

Government of Himachal Pradesh,
Department of Panchayati Raj.

...

No.PCH-HA (3) 4 /2011-II-

Dated: Shimal-171009, the- ०६-०३- ,2017.

NOTIFICATION

WHEREAS the draft Himachal Pradesh Panchayati Raj (Finance, Budget, Accounts, Audit, Works, Taxation and Allowances) Amendment Rules, 2016 were published in the Rajpatra, Himachal Pradesh on the dated 22nd October, 2016 for inviting objection(s) and suggestion(s) from the general public vide this department notification of even number dated 7th October, 2016 as required under the provisions of section 186 of the Himachal Pradesh Panchayati Raj Act, 1994 (Act No. 4 of 1994);

AND WHEREAS, the objection(s)/suggestion(s) received during the stipulated period have been duly considered by the State Government;

NOW, therefore, in exercise of the powers conferred by section 186 of the Himachal Pradesh Panchayati Raj Act, 1994 (Act No. 4 of 1994), the Governor of Himachal Pradesh is pleased to make the following rules, further to amend the Himachal Pradesh Panchayati Raj (Finance, Budget, Accounts, Audit, Works, Taxation and Allowances) Rules, 2002 notified vide this Department notification No.PCH-HA (1) 3/ 98, dated 10th October, 2002 and published in the Rajpatra Himachal Pradesh (Extra Ordinary) on 16th November, 2002, namely:-

Short title and commencement. 1. (1) These rules may be called the Himachal Pradesh Panchayati Raj (Finance, Budget, Accounts, Audit, Works, Taxation and Allowances) Amendment Rules, 2017.

(2) They shall come into force from the date of publication in the Rajpatra, Himachal Pradesh.

Insertion of rule 32-A. 2. In the Himachal Pradesh Panchayati Raj (Finance, Budget, Accounts, Audit, Works, Taxation and Allowances) Rules, 2002, (hereinafter referred to as the said rules), after rule 32 the following new rule 32-A shall be inserted, namely:-

"32-A. Appeal.- (1) Any persons aggrieved by an order of imposition of tax by the Gram Panchayat, Panchayat Samiti or Zila Parishad under the Act may, within a period of thirty days from the date on which such tax shall come into force, prefer an appeal to the Block Development Officer concerned in the case of Gram Panchayat, to the District Panchayat

Officer in the case of Panchayat Samiti and to the Director of Panchayati Raj in the case of Zila Parishad:

Provided that the Appellate Authority ~~may~~ entertain the appeal after the expiry of the said period of thirty days, if he is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) Every appeal preferred under sub-rule(1) shall be in the form of the memorandum by the appellant or his duly authorized person and shall set forth consisting the grounds of objections to the order appealed from and shall be accompanied by a copy of such order.

(3) On receipt of appeal under sub-rule(1) the appellate authority may, after calling for record from the Panchayat concerned against whose order the appeal has been preferred and after giving an opportunity of being heard and after making such further enquiry, if any, as it may deem necessary, pass such orders as he thinks fit and the order so passed shall be final.

(4) A copy of the order passed in appeal shall be sent to the State Government.'.

Substitution of rule 93. 3. For rule 93 of the said rules, the following rule shall be substituted, namely:-

"93. *Manner of execution of works.*- (1) The Panchayat shall execute works out of the funds available in Account-A and Account-B.-

(a) in the case of Gram Panchayat, by the Works Committee constituted under section 23 of the Act;

(b) in the case of Panchayat Samiti and Zila Parishad, by the Works Committee constituted by the concerned Panchayat Samiti and Zila Parishad which shall comprise of,-

(i) Chairman or Vice-Chairman of the Panchayat Samiti or Zila Parishad, as the case may be, as Chairperson of the works committee;

(ii) not more than two members of the Panchayat Samiti or Zila Parishad concerned one of whom shall be the member of the ward in which the work is to be executed; and

(iii) Panchayat Inspector in the case of Panchayat Samiti and Secretary in the case of Zila Parishad, shall be the Member Secretary of the works committee who shall be responsible for maintenance of accounts of the expenditure incurred on the execution of work :

Provided that separate works committee, shall be constituted for each work;

(c) through a registered body such as *Mahila Mandals, Yuva Mandals, Watershed Development Committees, etc.*; and

(d) through the contractors by inviting quotations or tenders in case the cost of work is more than the value of Rs.5.00 lacs.

Provided that for execution of work first preference shall be given to the works committee:

Provided further that registered body, specified under clause (c) shall be given one work at a time and that the said body shall be allotted work only if it has completed three years time period from the date of its registration and in lieu of proof thereof, it shall have to render audited statements of its previous three years accounts duly audited by the chartered accountant before applying for the allotment of work.

(2) The works committee or registered body specified under clause (c), as the case may be, shall be responsible for maintaining complete transparency in its functioning by strictly adhering to the following norms of financial propriety:-

- (i) shall authorize one of its members to act as Chairperson of such committee;
- (ii) it shall sign an agreement with the Panchayat for execution of work which shall be signed by the Secretary on behalf of the Panchayat concerned and Chairperson of the works committee or registered body, as the case may be.
- (iii) it shall decide on its own about the mode of execution of work, its supervision, procurement of material etc., in order to ensure that work is executed properly:

Provided that the guidelines of the scheme under which funds have been made available will prevail for deciding the mode of execution of work;

- (iv) the works committee shall be given funds by the Panchayat concerned to make payments on account of the expenditure to be incurred in respect of purchase of material and payment of wages to the labourers etc. The committee shall not ordinarily keep any money with it and shall make payments within seven days of the receipt of funds from the Panchayat and shall submit all the vouchers to the member-secretary from time to time; and

- (v) the works committee shall engage the labour on the minimum of the wages as may be notified by the State Government from time to time. The materials shall be purchased/ procured under the provisions of Chapter-VIII of these rules.

(3) Notwithstanding anything contained in sub-rules (1) and (2), the works of the Panchayats may be executed departmentally through the Junior Engineer, Block Engineer, Assistant Engineer and Executive Engineer of the Rural Development and Panchayati Raj Departments under these rules."

Amendment of rule 94. 4. In rule 94 of the said rules.-

(a) in sub-rule (1), in the proviso, for the word, signs and letter "Appendix-"A" ", the words, sign and letter "Appendix-D" shall be substituted;

(b) for sub-rule (3), the following sub-rule shall be substituted, namely :-

"(3) All estimates for works shall be prepared by the Takniki Sahayak or Junior Engineer, as the case may be, in respect of all works executed by the Gram Panchayats, within technical sanction limit provided in Appendix-D. In the case of the Panchayat Samiti and Zila Parishad, all estimates for works shall be prepared by Junior Engineer and a rough cost estimation shall be made by the Junior engineer where the cost of the works is below Rs.50,000/-; and

(c) in sub-rule (6), for the word, signs and letter "Appendix-"A" ", the word, sign and letter "Appendix-D" shall be substituted.

Amendment of rule 95. 5. In rule 95 of the said rules, in sub-rule (1), for the word, signs and letter "Appendix-"A" ", the words, sign and letter "Appendix-D" shall be substituted.

Amendment of rule-96. 6. In rule 96 of the said rules,-

(a) for sub-rule (1), the following sub-rule shall be substituted, namely:-

"(1) In the event of execution of the work through the works committee or registered body under rule 93, the Panchayat shall enter into an agreement with such committee or body on Appendix-E."; and

(b) in sub-rule (2), for the words "funding agency", the words "external funding agency other than the State Government" shall be substituted.

Amendment of rule 97. 7. In rule 97 of the said rules, in sub-rule (1), for the words "participatory committee", the words "works committee" shall be substituted.

Amendment of rule 101. 8. In rule 101 of the said rules, after sub-rule (2), the following sub-rule shall be inserted, namely:-

“(3) The Takiniki Sahayak or Junior Engineer or Block Engineer, as the case may be, within technical sanction limit provided in Appendix-D, shall made entries in the measurement book. In the case of works executed by the Panchayat Samiti or Zila Parishad, the entries in the measurement book shall be made by the Junior Engineer:

Provided that the entries in the measurement book shall be subject to test check by the Assistant Engineer or Executive Engineer, as the case may be, within technical sanction limit provided in Appendix-D.”

Amendment of rule 102. 9. In rule 102 of the said rules, in sub-rule (3), for the words “participatory committees”, the words “works committee” shall be substituted.

Amendment of rule 103. 10. In rule 103 of the said rules, for the words “participatory committee” wherever these occur, the words “works committee” shall be substituted.

Amendment of rule 104. 11. In rule 104 of the said rules, in sub-rule (2),-
(a) for the words “participatory committee” wherever these occur, the words “works committee” shall be substituted; and

(b) in clause (i) for the word, signs and figures “Rs.50,000/-” and “ Rs.3.00,000/-” wherever these occur, the word, signs and figures “Rs.3.00,000/-” and “Rs.5.00,000/-” shall be substituted.

Amendment of rule 106. 12. In rule 106 of the said rules, for sub-rule(1), the following sub-rule shall be substituted, namely:-

“(1) Before the release of final payment, the final assessment report shall be made in the following manner:-

- (i) in the case of Gram Panchayat, the works costing upto the value of Rs.3.00 lac, by the Takniki Sahayak and for the works costing more than the value of Rs.3.00 lac, by the Junior Engineer;
- (ii) in the case of Panchayat Samiti and Zila Parishad, by the Junior Engineer;
- (iii) in the case of all works of Panchayats costing more than Rs.5.00 lacs and upto Rs.10.00 lacs, the counter signatures of the Assistant Engineer shall be mandatory; and
- (iv) in the case of all works of Panchayats costing more than Rs.10.00 lacs, the counter

signatures of the Executing Engineer shall be mandatory.”.

Amendment of rule 107. 13. In rule 107 of the said rules, in sub-rule (1), for the words “participatory body”, the words “works committee” shall be substituted.

Amendment of Appendix-A. 14. In the said rules, in Appendix-A,-

(a) Under Budget Head ---04 for items (e) and (f), the following items shall respectively be substituted, namely:-

- “(e) Furniture
- (i) Gram Panchayat up to Rs.50,000/- (Fifty thousand only);
 - (ii) District Panchayat Officer above Rs.50,000/- (Fifty thousand only); and up to Rs.1,00,000/- (One lac only); and
 - (iii) Director above Rs.1, 00, 000/- (One lac only),

subject to the following terms and conditions:-

- (i) the furniture shall be purchased from persons or firms who are the approved rate contractors on the list of the Controller of Stores of the State Government;
 - (ii) no furniture shall be purchased within next three years;
 - (iii) the furniture shall be purchased subject to the availability of Panchayat fund and budget provision approved by the Gram Sabha;
 - (iv) the replacement of furniture shall be subject to the condemnation of old furniture and disposal by public auction;
 - (v) no ex-post-facto sanction shall be given if expenditure is incurred without the approval of the competent authority; and
 - (vi) the quantity of furniture to be purchased shall be as per requirement with the following entitlement and description:-
 - (a) Pradhan: table, chair, sofa set and chairs for visitors, centre table, cupboard, clock, curtains, footrest floor covering matting/ dari, and steel almirah;
 - (b) Meeting hall: chairs, floor covering matting/ dari, wall clock, curtains and table;
 - (c) Panchayat Secretary: table, chairs, steel almirah;
 - (d) Other Gram Panchayat servants: Chair and table for each servant; and
 - (f) Typewriter, Computer, Printer and other accessories.”;
- (b) The Budget Head---12 shall be omitted;
- (c) For Budget Head---13, for the existing provision, the following provision shall be substituted, namely:-

"13 Advertisement/publicity Gram Panchayat upto Rs.5,000/- (Five thousand only) per annum, District Panchayat Officer above Rs.5,000/- and upto Rs.10,000/- per annum and the Director above Rs.10,000/- (Ten thousands only) per annum;

subject to the following terms and conditions:-

- (i) the Gram Panchayat shall seek the prior approval for giving advertisement from the District Panchayat Officer concerned or the Director, as the case may be, by intimating the justification for the said purpose, who may accord sanction after examining the justification given by the Gram Panchayat;
- (ii) the advertisement/ publicity shall not be politically motivated;
- (iii) the advertisement/ publicity shall only relate to the outstanding performance of the Panchayat during the preceding financial year;
- (iv) the publicity shall not reflect the achievement of the office bearer of Panchayat concerned rather it shall reflect the achievement of the Panchayat; and
- (v) no ex-post-facto sanction shall be given if expenditure is incurred without the approval of the competent authority; and

(d) Under Budget Head---17 .-

(i) for items in (i), (iv) and (vi), the following items shall respectively be substituted, namely:-

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|--|---|
| "(i) legal charges | "Full powers of the Gram Panchayat subject of the approval of the District Panchayat Officer to engage the lawyer."; |
| (iv) to sanction non-recurring expenditure chargeable to contingencies where no special power is specified in the appendix | "Gram Panchayat up to Rs.5,000/- per annum, District Panchayat Officer above Rs.5,000/- and upto Rs.15,000/- per annum and the Director above Rs. 15,000/-, |
| (vi) to sanction disposal by public auction of stock fees | "Full powers of the Gram Panchayat for book value upto Rs.5,000/-, full powers of the District Panchayat Officer exceeding book |

or store found useless
or absolute or have
been rendered surplus
and can not be put to
any use

value of Rs.5,000/- and upto Rs.10,000/- and
full powers of the Director above the book
value of Rs.10,000/- on each item."

Amendment of 15. In the said rules, in Appendix-B,-

Appendix-B. (a) under Budget Head ---04 for items (e) and (f), the following items shall respectively be substituted, namely:-

(e) Furniture

(I) Panchayat Samiti upto Rs.1,00,000/- (One lac only);

(II) District Panchayat Officer above Rs.1, 00,000/- (One lac only) and upto Rs.3,00,000/- (three lac only); and

(III) Director above Rs.3, 00, 000/- (three lac only).

subject to the following terms and conditions:-

- (i) the furniture shall be purchased from persons or firms who are the approved rate contractors on the list of the Controller of Stores of the State Government;
- (ii) no furniture shall be purchased within next three years;
- (iii) the furniture shall be purchased subject to the availability of Panchayat fund and approved budget provision by the Panchayat Samiti;
- (iv) the replacement of furniture shall be subject to the condemnation of old furniture and disposal by public auction;
- (v) no ex-post-facto sanction shall be given if expenditure is incurred without the approval of the competent authority; and
- (vi) the quantity of furniture to be purchased shall be as per requirement with the following entitlement and description:-

(a) Chairman: table, chair, sofa set and chairs for visitors, centre table, cupboard, clock, curtains, footrest floor covering matting/ dari, and steel almirah;

(b) Meeting hall: chairs, floor covering matting/ dari, wall clock, curtains and table;

(c) Secretary: table, chairs, steel almirah; and

(d) Other Panchayat Samiti servants: Chair and table for.”; and

(f) Typewriter, Computer, Printer and other accessories.”;

(b) The Budget Head---12 shall be omitted;

(c) under Budget Head---13, the following provision shall be substituted, namely:-

“---13 Advertisement/ Publicity “Panchayat Samiti upto Rs.10,000/- per annum, full powers of the District Panchayat Officer exceeding Rs.10,000/- and upto Rs.20,000/-per annum and full powers of the Director above Rs.20,000/-per annum;

subject to the following terms and conditions:-

- (i) the Panchayat Samiti shall seek the prior approval for giving advertisement from the District Panchayat Officer concerned or the Director, as the case may be, by intimating the justification for the said purpose, who may accord sanction after examining the justification given by the Panchayat Samiti;
- (ii) the advertisement/ publicity shall not be politically motivated;
- (iii) the advertisement/ publicity shall only relate to the outstanding performance done by the Panchayat during the preceding financial year;
- (iv) the publicity shall not reflect the achievement of the office bearer of Panchayat concerned rather it shall reflect the achievement of the Panchayat; and
- (v) no ex-post-facto sanction shall be given if expenditure is incurred without the approval of the competent authority.”; and

(iv) Under Budget Head---17, for item “ (i), (iv), (v) and (vi) the following items shall respectively be substituted, namely:-

- (i) Legal charges “Full powers of the Panchayat Samiti subject of the approval of the District Panchayat Officer to engage the lawyer.
- (iv) to sanction non-recurring expenditure chargeable to contingencies where no special power is prescribed in the Panchayat Samiti upto Rs.25, 000/- per annum, the District Panchayat Officer exceeding Rs.25,000/- and upto Rs.50,000/- per annum and the Director above Rs.50,000/.

appendix

(v) to sanction recurring expenditure chargeable to contingencies where no special power is prescribed in the appendix

Panchayat Samiti upto Rs.10, 000/- per annum, the District Panchayat Officer exceeding Rs.10,000/- and upto Rs. 25,000/- per annum and the Director above Rs.25,000/-.

(vi) to sanction disposal by public auction of stock or store found useless or obsolete have been rendered or have been rendered surplus and cannot be put to use.

Panchayat Samiti for book value up to Rs.25,000/-, the District Panchayat Officer exceeding book value of Rs.25,000/- (Twenty five thousand only) and upto Rs.50,000/- (Fifty thousand only) and of the Director above the book value of Rs.50,000/- (Fifty thousand only) on each item."

Amendment of 16. In the said rules, in Appendix-C,-

Appendix-C. (a) Under Budget Head ---04, for items (e) and (f), the following items shall respectively be substituted, namely,-

“(e) Furniture

(I) Zila Parishad upto Rs.1,50,000/-; (One lac fifty thousand only) and

(II) Director above Rs.1,50,000/- (One lac fifty thousand only).

subject to the following terms and conditions:-

- (i) the furniture shall be purchased from persons or firms who are the approved rate contractors on the list of the Controller of Stores of the State Government of Himachal Pradesh;
- (ii) no furniture shall be purchased within next three years;
- (iii) the furniture shall be purchased subject to the availability of Panchayat fund and budget provision approved by the Zila Parishad;
- (iv) the replacement of furniture shall be subject to the condemnation of old furniture and disposal by public auction;
- (v) the quantity of furniture to be purchased shall be as per requirement with the following entitlement and description:-
 - (a) Chairman: table, chair, sofa set and chairs for visitors, centre table, cupboard, clock, curtains, footrest floor covering matting/ dari, and

steel almirah;

(b) Meeting hall: chairs, floor covering matting/ dari, wall clock, curtains and table;

(c) Secretary: table, chairs, steel almirah;

(d) Other Zila Parishad servants: Chair and table for each servant;

(f) Typewriter, Computer, Printer and Other accessories.”;

(b) The Budget Head---12 shall be omitted;

(c) For Budget Head---13 the following provisions shall be substituted; namely

“(13 Advertisement/publicity,	Zila Parishad upto Rs.20,000/- (Rs. Twenty thousand only) per annum and the Director above Rs.20,000/- (Rs. Twenty thousand only) per annum
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subject to the following terms and conditions:-

- (i) the Zila Parishad shall seek the prior approval for giving advertisement from the Director by intimating the justification for the said purpose, who may accord sanction after examining the justification given by the Zila Parishad;
- (ii) the advertisement/ publicity shall not be politically motivated;
- (iii) the advertisement/ publicity shall only relate to outstanding performance done by the Panchayat during the preceding financial year;
- (iv) the publicity shall not reflect the achievement of the office bearer of Panchayat concerned rather achievement of the Panchayat; and
- (v) no ex-post-facto sanction shall be given if expenditure is incurred without the approval of the competent authority.”; and

(d) Under Budget Head----17, for items (iv), (v) and (vi), the following shall respectively be substituted, namely:-

- | | |
|---|---|
| (iv) to sanction non-recurring expenditure chargeable to contingencies where no special power is prescribed in the appendix | Zila Parishad up to Rs.50,000/- (Fifty thousand only) per annum and the Director above Rs.50,000/- (Fifty thousand only); |
| (v) to sanction recurring expenditure chargeable to contingencies where no special power is prescribed in the appendix | Zila Parishad up to Rs.20,000/- (Twenty thousand only) per annum and the Director above Rs.20,000/- (Twenty thousand only); and |

(vi) to sanction Zila Parishad for book value upto Rs.25,000/- (Twenty disposal by public five thousand only) and the Director above the book auction of stock or value of Rs.25000/- (Twenty five thousand only), on each store found useless or obsolete or has been rendered surplus and cannot be put to any use

Amendment of 17. In the said rules in Appendix-D, in Sl. No.1, for items (a) and (b), the following items Appendix-D. shall respectively be substituted, namely :-

“(a) work costing upto ₹3,00,000 Gram Panchayat Takniki Sahayak
(Three lac only) to be executed by
Gram Panchayat

(b) work costing more than ₹3,00,000 Gram Panchayat Junior Engineer !”!
(Three lac only) and upto ₹
5,00,000 (Five lac only) to be
executed by Gram Panchayat”

Amendment of 18. In the said rules, in Appendix-E, for the words, ”Participatory Committee”, the words, Appendix-E. ”works committee” shall be substituted.


By order/-

Secretary (PR) to the
Government of Himachal Pradesh.

Endst. No.PCH-HA(3) 4 /2011-II- 2644-261 Shimla-171009, dated the - 06-03-, 2017

Copy for information and necessary action forwarded to:-

1. All the Principal Secretaries/ Secretaries to the Government of Himachal Pradesh.
2. The Additional Secretary (GAD) to the Government of Himachal Pradesh in reference decision taken in the Cabinet Meeting held on
3. All the Deputy Commissioners in Himachal Pradesh.
4. Assistant Law Advisor and Under Secretary (Law) Himachal Pradesh Government.
5. All the District Panchayat Officer-cum-Secretary, Zila Parishad H.P.
6. Principals, PRTI, Mashobra, Thunag, Baijnath.
7. All the Block Development Officers-cum-Executive Officers of Panchayat Samitis in Himachal Pradesh.
8. Controller, Printing and Stationary Department, H.P. Shimla-171005 with the request that the above notification may kindly be published in Rajpatra.


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