

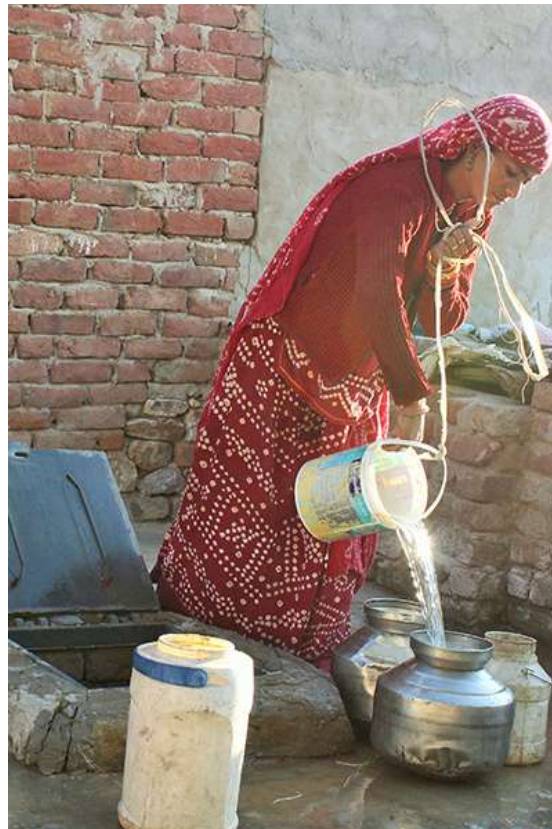


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research report

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Status Quo on Legal and Administrative Framework and Current Situation of Panchayati Raj Institutions in Himachal Pradesh with Regards to Rural Water Supply

TABLE OF CONTENTS

Contents		Page No.
Executive Summary		1-12
Chapter1 About the Study		13-16
Chapter2 73rd CAA: Provisions and Features		
1.	Salient Features of the 73 rd CAA	17-19
2.	Panchayats in Himachal Pradesh: An Overview	19-22
Chapter 3 Panchayati Raj Department, H.P.		
3	Administrative set up and functions	23-27
3.1	The Post-73rd Amendment Scenario in the state	27-28
3.2	Himachal Pradesh Panchayati Raj Act, 1994	28-29
3.3	Gram Sabha	30-33
3.4	Gram Panchayat	34-41
3.5	Panchayat Samiti	41-44
3.6	Zila Parishad	44-47
3.7	District Planning Committee	47-48
3.8	Organic Linkage between the Three Tiers of PRIs in H.P.	48
Chapter 4 Irrigation and Public Health Department: Structure and Functions		
4.1	Structure and functions	49-50
4.2	Salient Features of State Water Policy	51-52
4.3	Himachal Pradesh Water Supply Act	52
4.4	Current status of the implementation of the Swajaldhara scheme	52-57
4.5	Swajaldhara in Himachal Pradesh	57-60
4.6	Role of CCDU	60-61
4.7	Status of CCDU	61
Chapter 5 Status of Devolution in PRIs		
5.1	Effective devolution of functions	62
5.2	Devolution with specific reference to water supply	63-65
5.3	Effective Devolution of Functionaries	66-68
5.4	Effective Devolution of Finances	66-69
5.5	Receipts of Gram Panchayats	69-72
Chapter 6 Gaps and Recommendations		
6.1	Gaps	73-78
6.2	Recommendations	79-88
6.3	Immediate steps needed to be taken for the implementation of Swajaldhara in the State	88-95
	References	96

Executive Summary

The 73rd Amendment Act 1992 came into effect from the 24 April 1993. Constitutional status vide Article 243 of Part IX of the Constitution which came into effect from April 24, 1993 made it mandatory for all States to promulgate their own new acts consequent to the 73rd Constitutional Amendment Act or amend their old ones by April 1994.

All states enacted legislation by 23rd April 1994. The 73rd CAA resulted in the (PRIs) being conferred constitutional sanction. The main provisions of the of the 73rd CAA are that it provides uniform three tier structure except in states less than a population of twenty Lakh, provisions of direct elections to these bodies after every five years.

Panchayats in Himachal Pradesh: An overview

Traditional Panchayats: -The origin of panchayats in the territories now constituting Himachal Pradesh can be traced to 1908, when Raja Bijai Chand of Kehloor (Bilaspur) established the Quami (caste) panchayats in his state. Prior to this, the 'Gram Vidhas' settled disputes and conflicts. People used to assemble at a convenient place and honestly and impartially give decisions.

The new state of Himachal Pradesh adopted the Punjab Village Panchayat Act, 1939, as the first step towards introduction of a panchayat system in 1949 and also established a total of 186 Panchayats in its four constituent states namely Mahasu (45 gram panchayats), Mandi (33); Chamba (54), Sirmour (54). In 1950, the Punjab Village Panchayat Act was extended to Bilaspur State also.

Panchayats in the Post Independence Period: -Panchayati Raj system in Himachal Pradesh was established in a statutory form under the provisions of the Himachal Pradesh Panchayati Raj Act, 1952 in the year 1954. This act authorised the state government to establish a gram sabha for a village or a group of villages and a tehsil panchayat for every tehsil or sub-division.

There were reservations of seats for SCs as well as for women in the gram panchayat. The act provided seventeen functions for the gram panchayat besides sixteen discretionary functions for maintaining and improving schools and hospitals and establishing new primary schools and hospitals. The gram sabha was also empowered to supervise the functions of gram panchayats and its officials.

The Himachal Pradesh Panchayati Raj Act 1968 was enacted to incorporate the major recommendations of Balwant Rai Mehta committee. Accordingly, a panchayat samiti was constituted for every block. Provisions were also made in the 1968 Act, for the constitution of three-tier system of Panchayati Raj i.e., gram panchayat at village level, panchayat samiti at block level, and zila parishad at district level.

Himachal Pradesh Panchayati Raj Act, 1994

To bring the law relating to Panchayats in conformity with the provisions of the 73rd CAA, the Himachal Pradesh Panchayati Raj Act, 1994 was enacted in the state with effect from 23 April 1994.

Salient features of the Principal Act (HPPRA-1994)

- Gram sabha or village assembly, as an institution of direct democracy at the grassroots to be established by the voters who are qualified to register in the legislative assembly roll within the sabha area.
- A uniform three-tier structure comprising of gram panchayats at village level, panchayat samitis at block (intermediate) level and zila parishads at the district level.
- The executive committee of the gram sabha is called gram panchayat. The size of gram panchayat would be based on the population, which ranges from 1750 to 4750, membership of the gram

panchayat comprises of not less than 5 and not more than 15 members, including pradhan and up pradhan.

- The size of panchayat samiti can be a minimum of 15 and maximum of 40 members and every member will be elected on a population of 3500. One-fifth of the pradhans of the gram panchayat in the panchayat samiti shall be nominated by rotation. The MPs/MLAs, chairpersons of all panchayat samitis can be the non-elected members who do not have the right to vote but participate in the discussion of the meetings of panchayat samitis and zila parishads.
- The zila parishad consists of minimum 10 members with each member selected for a population of 25,000, with the minimum number of members being 10 for a district with population not exceeding 250,000.
- Not less than one-third of the total seats for the members as well as Chairpersons in all the three tiers will be reserved for the women. Seats for SCs, STs and OBCs will be reserved in proportion to their population in PRIs.
- Establishment of a State Election Commission for the superintendence, directions and control of preparation of electoral rolls and conduct of regular and smooth elections of Panchayats.
- State Finance Commission to be established to review the financial position of the Panchayat Raj Institutions, and to make recommendations about the distribution of the taxes between the state and the PRIs and the extent of grants to be given to the PRIs.
- In order to make the PRIs accountable and transparent, the vigilance committees at the gram panchayat and standing committees at the gram panchayat, panchayat samiti and zila parishad level will be formed.
- District Planning Committee (DPC) should be constituted to promote participatory bottom-up planning at the gram panchayat level, and the plans of the three tiers shall be consolidated at the zila parishad.
- Enabling provisions to endow the panchayats with suitable functions, powers and responsibilities at all the three tiers has been made. The functions allocated to these bodies have been specified in the Scheduled I and Schedule II under Section 11 of the Himachal Pradesh Panchayati Raj Act.
- Levy of Taxes and fees by gram panchayat (under section 100 of HPPRA, 1994). The G.P is authorised to impose house tax, subject to the maximum rates fixed by the government. The G.P can with the prior approval of the government impose tax on any profession, trade, calling an employment other than agriculture in the sabha area. It can also if so authorised by the government impose a duty on transfer of property in the form of a surcharge on the duty imposed by the Indian stamp act, 1899 in its application to Himachal Pradesh, on instrument of sale, gift and mortgage with possession of immovable property situated in the sabha area as such rate as may be fixed by the government. Subject to prior authorization by the government, the G.P can impose any other tax, duty or cess which the legislative assembly of HP is empowered to impose: Provided that if the gram panchayat fails to impose the tax, duty or cess, the government may take necessary steps to impose it and the tax, duty or cess so imposed shall be deemed to have been imposed by the gram panchayat and the government may at any time withdraw the authorization under clause (c) or clause (d) where upon the tax, duty or cess shall cease to be levied.

In addition to this, subject to such maximum rates as the government may prescribe, a gram panchayat may levy the following fees, namely: -

- (i) Tehbazari from the shopkeepers in fairs;
- (ii) Service fee including fee on cleaning of streets and lighting of streets and sanitation.
- (iii) Fees for registration of animals sold in the sabha area; and
- (iv) Water rate where water is supplied by the gram panchayat.

Special tax for community Services (under section 101 of HPPRA, 1994)

A gram panchayat may, with the prior approval of the gram sabha can impose a special tax on the adult male members of the gram panchayat area for the construction of any public work of general utility for the inhabitants of the said area.

The GP may exempt any member from payment of this tax in lieu of doing voluntary labour or having it done by another person on his behalf.

Irrigation and Public Health Department in Himachal Pradesh

The Irrigation and Public Health Department prior to 1994 was a part of the PWD. It is the agency responsible for development of water related infrastructure such as 1) Drinking Water Supply Schemes, 2) Sewerage Systems, 3) Irrigation systems through source development, lifting water, boring of tube wells & providing distribution systems, 4) Flood protection works to protect life and property in the state.

On the basis of the administrative and operational requirements the IPH divides the state into three zones –1) North 2) South 3) Central. These zones are further divided into 13 circles comprising 51 divisions, which further consist of 183 sub-divisions.

The Himachal Pradesh Water Supply Act-1968 is the guiding and principal act of the IPHD to regulate and discharge its function of water supply, the act provides the rules and regulations for the development, control and management of water supply works, in rural and urban areas of the state. The state water policy prepared by the department of IPH provides the detailed perspective of the state government on the various aspects of water like supply, maintenance, conservation and community participation.

The rapidly decreasing water table due to unscientific and unplanned manner of extraction of underground water has manifested in the emergence of multifarious problems, in order to address this problem the state government has enacted “The Himachal Pradesh Ground Water (Regulation and Control of Development and Management Act, 2005”

Swajaldhara Scheme

Government of India after consultation with various stakeholders initiated reforms in the water- supply sector. The basic concepts underlying these reforms include community participation in the planning, implementation, operation and maintenance of the schemes of its choice. Incorporating these reforms, the Swajaldhara scheme was launched on 25th December 2002 by Government of India

The Swajaldhara scheme has certain fundamental reform principles, which need to be adhered to by the State government and the implementing agencies, the principles are as follows: -

- I. Adoption of a demand-responsive, adaptable approach along with community participation based on empowerment of villagers to ensure their full participation in the project through a decision making role in the choice of the drinking water scheme, planning, design, implementation, control of finances and management arrangements.
- II. Full ownership of drinking water assets with appropriate levels of Panchayats,
- III. Panchayats / communities to have the powers to plan, implement, operate, maintain and manage all water supply and sanitation schemes.
- IV. Partial capital cost sharing either in cash or kind including labour or both, 100% responsibility of operation and maintenance (O&M) by the users;
- V. An integrated service delivery mechanism.
- VI. Taking up of conservation measures through rain water harvesting and ground water recharge systems for sustained drinking water supply; and
- VII. Shifting the role of government from direct service delivery to that of planning, policy formulation, monitoring and evaluation, and partial financial support.

The following measures have been stipulated for its proper implementation:

- (i) Panchayati Raj Institutions (PRIs) are to be vested with functions and finances, and supported with functionaries to carry out the responsibilities of drinking water supply scheme planning, designing, implementation, operation, maintenance and management.
- (ii) Village Water and Sanitation Committee will be a committee of the gram panchayat.

- (iii) States would need to enact and implement law on effective ground water extraction control, regulation and recharge.
- (iv) Institutional strengthening and capacity development of the state, district, block, gram panchayats and the community level institutions are necessary.
- (v) Water conservation and rainwater harvesting schemes should be integrated with the drinking water supply schemes.
- (vi) Rural drinking water, sanitation, health, and hygiene programmes need to be integrated at the state, district, and block and GP levels.

Institutional set up of Swajaldhara (as per the Swajaldhara guidelines)

At the state-level, the coordinating body is State Water and Sanitation Mission (SWSM) under the chairmanship of the Chief Secretary with the department of Irrigation and Public Health as the implementing agency. At the district level, the District Panchayat/zila parishad is to perform all the functions of the District Water and Sanitation Mission (DWSM) and review the implementation and progress of the scheme. The DWSM is to be set-up as a society under the chairmanship of the District Collector where elected district panchayats are not in place.

However, it is the District Water and Sanitation Committee (DWSC), a committee of the DWSM, headed by the CEO of the district panchayat/Collector, which is the key, committee exercising the following functions: -

1. Formulation, management and monitoring of Swajaldhara projects;
2. Scrutiny and approval of the schemes submitted by the block panchayat/ gram panchayat;
3. Selection of agencies and/NGOs and enter into agreements for social mobilization, capacity development, communication, project management and supervision;
4. Sensitizing the public representatives, officials and the general public about the Swajaldhara principles; and
5. Engaging institutions for imparting training for capacity development of all stakeholders, and undertaking communication campaign.

The DWSC members are district level officers and the Executive Engineers for Drinking Water/PHED is, usually, the member-secretary of this committee. Three members (either experts or NGO representatives) can also be co-opted into the DWSC.

Village Water and Sanitation Committee (VWSC)

Each gram panchayat taking up Swajaldhara schemes is required to have a Village Water and Sanitation Committee (VWSC), chaired by the chairperson of the gram panchayat, to implement drinking water supply schemes of their own choice with the active participation of the villagers. The composition of the VWSCs is to be decided by the state government under the panchayat act. However, women, SC, ST and poorer sections, subject matter specialists, NGOs, and CBOs are also to be given representation and at least one third members of the VWSC are to be women. The VWSC is responsible for ensuring GPs to take up Swajaldhara implementation in each gram sabha meeting. The VWSC is also responsible for ensuring community participation and decision making in all phases of scheme activities including organizing community contributions (both in cash and kind) towards capital costs and opening and managing bank account for this purpose, signing of various agreements with the DWSC.

Swajaldhara in Himachal Pradesh

The State Water and Sanitation Mission (SWSM) provides overall policy guidance, reviews the implementation and approval of the schemes pertaining to water supply. The planning and implementation (I) wing of the Irrigation and Public Health Department oversees the implementation of the schemes. The state government has also constituted the capacity communication development unit (CCDU), which provides communication strategy, IEC support and HRD training. CCDU has already

trained gram panchayat level officials of various departments (teachers, aanganwaadi workers, health workers).

The officials of the IPHD at the field locations and the district level disseminate information about the scheme to the people and facilitate VWSC formation, which in most of the cases is a registered body /NGO under the societies registration act-1860. Perusal of the available information brings out certain distinct observations. The involvement of gram panchayats (especially getting the VWSC constituted in the gram sabha) has not been undertaken. There is practically no linkage with the gram panchayat and has resulted in functioning of these VWSCs as parallel bodies to the gram panchayat. Most of the schemes are single village schemes, which are being operated and managed by the village water and sanitation Committee (VWSC). In majority of the cases the beneficiary groups under this scheme have undertaken installation of hand pumps.

Current Status of the VWSC in Himachal Pradesh

The main function of the committee is to ensure community participation in the project and consequently ensure the sustainability of the project. The VWSCs also has the responsibility of ensuring the 10% contribution of the total cost of the project/scheme the contribution could be in cash or kind (labour) in equal proportions. These committees are formed to plan, implement the project /schemes and maintain water and sanitation facilities, which provides a large scope for it to function within range of the project. The VWSC is created to be the representative of the community. The village water and sanitation committees (VWSCs) which are being formed under the rural water supply schemes are registered entities under the societies registration act 1860. These committees are 'project initiated committees', function more or less as non government organizations (NGOs) and have no linkage with the gram panchayat, except for the possibility that some of the members of the G.Ps are included as the members of these committees.

Status of Devolution in PRIs

The state government had as per the provisions of the section 11 of the HPPRA-1994 devolved all the 29 functions to the three tiers of the of the panchayats, but the state government has effected amendments in the Principal act and reduced the number of functions devolved to 19. Vide notification (PCH-HA (1) 12/87) on 31 July 1996 in consonance with the principal act 1994 the state government of the state, devolved functions of 15 departments to all the three tiers of PRIs.

The state government has vide notification number PBW (PH) A (3)-9/96 dated 6th January, 2001 has devolved to the G.P, powers on physical attendance of grass root level functionaries of the I&PH department, such as pump operators, helpers, fitters, linemen, water distributors kohlies and beldars .The G.P will also report whether the staff posted are staying at their places of posting or not. The gram panchayat also enjoys the power of inspecting the functioning of the hand pumps under its jurisdiction. But in reality the PRI representatives are not exercising these powers due to lack of awareness. The HPPRA-1994, vide Section-7 ((5) also specifies that the officials of various departments at the village shall attend the gram sabha of the area where they are posted, further section16 of the same act empowers the G.Ps to enquire and report about misconduct of certain officials.

Further the state government vide notification no PBW (PH) A (3) 9/96 dated 28th February 2001 had transferred the hand pumps installed by the IPHD to the Panchayati Raj Institutions in February, 2001 and the minor repairs were to be carried out by the PRIs after August, 2001. However the government reduced these charges to Rs. 10 through a notification dated 2/8/2002 and the IPHD again was given the responsibility of the collection of water charges.

According to the notification no (PCH-HA (1) 12/87) issued on 31 July 1996, by the state government the specific functions of the Irrigation and Public Health Department have been devolved to the three tiers of the PRIs.

At the G.P level the following functions have been devolved in relation to water supply: -

1. Routine maintenance of hand pumps staff to be provided by the department.
2. Routine maintenance of drinking water, and irrigation schemes, which have been executed at a cost of one lakh and below.
3. Prevention and control of water pollution.
4. Identification of potential schemes within gram panchayat area.
5. Information regarding functioning and condition of water supply schemes will be given by the panchayat to the prescribed authority.
6. To bring to the notice of appropriate authority of the I.P.H. department the cases of gross misutilization of funds, corrupt practices etc. by the staff of the department, contractors and sub-contractors while executing various schemes

At the Panchayat Samiti level the following functions have been devolved: -

1. Prevention and control of water pollution.
2. Identification of potential schemes including water harvesting covering more than one Panchayat.
3. To bring to the notice of appropriate authority of the I.P.H. Department the cases of gross misutilization of funds; corrupt practices etc., by the staff of the department, contractors and sub-contractors while executing various schemes

At the Zila Parishad level following functions have been devolved: -

1. Identification of potential schemes including water harvesting covering more than one block.
2. To bring to the notice of appropriate authority of the I.P.H. department the cases of gross misutilization of funds, corrupt practices etc. by the staff of the departments, contractors and sub-contractors while executing various schemes.

Though section 7(5) of the HPPRA-1994 provides that the village level functionaries of the various departments shall attend the meetings of the gram sabha of the respective gram panchayats where they are posted, but majority of the officials of the various line departments posted within the gram panchayat area are reluctant to attend the meetings of the gram sabha

The powers and functions devolved to the PRI's so far pertain mainly to reporting, monitoring planning and issues of contractual appointments but funds and functionaries needed to perform these functions are yet to be made available. The current situation is one in which apart from responsibility of maintenance of a limited number of local assets, there is no other function assigned to rural local bodies. Almost the entire staff is under the state government. In the case of the staff to be appointed by the gram panchayat, a committee headed by the state govt. functionaries carries out selection of the same and their emoluments are fully met through grant in aid by the state govt. The authority of initiating any punitive action or proceeding against the erring functionaries does not back up the power of inspection given to PRIs

Effective Devolution of Finances

Gram panchayats are authorized to accord administrative approval and expenditure sanctioned for the work costing upto Rs.3.00 lakhs for which technical sanction of Junior Engineer is required. However, for the work costing upto Rs.50, 000/- technical sanction of Takniki Sahayak is required. If the cost of work is more than Rs.3.00 lakhs and upto Rs.10.00 lakhs then administrative approval of Panchayat samiti and technical sanction of Assistant Engineer is essential and in the case of works costing more

than Rs.10.00lakhs administrative approval of zila parishad and technical sanction of Executive Engineer is essential.

The gram panchayats have been empowered to protect public property such as sign boards, mile stones on public roads, paths, irrigation and water supply schemes, public taps, public wells, hand pumps, community centers, mahila mandal bhavans, school buildings, health institution buildings. In case of violation of the orders of the gram panchayats in the matter, the gram panchayat can also impose penalty upto Rs.1000/- and in case of recurring breach, further penalty at the rate of Rs.10/- per day with maximum upto Rs.5, 000 can be imposed.

Gram panchayats have been empowered vide notification dated 2nd November, 1999 to levy taxes, which includes house tax and tax on extraction and export of sand, stone, bajri and slates. The G.P can impose Tehbazari fees on shopkeepers in the fairs, service fee including fee on cleaning streets and lighting of streets and sanitation at the rates as the gram panchayats may deem proper but not exceeding Rs.20/- per month from those individual households/shopkeepers/business establishments, who are being provided such services by the gram panchayats, keeping in view their paying capacity. Fee for registration of animals sold in the sabha areas at such rates as may be fixed by the gram panchayats subject to a maximum of 2% of the sale price. The state government has transferred liquor cess @ Rs. 1/- per bottle sold in the panchayat area to the panchayats. The power of collection of Land Revenue has been transferred to the gram panchayats.

The Gaps

Reviewing the implementation of the Swajaldhara schemes in the state, the following gaps in synchronizing the same with the present set up, have been identified at various levels.

At the Gram Panchayat level

The state government has not issued any notification/guideline on formation, role and responsibilities of the VWSC. Majority of the VWSCs are registered societies under the society registration act-1860, this has resulted in a creation of a parallel body to the G.P and moreover without any functional linkage, these bodies are not accountable to the GPs.

These committees in their present form do not have any functional linkage and are not accountable to the PRIs. Once these committees are constituted and the project is over, certain influential members wrest control of these committees and the marginalized sections/community slowly lose their voice, are sidelined, where as in the GPs the institution of gram sabha provides the much needed space for the people to deliberate and play a role in the decision making processes at the grass root level. Another important and crucial aspect is the devolution of the functions to the gram panchayats, though the government has from time devolved certain functions to these bodies but due to lack of corresponding devolution of finances and functionaries backed with adequate powers to ensure accountability of the functionaries to these bodies is an important prerequisite to devolution of functions to these bodies. A case in point is the devolution of certain functions of the IPHD to the G.Ps like the handing over of the hand pumps to the G.Ps, which was withdrawn later.

Panchayat Samiti

Presently no role has been assigned to the panchayat samiti in the implementation of the Swajaldhara in the state. The guidelines of the Swajaldhara explicitly mention that in case if a scheme covers more than one-gram panchayat a joint committee may be constituted at the intermediate panchayat level by involving concerned gram panchayat representatives and the intermediate panchayat (panchayat samiti) chairperson. But in reality the intermediate level has not been involved in the implementation of the schemes.

Zila Parishad

Under the section 95 of the HPPRA, 1994, the zila panchayat shall have the five standing committees. One of this committee is the educational and health committee. The function of this committee is to look after the health services, hospitals water supply etc. The guidelines of Swajaldhara state that there should be a committee of zila parishad (DWSC), which will look after the affairs of Swajaldhara at the district level. Hence there will be two committees at the district level serving the same purpose.

The state government has notified the formation of DWSC under the notification number PBW (PH) F (5)-8/2002-I. This basic function of the committee is to scrutinize and provide technical sanction to the proposals received, but interestingly there is no member of zila parishad in this committee.

State Level

The Swajaldhara guidelines require the state government to enter into memorandum of understanding with the department of Drinking Water Supply, Ministry of Rural Development, Government of India. It further states that there would be commitment of the state Government to the reform principles in the water and sanitation sector and to promote through out the state, the Swajaldhara principles .It further states that the state government would be required to prepare a comprehensive vision statement, action plan and agreed time frame for initiating and scaling up reforms in the sector addressing issues like institutional reforms, capital cost sharing principles, water tariff/charges, operation and maintenance of systems and institutional mechanism for implementation, role of Panchayati Raj Institutions, NGOs and CBOS, water quality, water conservation measures including legislative action. The state government has yet not prepared the mission vision action plan and the memorandum of understanding with central government is still to be signed.

Recommendations:

In light of the above study and the review of pertinent literature the following suggestions are recommended to synchronize the Swajaldhara guidelines with the current set up –

VWSC to be an integral part of the Gram Panchayat: Ideally the VWSC to work, as effective bodies should be the standing committee of the gram panchayats and vide section 23.6 of the HPPRA-1994 the G.Ps are empowered to form any number of committees in their respective jurisdiction as the need may arise.

The gram panchayats are empowered under section 100-101 of HPPRA-1994 to levy tax and fees, subject to such maximum rates as the government may fix (Under sec. V of Of the State Water Supply Act 1968). However the power of deciding the ceiling of the tax or fee should be with the panchayats and not with the state government. If the O&M is managed by the panchayats/VWSCs then the power of deciding the ceiling of the tax should be with the committee. Keeping in mind the long-term sustainability of these schemes it would be advisable that the state government fixes the lower limit of the water tariff.

Moreover, if the responsibility is handed over to the PRIs then there should be clear demarcation of the responsibilities between the VWSC and the works committee of the panchayat.

The HPPRA-1994 under section 187 empowers the gram panchayats to make byelaws consistent with this act. Further subsection 2 of this act specifies that the G.P may direct that a breach thereof shall be punishable with a fine which may extend to gram panchayats should get the VWSCs constituted in the gram sabha and the byelaws in conformity with the Swajaldhara guidelines can be framed by the G.P it self.

The state government should effect changes in the HPPRA-1994 and notify that the VWSCs are constituted, as standing committees of the gram panchayat or alternatively, 2 members of the VWSC could be co-opted as members of the works committee to ensure more synergy between the VWSC and the G.P

Panchayat Samiti

The general standing committee of the panchayat samiti is empowered under the section 85(1) of the HPPRA-1994 to perform functions relating to water supply, moreover section 25 of the same act provides that if two or more gram sabhas are jointly in transacting any business, they may delegate the joint committee or panchayat samiti, power, with such conditions as they may think proper to impose, to frame any scheme binding on each gram sabha as to the construction and maintenance of any joint work and as to the power which may be exercised by any such sabha in relation to such scheme.

Zila Parishad

The state government has notified the formation of DWSC under the notification number PBW (PH) F (5)-8/2002-I. But interestingly there is no member of zila parishad in this committee. This basic function of the committee is to scrutinise and provide technical sanction to the proposals received; there should be at least one member of zila parishad in this committee.

The anomaly of having two committees serving the same purpose needs to be removed or a proper linkage should be established between these two committees. Moreover due representation should be given to the zila parishad members in the DWSC.

At the State level

The state government should prepare the vision mission action plan along with a detailed road map. Memorandum of Understanding between the state government and the Department of Drinking Water Supply, Ministry of Rural Development, Government of India should be signed. The state government should on priority basis devolve functions related to rural water supply to the PRIs; these should be backed with adequate allocation of functionaries and finances.

The government should prepare a detailed plan of handing over of the rural water schemes to the respective PRIs in a phased manner only after the departments of IPH and panchayati raj have undertaken assessment of the schemes along with the respective PRIs. In order to create an enabling environment the government should ensure that the department of IPH organizes orientation trainings for its field staff who as the experience has shown are reluctant to coordinate or work under the administrative control of the PRIs.

So that the PRIs are able to handle and manage these schemes, a need assessment of their requirements should be undertaken and accordingly prior to handing over capacity building trainings for the Elected Representative of the PRIs/members of VWSCs should be organized which should definitely include issues like community mobilization, monitoring management aspects, besides this basic technical training in order to carry out minor repair should also be provided to these representatives of these Committees.

Till now much focus has been accorded to delivery aspect of water and conservation has not received the desired and required focus, the government should accord priority to this aspect and accordingly take appropriate action.

Chapter 1

About the study

Introduction

Although Himachal Pradesh has a fairly high coverage with regard to water supply schemes, the delivery of sufficient water (in terms of quantity and quality throughout the year) is not always satisfactory. The main reason for this is often-inadequate operation and maintenance of the schemes. The central and state governments have recognized this, and efforts are being made to improve service delivery towards a demand driven and participatory approach by involving

Panchayati Raj Institutions (PRIs) and Water Users' Associations (WUAs) in operation and maintenance of the rural water supply schemes through the centrally sponsored Swajaldhara scheme. Panchayati Raj Institutions (PRIs) have a crucial role to play in the Swajaldhara schemes, as the planning, implementation and management of the scheme has to be through PRIs.

The Indo-German WASH Project has been designed with this in mind, and the project's objective is:

Water Users, Panchayati Raj Institutions and other stakeholders are enabled and empowered to plan, implement and manage safe drinking water and minor irrigation systems in a sustainable manner.

The main objectives of the project are:

- Awareness and orientation of key stakeholders, at various levels, about water sector reform, new roles of various stakeholders and supporting process of creating enabling environment in the state for operationalization of reform initiative.
- Capacity building and training of the key staff of IPH as trainers and facilitators of the processes of planning, implementation, management of community-based, demand-driven water sector projects. Training and capacity building of selected PRI functionaries and WUA for planning, implementing, maintaining and managing the water service delivery.
- Providing technical assistance to IPH for the implementation of the water sector reform approaches by developing guidelines, manuals and technical tools for participatory technical planning, developing strategy and plan for PRI based O&M systems and handing over of existing schemes.
- Documentation and information sharing of the best practices, development of training material, communication material, case studies etc. and sharing the information amongst various stakeholders.
- Pilot schemes to identify and demonstrate best practices for planning, implementation of demand-led schemes in the new framework and using them as learning nodes for all the stakeholders in other programs.
- Policy support to IPH department, Agriculture department, Panchayati Raj & Rural Development department of GoHP for the development of necessary legal and institutional framework for reform. Based on the experience and analysis of various issues information products will be presented (workshops, seminars, conferences) to the relevant state institutions.

Background

The WASH Project will implement demand driven rural water supply in pilot panchayats on the line of the Swajaldhara Programme of GoI. Besides building the capacities of the PRIs and WUAs, the most important element at the initial stage is to legally empower the PRIs and WUAs to operate and maintain the water supply schemes (which legally speaking are the property of IPH), allow them to collect water tariffs and levies, to enter into contractual agreements with contractors, to enter Memoranda of Understanding with IPH (in case of the distribution is managed by PRIs and the production up to the sector tank is managed by IPH), etc.

The study is an attempt to clarify the following areas:

- What are the legal and administrative roles and responsibilities of the PRIs (at all levels) in HP and which of these roles and responsibilities are currently being followed in day-to-day operation?
- Can PRIs form VWSC on their own? How would this be done?
- If not, what other body can the panchayat create than can handle the water issue?
- What are the legal and administrative steps and modalities necessary to comply with the above?
- What are the byelaws necessary for such a body?
- What would be the roles and responsibilities of such a body?
- What are the legal procedures to make such a body 'business capable'?
- What are the current linkages of the 3-tier panchayat system?
- What are the necessary steps in order to synchronize the Swajaldhara guidelines with the current set up?
- What are the differences between the central panchayat Act and the one of HP?
- What are the requirements for any WUA to be legally recognized?
- Are the WUAs the right bodies to address Swajaldhara implementation?
- What steps are necessary for the Panchayats to legally empower WUAs?
- Can the panchayat notify its subcommittees alone without the involvement of the RD department?
- Can WUAs enter into contractual agreement with private contractors and IPH?
- Can a panchayat set up more than one VWSC in case of multi-village Panchayats?
- What legal arrangements need to be prepared in order to hand over the schemes or part of the schemes to the PRIs or WUAs?
- What are the necessary steps for the WASH project and for IPH to implement in selected pilot's water supply schemes, which are operated and maintained by a PRI body?
- What are the necessary legal procedures for PRIs and/or WUAs to collect tariffs? And what is needed to ensure proper procedures vis-à-vis the tax department?

Output of this study:

A status quo with regard to the legal and administrative roles and responsibilities of PRIs and WUAs in handling rural water supply as well as recommendations for empowering the WASH PRIs and WUAs is prepared.

Tasks:

1. Identify laws, amendments and notifications related to rural water supply.
2. Assess current scenario of PRIs (at all levels) and WUAs in HP.
3. Recommend how to implement PRI based rural water supply in the pilots of the project.
4. Recommend institutions and organizations in HP that could play a key role for strengthening the PRIs and WUAs.

Methodology

The methodology, which was used during the study, included collecting the qualitative and primary and secondary data from the government officials, Elected Representatives and community based organizations. To have field visits in some GPs of Sirmaur district was also organized including the discussions with the officials of IPH, Panchayati Raj Deptt, elected representatives and other stakeholders.

Secondary Data

The secondary data was collected from concerned government departments like IPH, Swajaldhara, Directorate of Panchayati Raj and Rural Development. The secondary data was gathered in form of notifications/guidelines of the government, reports related to the concerned schemes and their MPR (Monthly Progress Report). In addition to this literature related to the Panchayati Raj Act will also be reviewed.

Primary Data

The primary data was collected in the form of semi-structured interviews held with different stakeholders. The stakeholders include the officials, elected representatives and representatives of community based organizations.

The officials interviewed include the Chief Engineer IPH (South zone), Superintending Engineer cum Project Coordinator IPH, Executive Engineer IPH (P&I), Executive Engineer (Nahan), Junior Engineer IPH posted at the field and Financial Controller cum Project Executive and Director of CCDU State Water and Sanitation Mission. Field visits to interact with the members of Village Water Sanitation Committee (VWSCs) were undertaken and interaction was held with committee members of the Nherla and Maryog villages of District Nahan.

The elected representatives include ZP Chairman, Pradhan and ward members of gram panchayats. The community-based organizations include the VWSC (village water and sanitation committee).
Limitations

- The analysis is primarily based on the secondary literature review, information collected from the concerned departments, various studies and papers.

Chapter 2

73rd CAA: Provisions and Features

“The Harbinger of Power at the Grass roots”

Background

The 73rd Amendment Act 1992 came into effect from 24th April 1993. All states enacted legislation by 23rd April 1994. The Panchayats previously were a mere suggestion in the Directive Principles of State Policy whereas the 73rd Amendment resulted in the Panchayati Raj Institutions (PRIs) being conferred constitutional sanction. This means that all activities of PRIs as stipulated by the Act now have legal and constitutional status and any violation of this by anybody and at any time, would be punishable by law. Constitutional status vide Article 243 of Part IX of the Constitution which came into effect from April 24, 1993 made it mandatory for all States to promulgate their own new acts consequent to the 73rd Constitutional Amendment Act or amend their old ones by April 1994.

All states have done so by now. Keeping in view the provisions of 73rd Constitutional Amendment Act, state panchayat raj acts have been constituted which incorporate a three-tier system of Panchayat Raj, consisting of zila parishads at the District level, panchayat samitis or Kshetra Panchayats at the intermediate level & gram panchayats at the village level.

By virtue of the constitutional status bestowed upon the PRIs, it now has the potential to revolutionize the way we have been seeing local self-governance. It is not only a system of participative self governance but it ensures political empowerment to the poor, marginalized, and the oppressed, which traditionally in our country have been the Scheduled Castes, the Scheduled Tribes, and the women. These features activate the Panchayat Raj institutions today, to contribute to the process of development

1. Salient Features of 73rd CAA

Constitutional Status: The Constitutional Amendment has accorded a legal status to the Panchayati Raj Institutions, which puts an inherent check on the state not to tamper with the life of these institutions, as was the case prior to this Act/Constitutional Amendment. This has helped in facilitating their functioning as instruments of vibrant, viable and morally effective governments with the capacity to learn, respond, change and to better mobilize peoples' participation in the management of their own affairs. The 'Gram Sabha', consisting of all eligible voters, has been made the soul of the panchayat institutions to discuss and decide their own problems, and to further people's participation in various development programmes in a democratic way. This will foster maximum accountability and transparency of administration and public awareness.

Uniform Structure: The provision of a three-tier structure, except in states with less than a population of twenty lakhs, will bring uniformity in the structure and pattern throughout the country which in time will strengthen planning processes at the grass root level.

Direct Elections: The provision, which provides for electing all members of panchayats at every level directly by the people, will also contribute to accelerating democratic processes at the grass root levels. This will boost local people's initiative and enhance their involvement in the system, through the electoral process.

Powers and Functions (Sect 243-G) The Panchayats have been empowered with such powers and authorities as are necessary to enable them to function as institutions of self-governance. Such laws

may also contain provisions for the devolution of powers and responsibilities to panchayats for preparing plans and to implement schemes for economic development and social justice on various subjects including those in the XI Schedule.

Period of elections: Fixing the tenure of every panchayat for a period of 5 years will ensure durability and building up confidence in PRIs. The tendency for long suppressions and dissolution of these bodies on some ground or other will also be curbed.

Recognition of the Need for Women and Members of the Scheduled Caste to contribute to governance: Representation for women and SCs and STs is ensured through reservation of a minimum of 1/3rd of the total seats at all the three levels. The political empowerment of women by providing this reservation means that about 7 to 8 lakh women will be participating in and contributing directly to the development process, about 15 to 20 lakh women will be office bearers at all levels of panchayats. Similarly the other disadvantaged group of SCs and STs will get the opportunity to enter into the system through reservations in these bodies.

Opportunity for the emergence of a new leadership: Allowing persons who have attained the age of 21 years to be eligible for contesting elections in panchayat bodies will provide opportunities for the younger generation to participate actively in the development process and share power. A new leadership will emerge which will be more energetic and enthusiastic in the task of nation building.

Financial Matters: The amendment has empowered panchayats to levy, collect and appropriate such taxes, duties, tolls and fees as may be laid down by the state Government. To review the financial position of the panchayats, the Act provides that the Governor of a state shall constitute a Finance Commission of the state and there is provision to provide measures needed to arrange the consolidated fund of a State to supplement the resources of the panchayats in the State.

Provisions of a State Election Commission and bar to interference of courts in electoral matters: The provision to vest powers relating to all matters relating to election of panchayats in a State Election Commission and setting up of a separate Election Tribunal will solve much of the problems relating to it. Restricting interference of courts in electoral matters will reduce frequent litigation on flimsy grounds and will avoid unnecessary delay in the electoral process. This will ensure regular and fair elections to the panchayat bodies.

2 Panchayats in Himachal Pradesh: An overview

2.1 Traditional Panchayats

Before independence Himachal Pradesh consisted of 30 small princely independent states, under the authority/sovereignty of the British Government. Therefore, no panchayat act was in operation in these princely independent states. However, the Punjab Village Panchayat Act, 1939, had been adopted where the rulers were enlightened. The state of Himachal Pradesh came into existence on 15th April 1948 with the merger of thirty princely independent states of Shimla and other Himalayan regions in and around Shivalik Hills. With a series of political and administrative changes, after the reorganization of the states in 1966, Himachal Pradesh became the eighteenth state of the Indian Union on 25 January 1971.

The origin of panchayats in the territories now constituting Himachal Pradesh can be traced to 1908, when Raja Bijai Chand of Kehloor (Bilaspur) established the Quami (caste) panchayat in his state. During that time, three major castes – Brahmins, Thakur Rajputs and Rajputs were recognised by the Raja of Bilaspur for this purpose. Though the 'quami' panchayats were established for these three major castes but these panchayats were not just caste panchayats. Prior to this, the 'Gram Vidhas' settled disputes and conflicts. People used to assemble at a convenient place and honestly and impartially give decisions.

The Raja of Bilaspur also constituted a central health and education committee to manage the problems of health and education in his state. This committee, along with quami panchayats, could be considered as panchayat institutions in the state. It was partly elected and partly nominated with one chairperson and ten members. For this the state was divided into five constituencies, from each constituency one person was elected and remaining five members were nominated by the ruler. The state also had halqa and Pragana councils with their pradhans, up-pradhans and secretaries. The Pragana councils had more or less the same functions as the panchayat samitis in other states.

Most of the other princely independent states had their traditional panchayats. For example, in Sirmour, Lahaul Spiti, Kullu and Kangra regularly established panchayats had been in operation. Sirmour had implemented the Punjab act of 1939 and formed three panchayats. Lahaul Spiti had its regular constituted panchayats from November 1944 when thirteen panchayats came into existence.

The new state of Himachal Pradesh adopted the Punjab Village Panchayat Act, 1939, as the first step towards introduction of a panchayat system in 1949 and also established a total of 186 panchayats in its four constituent states namely Mahasu (45 gram panchayats), Mandi (33); Chamba (54), Sirmour (54). In 1950, the Punjab Village Panchayat Act was extended to Bilaspur State also.¹

2.1.1 Panchayats in the Post Independence Period

Panchayati Raj system in Himachal Pradesh was established in a statutory form under the provisions of the Himachal Pradesh Panchayati Raj Act, 1952 in the year 1954 in order to bring the working of panchayats in tune with the local conditions and with the growing aspirations of the people for democratisation. This act authorised the state government to establish a gram sabha for a village or a group of villages and a tehsil panchayat for every tehsil or sub-division. The president of the gram sabha was the pradhan, who, along with the up-pradhan, was to be elected for three years from amongst the members. The executive committee of the gram sabha, also elected, was called the gram panchayat.

There were reservations of seats for SCs as well as for women in the gram panchayat. The act provided for seventeen functions for the gram panchayat besides sixteen discretionary functions for maintaining and improving schools and hospitals and establishing new primary schools and hospitals. The gram sabha was empowered to supervise the functions of gram panchayats and its officials. In case of any misconduct of certain officials it could also report to the higher authorities.

In the beginning, only 280-gram panchayats existed prior to the enactment of the Himachal Pradesh Panchayati Raj Act, 1952. However, after the enactment of the Himachal Pradesh Panchayati Raj Act, 1952, 466-gram panchayats (one in each patwari circle) covering 13,606 villages had been established in the four districts constituting the state in 1954. In addition, there were twenty-six tehsil panchayats and three zila panchayats. The tehsil as well as zila panchayats were established through indirect elections.

The tehsil panchayats were already functioning as the second tier in the panchayat system in Himachal Pradesh, when the Balwant Rai Mehta Committee report was implemented in other states of India. There were ten to forty members in each tehsil panchayat. The state government nominated some of these members and each panchayat used to return one member. The Tehsildar used to be its president.

The number of gram panchayats was increased to 638 during the year 1962. On 1st November 1966, the hilly areas of Punjab were merged in this State and consequently the number of gram panchayats rose to 1695. In the merged area, a three tier Panchayati Raj system was in existence under the provisions of Punjab Panchayat Samiti and Zila Parishad Act, whereas two-tier system was prevalent in this State.

With a view to bring uniformity in the Panchayati Raj system of the old and the newly merged areas, the Himachal Pradesh Panchayati Raj Act, 1968 was enacted on 15th November, 1970 in this State and the two tier Panchayati Raj system was established throughout the state. Therefore, the Himachal Pradesh Panchayat Raj Act 1952 was repealed by the new act called as Himachal Pradesh Panchayati Raj Act 1968. This act provided for a uniform system for the entire state, including Bilaspur and other areas transferred to it. By then the newly merged areas had already constituted a total of 1695-gram panchayats, 29 panchayat samitis and zila parishads under the Punjab statutes adopted by them. Besides this, the Nayaya Panchayats were also in existence in this State for discharging judicial functions. But during the year 1977 the Nayaya Panchayats were abolished and the judicial functions were transferred to the gram panchayats.

The Himachal Pradesh Panchayati Raj Act 1968 was enacted to incorporate the major recommendations of Balwant Rai Mehta Committee. Accordingly, a panchayat samiti was constituted for every block. Provisions were also made in the 1968 Act, for the constitution of three-tier system of panchayati raj i.e., gram panchayat at village level, panchayat samiti at block level, and zila parishad at district level. However, a two-tier panchayati raj system was established throughout the State i.e., at the village and intermediate (Block) level namely gram panchayat and panchayat samiti.

After the enactment of the Himachal Pradesh Panchayati Raj Act, 1968 the existing gram sabhas were reorganised/bifurcated from time to time and new gram sabhas/gram panchayats were established as per the details given in Table 2.1.

Table 2.1: Growth of Gram Panchayats in Himachal Pradesh

SN.	Year	Number of gram panchayats
1	1972	2035
2	1978	2357
3	1985	2597
4	1991	2757
5	1995	2922
6	2000	3037
7	2005	3243

Source: Directorate of Panchayati Raj, H.P.

Table 2.2: Details of PRIs and wards in H.P. 2005

PRI level	Numbers	Total Seats
Gram Panchayats	3243	19411
Panchayat Samitis	75	1667
Zila Parishad	12	251

Source: Directorate of Panchayati Raj, Govt. of H.P.

Table 2.3: The Election to the gram panchayats in Himachal Pradesh

S.N.	Phases of Election	Year of Election	Duration (gaps)
1	First	1954	
2	Second	1962	8 years
3	Third	1972	10 years
4	Fourth	1978	6 years
5	Fifth	1985	7 years
6	Sixth	1990	5 years
7	Seventh	1995	5 years
8	Eighth	2000	5 years
9	Ninth	2005	5 years

Source: Directorate of Panchayati Raj, Govt. of H.P.

Chapter 3

Panchayati Raj Department, H.P.

Administrative set up and Functions

The Panchayati Raj Minister heads the Department of Panchayati Raj and the Commissioner-cum-Secretary (Panchayati Raj) to the Government of Himachal Pradesh provides Secretarial and Departmental assistance to the Minister-in-charge. At the Directorate level Director-cum-Special Secretary (Panchayati Raj), Additional Director-cum-Additional Secretary, Deputy Director-cum- Deputy Controller (Panchayati Raj) along with its staff provides all kind of assistance to the Secretary-in-charge. Present structure of the Department is given in Table 3.1

Table: 3:1 Functions of PR department and duties, responsibilities of its officials

1	Particulars of organization function and Duties.	<p>Functions</p> <ol style="list-style-type: none"> 1. Himachal Pradesh Panchayati Raj Act and Rules made there under. 2. Establishment & Constitution of gram panchayats, panchayat samiti and zila parishads. 3. Re-organization and bifurcation of panchayats. 4. Control, inspection & supervision of Panchayati Raj Institutions. 5. Scrutiny, approval of Budget and accounts and expenditure of panchayati raj bodies. 6. Complaints and enquiries against the office bearers of the panchayati raj bodies. 7. Audit of Accounts of panchayati raj bodies. 8. Training of Officers/Officials of Panchayati Raj & office bearers of panchayati raj institutions. 9. Publication of journals and other periodicals connected with panchayati raj. 10. Budget, accounts and establishment matters of the department. 11. Grant-in-aid to panchayati raj bodies. 12. Elections: - <ul style="list-style-type: none"> • Elections to panchayati raj institutions • Elections to Gurudwaras (SGPC) 13. Delimitation and reservation of constituency of PRIs. 14. Delegations of power to PRIs in spirit of 73rd constitutional amendments 15. Creation of posts, framing & amendment in Recruitment and Promotion, Rules. 16. Administrative/ Establishment matters relating to appointment, re-employment, deputation, leaves, fixation of pay-scales, stepping up
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		<p>conducting of DPC, finalization of seniority lists, disciplinary proceedings and imposition of major and minor penalties against delinquent officers/officials of the department, issuance of order under vigilance/disciplinary cases against them, issue of sanction in which competent authority has concurred under financial delegation under HPFRA 19.6.</p> <p>17. Appointment of committees, preparation of Cabinet Memorandum, filing reply to writ petition, CWP/Original applications, appeal against the judgments of lower Court to be filed in High Court/Supreme Courts, notice U/S/ 80 CPC, Institution/withdrawal of civil or criminal proceedings.</p> <p>18. Preparation of annual plan and budget estimates, write of irrecoverable loans advances and loss of store, approval of work-plan, administrative approval and expenditure sanction.</p> <p>19. Preparation and enforcement of rules for engagement of contractual employees of the panchayats at different levels.</p>
2	<p>Powers and Duties of its officers and employees</p>	<p>1. DIRECTOR CUM- SPECIAL SECRETARY (PANCHAYATI RAJ), I.A.S. Over-all administrative/financial control of the department.</p> <p>2. JOINT DIRECTOR-CUM-JOINT SECRETARY (PANCHAYATI RAJ) (i) Establishment work relating to gazette & non-gazette officers, employees and contractual staff of the PRIs, framing and amending the Recruitment and Promotions Rules of all the categories of the department.</p> <p>(ii) Work relating to complaints, Appeals against the office-bearers of the PRIs and all the court cases.</p> <p>(iii) Matters relating to cabinet.</p> <p>3. DEPUTY DIRECTOR (DEPARTMENTAL)</p> <p>(i) Work relating to Plan/Non-Plan budget, drawing and disbursement work, State Finance Commission etc.</p> <p>(ii) Training to the elected representatives of the PRIs and officials of the department and submissions of proposal and project for seeking financial assistance for the training to GOI.</p>

		<p>(iv) Framing & amendment of Panchayati Raj Act, Rules, work relating to Devolution of powers to PRIs, meeting of gram sabhas and various correspondences with the GOI.</p> <p>(v) Nodal officer of panchayat bhawan.</p> <p>(vi) Central and State Finance Commission.</p> <p>(vii) Re-organization/bifurcation/creation of gram panchayats, delimitation, reservation of constituency of panchayats, /Gurudwara Election.</p> <p>4. DEPUTY CONTROLLER (AUDIT): -</p> <p>(i) Conducting audit of all zila parishads in the State, review the progress Audit and Inspection, to pursue to the follow up action in the Audit and inspection notes.</p> <p>(ii) To conduct the inquiries against the delinquent office-bearers of the institutions as entrusted by the higher authorities from time to time.</p> <p>(iii) Ratification/advice in the service and financial matters of the officials/officers, settlement of the CAG/PAC paras besides paras of Audit of PRIs.</p>
3	<p>Procedure followed in the decision-making process, including channels of supervisions and accountability.</p>	<p>In the Directorate, the Director exercises the powers of the Head of Department. He is assisted by the various officers of the Directorate in taking decisions/disposing of the normal workload of the Department. The Director keeping in view the expertise of the officers assigns the duties to the various officers. The files move to the Director through the concerned officer for final decision.</p> <p>It is also mentioned that there is a single file system in the Department. The Director, Panchayati Raj is also Special Secretary of the Department and all the files move to the govt. through him/her for taking the decisions in the various matters concerning the Department. The Joint Director of the Panchayati Raj is also a Joint Secretary.</p>

In this department posts of Gazette and Non-Gazette officers/officials as on 31.3.2006 were as under: -

Category	Name of the post	Sanctioned posts	Filled up posts.	Vacant posts.
Gazette (Class-I)	1. Director-cum-special Secretary. (IAS)	1	1	-
	2. Deputy Director, HAS	1	1	-
	3. Deputy Director, (Departmental)	1	1	-
	4. Deputy Controller.	1	1	-
	5. Superintendent. Gr-1	1	1	-
	6. Private Secretary to HOD	1	-	1
	7. District Panchayat Officer	12	8	4
	8. Principal, Panchayati Raj Training. Institute.	2	2	-
Gazette (Class-II)	1. Superintendent, Grade-II	13	12	1
	2. Editor-cum-Panchayat Information Officer	1	1	-
	3. District Audit Officer/Instructor	19	19	-
	4. PA	1	1	-
	5. Legal Assistant	1	1	-
Non-Gazetted (Class-III)	1. Senior Assistant	10	10	-
	2. Senior Stenographer	12	3	9
	3. Junior Stenographer	2	1	1
	4. Steno-typist	1	1	-
	5. Panchayat Inspector	75	66	9
	6. Panchayat Auditor	88	88	-
	7. Sub-Inspector	75	70	5
	8. Clerk	67	56	11
	9. Driver	20	14	6
Non-Gazette d (Class-iv)	1. Generator Operator	1	1	-
	2. <i>Daftari</i>	1	1	-
	3. <i>Jamadar</i>	1	1	-
	4. Peon	60	46	14
	5. <i>Chowkidar</i>	11	11	-
	6. Cook	2	2	-
	7. Sweeper	1	1	-
	Total:	482	421	61

Source: -Directorate of Rural Development and Panchayati Raj GoHP2005

3.1 The Post-73rd Amendment Scenario in the state

As decentralisation occupies a central place in the planning process in the country, efforts have been made from time to time to identify the weaknesses of Panchayati Raj and take corrective measures to enable these institutions to function in a desirable manner. The working of these institutions could, however, not improve despite the occasional interventions, which were essentially ineffective; it was decided to bring forward a Constitutional Amendment Bill to provide for a constitutional status to the durability, continuity, reservation for Scheduled Caste and Scheduled Tribes and women, appropriate financial allocation and arrangements for regular elections.

The rationale for the Constitution Amendment Bill was that though the panchayati raj institutions have been in existence for a long time, but due to various reasons, these institutions were neither able to acquire the status and dignity of viable and responsive people's bodies nor allowed to fulfil the basic objective of being a democratic institution. Impediments in this regard arose mainly from absence of regular elections, prolonged suppressions, and inadequate representation from weaker sections, insufficient devolution and lack of financial resources. There was, therefore a need to enshrine certain basic and essential features of panchayati raj bodies in the Constitution itself so as to impart certainty, continuity and strength to them. The Constitution (Seventy-third) Amendment Bill, 1992, was accordingly introduced and passed.

3.2 Himachal Pradesh Panchayati Raj Act, 1994

With a view to bring the law relating to panchayats in conformity with the provisions of the Constitutional Seventy-third Amendment, the Himachal Pradesh Panchayati Raj Act, 1968 was repealed and the Himachal Pradesh Panchayati Raj Act, 1994 was enacted in this State with effect from 23 April 1994.

Himachal Pradesh was among the leading states to bring the new Act within one year of the Constitutional Amendment.

3.2.1 Salient features of the Principal Act (HPPRA-1994)

- Gram Sabha or village assembly, as an institution of direct democracy at the grassroots to be established by the voters who are qualified to register in the legislative assembly roll within the sabha area.

There would be a uniform three-tier structure comprising of gram panchayats at village level, panchayat samitis at block (intermediate) level and zila parishads at district level. All the members (besides Chairpersons of panchayat samiti and zila parishad) in gram panchayat, panchayat samiti and zila parishad would be filled by direct elections. Any person who has attained the age of 21 years will be eligible to contest the PRIs election. Only elected members will have the right to vote in the election and removal of the Chairperson and Vice-Chairperson at all the three tiers.

The executive committee of the gram sabha is called gram panchayat. The size of gram panchayat would be based on the population, which ranges from 1750 to 4750.

The size of panchayat samiti can be a minimum of 15 and maximum of 40 members and every member will be elected on population of 3500. One-fifth of the Pradhans of the gram panchayat in the panchayat samiti shall be nominated by rotation. The MPs/MLAs, Chairpersons of all panchayat samitis can be the non-elected members who do not have the right to vote but participate in the discussion of the meetings of panchayat samitis and zila parishads. The zila parishad consists of minimum 10 members with each member selected for a population of 25,000.

Not less than one-third of the total seats for the members as well as Chairpersons in all the three tiers will be reserved for the women. Seats for SCs, STs and OBCs will be reserved in proportion to their population in PRIs.

For superintendence, directions and control of preparation of electoral rolls and conduct of regular and smooth elections of panchayats, the State Election Commission will be established.

To review financial position of panchayati raj institutions and to make recommendations about the distribution of taxes etc. between the State and PRIs and the extent of grants to be given to the PRIs, State Finance Commission will be established.

For social-audit and in order to make the PRIs accountable and transparent, the vigilance committees at the gram panchayat and Standing Committees at the gram panchayat, panchayat samiti and zila parishad level will be formed.

District Planning Committee (DPC) could be constituted to promote participatory bottom-up planning at the gram panchayat level, which could be consolidated at the panchayat samiti and then at zila parishad level, and to be finalised at the DPC level.

Enabling provisions to endow the panchayats with suitable functions, powers and responsibilities at all the three tiers has been made. The functions allocated to these bodies have been specified in the Scheduled I and Schedule II under Section 11 of the Himachal Pradesh Panchayati Raj Act with 29 items in each Schedule.

As per the provisions of the 73rd Constitutional Amendment Act and followed by Himachal Pradesh Panchayati Raj Act 1994, the State Election Commission and the State Finance Commission were constituted on 23 April 1994. The gram panchayats and panchayat samitis constituted under the provisions of the repealed Act were dissolved w.e.f. 10 November 1995. With a view to establish three-tier panchayati raj system, general elections under the directions and the control of the State Election Commission were held in December, 1995 except in sub-division Lahaul of Lahaul Spiti district and sub-division Pangi of Chamba district, where elections were held during May, 1996. The first meeting of all the Panchayati Raj Institutions was held on 23 January 1996 and the new bodies started functioning w.e.f. 23 January 1996. As per the provisions of the act, the term of the office bearers of Panchayats were supposed to expire in January 2001. However, the second round of PRIs election was held in December 2000, before the expiry of the first term of Panchayats. The second round of elections to these bodies was held in 2000 and the third round of election were held in December 2005

3.3 Gram Sabha

3.3.1 Gram Sabha: The Institution of Direct Democracy

The 73rd Constitutional Amendment Act has made a historic landmark by providing constitutional status to gram sabha and transformed the democratic set up of our country from representative democracy to direct democracy at the grassroots. It has enabled citizens to directly participate in local self-governance in identifying and prioritizing issues and problems of villages, individuals and panchayats (VIP) and to prepare plan for economic development and social justice. As a result gram sabha members are privileged to participate in the development of their village and panchayat.

3.3.2 Statutory Provisions

As per the provisions of Act 1994, it is the responsibility of the pradhan to convene at least two- gram sabha meetings each year, one during the summer and one during the winter. However, it has been further amended in the Himachal Pradesh Panchayati Raj (Second Amendment) Act, 2000 (hereinafter referred as the Act 2000) that there should be four general gram sabha meetings each year. Every meeting of the gram sabha would be held at the headquarters of the gram panchayat and would be presided over by the pradhan. The notice of every meeting of a gram sabha shall be given by the pradhan to all the gram sabha members at least fifteen days before the date of gram sabha meeting. Publicity of the meeting should be given by affixing a copy of the notice on the notice board of the gram panchayat and some conspicuous places within the gram sabha area, as decided by pradhan. The

copy of the notice of the meeting should be sent to the concerned BDO for her/his information and necessary action.

It is important to note that prior to amendment to the HPPRA-1994, in 2000, (Act-2000) the date and time of the gram sabha meeting was decided by the pradhan, but after the amendment, the dates for the gram sabha have been fixed on the first sunday of January, April, July and October of every year. Even prior to this Act, the quorum for the gram sabha meeting was one-fifth of the total number of its members and for the adjourned meeting it was one-tenth of its total members of gram sabha. However, the required quorum for the gram sabha meetings has been changed under the Act 2000, which entails that the quorum for the gram sabha meetings will be the representation of at least one-third of the total number of families represented by one or more members of the gram sabha. For the adjourned meeting it will be at least one-fifth of the total number of families represented by one or more members of the gram sabha.

Every meeting of the gram sabha will be held at headquarter of the gram panchayat and will be presided over by the pradhan and in her/his absence by the up-pradhan. If both are absent, one of the gram sabha members (elected by the members present in that meeting) can preside over the meeting. The panchayat secretary will maintain the register of the proceedings. An attested copy of the proceedings of every meeting is to be sent to the concerned BDO within 15 days of the holding of the meeting by the panchayat secretary. Proceedings of the last meeting of the gram sabha will be read out at the subsequent meeting and confirmed. All resolutions or proposals will be discussed and passed by a majority of votes of the members present.

As per the Himachal Pradesh Panchayati Raj Act 1994, the gram sabha will in its winter meeting consider and pass the budget for the following financial year and in its summer meeting, will consider the accounts of the preceding financial year and annual audit note replies, if any made, and the report of administration of preceding financial year. At both meetings gram sabha shall consider a six monthly report of the business submitted by the gram panchayat. In both the meetings of gram sabha, item wise income-expenditure incurred by the gram panchayat during six months will be placed before the gram sabha. Income and expenditure statement of the ongoing development work being executed by the gram panchayat can be placed in the meeting for consideration and approval. Gram sabha will finalise the selection of beneficiaries on a prioritised basis under various programmes of the government. Even though the state government has made an amendment in the frequency of gram sabha meetings i.e. from two general meetings of gram sabha to four general meetings every year, however nothing has been mentioned regarding the agenda for the four general meetings, which has also created utter confusion among the gram panchayats and panchayat secretaries in deciding the agenda for the gram sabha meetings.

The Government can constitute gram sabha by declaring any village or group of contiguous villages with a population of not less than 1000 and not more than 5000. In Schedule V areas, the gram sabha can be constituted with population less than 1000. Keeping in view the geographical location, lack of transport and communication and administrative convenience, the government can constitute a gram sabha comprising village or group of contiguous villages having a population either less than 1000 or more than 5000. At the request of the gram sabha, the government can increase or diminish the gram sabha area by including or excluding any village or group of villages or alter the headquarter or name of the gram sabha or cease the sabha area. Provided that the gram sabha area can be changed only on completion of the term of the elected members of the existing gram panchayat. Every person who has registered her/his name in the Legislative Assembly roll and resides in the sabha area is the member of that gram sabha. No person shall be entitled to register her/his name for more than one-gram sabha. The gram sabha is convened and presided over by the Pradhan of the gram panchayat, in her/his absence up-pradhan and if both of them are absent, a member of gram sabha is to be elected for presiding over the meeting.

Under Section 7 (a) of the Himachal Pradesh Panchayati Raj (Second Amendment) Act, 2000, there will be an up-gram sabha, for each ward of a gram sabha. All members of the gram sabha residing within the area of the ward shall be members of the up-gram sabha. Every up-gram sabha can hold two general meetings in each year, and the ward member of that particular ward has to preside, convene and record the proceedings of up-gram sabha meetings. The time and place of the up-gram sabha meetings can be fixed and notified by the ward member of the respective ward. 15% of the members residing in the ward consisting of one-third women can be nominated by the up-gram sabha to represent in the general gram sabha meeting. However, nomination cannot debar any member of up-gram sabha, for attending the gram sabha meeting.

As per the provisions of the section 129 HPPRA-1994 a notice signed by at least one fifth of the members of the gram sabha for bringing the resolution for the removal of Pradhan giving reasons for the same, should be delivered in person by at least five members of the gram sabha signing the notice to Block Development Officer. On receipt of the notice of the no confidence motion to be brought against the Pradhan the Block Development Officer shall serve him with the copy of the no confidence motion in the meeting the pradhan shall also be asked to place his /her defense and explanation before the gram Sabha meeting which shall be convened for the purpose by the Block Development Officer within 30 days from the receipt of the notice .In the requisition for the gram sabha meeting the Block Development Officer shall specify the date, time and place of the meeting. Such a meeting shall be presided over by the Block Development Officer himself.

3.3.3 Functions of Gram Sabha

The functions of the gram sabha include: mobilisation of voluntary labour and contribution in cash and kind for the community welfare programmes; identification of beneficiaries for the implementation of developmental schemes pertaining to the village; promotion of unity and harmony among all sections of society in the sabha area; seeking clarification from the pradhan, up- pradhan and members of gram panchayat about any particular activity, scheme, income and expenditure of the gram panchayat. The gram sabha considers and gives suggestions and recommendations to the gram panchayat on the following: annual accounts and budget, administration report, audit report, gram panchayat's report for the previous year's development, programmes, current year's proposals, adult education programme in the village. The gram panchayat has to give due consideration to the gram sabha's suggestions and recommendations. Every member of the gram panchayat shall in respect of his/her ward prepare agenda items in consultation with the sabha members of such ward and shall submit the same to the pradhan and the secretary at least 30 days prior to the date of meeting of the gram sabha. Any department, other agency or organization shall submit its items if any, to the pradhan and secretary at least 30 days prior to the date of the meeting of gram sabha (under section 5.A of the HPPRA, 1994.)

3.3.4 Vigilance Committee

As per the provision made under Section-7 (4) of the Himachal Pradesh Panchayati Raj Act, 1994 and under Section-19 (1-8) of the Himachal Pradesh Panchayati Raj Rule, 1997; the gram sabha may form one or more vigilance committee(s) consisting of not less than five persons comprising of one reputed member from each constituency of gram panchayat, who are not members of gram panchayat. gram sabha shall form not more than two vigilance committees, if there is no consensus amongst the members of gram sabha regarding formation of a single vigilance committee.

After the general election of the panchayat, the gram sabha in its first general meeting shall form by consensus one vigilance committee comprising of one reputed member from each ward of gram panchayat. The members of the vigilance committee(s) shall by consensus elect a Chairperson of the vigilance committee(s) among themselves. The vigilance committee(s) shall meet at least four times each year. The Chairperson of the vigilance committee(s) shall convene the meeting and the quorum of such meeting shall be more than one-half of its total members. The Chairperson of the vigilance committee(s) shall maintain the proceeding book of the vigilance committee(s). Chairperson himself or

any member may record the proceedings, which shall be signed by all members present. The term of the vigilance committees shall be two and a half years. After the expiry of the term of the vigilance committee, the gram sabha thereafter in its general meeting again form one or two vigilance committees for the remaining term of the gram panchayat.

The functions of vigilance committee(s) are to supervise the gram panchayat work, schemes and other activities. The vigilance committee(s) so formed by the gram sabha shall place its reports, concerning any office bearer of the panchayat, besides other matters relating to the schemes and other activities of the panchayat, before the gram sabha in its general meeting and a copy of the said report shall be sent to the Block Development Officer for such action it may deem fit. After examining the report sent by the vigilance committee, the Block Development Officer shall initiate immediate action as may be required and shall inform the vigilance committee in this regard.

In case the vigilance committee is not satisfied with the action taken by the Block Development Officer, or Block Development Officer does not take/initiate action within 30 days from the receipt of the report as the case may be, the vigilance committee may report the matter to the Deputy Commissioner and thereafter to Director for necessary and immediate action. The vigilance committee shall have the right to inspect the documents, work and records and record statements of persons to ascertain the truth. Vigilance committee(s) also have the right to take the certified copies of any document from the panchayat free of cost.

3.4 Gram Panchayat

As per the section, 8 of the HPPRA- 1994, the executive committee of the gram sabha is called the gram panchayat. Membership of the gram panchayat comprises of not less than five and more than fifteen members, including pradhan and up-pradhan. The members of the gram panchayat besides pradhan and up-pradhan range between the following: there will be 5 members with a population not exceeding 1750, 7 for a population between 1750 to 2750, 9 for 2750 to 3750, 11 for 3750 to 4750 and 13 members for a population exceeding 4750. The section further stipulates that the number of members of a gram panchayat, excluding the pradhan shall be determined in such a manner that the ratio between the population of the gram sabha and the number of seats of members in such a Panchayat to be filled by election shall so far as practicable be the same throughout the sabha area.

Immediately after the oath or affirmation of allegiance under section 127 of the HPPRA-1994 is administered, the elected members of a gram panchayat shall elect from amongst themselves one of its members to be the up-pradhan.

Seats of the gram panchayat will be reserved for the women, SCs, STs and BCs. At least one-third of the total number of seats (including the number of seats reserved for women belonging to SCs and STs) in gram panchayat will be reserved for women, which has to be filled by direct election. The government can also reserve seats for the BCs by general or special order. Seats will be reserved for the SCs, STs and BCs according to their proportion of population in the concerned sabha area. However, if the population of the SCs is at least five percent of the total population in the concerned sabha area, one seat will be reserved for them in that gram panchayat. However, if there is no eligible candidate belonging to SCs to be elected as a member of gram panchayat, no seat will be reserved for them. Provided further in non-tribal areas where there is scheduled tribe population in a gram sabha, seats will be reserved for such members of scheduled tribes with the reservation provided for the members of SCs and the determination of seats to be reserved amongst the SCs and STs will be in proportion to their population in that gram sabha. However, all reservations will be done on rotation basis.

The term of office of gram panchayat will be for five years and meetings of the gram panchayat will be public and held at least once a month at the office of the gram panchayat. The time of the meeting is fixed by the pradhan of the gram panchayat. One-half of the members of the gram panchayat are

required to form quorum for gram panchayat meeting. The secretary of the gram panchayat, under the overall supervision of the pradhan and in her or his absence under the supervision of up-pradhan is responsible for the custody and maintenance of all prescribed records and registers and other property belonging to or vested in the gram sabha or gram panchayat.

3.4.1 Functions of Gram panchayat

Under section 9 of the Himachal Pradesh Panchayati Raj (Second Amendment) Act 2000, every panchayat will prepare every year a development plan to perform functions specified in Schedule-I and Schedule-II and such other functions specified by the state government, in so far as the panchayat funds allow to perform such functions within its respective area. Every panchayat shall prepare every year a development plan of schemes for economic development and social justice for their respective area and submitted it to the District Planning Committee. However the functions specified in Schedule – I for the gram panchayats in the Principal Act i.e. 29 items have been reduced to 19, as specified in Section 12 of the Himachal Pradesh Panchayati Raj (Amendment) Act 2001 (given in Annexure-I.)

The government by notification and such conditions, can transfer to any gram panchayat the management and maintenance of a forest, waste lands, pasture lands and vacant lands situated in the gram sabha area; protection of any irrigation work and its execution and the regulation and distribution of water; transfer any public property situated within the sabha area; collection of land revenue and maintenance of such records. Provided that for management and maintenance of forest and irrigation project, the amount required or an adequate proportion of the income from such forest and irrigation work has to be placed at the disposal of the gram panchayat.

3.4.2 Powers of Gram Panchayat

In order to carry out their functions the gram panchayats have been entrusted with the following powers.

Power of removal of encroachments and nuisance: -The gram panchayat has the power to remove encroachments and nuisance, make general orders, and control on erection of buildings (under section 12 of the HPPRA-1994)

Penalty for disobedience of a special or general order of the panchayat: - The gram panchayat can (under section 15 of the HPPRA-1994) impose penalty on any person who disobeys a special or general order of the gram panchayat made under section 12 and 13 and the violator shall be liable to a penalty which shall be imposed by the gram panchayat and may extend to one thousand rupees and if the breach is a continuing breach, with a further penalty which may extend to ten rupees for every day after the first during which breach continues. The recurring penalty shall not exceed a sum of Rs five thousand. The penalty if not paid shall be recovered as arrears of land revenue.

Power to enquire and make report about misconduct of certain officials (under section 16 of HPPRA 1994). (1). On a complaint being made to the gram panchayat by any person that a peon bailiff, constable, head constable, chaukidar, patrol of the irrigation department, forest guard, patwari, vaccinator, canal overseer, gram sevak, game watcher or any other class of public servants to which the government may by notification extend the provisions of this section has misconduct himself in his official capacity, the gram panchayat may enquire into the matter and submit a report along with the prima facia evidence to the superior officer whom it may concern or to the Deputy Commissioner or the sub divisional officer, as the case may be, and the said officer shall after such further inquiry as may be required, take suitable action under intimation to the gram panchayat and the Director.

(2) On the report being made by any person that a patwari, chaukidar, gram sevak, forest guard or any other class of public servant to which the government may by notification extend the provisions of the section, has failed to perform any duty imposed upon him by any law or rules, the gram panchayat may by notice fixing a reasonable period require him to perform the duty and on his failure to do so, shall report the matter to the superior officer whom it may concern, or to the Deputy Commissioner or the Sub Divisional Officer, as the case may be and the said officer shall, after such enquiry as may be required take suitable action under intimation to the gram panchayat and the Director.

Power to contract for the collection of taxes and other dues (under section 17 of the HPPRA 1994)- A gram panchayat may, notwithstanding any law to the contrary, in respect of any area within its jurisdiction, enter into the contract with the government or a local body to collect land revenue or any tax or dues payable to the government or a local body on being allowed such collection charges as may be prescribed. A gram panchayat may also within its jurisdiction, enter into a contract with all or any of the landowners to collect rent on his or their behalf on being allowed by the landowner such collection charges as may be prescribed.

Power of entry and inspection (under section 19 of the HPPRA-1994) the pradhan of the gram panchayat, and if in writing in this behalf by the gram panchayat, up –pradhan or any other member may enter into or upon any building or land, with or without assistance or workmen in order to make an inspection or survey or to execute a work which a gram panchayat is authorised to make or execute by this Act or the rules or by laws made thereafter

Provided that: -

- a) No such entry shall be made between sunset and sunrise.
- b) Sufficient notice shall, in every instance, be given even when any premises can otherwise be entered without notice to enable the inmates of an apartment occupied by women to remove themselves to some part of the premises where their privacy shall not be disturbed; and
- c) Due regard shall always be had to the social and religious usages of the occupants of the premises entered.

Power over waterways etc. (under section 21 of the HPPRA, 1994): - A gram panchayat shall have control of all public streets, waterways, other than canals as defined in any other enactment, for the time being in force relating to a canal or a minor canal, situated within its jurisdiction, not being private street, or waterway and not being under the control of the government or any other authority specified by the government and may do all things necessary for the maintenance and the repair thereof, and may –

- a. Construct new bridges and culverts;
- b. Divert, discontinue or close any public street, culvert or bridge;
- c. Widen, open, enlarge or otherwise improve a public street, culvert or bridge with minimum damage to the neighbouring fields.
- d. Deepen or otherwise improve waterways
- e. With the sanction of the prescribed authority
- f. Cut any hedge or branch of any tree projecting on public street
- g. Notify the setting apart of any public watercourse for drinking or culinary purposes, and prohibit bathing, washing of clothes and animals or doing of other acts likely to pollute the course so set apart.

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

Power to take over management of institutions etc: - Under section 29 of the (HPPRA-1994), subject to rules made under this Act and the conditions agreed upon in writing a gram panchayat may

receive from any person any property vested in him, or the execution or maintenance of any work, or the performance of any duty, within its area.

Provided that no work of more than five thousand rupees shall be entrusted to, or undertaken by, a gram panchayat except with the previous approval of the Deputy Commissioner.

3.4.3 Standing Committees of Gram Panchayat

Constitution and functions of standing committees:

1) The gram panchayat under section 23 of (HPPRA-1994) shall from amongst its members, constitute by election, following standing committees: -

- (1) Works committee; and
- (2) Budget Committee

2) One committee shall be headed by the pradhan and the other by the up-pradhan, as may be decided by the gram panchayat by majority vote in its meeting.

3) Each committee shall consist of three members including the pradhan or the up-pradhan as the case may be.

4) All developmental work of the gram panchayat shall be executed by the works committee, in the manner as may be prescribed, and if considered necessary, the gram panchayat may form sub committees to supervise and monitor the performance of such work and to obtain the accounts thereof.

5) The budget committee shall prepare the manual of budget of the gram panchayat and shall submit the same to the secretary for placing it before gram panchayat for consideration and approval.

6) The gram panchayat may constitute more standing committees for performing such other functions as may be entrusted to them by gram panchayat.

3.4.4 Joint Committees

Under Section 24 of the (HPPRA-1994) two or more gram sabhas may combine by means of written instrument to appoint a joint committee consisting of their representatives for the purpose of transacting any business in which they are jointly interested and delegate power to the joint committee for the execution of the schemes related to the construction and maintenance of any joint work including maintenance and improvement of schools, hospitals and dispensaries. Provided that the gram sabha shall pay the cost of the transaction of the business or the execution of the scheme as to the construction and maintenance of any joint work in such proportion as may be agreed upon in the written instrument.

3.4.5 Judicial Functions and Powers of Gram Panchayat

No panch can take part in any case, suit or proceedings to which she or he or her or his near relation, employed or employee, or partner in business is a party or in which any of them is personally interested. Every case or suit instituted under the Act will be instituted before the pradhan or in her or his absence before up-pradhan of the gram panchayat. A gram panchayat may grant a maintenance allowance not exceeding five hundred rupees per month on such application without prejudice to any other law for the time being in force on this behalf. A gram panchayat may impose fine not exceeding one hundred rupees but cannot inflict a sentence of imprisonment either substantive or in default of payment of fine. No court will take cognisance of any case, suit or proceeding, which is under the purview of gram panchayat, unless an order has been passed.

If at any stage of the proceedings in a criminal case pending before a magistrate, it appears that the case can be tried by a gram panchayat, she or he can transfer the case to that gram panchayat to try the case. A gram panchayat may dismiss any complaint after examining the case that the complaint is frivolous, vexatious and untrue and may order the complainant to pay the accused compensation not exceeding two hundred rupees. The gram panchayat cannot take any case of certain persons where the accused has been previously convicted of an offence punishable with imprisonment for a term of three years or more; has been previously convicted or sentenced by a court; convicted of gambling; complaint against government servant in his official capacity. The gram panchayat can take the case, if its value does not exceed two thousand rupees. No legal practitioner can appear, plead or act, on behalf of any party in any suit, case or proceeding before a gram panchayat. A gram panchayat has no power to cancel, revise or alter any decree or order passed by it. In case of any disagreement of the panches while deciding a criminal case, suit or proceeding, the opinion of the majority will prevail. A gram panchayat can impose penalties against any person who is summoned but failed to appear before the gram panchayat.

3.4.6 Finance, Taxation and Recovery of Claims

3.4.6 a) Panchayat Fund (Panchayat Nidhi), (under section 99 of HPPRA, 1994)

(1) Every panchayat shall establish a fund to be called the panchayat fund and all sums received by the panchayat shall form part of the said fund.

(2) Subject to the provisions of the act and the rules made thereafter, all property vested in the panchayat and the panchayat funds shall be applied for the purposes of their act or for other purposes connected with the activities for the development of the panchayat generally or for such other expenses as the state government may approve on an application of panchayat or otherwise in the public interest. The panchayat funds shall be kept in the nearest government treasury or sub treasury of post office or co-operative bank or scheduled bank.

(3) An amount allocated to the panchayat by the state government or any other person or local authority for any specified work or purpose shall be utilized exclusively for such work or purpose and in accordance with such institutions as the state government may either generally or specially issue in this behalf.

(4) The amount from the gram panchayat fund shall be withdrawn only under the joint signature of the secretary of gram panchayat and pradhan if there is a casual vacancy in the office of pradhan, under the joint signature of the secretary of gram panchayat and the up-pradhan and, if there are casual vacancies simultaneously in the offices of both the pradhan and the up-pradhan, under the joint signature of the secretary of gram panchayat and any member of gram panchayat authorized by the gram panchayat in this behalf.

3.4.6 b) Levy of Taxes and fees by Gram Panchayat (under section 100 of HPPRA, 1994)

(1) Subject to the maximum rates as the government may fix and the provisions of the rules, made under this Act or any order made by the government in this behalf, the gram panchayat shall impose;

(a) A house tax payable by the occupier or in case if house is vacant by the owner. Provided that if any house remains vacant for a period of one year or more, it shall be occupied from the payment of the house tax.

(b) With the previous approval of the government a tax on persons carrying on any profession, trade, calling an employment other than agriculture in the sabha area; provided such tax has not been imposed in the sabha area by any other local authority under any law for the time being in force;

(c) If so authorised by the government a duty on transfer of property in the form of a surcharge on the duty imposed by the Indian stamp act, 1899 in its application to Himachal Pradesh, on instrument of sale, gift and mortgage with profession of immovable property situated in the Sabha area as such rate as may be fixed by the government not exceeding 2% on, as the case may be, the amount of the consideration, the value of the property or the amount secured by the

mortgage, as set forth in the instrument ; and

(d) If so authorized by the government, any other tax, duty or cess which the legislative assembly of HP has power to impose: Provided that if the gram panchayat fails to impose the tax, duty or cess, the government may take necessary steps to impose it and the tax, duty or cess so imposed shall be deemed to have been imposed by the gram panchayat provided further that the government may at any time withdraw the authorization under clause (c) or clause (d) where upon the tax, duty or cess shall cease to be levied.

(2) Subject to such maximum rates as the government may prescribe, a gram panchayat may levy the following fees, namely: -

- (I) Tehbazari from the shopkeepers in fairs;
- (ii) Service fee including fee on cleaning of streets and lighting of streets and sanitation. (iii) Fees for registration of animals sold in the sabha area; and
- (iv) Water rate where water is supplied by the gram panchayat.

3.4.6c) Special tax for Community Services (under section 101 of HPPRA, 1994)

A gram panchayat may, with the prior approval of the gram sabha, impose a special tax on the adult male members of the gram panchayat area for the construction of any public work of general utility for the inhabitants of the said area.

Provided that it may exempt any member from payment of this tax in lieu of doing voluntary labour or having, it done by another person on his behalf.

Explanation: for the purposes of this section, this expression "adult male member" means a male member who has attained the age of 21 years.

3.4.7) Commutation of tax by labour

A gram panchayat may with the consent of the person by whom any tax is payable under this act, commute the payment into a contribution of labour not exceeding twenty four units of labour in any one year, at such intervals for such period of time and on such conditions as may be prescribed.

3.4.8 Recovery of arrears: - Section 115 of HPPRA-1994, provides that any arrear of tax, or fee and fines imposed or any amount due under this act shall be recovered as if it were an arrear of land revenue.

3.5 Panchayat Samiti

The HPPRA-1994 provides vide its section 77(1) for the establishment of a panchayat samiti for each block, which shall have jurisdiction over the entire block except of such portions of the block, as are included in a Municipality constituted under any law for the time being in force. The delimitation of any block shall not have the effect till the expiration of the term of the elected members of the existing panchayat samiti.

3.5.1 Constitution of Panchayat Samiti: - Section 78(1) provides that every panchayat samiti shall consist of

- (a) The directly elected members from territorial constituencies as determined under the Act;
- (b) The members of the house of people and the members of the legislative assembly of the state representing constituencies, which comprise wholly or partly the panchayat samiti area;
- (c) The members of the council of states, where they are registered as electors within the panchayat samiti areas;

(d) One fifth of the pradhans of gram panchayats in the panchayat samiti area by rotation, for such period as the prescribed authority may determine, by lot. Subject to the condition that a pradhan who was a member under this clause for one term shall not be eligible to become member for a second term during the remainder of his term of office as pradhan.

3.5.2 Right to vote: -- (Section 78(2) of the HPPRA-1994 provides that only the elected members of the panchayat samiti have the right to vote in the election or removal of the chairperson or vice-chairperson of panchayat samiti. However, other members of the panchayat samiti have the right to vote in the panchayat samiti meetings.

3.5.3 Composition of Panchayat Samiti: - The number of elected members of a panchayat samiti under clause (a) of sub section (1) shall consist of persons elected from the territorial constituencies in the Samiti area as may be notified from time to time by the government at the rate of one member for every three thousand five hundred population or part thereof; A minimum of 15 elected members is provided for a panchayat samiti area having a population of not exceeding fifty two thousand five hundred. Where the population of a panchayat samiti area is more than one lakh and forty thousand, it shall be divided into territorial constituencies in such manner that the total number of constituencies shall not exceed forty and the population of each constituency shall, as far as practicable, be the same in each constituency.

3.5.4 Reservation of the seats: Seats have been reserved for the women, SCs, STs and BCs. For SCs and STs (section 78 (4,5,5A, 6 and 7 of the HPPRA-1994), the number of seats so reserved will bear the same proportion to the total number of seats to be filled by direct elections. Not less than one-third of seats reserved in each category for persons belonging to the SCs and STs and of the non-reserved seats in the panchayat samiti has been reserved for women. The government by general or special order can reserve seats for the backward classes not exceeding the proportion to the total number of seats filled by direct election. Further, not less than one-third of the total seats are reserved for women belonging to BCs. The seats so reserved are allotted by rotation in different constituencies in the samiti area.

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3.5.5 Election of Chairperson and Vice –Chairperson of Panchayat Samiti: -The chairperson and vice-chairperson of the panchayat samiti can be elected from amongst the directly elected members of the panchayat samiti which cannot be extended more than one week after the declaration of result. The directly elected members of the panchayat samiti immediately after oath can elect the chairperson and vice-chairperson.

3.5.6 Meetings: -The panchayat samiti can ordinarily meet at least four times in each year at its headquarter for the transaction of its business and not more than three months would be allowed to elapse between two successive meetings. The chairperson and in her or his absence vice- chairperson has to convene, preside and conduct the meetings. For the meeting of a panchayat samiti, the quorum will be one-half of its members having right to vote, if it is an ordinary meeting. For its special meeting, two-third of its members having right to vote will form the quorum.

3.5.7 Functions and Powers of Panchayat Samiti

Under Section 81 (HPPRA-1994) the panchayat samitis have been entrusted the following functions: - integrated rural development, agriculture, social forestry, fishery, health and sanitation, adult education, communication, public works, cottage industries, co-operatives, women, youth and child welfare, welfare of disabled, destitute and backward classes, family welfare and sports. It also includes natural calamities like fire, flood and drought; management of local pilgrimage and festivals, management of public ferries and public markets, fairs and exhibitions. The government can also entrust other functions to it.

The government by general or special order entrust to the panchayat samitis preparation of plan and implementation of schemes for economic development and social justice including those in relation to the matters listed in schedule-II is given in annexure-II. The government by general or special order may add or withdraw any of the functions of the panchayat samiti.

3.5.8 Standing Committee of the Panchayat Samiti

The panchayat samiti will have the following standing committees (section 84(1,2,3,4&5) of the HPPRA-1994): 1) general standing committee; 2) finance, audit and planning committee; 3) social justice committee. Each standing committee will consist of such number of members, not exceeding seven, including the chairperson, as specified by the panchayat samiti, elected by the members of the panchayat samiti from amongst the elected members. The chairperson of the panchayat samiti will be the ex-officio member and chairperson of the general standing committee and the finance, audit and planning committee. The vice-chairperson shall be the ex-officio member and chairperson of the social justice committee. No elected member of the panchayat samiti will be eligible to serve more than two standing committees. The executive officer will be the ex-officio secretary of every standing committee.

3.5.9 Functions of the Standing Committees: -The following functions vide section 85 (1,2,3, &4) of the HPPRA-1994 have been entrusted to the committees of the panchayat samiti

The general standing committee shall perform functions relating to the establishment matters, communications, buildings, rural housing, village extension, relief against general calamities, water supply and all residuary matters. The finance, audit and planning committee will perform the functions relating to the finance of the panchayat samiti, framing of budgets, scrutinising proposals for increase of revenue, examination of receipts and expenditure statement, consideration of all proposals affecting the finances of the panchayat samiti and general supervision of the revenue and expenditure of the panchayat samiti and co-operation, small saving schemes and any other function relating to the development of the block. The functions of social justice committee include promotion of education, economic, social, cultural and other interests of the women, SCs, STs, BCs and other weaker sections of the society; protection of such castes and sections from exploitation and social injustice, amelioration of the weaker sections and securing social justice to them. Each committee is entitled to call any officer of the panchayat samiti in its meeting and the secretary under the instruction of the committee, issue notices and secure the attendance of the officer. A panchayat samiti may form a consultative committee from time to time, for enquiry, report or opinion on special subjects; inspection and supervision of any institution under its charge or execution of any local work or measures carried on by it in such an area.

3.6 Zila Parishad

The HPPRA-1994 provides vide its section 88(1) for the establishment of a zila parishad for each district, which shall have jurisdiction over the entire district except of such portions of the district, as are included in a municipality constituted under any law for the time being in force. Subsection 2 of the section 88 provides that if after a zila parishad is constituted for a district under sub section (1) the

district is red limited, the government shall reconstitute a zila parishad for the red limited district under the provisions of that sub section.

3.6.1 Composition of the Zila Parishad: -

The zila parishad consists of directly elected members from territorial constituencies, one for the population of 25,000 or part thereof and at least 10 members for a district with a population of 2,50,000. However, in the V Schedule area, the government has retained the power to notify that there will be no consideration of population. Every zila parishad consists of directly elected members from the territorial constituencies in the district; members of Lok Sabha (Parliament in the lower house) and Vidhan Sabha (Legislative Assembly) with a constituency wholly or partly in the block, and Rajya sabha (Parliament in the upper house) members who are registered voters in the area are also members of the zila parishad; the chairperson of the panchayat samiti in the district. However, if the Member of Parliaments (MPs) and the chairpersons of the panchayat samitis together exceed directly elected members, only one-fifth of the panchayat samiti chairpersons will be a member of zila parishad by rotation.

3.6.2 Reservation of seats: -Seats have been reserved (vide section 89(4) of the HPPRA-1994) for the women, SCs, STs and BCs. For SCs and STs, the number of seats so reserved will bear the same proportion to the total number of seats to be filled by direct elections. Not less than one-third of seats reserved in each category for persons belonging to the SCs and STs and of the non-reserved seats in the zila parishad has been reserved for women. The government by general or special order can reserve seats for the backward classes not exceeding the proportion to the total number of seats filled by direct election. Further, not less than one-third of the total seats are reserved for women belonging to BCs. The seats so reserved are allotted by rotation to different constituencies in the district.

3.6.3 Election of Chairperson and Vice-Chairperson of Zila Parishad: - As per section 90 (1&2) of the HPPRA-1994, the chairperson and vice-chairperson of the zila parishad can be elected from amongst the directly elected members of the zila parishad which cannot be extended more than one week after the declaration of result. The directly elected members of the zila parishad immediately after oath can elect from amongst themselves the chairperson and vice-chairperson. The zila parishad can ordinarily meet at least four times each year at its headquarter for the transaction of its business and not more than three months will be allowed to elapse between two successive meetings. The chairperson, and in her or his absence vice-chairperson, has to convene, preside and conduct the meetings. For the meeting of a zila parishad, the quorum will be one-half of its members having right to vote, if it is an ordinary meeting. For its special meeting, two third of its members having right to vote, will form the quorum.

3.6.4 Functions of the Zila Parishad

The following functions have been entrusted to the zila parishad under section 92(1&2) of the HPPRA-1994,

- I. To control, co-ordinate and guide the panchayat samiti and gram panchayat within the district;
- II. Co-ordinate and consolidate the panchayat samiti plans;
- III. Co-ordinate the demands for grants for special purpose received from the panchayat samiti and forward them to the state government;
- IV. Secure the execution of the plans, projects, schemes, or other works common to two or more panchayat samitis in the district;
- V. Advise the state government in the developmental activities, social forestry, family welfare, welfare of the disabled, destitute, women, youth and children and sports; exercise and perform such other powers and functions as the state government may confer on or entrust to it.

The state government may, by general or special order, entrust to the zila parishad preparation of plans and implementation of schemes for economic development and social justice including those in relation to the matters listed in Schedule-II is given in annexure-II.

3.6.5 Standing Committee of Zila Parishad

Section 95(1) of the HPPRA-1994 provides for following standing committees of the zila parishad

1. General standing committee;
2. Finance, audit and planning committee
3. Social justice committee;
4. Education and health committee
5. Agriculture and industries committee

Each standing committee shall consist of not more than five members, (elected by the members of zila parishad from amongst its members) including the chairperson. The chairperson of the zila parishad is the ex-officio member and chairperson of the general standing committee and the finance, audit and planning committee. The vice-chairperson is the ex-officio member and chairperson of the social justice committee. The other standing committees can elect the chairperson from amongst themselves. No member of the zila parishad shall be eligible to serve on more than three standing committees. The secretary of the zila parishad would be the ex-officio secretary of the general standing committee and the finance, audit and planning committee and s/he may nominate any other person to act as ex-officio secretary for each of the remaining standing committees. The secretary is entitled to attend the meeting of all the standing committees.

The functions of general standing committee include the establishment matters, communications, buildings, rural housing, and village extension, relief against the natural calamities and allied matters and all residuary matters. The finance and planning committee performs the functions relating to: the finances of zila parishad, framing of budgets, scrutinising proposals for increase of revenue, examination of receipts and expenditure statements, consideration of all proposals affecting the finances of the zila parishad and general supervision of the revenue and expenditure of the zila parishad. The plan priorities, allocation of outlays to development, horizontal and vertical linkages, implementation of guidelines issued by the government, regular review of planning programmes, evaluation of important programmes and small saving schemes.

The functions of social justice committee include promotion of education, economic, social, cultural and other interests of SCs, STs and BCs; protecting of such castes and sections from exploitation and social injustice, amelioration of the weaker sections and securing social justice to them. The education and health committee will perform functions related to survey and evaluation of the educational activities of zila parishad being the in-charge of all such activities, planning of education in the district within the framework of the national policy and national and state plans. Its functions also include health, hospital, water supply, family welfare and other allied matters. The agriculture and industry committee shall perform the functions related to agriculture production, animal husbandry, co-operation and contour bunding and reclamation; village and cottage industries; promotion of industrial development of the district.

The chairperson of every committee is entitled to call for any information, return statement or report from the officers of the zila parishad, in respect of the work of that committee and can inspect any immovable property of the zila parishad or any work in progress concerning the committee. Each committee is entitled to call any officer of the zila parishad in its meeting and the secretary under the instruction of the committee, issues notices and secures the attendance of the officer.

Preparation of development plan: every gram panchayat as provided under section 184 of HPPRA-

1994, will prepare every year a development plan to perform functions specified in schedule –I and Schedule II and such other functions as may be specified by the state government in so far as the panchayat funds allow to perform such functions within its respective area.

Every panchayat shall prepare every year a development plan of schemes of economic development and social justice for their respective area and submit it to the District Planning Committee constituted under the act.

3.7 District Planning Committee

Under Section 185 of Himachal Pradesh Panchayati Raj Act 1994, the government can constitute in every district, a district planning committee to consolidate the plans prepared by the zila parishad, panchayat samiti, gram panchayats, municipalities in the district and to prepare a draft development plan for the district as a whole.

However, as per Section 10 of the Himachal Pradesh Panchayati Raj (Second Amendment) Act 2000, the gram panchayats would submit their annual development plan directly to the district planning committee without sending it to the panchayat samiti under this Act and as per the notification No. PCH-HA (3) 3/96-the Cabinet ministers/ministers of the state government to be chosen by the state government who would be the members and chairperson of the district planning committee.

As per the Act 1994, the district planning committee consists of members of house of people who represent the whole or part of the district; the chairperson of the Zila parishad; Mayor or the president of the municipality having jurisdiction over the headquarter of the district; such number of persons not less than four-fifth of the total number of members of the committee as specified by the government, elected by, in the prescribed manner from amongst the elected members of the zila parishad and municipalities in the district in proportion to the ratio between the population of the rural areas and of the urban areas in the district. As per the Notification No. PCH-HA (3) 3/96-, total number of members of DPC for the districts of Kangra, Mandi and Shimla shall be 25 members including the chairperson, whereas districts of Kinnaur and Lahul and Spiti will have 12 members and Bilaspur, Chamba, Hamirpur, Kullu, Sirmour, Solan and Una districts shall have 20 members in the DPC.

Besides, all the members of the State Legislative Assembly whose constituency lies within the district, and who are registered as electors in the district and the deputy commissioner/district Magistrate and the representatives of the co-operative bank and land development bank shall be permanent invitee of the committee. The secretary of the zila parishad shall be the secretary of the Committee.

Every district planning committee shall in preparing the draft development plan - have to regard to - the matters of common interest between the zila parishad, panchayat samitis, and gram panchayats and municipalities in the district including spatial planning, sharing of water and other physical and natural resources, the integrated development of infrastructure and environmental conservation; the extent and type of available resources whether financial or otherwise; consult such institutions and organisations as the government by order specify. The chairperson of every district planning committee shall forward the development plan, as recommended by such committee, to the government.

3.8 Organic Linkage Between the Three Tiers of PRIs in Himachal Pradesh

Under Section 78.1.d of HPPRA, 1994, one fifth of the pradhans of the gram panchayat will be members of the respective panchayat samiti by rotation, for such period as the prescribed authority may determine, by lot. Provided that a pradhan who was a member under this clause for one term shall not be eligible to become member for a second term during the remainder of his term of office as pradhan.

Under Section 89.1.d of HPPRA, 1994, the chairman of the all panchayat samitis in the district will be the member of their respective zila parishad. Provided that only one fifth of the members under clause (d) shall be selected by rotation for such period as the prescribed authority may determine, by lot. Subject to the condition that a chairman who was a member under this clause for 1 term shall not be eligible to become member for a second term during the remainder of his term of office as a chairman of panchayat samiti.

Under Section 25.1 of HPPRA, 1994, if two or more gram sabhas are jointly interested in transacting any business, they may delegate to joint committee or to the panchayat samiti, power, with such conditions as they may think proper to impose, to frame any scheme binding on each gram sabha as to the construction and maintenance of any joint work and as to the power which may be exercised by any such sabha in relation to such scheme.

Under Section 5.1 of HPPRA, 1994 pradhan may at any time or upon a requisition in writing of not less than 1/5th of the members of the gram sabha or if required by the panchayat samiti, zila parishad, or the deputy commissioner, shall, within thirty days from the receipt of such requisition, call an extraordinary general meeting.

Under the section 92 of HPPRA, 1994 zila parishad performs the following functions-

1. Control, coordinate and guide the panchayat samiti and gram panchayat within the district.
2. Coordinate and consolidate the panchayat samiti plans
3. Secure the execution of the plans, projects schemes, or other works common to two or more panchayat samiti in the district.

Under Section 81. (f) Of the HPPRA-1994 the panchayat samiti can undertake any function with the approval of the state government or zila parishad.

Chapter 4

Irrigation and Public Health Department

4.1 Structure and Functions

The Irrigation and Public Health Department prior to 1994 was a part of the PWD. It is the agency responsible for development of water related infrastructure such as

- Drinking Water Supply Schemes.
- Sewerage Systems.
- Irrigation systems through source development, lifting water, boring of tube wells & providing distribution systems.
- Flood protection works to protect life and property in the State.

The Department of Irrigation and Public Health is also responsible for the operation and maintenance of these systems. On the basis of the administrative and operational requirements, the IPH divides the state into three zones

1. North
2. South
3. Central

These zones are further divided into 13 circles comprising 51 divisions, which further consist of 183 sub-divisions.

The Himachal Pradesh Water Supply Act-1968 is the guiding and principal act of the IPHD to regulate and discharge its function of water supply, the act provides the rules and regulations for the development, control and management of water supply works, in rural and urban areas of the state. The state water policy prepared by the department of IPH (in the year 2005) provides the detailed perspective of the state government on the various aspects of water like supply; maintenance, conservation and community participation are important components of this policy. The rapidly decreasing water table due to unscientific and unplanned manner of extraction of underground water has manifested in the emergence of multifarious problems.

4.2 Salient features State Water Policy

As a scarce and precious resource the usage of water has to be planned, along with conservation and management measures, on an integrated and environmentally sound basis keeping in view the socio economic needs of the state. In the 21st century efforts to develop conserve utilize and manage this important resources in a sustainable manner have to be guided by the state's perspective. Keeping this in mind the IPHD has prepared the state water policy.

The following salient features of the state water policy clearly indicate the thrust to engage the local communities, and the institutions in the planning, development and management of the water supply schemes.

4.2.1 Promoting Participation

Aims at implementing the state water policy with active engagement and involvement of the local communities and stakeholders, including women in the management of water resources, in an effective manner. To ensure this necessary legal and institutional changes shall be made at various levels for the purpose, duly ensuring more meaningful role for women, water user associations and the local bodies. Private sector participation may also be encouraged wherever feasible in planning, development and management of the water resources for the usage of the community.

4.2.2 Institutional Mechanism

It is clearly mentioned in the state water policy that in order to give effect to the planning, development and management of the water resources on a hydrological unit basis, along with a multi-sectoral, multi disciplinary and participatory approach as well as integrating, quality, quantity and environmental aspects, the existing institutions at various levels under the water resources sector shall be approximately reoriented /reorganized and even created wherever necessary.

4.2.3 Role of PRIs in conflict resolution

Role of PRIs in conflict resolution has been spelt out in the policy and constitution of water adalats for resolution of conflicts has been recommended.

4.2.4 Human Resource Development (Training)

A perspective plan for up gradation of human resources shall be an integral part of water resources development. This shall include, training in information systems, sectoral planning, project planning and formulation, project management, operation of projects and their physical structures and systems and the management of the water distribution systems .the training should extend to all the categories of personnel involved in these activities as also the farmers and other user groups.

4.3 The Himachal Pradesh Water Supply Act-1968

In order to oversee development control and management of water supply works in rural and urban areas of the state. The state of Himachal Pradesh enacted the Himachal Pradesh Water Supply Act in 1968(Annexure 4) (with further amendments to it in the year 1978 and 1983).

This water supply act has given certain powers to the gram panchayat to take control over the scheme and to levy taxes.

- Under the subsection 1 of section V of Himachal Pradesh Water Supply Act, the state government shall levy water rate for the water supplied to a consumer by a water supply scheme managed by the government or a beneficiary. "Beneficiary" means any local authority that derives benefit from the scheme. If the water rate levied is not paid, it may be recovered as the land revenue (subsection 3 of section V)
- According to he section VI of the act, if a local authority is prepared to take over and maintain any scheme as a beneficiary the state government shall hand over the development, management or control of such scheme to such local body.
- Under the same section the local authority, which takes over a scheme, shall fix water rate, as it considers necessary and shall be responsible for the efficient management of such scheme. The water rate that the local authority may fix shall not exceed the water rate specified by the state government under section V. The water rate levied by the state government shall cease to have effect on fixation of such rate by the authority.
- According to the section VII, if the beneficiary is found incompetent of handling the scheme efficiently, or misuses its powers or proves to be a defaulter in performing its duties, the state government may by notification take back the development, maintenance and management of the scheme from the beneficiary. But the beneficiary shall be given a reasonable opportunity in the prescribed manner of showing cause against the action proposed to the taken.
- Under section VIII of this act any consumer who has a water connection registered in the name shall be liable to pay the water rate to the beneficiary.

4.4 Current status of the implementation of the Swajaldhara scheme

Background of Swajaldhara

According to Department of Drinking Water Supply, Ministry of Rural Development, Government of India, out of a total of 14,22,664 habitations there were 4588 habitations uncovered and 50479 habitations partially covered by safe drinking water supply as on April 1, 2005. There are a large number of habitations covered suffer from water quality problems like excess fluoride, arsenic, salinity, presence of micro-organism etc. that also need to be tackled. World Bank estimates that 21% of communicable diseases in India are related to unsafe water. In India, diarrhoea alone causes more than 1600 deaths each day. A large number villages depend on groundwater sources, mainly using hand-pumps, and the fast depletion of the aquifers, the increasing depth at which water is found, the drying of the so-called perennial water sources during a large part of the year, have increased the magnitude of the problem. Moreover, the supply driven approach, while planning and executing the schemes, does not take into account the preferences of the people and this has led to the failure of a number of water supply schemes due to poor execution, operation and maintenance.

Recognizing the provision of drinking water as a basic need, the Government of India has been providing financial assistance to state governments since 1976-77 under the Accelerated Scheme for Rural Water Supply (AWRS), later renamed the Rajiv Gandhi National Drinking Water Mission. But the supply driven approach, in which planning and executing the schemes does not take into account the preferences of the people, has led to the failure of a number of water supply schemes due to poor execution, operation and maintenance.

Government of India after consultation with the State Governments, NGOs and external funding agencies initiated reforms in the water-supply sector. The basic concepts underlying these reforms include community participation in the planning, implementation, operation and maintenance of the schemes of its choice. Incorporating these reforms, the Swajaldhara scheme was launched on 25th December 2002 by Government of India.

The Swajaldhara scheme is based on the following fundamental principles:

- (i) Adoption of a demand-responsive, adaptable approach along with community participation based on empowerment of villagers to ensure their full participation in the project through a decision making role in the choice of the drinking water scheme, planning, design, implementation, control of finances and management arrangements;
- (ii) Full ownership of drinking water assets with appropriate levels of panchayats,
- (iii) Panchayats / communities to have the powers to plan, implement, operate, maintain and manage all Water Supply and Sanitation schemes,
- (iv) Partial capital cost sharing either in cash or kind including labour or both, 100% responsibility of operation and maintenance (O&M) by the users;
- (v) An integrated service delivery mechanism;
- (vi) Taking up of conservation measures through rain water harvesting and ground water recharge systems for sustained drinking water supply; and
- (vii) Shifting the role of Government from direct service delivery to that of planning, policy formulation, monitoring and evaluation, and partial financial support.

The following measures have been stipulated for its proper implementation:

- (i) Panchayati Raj Institutions (PRIs) are to be vested with functions and finances, and supported with functionaries to carry out the responsibilities of drinking water supply scheme planning, designing, implementation, operation, maintenance and management.
- (ii) Village Water and Sanitation Committee will be a committee of the gram panchayat.

- (iii) States would need to enact and implement law on effective ground water extraction control, regulation and recharge.
- (iv) Institutional strengthening and capacity development of the state, district, block, gram panchayats and the community level institutions are necessary.
- (v) Water conservation and rainwater harvesting schemes should be integrated with the drinking water supply schemes.
- (vi) Rural drinking water, sanitation, health, and hygiene programmes need to be integrated at the state, district, block and GP levels.

All these features make the Swajaldhara scheme an appropriate vehicle to employ for achieving enhanced community participation and action by the stakeholders in the issues pertaining to the design, execution, operation and management in the supply and conservation of water within their community, particularly as it involves a resource which is perceived by all as essential to life.

Swajaldhara consists of two streams: (i) Swajaldhara-I having the gram panchayat as the lowest unit for implementing reform initiatives and (ii) Swajaldhara-II with the district as the unit for implementation. Swajaldhara –I being primarily for a gram panchayat should normally have small drinking water schemes.

4.4.1 Institutional Set-up of Swajaldhara

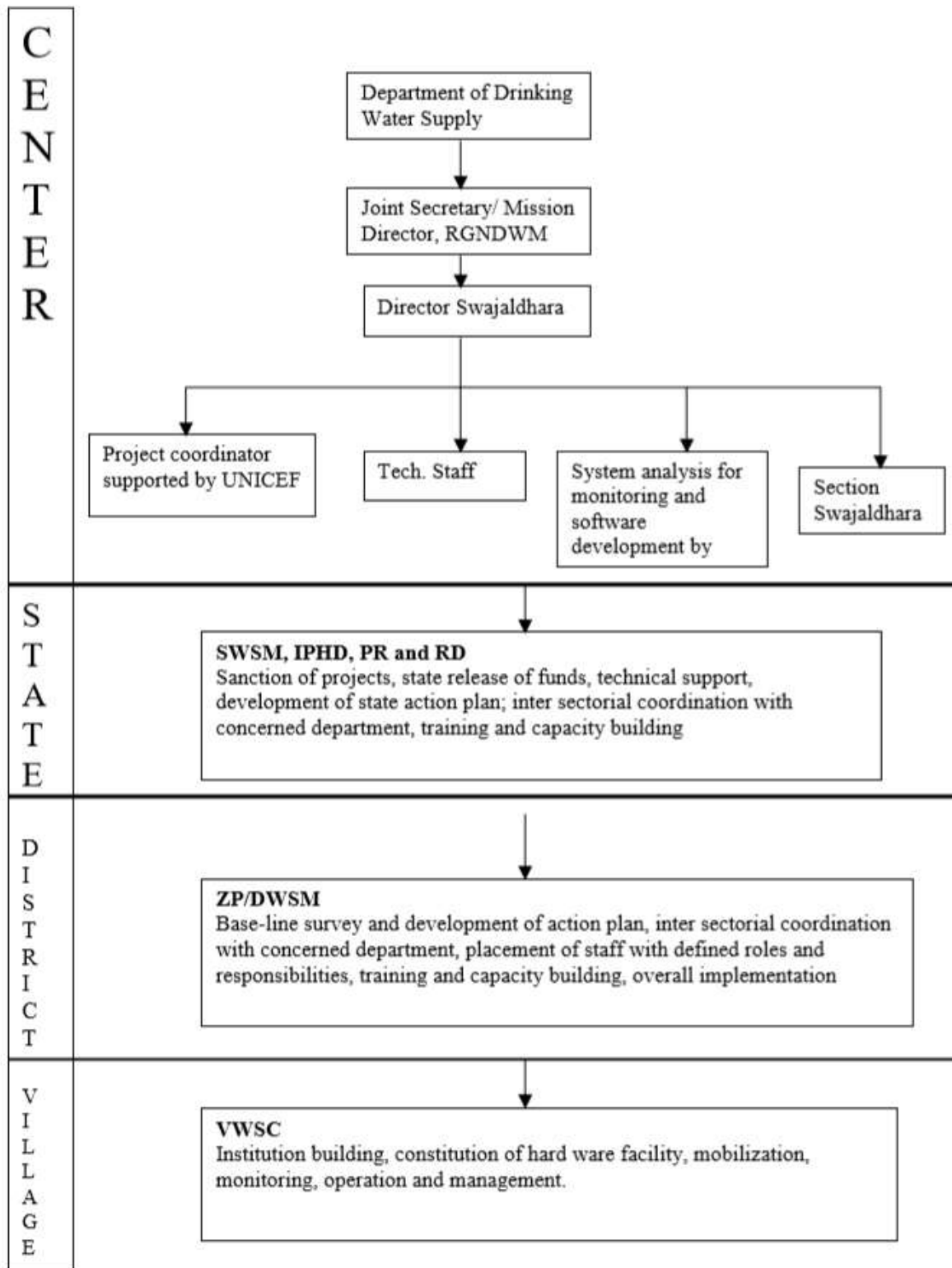
At the state-level, the coordinating body is State Water and Sanitation Mission (SWSM) under the chairmanship of the Chief Secretary with the department of Irrigation and Public Health as the implementing agency. At the district level, the district panchayat/zila parishad is to perform all the functions of the District Water and Sanitation Mission (DWSM) and review the implementation and progress of the scheme. The DWSM is to be set-up as a society under the chairmanship of the District Collector where elected district panchayats are not in place.

However, it is the District Water and Sanitation Committee (DWSC), a committee of the DWSM, headed by the CEO of the district panchayat/Collector is the key committee exercising the following functions: -

- (a) Formulation, management and monitoring of Swajaldhara projects;
- (b) Scrutiny and approval of the schemes submitted by the block panchayat/ gram panchayat;
- (c) Selection of agencies and/ NGOs and enter into agreements for social mobilization, capacity development, communication, project management and supervision;
- (d) Sensitizing the public representatives, officials and the general public about the Swajaldhara principles; and
- (e) Engaging institutions for imparting training for capacity development of all stakeholders, and undertaking communication campaign.

The DWSC members are district level officers and the Executive Engineers for Drinking Water/PHED is, usually, the Member-Secretary of this committee. Three members (either experts or NGO representatives) can also be co-opted into the DWSC.

Service Delivery Structure of Swajaldhara



4.4.2 Role of Village Water and Sanitation Committee (VWSC)

Each gram panchayat taking up Swajaldhara schemes is required to have a Village Water and Sanitation Committee (VWSC), usually chaired by the Chairperson of the gram panchayat, to implement drinking water supply schemes of their own choice with the active participation of the villagers. The composition of the VWSCs is to be decided by the State Government. However, women, SC, ST and poorer sections, subject matter specialists, NGOs, and CBOs are also to be given representation and at least one third members of the VWSC are to be women. The VWSC is to be responsible for:

- (II) Ensuring GPs to take up Swajaldhara implementation in each gram sabha meeting;
- (III) Ensuring community participation and decision making in all phases of scheme activities including organising community contributions (both in cash and kind) towards capital costs and opening and managing bank account for this purpose;
- (iii) Signing of various agreements with the DWSC;
- (iv) Planning, designing, and implementing all drinking water and sanitation activities including procuring construction materials/goods and selection of contractors and supervision of construction activities;
- (v) Commissioning and takeover of completed water supply and sanitation works through a joint inspection with DWSC;
- (vi) Collection of funds through a tariff, charges and deposit system for O&M of water supply and sanitation works for proper managing and financing of O&M of the services on a sustainable basis; and empowering of women for day to day operation and repairs of the scheme; and
- (vii) Creating and promoting integration of drinking water, sanitation and hygiene in the panchayat.

4.5 Swajaldhara in Himachal Pradesh

The State Water and Sanitation Mission (SWSM) provides overall policy guidance, reviews the implementation and approval of the schemes pertaining to water supply. The Planning and Implementation (I) wing of the Irrigation and Public Health Department oversees the implementation of the schemes. The state government has also constituted the Capacity Communication Development Unit (CCDU), which provides communication strategy, IEC support and HRD training. CCDU has already trained Gram panchayat level officials of various departments (teachers, aanganwaadi workers, health workers).

Since this is a demand-based scheme it has provided an opportunity for local communities to collectivise and avail the facilities.

The officials of the IPHD at the field locations and the district level disseminate information about the scheme to the people and facilitate VWSC formation, which in most of the cases is a registered body under the Societies Registration Act-1860.

Perusal of the available information brings out certain distinct observations

The involvement of gram panchayats (especially getting the VWSC constituted in the gram sabha) has not been undertaken. There is practically no linkage with the gram panchayat and has resulted in functioning of these VWSCs as parallel bodies to the gram panchayat.

Most of the schemes are single village schemes, which are being operated and managed by the village water and sanitation Committee (VWSC). In majority of the cases the beneficiary groups under this scheme have undertaken installation of hand pumps, since the amount of investment the beneficiary group has to make (in kind or labour) is comparatively less than required for piped water schemes.

Table: 4.1 Year wise detail of the Swajaldhara scheme

Year	Status
2002-03:	471 proposals of 9 districts were approved for Rs. 714.6549 lacs by the GOI. Out of this 1 st and 2 nd installments of 439 schemes amounting to Rs. 605.54 lacs has been received. The work on 2 schemes was not taken up as the beneficiary groups have withdrawn this program subsequently. The GOI share Rs. 27.96 lacs of these schemes are laying in the account of DWSCs. Therefore, 416 schemes were actually taken up and 410 schemes have been completed. The remaining six schemes shall be completed by august 2006.
2003-04	153 schemes of 6 districts were approved for Rs. 344.04 lacs by the GOI. Work on 152 schemes has been taken up and 127 schemes have been completed. The remaining 22 schemes shall be completed up to September 2006. The 3 schemes that is two of district Solan and one of district Shimla have not been started so far due to court case, non availability of link road to hand pump site and non starting the work by VWSC. One scheme of district Kangra has not been taken up because the beneficiary group has withdrawn subsequently. The GOI share of Rs. 1.64 lacs of this scheme is lying with the DWSC.
2004-05	427 schemes of 5 districts were sanctioned by the GOI for Rs. 677.16 lacs. First installment of Rs. 507.87 lacs were released on 31/03/05. The second installment of district Sirmour for 112 schemes has also been received for Rs.74.15 lacs. The second installment case for 19 schemes amounting to Rs. 7.60 lacs in respect of district Hamirpur has been submitted to GOI on 8/6/06. The case for second installment for the remaining 296 schemes of district Kullu, Bilaspur and Mandi shall be submitted shortly. Out of 427 schemes, 238 schemes have been completed so far.
2005-06	538proposals for Rs. 1667.72 lacs have been approved by the GOI. First installment of Rs. 1250. 82 lacs have been released during February 2006.

4.5.1 Current status of State Water and Sanitation Mission (SWSM) and District Water and Sanitation committees (DWSC)

4.5.1a State Water and Sanitation Mission (SWSM): - The state government in consonance to the guidelines on Swajaldhara issued by the Ministry of Rural Development (MORD) has constituted the State Water and Sanitation Mission (SWSM), the District Water and Sanitation Committees (DWSC) through notification No: - PBW (PH) F (5)-872002-I dated 31/03/2004.

According to the notification SWSM has (1) Apex Committee and (II) executive Committee. The Apex committee comprises of the Chief Secretary as the Chairperson, Joint Secretary department of Water Supply, Ministry of Rural Development (GOI), Secretary (GoHP), Finance, IPH, Education Health, Information & Public relations, Planning as members, other members are Engineer in chief (IPH), Chief Engineer South (IPH) and superintending Engineer (P&I) I, IPH deptt. The Principal Secretary/Secretary (IPH) is the member secretary of the Apex Committee. The Committee meets at least once in every quarter and not less than 4 times in a year.

4.5.1b Functions of the State Water and Sanitation Mission (SWSM)

The state water and sanitation mission is expected to provide policy guidance on Swajaldhara Projects, periodically reviews the implementation of the MOU signed with the deptt of drinking water supply. It considers and approves all the schemes pertaining to water supply in the state.

The State Water and Sanitation Mission (SWSM) has not signed the MOU with the central government till date and the vision mission action has also not been prepared.

4.5.2 District Water and Sanitation Committees

The state government has notified the constitution of the District Water and Sanitation Committees in every district of the state through notification No- PBW (PH) F (5)-872002-I dated 31/03/2004.

4.5.2a Composition and role of the DWSC:

The Chief Executive Officer (CEO) of the concerned zila parishad chairs the committee. The Superintending Engineer (IPH), Executive Engineers (IPH), District Education Officers (Primary & Secondary), Chief Medical Officer, Project Officer, DRDA, District Public Relations Officer, District Panchayat Officer, District Social Welfare Officer, Executive Engineer Headquarters (IPH) are the members of this committee. Besides these three members NGOs may be co-opted with prior approval of zila parishad.

The primary roles of DWSC are formulation, management and monitoring of Swajaldhara project. It also scrutinizes and approves the scheme submitted by the block panchayat and gram panchayat. Not only this, DWSC also has to select NGOs and enter into agreements with them for social mobilization and capacity development. It also sensitizes the public representatives, officials and the general public about Swajaldhara. It also interacts with the SWSM, State government and the government of India.

4.5.2b Current Status of the VWSC

The main function of the committee is to ensure community participation in the project and consequently ensure the sustainability of the project. The VWSCs also has the responsibility of ensuring the 10% contribution of the total cost of the project/scheme the contribution could be in cash or kind (labour) in the ratio of 1:1. These committees are formed to plan, implement the project /schemes and maintain water and sanitation facilities, which provides a large scope for it to function within range of the project. The VWSC is created to be the representative of the community.

The Village Water and Sanitation (VWSC) are "project initiated" committees that have been formed under the rural water supply schemes. These are registered bodies under the society registration act-1860 and function as parallel structures to the GPs. The concerned gram panchayat does not have any control over these bodies and there is no linkage between the G.Ps and these bodies. VWSCs are largely viewed in relation to roles and responsibilities.

The roles and responsibilities of VWSC differ at each stage as at all the stages in the project/schemes the factors to be dealt are varied.

The involvement of VWSC members is greater during the construction phase. But once the major task is over the only job that remains is in the operation of the pump, releasing the water on time, ensuring the collection of tariff and payment of bills, etc, which does not require the full time involvement of all members.

4.6 Role of CCDU: -

The Government of India for promoting the reform initiatives introduced in water supply and sanitation sector has proposed to set up a communication and capacity development unit in each state

4.6a Objectives: - The main objectives of the CCDU will be

- 1) To develop state specific information education and communication strategy for reform initiatives in water and sanitation; and
- 2) To provide capacity development of functionaries at all levels.

4.6b Functions: -

The unit is to provide IEC/HRD support to the State Water and Sanitation Mission (SWSM) and districts. The unit will:

- 1) Provide HRD /IEC inputs to ARWSP, Swajaldhara and TSC projects in the state.
- 2) Documentation of successful IEC/HRD initiatives taken within the state, other states and agencies and dissemination of the same to field functionaries.

4.6c Illustrative list of activities under IEC and HRD

• Training of PRIs on:

1. Technological options
2. Water quality issues
3. Water quality monitoring
4. Sanitation and hygiene

• Training of NGOs, district level officers and state level functionaries

1. Social Mobilization
2. Water quality monitoring
3. Sanitation and hygiene

• IEC strategy

1. Inter personal communication
2. Audio visual publicity
3. Hoarding and wall writing

- Training of school teachers at village, block and district level for promotion of school sanitation

4.7 Status of CCDU in the H.P.

The Communication and Capacity Development Unit was established in September 2005. The Communication and Capacity Development Unit has undertaken various activities to provide IEC/HRD support to the ongoing programmes.

A steering committee to oversee the IEC & HRD activities has been constituted in November 2005. The unit has trained 99 master trainers. Training schedule has been prepared for 10 districts. Priority has been accorded to train the PRI representatives and a 3-day training Programme attended by 40 PRI representatives has been organized. Special focus is being given to train teachers, health workers aanganwaadi workers and NGOs.

Chapter 5

Status of Devolution in PRIs

Decentralization has arisen as a worldwide trend mostly as response to growing disenchantment with the traditional model of the state. Faith in the interventionist state and closed economics as best placed to allocate resources optimally in favour of poor was greatly shaken in the years following the Second World War. The need for decentralization of government has also arisen as a response to poor peoples' dissatisfaction with public service institutions, especially the heavily centralized ones and the growing demand for accountability.

The impact of decentralization on efficiency, poverty and governance has been debated and studied while the world today moves towards decentralized structures in India too there has been a trend towards devolution of powers to rural and urban local governments, particularly in the 1990s with the 73rd and 74th constitutional amendments.

The state government had as per the provisions of the section 11 of the HPPRA-1994 devolved all the 29 functions to the three tiers of the of the Panchayats, but the state government has effected amendments in the Principal Act and reduced the number of functions devolved to 19.

5.1 Effective Devolution of Functions

State government had issued a notification (PCH-HA (1) 12/87) in 31 July 1996 in consonance with the principal act 1994 and devolved functions of 15 departments to all the three tiers of PRIs.

Table 5.1: Departments devolved through notification (PCH-HA (1) 12/87) in 31 July 1996

Sr. No	Department
1	Agriculture
2	Animal Husbandry
3	Education
4	Fisheries
5	Food & Supplies
6	Forest
7	Health and family welfare
8	Horticulture
9	Industries
10	Irrigation and public health
11	Public works
12	Revenue
13	Rural Development
14	Ayurveda and Homeopathy
15	Social and women's women welfare (social justice and empowerment) (Annexure -2)

5.2 Devolution with specific reference to water supply

The state government has vide notification number PBW (PH) A (3)-9/96 dated 6th January 2001, has devolved powers on physical attendance of grass root level functionaries of the I&PH department, such as pump operators, helpers, fitters, linemen, water distributors kohlies and beldars. The G.P will also report whether the staff posted are staying at their places of posting or not. The gram panchayat also enjoys the power of inspecting the functioning of hand pumps under its jurisdiction. If the panchayat has a complaint in this regard then it could convey the same through a resolution to the Assistant

Engineer concerned. The Assistant Engineer shall immediately take remedial action on the same. The Assistant Engineer shall also inform about the action take to the Executive Engineer. If the action required is to be taken by some higher authority, then Executive Engineer will pass the matter to the authority concerned under the intimation to the panchayat. But in reality the PRI representatives are not exercising these powers due to lack of awareness.

Further the state government vide notification no PBW (PH) A (3) 9/96 dated 6th January, 2001 had transferred the hand pumps installed by the IPHD to the Panchayati Raj Institutions in February, 2001 and the minor repairs were to be carried out by the PRIs after August, 2001 and the major repairs were to be carried out by the IPHD. The PRIs were allowed to recover Rs. 20 or more per private connection per month from the community. Out of this Rs. 10 per connection was to be remitted to IPHD and the remaining amount was to be with the panchayat. However the government reduced these charges to Rs. 10 through a notification dated 2/8/2002 and the IPHD again was given the responsibility of the collection of water charges.

According to the notification no (PCH-HA (1) 12/87) issued on 31 July 1996, by the state government the following specific functions of the Irrigation and Public Health Department have been devolved to the three tiers of the PRIs.

IRRIGATION & PUBLIC HEALTH DEPARTMENT		
Zila Parishad	Panchayat Samiti	Gram Panchayat
1. Identification of potential schemes including water harvesting covering more than one block.	1. Prevention and control of water pollution.	1. Routine maintenance of hand pumps staff to be provided by the department.
2. To bring to the notice of appropriate authority of the I.P.H. Department the cases of gross misutilization of funds, corrupt practices etc. by the staff of the Departments, Contractors and Sub-Contractors while executing various schemes.	2. Identification of potential schemes including water harvesting covering more than one panchayat.	2. Routine maintenance of drinking water, and irrigation schemes, which have been executed at a cost of one lakh and below.

	3. To bring to the notice of appropriate authority of the I.P.H. Department the cases of gross misutilization of funds, corrupt practices etc. by the staff of the department, contractors and Sub-Contractors while executing various schemes.	3. Prevention and control of water pollution.
		4. Identification of potential schemes within gram panchayat area.
		5. Information regarding functioning and condition of water supply schemes will be given by the panchayat to the prescribed authority.
		6. To bring to the notice of appropriate authority of the I.P.H. department the cases of gross misutilization of funds, corrupt practices etc., by the staff of the department, contractors and sub- contractors while executing various schemes.

5.3 Effective Devolution of Functionaries

Table 5.2 Status of Devolution of Functionaries of 'Devolved' Subjects at Zila Parishad Level

Subject Devolved	Designations(s) of Functionaries		Extent of Subordination	
	General Category*	Technical Category*	Disciplinary Authority ⁸	Supervisory Authority ⁹
Rural development		Asst Engineer against vacant post of AE in DRDA (RDD)		Appointing authority only (appointment done by Committee headed by govt functionaries)

Table 5.3 Status of Devolution of Functionaries of 'Devolved' Subjects at Panchayat Samiti Level

Subject Devolved	Designations(s) of Functionaries Devolved		Extent of Subordination	
	General Category*	Technical Category*	Disciplinary Authority ¹⁰	Supervisory Authority ¹¹
Revenue		<i>Kanisht Lekhpal</i> against vacant post of clerk/steno typist		Appointing authority (appointment done by Committee headed by govt functionaries)

Table 5.4 Status of Devolution of Functionaries of 'Devolved' Subjects at Gram Panchayat Level

Subject Devolved	Designations(s) of Functionaries Devolved		Extent of Subordination	
	General Category*	Technical Category*	Disciplinary Authority ¹²	Supervisory Authority ¹³
Minor Irrigation/Drinking water supply.		Pump operators, Helpers, fitters, linemen, water distributors, <i>kohlis, beldars</i> of IPH dept	Report on physical attendance	
Animal Husbandry		Staff posted in veterinary dispensary	Report on physical attendance	
Health.		a) Pharmacist, ANM	Report on	Appointing
		& Class IV employees, of	physical attendance	Authority only
Education.		a) School teachers, grass	Report on physical	

Women & Child Dept		Anganwadi workers/helper	Report on physical	
Technical training &		Tailoring teachers		Appointing authority
	Panchayat Sahayak/Takniki Sahayak			Appointing authority
	Panchayat Chowkidar			Appointing authority

- The powers and functions devolved to the PRI's so far by the government by way of legislation, notification and executive orders mainly pertain to supervision, monitoring, reporting, planning and issues of contractual appointment. Funds and functionaries are still to be transferred. The current situation is one in which apart from responsibility of maintenance of a limited number of local assets, there is no other function assigned to rural local bodies. Almost the entire staff is under the state government. In the case of the staff to be appointed by the gram panchayat, a committee headed by state govt. functionaries carries out selection of the same and their emoluments are fully met through grant in aid by the state govt. The authority of initiating any punitive action or proceeding against the erring functionaries does not back up the power of inspection given to PRIs. As such this power is limited to reporting of attendance etc. The control of buildings handed over to GP's is without real control over maintenance funds. In sum, all this strengthens the perception that rural local bodies are only agents of the state government (largely for carrying out works) and have little or no autonomous responsibility for any function at their own level. So no substantial powers have been delegated to PRI's.

- State doesn't have separate Panchayati Raj Administrative and Technical Service of officials and technocrats. Panchayat can appoint on contractual basis a technical assistant, who should be drafts men diploma holder. Technical assistant is supposed to provide his/her assistance to at least three panchayats in a block. In the block level there is a JE who has to provide technical assistance to GP. GP has to provide 2% of total budget of the project to the technical assistant (on all technical works) for technical assistance. Panchayat samitis are can hire a JE on contractual basis. The amount as remuneration for JE in Non tribal areas Rs 6000/Month and Rs 7500/- in tribal areas. Same as ZP can hire services of AE and can give Rs 8000/- per month.

- Panchayat samitis are also authorized to appoint a junior accountant on contract basis against the vacant post of accountants, clerks and steno typist occurring in the office of the BDO from time to time they are being paid remuneration out of the govt grant @Rs 2500/-Month

- ZPs have been authorized to appoint personal assistant to the chairperson of ZP. They are being paid remuneration out of govt grant @Rs 3000/ month

- After the devolution, government had declared Gram Panchayat and Vikas Adhikari post (Secretary) a dead cadre and is now appointing Panchayat Sahayak on contractual basis

Status of DRDAs:

DRDAs continue as separate societies that are outside the ZPs sole purview. Only Chairpersons of zila parishads have been designated as the chairpersons of the Governing Body of the respective DRDAs. The accounts of the DRDA are therefore not linked to the zila parishad. The DRDA handles all RD Schemes of the central government. It releases funds to the BDO, who implements them as an agent of the DRDA and not as the executive officer of the Panchayat samiti. Therefore, there is no

linkage between the Panchayat samiti and the implementation of the Central Schemes of the Rural Development Department. The funds related with SJGRY goes directly to the Panchayats

5.4 Effective Devolution of Finances

Gram panchayats are authorized to accord administrative approval and expenditure sanctioned for the work costing upto Rs.3.00 lacs for which technical sanction of Junior Engineer is required. However, for the work costing up to Rs.50, 000/- technical sanction of Takniki Sahayak is required. If the cost of work is more than Rs.3.00 lacs and up to Rs.10.00 lacs then administrative approval of panchayat samiti and technical sanction of Assistant Engineer is essential and in the case of works costing more than Rs.10.00lacs administrative approval of zila parishad and technical sanction of Executive Engineer is essential.

The gram panchayats have been empowered to protect public property such as sign boards, mile stones on public roads, paths, irrigation and water supply schemes, public taps, public wells, hand pumps, community centers, mahila mandal bhavans, school buildings, health institution buildings. In case of violation of the orders of the gram panchayats in the matter, the gram panchayat can also impose penalty up to Rs.1000/- and in case of recurring breach, further penalty at the rate of Rs.10/- per day with maximum up to Rs.5, 000 can be imposed.

Gram panchayats have been empowered to levy the following taxes and fees subject to the maximum rates fixed by the Government vide notification dated 2nd November, 1999: -

5.4a House tax:

No	Particulars	Maximum rate of house tax
1.	Where the person, who is liable to house tax, owns house having the total built up area upto 40 Sq. mts.	Rs.10/- Per annum
2.	Where the person, who is liable to house tax, owns house having the total built up area from 40 to 100 Sq. mts.	Rs.25/-per annum
3.	Where the person, who is liable to house tax, owns house having the total built up area above 100 Sq. mts.	Rs.50/-per annum

5.4b Tax on extraction and export of sand, stone, bajri and slates:

- Tax on extraction and export of sand, stone, bajri not exceeding Rs.10/- per truck and Rs.5/- per trolley.
- Tax on slates not exceeding Rs.50/- per truck.

5.4c Fees:

- Teh-Bazari from the shopkeepers in the fairs at the rates as it may deem proper but not exceeding Rs.30/- per Sq. mtr. Per day.
- Service fee including fee on cleaning streets and lighting of streets and sanitation at the rates as the gram panchayats may deem proper but not exceeding Rs.20/- per month from those individual households/shopkeepers/business establishments, who are being provided such services by the gram panchayats, keeping in view their paying capacity.

- Fee for registration of animals sold in the Sabha areas at such rates as may be fixed by the gram panchayats subject to a maximum of 2% of the sale price.
- The state government has transferred liquor cess @ Rs. 1/- per bottle sold in the Panchayat area to the Panchayats.
- Land Revenue has been transferred to the gram panchayats.

5.5 Receipts of Gram Panchayats

Receipts of the gram panchayats in Himachal Pradesh find their way in two accounts- Account A and account B Account

Account A: includes all revenues from own resources such as house tax, land revenue, fees and fines, cess and those from assets as well as grants recommended by SFC to meet establishment expenses.

Account B: includes all schemes related grants from the state and central governments including honorarium to elected representatives or functionaries of gram panchayats appointed on the basis of approved schemes of the state government, SGRY, EEF etc

The State average per capita availability of Account (A) receipts is only Rs 16 in 2002-03. But even this figure is not a reflection of the situation in most gram panchayats since 745 of them have Account-A receipts of only up to Rs 5 per capita. It is 4.5 % of gram panchayats with per capita receipts of over Rs 21, which pushes up the state average showing that some gram panchayats have significant, own resources. Within overall receipts of G.Ps, Account-A receipts constitute a negligible 6.6%. In nearly 72% of the G.Ps Account-A receipts are less than 10% of their total receipts and in only in 13% of G.Ps these receipts exceeds 15% of the total receipt. Within overall Account A receipts of Rs 8.64 crores in 3030 gram panchayats in the state in the year 2002-2003 as much as Rs 3.28 crores was received either as transfer of revenue from the State (Cess on sale of liquor Rs 2.25 crores) or as grants recommended by the SFC (Rs 1.03 crores) .In other words, G.Ps own resource raising efforts were only 5.36 crores, which about Rs 10 per capita for the state as whole. Collections from own tax sources is about 37% of this amount and in general the hesitation of the elected representatives to raise resources through taxes rather than the more painless route of income from assets, is borne out.

House tax is the major own tax source constituting 84% of the tax receipts. A study of the composition of the Account-A shows that House Tax accounts for 14.6% of total receipts in this account but only a little over Rs 2 per capita. While the State Government has given G.Ps the option of levying plinth area based slab rates going up to Rs 100 per year for large houses, most of the G.Ps prefer to tax at a minimum flat rate.

The only district with a substantially higher than a state average is Lahaul and Spiti with 31% of Account-A receipts coming from House tax which also reflects very low receipts from other sources in this districts. The options of plinth area based house tax slabs were introduced 3 years ago but have clearly not been adopted by most G.Ps so far. There is a need for bringing about greater awareness of plinth area rates so that the G.Ps are encouraged to distinguish between property sizes and levy tax on that basis.

Collection from Land Revenue accounts for only 2.6% of the total receipts under Account (A) and a negligible amount in absolute terms .As many, as 45% of the G.Ps did not receive any amount from land revenue in the year 2002-03. The Notification transferring Land Revenue to G.Ps was also issued 3 years ago but clearly there have been problems effecting collections and credit of land revenue to G.Ps. Collection has till now remained a responsibility of the revenue department

5.5.1 Quantum of untied and programmatic funds that reaches each Panchayat:

The details of funds that are released to panchayats in Himachal are as follows:

5.5.1a Analysis of Receipts in Account –A

(a) Number of G.Ps in different ranges of receipt in Account-A

Sr.No	Name of District	Upto1000	1001-5000	5001-10000	10000-25000	25001-50000	50001 &	Total
1.	Bilaspur	0	1	10	58	32	30	131
2.	Chamba	3	71	78	86	20	12	270
3.	Hamirpur	0	6	24	69	76	40	215
4.	Kangra	1	13	72	321	209	114	730
5.	Kinnaur	0	23	13	17	2	7	62
6.	Kullu	0	6	24	102	42	18	192
7.	Lahaul & Spiti	4	12	15	6	2	2	41
8.	Mandi	1	9	54	229	97	32	422
9.	Shimla	0	2	56	114	68	91	331
10.	Sirmour	1	9	46	101	34	28	219
11.	Solan	0	0	29	90	39	40	198
12.	Una	0	16	45	85	43	30	219
State Total		10	168	466	1278	664	444	3030

Source: A Report on the finances of gram panchayats in Himachal Pradesh-2002-2003

- Percentage of gram panchayats having receipt up to Rs 1000-----0.33%
- Percentage of gram panchayats having receipt between Rs 1000 to 5000-----5.54%
- Percentage of gram panchayats having receipt between Rs 5001 to 10000-----15.38%
- Percentage of gram panchayats having receipt between Rs 10001 to 25000-----42.18%
- Percentage of gram panchayats having receipt between Rs 25001 to 50000-----21.91%
- Percentage of gram panchayats having receipt above Rs 50001-----14.65%

5.5.1b Receipt in Account B: -

Account-B clearly highlights the huge dependence of gram panchayats on state and central government grants, most of which is tied to specific schemes. Account –B transfers accounts for 93% of total GP receipts at the overall state level. About 60% of the GPs are securing funds in the range of Rs 2.00 Lakh to Rs 5.00 Lakh per annum and 25% of the GPs even more than Rs5.00 Lakh. Nearly 75% of the GPs have Per capita receipts ranging Rs 1001 to 400 from grants received in account-B whereas 74% GPs have per capita receipts of only upto Rs 5 in account-A, reflecting the extremely high reliance on government grants.

Part of account-B receipts are relatively untied and formula driven. These pertain to receipts from EFC grants and SGRY-II. There is correlation between Number of GPs which receive more than 1.25 lakhs (582) and the number of gram panchayats with a population of over 2500 (roughly 500) in their case reflecting the fact these grants follows a mainly per capita transfer formula. However, these from only 22% of overall account-B receipts. An analysis of the balance receipts under account-B clearly reveals a huge skew in the distribution of these funds across GPs, reflecting the large element of discretion in the allocation of these resources. Thus 1530 GPs out of 3030(50.5%) have received no funds the MP LAD and MLA LAD schemes. The other observation of note is that 2583 GPs out of 3030(85%) have taken no initiative to mobilise a community share and secure funds under the Vikas Mai Jan Sahyog

(VMJS) scheme. Possibly this is due to the fact that since large amounts are available as grants any way gram panchayats do not feel the need to mobilize a community share to secure the additional funds possible under VMJS. A similar trend of skewed receipts can be seen in distribution of relief funds (though this could be based on assessment of need as well). The relatively even distribution of zila parishad/panchayat samiti funds across GPs reflects the fact that the members of these tiers represent more evenly spread constituencies across the districts and tends to allocate money to their constituencies equitably.

An analysis of these sections and rules shows that the state has attempted to create some space for resource raising by rural local bodies but these are limited in scope and inadequate. For instance, the section which allows for taxation on trades and profession has the rider that specifies that this tax can be levied provided such tax has not been imposed by any other local bodies under any other laws. Similarly the fines/fees allowed are such that are merger like 'teh bazari' or those that require state government to have enough political will to impose and devolve. The statute in section 117 makes it mandatory for all panchayats to prepare a budget and annual account. The rules prescribe in details of how and on which format budget estimates are to be prepared and the guild line for approval of the budget.

A space for citizen engagement in this process has been created in rule 37 which gives the gram sabha the power to approve and section 7(c-b) of principal act gives powers to approve the utilization certificate of panchayat by majority votes of gram sabha but clear cut provision for the amendments or modifications has not been given to the people.

However, the rules also take care of details of procedure to be followed by the three tiers of local bodies which incurring expenditures out of the panchayat fund.

The acts and rules in Himachal Pradesh, thus, as already stated have initiated the process of financial powers to Panchayats. However, both in terms of autonomy and citizen engagement in these financial processes, a lot needs to be done. The salient points which emerges are:

- A service delivery role of the panchayats has not yet been clearly out lined.
- Resource raising powers are limited
- No link between expenditure to be incurred and resource to raised/provided is there. Thereby, indicating that so far, the local bodies have not been perceived as a tier of government.
- Procedures for accounting and expenditures have been laid down but since have been envisaged primarily as grants- in aids and schemes funds, the role defined for these bodies does not go much beyond being agents of the state government and spending agencies.

Chapter 6

Gaps and Recommendations

6.1 The Gaps

Reviewing the implementation of the Swajaldhara schemes in the state, the following gaps in synchronizing the same with the present set up; the following gaps have been identified at various levels.

6.1.1 At the Gram Panchayat level

In the state VWSC is a user/beneficiary level committee and formed by the beneficiaries/users for the sanctioned schemes. These VWSC are mostly registered societies/NGOs under Societies Registration Act 1860. State government hasn't issued any notification regarding the formation, role and responsibilities of the VWSCs. The officials are following the guidelines of the Swajaldhara and facilitating the formation of VWSCs as registered societies under societies registration act 1860, where as perusal of the Swajaldhara guidelines clearly mention that the GP has a central role in the formation and functioning of the VWSC. Swajaldhara guidelines clearly spell out that the VWSC will work under the GP and will implement the Swajaldhara schemes in the GP. The chairperson of this committee would be pradhan /elected member of the GP but it was observed during the field visits that the committees are working parallel to the GPs and have either no or a partial functional linkage. The village proposing for the scheme forms a society (NGO) and gets it registered under the society registration act, 1860 and calls it VWSC. There is no consultation with the gram panchayat during the formation of the committee.

Another important and crucial aspect is the devolution of the functions to the Gram panchayats, though the state government has from time to time devolved certain functions to these bodies but corresponding devolution of finances and functionaries backed with adequate powers to ensure accountability of the functionaries to these bodies is an important prerequisite to the devolution of functions to these bodies. A case in point is the devolution of certain functions of the IPHD to the G.Ps like the handing over of the hand pumps to the G.Ps which was withdrawn later

Case Study-1

Name of the Village : Nherla
 Name of the Panchayat : Bandkala
 District : Sirmour Number of households: 30

The village Nherla is a small village situated at a distance of around 30 kilometers from the district headquarters of Sirmour i.e. Nahan. The village is surrounded by dense forest and hills. The caste composition of the village is homogenous i.e. the residents belong to single caste, Brahmin. The residents of the village Nherla were facing acute problem of shortage of drinking water supply. To overcome the problem of water supply, they contacted the IPH department for help. The IPHD told them about the pilot scheme under the water sector reforms. The community had to contribute 10% of the total cost of the scheme and was also solely responsible for Operation and Management (O&M) of the scheme.

The community accepted the terms and conditions of the scheme and consequently the scheme Village water and Sanitation Committee was formed and registered. Shri Harichand was chosen as the pradhan, Shri Narendra as Up-Pradhan and Kishanchand as the member secretary. The scheme was a lift scheme and cost around Rs. 7 lacs. The scheme was completed in 2003. A tank of 20 kilolitres was constructed. The community contributed the 10% of the scheme cost. The major part of the contribution was through labour. The VWSC managed to save Rs. 76000 on the completion of the scheme.

The committee has made certain byelaws, which are followed by the consumers. The residents have also signed affidavits that if they fail to cooperate in smooth functioning of the committee or fail to pay the charges on time then the committee is authorized to disconnect their water connection. Rs. 30 is being collected from each family and the water tax. No categorization on the payment of the tax has been made and it is uniform for all the families. Consequently, Rs. 900 is collected every month as water tax. Rs. 600 is paid to the operator and around Rs. 200 is paid as electricity.

The meeting of the VWSC takes place every 10th day of the month. However frequency may increase as per the need or in case of any emergency. The scheme serves a population of 300.

The committee is an independent society registered under the societies registration act, 1860. there is no linkage between the VWSC and Panchayats. IPH too has not given any kind of training to the committee members or the community.

Though, scheme is running successfully in the village. But it is to be noted that the scheme is a single village and the composition of the village too is homogeneous. All residents belong to one caste only. Hence the chances of the conflicts become very low. Whatever may the reason be, but it is a perfect example of demand driven community managed water supply scheme.

Case study 2

Clash between the Pradhan and VWSC
 Name of Village: Mithiberi Name of Block; Sahaspur
 Name of District: Dehradun No. of households: 180

The village Mithiberi is divided into two parts- New Mithiberi and Old Mithiberi. New Mithiberi is relatively recently built and is suffering from an acute water crisis. As a result it was selected for the SWAJAL scheme. However, Garhwal Jal Sansthan was supplying water to old Mithiberi, which was poor in quality. A woman pradhan in Mithiberi lent her active support to this initiative initially. However during the selection of the office bearers in the committee, she became angry, as she did not want to support the current Chairperson and desired one of her own candidates to be the chairperson. From the beginning, the pradhan had not been in favour of the current chairperson's entry into the VWSC. Since the people had nominated the chairperson from the cluster, she could not go on resisting his appointment, but she kept up her campaign of opposing him throughout. This enmity has an old history. From the very beginning, the families of these two have been contesting panchayat elections; both accused each other of criminal backgrounds and murders that were once the regular feature of the village. The current chairperson had also contested elections for the post of pradhan in the previous elections and had lost by marginal votes. With SWAJAL, he is emerging as a strong leader in the community, which is also resented by the pradhan. Other members in the committee have been successful in building a very good relationship with the community; this also makes the pradhan feel insecure. The treasurer is a very strong opponent, to contend with next year for the seat of pradhan because of her rising support in the community. She is currently a ward member and has stopped attending panchayat meetings. The day the chairperson was selected, the pradhan withdrew her support from the project. This resulted in slowing down of work in Mithiberi. Despite being a batch II village where the work should have been completed by September 2000, stand posts and private connections remain to be given to the people. There is an acute shortage of water; people are desperate to get water as soon as possible. The pradhan has put lot of pressure on WB, SO and DPMU to withdraw the project. Since people wanted the project to continue, the project remained in the village but this intensified existing conflicts. The pradhan is determined to jeopardize every effort of the committee, while the committee is keen to perform effectively as now it has become a prestige issue. There are conflicts and clashes that ruin relationships. The pradhan carried out demonstrations against SWAJAL. She sat on dharna (demonstration) and refused to get up when the pipes were being laid. Grit, determination and support of villagers enabled the committee to sustain its activities. The chairperson along with some energetic members in the committee could approach the electricity department to give an electricity connection to the village for running the pump. The electricity department and engineers were threatened by the pradhan. They refused to work unless the committee and the chairperson were with them in the village while providing the electricity connections. The pradhan in the meantime asked Garhwal Jal Sansthan to provide water in the village, which had remained thirsty and neglected for many years. Garhwal Jal Sansthan pipes were also laid and the Garema project was taken up managed by the Pradhan's support groups. One hand pump is installed under Garema near panchayat bhavan. The pradhan accuses the committee of mismanaging the scheme and fooling people. The committee says these charges are baseless.

At present the VWSCs are just independent bodies registered under the societies registration act, 1860. They are neither accountable to the PRIs. Once these committees are constituted and the project is over, certain influential members wrest control of these committees and the marginalized sections/community slowly lose their voice, are sidelined, where as in the GPs the institution of gram sabha provides the much needed space for the people to deliberate and play a role in the decision making processes at the grass root level

Case study 3

One Person show: No Confidence motion against the chairperson (under Swajal)

In Laxmipur, there appears to be some resentment within the Committee against the Chairperson. A couple of members alleged that the Chairperson is very dominating and decisions are not taken democratically. A

member and also a up pradhan (second in command to the village headman) shared that he had initiated a 'no- confidence' motion against the chairperson for this reason, but withdrew it later, on humanitarian grounds. He still appears keen to replace the existing chairperson. While the chairperson said that he had resigned voluntarily as he was over burdened by the VWSC responsibilities, but was forced to withdraw his resignation by DPMU and SO. SO had discussions with members and had asked that a chairperson will have to give maximum time and since chairperson was working hard, there was no point of removing him unless some body equally devoted and committed could lead the committee. The members knew that the time, chairperson was able to devote was not everybody's cup of tea. So eventually he stayed on in the committee as chairperson. He blames up pradhan for his vested political interest as up pradhan is interested in contesting for the post of pradhan in the forthcoming elections. The chairperson, however, is also keen to contest elections for the same post in elections. And both feel that good work in the community through SWAJAL can help them gain political leadership. The chairperson also accuses other members and treasurer for not taking interest as a result he has to do most of the things on his own. He informed that that the treasurer has been removed from the committee (her name has also been scratched off from the list of members painted on the wall of the committee's office) because she was unable to devote the required time; the treasurer herself denies any knowledge of it. Though she agrees that Chairperson looks after the accounts etc. and does most of the work himself from collecting water tax to other external work. Other members acknowledge that he as a leader could take good care of the project, which at this stage does not need regular VWSC meetings.

- It has been observed in various studies that in majority of the cases there is no clear cut functional relationship between the gram panchayat and the VWSCs, many a time panchayats are hesitant to help the VWSC and a tussle of power over another institution take place.
- It is not only with the case of VWSC but there are so many project initiated committee which are functioning parallel to the PRIs i.e. forest committee, PARIKAS and village education committee etc. It has been found and raised in many studies that;
- Project-initiated committees and their sense of project ownership often disintegrate when the funding and assistance end. PRIs persist despite the comings and goings of state administrations, or program cycles.
- State ministry line departments – such as for forest management - see user committees as contractors. There is a very centralized approach with users dependent for funds and property rights on a department or project. Local governments should not be extensions of the state or mere implementers of state schemes.
- Various user groups have been set up under different projects to ensure implementation, monitoring and maintenance of the assets created under that program. Such structures should be organically linked to the PRIs at appropriate levels primarily at the gram panchayat level so that information about and support to this could be available to gram/ward sabha through its periodic meetings. A sense of participation, ownership and control of such assets by the primary stakeholders is essential for deriving sustainable benefits from such programs

Case study-4

Name of the Village : Maryog Name of the Panchayat : Dadi
District : Sirmour Number of households : 25

Mariyog is a small village in Pacchad block of Sirmour district and is situated at a distance of 23 km from Solan. The population of the village is around 250. Similar to the case of Nherla village, Mariyog got the pilot scheme of water under the water sector reforms. The village is slightly heterogeneous in nature, but all the residents belong to upper caste. Some are Brahmins and some are Rajput. There was no SC/ST community. The scheme is gravity. The source serves the need of two villages under two different schemes. There are total 12 members in the VWSC out of which 4 are women. The society is registered under the Society Registration Act, 1860. The scheme cost Rs. 4.628 lacs. The community contributed 10% of the total cost. Like Nherla village, majority of the contribution was made as labour. Those who did not contribute, as labour has to pay the amount of Rs. 1500. The tank is of 25 thousand liters. Though the scheme is designed for a total storage capacity of 25 kl but the water reserve does not exceed 8-10 kl.

The committee has categorized the tax payment/ there are 3 categories. Rs. 20 for private connections.

Rs10 for public connections/stand posts

Rs.5 for daily wage laborers.

No training has been given to any of the committee members. Neither the IPHD tests the water quality. The chairperson of the committee is the operator and he also chlorinates the water. The village was slightly heterogeneous in nature. But then also conflicts were seen. There were no linkages of the committee with the PRIs. The committee had conflicts with the PRIs too. None of the panchayat members were included in the membership of the committee when asked what if the operations and management is handed over to the PRIs, the chairperson of the committee very candidly observed that he was not sure that the GPs could handle the scheme and deliver the services in a fair and impartial manner as these bodies are involved in intrigues in all other routine matters. In this village too complexities of conflict are less, as the scheme caters to a single village. But having a slightly heterogeneous demography has no doubt resulted in some minor disputes and conflicts.

6.1.2 At the Panchayat Samiti Level

Presently no role has been assigned to the panchayat samiti in the implementation of the Swajaldhara in the state. The guidelines of the Swajaldhara explicitly mention that in case if a scheme covers more than one-gram panchayat a joint Committee may be constituted at the intermediate panchayat level by involving concerned gram panchayat representatives and the intermediate panchayat chairperson. But in reality the intermediate level has not been involved in the implementation of the schemes.

6.1.3 At the Zila Parishad Level

Under the section 95 of the HPPRA, 1994, the zila parishad shall have five standing committees. One of these committees is the Education and Health committee. The function of this committee is to look after the health services, hospitals water supply etc. The guidelines of Swajaldhara state that there should be a committee of zila parishad (DWSC), which will look after the affairs of Swajaldhara at the district level. Hence there will be two committees at the district level serving the same purpose. Moreover the state government has already issued notification no- PBW (PH) F (5)- 8/2002-I on 31st March 2004 directing that the DWSC will be a committee of zila parishad and the function of this

committee is to scrutinize and provide technical sanction to the proposals received. In light of this it is necessary to establish a proper functional linkage between these two committees. Another interesting fact is that there is no provision to include members of the zila parishad in the DWSC

6.1.4 At the State Level

The Swajaldhara guidelines require the state government to enter into memorandum of understanding (MOU) with the department of Drinking Water Supply, Ministry of Rural Development, Government of India. It further states that there would be commitment of the state government to the reform principles in the water and sanitation sector and to promote through out the state, the Swajaldhara principles. It further states that the state government would be required to prepare a comprehensive vision statement, action plan and agreed time frame for initiating and scaling up reforms in the sector addressing issues like institutional reforms, capital cost sharing principles, water tariff/charges, operation and maintenance of systems and institutional mechanism for implementation, role of Panchayati Raj institutions, NGOs and CBOs, water quality, water conservation measures including legislative action.

The state government has yet not prepared the mission vision action plan and the memorandum of understanding with central government is still to be signed.

6.2 Recommendations

In light of the above study and the review of pertinent literature the following suggestions are recommended to synchronize the Swajaldhara guidelines with the current set up.

6.2.1 At Gram Panchayat Level

VWSC to be an integral part of the G.P: Ideally the VWSC to work, as an effective body should be the standing committee of the gram panchayats and vide section 23.6 of the HPPRA-1994 the G.Ps are empowered to form any number of committees in their respective jurisdiction as the need may arise.

The gram panchayats are empowered under section 100-101 of HPPRA-1994 to levy tax and fees, subject to such maximum rates as the government may fix (Under sec. V of Of the State Water Supply Act 1968). However the power of deciding the ceiling of the tax or fee should be with the panchayat and not with the state government. If the O&M is managed by VWSCs of the panchayats then the power of deciding the ceiling of the tariff should be with the committee. Keeping in mind the long-term sustainability of these schemes it would be advisable that the state government fixes the lower limit of the water tariff.

Moreover, if the responsibility is handed over to the PRIs then there should be clear demarcation of the responsibilities between the VWSC and the works committee of the panchayat.

The HPPRA-1994 under section 187 empowers the gram panchayats to make byelaws consistent with this act. Further subsection 2 of this act specifies that the G.P may direct that a breach thereof shall be punishable with a fine which may extend to gram panchayats should get the VWSCs constituted in the gram sabha and the byelaws in conformity with the Swajaldhara guidelines can be framed by the G.P it self.

The state government should effect changes in the HPPRA-1994 and notify that the VWSCs are constituted, as standing committees of the Gram panchayat or alternatively, 2 members of the VWSC could be co-opted as members of the works committee to ensure more synergy between the VWSC and the G.P

However the G.Ps should be provided with a set of model byelaws providing the details of forming this committee.

6.2.1.a Suggested Model Byelaws for VWSC

1. Jurisdiction

1. The jurisdiction of this committee encompasses wards covered for the rural waters supply/Swajaldhara and sanitation activities in the gram panchayats to be implemented under the state/central government's investments Swajaldhara

2. Purpose/objectives:

- The objectives/purpose of the constitution of the VWSC is the following:
- To work as a standing committee of the gram panchayat and be responsible for all the activities related to water supply and sanitation in the village.
- To disseminate the knowledge and to create awareness among the community about water and sanitation sector in general and activities to be taken under Swajaldhara
- To mobilise beneficiaries for group action especially in respect of community contribution in cash, kind, labour and other form towards the capital cost of the water supply under Swajaldhara.
- To plan, implement and operation and maintenance of the amenities related to water supply projects
- To ensure equitable access/supply to all households including the hamlets.

3. Composition:

The composition shall be including:

- The representative of the gram panchayat from the said Ward or as decided by the gram sabha
- Representatives of Community based organizations (mahila mandals, Yuvak mandals, self help groups, farmers associations and other gram panchayats level institution)

The following shall be ex officio members:

- Secretary/panchayat sahayak of the gram panchayat
- Assistant Engineer/Junior engineer/Technical assistant attached to the Gram panchayat
- Multi purpose health worker/male/female health worker within the jurisdiction of the village.

In the committee it shall be ensured that:

- Not less than 1/3 of the total members are women
- Not less than 18% of the members belong to the SC/ST (if there is SC/ST population in the village)
- The total numbers (other than the gram panchayat) shall not exceed eight.

The term of the VWSC shall be co-terminus with the term of the gram panchayat. The chairperson of the works committee should be the chairperson of VWSC and it should work till the newly elected gram panchayat reconstitute.

Where the chairperson of the works committee is not the resident of the project area/Ward, a chairperson to the committee from among the resident gram panchayat elected representative from the project site/ward

The Vice-chairperson and a treasurer of the committee shall be selected/ elected from among the committee members. The vice chairperson shall chair the meetings of the committee in the absence of the chairperson. At least one of the three chairpersons, vice chairperson and treasurer will be women.

All the members of the committee should be selected/ elected in the gram Sabha meeting.

4. Functions of VWSC: -

The functions of VWSC shall be the following:

Planning:

- To decide upon resource mobilization and seeking necessary, external help through gram panchayat, for planning water supply projects.
- To plan for construction of new facilities including deciding on resource selection, service level; technology choice, design, layout/locations service level or rehabilitation of the existing water supply schemes and planning for conservation and water harvesting.
- To participate in the preparation of the community action plans encompassing technical details scheme report, financial-deciding, fixing and mobilizing community contribution and institutional aspects including procurement, supervision etc.

5. Managing the activities:

- The VWSC shall be responsible to ensure that all the activities related to the scheme implementation take place within the agreed time frame. The administrative overheads shall be provided to the VWSC.
- The VWSC Shall also issues a tender notice through gram panchayat for the implementation of the scheme, if needed.

6. The VWSCs shall facilitate and co-ordinate the implementation of the project in its geographic areas within the GP. In cases villages are large or in case when more than one scheme is required within a Panchayat, the VWSC shall recognize the beneficiaries level water and sanitation groups or a beneficiary level water and sanitation committees as the implementing and operating institutions and shall recognize BSG/BWSC/WUAs as the owners of the assets under the project.

7. Managing the construction of the scheme & community development activities:

The VWSC shall be responsible for the overall implementation of construction and community development activities. The construction activities are to be implemented in accordance with the approved detailed project report herein after referred to as the DPR. The community development activities are to be implemented as per various guidelines/ finance manual /instructions issued.

8. Managing the procurement of the materials of satisfactory quality & its storage:

The VWSC shall be responsible for managing the procurement of materials and their storage. They may, however, take the help of any NGO/private or Public agency for the purpose or even entrust the entire work to them. But the overall responsibility shall remain with VWSC. Such organizations hired by VWSC for various specific activities would be called support organizations hereinafter referred as SO.

9. The VWSC shall utilize the services of the SO for availing the necessary technical assistance and community development services for implementing the Project.

10. The VWSC shall provide necessary support and monitor the activities of the SO and shall be responsible for actual implementation of project through the SO.

11. Operation of Bank Account

- The funds received for community development and construction work both from community contribution and the DWSSM shall be deposited in the bank account of G.P/VWSC
 - Bank account to be operated under the joint signature of two representative of G.P/VWSC.
- The G.P/VWSC shall be responsible for maintaining the books of accounts.

12. The VWSC shall maintain separate books of accounts as per the Finance Manual or as specified by the DWSSM/ZP and make available the same to verify, scrutinize and audit the books of accounts and connected records on a periodic basis. The VWSC shall rectify the defects, anomalies or deficiencies pointed out by the auditing at the earliest.

13. Monitoring of inputs and progress:

The G.P./VWSC shall be responsible for monitoring the progress of the work and to provide accurate reports to DWSC (Through DWSC). The VWSC shall maintain a visit register for the staff of the DWSC/DWSM/SWSM/RGNDWM to record their visits. The VWSC is required to inform the DWSC of any serious problems that may arise.

14. The VWSC shall submit timely to the GP and DWSC the statements and periodical returns on the implementation of the schemes as stipulated from time to time.

15. The VWSC shall ensure that the BWSGs are getting the plan appraisal and technical sanction for the schemes as well as approval of power connections and other clearances, which may be required.

16. The VWSC shall organize a federated arrangement for all the BWSGs coming within a VWSC for conflict resolution, SO evaluation, selection of beneficiaries, VWSC level activities etc.

17. The VWSC shall provide all information to the DWSC as may be required from time to time.

18. The VWSC shall utilize the equipment, software and personnel provided by the projects for the furtherance of the project objectives alone.

19. The VWSC shall release the funds to the BWSG/SO within one week of the receipt of clearance from DWSC. In case the VWSC/GP is not satisfied with the work of the SO/BWSG they may take it up with DWSC within one week of receipt of the clearance and the dispute will be left to the arbitration of chairperson of the DWSM or the SWSM.

20. The VWSC shall make all payments on time subject to fulfillment of prescribed conditions.

21. The villagers and VWSC on behalf of villages should undertake to shoulder the entire responsibility of operation, maintenance and management of the scheme, subsequent to its commissioning and handing over to the VWSC. Entire expenditure toward the above activities would be borne and managed by the VWSC through beneficiaries' contribution and supervision. The VWSC shall maintain separate registers for the above activities and this could be checked at any time by the gram sabha as social audit (under section 7.1.e of HPPRA, 1994). The expenditure in respect of the up gradation/replacement of the scheme in future as per the then requirement would also be borne by the VWSC through beneficiaries' contribution, which may commence along with contribution for routine O&M.

22. Construction Quality Control: The G.P./VWSC may request the DWSC to authorize an engineer to be responsible for the supervision and quality control of the construction for the scheme. The VWSC may also take the help of DWSC to under-take necessary insurance coverage. The DWSC may under a separate contract appoint a service agency for construction supervision or assign the responsibility to the officers/engineer concerned of the local area of the line engineering department of the state government. The officer/engineer/agency such assigned would hereinafter refer to as SA. The SO shall cooperate with the SA in ensuring construction quality.

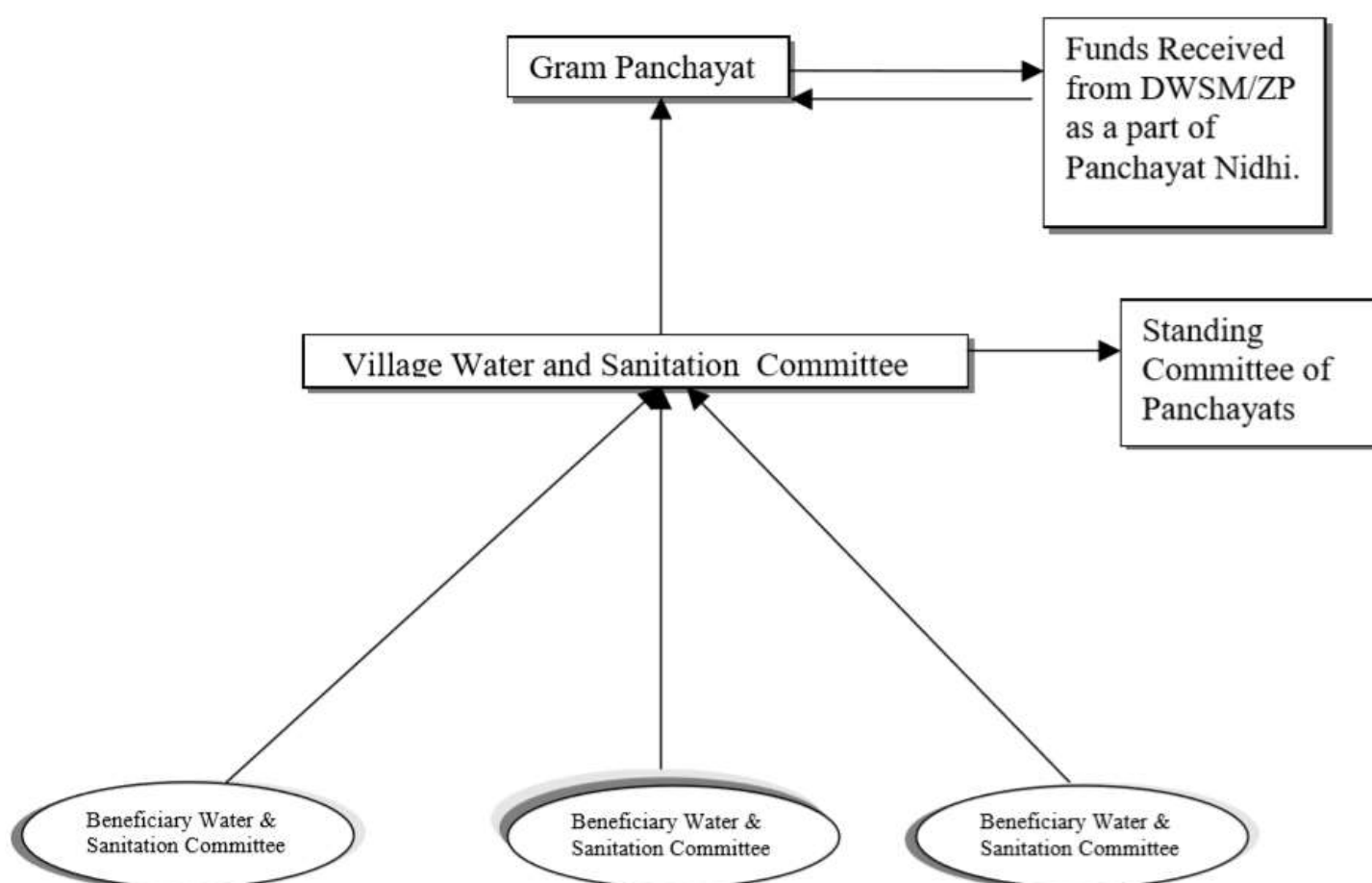
23. The G.P./VWSC shall take initiative to get the scheme insured in consultation with DWSC. Even if initially DWSC may bear the insurance charges including premium subsequent installment of the premium should be borne by the VWSC with community contribution.

Swajdhara Guidelines specifically mentions that the funds will be transferred to the VWSC. It would be advisable that the fund for the Village Water and Sanitation Committee (VWSC) should be a part of Panchayat Nidhi. Then only can we ensure a functional linkage between the two bodies.

The GP will be responsible for fund flow to the VWSCs, accounts management, auditing, and conflict resolution. The Village Water Supply & Sanitation Committee (VWSC) will be responsible for scheme planning, designing, procurement, construction, O&M, community contribution (capital and O&M), tariff fixation and revision, accounts management and auditing.

The funds will flow from the state water and sanitation mission to the District Water & Sanitation Mission (DWSM), to be finally allocated to the select GPs. The fund should be transferred to the 'Panchayat Nidhi' (account) of the concerned GP. The GP is responsible for allocating these funds to the concerned village Water Supply Sub-Committee (VWSC). Each user committee will operate separate capital and O&M bank accounts. Information regarding the amount of funds available for the scheme implementation will be disseminated locally and transfers to VWSC will be periodically monitored for timeliness and completeness.

Proposed Framework for Institutional linkage b/w GP and VWSC



6.2. 2 At Panchayat Samiti Level

The General standing committee of the panchayat samiti is empowered under the section 85(1) of the HPPRA-1994 to perform functions relating to water supply, moreover section 25 of the same act provides that if two or more gram sabhas are jointly in transacting any business, they may delegate the joint committee or panchayat samiti, power, with such conditions as they may think proper to impose, to frame any scheme binding on each gram sabha as to the construction and maintenance of any joint work and as to the power which may be exercised by any such sabha in relation to such scheme.

Institutional responsibilities and fund flow under Swajaldhara Scheme

The devolution of funds, functions and functionaries will gradually evolve a new set for responsible institutions arrangements at the state, district and GP level:

State Level Institutions: the Drinking Water Department (DWD) will be the coordinating agency for Rural Water Supply Projects and the panchayati raj Institutions will be the implementing agencies. The state water and sanitation mission under the Chief Secretary will be responsible for policy formulation, review, fund flow, approval of the annual plans, budget allocation and monitoring and evaluation. The program support unit will assist the DWD and the SWSM for the coordination and implementation of the program.

District level Institutions: The DWSM will be responsible for reviewing the implementation and progress, including review of schemes appraised by the district water and sanitation committee and flow of funds. The DWSC will be responsible for appraisal and approval of schemes, selection of GPs, selection of Support Organizations (SOs), and monitoring & evaluation. The District Project Management Unit (DPMU) will be responsible for project implementation and management at the district level.

Gram panchayat and Below Institutions: The GP will be responsible for fund flow to the user sub-committees, accounts management, auditing, and conflict resolution. The Village Water Supply & Sanitation Sub-committee (VWSC) will be responsible for scheme planning, designing, procurement, construction, O&M, community contribution (capital and O&M), tariff fixation and revision, accounts management and auditing.

The funds will flow from the State Water and Sanitation Mission to the District Water & Sanitation Mission (DWSM), to be finally allocated to the select GPs. The fund will be transferred to the 'Gram Nidhi' (account) of the concerned GP. The GP is responsible for allocating these funds to the concerned village Water Supply Sub-Committee (VWSC). Each user committee will operate separate capital and O&M BANK accounts. Information regarding the amount of funds available for the scheme implementation will be disseminated locally and transfers to VWSC will be periodically monitored for timeliness and completeness.

Source: -World bank (2006) India water Supply and Sanitation, Bridging Gap between Infrastructure and services, World Bank

Involvement and according a more functional role to the intermediate level is required and if at any stage the department of IPH decides to transfer these schemes to the PRIs, a very relevant question is that to which tier of the PRIs would the multi panchayat schemes be handed. The involvement of the intermediate level is necessary for avoiding confusion in the institutional linkage.

6.2.3 At Zila Parishad Level

The state government has notified the formation of DWSC under the notification number PBW (PH) F (5)-8/2002-I. But interestingly there is no member of zila parishad in this committee. This basic function of the committee is to scrutinise and provide technical sanction to the proposals received; there should be at least one member of zila parishad in this committee.

The anomaly of having two committees serving the same purpose needs to be removed or a proper linkage should be established between these two committees. Moreover, due representation should be given to the zila parishad members in the DWSC.

6.2.4 At the State Level

The state government should prepare the mission vision, action plan along with a detailed road map. Memorandum of Understanding between the state government and the Department of Drinking Water Supply, Ministry of Rural Development, government of India should be signed. The state government should on priority basis devolve functions related to rural water supply to the PRIs; these should be backed with adequate allocation of functionaries and finances.

The government should prepare a detailed plan of handing over of the rural water schemes to the respective PRIs in a phased manner only after the departments of IPH and Panchayati Raj have undertaken assessment of the schemes along with the respective PRIs. In order to create an enabling environment the government should ensure that the department of IPH organises orientation trainings for its field staff who as the experience has shown are reluctant to coordinate or work under the administrative control of the PRIs.

So that the PRIs are able to handle and manage these schemes, a need assessment of their requirements should be undertaken and accordingly prior to handing over Capacity building trainings for the elected representative of the PRIs/members of VWSCs should be organised which should definitely include issues like community mobilization, monitoring management aspects, besides this basic technical training in order to carry out minor repair should also be provided to these representatives of these Committees.

Till now much focus has been accorded to delivery aspect of water and conservation has not received the desired and required focus, the government should accord priority to this aspect and accordingly take appropriate action.

The state government should undertake complete activity mapping aimed at clearly demarcating the responsibilities and rights of three tiers of panchayati raj system with respect to their respective functions, funds and functionaries and issue necessary notifications transferring schemes based on activity mapping. A MoU dated 29th May 2006, has also been signed between the Ministry of Panchayati Raj and the Government of Himachal Pradesh on the activity mapping of the panchayats. The issue of activity mapping was also taken up in the 1st round table conference (dated 24th-25th July, 2004) of the seven round table conferences organized by Ministry of Panchayati Raj and it was proposed that the state governments should undertake the activity mapping by the financial year 2004-05.

6.3 Immediate steps needed to be taken for the implementation of Swajaldhara in the State

	WASH	IPH	PRI
Need assessment	Identification of the gram panchayat/ward for implementation of Swajaldhara on pilot basis	Identification of the village (single and multi village/panchayats)	GP should call gram sabha undertake assessment study on the need at the
	Shall facilitate gram panchayat in calling the gram sabha /ward sabha meeting for the assessment of the need of the community	Facilitate the gram panchayat to assess need for water at household level covering the following points- Hygiene, Drinking water, Cooking and Animals/Livestock in consultation with the community.	The GP/VWSC should assess supply/sources of water and draws up priorities and allocates resources.

	Facilitate the proceedings of the gram sabha/ward sabha ensure the participation of chowkidar, patwari, and village level Functionaries of IPHD and Forest department through gram panchayat.	Facilitate gram panchayat to assess the supply/sources of water (ground, surface, ponds, river, and tanks) and draw up priorities for use and allocate resources accordingly in consultation with gram sabha/gram panchayat/VWSC.	Draw up priorities for use and allocate resources by taking the technical help from the IPHD and WASH.
	Facilitate the survey through the gram panchayat/VWSC to asses need for water at household level covering the following aspects- Hygiene, Drinking water, Cooking and Animals/Livestock	Develop training module on the devolutions to PRIs in consultation with PRI training institutions (Mashobra) and CSOs with proven track record on training specialization.	
	Facilitate gram sabha to asses supply/sources of water (ground, surface, ponds, river, tanks)		
	Help gram sabha to draw up priorities for use and allocate resources accordingly in consultation with gram sabha		
	Facilitate the gram panchayat to call the		
	gram sabha/ward sabha meeting and share the findings of the assessment survey.		
VWSC	Facilitate gram panchayat to call the gram sabha/ward sabha meeting for the formation of VWSC.	There should be a notification or the guidelines for the VWSC by IPHD. It is clearly mentioned in the Swajaldhara guidelines that the VWSC will be a standing committee of the panchayats. So if IPHD prepares the guidelines for the VWSC this will help in easy formation of VWSC by gram panchayats	The gram panchayat should form VWSC in the gram sabha meeting as a sub committee of works committee or the standing committee of the gram panchayat.

	Facilitate gram sabha to decide the members of the VWSC in the gram sabha (not less than one third of the total members should be women. There should also be representatives from community-based organizations like Yuvak Mangal Dal, Mahila Mangal Dal, SHG, etc.)		The GP should form the VWSC as per the issued guidelines.
	Facilitate/help gram panchayat to form the by laws of the VWSC in consultation with the gram sabha..		The gram panchayats should take the responsibility of the approval of plans by the Zila Panchayat
	Facilitate the formation of VWSC as a sub committee of works committee or as a standing committee of panchayat.		The gram panchayat should decide the tax rate in consultation with the gram sabha.
	Capacity building of VWSC on the devolution in panchayats with special reference to water supply		
	Also train the VWSC on the conservational aspects of the sources of water.		
	Impart training to VWSC on the planning and management aspects.		
	Facilitate the plan to be made by VWSC and get its approval in the gram sabha.		
	Impart training to VWSC on social mobilization and community participation.		
	Facilitate the collection on the contribution from the community		
	Capacity building of the VWSC on account		

	Facilitate the opening of bank account of the VWSC. But the funds should be a part of the Panchayat Nidhi.		
	Contract paper to be signed by the VWSC/GP before taking over the charge of O&M of the scheme.		
	Capacity building of the VWSC on basic technical aspects of O&M of the scheme and repair of simple breakages of pipelines, etc		
Capacity Building	Develop training module and IEC material in consultation with CCDU on the technical aspects of the training.	CCDU should prepare capacity building module and IEC material in consultation with WASH on technical aspects	
	Develop the training module on devolutions in panchayati raj with the consultation of PRI training Institution (Mashobra) and CSO with experience of working with panchayats.	Develop training module on the devolutions to PRIs in consultation with PRI training institutions (Mashobra) and CSOs with proven track record on training specialization.	
	Identify the target groups for the training programs like VWSC members, PRI representatives, Aanganwadi workers, health workers, local NGOs etc	Organize training program for the master trainers (TOT) on social mobilization and technical aspects.	
	Support the PRI training institute (Mashobra) financially and with resource person for imparting training to the identified trainees.	Identify the trainees for the training programs like VWSC members, ERs, Aanganwadi workers, health workers, local NGOs etc.	
		Organize training program for the identified trainees.	
		Also organize training for Panchayat Samiti members in case of multiple panchayat schemes.	

Operation and Management	Arrangement of proper training programs related to O&M of the schemes.	Arrangement of training programs related to O&M of the schemes	GP/PS shall supervise, monitor construction, repair, and maintenance of the water supply systems (allocated to IPHD or any other agency).
	Adopt or determine methods for maintenance and repair of the scheme.	Handover the O&M to panchayats and in case of multi panchayat scheme to the Panchayat Samiti	The gram panchayat should collect the tariff of the water connections.
	Sign a contract with VWSC/GP with the approval of gram sabha.	Provide technical and material support to the VWSC.	The gram panchayat should also maintain the register for the tariff collected.
	Hand over the O&M responsibility solely to Panchayats.	Regularly test the quality of the water supplied.	
	Provide technical and material support to the VWSC.	Sign a contract with VWSC/GP with the approval of gram sabha before handing over the scheme.	
Activity Mapping		The IPHD should do an activity mapping of the PRIs and IPH functionaries with special reference to rural water supply in order to devolve funds, functions and functionaries to the panchayats	
Policy Reforms	Hold a multi stakeholder dialogue with IPH, PRIs, Directorate of Panchayati Raj and civil societies on the issues of role of Panchayat Samiti in Swajaldhara and	As per the guidelines of Swajaldhara, the department should prepare the memorandum of understanding to be signed with the central government and also	Swajaldhara scheme should be a part of the annual plan of the gram panchayat.
	inclusion of ZP member in DWSC etc	prepare the road map and the detailed vision mission action plan	
		Issue notification for the inclusion of at least one ZP member in DWSC.	Proposal of schemes should be routed to ZP through Panchayat Samiti

		Only the state government should decide the lower ceiling of the tariff. The power of deciding the upper ceiling of the tariff should be devolved to panchayats.	ZP/DWSM shall commission annual evaluation of the working of the water supply and share the same with GPs.
		Power of issue of the water connections with the prior approval of government should also be devolved to panchayats.	
		DWSC should be notified as a sub committee of the Education and Health Committee of the zila parishad or according to the notification dated 31st March, 2004, and numbered	
		There is an overlapping of the circles with the administrative units (blocks, districts and division). This anomaly needs to be removed. the circles to be redefined with the boundaries of panchayat samiti, zila parishad and the administrative blocks.	

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ABBREVIATIONS

ARWSP	Accelerated Rural Water Supply Program
AE	Assistant Engineer
ANM	Auxiliary Nurse and Midwife
BC	Backward Class
BWSC	Beneficiary Level Water and Sanitation Committee
BDO	Block Development Officer
CAA	Constitutional Amendment Act
CAG	Comptroller and Auditor General
CBO	Community Based Organizations
CPC	Central Planning Committee
CEO	Chief Executive Officer
CSO	Civil Society Organization
CCDU	Communication and Capacity Development Unit
CWP	Civil or Criminal Withdrawal Proceedings
DRDA	District Rural Development Agency
DPC	District Planning Committee
DPO	District Panchayati Raj Officer
DPMU	District Planning and Monitoring Unit
DWSC	District Water and Sanitation Committee
DWD	Drinking Water Department
ER	Elected Representatives
EE	Executive Engineer
GO	Government Order
GOHP	Government of Himachal Pradesh
GOI	Government of India
GP	Gram panchayat
HAS	Himachal Pradesh Administrative Service
HP	Himachal Pradesh
HPPRA	Himachal Pradesh Panchayati Raj Act
HRD	Human Resource Development
I.A.S.	Indian Administrative Service
IEC	Information Education and Communication
IPHD	Irrigation and Public Health Department
JE	Junior Engineer
MLA	Member of Legislative Assembly
MP	Member of Parliament
MORD	Ministry OF Rural Development
MoU	Memorandum of Understanding
NGO	Non Government Organization
O & M	Operation and Management
PA	Personal Assistance
PAC	Public Account Committee
PHED	Public Health and Engineering Department
P&I	Planning and Investigation
PRI	Panchayati Raj Institutions
PWD	Public Works Department
RGNDWM	Rajeev Gandhi National Drinking Water Mission
RWS	Rural Water Supply
SC	Scheduled Caste
ST	Scheduled Tribe
SFC	State Finance commission
Sq. mtrs.	Square meters

Annexure-I

Schedule-I

Functions of Gram Panchayats

1	Sanitation, conservancy and prevention and abatement of nuisance;
2	Construction, repair and maintenance of public wells, ponds, tanks and conventional/traditional sources of water;
3	Construction and maintenance of village paths, mule roads and rural roads, culverts, bridges and bunds which are not constructed and maintained by the Public Works Department;
4	Construction, maintenance and cleaning of public streets, latrines, drains, tanks, wells and other public places;
5	Regulating the construction of buildings, latrines, urinals, drains and water closets;
6	Collection and disposal of refuse and earmarking places for dumping of refuse;
7	Filling of disused wells, in sanitary ponds, pools, ditches and pits and conversion of step wells into sanitary wells;
8	Lighting of village streets and other public places;
9	Removing of obstructions and projections in public streets or places and in sites not being private property or which are open to use of public, whether such sites are vested in the Panchayat or belong to the State Government;
10	Management of public land and management and development of village site, grazing lands and other lands vested in or under the control of Gram panchayat;
11	Maintenance of ancient and historical monuments other than those declared by or under law made by parliament to be of national importance;
12	Maintenance of Gram panchayat property;
13	Plantation and preservation of Panchayat Forests;
14	Regulating places for disposal of dead bodies, carcasses and other offensive matters;
15	Disposal of unclaimed corpses and carcasses;
16	Regulation of sale and preservation of meat;
17	Establishment and management of cattle ponds and maintenance of records relating to cattle;
18	Establishment, management and regulation of markets and fairs;
19	Maintenance of records of births, deaths and marriages.

Annexure – II**Functions of PRIs as specified in Schedule- II of Section 11 (2), 83 and 94 of the Principal Act**

1	Agriculture, including agricultural extension
2	Land improvement and soil conservation
3	Minor irrigation, water management and watershed development
4	Animal husbandry
5	Fisheries
6	Social forestry and farm forestry
7	Minor forest produce
8	Small scale industries
9	Khadi, village and cottage industries
10	Rural Housing
11	Drinking water
12	Fuel and fodder
13	Roads, culverts, bridges, ferries, waterways and other means of communication
14	Rural electrification
15	Non-conventional energy sources
16	Poverty alleviation programmes
17	Education- primary and secondary schools
18	Technical training and vocational education
19	Adult and non-formal education
20	Libraries
21	Cultural activities
22	Markets and fairs
23	Health and sanitation, including hospitals, primary health centres (PHC) and
24	Family welfare
25	Women and child development
26	Social welfare- handicapped, etc.
27	Welfare of weaker sections, and in particular of the SCs/STs
28	Public distribution system
29	Maintenance of community assets

Annexure: III

Devolution of Powers Notified vide No. PCH-HA (1) 12/87- dated 31.7.1996.		
1: AGRICULTURE DEPARTMENT		
Zila parishad	Panchayat samiti	Gram panchayat
A. Preparation of Agriculture Production Plan 1. To approve agriculture	1. To consolidate and prepare agriculture production plan in	1. To prepare agriculture production plan for the Panchayat in consultation with
production plans for the Block and consolidate the same at district level in consultation with the Deputy Director, Agriculture & District Agriculture officer of the district.	consultation with the Assistant Development Officer at Block level for submission to the Zila parishad for approval.	the extension staff for submission to the Panchayat samiti for approval.
B. Arrangements for Agriculture Inputs: To consolidate demand of inputs and ensure timely arrangements through the district level officer for its supply to the Blocks/Panchayats	2. To consolidate demand received from Panchayats and submit to the Zila parishad.	2. To assess demand of inputs for timely submission to the Panchayat samiti for arrangements.
C. Agriculture Extension & Training: Monitoring and supervision of agriculture extension activities.	3. Monitoring and supervision of Agriculture extension activities.	3. To conduct demonstrations on improved technology and training of farmers through extension functionaries of the department for the concerned Panchayats.
C. Agriculture Extension & Training: Monitoring and supervision of agriculture extension activities.	3. Monitoring and supervision of Agriculture extension activities.	To conduct demonstrations on improved technology and training of farmers through extension functionaries of the department for the concerned Panchayats.
Soil and Water Conservation: Resource allocation to Panchayat samitis for execution of approved schemes and monitoring and execution performance vis-à-vis resources utilization.	4. Approval of schemes received from Panchayats within resource allocation to be made by the Zila parishad. Monitoring of execution of approved schemes.	4. Identification of schemes in consultation with the concerned local staff of the department for Samiti for approval. Approved schemes shall be executed
Biogas Development: 5. Resource allocation and performance monitoring.	5. Execution of approved cases under technical guidance of the staff of the Department. Performance monitoring.	5. Identification of beneficiaries and submission of proposal to the Panchayat samiti for approval under guidance of the technical

Crop Protection: 6. To consolidate the demand from Panchayat samitis conveyed to the department and obtain the pesticide from department and further	6. To arrange supply of pesticides as per requirement through Zila parishad and distribute through Sale Centres. To ensure closer surveillance of spread of	6. To organise crop protection and pest management campaigns under technical guidance of extension functionaries of the department. To assess
distribute to the Panchayat samitis. Performance monitoring and closer surveillance over spread of diseases/epidemics and reporting to the district/State Headquarter for immediate control measures.	diseases and timely ties with the Zila parishad/State Headquarter for control measures Performance monitoring.	pesticides requirement and place demand to the Panchayat samiti for arrangement of supply/distribution of pesticides under technical guidance of the agriculture staff. To ensure closer surveillance of diseases/epidemics and report to the Samiti/Zila parishad /State headquarters for immediate control measures
2: ANIMAL HUSBANDARY DEPARTMENT.		
1. Planning of animal husbandry programmes in the district.	1. Construction and maintenance of veterinary dispensary buildings in rural areas in the district.	Supervision of milk collection centre/ societies.
2. Monitoring of contagious diseases and popularisation of preventive measures.	2. Conduct of animal fairs, exhibitions, calf-rallies, livestock shows and mild	2. Identification and recommendation of beneficiaries for animal husbandry programme.
3. Implementation of feed and fodder development schemes at district level after approval of the State Government.	3. Co-ordination in respect of policy planning of animal husbandry programme at block level.	3. Periodical supervision and inspection of veterinary dispensary artificial insemination centres in the village and recommend the
4. Supervision of functioning and construction and maintenance of veterinary dispensary building in rural areas in the district.	4. Making recommendations for holding of animal health/sterility	4. To promote the formation of milk/wool/poultry co-operative societies.
		5. To report outbreak of epidemics diseases amongst livestock/poultry to the nearest veterinary institution and Block level functionary of the
3: AYURVEDA & HOMEOPATHY DEPARTMENT		
Zila parishad	Panchayat samiti	Gram panchayat

1. Supervision of the functioning, Construction and maintenance of the hospitals of Indian System of Medicine, including the District Hospitals.	1. Construction and maintenance of building of ISM dispensaries.	1. Formation of Dispensaries Welfare Advisory Committees with representatives of Panchayats, Pharmacist and A.N.M/F.H.W of
		oversee the services provided by each dispensary, improvement thereof and ensure that the Ayurvedic staff reside at the places of postings. The Committee
2. Ensure that Ayurvedic & Homeopathic doctors and staff reside at the places of postings at Hospitals.	2. Organising free medical camps under I.S.M. dispensaries.	2. Up-keep and maintenance of I.S.M dispensaries and quarters.
	3. Construction and maintenance of buildings attached to I.S.M. dispensaries.	3. Organising school health check-up programmes and medical and family welfare camps.
	4. Ensure that the Ayurvedic staffs reside at the places of postings at I.S.M dispensaries.	
4: EDUCATION DEPARTMENT		
Zila parishad	Panchayat samiti	Gram panchayat
1. To assess the requirement of High School teachers, equipment etc. in the district and	1. To supervise the functioning of the middle schools.	1. Ensure full enrolment of school-age children in primary schools.
2. Supervision and monitoring of the quality of education services.	2. Supply and distribution of material and equipments	2. Maintenance of primary school buildings, play grounds etc.
3. Campaign for full enrolment and reduction of drop-outs.	3. To assess the drop-out position and initiate appropriate action to reduce it.	3. Vigilance on regular attendance of primary school teachers and non-teaching staff and students reporting to the
4. Assessment of requirement for hostels of targets group students and plan for them.	4. Distribution of middle school uniform, books and other materials to the target group	4. Assist primary schools in the distribution of study material to the target group students.
5. Supervision of distribution of high school uniforms, books etc. for target group students.	5. Assist in the maintenance of hostels of middle	5. Supervision of mid-day meal scheme.

6. Vigilance on regular attendance of 10+2 teachers and non-teaching staff and students and	6. Maintenance of high school buildings and related infrastructure.	
	7. Vigilance on regular attendance of middle/high school teachers and non-	
		oversee the services provided by each dispensary, improvement thereof and ensure that the Ayurvedic staff reside at the places of postings. The Committee shall be chaired by the Pradhan of Gram panchayat.
2. Ensure that Ayurvedic & Homeopathic doctors and staff reside at the places of postings at Hospitals.	2. Organising free medical camps under I.S.M. dispensaries.	2. Up-keep and maintenance of I.S.M dispensaries and quarters.
	3. Construction and maintenance of buildings attached to I.S.M. dispensaries.	3. Organising school health check-up programmes and medical and family welfare camps.
	4. Ensure that the Ayurvedic staffs reside at the places of postings at I.S.M	
4: EDUCATION DEPARTMENT		
Zila parishad	Panchayat samiti	Gram panchayat
1. To assess the requirement of High School teachers, equipment etc. in the district and plan for them.	1. To supervise the functioning of the middle schools.	1. Ensure full enrolment of school-age children in primary schools.
2. Supervision and monitoring of the quality of education services.	2. Supply and distribution of material and equipments to the middle schools.	2. Maintenance of primary school buildings, play grounds etc.
3. Campaign for full enrolment and reduction of drop-outs.	3. To assess the drop-out position and initiate appropriate action to reduce it.	3. Vigilance on regular attendance of primary school teachers and non-teaching staff and students reporting to the

4. Assessment of requirement for hostels of targets group students and plan for them.	4. Distribution of middle school uniform, books and other materials to the target group students	4. Assist primary schools in the distribution of study material to the target group students.
5. Supervision of distribution of high school uniforms, books etc. for target group students.	5. Assist in the maintenance of hostels of middle	5. Supervision of mid-day meal scheme.
6. Vigilance on regular attendance of 10+2 teachers and non-teaching staff and students and	6. Maintenance of high school buildings and related infrastructure.	
	7. Vigilance on regular attendance of middle/high school teachers and non-teaching staff and students	
		within the jurisdiction of Gram panchayat.
6: FOOD & SUPPLES DEPARTMENT.		
Zila parishad	Panchayat samiti	Gram panchayat
1. To recommend the opening of fair price shops/godowns.	1. Supervision and monitoring of movement and availability of essential commodities and review of the public distribution system in the Panchayat samiti area.	1. To supervise the functioning of Fair Price Shops under the jurisdiction of the Panchayats in the interest of the consumers.
2. To review the availability of essential commodities in its jurisdiction and assess demand of commodities depending upon the nee of the local area.	2. To assess coverage of consumers by Fair Price Shop, especially of weaker sections.	2. To discharge duties as grievance redressal agency and issue directives to Fair Price Shops when required.
	3. To plan and taken steps for the elimination of bogus ration cards.	3. Preparation and issue of ration cards.
	4. To plan/review and recommend the opening of fair price shops in its jurisdiction.	4. Elimination of bogus ration cards.
	5. To coordinate schemes of public Distribution System with other welfare	5. To decide the location of Fair Price Shops.

	6. To send reports and returns about Public Distribution System to Zila parishad.	6. To arrange for the running of a Fair Price Shop where required by mobilizing local
	7. To disseminate information about consumer protection/welfare.	7. Assist Panchayat samiti in preparing plan of action to Link Public Distribution System with J.R.Y, I.R.D.P, I.C.D.S,
7:FOREST DEPARTMENT		
Zila parishad	Panchayat samiti	Gram panchayat
1. Finalization of micro plans proposed by Panchayat samitis in consultation with D.F.O concerned and approval thereof.	1. Formulation of Plans in respect of lands identified by the Gram panchayats in co-ordination with concerned Range Officers. This will also include organizing	1. To identify village common lands, other community and non-forest lands for development of village wood lots in consultation with the local forest guards/Block officers. This will also
		planted and details of such areas, which need maintenance.
2. Submission of Annual Plan of operation to Forest Department and allotment of funds from Forest Department of Zila parishads for further allocation of budget to Panchayat samitis/Gram panchayats. Fixing of targets thereof as per approved micro plans.	2. To ensure the execution of micro plans through Gram panchayats as per the physical/financial targets fixed.	2. Execution of micro plans by Gram panchayat.
3. Monitoring/evaluation of activities.	3. Submission of consolidated accounts and reports to Zila parishad.	3. Submission of monthly accounts and physical and financial reports to Panchayat samities.
4. Resolving disputes, if any regarding benefit sharing and monitoring thereof.	4. Ensuring management/protection responsibilities of Gram panchayats.	4.Taking over of management/ responsibilities of assets created, which include maintenance and protection of these assets.

5. Monitoring of the execution of the action plans.	5. To act as a facilitator and ensure benefit sharing.	5. Benefit sharing out of the assets so created as per the policy of the Government.
B. Forest Fires: 6. Co-ordination/supervision and monitoring thereof.	Approval of the action plan.	6. Proposal on the nature of investment of the benefits so accrued as above for developmental activities and execution thereof.
7. To recommend to Forest Department action against major defaulters such as suspension of T.D. rights as per the Forest Settlement.	7. To issue direction to Gram panchayats regarding different measures to be adopted for its prevention.	7. To enlist the co-operation of the local people to protect forest from fires and to help Forest Department in extinguishing forest fires by constituting Fire Protection Committee.
8. To monitor the forest fire cases and recommend awards for the Panchayats and individuals doing exemplary work. The award amount will be paid through Forest Department.	8. To recommend action against major and habitual defaulters and to report concerned authorities of the Department.	8. To report the defaulters who do not co-operate in extinguishing fires.
C. Minor Forest Produce: 9. To popularize the concept of MFP plantations and returns thereof.	9. To send consolidated reports.	To submit periodical reports.

D. Encroachment Cases: 10. To liaison with the with the Forest Department for ejection	10.To monitor the cases of over exploitation and submit recommendations to Forest Department for its regulation.	10. To assess the availability of minor forests produce and report any incidence of its misuse.
E. Illicit Felling/Poaching: 11. To educate masses against illicit felling and poaching, monitoring of offences of illicit felling/poaching.	11. To send the consolidated monthly report to Range Officer for action.	11. To prevent and report the encroachment cases to DFO concerned.
	12. To send the consolidated report to range officer for action	12. To prevent and report the cases of illicit filling/poaching to the DFO concerned and take cognizance of patrolling of Forest Guards in their jurisdiction.
	13. To supervise afforestation, plantation and nursery works within their area and report to the concerned Forest Officer.	13. To supervise afforestation. Plantation and nursery works within their area and report to the concerned Forest Officer.
	14. Supervision of soil conservation work of the Forest Department.	14. Supervision of soil conservation work of the Forest Department.
	15. To supervise the protection of wild life.	15. To supervise the protection of wild life.
8: HEALTH & FAMILY WELFARE DEPARTMENT		
Zila parishad	Panchayat samiti	Gram panchayat

<p>1. Formation of Health & Family Welfare Advisory Committee to oversee the functioning of C.H.Cs and Rural Hospitals, improvement thereof and ensure that all the functionaries of these institutions are residing at the places of posting.</p>	<p>1. Construction and maintenance of Health Sub- Centres and staff quarter.</p>	<p>1. Formation of Health & Family Welfare Advisory Committee for sub-centres consisting of Panchayat members, opinion leaders, trained birth attendant Male/Female Health Workers, NGO representatives etc. to oversee the functioning of each health institutions</p>
<p>However, the functioning of The chairman of the Zila parishad and its members shall be Medical Superintendents of these hospitals, B.M.Os and Zila parishad members.</p>		<p>functionaries of the sub-centers are residing at the place of posting. The Committee shall be chaired by the Pradhan of the Gram panchayat in whose area institution falls.</p>
<p>2. The Committee shall devise strategy to boost IEC campaign in respect of control measures for all communicable diseases like T.B., Leprosy, AIDS etc. as well as all other National Programmes.</p>	<p>2. Construction and maintenance of Community latrines in the Samiti areas with the help of local Panchayat.</p>	<p>2. Sanitation, clearing of roads, drains, chlorination of wells/bowlies and destruction of stray dogs and their disposal.</p>
<p>3. Planning of Family Welfare, immunization and health education camps for the community</p>	<p>3. Organise health and family welfare camps and exhibitions in Melas in order to promote awareness of National Health Programmes.</p>	<p>3. Organising School health check up programmes.</p>

	4. Take all effective measures with the help of health functionaries to control epidemics in their areas.	4. Helping the D.D.T. spray team during the season.
	5. Formation of Health & Family Welfare Advisory Committees for all health institutions upto the level of C.D. & P.H.C. comprising of B.M.O., Samiti members, N.G.O. representatives, Male/ Female supervisors etc. To oversee the functioning of the Health institutions, improvement thereof and ensure that all the functionaries of C.D.	5. Motivating the community for adopting family planning methods/ immunization etc. and organising the camps.
		6. Reporting the outbreak of Gastroenteritis and any other
		epidemic and starting containment measures with the help of Health Committees.

		7. Registration of births and deaths.
		8. Construction and maintenance of village drains and disposal of wastes.
9:HORTICULTURE DEPARTMENT.		
Zila Parishad	Panchayat samiti	Gram panchayat
1. Review and monitoring of all the functions and activities in respect of Horticulture entrusted to Panchayat samitis.	1. Review, monitoring and supervision of all functions and activities in respect of horticulture entrusted to Gram panchayat.	1. Identification and selection of beneficiaries for different horticultural subsidy schemes for small & marginal farmers.
2. Maintaining co-ordination and liaison with the department of Horticulture in respect of all the Horticulture Development Programmes.	2. Organizing horticultural inputs distribution system (other than fungicides/pesticides).	2. Promotion of farmers clubs and horticultural producers co- operative societies.
3. Organizing campaigns, fairs, meets, exhibitions, seminars etc.	3. Organizing farmers training camps, study tours, seminars etc.	3. Supervising collection centers for fruits under Market Intervention scheme
4. Co-ordination and monitoring of procurement and distribution of patching material for horticulture produce.	4. Organizing of demonstrations on improved varieties/technology/ package	

5. Co-ordination and monitoring of procurement of fruits under	5. Conducting Village-wise horticultural census.	
	6. Preparation of action plan for each water-shed.	
	7. Supervise the procurement and distribution of plants	
10: INDUSTRIES DEPARTMENT.		
		epidemic and starting containment measures with the help of Health Committees.
		7. Registration of births and deaths.
		8. Construction and maintenance of village drains and disposal of
9:HORTICULTURE DEPARTMENT.		
Zila Parishad	Panchayat samiti	Gram panchayat
1. Review and monitoring of all the functions and activities in respect of Horticulture entrusted to Panchayat samitis.	1. Review, monitoring and supervision of all functions and activities in respect of horticulture entrusted to Gram panchayat.	1. Identification and selection of beneficiaries for different horticultural subsidy schemes for small & marginal farmers.
2. Maintaining co-ordination and liaison with the department of Horticulture in respect of all the Horticulture Development Programmes.	2. Organizing horticultural inputs distribution system (other than fungicides/pesticides).	2. Promotion of farmers clubs and horticultural producers co- operative societies.
3. Organizing campaigns, fairs, meets, exhibitions, seminars etc.	3. Organizing farmers training camps, study tours, seminars etc.	3. Supervising collection centers for fruits under Market Intervention scheme
4. Co-ordination and monitoring of procurement and distribution of patching material for horticulture produce.	4. Organizing of demonstrations on improved varieties/technology/ package	
5. Co-ordination and monitoring of procurement of fruits under	5. Conducting Village-wise horticultural census.	

	6. Preparation of action plan for each water-shed.	
	7. Supervise the procurement and distribution of plants	
10: INDUSTRIES DEPARTMENT.		
for which the programmes are proposed. Zila parishad will then priorities and send the same to the Department of Industries along with	Development Programmes. The target groups for which these programmes are proposed will be sent to the Zila parishad.	
5. Training under Prime Minister Rozgar Yojna (PMRY) for the beneficiaries in whose favour loan is sanctioned for setting up of self-employment ventures under Industry, Service & Business sectors is arranged by the General Manager D.I.C. At the District, Sub-Division and Block level as per guidelines/instructions of Development Commissioner (S.S.I.) New Delhi, Member(s) nominated by Chairman, Zila parishad/Panchayat samiti can be included in the District Task Force Committee.	5. Identification and selection of artisans/beneficiaries for Prime Minister Rozgar Yojna (PMRY), Rural Industries Plan (RIP)/Rural Artisans Plan (RAP) at Block level. Chairman panchayat samiti may nominate one member for identification/selection of P.M.R.Y. and Extension Officer (Industries) of the Block shall be made Member-secretary of the Selection Committee. As regards credit facilities for Industry, Service & Business sector under P.M.R.Y., the cases are prepared/processed by D.I.C. headed by the General Manager.	

6(1) Zila parishad will consider the proposals forwarded by Panchayat samitis and take a decision as it may deem fit. (2) Zila parishad can also suo moto identify land for such purposes after taking views, if it considers necessary, of the respective Panchayats/Panchayat samitis. (3). After the Zila parishad has considered, identified the land and approved the proposal, the same will be submitted with its recommendations through the General Manager, D.I.C. to the Director of Industries for further action.	6.(1) The Panchayat samiti will consider the recommendation in respect of Sericulture activities of the Gram panchayat and will take final decision keeping in view the budget position. 2) At the same time it can suo-motu initiate proposals for setting up of sub-centres in any Panchayat under its jurisdiction. (3) It will look after the marketing of cocoons. (4) The concerned Divisional Sericulture Officer will	
7. At present prospective entrepreneurs after registration approval of their project, apply for the allotment of plot/shed in the	7(1) Panchayat samiti will examine the proposals submitted by the Gram panchayats of their areas	
11: IRRIGATION & PUBLIC HEALTH DEPARTMENT.		
Zila Parishad	Panchayat samiti	Gram panchayat
1. Identification of potential schemes including water harvesting covering more than	1. Prevention and control of water pollution.	1. Routine maintenance of hand pumps staff to be provided by the
2. To bring to the notice of appropriate authority of the I.P.H. Department the cases of gross misutilization of funds, corrupt practices etc. by the staff of the Departments, Contractors and Sub- Contractors while executing various schemes.	2. Identification of potential schemes including water harvesting covering more than one Panchayat.	2. Routine maintenance of drinking water, and irrigation schemes which have been executed at a cost of one lakh and below.
	3. To bring to the notice of appropriate authority of the I.P.H. Department the cases of gross misutilization of funds, corrupt practices etc. by the staff of the Department, contractors and Sub-Contractors	3. Prevention and control of water pollution.
		4. Identification of potential schemes within Gram panchayat area.

		5. Information regarding functioning and condition of water supply schemes will be given by the Panchayat to the
		6. To bring to the notice of appropriate authority of the
		I.P.H. Department the cases of
12: PUBLIC WORKS DEPARTMENT.		
Zila parishad	Panchayat samiti	Gram panchayat
1. Identification of village link roads, mule roads, village paths, culverts and footbridges upto 10 mtrs. span on these roads and paths.	1. Identification, construction and maintenance of mule roads and identification of village link roads.	1. Identification of village link roads.
2. Supervision of execution of works by Panchayat samitis like construction of mule roads, culverts and footbridges upto 10 mts. span on these paths and roads.	2. Construction and maintenance of buildings belonging to Panchayat samitis.	2. Identification, construction and maintenance of village paths, culverts and lanes.
3. Construction and maintenance of building belonging to Zila parishad.	3. Maintenance of those rural roads, which may be transferred by P.W.D. to Panchayati Raj Institutions.	3. Construction and maintenance of small foot bridges upto 10 metres span on <i>Nallahs</i> /streams falling on village paths.
4. Supervision of construction of buildings belonging to Panchayat samitis and Gram panchayats. Constructions/ maintenance of Jhullas across rivers/ streams on village paths mule paths covering more than two blocks.	4. Construction and maintenance of Jhullas across rivers/streams on village path/mule paths within its area.	4. Construction and maintenance of buildings belonging to the Gram panchayats.
5. To bring to the notice of appropriate authority of the Public Works Department the cases of gross misutilization of funds, corrupt practices etc., by the staff of the Department contractors and sub-contractors while executing various schemes.	5. Supervision of construction of buildings by Gram panchayats.	5. To bring to the notice of appropriate authority of the Public Works Department, the cases of gross misutilization of funds corrupt practices etc. by the staff of Department contractors and sub-contractors while executing
6. Maintenance and running of boats and ferries.	6. Supervision of construction of village paths, culverts and village lanes.	

	7. Supervision of construction of small foot bridges upto 10 mtrs. span falling on village paths/mule	
	8. To bring to the notice of appropriate authority of the	
13:REVENUE DEPARTMENT		
1. To supervise the duties and functions at block level, regarding revenue matters.	1. To supervise the work entrusted in revenue matters to Panchayats and formulate policy at block level for removal of encroachments on Government land at block level.	1. Prevention of encroachments on village common land the management of which is entrusted to the Panchayat. 3. To ensure that all eligible <i>Kisans</i> are issued <i>Kisan</i> Pass Books and the same are updated regularly. 4. If any <i>Kisan</i> faces difficulty in getting a copy of any revenue record he can apply to the Panchayat who will direct the concerned patwari to issue the requisite copy of the revenue record through Panchayat within seven days. 5. The <i>Patwaris</i> Mohal shall place a copy of the records of rights like <i>Jamabandi</i> and <i>Wazib-ul-urz</i> at the Panchayat Headquarters for the perusal of the general public. 6. Helping administration in providing relief in natural calamities.
2. To assist the revenue officials identification of	2. To assist the revenue officials in identification of	2. <i>Patwaris</i> will paste his monthly working chart on the
14: RURAL DEVELOPMENT DEPARTMENT		
Zila parishad	Panchayat samiti	Gram panchayat
1. Evaluation of all poverty alleviation programmes and the coverage of women, SC, ST & other IRDP beneficiaries in these programmes.	1. To ensure that the funds provided by the DRDA to the Gram panchayats are utilized as per the prescribed guide-lines within its jurisdiction.	1. Identification and selection of beneficiaries for IRDP/TRYSEM/DWCRA.

2. Developing marketing infrastructure/ marketing network/tie up arrangements for the products in Rural Areas.	2. Organizing training/awareness camps for IRDP beneficiaries.	2. Supervise the implementation of IRDP/DWCRA/TRYSEM schemes
3. Ensuring the focus of development programmes on environment and natural resources development.	3. Co-ordinating with Banks and other Financial Institutions for release of subsidy and loans.	3. Ownership and maintenance of the community assets viz. Panchayat Ghars, community Centres, Mahila/Yuvak
4. Monitoring loan and subsidy disbursement in co-ordination with Banks and other Financial Institutions in Rural Development Programmes.	4. Monitoring the distribution of Vikas Patrikas and Credit Books to the beneficiaries.	4. Assisting Banks and other financial Institutions in the recovery of loans.
5. Wide publicity of watershed guidelines amongst people of the concerned areas.	5. Monitoring the use of assets and schemes under IRDP etc.	5. Helping IRDP beneficiaries to procure raw material and marketing of
6. Identification of local viable technologies.	6. To help Banks and other Financial Institutions for recovery of loans.	6. Preparing village plan for works under JRY/IDDRY/EAS and their implementation.
	7. To oversee the implementation of various insurance schemes for rural poor.	7. Obtaining technical personnel of the concerned department.
	8. To monitor and co-ordinate supply of food grains to the Gram	8. Identification of beneficiaries under employment generation
	9. To supervise the implementation of IAY, GKY, RSP and CRSP there will be an implementation	9. Distribution of food grains under JRY/IJRY/EAS.
	10. Prevention of misuse of community assets of the Panchayat samiti.	10. Maintenance of assets created under JRY/IJRY/EAS.
	11. Organise auction of produce from community assets of Panchayat samiti.	11. Selection of beneficiaries under IAY & GKY.
	12. Supervision and monitoring of Central/State Rural Sanitation Programmes executed by	12. Implementation of Central & State Rural Sanitation Programme.

	13. Development and maintenance of places for Fairs/Mandis/weekly markets at Panchayat	13. Reporting against misuse of assets/subsidy and loans to the concerned
		14. Motivation and formation of village level use groups for the watershed
		15. Help the PIAs and other agencies in the implementation of the Watershed Development
		16. Development and maintenance of places for village fairs/markets.
		17. Organize a auction of
		produce from community assets of Gram panchayat.
		18. Helping in identification and selection of NSAP beneficiaries in consultation with the Health & Social &
		19. Implementation of National Programme of improved Chullahs.
		20. Maintenance of cremation grounds and graveyards.
15: SOCIAL AND WOMEN'S WELFARE DEPARTMENT		
Zila Parishad	Panchayat samiti	Gram panchayat
A. Integrated Child Development Services: 1. Monitoring the function of the scheme in the district.	1. To guide and assist the project staff working in the Panchayat samiti area.	1. Assist in collection of beneficiaries' centres and management of Anganwadi Centres except Nutrition, Transfer of staff (Anganwadi worker/Helpers).
B. Welfare of disabled:	2. Construction of	2. Identification of disabled

2. Inspection Supervision and Monitoring of the Voluntary Organisations in the District receiving grant-in-aid from the Ministry of Welfare, Govt. of India, for rehabilitation of the persons with disabilities.	Anganwadi Centres in the Gram panchayats. Funds to be transferred.	persons/ leprosy patients and co-ordination with the Block and Zila parishad for their rehabilitation.
3. Identification and promotion of Voluntary Organisations for assisting the disabled persons/leprosy patients, with grant- in-aid from the Ministry of Welfare.	3. Provide infrastructure facilities and other logistic support to facilitate implementation of the programme.	3. Co-ordination with the Panchayat samiti.
4. Organise Support Meet and cultural programme for people with disabilities.	4. Identification of disabled persons/leprosy patient and co-ordination with the Zila parishads for their rehabilitation.	4. Co-ordinate with the Panchayat samiti.
C. Welfare of aged: 5. Identifying the destitute agars persons and helping them in taking	5. Co-ordination with the Zila parishad.	5. Co-ordinate with the Panchayat samiti for above functions.
organization which receives grant- in-ais from the Ministry of Welfare/State Government for running and maintaining old age		
D. Drug abuse prevention: 6. Building awareness and educating people about ill effects of the drug abuse.	6. Co-ordinate with the Zila parishad.	
7. Identify and promote voluntary organizations to deal with the drug addicts through a well rounded up programme of	7. Co- ordination with the zila parishad for above functions.	
E. Juvenile Justice Administration: 8. Inspection of homes for the juvenile delinquents.		

Annexure – IV

The Himachal Pradesh water Supply Act-1968 as amended in 1978 and 1983

An Act to provide for the development, Control and Management of water Supply works, in rural and urban areas of Himachal Pradesh.

Be it Enacted by the Legislative assembly of Himachal Pradesh in the nineteenth year of the Republic of India as follows: -

I (1) This Act may be called the Himachal Pradesh Water Supply Act-1968 (2) It extends to the whole of the Himachal Pradesh

(3) It shall come into force at once

II In this Act, unless there is repugnant in subject of context.

(1) 'Beneficiary' means, in respect of any water supply scheme, any local authority for the time being deriving, or which is to derive benefit from such scheme;

(2) 'Consumer' means a person who takes water from a beneficiary to whom a water supply scheme may be entrusted or who takes water from a water supply scheme managed directly by the government.

Explanation: - Consumer does not include a beneficiary

(3) 'Co-operative Society' means society registered or deemed to be registered under the provisions of the Himachal Pradesh Cooperative Societies Act, 1956, or the Punjab

Cooperative Societies Act, 1961, as in force in the areas added to Himachal Pradesh under section 5 of the Punjab reorganization Act, 1966; (4) 'Official Gazette' means the Rajpatra, Himachal Pradesh;

(5) 'Government' or 'State Government' means Government of Himachal Pradesh

(6) 'Gram panchayat', 'Panchayat samiti' and 'Zila parishad' have the meanings respectively assigned to these expressions in the Himachal Pradesh Panchayati Raj Ac-1952, or the Punjab gram panchayat Act, 1952, or the Punjab Panchayat samitis and Zila parishads Act-1961;

(7) Local authority means a cooperative Society, Gram panchayat samiti, Zila parishad, Municipal Committee or any other authority entrusted by the government with the development or control or management of water supply schemes;

(8) 'Municipal Committee' and Notified Area Committee have the meaning respectively assigned to these expressions in the Punjab Municipal Act, 1911 as enforced in Himachal Pradesh;

(9) 'Prescribed' means prescribed by rules made under this Act;

(10) 'Rural Area' means the whole of the territory of Himachal Pradesh with exclusion of the urban area;

(11) 'Schedule' means schedule to this Act;

(12) 'Scheme' means a water supply scheme initiated under section-3; (13) 'Urban Area' means the town specified in the schedule;

(14) 'Water rate' means the charge for the time being levied by the state government under section -5 or by the local authority under subsection (2) of section 6' III The state Government may, from time to time initiate drinking water supply schemes for the benefit of the public in rural and urban areas in Himachal Pradesh and may also maintain and improve the existing water supplies.

IV. Section Omitted in 1983. V. Levy of water rates

1. The State Government shall levy water rate for water supplied to a consumer, by a water supply scheme managed directly by the government or by the beneficiary to whom the scheme may be entrusted, at such rates as may be specified by the state Government, by notification published in the Official Gazette, from time to time.

2. The recovery of the water charges shall be affected from the individuals on the basis of flat rate or on the basis of metered connections.

3. The water rate levied shall, if not paid when due be recovered as if it were an arrear of land revenue

VI “ Handing Over Of Water Supply Scheme”

(1) Where a local authority is prepared to take over and maintain any scheme as a beneficiary, the State Government shall hand over the development, management or control of such scheme to such local authority subject to such conditions as the State Government may deem fit to impose.

(2) The local authority, which takes over a scheme under sub-section (1) of this section, shall fix water rate, as it considers necessary and shall be responsible for the efficient management of such schemes.

(3) The water rate that the local authority may fix shall in no case, exceed the water rate as may be specified by the State Government under section 5.

(4) The water rate levied by the State Government, if any, shall cease to have effect on the fixation of such rate by the authority.

VII (1) All schemes taken over by beneficiaries under section 6 shall be subject to the general super – intendance/ State and control of the / Government and the working of the scheme shall be liable to periodical inspection by an agency of the State Government in the prescribed manner.

(2) Should a beneficiary be incompetent to perform of persistently made default in the performance of the duties imposed on it by or under this act, or exceed or abuse its powers, or fail or neglect to maintain the scheme in an efficient manner, the State Government may by notification in which the reasons for so doing shall be stated, take back the development management or control of the scheme from the beneficiary;

Provided that before the notification mentioned in sub- section (2) is made, the beneficiary share be given a reasonable opportunity in the prescribed manner of showing cause against the action proposed to be taken.

(3) Then the development management and control is so taken back, the following consequences shall ensure;

a) Then the development management and control of the scheme shall, from the date of notifications vest in the State Government

b) The water rate by beneficiaries shall continue to be operative under sub- structure by the fresh water rate fixed by the State Government;

(4) The State Government shall review the position at such intervals as may be prescribed, but which shall not be less than one year, and may, if it shall think fit, at any time, re-entrust the scheme to the beneficiary.

VIII (1) Any consumer who has a water connection registered in his name shall be liable to pay a water rate to the beneficiary for development m,, management or control of water supply scheme.

(2) In case there is no beneficiary and the State Government manages water supply scheme directly, the consumer shall be liable to pay the water rate to the State Government.

IX The State Government shall have the power to add to amend; vary or rescind the schedule.

X (1) Whatever, without proper authority and voluntarily does any of the following acts, that is to say: -

a) Corrupts or fouls the water of any water supply scheme so as to render it less fit for the purpose for which it is ordinarily used;

b) Destroys, damages, alters, obstructs or injures any dam, well, embankment, sluice, reservoir, pipe, tap, structure

c) Violates any rule made under this act for breach whereof, a penalty may be incurred shall be liable on conviction before a Magistrate of such case as the State Government directs in this behalf in the prescribed manner to a fine not exceeding one month or to both.

(2) Nothing herein contained shall prevent any person from being prosecuted under any other law or any offence punishable under this Act, provided that no person shall be punished twice for the same offence.

(3) Nothing herein contained shall prevent the State Government or the beneficiary, as the case may be from recovering damages from the person who commits any of the acts mentioned in sub-section (1) of this section.

XI. 1) the state government may make rules for carrying out the purposes of the act.

2) in particular and without prejudice to the generality of the foregoing power such rule may prescribe for-

- a) The principles and conditions on which the scheme under section 3 shall be initiating.
- b) The guiding principles to be followed in the fixation of water rate under section 6; under section 5.
- c) The conditions subject to which the waters supply scheme is to be handed over to the local authority under section 6; and “; and
- d) Any other matter which is to be or may be prescribed.

3) Every rule made under this act shall be laid as soon as may be after it is made before the legislative assembly while it is in session for a total period of not less than 14 days which may be comprised in one session or in two or more successive sessions and if before the expiry makes any modification in the rule or decides that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

XII. The provisions of this act shall not effect the right of the municipal committees enjoyed by them under the Punjab municipal act, 3 of 1911 as enforce in HP.

XIII. (1) the HP water supply act, 1956 as in force in 15 of the areas comprised in the HP immediately before 1st Nov 1956 is hereby repealed.

(2) Notwithstanding the repeal of the act under sub-section (1) any thing done or any action taken including any orders, notifications issued and rules made exercise of the powers conferred by or under the said act shall, to the extent of being consistent with the provisions of this act, be deemed to have been done or taken in exercise of the corresponding powers conferred by or under this act.

	Abbreviations	97-98
Annexures		
Anex-1	Functions of Gram Panchayat	99
Anex-2	Functions of PRIs as specified in Schedule II	100
Anex-3	Devolution of Powers	101-
Anex-4	The Himachal Pradesh Water Supply Act-1968	124-

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