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SECRETARIAT
OF
THE ODISHA LEGISLATIVE ASSEMBLY
NOTIFICATION

The 17th March, 2016

No.2630/L.A.—The following Bill which has been introduced in the Odisha Legislative Assembly on the 17th March, 2016 is herewith published under rule 68 of the Rules of Procedure and Conduct of Business in the Odisha Legislative Assembly for general information.

**THE ODISHA OFFICES OF PROFIT (REMOVAL OF
DISQUALIFICATIONS) AMENDMENT BILL, 2016**

A

BILL

**FURTHER TO AMEND THE ODISHA OFFICES OF PROFIT
(REMOVAL OF DISQUALIFICATIONS) ACT, 1961**

BE it enacted by the Legislature of the State of Odisha in the Sixty-seventh Year of the Republic of India as follows:—

- Short title.
- (1) This Act may be called the Odisha Offices of Profit (Removal of Disqualifications) Amendment Act, 2016.
 - (2) It shall be deemed to have come into force on the 18th January, 2016.

Amendment
of
section 3.

2. In the Odisha Offices of Profit (Removal of Disqualifications) Act, 1961 (hereinafter referred to as the principal Act), in section 3, after clause (j), the following clause shall be inserted, namely:—

Odisha
Act 26
of 1961.

“(k) the office of Chairperson, Vice-Chairperson or Member, by whatever name called, in any statutory or non-statutory body specified in the Table.”.

Insertion
of new
Table.

3. In the principal Act, after the Schedule the following table shall be inserted, namely:—

“Table

[See section 3 (k)]

Sl. No.	Name of the Body
(1)	(2)
1	The District Planning Committee constituted under the Odisha District Planning Committees Act, 1998 (Odisha Act 8 of 1998).
2	The Western Odisha Development Council established under the Western Odisha Development Council Act, 2000 (Odisha Act 10 of 2000).
3	State Planning Board constituted by the State Government under Resolution No.14502, dated the 27th July, 1998”..

Repeal and
savings.

4. (1) The Odisha Offices of Profit (Removal of Disqualifications) Amendment Ordinance, 2016 is hereby repealed.

Ordinance
2 of 2016.

(2) Notwithstanding such repeal, anything done or any action taken in pursuance of the provision of the said Ordinance shall be deemed to have been done or taken under the provisions of this Act.

STATEMENT OF OBJECTS AND REASONS

The Odisha Offices of Profit (Removal of Disqualifications) Act, 1961 was enacted to declare certain offices of profit under the Government of India or Government of any State not to disqualify their holders for being chosen as or for being members of the Odisha Legislative Assembly.

2. Article 191 of the Constitutions of India provides that a persons shall be disqualified for being chosen as, and for being, a member of the Legislative Assembly or Legislative Council of a State, *inter alia*, if he holds any office of profit under the Government of India or the Government of any State. The State Legislature is empowered under that provision to declare the offices, by Law, not to disqualify its holder and accordingly, the State Legislature by Law during 1961 has enacted the aforesaid Act, by declaring certain offices not to disqualify their holders.

3. In the changing development scenario, the Western Odisha Development Council has been established under the Western Odisha Development Council Act, 2000 and the District Planning Committees for the State have been constituted under the Odisha District Planning Committees Act, 1998 as a sequel to Article 243 ZD of the Constitution of India. Apart from that the State Planning Board has been constituted under Resolution No. 14502, dated the 27.07.1998, P & C Department.

4. As it is felt necessary to infuse more dynamism and democratic process to the decision making of the District Planning Committees, the Western Odisha Development Council and the State Planning Board with an objective of revamping the planning process as well as the development process in the State, a member of the Legislative Assembly of the State representing the constituency is often chosen as Chairman of any of such Statutory bodies.

5. In the event such MLA is chosen as a Chairperson of any of such statutory bodies and if it is proposed to provide any remuneration other than compensatory allowance, automatically Article 191 of the Constitution comes to play for his disqualification as a member of the Odisha Legislative Assembly and in effect the process of development or, as the case may be, the democratic process to the decision making for development retards.

6. Therefore, it is felt necessary and considered expedient to amend the Odisha Offices of Profit (Removal of Disqualifications) Act, 1991 suitably to remove such difficulty.

7. As the Legislative Assembly of the State was not in session and it was felt necessary to amend the Odisha Offices of Profit (Removal of Disqualifications) Act, 1961 urgently, Hon'ble Governor, Odisha has promulgated an Ordinance which needs to be replaced by an Act of the Legislature of the State.

The Bill seeks to achieve the above objectives.

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Member-in-Charge

A.K. SARANGI
Secretary
Odisha Legislative Assembly

