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The Himachal Pradesh Panchayati Raj Act, 1994

(Excerpts - water supply and sanitation provisions)

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HIMACHAL PRADESH PANCHAYATI RAJ ACT, 1994

CHAPTER III - GRAM PANCHAYATS

8. Constitution of Gram Panchayats

(1) There shall be a Gram Panchayat for a Gram Sabha and every Gram Sabha shall, in the prescribed manner, elect from amongst its members a Pradhan and Up-Pradhan of the Sabha who shall also be called the Pradhan and Up-Pradhan of the Gram Panchayat and shall also elect from amongst its members an Executive Committee called the Gram Panchayat consisting of such number of persons not being less than seven and more than fifteen, including Pradhan and Up- Pradhan, as the Government may by notification determine

11. Functions of Gram Panchayat

(1) The Gram Panchayat shall perform the functions specified in Schedule-I.

(2) Notwithstanding anything contained in this Act the State Government may, by general or special order, entrust to the Gram Panchayat preparation of plans and implementation of schemes for economic development and social justice including those matters specified in Schedule-II and the Gram Panchayat shall perform such functions.

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

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

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

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

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

12. Power of Removal of Encroachments and Nuisance

(1) A Gram Panchayat, on receiving a report or other information and on taking such evidence, if any, as it thinks fit, may make a conditional order requiring, within a time to be fixed in the order:

(a) The owner or the occupier of any building or land:

- (i) to remove any encroachment on a public street, place or drain;
- (ii) to close, remove, alter, repair, cleanse, disinfect or put in good order any latrine, urinal, water closet, drain, cesspool or other receptacle for filth, sullage-water, rubbish or refuse or to remove or alter any door or trap or construct any drain for any such latrine, urinal or water closet which opens on to a street, drain or to shut off such latrine, urinal, water closet by a sufficient roof and wall or fence from the view of persons passing by or dwelling in the neighbourhood;
- (iii) to cleanse, repair, cover, fill up, drain off, deepen or to remove water from a private well, tank, reservoir, pool, pit, ditch, depression or excavation therein which may appear to the Gram Panchayat to be injurious to health or offensive to the neighbourhood;
- (iv) to remove any dirt, dung, nightsoil, manure or any noxious or offensive matter therefrom and to cleanse the land or building;
- (b) the owner of any wall or building which is deemed by the Gram Panchayat to be in any way dangerous, to remove or repair such wall or building;
- (c) the owner or occupier of any building or property to keep his building or property in a sanitary state;
- (h) the owner or person-in-charge of a private water channel to keep it in a state of reasonable repair;

or, if he objects so to do, to appear before it, at a time and place to be fixed by the order and to move to have the order set aside or modified in the manner hereinafter provided. If he does not perform such act or appear and show cause, the order shall be made absolute. If he appears and shows cause against the order, the Gram Panchayat shall take evidence and if it is satisfied that order is not reasonable and proper, no further proceedings shall be taken in the case. If it is not so satisfied, the order shall be confirmed or modified as it deems fit.

13. Power to Make General Orders

A Gram Panchayat may by general order to be published in the manner prescribed:

- (a) prohibit the use of water of a well, pond or other excavation suspected to be dangerous to the public health;
- (b) regulate or prohibit the watering of cattle or bathing or washing at or near wells, ponds or other excavations reserved for drinking water;
- (c) regulate or prohibit the steeping of hemp or any other plant in or near ponds or other excavations within two hundred and twenty metres of the residential area of a village;
- (k) regulate the observance of sanitation and taking curative and preventive measures to remove and prevent the spread of epidemics;
- (l) regulate the maintenance of water courses meant for irrigation purposes;
- (t) 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 bhawans, school buildings, Health/Veterinary/Ayurvedic Institution buildings.

21. Power Over Waterways etc

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 a 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 repair thereof, and may:

- (d) deepen or otherwise improve water ways;
- (e) with the sanction of the prescribed authority undertake small irrigation projects;
- (g) notify the setting apart of any public water course 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.

CHAPTER V - PANCHAYAT SAMITI

81. Functions of the Panchayat Samiti

Subject to the provisions of this Act and the rules made thereunder, and subject to general or special orders, as may be issued by the State Government, from time to time, it shall be the duty of a Panchayat Samiti so far as the Panchayat Samiti funds allow to make reasonable provision in the Samiti area for the following matters:

- (a) Integrated Rural Development, Agriculture, Social Forestry, Animal Husbandry and Fisheries, Health and Sanitation, Adult Education, Communication and Public Works, Co-operation, Cottage Industries, Welfare of Women, Youth and Children, Welfare of disabled and the destitutes and welfare of Backward Classes, family planning and sports and rural employment programmes;
- (d) management of public ferries.

84. Standing Committees

(1) The Panchayat Samiti shall have the following Standing Committees:

- (a) General Standing Committee.
- (b) Finance, Audit and Planning Committee.
- (c) Social Justice Committee.

85. Functions of the Standing Committees

(1) The General Standing Committee shall perform functions relating to the establishment matters, communications, buildings, rural housing, village extension, relief against natural calamities, water supply and all residuary matters.

CHAPTER VI - ZILA PARISHAD

96. Functions of the Standing Committees

- (4) The Education and Health Committee shall perform the following functions:
- (e) health services, hospitals, water supply family welfare and other allied matters.

CHAPTER VIA - SPECIAL PROVISIONS RELATING TO THE GRAM PANCHAYATS, PANCHAYAT SAMITIS AND ZILA PARISHADS LOCATED IN THE SCHEDULED AREAS.

97-G. Management of Minor Water Bodies in the Scheduled Areas

Planning and management of minor water bodies in the scheduled areas shall be entrusted to Gram Panchayats, Panchayat Samitis or the Zila Parishads, as the case may be, in such manner as may be prescribed.

CHAPTER VII - FINANCE, TAXATION AND RECOVERY OF CLAIMS

100. Levy of Taxes and Fees by Gram Panchayats

- (2) Subject to such maximum rates as the Government may prescribe, a Gram Panchayat may levy the following fees, namely:
- (i) teh-bazari from the shop-keepers 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.

CHAPTER XII - DEVELOPMENT PLANS AND DISTRICT PLANNING COMMITTEE

185. District Planning Committee

- (1) The Government shall constitute in every district a District Planning Committee to consolidate the plans prepared by the Zila Parishad, Panchayat Samitis, Gram Panchayats, Municipalities in the district and to prepare a draft development plan for the district as a whole.
- (7) Every District Planning Committee shall in preparing the draft development plan:
- (a) have regard to:
 - (i) the matters of common interest between the Zila Parishad, Panchayat Samitis, Gram Panchayats and Municipalities in the district including spatial planning, sharing of water and other physical and natural resource, the integrated development of infrastructure and environmental conservation.

SCHEDULE I – FUNCTIONS OF GRAM PANCHAYATS [See section 11(1)]

- (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 or maintained by the Public Works Departments;
- (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;

SCHEDULE II - [See sections 11(2), 83 and 94]

- 3. Minor irrigation, water management and watershed development.
- 11. Drinking water.
- 23. Health and sanitation, including hospitals, primary health centres and dispensaries.