

Powers and Functions of Panchayati Raj Institutions (PRIs) in Himachal Pradesh**Vijay Singh**

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Abstract: Panchayati Raj system in Himachal Pradesh was established under the provision of the Himachal Pradesh Panchayati Raj Act, 1952. Only 280 Gram Panchayats existed prior to the enactment of this Act. However, after the enactment of this Act 466 Gram Panchayats were established in the year 1954 and the numbers of Gram Panchayats were increased to 638 during the year 1962. The term Panchayati Raj in India signifies the system of rural self government. It has been established in all the states of India by the Act of the state legislatures to build democracy at the grass root level. It is entrusted with rural development. It was constitutionalised through the 73rd Constitutional Amendment Act of 1992. Panchayati Raj system is one of the most ancient socio-economic political institutions in India. It functions as an institutional expression of decentralization of power and responsibilities to lower level of government. Local bodies have been rightly regarded the “nursery of democracy”. Panchayati Raj makes democracy a reality. Panchayati Raj aim at making democracy real by bringing the million into the functioning of democracy. The main aim of the study is to observe the powers and functioning of the PRIs in Himachal Pradesh, to investigate the problems with PRIs and give valuable suggestion for the effective functioning of the PRIs in Himachal Pradesh.

Keywords: Panchayati Raj, Powers, Functions, Rural Development, Primary units, Himachal Pradesh.

Introduction

Panchayati Raj system is one of the most ancient socio-economic political institutions in India. It functions as an institutional expression of decentralization of power and responsibilities to lower level of government. It provides an opportunity for local people in planning and implementation of development schemes for their benefit taking into consideration the local needs, availability of local resources and most importantly through participation of the local people themselves. PRIs have to play a major role for the rural development. Panchayats the life blood of village India get mention in the directive principles of state policy. PRIs provide a valuable ground for further leadership. It has been rightly said that the local bodies act as the training ground citizenship. It enables a vast majority of citizens to associate themselves in the public affairs. It is really grass root democracy where in the individual family in the remotest village is linked up with the democratic process. Panchayat Raj Institutions are the primary units of development of the country because they are the nearest institutions in at village level to implement policies and programmes.

Importance of Panchayati Raj Institutions

The democratic decentralization took its shape with a view to better administration and developmental

perspectives for quick rural development and co-operations of local people. State government does not possess adequate wisdom of local affairs and problems. In this sense, it constitutes a significant contribution to the theory and practice of nation building activities in the developing areas. Panchayati Raj Institutions are the primary units of rural development. The Panchayats are more capable to identify the problems of the locale areas as compare to the other agencies of the government. The institutions are nearly approachable to the people to redressal their problems. So it is very important to develop the PRIs.

Himachal Pradesh: An introduction

In January 1971, Himachal Pradesh was granted the status of a full-fledge state and became the 18th State of the Indian Union. Following full statehood, Himachal Pradesh started making concerted efforts to improve the economic conditions of the State. Himachal Pradesh occupies 55673 square kilometre area. The state has 123 population densities. It consists 3 Divisions, 51 Sub-Divisions, 75 Tehsils, 34 Sub-Tehsils, 17882 inhabited, 3243 Gram Panchayats and 78 Community Development Blocks. In Himachal Pradesh there are 68 Legislative Assembly seats, 4 Lok Sabha seats and 3 Rajya Sabha seats. The State has made significant strides in developing an educational and health

infrastructure and transport and communication network. These advances have had a positive impact on the socio-economic and demographic status of the state. From the very beginning the local leadership in the state recognized the importance of family welfare programmes and has implemented them vigorously.

Population of Himachal Pradesh

In Himachal Pradesh only 10.33 percent of the total population lives urban areas and 89.67 percent of the population lives in rural areas. Majority of the people of Himachal Pradesh live in rural areas. So it

becomes difficult to implement the programmes and different schemes easily. Because in rural areas the geographical condition, communication system, transportation and other basic facilities are not enough. Due to lack of such basic facilities the rural areas are not well developed. So the Panchayati Raj Institutions in Himachal Pradesh can play a vital role in the development of rural areas. The Government can implement the developmental policies and programmes easily with the help of Panchayati Raj Institutions at local level.

Table-1: Classification of Rural & Urban Population of Himachal Pradesh

Sr. No.	Districts	Total Population	Rural Population (%age)	Urban Population (%age)	Males	Females	Sex Ratio
1.	Bilaspur	382056	356927 (93.4)	25129 (6.57)	192827	189229	981
2.	Chamba	518844	482736 (93.42)	36108 (6.59)	260848	257996	989
3.	Hamirpur	454293	422863 (93.09)	31430 (6.91)	216742	237551	1096
4.	Kangra	1507223	1420942 (94.28)	86281 (5.72)	748559	758664	1013
5.	Kinnaur	84298	84298 (100)	0 (0)	46364	37934	818
6.	Kullu	437474	396083 (90.54)	41391 (9.46)	224320	213154	950
7.	L & S	31528	31528 (100)	0 (0)	16455	15073	916
8.	Mandi	999518	936881 (93.74)	62637 (6.26)	496787	502731	1012
9.	Shimla	813384	612033 (75.25)	201351 (24.75)	424486	388898	916
10.	Sirmaur	530164	472999 (89.22)	57165 (10.78)	276801	253363	915
11.	Solan	576670	474523 (82.29)	102147 (17.71)	306162	270508	884
12.	Una	521057	476144 (91.39)	44913 (8.61)	263541	257516	977
Himachal Pradesh		6856509 (100)	6167957 (89.67)	688552 (10.33)	3473892	3382617	974

Sources: Compiled from Directorate of Economics and Statistics.

Number of Gram Panchayats since 1952

Panchayati Raj system in Himachal Pradesh was established under the provision of the Himachal Pradesh Panchayati Raj Act, 1952 in the year 1954. The detail of the number of Gram Panchayats in the state is in the table number 2

With the passage of time there is an increase in the number of Panchayats in Himachal Pradesh. There were only 280 Gram Panchayats existed prior to the enactment of Himachal Pradesh Panchayati Raj Act, 1952. However after the enactment of the above mentioned Act, 466 Gram Panchayats were established in the year 1954 and at the time of last election in 2010 in Himachal Pradesh it increases to 3243.

Table-2: Number of Gram Panchayats since 1952 in Himachal Pradesh

Sr. No.	Year	No. of Gram Panchayats
1	1952	280
2	1954	466
3	1962	638
4	1966	1695
5	1972	2035
6	1978	2357
7	1985	2597
8	1991	2757
9	1995	2922
10	2000	3037
11	2005	3243
12	2010	3243

Source: obtained from Department of Panchayati Raj Himachal Pradesh.

Powers and Functions specified under the Himachal Pradesh Panchayati Raj Act, 1994

- Gram Panchayats have been empowered to enquire and make report about misconduct of certain officials such as peon, bailiff, constable, head constable, chowkidar of the Irrigation Department, forest guard, patwari vaccinator, canal overseer, game watcher, Panchayat Secretary, etc.
- Gram Panchayats have been empowered to hear and cases relating to minor offences under I.P.C., the vaccination Act, 1880, the cattle tress pass Act 1871, the Himachal Pradesh Juveniles (Prevention of Smoking Act), 1952 and the Public Gambling Act, 1867 and also to hear and decide applications for maintenance under section125 of the Cr .P.C.
- Gram Sabhas have been empowered to approve the annual budget of the Gram Panchayats as well as to consider and take appropriate action in respect of the annual statement of accounts of the Gram Panchayat, report of the administration of the preceding financial year and the last audit note and the replies, if any, made thereto;
- Gram Sabhas have been empowered to approve plans, programmes and budget prepared by the Gram Panchayat for economic development and social justice and also to authorize, after being satisfied, issuance of utilization certificates of funds spent on the implementation of the plans, projects and programmes of the Gram Panchayat.
- Gram Sabhas have been empowered to constitute Vigilance Committees to supervise the Gram Panchayat works, schemes and other activities and to put reports concerning them in its meeting and shall also send a copy of the said report to the Block Development Officer.
- Panchayats at all the three levels have been empowered to execute development works. However, technical section of Takniki Sahayaks, Junior Engineer, Assistant Engineer and Executive Engineer as per the limits specified in Appendix-D of the Himachal Pradesh Panchayati Raj (Finances, Budget, Accounts, Audit, Works, Taxation and Allowances) Rules, 2002.
- With a view to achieve maximum participation in the meeting of the Gram Sabhas it has been made mandatory that every Gram Sabha shall hold four general meetings in each year on the predetermined days i.e., on 1st Sunday of January, April, July and on 2nd October.
- There shall be constituted Up-Gram Sabha for each word of the Gram Panchayat and all members of the Gram Sabha residing within the area of the word shall be members of the Up-Gram Sabha.
- Panchayats at all three levels have been empowered to constitute standing committees.
- Panchayats at all the three levels have been empowered to raise loans for creation of income generating assets without previous sanction of the Government if the project is assessed by the financial institutions as economically/financially viable. However the Gram Panchayat shall be required to obtain prior approval of the Gram Sabha for raising a loan.
- 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 centres, 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 Rs 10 per day with maximum up to Rs. 5000 can be imposed.

- Panchayats have been authorised to levy taxes, fees fines and cess.
- It has been made mandatory that the village level functionaries of the Agriculture, Animal Husbandry, Primary Education, Forest, Health and Family Welfare, Horticulture, Irrigation and Public Health, Revenue and Social Justice and Empowerment department shall attend the meeting of Gram Sabha.

Powers and Functions Developed under Executive orders

With a view to strengthen democracy at the grass root level and to make the PRIs viable institutions of self governance, the State Government has developed powers, functions and responsibilities relating to 15 departments, namely Agriculture Animal Husbandry, Ayurveda, Education, Food and Supply, Forest, Health and Family Welfare, Horticulture, Irrigation, Industry, Public Works, Public Health, Revenue, Rural Development and Social Justice and Empowerment to the PRIs on 31st July, 1996 covering 27 subjects out of the 29 subjects as mentioned in the 11th Schedule of the Constitution. Besides these, Government has also delegated powers by way of executive order to the PRIs. These powers are:

- ❖ Preparation of Micro-Plan by Gram Panchayats
- ❖ Powers to decide about location of Institutions of public utility
- ❖ Village level committees of the department to be integrated with the standing committees of the PRIs set up.
- ❖ Selection of beneficiaries under various schemes shall be done through Gram Sabha.
- ❖ PRIs have been empowered to report about the physical attendance of Ayurvedic, Allopathic, and Animal Husbandry Doctors, Schools teachers, Patwaris, Forest Guards etc. at their place of posting.
- ❖ Chairpersons of Zila Parishads have been designated as the chairpersons of the Governing Body of the respective DRDAs.
- ❖ Pradhan or Up-Pradhan of Gram Panchayats have been empowered for issuing fishing license to anglers for sport fishing and Chairperson and Vice-Chairperson Panchayat Samities for issuing license to professional fisherman for general and trout water fishing and the money realized as license fee would be retained by the concerned Panchayats as its revenue.
- ❖ Cess of Re. 1/- per bottle of liquor sold in the rural area will be collected and transferred to

the Gram Panchayats for utilization in developmental activities.

- ❖ Before grant of any lease for mining and minerals a resolution from the concerned Panchayat has been made compulsory.
- ❖ Zila Parishads have been empowered to appoint Assistant Engineers on contract basis for giving technical guidance to PRIs.
- ❖ Panchayat Samities have been empowered to appoint Panchayat Sahayaks, Kanisht Lekhapal, and Junior Engineers.
- ❖ The Gram Panchayats have been made the appointing authority in respect of the grass root level functionaries such as Panchayat Chowkidar and Tailoring Mistress.
- ❖ Ownership of Primary School Building has been transferred to the Gram Panchayats and the maintenance/repair and control of Primary School building would be the responsibility of Gram Panchayats.
- ❖ Zila Parishad and Panchayat Samities have been empowered to supervise the duties and functions regarding revenue matter to assist the revenue officials in identification of landless/houseless persons and formulation of policies for utilization of government land and giving no objection certificates for such land on lease at district and block level.
- ❖ Gram Sabha resolution has been made compulsory before granting of any area on money lease and installation of mineral based industry. The Gram Panchayats have also been given powers to issue permits for the personal bonafide use for extraction of sand, stone, bajri and slates.
- ❖ Pradhans and Gram Panchayats have been appointed as Forest Officers to carry out the purpose of rule eleven of Himachal Pradesh Forest Produce Transit (Land Routes) Rules, 1978 for the issuance of pass for transport of Minor Forest Produce collected from the Forest in respect of 37 items

Imposition of Taxes by Gram Panchayats

Presently Zila Parishad and Panchayat Samities are not levying any tax, fees, cess etc. However a Gram Panchayat may, through a resolution and after previous publication, levy:-

Property Tax: a Gram Panchayat may, through a resolution and after previous publication, levy property tax at such rates and in such manner as it may deem fit on residential and commercial building, in the sabha area.

Professional Tax: with the previous approval of the government a tax on person carrying on any profession, trade, calling and employment other than agriculture in the Sabha area provided such tax has not been levied in

the Sabha area by any other local authority under any law for the time being in force.

Duty on transfer of property: if so authorized by the Government, a study on transfer of property in the form of a surcharge on the duty levied under the Indian Stamp Act, 1899, in its application to Himachal Pradesh, on instruments of sale, gift and mortgage with possession of immovable property situated in the Sabha area at such rate as may be fixed by the Government not exceeding two percent on, as the case may be, the amount of the consideration, the value of the property or the amount secured by the mortgage, as set forth in the instrument.

Fees: a Gram Panchayat may, through a resolution and after previous publication, levy following fees at such rates and in such manner as it may deem fit in the Sabha area namely; Teh-Bazari from the shopkeepers in the fairs, service fee for cleaning of streets, lighting of streets, sanitation solid and liquid waste management,

parking of vehicles, registration of animals sold in Sabha area and water rate where the water is supplied by the Gram Panchayat.

Land Revenue: Gram Panchayats have been empowered to collect the land revenue from the land owner/right holder and Gram Panchayat will use the collected land revenue at their own level.

Liquor Cess: cess of Re. 1/- per bottle of liquor sold in the rural area will be collected and transferred to the Gram Panchayats for utilization in developmental activities.

Honorarium and Daily Allowances to Elected Representatives of PRIs

In Himachal Pradesh the monthly honorarium is being provided to all the elected representatives of the Panchayati Raj Institutions. The rate of Honorarium is being provided is as in the table number 3 below.

Table-3: Detail of Honorarium and Daily Allowances of the Representatives of PRIs in Himachal Pradesh

Elected Representatives	Rates of Honorarium	Daily Allowances
Chairperson of Zila Parishad	5000	160
Vice-Chairperson of Zila Parishad	3500	160
Member of Zila Parishad	2000	120
Chairperson of Panchayat Samiti	2500	120
Vice-Chairperson of Panchayat Samiti	2000	120
Member of Panchayat Samiti	1800	100
Pradhan of Gram Panchayats	1800	100
Up-Pradhan of Gram Panchayats	1500	100
Members of Gram Panchayats	Rs. 175/- per meeting subject to maximum 2 meeting in a month.	60

Source: compiled from Directorate of Panchayati Raj Kasumpti-9.

Accountability and Transparency in the Functioning of PRIs

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

Audit

It has been provided under the sub-section (1) of section 118 of Himachal Pradesh Panchayati Raj Act, 1994 that there will be a separate and independent Audit

Agency under the control of the Director of Panchayati Raj to audit the accounts of the Panchayats and with a view to have proper financial control on income and expenditure of Panchayats Deputy Controller (Audit) and District Audit Officers at District level have been placed under the control of District Panchayat Officers and Panchayat Auditors have been posted in each district in proportion to the number of Gram Panchayats i.e., one Auditor against 35 Panchayats.

The audit of Gram Panchayats, Panchayat Samities and Zila Parishads is being conducted every year audit of Zila Parishad is conducted by Deputy Controller (Audit) Panchayati Raj Department. Audit of Panchayat Samities is conducted by the District Auditor Officer whereas audit of Gram Panchayat is conducted by the auditors. Besides this test audit of those Gram Panchayat and Panchayat Samities are also conducted where serious cases of embezzlement come to the notice of department. The target of audit cannot be achieved because District Audit Officers and Auditors

were deputed for training of newly elected office bearers of Panchayat. In addition to these two posts of

District Auditor Officers and ten posts of Auditors were vacant.

Table-4: The detail of audit of Gram Panchayat and Panchayat Samities of the year 2013-14

District	No. of Zila Parishads		No. of Panchayat Samities		No. of Gram Panchayats	
	Target	Audited	Target	Audited	Target	Audited
Lahaul-Spiti	-	-	1	0	21	7
Kinnaur	-	-	2	1	33	25
Shimla	-	-	7	7	182	168
Solan	1	1	3	2	106	75
Sirmour	1	1	3	1	114	90
Bilaspur	1	-	2	2	108	108
Mandi	-	-	5	3	237	111
Kullu	1	1	4	4	102	52
Una	1	1	5	5	118	63
Hamirpur	1	1	3	3	115	77
Kangra	-	-	8	4	536	536
Chamba	-	-	4	3	193	193
Total	6	5	47	35	1864	1505

Source: compiled from Directorate of Panchayati Raj Kasumpti-9.

Inspection

Every year Gram Panchayats are being inspected by the Panchayat Inspectors whereas the inspection of Panchayat Samities is conducted by the District Panchayat Officer or other senior officer of the

Department. The target of inspection cannot be achieved because Inspectors and Sub-Inspectors were deputed for training of newly elected office wearers of Panchayat. In addition to these 8 posts of Inspectors and 15 posts of Sub-Inspector are vacant.

Table- 5: The detail of inspected Panchayats in 2013-14

District	No. of Panchayats		
	Targeted	Inspected	Inspected %age
Lahaul-Spiti	25	8	32 %
Kinnaur	39	24	61 %
Shimla	218	159	73 %
Solan	127	75	59 %
Sirmour	137	76	55 %
Bilaspur	91	66	72 %
Mandi	282	182	65 %
Kullu	159	159	100 %
Una	141	130	92 %
Hamirpur	137	122	89 %
Kangra	530	530	100 %
Chamba	170	74	43 %
Total	2056	1605	78 %

Source: compiled from Directorate of Panchayati Raj Kasumpti-9.

Problems of Panchayati Raj Institutions

After the good efforts to establish the three tiers of Panchayati Raj in Himachal Pradesh there are many problems the PRIs are facing. Diverse and huge problems in the functions and working patterns of the Panchayati Raj system which we are facing in the day to day activities can be broadly described as mentioned below:

Lack of Awareness among the PRIs Representatives

Most of the representatives of Panchayati Raj Institutions are either illiterate or low literate; therefore they have less awareness about their powers and functioning of the PRIs. Even the local administration doesn't care to conduct the seminars or training course to educate them about the functioning and powers at Block level.

Incompatible Relations between the Three Tiers

In Panchayati Raj Institutions all the three tiers i.e., Gram Panchayat, Panchayat Samiti and Zila

Parishad have not compatible relations with each other. Due to this they cannot communicate the problems with each other. It also creates problem to formulate the developmental policies and programmes at local level.

Lack of Cordial Relations between Officials and people

This is a big problem in rural areas that the relation between official and people are not cordial. It causes hindrances in rural development. Official behave rudely with the people. People also feel shied or fear to face the officials. Most of the officials in rural areas act as dictators.

Lack of Quorum in Gram Sabha Meeting

Most of the time; it has been seen that the quorum of the Gram Panchayats remain incomplete during Gram Sabha meeting. It creates a big problem to formulate the policies at local level. Without the complete quorum the Panchayat representatives cannot take important decisions of formulate policies.

Dominance of the bureaucracy over PRIs

The agent of implementation of all major programmes has always been the State administration, various parallel bodies that have grossly undermined the importance of the PRIs. Many times some of the bureaucrats dominate Panchayati Raj Institutions or PRI representatives. It creates problem to the independent functioning of the PRIs.

Political Interference

Political interference in Panchayati Raj Institutions is a big problem. It also makes hindrance in the independent functioning of PRIs. Politicians dominate the PRI representatives to work according to their political interests or ideology.

Low Honorarium of PRI Representatives

The honorarium of Panchayati Raj Institution representatives is very low in Himachal Pradesh. In such a low honorarium we cannot expect an effective and honest working from the representatives. It also gives a push to corruption.

Suggestions

- Awareness among the representatives should be created through training, refresher courses and seminars at all block level.
- There should be compatible relationship between all the three tiers of pris to implement the policies smoothly.
- It is very important to create harmonious relations between officials and public; because with the cooperation of local people it is very difficult to implement the policies at ground level.

- The public should be motivated to attend the gram sabha meeting. The government employees and working persons should be given special leave in concern gram sabha area to attend the gram sabha meeting.
- Officials who dominate the pris should be penalised. There should be a proper mechanism to check such activities of officials.
- Political intervention should be strictly banned through a strict law to run the pris independently and smoothly.
- Honorarium of the pris should be increased. It motivated them to work honestly and effectively. Financial incentives and other rewards should be given to the representatives for good work. It creates competitiveness among them and improves the quality of working.

Conclusion

The Panchayati Raj Institutions at grass root level are ensuring greater people's participation and involvement of developmental work. The most important feature of the second generation Panchayats in their change from local development organisation to local political institutions. There are many problems in the functioning of Panchayati Raj Institutions even then the institutions are playing a vital role in rural development in our country. There is a need to improve the functioning of PRIs. India is a developing country and maximum population in our country live in rural areas. So it becomes necessary to make an improvement in Panchayati Raj Institutions in India. Through the PRIs we can implement the development projects easily with the help of the participation of local people at village level. Being a rural demography it is very important to start the development projects from village level. The Panchayati Raj Institutions have the responsibility to built up an environment in the village in which planning and implementation of rural development programmes enlist larger people participation. The objective to set up PRIs is to provide opportunity for future leadership, creating awareness and initiative in the rural people about rural development, proper utilization of local resources, ensuring quicker acceptance of new ideas in the rural side and planning an overall balanced rural development and thereby raising living standard of the rural people.

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