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**THE ODISHA PROFESSIONAL EDUCATIONAL INSTITUTIONS
(REGULATION OF ADMISSION AND FIXATION OF FEE)
AMENDMENT BILL, 2021**

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BILL

FURTHER TO AMEND THE ODISHA PROFESSIONAL EDUCATIONAL
INSTITUTIONS (REGULATION OF ADMISSION AND FIXATION OF FEE) ACT,
2007

BE it enacted by the Legislature of the State of Odisha in the Seventy-second year
of the Republic of India as follows: -

Short title and
Commencement.

1.(1) This Act may be called the Odisha Professional Educational Institutions
(Regulation of Admission and Fixation of Fee) Amendment Act, 2021.

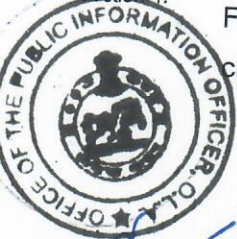
(2) It shall be deemed to have come into force on the 31st December, 2020.

Amendment
of section 4.

2. In the Odisha Professional Educational Institutions (Regulation of Admission and
Fixation of Fee) Act, 2007 (hereinafter referred to as the principal Act), in section 4, for
clause (a) of sub-section (1), the following clause shall be substituted, namely: -

Odisha Act
4 of 2007

“(a) The Secretary to Government, Skill Development and Technical
Education Department, who shall be the Chairperson;”



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Amendment
of section 6.

3. In the principal Act, in section 6, for clauses (a) and (b) of sub-section (1), the following clauses shall be substituted, namely:-

“(a)A retired Judge of Orissa High Court nominated by the Chief Justice of the said Court, who shall be the Chairperson ; and

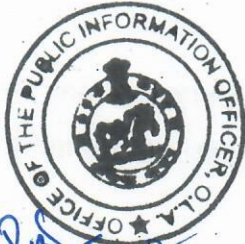
(b)The Secretary to Government, Skill Development and Technical Education Department or his representative not below the rank of Deputy Secretary;”.

Repeal and
Saving

4. (1) The Odisha Professional Educational Institutions (Regulation of Admission and Fixation of Fee) Amendment Ordinance, 2020 is hereby repealed.

Odisha Ordinance
No.17 of 2020

(2) Notwithstanding such repeal, anything done or any action taken under the Principal Act as amended by the said ordinance so repealed shall be deemed to have done or taken under the Principal Act as amended by this Act.



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STATEMENT OF OBJECTS AND REASONS

In pursuance of the observation and directives of Hon'ble Supreme Court in P.A. Inamdar case, State Government brought out Odisha Professional Educational Institutions (Regulation of Admission and Fixation of Fee) Act, 2007 (OPEI Act) with a view to provide regulation in admission, fixation of fees, prohibition of capitation fee, reservation in admission and for other measures to ensure equity and excellence in professional educational institutions and for other connected matters.

Fee Structure Committee (FSC) constituted as per the provisions of the OPEI Act, 2007 recommends fee structure of all the technical / professional institutions in the State, which becomes enforceable after Government approval. Section-6 (1) (a) of the Act provides that the Vice Chancellor, BPUT shall be the chairperson of the FSC.

However, as BPUT is the affiliating University which enforces the Fee Structure of technical or professional institutions, it may not be proper for its Vice Chancellor to function as the Chairperson of the FSC. As such, it is proposed to appoint a Retd. Judge of Orissa High Court in place of Vice Chancellor, BPUT.

Further, it is felt necessary that the expression Industries Department may be replaced by SD&TE Department in the Act as the matter of technical education has been transferred from Industries Department to SD&TE Department.

Since the legislature of the State was not in session, Hon'ble Governor, in exercise of powers conferred under clause (1) of Article-213 of the Constitution of India, had been pleased to promulgate Odisha Professional Educational Institutions (Regulation of Admission and Fixation of Fee) (Amendment) Ordinance, 2020 (Odisha Ordinance No. 17 of 2020) on the 28th December, 2020 which was published in the Extra Ordinary issue of Odisha Gazette on 31st December, 2020.

Hence, the State Government proposes to bring amendments to the relevant provision of the OPEI Act, 2007 to obviate the aforementioned difficulties and achieve the above objectives.



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PREMANANDA NAYAK
Member-in-Charge

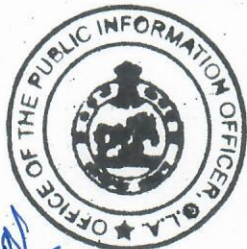
STATEMENT EXPLAINING THE CIRCUMSTANCES WHICH NECESSITATED IMMEDIATE LEGISLATION BY ORDINANCE

The Fee Structure Committee (FSC), constituted under the provisions of Section-6 of the Odisha Professional Educational Institutions (Regulation of Admission and Fixation of Fee) Act, 2007 (OPEI Act) recommends fee structure of technical / professional institutions of the State. Under Section -6 (1) of the Act. Vice Chancellor (VC), Biju Patnaik University of Technology (BPUT) is the Chairperson of FSC.

However, BPUT, being the affiliating University which enforces the Fee Structure of technical or professional institutions recommended by the FSC, it may not be proper for its V.C. to function as the Chairperson of the FSC. Hence it was decided to amend the relevant provision of OPEI Act, 2007 to appoint a retd. Judge of Hon'ble High Court as the Chairperson of the FSC

This year more than thirty new institutions and new programmes in existing institutions have opened in the State. The fee structures of all these institutions along with that of other institutions who have applied for revision of their fee structures need to be fixed immediately to enable the students to pay the just and proper fee charged by the institutions.

Since the legislature of the State was not in session, Hon'ble Governor, in exercise of powers conferred under clause (1) of Article-213 of the Constitution of India, had been pleased to promulgate Odisha Professional Educational Institutions (Regulation of Admission and Fixation of Fee) (Amendment) Ordinance, 2020 (Odisha Ordinance No. 17 of 2020) on the 28th December, 2020 which was published in the Extra Ordinary issue of Odisha Gazette on 31st December, 2020.



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ANNEXURE

[Extract from the Odisha Professional Educational Institutions (Regulation of Admission and Fixation of Fee) Act, (Odisha Act, 4 of 2007)]

** ** ** ** **

Composition and functions of the Policy Planning Body.

4. (1) The Government shall constitute a Committee to be known as the Policy Planning Body consisting of the following members nominated by it, namely :-

- (a) Secretary to Government, Industries Department, who shall be the Chairperson;

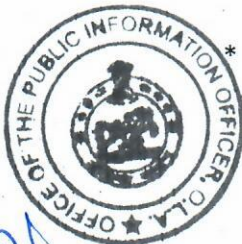
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Composition and functions of the Fee Structure Committee.

6. (1) The Government shall constitute a Committee to be known as the Fee Structure Committee for determination of fee for admission to the private professional educational institutions and sponsored institutions consisting of the following members nominated by it, namely :-

- (a) Vice Chancellor, BPUT, who shall be the Chairperson;
- (b) The Secretary to Government, Industries Department or his representative not below the rank of Deputy Secretary;

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