

WESTERN ODISHA DEVELOPMENT COUNCIL ACT, 2000

The Odisha . Gazette Short title, extent and commencement- read. DeAniUon*. neDt and don of Council. EXTRAORDINARY PUBLISHED BY AUTHORITY ORISSA Act 10 OF 2000 * THE WESTERN ORISSA DEVELOPMENT COUNCIL ACT, 2000 [Received the assent of the Governor on the 27th November 2000, first published in an extraordinary issue of the Orissa Gazette, dated the 5/11 December 2000.] AN ACT TO PROVIDE THE ESTABLISHMENT OF A COUNCIL FOR 'THE ACCELERATED DEVELOPMENT AND ADVANCEMENT OF CERTAIN DISTRICTS OF THE' WESTERN PARTS OF ORISSA AND FOR MATTERS INCIDENTAL THERETO OR CONNECTED THEREWITH. Whereas it is expedient to provide for the establishment of a Council giving it Powers for the social, economic, educational and cultural advancement and development of the people residing in certain districts of the Western parts of Orissa. It is hereby enacted in the Fifty-first Year of the Republic of India by the Legislature of the State of Orissa as follows:— 1. (1) This Act may be called the Western Orissa Development Council Act, 2000. (2) It extends to the district mentioned in sub-section (1) of section 3. (3) It shall come into force on such date as the Government may, by notification, appoint and different dates may be appointed for different provisions of this Act' 2. In this Act, unless the context otherwise requires— (a) "Chief Executive officer" means the Chief Executive Officer of the Council (b) "Council" means the Western Orissa Development Council established under this Act. (c) "Council area" means the area of the Council as mentioned in sub-section (1) of section 3 ; (d) "Government" means the State Government of Orissa ; (e) "Prescribed" means prescribed by rules ; (f) "Council Fund" means the Council Fund established under section 15 ; (g) "Rules" means rules made under this Act. 3. (1) There shall be established and constituted by the Government* a Council to be known as the Western Orissa Development Council for the accelerated development and advancement of the area of the Council which shall comprise the districts of Baragarh, Bolangir, Boudh, Jharsuguda, Kalahandi, Nuapada, Sambalpur, Sonepur and Sundargarh and may include such other area as may be prescribed. (2) The Council shall be a body corporate with the name aforesaid having perpetual succession and a common seal with • power, subject to the provisions of this Act, to acquire, hold and dispose property, both movable and immovable, and to contract with approval of the Government, and shall, by the said name, sue and be sued. (3) The Council shall be deemed to have been incorporated for the purposes, among others, of preparing plans and programmes for the allround development in the Council area promoting original research of advancement of education, of educational and financial condition of the people, of inspecting the different institutions, organisations, local authorities and supervising all matters relating to the general standard of the people of the area and of promoting their physical, mental and moral welfare. •for the BAI see Orissa Gazette, dated the 46 (4) The headquarters of the Council shall be at such a place within the Council as be notified in the Gazette by the Government in consultation with Council which shall meet for •the purpose at such place as the Government may fix. Composition 4. (1) The Council shall consist of the following members, namely of Council* (a) two members of the Lok Sabha, representing any constituency, either wholly or in part, within the Council area, to be nominated by Government on rotational basis ; (b) eleven members of the Orissa Legislative Assembly elected from any constituency, either wholly or partly within the Council area, to be nominated by Government on rotational basis ; persons who (c) ten ex-officio to be nominated by Government from have—... (i) special knowledge of planning, finance and accounts of Government, or (ii) wide experience in public administration or social or (iii) expertise or special knowledge in different fields like Education including law, technical education and vocational training, Agriculture, Industries, Irrigation, Public Health, Forestry, Mining, public Works, Employment or management of people's problems ; (d) Revenue Divisional Commissioner of the Division under which the maximum portion of Council area is situated ; and (e) Chief Executive Officer, who shall be the Member-Secretary of the Council, (2) One of the members of the Council referred to in sub-section (i), as may be nominated by the Government, shall be the Chairman of the Council. Term of office and conditions or •arvhae of Chairman S. (1) The term of office of members of the Council shall be— (a) two years in case of members referred to in clauses (u) and (b) of (1) of section 4 ; and (h) five years in case of members referred to in clause (c) of the said sub-section, from the date they respectively assume •their office. (2) A member, other than the Revenue. Divisional Commissioner and the Chief Executive Officer, may, by

writing under his hand, addressed to Government resign from the office of the Chairman if he is the Chairman or, as the case may be, from his office as member, and the member so resigning shall be deemed to have vacated his office as Chairman or, as the case may be, as member with effect from the date his resignation is by the Government. (3) The Government shall, by notification, remove a person from the office of member if that person— (a) refuses to act or is incapable to act; or (b) is found, in the performance of his functions under this Act, to have abused the position of Chairman or member as to render that person's continuance in office detrimental to the objects of the Council and the interest of the people belonging to the Council area: Provided that no person shall be removed under this sub-section until that person has been given an opportunity of being heard in the matter. (4) When the office of a member including the Chairman becomes vacant by resignation, removal, death or otherwise, the vacancy shall be filled up in the same manner in which he was taken. (5) The Chairman of the Council shall enjoy the status of a Minister of the State of Orissa and shall be entitled to such remuneration and allowances as may be prescribed. (6) The other members of the Council excluding the Revenue Divisional Commissioner and the Chief Executive Officer, shall be paid such fees and allowances for attending the meetings of the Council and performing the functions thereof entrusted to them, as the Council may, from time to time fix. 6. (1) There shall be a Chief Executive Officer of the Council, who shall be an appointment of Chief Officer and his term of office and other conditions of Officers and other employees of Council. Administrative expenses of Council. Duties and Powers of Chief Executive Officer. Vacancy or defect not to invalidate of Council. Powers and functions of a person below the rank of a Joint Secretary to Government of Orissa and shall be appointed by the Government in consultation with the Chairman of the Council by notification. (2) The terms of conditions of service of the Chief Executive Officer shall be such as may be prescribed. (3) The Chief Executive Officer shall be under the administrative control of the Council. 7. (1) The Council shall determine, with approval of the Government, the number of Class I and Class II Officers that are required for the effective performance of its functions under this Act and request the Government to place the services of those officers under the Council, whereupon the Government shall, in consultation with the Chairman of the Council, depute such officers to function under the Council. (2) The Council, with prior approval of the Government, shall create Class III and Class IV posts and fill up the said posts in the manner prescribed. (3) appointment of officers and other employees, their terms and conditions of service shall be such as may be prescribed. (4) The Council shall be the disciplinary authority in respect of Class III and Class IV employees of the Council and shall exercise the powers of disciplinary authority in the manner prescribed.

8. The administrative expenses of the Council, including the salaries, allowances and pensions payable to the Chief Executive Officer and other officers and employees of the Council, including those deputed by Government, shall be defrayed out of the grant-in-aid fund granted 'by the Government.'

9. (1) The Chief Executive Officer shall be responsible for the maintenance of the records of the Council and shall exercise administrative supervision and control over all officers and employees of the Council including those whose services may be placed at the disposal of the Council by the Government. (2) Subject to the rules, the Chief Officer shall exercise such other powers, perform such other functions and discharge such other duties as the council may, by general or resolution, decide from time to time.

10. No act or proceeding of the Council shall be invalid by reason only of the existence of any vacancy amongst its members or any defect in the constitution thereof.

11. (1) The Council shall, subject to such terms and conditions, as the Government may, by order, specify from time to time, exercise the powers and perform the functions to— (a) Upgrade...- (i) the levels of development and remove regional imbalances in development; and (ii) the relative levels of development in different sectors in relation to each district within the Council area, having regard to the levels of development of the State as a whole; (b) assess the impact of various development programmes in removing imbalances in development and in achieving overall development within the Council area; (c) prepare appropriate long term and short term plans and programmes for the removal of development imbalances between different districts within the Council area, keeping in view the overall levels of development of the State; suggest long term measures for removal of imbalances as aforesaid and ensure optimal utilisation of available resources for removal of such imbalances, keeping in view the potentialities of different districts within the Council area and the ways and means position; (e) formulate plans and programmes for equitable arrangements in providing adequate facilities for technical, educational and vocational

training for the purpose of creating sufficient opportunity for employment in services under the control of the Government within the Council area ; (f) prepare its own annual budget for the Council area ; (g) prepare long term and short term plans for the development and advancement of the Council area ; (h) prepare and execute projects relating to the development and advancement of the Council area ; (i) supervise and review different developmental projects undertaken by different Agencies including that of the Government within the Council area ; (j) suggest to the Government about different projects to be taken up within the Council area ; (k) execute different development projects of the Council through different Agencies of the Government or through any other agencies such as Non- Government Organisations, prior approval of the Government ; (l) review, supervise, co-ordinate and monitor different projects of Government in the Council area including issuance of administrative approval of proposals and selection of executants of projects by the Council ; (m) take loans in its own name with prior approval of the Government to implement various projects for the development and advancement of the Council area ; (n) prepare, in each financial year, a Budget of its estimated receipts including the annual grant-in-aid by the Government which shall not be less than rupees thirty crores, and disbursement for the following financial year and submit the same to the Government three months before the presentation of the State Budget ; and (o) prepare in each financial year a supplementary Budget providing grant-in-aid to be made by the Government to the Council in the second phase, which shall not be less than rupees twenty crores, and make any modification of its Budget for that particular year and may submit those Budgets to the Government for approval. (O) The Council may, for the purpose of achieving the objects of, this Act, from time to time, make any necessary recommendations to the Government. (3) The Council shall not acquire, hold and dispose of any immovable property or enter into contract in respect of any immovable property, except with the previous approval of the Government. (4) If the Government so decide it can handover management and control of any Government institution within the council area to the Council. (f) The State Planning Board and the Government in the Planning & Co-ordination Department shall have power to supervise and evaluate the work of different projects undertaken by the Council. 749 12. (I) The Chairman shall, by virtue of his office, be the head of the Council and shall, when present, preside over all the meetings of the Council. (V) The Chairman shall exercise the powers and perform the functions hereinafter provided : — (a) he shall be responsible for the smooth financial and administrative functions of the Council ; (b) he shall exercise administrative supervision and control over all officers and employees of the Council whose services shall be placed at the disposal of the Council by the Government ; (c) he shall, for convenient transaction of business of the Council, allocate amongst the members such business in such manner as he thinks fit ; (d) he shall have the right to make an inspection or cause an inspection to be made by such person or persons, as he may direct, of the Council and its affairs and resultant to such enquiry, pass necessary orders for remedial measures, as he deems necessary ; (e) he shall have power to take immediate action in emergency situations, which the Council is competent to do, and every such action shall have to be ratified by the Council in its next meeting (f) he shall exercise such other powers and perform such other duties as may be prescribed. 13. (Z) The Council shall ordinarily hold at least one meeting in every three months for the transaction of its business; (2) The Chairman or, in his absence, any member of the Council excluding the Chief Executive Officer, as may be decided by the Council, shall preside at a meeting of the Council. (3) The Member-Secretary of the Council shall, in consultation and with the approval of the Chairman, convene the meetings of the Council at a place and time fixed by the Chairman. (4) The quorum necessary for the transaction of business of a meeting of the Council shall be ten members excluding the Chief Executive Officer, and the matters required to be decided by the Council shall be decided by the majority of votes of the members present and voting. (5) The Chairman or the person presiding over meeting shall have, and exercise, a second or casting vote in case of equality of votes. (6) Save as aforesaid, the business of the Council shall be transacted in such manner and in with such procedure as the Council may, by regulation, determine. 14. (I) For the purpose of effectively discharging power and functions devolving on Council upon them under this Act, the Council shall have the following committees—, constituted in the prescribed manner, namely:— (i) the Finance Committee ; (ii) the Administrative Committee ; and (iii) the Executive Committee ; (2) The members of the said Committees shall be duly elected at the first meeting of the Council from amongst the members thereof, who shall elect the Chairperson of the respective Committees. and (3) Each Committee shall exercise powers as may and execute or decide such items as per the regulations framed by the

Council. Council Fund. •ud audit, Soper- guion Of Power to inue tion. omeera and to be public of suit without notiaē. 50 15. (I) There' shall be by the Council a Fund to be called the Council Fund to which shall be credited— '(a) all sūms of money paid to it or any grants made by the Government for the purposes of this Act ; (b) -any gren(s that may be made by the Government of India or by any person or authority for the purpose of this Act; and (c) any other amount received by the Council from any other source. (2) The Council Fund shall be applied for payment of ail sums, charges and costs necessary for carrying into effect the purpose of this Act, 16. (1) The Council Fund shall tß jointly operated by the Chairman and the Chief Executi'ß Officer of the Council. (2) The Council shall maintain its prorßr accounts and other 'relevant records in such form and in such manner as may be prescribed. (3) The accounts of the Council shall be audited by such person or authority and at such intervals as may-be prescribed. 17. (1) If, in the opinion of the Government, the Council— (a) is not competent to perform, or persistently makes default in the performance, of the duties imposed on it by or under this Act or exceeds or abuses its power, or (b) fails to perform its functions emciently, the Government may, by an order notified in lthe Gazette, supersede the Council: Provided that the Council shall be given reasonable opportunity of being •heard before its supersession. (2) The notified order shall remain in force for Sith r ericd, rct exceeding six months, as the Government may specify therein and lthe Ccuncil fhall be r«onstituted in the manner provided in section 4 before lthe expiralicn cf lthe Pericd so sgcified. (3) When the Council is suptrse('ed by an order under sub-section (a) all nominated members including the Chairmzn of (bc Ccuncjl shall vacate their respective cfices with fff(Ct from lthe dale of publicationof the order; (b) during the period of supersession, all the powers and functions of the Council shall be exercised and performed by such Fersen or authority the Government may appoint in that behalf; and (c) the land and properties of the Council shall, until it is rccnstituted, vest in the GoVernment

18. Tho GOvetrnment may, from time 'to time, issue such general or special direction to the Council•es it considers necessary or expedient for the purpose of achieving the object of this Act

19. Every member including the Chairman and every officer and employec of the Council shall be deemed to be public servants within the meaning of 21 of 4S of 19@• the Indian Penal Code, 1860

20. No suit shall be instituted against the Council or any Committee or Chairman or any member, officer or employee thereof, or any person acting under direction of the Council or Chanman for anything done or papolling to be done in good faith under this Act, or the rules or regulations made thereunder, until expiry of two months notice in writing delivered or left at the Council's off*, stating the cause of action, the name and place of abode of the intending plaintiff or petitioner and the relief which he claim.Power to mako rules. inter- Pretation. Power to remo ve diöculties. and its effet.

21. The Government may- make 'tules 'for ' Gtying into effect lthe provisions of this Act

22. If any question arises to:the .interpretation -of any of the provisions of this Act or lthe rules made thereunder; it shill bé keferred to the Government whose dicision thereon shall be final. 23. (1) If any difficulty arises in given effect to the provisions of this Act, thé Government may, by order, not inconsistent with the provisions of lhis• lActv remove the diffcutty: provided that no Sic* 'ordet shill be made after the expiry of the period of two years from the commencement of this Act. (2) Every order made under sub-section (1) shall be laid before State Legislature. 24. (1) The Western Orissa Development Council Act, 1998 is hereby repealed* (2) On such repeal— (a) all prorerties, funds and due which rere vested In, bnd realisBble by tho Western Orissa Development Council constituted under the Act 60 repealed, shall vest in and be realisable by, th? Government; and (b) all liabilities enforceable against the said Council shall be enforceable against the Government to the extent of properties, funds and dues vested in, and realised by the Government. Act 16 Ot

1998. Shontitle Amendment of swtTon 4, Amendment Of '*tien 5.ORISSA 2001 *THE WESTERN ORISSA. DEVELOPMENT COUNCIL a(AMENbMEU.T) ACT, 2001 [Received the assent of the Governor on the 16ih July 2001, first published in, an extraordinary issua of the Orissa Gazette, dated the 19th July, 2007 (No. 1355)! AN ACT TO AMEND THE WESTERN ORISSA DEVELOPMENT COUNCIL ACT, 2000 BE it enacted by the Legislature of the State of Orissa in the second Year of the Republic of India as follows:— 1. This Act may be called the Western Orissa Development Council (Amendment) Act* 2001

2. In the Western Orissa Development Council Act 2000 (hereinafter referred to as the principal Act),—(a) subsection (2) of section 4 shall be omitted and, sub-section (1) thereof shall be renumbered as section 4, and (b) In section 4 as so renumbered,— (i) for clause (a), the following clauses shall be substituted, namely:— '(a) a Chairman to be nominated by Government, who shall be a person from the council area: (a-I) two members of the Lok Sabha, representing any constituency, either wholly or in part, within the Council area, to be nominated by Government on rotational basis: (ii) in clause (b), after the words "Orissa Legislative Assembly", the commas and words "not being less than one from each district within council area," shall be inserted) and (iii) to clause the following proviso shall be added, namely:— "Provided that at least seven members shall be persons from the council area"

3. In section 5 of the principal Act,—(a) in sub-section (i) in the opening portion, for the words "shall be", the words "shall ordinarily be" shall be substituted; (ii) in clause (a), for the words, letters and brackets "Clauses (a) and (b) of sub-section the words, letters, figure and brackets "Clauses (a-I) and (b)" shall be substituted; (iii) in clause (b), after the words 'in case of', the words, letter and brackets "Chairman referred to in Clause (a) and" shall be inserted and for the word "sub-section", the word "section" shall be substituted' * For the BIEI, see Orissa Gazette, Extraordinary. dated the 20th April, 2001 CNO. 634) Orissa Act No. 12 of 2000; section (2); the following shall be substituted, namely:— "(2) The Chairman or any member other than the Revenue Development Commissioner and the chief Executive Officer may, by writing under his hand, addressed to the Government, resign from his office and shall be deemed to have vacated his office with effect from the date he resigns (on is accepted by Government."; (c) 'the following sub-section shall' substituted, namely:— The Government may, by notification remove the Chairman of Council, if he— (e) Is found, in performance of his functions under this Act, to have exceeded or abused his powers; or (b) refuses to act or is incapable of acting or acts in the manner which the Government consider to be prejudicial to the interests and objects of the Council : Provided that no action shall be taken under this sub-section without giving the person concerned an opportunity to show cause against the proposed action.", and (d) after sub-section (3), the following sub-section shall be inserted, namely:— "(3-a) The Government may, at any time, by an order published in the, gazette, withdraw the nomination of a member nominated on the Council and, upon such nomination being withdrawn, he shall cease to be a member of the Council from the date of publication of the order."

4. In section 7 of the principal Act, for sub-section the following sub-section shall be substituted, namely:— 1. "(2) The Council shall have powers to formulate and as parameters of guidelines for the members and fill up such posts in the manner prescribed.". Amend 5. In section 11 of the principal Act.— (e) in sub-section (i) To clause (k), for the words "agencies such as Non-Governmental Organisations, with prior approval of the Government", the words "agencies identified by the Government in the manner prescribed" shall be substituted, and in clause (o), for the word "submit Budgets appearing at the end of the word Government for approval" "submit the same to Government for obtaining the approval of the State Legislature" shall be substituted; (b) for sub-section (5), the following sub-section shall be substituted, namely:— The Government in the Planning Co-ordination Department shall have power to supervise and evaluate the work of the Council," and (c) after sub-section (5), the following shall be inserted:— The Council may levy and collect such fees and in such manner, subject to such conditions as may be prescribed.". Amend 13. Amendment of Section 14' 6, In section 13 of the principal Act, in sub-section (4); the words "ten members", the word; "not less than one-third of the members" shall be substituted. 7. in section 14 of the principal Act, in sub-section (1 (a) in item (ii), the word "and" appearing at the end shall be omitted, and (D) for item (iii), the following items shall be substituted, namely:— "(iii) the Works Committee, and (iv) the Education Committee." 510 ORISSA ACT 14 OF 2003 institution is chiefly maintained". THE WESTERN ORISSA DEVELOPMENT COUNCIL (AMENDMENT) ACT, 2003 TABLE OF CONTENTS PREAMBLE SECTIONS 1. 2. 3

4. Short title Amendment of long title and preamble Amendment of section 3 Amendment of section 11 511 *THE WESTERN ORISSA DEVELOPMENT COUNCIL (AMENDMENT) ACT, 2003 (ORISSA ACT 14 OF 2003) [Received the assent of the Governor on the 22nd May 2003, first published in an Extraordinary Amendment of long title and preamble. Amendment of section 3. Amendment of section 11. extraordinary issue of the Orissa Gazette, dated the 31st May 2003 (No. 824)] AN ACT FURTHER TO AMEND THE WESTERN ORISSA DEVELOPMENT COUNCIL ACT

2000. BE it enacted by the Legislature of the State of Orissa in the Fifty-fourth year of the Republic of India as follows :—1. This Act may be called the Western Orissa Development Council (Amendment) Act, 2003

2. In the Western Orissa Development Council Act, 2000 (hereinafter Orissa Act 10 of 2000, referred to as the principal Act), in the long title and the preamble, for the words "certain districts". the words "certain areas" shall be substituted. 3. In section 3 of the principal Act, in sub-section (1) for the words "such other area", the words "any other area" shall be substituted

4. In section 11 of the principal Act, in clause (a) of sub-section in sub- clause (ii), after the words "each district", the words, commas, brackets and figures "and part of district included, if any, under sub-section (I) of section 3," shall be inserted. • For the Bill, see Orissa Gazette, Extraordinary dated the 12th March, 2003 (No. 383).

