

No. EDN-H(1) B(15)1/2009 Imp. Instt. -II
Directorate of Higher Education
Himachal Pradesh
Dated Shimla- 171001 the

30/5/2018

To

1. All the Deputy Directors of Hr. Education, Himachal Pradesh.
2. All the Principals, Govt. Degree Colleges, Himachal Pradesh.
3. All the Principals, Govt. Sr. Sec. Schools/ Head Masters Govt. High Schools/ Commander NCC Group Head quarter & all units/ Librarian C.S.L. Solan & all Distt. Libraries in H.P.

Subject: - Instructions regarding implementation of resolution passed by Panchyats-CWPIL 223/2017 titled as Court on its on motion vs. State of HP.

Sir/Madam,

Your attention is invited towards letter No.PCH-HA(1)5/2008-II-Instructions-8607-8649 dated 06-03-2018 received from Secretary(PR) to the Govt. of HP addressed to all the Heads of Departments in H.P. on the subject cited above(Copy enclosed) and to take further necessary action accordingly.

de to

(Dr. Sonia Thakur)
Jt. Director Higher Education (A)
Himachal Pradesh.

email:dir.edu@rediffmail.com 0177-2658052

Endst. No. Even Dated Shimla-171001, the
Copy to:-

30/5/2018

1. The Secretary (PR) to the Govt. of HP Shimla-1 w.r.t. his letter No.PCH-HA(1)5/2008-II-Instructions-8607-8649 dated 06-03-2018 for information please.
2. The Secretary (Education) to the Govt. of H.P. for information please.
3. All the Branch Officer / Superintendent, Directorate of Higher Education H.P. with the remarks that to take further necessary action in the matter accordingly.
4. The Superintendent Legal Cell, DHE, HP w.r.t. your UO No.EDN-HE(18)LC-Misc/20018 dated 26.04.2018.
5. The Incharge Computer Cell, Dte. of Hr. Education, H.P with the remarks to **upload the said orders on the deptt. Website.**
6. Guard File.

o/c to

Jt. Director Higher Education (A)
Himachal Pradesh.

30/5/18

No. PCH-HA (1) 5/2008-II-Instructions-
Government of Himachal Pradesh,
Panchayati Raj Department.

8607-8649

1192
6/4/18

P. A. Cell	112792
DHE.....	
12 MAR 2018	
Finance	Legal Cell

From The Secretary (PR) to the
Himachal Pradesh.

To

- (1) All the Heads of Department,
Himachal Pradesh. Education Deptt (-secondary)
- (2) All the Deputy Commissioners,
Himachal Pradesh.

Shimla-9,

dated the 6-3-2018.

Subject:- Instructions regarding implementation of resolution passed by Panchyats-
CWPIIL 223/2017 titled as Court on its own motion vs. State of HP.

Sir/ Madam,

I am directed to inform you that the Hon'ble High Court vide its decision dated 4-1-2018 (Copy enclosed) in above writ petition has issued direction to this Department to issue the appropriate instruction to all the concerned Departments of the State for redressal of grievances as well as necessary action on various resolutions passed by the Panchayats.

In this regard, it is informed that the petitioner in his letter in the shape of petition has brought the issue in respect of the Gram Panchayat Kheel, Development Block Karsog highlighting therein that the resolutions and issues of great importance are neither being taken seriously nor acknowledged/ replied by the concerned department within a reasonable period. As such the Gram Panchayat remains unaware about the decision taken by the concerned Department on their resolution, as well as grievances relating to the various developmental activities being undertaken in their respective area. This department has taken up the issue from time to time with the concerned department through Deputy Commissioners to give top priority on the issues/ matters raised by them as it is also incumbent upon the different departments of State to resolve/ reply the issues/ matters being raised by them by way of resolution so as that efforts of the State and Centre Government to make these institutions as unit of State Government as well as strengthening these institutions are achieved in right prospective. It is also pertinent to mention that as per the provision of the section 7(5) of the Himachal Pradesh Panchayati Raj Act, 1994 the presence of the officials of the Department is also must in the meetings of the Gram Sabha for giving suggestions and providing information to the members of Gram Sabha as well as elected representatives of Panchayati Raj Institutions.

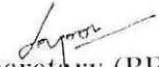
It would not be out of place to mention that it is incumbent on the departments of the State to take decision on the resolutions passed by the Panchayats within reasonable time and inform them about the action taken on the same, so that the concerned Panchayat

Gen. Secy
Sh. Ravinder
C.M.P.

remains updated on the issues relating to various developmental activities of the Panchayats besides early redressal of their grievances raised by them from time to time in respect of various issues being raised by the public in the Panchayat meetings.

You are, therefore, requested to take further necessary action in the matter in the light of the decision of the Hon'ble High Court regarding redressal of grievances of Panchayats and issues raised by them through resolutions so that the efforts/ endeavor constantly being made by the State and Centre Government to strengthen the Panchayati Raj Institutions is achieved.

Yours faithfully,

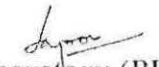

Deputy Secretary (PR) to the
Government of Himachal Pradesh.

Endst No. As Above- 2650 -- 8742
Copy to

Shimla-171009

6.3.2018.

1. Additional Advocate General, HP Shimla w.r.t. letter No.CWPIL 223/2017-1931 dated 11-1-2018 for information, please.
2. All the District Panchyat Officers, Himachal Pradesh for information and necessary action.
3. All the Block Development Officers, Himachal Pradesh for information and necessary action.
4. The Pradhan, Gram Panchayat Kheel, PO Dharmod, Development Block Karsog, District Mandi, Himachal Pradesh w.r.t. his letter dated Nil for information, please.


Deputy Secretary (PR) to the
Government of Himachal Pradesh.

75

H.P. Secretariat
Central Registry Section
Computer Library No.

12/1
54197528

903
22.1.18

No. CWPIL 223/2017- 1931
Office of the Advocate General,
State of Himachal Pradesh, Shimla.
Dated : Shimla, the 11/10/01/2018

To

1. The Chief Secretary, to the Govt. of H.P., Shimla.
2. The Principal Secretary (Panchayati Raj), to the Govt. of H.P. Shimla.

Subject: CWPIL 223/2017-titled as Court on its own Motion V/s State of H.P. .

Sir/Madam,

It is intimated that the above mentioned case was taken up by the Hon'ble High Court of Himachal Pradesh on 04-01-2018 and the Hon'ble High Court was pleased to disposed off the same. The certified copy of order has been applied by this office and the same will be sent to you as and when received from the copying agency of the Hon'ble High Court. .

The downloaded copy of order/Judgment dated 04-01-2018 from the official website of Hon'ble High Court of H.P. is being enclosed herewith for your information and necessary action at your end.

Ends: As above.

Yours faithfully,

Varun Chandel,
Additional Advocate General,
Himachal Pradesh, Shimla.
9418644775

18/1
S(P)D(P)

DS(PR)
18/1

18/1/2018

18/1/2018

18/1/2018

do not deem it proper to reply the same and as such, Gram Panchayats remain unaware of decision, if any, taken upon the requests sent by them through resolutions for various development works in their respective area.

2. After having perused the averments contained in the letter petition, referred hereinabove, this Court while treating the same public interest litigation, directed the learned Additional Advocate General to have instructions in the matter.

3. Deputy Secretary (Panchayati Raj) to the Government of Himachal Pradesh, has submitted in his reply that as per provision of Section 9 of the Himachal Pradesh Panchayati Raj Act, 1994 read with Rules 24 to 31 to the Himachal Pradesh Panchayati Raj (General) Rules, 1997, the Gram Panchayats shall hold its meetings at least once in a month in the Office of the Gram Panchayat. In the said meeting of the Gram Panchayat, the details of income and expenditure of the preceding month in respect of each item shall be placed before the Gram Panchayat besides taking up other agenda items for discussion as decided by the Gram Panchayat.

4. Deputy Secretary has further stated in his affidavit that meeting of Gram Sabha is also convened by the Gram Panchayat for discussing various development and welfare schemes of the Government to be implemented in the jurisdiction of the Gram Panchayats as per provisions of Section 5 of the Himachal Pradesh

...3...

Panchayati Raj Act, 1994. Affidavit of Deputy Secretary further reveals that Gram Panchayat after having discussed various issues pertaining to various departmental activities relating to different departments of the State, passes resolution and sent the same to the concerned department for necessary action. Since, the Gram Panchayat is a constitutional body, it is incumbent upon the concerned department to reply the resolutions of Panchayats passed in relation to matter pertaining to their department.

5. It is quite apparent from the affidavit filed by the Deputy Secretary (Panchayati Raj) that there is mechanism in place, rather provided under Himachal Pradesh Panchayati Raj (General) Rules, which specifically provides that resolution of Panchayat passed in relation to matter pertaining to various department shall be duly replied and necessary action shall be taken upon the same.

6. Affidavit filed by the Deputy Secretary further reveals that since there is no mention with regard to resolution, if any, sent by the Gram Panchayat, Kheel to the different department, matter could not be got verified by the authority concerned. Since, it had come to the knowledge of the department that some of the representatives of different department as per Section 7(5) were not participating in the meeting of the Gram Sabhas, department had issued necessary directions to the Panchayats and DPOs as well as BDOs for implementing the said provision of the Act.

7. Perusal of communication dated 2-3-2010 placed on record, suggests that officials from the departments of Agriculture, Veterinary, Primary Education, Forest, Irrigation, Public Health, Horticulture and Revenue, need to remain present in terms of Section 7(5) of Himachal Pradesh Panchayati Raj Rules, 1994 in the meeting of Gram sabhas.

8. Perusal of communication sent to this Court by Pradhan, Gram Panchayat, nowhere reveals specific instances, if any, where resolutions sent by it have been not dealt with and as such, there is/was no occasion for department of Panchayati Raj to respond to the allegations contained in the letter petition. It is ample clear from the documents placed on record by the respondent that there is already a provision in the Himachal Pradesh Panchayati Raj (General) Rules, 1997 as framed thereunder that Officers, as named above, shall remain present in the meeting of Gram Sabha, whereafter necessary action shall be taken on the resolution passed by the Gram Panchayats/Gram Sabhas, in accordance with law.

9. At this stage, it would be profitable to reproduce Section 100 of the Panchayat Raj Rules, as under:-

"100. Implementation of the resolution of the Panchayat Samiti:- (1) It shall be the duty of the Block Development Officer, assisted by the staff working under him, to faithfully implement and follow up the resolutions of the Panchayat Samiti.

(2). The responsibility for executing various schemes and works in accordance with the resolutions of the Panchayat Samiti and the instructions of the various departments shall be the responsibility of the Block Development Officer assisted by the staff working under him."

10. Consequently, in view of above, we see no reason to keep the present petition alive and as such, the same is closed. Before parting, we hope and trust that authority concerned i.e. Secretary, (Panchayati Raj) to the Government of Himachal Pradesh, shall issue appropriate directions to the concerned Department for redressal of grievances as highlighted by the letter petitioner so that efforts/endeavour persistently being made by the Central and State Government to strengthen the Panchayati Raj institutions is achieved.

11. The efforts put in by Mr. Vir Bahadur Singh, learned Amicus Curiae, who, on the instructions of this Court, contacted letter petitioner and obtained necessary feedback.

12. Registry is directed to send a copy of this judgment to the Secretary (Panchayati Raj) to the Government of Himachal Pradesh, for necessary action as well as to the letter petitioner to enable him to take follow up action with the concerned authorities.

(Sanjay Karol),
Acting Chief Justice

(Sandeep Sharma),
Judge.

4th January, 2018
(Shankar)