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HIGHER EDUCATION DEPARTMENT

NOTIFICATION

The 1st September, 2020

S.R.O.No.189/2020.— Whereas, a draft to further amend Odisha Education (Establishment, Recognition and Management of Private College) Rules, 1991 was published in the *Odisha Gazette*, in its Extraordinary issue bearing No.61/2020, dated 26th February 2020, as required under sub-section (1) of the Section 27 of the Odisha Education Act., 1969 under Notification No.9588/HE, dated. 26.02.2020 of Higher Education Department, Government of Odisha, inviting objections and suggestions from all persons likely to be affected within a period of fifteen days from the date of publication of the said Notification in the *Odisha Gazette*;

And, whereas, objections and suggestions received during the stipulated period from different persons and organisations have been duly examined and considered.

Now, in exercise of the power conferred by sub-section (1) of the Section 27 of the Odisha Education Act., 1969, the State Government do hereby make the following rules further to amend the Odisha Education (Establishment, Recognition and Management of Private Colleges) Rules, 1991, namely:-

1. (i) These rules may be called the Odisha Education (Establishment, Recognition and Management of Private Colleges) Amendment Rules, 2020.
(ii) They shall come into force on the date of their publication in the *Odisha Gazette*.
2. In the Odisha Education (Establishment, Recognition and Management of Private Colleges) Rules, 1991, hereinafter referred to as the said rules, in sub-rule (2) of rule 21,
 - (i) in the opening portion, for the word 'fifteen', the word 'eleven' shall be substituted;
 - (ii) clauses (c),(d),(e),(f) and (i) shall be omitted;
 - (iii) for clause (g), the following clause shall be substituted, namely:-

“(g) six persons to be nominated by the concerned Educational Agency out of whom one shall be a donor who has donated more than fifty thousand rupees or a person interested in the field of Education, in the absence of such a donor; a person interested in the field of Education; a person belonging to a Scheduled Caste or Scheduled Tribe community; a person belonging to a Minority Community; and two women.”; and

(iv) in clause (h), for the word “member”, the word “Secretary” shall be substituted.

3. In the said rules, for rule 22, the following rule shall be substituted, namely:-

“22.(1) The Educational Agency, after constitution of the Governing Body, shall intimate the details of its constitution to the concerned Regional Director of Education within thirty days of such constitution.

(2) The Regional Director of Education shall give direction to the President to take appropriate action for constitution of the Governing Body in accordance with the provisions of sub-rule (2) of rule 21 within sixty days when improper constitution of Governing Body is noticed failing which action under clause (b) of sub-section (1) of section 6-B of the Act shall be taken.”

4. In the said rules, in rule 23,

(i) in sub-rule (1),-

(a) for the word “five”, the word “six” shall be substituted;

(b) in the second proviso, for the word “Director”, the words “Regional Director of Education” shall be substituted;

(c) in the third proviso, for clause (i), the following clause shall be substituted, namely:-

“(i) no person shall be the Secretary for more than two terms in the same college;”

(ii) for sub-rule (2), the following sub-rule shall be substituted, namely:-

“(2) The outgoing President shall intimate the ‘Regional Director of Education’ about the details of the proposed reconstitution of the Governing Body including the name of the representative to be elected by the teachers, the name of one representative to be elected from non-teaching staff and the name of the Principal of the College as *Ex-officio* Secretary along with the name of the person to be the President”; and

(iii) sub-rule (3) shall be omitted.

5. In the said rules, in rule 24,-

(i) for sub-rule (1), the following sub-rule shall be substituted, namely:-

“(1) The Regional Director of Education shall inform the reconstituted Governing Body indicating the date from which its term shall begin and direct the Secretary of the outgoing Governing Body, if he is no more the Secretary of the reconstituted Governing Body, to hand over the charge to the Secretary of the reconstituted Governing Body on the expiry of the term of the outgoing Governing Body”; and

(ii) in sub-rule (2), for the word ‘Director’, the words ‘Regional Director of Education’ shall be substituted.

6. In the said rules, for rule 25, the following rule shall be substituted, namely: -

“25. (1) Notwithstanding anything contained in these rules, as soon as the college becomes an aided college, the Governing Body of the college shall be reconstituted in the following manner: -

i. subject to the provisions of clauses (ii), (iii) and (iv), the Government may sou-motu or on the recommendation of the Collector, nominate the President and in absence of such nomination, the Collector or Additional District Magistrate or Sub-Collector of the concerned district or Sub-division in which the college is situated, shall be the President;

ii. the Collector may recommend a panel of three names to the Government, out of which one may be nominated by the Government as President;

iii. a person shall not be qualified for nomination as President unless he,-

a. is a graduate from a recognised university;

b. is an eminent academician or an educationalist or a retired Government officer of the State Government or Central Government;

c. is between forty – five and sixty – seven years of age;

iv. the person nominated as president under clause (i) shall cease to hold office of the President, if any, of other educational institutions if he holds the office of the President under such nomination;

v. the person holding the office of the president of any Governing Body of any aided college prior to commencement of the Odisha Education (Establishment, Recognition and Management of Private Colleges) (Amendment) Rules, 2020 shall cease to hold office on completion of seventy years of age;

- vi. the Principal or the teacher-in-charge of the Principal of the College shall be a member, who shall be the *ex-officio* Secretary;
- vii. two senior most teachers of the college shall be members, of whom, one shall be a woman, if available;
- viii. one person from non-teaching staff of the college shall be a member;
- ix. six persons shall be nominated jointly by the President and the *ex-officio* Secretary, shall be members, of whom, -
 - a. one shall belong to Scheduled Castes or Scheduled Tribes community;
 - b. one shall be a land donor, or in absence of such land donor, one shall belong to a minority community;
 - c. two shall be woman, and
 - d. two shall be from the parents of the enrolled students, living in the same locality where the college is situated, out of which, one shall be a woman.
- x. a person shall not be qualified for nomination under clause (ix) as member unless he, -
 - a. is a graduate from a recognised University except in colleges located in scheduled areas and in case of Scheduled Caste and Scheduled Tribe as well as land donor members for colleges located in non-scheduled areas; and
 - b. is between thirty and seventy years of age.

(2) The Constitution of the Governing Body or any change in the membership including President shall be intimated by the Secretary of the Governing Body with the approval of the President to the Regional Director of Education within thirty days of such constitution or change.

(3) The Regional Director of Education shall give direction to the President to take appropriate action for constitution of the Governing Body in accordance with the provisions of sub-rule (1) within sixty days, when improper Constitution of Governing Body is noticed failing which action under clause (b) of sub-section (1) of section 6-B of the Act shall be taken”.

7. In the said rules, for rule 26, the following rule shall be substituted, namely:-

“26. Until the Governing Body of an aided college has been reconstituted in accordance with these rules, the existing Governing Body of the college shall continue to function”.

8. In the said rules, in rule 27,

(i) in sub-rule(1), for the word, brackets and letter “clause (x)” of rule 25, the word, brackets and letter “clause(ix)” shall be substituted;

(ii) for sub-rule(2), the following sub-rule shall be substituted, namely:-

“(2) In case of casual vacancy arising out of death or resignation or cessation of membership of a member, other than the President and the Secretary the Governing Body may by a resolution in that behalf nominate a new member and intimate the same to the concerned Regional Director of Education”.

(iii) after sub-rule(3), the following sub-rule shall be inserted, namely:-

“(4) Government, either suo-moto or on receipt of a report from the President or Prescribed Authority or the Collector of the district, can remove any member if he has acted in any manner which is detrimental to the interest of the educational institution and in that case the President and the Ex-officio Secretary shall recommend name of member in his place to act as member for the remaining period of the term.”

9. In the said rules, in rule 29, in clauses (e) and (m), for the word “Director”, the word ‘Regional Director of Education’ shall be substituted and, in clause (o), for the words and, “Director, Higher Education”, the words “Regional Director of Education” shall be substituted.

10. In the said rules, in rule 30,-

(i) for sub-rule (1), the following sub-rule shall be substituted, namely:-

“(1) The Governing Body shall meet as often as considered necessary for the efficient management of the affairs of the Non-Government Aided College subject to a minimum of four general meetings in a year. The date of such meetings shall be fixed by the Secretary in consultation with the President of the Governing Body:

Provided that a special meeting may be convened at any time by the Secretary on receipt of a requisition in writing from not less than four members of the Governing Body. At least seven clear days notice shall be given to the members of the Governing Body both in case of general and special meetings. An emergent meeting may however, be convened by the Secretary by giving a shorter notice, when so required by the President of the Governing Body. No member of the Governing Body shall take part in a meeting if such member or any of his near relations is interested in the matter under discussion in any such meetings”.

(ii) in sub-rule (2), for the word 'five', the word "six" shall be substituted; and

(iii) for sub-rule(3), the following sub-rule shall be substituted, namely:-

“(3) The quorum for all types of meetings of the Governing Body referred to in sub-rule (1) shall be six. Mere existence of any vacancy in membership shall not invalidate the proceedings of the Governing Body”.

11. In the said rule, in rule 31, after sub-rule (2), the following sub-rules shall be inserted, namely:-

“(3) Government may remove the President, on receipt of a report from the Prescribed Authority or the Collector or on its own motion, if the President has:-

(i) neglected or failed to perform any duty under this Act or Rules, made there under;

(ii) failed to carry out orders of any Competent Court,

(iii) acted in excess of the authority,

(iv) acted in any manner which is detrimental to the interest of the educational institution.

4. On removal of the president under sub-rule (3), the provisions of clause (i) of sub-rule (1) of rule 25 shall apply”.

12. In the said rules, in rule 32, in clause (b), for the word "Director", the words 'Regional Director of Education' shall be substituted.

[No.28214-HE-NCNE-POLICY-0001/2019/HE]

By Order of the Governor

SASWAT MISHRA

Commissioner-*cum*-Secretary to Government