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SCHEDULE

ORISSA ACT 8 OF 1998

***THE ORISSA DISTRICT PLANNING COMMITTEES ACT, 1998**

[Received the assent of the Governor on the 28th September 1998, first published in an extraordinary issue of the Orissa Gazette, dated the 8th October 1998]

AN ACT TO PROVIDE FOR THE CONSTITUTION OF DISTRICT PLANNING COMMITTEE AT THE DISTRICT LEVEL TO CONSOLIDATE THE PLANS PREPARED BY THE PANCHAYATS AND THE MUNICIPALITIES IN THE DISTRICT AND TO PREPARE DRAFT DEVELOPMENT PLAN FOR THE DISTRICT AS A WHOLE.

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

CHAPTER I

PRELIMINARY

Short title and extent.

1. (1) This Act may be called the Orissa District Planning Committees Act, 1998.

(2) It extends to the whole of the State of Orissa.

Definitions.

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

(a) "Committee" means a District Planning Committee constituted under section 3;

(b) "Government" means Government of Orissa;

(c) "member" means a member of the Committee and includes the Chairperson thereof;

(d) "Municipality" means a Notified Area Council or a Municipal Council or a Municipal Corporation constituted under the Orissa Municipal Act, 1950; Orissa Act 23 of 1950.

(e) "Panchayat" means a Grama Panchayat constituted under the Orissa Grama Panchayats Act, 1964, or a Panchayat Samiti constituted under the Orissa Panchayat Samiti Act, 1959 or a Zilla Parishad; Orissa Act 1 of 1965.

(f) "prescribed" means prescribed by rules ; Orissa Act 7 of 1960.

(g) "rules" means rules made by the Government under this Act ;

(h) "Zilla Parishad" means a Zilla Parishad constituted under the Orissa Zilla Parishad Act, 1991. Orissa Act 17 of 1991.

CHAPTER II

CONSTITUTION, POWERS AND FUNCTION OF DISTRICT PLANNING COMMITTEE

Committee for district planning.

3. (1) There shall be constituted at the level of every district a District Planning Committee to consolidate the plans prepared by the Panchayats and the Municipalities in the district and to prepare a draft development plan for the district as a whole.

(2) The District Planning Committee of a district shall consist of such number of members as specified against that district in the Schedule.

(3) As nearly as, but not less than, eighty per centum of the members shall be elected in the prescribed manner by, and from amongst, the elected members of the Zilla Parishad and the elected Councillors of the Municipalities in the district in proportion to the ratio between the population of the rural areas and of the urban areas in the district and the remaining twenty per centum of the members shall be as follows:—

(i) a Minister in the Council of Ministers of the State to be nominated by the Government, who shall be the Chairperson ;

(ii) the Collector of the district, who shall be the Member-Secretary ; and

(iii) the remaining members, if any, to be nominated by the Government from among the persons having knowledge in Planning, Agriculture, Economics, Irrigation, Industry, Education, Rural Development or Social Services:

Provided that no person shall be qualified for nomination as a member under this clause, if he—

(i) is, at the time of nomination, of unsound mind or a deaf-mute ; or

(ii) is an uncertified bankrupt or undischarged insolvent ; or

(iii) has been convicted of an offence involving moral turpitude.

(4) Notwithstanding anything contained in this section,—

(a) members of Parliament and the members of the Legislative Assembly of the State representing constituencies which comprise wholly or partly any area of the district shall be invited to attend the meetings of the Committee as permanent invitees ; and

(b) it shall be competent for the Chairperson of the Committee to invite any person including an expert to attend any meeting of the Committee :

Provided that the members of Parliament and the Legislative Assembly of the State referred to in clause (a) and any person invited under clause (b) shall not have the right to vote in the meeting of the Committee, but the views expressed by them shall be recorded in the proceedings of the meeting.

Explanation—For this purposes of the section,—

(a) “rural areas” means the territorial areas of Panchayats ; and

(b) “urban areas” means the territorial areas of Municipalities.

(5) In absence of the Chairperson the members present in a meeting shall choose one from among themselves to preside over the meeting of the Committee.

(6) The quorum for the meetings of the Committee shall be one-half of total number of members thereof.

4. The term of office of an elected member shall be five years commencing on the date of his election unless removed earlier:

Provided that the term of office of every elected member shall be coterminous with his membership in the Zilla Parishad or, as the case may be, the Municipality.

5. (1) The Committee shall consolidate the plans prepared by the Panchayats and Municipalities in the district and shall prepare an integrated draft development plan for the district as a whole.

(2) In preparing the draft development plan, the Committee shall—

(a) have due regard to—

(i) matters of common interest between the Panchayats and the Municipalities including spatial planning, sharing of water and other physical and natural resources, the integrated development of infrastructure and environmental conservation;

(ii) the extent and type of available resources whether financial or otherwise; and

(b) consult such institutions and organisations as the Governor may, by order, specify in that behalf.

(3) The Chairperson of every Committee shall forward the development plan to the Government with the recommendation of the Committee.

(4) The Committee shall, for the purpose of discharging its functions entrusted under this section, have powers to call for any information from any Panchayat or Municipality in the district and shall also have the power to enter into such Panchayats and Municipalities and inspect the functioning thereof.

(5) The Committee shall have power to review implementation of developmental programmes by the Panchayats and Municipalities and to make such recommendation as deemed appropriate.

Term of
office of
elected
members.

Powers and
functions
of the
Committee.

CHAPTER III
MISCELLANEOUS

Filling up
of casual
vacancies.

6. Any casual vacancy in the office of a member due to death, resignation, removal or otherwise shall be filled up by fresh election or, as the case may be, nomination in accordance with the provisions of this Act, and the person so elected or nominated, as the case may be, shall hold office for the unexpired period of the term of the member in whose place he is so elected or nominated.

Resignation
by members.

7. Any member other than an *ex officio* member, 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 his resignation is accepted by the Government.

Removal
of members.

8. The Government may, by notification, remove from office a member of the Committee, if he—

(i) is found to have any pecuniary interest in the schemes or works included in the plans or programmes prepared by any of the Municipalities or by the Zilla Parishad; or

(ii) is convicted of an offence involving moral turpitude; or

(iii) is found to be guilty of corrupt practice upon the trial of an election petition.

Conditions
of office of
members.

9. (1) The office of the Chairperson and every other member shall be honorary:

Provided that he may be paid such honorarium as the Government may, by rules, determine from time to time.

(2) The members shall be paid such sitting fee for every meeting they attend and such travelling and daily allowances as the Government may, by rules, determine.

Issue of
guideline.

10. The Government may, with a view to ensuring the proper functioning of the Committee, issue from time to time such administrative orders, directions and instructions not inconsistent with the provisions of this Act and rules, as they deem fit for the purposes of this Act and in particular in relation to the preparation of appropriate plans.

Procedure to
be followed
by the
Committee.

11. The procedure relating to the convening of the meetings of the Committee and the transaction of its business shall be such as may be prescribed.

Vacancies
etc. not to
invalidate
proceedings
of the
Committee.

12. No act or proceeding of the Committee shall be invalid on the ground merely of the existence of any vacancy or defect in the Constitution of the Committee.

Power to
make rules.

13. (1) The Government may, by notification, make rules for carrying out the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) manner of constitution of Committees and the election of members thereto under section 3;

(b) provision relating to honorarium, sitting fee and travelling and daily allowances payable to the members under section 9;

(c) procedure relating to convening of the meetings of the Committee and the transaction of its business;

(d) any other matter which has to be, or may be, prescribed.

Power to
remove
difficulties.

14. If any difficulty arises in giving effect to the provisions of this Act, the Government may, as occasion may require, by order, do anything not inconsistent with the provisions of this Act or the rules, which appears to them necessary for the purpose of removing the doubt or difficulty:

Provided that no order shall be issued under this section after the expiry of a period of two years from the date of commencement of this Act.

Repeal.

15. Chapter VIA of the Orissa Municipal Act, 1950 is hereby repealed.

Orissa Act
23 of 1950.

SCHEDULE

[See sub-section (2) of section 3]

COMPOSITION OF DISTRICT PLANNING COMMITTEES IN THE STATE

Serial No.	District	Composition of the District Planning Committee				
		Elected Members			Ex officio Nominated members	Total
		From Zilla Parishad	From Munici- pality	Total (3)+(4)		
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1	Angul	14	2	16	4	20
2	Balangir	14	2	16	4	20
3	Balasore	15	1	16	4	20
4	Bargarh	15	1	16	4	20
5	Bhadrak	14	2	16	4	20
6	Boudh	7	1	8	2	10
7	Cuttack	12	4	16	4	20
8	Deogarh	7	1	8	2	10
9	Dhenkanal	15	1	16	4	20
10	Gajapati	11	1	12	3	15
11	Ganjam	13	3	16	4	20
12	Jagatsinghpur	15	1	16	4	20
13	Jajpur	15	1	16	4	20
14	Jharsuguda	8	4	12	3	15
15	Kalahandi	15	1	16	4	20
16	Kandhamal	15	1	16	4	20
17	Kendrapara	15	1	16	4	20
18	Keonjhar	14	2	16	4	20
19	Khurda	11	5	16	4	20
20	Koraput	13	3	16	4	20
21	Malkanagiri	11	1	12	3	15
22	Mayurbhanj	15	1	16	4	20
23	Nawarangpur	15	1	16	4	20
24	Nayagarh	15	1	16	4	20
25	Nuapada	11	1	12	3	15
26	Puri	14	2	16	4	20
27	Rayagada	14	2	16	4	20
28	Sambalpur	11	5	16	4	20
29	Sonepur	11	1	12	3	15
30	Sundargarh	11	5	16	4	20
	Total	386	58	444	111	555