

THE NATIONAL LAW UNIVERSITY ORISSA ACT, 2008

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SCHEDULE

The Orissa Gazette



EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 2215, CUTTACK, THURSDAY, DECEMBER 4, 2008/MARGASIRA 13, 1930

LAW DEPARTMENT

NOTIFICATION

The 4th December 2008

No. 14778/I-Legis.-34/06-The following Act of the Orissa Legislative Assembly having been assented to by the Governor on the 23rd November, 2008 is hereby published for general information.

ORISSA ACT 4 OF 2008

THE NATIONAL LAW UNIVERSITY ORISSA ACT, 2008

AN ACT TO PROVIDE FOR THE ESTABLISHMENT AND INCORPORATION OF A NATIONAL LAW UNIVERSITY AT CUTTACK IN THE STATE OF ORISSA FOR THE PURPOSES OF ADVANCEMENT OF COURSE OF LEARNING, TEACHING AND RESEARCH AND DIFFUSION OF KNOWLEDGE IN THE FIELD OF LAW AS ALSO TO CATER TO THE NEED OF THE SOCIETY BY DEVELOPING PROFESSIONAL SKILLS OF PERSONS INTENDING TO TAKE UP ADVOCACY, JUDICIAL SERVICE, LEGAL SERVICE OR SERVICE FOR LEGISLATIVE DRAFTING AS THEIR PROFESSION AND MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

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

CHAPTER-1 PRELIMINARY

1. (1) This Act may be called the National Law University Orissa Act, 2008.

(2) It extends to the whole of the State of Orissa.

(3) It shall come into force on such date as the State Government may, by notification, appoint.

Short title,
extent and
commence-
ment

Definitions.

2. In this Act, unless the context otherwise requires,-

- (a) "Academic Council" means the Academic Council of the University;
- (b) "Bar Council of India" means the Bar Council of India constituted under the Advocates Act. 1961;
- (c) "Chancellor" means the Chancellor of the University;
- (d) "Executive Council " means the Executive Council of the University;
- (e) "General Council" means the General Council of the University;
- (f) "Ordinance" means Ordinance of the University made by the Executive Council;
- (g) "Registrar" means the Registrar of the University;
- (h) "regulations" means the regulations of the University made by the authorities of the University under the provisions of this Act;
- (i) "rules" means rules of the University made and enforced by the authority of the University as per the provisions of this Act or regulation;
- (j) "Schedule" means the Schedule appended to this Act containing Statutes;
- (k) "University" means the National Law University Orissa established under section 3;
- (l) "Vice-Chancellor" means the Vice-Chancellor of the University; and
- (m) "Visitor" means the Visitor of the University.

CHAPTER II

ESTABLISHMENT OF THE UNIVERSITY, ITS OBJECTIVES AND FUNCTIONS

Establish-
ment of the
University

3. (1) With effect from such date as the State Government may, by notification, appoint, there shall be established in the State of Orissa a University by the name of "National Law University, Orissa", which shall consist of the Chancellor, Vice-Chancellor, the General Council, the Executive Council, the Academic Council and the Registrar.

(2) The University shall be a body corporate by the name aforesaid having perpetual succession and common seal with power and subject to the provisions of this Act, the University shall be competent to acquire and hold property, to contract and shall by the said name, sue and be sued.

(3) In all suits and other legal proceedings by or against the University, the pleadings shall be signed and verified by the Registrar and all processes in such suits and proceedings shall be issued to, and served on, the Registrar.

(4) The headquarters of the University shall be at Cuttack.

Objects
of the
University

4. (1) The objects of the University shall be,-

- (a) to design and run regular and periodical courses of learning for dissemination of knowledge, advanced learning in legal subjects and issues of law and other related disciplines with a view to meaningfully integrate, support and enhance professional knowledge of law and so also to appreciate the role of rule of law in national growth and development;
- (b) to develop in the students and scholars social and scientific research skills for enhancing a sense of responsibility to serve society as a professional and also develop professional skills of advocacy, judicial and other legal services legislation, law reforms and the like;
- (c) to advance the professional education in convergence with knowledge of other related disciplines so as to provide adequate orientation and training including facilities of continuing education to law teachers, judicial officers, advocates and other persons in the civil society engaged or interested in legal filed involved in the administration of justice;
- (d) to organize lectures, seminars, symposia and conferences, to promote legal knowledge and to make law and legal processes as efficient instruments of social development;
- (e) to hold examinations and confer degrees, diplomas, certificates and other academic distinctions; and
- (f) to do all such things as are incidental, necessary or conducive to the attainment of all or any of the objects of the University, as an institution of higher learning and research and an institution of excellence.

(2) The University shall be open to all persons of either sex irrespective of race, creed, caste, class or religion and it shall not be lawful for the University to impose on any person any condition whatsoever of religious belief or profession in order to entitle him to be admitted thereto as a teacher or a student or to hold any office therein or to graduate thereat or to enjoy or to exercise any privilege thereof.

Powers and
functions
of the
University.

5. The powers and functions of the University shall be,-

- (a) to administer and manage the University and such centres for research, education, instructions in on-line systems of distant learning and instructions as are necessary for the furtherance of the objects of the University;
- (b) to provide for instruction in such branches of knowledge or leaning pertaining to law, as the University may think fit and to make provision for research and for the advancement and dissemination of knowledge of law;

- (c) to organize and undertake extramural teaching and extension services;
- (d) to hold examinations and to grant diplomas or certificates, and to confer degrees and other academic distinctions on person subject to such condition as the University may determine and to withdraw and any such diplomas, certificates, degrees or other academic distinctions for good and sufficient cause;
- (e) to confer honorary degrees or other distinction in the manner laid down in the regulations;
- (f) to fix, demand and receive fees and other charges;
- (g) to institute and maintain, halls and hostel, to recognize places of residence for the students of the University and to withdraw such recognition accorded to any such place of residence;
- (h) to establish such special centres, specialized study centres or other units for research and instructions at any place, as are in the opinion of the University necessary for the furtherance of its objects;
- (i) to supervise and control the residence and to regulate the discipline of the students of the University and to make arrangements for promoting their health;
- (j) to establish and run, directly or through contract systems, sports complexes and gymnasiums and other indoor and outdoor facilities;
- (k) to make special arrangements in respect of the residence, discipline and teaching of women students;
- (l) to create academic, technical, administrative, ministerial and other posts in the university and to make appointments thereto;
- (m) to regulate and enforce discipline among the employees of the University and to take such disciplinary measures as may be deemed necessary;
- (n) to institute professorships, associate professorships, assistant professorships, part-time lectureship and any other teaching, academic or research posts required by the University;
- (o) to appoint persons as professors, associate professors, assistant professors, part-time lectures or otherwise as teachers and researchers of the University either on tenure or on non-tenure basis;
- (p) to institute and award fellowship, scholarships, prizes and medals;
- (q) to provide for printing, reproduction and publication of research and other works and to organize exhibitions;
- (r) to sponsor and undertake research in all aspects of law, justice, social development and scientific enquiries;

- (s) to co-operate with any other organization in the matter of education, training and research in law, justice, social development and allied subjects and for such purposes as may be agreed upon on such terms and conditions as the University may, from time to time, determine;
- (t) to co-operate with institutions of higher learning in the world having objects wholly or partially similar to those of the University by exchange of teachers and generally in such manner as may be conducive to the common objects;
- (u) to regulate the expenditure and to manage the accounts of the University;
- (v) to advance the professional education and also to provide adequate orientation and training to judicial officers and others who are involved in the administration of justice;
- (w) to impart training and conduct refresher courses for law teachers, judicial officers, advocates and other persons in legal field;
- (x) to spread and promote legal literacy and legal awareness among citizens at urban and rural level;
- (y) to provide legal aid to needy persons at pre-litigation and litigation stage;
- (z) to undertake research of ancient scriptures and ancient legal system in India and explore their usefulness in the administration of justice in modern India;
- (za) to develop teaching and research of such religious texts on which the modern law and the concept of non-violence and peace is based and to explore their usefulness in the administration of justice in modern India;
- (zb) to publish research studies, treatises, books, periodicals reports and other literature relating to law and other fields;
- (zc) to establish and maintain within the University premises or elsewhere, such class rooms and study halls as the University may consider necessary and adequately furnish the same and to establish and maintain such libraries and reading rooms as may appear convenient or necessary for the University;
- (zd) to receive grants, subventions, subscriptions, donations and gifts for the purpose of University consistent with the objects for which the University is established;
- (ze) to purchase, take on lease or accept as gifts or otherwise, any land or building or works which may be necessary or convenient for the purpose of the University and on such terms and conditions as it may think fit and proper, and to construct or alter and maintain any such building or works;

- (zf) to draw and accept, to make and endorse, to discount and negotiate, promissory notes, bills of exchange, cheques or other negotiable instruments;
- (zg) to execute conveyances, transfers, re-conveyances, mortgages, leases, licences and agreements in respect of property, movable or immovable including Government securities belonging to the University or to be acquired for the purpose of the University;
- (zh) to make policy and take effective regulatory steps for protection of intellectual properties created by the faculty, scholars, and students of various departments of learning and centres of research of the University;
- (zi) to appoint any person, as it may deem fit in order to execute an instrument or transact any business of the University;
- (zj) to enter into any agreement with the Central Government, State Governments, the University Grants Commission or other persons and Societies for receiving grants;
- (zk) to accept grants of money, securities or property of any kind on such terms as it may deem expedient;
- (zl) to raise and borrow money on bonds, mortgages, promissory notes or other obligations or securities founded or based upon all or any of the properties and assets of the University or without any securities and upon such terms and conditions as it may think fit and to pay out of the funds of the university, all expenses incidental to the raising of money, and to repay and redeem any money borrowed;
- (zm) to invest the funds of the University or money entrusted to the University in or upon such securities and in such manner as it may deem fit and from time to time, transpose any investment in the interest of the University;
- (zn) to make such regulations as may, from time to time, be considered necessary for regulating the affairs and the management of the University and to alter, modify and to rescind them;
- (zo) to make provisions for pension, insurance, provident fund and gratuity for the benefit of the academic, technical, administrative, employees of the University, in such manner and subject to such conditions as may be prescribed by the regulations, as it may deem fit, and to make such grants as it may think fit for the benefit of any employees of the University and to aid in establishment and in support of the association, institutions, funds, trusts and conveyance calculated to benefit the employees and the students of the University;
- (zp) to delegate all or any of its powers to the Vice-Chancellor of the University or any committee or any sub-committee or to anyone or more members of its body or its officers; and

(zq) to do all such other acts and things as the University may consider necessary, conducive or incidental to the attainment or enlargement of the aforesaid objects or any one of them.

Teaching
of the
University.

6. (1) All recognized teaching in connection with the degrees diplomas and certificates of the University shall be conducted, under the administrative control of the Executive Council, by the Teachers of the University, in accordance with the curricula, prescribed by the Executive Council by regulation in consultation with the Academic Council.

(2) The courses and curricula and the authorities responsible for organizing such teaching shall be such as may be prescribed by the regulations.

CHAPTER III

POWERS AND FUNCTIONS OF THE VISITOR AND CHANCELLOR

Visitor
of the
University.

7.(1) The Chief Justice of the Supreme Court of India, or his nominee from among the sitting Judges of the Supreme Court of India, shall be the Visitor of the University.

(2) The Visitor shall preside over the convocation of the University.

(3) The Visitor shall have the right to call for the report on any matter pertaining to the affairs of the University.

Chancellor
Of the
University.

8.(1) The Chief Justice of the High Court of Orissa shall be the Chancellor of the University.

(2) The Chancellor shall appoint Vice-Chancellor of the University in accordance with the procedure prescribed in the Schedule.

The Powers
of the Visitor
and the
Chancellor.

9 (1)The Chancellor and the Visitor shall have the powers-

- (a) to give direction, take action, or do anything as required under the provisions of this Act and the Statutes;
- (b) to cause an inspection by such person, as he may direct, of any work, activity or examination of the University, centers of research, or Regional centers; and
- (c) to give his views or advice to the Vice-Chancellor in the matters wherein an inspection has been made under clause (b).

(2) Where either the Visitor or the Chancellor of the University under clause (b) of sub-section (1) has ordered an inspection, the University may depute one of its officers to represent it in such inspection.

(3) The Chancellor or the Visitor shall communicate the result of the inspection and his advice to the Vice-Chancellor.

(4) The result and the advice referred to in sub-section(3) shall be communicated by the Vice-Chancellor to the Executive Council with his comments for such action as the Executive Council may propose to take and the action so taken shall be communicated to the Visitor or the Chancellor, as the case may be, through the Vice-Chancellor.

(5) Where the Executive Council does not, within reasonable time, take action to the satisfaction of the Visitor or the Chancellor, as the case may be, the Visitor or the Chancellor, after considering any explanation furnished or representation made by the Executive Council, issue such directions as he may think fit and the Executive Council shall comply with such directions.

CHAPTER IV

AUTHORITIES AND OFFICERS OF THE UNIVERSITY

Authorities
of the
University.

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

- (a) The General Council;
- (b) The Executive Council;
- (c) The Academic Council;
- (d) The Finance Committee; and
- (e) Such other authorities as may be prescribed by the regulations.

The
General
Council.

11. (1) The General Council shall be the highest body of the University.

(2) The composition of the General Council and its powers and the functions shall be such as are prescribed in the Schedule.

The
Executive
Council.

12.(1) The Executive Council shall be the Chief Executive body of the University.

(2) The administration, management and control of the University shall be vested with the Executive Council, which shall control and administer the property and funds of the University.

(3) The composition of the Executive Council and its powers and functions shall be such as are prescribed in the schedule.

The
Academic
Council.

13. (1) The Academic Council shall be the academic body of the University and shall, subject to the provisions of this Act and regulations, have power of control and general regulations, and be responsible for the maintenance of standards of instruction, education and examination of the University and shall exercise such other

powers and perform such other duties as may be conferred or imposed upon it by this Act or the regulations.

(2) The Academic Council shall have the right to advise the Executive Council on all academic matters.

(3) The Academic Council shall have the power to propose regulations on all the matters specified under clause 14 of the Schedule and matter incidental and related thereto.

(4) The composition of the Academic Council shall be such as has been prescribed in the Schedule.

Finance
Committee.

14. (1) The Finance Committee shall be the recommending body on all matters of financial and accounts of the University.

(2) The composition of the Finance Committee and its powers and functions shall be such as are prescribed in the Schedule.

Officers
of the
University.

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

- (a) the Vice-Chancellor;
- (b) the Registrar;
- (c) the Finance Officer;
- (d) the Controller of Examinations; and
- (e) such other officers as may be prescribed by regulations.

CHAPTER V

STATUTES, ORDINANCES AND REGULATIONS

Statutes.

16. (1) The Statutes of the University specified in the Schedule shall contain provisions regarding constitution and functions of various bodies of the University, appointments and terms of appointment, conditions of service and powers of various university officials and constitution of the Fund of the University and its deployment.

(2) The Statutes as contained in the Schedule, as amended from time to time, shall be binding on all authorities, officers, teachers and employees of the University and persons connected with the University.

(3) The Executive Council shall have powers to make any amendment in the statutes contained in the Schedule:

Provided that the Executive Council shall not amend any provision of the Statutes affecting the constitution, status or power of any authority of the University without affording to such authority a reasonable opportunity of making a representation on the proposed changes.

(4) Any amendment to the Statutes, whether by adding, deleting or in any other manner, shall not take effect unless the Chancellor has, after consultation with the State Government, assented to it:

Provided that the Chancellor may, after the said consultation and on being satisfied that assent be not given, withhold assent or return the proposal for amendment to the Executive council for reconsideration in the light of observation, if any, made by him.

(5) Notwithstanding anything contained in sub-section (3) or sub-section (4), the Chancellor shall have power to amend, after consultation with the State Government, whether by adding, deleting, or in any other manner, the Statutes contained in the Schedule.

(6) An amendment to the Statutes shall come into force on the date of its publication in the Official Gazette.

Ordinances
of the
University.

17. (1) Subject to the provisions of this Act and the Statutes contained in the Schedule, as amended from time to time, the Ordinances of the University may be made by the Executive Council for all or any of the following matters, namely:-

- (a) the courses of study, admission of students, fees, qualifications requisite for any degree, diploma or certificate and grant of fellowship;
- (b) the conduct of examination including the appointment of the examiners and their terms and conditions;
- (c) management of the colleges, institutions, research bodies and other agencies admitted to the privileges of the University; and
- (d) any other matter required by the Statutes to be dealt by Ordinances of the University.

(2) The first Ordinance of the University shall, as soon as may be, after the commencement of this Act, be made by the Vice-Chancellor with previous approval of the State Government, and may be amended at any time, in the manner, as is provided under this Act or as may be specified in the Statutes.

(3) Save as otherwise provided in sub-section (2), no Ordinances concerning the admission to the University or its examinations, courses of study, scheme of examinations, attendance and appointment of examiners shall be considered by the Executive Council unless draft of such Ordinance has been proposed by the Academic Council.

(4) The Executive Council shall not amend the draft of the Ordinance proposed by the Academic Council unless the Academic Council consents to said amendment but the Executive Council shall have power to reject or return the draft to the Academic Council for reconsideration either in whole or in part, together with any amendments, which the Executive Council may suggest.

(5) The draft Ordinances made by the Executive Council shall be submitted to the General Council and shall be considered by the General Council at its next meeting and shall come into effect from the date on which the General Council approves the same by resolution.

(6) The General Council shall have power, by resolution passed by a majority of not less than two-thirds of the members present and voting, to cancel any draft Ordinance made by the Executive Council and such draft Ordinance shall, from the date of such resolution, be deemed to be cancelled.

Regulations.

18. (1) Subject to the provisions of this Act, the Executive Council shall have, in addition to all other powers vested in it, the power to frame regulations to provide for the administration and management of the affairs of the University:

Provided that the Executive Council shall not make any regulation affecting the status, powers or constitution of any authority of the University until such authority has been given an opportunity of expressing an opinion in writing on the proposed changes, and any opinion so expressed is considered by the Executive Council:

Provided further that except with the prior concurrence of the Academic Council, the Executive Council shall not make, amend or repeal any regulation affecting any or all of the following matter, namely:-

- (a) the constitution, powers and duties of the Academic Council;
- (b) the persons responsible for organizing teaching in connection with the courses of study and related academic programmes;
- (c) the withdrawal of degrees, diplomas, certificates and other academic distinctions;
- (d) the establishment and abolition of faculties, departments and institutions;
- (e) the institution of fellowships, scholarships, studentship, medals and prizes;
- (f) conditions and modes of appointment of examiners or conduct of or standard of examinations or any other course of study;
- (g) mode of enrolment or admission of students; and
- (h) examinations to be recognized as equivalent to University examinations.

(2) The Academic Council shall have the power to propose regulations on all the matters specified in clauses (a) to (h) of sub-section (1) and matters incidental and related thereto.

Power of
Authorities
To make
Regulations.

19. An authority of the University shall have the power to make regulations, not inconsistent with the provisions of this Act, Statutes and the Ordinances of the University, in the manner prescribed in the Schedule for the conduct of its affairs and the affairs of the committees constituted by such authority.

CHAPTER VI

REVIEW COMMISSION

Appointment
of a
University
Review
Commission.

20.(1) The Chancellor shall at least once in every five years or as and when required, constitute a Commission to review the working of the University and to make recommendations.

(2) The Commission shall consist of not less than three eminent educationists, one of whom shall be the Chairman of such Commission appointed by the Chancellor in consultation with the State Government.

(3) The terms and conditions of the appointment of the members shall be such as the Chancellor may determine.

(4) The Commission shall, after holding such inquiry as it deems fit, make its recommendation to the Chancellor.

(5) The Chancellor may, in consultation with the State Government, take such action, as he deems fit, on the recommendation made by the Commission for the working and development of the University.

Action not to
be invalidat-
ed merely
on the
ground of
defect in the
constitution,
vacancy, etc.

21. Notwithstanding that,-

- (a) the General Council, the Executive Council, the Academic Council or any other authority or body of the University is not duly constituted or there is a defect in its constitution or reconstitution, at any time; or
- (b) There is a vacancy in the membership of any such authority or body,

No act or resolution or proceeding of such authority or body shall be invalidated on any such ground or grounds.

Removal
of
Difficulties.

22. If any difficulty arises with respect of the establishment of the University or in connection with the first meeting of any authority of the University or otherwise in giving effect to the provisions of this Act and the regulations, the Chancellor may, at any time, before all authorities of the University have been constituted, by order, make any appointment or do anything consistent, so far as may be, with the provisions of this Act and the regulations, which appear to him necessary or expedient for the purpose of removing the difficulty and every such order shall have effect as if such

appointment or action had been made or taken in the manner provided in this Act and the regulations:

Provided that before making any such order, the Chancellor shall ascertain and consider the opinion of the Vice-Chancellor and of such appropriate authority of the University as may have been constituted.

Transitory
Provisions.

23. Notwithstanding anything in this Act and the regulations, the Vice-Chancellor may, with the previous approval of the Chancellor and subject to the availability of funds, discharge all or any of the functions of the University for the purpose of carrying out the provisions of this Act and the regulations and for that purpose may exercise any powers or perform any duties, which by this Act and the regulations are to be exercised or performed by any authority of the University until such authority comes into existence as provided by this Act and the regulations.

Authorities
and
officers of
the
University.

24. The authorities of the University and their composition, powers, functions and other matters relating to them and the officers of University and their appointment, powers, functions and other matters relating to the finances, powers, teaching, administration and management of the affairs of the University shall be governed by the provisions as specified in the Schedule and subject to the provisions of this Act shall also be governed by the regulations as may be made under the provisions of this Act.

Indemnity.

25. No suit, prosecution or other legal proceedings shall lie against, and no damages shall be claimed from, the University, the Chancellor, the Vice-Chancellor, the authorities or officers of the University or any other person in respect of anything which is in good faith done or purported to have been done in pursuance of this Act or any regulations made there under.

Act to have
overriding
effect.

26. Provisions of this Act and any regulation made there under shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.

SCHEDULE

(See section 16)

STATUS

GENERAL COUNCIL

1. Membership of General Council.-(1) There shall be a General Council of the University which shall consist of the following members, namely,-

- (a) the Chancellor;
- (b) the Attorney-General of India;
- (c) the Chairperson of the University Grants Commission or his nominee not below the rank of Deputy Chairman of the Commission;

- (d) Advocate General, Orissa;
- (e) Chairman, Orissa State Bar Council;
- (f) All professors of the University;
- (g) Two retired or sitting Judges of the Supreme Court of India or of High Court nominated by the Visitor;
- (h) Two eminent members of the Bar of the Orissa High Court, nominated by the Chancellor;
- (i) Two eminent persons nominated by the Chancellor working in the field of law and law education; and
- (j) The Vice-Chancellor:

Provided that an employee of the University shall not be eligible for nomination to the General Council except the faculty nominees and the donors.

(2) Any person who makes a donation to the University at any time of an amount not less than twenty-five lakhs rupees shall be donor member during his life time and shall have a right to nominate a representative to attend meetings.

- 2. Chairman and Secretary of the General Council.-** The Chancellor shall be the Chairman and the Registrar shall be the Secretary of the General Council.
- 3. Terms of office of members of the General Council.-**(1) The term of office of the members of the General Council except donor members, if any, shall, subject to sub-clauses(2) and (3), be three years:

Provided that the term of the first General Council will expire on constitution of the regular General Council under the provisions of this Schedule.

(2) Where a member of the General Council becomes such member by virtue of the office or appointment he holds or is a nominated member, his membership shall terminate, when he ceases to hold such office or appointment or as the case may be, his nomination is withdrawn or cancelled.

(3) A member of the General Council shall cease to be a member,-

- (a) if he resigns or becomes unsound mind or becomes insolvent or is convicted of a criminal offence involving moral turpitude;
- (b) if he other than the Vice-Chancellor, accepts a full time appointment in the University; and
- (c) if he is a nominated member and fails to attend three consecutive meetings of the General Council without the leave of the Chairman.

(4) A member other than ex-officio member of the General Council may resign his office by a letter addressed to the Chairman and such resignation shall take effect as soon as such resignation is accepted by the Chairman.

(5) Any vacancy in the General Council shall be filled either by appointment or nomination, as the case may be, of a person by the respective authority entitled to

make the same and the person so appointed or nominated shall hold office so long only as the member in whose place he is appointed or nominated could have held office if the vacancy had not occurred.

4. Powers of the General Council.- (1) The General Council shall have all the powers necessary for the administration and management of the University and for conducting its affairs including the power to review the action of the Authorities and the power to review the regulations made by the Executive Council and shall exercise all powers of the University except as otherwise provided in this Act.

(2) Without prejudice to the generality of the powers conferred by sub-clause (1), the General Council shall,-

- (a) recommend the broad policies and ensure good governance of the University and suggest measures for the improvement and development of the University;
- (b) consider and pass the resolutions on the annual budget, annual account, annual report, the financial estimates and the audit report on such accounts; and
- (c) perform such other functions, not inconsistent with the provisions of this Act, as it may deem necessary for the better functioning and administration of the University.

5. Meeting of the General Council.-(1) The General Council shall meet at least once in a year, called annual meeting of the General Council which shall be held on a date to be fixed by the Vice Chancellor in consultation with the Chancellor.

(2) The Chancellor shall preside over the meeting and in his absence, the vice Chancellor shall preside over such meeting.

(3) A report of the working of the University during the previous year, together with a statement of receipt and expenditure as also the balance sheet as audited and the financial estimates, shall be presented by the Chancellor and in his absence, by the vice-Chancellor, to the General Council at its meeting.

(4) Meeting of the General Council shall be called by the Vice-Chancellor or at the request of not less than two-thirds of the members of the General Council including the ex-officio members.

(5) For every meeting of the general Council at least 15days notice shall be given.

(6) Six members of the General Council shall form the quorum.

(7) Each member shall have one vote and if there is equality of votes on any question to be determined by the General Council, the Chairman or the person presiding over meeting shall, in addition, have a casting vote.

(8) In case of difference of opinion among the members, the opinion of the majority shall prevail.

(9) If urgent action by the General Council becomes necessary, the Chairman may permit the business to be transacted by circulation of papers to the members of the General Council but no action shall be taken unless agreed to by a majority of the Members of the General Council and the action taken, if any, shall forthwith be intimated to all the members of the General Council and the papers relating to action so taken shall be placed before the next meeting of the General Council for confirmation.

EXECUTIVE COUNCIL

6. Membership of the Executive Council.-(1) The Executive Council shall consist of the following members, namely:-

- (a) the Vice-Chancellor;
- (b) one member of the General Council(to be nominated by it);
- (c) Advocate General, Orissa;
- (d) Chairman, Bar Council of India;
- (e) Chairman, the State Bar Council, Orissa;
- (f) Two senior most Faculty Members to be nominated by the Vice-Chancellor by rotation;
- (g) A sitting Judge of the High Court of Orissa to be nominated by the Chancellor; and
- (h) Two eminent academicians or jurists nominated by the Visitor.

(2) Vice-Chancellor shall be the Chairman and the Registrar shall be the Secretary of the Executive Council.

7. Term of Office of Executive Council.- (1) The term of office of the members of the Executive Council shall, subject to sub-clauses (2) and (3), be three years.

(2) Where a person has become a member of the Executive Council by virtue of the office or appointment he holds, his membership shall terminate when he ceases to hold that office or appointment.

(3) A member of the Executive Council shall cease to be a member,-

- (a) if he resigns or becomes unsound mind or becomes insolvent or is convicted of a criminal offence involving moral turpitude; or

- (b) if he, other than the Vice-Chancellor, or a member of the faculty, accepts a full time appointment in the University; or
- (c) if he is a nominated member and fails to attend three consecutive meetings of the Executive Council without the leave of the Chairman of the Executive Council.

(4) A member of the Executive Council other than an ex-officio member may resign from his office by a letter addressed to the Chairman of the Executive Council and such resignation shall take effect as soon as the chairman of the Executive Council accepts it.

(5) Any vacancy in the Executive Council shall be filled either by appointment or nomination, as the case may be, by the respective authority entitled to make the same and the person so appointed or nominated shall hold office so long as the member in whose place he is appointed or nominated could have held office if the vacancy had not occurred.

8. Powers and functions of the Executive Council.-Without prejudice to the provisions contained in section 5, the powers and functions of the Executive Council shall be,-

- (a) to create, from time to time, faculty position of and appoint in the position of, Professor-Director of Schools, Chairman of undergraduate and Postgraduate studies, Professors, Associate Professors, Assistant Professor and other teaching staff of the faculty on the recommendation of the Selection Committee constituted under the regulation of the University in that behalf;
- (b) to create positions in administrative, teaching, research and subordinate management staff, on tenure and non tenure basis on such terms and conditions as may be determined by regulations and to appoint personnel in such posts in such manner as may be determined under regulations and also have the power to delegate such functions to the Vice-Chancellor in such manner as may be stipulated in the regulation;
- (c) to grant, in accordance with the regulations, leave of absence other than casual leave to any officer or faculty member of the University and to make necessary arrangements for the discharge of the functions of such officer or member during his absence;
- (d) to manage and regulate the finances, accounts, investments, property, other matters and all other administrative affairs of the University and for that purpose to appoint such agents, as it may think fit;
- (e) to invest any money belonging to the University, including an unapplied income, in such stock, funds, shares or securities, as it may, from time to time, think fit or in the purchase of immovable property in India, with the like power of varying such investments from time to time;
- (f) to transfer or accept transfers of any movable or immovable property on behalf of the University;

- (g) to enter into, vary, carry out and cancel contracts on behalf of the University and for than purpose to appoint such officers as it may think fit;
- (h) to provide the buildings, premises furniture and apparatus and other means needed for carrying on the work of the University;
- (i) to provide, purchase or accept by donation, books for library of the University;
- (j) to entertain, adjudicate upon, if it thinks fit, to redress any grievances of the officers of the University, the teachers, the students and the University employees, who may for any reason, feel aggrieved, otherwise than by an act of a court;
- (k) to select a common seal for the University and to provide for the custody of the seal;
- (l) to appoint examiners and moderators, and if necessary to remove them and to fix their fees, emoluments, traveling and other allowances, after consulting the Academic Council; and
- (m) to exercise such other powers and to perform such other duties as may be conferred or imposed on it by or under this Act.

9. Meeting of the Executive Council.- (1) The Executive Council shall meet at least once in six months on a notice of not less than fifteen days.

(2) Five members of the Executive Council shall constitute a quorum at any meeting thereof.

(3) In case of difference of opinion among the members, the opinion of the majority shall prevail.

(4) Each member of the Executive Council shall have one vote and if there shall be equality of votes on any question to be determined by the Executive Council, the Vice-Chancellor or the member presiding over that meeting shall, in addition, have a casting vote.

(5) Every meeting of the Executive Council shall be presided over by the Vice-Chancellor and in his absence by a member chosen by the members present to preside on the occasion.

(6) If urgent action by the Executive Council becomes necessary, the Vice-Chancellor may permit the business to be transacted by circulation of papers to the members of the Executive Council, but no action shall be taken unless agreed to by a majority of members of the Executive Council and the action so taken, if any, shall be forthwith intimated to all the members of the Executive Council and the papers relating to action so taken shall be placed before the next meeting of the Executive Council for information.

10. Constitution of Standing Committee and appointment of Adhoc Committee by the Executive Council.- (1) Subject to the provisions of this Act and the regulations made in this behalf, the Executive Council may, by resolution, constitute such Standing Committees or appoint Ad-hoc Committees for such purposes and with such powers as the Executive Council may think fit for exercising

any power or discharging any function of the University or for inquiring into, reporting or advising upon any matter relating to the University.

(2) The Executive Council may co-opt such persons to a Standing Committee or an Ad-hoc Committee as it considers suitable and may permit them to attend the meetings of the Executive Council.

11. Reservation of posts and seats.-(1) The Executive Council may, by regulations, provide for the reservation of seats in the academic programmes for Scheduled Castes and Scheduled Tribes and for any other categories of person as may be notified by the State Government.

(2) The Executive Council may, by regulations, provide for the reservation of post and exclude certain posts from the purview of the reservation, as provided in the Acts or Rules in force dealing with the subject matter of reservation.

12. Delegation of powers by the Executive Council.- The Executive Council may by resolution, delegate to the Vice-Chancellor or to a Committee such of its powers as it may deem fit subject to the condition that the action taken by the Vice-Chancellor or such committee, in exercise of the powers so delegated, shall be reported at the next meeting of the Executive Council.

ACADEMIC COUNCIL

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

- (a) the Vice-Chancellor, who shall be the Chairman thereof;
- (b) three persons from amongst the eminent educationists or men of letters or members of learned professions, who are not in the service of the University, to be nominated by the Chancellor;
- (c) one member of the Legal Education Committee of the Bar Council of India to be nominated by the Chairman of the Committee;
- (d) all Heads of the Department of the University;
- (e) all the professors other than the Heads of the Department of the University; and
- (f) two members of the teaching staff, to be nominated by the Vice-Chancellor from amongst Associate Professors, Assistant Professors and lecturers of the University in order of seniority in each category by rotation:

Provided that such of the Associate Professors or Assistant Professors who have been nominated as members of Executive Council by the Vice-Chancellor, shall not be nominated as members of the Academic Council by the Vice-Chancellor.

(2) The terms of office of the members, other than ex-officio members shall be three years.

14. Powers and duties of the Academic Council.- Subject to the provisions of this Act and regulations, the Academic Council shall, in addition to all other powers vested in it, have the powers, --

- (a) to report on any matter referred or delegated to it by the General Council or the Executive Council;
- (b) to make arrangements through regulations for the instruction and examination of persons other than those enrolled in the University;
- (c) to promote research within the University and to require, from time to time to reports on such research;
- (d) to consider research proposals submitted by the faculties;
- (e) to appoint committees for admission to the University;
- (f) to recognize diplomas and degrees of other Universities and institutions and to determine their equivalence in relation to the diplomas and degrees of the University;
- (g) to fix, subject to any conditions accepted by the General Council, the time, mode and conditions of competition for fellowship, scholarships and other prizes, and to award the same;
- (h) to make recommendations to the Executive Council in regard to the appointment of examiners and if necessary their removal and the fixation of their fees, emoluments and travelling and other expenses;
- (i) to make arrangements for the conduct of examinations and to fix dates for holding them;
- (j) to declare result of the various examinations, or to appoint committees or officers to do so and to make recommendations regarding the conferment or grant of degrees, honours, diplomas, titles and marks of honour;
- (k) to award stipends, scholarships, medals and prizes and to make other awards in accordance with the regulations and such other conditions as may be attached to the awards;
- (l) to publish lists of prescribed or recommended text-books and to publish syllabus or the prescribed courses of study;
- (m) to prepare such forms and registers as are, from time to time, prescribed by regulations; and
- (n) to perform, in relation to academic matters, all such duties and to do all such acts as may be necessary for the proper carrying out of the provisions of this Act and the regulations.

15. Procedure of the meetings of the Academic Council. –

1) The Academic Council shall meet as often as may be necessary, but not less than two times during an academic year.

2) One-half of the total number of members of the Academic Council shall form quorum for a meeting of the Academic Council.

3) Every meeting of the Academic Council shall be presided over by the Chairman of the Academic Council and in his absence, by a member chosen by the members present at the meeting to preside on the occasion.

4) If urgent action by the Academic Council becomes necessary, the Chairman of the Academic Council may permit the business to be transacted by circulation of papers to the members of the Academic Council but no action shall be taken unless agreed to by a majority of members of the Academic Council and the action, if any, so taken shall be forthwith intimated to all the members of the Academic Council and the papers relating to action so taken shall be placed before the next meeting of the Academic Council for information.

FINANCE COMMITTEE

16. Finance Committee – (1) There shall be a Finance Committee constituted by the Executive Council consisting of the following members, namely:-

- (a) the Vice-Chancellor;
 - (b) one member nominated by the Executive Council from amongst its members;
 - (c) Finance Officer of the University;
 - (d) one senior teacher preferably a specialist of the finance and account matters nominated by the Vice-Chancellor;
 - (e) three financial experts, not having any relation with the University nominated by the Chancellor; and
 - (f) the Registrar, who shall be the Member-secretary of the Finance Committee.
- (2) The members of the Finance Committee shall hold office for a term of three years.
- (3) The functions and duties of the Finance Committee shall be, -
- (a) to examine and scrutinize the annual budget of the University and to make recommendations on financial matters to the Executive Council;
 - (b) to consider the periodical statements of accounts and to review the finances of the University, from time to time, and to consider re-appropriation statements and audit reports and to make recommendations to the Executive Council;
 - (c) to consider all proposals for new expenditure and make recommendation to the Executive Council; and
 - (d) to give its views and to make recommendations to the Executive Council on any financial question affecting, the University either on its own initiative or on reference from the Executive Council or the Vice-Chancellor.
- (4) The Finance Committee shall meet twice every year and five members of the Finance Committee shall form the quorum.

(5) The Vice-Chancellor shall preside over the meetings of the Finance Committee.

(6) In case of difference of opinion among the members, the opinion of the majority of the members shall prevail.

APPOINTMENT AND REMOVAL

17. Selection committee: - (1) All appointments to teaching and non-teaching posts shall be made on the basis of recommendation of the Selection Committee composed on such manner as may be prescribed under the regulation.

(2) Any person appointed to any teaching or non-teaching post shall be removed from the service in such manner as may be prescribed under the regulation.

VICE-CHANCELLOR

18. Appointment and the powers of the Vice-Chancellor. – (1) The Vice-Chancellor shall be appointed by the Chancellor on the recommendations of a Search Committee and after obtaining the advice of the State Government thereon:

¹ Provided that the first Vice-Chancellor of the University shall be appointed by the Chancellor in consultation with the State Government, on such terms and conditions as may be specified, by order, by the Chancellor for a period not exceeding five years.

(2) The Search Committee referred to in sub-clause (1), shall consist of the following members, namely:-

- (a) a person nominated by the Executive Council, not connected with the University or any other college affiliated to the University or any institution thereof;
- (b) one eminent authority on law nominated by the Chancellor; and
- (c) one nominee of the Bar Council of India.

(3) The Chancellor may appoint one of the members of the Search Committee constituted under sub-clause (2) to act as the Chairman of the Committee.

(4) The Search Committee shall submit a panel of at least three persons for appointment to the position of Vice-Chancellor for the consideration of the Chancellor.

(5) ² The term of the Vice-Chancellor shall be five years from the date on which he enters upon his office or until he attains the age of seventy years, whichever is earlier.

(6) The outgoing Vice-Chancellor will continue till newly selected Vice-Chancellor assumes the office.

(7) If the office of the Vice-Chancellor falls vacant due to resignation, illness or otherwise, the Chancellor shall make such arrangement to carry on the office of the Vice-Chancellor, as he deems fit.

¹ Subs. by Notification No. 43941-1(B)-HE-UM-23/2011/HE dt. 29-12-2011 by Govt. of Odisha, Department of Higher Education. Clause 18(1) before substitution, stood as : "Provided that the first Vice-Chancellor of the University shall be appointed by the Chancellor in consultation with the State Government, on such terms and conditions as may be specified, by order, by the Chancellor for a period not exceeding **three** years."

² Subs. by Notification No. 43941-1(B)-HE-UM-23/2011/HE dt. 29-12-2011 by Govt. of Odisha, Department of Higher Education. Clause 18(5) before substitution, stood as : The term of the Vice-Chancellor shall be five years from the date on which he enters upon his office or until he attains the age of seventy years, whichever is earlier.

(8) The Vice-Chancellor shall be the Chief Executive and academic head of the University and subject to specific and general directions of the Executive Council; the Vice-Chancellor shall exercise all powers of the Executive Council in the management and administration of the University.

(9) The Vice-Chancellor shall –

- (a) ensure that the provisions of this Act and the regulations are duly observed, and he shall have all powers as are necessary for that purpose;
- (b) convene the meetings of the General Council, the Executive Council, the academic Council and shall perform all other acts, as may be necessary to give effect to the provisions of this Act;
- (c) have all powers relating to the proper maintenance of discipline in the University ; and
- (d) if, in his opinion any emergency has arisen which requires immediate action to be taken he shall take such action as he deems necessary and shall report the same for confirmation to the next meeting of the authority which, in the ordinary course, would have dealt with the matter.

REGISTRAR

19. Registrar. – (1) The Registrar shall be appointed by the Executive Council on the recommendation of the Selection Committee constituted by Executive Council under the Chairmanship of the Vice-Chancellor:

Provided that first Registrar shall be appointed by the Chancellor in consultation with the State Government.

(2) The terms and conditions of service of the Registrar shall be such as may be prescribed by the regulations.

(3) The Registrar shall be the ex-officio Secretary of the General Council, the Executive Council, the Finance Committee and the faculties, but shall not be deemed to be a member of these authorities except the Finance Committee.

(4) The Registrar shall –

- (a) comply with all directions and orders of the Executive Council and the Vice-Chancellor;
- (b) be the custodian of the records, common seal and such other property of the University as the Executive Council shall assign to his charge;
- (c) issue all notice for convening meetings of the General Council, the Executive Council, the Academic Council, the Finance Committee, the faculties and of any Committee appointed by the authorities of the University;

- (d) keep the minutes of all meetings of the General Council, the Executive Council, the Academic Council, the Finance Committee, the faculties and any Committee appointed by the authorities of the University;
 - (e) conduct the official correspondence of the Executive Council and the Academic Council;
 - (f) supply the Visitor, the copies of the agenda of the meeting of the authorities of the University as soon as they are issued and, the minutes of the meetings of the authorities ordinarily within a month of the holding of the meetings;
 - (g) call a meeting of the Executive Council forthwith in an emergency, when neither the Vice-Chancellor nor the officer duly authorized is able to act and to take its directions for carrying on the work of the University;
 - (h) be directly responsible to the Vice-Chancellor for the proper discharge of his duties and function; and
 - (i) perform such other duties as may be assigned, from time to time, by the Executive Council or the Vice-Chancellor.
- (5) In the event of the post of the Registrar remaining vacant for any reason, it shall be open to the Vice-Chancellor to authorize any officer in the service of the University to exercise such powers, functions and duties of the Registrar as the Vice-Chancellor deems fit.

FINACE OFFICER

20. Finance Officer. – (1) There shall be a Finance Officer of the University who shall monitor and regulate the finances of the University.

(2) The Finance Officer shall be appointed in the same manner as in the case of the Registrar having such qualification as may be prescribed in the regulations:

Provided that the Vice-Chancellor shall, in consultation with the State Government, appoint the first Finance Officer of the University.

PROVIDENT FUND, GRATUITY AND PENSION

21. Provident fund, gratuity, pension and any other benefit scheme. – All permanent employees of the University shall be entitled to the benefit of the Provident Fund and other beneficial scheme in accordance with such regulations as may be framed in that behalf by the Executive Council.

22. Fund of the University:- (1) There shall be a University Fund which shall include –

- (a) ¹an initial grant of rupees five cores made by the State Government and such other grants as the State Government may give, from time to time, for the development of infrastructure of the University.
- (b) any contribution or grant made by the University Grants Commission or the Central Government;
- (c) any contribution made by the Bar Council of India;
- (d) any contribution made by the Bar Council of India Trust;
- (e) any contribution made by the State Bar Council;
- (f) any bequests, donations, endowments or other grants made by any private individual or institution;
- (g) income received by the University from fees and charges; and
- (h) any amount received from any other source.

(2) The amount of the said Fund shall be kept in a Scheduled Bank as defined in the Reserve Bank of India Act, 1934 or in a corresponding new bank constituted under the Banking Companies (Acquisition and transfer of Undertakings) Act, 1970 and the Banking Companies (Acquisition and transfer of Undertakings) Act, 1980 or may be invested in such securities authorized by the Indian Trust Act, 1882 as may be decided by the Executive Council.

(3) The said fund may be utilized for such purpose of the University and in such manner as may be prescribed by regulations.

23. Annual accounts, audit and financial estimates. – (1) The accounts of the University shall be prepared under the directions of the Executive Council.

(2) The auditors appointed by the Executive Council shall audit the accounts of the University at least once in a year:

Provided that the State Government shall have the power to direct, whenever considered necessary a special audit of the accounts of the University, including the institutions managed by it by such auditors, as it may specify.

(3) The accounts when audited shall be published by the Executive Council and a copy of the accounts together with the audit report shall be placed before the Executive Council and also shall be submitted to the Chancellor and the State Government.

(4) The annual accounts shall be considered by the General Council at its annual meeting and the General Council may pass resolutions with reference thereto, and communicate the same to the Executive Council.

5) The Executive Council shall consider the suggestions made by the General Council and take such action there on, as it thinks fit and the Executive Council shall inform the General Council at its next meeting with respect to all actions taken by it as also the reasons for not taking action.

¹ Subs. by Notification No. 43941-1(B)-HE-UM-23/2011/HE dt. 29-12-2011 by Govt. of Odisha, Department of Higher Education. Clause 22(1) before substitution, stood as : "an initial and one time grant of rupees five cores made by the State Government."

(6) The Executive Council shall prepare, before such date as may be prescribed by the regulations, the financial estimates for the ensuing year and place the same before the General Council.

(7) The Executive Council may, in case where expenditure in excess of the amount provided in the budget is to be incurred or in cases of urgency, for reasons to be recorded in writing, incur expenditure subject to such restrictions and conditions as may be specified in the regulations and where no provision has been made in the budget in respect, of such excess expenditure, a report shall be made to the General Council at next meeting.

24. Annual Report. – (1) The Executive Council shall prepare the annual report containing such particulars as the General Council may specify, covering each financial year, and submit it to the General Council on or before such date as may be prescribed by the regulation, who may pass resolution thereon and the Executive Council shall take action in accordance therewith which shall be intimated to the General Council.

(2) Copies of the annual report along with the resolution of the General Council thereon shall be submitted to the State Government and the State Government shall place them before the State Legislature at their next earliest session.

MISCELLANEOUS

25. Execution of contract. – All contracts relating to the management and administration of the University shall be expressed to be made by the Executive Council and shall be executed in accordance with the provisions of the regulations framed separately for this purpose.

26. Eligibility for admission of students. – No student shall be eligible for admission to a course of study for a degree or diploma unless he possesses such qualifications as may be prescribed by the regulations.

27. Residence of student. – Every student of the University, except those who are enrolled in on-line programme of distance education, shall reside in a hostel maintained or recognized by the University under such conditions as may be prescribed by the regulations.

28. Honorary Degrees. – If not less than two-thirds of the members of the Academic Council, recommend that an honorary degree or academic distinction be conferred on any person on the ground that he is, in their opinion, by reason of eminent attainment and position, fit and proper to receive such degree or academic distinction, the General Council may, by a resolution, decide that the same may be conferred on the person recommended.

29. Withdrawal of Degree or Diploma. – (1) The General Council may, on the recommendation of the Executive Council, withdraw any distinction, degree,

diploma or privilege conferred on or granted to any person by a resolution passed by a majority of the total membership of the General Council and by a majority of not less than two-thirds of the members of the General Council present and voting at the meeting, if such person has been guilty of gross misconduct.

(2) No action under this clause shall be taken against any person unless he has been given an opportunity to show cause against the action proposed to be taken.

(3) A copy of the resolution passed by the General Council shall be sent to the person concerned immediately.

(4) Any person aggrieved by the decision taken by the General Council may appeal to the Visitor within thirty days from the date of the receipt of such resolution.

(5) The decision of the Visitor in such appeal shall be final.

30. Discipline. - (1) The Vice-Chancellor shall be final authority and responsible for maintenance of discipline among the students of the University.

(2) All Heads of Departments, Hostel, Directors of centers of research and services and all faculty staff shall carry out directions of the Vice-Chancellor in that behalf.

(3) Notwithstanding anything contained in sub-clause (1) the punishment of debarring a student from the examination or rustication from the University or Hostel or an institution shall be made on the report of the Vice-Chancellor which shall be considered and imposed by the Executive Council:

Provided that, before such report is considered, the Vice-Chancellor shall give to the student concerned a reasonable opportunity to show cause against the action proposed to be taken against him.

31. Sponsored Schemes. - (1) The sponsored research projects, studies and consultancies undertaken by the University shall be examined carefully by the Academic Council at the first instance before they are formally accepted by any officer, teacher or authority of the university.

(2) The University, however, shall be at liberty to accept and undertake such self-financing research projects, studies and consultancies for Governmental Departments, corporations, reputed private organizations, University Grants Commission or any other academic and research organization as it may deem proper:

Provided that, where an academic or research activity is undertaken at the behest of a private organization, that shall be governed by the separate regulations and on such terms and conditions as the Executive Council may specify by order.

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