

ODISHA HIGHER SECONDARY EDUCATION ACT, 1982

Shon and 11 m at. The Orissa G a z e t t e EXTRAORDINARY PUBLISHED BY AUTHORITY *THE ORISSA, [Ori4gaQAct (Scé'. 1.2)'] mrNé 'EiSseâc-if•the IG.biiéhiör!bn thre 23id'jOéibb*' 'i)8'2'jiHjva - Púb7ishéd inl éxßåorâinüy OriisaGazetti, dafâd':he 23rd .ocrober .1982] AN ACT TO PROVIDE POR TRB BSTAB1.,waM8NT OF A TO REGULATE, AND PßVßLOP HIGHBR S40NDARY DUCATIGN IN TH.B srA1% OF ORISSA Beit enacted by the Legislature of the Stâte 'öt OrissTa"-in the thirty•thtrd year of the republic of India, as follows z 1. (1) This Act may be tüe' oriYéa 'Sebohdar, • Education Act, 1982. (2Y11t le*téhdg• to the whole of the State lof Orissa. (3) It shall be deemed to have come into force with effect from the 7th day of '•1982. In ibis Act;" unléié - ihé éöhtéit röthéiWiäe requirés»— academic ,yeap" means the year qommencing on the first day of Junet 'affliätéd institutioi" mbans any instiiütibhk affli&d, to the' Coundl whether" in whlöle iir mrtl; • college" means a Colleger affiliated to any University; (O "Committee" a Committee of the Council; 'Council': mahs the Coünöil of Hig%ér Secöhdä±y *EdGcation cbdsiiuted under section 3 (J) "EAmiaüon" means an examination conducted by the C) 'iGoveg,nment" the Government, of -the State of Orissa; (h) "Headmaster" means the of the teaching staff of a Higher Secondary School by whatever name he may be designated ; "Higher Secondary Course" means course immediately 'folloWing the High (i) School Certificate course and covering a period of two yeas which is provided for eithter in a collégef'dr Higher Secondary Shooi and includé , Arts,, Science, Cornmerce and Courses; (j) "Higher Edumtion" means such general and Vocational tion forming ih' itself a complete purposive wh'ote which immédiatély follows S\$ondary Edumtion as has deüined in the Orissa Secondary EducationAct, 1952 add immediately precedes a stage of edimtioi controlled Orissa An Io of 1953. by any University; (k) "Higher Secondary School" means an institution preparing nndidates forl the examination of the Council and recognised as such by the Council, but does not include for the purpose of this Act and the Regulâtions made thereunder that part of the institution which prepares for emminations other than Higher Secondary Examination; For Statement of Objects and Rasons sae Orissa GÆewe, ExtraordiDA.ryj dated the 2nd *ptember 1982 (No. 1371). 1.1 SECONDARYCBEDUCATION ACT, ..1982} Act of *1982] . (Secs. 2-3) (l) ' peans amp, established ornlsntained by Gové.rnrment or by. any- Associâtion (pf individÜalk and'. ieéöéliiged by the 'iRdVidinÉ: admission to the Higher Secondary, Examinatiünfîn acéordance with the Regulations and includes a College or part of a College which prepares for such examination ; (m) "prescribed";means • -pféseribed bi the regulations niade under the Act (n) "principa?" means the head of the teaching staff of 8 college by whntever -name lie may •bg •.designetedi. registered teacher" means a teachG who 'ii •registered pursüa'næ :the regulations in _ that. behalf ; (p) "recognition" means a recognition for the purosos of admiésion to the privileges of the Councill Includinb its. examinations andi'f.recognise!..' with its variations shall be construed accordingly ; "*gulations" means tfie regulations Act; 'text-book" means, spy ...book...pr.esg•ibed or. recom.mepAeA.for the examina- tion in accordance *fth the fegulaiions ; 'University" Keans -Uniiiéßity;SaHba.lpur University, Orissa Upiversity; of Agiculture aud Technology,Sbri .Jagannath Sânsk•iÉ Vi.ShvaVidya.laya su-é,li. biher:wniversity- âs-ma9. be-established by law. ConSitudon 3. Q) Governmeit constitute Counéil called ihé Coutu:cil of Sécondary of the Coun- Education. Councill*ha.ll be. a body corporate -with perpptual succession and a with power •to a'cQuire and •hold property, both- 'mo;zablerarnd •mm'ovable, and subject to the provisions of Lhis Act, to transfer any p"ropény held by it and to contract and do all other things necessary for the purposes of its constitution and may sue •öi'l±rsued• io'itf corporate (3) Thee Council shall consist "of the following membeg, nam•ely:— (a) ex officiâ'Members= (D Chain:nan; •(ii) (if appointed), (iiD Directör of Public Instruction (Higher Education), Orissa, (iy) Director •of Public Instruction (Schools), Orissa, (v) President, Board or Séconda.ryr Education, Orissa (VD Director of Technical Education and Training, Orissâ; (vii) Principal', Di±ector•, (ix) principgl-, (x) Director, Regional. College. of _Education, Bhubaneswar State Council of Educational Résearch and. ermining, Orissa Couege of Physical Eduetion, Cuttack National Cadet Corps or his norfliéé Tam of om- ce of and filling up of etc. -129 THE ORISSA HIGHER SECONDARY LEDUCATION Acr,A982 [Orissa Act 19 of 1982] 43) (b) Members to be nominated by • Government— (1) a representative of the Education and Youth Servicés Department not below the rank of a Deputy Secretary; (ii) a representative of the Finance Department not below the- rank of a Deputy Secretary ; (iii) ten Principals of Colleges including Junior

Colleges, if any; (iv) five Headmasters of Higher Secondary Schools to the extent available; (v) ten registered teachers of recognised Colleges including Junior Colleges; (vi) five registered teachers of Higher Secondary Schools to the extent available; (vii) three Circle Inspectors of Schools; (viii) not more than ten specialists in vocational subjects prescribed for the Higher Secondary Course. (c) Elected Members— (i) three members of the Orissa Legislative Assembly to be elected from among themselves; (ii) one representative from each of the Universities in the State to be elected by the members of the respective Academic Councils from among themselves; (iii) one representative of the Board of Secondary Education to be elected by the members of the Board. (4) The Council may co-opt persons not exceeding five, as extraordinary members for any special purpose. (5) Notwithstanding anything contained in this Act, for the purpose of constituting the Council for the first time, the members specified in clause (c) of sub-section (3) shall be nominated by the Government, so far as may be, from among persons belonging to the categories specified in items (i) to (iii) of that clause and the members so nominated shall hold office for a period of two years. 4. (1) Members other than ex Officio and co-opted members shall hold office for a term of five years from the date of the notification under section 5. (2) The term of office of co-opted members shall be one year from the date of co-option. (3) When the term of office of members (other than ex officio members), has expired, the vacancies so caused shall be filled up as soon as may be and to this end all necessary steps shall be taken by the Secretary of the Council within six months before the expiry of the said term of office: Provided that the term of office of the outgoing members shall be deemed to extend to and expire with the date on which the names of their successors, elected or nominated as the case may be, are notified under section 5. S. The names of persons elected, nominated or co-opted to be members of the Council shall be notified in the Gazette. 130 ZTKÉFORISSX:H1dKER SECONDARY - EDUCATION 19.82 [Orissa Act of 1982] (Secs. 6—10) 6. A person shall be disqualified for being elected, nominated or co-opted as Disqualification for a member of the Council, if he;— (a) is on the date of election, nomination or co-option, of unsound mind or a mute or deaf; or (b) is an uncertified bankrupt or undischarged insolvent; or (c) has been convicted and sentenced by a Criminal Court to imprisonment for an offence involving moral turpitude; or (d) has any share or interest in any book published or republished which is intended to be prescribed or recommended as a text book for the Higher Secondary Course; or (e) has any share or interest in the business of the Publisher of such book; or (j) has any share or interest in any work done by order of or in any contract entered into on behalf of the Council. 7. (1) If any member (other than an ex officio member) of the Council absents himself from three consecutive meetings of the Council without the permission of the Chairman of the Council, the office held by him shall thereupon become vacant. (2) If any member of the Council becomes subject to any of the disqualification under section 6, his office shall thereupon become vacant. Vacancies Removal from Acceptance of resignation (3) Any vacancy caused in pursuance of sub-section (1) by the Council in the Gazette. 8. (1) The Government may on the recommendation of any member of the Council if he has been convicted by offence which in the opinion of the Council is a serious turpitude or if he is found guilty of gross misconduct: (2) shall be published of the Council removed a court of law on any offence involving moral turpitude. Provided that no recommendation for the removal of any member shall be made by the Council unless the person concerned is given a reasonable opportunity of being heard. (2) The name of any member who has been removed from the Council under sub-section (1) shall be published in the Gazette. 9. (1) No resignation tendered by a member of the Council other than elected members shall be valid until it has been accepted by the Government and no resignation tendered by a member of a Committee appointed under section 21 shall be valid until it has been accepted by the Chairman of the Council. (2) A member elected or co-opted may resign his seat by writing under his signature and addressed to the Chairman and his seat shall thereupon become vacant. Filling up of 10. All casual vacancies arising by reason of disqualification, death, removal or resignation among the members of the Council, other than ex Officio members vacancies shall be filled up as soon as may be by election, nomination, or co-option. 11. The Government may, as the case may be, the person so elected, nominated or co-opted shall hold office for the unexpired portion of the term of his predecessor in office. 131 THE ORISSA HIGHER SECONDARY EDUCATION Act, 1982 [Orissa Act of 1982]: All. Subject to the provisions of the Council shall have the following Powers and functions: of the Council. and functions, (a) to prescribe courses of instruction for recognised institutions and such branches of Higher Secondary Education as it may think fit (b) to grant grants to the Higher Education Institutions of the University and other; (c)

to make regulations for recommending any book as a handbook or for the publication and sale of such books; (d) to make regulations for the imposition of penalties for the misconduct of students, teachers, examiners, examinees, printers of Text-Books or question papers or persons connected with the examination; (e) to conduct examinations based on the syllabus prescribed; (j) to admit to its examinations persons of any caste, creed, religion, race, sex, place of birth or descent; (h) to grant and issue certificates to successful candidates; (7.) (i) to establish, control, regulate or administer any Junior College or any Higher Secondary School subject to the approval of the Government; (J) to bring about practical co-ordination between State-owned Industrial Institutes, Factories or Workshops or Vocational institute, Agricultural Farms, A Dimal Husbandry Centres or Pisciculture and the Higher Secondary Schools or Junior Colleges providing for vocational courses by way of providing adequate and systematic practical training which will be complementary to the theoretical instruction at the schools or colleges (k) to call for reports from the Directorate of Public Instruction on the conditions of the recognised institutions or of institutions, applying for recognition and to direct inspection of such institutions; (D to recognise institutions for the purpose of admitting them to the privileges of the Council including examinations conducted by it; (m) to lay down the conditions for teachers to teach the subjects included in the courses of Secondary Education, the work-load of such teachers and the number of working days in an academic year and to make incidental thereto (n) to adopt measures to promote the intellectual, physical, moral and social welfare of the students of the recognised institutions and to supervise and control the conditions of their discipline (o) to institute and award scholarships, medals and scheme or schemes framed by the Council (P) to demand and receive such fees as may be prescribed and to find the means for the expenses which are intended for the purposes of the Council. Academia CouacU. hf32 THE ORISSA HIGHER SECONDARY EDUCATION ACT, 1982 [Orissa Act 1.9 of 1982]' (Sees. 11-13) (i) to, submit annual accounts and balance-sheet together with the annual report of the Council to the Government and to publish the audited accounts and balance-sheet in the Gazette; (s) to to Government its views on any matter with which it is concerned; to measures to provide for Military education, opportunities to organise social services and such other activities as the Council considers necessary to inculcate in the minds of the 'student' enrolled in recognised institutions a high sense of citizenship and to train and prepare them to discharge their civic obligations effectively (u) to furnish to Government such reports and returns and statements as may be prescribed by regulations and such other information relating to any matter under the control of the Council as the Government may require. (p) to maintain a library of its own; (w) to have an Information Cell for dissemination of information about the activities of the Council, employment opportunities of different vocations and fields in higher general and professional studies; (x) to acquire, hold and dispose of property, both movable and immovable, for the purpose of the Council and enter into agreements therefor; (O) to maintain register of teachers and register of students admitted to the Higher Secondary Course. 12. (1) The following shall be the members of the Council, namely (i) Chairman; (ii) Vice-Chairman; (iii) Secretary; (iv) Controller of Examinations; (v) Finance Officer; (w) Deputy Secretary; (vii) Deputy, Controller of Examinations; (viii) Assistant Secretary; (ix) Assistant Controller of Examinations; (x) Chief Librarian-cum-Information Officer; and (xi) Such other officers as may be declared by Government from time to time. 13. (1) The Council may have academic staff consisting of the following, namely (a) subject experts, (b) Teachers of institutions established and managed by the Council. (2) Persons belonging to the academic staff shall remain in charge of academic programmes, teaching and such other duties of academic nature as may be assigned to them by the Council. 14. (1) The Chairman and his powers and functions. Vice Chairman and his functions. 133 THE ORISSA HIGHER SECONDARY EDUCATION ACT, 1982 [Orissa Act 19 of 1982] (Sees. (4—17) 14. (1) The Chairman, shall be appointed by the Government on such terms and conditions as they may determine and he shall be either a whole-time or a part-time member of the Council. (2) The executive authority of the Council shall vest in the Chairman and it shall be his duty to see that the provisions of this Act and the Regulations made thereunder are faithfully carried out and he shall have all powers necessary for that purpose. (3) The Chairman shall have power to convene meetings of the Council and meeting at any time after due notice on a requisition stating the business to be brought before the meeting signed by not less than one-third of the total number of members of the Council. (4) When any emergency arising out of the administrative business of the Council requires in the opinion of the Chairman that immediate action should be taken, the

Chairman shall take such action as he deems necessary and report his action to the Council in its next meeting. (5) The Chairman shall exercise such other powers as may be prescribed. 15. (1) The Vice-Chairman shall be appointed by the Government on such terms and conditions as they may determine and he shall be either a whole time or a part-time member of the Council. (2) The Chairman may delegate such of the powers conferred upon him by or under this Act to the person as he considers necessary. (3) The powers so delegated may at any time be withdrawn and the Vice-Chairman shall, in exercising the powers so delegated, be subject to the control of the Chairman.

16. The Chairman and in his absence the Vice-Chairman and in the absence of both, a member elected from among those present shall preside at every meeting of the Council or of any Committee of which the Chairman or the Vice-Chairman is a member, and the person so presiding shall be entitled to exercise a second or casting vote in any case where the votes are equally divided.

Appointment of Secretary. (1) The Secretary shall be appointed by the Government amongst members of the Orissa Education Service in Class I on such terms and conditions as they may determine. his functions. (2) The Secretary (a) manage the properties and investments of the Council; (b) remain in custody of the properties and funds of the Council; (c) execute all contracts on behalf of the Council (d) subject to the control of the Chairman, be the Head of the office of the Council; (e) maintain the minutes of the meetings of the Council and its committees; (f) generally render such assistance to the Chairman as may be by him in the performance of his duties; (g) exercise and perform such other powers and duties as may be prescribed. (3) The Secretary shall have the right to speak and otherwise take part in the proceedings at a meeting of the Council and the Executive Committee but shall not be entitled to vote.

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Controller of Examinations. (1) The Controller of Examinations shall be appointed by the Government from amongst members of the Orissa Education Service in Class I on such terms and conditions as they may determine. (2) The Controller of Examinations shall— (a) remain in charge of all examinations; (b) act as Secretary to the Examination Committee; (c) exercise such other powers and duties as may be prescribed.

19. (1) The Finance Officer shall be appointed by Government from amongst members of the Orissa Finance Service in Class I on such terms and conditions as they determine. (2) The Finance Officer shall— (a) be responsible for proper investment of the funds of the Council; (b) exercise general supervision of such funds; (c) tender advice with regard to financial transactions of the Council; (d) be responsible for preparation and presentation of the annual financial estimates and statement of accounts to the Council; (e) act as Secretary to the Finance Committee; and (f) exercise such other powers and perform such other functions as may be prescribed.

20- (1) All other officers including members of the academic staff enjoying same scale of pay as officers in Class I under the Government shall be appointed by the Chairman in consultation with the Executive Committee. (2) All other employees shall be appointed by the Chairman in accordance with the procedure prescribed in that behalf. (3) The officers mentioned in sub-section (1) shall exercise such powers and perform such functions as may, from time to time, be assigned to them by the Chairman.

Committees. 21. (1) The Council shall have the following committees, namely: (a) Academic Committee; (b) Executive Committee; (c) Recognition Committee; (d) Examination Committees; (e) Finance Committee; (f) Syllabus Committee; and (g) Such other Committees as may be prescribed. (2) Every such Committee shall consist of such number of members as prescribed. exercise of power delegated by the Council to the Committees shall not be invalid by reason of casual vacancy.

Procedure for holding of the Council and Committees. 22. (1) The Council shall meet at least once in every year. (2) The Council shall have the right to call for the return of the Council Fund and investment of the Council Fund.

135 THE ORISSA HIGHER SECONDARY EDUCATION ACT, 1982 [Orissa Act 19 of 1982] (Secs. 21—28) (3) The member of the Committees, except ex officio members, shall hold for period of three years. (4) The member of the syllabus committee shall be appointed by the Executive Committee and members of other committees shall be appointed by the Council. All such appointments shall be made in the prescribed manner. (5) When a person ceases to be a member of the Council, he shall automatically cease to be a member of the Committee if he held membership of such committee by virtue of his being a member of the Council. (6) The power and functions of the Committees shall be as may be prescribed, (7) Save as otherwise provided, the provisions contained in sections 7, 8, 9 and 10 shall apply, mutatis mutandis, to the Committees in regard to disqualification for membership, removal from membership, resignation and casual vacancies.

22. If the Council exercise any powers conferred: on it by this Act- in any matter which have been delegated, by the Council to a Committee by a regulation, the Council before exercising any such power shall receive and consider the report of the Committee with respect, to the matter in question

23. No act of proceeding of the Council of, of a -Committee -thereof shall be invalid merely by reason of the existence of any casual vacancy among its member*

24. Procedure for holding meetings of the Council and the Committees shall be as may be prescribed. **25.** The Council shall have a fund called the Council fund to which shall be credited (i) its income from fees, endowments, donations and grants, it any; contributions which may be made by the Government on such conditions as they may impose; and (ii) receipts from, other sources. **26.** All moneys at the credit of the Council Fund shall be kept in any Bank as the Council may determine: Provided that nothing in the section shall be deemed to preclude the Council from investing, with the previous sanction of the Government, any such moneys as are not required for immediate expenditure in any of the securities described in section 20 of the Indian Trusts Act, 1882 or placing them in fixed deposits in a Bank as determined by the Council

27. Subject to the provisions of this Act, the Council Fund shall be applicable

Application of council Fund. And it shall be applied only to the payment of the charges and expenses incidental to the several matters specified in this Act and to any other purposes for which powers are conferred or duties are imposed upon the Council by or under this Act. **28.** (1) The accounts of the Council shall, once at least in every year and at intervals of not more than fifteen months, be audited, in accordance with the provisions of the Orissa Local Fund Audit Act, 1948. (2) The Council shall keep accounts of its receipts and expenditure in such and form as may be prescribed. **29.** (i) The Council shall have a fund called the Foundation Fund. (2) Foundation Fund shall consist of — (a) a sum of not less than rupees two lakhs which shall be given to it by the Government, (b) any contribution to the fund which may be made by the Government, any Local Authority or other Public Body or by any other Government or person; and (c) any contribution to the fund made by the Council. (3) The Foundation Fund shall be invested in securities issued or guaranteed by the Central Government or by any State Government and such investment shall not be varied without the consent of the Chairman. (4) The corpus, of the Foundation Fund shall be kept intact but the interest thereof may be utilised for the purposes of the Council. The expenditure incurred on account of clause (a) of sub-section (2) shall be an expenditure charged on the Consolidated Fund of the State. (5) Subject to the provisions of this Act, the Council may make Regulations for all or any of the following matters:— (a) the manner of co-opting persons as members of the Council, the convening and holding of meetings of the Council and its Committees, the time and place at which such meetings shall be held and the conduct of business thereat; (b) the constitution, powers and duties of the Committees specified in section 21 (c) any other function not specified in this Act to be performed by the Chairman; (c) the conditions of recognition of institutions for the purposes of admission to the privileges of the Council including its examinations; (d) the admission of institutions to the privilege of recognition and the withdrawal of recognition; (e) the standards of staff, equipment, accommodation and other facilities of any affiliated institution; (f) the courses of study including practical training, if any, and the period thereof, and the medium of instruction, the eligibility for admission of students to the courses of study in different branches of Higher Secondary (h) the fees for admission to the examination of the Council; (i) the conduct of examinations; (j) the appointment of examiners, their duties and powers, their relation to the examinations and the remuneration payable to them; (k) the conferment of diplomas and certificates; (l) For Regulation made by the Government, dated the 5th July 1983 (70.781) (Sec. 31(ii)). the 'measures' the 'difficulties', 'the 'studies' and 'the 'financial' of the finances of the Council; (m) 'the 'Ceilings', 'the 'Institutions', 'the 'Fees' of the Colleges as aad; (n) 'the 'Regulations' by: This Act are to be or 'may' be - provided for by Regulations. (2) 'the 'Regulations' shall be framed by the Government. (3) The Government and, subject to the provisions contained in sub-sections (4) and (5) the Council, may, from time to time, make new or amend or repeal any Regulation. (4) 'the 'Regulations' may be added to the Regulation or amendment or repeal of any Regulation made by the Council shall have effect from the date of its coming into force or from such date as may be specified in the Regulation. (5) The members of the Council, its Committees, Examiners, Invigilator of 45 of

1960 the Council' Officers and other employees of the Council shall be deemed to be public servants etc. to be within the meaning of section 21 of the Indian Penal Code, Public Servants. (i) Any person who assaults or uses force to obstruct or hinder any other person employed in connection with the examinations conducted by the Council within the limits of the Council to the commencement of the examination, during the examination and within three months immediately following such examination shall be deemed to be an obstruction to a public servant in the discharge of his public functions and shall be cognizable offence.

32. No suit; 'execution or other. Proceedings whatsoever shall lie against Indemnity. Any person who in good faith does or intended to be done under this Act. 33. (1) The Government shall have the right to advise the Council with Powers of Government. (2) The Council shall have the right to advise the Government, their Views on any matter with which the Council is concerned. (3) The Council shall have the right to advise the Government, if any, as it proposes to take or has taken on any matter and shall furnish an explanation if it fails to take action. (4) If the Council does not, within a reasonable time take action to the satisfaction of the Government, the Government may, after considering any explanation furnished or representation made by the Council, issue such directions consistent with this Act and the Regulations made thereunder as they may think fit and the Council shall comply with such directions. THE ORISSA HIGHER SECONDARY EDUCATION ACT, 1982 [19 of 1982] (4) When any emergency in the Government requires that immediate action should be taken, the Government may, consistent with this Act and the Regulations made thereunder as they deem necessary without previous consultation with the Council and shall forthwith inform the Council of the action taken. (5) The Government may, by order in writing, specifying the reasons, therefor, suspend the execution of any resolution or order of the Executive Committee, or any other Committee, constituted under the Act prohibit the doing of any Act which is prohibited or is prohibited by the Council or is prohibited by the Council, if the Government, after calling for a report from the Council and considering the same, are of opinion that such resolution, order or Act is in excess of the powers conferred by or under this Act. (6) In the event of any difference of opinion or any of its committees on any matter the same shall be referred to Government for decision which shall be final. (7) The Government shall have the right to cause inspection of the Council or persons as they may direct of the Council and also enquiry to be made in respect of any matter connected with the Council. The Government shall in every such case give notice to the Council of their intention of such inspection or enquiry and the Council shall be entitled to be present at the inspection or enquiry. (8) The Government shall forward to the Chairman of the Council a copy of the inspection report for obtaining the views of the Council and on receipt of such views the Government may issue such instructions as they may think fit. (9) A time-limit for action to be taken by the Council: Provided that Government may, for sufficient cause shown by the Council, extend the time-limit by such period as they may deem fit. (10) Where action has not been taken by the Council to the satisfaction of Government within the time fixed by the Government under sub-section after considering any explanation furnished or representation made by the Council, issue such directions they may think fit and the Council shall comply with such directions. (11) The Government may by order in writing direct the Council to pay out of the Council Fund salaries and allowances to its Chairman, Vice-Chairman, Secretary, Controller of Examinations and the Finance Officer. 34: (1) Where Government are satisfied that the Council has failed to exercise its powers or to perform its functions or has exceeded or abused any of the powers of the Council conferred on it by or under this Act they may dissolve the Council with effect from a date specified by an order to be notified in the Gazette and take over the management of the Council and appoint an officer to be the Administrator of the Council. (2) With effect from the date specified for the dissolution of the Council under sub-section (1); the members of the Council and Committees including the Chairman and the Vice-Chairman shall forthwith be deemed to have vacated their offices as such. (3) The powers and functions of the Council, its committees (other than the syllabus and other committees) shall, during the period of dissolution, be exercised and performed by the Administrator. (4) Every order of dissolution made under sub-section (1) shall, as soon as may be after it is made, be laid before the State Legislature. (5) The Council shall be reconstituted within a period of one year from the date of its dissolution. Power to remove members. Overtaking 139 THE ORISSA HIGHER SECONDARY EDUCATION ACT, 1982 [Orissa Act 19 of 1982]

(Secs. 35-38) 35. If any difficulty arises in giving effect to the provisions of this Act, government may, as may require, by order, do anything which to them necessary for the purpose of removing the difficulty: Provided that no order shall be issued under this section after the expiration of a period of two years from the date of commencement of this Act. 36. (1) A College having Intermediate Course which is affiliated to any University shall, for the purposes of this Act, be deemed to be a junior college. (2) The Registered College Teachers of the Utkal University, the Berhampur University and the Sambalpur University who have been registered as such for life, shall, for the purposes of sub-section (3) of section 3, be deemed to be Registered College Teachers. (3) The Syllabus Committees are appointed by the Officer on Special Duty in charge of Higher Secondary Education and were holding office immediately prior to the commencement of this Act, shall be deemed to be the Syllabus Committees appointed by the Executive Committee under this Act and shall continue to hold office till the 31st day of May, 1983. (4) The syllabi, courses of studies and text books recommended by the said Syllabus Committees shall not be varied so as to affect any examination held at any time prior to the expiry of the year 1985

37. The provisions contained in this Act shall have effect notwithstanding anything of the contrary contained in any other enactment in so far as such other relates to any matter which is provided for in this Act and 1982. 38. (1) The Orissa Higher Secondary Education Ordinance, 1982 is hereby repealed, No. 1982. (2) Notwithstanding such repeal, any thing done or any action taken under the Ordinance so repealed shall be deemed to have been done or taken under the corresponding provisions of this Act.

