

ORISSA ORDINANCE No. 5 OF 1984

THE ORISSA EDUCATION (AMENDMENT) ORDINANCE, 1984

[Promulgated by the Governor on the 9th February 1984, published in an extraordinary issue of the *Orissa Gazette*, dated the 10th February 1984.]

AN

ORDINANCE

TO AMEND THE ORISSA EDUCATION ACT, 1969

WHEREAS the Legislature of the State of Orissa is not in session;

AND WHEREAS, the Governor of Orissa is satisfied that circumstances exist which render it necessary for him to take immediate action to amend the Orissa Education Act, 1969 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 Orissa is pleased to make and promulgate the following Ordinance in the Thirty-fifth Year of the Republic of India:—

Short title
and commen-
cement.

1. (1) This Ordinance may be called the Orissa Education (Amendment) Ordinance, 1984.

(2) It shall come into force at once.

Amendment
of Section 2.

2. In section 2 of the Orissa Education Act, 1969 (hereinafter referred to as the principal Act), the following proviso shall be added at the end, namely:—

Orissa Act
15 of 1969.

“Provided that the State Government may by notification apply or adopt to an educational institution established and administered by minorities, such of the provisions of the Act, so however that the rights under Article 30 of the Constitution are not infringed.”

Amendment
of Section 3.

3. In section 3 of the principal Act, for clause (c-1), the following clause shall be substituted, namely:—

“(c-1) “Director” means the Director of Higher Education, Orissa, the Director of Elementary and Adult Education, Orissa, or the Director of Secondary Education, Orissa having jurisdiction as determined by the State Government, from time to time, over the concerned educational institution and includes any other officer not below the rank of a Deputy Director who may be authorised by the State Government, from time to time, by general or special order to perform all or any of the functions and exercise all or any of the powers of the Director under this Act and as the State Government may by notification specify in that behalf;”.

Amendment
of Section 6.

4. In Section 6 of the the principal Act, for clause (a), the following clause shall be substituted, namely:—

“(a) to be recognised by the Board of Secondary Education constituted under the Orissa Secondary Education Act, 1952 or the Council of Higher Secondary Education constituted under the Orissa Higher Secondary Education Act, 1982 or, as the case may be, to be affiliated to any University established under any law; or”.

Orissa Act
10 of 1953.

Orissa Act
19 of 1982.

Amendment
of Section
10-A.

5. In Section 10-A of the principal Act, in Sub-section (1)—

- (i) in the opening line after the word “teacher” the words “and other members of the staff” shall be inserted;
- (ii) in clause (a), after the word “teacher” the words “and other members of the staff” shall be inserted;
- (iii) in clause (b), after the word “teacher” the words “and other members of the staff” shall be inserted;

Amendment
of Section 11.

6. In Section 11 of the principal Act,—

(i) In sub-section (1),—

(a) after the words “made thereunder” the words, figures, letter and comma “or to give effect to the order or direction issued by the Tribunal under Section 24-A,” shall be inserted;

(b) for the proviso the following provisos shall be substituted, namely:—

“Provided that where,—

- (a) the tenure of the managing committee or, as the case may be, the governing body of an aided educational institution has expired and the constitution of the succeeding managing committee or the governing body has not been approved by the prescribed authority, or
- (b) the number of members holding office of any managing committee or, as the case may be, any governing body of an aided educational institution has fallen below the prescribed number for quorum due to death, resignation or otherwise among members.

[The Director may reconstitute the managing committee or governing body after consultation with such persons or authorities as he may deem necessary, and the managing committee or the governing body so reconstituted shall manage the institution till the date on which the constitution of the succeeding managing committee or governing body is duly approved by the prescribed authority:]

Provided further that where show cause has been issued for failure to give effect to the order or direction issued by the Tribunal, if the Director deems it necessary for expeditious implementation of that order or direction of the Tribunal in the interest of the institution, he may suspend the concerned managing committee or governing body, as the case may be, and shall frame the charges within a period of sixty days from the date of suspension failing which the order of suspension shall lapse."

(ii) in sub-section (4), after the words "supersession and reconstitution" the words "or during the period of suspension" shall be inserted.

Amendment
of Section 15.

7. In Section 15 of the principal Act,—

(i) in sub-section (2),—

(a) for clause (c), the following clauses shall be substituted, namely :—

- | | |
|---|---------------------------|
| "(c) The Director of Higher Education, Orissa, | .. Ex-Officio
Member. |
| (c-1) The Director of Elementary and Adult Education, Orissa, | Ex-Officio
Member. |
| (c-2) The Director of Secondary Education, Orissa, | .. Ex-Officio
Member." |

(b) in clause (d), for the word "Vice-President" the word "President" shall be substituted.

(ii) for sub-section (5) the following sub-sections shall be substituted, namely :—

"(5) The Secretary to the Advisory Council shall be nominated by the State Government.

(6) No act or proceedings of the Advisory Council shall be invalid merely by reason of any vacancy among its members or defect in the constitution of the Advisory Council.

(7) Notwithstanding anything contained in sub-section (2), on the failure of any of the associations mentioned in clause (g) to elect member or members in the prescribed manner, the Director shall give notice in writing to the concerned association to elect member or members in the prescribed manner within a date to be specified therein and if the association fails to elect member or members within the date so specified the Director shall nominate a person or persons, as the case may be, on behalf of the association as member or members of the Advisory Council."

Amendment
of Section 16.

8. In Section 16 of the principal Act, for sub-section (4) the following sub-section shall be substituted, namely —

“(4) No person shall be eligible for nomination or election as a non-official member of the Board, if he,—

(i) has been a member of the Board for six years ; or

(ii) 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.”.

Insertion of
new Section
23-A.

9. After Section 23 of the principal Act, the following Section shall be inserted, namely :—

Recovery of
dues.

“23-A. All amounts due on account of any loan granted under Section 23 shall, if not paid within the date fixed therefor, be recoverable as public demand on requisition made by the authority prescribed on that behalf.”.

Amendment
of Section 24.

10. In Section 24 of the principal Act, in sub-section (J), in clause (e), for the word “Director”, the words and commas “Director, Higher Education Orissa” shall be substituted.

B. N. PANDE

Governor of Orissa

Dated the 9th February, 1984