CHAPTER - 3
HISTORICAL BACKGROUND AND LEGAL FRAMEWORK OF PANCHAYATI RAJ

India's villages have a long history of local-level management of public affairs. The democratic decentralization and developmental thrust of PRIs was a major innovation in the politico-economic history of modern India. This chapter has been divided mainly into two parts. Part first deals with the historical background of Panchayati Raj Institutions in India since time immemorial. Which deals with the system during medieval period, British period, and the contribution made by Mahatama Gandhi. The main characteristics of 73rd Constitutional Amendment has also been discussed in this part. The second part is devoted to the organizational set-up of Panchayati Raj system in Himachal Pradesh. In this part, the evolution of PRIs in H.P. since the freedom of India is discussed. The main features and objectives of the Panchayati Raj Amendment Act, 1994 have also been described.

The panchayats or village governments as they were called, were ancient institutions and were themselves small republics. They exercised power in various spheres such as industrial, commercial, administrative and social including civic education and religious functions. Since earliest times, the village has been the pivot of administration in India. Its importance was naturally very much in an age when communications were slow. The vedic hymns frequently pray for the prosperity of villages. There is no doubt that villages were the real centres of social life and important units in the country's economy. The government was usually
carried under the supervision, control and direction of the village headman called “Gramini” in the vedic literature.²

As time went on one and more headman were added to the organization to represent the village in its dealing with the local authorities. The village communities however maintained their individual character and functioned more or less the sole proprietors of the entire village and its wealth. “Panch Parmeshwar” is an old saying which expresses this sentiment.³ Local Government is a confluence of two philosophical streams ‘Self government’ and ‘good government.’ It embodies the individuality of man’s group activities, reflecting the spirit of liberty. It is an integral part of body politic of a country, created under law for the management of local affairs of a human settlement within geographic boundaries.⁵ Tinker asserted that “The local government in present day India, Pakistan and Burma has inherited but little from indigenous local institutions”.⁶ R.L. Khanna also described the tiny village democracies survived because of their independent existence in India sticking to their native soil like Kusha grass. The village republic retains their pristine democratic vigour intact and were as little affected by them as “a rock by rising and falling of the tide.”⁷ In 1830, Sir Charles Metcalfe stated, “Dynasty after dynasty tumbles down; revolution succeeds revolution; Hindu, Pathan, Mughal, Maratha, Sikh, English, are all masters in turn; but the village communities remain the same...⁸

At all times village was the unit of government, whether the central authority was monarchical, oligarchical or republican. As Panikkar has remarked that the village has remained the unchanging backbone of Indian life.⁹ In the Vishnu and Manu Samritis the village is regarded as...
the basic political unit. Valmiki’s Ramayana and the Mahabharta also mentioned the two kinds of village i.e. Ghosh and the Gram. Buddhists and Janis also refer to gram. Aryan evolved their village system in India. It was mixture of old Dravidian village and the new Aryan ideas. The villages were almost independent and were governed by the elected panchayats. In the centre of village there was a Panchayat Ghar, where the village elders met. It is to be noted that this system was first introduced by King Prithu while colonizing the Doab between the Ganges and Jamuna. In the Manusamriti and the ‘Shanti Parva’ of Mahabharat, there are many references to the existence of gram Sanghas.

Hugh Gray remarked that the inspiration of panchayati raj is derived from the tradition of “Panch Parmeshwar”, where God speaks through the five. In India, most indigenous local consultative bodies seem to have had a caste origin within most castes, there are panchayats meeting to hear cases, and arbitrate between fellow caste members involved in disputes, and punish offenders against caste rule and customs. There are two schools of political thought proposing two different principles of administrative reforms. One of these seeks to introduce self-government “from above” and the other “from below”. The truth perhaps lies in a duly combined application of both the principles. The bodies are outcome of natural groupings and associations which should be cherished and given a fuller scope in any scheme of genuinely national self-government.

The excavations at Harapa, Mohanjodaro, Ropar and Lothal provide ample evidence of well planned cities, wide roads, sanitary system etc. The superiority of the Indus valley civilization which flourished between
3000 and 1500 B.C. has been accepted by authorities from time to time. Charles Metcalf viewed the panchayats “as the indestructible atoms which subsist where nothing else seems to last”. The record we have of Ram Rajya is from the Ramayana. Rama was the ruler servant of Ayodhya. Every village had a similar counter-part ruler servant. He was called Mukhiya or Sarpanch. The panch used to be elected in the open meeting of the village by consensus. The Sarpanch obeyed the dictates of the people. Narada puts a few questions to king Yudhishithra about functions of Gram Sabha. Narada asked: Do the brave and wise panches of yours nation engage in collection of funds and other allied panchayat activities and thus, add to general happiness? The question reveals that the village panches were responsible for looking after the local affairs and contributing to the funds of the state. During Jain and Buddhist texts dating from the 5th century B.C. the village headman was called ‘Bhojak’. His duty was to collect the revenue for the state and to organize the constructive programmes. He was selected by the villagers on the basis of local customs and traditions but in practice his post was hereditary.

Kautilya in his famous book Arthasastra has given an elaborate classification of villages for revenue, economic and defence purposes and mentions Gramika or the village headman. Village boundaries should be demarked by rivers, hills, forests, ditches, tanks, ponds and trees of various description. The village administration during 324-236 B.C. was closely linked with agriculture. The size of village managed from 100 to 500 families. The village administrative staff comprised of the following:

i. Adhyaksha (The Headman),

ii. Samkhayaka (The Accountant),
iii. Sthanikas (The village officials of different grades),
iv. Jamghakarika (The village courtiers),
v. Anikastha (Veterinary Doctor),
vi. Chikitska (Village Medical Officer, and
vii. Ashwa-Damak (Horse Trainer). The above officials were also village leaders.²⁰

Dr. Satyaketu Vidyalankar, a veteran Hindi scholar describes, although Chandra Gupta's vast empire was centralized, he never interfered with the village communities. The village was self governed. The village administration was in charge of headman designated as a Gramyeka or a Gramadhyaksha. He was assisted in his work by non-official council. The members of this body were known as Mahattaras under the Vakatakas. In villages, justice was administered by royal officials with the help of the members of the village council. The jury system, is found to have been in full swing at least in south India.²¹ In ancient India, there flourished a well settled and more or less highly developed system of village government. The village society was leading a peaceful and happy life. Though the society was running on monarchial pattern, but the democratic values were respected by the kings.²² So the village people knew the art of governing themselves democratically, efficiently and effectively.

**Panchayats in the Medieval Period**

The impact of foreign invasions over India was disastrous for the survival and autonomy of the panchayats. Gradually, towns developed as other centres of trade and politics and the village were cut-off from the main stream of the social and political power.²³
A chapter of Indian history and culture starts with the arrival of Muslims in India. Afghan and Turkish invasions did not materially affect the progress of life of village communities and their age old system of self-government. The first Muslims to come to India were Arabs who conquered Sindh and Multan in 712 A.D. The sultanate of Delhi was essentially a police or military feudal state. There were no representative institutions. The sultanate represented an urban culture although the rural communities continued to manage their local affairs. Under the sultanate of Delhi the unit of administration was the village with its headman called Muqaddam and Patwari. Panchayat system at village level looked after education, sanitation and also acted as a judicial body.

V.B. Mishra has done some original research on the administration of Pratiharas (6th century to 1027 A.D.). The Pratihar Kings exercise despotic power but the villages were largely self-governed. The head of the village was called Gramapati. Dr. Altekar says that under the Pallavas, village elders called Mahattaras were running village administration. The records available of the Chola Kings (900 - 1300 A.D.) give greater details of the village organization in Tamil villages.

Time and tide rolled on and India came under the sway of Mughals. The Muslims, particularly the Mughal rulers were urban people who succeeded the Hindu Kings. For the purpose of administration and revenue collection the Mughal empire was divided into Subahs, which again were subdivided into Sarkars, each Sarkar comprising a number of Parganas. Each Pargana was a union of several villages. Sir Jadunath Sarkar observed that the Mughals were urban people and their most distinctive achievements in the sphere of local government were in urban
administration. The office of Kotwal was developed as the key stone of municipal organization. Villages of the Mughal empire enjoyed parochial self-government rather than local autonomy. Speaking about the position of village communities in Akbar's time Havell remarked that while they were left free in the management of local affairs, they had lost the influence they posed under Hindu rule.

Akbar inherited an excellent system of panchayat from Sher Shah Suri. He accepted this system and made it indispensable part of the civil administration. He had given legal recognition to the panchayati raj. Hugh Tinker observed that the Mughals had interfered very little with the ancient customs of village government. They incorporated the village into the administration as a unit for revenue and police purposes only. The state dealt through the Muqaddam who was held responsible for the maintenance of law and order. The judicial powers of the village council, the panchayat, were considerably curtailed under the Mughals, otherwise local affairs remained unregulated from above, and the village officers and servants were answerable primarily to the panchayat.

**Panchayats in British Period**

During the Mughal empire several traders from the west came to India. With the fall of Mughal empire a disorder overtook the country and the western traders used this time for their own establishment. In this period the panchayats continued to function quite vigourously and were fully respected by the then government. But this ancient arrangement suffered a crippling blow during British rule. Their policy of economic exploitation of India ultimately shattered the self-sufficient character of
the village republic. Britishers introduced the zamindari system so that the collectivity of village life, was damaged.32

The British government introduced the system of collection of land revenue in cash. In place of Sabhas and Samitis, Britishers nominated the village headman and patwari. The authority of panchayat to do justice locally was taken away and was vested in the centrally created imperial courts. The Lambardar was a selected representative from the property holding group.33 In the late 17th century a few presidency government made attempts to keep these institutions alive. A beginning of local government may be said to have been made in 1687, when a municipal corporation was set-up for the city of Madras for the first time. In 1726 a second municipal charter was issued, setting up municipal bodies for Calcutta and Bombay and re-constituting the Madras municipality.34

The evolution of local government in India had to wait until 1793, when it acquired a statutory base. The Charter Act of 1793 established municipal administration in the three presidency towns of Madras, Calcutta and Bombay.35 As early as 1802, attempts were made in Bombay presidency to use panchayats in the regular administration of justice, which was modified in 1827. Indeed, in these years, we found some of the best British officers, the Mackenzies, Metcalfes and Mains, carrying on a great debate among themselves, and in official dispatches about the place of village communities in India.36 The first attempt to provide machinery more capable of directing civic affairs came in the 1840, when the principle of election was introduced to a very limited extent.37

The real development of villages, in modern sense, started after the report of Royal Army Sanitary Commission 1863. The report pointed out
the filthy conditions of the villages and the importance of increased attention to sanitations. Village Sanitation Acts were passed in every province. In 1870 the Viceroy, Lord Mayo, got a resolution passed for decentralization of powers to bring about administrative efficiency. The resolution of Lord Mayo also visualized the development of local self-government institutions. As a result in 1871 Acts were passed for rural areas in the provinces of Bombay, Bengal, Punjab and the North Western Province (UP). In 1873, Charles Trevelgan advocated in building up a 'Pyramid' of representative council from village. The next landmark in the development of local self-government was Lord Ripon's Resolutions on rural local self-government. The resolution is considered to be the Magna Carta of local democracy in India. In 1907 the government constituted a Royal commission on decentralization. The commission recognized the importance of panchayats in Indian context. The Montagu-Chelmsford Reforms of 1919, under the proposed scheme of dyarchy made local self-government a "transferred subjects". It was brought under the domain of Indian Ministers in province. This period witnessed a series of amending acts on local government in every province for the establishment of village panchayats including Punjab, Haryana and Himachal Pradesh in 1918.

In 1935 Government of India Act, and the inauguration of provincial autonomy under it marked another important stage in the evolution of panchayats in the country. At the time of independence, India had three Municipal Corporations at Calcutta, Madras and Bombay, and in addition there were also municipalities, town area committees, cantonment boards and notified area committees for towns and district boards for rural areas.
Mahatma Gandhi and Panchayati Raj

In his statements and writings he drew the attention of people and government to the urgent need for rebuilding the village as self-sufficient and self-reliant entity with the village panchayat playing the central role in encouraging and supporting constructive and creative activities among the people. According to him “greater the power of the panchayat the better for the people” as true democracy has to be worked from below by the people of every village.44

M.K. Gandhi said if India was to be revived, her villages must be revived. If there had to be government, it must grow from the village upwards. Delhi could not administer village subjects. According to M.K. Gandhi, my idea of village swaraj is that it is a complete republic, independent of its neighbours for its vital wants. The government of the village will be conducted by the panchayat of five persons annually elected by the adult villagers, male and female, possessing minimum prescribed qualification.45 Gandhi’s dream of village swaraj visualized full literacy, employment, nutritious food, well ventilated dwellings and khadi for clothings. Gandhi ji has given call back to the villages.15 Gandhi’s last written document was on panchayat, which he signed, just before the tragic evening of January 30, 1948, it was a constitution based on panchayats.47

During the entire British regime, the panchayats lost their autonomy. The colonial ruler undoubtedly gave these bodies a new political touch, a western blend of electoral system, although their love for these bodies was not natural but was the outcome of political necessity.48
Panchayats and Post Independence Period

India achieved its freedom on August 15, 1947. Constituent Assembly started discussion on a draft constitution for new India but in the first draft there was no mention of village panchayats. Dr. Ambedkar defended the non-inclusion on the ground that the basis of the draft constitution was "individual" not the "village". He opposed the placing of panchayats in the constitution. Besides this, many members like, H.V. Kamath, T. Prakasham, Man Mohan Das, alladi Krishnaswamy Ayyar, Prof. N.G. Ranga, K. Santhanam, etc. emphasized the importance of giving due place to village panchayats in the constitution. On 22nd November, 1948, K. Santhanam moved a resolution for the incorporation of the panchayats in the constitution.

The provision of Panchayati Raj was made in part IV under article 40. "Directive Principles of State Policy" in which the following directions are given. "The state shall take steps to organize village panchayats, endow them with such powers and authorities as may be necessary to enable them to function as unit of self government". Almost all the States Governments enacted panchayat legislation. The total number of panchayats set up in the country by March 1954 was 498,256. However, some of the provincial governments made efforts to meet problems and rural reconstruction such as Firka Development Scheme (Madras - 1946), Etawah Pilot Project (U.P. - 1948), The Nilokheri Attempt (Haryana - 1948) and Sarvodaya Schemes (Bombay - 1948-49). All these programmes, during the Pre-Independence and Post-Independence periods, were merely haphazard attempts. They lacked both uniformity and systematization. The result was that they hardly touched the fringe of the problem.
After the freedom of India first step taken in this direction by Pt. J.L. Nehru government was the Community Development Programme (CDP) and the National Extension Service Programme (NES). The CDP was launched in 1952 with a view to carry out the integrated rural development work. Under this programme administration at the district and lower level was recognized. The main objectives of bureaucracy under the CDP were to facilitate the rapid all-round development of the villages. The significant merits of these programmes were (a) Stress on participation of people in planning and implementation of programmes, (b) Stress on all-round development of the condition of the people. But these programmes failed to achieve their goals of development. The view of the working of the CDP and NES movement revealed that its attempt to evoke popular initiative was one of its least successful aspects. The proposal of the planning commission for the second five year plan stressed the need for creating within the district a well organized democratic structure of administration in which village panchayats would be organically linked with popular organizations at a higher level. The proposal was taken up by the study team appointed by the committee on plan projects. The study team was presided over by Balwantray Mehta.

The recommendations of the Balwant Rai Mehta Committee were:

i. a three tier structure (Village panchayat, the panchayat samiti, the zila parishad) organically linked local self-government bodies from the village to the district should be introduced;

ii. adequate resources should be transferred to the new panchayat bodies to enable them to discharge their responsibilities.
iii. there should be a genuine transfer of powers and responsibility to the PRIs and to bring about greater people’s participation;

iv. all developmental programmes at these levels should be executed through these local bodies; and

v. there should be further devolution and dispersal of powers and responsibilities to these bodies in future so as to make them function effectively.55

The government of Rajasthan was the first to give practical shape to these proposals and on 2nd October, 1959, Panchayat Raj was inaugurated in the state. Nine days later, Andhra Pradesh followed it. In 1960, the Punjab government amended the existing legislation on the gram panchayats and incorporated in it the new concept of democratic decentralization.55 Later on, some states set-up committees to assess the progress made by panchayats and to suggest measures for their improvement e.g.

i. Uttar Pradesh: Govind Sahai Committee 1959, Ram Murti committee 1965;

ii. Maharashtra: Naik Committee 1961, Bongiwar Committee 1965;

iii. Karnataka: Bassppa Committee 1963;


vi. Punjab: Prakash Singh Badal Study Team 1970;

vii. H.P.: Hardyal Singh Committee 1965 etc.56
Although the patterns of PR designed by different states have resemblance to the model put forward by the B.R. Mehta team. But there were mainly six patterns of Panchayati Raj i.e. (1) Rajasthan Pattern, (2) Andhra Pradesh Pattern, (3) Maharashtra Pattern, (4) Karnataka Pattern, (5) Gujrat Pattern and (6) Punjab Pattern.

The Diwakar Committee was set-up in 1962 to examine the position of Gram Sabha, recommended that Gram Sabha should be statutorily recognized and encouraged to play an active role in local affairs. The study team on Panchayat Raj Finances (1963) was set-up under the Chairmanship of K. Santhanam, which suggested measures for activating the system of the financial transactions of panchayat bodies. Steps to develop the existing resources and to build up revenue yielding assets to PRIs. Another landmark in the PRIs was the appointment of a high level committee in 1977, under the chairmanship of Ashok Mehta, popularly known as “Ashok Mehta Committee”. The committee submitted its 301 pages report in August 1978, which covers all important aspects of PRIs including development administration and decentralized planning and made 132 recommendations. Reports places specific stress on creation of two tier system at district and mandal levels. They laid much stress on mandal panchayats (covering about 15,000 to 20,000 population) as centres of growth. It was conceived as a base level organization. The committee has also suggested a draft constitutional status to the panchayats. The recommendations of the committee were not accepted by the Union Government due to change again in the ruling congress party headed by Mrs. Indira Gandhi at the Centre in 1980. However, West Bengal, Karnataka, Andhra Pradesh were accepted a few of these...
recommendations. But most of the recommendations were not implemented. M.L. Dantwala Committee (1978) examine the issue of planning at the district level.

The planning commission appointed a working group in 1983 as the Hanumantha Rao Committee to suggest measures for making decentralized planning at district level more effective. In 1985, another committee under the chairmanship of G.V.K. Rao was constituted. The committee recommended that the PRIs should be involved effectively in the decentralization of planning and development administration.

The Government of India set-up another committee in June 1986, headed by Dr. L.M. Singhvi to prepare a concept paper on the revitalization of the PRIs. The committee recommended that PRIs should be constitutionally recognized, protected and preserved by the inclusion of a new chapter in the constitution. It suggested constitutional provision to ensure free and fair election to the PRIs.

The Government of India appointed a commission on centre-state relations (1988) under the chairmanship of Justice R.S. Sarkaria. The recommendations were of significance to the growth of PRIs. At the end of 1988, a sub-committee of the consultative committee of Parliament, under the chairmanship of P.K. Thungan recommended for constitutional status to the PRIs in India.

Prime Minister Rajeev Gandhi has introduced the constitution (Amendment) Bill in Lok Sabha on 15th May, 1989 for strengthening and revitalizing PRIs and to enable to function as effective unit of self-government. The Bill was passed by the Lok Sabha but defeated in the Rajya Sabha.
In 1991, as soon as the Narsimha Rao government came to power at the centre, on the basis of recommendations of a group of ministers the Constitution (72nd Amendment) Bill 1991 was introduced in the Lok Sabha on 16 September, 1991, the bill was referred to a Joint Parliamentary Committee for its examination. Based on its recommendations and a general consensus, a revised Constitution (72nd Amendment) Bill 1991 was piloted, which was finally passed by the Lok Sabha on December 22, 1992 and the Rajya Sabha on December 23, 1992 as the Constitution (73rd Amendment) Bill. After ratification by more than half the state Assemblies, the President of India gave his assent on April 20, 1993 and the Act was brought into force by a government notification on April 24, 1993. The amendment required that all the state must change their Panchayati Raj Acts within one year.

In the Constitution of India, Part IX, Schedule XI under article 243A to 243O have been inserted to contain major provisions for the panchayats from the village, block and district levels.

**The Constitution (73rd Amendment) Act, 1992**

The main characteristics of Constitution (73rd Amendment) Act are:-

1. In all states there shall be a Gram Shaba (GS) in each village to which the panchayat will be accountable. The powers and functions of the GS shall be assigned by a law passed by state legislature.

2. All states will have a three tier system of panchayati raj (Except the states whose population is less than 20,000) by forming panchayat at the village, intermediate and district level. The composition and members of these bodies will be determined by a law passed by the state legislature.
3. All the members of village panchayats, intermediate panchayats and district shall be chosen by direct election and method of the chairperson of the village panchayat will be decided by the state government, while chairperson of intermediate panchayats and district panchayats shall be elected indirectly by the members from amongst the elected members only.

4. The terms of the office of panchayats at every level shall be for five years and if dissolved earlier, fresh elections must be completed within six months from the date of dissolution.

5. (a) Reservation for the candidates of SCs and STs at all levels in proportion to their population.

   (b) One third of the total numbers of seats has been reserved for women (including the numbers of seats reserved for women belonging to SCs and STs).

   (c) The offices of the chairpersons in the panchayat shall be reserved for SCs and STs in proportion to their population in the state and one third of such offices shall be reserved for women by rotation in different panchayats.

6. The legislature of the state, by law will provide the representation of chairperson of the village panchayats in the panchayat at the intermediate level and the chairpersons of the panchayats at the intermediate level, in the panchayat at the district level and to MPs and MLAs whose constituency fall in the area of intermediate and district level panchayats. All the directly elected members, chairpersons, MPs and MLAs, shall have the right to vote in the meetings of the panchayats. But MPs and MLAs are debarred from
becoming chairpersons of these panchayats and they cannot even have right to vote in the election of chairpersons.

7. Panchayati raj bodies will receive finance from the state government in the form of grants. They can also earn by imposing taxes and fees on the commodities falling within their preview. Every five years the State Finance Commission (SFC) will review the financial position of panchayats and recommend principles for governing, distribution of tax and grant-in-aid to PRIs.

8. The state legislature shall make laws for maintenance of accounts by the panchayats and relating to audit of such account.

9. Panchayati raj bodies will prepare plans for economic development, social justice and social welfare and the subjects enumerated in the eleventh schedule.

10. PRIs got constitutional recognition and it is included in 11th schedule and chapter 9th of the constitution.

11. Twenty one years as the minimum age for the membership as well as chairperson.

12. Election to the panchayats are to be conducted regularly under the overall supervision of Panchayati Raj Election Commission of a state.

13. A person who is disqualified under any law for election to the legislature will not be entitled to become a member of panchyat.

14. The 73rd Constitutional Amendment Act, 1992 does not apply to the states of Meghalaya, Mizoram, Nagaland and certain other areas as specified in the article 243M.
15. There shall be a separate institution for the election petition of panchayats and these petitions are out of the jurisdiction of courts.

16. Election to PRIs at every level would preferably be held on non-party basis.  

Post – 73rd Amendment

1. The parliament extended the 73rd Amendment Act to the scheduled Areas located in eight states on 24 December, 1996 according to D.S. Bhuria Committee Report by legislating the Panchayats (Extension to the Scheduled Areas) Act, 1996. Although one year time limit was given to the eight states to amend the state Panchayats Act to bring them in conformity with the provisions of the Extension Act, Bihar and Rajasthan did not amend their Acts within the stipulated period.

2. The 74th Amendment to the Constitution provides for constitution of District planning Committee (DPC) under article 243 ZD to prepare a draft plan of the whole district comprising panchayats and municipalities. The states have agreed to extend this provision in the 73rd Amendment Act.

3. Another significant development in the last few years in the sphere of PRIs has been the struggle for right to information. Mazdoor Kisan Shakti Sangathan (MKSS) survey in Pali and Rajasamand Zila Parishad of Rajasthan has revealed that 85 per cent of the estimated development projects budget was not spent. False vouchers and bills were submitted by the panchayat representatives to get official sanctions. From this, arose the demand for right to information.
4. Reviewing the working of panchayats in the last few years, there are three disturbing aspects which need mention here: (A) non-conducting panchayat elections, (B) creating parallel structure, and (C) MPs Local Area Development Schemes (MPLADS).

(A) Several state governments have not taken the provisions of the constitution to hold elections of the PRIs on the expiry of the five year term seriously. The State Election Commission is not acting independently, e.g. Election of local government was held in December, 2001 after postponing those for 18 months in Gujarat.

(B) Perhaps the biggest blow has been dealt to the PRIs by the various parallel bodies that state governments have floated. The Janmabhoomi programme of Andhra Pradesh, the Joint Forest Management Committees of Gujarat, the District Government in Madhya Pradesh, the Gram Vikas Samiti of Haryana and the watershed programme of Rajasthan have all sought to scuttle the powers of the panchayats. The PRIs are still tender plants.

(C) During the year 1998-1999, Government of India has raised the allocation under MPLADS from Rs. 1.00 crore to Rs. 2.00 crore per MP per year. Planning department has been declared the nodal agency for implementation of this scheme and it coordinates the implementation with the concerned DCs.

The MPs Local Area Development Scheme (MPLADS) is an assault on the spirit of the 73rd Amendment. Several reports have suggested that the MPLADS funds are being misused because they have their own priorities and huge funds under their disposal. In some states, a similar scheme has been launched for the MLAs and MLCs as well.
Constitution Review Commission and PRIs

The National Commission to review the working of the constitution was set-up vide the Government of India resolution dated 22 February, 2000. The commission comprised 11 members and was headed by Justice M.N. Venkatachaliah. The commission submitted its report in two volumes to the government on 31 March 2002. The eleventh chapter consists of the commission’s recommendations with respect to local bodies. There are so many recommendations regarding PRIs especially extension of 6th schedule to the hill districts of Meghalaya and Assam, etc.

In spite of several limitations PRIs have to play a very important role in the overall development of the country and one cannot deny the potential of Panchayati Raj in India.

Legal Framework of Panchayati Raj in Himachal Pradesh

Himachal Pradesh is one of the backward states of the Indian Union. Being a hilly area, it is considered to be socially and economically backward. The major chunk of population lives in rural areas and the working of PRIs in the state has influenced the life of the Pahari people. The problem of rural people have recently been highlighted through the panchayati raj leadership. It is a movement, a way of life, a matter of faith, which has also brought revolutionary changes in the social life of rural society. Before the existence of Himachal Pradesh, there was no single panchayat act in operation in all (Thirty) small princely states. The origin of Panchayats in the territories now constituting Himachal Pradesh dates back to 1908 when Raja Bijai Chand of Kahloor (Bilaspur) established quomi (caste) panchayats in his state. These quomi
panchayats were in fact founded for only three major castes. Kahloor ruler also constituted a central health and education committee to manage the problems of health and education in his state. The committee, along with the quomi panchayats, could be considered the forerunner of panchayat institutions in the state. The state also had halqa and pargana councils with their pradhan, up-pradhan and secretaries. The pargana council had more or less same functions as compared to panchayat samitis in other states. They ceased to function in 1950 following the extension of the Punjab Act of 1939 to Bilaspur state. Most of the other princely states in Himachal Pradesh also had their traditional panchayats i.e. Kangra, Kullu, Sirmaur, Lahaul Spiti, etc. Himachal Pradesh adopted the Punjab village Panchayat Act, 1939, as the first step towards the introduction of panchayati raj in 1949 and established a total of 186 panchayats in its four districts i.e. Mandi (33), Mahasu (45), Sirmaur (54) and Chamba (54). In 1950, the Act was extended to Bilaspur state also.76

After the independence of India, PRIs came into existence in H.P. under Panchayati Raj Act, 1952 and started its functioning in the year 1954 when panchayats were established in the state.77

Under the Act, 466 village panchayats were constituted in 1954, which rose to 497 due to the reorganization of panchayat circle in Chamba district and Chini Tehsil of Mahasu district. Evolution of Gram Panchayats in H.P. is presented in the table 3.1 since 1952.
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<tr>
<td>5.</td>
<td>1972</td>
<td>2035</td>
</tr>
<tr>
<td>6.</td>
<td>1978</td>
<td>2357</td>
</tr>
<tr>
<td>7.</td>
<td>1985</td>
<td>2597</td>
</tr>
<tr>
<td>8.</td>
<td>1991</td>
<td>2757</td>
</tr>
<tr>
<td>9.</td>
<td>1995</td>
<td>2922</td>
</tr>
<tr>
<td>10.</td>
<td>2000</td>
<td>3037</td>
</tr>
</tbody>
</table>

Source: *Directorate of Panchayati Raj, Himachal Pradesh, Shimla, 2004*

The first election was held in 1954 and the number of GPs was 466. With the merger of new areas of Punjab in 1966 (Vishal Himachal), the number of GPs increased to 1695. In 1972 it increased to 2035, in 1978 GPs were 2357 and in 1985 number of GPs increased to 2597. In 1991, general election of GPs was held, the number of GPs increased to 2757. As a result of 73rd Constitutional Amendment Act, HPPR Act, 1994 was passed and according to this new Act, there were 2922 GPs with 72 PSs and 12 ZPs. The election of the PRIs were held in 2000 for the second time after the implementation of HPPR Act, 1994 and the number of GPs increased to 3037 with 75 PSs and 12 ZPs in the state.
Panchayati Raj Act 1952 authorized the state government to establish a gram sabha for a village or group of villages and a tehsil panchayat for every tehsil or sub-division. The president of gram sabha was pradhan along with the up-pradhan, who was elected for three years from amongst the members. An executive committee of the gram sabha, called the gram panchayat, was also elected. There were reservation of seats for SCs and Women in the gram panchayat. The Act provided seventeen functions for the gram panchayat besides sixteen discretionary functions. A village panchayat was given power to maintain and seek improvement in hospitals and schools. This Act required a district to be divided into circles for which Nyaya Panchayat was established. Every gram sabha in a circle selected fifteen members for nyaya panchayat. The idea of nyaya panchayats even in the pre-independence period attracted the attention of the national leaders. They favoured panchayati raj as a means to curb the excessive indulgence of the villagers in litigation which was telling heavily upon the peace and prosperity of the countryside. It was felt that nyaya panchayat as a part of PR could render the administration of justice speedily, makes it inexpensive and effective, and, would limit the quantum of strife and litigation in the villages. Nyaya panchayats in the country had both criminal and civil jurisdiction. It functions on the broad principle of natural justice.

In 1954, there were twenty six tehsil panchayats and three zila panchayats and both were established through indirect elections. In real sense, panchayati raj in Himachal Pradesh started functions after the recommendations of B.R. Mehta committee. It recommended the replacement of old district board by a three tier system. So first step
towards the decentralization was taken during the first five year plan. In H.P., conscious efforts for the formulation of District Plans were made during the fifth five year plan.

"Democratic decentralization" was the main thrust of B.R. Mehta committee's recommendations. Panchayats and local self-governments have been included in the state list: The committee pointed out that community cannot progress without responsibility and powers. Community development can be real only if the community understands its problems, realizes its responsibilities and exercise the necessary powers through elected representative.81

The report of the B.R. Mehta study team came into effect on 1st April 1958. Firstly Rajasthan then Andhra Pradesh and consequently many states passed panchayati raj acts on the recommendation of the said study team including H.P.82

At the movement, when other states of Indian union were thinking in terms of introducing local self-government at village level, the people of H.P. were struggling for the restoration of the popular government at the state level. From 1956 to 1963, H.P. had the status of Union Territory without popular support of participation. It was only in 1963, when popular assembly was restored within the status of Union Territory (Territorial council).83

Village panchayats were increased to 638 in 196284 and thereafter on December 19, 1963 a committee was constituted under the chairmanship of Hardyal Singh to examine the existing legislation of the panchayati raj. Hardyal committee held its first meeting on December 31, 1963. Till the finalization of the report, 30 meetings were held in all. The
committee decided to study the various reports and other published material on the subjects covered by different states. The committee divided the whole panchayati raj legislation into different parts like gram sabha, panchayat, panchayat samiti and zila parishad.85

On 1st November 1966, the hilly area of Punjab state were merged with Himachal Pradesh where panchayati raj bodies had been functioning under the Punjab Gram Panchayat Act of 1952, and Punjab Panchayat Samiti and Zila Parishad Act, 1961. In old area of H.P., the Himachal Panchayat Raj Act, 1952 remained in force until November 15, 1970, when H.P. Panchayati Raj Act, 1968 was passed and introduced.86

H.P. Panchayati Raj Act 1968

The H.P. Panchayati Raj Act 1968, was enacted to incorporate the major recommendation of B.R. Mehta Committee. Under the Act, three tier system of panchayati raj was adopted. The pradhans and up-pradhans of gram sabhas, who were also the pradhan and up-pradhan of gram panchayats, were elected from amongst the members of gram sabha by secret ballot system. Under section 9 of the Act, a gram panchayat can have 7 to 15 members. A Gram Panchayat shall co-opt one women member if no woman is elected as a panch and every panchayat shall include two members of SCs either elected or co-opted.87 The Act of 1968, conferred twenty seven duties on gram panchayats but the funds made available to them were extremely limited. Pradhan shall have power to do any work in case of some emergency, without obtaining the sanction of the panchayat. He shall, however, place the matter before the next meeting of the panchayat for approval of the same.88 A panchayat samiti was constituted for every block in the district. Under section 63 of the Act,
the PS consisted of twenty primary members (Elected by the panches, up-pradhan and pradhan of gram panchayats in the block from amongst), some co-opted, associate and ex-officio members. Primary members were directly elected and its chairperson wrote the annual confidential report of the Block Development Officer. The provision applying to the primary members was, however, amended in 1991. The act also provided for representation of women in case there was no primary women members in the panchayat samiti. Two women were to be co-opted from among panches from the block. Similarly, a maximum of four panches belonging to the SCs were to be co-opted if there was no SCs primary members and two persons representing the co-operative societies within the jurisdiction of the panchayat samiti. The Act had infact vested real powers in the District Collector, Sub-Divisional Magistrate (SDM) and the district Panchayat Raj department. There were no real powers earlier with the pradhans of gram panchayats and with the chairpersons of panchayat samitis. Issues relating to powers, functions, taxation and duties required the prior approval of the state government. The most important official dealing with the PRIs at village level was the secretary of the gram panchayat who was supposed to act under the supervision of pradhan. There was direct encroachment on the functional jurisdiction of the gram panchayat as the cases involving an investment of more than 500 rupees to be got approved from the concerned DC Section 51 of the Act of 1968 empowered the DC or SDM to suspend the execution of a resolution of a gram panchayat. Another clause (section 54 of the Act) provided suspension of a panch during the course of an enquiry or for any other recorded reason by the state government or DC. In such a way, state and
district bureaucracy were unquestioned masters of PRIs in H.P.\textsuperscript{89} Although HPPR Act of 1968 had reaffirmed the belief in the three tier system yet the three zila parishads, which were dissolved in 1957 were not brought to life again.\textsuperscript{90}

After the general election of gram panchayats in 1972, 2038 gram panchayats and equal number of Nyaya Panchayats were set up. Under section 194 of the Act, the state government, shall divide a district into circles and establish one Nyaya Panchayat in each circle. A Nyaya Panchayat shall comprise five to seven panches including the Sarpanch and the Naib-Sarpanch and these panchayats will be elected by the members of a gram panchayat. Sarpanch and Naib-Sarpanch will be elected by Nyaya Panchayat from amongst. Nyaya Panchayat shall hold sittings at the headquarters of the gram panchayat as fixed by the sarpanch. The secretary of the gram panchayat shall also be an ex-officio secretary of the Nyaya Panchayat of the area and will act under the supervision and control of the sarpanch and naib-sarpanch and shall be responsible for the proper maintenance and safe custody of records.\textsuperscript{91} The quorum for the meeting of Nyaya Panchayat shall be three Nyaya Panches. The gram panchayat shall be the competent authority to accept resignation of Nyaya Panch and Pradhan shall further inform the DC. A Nyaya Panchayat may impose a fine not exceeding one hundred rupees but shall not inflict a sentence of imprisonment. The Nyaya Panchayats were functioning in the state for discharging judicial functions upto march 1978. With the enforcement of HPPR (Amendment) Act 1977, implemented on March 20, 1978, the Nyaya Panchayats were abolished and judicial functions were assigned to gram panchayats.\textsuperscript{92} The impact of
Ashok Mehta committee's report of 1978 was insignificant on the PRIs of the state. The only recommendation of this report accepted by the government pertained to the direct election of members of the panchayat samiti. But this was made mandatory under the HPPR (Amendment) Act in 1991. The PR Act was subsequently amended again in 1988 and the provision of honorarium to the chairman and vice-chairman of panchayat samiti as well as pradhan and up-pradhan of gram panchayat was made.93

In view of shortcoming in previous system it was felt that there is a need to bring fundamental changes in the structure, composition and tenure of these institution hence the HPPR (Amendment) Bill 1991 was introduced in the State Legislative Assembly on March 15, 1991 by Sadhu Ram, minister-in-charge.94 This amendment provided for among other things, assured existence and constitutions of GPs, PSs and reservation of seats for women panches at GP level and so much as 25 to 30 per cent reservation of seats for SCs and also for women. H.P. Assembly passed a new panchayati raj act on April 1994 in conformity with the provisions of the Constitution 73rd Amendment Act, 1992. The Act of 1994 repealing the earlier state panchayati raj Act of 1968 became effective from April 22, 1994.95

Elections of PRIs was conducted in November 2000 for the second term according to HPPR Act, 1994. In the election each rural electorate was required to caste five votes to elect a panch, a pradhan, a up-pradhan, PS member and a ZP member.
At present there are 3037 gram panchayats in Himachal Pradesh, which covers 19388 villages of the state. There are 75 panchayat samitis (Blocks) and 12 zila parishads in the Pradesh.

**Table 3.2**

<table>
<thead>
<tr>
<th>Sr.No.</th>
<th>Districts</th>
<th>GPs</th>
<th>PSs</th>
<th>ZP</th>
<th>Villages</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Bilaspur</td>
<td>136</td>
<td>03</td>
<td>01</td>
<td>1044</td>
</tr>
<tr>
<td>2.</td>
<td>Chamba</td>
<td>270</td>
<td>07</td>
<td>01</td>
<td>1591</td>
</tr>
<tr>
<td>3.</td>
<td>Hamirpur</td>
<td>215</td>
<td>06</td>
<td>01</td>
<td>1650</td>
</tr>
<tr>
<td>4.</td>
<td>Kangra</td>
<td>732</td>
<td>14</td>
<td>01</td>
<td>3869</td>
</tr>
<tr>
<td>5.</td>
<td>Kinnaur</td>
<td>62</td>
<td>03</td>
<td>01</td>
<td>662</td>
</tr>
<tr>
<td>6.</td>
<td>Kullu</td>
<td>192</td>
<td>05</td>
<td>01</td>
<td>172</td>
</tr>
<tr>
<td>7.</td>
<td>Lahaul-Spiti</td>
<td>41</td>
<td>02</td>
<td>01</td>
<td>403</td>
</tr>
<tr>
<td>8.</td>
<td>Mandi</td>
<td>422</td>
<td>10</td>
<td>01</td>
<td>3338</td>
</tr>
<tr>
<td>9.</td>
<td>Shimla</td>
<td>331</td>
<td>09</td>
<td>01</td>
<td>2597</td>
</tr>
<tr>
<td>10.</td>
<td>Sirmaur</td>
<td>219</td>
<td>06</td>
<td>01</td>
<td>968</td>
</tr>
<tr>
<td>11.</td>
<td>Solan</td>
<td>198</td>
<td>05</td>
<td>01</td>
<td>2501</td>
</tr>
<tr>
<td>12.</td>
<td>Una</td>
<td>219</td>
<td>05</td>
<td>01</td>
<td>593</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>3037</td>
<td>75</td>
<td>12</td>
<td>19388</td>
</tr>
</tbody>
</table>

Source: *Directorate of Panchayati Raj, Himachal Pradesh, Shimla, 2004*

The Act provides reservation for weaker sections of society at all levels of PRIs. Details of reservation is presented in the following tables:
Table 3.3

Reservation of Seats and Offices in PRIs from 2000 to 2005 (H.P.)

<table>
<thead>
<tr>
<th>Particulars</th>
<th>Total Seats</th>
<th>Seats Reserved for SCs</th>
<th>Seats Reserved for STs</th>
<th>Seats Reserved for OBCs</th>
<th>Seats Reserved for women</th>
<th>Total Seats Reserved for women &amp; percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>General</td>
<td>Women</td>
<td>General</td>
<td>Women</td>
<td>General</td>
<td></td>
</tr>
<tr>
<td>Members of GPs</td>
<td>18549</td>
<td>2905</td>
<td>1993</td>
<td>617</td>
<td>337</td>
<td>4452</td>
</tr>
<tr>
<td></td>
<td>General</td>
<td>Women</td>
<td>General</td>
<td>Women</td>
<td>General</td>
<td></td>
</tr>
<tr>
<td></td>
<td>4452</td>
<td>6782</td>
<td></td>
<td></td>
<td></td>
<td>(33.89%)(33.89%)</td>
</tr>
<tr>
<td>Members of PSs</td>
<td>1658</td>
<td>282</td>
<td>155</td>
<td>78</td>
<td>35</td>
<td>330</td>
</tr>
<tr>
<td></td>
<td>General</td>
<td>Women</td>
<td>General</td>
<td>Women</td>
<td>General</td>
<td></td>
</tr>
<tr>
<td></td>
<td>330</td>
<td>562</td>
<td></td>
<td></td>
<td></td>
<td>(34.66%)(34.66%)</td>
</tr>
<tr>
<td>Members of ZPs</td>
<td>251</td>
<td>41</td>
<td>24</td>
<td>14</td>
<td>07</td>
<td>48</td>
</tr>
<tr>
<td></td>
<td>General</td>
<td>Women</td>
<td>General</td>
<td>Women</td>
<td>General</td>
<td></td>
</tr>
<tr>
<td></td>
<td>48</td>
<td>87</td>
<td></td>
<td></td>
<td></td>
<td>(36%)(36%)</td>
</tr>
<tr>
<td>Chairpersons of GPs</td>
<td>3037</td>
<td>501</td>
<td>270</td>
<td>133</td>
<td>66</td>
<td>615</td>
</tr>
<tr>
<td></td>
<td>General</td>
<td>Women</td>
<td>General</td>
<td>Women</td>
<td>General</td>
<td></td>
</tr>
<tr>
<td></td>
<td>615</td>
<td>1026</td>
<td></td>
<td></td>
<td></td>
<td>(33.78%)(33.78%)</td>
</tr>
<tr>
<td>Chairpersons of PSs</td>
<td>75</td>
<td>12</td>
<td>07</td>
<td>04</td>
<td>03</td>
<td>15</td>
</tr>
<tr>
<td></td>
<td>General</td>
<td>Women</td>
<td>General</td>
<td>Women</td>
<td>General</td>
<td></td>
</tr>
<tr>
<td></td>
<td>15</td>
<td>27</td>
<td></td>
<td></td>
<td></td>
<td>(36%)(36%)</td>
</tr>
<tr>
<td>Chairpersons of ZPs</td>
<td>12</td>
<td>02</td>
<td>01</td>
<td>01</td>
<td>01</td>
<td>04</td>
</tr>
<tr>
<td></td>
<td>General</td>
<td>Women</td>
<td>General</td>
<td>Women</td>
<td>General</td>
<td></td>
</tr>
<tr>
<td></td>
<td>04</td>
<td>04</td>
<td></td>
<td></td>
<td></td>
<td>(33.33%)(33.33%)</td>
</tr>
</tbody>
</table>

Source: *Directorate of Panchayati Raj, Himachal Pradesh, Shimla, 2004*

**Backward Panchayats**

The most backward pockets in our country had not been receiving special attention though the general process of development. The process of identification of backward areas was started in Fourth Five Year Plan. A total number of 489 Gram Panchayats out of 3037 in the state have been declared as Backward Panchayats. District-wise break-up of these backward panchayats is as under.
**Table 3.4**

District-Wise Break up of Backward Panchayats in H.P., 2000 to 2005

<table>
<thead>
<tr>
<th>Sr.No.</th>
<th>District</th>
<th>GPs</th>
<th>No of GPs Declared as Backward</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Bilaspur</td>
<td>136</td>
<td>13</td>
</tr>
<tr>
<td>2.</td>
<td>Chamba</td>
<td>270</td>
<td>149</td>
</tr>
<tr>
<td>3.</td>
<td>Hamirpur</td>
<td>215</td>
<td>13</td>
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<tr>
<td>4.</td>
<td>Kangra</td>
<td>732</td>
<td>17</td>
</tr>
<tr>
<td>5.</td>
<td>Kinnaur</td>
<td>62</td>
<td>-</td>
</tr>
<tr>
<td>6.</td>
<td>Kullu</td>
<td>192</td>
<td>72</td>
</tr>
<tr>
<td>7.</td>
<td>Lahaul-Spiti</td>
<td>41</td>
<td>-</td>
</tr>
<tr>
<td>8.</td>
<td>Mandi</td>
<td>422</td>
<td>118</td>
</tr>
<tr>
<td>9.</td>
<td>Shimla</td>
<td>331</td>
<td>72</td>
</tr>
<tr>
<td>10.</td>
<td>Sirmaur</td>
<td>219</td>
<td>26</td>
</tr>
<tr>
<td>11.</td>
<td>Solan</td>
<td>198</td>
<td>06</td>
</tr>
<tr>
<td>12.</td>
<td>Una</td>
<td>219</td>
<td>03</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>3037</td>
<td>489</td>
</tr>
</tbody>
</table>

Source: *An overview of planning in Himachal Pradesh, 2003.*

**Structural Arrangement Under the HPPR Act 1994**

**Gram Sabha**

The Gram Sabha (GS) is the first modern political institution which seeks to place direct political power in the hands of people. It is believed that the active functioning of GS could ensure a vibrant democracy with a
great degree of community participation and control as well as transparency and accountability. The 73rd constitutional amendment 1993 for the first time created a statutory imperative for the establishment of legally empowered GSs in India. Under section 4 of the HPPR Act 1994, a gram sabha (General House) is constituted for any village or group of contiguous villages with a population of not less than 1000 and not more than 5000 people. The government can relax these limits in particular case (scheduled area). The gram sabha once established is to be recognized by the government by including or excluding any area from the sabha. The minimum age for the members of a gram sabha is 18 years. Every person who is qualified to be registered in the legislative assembly electoral rolls and ordinarily resident within the sabha area, can be a member of the gram sabha.

Every gram sabha should hold two general meetings annually, one in the summer and other in the winter and it shall be the responsibility of pardhan of GP to convene these meetings. Now according to new amendment (section 5) there shall be four general meetings (General Houses) in each year and every meeting shall be held on the first Sunday of January, April, July and October. The GS meetings shall be presided over by pradhan or in his absence, by the up-pradhan of GP. In the absence of both, the meeting shall be presided over by a member of gram sabha to be elected for the purpose by the majority of present members. The quorum of GS shall be 1/5th of its total members and decisions will be taken by a majority of members present. A recent 2000 amendment lays down the quorum as 1/3rd of the total membership of GS. If a meeting is adjourned for want of quorum, at least 1/5th of the
total number of its members shall be required for holding the adjourned meeting. It was 1/10th in the Act of 1994.

Under section 7 of the HPPR Act, 1994 the gram sabha shall perform the following functions:

I. Examine the annual statement of accounts and the audit report of the gram panchayat for the preceding financial year.

II. Discuss the annual report of administration of the GP for the preceding financial year;

III. Examine the budget of the GP for the next financial year;

IV. Discuss the report on development programmes implemented by the GP in the preceding year;

V. Identification of beneficiaries of various rural development programmes to be implemented in the village;

VI. To mobilize voluntary labour for community welfare programmes and contribution in cash or in kind;

VII. Promotion of unity and harmony among all sections of the society in the sabha area etc.

**Up-Gram Sabha**

Under section 7-A of HPPR (Second Amendment) Act, 2000, there shall be a up-gram sabha for each ward of a gram panchayat. All members of the gram sabha residing within the area of the ward shall be members of the up-gram sabha and the sabha shall hold two general meetings annually. It shall be the responsibility of the members of the gram panchayat representing the ward to convene such meetings and shall record the proceedings also. The time and place of the meeting of the up-gram sabha shall be fixed and notified by the members of the gram
panchayat representing the ward. The up-gram sabha shall nominate its members to represent it in the general meeting of the gram sabha and these members shall be notified in a manner so that 15 per cent of the total families residing in the area of the ward get nominated, provided that 1/3rd of the nominations shall be of women. The up-gram sabha may deliberate on issues relating to its area and make recommendations to the gram panchayat or gram sabha.\textsuperscript{101}

\textbf{Gram Panchayat}

The gram panchayat is like the cabinet and the GS like the legislature. There shall be a gram panchayat for a gram sabha. The gram panchayat is the executive committee of gram sabha under section 8 of the HPPR Act, 1994. It consists of such members not being less than seven and more than fifteen, including Pradhan and Up-Pradhan. Members of panchayat are called the panch and are elected by the GS. The presiding officer of the panchayat is known as Pradhan and Up-Pradhan. He is directly elected by the GS and presides over the meetings of both the GS and the GP. Number of members excluding pradhan and up-pradhan, to be assigned to each gram sabha shall be determined on the following scale:

i. With a population not exceeding 1500 – five.

ii. With a population exceeding 1500 but not exceeding 2500-seven.

iii. With a population exceeding 2500 but not exceeding 3500-nine.

iv. With a population exceeding 3500 but not exceeding 4500-eleven.

v. With a population exceeding 4500 – thirteen.\textsuperscript{102}

Basic qualification for contesting the election of gram panchayat is 21 years of age. The voting age for panchayat election has also been
reduced from 21 to 18 years. For the purpose of election, the entire gram sabha area is divided into wards with single member constituencies on the basis of population. The election to the gram panchayat are held by secret ballot and direct vote. The term is fixed for five years and not to be dissolved before the tenure. Before entering upon the duties of their office, the panches take on oath.

The Act provides the reservation of seats in gram panchayat for SCs and STs in proportion to their population to the total population by rotation. Not less than one third of the total number of seats shall be reserved for women belonging to SCs and STs. Not less than one third (including the number of seats reserved for women belonging to SCs & STs) of the total number of seats to be filled by direct election in every gram panchayat shall be reserved for women. The government can also reserve seats for Backward classes in a gram panchayat. According to HPPR Adhiniyam 2001, maximum 15 per cent seats shall be reserved for backward classes in all tiers of PRIs and one third of the total number of seats shall be reserved for women.

The meeting of gram panchayat has been declared a public meeting and is to be held at least once every month. Meetings are convened by the Pradhan and in his absence by the up-pradhan. One-half members of the panchayat form the quorum. All the decisions are taken by the majority votes. In case of equal voting, pradhan or up-pradhan shall have the right of casting vote.

There is a provision of secretary (Gram Panchayat Vikas Adhikari – GPVA) for a gram panchayat or a group of panchayats. The secretary assists pradhan and up-pradhan and is responsible for the custody and
maintenance of all records and registers and other property belonging to the GP.

The gram panchayat has been assigned all functions which a local government is normally expected to perform. The gram panchayat in H.P. have been given administrative and judicial powers. Being the statutory constituted body in village the gram panchayat has been entrusted with a variety of functions. According to HPPR Act 1994 under section 11 (1) give 29 duties of gram panchayat, which are specifically in the nature of civic functions i.e. sanitation, maintenance and repair of public wells, roads, culverts, public street, bridges, drains, lighting; maintenance of ancient and historical monuments; records of births, marriage and deaths; assistance in prevention of contagious disease; removal of social evil; granting loans; regulating places for disposal of dead bodies; regulating the construction of house, latrines, urinals and drains etc. The government can also entrust the panchayats with the preparation and implementation of schemes for promoting economic development and social justice, including subjects those, listed in schedule eleven of the constitution. Power to remove encroachments and nuisance, power to make general orders regarding prohibition of the use of water of a well or pond, which is suspected to be dangerous to the public health. Panchayat can regulate building construction after preparation of model schemes for the village. Penalty for disobedience of a special or general order to the panchayat, any person who disobey an order of the panchayat shall be liable to a penalty/fine which shall be imposed by panchayat and may extend to rupees 250. The gram panchayat not only caters to the civil needs of rural people but also supervise the working of village officials.
Under section 16 of the Act, panchayat can enquire and make report about misconduct of certain official i.e. peon, police constable, bailiff, hawaldar, chowkidar, vaccinator, incharge of irrigation, animal supervisor, grain sevak, patwari, forest guard, water guard, etc. The concerned senior officer, SDM or DC will take action on its report and inform it to the director of panchayats. Gram Panchayat can also impose prohibition on liquor vending in the area. It is to be the appointing authority in respect of following posts. Vidya Upasaks, Panchayat Sahayaks, Technical Assistants, Panchayat Chokidars, Tailoring instructors, Anganwari-workers and Helpers, etc.

The panchayat is also to assist a government servant in carrying out his duties. Under section 20, panchayats has also the powers to manage fairs and markets. It has taxation powers, which include (a) House Tax, (b) Land Revenue, (c) Cess on Stamp Duty, (d) Tax on extraction and export of sand, stone, concrete and slates, (e) Other taxes, fees or Cess authorized by government. The income of gram panchayat can be broadly divided into tax revenue and non-tax revenue. The tax revenue comprises the income derived from taxes and fees. 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 form of common land, house, shops, fishery ponds, trees, grass, etc. Under section 99 of the act, every panchayat shall establish a fund called panchayat fund. The gram panchayats are also entitled to raise loans from public or under the government sponsored revenue earning scheme.
Chapter IV of the HPPR Act 1994, the judicial powers and functions have also been given to the gram panchayats under section 30 to 76. These functions are regarding land revenue, property, damage to crops by cattle, trespass, compromise and imposing fine not exceeding Rs. 100 but shall not inflict a sentence of imprisonment. Under section 57, no legal practitioner shall appear, plead on behalf of any party in any case before gram panchayat. Under section 59 of the Act, gram panchayat may decide most of the cases amicably through compromise between both parties.\textsuperscript{106}

Section 23 of the Act provides that every gram panchayat shall, from amongst its members, form three standing committees (1) Production Committee (2) Social Justice Committee and (3) Administrative Committee. Each Committee shall consist of not less that three not more than five members including pradhan and up-pradhan. Pradhan shall be the ex-officio member and chairman of production and Amenities Committees and up-pradhan shall be the ex-officio member and chairman of Social Justice Committee.\textsuperscript{107}

For section 23 of the principle Act, the following shall be substituted, namely:-

(i) Public work committee – to be headed by pradhan

(ii) Health and Family Welfare Advisory Committee to be headed by pradhan,

(iii) Village Education Committee to be headed by pradhan.

(iv) Forest Committee to be headed by pradhan,

(v) Agriculture Production Committee to be headed by Up-Pradhan,

(vi) Irrigation and Public Health Committee to be headed by up-pradhan and

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(viii) Food, Civil Supply and Consumers Committee to be headed by up-pradhan also.

Each committee shall consist of not less than two and not more than three members from Gram Panchayat including the pradhan or the up-pradhan, as the case may be. Provided that Health and Family Welfare Advisory Committee and Forest Committee shall have at least three women members including co-opted members. Provided further that if the up-pradhan acts as the pradhan of the Gram Panchayat, the members of the standing committees mentioned in clauses (v), (vi) and (vii) of subsection (i) shall elect its chairman from amongst. Each committee shall co-opt, in such a manner as may be prescribed, members of Farmers Club, Mahila Mandals, Yuvak Mandals, Co-operative Society and the concerned departments.108

Panchayat Samiti

Panchayati Samiti is intermediate organization coming next to the gram panchayat in new panchayati raj system. It is a block level body known in different states by different names. In Gujarat, it is called “Taluka Panchayat”, in M.P. it is known as “Janpad Panchayat”, in Punjab and Himachal Pradesh, it is known as “Panchayat Samiti”.109 Under section 78 of the Act, panchayat samiti consists of (i) the directly elected members from territorial constituencies; (ii) the members of the Lok Sabha and the MLA’s of the state representing constituencies, which comprise wholly or partially the panchayat samiti area; (iii) the members of Rajya Sabha, where they are registered as electors within the samiti area; (iv) one-fifth of the pradhan of gram panchayats in the samiti area, by rotation, for such period as the prescribed authority may determine, by
lot. A panchayat samiti is to be constituted for a block with one member for a population of three thousand. The total number of directly elected members from territorial constituencies will be not less than 15 for 45000 population and not more than 40 for more than 1.20 lakh population.

Act provides for the reservations of seats in panchayat samiti to SCs and STs in proportion to their population by rotation. The government can reserve seats for the backward classes. Not less than 1/3rd of the total number of seats reserved under sub-section (4) shall be for women belonging to SCs and STs. Not less than 1/3 (including the number of seats reserved for women belonging to SCs and STs) of the total number of seats filled by direct elections in every panchayat samiti shall be reserved for women.

Basic qualification for a candidate who are seeking to contest the election of panchayat samiti is 25 years of age. The election of panchayat samiti is held by secret ballot and direct vote.

Table 3.5

<table>
<thead>
<tr>
<th>Sr. No.</th>
<th>Election</th>
<th>Total Blocks</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>First - 1972</td>
<td>69</td>
</tr>
<tr>
<td>2.</td>
<td>Second - 1991</td>
<td>69</td>
</tr>
<tr>
<td>3.</td>
<td>Third - 1995</td>
<td>72</td>
</tr>
<tr>
<td>4.</td>
<td>Fourth - 2000</td>
<td>75</td>
</tr>
</tbody>
</table>

Source: Directorate of panchayat raj, Himachal Pradesh, Shimla 2004

Before the statehood the elections of all the PSs were not held regularly, and after the statehood first election of PSs was held in 1972 in all the
blocks and second election was held in 1991. In December 1995 with the increase of 3 blocks, the total number of blocks were 72. At present there are 75 panchayat samitis (Blocks) in H.P.

After the declaration of results, all elected members of panchayat samiti take oath, which is extended to them by DC of concerned area or DC can appoint any Gazetted officer on his behalf to do so. Under section 127 of the Act, the elected members of a panchayat samiti elect one of its member as chairman and another as vice-chairman. If the office of the chairman or vice-chairman, as the case may be, is vacated or falls vacant during the tenure on account of death, resignation or no-confidence motion, fresh election within a period of two months from the date of occurrence of vacancy shall be held and the post filled up. Panchayat Samiti members will hold their office for five years.

A meeting of panchayat samiti, is convened by the chairman and in his absence by the vice-chairman. A panchayat Samiti is required to meet at least four times in each year and the gap between successive meetings shall not be of more than three months. Additional agenda may be included for the adjourned meeting if the same is notified on the day of adjournment of the meeting or at least one week before the date fixed for the adjourned meeting. In case of an ordinary meeting, one-half of its members and for a special meeting, two-third of its total membership having right to vote, form a quorum. A special meeting is adjourned for want of quorum, fresh adjourned special meeting shall be convened by giving fifteen days notice to the members within one month from the date of adjournment of special meeting.
Under section 81 of the HPPR Act 1994, the panchayat samiti in the state perform a variety of functions:

1. Integrated rural development, agriculture, animal husbandry, social forestry, fishery, health and sanitation, adult education, communication, public works, cottage industries, cooperatives, women, youth and child welfare, welfare of disabled, destitutes and backward classes, family planning and sports and rural employment programmes;

2. Provision of emergency relief in case of natural calamities like fire, flood, drought earthquake;

3. Arrangement in connection with management of local pilgrimage and festivals;

4. Managements of public ferries and public markets, fairs and exhibitions. The government can also entrust other functions to it.

Under section 84 of the Act, the panchayat samiti shall have three standing committees i.e. (i) General, (ii) Finance Audit and Planning and (iii) Social Justice. Each committee shall consist of members not exceeding seven, including chairman elected by the members from amongst. The term of each standing committee shall be two and half years.

The Block Development Officer (BDO) is the ex-officio executive officer of the panchayat samiti assisted by panchayat inspector (PI), who are responsible to execute and implement the resolution of the PS.

The income of panchayat samiti can also be classified into two categories: tax revenue and non-tax revenue. The former includes the
income that it derives from taxes and fees. The non-tax revenue largely consists of grant-in-aid. The budget of the panchayat samitis consists of two parts i.e. the budget of the community development block and funds received from the government in the form of other sources.

**Zila Parishad**

Under section 88 of the Act, 1994, a zila parishad is constituted by the state government for every district excluding such portions of the district which are included in a municipality, a municipal corporation, nagar panchayat, a statutory board. It is the third and the apex tier in PRIs.

Under section 89 of the Act, every zila parishad shall consist of following members: (a) directly elected members from territorial constituencies, (b) the members of Lok Sabha and the MLAs whose constituencies fall in zila parishad area, (c) the members of Rajya Sabha of state where they are registered as electors within the district, and (d) the chairman of pachayat samitis in the district. But if the MPs, MLAs and chairpersons of panchayat samitis together exceed directly elected members, only $\frac{1}{5}$th of the panchayat samiti chairpersons will be the members by rotation. The zila parishad consists of directly elected members from territorial constituencies, one for 20,000 population or part thereof and at least 10 members for a district with a population of 2 lakh. However, as per the provision of the Act, in scheduled areas there will be no consideration of population. All members of Zila Parishad, whether or not elected by direct election from territorial constituencies in the district, shall have the right to vote in the meeting of the zila parishad except in
the election or removal of the chairman and vice-chairman. Only the elected members shall have the right to vote.¹¹⁶

Seats are also reserved in the zila parishad for the SCs and STs in proportion to their population. Not less than 1/3rd of the total number of seats reserved under sub section (4) shall be reserved for women belonging to the SCs or STs. Not less than 1/3rd (including the number of seats reserved for women belong to SCs and STs) of the total number of seats are to be filled by direct election in every zila parishad shall be reserved for women by rotation.¹¹⁷

Basic qualification prescribed to contest in a zila parishad election as a candidate is 25 year of age. The election of zila parishad is held by secret ballot and direct vote. Before December, 1995, regular election for the ZP were never in existence in the state.

After the declaration of results all the elected members of zila parishad take oath on the behalf of Deputy Commissioner (DC) under section 127. After the oath, elected members of zila parishad have to elect from amongst one of its member as a chairman and another as vice-chairman. Provided that if the office of the chairman or vice-chairman as the case may be falls vacant during the tenure on account of death, resignation or no-confidence motion, a fresh election within a period of two months from the date of occurrence of vacancy shall be held from the same category.¹¹⁸ The normal term of office of the members of zila parishad is for a period five years.

The meeting of the zila parishad shall be convened by the chairman and in his absence by the vice-chairman. Both are elected by the members from amongst themselves. Zila Parishad can meet at its
headquarters at least four times in a year and there shall not be more than three months gap between two successive meetings. Provided that the additional agenda may be included for the adjourned meeting if the same is notified on the day of adjournment of the meeting or at least one week before the date fixed for the adjourned meeting. Provided further that when a special meeting is adjourned for want of quorum, fresh adjourned special meeting shall be convened by giving 15 days notice to the members within one month from the date of adjournment of special meeting. A member of ZP may be removed for his proved misconduct, by the government on the recommendation of the ZP. One-half and two-third of its members of ordinary and special meetings form its quorum.

The functions entrusted to the zila parishad may be classified as executive, co-ordinating, supervisory and advisory. Under section 92 of HPPR Act 1994, the functions of zila parishad are: The executive function statutorily entrusted to the zila parishad relates to the establishment, maintenance and expansion of secondary, vocational and industrial schools. The government through executive order has entrusted rural communication, work relating to inter block roads or district roads, minor irrigation works and rural water supply to the ZP. Secondly, it has to co-ordinate and consolidate the plans prepared by panchayat samiti and gram panchayat within the district. Thirdly, it has to supervise the activities of the panchayat samitis in the district. Lastly, it has to advise the government on a number of matters such as the development activities of the district, allocation of works to PSs and GPs and also co-ordinate the activities, and matters concerning the implementation of orders, specially referred to it by the government.
Under section 95, the ZP is provided with the following standings committees namely: (a) General Standing Committee, (b) Finance, Audit and Planning Committee, (c) Social Justice Committee, (d) Educational and Health Committee, and (e) Agriculture and Industrial Committee. Each committee shall consist of members not exceeding five including chairman, elected by the members of zila parishad from amongst. The term of each standing committee shall be two and a half years. The chairman shall be the ex-officio member and chairman of the General, the Finance, the Audit and the Planning Committees. The vice-chairman shall be the ex-officio member and chairman of social justice committee. The other standing committees shall elect the chairman from amongst. The General Standing Committee shall perform functions relating to the establishment matters and functions relating to communications, rural housing, village extension, relief against the natural calamities and allied matters and all residuary matters.

The District Development and Panchayat Officer (DDPO) is the ex-officio executive officer in every zila parishad. Each zila parishad has a fund called zila parishad fund. The zila parishad fund is composed of

i. The amount transferred by appropriation out of the consolidated fund of the state;

ii. All grants, assignments, loans and contributions made by the government;

iii. All fees and penalties paid on behalf of ZP, etc.

General Provisions

Under section 138 of the Act, the government assumes the power to cancel any resolution passed by GP or PS or ZP or any standing
committee of ZP if it is not legally passed or its execution is likely to cause
danger to human life. If it appears to the government that any organ of
panchayati raj is not competent to perform its functions or misuse its
power, the government may dissolve it under section 140 of the HPPR Act
1994. It can also inquire into the functioning of a panchayat and can
remove any of its office bearer. If, in the opinion of the government the
chairman or vice-chairman willfully omit or refuse to carry out the
government orders, etc., the government may remove such official after
giving him an opportunity for explanation, and he shall not be eligible for
re-election for a period of six years according to HPPR Act 1994, section
146.

Under section 129 (1), (2), (3), (4) of HPPR Act, 1994 on a motion of
no confidence being passed against any pradhan/up-pradhan of gram
panchayat, chairman/ vice-chairman of panchayat samiti and zila
parishad, he/she shall cease to hold office immediately. A pradhan/up-
pradhan, chairman/vice-chairman of gram panchayat, panchayat samiti
and zila parishad, shall not preside over a meeting in which a motion of
no-confidence is discussed against him. Motion of no-confidence under
sub-section-4 shall not be maintainable within two years of the date of his
election to such office.

State Finance Commission

Under section 98 of the Act 1994, the government shall, within one
year from the commencement of the Constitution (73rd Amendment) Act
1992 and thereafter, at the expiry of every fifth year constitute a finance
commission to review the financial position of panchayats and to make
recommendation to the government. The commission shall consist of
chairman and two other members. The First State Finance Commission was constituted on 23 April, 1994 under the chairmanship of S.K. Chauhan. It submitted its report in November, 1996 which was accepted by the government in toto in July, 1997. On his superannuation, Sagar Chand Nayar took charge on 2 December 1995, but later resigned. He was, however, reappointed chairperson of the commission on 7th June 1996. Then O.P. Yadav, Desh Raj, A.K. Goswami, Shayama Sharma, Harsh Gupta and K.D. Dharmani remained chairpersons, of the commission. The Second Finance Commission was constituted on 25th May, 1999 and submitted its report for the period 2002-03 to 2006-07 to the state government. The SFC has a responsibility to build up the financial capability at the local level. It should prune not only fiscal autonomy, but functional and administrative autonomy as well. Second SFC recommended following year wise expenditure and receipts for PRIs.

Table 3.6

Recommendations of Second SFC in Respect of PRIs in H.P.
(Receipts & Expenditure) for the Period 2002-07.

<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
<td>Sr. No.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Revenue Receipts</td>
<td>791.42</td>
<td>836.91</td>
<td>884.82</td>
<td>937.82</td>
<td>994.53</td>
<td>4445.50</td>
</tr>
<tr>
<td>2. EFC Grants</td>
<td>1241.41</td>
<td>1241.41</td>
<td>1241.41</td>
<td>-</td>
<td>-</td>
<td>3724.23</td>
</tr>
<tr>
<td>3. CSS/S/GSY/SJGRY (State Share: Indicative Figure)</td>
<td>226.00</td>
<td>226.00</td>
<td>226.00</td>
<td>226.00</td>
<td>226.00</td>
<td>1130.00</td>
</tr>
<tr>
<td>4. Transfers by way of incentive fund</td>
<td>400.00</td>
<td>400.00</td>
<td>400.00</td>
<td>400.00</td>
<td>400.00</td>
<td>2000.00</td>
</tr>
<tr>
<td>5. One Time Infrastructure Grant to newly created GPs</td>
<td>23.00</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>23.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>2681.83</strong></td>
<td><strong>2704.32</strong></td>
<td><strong>2752.23</strong></td>
<td><strong>1563.82</strong></td>
<td><strong>1620.53</strong></td>
<td><strong>11322.73</strong></td>
</tr>
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</table>
### Expenditure

<table>
<thead>
<tr>
<th></th>
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<th></th>
<th></th>
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<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1. Honorarium to PRIs</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. Member &amp; GPs Chowkidars</td>
<td>1334.06</td>
<td>1334.06</td>
<td>1334.06</td>
<td>1334.06</td>
<td>1334.06</td>
<td>6670.30</td>
</tr>
<tr>
<td>b. Other Expenditure Commitments</td>
<td>468.74</td>
<td>468.74</td>
<td>468.74</td>
<td>468.74</td>
<td>468.74</td>
<td>2343.70</td>
</tr>
<tr>
<td><strong>2. Office Expenses</strong></td>
<td>197.93</td>
<td>207.84</td>
<td>218.21</td>
<td>229.12</td>
<td>240.56</td>
<td>1093.66</td>
</tr>
<tr>
<td><strong>3. EFC Grants</strong></td>
<td>1241.41</td>
<td>1241.41</td>
<td>1241.41</td>
<td>-</td>
<td>-</td>
<td>3724.23</td>
</tr>
<tr>
<td><strong>4. CSSs/JGSY/SJGRY (State Share: Indicative Figure)</strong></td>
<td>226.00</td>
<td>226.00</td>
<td>226.00</td>
<td>226.00</td>
<td>226.00</td>
<td>1130.00</td>
</tr>
<tr>
<td><strong>5. Funds for Obligatory Functions</strong></td>
<td>242.96</td>
<td>255.11</td>
<td>267.86</td>
<td>281.26</td>
<td>295.32</td>
<td>1342.51</td>
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<tr>
<td><strong>6. Funds for Misc. Functions for GPs (Incentive Fund)</strong></td>
<td>400.00</td>
<td>400.00</td>
<td>400.00</td>
<td>400.00</td>
<td>400.00</td>
<td>2000.00</td>
</tr>
<tr>
<td><strong>7. Infrastructure Grants to newly created GPs</strong></td>
<td>23.00</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>23.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>4134.10</strong></td>
<td><strong>4133.16</strong></td>
<td><strong>4156.28</strong></td>
<td><strong>2939.18</strong></td>
<td><strong>2964.68</strong></td>
<td><strong>18327.40</strong></td>
</tr>
</tbody>
</table>


The second SFC recommended Rs. 11322.73 Lakhs receipts measures for the years 2002-03 to 2006-07. Further commission suggested Rs. 18327.40 Lakhs measures to meet the expenditure for the year 2002-03 to 2006-07. On May 27, 2005 H.P. Government issued a notification, constituting the Third SFC. According to the notification Kuldeep Singh Pathania MLA has been appointed the chairman of the commission. The commission would prepare its report by July 31, 2006 covering a period of 5 years starting from April 1, 2007.\(^{123}\)

**Constitution of State Election Commission**

Under section 160 of HPPR Act, 1994, there shall be a state election commission constituted by the Governor for superintendence, direction and control of the preparation of electoral rolls and conduct of all election to the panchayat bodies in the State Election Commissioner to be appointed by the governor. Commissioner shall not be removed from his office except in the like manner as judge of the High Court. The election
petitions under section 161 of this act shall be heard in case of gram panchayats and panchayat samitis by the Sub-Divisional officer and in case of Zila Parishad by the Deputy Commissioner. The state Election Commission shall not allot to any contesting candidate any symbol of recognized political party. The HPPR Act, 1994 has nowhere mentioned for party based elections to the PRIs.

**Development Plan**

Under section 184 of the Act, every gram panchayat shall prepare every year a development plan and submit it to the panchayat samiti; and every panchayat samiti shall prepare every year a development plan and submit it to ZP including the development plan of gram panchayats and every zila parishad shall submit it to the District Planning Committee (DPC) after including the plans of panchayat samiti. Every panchayat shall prepare every year a development plan to perform functions specified in schedule I & II and development plan of schemes for economic development and social justice for their respective areas. Under section 185, the government shall constitute in every district a District Planning Committee to consolidate the plans prepared by the gram panchayats, panchayat samitis, zila parishad, municipal councils in the district and to prepare a draft development plan for the district as a whole DPC shall comprise of MPs, chairman of Zila Parishad and Mayor of municipal bodies. All MLAs of concerned district, the DC and representatives of the co-operatives and land development bank shall be the permanent invitees to the meetings of the committee. It was first notified by the Government on 16th May, 2001. A minister nominated by the state government shall
be the chairperson of DPC. The secretary of zila parishad will be the secretary of the DPC.

Under section 186 of the Act, 1994, the state government may make rules for carrying out the purpose of this Act. The government also have been empowered to make by-laws (under section 188) for the guidance of panchayats. The powers of framing rules (under section 189) and by-laws are actually vested in the state government, which violates the spirit of the panchayati raj.

**Panchayats in Scheduled Areas**

HPPR Act 1994 was amended in 1997 to extend the panchayati raj system to the fifth schedule areas in the state in conformity with the central law of 1996 on the subject. The amended legislation, the HPPR (Second Amendment) Act 1997, broadly follows the patters of the central act, giving gram sabha the pivotal position in the panchayati raj structure in the tribal areas except in respect of grant of prospecting licence or mining lease for minor minerals. The panchayat samiti has been empowered to exercise control over institutions and functionaries in all sectors, and over local plans and resources for such plans, including tribal sub plans.

**Two-Child Norm**

Under section 122 sub section (1) clause (o) of HPPR Act 1994, was amended vide 'section 19 (d) of HPPR (Amendment) Act, 2000. The amendment provides that a person shall be disqualified for being chosen as, and for being, an office bearer, of PRIs "If he has more than two living children" provided that disqualification under clause (o) shall not apply to a person who has more than two living children on the date of
commencement of the HPPR (Amendment) Act, 2000, or, as the case may be, within a period of one year of such commencement, unless he begets an additional child after the said period of one year. The amendment has been published in the H.P. Rajpatra (Extra-Ordinary) and has thus come in force on 8th June 2000. Therefore, this provision will have full play from 8th June, 2001 when the prescribed period of one year will be over. But Congress led government (cabinet) approved (in February 2005) that disqualifying the office bearers of PRIs on the basis of existing norm would be deleted because the provision has created social problems and has been considered as anti women. Opposition party consider it as a backward step.

Electoral Offences

According to chapter X-A under section 158-A to 158-S of HPPR (Amendment) Act, of 2000 there are various provisions relating to electoral offences e.g. any person who in connection with an election attempts to promote on grounds of caste, race, religion, community, language, feelings of enmity, between different classes shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both etc. After section 160 of the principle act, new sections 160-A, 160-B, 160-C, 160-D and 160-E shall be inserted in connection with an election to the panchayat bodies.

Honorarium of Elected Representatives and Workers in PRIs in H.P.

Himachal Pradesh is perhaps one of the few states in India which is providing monthly honorarium to all elected representatives of PRIs.
present the rate of honorarium to be paid to the office bearers of the PRIs are as under:

1. Chairman, Zila Parishad  Rs. 2700/- per month  
2. Vice-chairman, Zila Parishad  Rs. 1800/- per month  
3. Chairman, Panchayat Samiti  Rs. 1250/- per month  
4. Vice-chairman, Panchayat Samiti  Rs. 1000/- per month  
5. Pradhan, Gram Panchayat  Rs. 750/- per month  
6. Up-Pradhan, Gram Panchayat  Rs. 650/- per month  
7. Member, Zila Parishad  Rs. 1250/- per month  
8. Member, Panchayat Samiti  Rs. 750/- per month  
9. Member, Gram Panchayat  Rs. 100/- as sitting fee per meeting subject to the maximum for two sittings in a month.

Workers of PRIs in Himachal Pradesh

1. Panchayat Sahayak  Rs. 1000/- for Diploma Holder  
   Rs. 600/- for non-Diploma Holder  
2. Tailoring Mistress  Rs. 700/- per month  
3. Technical Assistant  Rs. 1200/- per month  
4. Panchayat Chowkidar  Rs. 500 per month  
5. *Anganwari workers  Rs. 700/- for matriculate &  
   Rs. 638/- for non-matriculates  
6. *Anganwari helpers  Rs. 360/-  
7. Part time Water Carriers  Rs. 750/- per month in primary schools  
8. Swasthaya Sahayatk  Rs. 600/- during the training period  
   Rs. 2000/- After the training

* The honorarium will be disbursed by concerned department.

Audit

It has been provided under sub-section (1) of section 118 of the HPPR Act, 1994 that there will be a separate and independent Audit agency under the control of Director of Panchyati Raj to audit the accounts of the panchayats and with a view to have proper financial control on income and expenditure of panchayats in one district. The
audit of GPs and PSs is being conducted every year. Every GPs is inspected by the Panchayat Inspector whereas the inspection of PSs is conducted by the District Panchayat Officer or other senior officer of the department.

**Training**

For the smooth functioning of any institution, time to time development of concerned human resources is essential and to achieve the same. Two departmental training institutes, one situated at Mashobra (Shimla) and the other at Baijnath (Kangra), impart training to the elected representatives of PRIs as well as to the officials of the department such as Panchayat Inspectors, Panchayat Auditors and Panchayat Secretaries. Training to the office bearers of the ZPs and chairpersons and vice-chairpersons of PSs is imparted at the state level in Himachal Institute of Public Administration (HIPA). Accordingly, the training to the members of PSs and Pradhan & Up-Pradhans of GPs is being provided at the district level camps and also in the Panchayati Raj Training Institutes.

**Panchayat Bhawan**

With a view to provide boarding and lodging facilities to the elected representatives of PRIs Panchayat Bhawan at the district headquarter have been constructed. The state level Panchayat Bhawan is constructed at Shimla, which is placed under the control of state level governing body under which an executive committee is also constituted, which approves the income and expenditure of Panchayat Bhawan and also approve the action plan for the next year for smooth functioning of the Bhawan. The total income of the Panchayat Bhawan Shimla, during the year 2002-03 was Rs. 13,72,033 and the expenditure was Rs. 8,53,200.
Notes and References


the system in Rajasthan), Rajasthani Granthagar, Jodhpur, 1985, p.11.


20. H.D. Malaviya, Village Panchayats in India, Economic and Political Research Department, All India Congress Committee, New Delhi, 1956, p. 72.


26. Ramesh Chander Sharma, “Panchayats in Indian History Through the Ages : The Case of Medieval India”, in Ratna Ghosh and Alok Kumar Pramanik, op. cit., p. 208.


29. R.L. Khanna, op. cit., p. 95.


32. Quoted by Shakuntla Sharma, op. cit., p. 111.

33. Ibid., p. 102.

34. Hugh Tinker, op. cit., p. 25.

35. S.R. Maheshwari, op. cit., p. 15.

37. Hugh Tinker, *op. cit.*, p. 27.


56. Ibid., p. 6.


68. Scheduled Areas - Andhra Pradesh, Madhya Pradesh, Rajasthan, Gujarat, Maharashtra, Himachal Pradesh, Orissa and Bihar. Vide Clause (l) of article 244 of the constitution.


80. R.D. Sharma, op.cit., p. 119.


82. O.C. Sud, op. cit., p. 48.

83. Ibid., p. 49.


86. S. Bhatnagar, op.cit., p. 17.


90. R.D. Sharma, op. cit., p. 120.


95. R.D. Sharma, *op. cit.*, p. 120.


118. Ibid., p. 3.

119. Ibid., p. 3.

120. Ibid., p. 3.


125. Ibid., p. 64.


127. Ibid., p. 3.


133. Ibid, pp. 16, 17.