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LAW DEPARTMENT

ODISHA STATE LAW COMMISSION

NOTIFICATION

The 22nd December, 2018

No.13968-LC-14/2018/LC.- In pursuance of paragraph 10 of the Resolution of the Government of Odisha in the Law Department No.2412-LRC-01/2016/L., dated the 16th March, 2016 published in the extraordinary issue No.492 of the Odisha Gazette, dated the 16th March, 2016, the Chairperson of the Odisha State Law Commission, in consultation with the State Government, hereby make the following regulation for proper management and functioning of the Commission, namely: —

CHAPTER - I

PRELIMINARY

1. Short title and Commencement:

(1) These Regulations shall be called the Odisha State Law Commission Regulations, 2018.

(2) They shall come into force with effect from the date of publication in the Odisha Gazette.

2. Definitions:

In these Regulations, unless the context otherwise requires;

(a) "Chairperson" means the Chairperson of the Commission;

(b) "Commission" means the Odisha State Law Commission;

(c) "Form" means Form appended to these regulations;

(d) "Member" means any member of the Commission;

(e) "Regulations" means the regulations framed under paragraph 10 of the Resolution;

(f) "Resolution" means the Resolution of the Government of Odisha in the Law Department No.2412-LRC-01/2016-L., dated the 16th March, 2016;

(g) "Secretary" means the officer appointed as such by the Government as per paragraph 1(g) of the Resolution.

3. Headquarters of the Commission:

The Headquarters of the Commission shall be at Bhubaneswar.

4. Working Days:

Subject to any order made by the Chairperson, the office of the Commission shall remain open ordinarily from 10.00 A.M. to 5.00 P.M. on all days except Saturdays and the days declared as holidays for the offices of the State Government at Bhubaneswar.

CHAPTER – II

MEETINGS OF THE COMMISSION

5. Venue of the Meetings:

(1) The Commission shall ordinarily have its meetings in its office at Bhubaneswar.

(2) The Commission may at its discretion hold any of its meetings at any place other than its headquarters if the Chairperson considers it necessary or expedient to do so.

6. Periodicity of Meeting:

(1) The Commission shall ordinarily have its meetings once in every month to be held on such date and at such place as the Chairperson may fix.

(2) The Chairperson may direct a special meeting to be convened at any other time on a working day to consider a matter of urgency.

7. Agenda for Meetings:

(1) The Secretary shall with the approval of the Chairperson, prepare the agenda for each meeting of the Commission.

(2) The Secretary shall cause notes to be prepared on each item included in the agenda and shall also cause them to be circulated to the Members at seven clear days in advance before the date of the meeting.

(3) The Commission may, however, take up for consideration any other matter which is not included in the agenda for that meeting.

(4) The Secretary shall also ensure that files, reports, records and all papers relating to each agenda item are kept ready for reference by the Chairperson and Members in the meeting as and when required.

8. Quorum at meetings:

The quorum for meetings of the Commission shall be four including the Chairperson.

9. Language:

For the purposes of the day to day functioning of the Commission as well as for all its correspondences, the language of the Commission shall be in English and Odia.

10. Minutes of the meeting:

Minutes of each meeting of the Commission shall be recorded during the meeting itself or immediately thereafter by the Secretary and the same shall be submitted to the Chairperson for his approval and upon such approval the minutes shall be circulated to all the members of the Commission at the earliest and in any case before the next meeting.

11. Record of Minutes:

A master copy of the minutes of every meeting shall be maintained being duly authenticated by the Secretary and a copy of the minutes pertaining to each item shall be taken to the relevant file for appropriate action.

12. Report of action taken:

Report of follow-up action shall be submitted to the Commission by the Secretary at every subsequent meeting indicating therein the present stage of action on each item on which the Commission had taken a decision in any of its earlier meetings excepting the items on which no further action is called for.

CHAPTER – III

PROCEDURE FOR DISCHARGING THE FUNCTIONS OF THE COMMISSION

13. Invitation of suggestions:

(1) The Commission shall, in addition to accepting proposals or suggestions from different Administrative Departments of the Government, also invite suggestions from eminent persons, legal experts and the general public through public advertisement and

through its website for review, modification, rectification etc. of existing laws as well as for framing of new laws.

(2) Proposals or suggestions from eminent persons, legal experts and general public referred to in sub-regulation (1) shall be submitted in Form-'A'.

14. Consideration of proposals:

All proposals and suggestions, if any, received by the Commission shall be consolidated fortnightly by the Secretary and placed before the Chairperson for scrutiny and reported by a sub-committee to be constituted by the Chairperson.

15. Constitution of Sub-Committee and its report:

The Chairperson shall constitute Sub-Committee of three members including a full time member of the Commission to scrutinize and examine the feasibility of the proposals and suggestions received by the Commission and for submitting its report thereon to the Chairperson for being placed in the meeting of the Commission for consideration and approval:

Provided that the Sub-Committee may, if it deems necessary, invite the Secretary of the concerned Administrative Department or any other officer deputed by him for the purpose of discussion on the proposal submitted by it.

16. Report of the Commission:

The Commission shall submit its report to the State Government, from time to time.

17. Printing and Publication of Reports:

(1) The Secretary shall arrange for the printing and publication of the Reports submitted by the Commission to the Government in hard copies as well as in its website.

(2) The Secretary shall, with the approval of the Chairperson supply the copy of the Report to the Law Commission of India, Library of the Commission, Library of the Law Department and concerned Administrative Department for necessary action at their end.

18. Consignment of Record:

(1) Records of all Reports when finally disposed of shall be preserved in the Record Section of the Commission after completing the entries in the register maintained for the purpose.

(2) All records of the Reports of the Commission on its finalization shall also be digitized and preserved in electronic form:

Explanation.— For the purpose of these regulations, the expression “electronic form” shall have the same meaning as assigned to it in the Information Technology Act, 2000 (21 of 2000).

CHAPTER – IV

MISCELLANEOUS

19. Organization of the Commission:

The Commission may divide the office of the Commission into different sections for smooth functioning of the Commission and may keep any officer in charge of one or more such section.

20. Applicability of State Government Rules:

(1) The Chairperson shall have the same powers as are conferred on an Administrative Department in respect of the delegation of Financial Powers Rules, 1978; the Odisha General Financial Rules; the Odisha Leave Rules, 1966; the Odisha Service Code; the Odisha Government Servant Conduct Rules, 1989; the Odisha Civil Services (Classification, Control and Appeal) Rules, 1962; The Odisha Travelling Allowance Rules, 1938 and the National Pension Scheme as applicable to the employees of the Government of Odisha:

Provided that the exercise of the Financial Powers shall be subject to any procedural or other instructions issued, from time to time, by the Government:

Provided further that in respect of matters not covered in these Regulations, the concurrence of the respective Departments of the Government through the Law Department shall be obtained.

(2) The Chairperson shall have the powers to sanction the expenditure against the budget provision made for the year.

(3) The Secretary shall incur expenditure as approved by the Chairperson by observing proper procedure prescribed by the State Government, from time to time.

(4) The Chairperson shall have power to permit members and employees of the Commission to perform journey within and outside the State.

(5) The Chairperson may delegate such administrative and financial power to such extent as may be decided by him.

(6) The Chairperson shall have power to purchase books, journals, periodicals, office furniture, equipments and stationary subject to monetary limits fixed by the Government and on due observance of the rules and instructions, in this respect, issued from time to time.

By orders of the Chairperson

J B MISHRA

Member Secretary to State Law Commission

Form – 'A'**[See regulation 13(2)]****FORM FOR SUBMISSION OF SUGGESTIONS BY EMINENT PERSONS/LEGAL EXPERTS/GENERAL PUBLIC**

1. Name of the Proposer:
2. Designation, if any/Profession etc.:
3. Full Address:
4. Telephone/Fax No:
5. E-Mail ID:
6. Suggestion in brief (Attach separate sheet, if necessary):

Place: _____ **Full Signature**

Date: _____