



**Vikesh Zinta & Others versus State of H.P. & Others**

**CWPIL No.32 of 2026**

**06.04.2026. Present:** Mr. Ankush Dass Sood, Senior Advocate with Mr. Nand Lal Thakur, Mr. Mandeep Chandel, Mr. Udit Shaurya Kaushik and Mr. Bheeshamlata, Advocates, present in person and Mr. Tarun Mehta, Ajay Sipahiya & Mr. Shivam Prashar, Advocates, through video conferencing.

Mr. Anup Rattan, Advocate General with Mr. Sushant Keprate, Additional Advocate General, Ms. Swati Draik, Deputy Advocate General and Mr. Shalabh Thakur, Assistant Advocate General, for respondents No.1 to 3-State.

Mr. Surender Sharma, Advocate, for respondent No.4.

**CWPIL No.32 of 2026**

Notice. Mr. Sushant Keprate, learned Additional Advocate General and Mr. Surender Sharma, Advocate, appear and waive service of notice on behalf of respondents No.1 to 3 and respondent No.4, respectively and seeks 10 weeks time to file reply.

Reply, as prayed, be filed within 10 weeks. Rejoinder thereto, if any, be filed within two weeks thereafter.

List for consideration on **22.06.2026**, as prayed.

**CMP No. 6586 of 2026**

Notice and reply in aforesaid terms.

2. It has been submitted by learned counsel for petitioners that action of respondents/State in issuing Notification dated 30.3.2026 conferring the powers upon the Deputy Commissioner to change the roster of office bearers of Panchayats upto 5% of total offices in his jurisdiction suffer procedural ultra-virus and substantive ultra-vires and further the action of State is also required to be interferred with because Executive cannot be handed over power to change the roster contrary to the provisions of Constitution as well as Statute enacted in furtherance to the Constitutional provisions and Rules framed thereunder.

3. It has been submitted that Article 243D of the Constitution and Section 125 of H.P. Panchayati Raj Act, 1994 provide procedure for reservation of Territorial Constituencies in Panchayats which includes Gram Panchayats, Panchayat Samities and Zila Parishad wherein there is no criteria for reservation of the Territorial Constituencies of Panchayat on the basis of geographical and other

peculiar conditions but reservation has been mandated to be provided on the basis of population/ratio of population with further direction to rotate the reservation for Scheduled Caste, Scheduled Tribe, OBC and women in succeeding elections of the Panchayat.

4. It is further case of the petitioners that impugned notification has been issued in haste at the last hour of time granted by the Apex Court to the respondent/State to determine the roster but it appears that in order to create mess and play mischief to all by avoiding the compliance of direction passed by Hon'ble Supreme Court at the last hours Rules have been changed that too by conferring powers upon the Deputy Commissioner to alter the roster of Territorial Constituencies of Panchayat on the basis of unbridled, vague and unguided factors i.e. geographical and other peculiar conditions which are also not the criteria mandated in the Constitution or in provisions of H.P. Panchayati Raj Act for determining the reservation roster.

5. It has been further submitted by learned counsel for parties that notification for amendment in Rules 28, 87 and 88 and Rule 89 of the H.P.

Panchayati Raj Election Rules proposed to be carried out was notified on 13.3.2026 inviting objections and suggestions from general public as required under Section 186(3) of the H.P. Panchayati Raj Act, 1994, and vide Notification dated 21.3.2026 the said amendment was notified by publishing in e-Rajpatra of Himachal Pradesh with observations that no objection and no suggestion had been received within stipulated period. He further submits that matter does not end here, as, thereafter, respondent/State issued Notification dated 30.3.2026 in supersession of Notification dated 21.3.2026 (published in Rajpatra on 23.3.2026) on the ground that objections received with regard to proposal of amendment Rules could not be considered inadvertently, and ultimately instead of continuing finalization of the amendment of Rules vide Notification dated 21.03.2026 in terms of Notification dated 13.3.2026, entirely changed amendment was carried out by inserting proviso to Rule 28(8A), 87(8A) and 88(8A) of the Panchayati Raj Election Rules by conferring power upon the Deputy Commissioner impugned herein.

6. It has been further submitted by learned counsel for petitioners that provisions of consultation

to be undertaken with State Election Commission, as provided under Section 183 of H.P. Election Rules, has been ignored and these notifications have been sent to the State Election Commission for information and necessary action only.

7. It has been further submitted that as provided under Section 186(3) of the Panchayati Raj Act, there is no previous publication with regard to amendment in the Rules carried out vide impugned Notification dated 30.3.2026. Further that this amendment has also not placed on the table of Legislative Assembly as required under Section 186(3) of the Panchayati Raj Act.

8. Learned Advocate General has raised issue of maintainability of present petition as a Public Interest Litigation by referring H.P. High Court Public Interest Litigation Rules 2021 with submission that petitioners are not covered in the category of the persons who has been held entitled to file and maintain the public interest litigation under these Rules and further that petitioners have filed present petition purely on the basis of personal interest to espouse their cause to continue with reservation roster as was existing prior to amendment. According

to him, petitioners are trying to settle personal dispute for their political interest to oppose the action of State but not acting in public interest.

9. To substantiate his plea he has referred judgment passed by the Apex Court in ***State of Uttranchal vs. Balwant Singh Chauhal and others*** reported in **(2010)3 SCC 402** with submission that once High Court has framed Public Interest Litigation Rules 2021, a petition like present petition cannot be entertained unless it fulfills the criteria laid down by the High Court for considering a petition as Public Interest Litigation. In this regard, he has also placed reliance on ***Dattaraj Nathuji Thaware vs. State of Maharashtra*** reported in **(2005)1SCC 590** and ***Janata Dal vs. H.S. Couwdhary and others*** reported in **(1992)4 SCC 305**.

10. It has been submitted by learned Advocate General that State has framed and amended the Rules within the time schedule submitted by the State to the Court and all Government Machinery has executed the provisions of impugned amendment by issuing roster almost in every District of the State for adhering to the timeline granted by the Court for doing so and therefore, at this stage, prayer of petitioners is not sustainable. According to him, petitioners appear to be unscrupulous

litigants who are not acting in substantial public interest but for their private interest to oppose the action of the State at any cost.

11. It has been submitted by learned Advocate General that officers of the State were facing difficulty in implementing the provisions of law related to roster and therefore, for smooth functioning of affairs to provide play in joints, impugned amendment vide Notification dated 30.3.2026 has been carried out.

12. It has been submitted by learned Advocate General that under Section 124 of the Panchayati Raj Act, Deputy Commissioner is competent to determine the roster of Territorial Constituencies of the Panchayat and therefore, conferring power upon him to alter the roster to the extent of 5% in view of geographical and other peculiar conditions is conferment of power upon the Deputy Commissioner in consonance with law.

13. It has also been submitted by learned Advocate General that laying the amendment on the table of Legislature as provided under Section 186 of Panchayati Raj Act is not pre-condition for enforcing the amendment but the Rules can be laid on the table of Legislature at any point of time when House is in session and for non-compliance whereof amendment shall not lose its

enforcibility but the defaulter shall face the penalty in the shape of fine and in this Rule it has been nowhere provided that for not placing the rules on the table of Legislature, the Rules shall not be effective or void.

14. Learned Advocate General has also submitted that Rule 183 of H.P. Panchayat Elections Rules provides that State 'may', vide Notification in official gazette and in consultation of the State Election Commission, make Rules with respect to conducting elections of Panchayati Raj Institutions and therefore, for framing the Rules, consultation with election Rule is not mandatory but is directory in nature.

15. To substantiate his plea, learned Advocate General has also placed reliance on ***M/s Atlas Cycle Industries Ltd. and others vs. State of Haryana*** reported in ***(1979)2 SCC 196***; ***R.K. Garg vs. Union of India*** reported in ***(1981)4 SCC 675*** and ***State of M.P. and others vs. Hukum Chand Mills Karamchari*** reported in ***(1996)7 SCC 81***. It has been submitted by learned Advocate General that in view of the directory nature of provisions of Sections 183 and 186 read with other provisions of Panchayati Raj Act, no interference is warranted at this stage.

16. Learned counsel for petitioners, in rebuttal, referring judgment of the Apex Court in **Simran Jain and others vs. Union of India** reported in **(2014)2 SCC 401** (para34) has submitted that where Acts provides to complete the process in a particular manner then the concerned Authorities are bound to follow the same and deviation for such mandatory procedure shall render the action of Authority being in violation of Statute and accordingly, has submitted that reservation under Article 243D of Constitution of India and Section 125 of Panchayati Raj Act has been provided on the basis of population but not on the basis of geographical or other peculiar conditions and therefore, alteration in the roster on the basis of geographical and other peculiar conditions is not permissible under law.

17. It has been submitted by learned counsel for petitioners that petitioners, being ex-office bearer of Panchayat and also as electors in elections to the Panchayati Raj Institutions, have locus and right to file and maintain present writ petition as every citizen of India has to act to uphold the mandate of the Constitution and it is duty and right of citizens to assail any Legislation or Notification which is in conflict with the provisions of the Constitution and in case impugned

amendment dated 31.3.2026 is not stayed, then for action of State completely in violation of mandate of Constitution shall result into irreparable injury to the public interest which lies in following the constitutional mandate and valid Statute framed thereunder.

18. Learned counsel for State Election Commission has submitted that for carrying out the amendment in the impugned amendment, the Election Commission was never consulted but was only informed about issuance of notification after carrying out impugned amendment.

19. Article 243D of the Constitution of India reads as under:-

**“243D. Reservation of seats-(1) Seats shall be reserved for-**

- (a) the Scheduled Castes; and
- (b) the Scheduled Tribes,

in every Panchayat and the number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election in that Panchayat as the population of the Scheduled Castes in that Panchayat area or of the Scheduled Tribes in that Panchayat area bears to the total population of that area and such seats may be allotted by rotation to different constituencies in a Panchayat.

(2) Not less than one-third of the total number of seats reserved under clause (1) shall be reserved for women belonging to the Scheduled Castes or, as the case may be, the Scheduled Tribes.

(3) Not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every Panchayat shall be reserved for women and such seats may be allotted by rotation to different constituencies in a Panchayat.

(4) The offices of the Chairpersons in the Panchayats at the village or any other level shall be reserved for the Scheduled Castes, the Scheduled Tribes and women in

such manner as the Legislature of a State may, by law, provide:

Provided that the number of offices of Chairpersons reserved for the Scheduled Castes and the Scheduled Tribes in the Panchayats at each level in any State shall bear, as nearly as may be, the same proportion to the total number of such offices in the Panchayats at each level as the population of the Scheduled Castes in the State or of the Scheduled Tribes in the State bears to the total population of the State:

Provided further that not less than one-third of the total number of offices of Chairpersons in the Panchayats at each level shall be reserved for women:

Provided also that the number of offices reserved under this clause shall be allotted by rotation to different Panchayats at each level.

(5) The reservation of seats under clauses (1) and (2) and the reservation of offices of Chairpersons (other than the reservation for women) under clause (4) shall cease to have effect on the expiration of the period specified in article 334.

(6) Nothing in this Part shall prevent the Legislature of a State from making any provision for reservation of seats in any Panchayat or offices of Chairpersons in the Panchayats at any level in favour of backward class of citizens.”

20. Sections 124, 125, 183 and 186 of the H.P.

Panchayati Raj Act read as under:-

**Section 124 Territorial Constituencies:** For the convenience of the election and also after every increase or decrease of the Panchayat area, the Deputy Commissioner shall, in accordance with such rules as may be prescribed in this behalf by the State Government:-

- (a) divide the Panchayat area into as many single member territorial constituencies as the number of members are required to be elected;
- (b) determine the extent of each territorial constituency; and
- (c) determine the territorial constituency or constituencies in which seats are reserved under this Act.

**125. Reservation for Chairpersons-** (1) There shall be reserved by the Government in the prescribed manner such number of offices of Chairperson in Panchayats at every level in the State for the persons belonging to the Scheduled Casts and Scheduled Tribes and the number of such offices, bearing as may be the same proportion to the total number of offices in the State as the population of the Scheduled Castes in the State or of the

Scheduled Tribes in the State bears to the population of the State.

(2) (one half) of offices of Chairperson reserved in each category for persons belonging to the Scheduled Casts and Scheduled Tribes and of the non-reserved offices in the Panchayats at every level shall be reserved for women.

(3) The State Government may by general or special order, reserve such member of offices of chairpersons for persons belonging to Backward Classes in Panchayats at every level, not exceeding the proportion to the total number of offices to be filled by direct election in the Panchayat as the population of the persons belonging to Backward Classes in the State bears to the total population of the State and may further reserve (one-half) of the total seats reserved under this sub-section for women belonging to Backward Classes.

(4) The offices of Chairpersons reserved under sub-section (1), (1) and (3) shall be allotted by rotation to different constituencies in the district in such manner as may be prescribed.

*Explanation:* For the removal of doubt it is hereby declared that the principle of rotation for the purposes of reservation of office under this Section shall commence from the first election to be held after the commencement of this Act.....

**183. Power to make rules for conduct of elections:-** The State Government may, by notification in the Official Gazette and in consultation with the State Election Commission make rules for the composition of Panchayats conducting the election, issue of symbols and all matters relating to or in connection with elections to the Panchayats.

## CHAPTER-XIII

### RULES AND BYE-LAWS

186. Power to make rules.- (1) The State Government may make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the matters which under any provisions of this Act, are required to be prescribed or to be provided for by rules.

(3) All rules shall be subject to the condition of previous publication.

(4) All rules shall be laid on the Table of Legislative Assembly.

(5) In making any rule, the State Government may direct that a breach thereof shall be punishable with fine which may extend to two hundred and fifty rupees and in the case of continuing breach with a further fine which may extend to five rupees for every day during which the breach continues after the first conviction.

21. Rules 28, 87 and 88 of the H.P. Panchayat Election Rules read as under:-

**THE HIMACHAL PRADESH PANCHAYATI RAJ  
(ELECTION) RULES, 1994**

**RESERVATION OF SEATS IN PANCHAYATS**

**Rule - 28. Reservation of seats in Panchayats :-**

(1) Before every election to a Panchayat the Deputy Commissioner or any other officer authorised by him in this behalf shall, in accordance with the provisions of sections 8, 78, and 89 of the Act reserve the constituencies for Scheduled Castes, Scheduled Tribes and Women in a Panchayat area and determine their rotation.

(2) In every Panchayat the population of general category, Scheduled Castes, Scheduled Tribes and Women shall be worked out constituency-wise and the percentage of Scheduled Caste and Scheduled Tribes and Women, in relation to the total population of the Constituency shall be determined for the purposes of making reservation.

(3) In every Panchayat, constituency/constituencies shall be reserved for the Scheduled Castes and Scheduled Tribes in proportion to their population in that Panchayat area. The constituency having highest percentage of population of Scheduled Castes shall be reserved for the members of the Scheduled Castes and the constituency having the highest percentage of population of Scheduled Tribes shall be reserved for the Scheduled Tribes.

(4) If the number of constituencies to be reserved for the members of Scheduled Castes or Tribes is more than one, then the constituency having the next highest percentage of Scheduled Castes and Scheduled Tribes

shall be reserved for the members of the Scheduled Castes and Scheduled Tribes, as the case may be and so on:

Provided that if the total population of Scheduled Castes or Scheduled Tribes in a Panchayat area is less than five percent of the total population of the panchayat area, then no constituency shall be reserved.

(5) Out of the constituencies reserved for members of Scheduled Castes and Scheduled Tribes, [one-half] of the constituencies shall be reserved for women members belonging to Scheduled Castes and Scheduled Tribes, as the case may be, and the Constituency having highest percentage of population of women belonging to Scheduled Castes or Scheduled Tribes in relation to total population of the Constituency, as the case may be, in a Panchayat area shall be reserved for such women.

(6) If the number of constituencies to be reserved for women belonging to Scheduled Castes, or Scheduled Tribes, as the case may be, is more than one then the constituency having the next highest percentage of women belonging to Scheduled Castes or Scheduled Tribes, as the case may be, shall be reserved for such women, and so on.

(7) Out of the total constituencies excluding the constituencies reserved for Scheduled Castes and Scheduled Tribes (including women belonging to Scheduled Castes and Scheduled tribes), [one- half] of the constituencies shall be reserved for women and the constituency having highest percentage of population of women shall be reserved for such women and if the number of constituencies to be reserved for women is more than one, then the constituency having the next highest percentage of women population shall be reserved for general women and so on .

(8) The Constituencies reserved for Scheduled Castes and Scheduled Tribes and women belonging to Scheduled Castes and Scheduled Tribes and women belonging to general category on the basis of percentage of population shall be rotated after every five years from the date of first election. At the time of next election, the constituency/constituencies having the next highest percentage of population shall be reserved for members of Scheduled Castes and Scheduled Tribes including women belonging to Scheduled Castes and Scheduled Tribes and women belonging to general category and so on for subsequent elections:

Provided that the reservation for a particular category shall not be repeated unless all other constituencies are

covered by rotation: Provided further that the reservation for a particular category shall not be rotated in such a constituency where the population of that category is less than 5% of the total population of that constituency.

[(8-A) Notwithstanding anything contained in these rules, the roster of reservation of seats shall operate from the initial stage for the elections to be held after the commencement of the Himachal Pradesh Panchayati Raj (Election) Amendment Rules, 2010 as if the said elections are being conducted for the first time under sub-rule (8) and thereafter, the reservation of seats shall be rotated to different constituencies under this rule.]

(9) The reservations made under this rule shall be finalised by the Deputy Commissioner or any other officer authorised by him in this behalf and shall be given wide publicity by him by affixing a copy of order of such reservation on the notice board of his office and that of the offices of Zila Parishad, Panchayat Samitis and Gram Panchayats and he shall also send a copy of the same to the Government and this notification shall be the conclusive proof of reservations of constituencies.

#### CHAPTER-XI RESERVATION FOR CHAIR PERSONS

##### **87. Reservation of office of Pradhans, Gram Panchayats.-**

(1) Before every election to a Gram Panchayat the State Government or any other officer authorised by it in this behalf shall in accordance with the provisions of section 125 of the Act, determine the number of the offices of Pradhans of Gram Panchayats to be reserved for Scheduled Castes, Scheduled Tribes and Women in a block.

(2) For the purpose of reservation of the offices of the Pradhans the population of general category, Scheduled Castes, Scheduled Tribes and women shall be worked out Gram Sabha-wise and the percentage of Scheduled Castes, Scheduled Tribes and women in relation to the total population of Gram Sabha, shall be determined.

(3) In every block the offices of the Pradhans of the Gram Panchayats shall be reserved for the Scheduled Castes and Scheduled Tribes in proportion to their population in the Block. The Gram Sabha having highest percentage of population of Scheduled Castes shall be reserved for the members of the Scheduled Castes and the Gram Sabha having the highest percentage of population of Scheduled Tribes shall be reserved for the Scheduled Tribes.

(4) If the number of offices to be reserved for the members of Scheduled Castes or Scheduled Tribes is more than one, then the Gram Sabha having the next highest percentage of population of Scheduled Castes and Scheduled Tribes, shall be reserved for the members of the Scheduled Castes and Scheduled Tribes, as the case may be, and so on:

Provided that if the total population of Scheduled Castes or Scheduled Tribes in a Block is less than 5 % of the total population, then no office shall be reserved.

(5) Out of the offices reserved for members of Scheduled Castes and Scheduled Tribes, 1 [one-half] of the offices shall be reserved for women members belonging to Scheduled Castes and Scheduled Tribes as the case may be, and the Gram Sabha having highest percentage of population of women belonging to Scheduled Castes or Scheduled Tribes, in relation to the total population of Gram Sabha, as the case may be, in a block shall be reserved for such women.

(6) If the number of offices to be reserved for women belonging to Scheduled Castes or Scheduled Tribes, as the case may be, is more than one than the Gram Sabha having the next highest percentage of population of women belonging to Scheduled Castes or Scheduled Tribes, as the case may be, shall be reserved for such women, and so on.

(7) Out of the total offices, excluding the offices reserved for Scheduled Castes and Scheduled Tribes (including women belonging to Scheduled Castes and Scheduled Tribes), [one-half] of the offices shall be reserved for women, and the Gram Sabha having the highest percentage of women population shall be reserved for general women, and so on.

(8) The offices reserved for Scheduled Castes and Scheduled Tribes and women belonging to Scheduled Castes and Scheduled Tribes and women belonging to general category on the basis of percentage of population shall be rotated after every five years from the date of first election. At the time of next election, the Gram Sabha having the next highest percentage of population shall be reserved for members of Scheduled Castes and Scheduled Tribes including women belonging to Scheduled Castes and Scheduled Tribes and women belonging to general category 3 [\*\*\*\*\*] and so on for subsequent election:

Provided that the reservation of any office for a particular category shall not be repeated unless all other offices in the block are covered by rotation:

[Provided further that the reservation for a particular category shall not be rotated in such a Gram Sabha where the population of that category is less than 5% of the total population of that Gram Sabha.]

[(8-A) Notwithstanding anything contained in these rules, the roster of reservation of offices shall operate from the initial stage for the elections to be held after the commencement of the Himachal Pradesh Panchayati Raj (Election) Amendment Rules, 2010 as if the said elections are being conducted for the first time under sub-rule (8) and thereafter, the reservation of offices shall be rotated to different Gram Sabhas under this rule.]

The reservations made under this rule shall be finalised by the State Government or by any officer authorised by it, in this behalf, and shall be given wide publicity by affixing a copy of order of such reservation on the notice board of his office and that of the Gram Panchayat and Panchayat Samiti and shall also send a copy of the same to the Government for publication of the order in the Official Gazette and this notification shall be the conclusive proof of reservations of offices as of Pradhan in the block.

**88. Reservation of offices of Chairmen in Panchayat Samitis.-** (1) Before every election to Panchayat Samitis, the State Government or any other officer authorised by it in this behalf shall in accordance with the provisions of section 125 of the Act, determine the number of the offices of Chairmen of Panchayat Samitis to be reserved for Scheduled Castes, Scheduled Tribes and women in the district.

(2) For the purpose of reservation of the offices of the Chairmen of Panchayat Samitis, the population of general category, Scheduled Castes, Scheduled Tribes and women, shall be worked out Panchayat Samiti-wise, and the percentage of Scheduled Castes, Scheduled Tribes and women population in relation to the total population of Panchayat Samitis shall be determined.

(3) In every district the offices of the Chairman of the Panchayat Samiti shall be reserved for the Scheduled Castes and Scheduled Tribes in proportion to their population in the District. The Panchayat Samiti having the highest percentage of population of Scheduled Castes shall be reserved for the members of the Scheduled Castes and the Panchayat Samiti having the highest percentage of population of Scheduled Tribes shall be reserved for the Scheduled Tribes.

(4) If the number of offices to be reserved for the members of Scheduled Castes or Scheduled Tribes is

more than one, then the Panchayat Samiti having the next highest percentage of population of Scheduled Castes and Scheduled Tribes shall be reserved for the members of the Scheduled Castes and Scheduled Tribes, as the case may be, and so on:

Provided that if the total population of Scheduled Castes or Scheduled Tribes in a district is less than 5 % of the total population, then no office shall be reserved.

(5) Out of the offices reserved for member of Scheduled Castes and Scheduled Tribes of the offices shall be reserved for women members belonging to Scheduled Castes and Scheduled Tribes, as the case may be, and the Panchayat Samiti having highest percentage of population of women belonging to Scheduled Castes or Scheduled Tribes in relation to the total population of Panchayat Samiti as the case may be, in the district shall be reserved for such women.

(6) If the number of offices to be reserved for women belonging to Scheduled Castes or Scheduled Tribes, as the case may be, is more than one then the Panchayat Samiti having the next highest percentage of population of women belonging to Scheduled Castes or Scheduled Tribes, as the case may be, shall be reserved for such women, and so on.

(7) Out of the total offices excluding the offices reserved for Scheduled Castes and Scheduled Tribes (including women belonging to Scheduled Castes and Scheduled Tribes) [one-half] of the offices shall be reserved for women and the Panchayat Samiti having the highest percentage of women population shall be reserved for general women and so on.

(8) The offices reserved for Scheduled Castes and Scheduled Tribes and women belonging to Scheduled Castes and Scheduled Tribes and women belonging to general category on the basis of percentage of population shall be rotated after every five years from the date of first election. At the time of next election, the Panchayat Samiti having the next highest percentage of population shall be reserved for member of Scheduled Castes and Scheduled Tribes including women belonging to general category [\*\*\*\*\*] and so on for subsequent election:

Provided that the reservation of any office for a particular category shall not be repeated unless all other offices in the district are covered by rotation.

[Provided further that the reservation for a particular category shall not be rotated in such a Panchayat Samiti where the population of that category is less than 5% of the total population of that Panchayat Samiti.]

[(8-A) Notwithstanding anything contained in these rules, the roster of reservation of offices shall operate from the initial stage for the elections to be held after the commencement of the Himachal Pradesh Panchayati Raj (Election) Amendment Rules, 2010 as if the said elections are being conducted for the first time under sub-rule (8) and thereafter, the reservation of offices shall be rotated to different Panchayat Samitis under this rule.]

The reservation made under this rule shall be finalised by the State Government or by any other officer authorised by it in this behalf and shall be given wide publicity by affixing a copy of order of such reservation on the notice board of his office and that of the Gram Panchayat, Panchayat Samiti and Zila Parishad and shall also send a copy of the same to the Government for publication of the order in the Official Gazette and this notification shall be the conclusive proof of reservations of offices of Chairmen in the District.

22. Previous publication with proposal of amendment vide Notification dated 13.3.2026 reads as under:-

**“(Authoritative English text of this Department Notification No. PCH-HA(1)18/2008-III dated as required under clause(3) of article 348 of the Constitution of India)**

**Government of Himachal Pradesh  
Department of Panchayati Raj**

**No. PCH-HA (1)18/2008-III-12110-12303 Dated  
Shimla-09, the 13-03-2026.**

**NOTIFICATION**

In exercise of the powers conferred by sections 183 and 186 of the Himachal Pradesh Panchayati Raj Act, 1994 (Act No. 4 of 1994), the Governor, Himachal Pradesh, proposes to make the following rules, further to amend the Himachal Pradesh Panchayati Raj (Election) Rules, 1994 notified vide this Department notification No. PCH-HA (3) 6/94, dated 7<sup>th</sup> February, 1995 and published in the Rajpatra, Himachal Pradesh (Extra-ordinary) on 8th February, 1995 and the same are hereby published in the Rajpatra (e-Gazette) Himachal Pradesh, for the information of the general public as required under sub-section (3) of section 186 of the above Act;

If any interested person, likely to be affected by these draft rules has any objection(s)/suggestions) with regard to the proposed rules, he/she may send the written objections) or suggestions) to the Director, Panchayati Raj, Himachal Pradesh, SDA Complex, Kasumpti, Shimla-171009, within a period of five days from the

date of publication of the draft rules in the Rajpatra, (e-Gazette Himachal Pradesh;

The objection(s) or suggestion(s), if any, received within the period stipulated above shall be taken into consideration by the State Government before finalizing these draft rules, namely:-

#### DRAFT RULES

Short title and commencement. 1. (1) These rules may be called the Himachal Pradesh Panchayati Raj (Election) Amendment Rules, 2026.

(2) These rules shall come into force from the date of their publication in Rajpatra (e-Gazette, Himachal Pradesh.

Amendment of rule 28. 2. In rule 28 of H.P. Panchayati Raj (Election) Rules, 1994 (hereinafter referred to as the 'said rules') after sub-rule (8-A), the following proviso shall be inserted namely:-

"Provided that where seat of Member of Panchayat has been reserved for any category for two consecutive terms immediately preceding the elections to be held after the commencement of the Himachal Pradesh Panchayati Raj (Election) Amendment Rules, 2025, such seat shall not be reserved for any category in the immediately succeeding election and shall be treated as unreserved;

Provided further that this restriction shall not apply where non reservation of such office would result in non-fulfillment of the prescribed percentage of reservation of any category under the Act and Rules".

Amendment 3. In rule 87 of the 'said rules'

ment of  
rule 87.

after sub-rule (8-A), the following proviso shall be inserted namely:-

"Provided that where office of Pradhan of Gram Panchayat has been reserved for any category for two consecutive terms immediately preceding the elections to be held after the commencement of the Himachal Pradesh Panchayati Raj (Election) Amendment Rules, 2025, such office shall not be reserved for any category in the immediately succeeding election and shall be treated as unreserved;

Provided further that this restriction shall not apply where non reservation of such office would result in non-fulfillment of the prescribed percentage of reservation of any category under the Act and Rules".

Amend 4.  
ment of  
rule 88.

In rule 88 of the 'said rules' after sub-rule (8-A), the following proviso shall be inserted namely:-

"Provided that where office of Chairman of Panchayat Samiti has been reserved for any category for two consecutive terms immediately preceding the elections to be held after the commencement of the Himachal Pradesh Panchayati Raj (Election) Amendment Rules, 2025, such office shall not be reserved for any category in the immediately succeeding election and shall be treated as unreserved;

Provided further that this restriction shall not apply where non reservation of

such office would result in non-fulfillment of the prescribed percentage of reservation of any category under the Act and Rules".

Amend 5.  
ment of  
rule 89.

In rule 89 of the 'said rules' after sub-rule (8-A), the following proviso shall be inserted namely:-

"Provided that where office of Chairman of Zila Parishad has been reserved for any category for two consecutive terms immediately preceding the elections to be held after the commencement of the Himachal Pradesh Panchayati Raj (Election) Amendment Rules, 2025, such office shall not be reserved for any category in the immediately succeeding election and shall be treated as unreserved;

Provided further that this restriction shall not apply where non reservation of such office would result in non-fulfillment of the prescribed percentage of reservation of any category under the Act and Rules".

**By Order**  
**Secretary (Panchayati Raj to the**  
**Government of Himachal Pradesh.**

**Endst. No.PCH-HA (1)18/2008-III-12110-12303**

**Dated Shimla-09, the 13-03-2026.**

**Copy for information and necessary action forwarded to:-**

1. All the Principal Secretaries/ Secretaries to the Government of Himachal Pradesh.
2. All the Heads of departments in H.P.
3. All the Deputy Commissioners in Himachal Pradesh
4. The Secretary, State Election Commission, Himachal Pradesh, Shimla-2.

5. The Addl. LR-cum-Addl. Secy. (Law-Legn) to the Govt. of H.P.
6. All the District Panchayat Officer-cum-Secretary, Zila Parishad H.P.
7. The Principals, PRTI, Mashobra, Thunag, Baijnath.
8. All the Block Development Officers-cum-Executive Officers of Panchayati Samitis in Himachal Pradesh.
9. E-Gazette.

Sd/-

**Special Secretary (Panchayati Raj) to the  
Government of Himachal Pradesh.**

23. Finalizing the amendment vide Notification dated 21.3.2026, published in Rajpatra on 23.3.2026 reads as under:-

**“(Authoritative English text of this Department  
Notification No.PCHHA(1)18/2008-III dated  
as required under clause (3) of article 348 of the  
Constitution of India).**

**Government of Himachal Pradesh  
Department of Panchayati Raj  
No.PCH-HA(1)18/2008-III-14731-923 Dated Shimla-  
09, the 21-03-2026.**

**NOTIFICATION**

Whereas the draft Himachal Pradesh Panchayati Raj (Election) Amendment Rules, 2026 were notified vide this department notification of even number dated 13-03-2026 and published in Rajpatra (e-gazette) of Himachal Pradesh on dated 13-03-2026 for inviting objection(s) and suggestion(s) from general public as required under sub-section (3) of section 186 of Himachal Pradesh Panchayati Raj Act, 1994, (Act No. 4 of 1994);

And whereas, no objection(s) and suggestion(s) have been received in this regard, within the stipulated period;

Now, therefore, in exercise of the powers conferred by section 183 and 186 of the Himachal Pradesh Panchayati Raj Act, 1994 (Act No. 4 of 1994), the Governor, Himachal Pradesh is pleased to make the following rules further to amend the Himachal Pradesh Panchayati Raj (Election) Rules, 1994, notified vide this Department notification No. PCH-HA (3) 6/94, dated 7<sup>th</sup>

February, 1995 and published in the Rajpatra, Himachal Pradesh (Extra-ordinary) on 8<sup>th</sup> February, 1995, namely:-

Short title and commencement. 1. (1) These rules may be called the Himachal Pradesh Panchayati Raj (Election) Amendment Rules, 2026.

(2) These rules shall come into force from the date of their publication in Rajpatra (e-Gazette), Himachal Pradesh.

Amendment of rule 28.

2. In rule 28 of H.P. Panchayati Raj (Election) Rules, 1994 (hereinafter referred to as the 'said rules') after sub-rule (8-A), the following proviso shall be inserted namely:-

“Provided that where seat of Member of Panchayat has been reserved for any category for two consecutive terms immediately preceding the elections to be held after the commencement of the Himachal Pradesh Panchayati Raj (Election) Amendment Rules, 2025, such seat shall not be

reserved for any category in the immediately succeeding election and shall be treated as unreserved;

Provided further that this restriction shall not apply where non reservation of such office would result in non-fulfillment of the prescribed percentage of reservation of any category under the Act and Rules”.

Amendment of rule 87.

3. In rule 87 of the 'said rules' after sub-rule (8- A), the following proviso shall be inserted namely:-

“Provided that where office of Pradhan of Gram Panchayat has been reserved for any category for two consecutive terms

immediately preceding the elections to be held after the commencement of the Himachal Pradesh

Panchayati Raj (Election)

Amendment Rules, 2025, such office shall not be reserved for any category in the immediately succeeding election and shall

be treated as unreserved;

Provided further that this restriction shall not apply where non reservation of such office would result in non-fulfillment of the prescribed percentage of reservation of any category under the Act and Rules”.

Amendment of rule 88.

4. In rule 88 of the 'said rules' after sub-rule (8-A), the following proviso shall be inserted namely:-

“Provided that where office of Chairman of Panchayat Samiti has been reserved for any category for two consecutive terms immediately preceding the elections to be held after the commencement of the Himachal Pradesh

Panchayati Raj (Election)

Amendment Rules, 2025, such office shall not be reserved for any category in the immediately succeeding election and shall be treated as unreserved;

Provided further that this restriction shall

not apply where non reservation of such office would result in non-fulfillment of the prescribed percentage of reservation of any category under the Act and Rules”.

Amendment of rule 89.

5. In rule 89 of the 'said rules' after sub-rule (8-A), the following proviso shall be inserted namely:-

“Provided that where office of Chairman of Zila Parishad has been reserved for any category for two = consecutive terms

immediately preceding the elections to be held after the commencement of the Himachal Pradesh

Panchayati Raj (Election)

Amendment Rules, 2025, such office shall not be reserved for any category in the immediately succeeding election and shall be treated as unreserved;

Provided further that this restriction shall not apply where non reservation of such office would result in non-fulfillment of the

prescribed percentage of reservation of any category under the Act and Rules”.

By Order  
Secretary (Panchayati Raj) to the  
Government of Himachal Pradesh.

**Endst. No. PCH-HA (1)18/2008-III-14731-923 Dated Shimla-09, the 21-03-2026**

**Copy for information and necessary action forwarded to:-**

1. All the Principal Secretaries/ Secretaries to the Government of Himachal Pradesh.
2. All the Heads of departments in H.P.
3. All the Deputy Commissioners in Himachal Pradesh
4. The Secretary, State Election Commission, Himachal Pradesh, Shimla-2.
5. The Addl. LR-cum-Addl. Secy. (Law-Legn) to the Govt. of H.P.
6. All the District Panchayat Officer-cum-Secretary, Zila Parishad H.P.
7. The Principals, PRTI, Mashobra, Thunag, Baijnath.
8. All the Block Development Officers-cum-Executive Officers of Panchayati Samitis in Himachal Pradesh.
9. E-Gazette.”

24. Notification dated 30.3.2026 published in Rajpatra on 31.3.2026 in supersession of Notification dated 21.3.2026 published on 23.3.2026 reads as under:-

**(Authoritative English text of this Department Notification No. PCH-HA(1)18/2008-III dated- 30-03-2026 as required under clause(3) of article 348 of the Constitution of India).**

**Government of Himachal Pradesh**

**Department of Panchayati Raj**

**No. PCH-HA (1)18/2008-III-15389-489 Dated Shimla-09, the 30-03-2026**

**NOTIFICATION**

Whereas the draft Himachal Pradesh Panchayati Raj (Election) Amendment Rules, 2026 were notified vide this department notification of even number dated 13-03-2026 and published in Rajpatra (e-gazette) of

Himachal Pradesh on dated 13-03-2026 for inviting objection(s) and suggestions) from general public as required under sub-section (3) of section 186 of Himachal Pradesh Panchayati Raj Act, 1994, (Act No. 4 of 1994);

And whereas, these rules were finally published in Rajpatra (e-gazette) of Himachal Pradesh on dated 23-03-2026. But the objections received on these rules could not be considered inadvertently.

And whereas, objections received in this regard were considered by the Government and it was decided to modify the rules accordingly by superseding the rules notified on 23-03-2026.

Now, therefore, after considering objections and in exercise of the powers conferred by section 183 and 186 of the Himachal Pradesh Panchayati Raj Act, 1994 (Act No. 4 of 1994), the Governor, Himachal Pradesh is pleased to make the following rules in supersession to the notification No. PCH-HA (I) 18/2008, dated 21-03-2026 (Published in Rajpatra e-gazette on 23.03.2026) further to amend the Himachal Pradesh Panchayati Raj (Election) Rules, 1994, notified vide this Department notification No. PCH-HA (3) 6/94, dated 7<sup>th</sup> February, 1995 and published in the Rajpatra, Himachal Pradesh (Extra-ordinary) on 8<sup>th</sup> February, 1995, namely:-

Short title and commencement      1.      (1) These rules may be called the Himachal Pradesh Panchayati Raj (Election) Amendment Rules, 2026.

(2) These rules shall come into force from the date of their publication in Rajpatra (e-Gazette), Himachal Pradesh.

Amendment to rule 28      2.      In rule 28 of H.P. Panchayati Raj (Election) Rules, 1994 (hereinafter referred to as the 'said rules) after sub-rule (8-A), the following proviso shall be inserted namely:-

*"Provided that the Deputy Commissioner shall*

have power to change the roster of members of panchayats up to maximum of 5% of the total seats in a panchayat in view of geographical and other peculiar conditions".

Amendment to rule 87.

3. In rule 87 of the 'said rules' after sub-rule (8-A), the following proviso shall be inserted namely:-

*"Provided that the Deputy Commissioner shall have power to change the roster of Pradhans of gram panchayats up to maximum of 5% of the total offices of Pradhans in a Block in view of geographical and other peculiar conditions".*

Amendment to rule 88.

4. In rule 88 of the 'said rules' after sub-rule (8-A), the following proviso shall be inserted namely:-

*"Provided that the Deputy Commissioner shall have power to change the roster of Chairman of Panchayat Samities up to maximum of 5% of the total offices of Chairpersons in a district in view of geographical and other peculiar conditions".*

Sd/-

**Secretary (Panchayati Raj) to the  
Government of Himachal Pradesh.**

**Endst. No. PCH-HA (1)18/2008-III-15389-15489**

**Dated Shimla-09, the 30-03-2026**

**Copy for information and necessary action  
forwarded to:-**

1. All the Principal Secretaries/ Secretaries to the Government of Himachal Pradesh.
2. All the Heads of departments in H.P.
3. All the Deputy Commissioners in Himachal Pradesh
4. The Secretary, State Election Commission, Himachal Pradesh, Shimla-2.
5. The Addl. LR-cum-Addl. Secy. (Law-Legn) to the Govt. of H.P.
6. All the District Panchayat Officer-cum-Secretary, Zila Parishad H.P.
7. The Principals, PRTI, Mashobra, Thunag, Baijnath.
8. All the Block Development Officers-cum-Executive Officers of Panchayati Samitis in Himachal Pradesh.
9. E-Gazette.

Sd/-

**Secretary (Panchayati Raj) to the  
Government of Himachal Pradesh.**

25. It is apt to record that election programme has not been notified yet by the State Election Commission which is likely to be notified within couple of days.

26. In ***State of Goa and Anr. vs. Fouziya Imtiaz Shaikh & Anr., (2021) 8 SCC 401*** has observed as under:-

“68. A conspectus of the aforesaid judgments in the context of municipal elections would yield the following results.

68.1. Under [Article 243](#) ZG(b), no election to any municipality can be called in question except by an election petition presented to a Tribunal as is provided by or under any law made by the Legislature of a State. This would mean that from the date of notification of the election till the date of the declaration of result a judicial hands-off is mandated by the non-obstante clause contained in [Article 243ZG](#) debarring the writ court under [Articles 226](#) and [227](#) from interfering once the election process has begun until it is over. The

constitutional bar operates only during this period. It is therefore a matter of discretion exercisable by a writ court as to whether an interference is called for when the electoral process is "imminent" i.e. the notification for elections is yet to be announced.

68.2. If, however, the assistance of a writ court is required in subserving the progress of the election and facilitating its completion, the writ court may issue orders provided that the election process, once begun, cannot be postponed or protracted in any manner.

68.3. The non-obstante clause contained in [Article 243ZG](#) does not operate as a bar after the election tribunal decides an election dispute before it. Thus, the jurisdiction of the High Courts under [Articles 226](#) and [227](#) and that of the Supreme Court under [Article 136](#) of the Constitution of India is not affected as the non-obstante clause in [Article 243ZG](#) operates only during the process of election.

68.4. Under [Article 243ZA\(1\)](#), the SEC is in overall charge of the superintendence, direction and control of the preparation of electoral rolls, and the conduct of all municipal elections. If there is a constitutional or statutory infraction by any authority including the State Government either before or during the election process, the SEC by virtue of its power under [Article 243ZA\(1\)](#) can set right such infraction. For this purpose, it can direct the State Government or other authority to follow the Constitution or legislative enactment or direct such authority to correct an order which infracts the constitutional or statutory mandate. For this purpose, it can also approach a writ court to issue necessary directions in this behalf. It is entirely upto the SEC to set the election process in motion or, in cases where a constitutional or statutory provision is not followed or infringed, to postpone the election process until such illegal action is remedied. This the SEC will do taking into account the constitutional mandate of holding elections before the term of a municipality or municipal council is over. In extraordinary cases, the SEC may conduct elections after such term is over, only for good reason.

68.5. Judicial review of a State Election Commission's order is available on grounds of review of administrative orders. Here again, the writ court must adopt a hands-off policy while the election process is on and interfere either before the process commences or after such process is completed unless interfering with such order subserves and facilitates the progress of the election.

68.6 [Article 243ZA\(2\)](#) makes it clear that the law made by the legislature of a State, making provision with respect to matters relating to or in connection with elections to municipalities, is subject to the provisions

of the Constitution, and in particular [Article 243T](#), which deals with reservation of seats.

68.7. The bar contained in [Article 243ZG\(a\)](#) mandates that there be a judicial hands-off of the writ court or any court in questioning the validity of any law relating to delimitation of constituency or allotment of seats to such constituency made or purporting to be made under [Article 243ZA](#). This is by virtue of the non-obstante clause contained in [Article 243ZG](#). The statutory provisions dealing with delimitation and allotment of seats cannot therefore be questioned in any court. However, orders made under such statutory provisions can be questioned in courts provided the concerned statute does not give such orders the status of a statutory provision.

68.8. Any challenge to orders relating to delimitation or allotment of seats including preparation of electoral rolls, not being part of the election process as delineated above, can also be challenged in the manner provided by the statutory provisions dealing with delimitation of constituencies and allotment of seats to such constituencies.

68.9. The constitutional bar of [Article 243ZG\(a\)](#) applies only to courts and not the State Election Commission, which is to supervise, direct and control preparation of electoral rolls and conduct elections to municipalities.

68.10. The result of this position is that it is the duty of the SEC to countermand illegal orders made by any authority including the State Government which delimit constituencies or allot seats to such constituencies, as is provided in proposition (IV) above. This may be done by the SEC either before or during the electoral process, bearing in mind its constitutional duty as delineated in the said proposition.”

27. As observed in para 68.2 a writ Court may provide assistance in subserving the progress of elections and facilitate its completion but without causing postponement or protraction of elections in any manner.

28. In ***Champa Lal vs. State of Rajasthan and others*** reported in **(2018)16 SCC 356** in para 10 it has been held that it is settled principle law that Courts are bound to take note of the Constitution and the laws.

29. Perusal of Notifications dated 13.3.2026, 21.3.2026 and 30.3.2026 indicates that initial proposal for amendment in Rules was to avoid reservation of a seat of office bearers of Panchayat for any category for third consecutive terms with proviso that such restriction shall not apply where non-reservation of such office would result in non-fulfillment of prescribed percentage of reservation of any category under the Act and Rules. The said amendment was finalized vide Notification dated 21.3.2026 published in Rajprtra on 23.3.2026. However, vide Notification dated 30.3.2026, the Notification dated 21.3.2026 (published in Rajprtra e-gazette of Himachal Pradesh on 23.3.2026) was superseded but with proviso conferring power upon the Deputy Commissioner to alter Roster of reservation to the extent of 5% in view of geographical and other peculiar conditions. The amendment carried out vide Notification dated 30.3.2026 is stranger to the proposal of amendment notified vide Notification dated 13.3.2026 and finalized vide Notification dated 31.3.2026 (published on 23.3.2026). The amendment carried out vide Notification dated 30.3.2026 was never previously published and it has no relation with the amendment proposed vide Notification dated 13.3.2026 carried out vide Notification dated 21.3.2026

(published on 23.3.2026). It is also noticeable that in Notification dated 31.3.2026 it was recorded that no objections and suggestions had been received whereas in Notification dated 30.3.2026 it has been recorded that objections received on these Rles could not be considered inadvertently. It is apt to record that as the amendment carried out vide Notification dated 30.3.2026 is entirely different to proposal notified vide Notification dated 13.3.2026, there was no question of receiving objections which are not even proposing a amendment which is not even related remotely to the amendment carried out in pursuance to Notification dated 13.3.2026 vide Notification dated 31.3.2026 published on 23.3.2026.

30. In ***Jaya Thakur vs. Union of India*** reported **(2024)9 SCC 538** it has been reiterated as under:-

“12. It is well settled position of law that in matters involving constitutionality of legislations, courts are cautious and show judicial restraint in granting interim orders. Unless the provision is ex facie unconstitutional or manifestly violates fundamental rights, the statutory provision cannot be stultified by granting an interim order. Stay is not ipso facto granted for mere examination or even when some cogent contention is raised. Suspension of legislation pending consideration is an exception and not the rule. The said principle keeps in mind the presumption regarding constitutionality of legislation as well as the fact that the constitutional challenge when made may or may not result in success.”

31. Following observations of the Apex Court in ***P.V. Raman Reddy vs Union of India*** reported in **(2021)2 SCC 785** are also relevant, which are as under:-

“11. It is no doubt true that the Act providing reservations has been upheld by the High Court and the interim relief sought by the appellants would be contrary to the provisions of the Act. This Court in *Health for Millions vs. Union of India (2014)14 SCC 496* held that courts should be extremely loath to pass interim orders in matters involving challenge to the constitutionality of a legislation. However, if the Court is convinced that the statute is ex facie unconstitutional and the factors like balance of convenience, irreconcilable injury and public interest are in favour of passing an interim order, the Court can grant interim relief. There is always a presumption in favour of the constitutional validity of a legislation. Unless the provision is manifestly unjust and glaringly unconstitutional the courts do show judicial restraint in staying the applicability of the same. It is evident from a perusal of the above judgment that normally an interim order is not passed to stultify statutory provisions. However, there is no absolute rule to restrain interim orders being passed when an enactment is ex facie unconstitutional or contrary to the law laid down by this Court.”

32. The criteria on the basis of which alteration to the extent of 5% has been provided by conferring power on Deputy Commissioner is beyond the scope of Article 243D of Constitution of India and Section 125 of Panchayati Raj Act and thus impugned amendment vide Notification dated 30.3.2026 published on 31.3.2026 is beyond the competence of respondents/State.

33. The power conferred upon the Deputy Commissioner on the basis of geographical and other peculiar conditions is vague, unbridled and unguided and has no nexus with the object to be sought by Article 243-D of the Constitution of

India and Section 125 of the Panchayati Raj Act rather it is in breach of these provisions.

34. We are of considered opinion that impugned amendment is ex-facie unconstitutional, in conflict with Statute and without any nexus with object to be sought and thus balance of convenience lies in faovur of petitioners as allowing the enforceability of impugned amendment would cause irreparable injury to public interest and thus, a prima facie case is made out for passing the interim order because impugned amendment is manifestly conferring the power upon the Deputy Commissioner in vague and arbitrary manner which is glaringly unconstitutional.

35. Learned Advocate General has raised the issue of maintainability by referring the non-compliance and non-fulfilling the terms of the Himachal Pradesh High Court (Public Interest Litigation) Rules, 2021, however, keeping in view the nature of the issue raised in present petition and also Rule 10 of the aforesaid litigation (Public Interest Litigation) 2021 read with Article 226 of

the Constitution of India, we are of the considered opinion that this objection is liable to be rejected.

36. It is also apt to record that again and again by its omissions and commissions is continuously creating mess and causing delay at every step by venturing into manifestly arbitrary actions. In this regard, this Court in **CWP No.3547 of 2026** along with connected matters, titled **Mahila Mandal of Village Umri & Ors. v. State of H.P. & Ors.** in Para 59 and 63 of the judgment dated 31.03.2026, has already observed as under:-

*“59.The respondent/State and its Officers were and are well aware about the time frame prescribed in the Act and Rules for creation, bifurcation or reorganization and de-limitation of Gram Panchayats as also evident from the communication/instructions issued by the concerned Department/Officers time to time including communication dated 18.2.2026 sent by the Panchayati Raj Department to all Deputy Commissioners after judgment passed by the Apex Court on 13th February, 2026. Despite that, respondents/State ventured in creating mess by undertaking creation, bifurcation or reorganization of Gram Panchayats not only in the end of month of February, but also in March, whereas entire process was to be completed upto determination of Roster by 31st March, 2026. It is also apparent that as per time frame, provided in relevant provisions, well known to the respondents/State and its Officers, it was not possible to finalize the de-limitation, which was required to be completed by the end of February 2026. The State had obtained one month’s more time from the Apex Court to determine the Roster after delimitation, but by initiating the process of creation, bifurcation or reorganization on 28.2.2026, and even on 16th March, 2026, such process was not possible to be completed on or before 31st March, 2026 by strictly adhering to*

the relevant provisions of Act and Rules. On noticing such conduct of respondents/State, this Court, in judgment dated 10th March, 2026, passed in CWP No. 1791 of 2026 titled *Nehru Yuva Club of Village Manlog-Badog vs. State of HP* has already observed as under:-

“43. Before parting, it is also apt to record that we fail to understand that when 5 years’ term of Panchayati Raj Institutions has already expired and respondents are bound by mandate of the Constitution, reiterated by Courts, including Apex Court, with direction to complete election process latest by 31.05.2026, then why respondents are venturing in large scale reorganization and constitution of Wards/Panchayati Raj Institutions, which has not been done on time. Such commission on the part of State may cause to draw adverse inference about intention. Respondents/State should not undertake such exercise, which may be considered delaying tactic or procrastination, as due to paucity of time, decision taken in haste are leaving lacuna, intentional or unintentional, warranting scope of interference in judicial review.”

60. It is also clarified that after judgment passed in *Devinder Singh Negi’s* case and *Manish Dharmaik’s* case as well as judgment passed in *CWPIL No. 115 of 2025 titled Dikken Kumar Thakur and another vs. State of HP*, are not in conflict with each other. But these judgments are to be read harmoniously taking into consideration the nature of issue involved therein and the timing of filing, adjudication and decision of these writ petitions. The directions passed in *Manish Dharmaik’s* case are absolutely correct and in force which are expected to be abide by the State unless directed or permitted by the Court. However, because of action/inaction on the part of respondents/State which were in conflict with settled law, litigation in *Devinder Singh Negi’s* case and *Dikken Kumar Thakur’s* case has resulted passing of appropriate directions in the given facts and circumstances but in these judgments, it has nowhere been directed or held that directions passed in *Manish Dharmaik’s* case had been diluted or modified. Rather, it is respondent/State, which, on account of their omission or commission from time to time, have caused breach of such directions.

61. Therefore, it is also incorrect to suggest that this Court had ignored the directions issued by Co-ordinate Division Bench of this High Court in *Manish Dharmaik’s* case, as in the judgment passed in *Devinder Singh Negi’s* case, the

*direction was given to do the needful as expeditiously as possible, which includes not only the steps for re-delimitation of Zila Parishads wards, but also conducting election on the basis of past delimitation, particularly when the base data of censuses of 2011, which was taken for delimitation previously in the 2020, is also being taken base data in present delimitation. Plea of learned Advocate General with respect to understanding of completion of pending process by 31st March, 2026, claiming entitlement for re-opening or initiate fresh proposals for reorganization/creation/bifurcation as well as delimitation, also appears to be afterthought, because after passing of judgment by the Apex Court in SLP No. 5451 of 2026 (Civil Appeal No. 1607 of 2026), Government of Himachal Pradesh had, itself, issued communication to all Deputy Commissioners by providing time frame for issuance of proposals of delimitation and finalization thereof, which reads as under:-*

*“PCH-HA (4)1/2000-Delimitation-6081-22 Government of Himachal Pradesh Department of Panchayati Raj*

To

*All the Deputy Commissioners, in Himachal Pradesh.*

*Shimla-09 Dated- 18-02-2026*

*Subject: SLP (C) No. 5451/2026, The Principal Secretary & Ors, V. Dikken Kumar Thakur & Ors. (Supreme Court of India, order dated 13.02.2026)*

*Madam/Sir,*

*Please refer to this office letter No. PCH-HA (4)1/2020- Delimitation dated 20-12-2025 on the subject cited above. In Civil Appeal arising out of SIP (C) No 5451/2026, The Principal Secretary & Ors. v. Dikken Kumar Thakur & Ors. (Supreme Court of India, order dated 13.02.2026), the Hon'ble Supreme Court has modified the timeline stipulated in the High Court's judgment dated 09.01.2026 in CWPII*

No. 115 of 2025, *Dikken Kumar Thakur & Anr. v. State of Himachal Pradesh & Ors.*, by directing that the State Election Commission, Panchayati Raj Department, Urban Development Department and SDMA to complete all pending processors by 31.03.2026 (instead of 28.02.2026), and that elections shall thereafter be conducted within eight weeks positively by 31.05.2026, with an express direction that no application for extension of time shall be entertained, In compliance of the order of the Hon'ble Supreme Court, I am to inform you that following time schedule for delimitation and reservation of wards of Zila Parishad, Panchayat Samitis/ Gram Panchayats (wherever not already finalized) may be followed strictly:

Notification of On or before  
Delimitation proposal 20.02.2026.

Objection period (07 Upto 27.02.2026  
Days)

Final publication of On or before 02.03.2026  
delimitation within 2  
days

Appeal Time (10 Upto 11.03.2026  
days)

Period for hearing 7 days from the date of  
and deciding the appeal  
appeal by Divisional  
Commissioner (7  
Days)

Final publication of By 20.03.2026  
delimitation as per  
decision of Divisional  
Commissioner on the  
appeal, if any.

Final reservation of On or before 31.03.2026  
constituencies

*It is clarified that the delimitation pending due to reorganization of Blocks or Gram Panchayats and creation of new Gram Panchayats, should also be completed by 20-03-2026 and the notification of final reservation of constituencies should be issued on or before 31-03-2026 as per provisions of H.P. Panchayati Raj Act, 1994 and rules made thereunder. As per the judgment of the Hon'ble Supreme Court, all statutory processes relating to the Department should invariably be completed by 31-03- 2026.*

In view of the above, you are requested to notify the delimitation and reservation of PRIs within stipulated time.

Yours faithfully

Sd/-

Director-cum-Special  
Secretary (PR) to the  
Government of Himachal  
Pradesh.

Endst.No.-6093-6108 Shimla-171009,

Dated 18-02-  
2026

Copy for information and necessary action:

1. The Divisional Commissioner Shimla, Mandi and Kangra Divisions for information.
2. The Secretary, State Election Commission, H.P.
3. All the District Panchayat Officers in H.P.

Sd/-

Director-cum-Special  
Secretary (PR) to the  
Government of Himachal  
Pradesh.”

62. Despite aforesaid communication, we fail to understand that for what reason the respondents-State ventured to initiate publication of draft notification by entertaining the cases which were either dormant or fresh for consideration and were not being considered for creation/bifurcation or re-organization of Gram Panchayats till February, 2026 even before or after passing of judgment dated 9.1.2026 in CWPIL No. 115 of 2025 as well as passing of judgment dated 13.2.2026 by the Apex Court in Civil Appeal No. 1607 of 2026. The State itself has created a mess and opened pandora box, resulting into filing of numerous petitions, wherein fresh re-organization/creation/ bifurcation exercise of Gram Panchayats have been initiated on 28th February, 2026 and thereafter, by inviting objections within 3 days and thereafter finalizing the creation/re-organization/creation of Gram Panchayats in a haste and immediately thereafter issuing notification of draft

*proposal of delimitation and finalizing the same without adhering to the time frame provided in the Election Rules.*

63. *Conduct of respondent-State is arbitrary, irrational, unreasonable, violative of Constitutional Mandate and manifestly defeating the object and purpose of Constitutional provisions, institution established and law framed thereunder."*

37. After taking into consideration provisions of Article 243-D of the Constitution of India and Sections 124, 125, 183 and 186 of the Panchayati Raj Act as well as Himachal Pradesh Panchayati Raj Election Rules, 1994 and the impugned Notification dated 30.03.2026

[Annexure P-5] along with the case law referred by learned Advocate General i.e. **Dattaraj Nathuji Thaware v. State of Maharashtra and Others, (2005) 1 SCC 590, Janata Dal v. H.S. Chowdhary and Others (1992) 4 SCC 305, State of Uttaranchal v. Balwant Singh Chaufal and Others (2010) 3 SCC 402, M/s Atlas Cycle Industries Ltd. and Others v. The State of Haryana (1979) 2 SCC 196, R.K. Garg v. Union of India and Others (along with connected matters) (1981) 4 SCC 675, State of H.P. and Others v. Hukum Chand Mills Karamchari**

(1996) 7 SCC 81 and also considering the submissions made by learned counsel for the petitioners as well as learned Advocate General and pronouncement of Supreme Court in **Champa Lal v. State of Rajasthan and Others (2018) 16 SCC 356** and **J. Jayalalithaa and Others v. State of Karnataka and Others (2014) 2 SCC 401, Jaya Thakur's and P.V. Raman Reddy's cases**, we are of the considered opinion that provisions contained in Article 243-D and Sections 120 & 125 framed in furtherance to the aforesaid provision of the Constitution mandates reservation of the seats for SC/ST and Women on the basis of criteria of population/ratio of population and nowhere in the Constitution or under the Act any provision has been made for reservation of seats/determination of roster of reservation on the basis of geographical condition or vague term like other peculiar conditions, and further that Rules related to election are required to be framed with prior publication in consultation of State Election Commission

whereas amendment notified vide 30.03.2026 was neither published previously nor consulted with the State Election Commission, and Amendment proposed in the prior publication of Notification 13.03.2026 was finally notified by Notification dated 21.03.2026 and published on 23.03.2026 but the same has been superseded by the Notification dated 30.03.2026 proposal whereof was never published/notified previously and further that Notification dated 30.03.2026 mandates conferment of power on the Deputy Commissioner for change of roster of various wards of the Panchayat, Pradhan of the Gram Panchayat and Chairman of the Panchayat Samiti up to 5% of the such offices in the Panchayat area/District in view of the geographical and other peculiar conditions but the such reason for changing or determining the roster is nowhere available or permissible either in the Constitution of India or in the Panchayati Raj Act, and also considering that impugned amendment/Rule is in conflict with the statute especially with the

provisions of the Constitution and has been framed beyond the scope of powers conferred by such provisions of statute and Constitution, a case for interfere in the Notification dated 30.03.2026 published on 31.03.2026 is made out irrespective of doctrine of presumption of legality and validity of an Act.

38. Accordingly amendment carved out vide impugned Notification dated 30.03.2026 published in Rajpatra on 31.03.2026 (Annexure P-5) is stayed till further orders, with direction that the Respondents-State shall ensure issuance of reservation roster in consonance with the provisions of the Constitution read with the Panchayati Raj Act and Rules framed thereunder excluding the Notification dated 30.03.2026, by tomorrow i.e. 07.04.2026.

39. Learned Advocate General has submitted that roster in most districts has been finalized and notified by the concerned Deputy Commissioners and effect of staying impugned

Notification is likely to have impact on almost all the Panchayats in the State.

40. The efficiency, capability and capacity of the officers of the State is already reflected from their speedy action and prompt action in creation/reorganization/bifurcation of Panchayat as well as carrying out amendment in the Rules that to at the fag end of the time granted by the Court for determining the reservation roster, therefore, it would be definitely possible for the State with such active and smart officers to complete the process by tomorrow i.e. 07.04.2026, so as to adhere to the timelines in Civil Appeal No. 1607 of 2026, titled Special Secretray vs. Dikken Kumar Thakur and CWP No. 3547 of 2026 titled Mahila Mandal of village Umri vs State of H.P. and Ors. along with connected matters, in aforesaid terms, excluding the impugned notification dated 30.03.2026 published on 31.03.2026.

41. It is made clear that In view of above observation any roster issued by taking into

consideration Notification dated 30.03.2026 shall only be revised by concerned Deputy Commissioner as directed hereinabove.

42. Learned Additional Advocate General has been directed to note down the gist of the order and to communicate immediately the respondents-State including Chief Secretary to the Government of Himachal Pradesh who shall communicate the same to all the Deputy Commissioners of the State to ensure compliance in aforesaid terms forthwith.

43. List for consideration on **22.06.2026**, along with main petition.

Parties are permitted to use downloaded copy of this order from the website of High Court.

**(Vivek Singh Thakur)**  
Judge

**(Ranjan Sharma)**  
Judge

**April 06, 2026**  
*[ms/shivender/susheel]*