



The Western Orrisa Development Council Act, 1998

Act 16 of 1998

Keyword(s):

Area of the Council, Revenue Divisional Commissioner, Development Council

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ORISSA ACT 16 OF 1998

* THE WESTERN ORISSA DEVELOPMENT COUNCIL ACT, 1998

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AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF A COUNCIL FOR THE ACCELERATED DEVELOPMENT OF CERTAIN DISTRICTS IN ORISSA.

Be it enacted by the Legislature of the State of Orissa in the Forty-ninth Year of the Republic of India as follows :—

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Western Orissa Development Council Act, 1998.

(2) It extends to the districts mentioned in sub-section (1) of section 3.

(3) It shall come into force at once.

Definitions.

2. In this Act, unless the context otherwise requires—

(a) "area of the Council" means the area of the Council mentioned in sub-section (1) of section 3 ;

(b) "Chief Executive Officer" means the Chief Executive Officer of the Council appointed under section 12 ;

(c) "Council" means the Western Orissa Development Council established under this Act ;

(d) "Government" means State Government of Orissa ;

(e) "prescribed" means prescribed by rules ;

(f) "Revenue Divisional Commissioner" means the Revenue Divisional Commissioner, Northern Division ;

(g) "rules" means rules made under this Act.

Establishment of the Council.

3. (1) There shall be established by the Government a Council to be known as the Western Orissa Development Council for the accelerated development of the area of the Council which shall comprise the districts of Bargarh, Bolangir, Deogarh, Jharsuguda, Kalahandi, Nuapada, Sambalpur, Sonepur and Sundargarh.

(2) The Council shall be a body corporate with the name aforesaid having perpetual succession and a common seal with power, subject to other provisions of this Act, to acquire, hold and dispose of property and to contract and may by said name, sue and be sued.

Composition of the Council.

4. (1) The Council shall consist of the following members, namely:—

(a) a Chairman, to be nominated by the Government;

(b) to members of Lok Sabha representing any constituency, either wholly or in part, within the area of the Council, to be nominated by the Government;

(c) twelve members of the Orissa Legislative Assembly, not being less than one from each district within the area of the Council, elected from any Assembly Constituency, situated wholly or partly within such area, to be nominated by the Government;

(d) four experts to be nominated by the Government from amongst persons who have—

(i) special knowledge of planning, finance and accounts of Government; or

- (ii) wide experience in public administration ; or
- (iii) expertise or special knowledge in different fields like education including technical education and vocational training, Agriculture, Industries, Irrigation, Public Health, Forestry, Mining, Public Works or Employment;
- (e) Revenue Divisional Commissioner ; and
- (f) Chief Executive Officer, who shall be the Member-Secretary of the Council.

(2) 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 shall be defrayed out of the Consolidated Fund of the State.

Duration of the Council and its members.

5. (1) The Council, if not superseded earlier, shall continue for a period of five years from the date of its constitution or reconstitution, as the case may be.

(2) The term of office of the Chairman and other members, excluding the Revenue Divisional Commissioner and the Chief Executive Officer, shall be five years from the date mentioned in sub-section (1).

Remuneration, allowances and fees of members.

6. (1) The Chairman of the Council shall be paid such remuneration and allowances as the Government may, from time to time, fix.

(2) 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 Government may, from time to time, fix.

Functions of the Council.

7. (1) The Council shall perform the following functions, namely:—

(a) formulate appropriate indicators for the purpose of determining—

(i) the levels of development and imbalances in development,

(ii) the relative levels of development in different sectors in relation to each district within the area of the Council 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 area of the Council ;

(c) prepare appropriate long-term and short-term plans, and programmes, for removal of developmental imbalances between different districts within the area of the Council keeping in view the overall levels of development of the State ;

(d) suggest long-term measures to prevent recurrence of imbalances as aforesaid, and optimal sectoral allocation of available resources for removal of such imbalances, keeping in view the potentialities of different districts within the area of the Council ;

(e) formulate plans and programmes for equitable arrangements in providing adequate facilities for technical education and vocational training and for sufficient opportunity for employment in services under the control of the Government within the area of the Council ;

(f) prepare annual reports for its working and submit the same to the Government as far as practicable, within three months after the closure of every financial year.

(2) The Council may, for the purpose of achieving the object of this Act, from time to time, make necessary recommendations to the Government.

(3) Notwithstanding anything in the preceding sub-sections but subject to any general or special guidelines, if any, in this regard, the Council may, implement or cause to be implemented any scheme or project for the overall economic development of the area of the Council ;

(4) 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.

Headquarters
of the
Council, its
meetings
and proce-
dure.

8. (1) The headquarters of the Council shall be at such place as may be notified by Government in the Gazette.

(2) The Council shall ordinarily hold at least one meeting in every three months for the transaction of its business.

(3) The Chairman or, in his absence, any member elected by and from amongst the members of the Council, excluding the Chief Executive Officer, shall preside at a meeting of the Council.

(4) The Member-Secretary shall, in consultation with the Chairman, convene the meetings of the Council.

(5) The quorum necessary for the transaction of business at a meeting of the Council shall be seven 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.

(6) The Chairman or the person presiding over a meeting shall have and exercise a second or casting vote in case of equality of votes.

(7) 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.

Resignation
of Chairman
and
members.

9. The Chairman or any member other than the Revenue Divisional Commissioner and the Chief Executive Officer, may resign his Office by writing under his hand addressed to the Government and shall be deemed to have vacated his Office with effect from the date of his resignation is accepted by the Government.

Removal of
Chairman
and with-
drawal of
nomination
of member.

10. (1) The Government may, by notification, remove the Chairman of the Council if he—

(a) is found, in the 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 considers 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.

(2) 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.

Filling of
vacancy.

11. When Office of a member including the Chairman becomes vacant by his resignation, removal, death or otherwise the vacancy shall be filled up a new member in the same manner in which he was taken as a member of the Council, and such member shall hold office so long as the member whose place he fills would have been entitled to hold office, if such vacancy had not occurred.

Appointment of Chief Executive Officer and his term of office and other conditions of service. 12. (1) There shall be a Chief Executive Officer of the Council, who shall be an officer of the Government to be appointed by the Government by notification.

(2) The term of office and other 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 the Council. 13. (1) The Council shall have the assistance of such number of officers and other employees for the efficient performance of its functions under this Act may be determined by the Government from time to time.

(2) The appointment of officers and other employees, their term of office and conditions of service shall be such as may be prescribed.

Duties of powers of the Chief Executive Officer. 14. (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, direct.

Vacancy or defect not of invalidate proceedings of the Council. 15. 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.

Supersession of the Council. 16. (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:

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 powers and functions 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.

Council Fund. 17. (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 purposes of this Act;

(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 purposes of this Act.

(3) Without prejudice to anything provided in this section, there shall be paid by the Government to the Council Fund, by way of grant or otherwise, a specific sum of money, every year, so as to enable the Council to implement or cause to be implemented any scheme or project undertaken by it.

Accounts
and audit.

18. (1) The Council Fund shall be jointly operated by the Chairman and the Chief Executive Officer of the Council.

(2) The Council shall maintain 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 and such follow up actions shall be taken thereon, as may be prescribed.

Power to
issue direc-
tion.

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

Members
officers and
employees to
be public
servants.

20. Every member including the Chairman and every officer or employee of the Council shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, 1860.

45 of 1860

Protection
of action
taken in
good faith.

21. No suit or other legal proceeding shall lie against the Council or against any member including the Chairman or any officer or employee thereof for anything in good faith done or intended to be done under this Act or the rules or regulations made thereunder.

Power to
make rules.

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

Inter-
pretation.

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

Power to
remove
difficulties.

24. If any difficulty arises in giving 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.