Chapter -III

Organizational Structure of Panchayati Raj Institutions in Himachal Pradesh

Our society is an organizational society. We are born in organizations, educated by organizations and most of us spend much of our lives working for organizations. We spend much of our leisure time paying, playing and praying in organizations. Most of us will die in an organization and when the time comes for burial, the largest organization of all the state—must grant official permission.¹

Sound organizational structure is an essential key for the success of an enterprise. Organization is a systematic bringing together of inter dependent parts to form a unified whole through which authority, coordination and control may be exercised to achieve a given purpose.² Organizations can be defined as social units (or human groupings) deliberately constructed and reconstructed to seek specific goals.³

Here, a distinction between formal and informal organizations is relevant. The search for greater efficiency and effectiveness in organizations gave rise to the Classical Theory of Administration perhaps more appropriately called Scientific Management, since the latter title expresses the emphasis of this organizational approach, workers were seen as motivated by economic rewards and the organization characterized by a clearly defined division of

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² Ibid., P. 3.
labour with a highly specialized personnel and by a distinct hierarchy of authority. Out of this tradition comes the characterization of the formal organization as a blueprint according to which organizations are to be constructed and to which they ought to adhere.\(^4\)

Arising in past as a reaction of scientific management, another school of thinking gained prominence in the United States—Human Relations. In contrast to Classical Theory, human relations emphasized the emotional, unplanned, non-rational elements in organizational behavior. It discovered the significance of friendship and social groupings of workers for the organization. It also pointed out the importance of leadership in the organization and of emotional communication and participation. From these observations, the concept of informal organization was developed. This is sometimes viewed as what there is to organization beyond the formal structure, sometimes, as what the organizational life is really like as distinct from blueprint and charts.\(^5\) The aim of this chapter is to evaluate the organizational setup of PRIs in Himachal Pradesh.

The Himachal Pradesh Panchayati Raj Act, 1994 was enacted by the Himachal Pradesh Government and was made operative with effect from 23\(^{rd}\) April 1994. This Act has been further amended many times so far. The Himachal Pradesh Panchayati Raj Act, 1994 has been divided into XIV chapters and contains 200 sections. Five schedules have also been added to the Act. The main features of the Act as amended from time to time is

\(^5\) *Ibid.* P. 20
discussed hereafter. The structure of P.R. in Himachal Pradesh according to the Act provides for four types of rural institutions, that is, Gram Sabha, Gram Panchayat, Panchayat Samiti and Zila Parishad which are to be constituted at the village level, block level and district level throughout the state.

A. Gram Sabha

Gram Sabha which forms the core of the democratic decentralizations, needs to be given utmost attention. Thus the government has already taken steps to strengthen the institution of Gram Sabha. There are 200 sections given in the Himachal Pradesh Panchayati Raj Act, 1994. The main features of this Act are:

Section-3

Declaration of Sabha Area

1. The government may, by notification, declare any village or group of contiguous villages with a population of not less than one thousand and not less than one thousand and not more than five thousand to constitute one or more Sabha areas for the purposes of this Act and also specify its headquarter, provided that in a scheduled area the government may by order declare any village or group of contiguous village with a population of less than one thousand to constitute a Sabha area:

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Provided further that the government may after having due regard of the geographical location, lack of means of transport and communication and administrative convenience, declare an area comprising a village or group of contiguous villages a population either less than one thousand or more than five thousand to constitute a Sabha area;

2. The government may, at the request of the Gram Sabha concerned or otherwise and after previous proposal by a notification, at any time;
   a) Increase any Sabha area by including within such Sabha area any village or group of villages, or
   b) Diminish any Sabha area by excluding from such Sabha area any village or group of villages; or
   c) Alter the headquarter of any Sabha area or
   d) Alter the name of any Sabha area; or
   (e) Declare that any area shall cease to be a Sabha area:

Provided that the redelimitation of any Sabha area under this sub-section shall not have the effect till the expiration of the team of elected members of the existing Gram Panchayat.

3. If the whole of the Sabha area is included in a municipality the Sabha area shall cease to exist and its assets and liabilities shall in the manner prescribed be disposed of.
Section 4

Establishment of Gram Sabha

(1) The government may, by order, establish a Gram Sabha by name in every Sabha area.

(1) For every Gram Sabha established under subsection (1), there shall be a list of voters which shall be prepared in accordance with the provision of this act and the rules made there under.

(2) Every person who is qualified to be registered in the legislative assembly roll relatable to the Sabha area or whose name is entered therein and is ordinarily resident within the Gram Sabha area shall be entitled to be registered in the list of voters of that Sabha provided that no person shall be entitled to be registered in the list of voters for more than one Sabha area.

Meeting and Quorum of the Sabha

(1) Every Sabha shall hold four general meetings in each year and every meeting shall be held on the first Sunday of January, April, July and October and it shall be the responsibility of the Pradhan to convene such meetings. Provided further that the pradhan may, at any time or upon a requisition in writing of not less than one-fifth of the members of the Gram Sabha or if required by the Panchayat Samiti, Zila Parishad or the Deputy Commissioner, shall, within 30 days from the receipt of such requisition hold an extraordinary general meeting, provided further that where a Pradhan fails to convince the
meetings under this sub-sections, the prescribed authority shall convince such
meetings within a period of thirty days.

(1) The time and place of all the meetings of the Gram Sabha shall be
published in the prescribed manner.

(2) For any general meeting of the Gram Sabha, representation of at least one-
third of the total number of families represented by one or more members of the
Gram Sabha shall form a quorum and decisions will be taken by a majority of
members present and voting.

Provided that for a meeting adjourned for want of quorum, at least one –fifth
of the total number of family’s representation of at least one –fifth of the total
number of families represented by one or more members of the Gram Sabha
shall be required for holding the adjourned meeting.

Section–6

Defect or Omission in enrolment of members not to vitals act or
proceedings of the Gram Sabha

No defect or omission in the enrolment of a member shall vitiate any act
or proceeding of a Gram Sabha not less than two –thirds of the members at the
time, the act is done, or the proceedings are taken, were duly qualified
members thereof.

Section–7

Functions of Gram Sabha

(1) The Gram Sabha shall perform the following functions 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;
(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 and
(f) Such other matters as may be prescribed.

2. The Gram Sabha shall 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;
(e) Any other matter which the Panchayat Samiti, Zila Parishad, the Deputy Commissioner or any other officer authorized in this behalf may require to be placed before the Gram Sabha and
(f) Such other matters as may be prescribed.

(g) The Gram Panchayat shall give due consideration to the recommendations and suggestions of the Gram Sabha.

(3) The Gram Sabha may also 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 to such an authority as may be prescribed for this purpose.

7-A

Constitution of the Up-Gram Sabha

There shall be a Up-Gram Sabha for each ward of a Gram Sabha:

(i) All members of the Gram Sabha residing within the area of the ward shall be members of the Up-Gram Sabha.

(ii) Every Up-Gram shall hold two general meetings in each year and it shall be the responsibility of the member of the Gram Panchayat representing the ward to convene such meetings. The meetings of the Up-Gram Sabha shall be presided over by the member of the Gram Panchayat, representing the ward, who shall also record the proceedings.

(iii) The time and place of the meetings of the Up-Gram Sabha shall be fixed and notified by the member of the Gram Panchayat representing the ward.
(iv) the Up-Gram Sabha shall nominate its members to represent it in the general meeting of the Gram Sabha from attending the general meetings of the Gram Sabha.

(v) The Up-Gram Sabha may deliberate on issues relating to its area and make recommendations to the Gram Panchayat or Grma Sabha.

Gram Panchayats

Section- 8

Constitution of Gram Panchayats:

(1) There shall be a Gram Panchayat for a Gram Sabha and every Gram Sabha shall, in the prescribed manner, elect from amongst its members a Pradhan and Up-Pradhan of the Sabha who shall also be called the Pradhan and Up-Pradhan of the Gram Panchayat and shall also elect from amongst its members and executive committee called the Gram Panchayat consisting of such member of persons not being less than seven and more than fifteen, including Pradhan and Up-Pradhan, as the government may be notification determine; Provided that the number of members, excluding Pradhan and Up-Pradhan to be assigned to each Gram Sabha shall be determined on the following scale;

(a) With a population not exceeding 1500 ........ five
(b) With a population exceeding 1500 but not exceeding 2500
(c) With a population exceeding 2500 but not exceeding 3500
(d) With a population exceeding 3500 but not exceeding 4500
(e) With a population exceeding 4500 ------ eleven
(f) With a population exceeding 4500 ------ thirteen
Provided further that the number of members of a Gram Panchayat, excluding Pradhan and Up-Pradhan, shall be determined in such a manner that the ratio between the population of the Gram Sabha and the number of seats of members in such a Panchayat to be filled by election shall, so far as practicable, be the same throughout the Sabha area.

(2) Seats shall be reserved in a Gram Panchayat

(a) for the scheduled castes and

(b) for the scheduled tribes.

And the number of seats so reserved shall bear as nearly as may by same proportion to the total number of seats in the Gram Panchayat as the scheduled tribes in the Sabha area bears to the total population of the Sabha area; provided that in case no reservation of seats is possible as aforesaid due to small population of the scheduled castes and the population of scheduled castes of the Sabha area is at least five percent of the total population of the Sabha areas, one seat shall be reserved for the scheduled castes in such a Gram Panchayat. Provided further that where there is no eligible candidate belonging to the scheduled castes to be elected as a member of the Gram Panchayat, no seat shall be reserved for scheduled castes.

Provided further that in non-tribal areas where there is scheduled tribes population in a Gram Sabha, seats shall be reserved for such members of the scheduled tribes within the reservation provided for the members of the
scheduled castes and the determination of seats to be reserved amongst the scheduled castes and scheduled tribes shall be in proportion to their population in that Gram Sabha.

Provided further that the member of the Panchayat Samiti, representing a part of whole of the Gram Sabha area shall also be the member of the concerned Gram Panchayat(s) and shall have the right to vote.

(3) Not less than one-third of the total number of seats reserved under sub-section (2) shall be reserved for women belonging to the scheduled castes or as the case may be, the scheduled tribes.

(3–A) Not less than one-third (including the number of seats reserved for women belonging to the scheduled castes and the scheduled tribes) of the total number of seats to be filled by direct election in every Gram Panchayat shall be reserved for women.

(4) The state government may, be general or special order, reserve such number of seats for persons belonging to backward classes in a Gram Panchayat, not exceeding the proportion to the total number of seats to be filled by direct election in the Gram Panchayat as the population of the persons belonging to backward classes in that Gram Sabha area bears to the total population of that area and may further reserve not less than one-third of the total seats reserved under this sub-section for women belonging to backward classes.
(5) The seats reserved under sub-section (2), (3), (3-A) and (4) shall be allotted by rotation to different constituencies in the Sabha area in such manner as may be prescribed.

(6) If for any reason the election to any Gram Panchayat does not result in the election of required no. of persons as specified in sub-section (i), the Deputy Commissioner, shall within one month from the date on which the names of the elected persons are published by him under section 126 arrange another election to make up the deficiency.

**Section-9**

**Meetings of Gram Panchayat**

The meeting of the Gram Panchayat shall be public.

**Section-10**

**Maintenance of Gram Panchayat records etc.**

The secretary of the Gram Panchayat, under the overall supervision of the Pradhan and in his absence under the supervision of the Up Pradhan shall be responsible for the custody and maintenance of all prescribed records and registers and other property belonging to or vested in the Gram Sabha or the Gram Panchayat.

**Section-11**

**Functions of Gram Panchayat**

(1) It shall be the duty of a Gram Panchayat in so far as the Gram Panchayat funds allow to perform specified in Schedule-I.
(2) Notwithstanding anything contained in this put the state government may, by general or specific order, entrust to the Gram Panchayat preparation of plans and implementation of schemes for economic development and social justice specified in Schedule–II.

(3) The state government may, by general or special order, add to any of the functions of the Gram Panchayat or withdraw the functions and duties entrusted to such a Gram Panchayat, when the state government undertakes the execution of any of the functions entrusted to the Gram Panchayat, the Gram Panchayat shall not be responsible for such functions so long as the state government does not re-entrust such functions to the Gram Panchayat.

(4) The government may, by notification and subject to such conditions as may be specified therein:

(a) Transfer to any Gram Panchayat the management and maintenance of a forest situated in the Gram Sabha area;

(b) Makeover to the Gram Panchayat the management of waste lands, pasture lands, or vacant lands belonging to the government situated within the Gram area;

(c) Transfer to the Gram Panchayat the production of any irrigation work and its execution and the regulation/distribution of water from any such work;

(d) Transfer to the Gram Panchayat any public property situated within the jurisdiction of the Gram Sabha;

(e) Entrust the Gram Panchayat with the collection of land revenue on behalf of the government and the maintenance of such accords on behalf of the government and the maintenance of such records as are connected there with and

(f) Entrust such other functions as may be prescribed.
Provided that when any transfer of the management and maintenance of a forest is made under clause (a) or the transfer of any irrigation work and made under clause (c), the government shall direct that any amount required for such management and maintenance or an adequate portion of the income from such forest or irrigation work be placed at the disposal of the Gram Panchayat.

(5) A Gram Panchayat shall have powers to do all acts necessary for or incidental to the carrying out of the functions entrusted assigned or delegated to it, and, in particular and without prejudice to the foregoing powers to exercise all powers specified under this act.

Section-12
Power of removal of encouragements and nuisance have been given in this section.

Section-13
Power to make general orders.

Section-15
Penalty for disobedience of a special or general order to the Panchayat.

Section-16
Power to enquire and make report about misconduct of certain officials.

Section-17
Power to contract for the collection of taxes and other dues.

Section-18
Power to introduce prohibition is given.
Section–19
Constitution and functions of standing committees is given.

Section–20
Joint Committees.

Section–21
Work to be entrusted to Joint Committee.

Panchayat Samiti

Section–77
Establishment of Panchayat Samiti

(1) For each block, there shall be a Panchayat Samiti, having jurisdiction, over the entire block excluding such portions of the block as are included in a municipality constituted under any law for the time being in force.

(2) If after a Panchayat Samiti, is constituted for a block under subsection (i), the block is redelimited, the government shall reconstitute a Panchayat Samiti for the redelimited block under the provision of that sub section. Provided that the redelimitation of any block under the subsection shall not have the effect till the expiration of the term of the elected members of the existing Panchayat Samiti.

Constitution of Panchayat Samiti

(1) Every Panchayat Samiti shall consist of:

(a) The directly elected members from territorial constituencies as determined under the act;
(b) The members of the house of the people and the members of the legislative assembly of the state representing constituencies which comprise wholly or partly the Panchayat Samiti area;

(c) The members of the council of states, where they are registered as electors within the Panchayat Samiti area;

(d) One-fifth of the Pradhans of Gram Panchayats in the Panchayat Samiti area, by rotation, for such period as the prescribed authority may determine, by lot;

Provided that a Pradhan who was a member under this clause for one term shall not be eligible to become member for a second term during the remainder of his term of office as Pradhan.

(2) The Pradhans of Gram Panchayat and other members of the Panchayat Samiti whether or not chosen by direct election from territorial constituencies in the Panchayat Samiti shall have the right to vote in the meetings of the Panchayat Samiti except in the election and removal of the chairman or vice-chairman only the elected and members shall have the right to vote.

(3) The number of elected members of a Panchayat Samiti under clause (a) of subsection (1) shall consist of persons elected from the territorial constituencies in the Samiti areas as may be notified from time to time by the government at the rate of one member for every three thousand population or part there of.

Provided that in a Panchayat Samiti area having a population of not exceeding forty five thousand there shall be minimum of 15 elected members. Provided further that where the population of a Panchayat Samiti area is more than one lakh and twenty thousand it shall be divided into territorial constituencies in
such manner that the total number of constituencies shall not exceed forty and
the population of each constituency shall as far as practicable, be the same in
each constituency.

Provided further that the government may irrespective of the population
of the Panchayat Samiti area, declare, by a notification that the provisions of
this section shall apply to a Panchayat Samiti in a scheduled area, subject to
such exceptions and modifications as may be specified by it in such a
notification.

(4) Seats shall be reserved in a Panchayat Samiti for the:
(a) Scheduled Castes and
(b) The Scheduled Tribes
and the number of seats so reserved shall bear as nearly as may be, the same
proportion to the total number of seats to be filled by direct election in that
Panchayat Samiti as the population of the scheduled castes in that Panchayat
Samiti area or the scheduled tribes in that Panchayat Samiti area bears to the
total population of that area and such seats may be allotted by rotations to
different constituencies in a Panchayat Samiti in such manner, as may be
prescribed.

Section—79

It deals with the election of Chairman and Vice—Chairman of Panchayat
Samiti.

Section—80

It deals with meetings held by Panchayat Samiti members.
A meting of a Panchayat Samiti can be ordinary or special converted by the Chairman and in his absence by the Vice – Chairman.

Section–81

It deals with the functions of the Panchayat Samiti subject to the provision of this Act and the rules made there under and subject to general or special orders, as may be issued by the state government, from time to time, it shall be the duty of a Panchayat Samiti. So far as the Panchayat Samiti funds allow to make reasonable provision in the Samiti area for the following matters:

(a) Integrated Rural, Development, Agriculture, Social Forestry, Animal Husbandry, etc.;
(b) Provision of emergency relief in cases of distress caused by fires, floods, drought, earthquake, scarcity, lowest, etc.;
(c) Arrangement in connection with local pilgrimage and festivals;
(d) Management of public ferries;
(e) Management of public markets, public meals and exhibitions and
(f) Any other function with the approval of the state government or Zila Parishad.

Section–82

This section deals with the entrustment of certain functions of state government to a Panchayat Samiti.
Section-83

This section deals with the power of the state government in relation to functions of Panchayat Samiti.

Section-84

This section deals with the standing committees which are;

a) General Standing Committee.

b) Finance, Audit and Planning Committee.

c) Social Justice Committee.

Section-85

This section deals with the functions, of the standing committees, relating to the establishment matters, communications buildings rural housing, village extension relief against natural calamities, water supply and all residuary matters.

Section-86

This section deals with the procedure of standing committees according to which, the Panchayat Samiti may frame by laws relating to election of members of committees, conduct of business therein and all other matters.
Section–87

It deals with consultative committees which may be appointed by the Panchayat Samiti for enquiry and report or for opinion such special subjects relating to the purpose of this Act.

Zila Parishad

Section–88

This section deals with establishment of Zila Parishad.

(1) For each district there shall be a Zila Parishad, having jurisdiction, over the entire district excluding, such portions of the district as are included in a municipality constituted under any law for the time being in force.

(2) If after a Zila Parishad is constituted for a district under sub section, the district is redelimited, the government shall reconstitute a Zila Parishad for the redelimited district under the provision of the subsection. Provided that the redelimitation of any district under subsection (1) shall not have the effect till the expiry of the term of the elected members of the existing Zila Parishad.

Section–89

This section deals with the constitution of Zila Parishad.

1. Every Zila Parishad shall consist of;

(a) The directly elected members from territorial constituencies in the district as determined under this Act;
(b) The members of the House of People and the members of the State Legislative Assembly representing a part or whole of the district whose constituencies lie within the district;
(c) The members of the council of states, where they are registered as electors within the district, and
(d) The Chairmen of all Panchayat Samitis in the district.

Provided that when the total number of members under clauses (b), (c) and (d) exceed the total number of members under clause (a), only one-fifth of the members under clause (d) shall be selected by rotation for such period as the prescribed authority may determine, by lot. Subject to the condition that a chairman who was a member under this clause for one term shall not be eligible to become member for a second term during the reminder of his term of office as the Chairman of Panchayat Samiti.

Section–90

It deals with the Election of the Chairman and Vice–Chairman after one of week of declaration of the results by the Deputy Commissioner.

Section–91

This section deals with meetings of Zila Parishad:
(1) To be convened by the Chairman and in his absence Vice Chairman;
(2) A Zila Parishad shall ordinarily meet at its headquarters at least four times in each year for the transaction of its business and not more than three months shall be allowed to lapse between any two successive meetings.

Section-92

It deals with the functions of the Zila Parishad subject to the provisions of this Act and rules made there under, it shall be the duty of the Zila Parishad to:

(i) Control, coordinate and guide, the Panchayat Samiti and Gram Panchayat within the district;

(ii) Coordinate and consolidate the Panchayat Samiti plans;

(iii) Coordinate the demands for grants for special purpose received from the Panchayat Samiti and forward them to the state government;

(iv) Secure the execution of the plans, projects schemes or other works common to two or more Panchayat Samiti in the district;

(v) Advise the state government in the developmental activities;

(vi) Exercise and perform such other powers and functions as the state government may, confer on it.

Section-93

This section deals with the entrustment of certain functions of state government to a Zila Parishad.

1. The state government may entrust, to a Zila Parishad functions in relation to any matter to which the executive authority of the state
government exceeds or in respect of functions which have been entrusted to the state govt. by the central government. and the Zila Parishad shall be bound to perform such functions. It shall have necessary powers to perform such functions.

2. Where functions are entrusted to a Zila Parishad under subsection (1) the Zila Parishad shall in the discharge of those functions act as an agent of the state government.

3. There shall be paid by the state government to the Zila Parishad such sum as may be deemed necessary for discharging the functions entrusted to it under this section.

4. The Zila Parishad shall for the purpose of discharging the functions entrusted to it under this section, be under the general control of the state government or any other authority appointed by it and shall comply with such directions as may from time to time, be given to it.

5. The Zila Parishad shall, for the purposes of discharging the functions entrusted to it under this section, be under the general control of the state government or any other authority appointed by it and shall comply with such directions as may from time to time, be given to it.

Section–94

It deals with the power of the state government in relation to functions of Zila Parishad.
(1) Notwithstanding anything contained in the Act the state government may by general or special order, entrust to the Zila Parishad preparation of plans and implementation of schemes for economic development and social justice including those in relation to the matters listed in Schedule–II.

(2) The state government may, by general or special order, add to any of the direction of the Zila Parishad or withdraw the function of the Zila Parishad or withdraw the function & duties entrusted to such a Zila Parishad, when the state government undertakes the execution of any of the functions entrusted to the Zila Parishad. The Zila Parishad shall not be responsible for such function so long as the state government does not re-entrust such functions to the Zila Parishad.

Section–95

This section deals with standing committees.

The Zila Parishad shall have the following standing committees, namely:

a) General Committee;
b) Final, Audit and Planning Committee;
c) Social Justice Committee;
d) Education and Health Committee and
e) Agriculture and Industries Committee.
Summary

Organisational structure of Panchayati Raj Institutions in Himachal Pradesh was studied in this chapter. According to the H.P.P.R. Act, 1994 enacted by the H.P. Government with effect from 23rd April, 1994, the main features found were quite enlightening.

- The government may declare any village or group of contiguous villages with a population of not less than one thousand and not more than five thousand to constitute or more Sabha areas.
- The government may increase, diminish, alter the headquarter or the name, cease any Sabha area.
- Every Sabha shall hold four general meetings in each year.
- Functions of Gram Sabha included mobilization of voluntary labour and contribution in kind and cash for the community welfare programmes, identification of beneficiaries for the implementation of development schemes pertaining to the village, etc.
- There shall be an Up-Gram Sabha residing within the area of the ward having two general meetings in each year.
- Seats shall be reserved in a Gram Panchayat for the Scheduled Castes and Scheduled Tribes.
- For each block, there shall be a Panchayat Samiti consisting of directly elected members from territorial constituencies, members of the legislative assembly of the state, members of the council of states and
one-fifth of the Pradhans of Gram Panchayats in the Panchayat Samiti area.

- For every district, there shall be a Zila Parishad consisting of directly elected members from territorial constituencies in the district, members of the House of People, members of the State Legislative Assembly, members of the council of states and the Chairman of all Panchayat Samitis in the district.

- Functions of Zila Parishad include control and coordination of Panchayat Samiti plans, etc.