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SECRETARIAT
OF
THE ODISHA LEGISLATIVE ASSEMBLY
NOTIFICATION

The 27th February 2021

No. 2169-L.A. —The following Bill, which has been introduced in the Odisha Legislative Assembly on the 27th February 2021 is herewith published under Rule 68 of the Rules of Procedure and Conduct of Business in the Odisha Legislative Assembly for general information.

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

A
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
commence-
ment.

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”.

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Professional Educational Institutions (Regulation of Admission and Fixation of Fee) Amendment Ordinance, 2020 is hereby repealed.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such repeal, anything done or any action taken under the Principal Act as amended by the said Ordinance so repealed shall be deemed to have done or taken under the Principal Act as amended by this Act.

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 extraordinary issue of *Odisha Gazette* on the 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.

PREMANANDA NAYAK
Member-in-Charge

DASHARATHI SATAPATHY
Secretary
Odisha Legislative Assembly