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**PLANNING & CO-ORDINATION DEPARTMENT
NOTIFICATION**

The 17th March 2003

No.5345- PL-I-WODC-2/2001-P - In exercise of the powers conferred by section 21 of the Western Orissa Development Council Act, 2000 (Orissa Act 10 of 2000), the State Government do hereby make the following rules for carrying into effect the provisions of the Act, namely: -

Short title
and
commen-
cement.

1. (1) These rules may be called the Western Orissa Development Council Rules, 2003.

(2) They shall come into force on the date of their publication in the Orissa Gazette.

Definitions.

2. (1) In these rules, unless the context otherwise requires:-

(a) "Act" means the Western Orissa Development Council Act, 2000;

(b) "Chairman" means Chairman of the Council;

(c) "Member" means Member of the Council;

(d) "Member Secretary" means the Chief Executive Officer of the Council; and

(e) "Section" means section of the Act.

(2) Words and expressions used in these rules, but not defined shall have the same meaning as respectively assigned to them in the Act.

Establishment and incorporation of the Council.

3. The Council shall comprise of districts as specified under sub-section (1) of section 3 of the Act and such other areas as may be notified by Government from time to time.

Remuneration and other allowances of the Chairman.

4. (1) Chairman shall be entitled for such remuneration and allowances as admissible to a Cabinet Minister of the State.

(2) He shall enjoy all other facilities as admissible to a Cabinet Minister of the State.

Appointment of Chief Executive Officer and other employees.

5. (1) The terms and conditions of service of the Chief Executive Officer and other employees deputed to the Council shall be same as provided by the relevant rules of deputation on foreign service in the Orissa Service Code.

(2) The Chief Executive Officer must be an officer not below the rank of Joint Secretary, preferably from IAS, OAS or OFS cadre who must have field experience of atleast five years in a post not below the rank of Group "A" Officer and shall not be assigned with any additional charge.

(3) The Class III and Class-IV posts in the Council shall be filled up in the following manner:-

✓ The Class-III posts shall be filled up by the Chairman with the approval of the Council by way of deputation from any Government office and the Class IV posts shall be filled up through open recruitment on contractual basis by obtaining prior concurrence of Government in Planning and Coordination Department. The Chief Executive Officer shall be the appointing authority for Class-III and Class-IV posts.

(4) Disciplinary actions against any Government employee other than Chief Executive Officer deputed to the Council shall be initiated and reported with specific charges to the Government in the Planning and Coordination Department by the Chief Executive Officer for further action.

(5) Disciplinary actions against the Chief Executive Officer shall be reported to the State Government in Planning and Coordination Department for further action.

Duties and powers of the Chief Executive Officer

6. The Chief Executive Officer shall :-

(a) perform all the duties and exercise all the powers and functions conferred or vested on him under the Act, these rules and the instructions issued by Government from to time;

(b) receive, recover and credit to the Council Fund any sums due or tendered to the Council and subject to the provision of these rules draw and disburse money out of the Council Fund;

(c) save as otherwise provided, sign and authenticate all letters and documents for and on behalf of the Council;

(d) take steps to remove any defect or irregularity brought to notice in course of audit of the accounts of the Council or pointed out in the audit report or in the inspection and tour notes of inspecting authorities.

(e) report without delay all cases of fraud, embezzlement, theft or loss of money or other property of the Council to the Chairman of the Council / Government / other concerned authorities;

(f) exercise supervision and administrative control over all officers and employees of the Council;

(g) subject to the provisions of the Act, these rules carry out the directions of the Council;

(h) provide access to and supply all documents required by any officer authorised by the Government in Planning and Coordination Department in writing in connection with an inspection, enquiry or audit;

(i) record his views and report the matter to the Government in Planning and Coordination Department where the Council or its Chairman proposes to take any action contrary to the provisions of any law or rule or guidelines relating to the Council or the instructions of Government;

(j) rectify defects or take appropriate action, if any, whenever any wastage of public property or property of the Council or any irregularity is brought to his notice;

(k) subject to such general or special orders that may be issued by the Government or the Council in this behalf, execute contracts for and on behalf of the Council;

Provided that such contracts shall bear the common seal of the Council:

(l) ensure punctual submission of reports and returns;

(m) maintain liaison with District Level Officers of the constituent districts;

(n) maintain Service Book and Leave Account of all employees of the Council;

(o) conduct monthly staff meetings;

(p) conduct half yearly inspections of his own office in the months of June and December and shall place reports thereof before the Chairman and forward copies of inspection reports to the Government in the Planning and Co-ordination Department.

7. (1) Before engaging any non-Governmental organisation/agency for executing any project, the Chief Executive Officer with the approval of the Chairman shall obtain the approval of the Government in Planning and Co-ordination Department. The procedure for identification of non Governmental Agency for executing the Council projects will be as follows:-

Involvement of non-Governmental Agency.

A detailed profile in respect of such agency and the proposed work to be taken up shall be furnished to the Government in Planning and Coordination Department by the Council. The Planning and Coordination Department will thereafter examine the competency of such organisations with reference to their past experience in executing different types of work and identify suitable agency to undertake the proposed work.

(2) The Council before undertaking any work shall ensure from the concerned Collector that the proposed work has not been covered through any other programmes.

(3) The Council may levy fees in the form of user charges for the services rendered by the institutions owned by the Council. This may meet the cost of rendering the service and shall not be a source of profit for the Council. In all such cases, receipts in support of receiving such fees shall be issued to the persons/agencies receiving the services. Clear accounts of the funds received in this manner shall be maintained which

will form a part of the over all Council fund and subjected to audit as provided in these rules.

(4) In incurring expenditure from out of the Council Fund the Council shall see that such expenditure does not invite recurring liabilities either to the Council or to the Government. If the Council is required to render financial support for implementation of projects of any kind, the infrastructure or the assets so created shall be for public purposes. If it be a construction programme, it shall be constructed on Government land or on land irrevocably available for community purposes by observing due formalities. Prior to execution of such projects the Council shall identify the agency to look after the operation and maintenance of the same on completion and the assets so created shall be transferred to such agency immediately after completion for the purpose of operation and maintenance. While the Council shall accord administrative approval for construction programmes, technical sanction shall be obtained from competent authority of concerned Department under the Government to whom the programme relates in accordance with the Delegation of Financial Power Rules.

(5) Every proposal of the Council seeking approval of Government under sub-section 3 of section 11 shall be accompanied by a resolution of the Council indicating in detail the justification for the proposals.

Powers and functions of the Chairman.

8. (1) Apart from the powers conferred on the Chairman under sub section 2 of section 12 of the Act, the Chairman may exercise such other powers and perform such other duties as may be assigned to him by the Government from time to time.

Meetings of the Council.

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

(2) A notice of not less than ten days shall ordinarily be given for a meeting of the Council and the notice shall be issued under the signature of the Member-Secretary.

Provided that when the Chairman is of the opinion that a meeting of the Council needs to be convened urgently, he may convene a special meeting of the Council at such notice, not being less than three days as he may determine.

(3) The notice shall set forth clearly the time, date and place of the meeting and the agenda containing business to be transacted in the meeting:

Provided that business not included in the agenda may be taken up for discussion with permission of the Chairman.

(4) The agenda for the meeting shall be prepared by the Member-Secretary of the Council in consultation with the Chairman.

(5) Minutes of the proceedings of every meeting of the Council shall be drawn up and recorded by the Member-Secretary in a permanent Register to be maintained for the purpose, which shall be signed by the Chairman or by the presiding Member as the case may be, and the Member-Secretary after each meeting and every correction shall be attested by both of them. Minutes of proceedings of every meeting of the Council so recorded shall be placed before the Council in the next meeting for confirmation.

(6) The Member-Secretary shall forward a copy of the minutes of the proceedings of each meeting of the Council signed in the manner stated in sub-rule (5) to the Government / Revenue Divisional Commissioners / Collectors of constituent districts/ other authorities concerned and all members of the Council ordinarily within fifteen days of each meeting.

(7) No member shall take part in the discussion on any subject coming up for consideration at a meeting of the Council, if he or any member of his family or close relative has any direct or indirect pecuniary interest in the subject matter of discussion.

(8) The Member-Secretary shall be the custodian of the proceedings and records of the Council and shall take follow up action on the decisions of the Council as recorded in the proceedings.

Committees of
the Council.

10. (1) The Committees of the Council as provided under section 14 shall be constituted by the Chairman from among the members of the Council. While the minimum strength of each Committee shall be five, it shall include atleast three expert members of the Council. The Chairman of each Committee shall be selected by the Chairman of the Council from among the members of the Committee.

(2) The Committee shall discharge such functions and shall have such powers as may be decided by the Council.

(3) The tenure of these Committees and their periodicity of convening shall be decided by the Council.

(4) 1/3 rd of the strength of a Committee will be the requisite quorum for the purpose of convening of the meetings.

Council
Fund.

11. (1) The Council Fund shall be kept in a P.L account opened in the joint name of the Chairman and Chief Executive Officer in the district special treasury of the concerned district where the head quarters of the Council is located. The Chief Executive Officer shall cause to be maintained a cash book showing full particulars of all amounts deposited or withdrawn from the said account which shall be verified by the Chief Executive Officer and the entries in the cash book shall be attested by the Chief Executive Officer in token thereof on each working day.

(2) The account of the Council shall be operated jointly by the Chairman and the Chief Executive Officer in accordance with financial powers granted to them under these rules.

(3) Subject to the provisions of the Act and these rules, the Council shall mutatis mutandis follow the delegation of financial powers rules issued by the Government from time to time..

(4) The Council fund shall be utilised for purposes for which grants have been received by the Council from funding agencies. Sanction and expenditure from out of the Council Fund shall be intimated to the funding agency and utilisation certificate to that effect shall be furnished to the authority specified by and in the manner suggested by the funding agency.

(5) The Council shall maintain accounts and other records in such forms and in such manner as prescribed in Orissa General Financial Rules, Orissa Treasury Code, Orissa Travelling Rules, Orissa Service Code, Orissa records Manual and other rules and instructions applicable to Government offices.

(6) The accounts of the Council shall ordinarily be audited by the Local Fund Audit Organisation of the Government once in every year. The Council shall engage a Chartered Accountant for the purpose of Annual/Half Yearly audit in respect of all expenditure incurred by the Council for the year. The audit report shall be duly complied with by the Council, ordinarily within a period of six months from the date of receipt thereof.

(7) No expenditure shall be incurred unless adequate funds for the purpose are available in the Council Fund and no expenditure shall be incurred from the Council Fund unless it is supported by an order of the Competent authority (mentioned in the foregoing sub-rule) sanctioning the said expenditure.

Financial powers of the Chief Executive Officer and the Council

12. (1) The Chief Executive Officer shall incur routine recurring expenditure of the Council as provided under sub-rule (2) of this rule subject to availability of funds. All expenditure of non-recurring nature exceeding Rs.20,000/- (Rupees Twenty Thousand) in each case shall be made with the approval of the Council.

(2) Authorities specified hereinafter shall be competent to sanction expenditure of the nature and to the extent indicated below:-

(a) Chief Executive Officer:-

(i) all expenditure relating to pay, allowances, Travelling Allowance, Dearness Allowance and reimbursement of medical claims of all officers and employees of the Council within and subject to the limits of the grants sanctioned by Government for that year for the purpose.

(ii) Within the limits of provision of the budget approved by the Council all contingent expenses in connection with payment of telephone and electricity charges, rent and taxes, repair and maintenance of the vehicles of the Council in accordance with instructions and guidelines applicable to Government offices, cost of fuel, oil and lubricants for operation of vehicles of the Council for official purposes, purchase of stationery for official work of the Council.

(iii) Contingent expenses of a non-recurring nature not exceeding Rs.20,000/- (Rupees Twenty Thousand) for each item and Rs.50,000/- (Rupees Fifty Thousand) per annum subject to provision in the budget.

Note- The Chief Executive Officer may maintain a permanent advance not exceeding Rs.10,000/- (Rupees Ten Thousand) only which may be utilised for emergent expenses and day to day contingent expenses and expenses incurred out of the permanent advance shall be recouped within one month of such expenditure.

(b) The Council :-

The Council shall have the power to incur an expenditure other than those specified in clause (a) which is required to be incurred in connection with discharge of the functions of the Council subject to limits of the budget approved by the Council.

Provided that the State Government may authorise the Chief Executive Officer to incur such preparatory expenditure during such period as may be specified, notwithstanding that power to sanction such expenditure vests with the Council. After such expenditure is made, the same shall have to be placed before the Council for approval.

13. (1) The Chairman shall have the power to approve the tour programme of the Chief Executive Officer and grant his casual leave and permission to avail Government holidays subject to terms and conditions applicable to Government servants. The application of the Chief Executive Officer for leave other than casual leave shall, together with the recommendations of the Chairman, be forwarded to the Government in Planning and Coordination Department for appropriate orders. The State Government may make such temporary arrangement as they deem fit for discharge of duties and responsibilities of the Chief Executive Officer during his leave or absence for any other reason.

(2) The Chief Executive Officer shall be competent to sanction leave as admissible and accord permission to avail Government holidays to all other employees of the Council subject to terms and conditions applicable to Government servants.

(3) Orissa Leave Rules, 1966 and other rules regulating the conditions of Government Servants, shall apply to the Chief Executive Officer and other officers and employees of the Council.

(4) The annual increment of the Chief Executive Officer shall be sanctioned by the Chairman of the Council and that of other officers and employees of the Council shall be sanctioned by the Chief Executive Officer.

(5) The annual confidential report on the performance of the officers and employees of the Council shall be recorded at the end of each year for the period and in

the manner applicable for their respective grades and services. Their reporting, counter-signing and accepting authorities will be as under.

Sl. No	Category	Reporting Officer	Counter-Signing authority	Accepting Authority
1	2	3	4	5
1.	Chief Executive Officer	Revenue Divisional Commissioner having the jurisdiction over maximum area of the Council	Chairman	Government in the P&C Department
2.	Other Officers & Employees on Deputation	Chief Executive Officer	Chairman	Government in the P&C Department
3.	Own staff of the Council	Chief Executive Officer	Chairman	Chairman
4.	Personal staff of Chairman	Chairman	Chairman	Chairman

NOTE - No remark shall be recorded by the Chairman after demitting office. The annual report relating to the Chief Executive Officer and the officers and employees of the Council shall be forwarded to the authorities who are custodians of these annual reports. All other matters relating to recording & maintenance of Confidential Character Rolls, communication of adverse remarks and disposal of representations preferred against the adverse remarks shall be regulated in accordance with the relevant instructions issued from time to time by Government in the General Administration Department.

14. The Chairman may make correspondences with other State Governments / Central Government/International Agency/International Bureau for obtaining financial assistance for the Western Orissa Development Council projects. In all such cases, he shall inform the details to the Government in Planning and Co-ordination Department. Before entering into any contract/negotiation for financial assistance to be received from any international agency including any other State Government/Central Government, he shall obtain the permission of the Government in Planning and Coordination Department.

15. Government may from time to time issue such instructions as may be deemed necessary for smooth functioning of the Council or for achieving the objects of the Act.

16. Government may at any time direct any authority / officer to inspect the office of the Council.

17. In case any doubt arises as to the interpretation of these rules, the matter shall be referred to Government in the Planning and Co-ordination Department for decision.

By Order of the Governor

R. V. SINGH

Special Secretary to Government