

No. 311/XXXVI(3)/2014/85(1)/2014

Dated Dehradun, December 03, 2014

NOTIFICATION

Miscellaneous

In pursuance of the provisions of Clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of **‘the Gairsain Development Council Bill, 2014’** (Adhiniyam Sankhya 26 of 2014).

As passed by the Uttarakhand Legislative Assembly and assented to by the Governor on 02 December, 2014.

THE GAIRSAIN DEVELOPMENT COUNCIL ACT, 2014

(UTTARAKHAND ACT NO. 26 OF 2014)

(It is hereby Promulgated by the Governor in the Sixty Fifth Year of Republic of India)

An

Act

Be it enacted in the Sixty fifth year of the Republic of India by the Uttarakhand Legislative Assembly as follows :-

CHAPTER 1

PRELIMINARY

**Short Title,
Extent and
Commencement**

1. (1) This Act may be called the Gairsain Development Council Act, 2014.
- (2) It extends to Block Gairsain of District Chamoli and Block Chaukhutiya of District Almora.
- (3) It shall come into force at once.

Definitions

2. In this Act unless the context otherwise requires –

- (a) **“Council”** means Gairsain Development Council; constituted by sub section (1) of section 4.

- (b) **"Prescribed"** means, Rules prescribed by this Bill
- (c) **"Government"** means Government of Uttarakhand;
- (d) **"Chairman"** means Chairman of Gairsain Development Council;
- (e) **"Co-Chairman"** means Co- Chairman of Gairsain Development Council;
- (f) **"financial year"** means year commencing from 1st. April and ending on 31st. March of the next calendar year.
- (g) **"Chief Executive Officer"** means Chief Executive Officer of the Council.
- (h) **"Infrastructure Development"** means all projects relating to Infrastructure Development such as projects relating to roads & electrification, cleanliness, water conservations and other civil facilities and other essential services and their implementation.

CHAPTER II

Functions of the Council 3. Functions of the council will be as under :-

- (1) to implement and conduct all projects relating to infrastructural development in the Development Blocks of Gairsain and Chaukhutiya.
- (2) to implement Master/ Zonal Plan within the council area for planned development.
- (3) to ensure complete development by preparing as necessary various types of new schemes in planned manner.
- (4) to forward to the Government duly recommended schemes for disposal of public grievances of the council area.
- (5) to provide proposals for enforcing the schemes supported by the Central /State Government within the development area to the State Government.
- (6) to ensure roads, electrification, cleanliness, water conservation and other civil facilities and to ensure arrangement of essential services. Development schemes will include water resources, land use, agriculture development, development of the area and other related subjects.
- (7) to review proper utilization of the funds received from various sources.
- (8) to make arrangement of effective disposal system for public grievances within the council areas.
- (9) to frame policy for implementation of various development schemes of the State Government keeping in view the development of the council area.
- (10) to earmark the land owned by the State Government within the council area and to prepare the proposal for obtaining the same and to prepare proposal for development of residential/ commercial infrastructure facilities thereon.

- (11) to prepare synopsis for controlling of problems relating to traffic, transportation and pollution within the council area.
- (12) to presume, implement and monitor development schemes for the maximum utilization of natural resources for permanent development of council area.
- (13) for the environmental conservation in the council area to undertake plantation of trees and various kind of plants used for cattle feeding to ensure soil conservation and water conservation.
- (14) in order to fulfill the objects of the council, to receive financial help, compensation, grants and concessions from Central or other State Government or any other agency, which the council deems necessary, with prior approval of the State Government and further in order to receive the aforesaid to coordinate with said agencies and to use and comply with the said arrangements.
- (15) to plan, implement, and monitor schemes towards employment generation, which include local/ farming/production and small scale industries.
- (16) to plan, implement, and monitor such other schemes towards development which are necessary for integrated development of the council area.
- (17) Gairsain Development Council shall perform the work of infrastructure development only and no rights of Village Panchayat, Nagar Panchayat, Chetra Panchayat & District Panchayat are being encroached. The works being done/performed by the aforesaid local bodies shall have no interference of the Gairsain Development Council.

CHAPTER -III

Establishment of Council, Term of Members and other Conditions

Establishment of Council

- 4- (1) A council shall be established to be known as "Gairsain Development Council" for the planned development of infrastructure facilities for the Gairsain Block of District Chamoli and Chaukhutiya Block of District Almora.
- (2) The Head Quarter of the Council shall be at Gairsain in District Chamoli.

**Chairman
and
member
of Council**

5. (1) The council shall consist of the following members :-
(a) Chairman, Legislative Assembly or any person nominated by him
- Chairman.

Provided that Chairman, Legislative Assembly may delegate his power to the Vice Chairman, Legislative Assembly or any other member of the Legislative Assembly to pergorn the duties and functions of Chairman.

- (b) One member to be nominated by the State - Co- Chairman
Government
- (c) Local Member of Legislative Assembly - Member
- (d) Principal Secretary/ Secretary to the Department of Finance of the Government of Uttarakhand, or the Additional Secretary to the Department of Finance - ex officio Member
- (e) Principal Secretary/ Secretary to the Public Works Department or the Additional Secretary to the Public Works Department. - ex officio Member
- (f) Principal Secretary/ Secretary to the Department of Peyjal or the Additional Secretary to the Department of Payjal - ex officio Member
- (g) Principal Secretary/ Secretary to the Department of Energy or the Additional Secretary to the Department of Energy. - ex officio Member
- (h) Principal Secretary/ Secretary to the Department of Irrigation or the Additional Secretary to the Department of Irrigation - ex officio Member
- (I) Principal Secretary/ Secretary to the Department of Housing or the Additional Secretary to the Department of Housing. - ex officio Member
- (j) District Magistrate, Chamoli - ex officio Member
- (k) The Chief/ Senior Town Planner of the Town and Country Planning Department - ex officio Member
- (l) Chairman, Nagar Panchyat, Gairsain - Member

- (m) Pramukh, Block Development, Gairsain - Member
- (n) Pramukh, Block Development, Chaukhutiya - Member
- (o) Ten magnanimous persons to be nominated by the State Government, who have special knowledge and experience in the field of planning, finance and accounts, public administration, social service, education, legal, technical education, industrial training, agriculture industry, health, urban planning, forestry, public works, employment, environment, or public grievance redressal. - Member
- (p) Chief Executive Officer - Member Secretary
- Terms and Service Conditions of the Members** 6. (1) The term of the members of the Council, other than ex-officio members, shall be of three years. Whereas the term of the Local Member of Legislative Assembly, Chairman Nagar Panchyat and Pramukhs of Block Development shall be till the time they hold their said office.

- (2) If the Chairman/ Co-Chairman and non official member wants to resign from the membership of the Council, he shall address and forward his resignation to the State Government and on the acceptance of the same by the State Government, his post shall be treated as vacant from the date of acceptance of the resignation.
- (3) Chairman/Co-Chairman and non official member shall be provided such facilities which the State Government may prescribed. Members of the council as Ex-Officio shall not be provided additional facilities.

CHAPTER -IV

Officers of the Council and their libelities

7. (1) Chief Executive Officer shall be the Member Secretary of the Council who shall be the Senior P.C.S Officer. The Power to withdraw and disburse the funds of the Council shall vest in the Chief Executive Officer.
- (2) The Finance Officer Shall be appointed by the State Government from the officers of the Finance Service.
- (3) The Finance Officer shall be responsible for Financial Discipline and its Records.
- (4) The State Government may appoint a Competent Officer for effective implementation of the provisions of this Act.

- (5) Appointment of technical and non technical officers/employees with such powers and service conditions, necessarily required for the smooth working and operation of the Council, with prior approval of the State Government will be made by such procedure which the State Government may prescribe;

Provided that till the exercise for creation of posts, eligibility requirement etc. for organizational structure is not completed, the Chief Development Officer – Chamoli will be the Chief Executive Officer of the Council and on the approval of Chairman the appointment of technical / non technical officers/ employees can be made on deputation for the execution of works of the Council.

Chapter – V **Miscellaneous**

**Meetings of
the Council
Quorum &
Removal of
the Member**

8. (1) Minimum four Meetings shall be conducted by the Council in a year;
- Provided that the Meeting of the Council can be called with the permission of the Chairman as and when needed.
- (2) The Meeting shall be Chaired by the Chairman of the Council and in his absence by Co-Chairman.
- (3) For the meeting of the council minimum presence of one – third members of the council shall be necessary to complete the quorum.
- (4) All decisions in the meeting shall be taken with consensus, but in the absence of consensus amongst the members, determination of all the questions shall be made as per majority of the present members and voting members, except for the Chairman or any other person acting as Chairman;

Provided the Chairman or any person acting as Chairman shall not vote in the first place, but in case of equal votes, he may use his voting right and his vote shall be the determinative vote.

- (5) The meeting of the council shall be called by the Member Secretary of the Council with prior approval of the Chairman at such place, date and time, as the Chairman may fix.
- (6) The works done in the previous year by the council shall be reviewed in the Annual General Meeting of the council, and future action plans will be determined.
- (7) The council may accord financial and administrative sanction for the construction of infrastructural facilities, expansion or other transformation as per requirement in the council extent area. The technical sanction shall required to be taken from the competent level as per the procedure determined by the State Government.

- (8) Except for the above, work of the council shall be conducted as per procedure, which the council by determine by regulation.
- (9) (i) Right to nominate and to terminate all semi- government and non-official members, except for the ex-officio members of the council, will be of the State Government and the decision of the State Government shall be final.
- (ii) Where the State Government is satisfied that the council is inefficient in execution of its works or has failed to perform its duties as allocated to it by this Act, or has encroached or misused its powers, the State Government may, by an order duly Notified in the Gazette may dissolve/ re-organize the council. On the Council having been dissolved, the State Government will be at liberty for carrying out the works and functions of the Council. All properties of the Council shall vest in the State Government.

CHAPTER – VI

Finance and Accounts

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| General Fund | 9. | <ol style="list-style-type: none"> (1) The council shall have a general fund, which shall include :- (2) collection or grants from the State Government on such conditions which may be imposed, (3) financial help, compensation or grant received from the Central or any other State Government or any other agency, (4) The council shall have such other funds, which the State Government may determine. (5) All financial rights for the operation of the funds shall vest with the council. |
| Financial Assessment | 10. | <ol style="list-style-type: none"> (1) The Chief Executive Officer of the council shall prepare the financial assessment for the financial year as per procedure, which may be prescribed, and shall present the same in the meeting of the council. He shall, after the approval of the council, submit the financial assessment to the State Government for income and expenditure administration. (2) The State Government may approve the financial assessment with such alteration as it may deem fit and no other expenditure except approved in the financial assessment by the State Government, shall be incurred by the council |

Annual Accounts and Audits

11. (1) Annual accounts of the council shall be prepared under the instructions of the Chief Executive Officer and a copy thereof shall be sent to the State Government.
- (2) The accounts of the council will be got examined from such examiner of accounts, who are approved by the council or the State Government.
- (3) The State Government as and when deems fit and necessary, may from time to time get the accounts of the council examined after the expenditures having been incurred by the council from the financial help/ grants accorded by the State Government, from such accounts examiners which it may determine.

Power to make Rules

12. The State Government may by notification in the Gazette make rules for carrying out the purposes of this Act.

Power to make Regulation

13. The Council may with the previous approval of the State Government make regulations not inconsistent with this Act & rules made there under.

Protection of action taken in good faith

14. No suit, prosecution or other legal proceeding shall lie against the Competent Officer/Employee of the Council for anything which is done in good faith done or intended to be done under the provisions of this Act.

Power to remove the difficulties -

15. (1) In case of any problem which arises in the execution of the provisions of this Act, the State Government may, if it considers necessary for the purpose of the removal of the same, may order by Notification.
- (2) Every order published under this Section after its publication shall be kept as soon as possible before the Legislative Assembly.

By Order,

JAI DEO SINGH,
Principal Secretary.