

THE ODISHA UNIVERSITIES (AMENDMENT) ACT, 2020

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The Odisha Gazette

EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 1382, CUTTACK, MONDAY, NOVEMBER 9, 2020 / KARTIKA 18, 1942

LAW DEPARTMENT

NOTIFICATION

The 9th November, 2020

No. 10693-I-Legis- 39/2020/L.— The following Act of the Odisha Legislative Assembly having been assented to by the Governor on the 9th November, 2020 is hereby published for general information.

ODISHA ACT 6 OF 2020

THE ODISHA UNIVERSITIES (AMENDMENT) ACT, 2020

AN

ACT

FURTHER TO AMEND THE ODISHA UNIVERSITIES ACT, 1989

BE it enacted by the Legislature of the State of Odisha in the Seventy-first Year of the Republic of India, as follows: —

Short title and
Commencement.

1. (1) This Act may be called the Odisha Universities (Amendment) Act, 2020.

(2) It shall be deemed to have come into force on the 4th day of September, 2020.

Amendment
to section 2.

2. In the Odisha Universities Act, 1989 (hereinafter called the principal Act), in section 2, -

Odisha
Act 5 of
1989.

(i) after clause (d), the following clause shall be inserted, namely :-
“(d-1) ‘Commission’ means the Odisha Public Service Commission”;

(ii) for clause (f), the following clause shall be substituted, namely:-
“(f) ‘Director’ means the Regional Director of the Higher Education Department of the region concerned”;

- (iii) after clause (h), the following clause shall be inserted, namely:-
“(h-1) ‘Public University’ means the State University established under an Act of the State Legislature and funded by the State Government;”;
- (iv) Clauses (i) and (j) shall be omitted.
- (v) for clause (l), the following clause shall be substituted, namely:-
“(l) ‘Selection Board’ means Selection Board for the State constituted under sub-section (2) of section 10 of the Odisha Education Act, 1969.”;
- (vi) after clause (o), the following clause shall be inserted, namely:-
“(o-1) ‘Unitary University’ means a University having its own post-graduate courses, with or without its own undergraduate courses, but does not have the power to admit educational institutions to its privileges”;
- (vii) in clause (p), the words “under this Act” occurring at the end, the words “and shall include unitary University” shall be added;
- (viii) for clause (q), the following clause shall be substituted, namely:-

“(q) The expressions Visha vi vdyalaya, Kuladhipati, Kulapati, Adhishad, Bidya Parishad, Kulasachib, Bittadhikari, Pariksha Nyantraka, Upakulasachib, Sahayak Kulasachib, Mahavidyalaya, Pracharya, Upacharya, Sahayak Acharya, Shikshaka and Acharya in relation to Shree Jagannath Sanskrit Vishvavidyalaya shall respectively mean University, Chancellor, Vice-Chancellor, Syndicate, Academic Council, Registrar, Comptroller of Finance, Controller of Examinations, Deputy Registrar, Assistant Registrar, College, Professor, Associate Professor, Assistant Professor, Instructor and Graduate.”

Amendment
of section 3.

3. In the principal Act, in section 3, -

- (a) in sub-section (1), after clause (iv), the following clause shall be inserted, namely:-
“(v) the Ravenshaw University which is a unitary University established under the Ravenshaw University Act, 2005.
- (b) in sub-section (2), the word “senate” shall be omitted.

(c) in sub-section (4), for the words "and the statute," appearing in opening sentence, the words and comma, "and statutes, and also subject to the control and direction of the State Government" shall be substituted; .

(d) in sub-section (5),-

(i) in the opening portion, for the words "Every University", the words "Save as otherwise provided every University" shall be substituted; and

(ii) after clause (f), the following proviso shall be added, namely:-

"Provided that the purposes mentioned in clauses (d) and (e) shall not apply to a Unitary University."

Amendment
of section 4.

4. In the principal Act, in section 4, -

(a) for sub-section (2), the following sub-section shall be substituted, namely:-

"(2) The following shall be the teachers of the University, namely :-

(i) Professors;

(ii) Associate Professors;

(iii) Assistant Professors; and

(iv) such other teachers as may be prescribed to be teachers of the University."

(b) In sub-section (3), the clause (i) shall be omitted.

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

"(4) The Chancellor, in consultation with State Government, may change the designations of the Officers and Teachers of the University, as referred to in sub-section (1) and sub-section (2) as well as the name of the authorities referred to in sub-section (3), from time to time, as deem necessary."

Amendment of
section 5.

5. In the principal Act, in section 5, in sub-section (5),

(i) in the opening portion, for the words "The Chancellor shall have the Right", the words "the Chancellor either *suo-motu* or on receipt of a reference made by the State Government, may" shall be substituted;

(a) in clause (i), for the opening words "to make", the word "make" shall be substituted; and

(b) in clause (ii), for the opening words "to make", the word "make" shall be substituted.

(ii) in sub-section (10), the word and comma "Senate," shall be omitted;

Amendment
of section 6.

6. In the principal Act, in section 6, -

(a) in sub-section (1), the following proviso shall be inserted, namely:-

"Provided that where the appointment of Vice-chancellor is simultaneously required in respect of more than one University, the Chancellor may direct the Committee so constituted, to recommend a panel of three names for each such University";

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

"(3) The committee referred to in sub-section (1) shall consist of following three members, out of whom one shall be appointed by the Chancellor as the Chairman of the committee, namely:-

(a) Chancellor's nominee who should be a superannuated officer of the State Government having worked as Chief Secretary to the State Government or as a Secretary to Government of India or in any other post of the same rank;

(b) nominee of the University Grants Commission; and

(c) nominee of the State Government who shall be an eminent academician of State or National repute.

(c) in sub-section (6), for the words "Sixty-five year", the words "Sixty-seven year" shall be substituted.

(d) for sub-section (7), the following sub-section shall be substituted, namely:-

"(7) The term of office of the Vice-Chancellor shall be four years from the date he assumes office as such and shall not be eligible for reappointment;

Provided that the Vice-Chancellor of a University shall be eligible for appointment as Vice-Chancellor of any other University:

Provided further that the term of office of the Vice-Chancellor, who has been appointed and continues as such prior to commencement of the Odisha Universities (Amendment) Act, 2020, shall be three years.

(e) In sub-section (9), the words "and shall be entitled to all emoluments attached to the office" shall be omitted.

(f) In sub-section (10), -

(i) the words "and the person appointed to fill such vacancy shall hold office and shall be eligible for re-appointment in accordance with the provisions contained in sub-section (7)" shall be omitted.

(ii) for the proviso thereto, the following proviso shall be substituted, namely:-

"Provided that where it is not reasonably practicable to fill up the vacancy in the manner as aforesaid immediately after it occurs, the Chancellor may appoint any of the Vice-Chancellor of a neighbouring Public University of the State as Vice-Chancellor for a period not exceeding one year or till joining of a regular Vice-Chancellor, whichever is earlier, and the Vice Chancellor so appointed shall exercise the powers and perform the functions of the Vice-Chancellor and shall be entitled to such allowance as determined by the Chancellor".

(g) for sub-section (12), the following sub-section shall be substituted, namely:-

"(12) The Vice-Chancellor of the University shall, when present, preside at every meeting of any authority of which he is a member and in the absence of the Chancellor, he shall also preside at the Convocation of the University".

(h) in sub-section (17), in clause (i), for the words "different", the word "its" shall be substituted;

(i) in sub-section (18), for the words " The Vice-Chancellor", the words and comma " The Vice-Chancellor, other than of a unitary University," shall be substituted.

(j) for sub-section (19), the following sub-section shall be substituted, namely,-

"(19) Notwithstanding anything contained in this section, the Chancellor in consultation with the State Government shall appoint any person as Officer on Special Duty (OSD) for a period of maximum two years or till joining of a regular Vice-Chancellor, whichever is earlier, for a University newly established under this Act and subject to such terms and conditions as the State Government, may fix in that behalf."

Amendment
of section 7.

7. In the principal Act, in section 7,-

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

"(1) The Registrar shall be appointed by the Chancellor by selecting one officer out of three officers not below the rank of Joint Secretary, recommended by the State Government, who shall be a whole-time officer of the University and shall act as Secretary to the Syndicate and the Academic Council of the University;

Provided that the State Government shall not recommend name of any officer against whom any disciplinary or criminal proceeding is pending or who has been punished with a major penalty in a disciplinary proceeding or convicted in any criminal proceeding."

(b) in sub-section (2), in clause (f), the word and comma "Senate;" shall be omitted.

(c) after sub-section (4), the following sub-section shall be inserted namely:-

"(5) The salary, allowances and other dues of the Registrar shall be paid by the concerned University".

Amendment
of section 8.

8. In the principal Act, in section 8,-

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

“(1) The Comptroller of Finance shall be appointed by the Chancellor by selecting one officer out of three officers, belonging to Odisha Finance Service, recommended by the State Government and shall be a whole-time officer of the University.” ;

(b) in sub-section (5), the words “the senate and” and the commas and words, “ or the Senate as the case may be, ”shall respectively be omitted.

(c) in sub-section (6), for the words “exceeding ten thousand rupees” the words “exceeding one lakh rupees or any other higher amount as may be determined by the State Government, from time to time shall be substituted.

Amendment
of section 9.

9. In the principal Act, the section 9 shall be omitted.

Amendment of
section 10.

10. In the principal Act, in section 10,-

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

“(1) The Syndicate shall consist of the following members, namely;-

Ex-officio members:

(a) Vice-Chancellor of the concerned University;

(b) Secretary, Higher Education Department or his representative not below the rank of a Joint Secretary in State Government;

(c) Chairman, Post-Graduate Council, or its equivalent body, of the concerned University;

(d) Head of College Development Council or its equivalent body;

(e) Head of Students Welfare or its equivalent post;

(f) Head of Human Resources Development Centre or its equivalent body;

- (g) Regional Director of Education of Higher Education Department;

Other members:

- (h) Three Professors of the University to be nominated by the Chancellor on Seniority-cum-Rotation basis;
- (i) Three Principals or Professors of Government Colleges, affiliated to the concerned University, to be nominated by the Chancellor on Seniority-cum-Rotation basis;
- (j) Two members of the Academic Council to be elected by the Council thereof;
- (k) Three Principals of non-Government Aided Colleges, affiliated to the University, who have completed not less than 20 years of service, to be nominated by the Chancellor, keeping in view the representation of different districts within the local jurisdiction of the concerned University;
- (l) Three eminent persons in the field of education, academics, research, corporate industries or public administration to be nominated by the Chancellor out of whom one shall be a woman and one shall be a member of SC, ST or Minority Community;
- (m) Three eminent persons in the field of education, academics, research, corporate industries or public administration to be nominated by the State Government out of whom one shall be a woman and one shall be a member of SC, ST or Minority Community;
- (n) one representative of the non-teaching employees of the concerned University to be nominated by the Vice-Chancellor;

Provided that nothing in clauses (d), (i) and (k) shall apply to a Unitary University;

- (b) in sub-section (2), for the word 'three years', the word 'four years' shall be substituted.

- (c) in sub-section (3),-

(i) for clause (h), the following clause shall be substituted, namely;-

“(h) to consider the Annual Report, Annual Accounts and Audit Report of the University and to pass resolutions thereon.”

(ii) for clause (p) , the following clauses shall be substituted, namely:-

“(p) to review policies and programmes of the university and suggest measures for its improvement and development;

(q) exercise the powers of the University not otherwise provided for;.”

Amendment of section 11.

11. In the principal Act, in section 11,-

(a) in sub-section (1), -

(i) clauses (d) and (f) shall be omitted;

(ii) for clause (h), the following clause shall be substituted, namely:-

“(h) all the heads of Departments of the Post Graduate and Under Graduate subjects of the concerned University and the constituent colleges of the concerned University including the Principals of the constituent colleges.”

(iii) for clause (i), the following clause shall be substituted, namely:-

“(i) ten heads of Departments of the Post Graduate subjects of affiliated colleges, not below the rank of Associate Professor or Reader, to be nominated by the Vice-Chancellor.”

(iv) in the proviso, the words and bracket ‘and (d)’ shall be omitted.

(v) after the existing proviso, the following proviso shall be added, namely:-

“Provided further that nothing in clauses (i), (j) and (l) shall apply to a Unitary University.”

(b) in sub-section (2), for the word "three years", the words "four years" shall be substituted.

Amendment of section- 13.

12. In the principal Act, section 13 shall be omitted.

Amendment of section- 15.

13. In the principal Act, in section 15, in sub-section (1), the words "and members of the Odisha Legislative Assembly elected to the Senate" shall be omitted.

Amendment of section-21.

14. In the principal Act, for section 21, including its marginal heading, the following sections shall be substituted, namely:-

"Appointment of teachers of the University

"21. (1) On and from the date of commencement of the Odisha Universities (Amendment) Act, 2020 but subject to the provisions hereafter provided, the Commission shall be the authority competent to conduct examination for appointment to the teaching posts of a University.

(2) The Commission shall conduct examination or examination and interview in accordance with eligibility criteria and minimum qualification required for appointment to the post of teachers, as may be prescribed in the University Grants Commission Regulations and guidelines issued in this behalf, from time to time.

(3) All teachers of the University shall be appointed by the Vice-Chancellor of the concerned University on the recommendation of the Commission.

(4) The Registrar of the concerned University shall, ordinarily, by the last date of December of every year, make a requisition to the Commission subject-wise vacancies of teachers, including anticipated vacancies of the next calendar year, indicating number of posts reserved for different reserved category candidates in accordance with the provisions of relevant Acts or Rules, Orders, Resolutions or Instructions issued, from time to time, by the State Government and such other information, as prescribed and, if any, as may be required by the Commission.

(5) For vacancies pertaining to same subject and same rank of teachers of more than one University, the Commission may conduct common selection test for such Universities.

(6) In case there is large number of applications received from the candidates and in the opinion of the Commission that it is not reasonably practicable to conduct the examination or examination and interview, they may shortlist the candidates by conducting a preliminary written test or adopt such other method as they deem just and proper.

(7) The Commission while constituting a Selection Committee for selection of teachers for different subjects, shall invite minimum three subject experts as per the guideline or regulations of University Grants Commission issued in this behalf, from time to time.

(8) The Commission shall be competent to determine the manner of conduct of its proceedings and to take all decisions required for selection of teachers to the Universities consistent with the provisions of this Act and Regulations prescribed in this behalf by the University Grants Commission.

(9) On the basis of result of examination or examination and interview, the Commission shall prepare and forward subject-wise merit list of the candidates, for existing and anticipated vacancies, each equal to the vacancies communicated by the concerned University and also forward waiting list candidates as determined by the Commission;

Provided that where the merit list is prepared by the Commission on the basis of the common selection test, the names of selected candidates shall be forwarded to the University according to choice of posting exercised by the selected candidates which shall be honoured as per descending order in the merit list and the Commission shall recommend names to Universities concerned accordingly."

Appointment of
non-teaching
employees of the
University

21-A (1) On and from the date of commencement of the Odisha Universities (Amendment) Act, 2020, the direct recruitment to all non-teaching posts of the Universities, shall be made on the recommendation of the State Selection Board which shall conduct examination or examination and interview, as the case may be, for such posts in such manners as may be prescribed;

Provided that, on valid grounds, the Chancellor may exempt selection of any class of non-teaching employees from this provision and may authorize the University to undertake the selection by itself through a selection committee comprising of the Registrar, a representative of Higher Education Department, one Syndicate member selected by the Syndicate and wherever necessary, two experts to be appointed by the Vice-Chancellor.

(2) The Registrar of the concerned University shall, ordinarily, by the last date of December every year, make a requisition to the State Selection Board the number of vacancies in the post of non-teaching category for direct recruitment including anticipated vacancies of the next calendar year indicating number of posts reserved for different reserved category candidates in accordance with the provisions of relevant Acts or Rules, Orders, Resolutions or Instructions issued, from time to time, by the State Government and such other information, as prescribed and, if any, as may be required by the State Selection Board.

(3) All non-teaching employees of the University shall be appointed by the Vice-Chancellor on the recommendation of the State Selection Board.

(4) The State Selection Board shall be competent to conduct common selection test for the vacancies of same category posts of all Universities upon receipt of requisition from the Registrars of all Universities by the last date of December.

(5) On the basis of result of such examination or examination and interview, as the case may be, the State Selection Board shall prepare and forward the merit list of candidates for existing and anticipated vacancies to the Vice-Chancellor of concerned University which shall be equal to number of vacancies communicated by the Registrar of such University.

Provided that where the merit list is prepared by the State Selection Board on the basis of the common selection test, the names of selected candidates shall be forwarded to the University according to choice of posting exercised by the selected candidates which shall be honoured as per descending order in

the merit list and the Selection Board shall recommend names to Universities concerned accordingly.

Amendment of section-22.

15. In the principal Act, for section 22, the following section shall be substituted, namely:-

“22. The State Government shall create all posts of officers, teachers and other employees of a University and shall also determine the scales of pay, allowances and service conditions attached to each such post.”

Amendment of section-23.

16. In the principal Act, in section 23, for sub-section (2), the following sub-section shall be substituted, namely:-

“(2) The University shall, within thirty days of receipt of the audit reports from the Examiner of Local Accounts, upload the abridged yet detailed versions of such audit reports in the University website and continue to display the same in the website, at least for three years for information of all concerned.”

Amendment of section-24.

17. In the principal Act, in section 24, in sub-section (1), in clause (i), item (b) shall be omitted.

Repeal of the Ravenshaw University Act, 2005 and its Savings.

18. (1) The Ravenshaw University Act, 2005 is hereby repealed.

Odisha Act 8 of 2005.

(2) Notwithstanding the repeal under sub-section (1), the provisions contained in sub-section (2) of section 33 of the Odisha Universities Act, 1989 shall apply mutatis mutandis to the said repeal.

Repeal and Savings.

19. (1) The Odisha Universities (Amendment) Ordinance, 2020 is hereby repealed.

Odisha Ordinance No. 12 of 2020

(2) Notwithstanding such repeal under sub-section (1) anything done or any action taken under the Ordinance so repealed shall be deemed to have been done or taken under this Act.

By Order of the Governor

SASHIKANTA MISHRA

Principal Secretary to Government