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PART XI

Bills introduced into the Legislative Assembly of Orissa, Reports of Select Committees presented or to be presented to that Assembly and Bills published before introduction in that Assembly

LEGISLATIVE ASSEMBLY DEPARTMENT

NOTIFICATIONS

The 19th March 1943

No. 571-L.A.—The following Bill was introduced in the Orissa Legislative Assembly on the 15th of March 1943 :—

**THE BENGAL LAND REVENUE SALES
(ORISSA AMENDMENT) BILL, 1943**

Preamble

WHHEREAS it is expedient to enact certain measures so as to safeguard the rights and privileges of the landlords and tenants in estates sold for arrears of land revenue under Act XI of 1859 ;

It is hereby enacted as follows :—

Short title, extent,
etc.

1. This Act may be called the Bengal Land Revenue Sales (Orissa Amendment) Act, 1943. It shall extend to all the revenue-paying estates in Orissa and shall come into operation on such date as may be declared and notified on that behalf in the *Orissa Gazette*.

Amendment of
section 6

2. (a) In section 6 of the Revenue Sales Act, i.e., Act XI of 1859, hereinafter referred to as 'the Act', the words "if the Government revenue of any estate or share of an estate to be sold exceeds the sum of five hundred rupees" after "And" shall be omitted and after the words "official gazette" in the same sentence the words "and such other local papers as the Collector of the district shall deem fit" shall be added.

(b) In the same section the words "And no payment or tender of payment, made after sunset of the said last day of payment, shall bar or interfere with the sale, either at the time of sale or after its conclusion" shall be omitted.

Amendment of
section 7

3. In section 7 of the Act, the words "which has fallen due after the date of sale" shall be substituted for the words

" which has fallen due after the day fixed for the last date of payment " occurring in the section.

Amendment of section 9

4. After the words "recover the amount of the deposit" the words "together with all penalties and process fee paid by him" shall be added.

Amendment of section 12

5. In section 12 of the Act, the words "shall refer the parties to the Civil Court and shall suspend proceedings until the question at issue is judicially determined" occurring after the word "Collector" shall be omitted and in place thereof the following shall be substituted:—

"shall proceed to hear both parties and apportion the Jama and pass such orders as he may deem equitable:

Provided that where a co-sharer has executed a deed of sale specifying a certain Jama as payable by the purchaser for a specified share or part in a property, no objection by the vendor or his representative in interest regarding such apportionment of the Jama shall be entertained:

Provided also that any party aggrieved by the orders of the Collector may either appeal to the Revenue Commissioner or have his rights determined by an application to the Civil Court."

Amendment of section 23

6. In section 23 of the Act, the following proviso shall be added at the end, namely:—

"Provided that it shall be competent for any person entitled to deposit the arrear of land revenue for which the sale has been held to deposit the same at any time on or before the 30th day of the sale together with a compensation payable to the purchaser not exceeding 5 per cent of the amount deposited by him and the cost of the sale and on such deposit being made the sale shall stand annulled:

Provided also that if more than one person deposits such amount it shall be competent for the Collector to accept the deposit of any particular person according to his discretion and the deposit made by other persons in such a case shall be returned."

Amendment of section 26

7. For section 26 of the Act, the following shall be substituted:—

"It shall be competent for the Collector to annul any sale of an estate on the ground of hardship or on a representation that the sale was not held under the provisions of the Act which on investigation is substantiated or on any other cause which he deems just and proper, in case an application to the above effect together with a tender of all arrears and compensation at 5 per cent of the

purchase money payable to the purchaser and such cost of the sale as the Collector may deem fit is made within sixty days of the date of sale and it shall be competent for the Revenue Commissioner either on appeal from the Collector or otherwise to annul such sale for any reasons he deems just and proper on such condition as he deems equitable."

Amendment of section 17

8. For section 27 of the Act the following shall be substituted :—

" All sales that have not been annulled according to the provisions 23 to 26 of the Act shall be deemed to be final and conclusive on the noon of the 60th day of the date of sale or on the passing of the orders to this effect on any application or appeal made in respect of this sale whichever is later."

Amendment of section 52

9. At the end of section 52 add the following :—

" Provided that all leases of Nijchas or Nijgot or Anabadi lands granted by the defaulting proprietor and all splitting up of tenures or of occupancy lands recognised by the defaulting proprietor in the ordinary course of management shall be recognised by the purchaser who can however in the case of lease claim rent at the village rate or rate specified in the asset of the estate whichever is higher in place of any reduced rent collected by the defaulting proprietor :

Provided also that any dwelling house or tank or garden of the defaulting proprietors will not pass in the sale but that they shall be liable to pay rent for such at equitable rate :

Provided also that the provisions of this section shall apply to all estates sold after April 1937 except in cases where the purchaser has already ejected the defaulting proprietors from their dwelling houses or tanks or gardens and obtained possession thereof."

Amendment of section 58

10. For section 58 the following shall be substituted :—

" When an entire estate is put up for sale for recovery of arrears of revenue thereon, it shall not be sold for less than five times the annual revenue payable for such estate in the case of temporarily settled estates and twenty times the annual revenue payable by permanently-settled estates and if at the time of sale there is no bid covering this amount, the Collector shall postpone the sale to such date as he deems fit and issue a special advertisement regarding the sale of the estate. But at the time of this postponed sale the estate shall be sold to the highest bidder irrespective of any limit :

Provided also that where an entire estate has been sold for less than five

times the annual revenue payable for the estates after April 1937 the defaulting proprietors or their successors or assignees or any one of them shall have the option within ninety days of the date coming into operation of this Act to tender the amount of default and 5 per cent of the purchase money as compensation to the purchaser or deposit the amount as above with the Collector and on such tender or deposit the sale of the estate shall be annulled and the depositor shall be put in possession of the estate :

Provided that in case the purchase money or any part thereof has been withdrawn by any co-sharer or claimant or has been attached by creditor and adjusted to any sum due from the co-sharer by an order of the competent court the whole of such purchase money or part thereof shall have to be tendered and deposited together with compensation as specified above :

Provided also that if more than one person deposits the amount as above the Collector shall investigate into the claims of the different persons and pass such orders as he deems equitable :

Provided also that if the purchaser has built any permanent structures he shall be entitled to recover the value of the same from the defaulting proprietor re-entering on the estate."

STATEMENT OF OBJECTS AND REASONS

This Bill seeks to amend the Revenue Sales Act and to help the landlords to a certain extent by taking away the rigours of the sunset law and to help the tenants by saving them from the rapacity of the new purchasers. The hardship of the landlords who may be unable to meet their revenue obligation is too well known but the hardship of the tenant who has taken lease of land from the outgoing proprietor or has paid heavily to have his holding split up and who is now faced with ruin for no fault of his because the landlord is unable to meet his revenue obligation has also to be recognised and remedied. The Bill does not impose any financial obligation on the Government. The Bill also while removing certain hardship does not endanger or hamper the collection of land revenue.

CUTTACK
The 25th November 1942

SAIYID AHMAD BUKSH
Member-in charge

C. G. NAIR
Secretary, Orissa Legislative Assembly

The 20th March 1943

No. 582-L.A.—The following report of the Select Committee on the Orissa University Bill, 1942 together with the Bill as amended by the Select Committee, is hereby published for general information :—

REPORT OF THE SELECT COMMITTEE ON THE ORISSA UNIVERSITY BILL, 1942

We, the undersigned members of the Select Committee to which the Orissa University Bill, 1942, was referred, have the honour to submit this our Report with a copy of the Bill, as amended by us, annexed.

The Committee held meetings on the 11th January 1943, 2nd February 1943, 3rd February 1943, 4th February 1943, 14th February 1943, 27th February 1943 and 3rd March 1943. The Rev. E. M. Evans and Sri Jagabandhu Sinha, who are also members of the Select Committee, did not attend any of the meetings. The Committee received some letters and communications containing opinions on the provisions of the Bill and proposals for amendment thereof from certain persons and bodies direct and some also through the Secretaries to the Government of Orissa in the Law and Education Departments and the Hon'ble Pandit Godavaris Misra, Minister for Education and member of the Select Committee. The Committee also called for the views of the Director of Public Instruction, Orissa and the Principals of the Ravenshaw College, Cuttack; Training College, Cuttack; Ravenshaw Girls' School, Cuttack; Khallikote College, Berhampur and the Maharaja's College, Parlakimedi, on certain points. All of them, except the Principal of the Ravenshaw Girls' School, Cuttack, sent up memoranda containing their views and they were all present at the meeting of the Committee on the 27th February 1943 and gave the Committee valuable help and information on certain points. The Committee obtained a statement from them on the constitution of the Academic Council and the distribution of powers between the main authorities of the University. The Committee considered all the materials placed before them and examined the provisions of the Bill, clause by clause. The Committee approved the Bill, subject to the additions and alterations made in it which are stated and explained in the following notes.

Preamble—We consider that the University should be known as "The Utkal University". The expression 'Utkal' will make the University more attractive to Oriya residents outside the limits of the Province. It is also ancient and Puranic. The expression 'Orissa University' is, therefore, altered to "Utkal University".

Clause 1—For the reasons already given, the short title should be altered to "The Utkal University Act". As the Act will be passed only this year, it will be of the year 1943. Therefore, the short title is changed to "The Utkal University Act, 1943".

Clause 2—An authority to advise the Syndicate on all academic matters and to have general control of teaching within the University with responsibility for the maintenance of the standards thereof is necessary. We have, therefore, considered it desirable to constitute an Academic Council as an authority of the University. The definition of Academic Council should be inserted in this clause on the lines of the definition of the 'Senate' and the 'Syndicate'. The definition that 'Academic Council means the Academic Council of the University' has, therefore, been inserted in this clause. The definition of 'College' is insufficient. It should be made clear that it does not include a school, whether it is an independent institution or forms part of a college as defined. An addition to this effect has, therefore, been made at the end of the definition of "College". "Regulations" are intended to be applied to those made by the Academic Council only and they are sufficiently explained in the body of the Act. It is unnecessary to have a definition of "Regulations". There is also no necessity for the insertion of any definition of 'Statutes' which are made by the Senate. The definition of "Regulations" has, therefore, been omitted. In the definition of University, the word 'Utkal' has been substituted for 'Orissa'.

Clause 3—In sub-clauses (1) and (2), the word 'Utkal' has been substituted for 'Orissa'. In sub-clause (3), it is not enough to state that the purpose of the University is to promote the mental and physical welfare of the students. It is desirable to provide also that the purpose is to promote the moral and physical welfare. To give effect to this, the words "their mental and physical welfare" have been altered to "their physical, mental and moral welfare" in sub-clause (3).

Clause 4—In view of the constitution of the Academic Council as an authority of the University, Academic Council has been entered as item (vi), the other items being renumbered as (vii) and (viii).

Clause 5—To make the meaning of sub-clause (1) of this clause clear, it has been redrafted as "The Governor of Orissa for the time being shall be Chancellor". In sub-clause (4) it is necessary to provide for the decision of disputes with regard to the election of a member of the Academic Council. That has also, therefore, been included in this sub-clause. In sub-clause (6) the reference to Regulations has been altered to Statutes as the power to annul proceedings contained in it has reference to the Statutes of the Senate.

Clause 6—We consider that the Pro-Chancellor should be appointed by the Chancellor as in the case of certain other Universities and not by the Provincial Government. The words "The Chancellor" has, therefore, been substituted for the words "The Provincial Government".

The Pro-Chancellor should preside at the meetings of the Senate whenever he is present. This has been provided for in sub-clause (2) which has been newly inserted. The existing sub-clause (2) is renumbered as sub-clause (3).

Clause 7—It is desirable that the Vice-Chancellor should be appointed by the Chancellor from a panel of three persons recommended by the Senate and he should be either an honorary officer or be paid such salary as may be fixed by the Senate. Therefore, for the words "by the Provincial Government" the words "by the Chancellor from a panel of three persons recommended by the Senate" have been substituted and a new sub-clause (2) has been inserted to the effect that "The Vice-Chancellor may either be an honorary officer or be paid such salary as may be fixed by the Senate". The existing sub-clauses (2) to (4) have been renumbered as sub-clauses (3) to (5).

The Vice-Chancellor should preside at a meeting of the Senate only if the Pro-Chancellor is absent though he should preside at every meeting of any other University authority. This has been made clear by substituting the words "The Vice-Chancellor shall preside at a meeting of the Senate, if the Pro-Chancellor is absent, and at every meeting of any other University authority of which he is a member" for the words "The Vice-Chancellor shall preside at every meeting of any University authority of which he is a member" in sub-clause (3) as renumbered.

Clause 8—As the Director of Public Instruction, Orissa, will sufficiently represent the Government in the Senate, it is not desirable that the Minister for Education of the Government of Orissa should also be a member of the Senate and, therefore, we have deleted item (iii) in clause (1). As the Chief Justice cannot be expected to be present frequently at the meetings of the Senate, we consider it unnecessary to include him as a member and we have, therefore, deleted item (iv) also. As the intention is obviously that the Director of Health, Orissa, should be a member of the Senate and not the Inspector-General of Prisons, the officer, though holding a combined post, should be present in his capacity as the Director of Health and not as the Inspector-General of Prisons and, therefore, the description of the officer should be confined to "Director of Health, Orissa". The further description "and the Inspector-General of Prisons" in item (vi) has, therefore, been deleted. As the Director of Development is not necessarily required to be an expert, the officer holding the post cannot ordinarily be expected to be an expert and his presence in the Senate is not necessary. We have, therefore, omitted item (vii). It is desirable that the Principals of all Colleges which fall within the definition of "College" in clause 2 should have representation in the Senate *ex officio* and not merely of those institutions in which instruction is given to a degree standard. We have, therefore, omitted the words "in which instruction is given to a degree standard" in item (ix). As items (x) and (xi) are covered by item (ix) as modified above they have been omitted. The various items which have been allowed to stand, with or without modification, have been renumbered accordingly.

It is necessary to widen the field of donors in item (ii) of Class I of sub-clause (3). We have, therefore, reduced the amount fixed in it by substituting "the sum of not less than twenty-five thousand rupees" for the words "the sum of not less than fifty thousand rupees" mentioned therein. It is necessary that the sum mentioned in this item should be given for the purposes of the University generally or for any specified purposes which have the approval of the University and not necessarily for an institution affiliated to the University or for the promotion of Oriental studies. Therefore, the words "generally or for any specified purpose or purposes thereof, such specified purpose or purposes being subject to the approval of the Senate" have been substituted for the words "or of an institution affiliated to the University or for the promotion of Oriental studies".

The Academic Council should have representation in the Senate. The representation of registered teachers in the Senate should, however, be reduced in view of the constitution of the Academic Council. We have, therefore, reduced the number in item (i) of Class II of sub-clause (3) to eight, of whom two will be representatives of the Academic Council and the remaining six will be representatives of registered teachers. The item has been suitably altered. It is desirable to give representation to lady registered graduates generally without confining it to lady registered graduate teachers of certain girls' schools. We have, therefore, recast item (iii) of Class II of sub-clause (3) so as to run as "One lady registered graduate to be elected from and by the lady registered graduates". It is necessary to increase the representation of registered graduates and to secure the representation of non-official registered graduates with a view to avoid domination by officials. We have, therefore, recast item (iv) so as to run as "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". It is preferable to leave the choice of societies and associations requiring representation in respect of both the persons in item (v) of Class II of sub-clause (3) to the discretion of the Chancellor instead of allotting one of the representatives to a specific association. We have, therefore, altered the item to "Two persons to be elected by such learned societies and other associations as the Chancellor may direct". There

is no reason to confine the representation of the members of the Orissa Legislative Assembly to graduates only as in item (vi) and the number two fixed in it is inadequate. We have, therefore, altered this item so as to run as "Three persons to be elected from among themselves by the members of the Orissa Legislative Assembly". The expression "Regulations" in the various items in Class II and the proviso has been altered to "Statutes" as the matter falls within the scope of the powers of the Senate.

In making nominations to the Senate, it is necessary to ensure satisfactory representation of the Oriya language and of communities and interests not otherwise adequately represented. The matter should not be subjected to the control of the Senate. We have therefore, altered Class III of sub-clause (3) so as to run as "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 not otherwise adequately represented and three at least shall be nominated to represent the Oriya language" and omitted "subject to the Regulations".

In sub-clause (4), the expression "Regulations" has been altered to "Statutes" as the Senate is governed by its Statutes. Sub-clauses (b) and (d) in item (i) have been omitted, as those powers should go over to the Academic Council which has been newly constituted and the other sub-clauses have been re-lettered. The power under existing sub-clause (e), which is re-lettered as sub-clause (c), should be exercised by the Senate on the advice of the Academic Council and these words have, therefore, been added at the end. It is necessary that it should be expressly stated that the Senate should provide for research and the advancement and the dissemination of knowledge. We have, therefore, inserted a new item (ii) in sub-clause (4) stating that "it shall provide for research and the advancement and dissemination of knowledge" and renumbered the existing item (ii) as item (iii). The Senate should also pass the Annual Report of the working of the University prepared by the Syndicate and, therefore, the words "and the Annual Report of the working of the University prepared by the Syndicate" have been added at the end of item (iii) as renumbered. The Senate should have the power to make Statutes and amend or repeal the same and to consider, modify or cancel Regulations. A new item to this effect has been added as item (iv).

In sub-clause (5), the reference to 'Regulations' should be to 'Statutes' and the alteration has been made accordingly.

Clause 9—It is sufficient to have the Principal of the Ravenshaw College as a member of the Senate and not the Principal of the Cuttack Training College. Item (iv) of sub-clause (1) has, therefore, been deleted. It is desirable to provide for the nomination of the Principals of two colleges other than the Ravenshaw College and, therefore, we have altered sub-clause (2) by substituting "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" for the words "seven other members to be nominated by the Chancellor to hold office for such period as may be prescribed by the Regulations".

In view of the increase in the number of members in sub-clause (2), the number of members elected by the Senate to the Syndicate should also be similarly increased to eight from seven in sub-clause (3). The word "Regulations" in sub-clause (3) should be altered to "Statutes". In item (b) of sub-clause (3), it is necessary to exclude the Principals of all colleges and schools without limiting it to those only in which instruction up to a particular standard is given, as stated in item (b). We have, therefore, recast item (b) so as to read as "four shall be persons who are not the members of the staff of any college or of any school". The Academic Council should have representation in the Syndicate and, therefore, a new item (c) has been inserted in sub-clause (3) to the effect that one person should be elected from among themselves by the members of the Academic Council.

In sub-clause (5) "Regulations" have been altered to "Statutes" and the words "the courses of study and" have been omitted, as the power to control the courses of study vests in the Council. At the end of the sub-clause, the words "and for the submission of the Annual Report of the working of the University to the Senate" have been inserted, as the duty of submitting such report to the Senate has been cast on the Syndicate.

New clauses 10 and 11—In view of the constitution of the Academic Council as an authority of the University, it is necessary to provide for the composition of the Council and its powers. These new clauses have been inserted accordingly and the other clauses have been renumbered.

Clause 12 (existing clause 10 as renumbered)—The word "Regulations" has been altered to "Statutes" in both sub-clauses wherever it occurs.

Clause 14 (existing clause 12 as renumbered)—We consider that it is sufficient to have the approval of the Senate for the admission of an institution as college and any approval of the Provincial Government is unnecessary. We have, therefore, omitted the words "and the Provincial Government" in sub-clause (a) of this clause. The word 'Regulations' in sub-clause (b) has been altered to 'Statutes'.

Clause 15 (existing clause 13 as renumbered)—It is desirable to provide for a proposal of two members of the Syndicate instead of one only for the exclusion

of a college from the privileges of the University to ensure that the proposal is fairly well-founded. We have, therefore, substituted "any two members" for "any member" in sub-clause (1) of this clause.

We consider that the Senate should have the final decision in the matter of exclusion of a college from the privileges of the University and that there is no reason to refer the proceedings to the Provincial Government, as stated in sub-clause (3). We have, therefore, substituted the words "and shall decide as it thinks fit and its decision shall be final" for the words "and shall, if it approves the same, either with or without modifications, transmit a copy of the proceedings to the Syndicate and all its own proceeding to the Provincial Government".

In view of the deletion of any reference of the proceedings to the Provincial Government, we have omitted sub-clause (4) as unnecessary.

Clause 16 (existing clause 14 as renumbered)—In case an educational institution is deprived of any privileges as stated in the proviso, it is not necessary that it should be granted all the like privileges by the Orissa University. We consider that such "like privileges" as may be determined by the Syndicate alone should be granted to it. We have, therefore, added the words "as may be determined by the Syndicate" at the end of the proviso. We have also altered 'Orissa University' to 'Utkal University'.

Clause 17 (existing clause 15 as renumbered)—Provision has already been made for the appointment of the Pro-Chancellor and the Vice-Chancellor in clauses 6 and 7. It is, therefore, unnecessary to make any express reference to them in this clause. It is enough to say "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". Necessary changes have been made accordingly in this clause.

Clause 19 (existing clause 17 as renumbered)—The word "Statutes" has been substituted for "Regulations" wherever it occurs as the clause refers to those made by the Senate. The Senate should make statutes providing for the procedure to be followed at the meetings of the Academic Council also and therefore the words "and Academic Council" have been inserted after the words "the Senate and Syndicate" in item (e) of sub-clause (1). In sub-clause (f) the reference should be to section 12 and not to section 10 and therefore "section 10" has been altered to "section 12".

It is not necessary to lay down the requirement of previous sanction of the Provincial Government for all new statutes, amendments, etc. Power may, however, be reserved with the Government to sanction them or to remit them for further consideration with necessary suggestions. Provincial Government should not have power to disallow them at the outset but only on resubmission after remitting them, if they do not meet with its approval. To give effect to this view, new sub-clauses (5) and (6) have been drafted as in the Bill in the place of the existing sub-clause (5) which has been omitted.

New clause 20—It is necessary to have a new clause dealing with the regulations to be made by the Academic Council. This sets out what may be provided for by regulations and that the regulations made by the Academic Council should be submitted to the Senate which has power to cancel or modify it by a resolution passed by a majority of not less than two-thirds of the members present at the meeting held for its consideration.

We consider it essential that the University should have (1) a Fund to which should be credited its income from fees, contributions made by the Central or Provincial Government on conditions which they may impose towards development of laboratories, libraries, museums and workshops and the salaries of teachers appointed for research and dissemination of knowledge in particular branches of learning, and (2) a Fund called the Foundation Fund consisting of contribution from the Provincial Government of not less than a lakh of rupees in the course of five years after the coming into force of the Act and of other contributions by any local or public body or by the Provincial or Central Government or by the University. The Foundation Fund should be kept invested in securities issued or guaranteed by the Provincial or Central Government and the investment should not be varied without the consent of the Chancellor. It is necessary that the corpus of the Fund should be kept intact though the interest may be utilised for the purposes of the University. The University should also be enabled to constitute other funds and maintain such accounts as may be determined by the Senate. We have drafted new clauses 21 and 22 to give effect to this decision.

Certain provisions of a transitory nature enabling the Chancellor to appoint the Vice-Chancellor and the Registrar within three months after the passing of the Act are necessary in the interests of the speedy and efficient working of the Act. Such Vice-Chancellor and the Registrar should be appointed for a year on such conditions as the Chancellor thinks necessary. The Vice-Chancellor may be honorary or may be a salaried officer as the Chancellor deems it fit. If he is a salaried officer he may be paid such salary as may be fixed by the Chancellor. The Registrar also should receive such salary as may be fixed by the Chancellor. New sections 24 and 25 have been drafted to give effect to this decision of the Committee.

The Bill was published in the *Orissa Gazette*, dated the 24th October 1942, and we do not consider its republication necessary.

We recommend that the Bill as amended by us be passed. We consider that it is desirable to pass it in this session of the Assembly and, therefore, recommend that the session may be extended by a day or two or as many days as may be necessary, if any such extension of the session be required for the purpose.

* BRAJASUNDAR DAS
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Note of dissent by Sri Brajasundar Das, M.L.A.

Why do we want a University? Certainly not as an ornamental appendage to this tiny Province. The demand for one is old and persistent. But do we want a University, one as is foreshadowed by the Orissa University Committee Report and its necessary concomitant the present Utkal University Act—a curious amalgum of the Patna and Andhra University Acts? I am constrained to say that we do not want a mere duplication of an existing neighbouring University simply because we are dangling between the two. We do not want one that will not serve to bring out the latent genius and the cultural instinct of the people into full play. The Universities of yore, such as Nalanda and Taxila, were managed by selfless savants and were entirely free from State control. There the student lived in an intellectual, moral and religious atmosphere, entirely bent on the pursuit of knowledge uninfluenced by external events. No service was considered beneath the dignity of a seeker of knowledge, the student. Down from drawing of water and hewing of wood right up to writing of Bhasyas or the exploration of stars was in the daily routine of the student. The head, heart and hand developed together. Though the dictum "those that think must govern those that toil" prevailed then as it is now, the head and hand were developed together. Labour was not looked down upon. The harmonious development of man—the mind, body and soul—went together. The product of the modern universities hates labour and is ashamed to toil with his hand. Hence the University man may justly be said to be a man having a plethoric brain and emaciated limbs. I would very much like a University that can do away with the distinction of labour in the chief domains of human organism. The post-war reconstruction may demand a thorough adjustment in the social, economical and intellectual relations of man. Hence it would be wise that we look ahead.

The genius of the Oriya people is mainly artistic and architectural and technical. Fergusson points out that the Oriyas developed a type of architecture all their own. Can that be preserved without further culture? It would be the duty of the *almamater* of Orissa to foster and preserve that instinct.

The study of Chemistry—analytical and applied—occupies a great place in the world of to-day. Though in its aggressive aspect the study rains death and disease on mankind in its healthy aspect it drizzles peace and plenty, drives away death and disease. The important branch of knowledge has not been seriously thought of by the Committee or the framers of the Bill.

Stress has been given to opening post-graduate studies in Oriya along with the establishment of the University. I do not find any cogent reason for hurry over the matter. There is provision of post-graduate studies in the Calcutta University. Students desirous of completing their studies in the Oriya vernacular can well migrate to Calcutta for the purpose. Be it remembered that the Oriya Chair in that University was founded by an Oriya Chief. Post-graduate studies in other subjects such as Economics, Mathematics, Geology are badly wanted from an utilitarian point. Utility first and sentiment next ought to be our motto in matters educational. Though in section 3, proviso 3 of the Act the scope and aim of the University has been very nobly set forth the provisions that follow fall short of the ideal. This is why I felt the necessity of making the above observations.

Let it not be understood from what I said that I do not want a University. On the other hand, I want the immediate establishment of the University for the educational advancement of the Province. The remarks that I append are simply to draw the attention of the Chancellor, the Government, the Vice-Chancellor, the Senate and the Academic Council to what I felt to be wanting in the scheme and constitution of the University. My only desire is that the products of our University should hold their own in any part of the world and the education imparted should kill unemployment and unrest in the country.

Note of dissent by Raja Bahadur Ram Chandra Mardaraj Deo, M.L.A.

The modern University has a tendency to be residential. Teaching is gradually yielding to examining though the results of teaching could not be ascertained without examination. The two words teaching and examination have derived a technical connotation as applied to Universities. In a teaching University more useful knowledge may be imparted in various branches than in an examining University. In a teaching University a concentration of the

best brains can be effected, while in an examining University it will be diffused, as the same subjects are to be taught in different centres by teachers of unequal abilities. In the interests of the utility of having the best available education and that in a number of useful subjects suited to the genius and temperament of the people, a Residential University is by all means desirable. The authors of the University Bill want to make this University partly teaching and partly examining. This is something like the Bengali's "Golden stone cup". I wonder what result the mixture will yield. As there has been a desire to have a University I would not stand in the way of this desire. On the other hand, I would be glad to join hands with them in having a University—at the outset a mere examining University, with a view to the establishment of a residential University in due course.

There is another point to which I cannot reconcile myself. Why should a University with so slender means be saddled with a paid Vice-Chancellor? Are there no self-sacrificing men in the Province who in the interests of the country's education should shoulder the responsibility? I would suggest that the services of an eminent Indian Educationist be requisitioned from outside the Province on a decent salary, but this may not be possible in view of our slender resources. Anyway, when confined to the Province I would not agree to the Vice-Chancellor being paid. It is not proper to leave the choice of having a paid or an honorary Vice-Chancellor to the Senate and I feel strongly that it should be stipulated in the Statute itself that the Vice-Chancellor should be honorary. The Madras University until not long ago and the Calcutta University even until to-day have honorary Vice-Chancellors and it would be preposterous to presume that in a tiny Province like ours, consisting of so few colleges, the work of the University would be such as to justify the appointment of a salaried Vice-Chancellor. A paid Vice-Chancellor will lead to an undesirable scramble for jobs. Politics will play a prominent part—the very thing that should be avoided—and there is bound to be door to door canvassing if the Vice-Chancellor is to be a paid man. I have already said that the Vice-Chancellor should be a person above the humdrum of party politics. Although he may be appointed finally by the Chancellor, if it is to be a salaried post, I apprehend that politics will come into the arena of the University life, which should be avoided at all cost, and there will be a tremendous scramble to get into the panel of Vice-Chancellors that the Senate may recommend for the consideration of the Chancellor.

In clause 15(3) as redrafted I think the words "subject to the veto by the Chancellor" should be there after the words "and its decisions shall be final" as an extreme check against hasty or biased decisions.

In view of the very prompt and business-like manner in which the agenda is being carried through this session, and the manifest interest evinced by the members usually supporting the Ministerial Party, which has resulted in the adjournment of the House for want of a quorum on one occasion and an adjournment for over half-an-hour on another occasion to obtain the minimum attendance, the Government may, if they choose, place the Bill for the consideration of the House during the days already allotted for this session, instead of accepting the majority report to prolong the session up to April 1943.

Note of dissent by Sri V. K. V. Raju, M.L.A.

In the Statement of Objects and Reasons at page 15 of the Draft Bill, it is said that the University should in "course of time undertake post-graduate teaching". It is a pity that the Select Committee has not given a lead to the Assembly in the matter of the year at which post-graduate teaching should start. If this is done, the Orissa University will not be merely an affiliating and examining body; it would be on the same level as the other Indian Universities.

Clause 7—Vice-Chancellor—It is desirable to have an Honorary Vice-Chancellor for the first term, in view of the slender finances of the Province. If he is to be a paid officer, an educationist of outstanding organisational and administrative ability on a salary not exceeding Rs. 1,000 per mensem should be drafted from outside the Province.

Clause 9—Constitution of the Syndicate—The interests of Colleges outside Cuttack should be borne in mind, while making nominations to the Syndicate. Two representatives, at least, of the Academic Council should be on the Syndicate.

Clause 10—The Senate—I strongly disagree with the principle of rotation suggested in clause 10 (1), as it would make the Senate, as a body to perpetuate itself. The personnel of the Representative element will, according to this clause, vary often, which is not healthy.

Academic Council—The opinion of the Academic Council with regard to the Constitution of Faculties and Boards of Studies should invariably be sought by the Syndicate and a specific provision should be made in the Regulations for this purpose.

The cultural interests of the Andhras and the Bengalees in the Province must be safeguarded by providing (a) nomination of their Representatives on the Senate and (b) introduction of Telugu and Bengalee media of instruction, side by side with Oriya, though they may cause extra expenditure.

Registrar—The salary of this officer of the University should be so fixed that it should range between Rs. 350 and Rs. 500 per mensem. Further, a person once appointed shall be eligible for reappointment.

THE ORISSA UNIVERSITY BILL, 1942

(As amended by the Select Committee)

NOTE—Matter omitted is shown in italics within square brackets. New matter is underlined

A BILL

TO ESTABLISH AND INCORPORATE
A UNIVERSITY IN ORISSA

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

It is hereby enacted as follows:—

Short title and
commencement

1. (1) This Act may be called the [*Orissa*] Utkal University Act, 194[2]3.

(2) It shall come into force on such date as the Provincial Government may, by notification in the Gazette, appoint.

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 [*Regulations*] 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 [*Orissa*] 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 [*Orissa*] Utkal University.

(2) The [*Orissa*] 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 [mental and physical welfare] 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;
- [(vi)] (vii) the Registrar; and
- [(vii)] (viii) such other authorities and officers as the [Regulations] Statutes may declare to be authorities or officers of the University.

The Chancellor

5. (1) The [Chancellor shall be 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 [Regulations] 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 [Provincial Government] 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.

[(2)] (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 [Provincial Government] 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.

[(2)] (3) The Vice-Chancellor shall preside at a meeting of the Senate, if the Pro-Chancellor is absent, 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.

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

[(4)] (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 Minister for Education of the Governor of Orissa;
- [(iv)] the Chief Justice of the High Court of Judicature having jurisdiction over Orissa;
- [(v)] (iii) the Director of Public Instruction, Orissa;
- [(vi)] (iv) the Director of Health [and Inspector-General of Prisons], Orissa;

[(vii) the Director of Development, Orissa];

[(viii)] (v) the Advocate-General, Orissa;

[(ix)] (vi) the Principals of colleges [in which instruction is given to a degree standard];

[(x) the Principal of the Cuttack Training College];

[(xi) the Lady Principal, Ravenshaw Girls' School]; and

[(xii)] (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 Regulations.

(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 [fifty] twenty-five thousand rupees to or for the purposes of the University [or of an institution affiliated to the University or for the promotion of Oriental studies] 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) [Seventeen] Eight persons [to be] 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 [Regulations] Statutes from and by the registered graduate teachers of schools in which instruction is given to a standard prescribed by the [Regulations] Statutes;
- (iii) one lady registered graduate [teacher] to be elected from and by the lady registered graduates [teachers of girls' schools in which instruction is given to a standard prescribed by the Regulations];
- (iv) [eight] fourteen registered graduates to be elected from and by [such] the registered graduates [as are not for the time being included, or who would not on payment of any fee prescribed by the Regulations be eligible for inclusion, in any of the electorates referred to in sub-heads (i), (ii) and (iii)] 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 [of whom one shall be elected by the Orissa Association of Sanskrit Learning and Culture and the other [to be elected by such learned societies and other associations as the Chancellor may direct];
- (vi) [two graduates] three persons to be elected from among themselves by the members of the Orissa Legislative Assembly [from among the elected members of their own body]:

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 [Regulations] Statutes.

Class III.—Nominated Fellows—

[Not more than] Seven Fellows to be nominated by the Chancellor [subject to the Regulations] of whom not more than three shall be nominated to secure the representation of communities and interests not 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 [*Regulations*] 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 courses of study and the duration thereof ;*]
 - [(c)] (b) the time in a student's career at which such courses shall be taken ;
 - [(d) *what subjects or groups of subjects shall be regarded as qualifying for each degree ;*]
 - [(e)] (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 ;
 - [(f)] (d) whether the standard to which instruction is given in any subject shall be raised or lowered [*and*] ;
- (ii) it shall provide for research and the advancement and dissemination of knowledge ;
- [(i)] (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 [*Regulations*] 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 [*and*].
- [(iv) the Principal of the Cuttack Training College].

(2) The first Syndicate shall consist of the *ex officio* members hereinbefore referred to and [seven] 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 [*Regulations*] 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 [seven] eight other members to be elected by the Senate from among its Fellows in such manner as may be prescribed by the [*Regulations*] Statutes, of whom—

- (a) 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;
- (b) four shall be persons who are not members of the staff of any college or of any school [*in which instruction is given to a standard prescribed in the regulations and of them at least one shall be a member of the Faculty of Law*].
- (c) One person to be selected from among themselves by the members of Academic Council.

(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 [*Regulations*] Statutes, the standard of proficiency to be required for ordinary degrees, shall control [*the courses of study and*] 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.

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,

(iv) 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-operate as members 11 teachers of Colleges in accordance with the Regulations and so as to secure adequate representation of different branches of learning and of the Colleges and, on special occasions or for any particular purpose, may also co-operate such number of additional members as the Council may deem necessary.

(3) Save, as otherwise provided, members of the Academic Council, other than *ex officio* members, shall hold office for a period of 3 years ;

Provided, however, that a member co-operated or elected as a member of a particular body or the holder of a particular appointment shall not, if he ceases 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.

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, Lectureships, 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 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.

Retirement in rotation of Fellows of the Senate.

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 [Regulations] Statutes, and an equal number shall be elected to fill the vacancies so caused in accordance with the provisions of section 8 of this Act and of the [Regulations] 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 [*Regulations*] 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 the Provincial Government*]; and

(b) all provisions of the [*Regulations*] 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 [*if it approves the same, either with or without modification, transmit a copy of the proceedings of the Syndicate and of its own proceedings to the Provincial Government*] decide as it thinks fit and its decision shall be final.

[*(4) The Provincial Government, after such further inquiry, if any, as may appear to it to be necessary, shall, in so far as it agrees with the opinion of the Senate, express its concurrence therewith, and thereupon the college shall be deprived of such privileges as the decision of the Senate and the Provincial Government (which shall be communicated to it) may specify.*]

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 [*Orissa*] 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 [12] 14, be deemed to have been granted the like privileges by the [Orissa] Utkal University as may be determined by the Syndicate.

University staff.

17. Save as hereinbefore provided the officers of the University [other than the Pro-Chancellor and the Vice-Chancellor] 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.

[Regulations.]
Statutes.

19. (1) Subject to the provisions of this Act, the [Regulations] 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 [10] 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 Vice-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;

(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 [*Regulations*] Statutes shall be framed by the Provincial Government.

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

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

(5) [*All new Regulations or additions to the Regulations or amendments to or repeals of, the Regulations shall require the previous sanction of the Provincial Government, which may sanction, disallow, or remit the same for further consideration.*] 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 suggestions 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.

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—

- (1) its income from fees, endowments and grants, if any;
- (2) contributions which may be made by the Central or 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; and

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, the Central 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.

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, within three months of passing of this Act, the first Vice-Chancellor shall be appointed by the 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, within three months after passing 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.

C. G. NAIR
Secretary, Orissa Legislative Assembly