CHAPTER IV

HISTORICAL BACKGROUND AND LEGAL FRAMEWORK OF HIMACHAL PRADESH
This chapter has been divided into four parts. The first part deals with the geography, culture and socio-economic development of Himachal Pradesh. The second part traces out briefly the social political history of Himachal Pradesh and the struggle for statehood in the form of Praja Mandal Movements prior to its formation as a one unit in 1948. The third part is devoted to the political history of Himachal from 1948 to 1971. The fourth part discusses the establishment of Panchayati Raj and its legal framework in Himachal Pradesh. The main objectives of the Panchayati Raj Amendment Act, 1991 has also been discussed in this part.

The word HIMACHAL derives its origin from Two Hindi words, 'Him' and 'Achal' meaning 'Snow' and 'Lap' respectively. The etymological, Himachal Pradesh (Hill States), stands for the region which lies in the slopes and foot-hills of snow i.e. the Himalayas.¹

Himachal Pradesh covering an area of 55,673 square Kilometres,² is situated in the northwestern corner of India, in the heart of the Himalayan range and is almost entirely mountainous with altitude ranging from 350 meter to 6975 metres³ from above sea level. It is surrounded by Jammu and Kashmir in the North, Punjab and Haryana in the West, Uttar Pradesh in the South and Tibet in the East, where it forms the border of India. Thus, it covers almost the same area as 'Jalandhara' known to the ancient geographers of India. They had divided the Himalayas into five distinct divisions namely, Nepal, Kurmachal (Kumaon), Kedara (Garhwal) Jalandhara and Kashmir. Two of the three eastern divisions of the Himalayas Kurmachal and Kedara at one end and the western division Kashmir at the other form

¹ 'Himalaya' is derived from the word 'Him' meaning 'Snow' and 'Alaya' meaning an 'Abode' i.e. the house or home of snow. Himalaya is supreme amongst the mountains of the world.
boarders of Himachal Pradesh. Therefore, the region of the Himalayas known to the ancient geographers as Jalandhara, was indeed Himachal Pradesh.4

The ancient name Jalandhara (Jalam-dhara) had a geographical connotation - "Jalam dharti Ki" Jalandhara (that which carries water is called Jalandhara). This very aptly applies to mountainous Himachal Pradesh in which the five great rivers with a number of their tributaries originate.5 And this is why the ancient geographers called this region Jalandhara.6

The territory is situated between 30.3 degree N and 33.3 degree N and 75.8 E and 79 degree E in altitudes.7 The territory can be divided into three zones - Outer Himalaya or the Shiwaliks, Inner Himalaya or the mid mountain zone and the greater Himalaya or the Alpine pasture. The rainfall in the first zone varies from 60 to 70 inches and in the second zone from 30 to 40 inches. The Alpine zone remains under snow for about five to six months in the year and this compels the inhabitants to become migratory. The average snow-fall is 63 to 65 inches. The climate varies from cool to cold with areas under snow during winter.

The summer areas of Mandi, Bilaspur, Una, Hamirpur and Kangra are the areas of hot climate during summer season. Five big rivers flow through the state - the Beas in Mandi, Sutlej in Simla and along the borders of Sirmour.8

Himachal Pradesh is bestowed with utmost beauty and is the natural peaceful paradise, silver coloured snows, towering hills, singing rivers, pretty lakes, emerald meadows, smiling glaciers and

6 In the medieval times, the name Jalandhara had confined to apart of the region known as Trigarta which is known as Kangra, one of the twelve districts of Himachal Pradesh. For detail see, Ibid, p. 2.
8 Ibid., p.1.
dancing birds, all these are the natural scenes of Himachal Pradesh. Apart from this, its mountains seem to embrace the sky. Its charming valleys, colourful fields and lawns cast a spell on all, particularly, the geographers, anthropologists, tourists, and researchers. In Himachal Pradesh, the outlook of people, its climate, flora, and fauna, all these are conditioned by that one single factor of natural fascination. Indeed, hills, laughing flowers, rivers abound in fish, lakes provided with boats, the green forests, harbour wild life of large variety—all these are the peculiar and wonderful prosperity of this hill region.9

Himachal has five soil zones. First, the low hill type soil suitable for wheat, maize, sugarcane, ginger, paddy, and citrus fruits. Second, the mild hill type is suited for potatoes, stone fruits, wheat, and maize. Third, the high hill soil which is good for seed potatoes and temperate fruits. Fourth is the mountainous soil which is not suitable for agriculture. Fifth is the dry hill soil area with heavy snowfall but ideal suited to dry food cultivation. Himachal is endowed with extensive natural resources. It has vast deposits of minerals like salt, slate, gypsum, limestone, barytes, iron ore, mica, and copper.10

Above all, this hilly region identified as "Dev Bhomi" is believed as the abode of gods. In fact, life without religion and magic seems here meaningless. There is a separate god in every village around whom the community life revolves, Shiva and Parvati are prominently worshipped gods in this region. In some of the interior parts of this state, magic plays a significant role in the tribal life. Besides this, many villages are believed to be ruled by the local deity. There is much influence of the Devatas on the people of upper regions of Kulu, Mandi, and Shimla. Devatas play an important role in the life of the people. But in Kinnaur District, there is an influence of Buddhist culture. In the villages, the people have close association with their clan gods. This land of gods has numerous temples with colourful flags fluttering high in the sky. Thus, Himachal Pradesh is the abode of Internal peace and another abode of gods.11
The people of Himachal Pradesh like those of the sub Himalayan Hills from Western Kashmir to Eastern Nepal are referred to by the generic term "PAHARI" (of the Mountains). Two major ancestral stocks, the DOMS and the KHASA are generally believed to have contributed to the present "PAHARI" population. The DOMS constitute the low-caste groups like the Blacksmiths, Carpenters, Musicians, Shoemakers, Weavers, Tailors, Basket makers etc., while the KHASA include the high caste groups like Brahmins and Rajputs. The DOMS are believed to be the indigenous people of the hills and the predecessors of the KHASA.  

The people of Himachal are predominantly Hindus. Family, caste, community are the most significant social units of society. The supernatural is almost as pervasive in the minds of the people as is the natural. Difficulty of any kind, crop failure, ailing animals, economic reversal, mysterious loss of property, persistent family troubles, disease, sterility, hysteria, death is attributed ultimately to fate and, more immediately, to the machination of one or another of a host of supernatural beings. Disappointments are nearly always rationalized in terms of fate as determined by misdeeds in previous lives. In every day life, the people think about and deals with religion in terms of immediate problems of their welfare and that of their families. The supernatural agents who are closely involved in these matters are personified beings whose behavior influences and can be influenced by the people. A sizable amount of time, effort and money is invested in activities designated to influence a host of supernatural beings.

The people by and large, are caste-ridden. The PAHARI caste system is characterised by a two fold divisions into high caste (Brahmin and Rajput) groups and the low caste groups the (DOMS) who are accorded the status of 'ACHUTS' (untouchables) and include most of the occupational groups found among both the clean shudras and the untouchables of the plains. Within each of these classifications there are status distinctions. However, with the dawn of independence, grant of universal adult franchise, spread of education and increase of social mobility, a new spirit of competition has been introduced among the various castes for political power and patronage. There is also a growing feeling among the low caste people and to reduce the extent of their dependence upon them.


13 J.D. Gupta, "Himachal Pradesh: Politics of Split Level Modernisation" in Iqbal Narain (ed.),
Himachal is predominantly agricultural with 94 per cent of its people depending on agriculture for their livelihood. They keep big herds of goats and sheep. Mostly, there are terraced cultivated fields in the altitudinal zone. Kangra, Bahl and Paonta are the famous valleys.

The principle language however, is a form of western Pahari which is known as Pahari. But the language of this hilly region is comprised of different dialects spoken in various mountainous tracts and valleys which are all styled as Pahari. For instance the people of Mandi speak Mandiali, the Kulu people speak Kulvi and the Chamba people speak Chamblial. There are many other dialects of Pahari language such as Jaunsari, Sirmauri, Baghatli, Keonthali, Sutlej group and Bhaderwali. In Kangra district, the dialect spoken are recognised as Kangri, whatever the name of dialects and language in various parts of this hilly region as described above. But ultimately the language of Himachal Pradesh is Pahari derived from Sanskrit of northern group of Aryan family except Lahuli and Kinnauri which belong to the Tibet Himalayan Branch of the Indo-China family.

Socio Economic Development.

Before the formation of Himachal Pradesh in 1948, no attention was paid to the economic development and social welfare of the people in the princely hill states. Efforts were made by some of the bigger rulers to open schools, dispensaries or sarais in their states. But the entire terrain was not easily approachable due to the lack of roads. The inhabited areas were separated by rivers without any bridge and culverts. Besides basic amenities of life such as hygienic drinking water, electricity, medical and health care facilities were either absent or negligible. None of the erstwhile hill states was an economically viable unit. The state was endowed with natural resources but means to exploit these were not available. The princes were indifferent and the people were helpless. They were extremely poor and conservative in outlook. Steeped in superstitions and lacking mobility due to the absence of proper means of transport they stuck to their ancestral occupations. For the rest, the people continued

State Politics in India, Meenakshi Prakashan Meerut, 1976, p.114.


to depend on land. Land was scarce due to hilly terrains and then the best of it was with the rulers of
their relatives. The common peasants tilled table cloth size terraced fields carved out of stony hill sides.
Poppy (opium) cultivation was only the cash crop. The people of Kinnaur had some trade contacts
with Tibet .

Although the great revolt of 1857 did not bring any conspicuous political change in Himachal
as in many parts of India. Yet the lessons the English learnt from the revolt led to the beginning of a
new era in their relationship with Indian states. Under the British Crown, some of the Punjab Hill States,
such as Chamba, Mandi, Bilaspur and Shimla made remarkable progress in a variety of fields. It was,
Infact, the result of the efforts made by officers or Superintendents, appointed by the British Government.
Major Blair Reid (Superintendent) devoted his attention to the development of internal resources and
general development of the state. In Chamba first of all, he improved upon the communications. Public
Works Department was recognised many new buildings were erected, among these may be mentioned
a new court house, post office, kotwaii, hospital and Jail. An attention was also paid to the development
of postal service, education and revenue. A primary school was opened which was later raised to the
middle standard and efforts were also made to poster education by way of offering scholarships in
Chamba and on the plains to students who wanted to prosecute higher studies. A medical hospital
was opened. But much progress could not be made on medical side until the reign of Raja Sham Singh.
Apart from these measures, departments such as police, judiciary forest etc., were also recognised.

Mandi also made some progress under the guidance of English officers and Superintendents,
but it was not at par with Chamba. A new road was constructed from Mandi to Kulu by the Dulchi pass.
The state of Bilaspur also made good progress. The old administrative Sub-divisions of the state were
re-arranged, and the old names discarded in favour of tehsils and thanas, as in British territory. Hindi
and English schools were opened forest department was organised. In a few years all debts were
discharged, criminal, civil and revenue courts were established, a school and hospital were built, a
police force was organised and system introduced into every department of the state.

British officers also contributed to the development of other hill states. During the minority
rule of the various rulers of different states, the work of administration was looked after by the British

16 Mian Goverdhan Singh, op. cit., pp. 140-141.
officers. The territories which were directly administered by the British naturally benefitted more from British rule. The English provided better facilities for education, health communication, etc. in these territories. Shimla is an example of this. It was under the English that it was connected by rail to the plains, many schools were opened, a few hospitals and sanitarium were set up to cater to the medical needs of the people living in the city. But these Punjab hill states Kangra, Kulu, Lahul and Spiti were much behind the other progressive regions of Punjab.  

The Himachal Pradesh has made an amazing progress since its formation as one administrative unit in 1948 and after January 25, 1971, when it was declared as the eighteenth state of the country. Since then the state government has taken up the uniform development of the entire state, giving every region equal attention in the matter of development. The state has progressed remarkably in political, social and economic fields. Today, the economy of Himachal Pradesh is primarily based on forestry and tourism and secondly on hydroelectric power, agriculture, horticulture and industries.

The development process started in the Pradesh under the able guidance of Congress government, with the implementation of the first five year plan (1951). The first priority was given to roads and bridges construction. It provided employment to people and brought them into close contacts with the outside world with the spread of communication lines and transport facilities. Unfortunately, this region did not even get a proper share in the network of railway system which was constructed during the British regime. The Pradesh has only two short lengths of narrow-gauge lines, one from Pathankot to Jogindernagar and other from Kalka to Shmila.  

Tourism is specially important in developing countries like India from the economic point of view. It is a catalyst to economic growth and earning of foreign exchange. It occupies an important place in the economy of Himachal Pradesh. During the last few years Himachal Pradesh Tourist Corporation has made serious efforts to give tourism a new direction and has adopted a new policy for its promotion keeping in view the immediate and future needs of various categories of tourists including pilgrims. There are also several important religious and cultural centers besides unlimited  

17 S.K. Gupta, "From the Anglo-Gurkha War to 1914"; in Himachal Past, Present and Future, H.P. University, Shmila. 1975, pp.104-108  
18 Y.S. Parmar, Polyandry in the Himalayas, Vikas publishing House, pvt. Ltd., Delhi 1975, p. 184
sites offer opportunities for trekking, mountaineering, fishing and hunting. Art lovers and archaeologists also find Himachal Pradesh to be a rare treasure house of folk art and medieval architecture which have survived the ravages of time. The painted walls of temples intricate wood carvings in palaces, the ancient Buddhist monasteries in Lahaul and Spiti are all part of the rich artistic heritage of Himachal Pradesh. The state also offers plenty of opportunities for sports lovers with its golf courses and skiing and the highest cricket ground (Chail) in the world. 19

The another most significant economical development of Himachal Pradesh reveals in its agricultural and horticultural aspects. Himachal has super position in the production of fruits and especially in apples in India. This sort of increased production of fruits naturally increased the income for the cultivators. Potato is next to the apples. Its cultivation was introduced in the area around Shimla in the mid forties when import of seed potato was stopped from Burma and other countries because of the second World War in 1939. with ideal climatic conditions for growing high quality disease free seed potato, the crop proved highly successful. Besides apple and potato this hilly region is ideally suited to growing cash crops such as dry fruits, vegetables, tomato and ginger. Himachal Pradesh has made in recent years repaid progress in industry, education and other fields also.20

Industrially, Himachal Pradesh has considerably lagged behind the other states of the Indian Union despite many efforts being made in this field. Although there have been a number of cottage industry units engaged in the traditional crafts, such as shawl-making, large scale industries have been non-existing. There are of course, a few medium sized enterprises, such as the Solan Brewery and Nahan Foundry (Sirmour). Industrial estates with the requisite infrastructure facilities have been set up at Solan, Parwanoo, Barottiwala, Dharampur, Una, Mehatpur, Jawall, Dehra GopiPur, Kangra, Paonta Shib and Bilaspur. Such estates are also being set up at Nagarota Bagwan in Kangra district and Sahmshi in Kulu district. There are plans to set up Industrial estates at Chamba, Mandi, Shimla Pooh (Kinnaur), Sansarpur Terrace and Kandoli in Kangra district and Hamirpur. Nalagarh is emerging as a big industrial town. Himachal Pradesh offers good scope for further industrial development because of its richness in mineral and forest resources, horticulture potential and dust free climate.

19 Mian Goverdhan Singh, *op.cit.* pp. 203-206

20 S.S. Shashi, *op.cit.* pp. 253-54
Sericulture is one of the important cottage industries of the Pradesh which provides subsidiary employment to farmers to supplement their income by rearing silk worms and selling the cocoons produced by these farms. Tea is grown in Kangra and Mandi districts of the Pradesh. In the field of Hydro-Electric Potential, Himachal Pradesh is showing rapid progress as to many projects have been completed in the Pradesh with its immense Hydel generation potential. Himachal Pradesh has been bestowed with an abundance of natural resources, one of the major ones being the flowing waters in the five rivers of the Pradesh. Due to steep slopes of the rivers and rivulets, there is a great scope for generating hydel power by constructing major, medium and small projects. There have already been some power houses in operation in Himachal Pradesh, viz, Bassi Power House (45 MW) Girl Power House (60 MW) and about nine small and micropower stations. Another big project Nathpa Jhankri is going to be completed with the World Bank Aid. When it will get complete, high power will generate from it.

There are four agricultural institutions in the state for agricultural education and research. These are Central Potato Research Institute, Shimla, Farmer’s Training Institute, Sundernagar, Himachal Agriculture College and Research Institute, Solan (Nauni), Regional Bee Research Centre of the Central Bee Research Institute, Kangra. Himachal Pradesh Agriculture University was also opened at Palampur in 1978. Himachal Pradesh University, Summer Hill, Shimla was opened in 1972. At present, there are 7165 Primary/ Junior Basic Schools, 1111 Middle/Senior Basic schools, 1001 High/Higher Secondary schools, 40 colleges of general education, one medical college, 10 Sanskrit Institutions, 6 Teachers Training Schools, one Law College, 4 Polytechnic Institutions and three Universities in this Pradesh.

In the erstwhile princely states, there were different systems of land which in cases, were primitive. In the states, the rulers were recorded as superior owners (Ala Malklat) of the land and the actual landowners as the inferior owners. The first step of the government was to abolish this feudatory

21 Ibid, pp. 267-268

22 Mian Goverdhan Singh, op.cit., p. 158.

23 Education Department, Himachal Pradesh.
system of superior ownership. During the year 1952, the Punjab Tenancy (Himachal Pradesh Amend-
ment) Act, 1952, and the Himachal Pradesh Tenants (Rights and Restoration) Act, 1952 were enacted
by the first Act, the maximum limit of rent payable by the tenant to a landowner was fixed at one fourth
of the produce. By the second mentioned Act, certain tenants were given rights of pre-emption of land
sold by the landowner, the tenants were given rights of restoration of their land from which they were
ejected after August 15, 1950.

The idea of land reforms was conceived in Himachal Pradesh immediately after the first popular
ministry in the state took office in 1952. The abolition of Big Landed Estate Bill was passed in 1953.
This act provides for vesting of proprietary rights on tenants, security of tenure against ejectment,
maximum rent payable by a tenant for any land held by him and the abolition of the Act till 1962. Even
afterwards, because of the pressures exerted by different interests in the land from within the party, the
Act could not be effectively implemented. The Himachal Pradesh consolidation of Holdings Act, 1953,
Himachal Pradesh Tenants Act, 1952, Himachal Pradesh Bhoodan Yojna Act and Himachal Pradesh
Debt Reduction Act, Himachal Pradesh Land Development Act, The Punjab Tenancy Act, 1952 were
all intended to provide relief to peasants in general and scheduled castes and tribes in particular. 24

Two Acts, the Himachal Pradesh Ceiling on Land Holdings Act, 1972 and the H.P. Tenancy
and Land Reform Act, 1972 were enacted. The Ceiling Act was directly to benefit the poor multitude of
the Pradesh. The scheme provides that surplus area taken from the richer class of land owners shall
be distributed among the poor landless agricultural labourers in the Pradesh. This programme
envisaged allotment of land up to a minimum limit of five bighas of land to all those having no land or
having land, less than five bighas (1 Acre). Another Act, the Himachal Pradesh Village Common Land
Vesting and Utilization Act, 1974 was enacted which placed shamiat land at the disposal of the
government for allotment to these persons. The government is making all possible efforts that the land
reform measures taken by it reach the poor in real sense of the term.

In order to improve the social and economic conditions of the rural people of the Pradesh, two
new schemes - Small Farmers Development Agency and Marginal Farmers and Agricultural Labourers

24 Ranbir Sharma, Party Politics in a Himalyan State, National Publishing House, New Delhi, 1977,
p. 235.
Agency were introduced in Sirmour and Shimla districts. During the Janata government rule, 'Antodaya Programme' was started. The current programme is Integrated Rural Development Programme.25

The change also meant for more social intercourse between the hill people as they were no longer restricted within the boundaries of their erstwhile states. Cultural unity was also realized more with the closeness of social contacts, marriage, customs observations, functions, festivals etc. Which were to a great extent particular to each state area, crossed their erstwhile limits. Social and economic conditions determine the political life of the people, but proper use of political power can serve the most powerful instrument of social and economic change. Himachal has brought a change in all directions—social, economic and political, ever since it was created in 1948. Its people, while preserving their great culture and social heritage were fast adopting new scientific look.26

From the above discussion, it can be concluded that the tourist industry, the vast forest resources, the immense hydel potential, the scope for industries and horticulture, all hold a bright future for Himachal Pradesh. The Pradesh has witnessed a silent revolution in economic, political and social spheres during the last forty four years of India's independence.

II

SOCIAL POLITICAL HISTORY OF HIMACHAL PRADESH

The social history of Himachal Pradesh, prior to its formation in 1948 as one administrative unit, is the story of numerous remotely situated hamlets isolated and scattered over vast area and ruled by different feudal Rajas (Chieftains).27 Big and small hill states were integrated on April 15, 1948 into one centrally administered unit under the charge of a Chief Commissioner. The state of Kangra and its off shoots Nurpur, Kulu and its adjuncts—Lahaul and Spiti were dismembered by the British in 1849


26 Y.S. Parmar, op. cit., pp. 185-86

27 Y.S. Parmar, op. cit., p 178

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were brought into the British which had been similarly constituted. The remaining twenty one\textsuperscript{28}
erstwhile feudal states were under the subordinate Hill Chiefs after their integration in 1948, became nucleus of the present Himachal Pradesh.

The people of the Hills have always resisted the alien elements and internal oppressions. The history records that Raja Bidhi Chand of Kangra organised a confederation of all the hill chiefs between Jammu and Kangra in 1588-89 A.D. against the supremacy of Mughal emperor Akbar. They all broke out into rebellion. In 1594-95 A.D. there was another rebellion among the hill Chiefs led by the Rajas of Jasrota and Jaswan. The chiefs of Nurpur also revolted against Mughal authority of Akbar, Jahangir and Shah Jahan. Such rebellions were of frequent occurrence among the hill chiefs.\textsuperscript{29}

The expanding power of Guru Gobind Singh and the fear of grabbing their territories, made the hill chiefs to unite together and protect their principalities against the impeding danger.

In the Gurkha war (1814-15 AD) the hill chiefs and the people fought bravely against the Gurkhas and ousted them from their soil. In 1848 A.D., Ram singh Pathania of Nurpur entered into treaties with the rulers of Kangra hills and raised armies against the British. In 1848, the Rajas of Kangra, Jaswan, Datarpur also rose in rebellion. But they were soon defeated.\textsuperscript{30}

The next important phase of the Himachal history begins with the great revolt of 1857 which originated from the political, social, economic, religious and military grievances and came to surface with the mishandling of greased cartridge affair. There was already a growing resentment and dissatisfaction among the Himachal chiefs which arose out of the non-restoration of their territories by the British after the Anglo-Sikh wars. The people of hill states, socially and intelectually, were far less advanced than those of the plains and, therefore, political rights did not matter much with them.

\begin{footnotesize}
\begin{enumerate}
\item \textsuperscript{28} The names of 21 Hill States, as given in the government of India "White paper on Indian States", Delhi, 1950, p. 245 are as under: Baghal, Baghat, Balson, Bhajjl, Baija, Bushahr, Chamba, Dar'kot, Dhami, Jubbal, Keonthal, Kumarsain, Kunihar, Kuthar, Mehlog, Mangal, Sangri, Sirmur, Suket and Tharoch.
\item \textsuperscript{29} Mian Goverdhan Singh, \textit{The History of Himachal Pradesh}, Yogbodh Publishing House, Delhi, 1982, p. 194.
\item \textsuperscript{30} \textit{Ibid} p. 194.
\end{enumerate}
\end{footnotesize}
Economic exploitation was more a phenomenon of the native rulers than that of the English. The presence of some Christian missionaries also led to mistrust and suspicion among the Himachals, particularly those of Shimla Hill States.

During the revolt of 1857, some of the Himachal Hill States also participated in general upheaval by withholding the tribute. Raja Shamsher Singh of Rampur Bushahr was the first to act in a hostile way to the British and refused to pay tributes.\textsuperscript{31}

Similarly in 1857, the Battalion of British Army, mainly consisting of the hill Rajputs and the Gurkhas, was stationed at Jutogh (Shimla). They revolted against their British officers. Troops were also stationed at Degshai, Kasauli and Sabathu. Subedar Bhim Singh also revolted along with his platoon at Kasuall and reached Jutogh. The British residents ran helter skelter and ultimately revolt was soon crushed. Subedar Ram Singh was sentenced to death but he escaped to Rampur. He committed suicide on hearing the failure of the revolt. But all these events aroused the feelings of patriotism among the hill people.\textsuperscript{32}

The history reveals that the hill people also took up arms against the slavery and feudalism. First incident was the revolt of the people of Rampur (1859) who rose against the high handedness of government officials and begar. In 1862 and 1876, the people of Nalagarh also rose against the atrocities committed by Gulam Qadir Khan (Minister of state). In 1833 and 1930 the people of Bilaspur and in 1905, the people of Baghat state also revolted against the exactions of state officials and ministers. Thus, the people of hill states had been fighting for their rights. But they could not think of overthrowing the feudal system and establishing a popular democratic rule. Their revolts were only protests against oppressive officials or the exactions of a Raja.\textsuperscript{33}

\textsuperscript{31} M.S. Ahluwalia, History of Himachal Pradesh, Intellectual Publishing House, New Delhi, 1988, p. 185

\textsuperscript{32} Ibid, p.186

The struggle for freedom and civil rights, however continued. In 1909, at Mandi, Shobha Ram struggled against corruption by the then rulers. The famous Mandi conspiracy took place in 1914-15 A.D. under the influence of Ghadar Party. Some members of Ghadar Party who returned from America and spread out in Mandi and Suket to win adherents to their cause. Extracts from Ghadar Ki Gun were read by them to influence the people. Except for the Nagchala dacoity, the revolutionaries could not succeed in any of their objectives.

In the year 1920-23, the Congress movement gained momentum in Shimia. A large number of hill-men from Kangra working in British India came under the influence of the nationalist movement. They organised the branches of the Congress conferences and processions. Pahari Gandhi Baba Kanshi Ram and Hazara Singh made some noteworthy contributions and were sentenced to long terms of imprisonment. In 1930, Bilaspur witnessed Bhami Bandobast Abhiyan. As a result, the leaders were arrested and sentenced to long jail terms.  

The Praja Mandal Movement - A Struggle for Statehood.

The present-day Himachal Pradesh consists of two types of hill areas. There were areas which were ruled by native princes. The people’s struggle in these areas, though influenced by the nationalist movement in British India, cannot be characterised as freedom movement, since its object was never the overthrow or total elimination of their princely rulers. The main object of the Praja Mandal movement was the democratisation of the administration. The princes were part and parcel of Indian society and the subjects in most of the states were, by and large attached to the princely houses of their respective states. The other hill areas which joined Himachal Pradesh in 1966 had come under direct British control. The people in these areas participated in the struggle for freedom with the specific object of over-throwing alien British rule. Thus in the hill areas there were two types of movements going on simultaneously that is the Praja Mandal Movement and the Freedom Movement and the Freedom

34 Milan Goverdhan Singh, op. cit., pp. 196-197

The Praja Mandal workers participated in various agitations and struggles launched in the British areas and members of various political organisations in the British areas crossed over to the state territories to help the Praja Mandal workers in their agitations.37

In most of the princely states, as in other hill areas, the beginnings of the people's awakening could be discerned in their desire to undertake social and religious reforms. There came to be organised Rajput and Brahmin Sabhas, Sanatan, Dharma and Arya Samaj Sabhas, Sewak Sanghs and Sudhar Sammelans, Prem Sabhas and Seva Samitis. These associations undertook to launch campaigns to eradicate such social practices as 'Reet' untouchability, child marriage and encouraged widow re-marriage. However, the meetings of these associations were also utilized for the discussion of numerous problems of a political nature. In the erstwhile hill states a system of land tenure (Beth ) was prevalent. It worked on the disadvantage of 'Bethu' who cultivated the 'Basa lands'. Numerous other means of raising money were devised and resorted to by the princes. The levies were imposed arbitrarily and collected ruthlessly, the associations began to raise their voices for their abolition. Furthermore, 'Begar', the practice of rendering services was existed. The abolition of such impositions came to be regarded by the people as a sufficient reason for launching agitations against the rulers of the states it became one of the important causes for the organisation of Praja Mandals.

The age old poverty in the hills compelled many hillmen to go to the plains in search of pretty jobs. They had to work in humiliating conditions and they felt aggrieved, exploited and oppressed by the plainsmen. Thus, there developed a sense of separate identity which ultimately formed the basis of a demand for a separate hill state. Many other factors led to the organisations of freedom struggles and the Praja Mandal Movement in the hill areas.38


37 M.S. Ahluwalia, op. cit., 188

38 Ranbir Sharma, op. cit., p. 52. 
As a result of severe repressive measures, political activities came to be either suspended or had to go underground or had to shift themselves to the adjoining British areas. By the end of thirties, the 'Himalaya Riasi Praja Mandal' was organised and made responsible for directing the activities of the political and social workers in numerous hill states. To rouse the people it undertook to organised public meetings at different places, collected data about Injustices and cruelties perpetrated on the hill people, represent their case before the political Agent and the Rajas and Ranas through deputations and memoranda. They also encourage the people to refuse to pay unjust taxes and not to perform Begar. Simultaneously, Praja Mandals were organized in Chamba, Sirmur, Mandl, Bushahr and other small states.

One of the Praja Mandals i.e. of Dhami (1939) decided to test its strength. The Dhami Praja Mandal passed resolutions asking for the abolition of Begar, the reduction of land revenue by fifty percent and the grant of civil liberties. It further, requested for the removal of restrictions on the state subjects and establishment of responsible government in Dhami. An ultimatum was sent to the Rana to receive a deputation and concede the demands. The confrontation led to Dhami firing tragedy, killing two persons and injuring numerous. This tragedy was an important milestone in the hill states and their ultimate integration into one unit.39

The other landmarks of the Praja Mandal's struggle include the 'BHAI DO, NA PAI' movement, the Pajotha agitation and the movement for responsible government in the state of Chamba. These attracted the attention not only of the all India leaders and public but also of the British authorities. The 'BHAI DO, NA PAI' movement has started at the beginning of the Second World War (1939). It was a movement of civil disobedience and boycott. The people were asked neither to make voluntary contributions for the war effort nor to pay land revenue nor supply recruits for the prosecution of war by the British Government. As a result, a large number of Praja Mandal Workers were arrested.

In Sirmour, there had been unrest for sometime. To protect the farmers against the highhandedness of the state officials, a 'Kisan Sabha' was organised at Pajotha. It began its protest by starting satyagraha and began a non-cooperation movement. The Raja was asked to visit these areas

39 ibid, p. 41.
and to listen the Kisans. But on refusal to do so, a parallel government was established. The Pajotha agitation is regarded as an extension of the Quit India Movement of 1942.

The Chamba Praja Mandal gave a call for the establishment of popular government and for ending the nepotism and the underhand means used by the local Diwan to acquire, retain and concentrate all the powers of the state in his own hands. The agitation resulted in a number of arrests. Gandhiji called upon the people of Chamba to carry on their non-violent agitation and publish unvarnished facts about the state of things there.

The Praja Mandals were integrated into the Himalayan Hill States Regional council in 1946, which was an affiliate of the All India States People’s Conference. The Regional Council under the enlightened and farsighted leadership of Dr. Y.S. Parmar, and the wise, experienced and dedicated leadership of such stalwarts of the Praja Mandal Movement as Padam Dev, Shiva Nand Ramaul, Purna Anand, Satya Dev, Sada Ram Chandel, Daulat Ram etc. fought for the establishment of a separate hill state based on common historical traditions, cultural homogeneity, linguistic unity and geographical continuity.

The Regional Council had to establish a Provisional Government of the Himalayan Parant with its headquarters at Shimla and with Pandit Shiva Nand Ramaul as the President. It decided to launch a Satyagraha to achieve its objectives of fully responsible government and complete elimination of the Princes. Suket was chosen as its first target, and under the leadership of Pandit Padam Dev, a non-violent attack on Suket was mounted on 18th February 1948. According to Dr. Y.S. Parmar:

*Never in the history of any satyagraha movement had people undertaken a struggle of such magnitude in spite of the lack of means of communication and bad weather.*

The satyagraha was a great success. It resulted in the taking over the Suket state administration by the government of India and hastened the accession of other hill states to India which grouped into a Chief Commissioner’s province on 15th April, 1948 and named as Himachal Pradesh.

40 *Ibid*, p. 51-54

41 Quoted by the Tribune staff Representative in his dispatch titled, "Seven Days that shook the Himalayas", March 7, 1948.
The brief narrative makes it clear that the hill areas which became part of Himachal Pradesh in 1966 made a substantial contribution to the freedom struggle of India.  

III

Political History of Himachal Pradesh

Politically and constitutionally, Himachal Pradesh has a very precarious but eventful career. Ruled by the feudal lords, Rajas and Ranas, for centuries, it was brought into the main stream of the Indian democracy on April 15, 1948 with the merger of some thirty erstwhile Princely Hill States (26 Shimla hill states and 4 Punjab Hill States). All these states were originally placed into one centrally administered unit under the charge of a Chief Commissioner N.C. Mehta. Behind this merger lay the valiant struggle by Praja Mandal against feudalism under which they had suffered for centuries. The crowning events of this long drawn struggle were the Solan conference of the representatives of Praja Mandal and the Princes held on January 26, 1948 and the Suket satyagraha when Praja Mandal workers, along with thousands of people marched into Suket State on February 18, 1948 capturing one police post after the other.

The Chief Commissioner was made responsible to the central government. There was an Advisory Council consisting of three rulers and six representatives of the people. The people of this Pradesh were given representation in the central Legislature to which Himachal Administration was made responsible. Thus, it was made a centrally administered territory. But the people were not satisfied with this situation because this council was merely an advisory body and had no real powers.

42 Ranbir Sharma, op. cit., p.54


44 Mian Goverdhan Singh, op. cit., p. 108

The Chief Commissioner’s rule was not acceptable to the people. When on January 26, 1950, the New Constitution of India was inaugurated and the country became a Sovereign Democratic Republic, the hope of the Himachalites for the attainment of Democratic rights was rekindled. In the presence of democratic government in neighbouring states they felt bitter over their lot and demanded self-government. It was also pointed out that the Chief Commissioner did not take the Councils seriously, disregarded their advice and always looked for directions from Delhi thus totally ignoring the aspirations and wishes of the people.

Such a criticism of the Union Government’s policy of deny responsible government of Part C States compelled the Union government to reorientate their policy to satisfy the demands of the people. A new policy was announced which was given a concrete form by passing the government of Part C State Act, 1951, providing for the establishment of Legislative Assemblies elected on adult franchise and the Council of Ministers responsible to such legislatures in the states of Ajmer, Bhopal, Delhi, Himachal Pradesh and Vindhya Pradesh. In fact the system of Parliamentary government was introduced only partially. The Chief Commissioner was replaced by a Lt. Governor who as a nominee of the Union Government, rather than a constitutional head. Elections for the thirty six members Legislative Assembly, created under the new Act were held in November 1951. The Congress party won twenty four seats and the first popular ministry headed by Dr. Yashwant Singh Parmar was sworn in March 24, 1952.

46 S.S. Charak, op. cit., p 296
47 Indian Parliamentary Debates, Vol. VI. no.2 November 15 1950, columns 64-68, Quoted in S.S. Charak, op. cit., p. 296
48 The Government of Part C State Act, 1951, No. XLIX of 1951 section 3
49 S.S. Charak, op. cit., p.297
50 Twenty four seats congress, one seat scheduled castes Federation, three seats kisan Majdoor Praja Party and eight seats of Independents. Information collected from Election Branch, Himachal Pradesh Secretariat, Shimla.
The 31st state of ‘Kehlur’ (present Bilaspur district) was made into a separate Chief Commissioner’s province, on account of the construction of Bhakra Dam. It remained independent till 1954. The popular ministry convinced the centre of the incogurty of keeping Bilaspur as a separate part ‘C’ state. As a result, on July 1, 1954, Bilaspur was merged with Himachal Pradesh through an Act of Parliament called the Himachal Pradesh, Bilaspur (new state) Act 1954. This was added as the fifth district of Himachal Pradesh.

The State Re-organisation Commission was appointed in 1953 to re-organise the States on linguistic basis. In 1956, this Commission recommended Himachal’s merger with Punjab. However, since the enactment of the Government of Part C State Act of 1951 to October 1956, Himachal had a partially self-governing set up. The majority Report of SRC concluded that there was no strong opposition to the integration of Himachal Pradesh with Punjab and only vested interests were actively fostering this. However, the Chairman (Fazal Ali) of the Commission did not agree with the view point of the majority and recommended that Himachal Pradesh should continue as a separate unit.

He argued:

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\text{In small states, the administration will be more accessible to the people and there will be a livelier sense of local needs.}^{54}
\]

Therefore, Himachal should not be merged with Punjab. The entire atmosphere was charged with uncertainty and all was at stake for the people of Himachal Pradesh. They had got rid of the feudal rule only a few years ago and now they were frightened with the ugly prospect of undergoing dominations from the plains of Punjab on the merger of Pradesh with that State. In the merger, they

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51 The status of Part ‘C’ state is given to the states which are politically under-developed, economically backward and small in size.


54 \textit{Ibid}, para -212.
saw a danger to their culture and social life and a threat to their emerging economy. 55

On October 31, 1956, Himachal Vidhan Sabha was dissolved and the popular ministry handed over the charge. On November 1, 1956, Himachal Pradesh became a Union Territory under an administrator designated as Lieutenant Governor. 56

Politically and constitutionally it was a great setback for the Pradesh. The people began to be associated in an advisory rather than a directive capacity. The period from 1957 to 1963 for Himachal Pradesh was a retrograde era pushing the state many stages back on the road of constitutional and political progress. It was worse than the dyarchical administration of 1919. Whereas a dyarchy was a step forward, the Territorial Council was a step backward especially in the context of democratic system in free India. It appears to be based on a lack of trust in the capacity of the popularly elected members to manage their own affairs. It was based on the principle of transferred subjects. But there was not real transfer of power to the people and no genuine responsible government. The status of Himachal Pradesh was reduced from a part-C State to a Union Territory. 57

The Hindu Maha Sabha and the Bhartiya Jan Sangh were the only political parties to have pleaded for the merger of Himachal Pradesh with Punjab 58. The comprehensive memorandums were submitted to the State Re-organisation Commission by the Chief Minister, Y.S. Parmar, the HPCC, the Greater Himachal Committee, the CPI and the Praja Socialist Party. They made a plea for the extension of Himachal Pradesh, as a separate unit. Both the M.Ps. of Himachal Pradesh Gopi Ram and A.R. Sewal forcefully pleaded the cause of separate existence of Himachal Pradesh. In view of the strong

55 Y.S. Parmar, Polyandry in the Himalyas, op. cit., p. 181


57 K.D. Gupta, op., cit., p. 115.

58 The Tribune, June 29 and September 26, 1955.
sentiments of the people, the SRC Act, 1956, retained Himachal as a separate entity by at a heavy cost of its legislature. 59 The different states which were merged to form Himachal Pradesh constituted different Identities and could have created a crisis in the new historic conditions but their common problems such as the fight against the autocratic rule of princes, democratization and the struggle for the very existence of the state raised them above the narrow national or other loyalties and created among them the sense of oneness. In spite of the fact that there was no geographical homogeneity. The popular struggle for restoration of the democracy continued in the traditional peaceful manner. 60

A prolonged and peaceful struggle by the people convinced the Government of India that the representative of the people must be given the responsibility of managing their own affairs. The central leaders also realised the political error and they decided to restore the democratic apparatus of the popularly elected legislature and a council of ministers responsible to the legislature. 61

The Territorial Council passed a resolution unanimously for the restoration of the democratic setup in the Pradesh. After the passage of the Government of Union Territory Act, 1963, the Himachal Territorial Council was converted into a Legislative Assembly and popular ministry headed by Y.S. Parmar was formed. He was sworn in on July 1, 1963. 62 Announcing the new decision of the government of India, Lal Bahadur Shastri, the then Union Home Minister said in his speech in the Parliament in 1963:

*It is better not to take half-hearted measures, it is better to delegate whatever power we want to the representatives of the people to run their own government.* 63

59 Ranbir Sharma, *op. cit.*, pp. 227-228.


62 The Government of Union Territory Act, 1963

63 Quoted in Mian Goverdhan Singh, *op. cit.*, p. 111
In 1965, when the question of the re-organisation of the Punjab on linguistic basis cropped up, the question of Himachal was also reconsidered. The Parliamentary Committee headed by S. Hukam Singh decided to reorganise Punjab on linguistic basis and create a Punjabi Suba. Exhaustive memoranda were sent by the Pradesh government to the Hukam Singh Committee and the Punjab Boundary Commission laying claims for the integration of the Punjab Hill areas with Himachal Pradesh. The re-organisation of Punjab in 1966, on linguistic basis, provided the hill areas of the state to forcefully voice their demand for integration with Himachal Pradesh because of culture, social and linguistic similarities besides the similarity of the development problem. On the recommendation of the Punjab Boundary Commission, the Government of India while re-organising Punjab into two separate states of Punjab and Haryana decided to integrate the Punjab Hill areas with Himachal Pradesh. The integration came about on November 1, 1966. These developments presented Himachal Pradesh a golden opportunity to acquire its proper shape. In every respect (geography, economy and culture) their proper place was in Himachal Pradesh. Himachal has desired its integration since a long time, but the attitude of Maha Punjab elements and the Punjab Congress on the one hand and the indifference of the people of Punjab hills themselves on the other, had stood in the way of the fulfilment of this desire. The Akalies, moreover, wanted the hill areas to be kept out of the Punjabi Suba.

This was a great challenge to Himachal Pradesh. There was also a demand that Himachal should be merged with proposed Haryana Prant. But Himachal's case was pleaded with force. The Punjab Boundary Commission accepted Himachal's claim and awarded it Kangra and most of other hill areas of Punjab in 1966.

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66 Punjab Hill areas which merged into Himachal were the districts of Kangra, Shimla, Kullu, Lahaul & Spiti, Nalagarh area of Ambala District, parts of Una tehsil of Hoshiarpur district and of Pathankot tehsil of Gurdaspur district.

67 The Tribune, November 1, 1966.

68 Pran Khosla, "From Union Territory to Statehood", In Himachal - Past, Present and Future,
The Himachal Pradesh Congress Committee and the Government took up the matter with All India Congress Committee and the Government of India. The case of Himachal Pradesh for full statehood was discussed in Lok Sabha and Rajya Sabha and it received an overwhelming support. On July 31, 1970, the then Prime Minister, Mrs. Indira Gandhi made a declaration in Parliament that Himachal would be granted statehood. In December, 1970, the bill for the statehood was introduced in the Parliament.69 On October 18, 1970, the state of Himachal Pradesh Act was passed and the newer state was introduced by Mrs. Indira Gandhi in Shimla on January 25, 1971.70 With this, the emergence of Himachal Pradesh as the eighteenth state of the Indian Union under the able leadership of Dr. Y. S. Parmar, brought to a close protracted period of struggle which had started twenty three years earlier. The most significant aspect of this remarkable achievement is that it came not through any agitational approach much less violent techniques, but by persuasion and by constitutional means.71

At the time of Himachal's full statehood, its area was 55,673 square kilometers72 and its population was 34,60,434.73 At present the population of Himachal Pradesh is 51,11,07974 The Pradesh is comprised of twelve76 districts. The integration is led to a sizable increase in the area of Himachal Pradesh and it became larger than that of Kerala, Nagaland, Punjab or Haryana.

69 Mian Goverdhan Singh, op. cit., pp. 140-141.
71 Ranbir Sharma, op. cit., p. 233.
73 Ibid.
74 Census of India, 1991.

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Establishment of Panchayati Raj in Himachal Pradesh

A democratic system of administration can successfully operate if there is democratic decentralisation. Such a decentralisation gives to the people a sense of participation in the decision-making processes of the administration and thus strengthens democracy at the grass roots level. Thus for these purposes, the panchayati raj system has been established in Himachal Pradesh.

Before the establishment of panchayats in Himachal, regularly constituted panchayats never existed in the Pradesh. The disputes and conflicts were settled by the 'gram vridhas'. They used to assembled at a convenient place and honestly and impartially used to give decisions.

In Himachal Pradesh, panchayati raj bodies were established under the Himachal Pradesh Panchayati Raj Act, 1952, giving the shape of three tier system. In November 1966, some hill areas of Punjab were merged in this state in which panchayati raj bodies functioned under Punjab Gram Panchayat Act, 1952 and Punjab Panchayat Samiti and Zilla Parishad Act, 1961 upto November 14, 1970.

The Himachal Pradesh Panchayati Raj Act, 1968, was introduced w.e.f. November 15, 1970 and provided for a three tier system of panchayati raj i.e. Gram Panchayat at Village level, Panchayat Samiti at Block level and Zila Parishad at District level. Nyaya Panchayats were functioning in the state for discharging judicial functions upto March, 1978. But now with the enforcement of the Himachal Pradesh (Amendment) Act, 1977, w.e.f. March 20, 1978, the Nyaya Panchayats stand abolished and judicial functions have been assigned to the Gram Panchayats.

All the members of the gram panchayats are elected directly by the members of gram sabha from amongst themselves. The pradhan of gram panchayat is also elected directly and there is also a post of up-pradhan. The gram panchayat is normally elected for a period of five years. The first election to the gram panchayat was held in the year, 1954, second after eight years in 1962 and third

after a long gap of ten years in 1972 and fourth in the year 1978. The fifth election was held in September 1985. The sixth election to the panchayats was to be held in September, 1990. But the Himachal government could not hold the elections because of some reasons. The date for the panchayat election was extended up to September, 1991. But, now the election to these bodies are going to be held in December 1991 and January 1992.

After the general election to the gram panchayats in 1972-73, there were 2,038 Gram Panchayats and equal number of Nyaya Panchayats. There were 69 Panchayat Samitis (one for each block) and twelve Zila Parishads. The record of gram panchayats in the developments of rural areas has been impressive and they discharged satisfactorily the numerous duties assigned to them.

After the general election of 1978, the total number of gram panchayats were 2,357. The election to the 67 panchayat samitis were held in 1987. There were 2,597 gram panchayats, 69 panchayat samities and 12 zila parishads after the general election of 1985. Although there is a provision of zila parishad for each district.

But in reality, zila parishad is not in working order in any district. Thus Himachal Pradesh is one of the classic examples of rapid transformation from worst form of feudalism to democracy.

**Legal Framework of Panchayati Raj in Himachal Pradesh**

Panchayati Raj in fact, came into existence in Himachal Pradesh under Panchayati Raj Act, 1952. In fact, panchayati raj started its functioning with the recommendations of Balvantray Mehta Study Team. This study team stressed the need of creating three tier representatives and democratic institutions: Gram Panchayat, Panchayat Samiti and Zila Parishad.

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78 Information collected from Panchayati Raj Department, Shimla.


80 Report of the team for the study of Community Projects and National Extension Service.
In Himachal Pradesh, panchayati raj has been set up on the aforesaid model. For this purpose panchayats and panchayat samitis have been formed. Similarly there is a provision of zila parishad in the Himachal Pradesh Panchayati Raj Act, 1968, for which the elections are just in offing. The major objectives of the panchayati raj is to create representative institutions of the people at the village level to provide them political education. Mehta Study Team emphasized in its Report these aspects of the institutional structure of panchayati raj, its autonomous nature, elective character and development of elite structure at grass roots level. Authority and power should be given to the people of the rural areas. It is also an integrated system of local self-government with the twin objectives of democratic decentralisation and local participation in the planned programme.

With the introduction of the panchayati raj in Himachal Pradesh a number of leaders from the grass roots level have been able to reach state level assembly and national parliament. These leaders who have come through the rank of these bodies, the top policy-making institutions of the country would probably carry the problems of the village to the government in a much more effective way than those who come up otherwise.

Though the different states have adopted different patterns of panchayati raj. But the objectives are by and large common all over. The difference in most of these places is in the distribution or delegations of powers and responsibilities as a corollary of democratic decentralisation.

Himachal Pradesh has its own pattern of panchayati raj, yet this system is a combination of the different patterns. In this state Block Samitis has been made the pivotal institution to implement all the developmental schemes. It has non-official and elected chairman, who presides over all the meetings of the standing committees. Zila parishad has more or less co-ordinating functions in Himachal Pradesh. It has also elected Chairman and Vice-Chairman. It is an advisory body. In Himachal Pradesh, in panchayati raj system the important structure is Panchayat Samiti. The salient features of the Himachal Pradesh Panchayati Raj Act, 1968 are given in the following pages.


81 Ibid, p. 6.
Gram Sabha

Under section 4 of the Himachal Pradesh Panchayati Raj Act, 1968, a Gram Sabha is constituted for a village or a group of contiguous villages with a population of not less than five hundred and not more than five thousand.

But the new section has been inserted by section 2 of the Himachal Pradesh Panchayati Raj Amendment Act, 1987. According to this Act, the government has been given the power to declare by notification or otherwise, any village or a group of contiguous villages with population ranging between one thousands to five thousands to constitute one or more sabha areas.

The government can relax these limits in any particular case. The gram sabha once established can be re-organised by the government by including or excluding any area from the gram sabha. Every member who has attained the age of 18 years, is the member of gram sabha. Originally, the age for the members of the gram sabha was 21 years but it was reduced to 18 years by the Amendment Act, 1978. Every gram sabha shall hold two general meetings in each year, one in summer and the other in the winter and it shall be the responsibility of the pradhan to convene such meetings. For this meeting of gram sabha, one fifth of the total number of its members constitute a quorum. In the winter meeting of the gram sabha, it consider and passes the budget for the following year and at its summer meeting, it consider the accounts of the proceeding year. At both these meetings, the gram sabha shall consider the six monthly reports of business submitted by the gram panchayat. 82

Gram Panchayats

A Gram Panchayat is like an executive committee of the Gram Sabha. It is the basic unit of panchayati raj system. This executive committee is elected by the gram sabha to execute its works and programmes which is called Gram Panchayat. It consists of such number of persons not being less than seven or more than eleven including the pradhan and up-pradhan. All the members of gram panchayat, called panches, are elected directly by the members of the gram sabha from amongst themselves. In addition to the elected members, a few co-opted members also sit in the gram panchayat. In order to make the village council fully representative of all the sections of the local

populace, it has been provided that elected members of the gram panchayat shall co-opt one woman and one or two members of the scheduled castes and scheduled tribes according to their ratio of the population.

The chairman of the gram panchayat is called the Sarpanch or Pradhan. He is directly elected by the gram sabha and presides over the meetings of both the gram sabha and the gram panchayat. No hard and fast rule has been prescribed for qualifications of the panchayat members. A person who is a member of the gram sabha and is qualified to be a member of the gram panchayat is eligible.83

Basic qualification for a candidate for the gram panchayat is 25 years of age. The voting age for panchayat election has been reduced from 21 years to 18 years,84 so that younger generation is actively involved in local affairs of the villages.

The election to the gram panchayat is by secret ballot and direct vote and for the purpose of such election, the gram sabha is divided into wards with single member constituencies on the basis of population, in the prescribed manner, and the candidate securing the highest number of valid votes in each constituency shall be deemed to have been duly elected. If after the counting of votes is completed, an equality of votes is found to exist between any candidates in the constituency and the addition of one vote will entitle any of these candidates to be declare elected, the returning officer shall forthwith decide between those candidates by lot, and proceed as if the candidate on whom the lot falls had received an additional vote.85

Before entering upon the duties of their office, the panches take an oath. The gram panchayat members hold their office for a period of five years. This period of five years may be extended by the state government by a period not exceeding six months at a time but not beyond a total period of two years. The state government can order, by notification in the official gazette, general elections to the gram panchayats before the expiry of their prescribed term. The gram sabha may remove the pradhan

84 Himachal Pradesh Panchayati Raj Amendment Act, 1978 (H.P. Act No. 33 of 1978)
85 The Himachal Pradesh Panchayati Raj Act, 1968 (Act No. 19 of 1978)
or up-pradhan from their office by a majority of two-third of the members of gram sabha present and voting at its general meeting and the quorum of such meeting shall be two third of the total number of its members. Two conditions must be fulfilled for removal of pradhan or up-pradhan, that no removal can take place within one year of oath.  

The gram panchayat is required to hold its meeting once in a month. The meeting should be public and held at some place within the gram panchayat area concerned. All the meetings are convened by pradhan and in his absence by the up-pradhan. One third members of the panchayat form the quorum. All the decisions are taken by a majority vote. In case of tie, the pradhan or in his absence the up-pradhan has the privilege of casting vote also.

There is a provision for a secretary for a gram panchayat or a group of gram panchayats. He is appointed by the Director. The secretary assists the pradhan or the up-pradhan in the discharge of their functions. The secretary of the panchayat, under the supervision of pradhan and in his absence under the supervision of up-pradhan, is responsible for the custody and maintenance of all prescribed records and registers and other property belonging to or vested in the gram sabha or gram panchayat.

The gram panchayats in Himachal Pradesh have been given administrative and judicial powers. These powers have been given to the panchayats to make the area of gram sabha beautiful, so as to become a peaceful abode for the villagers to live in it. The gram panchayats should be impressed upon to discharge these administrative duties effectively, which can make the life in the rural areas of the country so enchanting for the people that they forget to migrate to the cities and towns. The provision should be made in the Act to suspend any gram panchayat which fails to discharge these administrative duties effectively.

86 Original section has been substituted by new section 5 of the Himachal Pradesh Panchayati Raj (Amendment) Act, 1987.

87 New section 15 substituted by section 7 of the HP Panchayati Raj (Amendment) Act, 1987.


89 J.N.Barowalla and C.B. Barowalla, Commentary on the Himachal Pradesh Panchayati Raj
The administrative duties of the gram panchayat includes making arrangements for carrying out the requirements of the sabha areas. Being the only statutorily constituted body in the village the gram panchayat has been entrusted with a variety of functions. In the first place, it caters to the civic needs of the rural people. Subject to the availability of funds, it looks after the satiation of the village, lighting the public places, the pavements of streets, water for drinking and washing and other utility services. If the government desires, the gram panchayat may make provision for medical relief, child welfare centers, the promotion of agriculture credit and also act as an agency for the distribution of relief in times of famine or other natural calamities. It can also regulate the construction of the buildings and holding of fairs and markets. In agriculture it is supposed to make provision for the efficient procurement of fertilizers, seeds, implements, etc., to organise campaigns for the intensive farming, destruction of weeds and pests and to help the spread of knowledge of the latest techniques.

The gram panchayat not only caters to the civic needs of the rural people but also supervise the working of such village officials as the chowkidar, the patwari, the police head constable, the vaccinators etc. If it finds any neglect of duty on the part of any one of them it may complain to the district head of the department concerned or to the sub-divisional officer (Civil). The authority must inform to panchayat in writing, the action taken by it. Since the panchayat is considered to be the vehicle of modern ideas and techniques in agriculture and community development, it is required to organise Young Farmers Clubs, Mahila Mandalas, Co-operative Societies. In short, everything that goes to make the life of the rural folk richer and better, falls within its purview of this village body.90

There is a provision of sabha funds for each panchayat and the same should be utilised for carrying out the duties and obligations imposed on the panchayat or any committee thereof by this or any other enactment and for such other purposes of the panchayat as the state government may prescribe.91

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90 Himachal Pradesh Panchayati Raj (Amendment) Act, 1968, op. cit.,

91 Added by section 2 of the H. P. Act No. 39 of 1976.
The income of the gram panchayat can be broadly classified into tax revenue and non-tax revenue. The tax revenue comprises the income derived from taxes and fees. The gram panchayat is competent to impose taxes on houses and professions, and also on every adult in the village, to raise funds for the public works. It can also levy a variety of fees on services such as lighting and street cleaning, on drinking water, the registration of animals sold in the village, the sale and mortgage of immovable property etc. Non-tax revenue consists of grant-in-aid that the gram panchayats get from different sources, and the income it derives from its own property. Each gram panchayat has its own property in the form of common land, houses, shops, fishery ponds, grazing grounds etc. This property is the source of income to the gram panchayat. Above all the gram panchayats are also entitled to raise loans from public or under the government sponsored revenue earning scheme. It is the duty of gram panchayat within the sabha area to perform such duties or village headman as the government may prescribe.

Nyaya Panchayat

The institution of nyaya panchayats, unlike the regular courts, is democratically and popularly organised from amongst the village themselves to administer justice in rural areas. There was a provision for the nyaya panchayat in the Himachal Pradesh Panchayati Raj Act of 1968. Nyaya panchayats were established with the hope that being local people's courts they would easily be able to ascertain truth and dispose of cases speedily and fairly. They would also lighten the heavy load of regular courts. But the actual working of the judicial panchayats was criticised. There were complaints that instead of coming up to the expectations of the framers of the Act, in redressing the grievances of the villagers, they have considerably increased litigations and embittered the village atmosphere by their unfair, biased, and partisan feelings and outlook in the disposal of cases.

Keeping all these defects in view, the Government of Himachal Pradesh abolished the nyaya panchayats. The judicial functions have been assigned to the gram panchayats. Under this Act,

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gram panchayats are deciding criminal as well as civil and revenue cases. The purpose of giving judicial powers to the gram panchayats was to save the villagers from difficulties they experienced in courts.

**Panchayat Samiti**

In the hierarchical set up of the panchayati raj, panchayat samiti forms the intermediate organisation, coming next to the gram panchayat. It is a block level institution, known in various states by various names. In Assam, it is known as the 'Anchalik panchayat', in Jammu & Kashmir it is called 'Block Panchayat', in Uttar Pradesh 'Kashetra Samiti', in Tamil Nadu 'the Panchayat Union Council'. In Punjab and Himachal Pradesh, it is called 'Panchayat Samiti'. Panchayat Samiti is analogous to the Community Development Block. On an average it covers hundred villages and about one lakh population. Its territorial jurisdiction is countermines with development block. It comprises the following members.

The panchayat samiti consists of primary members, co-opted members, associate members. Primary members of the panchayat samiti consists of all the pradhans of the gram panchayats in the block and members representing co-operative societies within the jurisdiction of the panchayat samiti amongst themselves. Co-opted members to be co-opted comprise of two women out of panches from the block belonging to scheduled castes, if no such person is the primary member. Provided that the total number should be made by co-option after deducting primary members of these categories. Moreover every member of the Himachal Pradesh Legislative Assembly representing the constituency of the block is associate member of the samiti, while Sub-Divisional Officer of the area is an ex-officio member of the samiti. An associate member or ex-officio member is not entitled to vote at, but have the right to speak in and take part in the proceedings of any meeting of the panchayat samiti or its committee.

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95 S.Bhatnagar, Panchayati Raj in Kangra District, Orient Longman, New Delhi, 1974, p. 27.

96 Surat Singh, op. cit., p. 11.

The primary members and co-opted members of a panchayat samiti, elect one of its members to be the Chairman and another member to be the Vice-Chairman of the panchayat samiti. The election of the panchayat samiti held by secret ballot twice, firstly, in its meeting convened and secondly within a period of one month of expiry of a period of two and half a years of the date on which the election is notified. 98

The term of the office of the panchayat samiti members is five years. But they will continue to hold office till the election of their successors is notified. 99 A panchayat samiti is required to meet at least four times in each year for the transaction of its business and not more than three months should be elapse between any two successive meetings. 100 For an ordinary meeting of the samiti one third of its members and for a special meeting, one half of its members having right to vote, form a quorum. These meetings are convened by the Chairman and in his absence by the Vice-Chairman.

Panchayat samiti in the state perform a variety of functions which can briefly be summed up as distribution improved seeds and fertilizers, popularisation of improved techniques, encouraging fruit and vegetable cultivation, tree planting and growing of village forests etc., maintenance and expansion of health services including vaccination and control of epidemics, provision for protected drinking water facilities, dissemination of knowledge regarding family planning, Inspection of maternity centres and primary health centres etc. for social education, it establishes the community and recreation centres, libraries, organises watch and ward. It also contributes to developments of cottage and small scale industries, management of all property rested in the panchayat samiti, construction, repair, and maintenance of schools and all buildings organisation and management affairs, agriculture shows and industrial exhibitions etc.


100 Surat Singh, op. cit., p. 12.
The Block Development Officer is the Ex-Officio Executive Officer of the panchayat samiti, who is responsible,\textsuperscript{101} to execute and implement the resolution of the panchayat samiti. Like the gram panchayat, the income of the panchayat samiti can also be broadly classified into two categories: Tax revenue and non-tax revenue. The former includes the income that it derives from taxes and fees. It is empowered to impose a variety of taxes. It can also levy the fees for the use of public hospitals, dispensaries, schools, sarals, markets, rest house and other public institutions. The non-tax revenue largely consists of grant-in-aid. Every year the government channels through an agency of zila parishad and other departments, a large sum of money to finance a number of projects, which are entrusted to the care of samitis.

The budget of the panchayat samiti consists of two parts. Part one contains the budget of the Community Development Block and part two contains the funds received from the government in the form of other sources. The grants given by the rural developments to the blocks under various heads are utilised under the proposal of samitis. Apart from this, samitis have the income through their own sources, which they utilise with their discretion.\textsuperscript{102}

**Zila Parishad**

A zila parishad is constituted by the government for a district. It is a third tier as well as top most tier in panchayati raj set up. The composition of zila parishad is two representatives of every such panchayat samiti, which comprises of more than forty or less than forty gram panchayats to be elected in the manner prescribed by a secret ballot by the panchayat samiti. The Chairman of every panchayat samiti in the district, every member of Lok Sabha and Himachal Pradesh Legislative Assembly representing the district, every member of Rajya Sabha and nominated member of Legislative Assembly and a Deputy Commissioner represent the zila parishad of the district in which he is recorded as a voter in the voter list of Himachal Pradesh Assembly.\textsuperscript{103}

\textsuperscript{101} Surat Singh, \textit{op. cit.}, p.12.

\textsuperscript{102} S.Bhatnagar \textit{op. cit.}, pp. 30-31.

\textsuperscript{103} Substituted by section 21 of the H. P. Panchayati Raj (Amendment) Act, 1987.
The Deputy Commissioner, members of Lok sabha and Rajya sabha have no right to vote in any meeting of the zila parishad, but have the right to speak. Persons to be co-opted are two women out of the panches from the district, if no woman is elected and two persons out of the panches from the district belonging to scheduled castes. 104

The Chairman and Vice-Chairman are elected by the members from amongst themselves. They are the two highest officials of the zila parishad. The Chairman presides over its meetings and conducts all its day to day business. Amongst the permanent officials, the secretary occupies the highest position who is the head of the office of administration. He is under the administrative control of Deputy Commissioner. 105

The term of the office of the members of the zila parishad is five years but they shall continue in office until the election of his successor is notified. This period of five years may be extended by the state government by a period not exceeding six months at a time but not beyond a total period of two years. 106 A zila parishad can meet as often as may be necessary but not more than three months shall be allowed to elapse between two successive meetings of the zila parishad. One third of its members form a quorum.

Every election and co-option of a member and the election of a Chairman or Vice-Chairman of a zila parishad is notified by the Deputy Commissioner concerned in the official gazette and no member enters upon his duties until he takes an oath.

A zila parishad advise, supervise and co-ordinate the functions of panchayat samitis. It approves the budget of panchayat samitis within its jurisdiction. It issues directions to panchayat samitis with respect to the efficient performance of their duties. It co-ordinates and consolidates developmental plans. Moreover, it renders advice to government on all matters relating to development of district and maintenance of services in it. The zila parishad has the authority to call for any information or record

104 Substituted by H. P. Ordinance No. 5 of 1975 (Section 7) replaced by H. P. Act No. 11 of 1976.

105 Section 139 of H. P. Act No. 10 of 1978.

from a panchayat samiti. It may, with the prior approval of the government, levy contributions from the funds of the panchayat samiti in the district. It has the authority to call for any information, statement or record from a panchayat samiti. When required by the government to do so, a zila parishad exercises such supervision and control over the performance of all or any of the administrative functions of the gram panchayats within the district or any part. 107

Under Section 147 - A, all money received by the zila parishad constitute a fund called the zila parishad fund and is applied for the purposes specified in the Act. Under Section 147-B, the sources of the income of zila parishad has been described. It consists of central or state government funds allotted to zila parishad. It also consists of grants from All India bodies and institutions for the developments of cottage, village and small scale industries, share of land cess, state taxes or fees and income from endowments or trusts administered by the zila parishad. The donations and contributions from the panchayat samitis or from the public in any form and such contributions as the zila parishad may levy from the panchayat samitis with the previous approval of the government becomes the income of the zila parishad. Under Section 147 - C, the secretary of zila parishad, in each year, frame and place before the zila parishad, on or before the prescribed date, a budget showing the probable receipts and expenditure during the financial year. 108

Since the zila parishad does not directly handle the administrative and the developmental activities, its financial needs are obviously not great. It needs a little money to meet the cost of its establishment. This is made available by the government out of the local rate, a certain percentage is made over to it every year. 109 Zila parishad was constituted only in Kinnaur District in 1976, because elections of all the three panchayat samitis in the district were undisputed. 110 Zila parishad could not be constituted in other districts of the state. The elections of panchayat samitis and zila parishads could not be conducted by the election department. It will be possible to conduct the elections of panchayat

107 Section 146 substituted by Section 13 of H. P. Act No. 10 of 1978.


109 S.Bhatnagar, op. cit., p. 32.

110 Annual Administrative Report 1978, Panchayati Raj Department, Shimla.
It has already been mentioned that the panchayat raj institutions had been in existence in Himachal Pradesh since 1952. Various changes were introduced in these institutions from time to time so as to enable them to achieve the fundamental objectives of such institutions i.e. as a unit of self-government aimed at participative development of the rural areas though these institutions have done some noticeable work in certain time and in certain areas but neither they had been able to acquire the status and dignity of variable and responsive people's bodies nor they have been able to fulfill the basic objective of being a democratic and representative institutions and the agent of development in the rural areas due to variety of reasons. The changes brought about from time to time in these institutions were marginal and in the changed circumstances, substantial changes are required to be introduced so that they could function effectively as a unit of self-government.

In the light of the past experiences and in view of the shortcomings, it has been recognised that there is a need to bring about fundamental changes in the structure, composition and tenure of these institutions so as to impart them certainty, continuity, and versatility, representative character and strength to them, so that these changes facilitate them to make best use of powers and authority that they are endowed with. Accordingly, it is proposed to bring about certain amendments in the Himachal Pradesh Panchayati Raj Act, 1968 (Act No. 19 of 1970). Therefore, the Himachal Pradesh Panchayati Raj (Amendment) Bill 1991 was introduced in the Legislative Assembly on March 15, 1991 by Sadhu Ram, Minister-in-Charge. This Act may be called the Himachal Pradesh Panchayati Raj (Amendment) Act 1991. This amendment will provide, for among other things, assured existence and constitutions of gram panchayats and panchayat samitis and reservation of seats for scheduled caste and thirty per cent reservation of seats for women panches at gram panchayat level and so much as twenty five to thirty per cent reservation of seats for scheduled caste and also for women for election to member of panchayat samiti, reservation of seats for scheduled caste in non-tribal areas having local tribal population, one member for every two gram panchayats in panchayat samitis, holding elections within one year in case of vacancies and super-sessions, in case of directly elected members and within six months in case of Chairman and Vice-Chairman of panchayat samiti, tenure of Chairman and

111 Information collected from Panchayati Raj Department, Shimla.
Vice-Chairman of panchayat samiti coterminus with that of panchayat samiti, increasing the quorum for no-confidence motion against Chairman or Vice-Chairman, fixing quorum for adjourned meeting of gram sabha, simultaneous elections of panches including pradhan and up-pradhan and members of panchayat samiti, arrears of gram sabha and samiti funds to be a disqualification, a channel of appeal for election petitions. This bill seeks to achieve the aforesaid objectives.112