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LAW DEPARTMENT

RESOLUTION

The 16th March, 2016

SUBJECT— Constitution of the Odisha State Law Commission.

The State Law Revision Committee has gone a long way since its constitution in the year 1969 in reviewing the State laws and the laws falling under the concurrent list. To make the said Committee more functional and keeping in view the need for alteration and modification of the State laws as well as the laws falling under the concurrent list, Government of Odisha, after careful consideration, has been pleased to reconstitute the State Law Revision Committee with the nomenclature the "Odisha State Law Commission" which shall consist of the following members, namely:—

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| (a) Chairperson who has been a Judge of the Supreme Court or the Chief Justice of the High Court or Judge of the High Court. | |
| (b) Advocate General, Odisha | - Ex Officio Member; |
| (c) Secretary to Government, Law Department | - Ex Officio Member; |
| (d) A person who has been a Professor of Law of a Central University or State University or National School of Law. | - Member; |
| (e) An eminent jurist with adequate knowledge and experience in the field of law and has the eligibility to be appointed as a Judge of High Court. | - Member; |
| (f) An Advocate having not less than twenty-five years of standing practice at Bar with adequate knowledge in Constitutional, Civil and Criminal Laws. | - Member; |
| (g) Secretary of the Commission who is ex-officio Additional Secretary or Joint Secretary to Government, Law Department belonging to the Odisha Secretariat Legal Service(OSLS) Cadre. | - Member Secretary. |

- (h) Not more than three part-time members having adequate knowledge and expertise in the field of law, administration and such other technical matters or subjects depending upon the need, for such period of time as may be required, to be nominated by the State Government.
2. The terms of office of the Chairperson and other full-time non-official members shall be for a period not exceeding three years from the date of assuming office or till they attain the age of seventy years, whichever is earlier. The part-time members shall hold office for such period as may be decided by the State Government, which shall not exceed three years or until they attain the age of seventy years, whichever is earlier.
 3. The Headquarter of the Odisha State Law Commission shall be at Bhubaneswar.
 4. The office of the Commission shall be under the administrative control of the Law Department.
 5. The Chairperson of the Commission shall be appointed by the Government.
 6. During the period of vacancy in the post of the Chairperson, the Minister of Law shall be the Chairperson until the vacancy is filled in accordance with the provisions of this Resolution.
 7. The posts (Gazetted and Non-Gazetted) already created for the office of the State Law Revision Committee vide Government Order No.7157 dated 19.06.1995 and No.7159 dated 19.06.1995 shall be transferred to the office of the Odisha State Law Commission.
 8. The Chairperson of the Commission shall be entitled to draw salary equal to the last pay drawn by him while in service reduced by pension.
 9. The Chairperson may resign from his office on submission of his resignation to the Governor of Odisha.
 10. The Chairperson, in consultation with the Government in Law Department, shall have power to formulate Regulations for proper management and function of the Commission.
 11. Recruitment to the posts of the Commission shall be made by the Chairperson in consultation with the Government in Law Department following due procedure meant for appointment to Government Service.
 12. The Secretary of the Commission shall be the competent authority for the purpose of counter-signature of the T.A. Bills and shall be the drawing and disbursing authority.
 13. All expenditures of the Commission shall be debitable to "Demand No.4-2052-Secretariat-General Service-90-Secretariat-F-Law Department."
 14. Following shall be the functions of the Secretary of the Commission, namely:---
 - (i) He shall be responsible for the day-to-day affairs of the Commission;

- (ii) Meetings of the Commission shall be convened by him;
- (iii) He shall make all sorts of correspondences with various Departments and also with other States;
- (iv) Minutes of the meetings shall be recorded by him;
- (v) Application for leave or permission to leave Headquarters of all subordinate officials shall be submitted to him;
- (vi) Any other functions, as may be assigned by the Chairperson, shall also be performed by the Secretary of the Commission.

15. Besides, the service conditions of the Staff and Officers of the Office of the Law Commission shall be the same as specified in the Odisha Service Code and also in the Odisha Civil Services (Classification, Control and Appeal) Rules, 1962.

16. The non-official, full-time members of the Commission shall be allowed a salary of Rs.75,000/- (Rupees seventy-five thousand) per month. In the case of a retired person, he shall be allowed pay (including pension or pension equivalent to the retirement benefits) not exceeding Rs.75,000/- (seventy-five thousand) per month. He shall also be entitled to travelling allowances and other benefits as admissible to Group-A Officers of the State Government who are in Pay Band-4.

17. The part-time members shall be paid sitting allowance of Rs.2000/- (two thousand) per day inclusive of conveyance charges for each day of sitting of the meeting of the Commission, provided they attend the meeting. They shall also be entitled to only travelling allowances as applicable to Group A officers of the State Government who are in Pay Band-3.

18. Functions of the State Law Commission shall be—

- (i) to review the existing State laws as well as the laws pertaining to the State in the Concurrent List, examine the necessity of continuance of the same and recommend withdrawal, substitution and modification in part or in whole;
- (ii) to examine the proposal for modification in the existing laws and to invite suggestions from eminent persons or legal experts on the proposals for modifications,
- (iii) to suggest rectification of defects in the existing laws and repeal of laws which are no longer relevant.
- (iv) to examine the laws which affect the poor and carry out post-audit for socio-economic and other legislations.
- (v) to suggest measures for consolidation, modification, reform and effective methods for the administration of the existing laws and enactments;
- (vi) to invite informations from other States where such laws are prevailing and examine those laws on receipt of the required information;

- (vii) to suggest methods for simplification or modernization of the existing laws for harmonizing with the climate of globalization and economic reforms;
- (viii) to suggest methods for systematically developing the procedure of legislative drafting;
- (ix) to provide guidance as well as training to the officers of Law Department as well as other Administrative Departments on legislative drafting and legal reform;
- (x) to consider references made to it by Administrative Departments in respect of legislations having bearing on the working of more than one Department;
- (xi) to suggest steps to be taken by various Administrative Departments regarding quick redressal of citizens' grievances and effective management of the affairs of the State;
- (xii) to examine and give suggestions regarding any other matter referred to the Commission by the State Government regarding law reforms and other allied issues; and
- (xiii) to make recommendations on specific terms of reference as and when necessary by the State Government within the stipulated period.

19. (1) The Commission may constitute a Sub-committee consisting of three members from among the members of the Commission, namely: -

- (i) a person who has been a Professor of Law of a Central University, State University or National School of Law;
- (ii) an eminent jurist with adequate knowledge and experience in the field of law and has the eligibility to be appointed as a Judge of the High Court; and
- (iii) an Advocate having not less than twenty- five years of standing practice at Bar with adequate knowledge in Constitutional, Civil and Criminal laws.

(2) The Sub-committee shall make necessary scrutiny of the proposed modification, keeping in view, the suggestions or materials collected from different States or eminent persons or experts and shall prepare reports which shall be submitted before the Commission for consideration and approval. After such approval, the Administrative Department shall be advised to take necessary steps to amend the law.

(3) The above mentioned Sub-committee shall function as a research and analysis Unit of the Commission. Keeping in view the volume of work done by the Research and analysis Unit, the Commission shall take steps to enhance the number of such members of Research and analysis Unit with the concurrence of the Finance Department

20. The Commission shall timely submit its report to the State Government in Odia and English with sufficient number of copies for being placed on the table of the Odisha Legislative Assembly.

21. The Commission shall also make its report available through its website and any other manner as soon as its reports are submitted to the Government and placed before the Odisha Legislative Assembly.

22. The Resolution No.17593, dated the 18th August, 1997 of the Government in Law Department in relation to the constitution of State Law Revision Committee is hereby superseded.

23. This Resolution is issued with the concurrence of the Finance Department in their UOR No. 268/GS-II dated the 15.12.2015.

ORDER—Ordered that this Resolution be published in the Extraordinary Issue of the *Odisha Gazette*.

By order of the Governor

B. P. ROU TRAY

Principal Secretary to Government.