

THE UTKAL UNIVERSITY OF CULTURE ACT, 1999

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LAW DEPARTMENT

NOTIFICATION

The 12th August 1999

No. 10047-Legis.- The following Act of the Orissa Legislative Assembly having been assented to by the Governor on the 10th August 1999 is hereby published for general information.

ORISSA ACT 9 OF 1999

THE UTKAL UNIVERSITY OF CULTURE ACT, 1999

AN ACT TO PROVIDE FOR THE ESTABLISHMENT AND
INCORPORATION OF A UNIVERSITY OF CULTURE IN THE
STATE OF ORISSA AND FOR MATTERS CONNECTED
THEREWITH AND INCIDENTAL THERETO

Be it enacted by the Legislature of the State of Orissa in the
Fiftieth Year of the Republic of India as follows :-

CHAPTER-I

PRELIMINARY

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Utkal University of Culture Act, 1999.
- (2) It extends to the whole of the State of Orissa.
- (3) It shall be deemed to have come into force on the 9th day of June, 1999.

Definitions.

2. In this Act, unless the context otherwise requires :-
 - (a) "Academic Council" means the Academic Council of the University;
 - (b) "Affiliated institution" means a College or an Institution affiliated to the University and includes a college or an institution deemed to be an affiliated college or institution under this Act;
 - (c) "Board" means the Board of Management of the University;
 - (d) "Board of Studies" means the Board of studies of the University;
 - (e) "Chancellor" means the Chancellor of the University;
 - (f) "College" means an Institution admitted to the University in accordance with the provisions of the Act and the Statutes and includes a College managed by the University;
 - (g) "Constituent College" means a College established, managed, maintained and controlled by the University and includes a College or an institution deemed to be a constituent college of the University;
 - (h) "Employee" means every person in the whole-time employment of the University
 - (i) "Faculty" means a faculty of the University;
 - (j) "Government" means the Government of Orissa;
 - (k) "Institute" means the Institute, College or centre attached to the University as an affiliated Institute, or a constituent Institute;

- (l) "Other Universities" means the Universities established or deemed to have been established under the Orissa Universities Act, 1989
- (m) "Performing Arts" include music, dance and drama;
- (n) "Prescribed" means prescribed by Statutes, Regulations or Rules;
- (o) "Section" means a section of this Act;
- (p) "State" means the State of Orissa;
- (q) "Statutes", "Regulations" and "Rules" means respectively the "Statutes", "Regulations" and "Rules" of the University" made under this Act.;
- (r) "Teacher" means a Professor, Reader, Lecturer or such other person imparting instruction or conducting or supervising research either in the constituent college or in the departments of the University, or in an affiliated college as the context may imply, and
- (s) "University" means the Utkal University of Culture established under this Act.

CHAPTER II

THE UNIVERSITY

Incorporation of
University

3. (1) The Chancellor, the first Vice-Chancellor, the first Members of the Board and the Academic Council and all persons, who may hereafter become such Chancellor, Officers and Members so long as they continue to hold office or membership are hereby constituted a body corporate, by the name of the Utkal University of Culture and such body corporate shall have perpetual succession and a common seal and may sue and be sued by that name.

(2) The headquarters of the University shall be located at Bhubaneswar.

(3) Subject to the provisions of this Act and the Statutes, the University shall be competent to acquire and hold property both movable and immovable, to lease, sell or otherwise transfer any movable or immovable property, which may have become vested in, or may have been acquired by it for the

purposes of the University and to contract and do all other things necessary for the purposes of this Act.

Objects.

4. The University shall have following objects :

- (i) to promote education, research and training in various spheres of culture including language, literature, visual arts, performing arts, architecture and folklore for the advancement of knowledge and for the betterment of society ;
- (ii) to generate and disseminate learning and promote creative excellence in various spheres of culture, providing the infrastructure for instruction, research and creativity and , in particular, to take appropriate measures for promoting inter - disciplinary, academic and creative pursuits in the University ;
- (iii) to promote ethnic studies like ethnoarchaeology and ethnomusicology ;
- (iv) to provide facilities and opportunities for graduate, post-graduate, doctorate and post-doctorate education in various sphere of culture including language, literature, visual arts, performing arts, architecture and folklore by instruction, training, research, development and extension and by such other means as the University may deem fit ;
- (v) to serve as a centre for fostering co-operation and exchange of ideas among the academic and research communities ;
- (vi) to organise exchange programmes with other institutions of repute in India and abroad; and
- (vii) to undertake such other activities as may be required to fulfil the above objects;

General powers and functions of the University.

5. The University shall in particular exercise and perform the following powers and functions, namely ;

- (a) to provide for instructions in creative arts and allied branches of learning;
- (b) to grant, subject to such conditions as the University may determine, diplomas or

- certificates and confer degrees and other academic distinctions on the basis of examination, evaluation or any other method of assessment, on deserving persons ;
- (c) to confer honorary degrees or other distinctions on persons for their creative excellence ;
 - (d) to institute Fellowships, Awards, Medals and Scholarships;
 - (e) to recognise an Institution of higher learning and research for such purposes as the University may determine ;
 - (f) to appoint persons working in any other University or organisation as Fellows and Visiting Professors of the University for specified periods;
 - (g) to collaborate or associate with other Universities or authorities or institutions of higher learning;
 - (h) to establish and maintain Colleges, Academies, Institutes and Cultural Complexes ;
 - (i) to take up documentation, translation and publication and for that purpose, enter into arrangements with other institutions or bodies ;
 - (j) to declare a College, Academy or Institute as Autonomous;
 - (k) to determine standards for admission into the colleges of the University;
 - (l) to make arrangements for promoting general welfare of the teachers, employees and students;
 - (m) to regulate and enforce discipline among the employees and students;
 - (n) to receive donations and to acquire, hold, manage and dispose of any movable or immovable property;
 - (o) to make arrangements for promoting the health, general welfare and moral well-being of students

- and take such measures as would foster in them habits of hard work, self-discipline and spirit of service to society.
- (p) to fix the fees payable to the University and to demand and receive such fees ;
 - (q) to hold and manage endowments and bursaries and institutes and award fellowships, scholarships, studentships, medals and prizes;
 - (r) to institute and provide funds wherever necessary for carrying out the functions of the University;
 - (s) to co-operate with the other Universities or Institutions or Authorities; or Associations; in such manner and for such purposes as the Board may determine;
 - (t) to establish, maintain, manage, and confer recognition to hostels;
 - (u) to co-ordinate, supervise, regulate and control the teaching and conduct of research work in the affiliated institutions to the extent deemed necessary;
 - (v) to determine the powers and duties of the officers and other employees of the University other than those provided in this Act;
 - (w) to provide for inspection of affiliated institutions and lay down standards of instruction and research;
 - (x) to institute and establish professorships, readerships, lectureships and any other teaching and research posts required by the University and to appoint persons to such professorships, readerships, lectureships and other teaching and research posts; and
 - (y) to do all such acts and things as may be required in furtherance of the objects of the University.

University
open to all
classes
and
creeds.

6. No persons shall , on grounds only of religion , race, caste, sex, descent, residence, language, political opinion or any or other of these, be ineligible for, or discriminated against in respect of any employment or office under the University or Membership of any of the authorities or bodies of the University or admission to any course of study or research in the University :

Provided that the University may, in consultation with the Government, reserve seats for the members of the Backward Class of Citizens or Scheduled Castes or Scheduled Tribes, or of Orissa domiciles or women or any other category of persons for the purpose of admission as students to any of the constituent colleges or the institutions of the University or affiliated colleges and institutions.

CHAPTER-III

THE CHANCELLOR AND OFFICERS OF THE UNIVERSITY

The
Chancellor.

7. (1) The Governor of Orissa shall , by virtue of his office, be the Chancellor of the University.

(2) The Chancellor shall be the head of the University and shall, when present, preside at the meeting of the convocation of the University.

(3) The Chancellor shall exercise the powers of overall supervision over the University and take requisite steps to develop it as a centre of excellence in creativity, research and learning.

(4) The Chancellor may, either *suo motu* or on a reference made to him by the Vice-Chancellor under the provisions of sub-section (8) of Section-10 or by the State Government, by order in writing , annul any proceedings of any of the authorities of the University which is not in conformity with this Act, the Statutes, the Regulations, the Rules, or any other law for the time being in force:

Provided that before making any such order, the Chancellor shall call upon such authority to show cause why any such order should not be made and consider the cause, if any, shown by such authority within a period not exceeding sixty days as may be fixed by the Chancellor.

(5) The Chancellor shall have the right to suspend or dismiss any of the authorities of the University and to take measures for the interim administration of the University :

Provided that before taking any such action the Chancellor shall give an opportunity to such authority to show cause why such an action should not be taken.

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

(7) An appeal shall lie to the Chancellor against any order of dismissal passed by the Board or the Vice-Chancellor against any employee in the service of the University.

(8) An appeal under sub-section (7) shall be filed within sixty days from the date of service of the order of dismissal on the employee concerned.

(9) The Chancellor shall have power to remove the Vice-Chancellor from office by an order in writing on charges of mismanagement of funds or misconduct or for any other good and sufficient reasons :

Provided that orders removing the Vice-Chancellor under this sub-section shall not be passed until such charges are proved by an enquiry conducted by an officer not below the rank of Secretary to Government, appointed by the Chancellor for the purpose:

Provided further that the Vice-Chancellor shall not be removed under this sub-section unless he has been given a reasonable opportunity of showing cause against the action proposed to be taken against him.

8. The following shall be the officers of the University, namely :-

Officers of
the
University.

- (i) the Vice-Chancellor;
- (ii) the Registrar;
- (iii) the Finance Officer;
- (iv) the Controller of Examinations; and
- (v) such other officers as may be declared by the Statutes to be Officers of the University.

The
Vice-
Chancel-
lor

9. (1) The Vice-Chancellor shall be appointed by the Chancellor on the unanimous recommendations of a Committee appointed by him consisting of three members, one nominated by Universities Grants Commission, one elected by the Board and the third nominated by the Government and the Committee shall make its recommendations within a period of three months from the date of its appointment :

Provided that no person shall be eligible to be a member of the Committee if he is a member of any of the authorities of the University or an employee of the University or of a college or institution maintained or recognised by or affiliated to the University:

Provided further that the first Vice-Chancellor shall be appointed by the Chancellor on the recommendation of the Government for a term not exceeding two years.

(2) In case the Committee appointed under sub-section (1) is unable to recommend a name unanimously, the Vice-Chancellor shall be appointed by the Chancellor from the panel of three names submitted to him by the Committee within the period specified in the preceding sub-section.

(3) If the Committee fails to make a unanimous recommendation or submit a panel of names as aforesaid, another committee shall be appointed by the Chancellor in the same manner as provided in sub-section (1) to make unanimous recommendation or submit a panel of three names to the Chancellor, who shall appoint a Vice-Chancellor accordingly.

(4) No person who has completed sixty five years of age shall be eligible to hold the office of the Vice-Chancellor.

(5) The Vice-Chancellor shall hold office for a term of three years from the date on which he enters upon his office and shall be eligible for reappointment for another term of two years or till he attains the age of sixty-five, whichever is earlier, without following the procedure specified in sub-section (1)

(6) The remuneration payable to, and the other conditions of service of the Vice-Chancellor shall be determined by the Chancellor:

Provided that the emoluments and other conditions of the service shall not be varied to the disadvantage of the Vice-Chancellor during his tenure as Vice-Chancellor.

Powers and
duties of
Vice-
Chancellor.

10.(1) The Vice-Chancellor shall be the principal academic and executive officer of the University and all other officers of the University shall be subject to general supervision and control of the Vice-Chancellor.

(2) The Vice-Chancellor shall be the Chairman of the Board and the Academic Council, and shall be entitled to be present at and to address any meeting of any authority of the University but shall not be entitled to vote, thereat unless he is a member of the authority concerned.

(3) It shall be the duty of the Vice-Chancellor to ensure that the provisions of this Act, the Statutes, Regulations and Rules are observed and he shall have all the powers necessary for this purpose.

(4) The Vice-Chancellor shall have the right of visiting and inspecting institutions maintained by or affiliated to the University;

(5) If the Vice-Chancellor is of the opinion that any order or decision which is required to be passed or made by any authority of the University is necessary to be passed or made immediately and it is not practicable to convene a meeting of the said authority for that purpose he may pass such order or take such decision as he deems proper and place the matter before the said authority at its next meeting within sixty days for ratification and where the authority differs from the Vice-Chancellor, the matter shall be referred to the Chancellor whose decision thereon shall be final.

(6) Subject to the provisions of this Act and the Statutes, the Vice-Chancellor shall have the power:-

- (a) to make appointments to posts of non-teaching employees or to such posts as may be prescribed and specify their duties;
- (b) to suspend, dismiss or otherwise punish any non-teaching employee of the University ; and
- (c) to take disciplinary action against students of the University:

Provided that he may delegate any of his powers under this sub-section to the Registrar.

(7) The Vice-Chancellor shall have the power to convene meetings of the Board or the Academic Council or any other authority of the University

(8) It shall be the duty of the Vice-Chancellor to ensure that the proceedings of the University are carried on in accordance with the provisions of this Act, the Statutes, the Regulations and the Rules made there under. If the Vice-Chancellor is of opinion that any proceedings or order of an authority of the University is violative of any of the provisions of this Act or the Statutes, Regulations or Rules made thereunder, he may, by an order in writing, stay the operation of such proceedings or orders and send a report and make a reference to the Chancellor for a final decision in accordance with the provisions of sub-section (4) of Section-7.

(9) The Vice-Chancellor shall exercise such other powers and perform such other functions as may be prescribed by the Statutes and the Regulations.

(10) In the event of absence of Vice-Chancellor from the headquarters or during his inability to act due to reasons like illness, the Chancellor may make such arrangement for performance of the duties of the Vice-Chancellor as he may deem fit, during such absence.

(11) In the event of the occurrence of vacancy in the office of the Vice-Chancellor, by reasons of death, resignation or otherwise, the Chancellor may appoint any person to act as Vice-Chancellor until regular appointment of Vice-Chancellor is made in accordance with Section-9:

Provided that the period of such interim arrangement shall not exceed six months.

The Registrar.

11 (1) The Registrar shall be a whole time officer of the University and shall be appointed by the State Government for such period and on such terms and conditions as may be prescribed by the Statutes.

(2) The Registrar shall be responsible for -

(a) the custody of the records and the common seal of the University;

- (b) maintaining a permanent record of the academic performance of students of the University including the courses taken, grades obtained, degrees awarded, prizes or other distinctions won and any other items pertaining to the academic performance of the students;
- (c) executing all contracts on behalf of the University; and
- (d) acting as the Secretary of the authorities of the University.

(3) The Registrar shall exercise such other powers and perform such other duties as are imposed on him by the Statutes.

(4) Suits and other legal proceedings by or against the University shall be instituted by or against the Registrar.

12. (1) The Board shall appoint a person selected from among a panel containing the names of officers belonging to the Orissa Finance Service, Class-1 furnished by the Government or from any other source as may be provided in the Statutes, as the Finance Officer of the University for such periods and on such terms as may be prescribed by the Statutes.

The Finance
Officer.

(2) The Finance Officer shall-

- (a) act as the Treasurer of the University and be responsible for the proper investment of the funds and management of the assets of the University;
- (b) exercise general supervision over operation of all funds;
- (c) tender advice with regard to financial transactions of the University;
- (d) present annual financial estimates and statement of accounts;
- (e) ensure utilisation of the allocations for the programmes, schemes and projects of the University;
- (f) scrutinise the statement of accounts of the

constituent colleges or other institutions maintained by the University and submit report thereon to the Vice-Chancellor and the Board;

- (g) receive all contributions, grants, bequests, endowments and interests on investments on behalf of the University;
- (h) collect fees, fines, sale proceeds and other amounts of casual income accruable to the University;
- (i) operate schemes relating to scholarship funds, stipends and fellowship amounts;
- (j) be responsible for the day-to-day financial transactions and maintenance of accounts thereof;
- (k) administer such petty cash funds as may be needed;
- (l) operate the funds contributed by the students for various purposes;
- (m) prepare pay and allowance bills of officers, teachers and other employees of the University and draw and disburse the amounts thereof;
- (n) scrutinise other bills and, if they are in order, ensure prompt payment;
- (o) prepare utilisation certificates for funds received from Government and other funding agencies and get them promptly transmitted to the relevant quarters through the Registrar;
- (p) develop and operate an internal audit system and ensure that all the registers, records and documents are properly preserved for presentation before the audit;
- (q) place statement of accounts at such intervals as specified by the Board and the Vice-Chancellor;
- (r) bring serious irregularities, if any, in financial transactions of the university to the notice of the Board through the Vice-Chancellor;

- (s) render such assistance to the Registrar as may be required in management of assets and investments and scrutiny of the contracts and agreements; and
- (t) perform such other functions as may, from time to time, be assigned to him by the Vice-chancellor.

(3) The Finance Officer shall be answerable to the Vice-Chancellor and the authorities of the University for effective financial management and augmentation of resources of the University.

The
Controller
of Examinations.

13. (1) The Controller of Examinations shall be appointed by the Vice-Chancellor, on deputation from Government or any other organisations.

(2) The Controller of Examinations shall be responsible for advanced preparatory action, effective conduct of examinations, proper valuation of the answer scripts, tabulations, timely declaration of the results and expeditious distribution of the Diplomas and Certificates.

(3) The Controller of Examinations shall perform such other functions as may be entrusted to him by the Vice-Chancellor.

Posts
and pay
scales

14. (1) All posts of officers except the Vice-Chancellor, teachers and other employees of the University including the constituent colleges shall be created and the scales of pay thereof shall be determined by the Vice-chancellor, subject to allotment of funds in the budget of the University with the approval of the Government.

(2) The conditions of service and other incidental matters relating to the other employees shall be such as may be prescribed by the statutes.

Appoint-
ment of
first
Officers.

15. Notwithstanding anything contained in section 11, 12 and 13 the first Registrar, the first Finance Officer and the first Controller of Examinations shall be appointed by the Vice-Chancellor on the recommendations of the Government.

CHAPTER IV

THE AUTHORITIES

Authorities
of the
University.

16. The following shall be the authorities of the University, namely:-

- (a) the Academic Council,
- (b) the Board,
- (c) the faculties,
- (d) the Board of Studies,
- (e) such other authorities as may be declared from time to time by the statutes to be authorities of the University.

Academic
Council

17.(1) The Academic Council shall consist of the following members, namely:-

- (a) the Vice-Chancellor,
- (b) the Secretary to Government, Culture Department or his nominee not below the rank of a Joint Secretary.
- ✓(c) three Orissan Awardees each of :-
 - (i) National Sahitya Akademi.
 - (ii) National Lalit Kala Akademi; and
 - (iii) National Sangeet Natak Akademi to be nominated by the Chancellor;
- (d) the Chief Executive, Odissi Research Centre;
- (e) the Director of Culture, Orissa;
- (f) Presidents and Vice-Presidents of the Orissa Sahitya Akademi, Orissa Lalit Kala Akademi and Orissa Sangeet Natak Akademi;
- (g) Principal, Utkal Sangeet Mahavidyalaya;
- (h) Principal, Bibhuti Kanungo College of Arts and Crafts, Bhubaneswar;
- (i) Principal, College of Arts and Crafts, Khallikote;

- (j) three eminent scholars, one each from the spheres of literary arts, visual arts and performing arts, to be nominated by the Government.
 - (k) the Registrar;
 - (l) the Controller of Examinations;
 - (m) the Director General of the Indian Council for Cultural Relations or his nominee;
 - (n) the nominee of the Centre for Cultural Resources and Training; and
 - (o) the Director, Eastern Zonal Cultural Centre.
- (2) The Academic Council shall ordinarily meet twice a year and formulate its recommendations on the programmes, schemes and academic affairs of the University.
 - (3) Eleven members shall constitute the quorum for holding the meeting of the Academic Council.
 - (4) The Academic Council shall be the Principal academic body of the University and subject to the provisions of this Act and Statutes, it shall coordinate and exercise general supervision over the academic programmes and policies of the University.

Powers
and
function
of the
Academic
council

18. Subjects to the provisions of this Act and of the Statutes; the Academic Council shall have the following powers and functions, namely :-

- (i) to advise the Board on all academic matters ;
- (ii) to make regulations and to amend or repeal the same on the following matters :-
 - (a) prescribing courses of studies and schemes of examinations;
 - (b) conducting annual review of courses offered, contents of curriculum and prescribing new courses to be introduced keeping in view the needs of the society and prescribing modifications in curriculum;
 - (c) prescribing qualifications for admission of students to various courses of studies, to

research degrees and to the examinations and the conditions under which exemptions may be granted;

- (d) prescribing standards of evaluation of the performance of students and classification of students on the basis of their performance in the examination;
- (e) prescribing the conditions for admission of candidates for research degrees and the requirements for the award of such degrees;
- (f) prescribing the qualifications for recognition of teachers and scholars as supervisors for research;
- (g) prescribing the equivalence of examinations, degrees, diplomas and certificates of other University or institutions of the Country;
- (h) prescribing the qualifications of teachers; and
- (i) prescribing the norms for the upgradation of teaching posts.
- (ii) to examine and act upon the recommendations of the various faculties in making regulations;
- (iv) to determine the degrees, diplomas and other academic distinctions which shall be granted by the University and to award the same ;
- (v) to institute scholarships and fellowships;
- (vi) to recommend to the Board the conferment of honorary degrees and other distinctions ;
- (vii) to consider the annual reports and to make suggestions thereon to the Board; and
- (viii) to exercise such other powers and perform such other functions as may be prescribed by the statutes.

The
Board

19. (1) The Board shall consist of the following members, namely ;

- (a) the Vice-Chancellor;
- (b) the Secretary to Government, Culture

Department or his nominee not below the rank of a Joint-Secretary.

- (c) the Secretary to Government, Finance Department or his nominee not below the rank of a Joint Secretary.
 - (d) the Chief Executive, Odissi Research Centre.
 - (e) the Director of Culture, Orissa.
 - (f) three persons (one each from the spheres of literary arts, visual arts and performing arts) to be nominated by the Chancellor from among the members of the Academic Council specified in clause (c) and clause(j) of sub-section (1) of Section 17.
 - (g) Presidents of the Orissa Sahitya Akademi, Orissa Lalit Kala Akademi and Orissa Sangeet Natak Akademi,
 - (h) Principal, Utkal Sangeet Mahavidyalya,
 - (i) Principal, Bibhuti Kanungo College of Arts and Crafts, Bhubaneswar and the Principal, College of Arts and Crafts, Khallikote.
 - (j) the Registrar,
 - (k) The Finance Officer,
 - (l) the Controller of Examinations; and
 - (m) two members of the Orissa Legislative Assembly to be elected by the members thereof.
- (2) The Board shall ordinarily meet once in two months to transact its business.
- (3) Seven members shall constitute the quorum for the meetings of the Board.

Powers and functions of the Board.

20. Subject to the provisions of this Act and the Statutes, the Board shall exercise and perform the following powers and functions, namely :-

- (i) to exercise the executive powers of the University including the general superintendence and control over its institutions;
- (ii) to admit an institution to the University as an

- affiliated institution in accordance with the terms and conditions prescribed by the Statutes;
- (iii) to make Statutes for considerations and approval of the Government;
 - (iv) to hold, control and administer the properties and funds of the University including investment of money in such stocks, funds, shares or securities as deemed fit;
 - (v) to provide buildings, premises, furniture, apparatus and other requisites for carrying on the work of the University and to that end enter into, vary, carry out and cancel contracts on behalf of the University;
 - (vi) to direct the form and use of the common seal of the University;
 - (vii) to establish, maintain and manage departments and institutions of research and other advanced centres of learning as it may from time to time, deem necessary;
 - (viii) to appoint teachers and officers and to prescribe their duties;
 - (ix) to create teaching, specialist, administrative, ministerial and other necessary posts with the approval of the Government;
 - (x) to suspend, discharge, dismiss or otherwise take disciplinary action against teachers and officers;
 - (xi) to fix and regulate the fees payable by the students;
 - (xii) to create research fellowships, honorary or otherwise;
 - (xiii) to create fellowships, scholarships, studentships, bursaries, medals and prizes;
 - (xiv) to exercise supervision and control over the residence and discipline of students;
 - (xv) to consider and pass the Financial Estimates, the Annual Accounts together with the Audit Report and the Annual Report of the University

in accordance with the provisions of the Statutes;

- (xvi) to have overall supervision over conduct of examinations and approval and publication of the results thereof ;
- (xvii) to appoint members to the Faculties and Board of Studies;
- (xviii) to delegate any of its powers to the Vice-Chancellors or any others authority or officer as it may deem fit ;
- (xix) to prescribe procedure for the inspection of affiliated institutions so as to ensure compliance with the conditions of affiliation and to decide on the continuance of affiliation;
- (xx) to accept grants, endowments, bequests, donations, and transfers of movable and immovable properties to the University on its behalf;
- (xxi) to negotiate with other Universities and institutions of the country for the recognition of the examinations of the University ; and
- (xxii) to exercise such other powers and perform such other duties as may be prescribed by the Statutes.

Faculties

21. (1) The University shall constitute such number of faculties as may be prescribed by the Statutes from time to time and each of such faculty shall, subject to the control of the Academic Council, be responsible for the Co-ordination of study and research in the branches presented in the Board of studies coming under its purview.

(2) The term of the faculty, its constitution and membership shall be prescribed by the Statutes.

(3) Subject to the provisions of this Act each faculty shall exercise such powers and perform such duties as may be prescribed by the Statutes.

(4) There shall be a Dean for each faculty, who shall be nominated by the Vice-Chancellor.

(5) The Dean of each faculty shall be responsible for

the due observance of the Statutes and Regulations and in guiding the deliberations of the Faculty.

(6) The Dean of a faculty shall hold office for a term of three years.

Board of
Studies.

22. (1) There shall be a Board of Studies for each branch of study or branches of study as the Board may decide.

(2) The constitution, powers and functions of the Board of Studies shall be prescribed by the Statutes.

General
provi-
sions in
relation
to
authori-
ties.

23. (1) A person shall cease to be a member of any of the authorities of the University, if-

- (a) he dies or is found to be of unsound mind or permanently invalid, or
- (b) he is found to be bankrupt and insolvent, or
- (c) he is convicted for an offence involving moral turpitude, or
- (d) being a nominated member, his nomination is withdrawn by the nominating authority, or
- (e) being an *ex-officio* member, he ceases to hold the relevant office, or
- (f) being a nominated member, his membership is terminated by the Chancellor for any act of omission or commission, after affording him an opportunity of being heard, or
- (g) being a nominated member, he resigns or absent himself from three consecutive meetings without prior written intimation.

(2) The term of the nominated members of the authorities of the University shall be three academic years including part of an academic year. Vacancies arising due to death or otherwise in the nominated membership of any authority of the University may be filled up by fresh nomination and the persons so nominated shall continue as members for the residuary period of the term.

(3) No act or proceeding of any authority, committee or body of the University shall be invalid merely by reason of the existence of a vacancy, or vacancies among its members.

CHAPTER V

PROMOTION OF LITERARY, VISUAL AND PERFORMING ARTS.

Promotion of excellence in Literary Arts. D. Litt. in creative writing for published works.

24. The University shall undertake schemes, programmes and projects for promotion of excellence in creativity, research, translation and inter language interaction in respect of various languages such as Oriya, Sanskrit, Hindi and English.

25. (1) The University may confer the degree of Doctorate of Literature in Creative Writing in a language subject on a person for a work of poetry, fiction or drama as per the following procedure, namely :-

- a) Awardees of the National Sahitya Akademi or Orissa Sahitya Akademi (for poetry/ fiction/ drama) or persons who have at least one earlier work which is certified by two awardees of the National Sahitya Akademi to be of high standard of creativity shall be eligible to submit four copies of a published work of poetry/fiction/ drama, alongwith a brief commentary that may be interpretative/ analytical/ critical, for consideration of the University.
- b) The Board shall thereupon appoint three members, from among the awardees of the National Sahitya Akademi, other than those who had certified about the standard of creativity, or other eminent creative writers of national or international stature, to assess the said published work and furnish their reports.
- (c) In case at least two of the examiners affirm that the said published original work is a creative work constituting a significant contribution to literature, the Board may accept the said work for award of the degree of Doctor of Literature in the language concerned for Creative Writing and publish the result thereof.
- (d) The Diploma in the specified form conferring the said degree shall be presented either at the annual convocation or at a special ceremony organised by the University, as the case may be

Diploma in
Applied
Translation
and
Creative
Writing.

26. (1) The University may institute a Post-Graduate Diploma Course in Applied Translation (English-Hindi/Hindi-Oriya/Oriya-Hindi) and Creative Writing (Oriya/Hindi/English) in the Distance Education pattern as per the regulations to be formulated by the Academic Council and operate it through literary institution/ organisations within or outside Orissa, specially affiliated to the University for the said purpose.

2) In order to be eligible for such special affiliation, the institution/ organisation must fulfil the following conditions, namely:-

- (a) It should have been registered as society or a trust.
- (b) It should have been operative for a period of not less than three years.
- (c) Its balance-sheet certified by a Chartered Accountant should indicate a standing balance of atleast rupees one lakh.
- (d) It should have engaged on wholetime or part-time basis an eminent litterateur or creative writer or translator or academic scholar as Director or Principal, and
- (e) It should be having a library with a reasonable number of books in stock.

27. The University shall undertake schemes, programmes and projects for promotion of excellence in creativity, research and documentation in respect of various aspects relating to visual arts and performing arts.

Promotion
of Excel-
lence in
Visual and
Performing
Arts.

CHAPTER VI

FINANCE AND ACCOUNTS

Univer-
sity
Fund.

28. (1) The University shall establish a fund to be called the University fund.

(2) The following shall form part of , or be paid into, the University fund namely :-

- (a) any contribution or grant by the Government, Central Government, University Grants Commission, Industrial Undertakings, Corporations, Companies, Associations, other bodies or local authorities;
- (b) any income of the University from all sources including income from fees and charges and sale proceeds;
- (c) bequests, donations, endowments and other grants, if any received by the University; and
- (d) miscellaneous receipts.

(3) With the prior approval of the Government, the University may, from time to time, establish such other funds in such name and for such specific purposes as may be decided by the Board.

(4) The fund shall be kept in a Nationalised or Scheduled Bank or invested in such securities as may be decided by the Board.

(5) The funds and all monies of the University shall be managed in such manners as may be prescribed by the Statutes.

Power to borrow.

29.(1) The University may, with the previous sanction of the Government as regards the purpose and amount of loan, and subject to such conditions as may be specified by the Government as to security and rate of interest, borrow any sum of money from any Nationalised Bank or Scheduled Bank or any other corporate body or other financial institution.

Financial estimate.

30.(1) The University shall prepare the financial estimate of receipts and expenditure of the University in such manner as may be prescribed by the Statutes.

- (2) The Board shall consider the estimates so prepared and approve them with or without modification.
- (3) The University shall submit such estimates as approved by the Board to the Government for its sanction.
- (4) The Government may pass such orders with reference to the said estimates as it thinks fit.

and communicate the same to the University which shall give effect to such order.

- (5) The Board may, in urgent cases where expenditure in excess of the amounts provided for in the budget is found to be necessary, for reasons to be recorded in writing, incur such expenditure.

Accounts
and auditing

31. (1) The annual accounts of the University shall be prepared by the Finance Officer under the direction of the Board and all monies accruing to, or received by the University, from whatever sources and all amounts disbursed and paid by the University shall be entered in the Books of Accounts.

(2) The accounts of the University shall, at least once in every year and at interval of not more than fifteen months, be audited in accordance with the provisions of the Orissa Local Audit Act, 1948 and the provisions of that Act shall apply to such audit.

Orissa
Act 5 of
1948.

(3) All reports on audit made under the sub-section (2) shall as soon as may be after they are received from the Examiner of Local Accounts, be laid before the State Legislature for a total period of fourteen days which may be comprised in one or more sessions.

(4) The Government shall have power to conduct special audit if required in respect of utilisation of funds and the University shall comply with the directions issued by the Government on such audit.

(5) The University shall forthwith rectify any defect or irregularity pointed out by the auditors and report the action taken to the Government.

Annual
report

32. (1) The Board shall prepare the annual report of the University containing such particulars as the Government may specify covering each financial year, and before its final approval, it shall be presented to the Academic Council for its review on or before such date as may be prescribed by the Statutes.

(2) Copies of the Annual Report and the Annual Accounts shall be sent to the Government and the Government shall place them before the State Legislature.

CHAPTER VII
STATUTES , REGULATIONS AND RULES.

Statues.

33. Subject to the provisions of this Act, the Statutes may provide for all or any of the following matters, namely :-

- (a) the constitution, functions and powers of the faculties, Board of studies and other authorities of the University and such other bodies as may be declared to be authorities of the University;
- (b) the method of recruitment , conditions of service, powers and duties of the officers, Teachers and other employees of the University;
- (c) the conferment of honorary degrees;
- (d) the award of degrees , diplomas, titles, certificates and other academic distinctions;
- (e) the withdrawal of degrees, diplomas, titles, certificates and other academic distinctions;
- (f) the institution of fellowships, scholarships, studentships, exhibitions, medals and prizes.
- (g) the procedure to be followed at meetings of authorities of the University for the transaction of business by them;
- (h) the classification of Teachers of the University and other employees;
- (i) acceptance and management of bequests, donations and endowments;
- (j) the grant of affiliation to institutions;
- (k) recognition of examinations of Universities or other educational institutions as equivalent to the examinations of the University.
- (l) fees to be charged for the courses of studies in the University and for admission to the examinations, degrees and diplomas of the University;
- (m) conditions relating to the award of fellowships, scholarships, studentships, exhibitions, medals

and prizes.

- (n) conduct of examinations, including the terms of office, manner of appointment and the duties of examination bodies, examiners and moderators;
- (o) supervision of students engaged in research and special studies in constituent or affiliated institutions or attached Centres;
- (p) fees to be charged for the services rendered by the University ; and
- (q) any other matters which are required to be or may be prescribed under this Act or by the statutes.

Procedure for
making
Statutes

34. (1) The first Statutes of the University shall be made by the Government by notification in the Gazette and shall continue to be in force until amended or superseded by Statutes made by the Board in accordance with the provisions of this section.

(2) The Board may, from time to time , make new or additional Statutes or may amend or repeal the Statutes in the manner hereinafter provided.

(3) No Statutes affecting the powers or duties of any authority of the University shall be made by the Board unless the draft of such Statutes is referred by the Vice-Chancellor to such authority concerned for expressing its views thereon within such period as may be specified in the reference or within such further period as the Vice-Chancellor may allow and views, if any, so expressed is duly considered.

(4) Every Statutes passed by the Board shall be submitted to the Government, who may give or withhold its approval thereto or refer it back to the Board for reconsideration with such observations as it may deem fit.

(5) No Statutes passed by the Board shall be valid until approved by the Government and it shall come into force on the date of its publication in the Gazette or such other dates as the Government may fix.

Regulations.

35. (1) The Academic Council may, subject to the approval of the Board, make regulations consistent with this Act and the Statutes.

(2) The Regulations may provide for the exercise of all or any of the powers and functions enumerated in section 18 of this Act.

(3) Every Regulation shall come into force on the date of its publication in the Gazette or on such other prospective date as the Board may direct.

Rules.

36. (1) The Academic Council, Faculties and the Boards of Studies of the University may, subject to the approval of the Board, make rules consistent with this Act and the Statutes and the Regulations made thereunder.

(2) The rule may provide for -

(a) the giving of notices to the members of each authority, the dates of meetings and the business to be transacted at such meetings and also for keeping a record of the proceedings of meetings.

(b) the procedure to be followed at the meetings and number of members required to form the quorum for the meetings.

(c) all matters solely concerning such authority or the matters not provided for by this Act, the Statutes or the Regulations made under this Act.

(3) The Board may refuse to approve the rules submitted to it or may return them to the authority concerned for further consideration or may approve the rules with modifications or subject to such modifications as the Board may deem fit.

(4) Every rules made under this section shall come into force on the date of their publication in the Gazette or such other prospective date as the Board may direct.

CHAPTER-VIII
MISCELLANEOUS

Transfer of
affiliation
of existing
institu-
tions.

37. (1) Notwithstanding anything contained in the Universities Act, 1989, all colleges and institutions imparting education in literary arts, visual and performing arts in the state and affiliated to other Universities immediately before the date of commencement of this Act shall be deemed to have been disaffiliated from the respective Universities and have been affiliated to the University of Odisha, subject to such terms and conditions, as have been specified in the order of the respective Universities from which they obtained the affiliation :

Provided that the University may impose such other terms and conditions for continuation or further extension of the terms of affiliation, not inconsistent with provisions made in or under this Act, as it may deem fit and the college or Institution shall be bound to comply with such terms and conditions, within such reasonable time as may be prescribed by the University:

Provided further that the University shall have power to alter or withdraw the affiliation deemed to have been granted under this sub-section, if the college or institution concerned does not comply with the terms and conditions so imposed.

(2) For the purpose of deemed affiliation provided in sub-section-(1), the college or institution concerned shall submit a copy of the valid letter of affiliation granted by other Universities concerned to the Registrar of the University within a period of three months from the date of commencement of this Act and the acknowledgment of the receipt of such copy by the University shall be a valid evidence for the purpose of such deemed affiliation:

Provided that the Bibhuti Kanungo College of Arts and Crafts, Bhubaneswar, the college of Arts and Crafts, Khallikote, the Utkal Sangeet Mahavidyalaya and the Odissi Research Centre, Bhubaneswar shall be deemed to have been affiliated to the University immediately on the commencement of this Act.

Exclusion of jurisdiction of other University.

38. Notwithstanding anything contained in the Orissa Universities Act, 1989, no University in the State other than the University established under this Act, shall grant affiliation to any college or institution which offers courses or programmes of education, research and training in the field of literary art, visual and performing art, after the date of commencement of this Act :

Orissa Act 5 of 1989.

Provided that nothing in this section, save as otherwise provided in this Act, shall apply to any constituent college, institution or Department of any other University or of a deemed University within the meaning of section-3 of the University Grants Commissions Act, 1956 which is directly managed, 3 of 1956. controlled and financed by such Universities.

Special provisions for students.

39. Notwithstanding anything contained in this Act, the Statutes or the Regulations, every student of the colleges or institutions; which have been disaffiliated or transferred from other Universities in accordance with provisions of section-37 who was studying in such colleges or institutions and was eligible to be admitted to any examination held or conducted by other Universities, shall be permitted to complete his courses of study or be admitted to the examination of the University and the University shall make arrangement-

- (a) for the instruction, teaching, training and holding examination for such students for such period in such manner as may be determined by the Vice-Chancellor in accordance with the courses of studies of other Universities concerned; and
- (b) for the conferment of the corresponding degree, diploma or other academic distinctions of the University upon the qualified students on the result of such examinations.

Protection of acts and orders.

40. All acts and orders done or passed in good faith by the University or any of its authorities, bodies or officers shall be final and accordingly no suit or legal proceedings shall be instituted against, or damage claimed from the University or its authorities, bodies or officers for anything purporting to be done or any order passed in good faith in pursuance of this Act, the Statutes, Regulations and Rules made thereunder.

Question regarding interpretation and dispute regarding constitution of authority or body.

41. (1) If any question arises regarding the interpretation of any provision of this Act or any Statutes or as to whether a person has been duly appointed or nominated or is entitled to be a member of any authority or body of the University, the matter may be referred to the Chancellor.

(2) The Chancellor shall after taking such advice as he may deem necessary decide the question and his decision thereon shall be final.

Power of Government to cause inspection of the university.

42. (1) The Government shall have the right to cause inspection, to be made by such person or persons as they may direct, of the University, its buildings, libraries, museums, workshops and equipment or any institution maintained, affiliated to or approved by the University, and to cause enquiry to be made in respect of any matter connected with the University..

(2) The Government shall, before taking any action under sub-section(1), give notice to the University of their intention to cause such inspection or enquiry to be made and the University shall be entitled to be represented thereat.

(3) The Government shall communicate to the Board the result of any inspection or inquiry made under sub-section(1) and may, after ascertaining the opinion of the Board thereon, convey their views to the Vice-Chancellor and to the Board.

(4) The Government may, after considering views of the Vice-Chancellor and the Board on the result of any inspection or inquiry made under sub-section(1) advise the University upon the action to be taken in the matter.

(5) The Board shall report to the Government the action, if any, which is proposed to be taken or has been taken upon the result of any inspection or inquiry made under sub-section(1).

(6) A report under sub-section(5) shall be submitted to the Government with the opinion of the Board thereon and within such time as the Government may direct.

(7) Where the Board does not, within a reasonable time, take any action referred to in sub-section(4) to the satisfaction of the Government, the Government may after

considering any explanation furnished by the Board in the matter, issue such directions as they may think fit, and the Board shall comply with such directions

Pension,
Insurance and
Provident
Fund.

43. With the prior approval of the Government, the University may make appropriate provisions for the benefit of its officers, teachers and other employees under its control in matters of pension, insurance and provident fund and for such other benefits as it may deem fit, in such manner as maybe prescribed by the Statutes.

Transitory
provisions.

44. Notwithstanding the transfer of colleges or institutions under section 37 of this Act. for a period of six months from the date of commencement of this Act. or such further period as the Government may by notification specify, every person who immediately before the said date of commencement, was a student of any college or institution which has been disaffiliated from any other Universities in accordance with the provisions of this act and affiliated to the University and was eligible to be admitted to any examinations held or conducted under the Regulations in force of other Universities concerned.

- (a) shall be admitted to such examinations by other Universities concerned and the result of such examinations shall be sent by the other Universities concerned to the University within a reasonable time; and
- (b) the corresponding degree, diploma or academic distinction or mark sheet shall be issued or conferred upon the qualified students by the University on the basis of result of such examinations conducted by other Universities concerned.

Savings.

45. (1) On and from the date of commencement of this Act, the provisions of the Orissa Universities Act, 1989 save as otherwise provided, shall cease to apply to and in respect of the colleges, Institutions or Departments disaffiliated from other Universities and affiliated to the University under the provisions of this Act.

Orissa
Act 5
of
1989

(2) Such cessation shall not affect-

- (a) the previous operation of the said Act, or
- (b) any penalty, forfeiture or punishment incurred in respect of any offence committed against the said Act, or
- (c) any investigation, legal proceeding or remedy in respect of such penalty, forfeiture or punishment and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if this Act has not been enacted.

Repeal and savings.

46. (1) The Utkal University of Culture Ordinance, 1999, is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the ordinance so repealed shall be deemed to have been done or taken under the corresponding provisions of this Act.

Orissa
Ordinance
No. 1 of
1999

By order of the Governor
G.C. MOHANTY
Secretary to Government

THE UTKAL UNIVERSITY OF CULTURE (AMENDMENT) ACT, 2008

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The Orissa



Gazette

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LAW DEPARTMENT

NOTIFICATION

The 7th January 2009

No. 419/I-Legis.-11/08—The following Act of the Orissa Legislative Assembly having been assented to by the Governor on the 27th December, 2008 is hereby published for general information.

ORISSA ACT 2 OF 2009

THE UTKAL UNIVERSITY OF CULTURE (AMENDMENT) ACT, 2008

AN ACT FURTHER TO AMEND THE UTKAL UNIVERSITY OF CULTURE ACT, 1999

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

- Short title. 1. This Act may be called the Utkal University of Culture (Amendment) Act, 2008.
- Amendment of section 10. 2. In the Utkal University of Culture Act, 1999 (hereinafter referred to as the principal Act), for sub-section (4) of section 10, the following sub-section shall be substituted, namely :—
- Orissa Act 9 of 1999.
- “(4) The Vice-Chancellor shall visit and inspect institutions maintained by or affiliated to the University at least once in three years.”.
- Amendment of section 11. 3. In the principal Act, in sub-section (1) of section 11, for the words “appointed by the State Government”, the words “appointed by the Chancellor” shall be substituted.
- Amendment of section 12. 4. In the principal Act, in section 12,—
- (i) in the marginal heading, for the words “The Finance Officer”, the words “Comptroller of Finance” shall be substituted ; and

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

"(1) The Comptroller of Finance shall be appointed by the Chancellor in consultation with the State Government from among the officers of the Orissa Finance Service and shall be a whole time officer of the University."

Amendment
of
section 13.

5. In the principal Act, for sub-section (1) of section 13, the following sub-section shall be substituted, namely :—

"(1) The Controller of Examinations shall be appointed by the Vice-Chancellor, on the recommendation of a Selection Committee consisting of the Director of Culture, Orissa, the Registrar of the University, one member nominated by the Board and two experts nominated by the Vice-Chancellor, shall be a whole-time officer of the University."

Amendment
of
section 17.

6. In the principal Act, for clause (o) of sub-section (1) of section 17, the following clause shall be substituted, namely :—

"(o) two persons of academic eminence nominated by the Chancellor."

Insertion of a
section.

7. In the principal Act, in Chapter VIII after section 42, the following section shall be inserted, namely :—

Section
42-A. (1) If the State Government
deem fit, after making such enquiry
as they are satisfied that the
management of the University has
not been or cannot be carried on
in accordance with the provisions
of this Act or that there has been
such default in the performance
of its duties by any of the
authorities of the University that
the administration of the University
is not likely to promote its
objective, they may, after
consultation with the Chancellor,
by an order notified in the
Gazette (hereinafter referred to
as the notified order) take over
the management of the affairs of
the University and appoint an
officer to be the Administrator
for the University.

42-A. (1) If the State Government, after making such enquiry as they deem fit, are satisfied that the management of the University has not been or cannot be carried on in accordance with the provisions of this Act or that there has been such default in the performance of its duties by any of the authorities of the University that the administration of the University is not likely to promote its objective, they may, after consultation with the Chancellor, by an order notified in the Gazette (hereinafter referred to as the notified order) take over the management of the affairs of the University and appoint an officer to be the Administrator for the University.

(2) The notified order shall remain in force for such period, not exceeding one year, as the State Government may specify therein.

(3) A copy of every notified order shall, as soon as may be after it is issued, be laid before the State Legislature.

(4) Upon issue of the notified order under sub-section (1),—

(a) the authorities of the University shall be deemed to have been superseded and the members thereof holding office immediately before the issue of the notified order shall be deemed to have vacated their offices as such ;

(b) the Vice-Chancellor shall be deemed to have vacated his office as such ;

(c) the powers and functions of the authorities and the Vice-Chancellor shall during the operation of the notified order, be exercised and performed by the Administrator ;

- (d) the Administrator shall for the purpose of signing the Diplomas granted by the University, be designated as the Vice-Chancellor thereof ;
- (e) every person ceasing to hold office as aforesaid and having possession, custody or control of any property of, or any books, documents or other papers relating to the University shall deliver the property, books, documents and other papers to the Administrator or to such person as may be authorised by the Administrator in this behalf ;
- (f) the State Government may take all necessary steps for securing possession of the properties, books, documents and other papers as aforesaid.

(5) No person, who ceases to hold office by reason of the issue of a notified order, shall be entitled to any compensation for the loss of office.

(6) The Administrator shall take all necessary steps for the reconstitution of the authorities and for the appointment of the Vice-Chancellor so that the member of the said authorities and the Vice-Chancellor can assume office upon the expiry of the notified order :

Provided that notwithstanding anything contained in any other provision of this Act the State Government may, in consultation with the Chancellor, appoint the officer acting as the Administrator to be the Vice-Chancellor of the University with effect from the date of expiry of the notified order for such term not exceeding three years as they may fix.

(7) All elections, selections and nominations for the purpose of reconstitution of the said authorities shall be held in advance in accordance with the provisions of this Act and Statutes and all persons who are to take part in any such election, selection or nomination by virtue of holding office as member of any authority shall, notwithstanding the fact that they have not assumed such office, be eligible to take such part."

General
amendment

8. In the principal Act for the words "Finance Officer" wherever they occur, the words "Comptroller of Finance", shall be substituted.

By order of the Governor
B. K. NAYAK
Principal Secretary to Government