

Orissa Zilla Parishad Act- 1994

ORISSA ACT 17 OF 1991

THE ORISSA ZILLA PAMSHAD ACT, 1991

AN ACT TO ESTABLISH ZILLA PAWSHADS IN THE STATE OF ORESA

Whereas it is expeditious to provide for the establishment of Zilla Parishads in the State of Orissa and for matters connected therewith or incidental thereto in the manner hereinafter appearing;

It is hereby enacted by the Legislature of the State of Orissa in the Forty-second Year of the Republic of India as follows;—

CHAPTER 1

PRELIMINARY

1. (1) This Act may be called the Orissa Zilla Parishad Act, 1991.
- (2) It shall extend to the whole of the State of Orissa:
Provided that save as otherwise expressly contained in this Act nothing herein shall apply to any local area to which the provisions of the Orissa Municipal Act, 1950 or to any area to which the provisions of the Cantonments Act, 1924 have been, or may hereafter be, extended.
- (3) This section shall come into force at once and the remaining provisions of this Act shall come into force on such date as the Government may, by notification, appoint.
- (4) Any notification, order or rule and any appointment to an office to be issued or made or any election to be held under this Act, may be so issued, made or held after the date of passing of this Act and shall take effect on the date of coming into force of the remaining provisions thereof in pursuance of the notification issued under sub-section (3).
- (5) Nothing in this Act shall apply to the Scheduled Areas referred to in clause (1) of Article 244 of the Constitution."].

2. In- this Act, unless the context otherwise requires,—

(a) "Block" means the Block notified under section 15 of the Orissa Panchayat Samiti Act, 1959;

1. Substituted by Orissa Act 17 of 1993 S. 2 (a)

2. Inserted by *ibid* Sec. 2 (b)

• Assented to by the Governor on the 2nd July 1991 and came into force with effect from 1st December 1992.

**The Act has been applied to the Scheduled areas in Notification No. 26701. dated the 2nd December 1993 published in E. O. No. 1664. dated the 23rd December 1993.

"Council" means the State Council of Parishads constituted under section 31-A;

(a-2) "Election Commission" means the State Election Commission consisting of a State Election Commissioner appointed by the Governor under Article 243-K of the Constitution; and

(a-3) "Finance Commission" means the Finance Commission constituted by the Governor under Article 243-1 of the Constitution;]

(£) "Government" means the Government of Orissa

(c)^f "Grama" means a Grama constituted under the Orissa Grama Panchayats Act, 1964;

1

(d) "Grama Panchayat" means the Grama Panchayat constituted under the Orissa Grama Panchayats Act, 1964;

(e) "Official" shall have reference to Government official and the word "non-official" shall be construed accordingly;

(f) "ordinary resident in any area" with all its grammatical variations and cognate expressions shall have reference to a person whose name finds place in the electoral roll for the time being

in force prepared under the Representation of the People Act, 1950, in so far as the roll relates to such area;

(g) "Panchayat Samiti" hereinafter referred to as the "Samiti", means the Panchayat Samiti constituted under section 16 of the Orissa Panchayat Samiti Act, 1959;

(A) "Population" means population as ascertained in the last census of which the relevant figures have been published;

(O) "prescribed" means prescribed by rules;

(j) "rules" means the rules made under this Act ;

(K) "year" means the financial year;

(l) "Zilla Parishad", hereinafter referred to as the "Parishad" means the body constituted under sub-section (1) of section (3).

CHAPTER II

CONSTITUTION OF ZILLA PARISHADS AND THEIR FUNCTIONS

3. (1) The Government may, by notification, constitute a Parishad for every district.

(2) Every Parishad shall, by the name of the district for which it is constituted, be a body corporate having perpetual succession and a common seal and subject to any restriction and qualification imposed by or under this Act or any other enactment shall have the power to acquire and hold property, both movable and immovable, to transfer any such property held by it, to enter into contracts and to do all other things as may be considered necessary, proper or expedient for the purposes of this Act* and may sue and be sued in its corporate name.

Every Parishad shall have the power to—

(i) undertake schemes or adopt measures including giving of financial assistance relating to the development of agriculture, social forestry, live stock, industries, co-operative movement, rural credit, water-supply, distribution of essential commodities, rural electrification including distribution of electricity, minor irrigation, public health and sanitation including establishment of dispensaries and hospitals, communications, primary, secondary and adult education including welfare and other objects of general public utility.

1. Inserted by Orissa Act 17 of 1993, Section 3

f) undertake execution of any scheme, performance' of any institution or management of any institution entrusted to the Government or any other authority from time to time;

'v) manage or maintain any work of public utility or any institution vested in it or under its control and management;

v) grant aid to any school, public library, public institution or public welfare organisation within the district;

V) contribute such sums as may be agreed upon towards the cost of maintenance of any institution situated outside the district which is beneficial to and habitually used by the inhabitants of the district;

(vf) establish scholarships or award stipends within the State for the furtherance of technical or other special forms of education;

(vil) acquire and maintain village huts and markets either directly or through the Panchayat Samitis or Grama Panchayats ;

(viti) make grants to Samitis or Grama Panchayats within the district;

fix) contribute, with the approval of Government,, such sums as it may decide towards the cost of water-supply or anti-epidemic measures undertaken by a Municipality or Notified Area Council within the district ;

(x) adopt measures for the relief of distress ;

(xf) co-ordinate and integrate the development plans and the schemes prepared by a Samiti in the district ;

(xti) examine and approve the budget estimates of Samitis in the district ; (xttt) prepare, execute and supervise the district plan relating to—

- (a) monitoring and supervision of programmes like Jawahar Rojgar Yojana (J.R.Y.) to be directly implemented by Grama Panchayat and Panchayat Samitis ;
- (6) implementation of anti-poverty programmes and monitoring supervision thereof;
- (c) discharge of responsibilities and functions as assigned to the District Rural Development Agencies from time to time ; and
- (d) distribution of untied funds.

xplanation—The expression,—

(1) a "District Rural Development Agency" means a society registered under the Societies Registration Act, 1860 and sponsored by the 31 of Central Government for iraplemention of Integrated Rural Develop-ment Programme in the State.

(2) "Jawahar Rojgar Yojana" means the Jawahar Rojgar Yoja na a« Orissi defined in the Orissa Grama Panchayats Act, 1964. of 19

(4) Notwithstanding anything to the contrary in any other law for the time being inforce, for the porpoSe of efficiently performing its functions under this Act, every Parissd may, within the limits of its jurisdiction :—

- (a) collect such data as it deems necessary ;
- (ft) publish statistics or other informations relating to the various aspects of the regulation of the developmental activities of Grama Panchayats and Samitis in the district;
- (c) require any Grama Panchayat or Samiti to furnish such information as may be required by it in relation to the measures undertaken by that Grama Panchayat or Samiti for the regulation of its developmental activities and such other matters as may be prescribed.

(5) Every non-official member of a Parihsad shall, subject to such restrictions as may be prescribed, have power to inspect and supervise the primary educational institutions, hospitals and dispensaries, agricultural (arms and veterinary dispensaries, and hospitals situated within the jurisdic-ions of thePdrishad and shall submit his report along with his suggestion to the Parishsd which shall, after examining the same, advise the Government as to the course of action to be adopted.

Standing

4. For the efficient discharge of its functions the Parishad shall constitute Committees Standing Committees whose numbers, composition, powers and functions

shall be such as may be Prescribed :

Provided that the Parishad shall haave power to co-opt such number of persons from outside as may be prescribed.

Annual

5. (1) The Parishad shall prepare in such form and at such time each report. year as may be prescribed, an annual report giving a true and full account of its activities during the previous year and copies thereof shall be forwarded to the Government.

(2) The Government shall lay on the table of the Legislature all such reports together with their comments thereon.

(3) Every Parisad shall furnish to the Government such returns, statistics and other information with respect to its activities as the Government may from time to time require.

[6. (1) The Parishad shall'consist of the following members, namely;— Members of Parishad.

(a) one member elected directly on the basis of adult suffrage from every constituency within the ¹[Parishad area];

(b) Chairman of each Samiti situated within the district;

(c) every member of the House of the People and of the State Legislative Assembly representing constituencies which comprise wholly or partly the area of the Parishad ;

(d) members of the Council of States who are registered as electors within the area of the Parishad.

Explanation—For the purpose of clause (a), "constituency" shall mean a constituency as may be determined by rules subject to the provision in Article 243-C of the Constitution.

(2) The names of the members of the Parishad shall be published in the Gazette.

(3) (o) Seats shall be reserved for the Scheduled Castes and the Scheduled Tribes in every Parishad and the number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled up by direct election in that Parishad as the population of the Scheduled Castes in that Parishad area or of the Scheduled Tribes in that Parishad area bears to the total population of that area and such seats shall be allotted on rotation to different constituencies in a Parishad:

Provided that where the population of the Scheduled Castes or, as the case may be, the Scheduled Tribes in a Parishad area is not sufficient for reservation of any seat one seat for the Scheduled Castes or, as the case may be, one seat for the Scheduled Tribes shall be reserved in that Parishad area.

(5) Every non-official member of a Parishad shall, subject to such restrictions as may be prescribed, have power to inspect and supervise the primary educational institutions, hospitals and dispensaries, agricultural (arms and veterinary) dispensaries, and hospitals situated within the jurisdictions of the Parishad and shall submit his report along with his suggestion to the Parishad which shall, after examining the same, advise the Government as to the course of action to be adopted.

Standing

4. For the efficient discharge of its functions the Parishad shall constitute Committees Standing Committees whose numbers, composition, powers and functions shall be such as may be prescribed :

Provided that the Parishad shall have power to co-opt such number of persons from outside as may be prescribed.

Annual

5. (1) The Parishad shall prepare in such form and at such time each report. year as may be prescribed, an annual report giving a true and full account of its activities during the previous year and copies thereof shall be forwarded to the Government.

(2) The Government shall lay on the table of the Legislature all such reports together with their comments thereon.

(3) Every Parishad shall furnish to the Government such returns, statistics and other information with respect to its activities as the Government may from time to time require.

[6. (1) The Parishad shall consist of the following members, namely;— Members of Parishad.

(a) one member elected directly on the basis of adult suffrage from every constituency within the Parishad area];

(b) Chairman of each Samiti situated within the district;

(c) every member of the House of the People and of the State Legislative Assembly representing constituencies which comprise wholly or partly the area of the Parishad ;

(d) members of the Council of States who are registered as electors within the area of the Parishad.

Explanation—For the purpose of clause (a), "constituency" shall mean a constituency as may be determined by rules subject to the provision in Article 243-C of the Constitution.

(2) The names of the members of the Parishad shall be published in the Gazette.

(3) (o) Seats shall be reserved for the Scheduled Castes and the Scheduled Tribes in every Parishad and the number of seats so reserved shall bear, as nearly as may be, the same proportion

to the total number of seats to be filled up by direct election in that Parishad as the population of the Scheduled Castes in that Parishad area or of the Scheduled Tribes in that Parishad area bears to the total population of that area and Such seats shall be allotted on rotation to different constituencies in a Parishad:

Provided that where the population of the Scheduled Castes or, as the case may be, the Scheduled Tribes in a Parishad area is not sufficient for reservation of any seat one seat for the Scheduled Castes or, as the case may be, one seat for the Scheduled Tribes shall be reserved in that Parishad area.

(b) As nearly as may be, but not less than one-third of the total number of seats reserved under clause (a) shall be reserved for women belonging to the Scheduled Castes or, as the case may be, the Scheduled Tribes :

Provided that where only two seats are reserved for the Scheduled Castes or, as the case may be, the Scheduled Tribes, one of the two seats shall be reserved for women belonging to the Scheduled Castes or, as the case may be, the Scheduled Tribes.

(c) As nearly as may be, but not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled up by direct election in every Parishad shall be reserved for women and such seats shall be allotted by rotation to different constituencies in the Parishad.

(d) The procedure regarding reservation of seats for the purposes of clauses (a) (b) and (c) shall be such as may be prescribed.

(4) The election of members specified in clause (a) of sub-section (1) shall be held in the prescribed manner :

Provided that where such election is contested on political party basis, the candidates contesting such election shall use their respective party symbols.

Explanation—For the purposes of this sub-section,—

(a) "candidates" means candidates duly sponsored by respective political parties

(b) "party symbol" means the symbol allotted to a particular political party under the Elections Symbols; (Reservation and Allotment) Ord/sr, 1968; and

(c) "political party" means a 'National Party' or, as the case may be, a 'State Party' Within the meaning of paragraph 7 of the Order referred to in clause (b).

(5) All the members of the Parishad including the President and the Vice-President shall have the right to vote in the meetings of the Parishad".]'

6-A. (1) The superintendent, direction and control of the preparation of electoral rolls for, and the conduct of, all elections to Parishad, shall be vested in the Election Commission.

(2) The conditions of service and tenure of office of the State Election Commissioner constituting the Election Commission shall be such as the Governor may by rule determine under clause (2) of Article 243-K of the Constitution.

(3) The Governor shall, when so requested by the Election Commission, make available to the Election Commission such staff as may be necessary for the discharge of its functions."]*

7. (1) Every Parishad, unless sooner dissolved under this Act, shall continue for five years from the date appointed for its first meeting referred to in section 8, and no longer.

(2) An election to constitute a Parishad shall be completed—

(a) before the expiry of its duration specified in sub-section (1), or

(b) where a Parishad is dissolved before the expiry of its duration, before the expiration of a period of six months from the date of its dissolution:

Provided that where the remainder of the period for which the dissolved Parishad would have continued is less than six months, it shall not be necessary to hold an election under this sub-section for constituting the Parishad for such period.

(3) The Parishad constituted upon the dissolution of a Parishad before the expiration of its duration shall continue only for the remainder of the period for which the dissolved Parishad would have continued under sub-section (1) had it not been so dissolved".]³

"8. (1) The members of the Parishad specified in clause (a) of sub-section (1) of section 6 shall,—

- (a) at its first meeting, which shall be convened after publication of the names under sub-section (2) of section 6, elect in the prescribed manner a President from among them;
- (b) at a subsequent meeting, which shall be specially convened for the purpose within thirty days from the date of the election of the President, elect the Vice-president of the Parishad from among them:

Provided that where the office of the President is not reserved under this Act for women or where a President elected under this Act is not a woman, office of the Vice-President of the Parishad shall be reserved for woman.

(2) Notwithstanding anything to the contrary in sub-section (1)—

(a) offices of the Presidents in the Parishads shall be reserved for the Scheduled Castes and the Scheduled Tribes and the number of offices so reserved for the Scheduled Castes and the Scheduled Tribes shall bear, as nearly as may be, the same proportion to the total number of such offices as the population of the Scheduled Castes and the Scheduled Tribes respectively in the State bears to the total population of the State; and

(b) as nearly as may be, but not less than, one-third of the total number of offices of the President in the Parishads shall be reserved for women.

(3) Reservation of offices of Presidents under sub-section (2) shall be made by the Government by rotation among different Parishads.

(4) The State Election Commission shall notify the reservation of offices of the Presidents so made for the Scheduled Castes, the Scheduled Tribes and women in the State".]⁴

9. The resolutions of a Parishad shall be given effect to by the President in whom the executive powers of the Parishad shall vest. In cases of emergency he may take necessary action which shall be subject to the approval of the Parishad at its next meeting.

10. The President and the Vice-President shall be paid such honorarium per month as may be prescribed by Government from time to time.

11. (1) A Parishad shall meet not less than four times during any year for the transaction of its business and a period of more than three months shall not be allowed to elapse between two successive meetings.

(2) The business of the Parishad shall be conducted in the prescribed manner.

12. (1) The Chief Executive Officer of the Parishad shall, in each year prepare and place before the Parishad through its President or before the prescribed date a budget estimate for the following year containing such particulars as may be prescribed and the Parishad shall sanction the budget with such modifications, if any, as it thinks fit and the budget so sanctioned shall be submitted to the Government in the prescribed manner.

3. Substituted by Orissa Act 17 of 1993, S. 6

4. Substituted by Orissa Act 17 of 1992, S. 7

The word "President" and "Vice-President" substituted vide Orissa Zilla Parishad (Amendment) Act, 1994.

(2) If, in the course of a year, a Parishad finds it necessary to alter the figures shown in the budget with regard to its receipts or to the distribution of the amounts to be expended on the different services undertaken by it, a supplementary or revised budget may be prepared, sanctioned, submitted and modified in the manner provided in sub-section (1).

13. (1) The Collector of the district shall be the Chief Executive Officer of the Parishad who shall, subject to the provisions of this Act, exercise such powers and perform such functions as may be prescribed—

(2) The State Government may appoint such number of Executive Officers to the Parishad as may be expedient, who shall remain under the administrative control of the Chief

Executive Officer and shall exercise such powers and perform such functions as may be prescribed.

(3) The [Project Officers, District Rural Development Agency]¹ shall be the *ex officio* Secretary of the Parishad.

["(4) The Chief Executive Officer and the Secretary of the Parishad shall attend all meetings thereof and may take part in the discussions therein, but shall not have the right to move for resolution or to vote."]².

CHAPTER III

ZILLA PARISHAD FUND

14. (1) All moneys received by the Parishad shall constitute a fund called the "Zilla Parishad Fund". The fund shall vest in the Parishad and shall be applied for the performances specified in this Act and for such other purposes and in such manner as may be prescribed.

(2) All moneys received by the Parishad shall be deposited in the State Bank of India or, with the sanction of the Government, in any other Bank approved by them.

(3) All orders or cheques against the Zilla Parishad Fund shall be signed by the Chief Executive Officer or other Executive Officers as the Government may, by notification, specify.

15. (1) The sources of income of a Parishad shall consist of—

(i) the Central or State Government funds allotted to the Parishad;

(ii) grants from All-India Bodies and Institutions for the development of cottage, village and small scale industries and the like;

(iii) such share of the land cess or any other cess or State taxes allotted under any law or fees as may be prescribed;

(iv) income from endowments, trusts or other institutions administered by the Parishad;

(v) donations and contributions from the Samitis or from the public in any form.

(2) The expenses of the Parishad shall include the salaries and allowances of its employees, honorarium payable to the President and Vice-President, the travelling expenses incurred by the members of the Parishad for attending the meetings of the Parishad and any item of expenditure directed by the Government for carrying out the provisions of this Act.

16. The accounts of the Parishad shall be maintained and published] in the prescribed manner.

17. The Government may, by rules, provide for the audit of the Zilla Parishad Fund.

["18 (7) It shall be the duty of the Finance Commission to review the financial position of Parishads and to make recommendations to the Governor as required under Article 243-1 of the Constitution.

(2) The Commission may, for the purpose of maintaining sound financial position of Parishads, make such recommendations including measures needed for improvement of the financial position thereof, as it may deem fit.

(3) The Governor shall cause every such recommendation made by the Finance Commission together with an explanatory Memorandum as to the action taken thereon to be laid before the Legislative Assembly."]³

CHAPTER IV

CONTROL

19. It shall be the duty of the Government and such officers or authorities as may be authorised by the Government to see that the proceedings of Parishads are in conformity with the provisions of *this* Act and the rules, and that the implementation of the decision taken therein and all actions taken by the Parishads for carrying out the provisions of this Act and the rules are, free from fraud, misappropriation, embezzlement and other criminal bearings.

20. (1) The Director of Grama Pauchayats as defined in "the Orissa Grama oris»a , Panchayats Act, 1964 shall be the Director of the Parishad Administration in the of 1965,' State (hereinafter referred to as the Director^.

(2) The Director or any officer whom the Government may authorise in this behalf may at any time enter upon and inspect or cause to be entered upon and inspected—

(a) any immovable property, or any work in progress, under the control of any Parishad ;

(b) any school, hospital, dispensary, vaccination station, choultry, dharmasalas or other institutions maintained by or under the control of any Parishad and any records, registers or other documents kept in such institution ;

(c) the office of any Parishad and any records, registers or other document kept therein.

(3) The Director shall have such other powers and functions as may be prescribed by the Government from time to time.

21- Subject to such rules as may be made in that behalf, the Parishad audits President and employees shall, at all reasonable times, be bound to afford to the officers and authorities referred to in sections 19 and 20 such access to the property or premises of the Parishad and to all documents as may, in the opinion of such officers or authorities, be necessary to enable them to discharge their duties under the said sections.

22. The Director or any officer or person, whom the Government may empower in this behalf, may;—

(a) call for any record, register, or other document in the possession or under the control of any Parishad ;

(b) require any Parishad or its President to furnish any return, plan, estimates . statement, account or statistics ;

(c) require any Parishad or its President to furnish any information or repor on any matter connected with such Parishad ;

(d) record in writing for the consideration of . any Parishad or its President any observations which the Director or such officer or person may think proper in regard to its proceedings or duties.

23. (1) The Government may, by order in writing, cancel any resolution or order ed by a Parishad or by any of the authorities of such Parishad if, in their opinion

(a) is not legally passed ; or

(b) is in excess of abuse of the powers conferred by or under this Act or is against the public interest; or

(c) on its execution, is likely to cause danger to human life, health or safety or is likely to lead to a riot or affray:

Provided that nothing in 'his sub-section shall apply to u resolution passed Under section 39.

(2) Government shall, before taking action under sub-section (1), give the Parishad an opportunity for explanation.

(3) If in the opinion of the Director immediate action is necessary to suspend any such resolution or order on any of the aforesaid grounds, he may, by order in writing suspend the operation of the resolution or order and refer the matter to Government whose decision thereon shall be final:

Provided that where the Director makes an order on any of the grounds referred to in clauses (a) and (b) of sub-section (1), he shall also record reasons therefor In the said-order.

24. (I) In cases of emergency the Director may, subject to the approval of the Government, direct or provide for the execution of any work, or the doing of any act which a Parish ad or its President is empowered to execute or do, and the immediate execution or doing of which is in his opinion necessary for the implementation of

ans osaety of he publicand may direct that the expense of executing belaid out of the Fund of the Parishad.

(2) If the expense is not so paid, he may make an order directing the person having the custody of the fund to pay it in priority to any other charge against such Fund. Such persons shall, so far as the Funds to the credit of the Parishad admit, be bound to comply with such order.

25. (1) If at any time it appears to the Government that a Parishad or its President or Vice-President is not performing any duty imposed by or under this Act or any other law for the time being in force they may, by order in writing, fix a period for the performance of such duty.

(2) If such duty is not performed within the period so fixed, the Government may cause it to be performed and may direct that the expense of performing be paid from the Fund within such time as they may fix, to such person by the Parishad.

(3) If expenses which the Government have directed under sub-section (2), to be paid from the Fund are not so paid, the Director, with previous sanction of the Government, may direct the fund to pay it in priority to any other charge against such fund.

(4) Such person shall, so far as the Fund to the credit of the Parishad admits, be bound to comply with such order.

26. (1) If, in the opinion of the Government, the President or Vice-President of a Parishad wilfully omits or refuses to carry out or violates the provisions of this Act or any rules, bye-laws or orders, made or issued thereunder or abuses the powers vested in him and the Government are satisfied that further continuance of such person in office would be detrimental to the interest of the Parishad, they may, by order published in the prescribed manner, remove such President or Vice-President from office;

Provided that no such order for removal shall be made without giving the person concerned a reasonable opportunity of being heard.

(2) No person removed from the office of President or Vice-President under this section shall, for a period of four years from the date of removal, be eligible to hold any of the said offices.

27. (1) Where any proceeding which was initiated under section 26 against any person holding office as President or Vice-President of a Parishad could not be finalised due to the vacation of the office by the President or Vice-President, as the case may be, by resignation or otherwise and the said person is found to be holding office as President or Vice-President of that Parishad during the term in which he so vacated or during the succeeding term, the State Government may direct revival of the said proceedings whereupon, if said proceedings shall be proceeded with from the stage it had reached by the date of vacation of the office by the President or the Vice-President, as the case may be, and disposed of in accordance with the provisions of the said section.

(2) No person removed from the office of President or Vice-President as a result of the proceedings so revised shall, for a period of four years from the date of the removal, be eligible to hold any of the said offices.

28. (1) If in the opinion of the Government a Parishad is not competent to perform its duties or persistently makes default in performing the duties imposed on it by law or exceeds or abuses its powers they may, by notification published in the prescribed manner, direct that the Parishad be dissolved and immediately reconstituted. The notification shall specify the time within which the Parishad shall be reconstituted:

Provided that for the purpose of completing the elections to a Parishad which has been dissolved, the Government may, from time to time, extend the time fixed by them under this sub-section not exceeding six months in the aggregate, for its reconstitution.

(2) Before publishing a notification under sub-section (1), the Government shall communicate to the Parishad the grounds on which they propose to do so, fix a reasonable period for the

Parishad to show cause against the proposal and consider the explanations and objections, if any, in such Parishad.

(3) Upon the publication of such a notification all the members of the Parishad including its President and Vice-President shall forthwith be deemed to have vacated their offices as such and fresh elections shall be held in the prescribed manner.

(4) During any interval between the dissolution and the reconstitution of a Parishad directed under sub-section (1), all or any of the powers and duties of the Parishad and its President may be exercised and discharged, as far as may be and to such extent as the Government may determine, by such person or persons as they may appoint in that behalf.

(5) For all or any of the reasons specified in sub-section (1) the Government may, by notification published in the prescribed manner, instead of dissolving a Parishad and reconstituting it, supersede it for any period which they may deem fit, whereupon, the relevant provisions of section 29 shall *mutatis mutandis* apply.

29. (1) If after the fresh election held under section 28, the Parishad continues to be incompetent to perform or abuse its powers for all or any of the reasons specified in sub-section (1) of the said section the Government may, by notification published in the prescribed manner, supersede it for a specified period, not exceeding six months.

(2) Before publishing a notification under sub-section (1), the Government shall follow the procedure laid down in sub-section (2) of section 28.

II

(3) The supersession of a Parishad shall, if no other date and time are fixed in the said notification, take effect from the date of publication thereof and, thereupon, all the members of the Parishad including its President and Vice-President shall forthwith be deemed to have vacated their offices-

(4) The provisions of sub-section (5) of section 28 shall apply so far as may be in regard to the exercise and discharge, during the period of supersession of a Parishad under sub-section (1), of all or any of the powers and duties of the Parishad and its President.

(5) The Government may reconstitute the Parishad before the expiry of the period notified under sub-section (1).

30. When a Parishad is dissolved under section 28 or superseded under section 29 and the Government until the date of the reconstitution thereof and the reconstituted Parishad thereafter, shall be entitled to all the assets and be subject to all the liabilities of the Parishad as on the date of dissolution or supersession and on the date of reconstitution respectively.

31. When the Director or a person appointed by the Government lawfully takes action on behalf, or in default, of a Parishad under this Act, he shall have all such powers as are necessary for the purpose, and shall be entitled to the same protection under this Act, as the Parishad or its employees whose powers he is exercising and compensation shall be recoverable from the Fund of the Parishad by any person suffering damage from the exercise of such powers to the same extent as, if the action had been taken by such Parishad or its employees.

31-A. (1) The Government may, by notification, constitute a State Council of Parishads to aid and advise the Government in matters relating to the growth and development of Panchayati Raj institutions in the State.

(2) The Council shall consist of the following members, namely:-(i) Chief Minister
(ii) Minister in charge of Panchayati Raj (iii) President of Parishads

(3) The Chief Minister and the Minister in charge of Panchayati Raj shall be the Chairman and the Vice-Chairman, respectively of the Council.

(4) The Council may co-opt the Ministers in charge of Finance and Planning as its members and may also call for the participation of any officials connected with the development, administration, in its deliberations.

(5) The Director shall be the *ex Officio* Secretary of the Council.

(6) Without prejudice to the generality of the powers exercisable under subsection (1), it shall be competent for the Council to decide a dispute; arising between two or more Parishads as may be referred to it from time to time in the manner prescribed",].