

## APPENDIX 1

### The Orissa Gazette

#### EXTRAORDINARY

#### PUBLISHED BY AUTHORITY

#### EDUCATION DEPARTMENT

#### NOTIFICATION

**The 18<sup>th</sup> December, 1991**

S.R.O. No. 1273/91 – Whereas the draft of the Orissa Education (Establishment, Recognition and Management of Private Colleges) Rules, 1991 was published as required by sub-section (I) of section 27 read with sub-section (I) of section 7 of the Orissa Education Act, 1969 (Orissa Act 15 of 1969), in the extraordinary issue No.812 of the *Orissa Gazette* dated the 10<sup>th</sup> July, 1991, under the Notification of the Government of Orissa in the Education Department No.30610, dated the 4<sup>th</sup> July, 1991 as S.R.O.No. 459/91 inviting objections and suggestions from all persons likely to be affected thereby, till the expiry of a period of thirty days from the date of publication of the said notification in the *Orissa Gazette*;

And whereas objections and suggestions received were duly considered by the State Government;

Now, therefore, in exercise of the powers conferred by section 27 of the said Act, the State Government do hereby make the following rules.

## CHAPTER I

### Preliminary

#### Short title and Commencement

1. (1) These rules may be called the Orissa Education (Establishment, Recognition and Management of Private Colleges) Rules, 1991.
- (2) They shall come into force on the date of their publication in the Official Gazette.
2. (1) In these rules, unless the context otherwise requires, -
  - (a) "Act" means the Orissa Education Act, 1969 (Orissa Act 15 of 1969);
  - (b) "Department" means the Education Department;
  - (c) "Private College" means any college which is not established and managed by the Government of Orissa or the Union Government or the Government of any other State;
  - (d) "Director" means the Director, Higher Education, Orissa 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 these rules;
  - (e) "Donor" means a person who has donated to the College at least a sum of rupees fifty thousand in cash or an equivalent value of property movable or immovable property of an equivalent value;
  - (f) "Educational Agency" means any person or body of persons who have made an application under sub-section (1) of section 5 of the Act for approval or permission for establishment of a private College;
  - (g) "Faculty" means a department of College imparting teaching on any particular subject;
  - (h) "Form" means a Form appended to these rules;
  - (i) "Member" means a member of the Governing Body and includes its Secretary and President;
  - (j) "University" means a University incorporated under the provisions of the Orissa Universities Act, 1989 (Act 5 of 1989) and
  - (k) "Year" means an academic year beginning with the 1<sup>st</sup> day of June and ending with the 31<sup>st</sup> day of May of the immediately following calendar year.

- (2) All words and expressions used but not defined in these rules; unless the context otherwise requires, shall have the same meaning as respectively assigned to them in the Act.

## CHAPTER II

### Establishment of New Colleges

#### Preparation of Master Plan

3. (1) The Director shall prepare for the State a Master Plan each year by the end of September listing out the Blocks in which there is no college and the Municipalities and Notified Areas where establishment of College is justified in conformity with the provision of clause (iii) of sub-section (5) of section 5 of the Act. The Master Plan shall also project the requirement of additional seats or new streams or subjects in the existing Colleges within a Block, Notified Area or Municipality. The Master Plan so prepared shall be placed before the Government for approval.
- (2) **The grant of permission for starting a new college in the State or for introducing new streams or subjects in existing colleges during the next academic session shall be in conformity with the Master Plan prepared under sub-rule (I) and approved by the Government.**

#### Application for Permission

4. (1) Any Educational Agency desirous of establishing a new College in the State in a particular year shall make an application to the Director between 1<sup>st</sup> day of October and 30<sup>th</sup> day of November of the year immediately preceding that particular year :

Provided that the State Government may by an order and for good and sufficient reason extend the last date for receiving application in any particular year.

- (2) Applications for permission shall be made in Form No.1. the application and its enclosures shall be submitted in duplicate.
- (3) An application fee of Rs.500 (Rupees five hundred) only shall be paid (in the shape of Treasury Challan deposited under the appropriate Head of Account) along with each application.

- (4) Application received by the Director within the period specified under sub-rule (1) shall be entered in an Index Register to be maintained for the purpose and receipt of such applications shall be duly acknowledged.

#### **Documents to Accompany the Application**

5. Every application shall be accompanied by –
- (a) The challan receipt of the fee paid,
  - (b) A sketch map of the Block or the Municipality or the Notified Area, as the case may be, showing the location of the proposed College along with other existing Colleges, if any and the Higher Secondary institutions located within the Block/Notified Area / Municipality.
  - (c) A sketch plan of the site of the proposed College.

#### **Content of the Application**

6. The application in respect of a proposed College shall *inter alia* contain the following details, namely :-
- (a) Number of students expected to be enrolled in each faculty viz., Arts, Science or Commerce in which teaching is proposed to be imparted in the College.
  - (b) The names of the subjects, both compulsory and optional, proposed to be taught in each faculty with the anticipated number of students who may be offered such optional subjects.
  - (c) The anticipated annual income of the institution from different sources.

#### **Grant of Permission**

7. (1) The Director shall scrutinise each individual application and may make such enquires as may be deemed necessary.
- (2) After necessary enquiry if the Director is satisfied that there is need for opening of a private College in any particular (Block/ Municipality/Notified Area) he shall after obtaining prior concurrence of the Government make an order under sub-section (4) of section 5 of the Act granting permission in favour of any one of the applicants, who in his opinion is likely to best serve the educational needs of that Block/Municipality/Notified area.

### **Content of the Order of Permission**

8. The order issued under rule 7 shall specify the following, namely :-
- (a) The name of the Educational Agency in whose favour the permission is granted;
  - (b) The exact location of the College;
  - (c) The date from which the College is to start functioning;
  - (d) The details of faculties and optional subjects under each faculty in which teaching may be imparted along with the permitted strength of students under each faculty and subject;
  - (e) The conditions to be fulfilled by the Educational Agency in respect of the following, namely :-
    - (i) Site;
    - (ii) Building and accommodation;
    - (iii) Laboratory, equipments and teaching aid;
    - (iv) Staff
    - (v) Fixed deposit to be made and pledged in favour of the Registrar of the concerned University; and
  - (f) Such other matter as the Director may specify.

### **Date of Functioning of a College**

9. (1) When permission is accorded for establishing a new College it shall start functioning from the date specified under clause (C) of rule 8.
- (2) Subject to the proviso to sub-section (9) of section 5 of the Act on an application made by an Educational Agency in whose favour permission has been granted, the Director may extend this date.

### **Report by the Educational Agency after Establishment of a College**

10. The Educational Agency, immediately after the establishment of a College, shall report the fact to the Director, stating the following details, namely:-
- (a) The place of location of the College.
  - (b) The classes opened and the subjects offered in each faculty and the number of students actually admitted in each faculty and subject.
  - (c) The date on which the College started functioning.

**Opening of New Faculty or Subject in an Existing College or Increase of Seats There to**

11. The provisions contained in rules 4 to 10 regarding establishment of a new College shall, *ipso facto*, apply the cases of addition of any new faculty or new optional subjects in any existing college or the cases of increase in the permitted student strength in existing faculties or subjects.

**CHAPTER III**

**Recognition**

**Application for Recognition**

12. (1) The application for recognition under sub-section (1) of section 6 of the Act shall be made in duplicate to the Director in Form No. II within three months from the date of functioning of the College.
- (2) A fee of Rs.1,200 (Rupees one thousand two hundred) only shall be paid (in shape of Treasury Challan deposited under the appropriate Head of Account) along with every application for recognition.
- (3) Every application for recognition shall indicate the particulars of the Governing Body constituted for the management of the institution in accordance with the provisions of the Act and these rules and be accompanied by the following documents, namely:-
- (a) A copy of the letter of the Director according permission to establish the College;
  - (b) A site plan of the College drawn to scale;
  - (c) Copies of the documents providing the title of the college over the site;
  - (d) The ground plan drawn to scale of the buildings of the College showing the classes accommodated in each room, Laboratory, Library, Office, toilet/urinals and common room etc;
  - (e) A sketch plan of the lock or the Urban area with location of the College;
  - (f) Document proving that a fixed deposit of the required amount has been made and pledged to the Register of the concerned University;

- (g) A list of the teaching and non-teaching staff appointed by the College with full particulars;
  - (h) Approval regarding constitution of the Governing Body of the College in Form No. III.
- (4) The application be accompanied by a statement showing the extent of fulfilment of the conditions stipulated in the order granting permission under section 5 of the Act.

### **Inspection for Recognition**

13. (1) The Director shall on receiving an application for recognition of a new college shall depute an officer under his administrative control for inspection of the college.
- (2) The Officer inspecting the college shall submit a report to the Director which shall among other things, state –
- (a) the correctness of the information furnished by the institution;
  - (b) the extent of fulfilment of the conditions stipulated in the letter granting permission; and
  - (c) any other matter as he would like to bring to the notice of the Director any shall make specific recommendation about the justifiability of according recognition to the College so inspected.
- (3) If the Director is satisfied on the basis of the report of the Inspecting Officer that the institution has fulfilled all or some of the conditions necessary for recognition he shall after obtaining prior concurrence of the Government make an order granting recognition to the College under sub-section (4) or section, 6 of the Act.

### **Eligibility for Recognition**

14. A College in order to be eligible for recognition shall :-
- (a) make provision for accommodation and other facilities in accordance with the norms laid down in the Schedule appended to these rules;
  - (b) employ teachers in different subjects, as prescribed under the Act, possessing the qualification prescribed by the University Grants Commission for College teachers and as per the yardstick laid down by Government from time to time.

- (c) make provision for Laboratory, equipments and teaching aids as per the norms laid down by the concerned University; and
- (d) fulfil all other conditions stipulated in the letter granting permission for establishment of the College.

### **Temporary Recognition**

15. (1) If one or more of the conditions necessary for recognition of college have not been fulfilled by the institution, permanent recognition shall not be accorded to it.
- (2) Temporary recognition for a period not exceeding one year may be granted under sub-section (6) of section 6 of the Act in case the college has employed less than the required number of teachers or has provided the accommodation or facilities which is less than the minimum requirement of a full fledged college.
- (3) Extension to the temporary recognition may be accorded from time to time for a maximum period of five years if the prescribed authority is satisfied for doing so.
- (4) Unless the college provides for the required facilities, or appoints the strength of teachers as required for a full fledged college at the time of granting extension, the temporary recognition shall be restricted only to the higher classes into which the students have been admitted and the college shall not be permitted to enroll students in the first year class.

### **Recognition not to be Granted in Certain Cases**

16. (1) The Director shall not accord recognition to any college which has not been permitted to be established in accordance with the provision contained in sub-section (4) of section 5 of the Act or does not have the minimum student strength as required under sub-section (2) of section 11 of the Act.
- (2) Any new faculty introduced in the existing colleges or any addition to the permitted student strength in the existing faculties or subjects shall also not be recognised unless the same has been introduced on the strength increased with the prior permission of the Director under the rule 11.

### **Condition of the Order or Recognition**

17. (1) The order of the Director granting recognition to a College shall specify among other things:-
- (i) the name of the College;
  - (ii) the Governing Body approved for the college with the name of the President and the Secretary thereof in whose favour the order of recognition is granted;
  - (iii) the location of the college;
  - (iv) the date from which the recognition shall take effect and the period for which the recognition is valid;
  - (v) the faculties under which students may be enrolled along with the permitted student strength in respect of each faculty; and
  - (vi) the optional subjects permitted under each faculty along with the permitted number of students in respect of each subject.
- (2) When the Director makes an order according recognition on a permanent basis or for a temporary period to a College under the foregoing provisions he shall communicate the concurrence of the Government to the University having jurisdiction for the affiliation of the said College to that University for the same period and in respect of the same faculties, subjects and student strength for which recognition is accorded.

### **Approval of Teachers**

18. (1) While granting recognition to a College the Director shall communicate his approval of the Teachers appointed by the College:

Provided that the appointment of any teacher shall not be approved unless:-

- (i) he possesses the qualification prescribed by the University Grants Commission for College teachers; and
  - (ii) his name finds place in panel of persons prepared by the Selection Board prescribed under Sub-section (2) of section 7-B of the Act for appointment as teachers in private colleges of the state.
- (2) Any qualified teacher duly appointed by the college against any vacancy within the prescribed yardstick shall be reported immediately to the Director for his approval.

## CHAPTER IV

### Transitory Provisions

#### Approval of a College which has already been established

19. (1) Any private College established before the commencement of these rules desirous of receiving approval under sub-section (2) of section 5 of the Act shall make an application to the Director in Form L.
- (2) **The application under sub-rule (1) shall be accompanied by a sketch map of the area of the Block/Notified Area / Municipality, as the case may be, showing the location of the College, the location of other Colleges within the area and their distance from the applicant College.**
- (3) If the Director is satisfied after verifying the correctness of the facts stated in the application that the College fulfils the conditions imposed under sub-section (5) of section 5 of the Act, he may make an order under sub-section (4) of section 5 of the Act granting approval to the college.

Provided that if there are more than one College seeking approval within a local area, approval may be granted to the College which in the opinion of the Director is likely to best serve the educational needs of the area.

- (4) The order granting approval to a College under this rule shall among other things specify the following, namely :-
- (a) Name of the College;
  - (b) The specific location of the College i.e. the name of the village of such local limit which may appropriately be specified in case of an Urban area;
  - (c) The name of the block/Notified Area/Municipality where it is located; and
  - (d) Conditions to be fulfilled by the College for being recognised by Government in respect of all the matters stated in clause (e) of rule 8.

#### Application for Recognition of a College which has Already Received Approval

20. (1) Any College which has received the approval under sub-sections (4) of section 5 of the Act shall make an application to the Director in Form II praying for recognition under sub-section (4) of section 6 of the Act.

- (2) The application shall be accompanied by all the documents specified in sub-rule (3) of rule 12 and an attested copy of the order granting approval to the College.
- (3) The Director shall dispose of the applications received under sub-rule (1) in the manner provided in Chapter-III of these rules and the orders granting recognition shall specify all the particulars as provided in sub-rule (1) of rule 17.
- (4) Applications for recognition pending before the Director in respect of Colleges eligible for recognition under sub-section (8) of section 6 of the Act shall be considered and disposed of by him.
- (5) In case of colleges granted recognition by the Director under sub-rule (4) the order granting recognition shall specify that recognition is granted under sub-section (8) of section 6 of the Act and the College shall not be eligible to receive grant-in-aid admissible to aided Colleges under the Act, unless it has received the approval as provided under sub-section (4) of section 5 of the Act.

## CHAPTER V

### Management

#### Constitution of the Government Body

21. (1) Soon after a college is established in accordance with these rules the Educational Agency which has been permitted to establish the college shall constitute a Governing Body for managing the affairs of the college as required under section 7 of the Act.
- (2) The Governing Body shall consist of a minimum of 9 and a maximum of 13 members as follows :-
  - (a) The Principal of the College or the teacher in-charge of Principal for the time being in his *Ex-Officio* capacity;
  - (b) Two representatives of the teachers to be duly elected by the teachers of the College;
  - (c) Not less than five and not more than seven members to be nominated by the concerned Educational Agency from among its members or from among the persons in the local area interested in the field of education:

Provided that out of the members so nominated at least one members shall belong to the Schedule Castes or Scheduled Tribes Community and one member shall be a women.

Provide further that a teacher serving in any other College shall not be nominated as a member :

Provided also that a Government servant shall not be nominated as a member without prior permission of the Government.

(d) One person from the locality interested in the field of education, to be nominated by the Vice-Chancellor of the University concerned at the time of grant of affiliation; and

(e) Not exceeding two persons may be nominated by the Director at the time of according approval to the Governing Body under rule 22.

(3) The Governing Body so constituted shall elect a President and a Secretary from among themselves except from the members specified in clauses (a) and (b) of sub-rule (2).

Provided that a person who is Secretary of the Governing Body of any other college shall not be eligible to be elected as President or Secretary.

#### **Approval of Governing Body**

22. (1) The Educational Agency having established the College in accordance with the permission of the Director or the institution having obtained the approval of the Director shall along with the application praying for recognition of the College, furnish the details of the Governing Body constituted in accordance with the provisions of these rules in Form III for approval of the Director.

(2) The Director shall be competent to approve the Governing Body of the College after making any change in its constitution if deemed necessary :

Provided that if any substitution of members nominated under clause (C) of sub-rule (2) of rule 21 is contemplated, he shall consult the Educational Agency in the matter before making such substitution.

(3) The order of approval shall clearly mention :-

(a) the name of the President of the Governing Body;

- (b) the names of offices of the other members;
  - (c) the name of the Secretary of the Governing Body; and
  - (d) the date of approval.
- (4) The member to be nominated under clause (d) of sub-rule (2) of rule 21 by the Vice-Chancellor of the concerned University shall be added to the Governing Body at the time of affiliation of the institution with the University.

### **Reconstitution of the Governing Body**

23. (1) Not less than ninety days prior to the date of expiry of the term of a Governing Body, a resolution shall be passed in a meeting of the Governing Body nominating five to seven members in accordance with clause (c) of sub-rule (2) of rule 21 from among themselves or other persons in the local area interested in the field of education to be members of the Governing Body to succeed it on the expiry of its term and to be its President and Secretary.

Provided that where a charitable trust had established the college, the Trust shall nominate the above persons to be members, President and Secretary of the Governing Body:

Provided further that if the outgoing Governing Body or the Charitable Trust does not pass a resolution nominating members, the Director shall be competent to reconstitute the Governing Body:

Provided also that –

- (i) no persons shall be the Secretary for more than two terms; and
  - (ii) no person shall be a member of the Governing Body for more than two consecutive terms except for ex-officio members, donors and those nominated by a Charitable Trust in case of such a Trust established the College.
- (2) The outgoing President shall furnish the Director for this approval the names and the details regarding the proposed reconstitution of the Governing Body including the name of the representative to be elected by the teachers and the name of the Principal of the College along with the name of the person to be the President and the Secretary of the Governing Body.

- (3) The Director shall be competent to substitute any name in the proposed Governing Body to bring it in conformity with the provision of these rules or with a view to improve the efficiency of the management of the College :  
 Provided that the Director shall consult the outgoing Governing Body in the matter before making such substitutions.

#### **Approval of the Re-Constituted Governing Body**

24. (1) The Director shall thereupon communicate his approval of 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 not re-elected as a Secretary of the reconstituted Governing Body, to hand over charge to the Secretary of the reconstituted Governing Body on expiry of the term of the outgoing Governing Body.
- (2) As soon as may be after the Secretary of the reconstituted Governing Body takes charge from the outgoing Secretary he shall inform this fact to the Director.

#### **Governing Body of Aided College**

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) The Collector/ Additional District Magistrate/Sub-Collector of the Sub division in which the College is situated shall be ex-officio President of the Governing Body and the Principal of the college or the teacher in-charge of the Principal shall be its ex-officio Secretary.

Provided that Government may nominate any eminent educationist to be the President who shall continue as such during the pleasure of the Government in such cases the Collector/Additional District Magistrate/Sub-Collector shall be a member.

Provided further that in case of a college established and managed by a Trust, Government shall appoint a nominee of the Trust as President of the Governing Body and in such cases the Collector/ Additional District Magistrate / Sub-Collector shall be a member of the Governing Body.

- (ii) Two senior most teachers of the college shall be ex-officio members of the Governing Body.
  - (iii) The Member of Legislative Assembly representing the constituency in which the college is situated and the Chairman of the Panchayat Samiti / Municipality / Notified Area as the case may be, in which the College is situated shall be ex-officio member of the Governing Body.
  - (iv) The Vice-Chancellor of the University, the Director and the Member of Parliament representing the Parliamentary Constituency in which the College is situated shall nominate one member each who is holding office during their pleasure.
  - (v) Four persons of the locality interested in the field of education which may include a donor, one person from Scheduled Tribes or Scheduled Castes community and one woman shall be nominated by the President of the Governing Body to be members of the Governing Body.
- (2) The Constitution of the Governing Body and any change in the membership shall be intimated by the Secretary of the Governing Body to the Director.
- (3) The Director, on receipt of the intimation from the Secretary may either approve the list or suggest changes with reasons within thirty days from the date of its receipt.

Provided that if no communication is received from the Director in this regard within a period of thirty days, it shall be deemed to have been approved:

Provided further that change, if any, suggested by the Director shall be considered by the President of the Governing Body who shall resubmit the list either accepting the change or not, to the Director, within fifteen days from the date of receipt of the communication, after which the Director, shall approve the same:

Provided also that no meeting of the Governing Body convened during the intervening period (from the date of intimation till the date of ratification by the Director) shall be invalid for the reason of any vacancy in the membership or any defect in the Constitution of the Governing Body.

### **Duty of the Outgoing Secretary of a Governing Body**

26. Until the Governing Body of an aided College, has been reconstituted by the Director in accordance with these rules, the existing Governing Body of the College shall continue to function:

Provided however, that as soon as the college becomes an aided College, the Secretary of the existing governing Body shall cease to hold the office as such and the Principal of the College in his ex-officio capacity shall become the Secretary of the Governing Body and shall discharge all the functions of the Secretary:

Provided further that the outgoing Secretary shall continue to be a member of the Governing Body until its reconstitution.

### **Cessation of Membership**

27. (1) Any member as specified in clause (v) of sub-rule (1) of rule 25 may resign from the Governing Body by sending a letter of resignation to the President and the resignation shall be effective from the date it is accepted by the Governing Body.
- (2) In case of casual vacancy arising out of death or resignation or cessation of membership of a member, the Governing Body may by a resolution in that behalf nominate a new member and seek the approval of the Director thereto.
- (3) Any member nominated against a casual vacancy shall hold office only for the remaining period of the term of the person in whose place he has been nominated.

### **Disqualification of Member of Governing Body**

28. A person shall be disqualified to become a member of the Governing Body or to continue as such if he –
- (a) is of unsound mind; or
  - (b) is an applicant to be adjudicated as an insolvent or an undischarged insolvent; or
  - (c) is convicted of an offence involving moral turpitude under any law for the time being in force; or

- (d) has been dismissed from the service of the State or the Central Government or of any public undertaking; or
- (e) has been found guilty and a major penalty is imposed in a Departmental proceedings against him either by the State or the Central Government; or
- (f) is not a citizen of India.

#### **Powers and Functions of the Governing Body**

**29.** Subject to the provisions of the Act and these rules the Governing Body shall exercise the powers and discharge the functions, as follows, namely :-

- (a) to ensure proper management, maintenance and custody of the private College relating to land, buildings, equipments, funds of the College including loans and grants sanctioned by Government or any other authority;
- (b) to ensure sanitary conditions of the buildings and premises of the private college;
- (c) to ensure that instructions are imparted according to the standards prescribed by the University;
- (d) to ensure the appointments of teaching and non-teaching staffs are made in accordance with the provisions contained in the Act and these rules and instructions of the Department;
- (e) to ensure proper implementation of the provisions of the Act, these rules, instructions issued by the Department or the Director in the matter of regulating conditions of service of staff including their appointment, salary, leave salary pension, provident fund, age of retirement and disciplinary action;
- (f) to ensure observance and compliance of instructions issued by Government, the University and other concerned authorities regarding smooth management of the private College in all respects from time to time;
- (g) to maintain discipline in the private college;
- (h) to make proper arrangement regarding collection of fees and fines from the students and arrange for deposit of fees and fines in the Treasury / Bank whenever required;
- (i) to award free studentship, scholarship, stipends, prizes, rewards and punishments to students and staff in accordance with rules and instructions of the Department or the University;
- (j) to observe holidays and vacations according to instructions of the Department;

- (k) to ensure that the buildings, premises, furniture and equipments of the college are not used for any non-educational purpose nor for holding any meeting of political character or any special or any special or other character for which the feelings of the community is likely to be divided or excited;
- (l) to ensure continued fulfilment of the conditions of recognition;
- (m) to submit report and returns required by the Government, the Director and the University from time to time; and
- (n) to provide reasonable facilities to the authorities appointed by the Government for inspection.

### **Meeting of the Governing Body**

- 30. (1)** The Governing Body shall meet as often as considered necessary for the efficient management of the affairs of the private 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.

A special meeting may be convened at any time by the Secretary on receipt of a requisition in writing from not less than five 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 or by the Director, as the case may be. 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 such meeting.

(2) Any urgent resolution may be approved by the Governing Body by circulation and such a resolution shall be deemed to have been approved by the Governing Body if it is approved by at least five members thereof. A resolution so approved by circulation shall be placed before the Governing Body in its next meeting for confirmation.

(3) The quorum for the meeting of the Governing Body shall be seven. Mere existence of any casual vacancy in membership shall not invalidate the proceeding of the Governing Body.

- (4) The President shall preside over all meetings of the Governing Body. In the absence of the President one of the members other than Secretary shall be elected to preside. The President shall in addition to his vote as a member have a casting vote in case of a tie.
- (5) The Secretary of the Governing Body shall record the proceedings of the meeting and shall obtain the approval of the President thereon. The proceedings shall be placed for confirmation in the next meeting of the Governing Body. Minutes of the proceedings of every meeting shall be recorded serially for each academic session in a register containing pages continually machine-numbered and certified to that effect by the Secretary of the Governing Body.

#### **President of the Governing Body**

31. (1) The President shall ensure that the decisions taken in the governing Body are implemented by the Secretary and the Governing Body functions properly and holds its meetings regularly.
- (2) In case the Secretary defaults in calling a meeting of the governing Body as directed by the President, the President shall have power to make such arrangements as he deems appropriate to that the meeting may take place.

#### **Secretary of the Governing Body**

32. (1) The Secretary of the Governing Body of a private college shall be the principal executive and shall be competent to –
  - (a) make correspondence on behalf of the Governing Body;
  - (b) convene meeting of the Governing Body with the approval of the President and draw up the proceedings of each meeting and forward a copy of the same to the Director after confirmation;
  - (c) give effect to the decision of the Governing Body and subject to its control do all things incidental thereto;
  - (d) remain in charge of the properties, title deeds, documents and papers related to the needs of the College;
  - (e) make all payments and sign receipts other than receipts from fees and fines on behalf of the Governing Body;
  - (f) operate the accounts of the College in any Bank or Post Office;

- (g) receive donations if so authorised by the Governing Body; and
- (h) exercise such other powers and perform such other functions as may, from time to time be assigned on him by orders of Government.



### **Repeal and Savings**

33. The Orissa Education (Management of Private Colleges) Rules, 1979 are hereby repealed.

Notwithstanding such repeal any order made, any action taken or anything done under the rules so repealed shall be deemed to have been made, taken or done under these rules.

### **Relaxation**

34. Where the State Government are of opinion that it is necessary or expedient so to do in the public interest, they may, by order relax any of the provisions of these rules.

### **Interpretation**

35. If any question arises relating to the interpretation of these rules, it shall be referred to the Government for decision.