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LAW DEPARTMENT.

NOTIFICATION.

The 24th October 1942.

No. 11440-L.(C).—The following Bill, which it is proposed to introduce in the Orissa Legislative Assembly, is hereby published under rule 70 of the Orissa Legislative Assembly Rules, 1937, for general information.

**THE ORISSA UNIVERSITY BILL,
1942.**

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 University;

It is hereby enacted as follows:—

Short title and commencement.

1. (1) This Act may be called the Orissa University Act, 1942.

(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—

“College” means an institution admitted to the University in accordance with the provisions of this Act and the Regulations;

“Regulations” means the Regulations of the University for the time being in force;

“Senate” means the Senate of the University;

“Syndicate” means the Syndicate of the University; and

“University” means the Orissa 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 University.

(2) The Orissa 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.

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 Registrar ; and
- (vii) such other authorities and officers as the Regulations 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.

(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.

(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 :

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, 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) 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, 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 shall preside at every meeting of any 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) The Vice-Chancellor shall appoint and control every servant of the University whose aggregate emoluments do not exceed two hundred rupees per mensem.

(4) 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) the Director of Public Instruction, Orissa ;
- (vi) the Director of Health and Inspector-General of Prisons, Orissa ;
- (vii) the Director of Development, Orissa ;
- (viii) the Advocate-General, Orissa ;
- (ix) 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) 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 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.

Class II.—Representative Fellows—

- (i) Seventeen persons to 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 from and by the registered graduate teachers of schools in which instruction is given to a standard prescribed by the Regulations ;
- (iii) one lady registered graduate teacher to be elected from and by the lady registered graduate teachers of girls' schools in which instruction is given to a standard prescribed by the Regulations ;
- (iv) eight registered graduates to be elected from and by such 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) ;
- (v) two persons of whom one shall be elected by the Orissa Association of Sanskrit Learning and Culture and the other by such learned societies and other associations as the Chancellor may direct ;

- (vi) two graduates elected by 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.

Class III.—Nominated Fellows—

Not more than seven Fellows to be nominated by the Chancellor subject to the Regulations.

- (4) Subject to the provisions of this Act and the Regulations, 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) 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) 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 ;
 - (f) whether the standard to which instruction is given in any subject shall be raised or lowered ; and
- (ii) it shall pass the Budget.

(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 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 ;
- (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 other members to be nominated by the Chancellor 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 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 other members to be elected by the Senate from among its Fellows in such manner as may be prescribed by the Regulations, 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.

(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, 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.

Retirement in rotation of Fellows of the Senate.

10. (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, 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.

(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.

Proceedings not to be invalidated by casual vacancies.

11. 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.

12. 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 relating to the admission of educational institutions as colleges have been substantially complied with.

Exclusion of a college from the privileges of the University.

13. (1) Any member 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.

(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.

14. 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 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, be deemed to have been granted the like privileges by the Orissa University.

University staff.

15. 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. 16. 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.

17. (1) Subject to the provisions of this Act, the Regulations—

(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 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 ; 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 shall be framed by the Provincial Government.

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

(4) The Syndicate may, from time to time, lay before the Senate any proposals for new Regulations or for the amendment or repeal of any of the existing Regulations 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.

STATEMENT OF OBJECTS AND REASONS.

Under the terms of Resolution No. 1632-E., dated the 2nd March 1938, of the Government of Orissa, a Committee was appointed to examine and report on the various problems in connection with the early formation of a separate University for Orissa. The report of the Committee was received by Government on the 3rd June 1941 and was published on the 24th June 1941. At present the Patna University has jurisdiction over that area which before the formation of the province was included in the old Bihar and Orissa province. The Andhra University similarly has jurisdiction over that part of Orissa which before its formation was included in the Madras Presidency. The Orissa University Enquiry Committee were impressed by the considerable volume of public opinion in favour of a separate University for Orissa to be started at the earliest possible time.

The Committee in their recommendation have closely adopted the structure and functions of the Patna University. Their main recommendations are—

- (1) The proposed University should be an affiliating University to be established immediately which in course of time should undertake post-graduate teaching (teaching in such subjects as Economics, History and Mathematics besides Oriya and English).
- (2) Provision should be made for admission of high schools and colleges, when any, in the Orissa States.
- (3) The proposed University should hold its own Matriculation Examination and provide for a variety of optional subjects.
- (4) The structure of the University should be—
 - (i) Authorities and officers of the University:—
 - The Chancellor,
 - The Pro-Chancellor,
 - The Vice-Chancellor,
 - The Senate,
 - The Syndicate, and
 - The Registrar.
 - (ii) The Senate should consist of 59 members:—

| | | |
|------------------------|-----|----|
| Ex-officio Fellows | ... | 12 |
| Life Fellows | ... | 2 |
| Representative Fellows | ... | 38 |
| Nominated Fellows | ... | 7 |
 - (iii) The Syndicate should consist of 11 members, viz.:—

| | | |
|--------------------|-----|---|
| Ex-officio members | ... | 4 |
| Teachers | ... | 3 |
| Non-teachers | ... | 4 |
 - (iv) Four Faculties, viz.:—
 - (1) Arts,
 - (2) Science,
 - (3) Education, and
 - (4) Law.

The Orissa University Bill has accordingly been prepared. The structure of the University follows the Patna model.

One of the variations proposed to suit the conditions of Orissa is the inclusion of a Pro-Chancellor as one of the authorities and officers of the University on the analogy of a similar provision in the Andhra University Act. The Pro-Chancellor will be appointed by the Provincial Government and will hold office for three years. When the Chancellor is incapable of acting as such due to absence or any other cause, the Pro-Chancellor will exercise all the functions of the Chancellor.

The composition of the Senate as recommended by the University Committee has been followed with this exception that there will be three Life Fellows in the Senate instead of two.

The elections under sub-heads (i) and (iv) of Class II, Representative Fellows, shall be made subject to such conditions as to the representation of all the Faculties of the University as may be prescribed by the Regulations. The elections under sub-head (ii) will also be by Regulations. Under sub-head (v) provision is made for election of a person to the Senate by any associations and not merely by learned societies, as the Chancellor may direct.

The proposed composition of the Syndicate is the same as recommended by the Orissa University Committee.

In the first Senate and Syndicate the Fellows or members other than ex-officio will be nominated by the Chancellor, as was done at the inception of the Patna University.

It is proposed to ban the affiliation of educational institutions in the province to any University in British India other than the Orissa University.

Provision will be made by Regulations for admission of students to the University and their examination. The medium of instruction in the secondary schools in the Orissa States is Oriya and it is assumed that such States will present students for Matriculation Examinations to be conducted by the proposed Orissa University. The Regulations to be framed will provide for admission of educational institutions in the Orissa States on the analogy of similar provisions made in the Patna University Regulations.

It is proposed that the first Regulation will be framed by the Provincial Government, and subsequent amendments, additions to the Regulations shall be made by the Senate subject to previous sanction of the Provincial Government.

CUTTACK:

The 24th October 1942.

G. MISRA,

Member-in-charge.

By order of the Governor,
W. W. DALZIEL,
Secretary to Government.