

ORISSA ACT 8 OF 2001

THE WESTERN ORISSA DEVELOPMENT COUNCIL (AMENDMENT) ACT, 2001

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Be it enacted by the Legislature of the State of Orissa that the Western Orissa Development Council (Amendment) Act, 2001 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) sub-section (2) of section 4 shall be omitted;

(b) in section 4 as so amended—

(i) for clause (a), the following clause—

“(a) a Chairman to be nominated by Government who shall be a person from the Council area;”

(ii) in clause (c), after the words “Orissa Legislative Assembly,” the words “and 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;” 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.”

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, letters and brackets “Chairman referred to in clause (a) and” shall be inserted and for the word “sub-section,” the word “section” shall be substituted;

Short title

Amendment to section 4

Amendment to section 5

* For the Bill see Orissa Gazette, Extraordinary, dated the 30th April, 2001 (No. 63A)

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),—

Orissa Act 10 of 2000.

(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.”.

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.”.

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 those 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 7.

Amendment
of
section 11.

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

Amendment of Section 14a. 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."