



## The Western Orrisa Development Council Act, 2000

Act 10 of 2000

**Keyword(s):**

**Area of the Council, Revenue Divisional Commissioner, Development Council**

**Amendments appended: 8 of 2001, 14 of 2003**

**DISCLAIMER:** This document is being furnished to you for your information by PRS Legislative Research (PRS). The contents of this document have been obtained from sources PRS believes to be reliable. These contents have not been independently verified, and PRS makes no representation or warranty as to the accuracy, completeness or correctness. In some cases the Principal Act and/or Amendment Act may not be available. Principal Acts may or may not include subsequent amendments. For authoritative text, please contact the relevant state department concerned or refer to the latest government publication or the gazette notification. Any person using this material should take their own professional and legal advice before acting on any information contained in this document. PRS or any persons connected with it do not accept any liability arising from the use of this document. PRS or any persons connected with it shall not be in any way responsible for any loss, damage, or distress to any person on account of any action taken or not taken on the basis of this document.

## 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 5th December 2000. ]

AN ACT TO PROVIDE FOR 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:—

Short title,  
extent and  
commence-  
ment.

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, appointment and different dates may be appointed for different provisions of this Act.

Definitions.

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.

Establish-  
ment and  
incorpora-  
tion of  
Council.

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, Deogarh, 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.

(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.

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

- (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 ;
- (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 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 (1), as may be nominated by the Government, shall be the Chairman of the Council.

Term of  
office and  
conditions of  
service of  
Chairman  
and members.

5. (1) The term of office of members of the Council shall be—

- (a) two years in case of members referred to in clauses (a) and (b) of sub-section (1) of section 4 ; and
- (b) 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 accepted 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 so 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 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 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.

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

6. (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.

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) The 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.

Administrative expenses of Council.

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.

Duties and Powers of Chief Executive Officer.

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 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.

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.

Powers and functions of Council.

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 ;

- (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 such as Non-Government Organisations, with 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.
- (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 handover management and control of any Government institution within the council area to the Council.
- (5) 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.

**Powers and functions of the Chairman.**

12. (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 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 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.**

13. (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 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 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.**

14. (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 ; 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 be prescribed and execute or decide such items as per the regulations framed by the Council.

**Council Fund.**

15. (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.**

16. (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.**

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 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.

**Power to issue direction.**

18. 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 this Act.

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

19. 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 45 of 1960. the Indian Penal Code, 1860.

**Bar of suit without notice.**

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 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.

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

Inter-  
pretation.

22. 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.

23. (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.

24. (1) The Western Orissa Development Council Act, 1998 is hereby repealed.

Orissa  
Act 16 of  
1998.

(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 in 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.



## ORISSA ACT 8 OF 2001

**\*THE WESTERN ORISSA DEVELOPMENT COUNCIL (AMENDMENT) ACT, 2001**

[Received the assent of the Governor on the 16th July 2001, first published in, an extraordinary issue of the Orissa Gazette, dated the 19th July, 2001 (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 Fifty-second Year of the Republic of India as follows:—

Short title

1. This Act may be called the Western Orissa Development Council (Amendment) Act, 2001.

Amendment of section 4.

2. In the Western Orissa Development Council Act, 2000 (hereinafter referred to as the principal Act),—

(a) sub-section (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-1) 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 (c), the following proviso shall be added, namely:—

“Provided that at least seven experts shall be persons from the Council area”.

Amendment of section 5.

3. In section 5 of the principal Act,—

(a) in sub-section (1),—

(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 (1)”, the words, letters, figure and brackets “clauses (a-1) 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 Bill, see *Orissa Gazette*, Extraordinary, dated the 20th April, 2001 (No. 634)

(b) for sub-section (2), the following sub-section shall be substituted, namely:—

“(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.”;

(c) for sub-section (3), the following sub-section shall be substituted, namely:—

“(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

(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.”.

Amendment  
of  
section 7.

4. In section 7 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely:—

“(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.”.

Amendment  
of  
section 11.

5. In section 11 of the principal Act,—

(a) in sub-section (1),—

(i) in clause (k), for the words “agencies such as Non-Government Organisations, with prior approval of the Government”, the words “agencies identified by the Government in the manner prescribed” shall be substituted, and

(ii) in clause (o), for the words “submit these Budgets to the Government for approval” appearing at the end, the words “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:—

“(5) The Government in the Planning & Co-ordination Department shall have power to supervise and evaluate the works of the Council,” and

(c) after sub-section (5), the following sub-section shall be inserted, namely:—

“(6) The Council may levy and collect such fees for the services rendered by it and in such manner, as may be prescribed.”.

Amendment  
of  
Section 13.

6. In section 13 of the principal Act, in sub-section (4), for the words "ten members", the words "not less than one-third of the members" shall be substituted.

Amendment  
of  
Section 14.

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

(b) for item (iii), the following items shall be substituted, namely:—

"(iii) the Works Committee, and

(iv) the Education Committee."

**ORISSA ACT 14 OF 2003**

institution is chiefly maintained."

**THE WESTERN ORISSA DEVELOPMENT COUNCIL (AMENDMENT) ACT, 2003**

**TABLE OF CONTENTS**

PREAMBLE

SECTIONS

1. Short title
2. Amendment of long title and preamble
3. Amendment of section 3
4. Amendment of section 11

**\*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 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 :-

Short title.            1. This Act may be called the Western Orissa Development Council (Amendment) Act, 2003.

Amendment of long title and preamble.            2. In the Western Orissa Development Council Act, 2000 (hereinafter 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.

Orissa Act  
10 of 2000.

Amendment of section 3.            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.

Amendment of section 11.            4. In section 11 of the principal Act, in clause (a) of sub-section (1), 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 (1) of section 3," shall be inserted.