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The Orissa Gazette

EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 1210 CUTTACK, SATURDAY, AUGUST 3, 1974/SRAVAN 12, 1896

LAW DEPARTMENT

NOTIFICATION

The 2nd August 1974

No. 8456-Legis.—The following Act of the Orissa Legislative Assembly having been assented to by the Governor on the 1st August 1974, is hereby published for general information:—

ORISSA ACT 17 OF 1974

THE ORISSA EDUCATION (AMENDMENT) ACT, 1974

AN ACT TO AMEND THE ORISSA EDUCATION ACT, 1969

BE it enacted by the Legislature of the State of Orissa in the Twenty-fifth Year of the Republic of India, as follows:—

1. (1) This Act may be called the Orissa Education (Amendment) Act, 1974.

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

2. In section 3 of the Orissa Education Act, 1969 (hereinafter referred to as the principal Act), after clause (l), the following new clause shall be added, namely:—

“(m) ‘Tribunal’ means the Tribunal constituted under section 24A.”.

3. After section 10 of the principal Act, the following new section shall be inserted, namely:—

“10A. (1) The services of a teacher of an aided educational institution shall not be terminated without obtaining the prior approval in writing of the—

(a) Director of Public Instruction (Higher Education), in the case of a teacher of a college; and

(b) Circle Inspector of Schools having jurisdiction, in the case of a teacher of a school.

Short title
and com-
mencement.

Amendment
of section 3,
Orissa Act
15 of 1969.

Orissa Act
15 of 1969.

Insertion of
new section
10A, Orissa
Act 15 of
1969.

Services of
teachers of
aided insti-
tutions not
to be termi-
nated with-
out appro-
val.

(2) Every order passed by the Director or Circle Inspector, as the case may be, either according approval or refusing to accord approval under sub-section (1) shall be communicated to the parties concerned within three months of the reference.

(3) Any person aggrieved by an order passed under sub-section (1) may prefer an appeal to the Tribunal within one month from the date of receipt of the order”.

Amendment
of section 15,
Orissa Act
15 of 1969.

4. In section 15 of the principal Act, in sub-section (2), after clause (b), the following new clause shall be inserted, namely :—

“(bb) the Secretary to the
Government in the
Education Department; *Ex officio* Member”.

Amendment
of section 24,
Orissa Act
15 of 1969.

5. In section 24 of the principal Act, in sub-section (1), after clause (c), the following new clauses shall be added, namely :—

“(d) the Secretary to Government
in the Education Department Member.

(e) the Director of Public
Instruction (Higher Education) Member”.

Insertion of
new section
24 A, Orissa
Act 15 of
1969.

Constitution
of Tribunal.

6. After section 24 of the principal Act, the following new section shall be inserted, namely :—

“24A. (1) The State Government may, by notification, constitute one or more Tribunals having such local jurisdiction as may be specified in the notification.

(2) The Tribunal shall consist of one person only to be appointed by the State Government from among the officers of the Orissa Superior Judicial Service (Senior Branch).

(3) The Tribunal shall have the power to call for the records of all proceedings relating to the dispute and shall, after giving the parties concerned a reasonable opportunity of being heard, dispose of the appeals preferred to it.

(4) In disposing of an appeal the Tribunal may make such consequential orders and issue such directions as it may deem necessary for giving effect to its decision.

(5) The decisions of the Tribunal shall be final and binding on all parties and shall not be called in question in any Court of Law.”.

Savings in
respect of
past cases.

7. (1) Notwithstanding anything in any judgment, decree or order of any Court, but subject to the provisions hereinafter contained, the termination of the services of any teacher of an aided educational institution as defined in the principal Act, made

after the 3rd May, 1972 and before the date of commencement of this Act shall, if made without the approval of the Director of Public Instruction (Higher Education) in the case of a college teacher and of the Director of Public Instruction (Schools) in the case of a school teacher, be inoperative.

(2) The managing committee or the governing body of the concerned institution shall refer the case of the said teacher to the Director of Public Instruction (Higher Education) or the Director of Public Instruction (Schools), as the case may be, within one month from the date of commencement of this Act for obtaining his approval and thereupon the provisions of section 10-A of the principal Act as amended by this Act shall, *mutatis mutandis* apply :

Provided that where the managing committee or the governing body, as the case may be, fails to make a reference in accordance with this sub-section, the order of termination of the services of the teacher shall become void and the teacher shall be deemed to have been re-instated in service with effect from the day following the date of expiry of the aforesaid period of one month.

(3) Where any such termination as is referred to in sub-section (1) was made with the approval of the Director of Public Instruction (Higher Education) or the Director of Public Instruction (Schools), as the case may be, the concerned teacher may prefer an appeal to the Tribunal constituted under the principal Act as amended by this Act within one month from the date of constitution of the Tribunal.

(4) Where, on a reference made under sub-section (2) the Director refuses to accord approval and no appeal is preferred to the Tribunal against the order of refusal, the concerned teacher shall be re-instated with effect from the date of such order.

(5) For removal of doubt it is hereby declared that on re-instatement, a teacher shall not be entitled to any emoluments for the period intervening between the date of termination of his service and the date on which he is re-instated but the said period shall be counted towards service.

By order of the Governor
L. MOHAPATRA
Secretary to Government

THE ORISSA EDUCATION (AMENDMENT) ACT, 1974

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THE ORISSA EDUCATION ACT, 1969

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The Orissa Gazette

EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 1127 CUTTACK, SATURDAY, JUNE 21, 1969

LAW DEPARTMENT

NOTIFICATION

The 19th June 1969

No. 7001-Legis.—The following Act of the Orissa Legislative Assembly having been assented to by the Vice-President acting as President on the 28th May 1969, is hereby published for general information :—

ORISSA ACT 15 OF 1969

THE ORISSA EDUCATION ACT, 1969

AN ACT TO PROVIDE FOR THE BETTER ORGANISATION AND DEVELOPMENT OF EDUCATIONAL INSTITUTIONS IN THE STATE

BE it enacted by the Legislature of the State of Orissa in the Twentieth Year of the Republic of India, as follows :—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Orissa Education Act, 1969.

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

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

2. Nothing contained in this Act shall apply to educational institutions of their choice established and administered by minorities having the right under clause (1) of Article 30 of the Constitution.

3. In this Act unless the context otherwise requires—

(a) "Advisory Council" means the State Advisory Council of Education established under section 15;

(b) "aided educational institution" means a private educational institution which is recognised by and is receiving aid from the State Government;

(c) "Board" means the District School Board established under section 16;

(d) "educational agency" means any person or body of persons permitted to establish and maintain any private educational institution;

Short title,
extent and
commence-
ment.

Not to
apply to
certain insti-
tutions.

Definitions

- (e) "educational institution" means any college or school, other than an institution for technical education not under the control of the Education Department of the State Government, and includes the lands, buildings, playgrounds and hostels of the college or school and the movable properties, maps and equipments pertaining thereto;
- (f) "existing educational institution" means any aided, recognised or Government educational institution established before the commencement of this Act and continuing as such at such commencement;
- (g) "governing body" means any body of individuals, by whatever name designated, in which the management of a college vests;
- (h) "managing committee" means any body of individuals, by whatever name designated, in which the management of a school vests;
- (i) "prescribed" means prescribed by rules made under this Act;
- (j) "private educational institution" means any educational institution which is not established and maintained by the Government of Orissa, the Union Government or the Government of any other State;
- (k) "recognised educational institution" means any private educational institution which is or has been recognised by the State Government; and
- (l) "Rules" means rules made under this Act.
- (m) 'Tribunal' means the Tribunal constituted under section 24 A

CHAPTER II

ESTABLISHMENT, MANAGEMENT AND CONTROL OF EDUCATIONAL INSTITUTIONS

Establishment and recognition of educational institutions.

4. (1) The State Government may regulate the primary and other stages of education in Government and private educational institutions.

(2) The State Government shall take, from time to time, such steps as they may consider necessary or expedient, for the purpose of providing facilities for general education, special education and for the training of teachers.

(3) The State Government may, for the purpose of providing such facilities—

(a) establish and maintain educational institutions; or

(b) permit any person or body of persons to establish and maintain aided educational institutions; or

(c) recognise any educational institution established and maintained by any person or body of persons.

(4) All existing educational institutions shall be deemed to have been established in accordance with this Act.

(5) After the commencement of this Act, the establishment of any private educational institution shall be subject to the provisions of this Act and the Rules made thereunder and any such educational institution established otherwise than in accordance with such provisions shall not be entitled to be recognised by the State Government.

(6) The recognition shall be accorded by the prescribed authority on behalf of the State Government.

Application
for recogni-
tion.

5. (1) Any person or body of persons desirous of establishing any private educational institution may, within the prescribed period and in the manner prescribed, make an application to the prescribed authority for according recognition thereto.

(2) While according recognition under sub-section (1) to the establishment of a private educational institution the prescribed authority shall have regard to the following matter, namely :—

- (a) that there is adequate financial provision as may be prescribed for its continued and efficient maintenance ;
- (b) that provision for suitable and adequate accommodation—staff and equipment has been made ;
- (c) that the institution is proposed to be located in sanitary and healthy surroundings; and
- (d) such other matters as may be prescribed.

(3) Any applicant aggrieved by an order of the prescribed authority refusing to accord recognition may, in such manner and within such time as may be prescribed, refer the matter to the State Government whose decision thereon shall be final.

Effect of
non-recog-
nition.

6. Notwithstanding anything to the contrary contained in any other law for the time being in force no private educational institution which has not been recognised by the State Government under this Act shall be entitled—

- (a) to be recognised by the Board of Secondary Education constituted under the Orissa Secondary Education Act, 1952, Orissa Act 10 of 1953, or, as the case may be, to be affiliated to any University established under any law; or
- (b) to receive any aid from the State Government.

Institutions
to have
managing
committee
or governing
body.

7. (1) Every private educational institution shall have a managing committee or governing body, as the case may be, constituted in accordance with the rules made in that behalf, failing which the recognition granted to the institution may be withdrawn by the State Government.

(2) A managing committee or governing body constituted after the commencement of this Act in respect of any aided educational institution shall, before it starts functioning as such, obtain the approval of the prescribed authority in the prescribed manner :

Provided that where the prescribed authority refuses to accord the approval as aforesaid he shall record the reasons for doing so and any person aggrieved by an order refusing to accord approval may, within one month from the date of the order, prefer an appeal before the State Government.

(3) The managing committee or governing body shall be responsible for the proper management of the institution and shall exercise such powers and perform such functions as may be prescribed.

Manage-
ment to
send list of
properties.

8. (1) Within the first week of June every year the managing committee or as the case may be, the governing body of every aided educational institution shall furnish to such officer as may be authorised by the State Government in that behalf a statement containing a list of all movable and immovable properties of the institution with such particulars as may be prescribed.

(2) If the managing committee or governing body commits default in furnishing the statement under sub-section (1) or furnishes a statement which is false or incorrect in any material particular the State Government may withhold the grant of aid for such period not exceeding three months, as they deem fit.

(3) The Secretary of an aided educational institution shall perform such functions as may be prescribed.

Restriction
on alienation
of property
of aided
institutions.

9. (1) Notwithstanding anything to the contrary contained in any law for the time being in force, no sale, mortgage, lease, pledge, charge or transfer of possession in respect of any property of an aided educational institution shall be created or made except with the previous permission in writing of such officer as may be authorised by the State Government in this behalf. The officer shall grant such permission applied for unless the grant of such permission will, in his opinion, adversely affect the working of the institution.

(2) Any person aggrieved by an order of the officer refusing or granting permission under sub-section (1) may, in such manner and within such time as may be prescribed, appeal to the State Government.

(3) Any transaction made in contravention of sub-section (1) shall be null and void.

(4) If any educational agency or the managing committee or the governing body or the Secretary of an aided educational institution acts in contravention of sub-section (1) or of an order passed under sub-section (2), the State Government may withhold the grant of aid.

Conditions
of service of
the staff of
aided insti-
tutions.

10. (1) The qualifications required for appointment as teachers and other members of the staff of aided educational institutions and their conditions of service relating to salary, leave, pension, provident fund, age of retirement, disciplinary action and other matters shall be as may be prescribed.

(2) The State Government may constitute a Selection Board consisting of such members as may be prescribed.

(3) The Selection Board shall prepare in the prescribed manner a list of candidates for appointment as teachers in aided educational institutions and all such appointments shall be made in accordance with the rules made in that behalf from out of the candidates included in the list so prepared.

(3) The managing committee or, as the case may be, the governing body and the employees of a recognised educational institution shall, at all reasonable times, be bound to afford to the aforesaid officer all assistance and facilities as may be necessary and reasonably required for the purposes of such inspection and supervision.

(4) The managing committee or, as the case may be, the governing body of a recognised educational institution shall make every effort for the improvement or removal of deficiencies in the management of the institution in accordance with the directions or suggestions given by the said officer.

CHAPTER III

ADVISORY COUNCIL AND DISTRICT SCHOOL BOARD

State
Advisory
Council of
Education.

15. (1) The State Government may, by notification, establish a State Advisory Council of Education to advise the State Government on matters pertaining to educational policy and administration.

(2) The Advisory Council shall consist of the following members, namely :—

- | | |
|---|---------------------------|
| (a) the Chairman to be nominated by the State Government ; | |
| (b) the Vice-Chancellors of all the Universities established under any law in the State ; | <i>Ex officio Members</i> |
| (c) The Directors of Public Instruction ; | <i>Ex officio Members</i> |
| (d) the Vice-President of the Board of Secondary Education ; | <i>Ex officio Member</i> |
| (e) six non-official members to be nominated by the State Government from among persons who are distinguished educationists or who have experience in the administration of education ; | <i>Members</i> |
| (f) one non-official member to be nominated from among Sanskrit scholars ; | <i>Member</i> |
| (g) two representatives each of the Primary School Teachers' Association, Secondary School Teachers' Association and the College Teachers' Association to be elected in the prescribed manner ; | <i>Members</i> |

(3) The term of office of the members specified in clauses (a), (e), (f) and (g) of sub-section (2) shall be three years.

(4) The business of the Advisory Council shall be conducted in such manner as may be prescribed.

(5) The Director of Public Instruction (Higher Education) shall be the Secretary to the Advisory Council.

(3) The managing committee or, as the case may be, the governing body and the employees of a recognised educational institution shall, at all reasonable times, be bound to afford to the aforesaid officer all assistance and facilities as may be necessary and reasonably required for the purposes of such inspection and supervision.

(4) The managing committee or, as the case may be, the governing body of a recognised educational institution shall make every effort for the improvement or removal of deficiencies in the management of the institution in accordance with the directions or suggestions given by the said officer.

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(2) The Advisory Council shall consist of the following members, namely :—

- | | | |
|------|---|---------------------------|
| (a) | the Chairman to be nominated by the State Government ; | |
| (b) | the Vice-Chancellors of all the Universities established under any law in the State ; | <i>Ex officio Members</i> |
| (bb) | <i>the Secretary to the Government in the Department of Education</i> | <i>Ex officio Member</i> |
| (c) | The Directors of Public Instruction ; | <i>Ex officio Members</i> |
| (d) | the Vice-President of the Board of Secondary Education ; | <i>Ex officio Member</i> |
| (e) | six non-official members to be nominated by the State Government from among persons who are distinguished educationists or who have experience in the administration of education ; | Members |
| (f) | one non-official member to be nominated from among Sanskrit scholars ; | Member |
| (g) | two representatives each of the Primary School Teachers' Association, Secondary School Teachers' Association and the College Teachers' Association to be elected in the prescribed manner ; | Members |

(3) The term of office of the members specified in clauses (a), (e), (f) and (g) of sub-section (2) shall be three years.

(4) The business of the Advisory Council shall be conducted in such manner as may be prescribed.

(5) The Director of Public Instruction (Higher Education) shall be the Secretary to the Advisory Council.

16. (1) For every district there shall be a District School Board established by the State Government which shall consist of the following members, namely :—

- | | |
|---|---------|
| (a) the Chairman to be nominated by the State Government; | |
| (b) Inspector or Inspectors of Schools having jurisdiction over the district; | Member |
| (c) District Inspectors of Schools having jurisdiction in the district; | Members |
| (d) two representatives of the Primary School Teachers' Association elected in the prescribed manner; | Members |
| (e) five non-official members to be nominated by the State Government from among persons who are distinguished educationists; | Members |

(2) The Secretary to the Board shall be nominated by the State Government.

(3) The term of office of the members specified in clauses (a), (d) and (e) of sub-section (1) shall be three years.

(4) No person shall be eligible for nomination as a non-official member of the Board, if he has directly or indirectly, by himself or by his partner any share or interest in—

- (a) any book intended to be prescribed or recommended as a text-book for the primary school course ;
- (b) the business of the publisher of any such book; or
- (c) any work done by order of the Board or in any contract entered into on behalf of the Board.

(5) The business of the Board shall be conducted in such manner as may be prescribed.

17. The Board shall be a body corporate having perpetual succession and a common seal, with power, subject to the provisions of this Act and the Rules made thereunder, to acquire, hold and dispose of property and to contract and do all other things necessary for the purposes of this Act and may by its corporate name sue and be sued.

18. Any non-official member of the Advisory Council or of the Board may resign his office as such member by writing under his hand addressed to the Chairman.

19. In the case of a casual vacancy in the office of any non-official member of the Advisory Council or of the Board occurring otherwise than by efflux of time the vacancy shall be filled up by nomination and the person so nominated shall hold office for the residue of the term of office of the member in whose place he is nominated.

20. The Secretary of the Board shall be its Executive Officer and shall give effect to the decisions of the Board.

Functions of
the Board.

21. Subject to the provisions of this Act and the Rules made thereunder, the Board shall have the following powers and functions in respect of primary schools within the district, namely:—

- (a) administration, control and management of all primary schools transferred to it for the said purposes by the State Government or by any local authority and of the schools established by it;
- (b) preparation of plans for the development of education in primary schools;
- (c) implementation of such of the aforesaid plans as are approved by the State Government;
- (d) allocation of Government grant-in-aid among the primary schools; and
- (e) such other functions as may be prescribed.

Board's fund

22. (1) The Board shall have a fund called the District School Board Fund to which shall be credited—

- (a) all contributions received by the Board from the State Government and donations and grants received from other sources; and
- (b) all sums received by the Board on any other account whatsoever.

(2) The fund shall be expended for the purposes of carrying on the functions of the Board in accordance with the rules made in that behalf.

CHAPTER IV

MISCELLANEOUS

Orissa
Education
Development
Fund.

23. (1) There shall be established a Fund called the "Orissa Education Development Fund" which shall vest in and shall be administered by a Committee to be constituted by the State Government in the prescribed manner.

(2) All sums received by the Committee as contributions from the State Government or as donations from other sources shall be credited to the Fund.

(3) Subject to the rules made in that behalf, the Fund shall be utilised for the following purposes, namely :—

- (a) grants in favour of educational institutions for implementation of improvement schemes ;
- (b) grant of interest free loans to educational institutions ; and
- (c) such other purposes as may be prescribed.

Formation
of Co-ordi-
nation
Committee.

24. (1) The State Government may constitute a Co-ordination Committee consisting of the following members, namely :—

- (a) the Chairn an to be nominated by the State Government;
- (b) the Vice-Chancellors of all the Universities established under any law in the State ;
- (c) four non-official members nominated by the State Government from among persons who are distinguished educationists.

Members

Membr

Constitution of Tribunal

"24 A. (1) The State Government may, by notification, constitute one or more Tribunals having such local jurisdiction as may be specified in the notification.

(2) The Tribunal shall consist of one person only to be appointed by the State Government from among the officers of the Orissa Superior Judicial Service (Senior Branch).

(3) The Tribunal shall have the power to call for the records of all proceedings relating to the dispute and shall, after giving the parties concerned a reasonable opportunity of being heard, dispose of the appeals preferred to it.

(4) In disposing of an appeal the Tribunal may make such consequential orders and issue such directions as it may deem necessary for giving effect to its decision.

(5) The decisions of the Tribunal shall be final and binding on all parties and shall not be called in question in any Court of Law."

(2) It shall be the duty of the Co-ordination Committee to recommend methods for maintaining a uniform standard of instruction given and examinations held by the different Universities established under law in the State and also in regard to matters of common interest to such Universities and send its recommendations to the Universities concerned.

(3) The procedure for the conduct of business of the Co-ordination Committee and the term of office of the members specified in clauses (a) and (c) shall be such as may be prescribed.

vacancy not to invalidate proceedings of the Board. 25. No act or proceedings of the Board shall be deemed to be invalid by reason merely of the existence of any vacancy in or defect in the constitution of the Board.

Indemnity 26. No suit, prosecution or other legal proceedings shall lie against the State Government or any authority or officer for anything done under this Act in good faith or for any damage caused by any action taken in good faith in carrying out the provisions of this Act or the Rules made thereunder.

Power to make rules. 27. (1) The State Government may, after previous publication, make rules for carrying out all or any of the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing powers they may make rules in respect of all matters expressly required or allowed by this Act to be prescribed.

(3) All rules made under this section shall, as soon as may be after they are made, be laid before the State Legislature for a total period of fourteen days which may be comprised in one session or in two or more successive sessions and if during the said period the State Legislature makes modifications, if any, therein, the rules shall thereafter have effect only in such modified form ; so however that such modifications shall be without prejudice to the validity of anything previously done under the rules.

(4) Until rules are made under this section, the rules contained in the Orissa Education Code which were in force immediately prior to the coming into force of this Act shall, in so far as they are not inconsistent with the provisions of this Act or of the Constitution, be deemed to be rules made under this Act.

Savings 28. The provisions contained in this Act shall be in addition to and not in derogation of the provisions contained in the Orissa Secondary Education Act, 1952 or in any law regarding University education for the time being in force and in the case of any inconsistency or repugnancy the provisions of this Act shall prevail. ^{Orissa Act 10 of 1953.}

By order of the Governor
P. K. MOHANTI
Additional Secretary to Government

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