

Status of Panchayati Raj System in Himachal Pradesh.

1. Background:

Panchayati Raj system in Himachal Pradesh was established in a statutory form under the provisions of the Himachal Pradesh Panchayati Raj Act, 1952 in the year 1954. Only 280 Gram Panchayats existed prior to the enactment of the Himachal Pradesh Panchayat Raj Act, 1952. However, after the enactment of the said Act, 466 Gram Panchayats were established in the year 1954 and the number of Gram Panchayats was increased to 638 during the year 1962. On 1st November, 1966, the hilly areas of Punjab were merged in this State and consequently the number of Gram Panchayats rose to 1695. In the merged area, a three tier Panchayati Raj system was in existence under the provisions of Punjab Panchayat Samiti and Zila Parishad Act, whereas two tier system was prevalent in this State. With a view to bring uniformity in the Panchayati Raj system of the old and the newly merged areas, the Himachal Pradesh Panchayati Raj Act, 1968 was enacted on 15th November, 1970 in this State and the two tier Panchayati Raj system was established throughout the State. Besides this the Nayaya Panchayats were also in existence in this State for discharging judicial functions, but during the year 1977 the Nayaya Panchayats were abolished and the judicial functions were transferred to the Gram Panchayats. After the enactment of the said Act in the year 1970 the existing Gram Sabhas were reorganised/bifurcated from time to time and new Gram Sabhas/Gram Panchayats were established. At present there are 3243 Gram Sabhas, 75 Panchayat Samitis and 12 Zila Parishads constituted in the State.

2. Organizational Structure of Panchayati Raj Department:

The Department of Panchayati Raj is headed by the Panchayati Raj Minister and the Secretary (Panchayati Raj) to the Government of Himachal Pradesh provides Secretarial and Departmental assistance to the Minister-in-Charge. At the Directorate level Director-cum-Special Secretary (Panchayati Raj), Deputy Director-cum-Deputy Secretary, Deputy Director and Deputy Controller (Panchayati Raj)

alongwith its staff provides all kind of assistance to the Secretary-in-Charge. Present structure of the Department is as under:-

<u>Category</u>	<u>Name of the post</u>	<u>Level of posting</u>	<u>Total number of posts</u>
Class-I Gazetted	1. Director & Special Secretary, IAS	State	1
	2. Joint Director & Joint Secy., HAS	State	1
	3. Deputy Director(Departmental)	State	1
	4. Deputy Controller(Panchayats)	State	1
	5. Superintendent Grade-I	State	1
	6. Private Secretary	State	1
	7. Principal, Training Institute	Institute	2
	8. District Panchayat Officer	District	12
Class-II Gazetted	1. Law Officer	State	1
Class-II Non- Gazetted	1. Editor-cum-Panchayat Information Officer	State	1
	2. District Audit Officer	State	1
	3. District Audit Officer	District	12
	4. Instructor (Training)	Institute	6
	5. Superintendent Grade-II	State	1
	6. Superintendent Grade-II	District	12
	7. Personal Assistant	State	1
Class-III Non- gazetted	8. Senior Assistant	State	10
	9. Senior Assistant	District	12
	10. Panchayat Inspector	Block	75
	11. Auditor(Panchayats)	District	88
	12. Sub-Inspectors(Panchayats)	Block	75
	13. Junior Scale Stenographer	State	2
	14. Clerk/Junior Assistant	State	17
	15. Clerk/Junior Assistant	District	46
	16. Clerk/Junior Assistant	Institute	4
	17. Drivers	State/District	20
Class-IV	18. Gestetnor Operator	State	1

19. Daftri	State	1
20. Jamadar	State	1
21. Peon	State	10
22. Peon	District	46
23. Peon	Institute	4
24. Chowkidar	State	1
25. Chowkidar	District	7
26. Chowkidar	Institute	3
27. Cook	institutes	2
28. Sweeper	State	1
Total:		481

3. Main functions of the Department:

1. To formulate the Panchayati Raj Act and rules under the Act and to enforce the provisions thereof.
2. Strengthening of Panchayati Raj Institutions as per the mandate of Constitution of India.
3. To provide guidance and training to the office bearers of the PRIs and the functionaries of the Department.
4. To conduct inspections of record and schemes and works of the Panchayats and to conduct audit of the accounts of the Panchayats.
5. Providing Grant-in-Aid to PRIs.
6. Implementation of recommendations of TFC in respect of PRIs.
7. Implementation of recommendation of State Finance Commission.
8. To conduct Gurdwara elections and other indirect elections of PRIs.
9. Implementation of Backward Region Grant Fund(BRGF) (Central Scheme).
10. Rashtriya Gram Swaraj Yojna (RGSY) Central funding for training and infrastructure.
11. Mahila and Yuva Shakti Abhiyan (Central funding for sensitization of women).
12. Providing guidance and other clarifications to PRIs.

13. To establish/constitute Gram Panchayats, Panchayat Samitis and Zila Parishads.
14. To declare Gram Sabha area, increase or decrease Sabha Area and to declare headquarter of the Gram Sabha.
15. Delimitation of constituencies of Panchayats at all the three levels and reservation of seats of members and office of chairpersons to various categories and rotation thereof to different constituencies and also to conduct the first meeting of the Panchayats after elections and to give oath to the newly elected office bearers.
16. To perform Secretarial functions because the department has single file system.
17. To perform the functions of the Administrative Department in the case of State Election Commission.
18. To exercise financial control on the grants and loans provided to the PRIs and expenditure incurred by them.
19. To enquire into affairs of the PRIs including suspension removal of office bearers of PRIs and dissolution of Panchayats for default, abuse of powers etc.
20. To identify the taxes fees and cess to be imposed by them and to fix maximum rates thereof.
21. To provide staff and other infrastructure to the PRIs.
22. To ensure that the provisions of the Act and rules and properly complied with.
23. To function as a nodal department with the line departments whose powers and functions etc. have been devolved to the PRIs.
24. To implement the Backward Region Grant Fund (BRGF) Scheme & Gram Swaraj Scheme.

4. Position after the enactment of Constitution Seventy-third Amendment Act:

The Constitution Seventy-third Amendment Act, 1992 was enacted on 24th April, 1993 with a view to restructure, rejuvenate, and to give constitutional status, to the Panchayati Raj Institutions. Essentially, the amendment Act lays down certain ground rules which will constitute the basic structure or core features of the local authorities. This consist of a well defined duration, safeguards against external

interference in the form of prolonged supersession, provision for regular election, proper and meaningful representation of weaker sections and women and devolution of powers, authority and adequate finances. The rest of the field has been left to the State.

Himachal Pradesh is one of the States which have enacted a new legislation, i.e., the Himachal Pradesh Panchayati Raj Act, 1994 in the light of the 73rd Constitutional Amendment Act, 1992 with effect from 23rd April, 1994, i.e., within one year from the date of the Constitutional Amendment. Simultaneously the State Election Commission and the State Finance Commission was constituted by the Government. The two tiers in the Panchayati Raj system, namely Gram Panchayat and Panchayat Samiti, which were already constituted in the State, gave way to the establishment of three-tier Panchayati Raj system.

5. Amendments in the State Act:

In view of the practical difficulties faced in the implementation of the provisions of the Himachal Pradesh Panchayati Raj Act, 1994 and as a outcome of workshops conducted for reviewing the functioning of PRIs and suggestions received from the officials, elected representatives of PRIs and representatives of NGOs the State Act has been amended 9 times as per the following details:-

Sl. No.	Bill No.	Act No.
1.	3 of 1997	10 of 1997
2.	17 of 1997	1 of 1998
3.	12 of 2000	18 of 2000
4.	20 of 2000	4 of 2001
5.	14 of 2001	22 of 2001
6.	5 of 2002	10 of 2002
7.	10 of 2005	17 of 2005
8.	15 of 2006	20 of 2006
9.	11 of 2007	15 of 2007
10.	9 of 2008	10 of 2008
11.	16 of 2008	17 of 2008
12.	7 of 2010	15 of 2010
13.	40 of 2010	9 of 2011

6. Main Features of the H.P. Panchayati Raj Act, 1994:

1. Gram Sabha will be a body consisting of persons registered or qualified to be registered in the electoral roll of legislative assembly relating to a village.
2. Every Gram Sabha shall hold four general meetings in a year on the pre-determined dates i.e. 1st Sunday of January, April, July and 2nd October. Family will be the unit for determining the quorum of the Gram Sabha meeting.
3. For every ward Up-Gram Sabha shall be constituted which will meet twice in a year. The meetings of the Up-Gram Sabha shall be presided over by the member of that ward. Up-Gram Sabha besides discussing the local issues shall also nominate 50% of the families for the general Gram Sabha meeting one-half of which shall be women.
4. It provides for the establishment of three tier system of Panchayati Raj i.e. Gram Panchayat at village level, Panchayat Samiti at intermediate level and Zila Parishad at District level.
5. It provides for the direct elections for Pradhans, Up-Pradhans & the members of Panchayats at all the three levels whereas, Chairpersons & Vice-Chairperson of Panchayat Samiti and Zila Parishad are to be elected indirectly from amongst their members.
6. Recently the Act has been amended to give way for 50% reservation to women in PRIs, whereas earlier provision was for 33% reservation.
7. In all the Panchayats seats of members and offices of chairpersons are required to be reserved for Scheduled Castes and Scheduled Tribes in proportion to their population. One half of the total number of seats and offices would be reserved for women. Enabling provision has also been made for reserving the seats of members of Panchayat Samitis and Zila Parishads and offices of Chairpersons at all the three levels to the persons belonging to Other Backward Classes. Reservation for Backward Classes is required to be provided in proportion to their population in the Panchayat subject to the maximum of 15%.
8. The number of members in a Gram Panchayat shall be determined on the basis of population. The number of members in Gram Panchayat may ranges from 5 to 13 excluding Pradhan and Up-Pradhan. Member of Panchayat Samiti representing a part or whole of the Gram Sabha area shall also be the member of concerned Gram Panchayat(s) and shall have right to vote. One member of Panchayat Samiti will be for a population of 3500 and part thereof subject to minimum of 15 members. The members of Zila Parishad, representing the ward which comprises only for partly the Panchayat Samiti area shall also be the member of Panchayat Samiti concerned. In Zila

Parishads one member shall be for a population of 25,000 and part thereof subject to minimum 10 members.

9. Every Panchayat, unless sooner dissolved, shall have a uniform 5 year term and elections to constitute new Panchayats shall be completed before the expiry of the term of the existing Panchayats. Dissolved Panchayats shall be reconstituted within a period of 6 months from the date of dissolution and the reconstituted Panchayat after its dissolution shall continue only for the remaining period.
10. Disqualification for being chosen as, and for being office bearers of Panchayats have been provided in the Act under section 122.
11. Enabling provisions have been made in the Act for delegation of Powers, functions and responsibilities to the PRIs.
12. Empowerment of Panchayats to levy, collect an appropriate taxes, duties, tolls and fees.
13. A Finance Commission shall be constituted to determine the principles on the basis of which adequate financial resources would be provided to PRIs.
14. Independent State Election Commission is required to be established for superintendence, direction and control of the electoral process and preparation of electoral rolls.
15. One fifth of the Pradhan of gram Panchayat, by lot and by rotation, shall be the members of Panchayat Samitis.
16. The MPs, MLAs representing constituencies which comprise wholly or partly the Panchayat Samiti, the members of Council of States where they are registered as voters within the Panchayat samiti area shall also be the members of Panchayat Samitis besides other elected members. Similarly all chairpersons of Panchayat Samiti, MPs and MLAs representing a part or whole of the district whose constituencies lie within the district and members of Council of State where they are registered as voters within the district are the members of the Zila Parishad besides other elected members. Representation of members of higher body to the lower body has also been provided.
17. Every member, whether directly elected or not, has right to vote except in the meeting convened for the election and removal of chairpersons.
18. Every district shall have a District Planning Committees. Minister of the State Govt., Speaker/Deputy Speaker of Vidhan Sabha shall be the Chairperson of District Planning Committee.
19. PRIs at all the level shall prepare development plan for their area which will be submitted to the District Planning Committee who is required to consolidate the plans prepared by the urban and rural bodies and prepare a draft

development plan for a district as a whole and forward the same to the State Government.

20. For the efficient functioning of the PRIs provision has been made for the constitution of standing committees.
21. Various functions and powers of the PRIs have been defined in the Act.
22. Gram Panchayats have been given Judicial powers.
23. Registration of cattle in the Panchayat area has been made compulsory.

7. Structure of the Panchayati Raj:

- A. **Gram Sabha/ Up-Gram Sabha** : Gram Sabha which forms the core of the democratic decentralization, needs to be given utmost attention. Thus the state government has already taken steps to strengthen the institution of Gram Sabha. Gram Sabhas have been empowered to form vigilance committee(s) from amongst its members to supervise Gram Panchayats works, schemes and other activities, No member of the Gram Panchayat shall be eligible to become member of the vigilance committee. It has been made mandatory for every Gram Sabha to hold four general meetings in every year, besides special meetings. These meetings are required to be held on first Sunday of January, April, July and 2nd October. The accounts of the Panchayats are to be placed before the Gram Sabha meetings for consideration and approval. In addition to this, audit notes and replies thereto are also required to be placed in the meetings of the Gram Sabha. In this way Social Audit is being practiced in our State. The Government has also entrusted the Gram Sabhas with authority to select beneficiaries under various poverty alleviation programmes. The Himachal Pradesh Panchayati Raj Act has also been amended and under the amended provisions there shall be constituted a Up-Gram Sabha for each ward of the Gram Sabha and all members of the Gram Sabha residing in the area of the ward shall be the members of Up-Gram Sabha. Every Up-Gram Sabha is required to hold two general meetings in each year and it shall be the responsibility of the member of the Gram panchayat to convene such meetings. The meeting of the Gram Sabha shall be presided over by the member of the Gram Panchayat representing the ward, who shall also

record the proceedings. The Up-Gram Sabha may deliberate on issues relating to its area and make recommendations to the Gram Panchayat or Gram Sabha. It shall also nominate its members to represent it in the general meetings of the Gram Sabha and these members shall be nominated in such a manner that 50% of the total families residing in the area of the ward get nominated provided that one-half of the nomination shall be of women. But this nomination shall not debar any member of Up-Gram Sabha to attend the general meeting of the Gram Sabha. Agenda of the Gram Sabha meeting will be circulated to the Gram Sabha members along with the notice of meeting. The village level functionaries of the Agriculture, Animal Husbandry, Primary Education, Forest, Health and Family Welfare, Horticulture, Irrigation and Public health, Revenue and Welfare Departments shall attend the meetings of the gram Sabha in whose jurisdiction they are posted, and if such village level functionaries fail to attend the meetings, the Gram Sabha shall report the matter to their controlling officer through the Gram Panchayat, who shall take disciplinary action against such functionaries within one month from the date of receipt of the report and shall intimate the action taken on such report to the Gram Sabha through the Gram Panchayat. In addition to this Gram Sabha will authorise Gram Panchayat to issue utilization certificate of funds spent on the implementation of the plants, projects and programmes undertaken in the Gram Panchayat areas.

- B. **Gram Panchayat** : Gram Panchayats in out state are constituted for a village or group of villages having population ranging from 1000 to 5000. In Scheduled and other far flung areas Gram Panchayats are also constituted for the population of less than 1000. The number of members of Gram Panchayat are determined on the basis of population which ranges from 5 to 13 excluding Pradhan and Up-Pradhan.

Pradhan, Up-Pradhan and members of Gram Panchayats are required to be elected directly by the voters of the Panchayat area. The member of the Panchayat Samiti representing a part or whole of the Gram Sabha area shall also be the member of the concerned Gram Panchayat(s) and shall have the right to vote.

- C. **Panchayat Samiti** : Intermediate body of the three-tier Panchayati Raj system in the State is called Panchayat Samiti. This institution is co-terminus with the development blocks. Members of Panchayat Samitis are elected directly whereas the Chair-Persons and Vice-Chairperson are elected indirectly by the elected members. The number of elected members of Panchayat Samiti are determined by the Govt. at the rate of one member for every 3500 population or part thereof subject to a minimum of 15 members. There is no separate office of Panchayat Samitis but office of the block development officer function as Samitis office. Block Development Officer has been designated as Executive Officer-cum-Secretary of the Panchayat Samitis. The member of the Zila Parishad, representing the ward which comprises wholly or partly the Panchayat Samiti area shall also be the member of Panchayat Samiti.
- D. **Zila Parishads** : This is uppermost body of the Panchayati Raj System. In our state Zila Parishad were constituted for the first time after the enactment of new law relating to Panchayati Raj system consequent upon 73rd Constitutional Amendment. Presently there are 12 Zila Parishad in our State. The members of Zila Parishad are elected directly by the people however the Chairpersons and Vice-Chairperson are elected by the elected members indirectly. Elected members of Zila Parishad are determined by the State Government at the rate on one members for every 25000 population or part thereof subject to a minimum of 10 members. The members of Lok-Sabha, Members of State Legislative Assembly representing a part or whole of the District and the members of council of States where they are registered as voters and chairpersons of Panchayat Samiti of the Distt. will also be the members of Zila Parishad. Additional Deputy Commissioner has been designated as Chief Executive Officer, whereas District Panchayat Officer is the Secretary of Zila Parishad. In addition to this Distt. Planning officer will be Planning Secretary.

Present structure of Panchayati Raj system can be understood from the following table:-

Level of Panchayat	Name used	Numbers
District Panchayat	Zila Parishad	12
Intermediate Panchayat	Panchayat Samiti	77
Village Panchayat	Gram Panchayat	3243
Ward Panchayat	Up-Gram Sabha	19411

8. Elections and establishment of three tier PR System: As per the requirements of the provisions of the Constitution and the State Panchayati Raj Act, 1994, the three tier Panchayati Raj system was established in this State during the year 1995-96.

- First general elections of PR bodies of this State, except in Development Block Lahaul and Development Block Pangti, were held during December, 1995 and the Panchayats started functioning w.e.f. 23rd January, 1996 and the 5 years term expired on 22nd January, 2001. In Development Block Lahaul and Development Block Pangti the first general elections were held during May, 1996.
- Second general elections of PR bodies of this State, except in Development Block Lahaul and Development Block Pangti, were held during December, 2000 and the Panchayats started functioning w.e.f. 23rd January, 2001 and the 5 years term expired on 22nd January, 2006. In Development Block Lahaul and Development Block Pangti the second general elections were held during May, 2001.
- The third general elections barring 48 Gram Panchayats i.e. 28 Gram Panchayats of Sub-Divisions Lahaul of District Lahaul-Spiti and 16 Gram Panchayats of Sub-Division Pangti of District Chamba and 4 Gram Panchayats of District Kullu, two Panchayat Samitis namely Lahaul and Pangti and Zila Parishad Lahaul Spiti were held during December, 2005 and the presently elected office bearers started functioning w.e.f. 23rd January, 2006. The elections of remaining 48 Gram Panchayats, 2 Panchayat Samiti and 1 Zila Parishad were also held during June, 2006.

- The fourth general elections barring 48 Gram Panchayats i.e. 28 Gram Panchayats of Sub-Divisions Lahaul of District Lahaul-Spiti and 16 Gram Panchayats of Sub-Division Pangri of District Chamba and 4 Gram Panchayats of District Kullu, two Panchayat Samitis namely Lahaul and Pangri and Zila Parishad Lahaul Spiti were held on 28th and 30th December, 2010 and 1st January, 2011. The presently elected office bearers started functioning w.e.f. 23rd January, 2011. The elections of remaining 44 Gram Panchayats, 2 Panchayat Samiti and 1 Zila Parishad will be held during June, 2011, whereas elections of remaining 4 Gram Panchayats of Kullu District will be held during February, 2012.

9. Details regarding elected representatives of PRIs:

Particulars	Total Seats	Seats reserved for								Women elected un-reserved
		SC		ST		BC		Gen. Wom.	Tot. Wom.	
		Gen.	Wom.	Gen.	Wom.	Gen.	Wom.			
Members G.P.	19413	1587	3412	394	622	0	0	7283	11317	352
Pradhan G.P.	3243	390	421	97	104	109	127	987	1639	32
Up- Pradhan G.P.	3243	0	0	0	0	0	0	0	0	20
Members P.S.	1682	192	226	47	56	48	67	514	863	25
Chairman P.S.	77	5	13	3	4	1	5	20	42	3
Vice-Chairman P.S.	77	0	0	0	0	0	0	0	0	11
Members Z.P.	251	28	34	8	11	8	10	73	128	4
Chairman Z.P.	12	1	2	1	1	0	1	2	6	2
Vice-Chairman Z.P.	12	0	0	0	0	0	0	0	0	2

Particulars	Percentage of reservation			
	SC	ST	BC	Wom
Members G.P.	25.77%	5.26%	0%	58.33%
Pradhan G.P.	25.01%	6.20%	7.28%	50.54%
Up- Pradhan G.P.	0%	0%	0%	0%
Members P.S.	24.79%	6.18%	6.90%	51.55%
Chairman P.S.	23.38%	9.09%	9.09%	54.55%
Members Z.P.	24.70%	7.57%	7.17%	51%
Chairman Z.P.	25%	16.67%	8.33%	50%

- Details showing the component wise mandatory Provisions of the Central Act No. 40 i.e., the Panchayats (Extension to the Scheduled Areas) Act, 1996 and the provisions made in the Himachal Pradesh Panchayati Raj Act, 1994 is as under:-

Section	Components	Provision of PESA	Provision made in Rule/Act.
4 (a)	State legislation on the Panchayats that may be made shall be in consonance with the customary law, social and religious practices and traditional management practices of community resources;		
4 (b)	a village shall ordinarily consist of a habitation or a group of habitations or a hamlet or a group of hamlets comprising a community and managing its affairs in accordance with traditions and customs;		97-B. Declaration of village in scheduled areas.- For the purposes of section 3, a village shall ordinarily consist of a habitation or a group of habitations or a hamlet or a group of hamlets thereof comprising a community of communities and managing their affairs in accordance with traditions and customs.
4 (c)	every village shall have a Gram Sabha consisting of persons whose names are included in the electoral rolls for the Panchayat at the village level;		
4 (d)	every Gram Sabha shall be competent to safeguard and preserve the traditions and customs of the people, their cultural identity, community resources and the customary mode of dispute resolution;		97-C. Functions of Gram Sabha.- (1) Every Gram Sabha shall be competent to safeguard and preserve the traditions and customs of the people, their cultural identity, community resources and without detriment to any law for the time being in force, the customary mode of dispute resolution.
4 (e)	every Gram Sabha shalli.- (i) approve of the plans, programmes and projects for social and economic development before such plans, programmes and projects are taken up for implementation by the Panchayat at the village level; (ii) be responsible for the identification or selection of persons as beneficiaries under the poverty alleviation and other programmes;		97-C. (2) Every Gram Sabha shall,- (i) approve plans, programmes and projects for social and economic development before such plans, programmes and projects are taken up for implementation by the Gram Panchayat, at the village level; (ii) be responsible for the identification or selection of persons as beneficiaries under poverty alleviation and other programmes.

4 (f)	every Panchayat at the village level shall be required to obtain from the Gram Sabha a certification of utilisation of funds by that Panchayat for the plans, programmes and projects referred to in clause(e);		97-C. (3) Every Gram Panchayat shall obtain from the Gram Sabha, a certification of utilization of funds by that Panchayat for the plans, programmes and project referred to in sub-section (2).
4 (g)	the reservation of seats in the Scheduled Areas at every Panchayat shall be in proportion to the population of the communities in that Panchayat for whom reservation is sought to be given under Part IX of the Constitution; Provided that the reservation for the Scheduled Tribes shall not be less than one-half of the total number of seats; Provided further that all seats of Chairpersons of Panchayats at all levels shall be reserved for the Scheduled Tribes;		97-D. Reservation of seats of office bearer in Panchayats.- The reservation of seats in the scheduled areas to every Gram Panchayat and Panchayat Samiti shall be in proportionate to the population of the communities in that Gram Panchayat or the Panchayat Samiti, as the case may be: Provided that the reservation for the Scheduled Tribes shall not be less than one-half of the total number of seats: Provided further that all seats of Pradhan of Gram Panchayats and Chairman of Panchayat Samitis shall be reserved for the Scheduled Tribes.
4 (h)	the State Government may nominate persons belonging to such Scheduled Tribes as have no representation in the Panchayat at the intermediate level or the Panchayat at the district level: Provided that such nomination shall not exceed one-tenth of the total members to be elected in that Panchayat;		97-E. Nomination of persons.- The Government may nominate persons belonging to such scheduled Tribes who have no representation in Panchayat Samitis or the Zila Parishad, as the case may be: Provided that such nomination shall not exceed one-tenth of the total members to be elected in the Panchayat Samiti or Zila Parishad, as the case may be.
4 (i)	Acquisition of land for development projects and resettlement of displayed persons.	Section 4(i) Prior consultation with Gram Sabha or Panchayats at appropriate level shall be made mandatory.	Under section 97-F of the HP Panchayati Raj Act, 1994 as amended vide Himachal Pradesh Panchayati Raj (Second Amendment) Act, 1997, hereinafter referred to as the Act, it has been made mandatory that the Gram Sabhas shall be consulted before making the acquisition of lands in the scheduled Areas for development of Projects and before resettling or rehabilitating persons evicted by such Acts in the Scheduled Areas.
4 (j)	Planning and management of minor water bodies.	Section 4 (j) Entrusted to Panchayats at the appropriate level.	Under section 97-G of the Act, the Panchayats at an appropriate level in the Scheduled Areas has been entrusted with the powers of planning and management of water bodies.
4 (k)	Grant of	Section 4 (k)	Under section 97-H, it has been made

	prospecting license or mining minerals.	Prior recommendation of Gram Sabha or the Panchayats at the appropriate level shall be made mandatory.	mandatory that prior recommendation of the Gram Sabhas shall be taken into consideration prior to grant of prospecting license or mining lease for miner minerals in the Scheduled areas. It is worthwhile to mention here that even for non Scheduled Areas the resolution of the concerned Panchayat has been made compulsory before the grant of any area on mining lease as well as installation of mineral based industries.
4 (l)	Grant of concession for exploitation of minor minerals by auction.	Section 4(l) Prior recommendation of Gram Sabha or the Panchayats at the appropriate level shall be made mandatory	Under section 97-H(2), prior recommendation of the Gram Sabha has been made compulsory for grant of concession for the exploitation of minor minerals by auction.
4 (m) (i)	Enforce prohibition or regulate or restrict sale & consumption of any intoxicant.	Sect. 4 (m) (i) Panchayats at the appropriate level and the Gram Sabha to be endowed with the powers.	The Gram Panchayat or the Gram Sabha concerned under section 97-I(b) has been empowered to exercise powers regarding enforcement of prohibition or regulation or restriction of the sale and consumption of any intoxicant in the Scheduled Area. It is also pertinent to mention here that otherwise also under the provisions of section-18 of the principal Act, a Gram Panchayat may by vote of two-third majority of members, direct that intoxicating liquor may not be sold at any license shop within the local area of Gram Panchayat.
4 (m) (ii)	Ownership of Minor Forest Produce.	Sec. 4 (m) (ii) Panchayats at the appropriate level and the Gram Sabha to be endowed with the powers.	The Gram Panchayat or the Gram Sabha concerned under section 97-I(a) has been empowered to exercise powers regarding ownership of Miner Forest Produce in the Scheduled Area.
4 (m) (iii)	Prevention & restoration of Tribal Alienated Land.	Sec. 4 (m) (iii) Panchayats at the appropriate level and the Gram Sabha to be endowed with the powers.	That tribal cannot alienate his land so situated in Scheduled Area under section 3 of the Himachal Pradesh Transfer of Land (Regulation) Act, 1968 to Non-Tribal. As such under this Act the requirement for bringing this provision is not necessary.
4 (m)	Managing of	Sec. 4 (m) (iv)	The Gram Panchayat or the Gram Sabha

(iv)	Village Markets.	Panchayats at the appropriate level and the Gram Sabha to be endowed with the powers.	concerned under section 97-I(c) has been empowered to exercise powers regarding management of village markets by whatever means called in the Scheduled Area.
4 (m) (v)	Money lending to the Scheduled Tribes.	Sec. 4 (m) (v) Panchayats at the appropriate level and the Gram Sabha to be endowed with the powers.	The Gram Panchayat or the Gram Sabha concerned under section 97-I(d) has been empowered to exercise powers regarding exercising control over money lending to the Scheduled Tribes.
4 (m) (vi)	Exercise control over institutions		(2) The Panchayat Samiti shall exercise such powers and perform such functions in such manner and to such extent as may be prescribed, in respect of the following matters, namely:- (a) exercising control over institutions and functionaries in all social sectors; and (b) control over local plans and resources for such plans including tribal sub-plans.
4 (m) (vii)	Exercise control over plans		
4 (n)	Endowment of powers and authority	the State Legislations that may endow Panchayats with powers and authority as may be necessary to enable them to function as institutions of self government shall contain safeguards to ensure that Panchayats at the higher level do not assume the powers and authority of any Panchayat at the lower level or of the Gram Sabha;	Provisions for devolution of powers and functions exist under section 11 (2), 83 and 94 of the HP Panchayati Raj Act which is applicable to the Panchayats including the Scheduled Areas.
4 (o)	Administrative arrangement	the State Legislature shall endeavour to follow the pattern of the Sixth Schedule to the Constitution while designing the	

		administrative arrangements in the Panchayats at district levels in the Scheduled Areas.	
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The Himachal Pradesh Panchayati Raj Act, 1994 has been brought in conformity with the provisions of the Panchayats(Extension to the Scheduled Areas) Act, 1996 vide the Himachal Pradesh Panchayati Raj (Second Amendment) Act, 1997 (Act No. 1 of 1998). The following are the subjects whose related laws have been amended:-

1. The Himachal Pradesh Transfer of Land (Regulation) Act, 1968 has been amended vide the Himachal Pradesh Act No. 2 of 2003.
2. The Himachal Pradesh Minor Minerals (concession) Revised (amendment) rules, 2003 have been notified by the Industries department on 25.6.2003.

In this State the Punjab Excise Act, 1914 is applicable and the Excise & Taxation Department of the State Government is of the view that the Panchayats have already been empowered by the Central Act read with Panchayati Raj Act to restrict sale and consumption of any intoxicants in tribal/scheduled areas and as such no further amendment is required in the Punjab Excise Act, 1914.

The Forest Department vide executive order dated 28th February, 2003 has identified 37 species of Medicinal herbs and other non timer Forest Produce on which control has been given to the concerned Panchayats and the Pradhan of the concerned Panchayat has been empowered to issue passes for these items and to levy export fee which will form the fund of the Panchayat. In addition to this Pradhans of the Panchayats has been appointed as Forest Officer to carry out the purposes of rule 11 of the Himachal Pradesh Forest Produce Transit (Land Routes) rules, 1978 for the issuance pass for transport of Minor Forest Produce collected from the forest in the concerned Panchayat.

Notification of Rules under PESA: The State Government have framed and published the HP Panchayati Raj (Extension to the Scheduled Areas) Rules, 2011 vide notification No. PCH-HA (1) 4/ 2006-III, dated 26th March, 2011 and published in the official Gazette on 1st April, 2011. The copy of the said rules has also been hoisted on our website hppanchayat.nic.in.

11. Status regarding the devolution of powers, functions and responsibilities to the Panchayati Raj Institutions :

Under the provisions of the Himachal Pradesh Panchayati Raj Act, 1994 the Panchayati Raj institutions, interalia other important powers, following powers and functions have been assigned:-

Section

Powers and functions devolved to PRIs

- 5-A It has been made mandatory that the Panchayat Secretary shall prepare/compile the agenda items submitted by the members of Gram Panchayat after consultation with the Sabha members of concerned ward as well as the items/issues of Government departments or organization. The agenda so prepared for the Gram Sabha meetings shall be circulated alongwith the notice of the meeting.
- 7(1) The Gram Sabha shall perform the following function, namely:-
- (a) mobilize voluntary labour and contribution in kind and cash for the Community Welfare Programmes;
 - (b) identification of beneficiaries for the implementation of developmental schemes pertaining to the village;
 - (c) rendering assistance in the implementation of developmental schemes pertaining to the village;
 - (c-a) approve plans, programmes and budget, prepared by the Gram Panchayat, for economic development and social justice;
 - (c-b) authorize, after being satisfied, issuance of utilization certificate of funds spent on the implementation of the plans, projects and programmes of the Gram Panchayat;
 - (d) promotion of unity and harmony among all sections of society in the Sabha area;
 - (e) seek clarifications from the Pradhan, Up-Pradhan and members of the Gram Panchayat about any particular activity, scheme, income and expenditure.
- 7(2) The Gram Sabha has been empowered to consider the following matters, and make recommendations and suggestions to the Gram Panchayat, namely:-
- (a) the annual statement of accounts of the Gram Panchayat, the report of the administration of the preceding financial year and the last audit note and replies, if any, made thereto;
 - (b) the report in respect of development programmes of the Gram Panchayat

- relating to the preceding year and development programmes proposed to be undertaken during the current year;
- (c) the promotion of unity and harmony among all sections of society in the village;
- (d) the programme of adult education within the village.
- 7(4) The Gram Sabha authorized to form one or more vigilance committee(s) consisting of not less than five persons, who are not members of the Gram Panchayat, to supervise the Gram Panchayat works, schemes and other activities and to put up reports concerning them in its meeting and shall also send a copy of the said report of Block Development concerned.
- 7(5) The village level functionaries of the Agriculture, Animal Husbandry, Primary Education, Forest, Health and Family Welfare, Horticulture, Irrigation and Public health, Revenue and Welfare Departments shall attend the meetings of the gram Sabha in whose jurisdiction they are posted, and if such village level functionaries fail to attend the meetings, the Gram Sabha shall report the matter to their controlling officer through the Gram Panchayat, who shall take disciplinary action against such functionaries within one month from the date of receipt of the report and shall intimate the action taken on such report to the Gram Sabha through the Gram Panchayat.
- 11(1) It shall be the duty of a Gram Panchayat to perform within its area the functions specified in Scheduled-I, which are as under:-
- (a) sanitation, conservancy and prevention and abatement of nuisance;
 - (b) construction, repair and maintenance of public wells, ponds, tanks and conventional/ traditional sources of water;
 - (c) construction and maintenance of village paths, mule roads and rural roads, culverts, bridges and bunds which are not constructed or maintained by the Public Works Departments;
 - (d) construction, maintenance and cleaning of public streets, latrines, drains, tanks, wells and other public places.
 - (e) regulating the construction of buildings, latrines, urinals, drains and water closets;
 - (f) collection and disposal of refuse and earmarking places for dumping

of refuse;

- (g) filling of disused wells, in sanitary ponds, pools, ditches and pits and conversion of step wells into sanitary wells;
- (h) lighting of village streets and other public places;
- (i) removing of obstructions and projections in public streets or places and in sites not being private property or which are open to use of public, whether such sites are vested in the Panchayat or belong to the State Government.
- (j) management of public land and management and development of village site, grazing lands and other lands vested in or under the control of the Gram Panchayat;
- (k) maintenance of ancient and historical monuments other than those declared by or under law made by Parliament to be of national importance;
- (l) maintenance of Gram Panchayat property;
- (m) plantation and preservation of Panchayat Forests;
- (n) regulating places for disposal of dead bodies, carcasses and other offensive matters.
- (o) disposal of unclaimed corpuses and carcasses;
- (p) regulation of sale and preservation of meat;
- (q) establishment and management of cattle ponds and maintenance of records relating to cattle;
- (r) establishment, management and regulation of markets and fair s; and
- (s) maintenance of records of births, deaths and marriages.

12 Gram Panchayats have also been authorized to remove encroachments and nuisance in the Panchayat area.

13 A Gram Panchayats have been empowered to make general orders with regard to:-

- (a) prohibit the use of water of a well, pond or other excavation suspected to be dangerous to the public health;
- (b) regulate or prohibit the water of cattle or bathing or washing at or near

- wells, ponds or other excavations reserved for drinking water;
- (c) regulate or prohibit the steeping of hemp or any other plant in or near ponds or other excavations within two hundred and twenty metres of the residential area of a village;
 - (d) regulate or prohibit the dyeing or tanning of skins within four hundred and forty metres of the residential area of a village;
 - (e) regulate or prohibit the excavation of earth or stone or other materials, within two hundred and twenty meters of the residential area of a village:
 - (f) regulate or prohibit the establishment of brick kilns and charcoal kilns within eight hundred and eighty meters and pottery kilns within two hundred and twenty meters of the residential area of a village;
 - (g) direct that the carcasses of all animals dying within the village, except animals slaughtered for consumption shall not be disposed of within a radius of four hundred and forty meters of the residential area of the village;
 - (h) regulate the construction of new buildings or the extension or alterations of any existing building or the abadi;
 - (i) regulate with the previous permission of the Government, the parking of public vehicles;
 - (j) regulate such matters as may be necessary for the general protection of standing trees and trees on common land and the planting of such trees;
 - (k) regulate the observance of sanitation and taking curative and preventive measures to remove and prevent the spread of epidemics;
 - (l) regulate the maintenance of water courses meant for irrigation purposes;
 - (m) regulate the killing of stray dogs;
 - (n) regulate the slaughter of animals;
 - (o) prohibit beggary;
 - (p) direct the taking of measures for the prevention of water-logging;
 - (q) regulate the flaying and disposal of dead animals;

- (r) prohibit the sale of harmful eatables within the Sabha area; and
 - (s) regulate offensive and dangerous trades or practices;
 - (t) protect public property such as sign boards, mile-stones on public roads, paths, irrigation and water supply schemes, public taps, public wells, hand pumps, community centers, mahila mandal bhawans, school buildings, Health/Veterinary/Ayurvedic Institution buildings.
- 14 Gram Panchayats have also been empowered to exercise control on erection of buildings in the Sabha area.
- 15 Gram Panchayats have been empowered to impose penalty for disobedience of its special or general order. Under this provision if any person disobeys an order of the Gram Panchayat made under section 12 and 13, he shall be liable to a penalty which shall be imposed by the Gram Panchayat and may extend one thousand rupees; and if the breach is a continuing breach, with further penalty which may extend to ten rupees for every day after the first during which the breach continues provided that recurring penalty shall not exceed the sum of five thousand rupees. The penalty, if not paid shall be recovered as arrears of land revenue.
- 16 Gram Panchayats have been empowered to enquire and make report about misconduct of certain officials such as peon, bailiff, constable. Head Constable, Chowkidar, Patrol of the Irrigation Department, forest Guard, Patwari Vaccinator, canal overseer, Gram Sewak, game watcher, Panchayat Secretary, etc.
- 18 Gram Panchayats also have powers to introduce prohibition in the Sabha area.
- 20 Gram Panchayats have the powers to start, manage and regulate fairs and markets within the Sabha area.
- 21 A Gram Panchayat shall have control of all public streets, waterways, other than canals as defined in any other enactment for the time being in force relating to a canal or a minor canal, situated within its jurisdiction, not being private street or waterway and not being under the control of the Government or any other authority specified by the Government and may do all things necessary for the maintenance and repair thereof, and may-

- i. construct new bridges or culverts;
- ii. divert, discontinue or close any public street, culvert or bridge;
- iii. widen, open, enlarge or otherwise improve a public street, culvert or bridge with minimum damage to the neighbouring fields;
- iv. deepen or otherwise improve water ways;
- v. with the sanction of the senior most officer of the IPH Department in the District shall undertake small irrigation projects;
- vi. cut any hedge or branch of any tree projecting on public street;
- vii. notify the setting apart of any public water course for drinking or culinary purposes, and prohibit bathing, washing of clothes and animals or doing of other acts likely to pollute the course so set apart:

Provided that nothing shall be done under clause (g) which may affect a canal governed by any other enactment for the time being in force relating to a canal or a minor canal, without the prior permission of the authority prescribed by the Government in this behalf.

23, 84, The Gram Panchayats, Panchayat Samitis and Zila Parishads are
95 empowered to constitute standing committees.

32 (1) Gram Panchayats are also empowered to perform judicial functions and offences mentioned in Schedule-III of the Act (copy enclosed), if committed within the jurisdiction of the Gram Panchayats, and abetment of and attempts to commit such offences are cognizable by Gram Panchayat concerned.

32 (2) Gram Panchayats have also been empowered to hear and decide the application for maintenance under section 125 of the Cr.P.C. and can grant a maintenance allowance not exceeding Rs.500/- per month.

100 Gram Panchayats have been empowered to impose property tax. They are also empowered to levy a tax on persons carrying on any profession, trade and employment other than Agriculture, a duty on the transfer of property if authorized by the Government. Besides this Gram Panchayats have also been empowered to levy following fees at such rates as they deem fit, namely :-

- (a) Teh-Bazari from the shopkeepers in the fairs.
- (b) service fee for cleaning of streets, lighting of streets, sanitation, solid and liquid waste management, parking of vehicles, as the

- case may be;
- (c) fee for registration of animals sold in the Sabha area; and
 - (d) water rate where water is supplied by the Gram Panchayat.

- 104 Panchayats at all the three levels, with the previous permission of the Government, have also been authorized to impose any tax which the Legislative Assembly has power to impose under the Constitution.
- 110 Panchayats at all the three levels have also been empowered to borrow money/raise loans.
- 184 Panchayats have been empowered to prepare plans.

With a view to strengthen democracy at the grass root level and to make the PRIs viable institutions of self governance, the State Government has also devolved powers, functions and responsibilities relating to 15 departments namely Agriculture, Animal Husbandry, Ayurveda, Education, Food & Supplies, Forest, Health & Family Welfare, Horticulture, Industries, Irrigation & Public Health, Public Works, Revenue, Rural Development and Social & Women Welfare to the Panchayati Raj Institutions on 31st July, 1996. These powers relate mainly to planning process, execution and monitoring of works/schemes at different levels of the three tier system of PRIs. Besides this more powers and functions have also been devolved to the PRIs and some of the important powers and functions devolved are as under:-

- Gram Sabhas have been vested with the powers to select the beneficiaries under BPL vide letter No.SMI-2/97-RDD, dated 8th September, 1997 and also beneficiary under Indira Awas Yojna as per the guidelines of Govt. of India. .
- The Gram Panchayats have been given powers to executed works up to the value of Rs. 50,000/- without any external sanction.(Ref. Sl. No. 1(a) of Appendix-D of the Himachal Pradesh Panchayati Raj(Finance, Budget, Accounts, Audit, Works, Taxation and Allowances) Rules, 2002).
- It has also been decided that the development works costing up to Rs.3,00,000/- will be executed by the Gram Panchayats.(Ref. Sl. No. 12(i)

of Appendix-A of the Himachal Pradesh Panchayati Raj(Finance, Budget, Accounts, Audit, Works, Taxation and Allowances) Rules, 2002).

- Gram Panchayats will also assist in identification and selection of beneficiaries under NMBS & NFBS as per the guidelines issued by the Rural Development Department, Himachal Pradesh.
- Zila Parishads have been empowered to evaluate all the Poverty alleviation Programmes and coverage of women, SCs, STs and other BPL families in these programme as per the guidelines issued by the Government of India and notification No. SMS-19/95-RDD, dated 3rd April, 1999.
- Chairpersons of Zila Parishads have been designated as the chairpersons of the Governing Body of the respective DRDAs vide notification No.SMT-10/98-RDD, dated 4.10.1999.

In addition to above, the State Government, with a view to strengthen the role of Panchayati Raj Institutions, has also taken following specific decisions which have been conveyed vide D.O. letter No. PCH-HA(3)2/96, dated 5th November, 1999 :-

1. Gram Panchayats shall prepare micro-plans proposing development interventions that reflect the felt needs in their area by way of improving rural connectivity, schooling, health and veterinary care facilities, drinking water, sanitation etc. indicating the order of priority of the same. The micro-plan will be approved by the Gram Sabha. Thereafter at least 75% of the funds available under decentralized planning, relief funds and small savings prize money shall be earmarked by the Deputy Commissioner for funding the micro-plans in the order of priority indicated by the Gram Panchayat.
2. The Gram Panchayats have been empowered to decide the location of institutions/facilities for Public Welfare such as:-
 - (i) Schools (Reference letter No. EDN-II(2)B(8)1-2000, dated 26th August, 2000).
 - (ii) Angan Wari Centers (Reference letter No.WLF-F(10)31/2000, dated 10.1.2000).
 - (iii) Health Institutions

- (a) Allopathic(Reference Notification HFIN-B(F)7-10/92-II, dated 22.5.2002).
 - (b) Ayurvedic(Ref. Notification Ayur.-GA(1)-3/97, dated 30.1.2001).
 - (iv) Veterinary Institutions (Reference letter No.AHY.-A(4)1/95, dated 19.5.2001).
 - (v) Fair Price Shops (Reference Notification No.PCH-HA(1)12/87, dated 31.7.1996).
 - (vi) Hand Pumps transferred to Gram Panchayats(Reference Notification No.PBW (PH)A(3)9/96.I, dated 28.2.2001).
 - (vii) Public Water Taps.
3. The Gram Panchayats shall have powers to report on physical attendance in their assigned areas of work with regard to grass root level functionaries such as Pump Operators, Helpers, Fitters, Linemen, Water Distributers, Kohlis and Beldars of I & PH Department(Reference Notification No.PBW(PH)A(3)-9/96.I, dated 6.1.2001), staff posted in Veterinary Dispensaries(Ref. Letter No.AHY(4)-1/95, dated 9.1.2001 and the guidelines issued by the AH Department vide letter No. AHY-H(II)(F).2 (20)88, 19.10.2000) Pharmasist, ANM and Class-IV employees attached with Ayurvedic Health Centres(Reference Notification No. Ayur-GA(i)-3/97, dated 30.1.2001), School Teachers, Male/Female health Workers(Ref. Notification HFW-B(F)7-10/92-II, Dated 22.5.2000), Grass root level functionaries of Education Department (Reference letter No. Shishka(H)(Pry.)(4)-32.96, dated 12.12.1996), Anganwari Workers, Anganwari Helpers (Reference Notification WLF-B(14)-3/87, dated 7.9.2000), Tailoring Teachers, Panchayat Sahayak, Takniki Sahayak as these are the functionary appointed by the Gram Panchayat.
4. Vide Fisheries department Notification No. Fish.A(3)-1/98, dated 20.1.2001, Pradhan or Up-Pradhan of Gram Panchayats have been empowered for issuing fishing licence to anglers for sport fishing and Chairperson and Vice-Chairperson Panchayat Samitis for issuing

licence to professional fishermen for general and trout water fishing and the money realised as licence fee would be retained by the concerned Panchayats as its revenue.

5. Cess of Rs.1/- per bottle of liquor sold in the rural area will be collected and transferred to the Gram Panchayats for utilization in developmental activities (Reference letter 7-51/98,-EXN, dated 19.3.1999).
6. Before grant of any lease for mining any minerals a resolution from the concerned Panchayat has been made compulsory. (Ref. Letter No. Udyog-II(Kha)11-2/95-II-loosed, dated 9.2.2001).
7. Zila Parishads are authorised to appoint Assistant Engineers on contract basis against vacant posts vide Notification No.PCH-HB(1)36/01-A.E., dated 20th August, 2001. They are being paid remuneration out of the Government grant @Rs.21,000/- per month by the concerned Zila Parishad.
8. Zila Parishads are also empowered to appoint Junior Scale Stenographer on a monthly remuneration of Rs.7810/-.
9. Panchayat Samitis are authorised to appoint Junior Engineers on contract basis against the vacant posts vide Notification No.PCH-HB(1)1/2001 dated 24th March, 2005. At present there are 147 J.Es. They are being paid remuneration out of the Government grant @Rs.14100/- per month by the concerned Panchayat Samiti and 29 J.Es have been regularized on regular scale of Rs.10,300-34,800+3800(Grade Pay), therefore initial start is Rs.14,590/-.
10. Vide Notification No. PCH-HB(1)43/01, dated 20.8.2005, Panchayat Samitis are also authorized to appoint Accountants on contract basis against the vacant posts of Accountants, clerks and steno typists occurred in the office of the Block Development Officers from time to time. They are being paid remuneration out of the Government grant @Rs.7810/- per month.
11. Vide notification No.PCH-HB(1)12/02, dated 18.2.2005, it has been decided by the State Government that a penal of Takiniki Sahayaks will be drawn at the Block level and there will be one Takniki Sahayak for

every two Gram Panchayats in that Block. Takniki sahayaks will be paid service fee @ 2% upto the works costing 50,000/- and for works costing above 50,000 service fee @ 1½% of the cost of works being executed by the Gram Panchayat concerned. However they will get Rs.2500/- minimum service fee per month if they did not get upto this level by way of service fee.

12. The Panchayat Samitis have also been empowered to appoint Panchayat Sahayaks on contract basis against the vacant post of Panchayat Secretaries under a fixed remuneration of Rs.5910/- per month. The Panchayat Sahayaks who have completed 8 years of their service are designated as contractual Panchayat Secretaries and they are paid remuneration of Rs.7810/- per month.
13. The Gram Panchayats have been made the appointing authority in respect of the following grass root level staff and their remuneration shall also be disbursed by the Gram Panchayats:-

Sl. No	Category of worker	Rate of remuneration per month
1.	Tailoring Mistress	Rs.1100/-
2.	Panchayat Chowkidars	Rs.1000/-

14. Gram Sabhas have been empowered to select beneficiaries under various government schemes such as credit-cum-subsidy housing scheme as per the guidelines issued by the Government of India and for selection of old age pension beneficiaries under Social Security Pension scheme vide Welfare Department notification No.WLF-A(3)4/2-2000, dated SLF-A(3)-4/2000 dated 13.1.2001.
15. Vide Education department notification No.EDN-C-B(2)-1/99, dated 2.3.2001 all the Primary School Buildings have been transferred to the Gram Panchayats and the maintenance/repair and control of Primary School buildings would be the responsibility of Gram Panchayats.
16. Zila Parishad and Panchayat Samitis have been empowered to supervise the duties and functions regarding revenue matter, to assist the revenue officials in identification of landless/houseless persons and

- formulation of policies for utilization of government land and giving no objection certificates for such land on lease at district and Block level. Instruction issued vide letter No.Rev.B.A(4)1/2001, dated 30.1.2001
17. Vide Revenue department notification No.Rev.d(f)14-3/94, Dated 6.5.2000 Gram Panchayats have been empowered to collect the land revenue from the land owners/right holders and Gram Panchayats will use the collected land revenue at their own level.
 18. In the event of establishment of new veterinary institutions the Animal Husbandry deptt. will submit a proposal for construction of buildings under R.N.S. in case the funds are allotted by the State Government the construction of buildings will be allotted to Zila Parishad and construction will be done under the supervision of Zila Parishad and Zila Parishads have been empowered for maintenance of existing veterinary institutions buildings, the annual maintenance budget under minor works will be allotted to Zila Parishads. Panchayat Samitis have been empowered for maintenance of veterinary buildings falling under the Panchayat Samitis areas, funds for constructions and maintenance of veterinary dispensary buildings will be allotted to the Panchayat Samiti on the recommendation of the Zila Parishad.
 19. Gram Sabha resolution has been made compulsory before granting of any area on money lease and installation of mineral based industry. The Gram Panchayats have also been given powers to issue permits for the personal bonafide use for extraction of sand, stone, bajri and slates.
 20. Pradhans of Gram Panchayats have been appointed as Forest Officers to carry out the purposes of rule 11 of the Himachal Pradesh Forest Produce Transit(Land Routs) Rules, 1978 for the issuance of pass for transport of Minor Forest Produce collected from the Forest in respect of 37 items.
 21. Gram Panchayats have been authorised to levy duty on Mobile Communication Service providers for installation of Mobile Communication Towers.

22. Pradhans have been empowered to issue Below Poverty Line Certificates and non employment certificate .
23. Up Pradhans have been authorized to attest the certificates on the basis of record.
24. Under section 23 of the Himachal Pradesh Panchayati Raj Act, 1994, there shall be constituted two committees by the Gram Panchayats i.e Works Committee and Budget Committee. UP Pradhan shall be the chairman of one of the said Committee.

12. Financial Resources of Panchayats :

- i) Grant in aid from the Govt.
- ii) Property tax.
- iii) Tax on extraction and export of sand, stone, Bajri and slates.
- iv) Excise cess.
- v) Land revenue.
- vi) Duty, Fees and Fines
- vii) 1% contingency.
- viii) Interest money.
- ix) Teh-Bazari from the shopkeeper.
- x) Service fee.
- xi) Income from own assets such as shops orchards etc.
- xii) Income from installation of Mobile Communication Towers.

13. Imposition of taxes by Gram Panchayats: Presently Zila Parishad and Panchayat Samitis are not levying any tax, fees, cess etc. However, a Gram Panchayat may, through a resolution and after previous publication, levy,-

- (i) **Property tax :** A Gram Panchayat may, through a resolution and after previous publication, levy property tax at such rates and in such manner as it may deem fit on residential and commercial buildings, in the Sabha area.
- (ii) **Profession Tax:** with the previous approval of the Government, a tax on persons carrying on any profession, trade, calling and employment other than agriculture in the Sabha area; provided such tax has not been levied in the Sabha area by any other local authority under any law for the time being in force;
- (iii) **Duty on transfer of property:** if so authorized by the Government, a duty on transfer of property in the form of a surcharge on the duty levied under the Indian Stamp Act, 1899, in its application to Himachal Pradesh, on instruments of sale, gift and mortgage with possession of immovable property situated in the Sabha area at such rate as may be fixed by the Government not exceeding two percent on, as the case may be, the amount of the

consideration, the value of the property or the amount secured by the mortgage, as set forth in the instrument;

- (iv) **Other Taxes:** if so authorized by the Government, any other tax, duty or cess which the Legislative Assembly of Himachal Pradesh has power to levy.
- (v) **Fees :** A Gram Panchayat may, through a resolution and after previous publication, levy following fees at such rates and in such manner as it may deem fit in the Sabha area, namely:-
 - (e) Teh-Bazari from the shopkeepers in the fairs.
 - (f) service fee for cleaning of streets, lighting of streets, sanitation, solid and liquid waste management, parking of vehicles, as the case may be;
 - (g) fee for registration of animals sold in the Sabha area; and
 - (h) water rate where water is supplied by the Gram Panchayat.
- (vi) **Land Revenue:** Gram Panchayats have been empowered to collect the land revenue from the land owners/right holders and Gram Panchayats will use the collected land revenue at their own level.
- (vii) **Liquor Cess:** Cess of Rs.1/- per bottle of liquor sold in the rural area will be collected and transferred to the Gram Panchayats for utilization in developmental activities.

(vi) Duty on Mobile Communication Service providers:

Gram Panchayats have been authorised to levy duty on Mobile Communication Service providers for installation of Mobile Communication Tower at the rate of Rs.4,000/- per tower and annual renewal fee at the rate of Rs.2000/- per annum per tower with the following conditions:-

- (a) An option for lump sum payment of renewal fee may be given in blocks of 5 years (with 40% discount for upfront payment of the entire amount including renewal fees for 5 years).
- (b) There shall be periodic increase in renewal fee by 25% after every 5 years.
- (c) An additional amount at the rate of 60% shall be levied for every additional antenna which shares the same tower.

14. Standing Committees in Panchayats:

Every Gram Panchayat is to constitute by election a Works Standing Committee and a Budget Standing Committee from among its members. The Pradhan shall head one Committee and the other by the Up-Pradhan as may be decided by the GP. All development works of the GP are to be executed by the Works Committee. If considered necessary the GP may form sub-committees to supervise and monitor performance of such works. The Budget Committee is to prepare the annual budget of the GP and submit to the Secretary for placing it before the GP for consideration

and approval. The GP may constitute more Standing Committees for performing other functions as may be entrusted by the GP.

The Panchayat Samiti is to have the following Standing Committees:-

- (i) General Standing Committee
- (ii) Finance, Audit and Planning Committee
- (iii) Social Justice Committee

Each Standing Committee shall have not more than seven members including the Chairman, elected by the members of the Panchayat Samiti from amongst the elected members. The term of each Standing Committee shall be two and a half years. No elected member of the Panchayat Samiti shall be eligible to serve on more than two Standing Committees.

The Zilla Parishad is to have the following Standing Committees:-

- (i) General Standing Committee
- (ii) Finance, Audit and Planning Committee
- (iii) Social Justice Committee
- (iv) Education and Health Committee
- (v) Agriculture and Industries Committee

Each Standing Committee shall have not more than five members including the Chairman, elected by the members of the Zilla Parishad from amongst the elected members. The term of each Standing Committee shall be two and a half years. Chairman shall be the ex-officio Member and Chairman of the General Standing Committee and the Finance, Audit and Planning Committee. Vice-Chairman shall be the ex-officio Member and Chairman of the Social Justice Committee. The other Standing Committees shall elect its Chairman from amongst themselves.

15. Honorarium to elected representative of Panchayati Raj Institutions:

Himachal Pradesh is perhaps one of the few states in India which is providing monthly honorarium to all the elected representatives of Panchayati Raj Institutions. State Government is providing honorarium of Rs.3500/- for Chairpersons, Rs.2500/- for Vice-Chairpersons and Rs.1500/- per member of the Zilla Parishads. For Panchayat Samitis the rates of honorarium for Chairpersons, Vice-Chairpersons and Members is Rs.1800/-, Rs.1500/- and Rs.1200/- per month respectively. The

rates of honorarium at Gram Panchayat level are Rs.1200/- for Pradhan, Rs.1000/- for Vice-Pradhan, whereas the member of the Gram Panchayat is given as sitting fee of Rs.150/- per meeting up to two meeting in a month.

16. Accountability and transparency in the functioning of PRIs:

To make grass root level democratic institutions more responsive, accountable and to ensure transparency in their day to day functioning, instructions have been issued with respect to, access to information, publicity, accountability, promptness in dealing with public etc. It has been decided that any voter of the Panchayat area can inspect the record of the Panchayat and can have copy thereof after paying the nominal fee prescribed for the purpose. Permanent as well as variable information including list of beneficiaries and list of schemes along with sanctioned amount thereto, will be displayed on the notice boards of the Panchayats. Besides this, attendance of the Panchayat Secretary in a particular Panchayat will be verified by the concerned Pradhan. This provision is in addition to the provision of RTI Act which were prevailing prior to the enactment of RTI Act.

17. State Finance Commissions:

	SFC 1	SFC 2	SFC 3
Term of the Commission	23 April,1994 to Nov 1996	25, May 1999 to Oct 2002	26 th may 2005 to 2 nd November, 2007
Report submitted on date	November,1996	24 th October, 2002	2 nd November, 2007.
Number of recommendations	General=9 Specific=15, Total=24	27	33
No of recommendation accepted by state government.	Accepted in toto	Accepted in toto	Accepted in toto
Report accepted by state government.	July,1997	31 October, 2002	27 th February, 2008
ATR in state legislature on date	April 1997	During budget session held in August 2003	10 th April, 2008

18. Maintenance of Accounts by Panchayats:

Accounts of Gram Panchayats are being maintained by the Panchayat Secretary appointed by the Director and Panchayat Sahayak appointed on contract basis by the Gram Panchayat. In the case of Panchayat Samiti accounts are maintained by the Accountants appointed by the State Government and in the event of vacancy the Accountants appointed by the Panchayat Samiti on contract basis. Accounts in respect of Zila Parishads are maintained by the Government officials of the office of DPO-cum-Secretary, Zila Parishad. Monthly statements of accounts are placed before the Panchayat concerned for approval in their meeting. Accounts of Panchayats are audited on annual basis and audit reports are required to be placed before the Panchayat concerned in the meetings for compliance. There are no arrears in maintenance of accounts and there already exists accounting cadre as mentioned above.

19. Audit of PRIs:

In the light of Article 243 J of the Constitutional amendment Act, 1992 a provision of separate and independent Audit Agency under the control of Director Panchayati Raj has been made under section 118 of the Himachal Pradesh Panchayati Raj Act, 1994 to perform the Audit of the Accounts of Panchayati Raj Institutions. In the light of the 11th Finance Commission report the audit of PRIs is being done under the technical guidance and supervision of CAG. The CAG has provided training to the audit staff of this department for upgrading the skills of audit at regional centers during the year 2004. Presently there are 3243 Gram Panchayats, 77 Panchayat Samitis and 12 Zila Parishads and for conducting of audit of these institutions there is one post of Deputy Controller, 13 posts of DAOs 88 posts of Auditors. The annual audit coverage of Panchayati Raj Institutions is above 90%. The formats prescribed by the CAG for maintenance of accounts by the Panchayati Raj Institutions is being adopted and suitable amendment for this purpose has been proposed in the Himachal Pradesh Panchayati Raj (Finance, Budget, Accounts, Audit, Works, Taxation and Allowances) Rules, 2002 and the draft amendment rules

have already been published for inviting objections/suggestions as per the requirement of section 186 of the HP Panchayati Raj Act, 1994.

20. Social Audit:

Under section 7 of the Himachal Pradesh Panchayati Raj Act, 1994 every Gram Sabha is required to constitute vigilance committees consisting of not less than 5 persons, who are not members of the Gram Panchayat, to supervise the Gram Panchayat works, schemes and other activities and to put up reports concerning them in the Gram Sabha meetings and also to send a copy to the Block Development Officer. It has also been mandatory under section 7 of the Act that Utilization Certificates will be issued only after authorization from the Gram Sabha.

21. Constitution of District Planning Committees & Participatory Planning through Panchayats:

The Chairpersons of the DPCs is the Minister or Speaker or Deputy Speaker chosen by the State Government. The Deputy Commissioner is the Secretary of the respective District Planning Committee under the provision of section 185 of the Act.

As per the decision of the State Government, existing District level Planning Institutions of Planning Department have been placed under the technical control of the concerned Zila Parishad for strengthening structures of DPCs. The District Planning Institutions will also give technical assistance in respect of formulation, implementation and monitoring and review of District Plan and Plan schemes. The Planning Institutions at concerned district will function as Planning Secretariat for Zila Parishad. In addition to this it has also been decided that Backward Region Grant Fund (BRGF) of the two Districts namely Chamba and Sirmour will be utilized for augmenting resources for DPC proposals.

As per the intention of Article 243 G of the Constitution of India the activities followed by transfer of related funds and functionaries have yet to be devolved upon PRIs, as such, in the absence of transfer of functions, funds and functionaries Panchayats are unable to prepare plan for onwards submission to the District Planning Committee. Presently, the Plans are being prepared by the PRIs in respect of two districts namely Chamba and Sirmour and these plans are being consolidated and approved by the District Planning Committees for BRGF funds. The plans for

these two districts have been prepared on the software developed by the GOI namely PLANPLUS. However, Panchayats at present are preparing plans in respect of untied funds available with them and these plans are approved by the Gram Sabha.

The third term of the Panchayats was completed on 22nd January, 2011 and the general election for the fourth terms of the Panchayats have been conducted in December, 2010 and January, 2011 and the present Panchayats have started functioning with effect from 23rd January, 2011. As per the requirement of Article 243 ZD read with section 185 of the Himachal Pradesh Panchayati Raj Act, 1994 the State Government has issued notification on 29th March, 2011 published in official Gazette on 1st April, 2011 (copy of the said notification is available on our official website ***hppanchayat.nic.in***) for determination of members of the District Planning Committees of all the 12 Districts and to include the Cabinet Minister/ Ministers, Speaker and Deputy Speaker to be member and chairman of the DPC. The Deputy Commissioners of the respective Districts have been asked to conduct elections of the required number of members of the DPC from out of the elected representatives of PRIs and Municipalities.

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22. Activity Mapping:

As per the requirement of Article 243 G of the Constitution of India read with sections 11, 83 and 94 of the Himachal Pradesh Panchayati Raj Act, 1994 the powers, functions and responsibilities relating to 15 various departments of the State Government in respect of subjects mentioned in schedule 11 of the Constitution were devolved upon the Panchayati Raj Institutions vide notification dated 31st July, 1996. Powers and functions devolved to the PRIs mainly pertain to supervision, monitoring, reporting planning and issuing of contractual appointments and the functions have not been devolved completely because same are also being performed by the agencies of the State Government. Funds and functionaries have not been transferred to the PRIs. The powers and functions devolved so far to the PRIs either by way of legislation or notifications or executive orders are being implemented by the Panchayats. But in the absence of effective devolution, the Panchayats are reluctant about the same because the existing powers/functions devolved to the PRIs mainly pertain to supervising, monitoring and reporting.

The 29 subjects mentioned in Schedule-11 of the Constitution relate to the various Departments of the State Government. As a follow up of the recommendations of seven roundtables, a statement of conclusions has been signed between the Hon'ble Union Minister for Panchayati Raj on behalf of Government of India and the Hon'ble Chief Minister on behalf of the State Government the Government of India and it was agreed that the Activity Mapping will be finalized by August, 2006. In view of the same the Government of India have stressed for clear cut demarcation of functions to be transferred to the PRIs along with transfer of related funds and functionaries. Therefore, the concerned Departments were requested to identify the activities relating to 29 subjects mentioned in 11th Schedule of the Constitution for identifying the activities that can be devolved to the PRIs and to prepare Activity Map for devolution of functions and transfer of related funds and functionaries and to take policy decision at the Government level for preparation of Activity Map by opening a separate budget window for transfer of funds to the PRIs. The Department of Panchayati Raj of the State Government started the exercise of Activity Mapping with the collaboration of GTZ (German Aided Project). Meeting with the Administrative Secretaries and Heads of the Departments regarding Activity Mapping was held and the same was followed by the training of officers/officials of the concerned departments with regard to concept, methodology etc. of Activity Mapping on 12-14 May, 2008 at HIPA(SIRD). As a follow up of the same, Activity maps of all the 29 subjects mentioned in the 11th Schedule of the Constitution have been notified vide notification No.PCH-HA(3)9/2006-18580-22180, dated 19th October, 2009. But funds have neither yet been transferred by the concerned line departments nor separate Panchayat budget window has been opened.

23. Release of 13th Finance Commission Grants :

During the year 2010-11 the State Government released Rs.53.50 crore as 13th Finance Commission Grant to the PRIs. It is being released in two installments in view of the recommendations of the TFC to all the 3 tiers of PRIs in the ratio of ZP 50% PS 30% and GP 20%. The funds are credited into the accounts of PRIs through online transfer from the State Head Quarter. Therefore, funds under the TFC grants are being released to the Panchayats without delay and diversion.

From the current financial year apart from receiving funds under 13th Finance Commission the State Government will also be receiving funds under performance grant. The condition imposed by the 13th Finance commission for claiming the performance grant has already been compiled by the State Government.

24. Backward Region Grant Fund (BRGF):

Ministry of Panchayati Raj has launched a scheme namely Backward Region Grant Fund (BRGF). Under this scheme funds will be provided to the Backward districts for filling the gaps in the development. Two Districts of this State namely Chamba and Sirmour have been covered under this scheme. Funds will be provided under two components i.e., for capacity building of elected representatives & officials and for under taking developmental activities. Under capacity building component the State will get Rs.2.00 Crore per annum whereas under development head an amount of Rs.28.50 Crore per annum will be received (Rs.15.53 Crore for Chamba and Rs.12.97 for Sirmour). Initially this scheme was for 5 years starting from 2007-08 but this has been extending up to 2017-18. From the financial year 2011-12 the annual entitlement has been increased to 16.65 crore for Chamba District and 13.57 crore for Sirmour District from the existing annual entitlement. For claiming funds under development head, proposal duly approved by the District Planning Committee of the concerned District is required to be submitted to the Government of India. The CFY proposal has already been submitted to the Ministry of Panchayati Raj for approval and realizing of funds.

25. Rashtriya Gram Swaraj Yozna (RGSY):

The scheme of Rashtriya Gram Swaraj Yozna has been launched by the Ministry of Panchayati Raj, Government of India. Under this scheme, the Ministry sanctions capital out lay for construction of capital assets like PRI Buildings, Institutes and imparting training to the elected represented of PRIs. The status of funds for last two years sanctioned by the Ministry under this scheme is as under:-

Level	Number of Resource Centers Sancedioned	Constructed and operational	Under construction
	RGSY	RGSY	RGSY
Block level	-	-	-
Gram Panchayat level	300	300	-
Division levels	1	-	1

Division levels	1	-	1
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Capacity Building under RGSY:-

Rs.79.5 Lakh during the year 2007-08

Rs.106.00 Lakh during the year 2008-09

Rs. 106.76 Lakh during the year 2009-10

A comprehensive training proposal for imparting training to the newly elected representatives of PRIs amounting to Rs.37.00 crore have been submitted to the Ministry of Panchayati Raj, Government of India for sectioning of funds under RGSY.

C/o PRTI Mashobra under RGSY = Rs. 190.14 lakh.

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