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LAW DEPARTMENT NOTIFICATION

The 3rd April 1944

No. 1519-L.—In pursuance of the provision of rule 90 of the Orissa Legislative Assembly Rules, 1937, the following Act of the Orissa Legislative Assembly, having been assented to in His Majesty's name by the Governor on the 31st March 1944, is hereby published for general information :—

ORISSA ACT II OF 1944

THE UTKAL UNIVERSITY (AMENDMENT) ACT, 1944

AN ACT TO AMEND THE UTKAL UNIVERSITY ACT, 1943

WHEREAS it is expedient to amend the Utkal University Act, 1943, in the manner hereinafter appearing ;

Orissa Act
XIII of 1943

It is hereby enacted as follows :—

Short title

1. This Act may be called the Utkal University (Amendment) Act, 1944.

Amendment of section 2, Orissa Act XIII of 1943

2. In section 2 of the Utkal University Act, 1943 (hereinafter referred to as the said Act)—

(i) after the definition of the words "Academic Council" the following definition shall be inserted, namely :—

"'Affiliated institution' means and includes any institution affiliated to the University, whether in whole or in part";

(ii) after the definition of the word 'College' the following definitions shall be inserted, namely :—

"'Registered graduates' means graduates registered under this Act";

"'Registered teachers' means teachers registered under this Act";

"'Registered graduate teachers' means graduate teachers registered under this Act".

Substitution of new section for section 4, Orissa Act XIII of 1943

3. For section 4 of the said Act the following section shall be substituted, namely :—

"4. (1) The following shall be the officers of the University :—

(i) the Chancellor ;

(ii) the Pro-Chancellor ;

(iii) the Vice-Chancellor ;

(iv) the Registrar ; and

(v) such other officers as the Statutes may declare to be the officers of the University.

(2) The following shall be the authorities of the University :—

(i) the Senate ;

(ii) the Syndicate ;

(iii) the Academic Council ; and

(iv) such other authorities as the Statutes may declare to be the authorities of the University."

Amendment
of section 8,
Orissa Act
XIII of 1943

4. In section 8 of the said Act—

(i) for sub-sections (1) and (2) the following sub sections shall be substituted, namely :—
“(1) The Senate shall include the following Fellows, namely :—

(a) *Ex officio* Fellows—

- (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.

(b) 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 lump or in instalments, an amount 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.

“(2) The first Senate shall consist of the Fellows referred to in sub-section (1) and fifty other Fellows to be nominated by the Chancellor. If any vacancy occurs among the said nominated Fellows by death, resignation or any other cause, the same shall be filled by the Chancellor by further nomination of a Fellow to hold office for the remaining portion of the period of office of the nominated Fellows of the first Senate.”

(ii) in sub-section (3)—

(a) for the words “*ex officio* Fellows hereinbefore referred to” the words “Fellows referred to in sub-section (1)” shall be substituted ;

(b) the heading “Class I—Fellows for life” and paragraphs (i) and (ii) thereunder shall be omitted ;

(c) for the heading “Class II—Representative Fellows” the heading “Class I—Elected Fellows” shall be substituted ;

(d) for the heading “Class III—Nominated Fellows” the following heading shall be substituted, namely :—

“Class II—Nominated Fellows”.

(iii) for sub-sections (4) and (5) the following sub-sections shall be substituted, namely :—

“(4) The period of office of the Fellows of the Senate other than *ex officio* Fellows and Fellows for life shall be as may be prescribed by the Statutes :

Provided that an elected Fellow shall on ceasing to be a member of the electorate from which he has been elected thereto, cease to be a Fellow of the Senate and a member of any other authority of the University of which he is a member by virtue of his membership of the Senate.

“(5) Subject to the provisions of this Act and the Statutes, the Senate shall be the supreme governing body of the University, shall have power to review the actions of the Syndicate and of the Academic Council and shall exercise control over the Syndicate in its management of the funds, concerns, property and affairs of the University. It shall also exercise all the powers of the University not otherwise provided for and all powers requisite to give effect to the provisions of the Act. 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 the 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) the standard of instruction and, in particular whether the standard laid down by the Academic Council should be raised or lowered to make it conform to the examination or degree prescribed ;

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

(iii) it shall consider and take such action as it may deem fit on the annual report and annual financial estimates ; and

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

" 6. Notwithstanding anything contained in sub-section (5), the Senate shall not, save on a reference made to it by not less than four members of the Syndicate jointly, 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.

"(7) For the purposes of sub-section (1), a person who has before the commencement of this Act given in one lump sum an amount of not less than twenty-five thousand rupees to the Government of Bihar and Orissa for the purposes of the Ravenshaw College, shall be deemed to be a person who has given such an amount to or for the purpose of the University generally."

5. In section 9 of the said Act—

(i) in sub-section (2), the words "to hold office for such period as may be prescribed by the Statutes" shall be omitted.

(ii) to sub-section (2) as so amended the following sentence shall be added, namely :—

"If any vacancy occurs among the said nominated members by death, resignation or any other cause, the same shall be filled by the Chancellor by further nomination of a member to hold office for the remaining portion of the period of office of the nominated members of the first Syndicate."

(iii) after sub-section (3) the following sub-section shall be inserted, namely :—

"(4) The period of office of the members of the Syndicate other than *ex officio* members shall be as may be prescribed by the Statutes :

Provided that an elected member shall, on ceasing to be a member of the electorate from which he has been elected thereto, cease to be a member of the Syndicate and of any other authority of the University of which he is a member by virtue of his membership of the Syndicate."

(iv) the existing sub-section (4) shall be renumbered as sub-section (5).

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

“(6) The Syndicate shall be responsible for the matters specified in clauses (a) to (e) of sub-section (6) of section 8, for the control of examinations and for supervision and inspection of colleges and affiliated institutions. It shall, subject to the provisions of sub-section (5) of the aforesaid section, determine the standard of proficiency to be required for ordinary degrees and shall, on behalf of and subject to the control of the Senate, manage the funds, concerns, property and affairs of the University and shall prepare and submit to the Senate the annual report and the annual financial estimates.”

Amendment
of section 10,
Orissa Act
XIII of
1943

6. In section 10 of the said Act—

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

“(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 that—

(a) an elected member shall, on ceasing to be a member of the Senate, cease to be a member of the Academic Council and of any other authority of the University of which he is a member by virtue of his membership of the Academic Council ;

(b) a teacher of a college who has been co-opted as a member under sub-section (2), if he ceases to hold such a post of teacher, on the expiry of three months from the date of his so ceasing shall cease to be a member of the Academic Council ;

(c) if a member other than an *ex officio* member or additional member co-opted on a special occasion or for a particular purpose, dies or resigns or otherwise ceases to hold office, a member shall be elected or co-opted as the case may be to fill the vacancy so caused, and shall hold office for the remaining portion of the period of office of the member whose vacancy he fills.”

Amendment
of section
11, Orissa
Act XIII of
1943

7. For the first paragraph of sub-section (1) of section 11 of the said Act, the following paragraph shall be substituted, namely :—

“The Academic Council shall, subject to the provisions of this Act and the Statutes, have power to make Regulations prescribing all courses of study and curricula, shall have general control of teaching in the colleges and shall be responsible for the maintenance of the standards of instruction.”

Amendment
of section
17, Orissa
Act XIII of
1943

8. For the first paragraph of section 17 of the said Act, the following paragraph shall be substituted, namely :—

“The officers of the University mentioned in clauses (iv) and (v) of sub-section (1) of section 4 shall be appointed by the Chancellor after considering the recommendations of the Syndicate and the Senate.”

Amendment
of section
20, Orissa
Act XIII of
1943

9. In clause (c) of sub-section (1) of section 20 of the said Act, the word “affiliated” occurring before the word “colleges” shall be omitted.

Retrospec-
tive
character
of the
amendments

10. The said Act shall be read and construed as if the amendments hereby enacted had formed part of it on and from the date of its commencement.

By order of the Governor
J. E. MAHER
Secretary to Government