



The Xavier University, Odisha Act, 2013

Act No. 17 of 2013

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THE XAVIER UNIVERSITY, ODISHA ACT, 2013

TABLE OF CONTENTS

PREAMBLE

SECTIONS

CHAPTER - I PRELIMINARY

1. Short title and commencement.
2. Definitions.

CHAPTER - II THE UNIVERSITY

3. Establishment and Incorporation.
4. University not to be entitled to financial assistance.
5. Objects of the University.
6. Powers of the University.
7. University open to all classes, caste, religion, language and gender.
8. National Accreditation.

CHAPTER - III VISITOR AND OFFICERS OF THE UNIVERSITY

9. The Visitor.
10. Officers of the University.
11. The Chairman and his powers.
12. The Vice-Chancellor.
13. The Deans of Schools.
14. The Registrar.
15. The Finance Officer and Controller of Examinations.
16. Other Officers.

CHAPTER - IV AUTHORITIES OF THE UNIVERSITY

17. Authorities of the University .
18. The Board of Governors and its powers.
19. The Board of Management.
20. The Academic Council.
21. Finance Committee.
22. Other authorities.
23. Proceedings not to be invalidated on account of vacancy.

(ii)

CHAPTER - V
STATUTES AND RULES

24. Statutes.
25. Procedure for making statutes.
26. Power to amend the statutes.
27. Rules.
28. Procedure for making Rules.
29. Power to amend Rules.
30. Admission.
31. Fee structure.

CHAPTER - VI
MISCELLANEOUS

32. Conditions of service of employees.
33. Right to appeal.
34. Provident Fund and Pension.
35. Disputes as to Constitution of University authorities and bodies.
36. Constitution of Committees.
37. Filling of casual vacancies.
38. Protection of action taken in good faith.
39. Transitional provisions.
40. Endowment Fund.
41. General Fund.
42. Development Fund.
43. Maintenance of Fund.
44. Annual Report.
45. Accounts and Audit.
46. Mode of proof of University Record.
47. Dissolution of University.
48. Expenditure of the University during dissolution.
49. Removal of difficulties.

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NOTIFICATION

The 13th May, 2013

No. 4989/ Legis.-30/2012/ L.—The following Act of the Odisha Legislative Assembly having been assented to by the Governor on the 9th May of 2013 is hereby published for general information.

ODISHA ACT 17 OF 2013

THE XAVIER UNIVERSITY, ODISHA ACT, 2013

AN ACT TO PROVIDE FOR ESTABLISHMENT AND INCORPORATION OF A PRIVATE UNITARY UNIVERSITY IN THE NAME OF XAVIER UNIVERSITY, ODISHA AND FOR MATTERS CONNECTED THEREWITH AND INCIDENTAL THERETO.

Be it enacted by the Legislature of the State of Odisha in the Sixty-fourth Year of the Republic of India as follows:—

CHAPTER I PRELIMINARY

Short Title
and
Commence-
ment.

1. (1) This Act may be called the Xavier University, Odisha Act, 2013.

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

Definitions.

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

(a) "Academic Council" means the Academic Council of the University constituted under section 20;

(b) "AICTE" means the All India Council for Technical Education established under section 3 of the All India Council for Technical Education Act, 1987;—

- (c) **"Board of Governors"** means the Board of Governors of the University constituted under section 18;
- (d) **"Board of Management"** means the Board of Management of the University constituted under section 19;
- (e) **"Chairman"** means the Chairman of the University as explained in section 11;
- (f) **"Dean"** means the Deans of Schools referred to in section 13;
- (g) **"Distance Education System"** means the system of imparting education through any means of information technology and communication such as multimedia, broadcasting, telecasting, online over internet, other interactive methods, e-mail, internet, computer, interactive talks, e-learning, correspondence course, seminar, contact programmes or a combination of any two or more of such means;
- (h) **"Endowment Fund"** means Endowment Fund of the University referred to in section 40;
- (i) **"Faculty"** means a faculty of the University;
- (j) **"General Fund"** means General Fund of the University referred to in section 41;
- (k) **"Prescribed"** means prescribed by the Statutes or Rules;
- (l) **"Registrar"** means the Registrar of the University appointed under section 14;
- (m) **"Regulatory Body"** means a Body established by the Central Government for laying down norms and conditions for ensuring standard of higher education such as University Grants Commission, All India Council for Technical Education and National Council of Assessment and Accreditation, Distance Education Council, and other Bodies established by the State Government for the purpose;
- (n) **"School"** means the constituent unit of the University as provided in clause (f) of section 5;

- (o) **"Society"** means the Xavier Institute of Management Society, registered under the Societies Registration Act, 1860; 21 of 1860.
- (p) **"Sponsoring Body"** means the Xavier Institute of Management Society registered under the Societies Registration Act, 1860; 21 of 1860.
- (q) **"Statutes"** means the Statutes of the University;
- (r) **"Study Centre"** means a Centre established, maintained or recognized by the University in the State for the purpose of advising, counselling or for rendering any other assistance required by the students used in the context of distance education;
- (s) **"Teacher"** means a Professor Associate Professor Assistant Professor, Lecturer or such other person as may be appointed for imparting instruction or training or conducting research in the University;
- (t) **"UGC"** means the University Grants Commission established under the University Grants Commission Act, 1956; 3 of 1956.
- (u) **"University"** means the Xavier University, Odisha, established under this Act;
- (v) **"Vice-Chancellor"** means the Vice-Chancellor of the University appointed under section 12; and
- (w) **"Visitor"** means the Visitor of the University referred to in section 10.

CHAPTER II THE UNIVERSITY

Establishment and incorporation.

3. (1) Subject to the provisions of this Act, the State Government, may by notification, establish a Unitary University by the name of Xavier University, Odisha after endowment fund is set up by the Sponsoring Body in accordance with the provisions of section 40.

(2) The Sponsoring Body shall,—

(a) provide thirty-five acres of land in Industrial Estate Kurki, Village-Nijigardh, P.S:- Pipli in the district of Puri which shall be the campus of the University;

(b) assign a minimum built-up area of Twenty thousand square meters to the University in the form of buildings, and ancillary structures for administrative and academic purposes; which shall not be used for any purpose other than that for which the same is assigned;

(c) purchase books and journals at least worth Ten Lakhs rupees or as per the norms of the Regulatory Bodies, whichever is higher in the first year and to invest not less than Fifty Lakhs rupees or as per norms of the Regulatory Bodies, whichever is higher, on books, journals, computer networking and other facilities to make the library facilities adequate for contemporary teaching and research within the first three years and the existing library books, journals, computer networking and other facilities of the Society which shall constitute part of the requirement;

(d) purchase equipments, computers, furniture, other movable and immovable assets and infrastructure facilities other than buildings, referred to in clause (b), worth twenty Lakhs rupees or as per the norms of Regulatory Bodies, whichever is higher, and give undertaking to procure within the first five years, equipments, computers, furniture, other movable and immovable assets and infrastructure facilities other than buildings referred to in clause (b) worth not less than One Crore rupees or as per norms of the Regulatory Bodies, whichever is higher and the existing equipments, computers, furniture, other movable and immovable assets and infrastructure facilities other than buildings shall constitute part of the requirement;

(e) give an undertaking, —

- (i) to appoint at least one Professor, two Associate Professors and adequate number of Assistant Professors and Senior Lecturers on full-time basis along with necessary supporting staff in each School or Department or Discipline of the University prior to the date such School or Department or Discipline is started;
- (ii) to take up co-curricular activities to foster a proper academic and healthy socio-cultural environment, such as seminars, debates, quiz programmes and extra curricular activities like games, sports, and such other activities for the benefit of the students as per the norms laid down by the Regulatory Bodies;
- (iii) to establish welfare programmes for the employees of the University;
- (iv) to fulfil such other conditions and provide such other informations as may be prescribed by the Regulatory Bodies, from time to time;

- (v) that the programmes of study leading to a degree or a post-graduate degree or diploma offered by the University shall conform to the relevant regulations or norms of the UGC and the concerned Regulatory Body, as amended from time to time;
- (vi) that the admission procedure and fixation of fees shall be in accordance with the norms or guidelines, if any, prescribed by the Regulatory Bodies;
- (vii) that the teaching staff of the University shall have at least the minimum qualifications prescribed by the UGC or other concerned Regulatory Bodies, and be paid appropriate emoluments; and
- (viii) to fulfill such other conditions and provide such other information as may be prescribed by the Regulatory Bodies.

(3) The Sponsoring Body after fulfillment of the requirements and conditions specified in sub-section (2) shall make a report of compliance to the State Government within a maximum period of two years from the date of commencement of this Act:

Provided that the State Government may allow extension of such period as it may deem fit on consideration of the progress in fulfilling the conditions specified under sub-section (2).

(4) The State Government, if satisfied after considering the Compliance Report submitted by the Sponsoring Body under sub-section (3) that the Sponsoring Body has complied with the provisions of sub-section (2), may issue notification under sub-section (1) to establish the University with the description of location, jurisdiction and such other conditions as may be specified in this behalf:

Provided that no notification shall be made unless a High Power Committee constituted by the Government certifies that the Sponsoring Body has complied with the provisions of sub-section (2) and that the provisions of the University Grants Commission (Establishment of and Maintenance of Standards in Private Universities) Regulations, 2003, as amended from time to time, and regulations and guidelines of other regulatory bodies have been fully complied with by the Sponsoring Body.

(5) On and from the date of issue of such notification, it shall be deemed to have been established and incorporated as a University by the name of Xavier University, Odisha.

(6) The notification issued under sub-section (2) shall be laid before the State Legislature for a period of fourteen days comprising one session or more than one session thereof.

(7) The University shall be a body corporate having perpetual succession and common seal with powers, subject to the provisions of this Act, to acquire, own and dispose of property, and to contract and to do all things necessary for the purposes of this Act, and shall sue and be sued by the same name.

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

(9) The University shall be located at Industrial Estate, Kurki, Village- Nijigardh, P.S.- Pipli, in the district of Puri.

University not to be entitled to financial assistance.

4. The University shall be unitary, self-financed and shall not be entitled to any grant-in-aid or any other financial assistance from the State Government or any other body or Corporation owned or controlled by the State Government.

Objects of the University.

5. The objectives for which the University is established are as follows:—

- (a) to disseminate advance knowledge by providing academic and research facilities in such branches of learning which includes Engineering and Technology, Humanities and Social Science, Management, Law, Medical Science and Genetics, Vocational Education and Training, Tribal and Development Studies and in other fields as it may deem fit;
- (b) to offer continuing and distance education programmes as per norms of the Distance Education Council of the Government of India or any other body constituted by the State Government;
- (c) to institute Degrees, Diplomas, Charters, Designations, Certificates and other academic distinctions on the basis of examination or any other method of evaluation;
- (d) to collaborate with other colleges or Universities, research institutions, industrial associations, professional associations or any other organization, in India or abroad.

- (e) to conceptualize, design and develop specific educational and research programmes, training programmes and exchange programmes for students, faculty members and others;
- (f) to establish the following Schools of the University, namely:—
 - (i) School of Management,
 - (ii) School of Natural Sciences,
 - (iii) School of Humanities and Social Science,
 - (iv) School of Engineering and Technology,
 - (v) School of Banking and Financial Services,
 - (vi) School of Vocational Education and Training,
 - (vii) School of Tribal and Development Studies,
 - (viii) School of Law,
 - (ix) School of Vocational Education, and
 - (x) subject to the approval of the State Government, any other Schools as it may deem fit;
- (g) to disseminate knowledge through seminars, conferences, executive education programmes, community development programmes, publications, and training programmes;
- (h) to undertake programmes for the training and development of the faculty members of the University and other institutions in India or abroad;
- (i) to create higher levels of intellectual abilities;
- (j) to provide consultancy to Industry, Government and Public Organizations;
- (k) to ensure that the standards of the degrees, diplomas, charters, certificates and other academic distinctions are not lower than those laid down by University Grants Commission and other Regulatory Bodies, as the case may be;
- (l) to do all things necessary or expedient to promote the above objectives; and
- (m) to pursue any other objective as may be approved by the State Government.

Powers of the University.

6. Subject to other provisions of this Act and such rules, orders, regulations, guidelines and directions as may be issued, from time to time, by the Central Government, State Government or the Regulatory Body, the University shall have the following powers, namely:—

- (a) to establish Study Centres, as are in the opinion of the University, necessary for the furtherance of its objects in conformity with the provisions of the University Grants Commission (Establishment of and Maintenance of Standards in Private Universities) Regulations, 2003;
- (b) to establish and develop Schools as envisaged in clause (f) of section 5;
- (c) to carry out such other activities as may be necessary or feasible in furtherance of the object of the University;
- (d) to confer degrees, diplomas, charters, certificates or other academic distinctions and professional designations as envisaged under section 5 in the manner and under conditions laid down in the Statutes;
- (e) to institute and award fellowships, scholarships and prizes, in accordance with the Statutes;
- (f) to demand and receive such fees, bills, invoices and collect charges as may be fixed by the Statutes or Rules, as the case may be;
- (g) to make provisions for extra curricular activities for students and employees;
- (h) to make appointments of the faculty, officers and employees of the University or Study Centres;
- (i) to receive donations and gifts of any kind and to acquire, hold, manage, maintain and dispose of any movable or immovable property except land allotted or alienated by the State Government and endowment properties for the purpose of the University or a Study Centre;
- (j) to institute and maintain halls and to recognize places of residence for students of the University;

- (k) to supervise and control the residence and to regulate the discipline among the students and all categories of employees and to lay down the conditions of service of such employees, including their Code of Conduct;
- (l) to create academic, administrative and support staff and other necessary posts;
- (m) to co-operate and collaborate with other domestic and overseas Universities and Institutions in such manner and for such purposes as the University may determine, from time to time;
- (n) to offer programs on distance learning basis and continuing education and the manner in which such programmes are offered by the University;
- (o) to organize and conduct refresher courses, orientation courses, workshops, seminars and other programmes for teachers, developers of course ware, evaluators and other academic staff;
- (p) to determine standards of admission to the University with the approval of the Academic Council;
- (q) to make special provisions for students belonging to the State of Odisha for admission in any course of the University;
- (r) to do all such other acts or things as may be necessary for furtherance of the objects of the University;
- (s) to prescribe such courses for Bachelor's Degree, Master's Degree, Doctor of Philosophy, Master of Philosophy Degrees and Research and such other Degrees, Diplomas, Charters, Designations and Certificates;
- (t) to provide for the preparation of instructional materials, including films, cassettes, tapes, video cassettes, Compact Disks, Visual Compact Disks and other software;
- (u) to recognize examinations or periods of study, whether in full or in part, of other Universities, institutions or other places of higher learning as equivalent to examinations or periods of study in the University and to withdraw such recognition at any time;

(v) to raise, collect, subscribe and borrow with the approval of the Board of Governors whether on the security of the property of the University, money for the purposes of the University;

(w) to enter into, carry out, vary or cancel contracts; and

(x) to receive grants for conducting Research and Studies from Non-Government sources.

University open to all classes, caste, religion, language and gender.

7. The University shall be open to all persons and shall not discriminate on grounds of gender, race, caste, religion, race or domicile and it shall not be lawful for the University to adopt or impose on any person, any test, whatsoever of religious belief or any profession, in order to entitle one to be appointed as a teacher of the University or to hold any other office therein or to be admitted as a student or to enjoy or exercise any privilege thereof:

Provided that the purpose of admission of student, the University shall provide reservation of fifty-percentum for the students of Odisha subject to satisfying the minimum qualifying standard for admission tests and interviews:

Provided further that any seat remaining vacant due to non-availability of required percentage of students of Odisha, those may be filled by other students with prior permission of the State Government.

National Accreditation.

8. (1) The University shall seek, obtain and retain accreditation from respective national or State accreditation bodies and be subject to the Regulations or Guidelines made thereunder, from time to time, relating to private Universities.

(2) The University shall obtain prior permission or recognition from the concerned Regulatory Bodies, for conferring graduate or post-graduate degrees and for other programmes.

(3) As regards other programmes on technical education the relevant laws, rules, regulations, and such other norms, in the matter of obtaining approval or recognition or maintaining standards, shall apply to the University.

CHAPTER III

VISITOR AND OFFICERS OF THE UNIVERSITY

The Visitor.

9. (1) The Governor of Odisha shall be the Visitor of the University.

(2) The Visitor shall, when present, preside at the convocation of the University for conferring Degrees, Diplomas, Charters, Designations and Certificates.

(3) Subject to the procedural laid down in the Statute, the Visitor shall, either suo motu or on the basis of information received, call for any paper or information relating to the affairs of the University and if he is satisfied that any order, proceeding, or decision taken by any authority of the University is not in conformity with the Act, Statutes or Rules, he may give such advice to the Chairman as he may deem fit in the interest of the University and the students and basing on such advice of the Visitor, the Chairman shall take a decision which shall be complied with by all concerned.

Officers of the University.

10. The following shall be the officers of the University, namely:—

- (a) the Chairman;
- (b) the Vice-Chancellor;
- (c) the Registrar;
- (d) the Deans of Schools;
- (e) the Finance Officer;
- (f) the Controller of Examinations; and
- (g) such other officers as may be declared by the Statutes to be officers of the University.

The Chairman and his powers.

11. (1) The Chairman of the Society shall be the Chairman of the University—

(2) The Chairman during his absence may, by order in writing, designate any other person from among the Board of Governors to act as the Chairman, for such period and for such functions and responsibilities as he may specify in that order, who may be called the Designated Chairman.

(3) The Chairman or the Designated Chairman referred to in sub-section (2) shall preside at the meeting of the Board of Governors and the Chairman shall, when the Visitor is not present, preside at the convocation of the University for conferring Degrees, Diplomas, Charters, Designations or Certificates.

(4) The Chairman shall have the following powers, namely:—

- (a) to call for any information or record;
- (b) to appoint and remove the Vice-Chancellor; and
- (c) such other powers as may be conferred on him by the Act or the Statutes made thereunder.

(5) The Designated Chairman shall perform all functions and exercise all powers, specifically delegated to him in writing by the Chairman.

The Vice-Chancellor.

12. (1) The Vice-Chancellor shall be appointed by the Chairman of the Society with the approval of the Board of Governors and shall hold office for a term of three years and after expiry of the term he shall be eligible for re-appointment for another term, not exceeding three years.

(2) The Vice-Chancellor shall be the principal executive and academic officer of the University who shall exercise general supervision and control over the affairs of the University and give effect to the decisions of the authorities of the University.

(3) If in the opinion of the Vice-Chancellor it is necessary to take immediate action on any matter for which powers are conferred on any other authority by or under this Act, he may take such action as he deems necessary and shall at the earliest opportunity thereafter report his action to such officers or authority as would have in the ordinary course dealt with the matter:

Provided that, if in the opinion of the concerned authority such action should not have been taken by the Vice-Chancellor then such case shall be referred to the Chairman whose decision thereon shall be final:

Provided further that where any such action taken by the Vice-Chancellor affects any person in the service of the University, such person shall be entitled to prefer, within three months from the date on which such action is communicated to him, an appeal to the Board of Governors who may confirm or modify or reverse the action taken by the Vice-Chancellor.

(4) If in the opinion of the Vice-Chancellor, any decision of any authority of the University is outside the powers conferred by this Act, Statutes or is likely to be prejudicial to the interest of the University, he shall request the concerned authority to revise its decision within seven days from the date of his decision and in case the authority refuses to revise such decision wholly or partly or fails to take any decision within seven days, then such matter shall be referred to the Chairman of the University and his decision, thereon, shall be final.

(5) The Vice-Chancellor shall exercise such other powers and perform such other duties as may be prescribed by the Statutes or the Rules.

(6) The Vice-Chancellor shall preside at the Convocation of the University in the absence of both, the Visitor and the Chairman, for conferring Degrees, Diplomas, Charters, Designations or Certificates.

(7) The Chairman is empowered to remove the Vice-Chancellor after due enquiry and it shall be open to the said Chairman to suspend the Vice-Chancellor during enquiry having regard to the seriousness of the charges.

The Deans of Schools.

13. Deans shall be appointed by the Vice-Chancellor in such manner and shall exercise such powers and perform such duties, as may be prescribed.

The Registrar.

14. (1) The appointment of the Registrar shall be made by the Chairman in such manner as may be prescribed.

(2) All contracts shall be signed and all documents and records shall be authenticated by the Registrar on behalf of the University.

(3) The Registrar shall exercise such other powers and perform such other functions as may be prescribed or as may be required, from time to time, by the Board of Governors.

(4) The Registrar shall be responsible for the due custody of the records and the common seal of the University and shall be bound to place before the Chairman the Vice-Chancellor or any other authority, all such information and documents, as may be necessary, for transaction of their business.

The Finance Officer and Controller of Examinations.

15. (1) The Finance Officer shall be appointed by the Board of Governors in such manner and shall exercise such powers and perform such functions as may be prescribed.

(2) The Controller of Examinations shall be appointed by the Vice-Chancellor in such manner and shall exercise such powers and perform such functions as may be prescribed.

Other Officers.

16. The manner of appointment, terms and conditions of service and powers, duties and functions of other officers of the University shall be such as may be prescribed.

CHAPTER IV

AUTHORITIES OF THE UNIVERSITY

Authorities of the University.

17. The following shall be the authorities of the University, namely: —

- (a) the Board of Governors;
- (b) the Board of Management;
- (c) the Academic Council;
- (d) the Finance Committee; and
- (e) such other authorities as may be declared by the Statutes to be the authorities of the University.

The Board of
Governors and
its powers.

18. (1) The Board of Governors shall consist of the following members, namely: —

- (a) the Chairman of the Society who shall be the Chairman;
- (b) the Vice-Chancellor;
- (c) the Secretary to Government of Odisha in the Industry Department, Higher Education Department, Employment and Technical Education & Training Department and Finance Department who shall be the *ex officio* members;
- (d) two academicians out of whom one to be nominated by the State Government and another to be nominated by the Chairman of the Society;
- (e) four Industry experts or industrialists nominated by the Chairman of the Society;
- (f) three representatives of the Society nominated by the Chairman of the Society;
- (g) the Registrar of the University who shall be the Member Secretary; and
- (h) two members of the Odisha Legislative Assembly to be nominated by the Speaker.

(2) The Board of Governors shall be the principal executive body of the University and shall have the following powers, namely: —

- (a) to lay down policies to be pursued by the University;
- (b) to review decisions of other authorities of the University, if they are not in conformity with the provisions of this Act or the Statutes or the Rules;
- (c) to make new or additional Statutes and Rules or amend or repeal the Statutes and Rules with the approval of the State Government;
- (d) to approve the budget and annual report of the University;
- (e) to appoint the Auditors of the University;
- (f) to take decision about voluntary winding up of the University with the approval of the State Government;
- (g) to approve proposals for submission to the State Government; and
- (h) to take such decisions and steps as are found desirable for carrying out the objects of the University.

(3) The Board of Governors shall meet at least twice in a calendar year at such time and place as the Chairman thinks fit.

(4) Save as otherwise provided in this section, the terms of nominated members of the Board of Governors shall be three years from the date of such nomination.

The Board of Management.

19. (1) The Board of Management shall consist of —

- (a) the Vice-Chancellor who shall be the ex-officio Chairman thereof ;
- (b) the Registrar who shall be the ex-officio Secretary thereof ;
- (c) two members of the Board of Governors, nominated by the Sponsoring Body;
- (d) three persons, who are not the members of the Board of Governors, nominated by the Sponsoring Body; and
- (e) two Deans nominated by the Vice-Chancellor.

(2) The powers and functions of the Board of Management shall be such, as may be prescribed.

(3) The term of office of the members other than the ex-officio members shall be three years.

The Academic Council.

20. (1) The Academic Council shall consist of —

- (a) the Vice-Chancellor who shall be the ex-officio Chairman;
- (b) the Registrar who shall be the ex-officio Secretary; and
- (c) such other members as may be prescribed.

(2) The Academic Council shall be the principal academic body of the University and shall, subject to the provisions of this Act, the Statutes and the Rules, co-ordinate and exercise general supervision over the academic policies of the University and shall exercise such other powers and perform such other functions as may be prescribed.

(3) The term of office of the members other than the ex-officio members shall be three years.

Finance Committee.

21. (1) The Finance committee shall consist of —

- (a) the Vice-Chancellor who shall be the ex-officio Chairman thereof ;
- (b) the Registrar who shall be the ex-officio Secretary thereof ;
- (c) the Finance Officer; and
- (d) such other members as may be prescribed.

(2) The Finance Committee shall be the principal financial body of the University to take care of financial matters and shall, subject to the provisions of this Act, Statutes and Rules, co-ordinate and exercise general supervision over the

financial matters of the University and shall exercise such other powers and perform such other functions as may be prescribed.

(3) The term of office of the members other than the ex-officio members shall be three years.

**Other
authorities.**

22. The constitution, powers and functions of other authorities of the University shall be such, as may be prescribed.

**Proceedings
not to be
invalidated on
account of
vacancy.**

23. No act or proceeding of any authority of the University shall be invalid merely by reason of the existence of any vacancy or defect in the constitution of the authority.

CHAPTER V STATUTES AND RULES

Statutes.

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

- (a) the constitution, powers and functions of the authorities and other bodies of the University not specified in the Act, as may be constituted from time to time and creation of new authorities of the University;
- (b) the operation of the Endowment Fund, the General Fund and the Development Fund;
- (c) the terms and conditions of appointment of the Vice-Chancellor, the Registrar and the Finance Officer and their powers and functions;
- (d) the mode of recruitment and the conditions of service of other officers, teachers and employees of the University;
- (e) the procedure for resolving disputes between the University and its officers, faculty members, employees and students;
- (f) the creation, abolition or restructuring of departments and faculties;
- (g) the manner of co-operation with other Universities or Institutions of higher learning;

- (h) the procedure for conferment of honorary degrees;
- (i) the provisions regarding grant of freeships and scholarships;
- (j) the number of seats in different courses of studies and the procedure of admission of students to such courses;
- (k) the fee chargeable from students for various courses of studies;
- (l) the procedure for creation and abolition of posts; and
- (m) any other matters which may be prescribed.

Procedure for making statutes.

25. (1) The First Statutes shall be made by the Board of Governors and shall be submitted to the State Government for its approval, which may, within three months from the date of receipt of the Statutes, give its approval with or without modifications.

(2) Where the State Government fails to take any decision with respect to the approval of the Statutes within the period specified in sub-section (1), it shall be deemed to have been approved by the State Government.

Power to amend the statutes.

26. The Board of Governors may, with the prior approval of the State Government, make new or additional Statutes or amend or repeal the Statutes.

Rules.

27. Subject to the provisions of this Act, the rules may provide for all or any of the following matters, namely: —

- (a) the admission of students to the University and their enrolment and continuance as such;
- (b) the courses of study to be laid down for all Degrees, Diplomas, Certificates, Charters and other academic distinctions of the University;
- (c) the award of Degrees, Diplomas, Certificates and other academic distinctions of the University;
- (d) the accounting policy and financial procedure;
- (e) the conditions of the award of fellowships, scholarships, studentships, medals and prizes;
- (f) the conduct of examinations and the conditions and mode of appointment and duties of examining bodies, examiners, invigilators, tabulators and moderators;

- (g) the fee to be charged for examinations for Degrees, Diplomas, Certificates and other academic distinctions of the University including the revision thereof;
- (h) the alteration of number of seats in different courses and programmes;
- (i) the conditions of residence of the students at the University;
- (j) the maintenance of discipline among the students of the University; and
- (k) any other matters not specifically provided in the Statutes.

Procedure for making Rules.

28. (1) The Rules shall be made by the Board of Governors and the Rules so made shall be submitted to the State Government for its approval, which may, within two months from the date of receipt of the Rules, give its approval with or without modification.

(2) Where the State Government fails to take any decision with respect to the approval of the Rules within the period specified in sub-section (1), it shall be deemed to have been approved by the State Government.

Power to amend Rules.

29. The Board of Governors may, with the prior approval of the State Government make new or additional Rules or amend or repeal the Rules.

Admission.

30. (1) The admission procedure shall be in accordance with the norms and guidelines prescribed by the U.G.C. or other Regulatory Bodies, as the case may be, depending on the course in which students seek admission.

(2) In absence of the guidelines under sub-Section (1), admission in the University shall be made strictly on the basis of merit.

(3) Merit for admission in the University shall be determined on the basis of marks or grade obtained in the qualifying examination and achievements in co-curricular and extra-curricular activities, and on the basis of marks or grade obtained in the entrance test conducted at State level either by an association of the Universities conducting similar courses or by any agency of the State.

(4) Special weightage shall be given to Scheduled Tribes, Scheduled Castes and girl students with respect to admission to various courses of the University.

Fee Structure.

31. (1) The University may, from time to time, prepare its fees structure in accordance with the norms and guidelines prescribed by the U.G.C. and other Regulatory Bodies depending on the course to which the students seek admission.

(2) The University shall not charge any fees, by whatever name called, other than that for which it is entitled under the provisions of sub section (1).

(3) The University shall implement a Scheme for providing concession in fees payable to the University by the students belonging to Scheduled Castes, Scheduled Tribes Community, Socially and Educationally Backward Classes not belonging to creamy layer and Economically Weaker Sections from the State of Odisha.

Explanation.—For the purpose of the Section the expression "Economically weaker section" means students whose parent's total annual income does not exceed rupees one lakh twenty thousand or such higher amount as the State Government may determine by order from time to time.

CHAPTER VI

MISCELLANEOUS

Conditions of service of employees.

32. (1) Every employee shall be appointed under a written contract, which shall be kept in the University and a copy of which shall be furnished to the employee concerned.

(2) Disciplinary action against the students or employees shall be governed by the procedure as may be prescribed.

Right to Appeal.

33. Every employee or student of the University shall, notwithstanding anything contained in this Act, have a right to appeal, within such time as may be prescribed, to the Board of Management against the decision of any officer or authority of the University and thereupon the Board of Management may confirm, modify or change the decision appealed against.

Provident Fund and Pension.

34. The University shall constitute for the benefit of its employees such provident fund or pension fund and provide such insurance scheme as it may deem fit in such manner and subject to such conditions as may be prescribed.

Disputes as to constitution of University authorities and bodies.

35. If any question arises as to whether any person has been duly elected or appointed as, or is entitled to be a member of any authority or other body of the University, the matter shall be referred to the Chairman of the University whose decision thereon shall be final.

Constitution of Committees.

36. Every authority of the University referred to in section 17, may constitute a committee for it, consisting of such members and having such powers as may be entrusted by it.

Filling of casual vacancies.

37. Any vacancy arising by reason of death, resignation or otherwise among the members of any of the authority of the University, other than the ex-officio members shall be filled up as soon as may be convenient by the same member and the member so appointed shall hold office for the unexpired portion of the term of the predecessor in office.

Protection of action taken in good faith.

38. (1) No suit or other legal proceedings shall lie against any officer or other employee of the University for anything, which is done in good faith or intended to be done in pursuance of the provisions of this Act, the Statutes or the Rules.

(2) Nothing in sub-section (1) shall be a bar for filing suits, prosecutions or other legal proceedings for anything done in contravention of, the provisions of this Act and the Rules or Statute made thereunder and, any other law for the time being in force.

Transitional provisions.

39. Notwithstanding anything contained in this Act and the Statutes —

- (a) the first Vice-Chancellor shall be appointed by the Chairman of the Society for a term of three years;
- (b) the first Registrar and the first Finance Officer shall be appointed by the Chairman of the Society for a term of three years;
- (c) the first Board of Governors shall hold office for a term not exceeding three years; and
- (d) the first Board of Management, the first Finance Committee and the first Academic Council shall be constituted by the Chairman of the Society for a term of three years.

Endowment Fund.

40. (1) The Sponsoring Body shall establish an Endowment Fund of ten crores rupees.

(2) The amount of Endowment Fund shall be invested and kept invested, until the dissolution of the University, in long term securities issued or guaranteed by the State Government.

(3) The University may transfer any amount from the General Fund or the Development Fund to the Endowment Fund.

(4) Excepting in the dissolution of the University, no money can be transferred from the Endowment Fund under any circumstances for purposes other than that of the University.

(5) Out of the incomes received from the Endowment Fund, an amount not exceeding seventy five per centum shall be used for the purposes of development works of the University and the remaining twenty five per centum shall be reinvested in the Endowment Fund.

General Fund.

41. (1) The University shall establish a General Fund to which the following amount shall be credited, namely: —

- (a) all fees which may be charged by the University;
- (b) all sums received from any other source;
- (c) all contributions made by the Sponsoring Body; and
- (d) all contributions or donations made in this behalf by any other person or Body, which are not prohibited by any law for the time being in force.

(2) The amount credited to the General Fund shall be applied to meet the following payments, namely: —

- (a) repayment of debts including interest charges thereto incurred by the University for the purposes of this Act and the Statutes, and the Rules made thereunder;
- (b) upkeep of the assets of the University;
- (c) payment of the cost of audit of the fund created under this section and section 42;
- (d) meeting the expenses of any suit or proceedings to which the University is a party;
- (e) payment of salaries and allowances of the officers and employees of the University, members of the teaching and research staff, and payment of any Provident Fund Contributions, gratuity and other benefits to any such officers, employees, members of the teaching and research staff;

- (f) payment of travelling and other allowances of the members of the Board of Governors, the Board of Management, Academic Council, and other authorities so declared under the Statutes of the University and of the members of any Committee or Board appointed by any of the authorities of the University in pursuance of any provision of this Act, or the Statutes, or the Rules made thereunder;
- (g) payment of fellowships, freships, scholarships, assistantships and other awards to students, research associates or trainees eligible for such awards under the Statutes or Rules of the University;
- (h) payment of any expenses incurred by the University in carrying out the provisions of this Act, and the Statutes or the Rules;
- (i) payment of cost of capital, not exceeding the prevailing bank-rate of interest, incurred by the Sponsoring Body for setting up the University and the investments made thereof;
- (j) payment of charges and expenditure relating to the consultancy work undertaken by the University in pursuance of the provisions of this Act, the Statutes, and the Rules; and
- (k) payment of any other expenses including a management fee payable to any organization charged with the responsibility of managing the University on behalf of the Sponsoring Body, as approved by the Board of Management to be an expense for the purposes of the University;

Provided that no expenditure shall be incurred by the University in excess of the limits for total recurring expenditure and total non-recurring expenditure for the year as may be fixed by the Board of Management without the previous approval of the Board of Management:

Provided further that the General Fund shall be applied for the objects specified under this sub-section with the prior approval of the Board of Management.

**Development
Fund.**

42. (1) The University shall also establish a Development Fund to which the following amount shall be credited, namely: —

- (a) development fees which may be charged from students;

- (b) all sums received from any other source for the purposes of the development of the University;
- (c) any contributions made by the Sponsoring Body for the purpose of the development of the University;
- (d) all contributions or donations made in this behalf by any other person or Body which are not prohibited by any law for the time being in force for the purpose of the development of the University; and
- (e) subject for the provisions of sub-section (5) of section 40, incomes received from the Endowment Fund.

(2) The amount credited to the Development Fund from time to time shall be utilized for the development of the University.

Maintenance of Fund.

43. The funds established under sections 40, 41 and 42 shall, subject to general supervision and control of the Board of Governors, be regulated and maintained in such manner, as may be prescribed.

Annual Report.

44. (1) The Annual Report of the University shall be prepared under the direction of the Board of Management and shall be submitted to the Board of Governors for its approval.

(2) The Board of Governors shall consider the Annual Report in its meeting and may approve the same with or without modification.

(3) A copy of the Annual Report duly approved by the Board of Governors shall be sent to the Visitor and to the State Government on or before the 31st December following closure of the financial year on the 31st March each year.

Accounts and Audit.

45. (1) The annual accounts and Balance Sheet of the University shall be prepared under the direction of the Board of Management and all funds accruing to or received by the University from whatever source and all amount disbursed or paid shall be entered in the accounts maintained by the University.

(2) The annual accounts of the University shall be audited every year by a chartered accountant, who is a member of the Institute of Chartered Accountants of India.

(3) A copy of the annual accounts and the Balance Sheet together with the audit report shall be submitted to the Board of Governors on or before the 31st December following closure of the financial year on the 31st March each year.

(4) The annual accounts, the Balance Sheet and the audit report shall be placed before the Board of Governors at its meeting for consideration and approval and the Board of Governors shall forward the same to the Visitor and to the State Government on or before the 31st December each year.

(5) In the event of any observation relating to deficiencies in financial management in the Report of the Chartered Accountant, the State Government may issue directions to the University, and such directions shall be binding on the University.

Mode of proof
of University
record.

46. A copy of any receipt, application, notice, order, proceeding or resolution of any authority or committee of the University or other documents in possession of the University or any entry in any register duly maintained by the University, if certified by the Registrar, shall be received as prima facie evidence of such receipt, application, notice, order, proceeding, resolution or document or the existence of entry in the register and shall be admitted as evidence of the matters and transaction therein recorded where the original thereof would, if produced, have been admissible in evidence.

Dissolution of
University.

47. (1) If the Sponsoring Body proposes dissolution of the University in accordance with the law governing its constitution or incorporation, it shall give at least three months notice in writing to the State Government.

(2) On identification of mismanagement, maladministration, indiscipline, failure in the accomplishment of the objects of the University and economic hardships in the management systems of the University, the State Government shall, subject to and in accordance with relevant law, if any, for the time being in force, issue directions to the Sponsoring Body of the University and if the directions are not followed within such time as may be prescribed, the right to take decision, for dissolution of the University, shall vest in the State Government.

(3) The manner of dissolution of the University would be such as may be prescribed by the State Government in this behalf.

(4) If the State Government considers it necessary to suspend the Board of Management, it shall, by notification published in the Official Gazette, order suspension of the Board of Management and shall make such arrangements in consultation with the Sponsoring Body for the administration of the business of the University till the completion of investigation as it may consider necessary:

Provided that no such action will be initiated without affording a reasonable opportunity to show cause to the Sponsoring Body.

(5) On receipt of the notice referred to in sub-section (1) or on a decision to dissolve under sub-section (2), the State Government shall, in consultation with the All India Council for Technical Education, University Grants Commission and other concerned Regulatory Bodies of Central or State Government make such arrangements for administration of the University from the proposed date of dissolution or winding up of the University until the last batch of students in regular courses of studies of the University complete their courses of studies in such manner as may be prescribed.

Expenditure of the University during dissolution.

48. (1) The expenditure for administration of the University during the taken over period of its management under section 47 shall be met out of the Endowment Fund, the General Fund or the Development Fund.

(2) If the fund referred to in sub-section (1) are not sufficient to meet the expenditure of the University during the taken over period of its management, such expenditure may be met by disposing of the properties or assets of the University by the State Government.

Removal of Difficulties.

49. (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may by order make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:

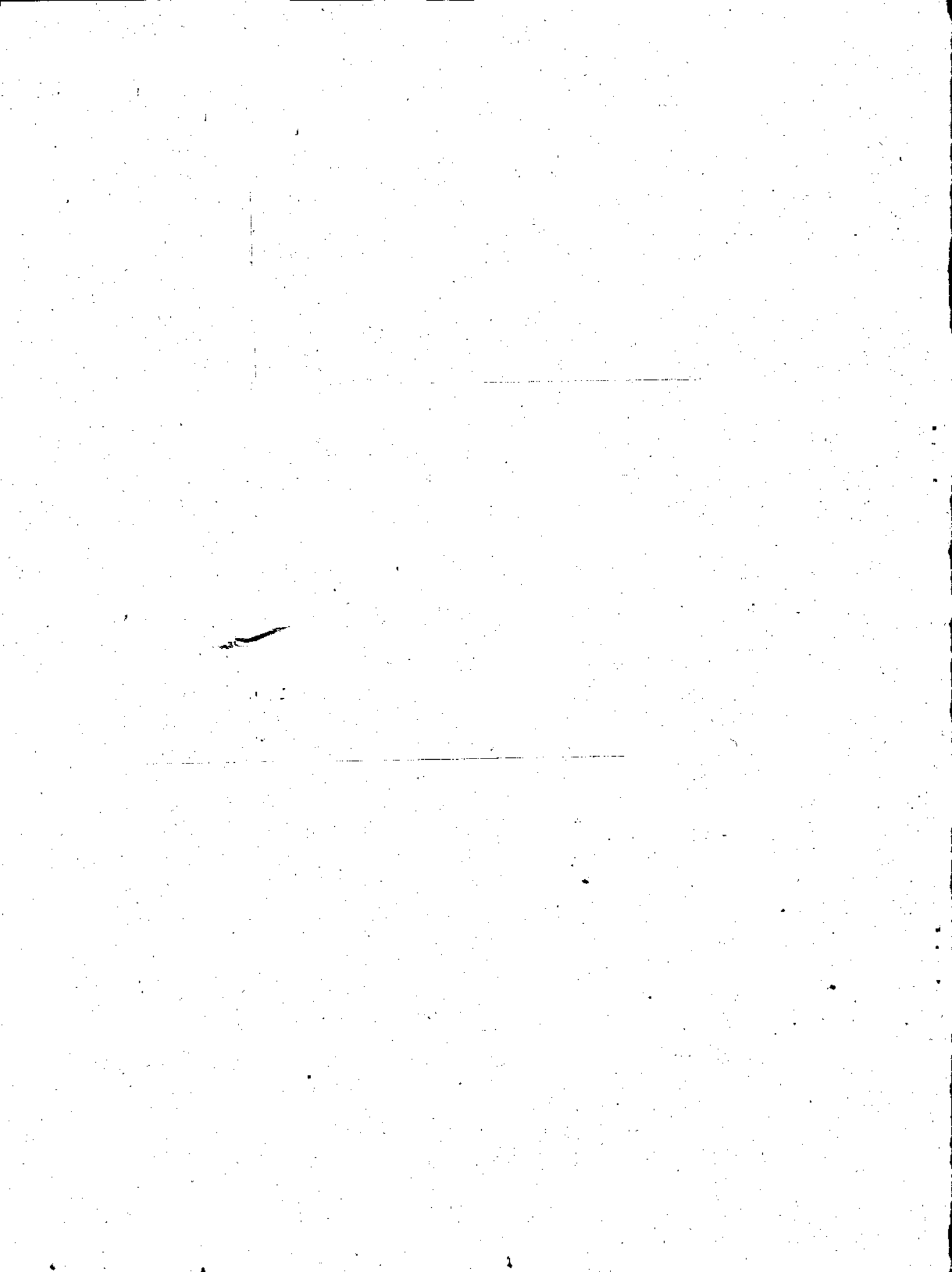
Provided that no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

(2) Every order made under sub-section (1) shall, as soon as it is made, be laid before the State Legislature.

By Order of the Governor

S. K. MOHANTY

Principal Secretary to the Government, I/c.



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LAW DEPARTMENT

NOTIFICATION

The 11th May, 2021

No.5142–I-Legis-04/2021/L.—The following Act of the Odisha Legislative Assembly having been assented to by the Governor on the 7th May, 2021 is hereby published for general information:-

ODISHA ACT 8 OF 2021

THE XAVIER UNIVERSITY, ODISHA (AMENDMENT) ACT, 2021

AN

ACT

TO AMEND THE XAVIER UNIVERSITY, ODISHA ACT, 2013

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

Short title.

1. This Act may be called the Xavier University, Odisha (Amendment) Act, 2021.

Amendment of long title.

2. In the Xavier University, Odisha Act, 2013 (hereinafter referred to as the principal Act), in the long title, for the words "XAVIER UNIVERSITY", the words "XIM UNIVERSITY" shall be substituted.

Odisha Act 17
of 2013