Pro-Chancellor shall exercise all the powers and perform all the duties of the Chancellor.

The Vice-Chancellor.

7. (1) The Vice-Chancellor shall be appointed by the Chancellor from a panel of three persons recommended by the Senate and shall hold office for three years from the date of his appointment, on the expiration of which period he may be reappointed from time to time, provided that no such reappointment shall be for a longer period than two years.

(2) The Vice-Chancellor may either be an honorary officer or be paid such salary as may be fixed by the Senate.

(3) The Vice-Chancellor shall preside at a meeting of the Senate, when the Pro-Chancellor is not present, and at every meeting of any other University authority of which he is a member, and at Convocation of the University when the Chancellor and the Pro-Chancellor are not present.

(4) The Vice-Chancellor shall appoint and control every servant of the University whose aggregate emoluments do not exceed two hundred rupees per mensem.

(5) The Vice-Chancellor shall have the right of visiting and inspecting the colleges.

The Senate.

8. (1) The Senate shall include the following *ex officio* Fellows, namely :—

- (i) the Pro-Chancellor ;
- (ii) the Vice-Chancellor ;
- (iii) the Director of Public Instruction, Orissa ;
- (iv) the Director of Health, Orissa ;
- (v) the Advocate-General, Orissa ;
- (vi) the Principals of colleges ; and
- (vii) the University Professors, if any.

(2) The first Senate shall consist of the *ex officio* Fellows hereinbefore referred

to and fifty other Fellows to be nominated by the Chancellor and to hold office for such period as may be prescribed by the Statutes.

(3) Upon the expiration of the period of office of the nominated Fellows of the first Senate mentioned in sub-section (2), the next and every succeeding Senate shall consist of the *ex officio* Fellows hereinbefore referred to and the following other Fellows, namely :—

Class I.—Fellows for life—

- (i) Such persons, not exceeding two in number, as may be appointed by the Chancellor on the ground that they have rendered eminent services to the cause of education ; and
- (ii) all persons who have given, whether in one or more instalments, a sum of not less than twenty-five thousand rupees to or for the purposes of the University generally or for any specified purpose or purposes thereof, such specified purpose or purposes being subject to the approval of the Senate.

Class II.—Representative Fellows—

- (i) Eight persons of whom two shall be elected by the Academic Council from among its members and the remaining six shall be elected by the registered teachers of the colleges, of whom two at least shall be elected from and by the registered teachers of each college in which instruction is given to a degree standard and at least one shall be elected from and by the registered teachers of each of the other colleges ;
- (ii) eight registered graduate teachers to be elected in such manner as

may be prescribed by the Statutes from and by the registered graduate teachers of schools in which instruction is given to a standard prescribed by the Statutes ;

- (iii) one lady registered graduate to be elected from and by the lady registered graduates ;
- (iv) fourteen registered graduates to be elected from and by the registered graduates of whom ten at least shall be non-officials, that is, persons who are not whole-time salaried servants of the Government ;
- (v) two persons to be elected by such learned societies and other associations as the Chancellor may direct ;
- (vi) three persons to be elected from among themselves by the members of the Orissa Legislative Assembly :

Provided that the elections under sub-heads (i) and (iv) shall be made subject to such conditions as to the representation of all the Faculties of the University, and the elections under sub-head (ii) shall be made subject to such conditions as to the representation of particular areas, as may be prescribed by the Statutes.

Class III.—Nominated Fellows—

Seven Fellows to be nominated by the Chancellor of whom not more than three shall be nominated to secure the representation of communities and interests which the Chancellor considers not to be otherwise adequately represented and three at least shall be nominated to represent the Oriya language.

(4) Subject to the provisions of this Act and the Statutes, the Senate shall have the entire management of, and superintendence over, the affairs, concerns and property of the University, and shall exercise all the powers of the University not otherwise provided for.

In particular, and without prejudice to the generality of the foregoing power—

(i) it shall determine—

(a) what degrees and diplomas shall be granted by the University ;

(b) the time in a student's career at which courses shall be taken ;

(c) whether any new subject of instruction shall be included in the curriculum of any college or whether any subject previously taught shall be omitted therefrom on the advice of the Academic Council ;

(d) whether the standard to which instruction is given in any subject shall be raised or lowered ;

(ii) it shall provide for research and the advancement and dissemination of knowledge ;

(iii) it shall pass the Budget and the annual report of the working of the University prepared by the Syndicate ; and

(iv) it shall make Statutes and amend or repeal the same and consider, modify or cancel Regulations.

(5) Save on a reference made to it by not less than four members of the Syndicate jointly, the Senate shall not have power to review any act of the Syndicate duly done in the exercise of its powers

under this Act or the Statutes in respect of any of the following matters, namely :—

- (a) the appointment of members of the Faculties and Boards of Studies, the determination of the procedure of such Faculties or Boards and of the quorum of members required for the transaction of business ;
- (b) the appointment and remuneration of examiners and the determination of their duties and powers ;
- (c) the award of scholarships and prizes ;
- (d) the prescription of text-books for the courses of study ; and
- (e) the general disciplinary control over the students of the University.

The Syndicate.

9. (1) The Syndicate shall include the following *ex officio* members, namely :—

- (i) the Vice-Chancellor ;
- (ii) the Director of Public Instruction, Orissa ; and
- (iii) the Principal of the Ravenshaw College.

(2) The first Syndicate shall consist of the *ex officio* members hereinbefore referred to and eight other members to be nominated by the Chancellor of whom two shall be the Principals of Colleges other than the Ravenshaw College to hold office for such period as may be prescribed by the Statutes ;

(3) Upon the expiration of the period of office of the nominated members of the first Syndicate mentioned in sub-section (2), the next and every succeeding Syndicate shall consist of the *ex officio* members hereinbefore referred to and eight other members to be elected in such manner as may be prescribed by the Statutes, of whom—

- (a) seven shall be elected by the Senate from among its fellows of whom

- (i) three shall be whole-time members of the staff of a college and not more than one shall be elected from any college and one or more shall be elected from colleges located outside the town of Cuttack, and
- (ii) four shall be persons who are not members of the staff of any college or of any school;
- (b) one shall be elected from among themselves by the members of the Academic Council including the ordinary co-opted members but not including any additional members co-opted on special occasions or for any particular purpose.

(4) (i) If an elected member of the Syndicate dies, or resigns, or otherwise ceases to hold office, the Syndicate may appoint to be a member of the Syndicate a person who would be eligible for election to fill the vacancy so caused.

(ii) A person appointed to be a member of the Syndicate under clause (i) shall hold office until the next ordinary meeting of the Senate.

(5) In addition to the matters referred to in sub-section (5) of section 8 the Syndicate shall determine, subject to the provisions of sub-section (4) of the said section and the Statutes, the standard of proficiency to be required for ordinary degrees, shall control the examinations and shall be responsible for the supervision and inspection of the colleges and for the submission of the annual report of the working of the University to the Senate.

The Academic Council.

10. (1) The Academic Council shall include the following members, namely:—

Class I.—*Ex officio* members.

- (i) the Vice-Chancellor,
- (ii) the Director of Public Instruction, Orissa,

(iii) the University Professors, if any, and

(iv) the Principals of colleges.

Class II.—Other members.

Three persons who are not teachers to be elected by the Senate from among its members.

(2) The Academic Council may ordinarily co-opt as members eleven teachers of colleges in accordance with the Regulations and so as to secure such representation as the Council may consider adequate of different branches of learning and of the colleges and, on special occasions or for any particular purpose, may also co-opt such number of additional members as the Council may deem necessary.

(3) Members of the Academic Council, other than *ex officio* members, and additional members co-opted on special occasions or for any particular purpose, shall hold office for a period of three years :

Provided, however, that a member co-opted or elected as a member of a particular body or the holder of a particular appointment shall not, merely by reason of his ceasing to be a member of that body or the holder of that appointment, as the case may be, for a period of less than three months, cease to be a member of the Academic Council.

Powers of the
Academic Council.

11. (1) The Academic Council shall, subject to the provisions of this Act and the Statutes, have the power by Regulations of prescribing all courses of study and of determining curricula and have general control of teaching within the University and be responsible for the maintenance of the standards thereof.

It shall have powers 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.

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

- (a) to advise the Syndicate on all Academic matters ;
- (b) to formulate, to modify or revise schemes for the constitution or reconstitution of departments of teaching ;
- (c) to make regulations relating to courses, examinations and the conditions on which students shall be admitted to examinations for the degrees of the University ;
- (d) to make proposals to the Senate for the institution of Professorships, Readerships, Lecturships, or other teaching posts and in regard to the duties and emoluments thereof ;
- (e) to call for reports from the persons engaged in research and to make recommendations to the Syndicate thereon ;
- (f) to control and manage ^{the} University Library or Libraries, to frame rules regarding its or their use and to appoint a Library Committee or Committees ;
- (g) to make Regulations for the encouragement of co-operation and reciprocity among colleges with a view to promoting academic life ; and
- (h) to decide the conditions under which exemptions relating to the admission of students to examinations may be given.

12. (1) As near as may be one-fifth of the elected Fellows of the Senate shall retire in rotation at the end of each year in accordance with the provisions of the Statutes, and an equal number shall be

Retirement in rotation of Fellows of the Senate.

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elected to fill the vacancies so caused in accordance with the provisions of section 8 of this Act and of the Statutes.

(2) Persons retiring from the Senate under the provisions of sub-section (1), who are also members of the Syndicate, shall simultaneously retire from the Syndicate, and an equal number shall be elected to fill the vacancies so caused in accordance with the provisions of section 9 and of the Statutes.

Proceedings not to be invalidated by casual vacancies.

13. No act or proceeding of any authority or other body of the University shall be invalidated merely by reason of the existence of any casual vacancy or vacancies among its members.

Admission of educational institutions as colleges.

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

- (a) the admission of the institution as a college has, on application made, and after the Syndicate has recorded its opinion on such application, been approved by the Senate; and
- (b) all provisions of the Statutes relating to the admission of educational institutions as colleges have been substantially complied with.

Exclusion of a college from the privileges of the University.

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

(2) The Syndicate shall, after affording the governing body of the college all reasonable facilities for stating its objections to the proposal, consider the proposal and transmit a copy of its proceedings, including a copy of any representation which may be made by such governing body thereon, to the Senate.

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

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

Termination of privileges granted by other Universities to educational institutions in Orissa.

16. Notwithstanding anything in any other law for the time being in force, no educational institution in the Province of Orissa shall, after the commencement of this Act, be associated in any way with or seek admission to any privileges of any University in British India other than the Utkal University, and any such privileges granted by any such other University to any educational institution in that Province prior to the commencement of this Act shall be deemed to be withdrawn on the commencement of this Act :

Provided that any educational institution which, in accordance with the provisions of this section, has been deprived of any such privileges, shall, notwithstanding the provisions of section 14, be deemed to have been granted the like privileges by the Utkal University as may be determined by the Syndicate.

University staff.

17. Save as hereinbefore provided the officers of the University shall be appointed by the Chancellor after considering the recommendations of the Syndicate and the Senate :

Provided that in the case of a person paid from the funds of the University, whose term of appointment does not extend beyond a total period of six months, the appointment shall rest with the Syndicate subject to the sanction of the Chancellor.

Audit of accounts.

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

months, be audited by auditors appointed by the Provincial Government, and a copy of the accounts, together with the auditors' report, shall be published in the official Gazette.

Statutes.

19. (1) Subject to the provisions of this Act, the Statutes—

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

- (a) the election and all matters connected therewith of Representative Fellows of the Senate and so as to include provisions for the adequate representation of all the Faculties of the University among the Fellows to be elected by the registered graduates and by the registered teachers of colleges and for the adequate representation of particular areas among the Fellows to be elected by the registered graduate teachers of schools ;
- (b) the election and all matters connected therewith of the elected members of the Syndicate ;
- (c) the duration of the term of office of the Fellows of the Senate and the members of the Syndicate other than life and *ex officio* Fellows and *ex officio* members ;
- (d) the maintenance, for the purpose of constituting the electorates referred to in sub-heads (i), (ii), (iii) and (iv) of Class II of subsection (3) of section 8, of registers of college teachers, graduate teachers of schools and graduates including, for such period as may be thereby prescribed, graduates of any other University who are ordinarily resident in Orissa, and the conditions subject to which entries may be made therein ;

(e) the procedure to be followed at meetings of the Senate and Syndicate and the Academic Council and the quorum of Fellows or members required to be present for the transaction of business; and

(f) the procedure to be followed for retirement of elected members of the Senate and election of members to fill vacancies in the Senate and Syndicate under section 12; 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, or such other authorities or bodies, as it may be deemed necessary, from time to time, to appoint;

(b) the conditions of appointment and the powers and duties of the officers (other than the Pro-Chancellor) and servants of the University;

(c) the constitution and functions of the governing bodies of the colleges;

(d) the admission of the educational institutions as colleges and the withdrawal of privileges from colleges so admitted;

(e) the admission of students to the University and their examination;

(f) the residential arrangements for students of the University;

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

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

(i) the general discipline and control of the University;

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(j) the accounts to be kept and the use to be made of the funds of the University;

(k) generally for carrying out the provisions of this Act.

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

(3) The Senate may, from time to time, make new or additional Statutes, or may amend or repeal the Statutes.

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

(5) Every new Statute or addition to the Statutes or amendment to, or repeal of, the Statutes shall be submitted to the Provincial Government which may allow it or refer it back to the Senate for reconsideration with an expression of its opinion and, when it is so remitted, the Senate shall reconsider it accordingly and if it is again passed by it with or without amendment, it shall be submitted again to the Provincial Government for consideration which may then allow or disallow it as it thinks fit.

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

Regulations.

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

- (a) the encouragement of co-operation and reciprocity among colleges;
- (b) the admission of students to the University or prescribing the examinations to be recognised as equivalent to University examination;

- (c) the University courses and examinations and the conditions on which students of affiliated colleges shall be admitted to examinations for the degrees and diplomas of the University ;
- (d) the granting of exemptions relating to the admission of students to examinations ;
- (e) the management of the University Library or Libraries ; and
- (f) the constitution of departments of teaching.

(2) All Regulations shall have effect from such date as the Academic Council may direct ; but every Regulation made by the Academic Council shall be submitted as soon as may be to the Senate which shall consider it at its next meeting. The Senate shall have power, by a resolution passed by a majority of not less than two-thirds of the members present at such meeting, to cancel or modify any such Regulation.

Funds of the University.

21. The University shall have a fund to which shall be credited—

- (i) ● its income from fees, endowments and grants, if any ; and
- (ii) ● contributions which may be made by the Provincial Government on such conditions as ~~they~~ may impose towards the development of laboratories, libraries, museums and workshops and the salaries of such teachers of the University as are appointed for research and for the advancement and dissemination of knowledge in particular branches of learning.

Foundation Fund.

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

(2) The Foundation Fund shall consist of—

- (a) the sum of not less than one lakh of rupees which shall be given to it by the Provincial

Government in the course of five years after the coming into force of the Act ;

- (b) any contributions to this fund which may be made by the Provincial Government, any local or other public body or others ;
- (c) any contributions to this fund which may be made by the University.

(3) The Foundation Fund shall be invested, and be kept invested, in securities, issued or guaranteed by the Central Government or by Provincial Governments in British India, and such investments shall not be varied without the consent of the Chancellor.

(4) The corpus of the Foundation Fund shall be kept intact but the interest thereon may be utilized for the purposes of the University.

(5) The expenditure from the revenues of the Province referred to in clause (a) of sub-section (2) shall be expenditure charged on the revenues of the Province.

Constitution of other funds, etc.

23. The University shall have such other funds and maintain such accounts as the Senate may determine.

Appointment of the first Vice-Chancellor.

24. Notwithstanding anything contained in section 7, the Chancellor shall appoint such person as he deems fit to be the first Vice-Chancellor for a period not exceeding one year on such conditions as he considers necessary and [the Vice-Chancellor so appointed may be an honorary or salaried officer as the Chancellor deems fit and, in case he is a salaried officer, he shall be paid such salary as may be fixed by the Chancellor.

Appointment of the first Registrar.

25. Notwithstanding anything contained in section 17 of this Act, the first Registrar shall be appointed by the Chancellor on a salary to be fixed by him for a period not exceeding one year on such conditions as he thinks fit.