Despite its glorious history and rich cultural tradition, Orissa still continues to be one of the least developed States of the Indian Union in the field of education. After Independence, particularly during the formulation of the outline of plans, education has become one of the recognised responsibilities of the State\(^1\). On one hand the students are legally bound to attend the School\(^2\) and non-compliance with this statutory requirement entails penal consequences for their parents\(^3\);

1) Sri Gyan Chand (the then Commissioner-Secretary, Education, now Chief Secretary, Orissa) in his paper on progress of education illustrates how allocation of funds to education has been constantly on rise. Orissa Education Magazine - Vol.XIX, No.2, June, 1978.

2) The Orissa Basic Education Act, 1951 made education compulsory. All children, boys and girls between six to ten years of age, were to attend the school compulsorily. Section 2 of the Orissa Act, XVIII of 1951. See also Orissa Code VII, P.1053.

3) Under the Orissa Basic Education Act, it was the duty of the parents to send their children either to a recognised basic School or a primary school. In the event of failure on the part of the parents to send his or her child to school in spite of a prior warning by the local school Committee, the local magistrate was authorised to impose a fine varying between rupees two to ten on the parents on the application of the local school Committee. Eventhough this provision has
on the other hand right to educational opportunity has become a social right. Hence, in Orissa education has created 'right' and 'duty' - both.

Interest articulation is possible more among the educated people. They have vested interest in higher education. In the face of limited resources and intense public competition for higher education the social right to education enjoys certain amount of legitimacy. The demand for education outpaces the ability of the state economy to generate resources to meet this ever-increasing demand. In order to meet this demand, some

never been invoked, it has not been repealed either. This provision of the Act made schooling of the children a legal duty of the parents.

4) T.H. Marshall regards education as a 'social right'.
Quoted from Rudolph and Rudolph, "Education and Politics in India, Page 7.

5) Rudolphs write, "In the face of limited resources and intense public competition for them, the idea that school and higher education is a social right to be provided, at least paid for in part by the state, has become widespread and has achieved a certain legitimacy".
Rudolph and Rudolph - quoted above, P.7.

6) Rudolphs write, "The demand for education has preceded and out-spaced rather than followed and lagged behind the ability of the economy to generate resources to meet this demand".
Rudolph and Rudolph, quoted above, P.7.
academic structures have been created in a hurry and without proper planning. These structures are hardly complete and there has been no clarity about their goals. Their role-relations have never been properly determined and hence, those never perform their roles as the integral parts of a "system". As a result, education has expanded without having an educational system.

In Orissa, five factors have contributed in shaping education in its present form. The first factor is a consciousness that the State is educationally backward and as education is the most important factor of development, necessary steps be taken for educational advancement. The second factor is also a consciousness that it is sufficiently late and necessary measures for educational advancement should have been taken earlier. The third factor is an increasing popular demand for higher education to which the successive Governments have willingly surrendered on political considerations. Fourthly, poverty of ideas on one hand and lack of finance on the other forced the successive Governments to get rid of the impasse created by the tilting of balance in favour of higher education. Fifthly, lack of idea that education might be planned and that it might emerge as a system resulted in creation of a jungle of structures without having a machinery to sustain and maintain those.

Demand for education resulted in expansion. Unplanned expansion created confusion. The proper relationship between structures could not be determined. For instance, an institute known as Gopabandhu Ayurvedic Institute was established. It produced some graduates, whom their benefactors the Government of Orissa did not recognise as 'doctors' on technical grounds and
the traditional 'Kaviraj' community could not include them in their community. The role-relation of these graduates with the All India Medical Council, the Community, the examining body and the Government could not be determined. Even after thirty years, the analysis continues. The instance of Gopabandhu Ayurvedic Institute is only indicative of creation of structures having no defined role-relation. There are some more such structures also.

The educational structures in Orissa were not created in correct sequence and hence restructuring of the existing structures could not be possible at any point of time in the past. Secondary schools were opened in large number, but there were no feeder M.E.Schools and no feeder Primary schools to feed the M.E.Schools. The Utkal University was established in 1943 and the Board of Secondary Education was established ten years after in the lines of the recommendation of the Secondary Education Commission. Four more Universities could be established between 1943 and 1983, but a professional education Board (Plus Two Board/Intermediate Board) could not be established

7) Sri Biju Patnaik as Chief Minister, Orissa tried in 1961-63 to restructure education and achieved some measures of success. But after he left, no further action was taken. Sri Banamali Patnaik also took some steps in 1968-70. Mrs. Nandini Satpathy took some steps in 1973-76, but after she left, no follow up action could be taken.
till 1982. The establishment of five Universities between 1943 and 1983 does not appear to be justified from the viewpoint of enrolment at the lowest stage of institutionalised education. The enrolment at the primary stage is not yet five times of the enrolment position of 1943. Unplanned expansion of education in Orissa has resulted in disproportionate expansion. The concrete structures of the Universities are based upon the brick-built high schools and they are in turn based upon mud-huts of primary schools. Primary education, Adult education, Social education and Continuing education for neo-literates have been criminally sacrificed on the altar of semi-educated intellectual proletariates as in case of all other States of the Indian Union.

An attempt to study the system of education in Orissa must be taken up systematically in the sequence and in the form in which the structures were created.

8) W. Gořden East and O. H. K. Spate have described it in this manner, *Quoted from Gunnar Myrdal, P. 1808.*

Post graduate education is imparted by five Universities including the Orissa University of Agriculture and Technology and some Government Colleges of the State. The significance of the Orissa University of Agriculture and Technology is confined to the study of Agriculture and allied Sciences and Veterinary Sciences. The Jagannath Sanskrit University is concerned only with Sanskrit studies and research and hence is not within the purview of this investigation.

In Orissa, the Utkal, Sambalpur and Berhampur Universities are imparting Post-Graduate education. All the three Universities have been established by three Acts of the Orissa Legislature passed in 1966. Their structure, process of operation and role-relation are identical. Acts of all the three Universities are being amended by one Amendment Act. In all these three Universities, the Governor of Orissa is the Ex-Officio Chancellor. Article 4 of the Act of these Universities

10) Orissa Act 6 of 1968 amended all the three Acts together. This Act bears the title, "The Orissa Universities Authorities (validation and term of office) Act, 1968". Similarly, Orissa Act, 27 of 1976, bearing the title, "The Orissa University Laws (Amendment Act) 1976", amended Acts of all the three Universities. Except during the three instances of supersession, all the three Acts are being modified in the same form by the same Act.

11) Section 5(1) of the Acts.
describes the Chancellor as an Officer. The Chancellor presides over the Annual convocation of the University in which Degrees are conferred. No degree can be conferred on anybody without his approval. He decides all disputes regarding elections to all elected offices under the University.

The Chancellor has the right to inspect the University either in person or through such persons he directs, he has also the right to have informations about buildings, Laboratories, workshops, teaching department or any affiliated institution or institutions connected with the examination etc.

He may also make enquiry or cause enquiry on any matter, but for that purpose he is required to serve notice to the Registrar of the University about his intention to make an inspection or enquiry as the case may be, and in that case the Registrar enjoys the right to be represented at such enquiry.

Under Section 5(6)a of the University Act the Chancellor possesses right to compel compliance to remedial steps recommended by himself or by some other agencies as the result of an enquiry within the frame work of law. In the event

12) For a very scholarly and useful discussion on the matter kindly see,


13) The consequences of non-compliance to the orders of the Chancellor has not been clearly spelt out. But as it has happened once in each of the three Universities, it is presumed that supersession might entail.
of non-compliance to the Chancellor's 'direction' either by the Senate or Syndicate or Academic Council or the Vice-Chancellor within a specified period indicated by the Chancellor, "the Chancellor may take remedial measures he deems proper".

In three occasions in the past, the Chancellor has taken remedial measures in case of these three Universities of Orissa. In Utkal University in 1974 such action was considered necessary. The Utkal University Act, 1966 originally did not authorise the Chancellor to take such action and hence the administration was taken over by Ordinance. The Chancellor may by order in writing annul any proceeding of the Senate, Syndicate, Academic Council or of any other authority which in the opinion of the Chancellor is not in conformity with the Act and the statutes. But before the Chancellor takes any such action he is required to meet the requirements of natural justice and he is required to call upon the concerned authority to show


15) The management of the Utkal University was superseded on 30.7.74 by Orissa Ordinance No.7 of 1974 dated 30.7.74. The ordinance was replaced by Act No.7 of 1975 bearing the name "The Utkal University (Taking over the management) Act – 1974.

cause why the proposed order 'should not be made'. The Chancellor may also postpone the election to the Senate, Syndicate and Academic Council for a period not exceeding four months.

In the hierarchy of the Utkal, Sambalpur and Berhampur Universities, the Vice-Chancellor occupies the key position next to the Chancellor. The Acts describe him to be whole-time officer of the University\textsuperscript{17}. It implies that there can be no part-time Vice-Chancellor. But in the past, despite this provision and also similar provisions under the old Utkal University Act, 1943, part-time Vice-Chancellors have been appointed on temporary basis. In one occasion in July, 1977 the Director of Public Instruction was appointed Vice-Chancellor of the Utkal University on temporary basis. The matter was agitated in the Orissa High Court. Before the hearing of the case, the regular Vice-Chancellor was appointed\textsuperscript{18}.

In one occasion, when the Utkal University was under direct control of the State Government in 1974, an Administrator was appointed to replace of Vice-Chancellor of the Utkal University and the Administrator was a Civil Servant belonging to the I.A.S. But in all other occasions in all the three Universities only academicians have been chosen as Vice-Chancellors\textsuperscript{19}.

\textsuperscript{17) Section 6 of the Act of the Utkal University, 1966, Sambalpur University, 1966 and Berhampur University, 1966.}

\textsuperscript{18) The court did not go to the question of legality of the appointment.}

\textsuperscript{19) During the early days of the Utkal University, Sri Chintaman Acharya was the Vice-Chancellor. He was a famous lawyer and writer. He was known more as an academician than as a
Towards the close of 1981 when the administration of Sambalpur and Berhampur Universities were taken over by the State Government and Administrators were appointed to replace the Vice-chancellors, only academicians were chosen.

The Vice-Chancellor is chosen by the Chancellor out of the list of three candidates sponsored by a committee of three members. These three members of the Committee are chosen to represent three different agencies. One of them is chosen by the Syndicate, the other one is chosen by the Chancellor and the third one by the Chairman of the U.G.C. The Syndicate while nominating a member to this Committee cannot nominate any sitting member of the Syndicate or Senate or Academic Council or an Lawyer and Social worker.

Sri Gyan Chand, a very Senior member of the Indian Administrative Service, who subsequently became Secretary, Education and Chief Secretary of the State, was Administrator of the Utkal University in 1974, but was not the 'Vice-Chancellor'. The Government probably felt the need of somebody to look mostly to the administrative side of the function of the University and not purely the academic side of it.

Dr. Srinivas Sahu, I.A.S., who joined the Sambalpur University as the Administrator was actually a college Teacher of about thirty years standing and an educational administrator between 1958 and 1978.

Section 6(2) of the Acts.
employee of the University. This Committee of three members nominates a panel of three members out of which the Chancellor finally chooses the Vice-Chancellor. It has become a practice now that the persons are offered the office of the Vice-Chancellor in order of preference indicated by the Committee. In accordance with the recommendation of the Education Commission, provision has been made under the Act of these three Universities prescribing sixty-five years of age as the maximum age qualification for the Vice-Chancellor. The Vice-Chancellor is normally appointed for three years, but these are instances of Vice-Chancellors being appointed for less than three years. If a Vice-Chancellor appointed for a period of three years, attains sixty-five years of age during his tenure of office, he is to retire at sixty-five years and thus before the completion of the term. A person appointed as Vice-Chancellor once

22) Mr. Justice Harihar Mohapatra recommended that "The Vice-Chancellor shall be appointed by the Chancellor from a panel of three names recommended by a Committee consisting of the Chief Justice of the Orissa High Court, Chairman of the University Grant Commission and a nominee of the Chancellor".

Recommendation No. 12 at Page-2 of one-man Committee headed by Justice Harihar Mohapatra (appointed by the Chancellor of the Utkal University by a notification on the 14th Oct. 1971).

23) Section 6(4) of the Acts.

24) Dr. S.Sahu was appointed Vice-Chancellor of the Sambalpur University for a period of one year.

25) Recommendation No. 11 of Mr. Justice Harihar Mohapatra.
either for a full term or for a part-term, may be re-appointed. The Vice-Chancellor is paid Rupees three thousand per month as his salary and such other allowances as the Chancellor from time to time decides. Temporary vacancies in the office of the Vice-Chancellor either due to leave or other reasons, are filled up by the Chancellor.

The Act vests on the Vice-Chancellor the executive authority of the University and if present, he presides over the meetings of the Senate, Syndicate and the Academic Council. Law 4 of the Statutes of the University concerned describes the powers of the Vice-Chancellor. He is to give effect to the orders of the Chancellor regarding appointment, dismissal, suspension of the teachers of the University and on behalf of the Syndicate exercises general control over the University. He is responsible for discipline in the University. He addresses if necessary, meetings of all authorities of the University.

26) Section 6(b) 5 of the Act.
27) Originally, it was Rs.2500/. But 1978 Amendment Act made it Rs.3000/-. 
28) Section 6(6) of the Act confers powers upon the Chancellor to extend the term of office of the Vice-Chancellor for a period not exceeding six months. 
Section 6(7) of the Act confers powers upon the Chancellor to appoint a person to act as Vice-Chancellor temporarily.
29) Section 6(a) of the Acts.
but cannot vote unless he is a member of that particular body. He convenes the meetings of the Senate, Syndicate and Academic Council.

The head of the University establishment is the Registrar. He is a whole-time officer of the University and acts as the Secretary to the Senate, Syndicate and the Academic Council. He manages the property investments; acts as custodian of property; signs contracts and subject to the general control of the Vice-Chancellor, performs such functions and duties as are assigned by the Senate or the Academic Council or the Syndicate. He places before the Syndicate the question of election of one member to the Committee to draw up the panel out of which the Vice-Chancellor is to be appointed. He is the custodian of records of the University and conducts all official correspondence. During some emergency when the Vice-Chancellor is not able to act, he convenes the meeting of the Syndicate.

With the approval of the Syndicate the Registrar may delegate powers and duties to subordinate officers of the University.

In Orissa, no fixed procedure is followed with regard to the appointment of the Registrar. The first and second Registrars of the Utkal University were officers of the State Government in the Education Department on deputation. The third and the fourth Registrars of the Utkal University were

30) Section 7(1) of the Acts.
31) Law 13(2) of the Statutes.
the employees of the University chosen in accordance with the elaborate procedure laid down in the Statutes of the University. All subsequent Registrars of the Utkal University were Government officers. Sambalpur and Berhampur Universities take officers of the State Government on deputation as their Registrars.

There is a Finance Officer in each University to deal with the finance and accounts of the University. The Acts provide that the Finance Officer shall be an officer of the Finance Service of the State. He is to perform a set of duties and functions stated elaborately in the statutes of the concerned Universities and such other functions entrusted to him by the Vice-Chancellor and the Syndicate.

In the Utkal University, provision for a Controller of Examinations has been made since 1977. Sambalpur and Berhampur Universities are yet to create and fill up such a post. All the three Universities have their Deputy Registrars, Assistant Registrars, Development Officers etc.

All the three Universities have adopted a parliamentary model of administration. They have a rule-making body known as the Senate. Once upon a time it was the "Supreme Governing Body" of the University. Consequent upon the enactment of uniform Acts for all the three Universities in 1966,

32) Law 15A(1) of the Statutes.
33) Recommendation No. 9 of Justice Harihar Mohapatra Committee, quoted above.
34) Chapter VI of the Statutes.
the Senate was stripped off most of its powers. In tune with
the normal parliamentary tradition, there has been dictactor-
ship of the 'Cabinet' at the University level also. Once the
Supreme Governing Body of the University, the Senate now for
all practical purposes is a ratifying and dittoing body. Forma-
ly and informally, legally and by convention, the Syndicate
has assumed powers which an unwieldy body of variable and
indeterminate persons have carelessly surrendered. However,
the Senate now passes the Budget and approves the decisions of
the Syndicate on academic and administrative matters.

The Senate consists of ten categories of members.
They are (a) Ex-Officio members of three different types like
the Vice-Chancellor, Director of Public Instruction, Director
of Health Services, Advocate General of the State, President,
Board of Secondary Education, Heads of the Post Graduate
Departments, Principals of Post Graduate and Degree Colleges.
(b) Two types of life members i.e. nominated and Doners.
(c) Some elected teachers one representing each Degree College.
(d) Twenty elected registered graduates. (e) Three representa-
tives of the Orissa Legislative Assembly, (f) Two representa-
tives from learned bodies, (g) Two representatives of the
Academic Council, (h) Three representatives of college teachers
who are not represented on the Senate, (i) Two teachers to be
elected by the Board of Secondary Education\textsuperscript{35}, (j) Two represe-
tatives of Lady Registered Graduates.

\textsuperscript{35} Section 9 of the Acts.
There is an Academic Council to advise the Senate and the Syndicate on academic matters. It consists of the Vice-Chancellor, Director of Public Instruction, President of Principals of all Degree Colleges, the Secondary Board, Deans of the Faculties, all the Heads of the Post Graduate Departments, ten teachers co-opted by the Academic Council to secure uniformity of representation of all subjects.

The Academic Council institutes the courses, teaching posts, degrees, determines the standard of instruction, amends the regulation of the University, determines the courses, recognises degrees and judges the academic standard. It has many other routine functions also.

Among all academic structures of these Universities Syndicate is the most wonderful creation. It is the most powerful body of the University. The nature of the University Government in these three Universities is dependent partly upon the effectiveness of this body and rapport of the Vice-Chancellor with this powerful organisation.

The Syndicate is the executive body of the concerned University. It is a small body of fifteen members. It consists of the Vice-Chancellor, the Director of Public Instruction (now Director, Higher Education), Principal of the two core colleges of the University, one member nominated by the Chancellor, one member elected by the Academic Council.

36) Section 11 of the Acts.
37) Ravenshaw College gave birth to the Utkal University and in the Utkal University, it has been regarded as the 'core' college. Dr. M.K. Rout, Vice-Chancellor of the Utkal
from among its members; Senate to elect from amongst members two teachers of the Post-Graduate Departments of the University, four college Teachers and two persons not in any way connected with teaching in the University.

The Syndicate functions as a Committee and is divided into many specific committees. The Syndicate meets very frequently at short notice to transact business. It has its own rules of procedure and "standing orders". It appoints the members of the faculties, Boards of Studies; appoints the examiners,

University in his convocation report to the Thirty-first Annual Convocation of the Utkal University stated, "The University makes a fervent appeal to the State Government to up-grade the status of Ravenshaw College. The college deserves special grant for the promotion of research".

(Page 11).

Similarly under the Sambalpur and Berhampur Universities, G.M.College, Sambalpur and Khallikote College, Berhampur enjoy the same status and position. In addition to these three general colleges, all the three Universities have three Medical Colleges as the core college. The S.C.B. Medical College, Cuttack, V.S.S. Medical College, Burla, Sambalpur and M.K.C.G. Medical College, Berhampur are these three 'core' Medical Colleges.

38) 'The standing orders' originally framed by the Utkal University were adopted by the other two Universities. These are equivalent to the 'Rules of Business' framed by the Governor under Art.166 of the Constitution of India.
determines their powers, duties and remuneration; awards scholarships and prizes; prescribes text books for different courses; exercises general disciplinary control over the students of the University, controls the examinations, supervises the inspection of colleges and other institutions affiliated to the University; manages the funds, concerns, properties and other affairs of the University; prepares the Annual Report, report on Annual Inspection and submits the Annual Budget of the University to the Senate.

Under the amended Act, power to grant affiliation has not been conferred on any authority and the power explicitly conferred upon the Senate under the old Act has been withdrawn. It appears that the Syndicate is to grant affiliation and the Senate is to ratify it. At least this has been the practice for about a decade now. This power appears to be more explicit when one examines Section 17(a) of the Act along-with Section 18(i) of the Act.

The teachers of the teaching Departments and colleges are appointed by the Syndicate on the recommendation of a Committee consisting of (a) the Vice-Chancellor, (b) The Director of Public Instruction, (c) Three experts selected by the Syndicate and (d) a member of the Syndicate elected by the Syndicate.

39) Law 174 of the Statutes indicates that the Syndicate is to grant affiliation.
40) Provisions of Laws 176, 184, 186, 187 confirm this contention.
41) Section 20(2) of the Acts.
The syndicate is a peculiar body. Some of its functions are legislative or rule-making type and the rest are executive or rule-executing type. The Syndicate exercises so much of powers that the Vice-Chancellor groans under its weight. If the Syndicate is hostile, the Vice-Chancellor cannot act. In order to run the administration, rules are to be framed and decisions are to be taken and in these two fields, the Vice-Chancellor cannot act independent of the Syndicate. It will be more appropriate to say that the administration of the University runs by "The Vice-Chancellor in the Syndicate", the Senate and Academic Council being ratifying bodies whose ratification is always taken for granted.

It is a fundamental principle of administration that power and responsibility should go together. But the Acts of these three Universities controvene this principle. Under Law 4(a) of the Statutes of the University, the Vice-Chancellor is to bear responsibility for discipline \(^{42}\), but he is to act (in order to maintain discipline) through a Committee of heterogenous composition on which he has no control. In a cabinet Government, the cabinet is the Prime Ministers' choice and the Prime Minister may request for a penal dissolution also. But under the cabinet system of the University administration, the 'Prime Minister' has no control over his 'legislature' and 'cabinet'. The legislature is constituted without his knowledge, he cannot dissolve the legislature also. Similarly, he does not form the cabinet and cannot demand the resignation of any

\(^{42}\) Law 4(a) of the Statutes.
member. The Senate and Syndicate represent different interests are not organised on political basis and hence, are not homogenous bodies.

In the absence of political principles in organising the Syndicate, Senate and the Academic Council, two factors contribute to aggregation of members of these three bodies, particularly of the Syndicate. Sometimes it is organised on the basis of 'Government personnel' and non-Government personnel'. The predominance of the Director of Public Instruction contributes to it. In the Syndicate particularly, out of the total strength of fifteen, the Vice-Chancellor being one (who is the presiding officer), the D.P.I. in collaboration with any seven members may paralyse the administration of the University.

Either because of his personal relationship or due to some unexplainable common interest or utilising the absence of a member of the 'non-conformist' group from the meeting of the Syndicate, the Director may achieve miracles. Directors with vision personality, ideas, integrity and magnanimity have utilised this position to the advantage of the University. There are also instances to show that persons of inferior calibre and debatable integrity have constantly acted as conspirators misusing the privileges of the office of the Director.

The Director of Public Instruction is a member of a number of key-committees of the University. These committees

43) Section 10 of the Acts.
44) Section 10 of the Acts.
include Examination Committee, Examination Discipline Committee

These two Committees divide among themselves all the matters concerning examination. The Examination Committee deals with appointment of Paper-Setters, Examiners, Chief Examiners, Conducting Examination for each subject of all examinations and the latter Committee deals with post-examination complaints, if any. The tradition of including the Director of Public Instruction as a member of these two Committees (who also acts as the Chairman in the absence of the Vice-Chancellor) has been the primary source of corruption at different points of time. The intention originally was to use him as an asset and to ensure more responsibility, but in practice it has become a liability, a source of annoyance and has bred irresponsibility. It is interesting to note that University process in many cases do not comply to the requirements of natural justice, particularly in the field of examinations. There is no formal legal requirement of members of the Syndicate, Registrar (who happens to be the head of the University office and is supposed to supervise the work of all other officers) and the Controller

45) The standing orders No.7 of the Utkal University indicate that there are four Committees (a) Affiliation Committee, (b) Finance Committee, (c) Discipline and Welfare of students, (d) Statutes Amending Committee. These two Committees are subsequent creation.

of Examinations (if any) and other officers absenting from their normal duties when their interests are directly involved. Even, they are not supposed to inform anybody about it. But these have been many instances where persons and officers have voluntarily disclosed their interest and have kept themselves aloof from such awkward situations. But there are also some instances to show that unscrupulous persons have taken advantage of the gap in the legal system. Environment has shaped the Syndicate. Some times, it has become a body of dynamic educational leaders and some times been a conservative body. Since 1976 the three Syndicates have worked very well.

The Syndicate is the centre of gravity of the University administration. It sanctions and controls appointment to non-teaching posts of different grades, organises and recognises the office, decides the qualifications of non-teaching employees, the basis of promotion and decides all cases of promotion. Thus, it makes rules, implements rules and

47) The Report of the Bengal Administrative Enquiry Committee 1945 states that defect in the law, makes detection of offense difficult. This view has been quoted from A.Avasthi and S.R.Maheswari, "Public Administration", Page-393.

Harold Laswell says, "To a power-centred person, all human beings, and all contacts with others are opportunities for imposing his will, or for enlisting other persons in some manner that contributes to the imposition of his will in some future occasion". Hence necessary safeguards should be taken.

Harold Laswell : Writings of Harold Laswell, P.498.
adjudicates the cases of breach of rules. It hears appeals against the decisions of the officers of the University, Committees instituted by other subordinate bodies of the University, its own committees and against its own decision. The rest of the administration of the University depends upon the Syndicate and its effectiveness.

The three Universities of Orissa are teaching and affiliating Universities. Teaching Departments are created through a time-taking process. A proposal originates at some level and the particular agency writes to the Registrar. The matter finds a place on the agenda of the Syndicate who formally takes a decision. The Development Officer moves the U.G.C. to accord sanction. The State Government (who provides Block Grant) is also moved to accord sanction. Then the proposal is formally submitted to the Academic Council by the Syndicate for 'Instituting' the Department and/or the posts. Then the Syndicate moves the Senate for approval. Finally the Syndicate takes the routine follow up action.

For a long time U.G.C. Scale of pay was not implemented in Orissa. During the Third Plan the Utkal University got into

It is more essential because as Nirad C. Choudhury writes, "There is hardly anyone from a petty Clerk to a minister who is not manageable with a proportionate amount of gratification".


the pattern and subsequently other Universities followed it.
Till 1967 the Senate on the recommendation of the Syndicate was
laying down qualifications. Even though qualifications laid
down and approved by the Senate appeared in shape general rules,
its subordinate body, the Syndicate could grant piecemeal exe-
mptions and modifications. Till 1967 at least, it was so flexi-
ble and easy that anybody could submit a letter, mobilise
the support of one or two members of the Syndicate and could
get it changed. Here again, the Director of Public Instruction
always plays a deceptive role. As an ex-officio member of the
Senate, Syndicate and Academic Council he either moves
in all or some bodies resolutions laying down general rules or
becomes a party to the framing of the rules. When he makes an

49) Syndicate of the Utkal University Resolution No.704 dated
7th March, 1958 and Resolution No.392 dated 25,10,57 indi-
cate two different views of the Syndicate. In case of
Resolution No.392 when the application of a candidate was
not entertained and he was directed to come through the
management of a college, in case of Resolution No.704, the
application of a candidate was entertained and exemption
from operation of an established rule was granted to the
applicant. Similarly, Resolution of the Syndicate No.242
dated 2.9.57 and No.344 dated 10,10.57 may also be taken
into account. These two resolutions grant exemption from
operation of two established rules, (laying down qualifica-
tion of teachers) in two cases wherein some members of the
Syndicate had interest.

50) Section 9(i)b of the Acts.
official reference with some motive and becomes instrumental to exemption or a 'liberal' interpretation or a 'constructive' interpretation\textsuperscript{53} in contravention of the spirit of the original rules\textsuperscript{54}, his role becomes deceptive. In all such cases invariably the Director has been the common factor. It happens because, the Directors in succession taking advantage of their predominance have regarded the University as an extension or a wing of the Directorate and intend to convert it to that level of efficiency and status.

Since 1967, the position has improved but recently (in 1982), tendencies towards reversal to the old system has been marked. The affiliated institutions are to comply to the requirement of a standardise qualification laid down by the affiliating authority, the University. The University adopts the qualifications formulated by the University Grants Commission. Even though all affiliated colleges whether Government or non-Government\textsuperscript{55}, are duty-bound under Law 174(ii) and Law

\begin{itemize}
  \item 51) Section 10(i) b of the Acts.
  \item 52) Section 11(i) b of the Acts.
  \item 53) Government of Orissa Education Department Letter No. IE A 112/65 dated 3.1.62 sought the approval of the University to the liberal construction of rules as suggested by the D.P.I.
  \item 54) Resolution No.799 of the Utkal University Syndicate on 22.1.62 granted a request in contravention of rules.
  \item 55) Law 174 and Law 176 of the Statutes.
\end{itemize}
176 of the Statutes to follow the standardise pattern of qualification, the Director changes those as and when necessary and convenient for the Government and non-Government colleges of the State and for reasons explained earlier, the University/Universities fail to assert in respect of the qualifications of teachers of colleges they affiliate. Similarly, under Law 171(b) of the Statutes, the management of the college undertakes and the Government approves the undertaking before affiliation or further affiliation is granted, that the institution concerned "shall conduct all the examinations as and when held by the University" in the concerned college. But in practice now it has become the duty of the University and not of the management or the Government. Now that on one hand a single comprehensive examination decides the fate of the students and the examination vitally affects the future of the student on the other, deviant behaviour and violence have been very common during the days of examinations. As poor enforcement of rules is one of the grounds of deviant behaviour, perfect coordination between the University and agencies of the Government is of primary importance. But unfortunately it is sadly lacking in the

56) Law 171(b) of the Statutes.
57) S.K.Ghose : Students' Challenge round the World - Page 68-72
58) According to Johnson out of the several factors facilitating deviant behaviour (a) weak sanction, (b) poor enforcement of rules and (c) corrupt enforcement of rules are important.

Hary M.Johnson : Sociology, P.575-585.
Universities of Orissa, and the Directors have miserably failed to act as coordinators.

The rules framed by these bodies of these Universities are not always consistent. The oldest of the three Universities gives evidence of more cases of inconsistency than the younger ones. In implementation of rules also there is no intelligible classification of circumstances. Persons similarly circumstanced are dissimilarly treated. Since most of these cases refer to the circumstances prevalent before the establishment of Sambalpur and Berhampur Universities, such cases were more common in the Utkal University. However, since 1980, the position in all the three Universities is much better.

GOVERNMENT COLLEGES

A sizable volume of teaching, both Post Graduate and Under Graduate is imparted by the Government colleges of the State. It started from Ravenshaw College, Cuttack, one of the oldest colleges of the Indian Union. The prospectus for the Orissa Government colleges issued by the Director vide Government of Orissa G.O.No.IVE/A 267/76-10436/E.Y.S. dated 24th March, 1977 indicates that there are thirty-nine Government

59) Utkal University Syndicate Resolution No.392 dated 25.10.57 and No.704 dated 7.3.1958 may be compared. Kindly see note 49 above.

colleges in the State of Orissa. The prospectus also indicates that there is provision for Post-Graduate studies in 18(eighteen)\textsuperscript{6} colleges, though the Government of Orissa have recognised only three colleges as Post-Graduate colleges\textsuperscript{62}. This list of thirty-nine Government colleges does not include the State Council of Educational Research and Training about which a reference has been made in Chapter-3. In the Annual Administrative Reports of the Directorate, and the Fourth Educational Survey Report of Orissa, 1982, have described it as the Research wing of the Education Department\textsuperscript{63}. Similarly, when Evening shifts of S.C.S. College, Puri, Ravenshaw College, Cuttack, B.J.B.College, Bhubaneswar have been taken as independent Colleges, Evening shift of Bhadrak College, Bhadrak has not been taken as a college. Out of these colleges, seven have been affiliated to the Berhampur University, nine have been affiliated to Sambalpur University and the rest have been affiliated to the Utkal University.

Every District Head Quarters has a Government college and except Kalahandi, Phulbani, Keonjhar and Koraput Districts, all District Head-quarters have also a Women’s college each established by the State Government.

Government colleges are established on the decision of the Government and the Director of Public Instruction formally

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62) Utkal Sangita Mahavidyalay, Bhubaneswar,

Dr. Abhinna Rao, Homeopathic College are not included.
63) Education in Orissa, 1978 - quoted above, 5-6.
makes an application to the University concerned for affiliation under Law 183 of the Statutes. Though the University concerned may seek further informations and conducts local enquiry under Law 187 of the Statutes of the University concerned, this is a more formality in so far as the Government colleges are concerned. The control of the Government through the agencies of the Block Grant and through the predominant position of the Director of Public Instruction is so tight, that no University can refuse to grant affiliation or further affiliation to any Government college. Eventhough all affiliated colleges are similarly circumstanced from the view point of the University, comparatively stringent conditions are laid down by the University for the private colleges, but the conditions of affiliation are very liberal for Government colleges.

There is provision for the post of a Professor (only one in each subject, irrespectively of the branches in the subject) for the three recognised post-graduate colleges. The other "degree colleges" providing Post-graduate studies are contented with the post of a Reader only though the students of both the categories of colleges study the same course contents, take the same examination and compete for the same degree.

64) Law 187 of the Statutes.
65) It has never happened since 1943.
66) For example, J.K.B.K. College, Cuttack had no physical existence for years. Almost identical are the conditions of Rajdhani College, Bhubaneswar and Government College, Berhampur.
rank and grade. It is still more interesting to note that there are post-graduate Departments in colleges having all young teachers who do not have minimum qualifications to manage degree classes. Such denial of equality of educational opportunity to the students has very often been resented by the students and has provided grounds for agitations.

The second category of teachers who man the Government colleges are Readers. As in case of Professors, here also there is no fixed norm in providing the posts of Readers. Till 1969, Readership was associated with the subjects providing for Post-graduate and Honours teaching. In 1970, the Government in their wisdom decided to go by the length of service, and hence did not take the requirements of the students and the standard of teaching in the subject into account. So far no basis has been rationally sound, legally foolproof and academically beneficial. Between 1978 and 1982 the Governor of Orissa framing rules under Art. 309 of the Constitution of India abolished the post of Readers and redesignated the then existing Readers as Lecturers. Thus, the Readers in order to enjoy the benefits of the U.G.C. Scale of Pay with effect of 1974 were reverted back to the post of Lecturers under Government Resolution No. 32737 dated 30.9.1977. Subsequently the Government issued an order No. 32745 dated 30.9.77 in order to allow the Readers designated Lecturers to style themselves as Readers without financial benefits. Three interest groups have filed three writ applications before the Hon'ble Orissa High Court challenging various aspects of these decisions and the petitions are pending for hearing.
The third category of teachers are Lecturers. They enjoy the benefit of the U.G.C. Scale of pay and constitute more than fifty percent of the cadre.

The fourth category of teachers are Junior Lecturers. They are fitted in a junior scale of pay. They do the same work as is done by the other three categories of teachers, at least the same work as is done by the Lecturers. Most of them have same qualification as the Lecturers have. But they are designated as Junior Lecturers and get less pay.

All the Government colleges are headed by a Principal each. Sometimes one Principal is placed in charge of two colleges. All Principals are not of the same category and may be divided into five broad categories. The Principal of Ravenshaw College was invariably next to the Director or Directors till 1983 March, but towards the close of March, the position changed when one more post of Director was created. A junior officer was chosen in preference to the Principal, Ravenshaw College. However, even after the changed position, he occupies a position just below the three Directors. There are two more Principals of G.M. College, Sambalpur and Khallikote College, Berhampur, who enjoy equal rank and status as is enjoyed by the Principal, Ravenshaw College. As these Principals are fitted in the Scale of Professors in whose relation they are only 'equals', the role-relation between these Principals and the Professors appears very awkward. There have been instances to show that persons serving as Principals of such colleges for one year or more have become Professors there to serve under persons who were Professors under them sometimes ago. There is also

67) Prof. Sarbeswar Dash was Principal, Khallikote College,
another very senior Principal of the Cost Accountancy College whose position has not been determined yet and a writ application on this matter is pending before the High Court.

The third category of Principals are Selection-grade Principals. They were chosen on the recommendation of the Orissa Public Service Commission and they were enjoying the benefits either of the Selection-grade created in mid-sixties or were fitted into the Degree college Principal's scale under the U.G.C. Scale of pay. They are Principals and cannot be disturbed without meeting the requirements of Art.311(2) of the Constitution of India.

The fourth category of Principals are Principals of various degree colleges imparting post-graduate teaching and/or having the benefit of an Evening College attached to the College concerned. These Principals are not chosen on the basis of Seniority or efficiency or experience, but on purely personal considerations. In July, 1971 in pursuance of the proviso to Art.309 of the Constitution of India the Governor framed rules of requirement to the post of Principals. These

Berhampur between July, 1980 and July, 1981. In August, 1981 he was posted as Professor in the same college and his one-time junior colleague a Professor of the same college was elevated to the rank of Principal. Prof. Sarbeswar Dash sought a transfer from that college and when he failed to secure a transfer to Ravenshaw College, Cuttack, he opted for voluntary retirement which was granted.
rules collides with the Regulation framed by the Governor under Art. 320 of the Constitution of India. A list drawn up in 1979 (after which C.C.R. has been written four times, hundreds of officers have been promoted or have retired), still holds good in 1983 and out of that list persons are chosen and being sent to colleges. These postings are not based upon rational consideration. There have been instances when a Reader has been placed as Principal of a college, then as Vice-Principal of another college, and then again as a Professor. The Investigator has also known another case of a Principal transferred to another college as a Principal, and then after concurrence of the Public Service Commission as Principal has been posted as a Reader after five years of experience as a Principal and has been posted again as a Principal for about three years before his superannuation. There have also been many instances of senior and experienced Principals working as Principals of private (non-Government) colleges on deputation from the State Government under foreign Service terms.

68) The Governor of Orissa, in exercise of powers conferred upon him under Art. 320 of the Constitution has framed a Regulation indicating the cases which need not be referred to the Public Service Commission. Service Rule framed under 309 of the Constitution in 1971 conflicts with the said Regulation in as much as when the Regulation provides for all cases of promotion to be referred to the Orissa Public Service Commission, some cases of promotion under the Service Rule in question are withheld from the purview of the Public Service Commission.
and conditions whereas junior and less experienced officers have been posted to covetable Government colleges. There are also instances to show that junior officers have become Principals having their seniors in the same college as Readers.

The fifth category of Principals are Principals by courtesy. There have been three considerations governing their selection. In some cases they have been appointed Principals of non-Government colleges because Government or some agency of the Government acting on behalf of the Government, wanted to confer upon them the benefit of a 'promotion' and thus they earned it irrespective of their suitability. The second group of persons have been made scapegoat to make room for their favoured and fortunate youngsters who were to continue as Readers in Government colleges. A third category of persons have been posted because their loyalty to the Government or any agency of the Government could not be established and "a course of lessons" were found necessary to be administered on them.

There is no cadre for Principals and it has been felt that anybody can be an educational administrator and no mental preparation, training or experience is necessary.

These Principals are governed by many rules. As Government Officers they are governed by rules like the Orissa Service Code, Orissa Civil Service Classification, Control and Appeal Rules, Government Servants' Conduct Rules, rules framed by the University, rules governing accounts and finance, rules governing personnel and many subordinate rules governing the students.
Every Government college has a Governing Body of which the Principal is the Vice-President (to preside when the President is absent) and the Secretary. These Governing bodies are constituted in accordance with Law 227 and function under Law 228 of the Statutes of the Universities and Rule 121 of the Orissa Education Code. The powers, functions and jurisdiction of the Principals, their relation with the Director and the Government, functions of the Governing Body are elaborately stated in the Orissa Education Code. In accordance with Rule 27 of the Orissa Education Code, "an annual conference should be held at Cuttack under the Presidentship of the Director". This "rule" of the "Code" was formulated vide D.P.I.'s circular No. 326910(19) dated 22.11.58. Then there were only nineteen colleges, the office of the D.P.I. was functioning at Cuttack, Bhubaneswar did not develop. Even now Annual Conference of the Principals are being held, but not necessarily at Cuttack always. The 'rule' has not been up-dated yet. Similarly, there have been other provisions like inspection of classes by the Principal, vacations and holidays, which are never observed and are inoperative. The Education Code was regarded by the High Court

69) Orissa Education Code - Law 121.
This has the sanction of the Government order No. 2470/E dated 16.2.60. Functions have also been described in Law 122 of the Code.

70) Law 128 of the Education Code.

71) Law 129 of the Education Code.
as a compilation of executive instructions not having statutory force, but consequent upon the enactment of Orissa Education Act in 1969, this collection of inoperative and redundant orders was given statutory force.

In these colleges, offices are not properly equipped. The 'yard stick' employed by the Government in sanctioning non-teaching staff is based upon orthodox calculations. The staff available to these colleges are not efficient and in many cases do not have knowledge of necessary rules. Though some big and old colleges are much better, it cannot be said that the management of office is efficient.

It is normally expected that because of regular and assured supply of funds the libraries of these colleges are better. But as Prof. W.H. Morries-Jones stated in general about India, here one experiences the existence of a very wide gap between theory and practice. Grants are available towards the last ten days, (sometimes one day before the last day) of the financial year. The procedure for purchases is so elaborate and time-taking that no book or equipment can be purchased at short notice. Placement of order or requisition for purchase in anticipation of approval or grant is risky and illegal, non-utilisation of sanctioned money in time entails stigma and penal consequences. As a compromise the Principals follow the procedure, make purchases, save their skin but at the cost of the objective. Hence all out-dated, rejected and unnecessary books and equipments are purchased, but the basic purpose is frustrated. The same problem is faced in case of equipments and apparatus for Science subjects.
In all colleges under the Government, the duties of the teachers are partly clerical, partly policing, in some rare occasions advisory and partly academic. The Head of the Department performs primarily clerical functions. If he is the Head of an under-graduate Arts Department in a Post-graduate and Science-teaching college, his condition is miserable. Post-graduate and Science (even under-graduate) Departments have necessary Secretarial assistance and some messenger or peon. But in Under-graduate Departments of big Post-graduate colleges, the Head receives by batches six to seven letters every day. He is to maintain necessary records and to reply to these letters and carry those with him. The teachers are placed in charge of policing the building and occasionally the campus and in the meetings. They are to conduct election, settle disputes among students and of students with any other agency. They are to conduct the examinations and face the associated hazards. They check admission forms, examination forms, calculate attendance and distribute admit cards.

Colleges are of course meant for teaching. Out of fifty-two weeks every year, one hundred and fifty days inclusive of sundays are holidays. Apart from these twenty-two weeks some ten more weeks are wasted for election, admission, rains, floods, cyclones, tornado, bad weather, visit of dignatories, death of dignatories, preparation for functions, non-availability of rooms due to Examinations, leave availed by teachers, teachers' duty elsewhere, strikes etc. Effective teaching is possible hardly in fifteen weeks a year. Under the

72) Ibid.
rules of the University, the teachers of four categories are
to engage 15, 18, 21, 21 classes respectively. When the Profe-
ssors of Government colleges engage fifteen classes including
under-graduate classes, their counterparts in the University
engage only six classes (six hours of teaching) per week. From
July, 1983, the teachers of Government and non-Government
colleges are supposed to engage twenty-five classes per week
spreading over a period between 7.30 A.M. and 5 P.M. 73

NON-GOVERNMENT COLLEGES

- In Orissa, since independence of India, demand for
higher education has constantly increased and because the

73) A very strange situation has arisen consequent upon the
introduction of '+2' system. The same college with same
staff, building and equipment is being affiliated to two
examining bodies. The University Regulations provide for whole-
time teachers engaging not more than twenty one classes per
week. Now the Government want to make it twentyfour or
twenty eight. Each teacher shall be a part-time teacher in
both. The University has not concurred yet. When most of
the existing college work between 7 A.M. and 9 P.M., unless
every class is of half an hour duration and teachers are
required to mark only attendance in five to six classes
every day (spread over the period between 6 A.M. and 10 P.M.)
it is yet to be seen how the idea would work. It may be
effective concluded that no effective teaching can be
possible.
state could not muster sufficient resources, private efforts have substantially supplemented the efforts of the Government. It is true, as Rudolphs say that "privately managed colleges reflect the sectarian and partisan organisations of the locality" 74, but it is not universally true specially not true in Orissa. In some cases, private character of management of a high proportion of colleges in Orissa, has ultimately resulted in tightening of the control of the Government on all these institutions.

74) Rudolphs write, "Private institutions which constitute 69 percent of all secondary institutions, offer some of the best and some of the worst education in India". Page 83. They further write, "Even after the State Government assume virtually the entire bill for secondary education ......., privately managed secondary schools will probably survive". In India, in general, 65 percent of the colleges are privately managed. Eventhough they state, "Privately managed colleges reflect the sectarian and partisan organisation of their localities", (Page 23) in Orissa the condition is different. In Orissa, there is practically no college that has been organised only on sectarian lines. The Education Commission recommended that the private institutions be treated as an integral part of the system of Public education.

In 1981-82 there were 212 colleges in all, out of which forty colleges were Government colleges and the rest 172 were being managed privately. By the 31st March, 1983, the total number of private or non-Government colleges increased to 208. The largest sector controlling higher education in Orissa is private Sector and not the Government or the University. But when some private colleges are really established and comparable to Government colleges from the view point of staff component, teaching equipments, library and laboratory etc., their number is extremely limited. If they are really of good standard and comparable to their counter parts under the Government, their secret lies in direct and indirect Government aid, assistance and blessings. In some cases buildings erected by Government or private bodies are transferred to the college either directly or being purchased by the Government as a prelude to transfer. In many cases between 1961 and 1967, sufficient grants were being made available from various agencies of the Government for construction of buildings. Between 1967 and 1970 the Government were providing matching share on behalf of the management of the non-Government college to attract more U.G.C. assistance for financing of the development projects of the concerned non-Government colleges. In 1969, on the request

75) The Government have financed the entire cost of the building to all these colleges. In some cases, the T. & R.W. Department have also financed the construction of hostels for students coming from the Scheduled Castes and Scheduled Tribes.
of the then Education Minister, Sri Banamali Patnaik, the U.G.C. deputed a team to visit all the colleges of Orissa in order to be acquainted with their specific difficulties. The established Private colleges of the State like Nayagarh College, Kendrapara College, Aska Science College, S.V.M. College, Jagatsinghpur, K.S.U.B. College, Bhanjanagar, P.N. Mahavidyalaya, Khurda, Banki College, Banki, Nimapara College, Nimapara, Kuchinda College, Kuchinda, Deogarh College, Deogarh, Sonepur College, and Patnagarh College etc. are the beneficiaries of the liberal policy of the Government. But no non-Government college has been affiliated to any of the three Universities of the State for Postgraduate studies and the Bangur Institute of Khurda is the only exception. Eventhough it has not been clearly spelt out by any spokesman of the Government so far, it appears that the Government do not prefer on principle to allow Post-graduate teaching at private Sector.

Every private college undergoes a process in order to become a reality. In all attempts to establish a private college, the idea is invariably given by a noble soul who appreciates the need for higher education, feels the non-availability of facility for higher education in the locality and also appreciates the inability of the Government in financing the project.

76) The U.G.C. Team came to Orissa in 1969 and covered almost all the colleges of the State.
77) The Bangur Institute was affiliated to the Utkal University in 1982 and operates from Khurda College, Khurda.
He convenes a meeting of the local people and contacts wealthy and public-spirited person in the locality if available, organises a college Committee. If necessary, public funds are raised and peculiar financial sources of the locality, if any, is tapped. Public Hat (market place), ferry-ghat, privately operated passenger transport concerns, duplication of land revenue etc. provide the clue.

Between 1960-67, education in Science and technology in private sector was also being encouraged. The conditions for establishment of private colleges were lenient. During this period, the entire cost of the Science sector of the college including full-teachers’ cost, full-cost of non-teaching employees, entire laboratory equipments, chemicals and apparatus, expenses of the administration were being liberally paid by the Government. Education Department and T. & R.W. Department were financing the building cost partly or fully within certain principles. Some colleges fully utilised the benefit and some others misused the privilege and some allegations of corruption

78) The Kshetrabasi D.A.V. College, Nirakarpur was established in the same manner. Subsequently the D.A.V. organisation took over the management of the college.
79) Panchayat College, Nischintakoili, Cuttack.
80) Aul College, Brahmani College.
81) Kendrapara College, Kendrapara and S.V.M.College, Jagatsinghpur.
82) Nayagarh College.
have also been levelled. During this period the colleges had to pledge comparatively less amount to the University and the Government were also paying two thirds of the cost for Humanities and Social Sciences.

Organisers of the college submit an application to the University under Law 182 and 183 of the University Statutes and the application is submitted by the Secretary of the Governing Body. The University conducts necessary enquiry and affiliation is granted.

Between 1967 and 1971, the Government tried to consolidate the gains of the non-Government colleges and wanted to restrict opening of new non-Government colleges. The security deposit was raised up to a higher level. In 1972, the 'direct payment' scheme was introduced. But in 1974 the

83) During this period, a team specially deputed by the U.G.C. on the request of the then Education Minister came to Orissa and visited almost all the colleges. They appreciated the difficulties of the State Government, private bodies who established colleges and recognised that the State was educationally backward. They liberalised their rules for states like Orissa with a view to bringing more colleges within the U.G.C. Schemes for assistance. But they expressed the view that since some colleges were sub-standard colleges, the State Government should consolidate the gains in reinforcing the existing colleges. The Education Act was passed in 1969 under which recognition by the Government was made a necessary precondition for affiliation.
Government tightened the control over the private colleges. All posts in the private colleges were to be sanctioned by the Government. The Government also sponsored candidates for appointment by the college management as teachers. After an appointment was made against a sanctioned post, the incumbent was deemed qualified to be under direct payment scheme after completion of third year against the sanctioned post. The Government paid the salary of the employees (teaching and non-teaching) regularly every month, provided they were fulfilling the requisite conditions. But another stringent condition was subsequently added that, for the establishment of every new non-Government college and with regard to all proposals for expansion of the existing colleges, prior sanction by the Government became necessary. Such sanction was regarded as a pre-condition for the grant of affiliation or further affiliation by the University. For some time it could arrest mushroom growth of sub-standard colleges. But in course of time sanction (because of unexplainable reasons) became a formality.

The encouragement of Science teaching scheme practically made the entire recurring expenditure of the private colleges (both Science and Humanities sections) a liability of the State Government. The Government were spending money unhesitatingly on matters on which the Government had no control. Gradually, the number of such colleges went on increasing; and the shape and size of the institutions also changed. Martin Trow rightly says, "When small organisations grow large, papers replace verbal orders; papers replace rule-of-thumb calculation of price and profit, papers carry record of work, flow and inventory that in a small operation
can be seen at a glance on the shop-floor and material-shed. The private organisations became too unwieldy and the commitment of the Government went on increasing. The Government provided further stringent conditions for opening of new private colleges.

In April, 1978 the Government decided to bring under direct payment all the posts of teachers in non-Government colleges sanctioned by the Government and filled up by the candidates sponsored by the Government. At the same time, the conditions were made stringent and the Government opposed opening of new non-Government colleges.

It was difficult to satisfy public demand in the field of education. As expected, the State Government could not meet the demand for higher education. But the vacuum was to be filled up. In the face of stringent conditions laid down by the Government, the people tried to change the strategy and there was mushroom growth of tutorial colleges all over the State. Even in 1969, the visiting U.G.C. Team expressed concern over the mushroom growth of sub-standard colleges in the

85) The Government introduced a new method of regulation in shape of sanction. But it did not work and miserably failed. It was, rather utilised for cross-purposes by corrupt officials.
The large-scale growth of sub-standard colleges were viewed by the Government with grave concern. The State Government appointed Prof. Bama Charan Das Committee to examine various demands for opening of new colleges and their justification. Prof. B.C. Das Committee submitted an elaborate report, but before that report was submitted, many colleges were established, recognised by the Government either on bona-fide or extraneous considerations, and because of large-scale politicization of education, received affiliation from the University concerned.

Now there are four types of private colleges. In one type most of the teachers are under old time direct payment and the cost involved in respect of these teachers is borne by the State. Those are the established private (Non-Government) colleges.

86) Mr. Gyan Chand's article in Orissa Education Magazine, Vol.XIX, No.2.

87) Prof. Bama Charan Das Committee was appointed vide Government Resolution No.31932, dt. 24th Sept., 1977 and submitted its report on 31.1.79. The Committee was to advise the Government on planned and phasewise expansion of colleges and to examine forty four applications pending for affiliation. But by July, 1978, Government had accorded permission to eighteen such cases without waiting for the report of the Committee, Page 1-3 of the Report.

88) Rudolph and Rudolph - quoted above, Page 6-10.
The Second category of non-Government colleges receive graded grant-in-aid. The third category of private colleges are recognised but do not receive any grant-in-aid. The fourth category of colleges are neither recognised, nor affiliated. Those are tutorial colleges and those prepare the candidates only for examinations and the candidates take the examination as private or non-collegiate candidates.

Grant-in-aid system has been changed. Under the new pattern the recognised and affiliated colleges whose posts have been sanctioned by the Government and filled up by the management by the candidates sponsored by the Government are entitled to one-third of the teacher's cost in respect of those posts only after three years of such appointment. After next two years, they are entitled to two-thirds of the cost and to full cost after the completion of the seventh year. However, these posts for which non-Government college managements were getting full reimbursement under the direct payment scheme, were allowed to continue to enjoy the benefit as before.

89) The Direct payment Rules were incorporated and were modified on the 21st August, 1978. But subsequently the new Grant-in-aid Rules were introduced vide Government Resolution No.9750/EYS, dated 17th March, 1979.

90) The Government also tightened the control by a series of rules. The Government framed and enforced:

(a) Alienation and Disposal of properties of aided Educational Institutions. Rules 1979 with effect from 1.4.80. It required the private management to obtain
In January, 1983, the State Government waived the requirement of Government sanction as a pre-condition to University affiliation and further affiliation. The practice of seeking sanction was found redundant in view of graded system of grant-in-aid. Further, the system of sanction not only miserably failed in realising the objective of restricting mushroom growth of sub-standard college, but also was misused by interested parties. In many cases legal stamp and moral viability were accorded by such sanction (on extraneous considerations) to projects, which had no viability.

The private colleges are managed by four different groups of managements. One minority (religious) community have established two colleges. These two colleges are peculiarly circumsented. The teachers have been sponsored by the Government, they are governed by direct payment and/or graded grant-in-aid system. These two institutions are aided, recognised and affiliated institutions. Their employees are entitled to permission of the Government before sale, mortgage, lease, pledge, change and transfer of any of their movable or immovable property.

(b) Orissa Aided Educational Institution (Common cadre and Inter transfrability) Rules, 1969.
(c) Orissa Education (Management of Private College) Rules, 1979.
(d) Orissa Selection Board Rules, 1979.
(e) Orissa Educational Institution Employees Retirement Benefit Rules, 1979.
retirement benefits like teachers of other non-Government colleges. But they are not covered by the transfer scheme applicable to other non-Government colleges.

There are some non-Government colleges run and managed by the D.A.V. Trust. The third type of management are those of local bodies like Municipality, N.A.C., Panchayat Samiti etc. The fourth category of private colleges are purely 'Private' and the nature of management cannot be defined.

The fourth category of non-Government colleges are created by public donation and on the approval of a broad-based body known variously as Establishment Committee\(^1\), College Committee\(^2\), Sikhya Parishad etc. do not enjoy any organised support. Initial enthusiasm is the product of some expectation. It enables funds to be collected, building to be constructed and college to be established. Possibility of illegal gains from funds collection, building construction, purchase of materials, employment opportunity for self or relations, gaining popularity to be capitalised in some future election, attract many people. The flow continues as long as expectations last. Expectations and enthusiasm born as twins also die together. For some time secretaryship of non-Government

\(^{1}\) Nayagarh College, Nayagarh.

\(^{2}\) Kendrapara College and S.V.M. College, Jagatsinghpur, P.N.Mahavidyalaya, Khurda.
college is a gainful and prestigious assignment. Man-power, money and material benefit of temporary or permanent nature are available depending upon the Secretary’s capability, Principal’s personality and environmental situation. Whole-time secretarial and menial assistance for work not connected with the college may be viewed as the minimum benefit for the non-teacher Secretary of the non-Government colleges.

After the initial phase of enthusiasm die out, nobody thinks about the college or its continuance, except the Secretary who exploits it to his advantage and for the heart-burning of his frustrated rivals. The college becomes a citadel of politics, trial of strength and stepping-stone for future election-campaign. Teachers and students are divided, teaching and learning become the two principal casualties.

University Act and Statutes in temper intend to scrutinise in greater details the financial stability and standard of instruction in the proposed non-Government colleges before granting them affiliation. With such end in view the Government introduced the 'sanction-process' as a pre-condition to grant of affiliation. But the Inspectors of the University

93) In 1969, the Director of Public Instruction (Higher Education), Prof. B. Das wanted perspective plans to be formulated for each College keeping in view the development of the college within next twenty years. The Principals of non-Government colleges convences broad-based meetings of the local elites for the purpose, but the response was very poor almost in all colleges.
and the Deputy Directors of the Government have contributed to the dilution of the objectives too far.

There are two shades of arguments on the matter. One view is that a poor and backward State like Orissa cannot afford to have sophisticated and western amenities and should manage with whatever the local conditions provide. They further argue that there should be reasonable nexus between the education imparted and the environment in which it is imparted on one hand and the subsequent life and social environment in which the recipient is to live on the other. Education is unnatural and sophisticated environment might lead to large-scale alienation from the Society and might raise the level of aspiration too far resulting ultimately only in frustration.

The other view insists upon a minimum standard. They say that once the standard is lowered, that lowered standard becomes the minimum standard demanding further lowering of standard. When subsequently further dilution takes place no standard is maintained. Higher education for a certain minimum percentage of population is necessary as a mode of social change.

When in developing countries like India etc. the Government fail to cope with the demand for higher education, private initiation in many ways prove to be useful and invariably they have taken up the lead. Prof. Carl J.Friedrich writes, "In times of stress, the private institutions of higher learning also seem to be better capable and more inclined to offer resistance to inroads made by public agitation and leading to interference with academic freedom." Keeping such utilities in mind Ben

and Peters say that the State should encourage and guide the existing organisation. But such institutions should have a minimum standard of efficiency.

THE PLUS TWO BOARD.

The Education Commission recommended "Ten, plus two plus Three" pattern in place of eleven, plus two plus two system of education. In Orissa, the recommendation could not be implemented. In 1979 the Government of Orissa decided to switch over to the "ten, plus two, plus three" with effect from 1981. The first batch of students under ten-year High School pattern are taking High School Examination in 1983 and shall be taking Plus two examination in 1985. The "Plus Two" stage has been organised on the basis of the Orissa Higher Secondary Education Act.

In accordance with this requirement the State Government have established the Plus-Two Board and the Board is functioning since July, 1982.

96) Ibid, P.291.
97) Statement by Sri Gangadhar Mohapatra, Minister, Education explaining the circumstances in which the Board was constituted by an ordinance may be seen. The same ideas are also reflected in the statement of objects and Reasons. Both the statements have been appended to the Bill.
The Board has framed the syllabus, the rules of its organisation, its rules of procedure. It has prescribed Text and reference books and is ready to function as an affiliating body with effect from the academic session 1983-84. It has a Chairman, a Secretary and a skeleton staff of different grades drawn out of the State Government service. It may have a Vice-Chairman also. The Board is supposed to function as an examining body with effect from 1985-86 session.

The Board has a Council known as the Council of Higher Secondary Education. It is a body of experts like the Academic Council of the University. It is a rule-making and policy-deciding body. It consists of ten ex-officio members, forty five nominated members, nine elected members and five co-operated members. Under Section 21(i) of the Act, it has six standing Committees of which the executive Committee is one. It has its own Regulations also.

Section 3 of the Act describes the Constitution of the Council of Higher Secondary Education. Section 12 describes officers of eleven categories and Section 14 describes the powers of the Chairman. Section 21(i) provides for Academic Committee, Executive Committee, Recognition Committee, Examination Committee, Finance Committee and Syllabus Committee.
Adult education and Primary education together constitute one Directorate. Previously the programme was being looked after by an Additional Director, now it is being managed by a Director. There are one Joint Director, one Deputy Director and an Assistant Director to help the Director in implementation of the programme. There is an Audio-visual unit attached to the Directorate. It encourages production of literature on adult education. At the District level there are Project Officers and District Adult Education Officers for each district. They function direct and also coordinate the functions of others. They are responsible to the Inspector of the Schools and also to the Directorate.

The Adult education programme is also implemented through the Panchayatiraj institutions at the block level. In every block there is a Social Education Officer or Organiser. At the District level, the District/Education Officer functions as District Organiser. Bulk of the Adult Education activities is undertaken at this level.

The State Government propose to identify all programmes aiming at promotion of literacy run by various Departments, voluntary agencies, N.S.S. and Nehru Yuba Kendra etc. for better coordination of activities.


Nehru Juba Kendra is attached to the Cultural Affairs Department of the State Government.
Nonformal education is also imparted in Chatsalis, night schools by the N.S.S. units attached to the colleges and Universities. They arrange evening schools regularly at different centres and undertake the responsibility of providing non-formal education.

HIGH SCHOOL

There were 2619 High Schools in Orissa during the session 1981-82. These are of four types. There are some Government Schools, known as 'A' type schools established, controlled and managed by the State Government. The second category schools were known as 'B' type Schools. These Schools were located in the ex-princely States and alongwith the integration of princely states with Orissa, these were taken up by the State. Now both the categories of schools have been merged together to constitute one group. Hence, the distinction between 'A' and 'B' type schools are not there any more. The third type of Schools are known as "Taken-over Schools". These were established as non-Government or private schools those became full-deficit schools\(^{100}\) and were taken over by

100) The 'Full deficit Schools' were created in 1968-69 and continued till 1978-79 and thereafter these merged with the mainstream. But their employees form a special cadre.
the Government in course of time. The teachers of these schools constitute a separate cadre. They have not been allowed to merge with the teachers of 'A' and 'B' type schools of those days. There are some private schools, known as aided schools. These schools receive grant-in-aid of different grades like non-Government colleges. Finally there are un-recognised schools. Such schools add one class every year and finally after fulfilling certain conditions are recognised as schools.

Recognition to schools are accorded at two levels. After Class VIII recognition of the Government is sought and after the school reaches the final year or Class X, the Board of Secondary Education, Orissa recognises the school. After being recognised as a school, the school waits for three years to enjoy one-third of the cost as grant-in-aid and two years more to get two-thirds and a further period of two years more to enjoy the benefit of reimbursement of full cost.

All High Schools are affiliated to the Board of Secondary Education, Orissa. These follow the same course contents, prepare the students for the same examination and are controlled by the same official machinery.

The Selection Board\textsuperscript{101} chooses candidates for the non-Government schools. Most of the service benefits of the

\textsuperscript{101} The creation of a Selection Board was visualised in 1969 and Section 10(2) of the Orissa Education Act provided for the Constitution of such a Board. But till 1974 no steps could be taken and the Board was constituted only in 1979.
Government schools teachers are also available to the teachers of non-Government schools. Hence, the difference between both the categories of teachers is a question of degree. The differences among the teachers of both categories are, (1) The teachers of Government High Schools are appointed by the Director and can be removed by him only or by officers superior to him in accordance with the requirements of Act 311(i) of the Indian Constitution. But the teachers of private (non-Government) schools are appointed by the private management and are governed by the provisions of the Orissa Education Act, 1969. (2) Their transfers are confined to their own groups of schools, Government or Private as the case may be, (3) They are entitled to retirement benefits at different rates. (4) The Government officers are not legally entitled to undertake private tuition or coaching assignments but there is no legal and practical bar to such practice among the teachers of non-Government schools so far. (5) They are chosen by two different bodies.

THE BOARD OF SECONDARY EDUCATION

The Board of Secondary Education is an important educational structure in the 'System' of education in Orissa. It is the prototype of the University at the High School level and functions in the same manner in which other Boards in other States of the Indian Union function. It is primarily an affiliating and examining body and occasionally imparts teaching. The Board of Secondary Education has been organised on the basis of the Board of Secondary Education Act, 1952. It is headed by a President, who since 1968 is practically a whole-time officer, though legally he is not supposed to be so.
Till 1968, the Director of Public Instruction was the ex-officio President. Consequent upon complete bi-furcation of the Education Directorate into two Directorates in August, 1968, the Director of Public Instruction (Schools) became the President. In view of increase in the volume of work, a post of Vice-President has been created and filled up. So far the Presidency and Vice-Presidency of the Board have gone to officers of the Education Department only, though there is no legal bar if outsiders are appointed.

The head of the office of the Secondary Board is the Secretary. He is an Officer of the State Educational Service and serves the Secondary Board on deputation for a fixed term under foreign Service terms and conditions contained in the Orissa Service Code. There is a Finance Officer to deal with Accounts and Finance. He is on deputation from the State Finance Service. There is also an Administrative-cum-Establishment Officer on deputation from the Orissa Administrative Service to look to the establishment side of the Board. There is a Deputy Secretary who functions as the Controller of Examinations. There are some Under Secretaries and Assistant Secretaries who perform the major part of the academic duties.

The Board follows the model of Parliamentary democracy as do the Universities of the State. The 'Parliament' is here is unicameral, non-political and heterogeneous as in case of the Universities. But the executive body is a Committee of the Board having no defined powers. It is one among the eight standing Committees elected for two years and exercise no powers as compared to the Syndicate in the three Universities.

102) The Orissa Secondary Education Act provides for a Board
The President of the Board enjoys more freedom of action than those enjoyed by the Vice-Chancellors of the three Universities. The office is divided into Sections as in case of the Universities. The office has been modelled in the normal Government lines and follows the procedures and rules identical to those of the Government offices of the State.

The Board has two branch offices at Sambalpur and Berhampur. These offices were opened four years ago only to satisfy the regional sentiment. Desirability of opening these branch offices and benefits derived by the local people out of this move are yet to be assessed.

The Board desired to model some model High Schools. Those were to function as 'Model Schools', with that aim in view the Secondary Board High School was established at Cuttack and at least two more schools were to be developed. The Secondary Board High School continues as a good and reputed school of the State, but the extent to which it serves as a "model" is still debatable.¹⁰³

¹⁰³ The Secondary Board High School is not a complete High School and hence can hardly be regarded as a 'model'.

(General Body), its President, Vice-President and a Secretary. It does not provide for an executive. Clause 19(i) of the Act provides for eight standing Committees of which the Executive Committee is one. Under Rule 21(i) the Board has power to make regulations under which specific powers are conferred upon these committees, the role-relation and control-relations of the different sub-structures of the Board with each other is determined.
The Board introduced a Certificate Course in Library Science. It functioned well for some time and subsequently it was closed down. The Board is managing a correspondence course now.

The Secondary Board conducts the Higher Secondary Examination (Science and Technology), the High School Certificate Examination, the C.T. Examination, the B.T. Examination, M.E. Examination and a number of such examinations. Consequent upon the abnormal increase in the number of candidates for all these examinations and general tendency of decline in the standard of collective efficiency in offices, many problems are coming up to be tackled by the persons at the helm of affairs.

ELEMENTARY EDUCATION

Elementary Education in Orissa consists of two parts, primary education and middle education. In 1981-82 there were 7413 M.E. Schools having on their rolls 625,000 students out of which 417,000 were boys and 208,000 were girls. Some of these Schools are still known as the Senior Basic Schools, but are imparting teaching for M.E. Examination.

The difficulties are reflected in the successive Annual Reports of the Head Masters on the occasions of their Annual Days. To be more specific, they have no Hostel and no play-ground.

104) Please see Tables 2-5 appended to this dissertation.
In some High Schools M.E. Sections have also been included. Most of these M.E. Schools are managed privately.

The number of primary schools in the State are 36,006 during 1981-82. These schools enrolled 1,712,000 boys and 1,111,000 girls and thus 2,823,000 students in total\textsuperscript{105}. The primary schools are not Government Schools. No primary teacher is a Government 'Servant' or employee. Even though they are required to work sometimes in the structures created by the Government, they are non-Government personnel.

These Schools follow nationalised Text Books, prepared by the Directorate and printed in the Text Book Press and examinations are supervised and conducted by the D.I. of Schools. The primary Schools are managed by private agencies like Municipality, N.A.C., Gram Panchayat, Factories and Industrial Establishment, Government agencies like T. & R.W. Department and the Education Department.

A. TECHNICAL AND MEDICAL EDUCATION

A survey conducted by the National Council of Educational Research and Training reveals that Orissa enrols in technical and Vocational schools, 9.7 percent of her total enrolment in Secondary Schools. Because of this enrolment Orissa stands fifth in the rank order of states of the Indian Union in the field of technical education. Eventhough it appears encouraging and Rudolphs\textsuperscript{107} have rightly given credit to the

\textsuperscript{105} Ibid.

\textsuperscript{106} The survey was conducted in 1960-61 by the N.C.E.R.T. The Table of comparison appended as Table IV has been quoted
Congress Government of Sri Biju Patnaik, it is also to be remembered that during the relevant period the percentage of enrolment in Secondary Schools in Orissa was the minimum in India being only 0.2 percent as against the maximum of 1.1 percent in Kerala.

The only score on which credit has been available to the State of Orissa depicts the structure of technical Schools established in 1960-61 to impart rudimentary technical education. Most of these institutions were affiliated to the Board of Secondary Education and the students were being admitted for the Higher Secondary Examination in Science and Technology. The institutions were meant to provide technical personnel to various industries already set up, or were about to be set up. Industrial Estates were set up, loans were made available under Pilot Project Scheme, industries at Panchayat level were also planned and set up. Friendly competition was encouraged official patronage in sales promotion and incentive for better management and production were provided. This idea had manifold implications. (a) The education was intended to be vocationalised. No educated hand was to remain unemployed. (b) Industries could be encouraged and (c) Development at all levels could be possible. To provide low-grade technicians and skilled workers to industries, a number of Industrial Training Institutes were set up. For enrolment in these institutes different grades of qualifications were laid down. For second-

107) Rudolphs, quoted above, Page 85.
rank engineers Engineering Schools were opened and for higher type of Engineers one more Engineering College was arranged at Rourkela for which the State had to bear no financial burden. Students of Technical institutions could get loan from the State Loan-stipend Fund and Scholarships etc. (if any) through the normal channel of the Education Department of the State.

The Technical Education structure was not a complete structure also. It was an amalgam of sub-structures. They were connected with one common goal, i.e. to provide technical hand for industrialisation and to solve mostly the problem of unemployment. There was no inter-connection and intra-structural mobility or inter-sub-structural mobility. A lower-grade technician by his own right could not become a high grade certificate holder, a high grade technician could not become a sub-Engineer by normal institutionalised education. These structures were being managed by the Industries Department. Except in the Technical Schools, the teachers of these institutions were not teachers by profession and were not educators. They regented to be there and regarded postings

108) This plan also degenerated into a top-sided growth. In course of time many such institutes came up and the persons coming out of those institutes could not be provided with employment by the Government. Some of them joined private employment and some others took recourse to various self-employment schemes. Some others looked as unskilled workers.
to such institutions as penal in nature.

In Orissa, education also represents personal bias and suffers from the effects of clash of personalities. After some days of their establishment, some Engineering Schools closed down, enrolment strength of the Technical Schools and Industrial Training Institutes fell. The sub-structures constituting the structure of technical education do not contribute to the creation of any educational system.

Professional Education is also being imparted by the Orissa University of Agriculture and Technology. This University has teaching departments and affiliated colleges. The Head of the University is the Chancellor. The Governor of the State is ex-officio Chancellor of all the five Universities of the State. There is a Pro-Chancellor and eventhough he is formally named by the Chancellor, it has almost become a convention now that the Minister of Agriculture is the Chancellor. There is a Board of Governors, its executive body. The Head of the administration is the Vice-Chancellor and Head of the office of the University is the Registrar. The college of Basic Science and Humanities imparts teaching up to Plus Two or Old Intermediate stage. But a successful candidate from that college does not enjoy any special benefit or preferential treatment in the selection for admission to different courses of the Agriculture University. In the same University also, there is no hierarchy of structures and no special relation between different institutions. As academic bodies they are inter-related. The Orissa University of Agriculture and Technology imparts teaching and conducts research in
Agriculture and all its branches like Plant Physiology, Soil Chemistry, agricultural economics, Agricultural Engineering etc. It also imparts teaching and conducts research in Veterinary Sciences and Animal Husbandry.

Medical Education is imparted by three medical colleges. The teachers of these colleges are selected out of the State Medical Service and are put under a separate Grading list. They are appointed to the State Medical Service on the recommendation of the Orissa Public Service Commission. But they are chosen to the teaching posts by a Departmental Selection Committee and earn subsequent promotions on the recommendation of the Orissa Public Service Commission. They had a separate scale of pay, but now they have been fitted in the U.G.C. Scale of Pay.

The cadre of teaching posts in these colleges is not one cadre, but these are divided into many sub-cadres. But crossing of cadre-barriers is not very uncommon. The number of Directors is increasing. For the appointment of Director, cadre-barrier does not pose any problem.