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LAW DEPARTMENT

NOTIFICATION

The 11th August, 2017

No.8533-I-Legis-25/2017/L.—The following Ordinance promulgated by the Governor of Odisha on the 8th August, 2017 is hereby published for general information.

ODISHA ORDINANCE NO. 3 OF 2017

THE ODISHA STATE HIGHER EDUCATION COUNCIL ORDINANCE, 2017

An

ORDINANCE

To provide for the establishment of a State Council for Higher Education in the State of Odisha and for matters connected therewith and incidental thereto.

WHEREAS the National Policy on Education, 1986 of the Government of India contains recommendations that the State level planning and co-ordination of higher education shall be done through the State Councils for Higher Education;

AND WHEREAS it is expedient to establish a State Higher Education Council with the objects of (i)providing for the determination, co-ordination, maintenance of standards in, and promotion of higher education and research, including university education and college education at Under-Graduate and Post-Graduate level in the state,(ii)promoting the autonomy of higher educational institutions for the free pursuit of knowledge and innovation,(iii)facilitating access, inclusion and opportunities to all, and providing comprehensive and holistic growth of higher education and research in a competitive global environment through reforms and renovation and (iv)providing for an advisory mechanism of eminent peers in academia;

And whereas, the Government of India is pressing hard to establish a State Higher Education Council for each State through separate legislation failing which the State will be deprived of further grants under the scheme of Rashtriya Uchcharat Shiksha Abhiyan (RUSA);

And whereas, the legislature of the State of Odisha is not in session;

And whereas, the Governor of Odisha is satisfied that circumstances exist which render it necessary for him to take immediate action for establishment of a Higher Education Council in the State of Odisha in the manner hereinafter appearing;

Now, therefore, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Odisha is pleased to make and promulgate the following Ordinance in the Sixty-Eight Year of Republic of India :-

CHAPTER I

PRELIMINARY

Short title and commencement

1. (1) This Ordinance may be called the "Odisha State Higher Education Council Ordinance, 2017.

Applicability.

2. This Ordinance shall apply to all institutions imparting higher education, the University education, the Under-Graduate and Post-Graduate level education and to all research Institutions those are under the control of the Higher Education Department of State Government and affiliated to State Universities.

Definitions.

3. In this Ordinance, unless the context otherwise requires,—

- (a) "**Affiliation**" together with its grammatical variations, includes, in relation to a college, recognition of such College or Institution by a University or association of such college or Institution with a University or admission of such College or Institution to the privileges of a University;
- (b) "**Chairperson**" means the Chairperson of the Council;
- (c) "**College**" means any Higher Educational Institution affiliated to a University;
- (d) "**Council**" means the Odisha State Council for Higher Education;
- (e) "**Degree**" means an award, granted by a University or Institution empowered by or under law to do so, certifying that the recipient has successfully completed a course of study;
- (f) "**Government**" means the Government of Odisha;
- (g) "**Higher education**" means such education, imparted by means of conducting regular classes or through distance education systems, beyond twelve years of schooling leading to the award of a degree or diploma; but does not include Medical education, Engineering, Agricultural education in Institutions other than Universities;

- (h) "**Member**" means a Member of the Council and includes its Chairperson and Vice-Chairperson;
- (i) "**State University**" means a University in Odisha, or constituent units thereto, promoted and maintained, either directly or indirectly, by the Government, and established or incorporated by or under the State Act;
- (j) "**University**" means a University established or incorporated by or under a Central Act or a State Act and includes an Institution deemed to be a University;
- (k) "**Vice-Chairman**" means the Vice-Chairman of the Council; and
- (l) "**Vice-Chancellor**" means the Chief Executive of a State University.

CHAPTER II

ODISHA STATE HIGHER EDUCATION COUNCIL

Establishment of
Odisha State
Higher Education
Council and its
composition.

4. (1) There shall be established a Council by the name "The Odisha State Higher Education Council" to exercise the powers conferred on, and to perform the functions assigned to it, under this Ordinance.
- (2) The Council shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power, subject to the provisions of this Ordinance, to acquire, hold and dispose of property, both movable and immovable, and to contract, and shall sue and be sued by the said name.
- (3) The headquarters of the Council shall be at Bhubaneswar.
- (4) The Council, shall consist of the following members, namely:-
- (a) a Chairperson, who is the Minister in charge of Higher Education;
 - (b) a Vice-Chairperson, who is or has been an Administrator with proven academic record and in the rank of a Professor and shall be appointed by the Government in the manner provided in sub-rule (5);
 - (c) fifteen other members, out of whom three shall be Vice-Chancellors of different Universities of the State to be nominated by the Government, two Principals of Autonomous Colleges to be nominated by the Government, one nominee of the Government of India, two eminent scientists or experts in Social Science, and seven persons who have special knowledge in the field of arts, science and technology, culture, civil society or industry and are persons of eminence, ability and integrity to be nominated by the State Government; and
 - (d) a Member-Secretary

- (5) Selection of Member Secretary and Vice-Chairperson shall be done through Search Committee to be appointed by the State Government for the purpose.
- (6) A Search Committee of 03 members shall consist of the Development Commissioner-cum-A.C.S.as Chairperson, Commissioner-cum-Secretary/Principal Secretary of Higher Education Department, Govt. of Odisha as Member Convener and a retired Vice-Chancellor or a retired Chief Secretary as member.

Terms of office and conditions of service of Chairperson

5. (1) The Chairperson and every Member shall hold office for such period not exceeding six years, as may be specified by the State Government in this behalf:

Provided that the Members other than the Chairperson shall cease to hold office on attending the age of seventy years.

- (2) A Member, may by writing under his hand, addressed to the Government, resign from the office of Member at any time.

- (3) The Government may remove a person from the office of Member, if that person:-

- (a) becomes as undischarged insolvent; or
- (b) has engaged himself, at any time during his term of office, in any paid employment outside the duties of his office; or
- (c) has become physically or mentally incapable of officiating as member; or
- (d) is of unsound mind and stands so declared by a competent court; or
- (e) is convicted of an offence which, in the opinion of the Government, involves moral turpitude; or
- (f) has acquired such financial or other interest as is likely to affect prejudicially the exercise of his functions; or
- (g) has so abused his position as to render his continuance in office prejudicial to the public interest; or
- (h) has been guilty of proved misbehaviour; or
- (i) has, in the opinion of the Government, so abused the position of Member as to render that persons continuance in office is detrimental to the interest of public:

Provided that no person shall be removed under this clause until that person is given an opportunity of being heard in the matter.

- (4) A vacancy caused under sub-Section (3) or otherwise shall be filled afresh and the state Government shall, to the extent possible, initiate the process of filling of any vacancy due to arise before a period of six months from the date of arising of such vacancy.

(5) The salaries and allowances payable to, and the other terms and conditions of service of the Chairpersons and Members shall be such as may be determined by the Government from time to time.

Officers and other employees of the Council.

6. (1) The Government shall provide the Council with such officers and employees as may be necessary for the efficient performance of its functions of the Council under this Ordinance.

(2) The salaries and allowances payable to, and the other terms and conditions of service of, the officers and other employees appointed for the Council, shall be such as may be determined by the Government, from time to time.

Vacancies, etc., not to invalidate the proceedings of the Council.

7. No act or proceedings of the Council shall be questioned or shall be invalid on the ground merely of the existence of any vacancy or defect in the constitution of the Council.

Procedure to be regulated by the Council.

8. (1) The Council shall meet as and when necessary at such time and place as the Chairperson may think fit.

(2) The Council shall regulate its own procedure for the conduct of its business and the exercise of its powers and functions under the Ordinance.

(3) All orders and decisions of the Council shall be authenticated by Chairperson or any other officer of the Council duly authorised by the Chairperson in his behalf.

CHAPTER III

POWERS AND FUNCTIONS OF THE COUNCIL

Powers and functions of the Council.

9. The Council shall perform all or any of the following functions, namely:-

(i) Strategy and Planning:

- (a) prepare the State Higher Education Plan (Perspective Plan, Annual Plan and Budget Plan) ;
- (b) provide state institutions input for creating their Plans for implementation; and
- (c) coordinate between apex bodies, regulatory institutions and the government.

(ii) Monitoring and Evaluation:

- (a) monitor the implementation of State Higher Education Plan;
- (b) evaluate state institutions on the basis of norms and key performance index(KPI) developed under Rashtriya Uchchatar Shiksha Abhiyan (RUSA) and the Council may, for its own use, develop additional norms as it may think fit;

- (c) create and maintain the management information systems,
- (d) compile and maintain periodic statistics at state and institutional level;
- (e) up-date details containing every information for easy and wider access to the persons of interest through its own website;
- (f) specify norms and mechanisms to measure the productivity of research programmes funded by the Council ; and
- (g) develop mechanisms for social audit of the processes in the Council and obtain public feedback on its performance and achievements.

(iii) Quality assurance and academic functions:

- (a) specify norms and mechanisms to enhance the quality of faculty ;
- (b) specify norms and mechanisms to enhance quality of examination;
- (c) specify norms and mechanisms to give approval for setting up new institutions/colleges;
- (d) promote and protect the autonomy of higher educational institutions for the free pursuit of knowledge and *innovation, and for facilitating access, inclusion and opportunities to all, and providing for comprehensive and holistic growth of higher education and research in a competitive global environment, through reforms, and innovation ;*
- (e) specify norms and standards for grant of authorization, to a University or a higher educational Institution empowered, by or under law, to award any degree or diploma, to commence its first academic operations and it should be within the available structure of the Institutions in shape of infrastructure and manpower ;
- (f) develop from time to time, a national curriculum framework with specific reference to new or emerging or inter-disciplinary fields of knowledge and to provide a vision and

- guide Universities and Colleges in recognizing and revising course curricula ;
- (g) specify norms and mechanisms to maintain quality of curriculum;
 - (h) specify requirements of academic quality for the award of any degree or diploma in any field of higher education and research;
 - (i) specify norms of academic quality for accreditation and benchmarking of higher educational Institutions ;
 - (j) specify norms and processes for establishment and winding up of a University or College ;
 - (k) specify norms of academic quality for a University to affiliate Colleges;
 - (l) encourage joint and cross-disciplinary programmes between and amongst Universities and other higher educational Institutions ;
 - (m) promote synergy of research in Universities and Colleges with research in other agencies or laboratories ;
 - (n) specify norms and mechanisms for transparent, efficient and accountable governance in Universities, Colleges and other higher educational Institutions ;
 - (o) promote use of technology in learning, especially deployment of ICT (Information and Communications Technology) tools ;
 - (p) encourage, through the creation of an enabling environment, Universities to become self-regulatory bodies for the maintenance of academic quality in higher education and research and in Colleges affiliated to it ;
 - (q) develop policies and processes that would create an enabling environment for eligible youth to take up teaching and research as occupation and career;
 - (r) develop policies and processes that would enable qualitative and meaningful interaction between students and teachers in higher educational Institutions ; and

- (s) undertake research to assess future knowledge manpower requirements, both in the short-term and in the long-term, in different fields of knowledge for meeting the needs of the economy.

(iv) Advisory functions:

- (a) advise the State Government on strategic investments in higher education ;
- (b) advise Universities on statute and ordinance formulation ;
- (c) advise on matters of regulation of existing private Institutions and permission to new ones ;
- (d) advise on Open and Distance Education strategies ; and
- (e) advise, when called upon to do so, by the Central Government and the State Governments, as the case may be, on policies relating to higher education and research in any field of knowledge therein.

(v) Funding Function:

- (a) determine the methodology for timely transfer of State's share of funds to Institutions ;
- (b) disburse funds to State Universities and Colleges on the basis of the State Higher Education Plan and transparent norms ; and
- (c) specify sources, norms and mechanisms for financing higher educational Institutions.

CHAPTER IV

FINANCE, ACCOUNTS AND AUDIT

Fund of
Council.

10. (1) The Council shall have its own Fund and all sums which may, from time to time, be paid to it by the State Government or Central Government, as the case may be, and all other receipts of the Council shall be carried to the Fund and all payments by the Council shall be made therefrom.

(2) The Council may spend such sums as it thinks fit for performing its functions under this Ordinance, and such sums shall be treated as expenditure payable out of the Fund of the Council.

Grants by
State
Government.

11. The State Government shall, after due appropriation made by the State Legislature by law in this behalf, pay to the Council by way of grants of such sums

of money as the State Government may think fit for being utilised for the purpose of this Ordinance.

Annual financial statement on higher education and research.

12. (1) The Council shall, in respect of each financial year, provide to the State Government a statement of the estimated expenditure on development of higher education and research for that year, referred to as the "annual financial statement on higher education and research" comprising the "annual financial support plan for higher education" and the "annual financial support plan for research" for that year;

(2) The estimates of expenditure on development of higher education and research under sub-section (1) shall be based on norms, principles and criteria as may be specified by the Government from time to time.

(3) The Council shall provide that part of the estimated expenditure planned to be appropriated towards research, along with an explanatory memorandum on the research programmes proposed to be funded and an assessment of the productivity of research programmes funded in the past five years.

(4) The assessment of the productivity of research programmes under sub-section (3) shall be based on norms as may be specified by Government from time to time.

(5) The State Government shall cause the annual report on higher education and research, with such modifications as it may recommend, to be laid before Assembly.

Annual funding support plan for higher education.

13. (1) The Council shall, by regulations, establish principles, norms and criteria that would govern the block grants to be provided by it to support Universities and other higher educational Institutions for their general development and maintenance.

(2) The Council shall, in respect of each financial year on the basis of grants provided to prepare "annual funding support plan for higher education" detailing the Universities and other higher educational Institutions proposed to be supported and the grants proposed in respect of each University and other higher educational Institution, along with an explanatory memorandum specifying the reasons thereto.

(3) The annual financial support plan for higher education as soon as may be after it is made, be published on the website of the Council and laid before the State Legislative.

Annual account of Council.

14.(1) The annual accounts of the Council shall be maintained in such form as may be specified in this behalf by the Government.

(2) The annual accounts for each financial year shall be closed by 30th June of the succeeding year.

(3) The account shall be subject to audit by the chartered accountant firm, selected for the purpose by the Government.

(4) The audited account along with the report of the auditor shall be placed before the Council by 30th September for approval.

15.(1) Annual report comprising the activities of the Council relating to the preceding year shall be prepared by the Council and shall be submitted to the Government by the 31st, December in each year.

(2) The audited account and report of the auditor shall form part of the Annual Report.

(3) The State government shall cause the Annual Report of the Council to be laid before the State Legislature.

(4) The Comptroller and Auditor General of India shall have the right of access with the books of Accounts of the Council.

CHAPTER V

MISCELLANEOUS

16. The Chairperson, Vice-Chairperson, Members, Officers and other employees of the Council shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860.

45 of 1860.

17. No suit, prosecution or other legal proceedings shall lie against the Chairperson, Vice-Chairperson, Members, Officers and other employees of the Council for anything which is in good faith done or intended to be done under this Ordinance.

DR. S. C. JAMIR
GOVERNOR OF ODISHA

Dated the 8th August, 2017

B.P.ROUTRAY
Principal Secretary to Government