

## **THE WESTERN ORISSA DEVELOPMENT COUNCIL**

### **ACT, 2000 & AS AMENDED VIDE ORISSA ACT 8 OF 2001 AND ORISSA ACT 14 OF 2003.**

An act to provide for the Establishment of a Council for the Accelerated Development and Advancement of certain areas 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 areas of the Western parts of Orissa.

#### **PREAMBLE:**

#### **SECTIONS:**

#### **Short title, extent and commencement**

- a) This Act may be called the Western Orissa Development Council Act, 2000 and the Western Orissa Development Council (Amendment) Act, 2001 and Western Orissa Development Council (Amendment) Act, 2003.
- b) It extends to the district mentioned in sub-section (1) of Section 3.
- c) It shall come into force on such date as the Government may, by notification, appointment and different dates may be appointed for different provisions of this Act and Amendment.

#### **Definitions.**

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

#### **Establishment and incorporation of council.**

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 area of the Council which shall comprise the districts of Bargarh, Bolangir, Boudh, Deogarh, Jharsuguda, Kalahandi, Nuapada, Sambalpur, Sonepur and Sundargarh and may include any 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 all round 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 supervision all matters relating to the general standard of the people of the area and of promoting their physical, mental and moral welfare.
4. The headquarters of the Council shall be at such a place within the Council area as may 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 of Council.**

The Council shall consist of the following members, namely: -

- a) A Chairman to be nominated by Government, who shall be a person from the Council area
  - 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,
- b) Eleven members of the Orissa Legislative Assembly not being less than one from each district within the council area elected from any constituency, either wholly or partly within the Council area, to be nominated by Government on rotational basis;
- c) Ten experts to be nominated by Government from amongst persons who have-
  - i. special knowledge of planning, finance and accounts of Government, or
  - ii. wide experience in public administration or social service, or
  - iii. expertise of 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;

"Provided that at least seven experts shall be persons from the Council area;"
- 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.

### **Term of office and conditions of service of Chairman and members**

1. The term of office of members of the Council shall ordinarily be
  - a. Two years in case of members referred to in clauses (a-1) and (b) of Section 4; and
  - b. Five years in case of Chairman referred to in clause (a) and members referred to in clause c. of the said section, from the date they respectively assume their office
2. The Chairman or any member other than the Revenue Divisional 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 his resignation is accepted by Government.;
3. The Government may by notification, remove the Chairman of the Council, if he-
  - a. 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 a 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

(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. When the office of a member including the Chairman becomes vacant by his resignation, removal death or otherwise, the vacancy shall be filled up in the same manner in which he was taken.
5. The Chairman of Council shall enjoy the status of a Minister of 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 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.

### **Appointment of Chief Executive Officer and his term of office and other conditions of service.**

1. There shall be a Chief Executive Officer of the Council, who shall be an officer not 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.

#### **Officers and other employees of Council.**

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, depute such officers to function under the Council.
2. The Council shall have powers to create Class-III and Class-IV posts as per parameters of guidelines for the same and fill up such posts in the manner prescribed.
3. The appointment of officers and other employees, their term and conditions of service shall be such as may be prescribed.
4. The Council shall be 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.

#### **Administrative expenses of Council.**

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.

#### **Duties and powers of Chief Executive Officer.**

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 Executive Officer shall exercise such other powers, perform such other functions and discharge such other duties, as the Council may, by general or special resolution, decide from time to time.

#### **Vacancy or defect not to invalidate proceedings of Council.**

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.

#### **Powers and functions of Council.**

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 any part of district included, if any, under Sub-Section
    - iii. of Section-3 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;
  - d. 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 identified by the government in the manner

- prescribed;
- l. review, supervise, co-ordinate and monitor different projects of Government in the Council area including issuance of administrative approval of proposal 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 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 the same to government for obtaining the approval of the State Legislature.
2. The Council may, for the purpose of achieving the objects of this Act, from time to time, make 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 hand over management and control of any Government institution within the council area to the Council.
  5. The Government in the Planning & Co-ordination Department shall have power to supervise and evaluate the works of the Council; and
  6. The Council may levy and collect such fees for the services rendered by it and in such manner, as may be prescribed.

#### **Powers and functions of the Chairman.**

1. 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.
2. 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 Govt.
  - 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 inspection or 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.

#### **Meetings of Council and procedure.**

1. 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 not less than one third of the members excluding the Chief Executive Officer, and the matter 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 a 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 accordance with such procedure as the Council may, by regulation, determine.

#### **Committees of Council.**

1. For the purpose of effectively discharging power and functions devolving upon them under this Act, the Council shall have the following expert committees, constituted in the prescribed manner, namely: -
  - i. The Finance Committee;

- ii. The Administrative Committee;
  - iii. The Works Committee; and
  - iv. The Education Committee. P.T.O.
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 be prescribed and execute or decide such items as per the regulations framed by the Council.

#### **Council Fund.**

1. There shall be established by the Council a Fund to be called the Council fund to which shall be credited-
  - a. All sums of money paid to it or any grants made by the Government for the purposes of this Act;
  - b. Any grants 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 all sums, charges and costs necessary for carrying into effect the purpose of this Act.

#### **Accounts and Audit.**

1. The Council Fund shall be jointly operated by the Chairman and the Chief Executive Officer of the Council.
2. The Council shall maintain its proper 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.

#### **Supersession of Council.**

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 efficiently, the Government may, by an order notified in the Gazette, supersede the Council;
  - c. Provided that the Council shall be given reasonable opportunity of being heard before its supersession.
2. The notified order shall remain in force for such period, not exceeding six months, as the Government may specify therein and the Council shall be reconstituted in the manner provided in Section 4 before the expiration of the period so specified.
3. When the Council is superseded by an order under sub-section (1)-
  - a. All nominated members including the Chairman of the Council shall vacate their respective offices with effect from the Date of publication of the order;
  - b. During the period of supersession, all the power and function of the Council shall be exercised and performed by such person or authority as the Government may appoint in that behalf; and
  - c. The land and properties of the Council shall, until it is reconstituted, vest in the Government;

#### **Power to issue direction.**

The Government may, from time to time, issue such general special direction to the Council as it considers necessary or expedient for the purpose of achieving the object of this Act.

#### **Members, officers and employees to be public servants**

Every member including the Chairman and every officer and employee of the Council shall be deemed to be public servants within the meaning of Section 21 of the Indian Penal Code, 1860.

#### **Bar of suit without notice.**

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 Chairman for anything done or purporting 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 office, stating the cause of action, the name and place of abode of the intending plaintiff or petitioner and the relief which he claims.

#### **Power to make rules.**

The Government may make rules for carrying into effect the provisions of this Act.

#### **Interpretation.**

If any question arises as to the interpretation of any of the provisions of this Act or the rules made thereunder, it shall be referred to the Government whose decision thereon shall be final.

#### **Power to remove difficulties.**

1. If any difficulty arises in given effect to the provisions of this Act, the Government may, by order, not inconsistent with the provisions of this Act, remove the difficulty:

Provided that no such order shall 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.

#### **Repeal and its effect.**

1. The Western Orissa Development Council Act, 1998 is hereby repealed.
2. On such repeal-
  - a. All properties, funds and dues, which were vested in, and realisable by, the Western Orissa Development Council constituted under the Act so repealed, shall vest and be realisable by, the 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.