

## Laws Concerning Organisations and Administration

No management of land, forest, or water resources is possible without the organisational and administrative set-up meant to implement the laws or schemes. Even the best of laws can fail to achieve its ends if the administration meant to enforce it is ill-structured, poorly financed, or lacks the manpower or motivation to achieve these ends. In any management of resources, therefore, it becomes extremely important to seek whether the organisational structure entrusted with the task of implementing the work is appropriate to the objectives of the scheme. For example, a forest administration which has been trained for two centuries to keep people out of their areas, and exploit the forests for revenue, cannot suddenly be expected to conserve forests and become social workers for social forestry. The department, therefore, has found it necessary to create an altogether new type of administration; a Social Forestry Division, in contrast to the traditional Territorial Division. So far, the new division continues to get its manpower from the old division. This, however, does not serve the purpose fully, because the job requirements for social forestry are dramatically different to those of traditional forestry. The needs, in terms of training, motivation, competence, financial requirements, and facilities, are all different. It becomes important, therefore, to ask what necessary changes are required in the forest laws to make possible the creation of a new type of administration. It also becomes necessary to reflect on alternative administrative arrangements. In some States, for example, social forestry is not being carried out through the FD but through the Rural Development Department; this has not necessarily been the best option, since this department lacks the expertise on forests.

There are other organisational issues. A major one concerns the modifications required in the powers and duties of the organisations to realise the ecological ends. In rural areas, for example, grazing lands, village forests, tanks, and wells are often vested in the *Panchayats*. The duty to maintain these is also specified in the *Panchayat Act*. They are, however, given very little financial or bargaining powers to be able to actually sustain the resources vested in them. If new duties are created, such as creating, selling, or harvesting community woodlots in the villages, it will become all the more important to ask what type of organisational set-up is best suited for carrying them out? Does it have the expertise? At what levels must the finances be arranged or mobilised? Who must be accountable? And so on. These various requisite changes can be brought about only by appropriate amendments in the *Panchayat Acts*.

As regards municipalities and corporations, the situation is analogous to the *panchayats*, although the problems are at a higher level. Under the acts the municipalities have been given duties to protect the environment by controlling pollution, town planning, etc, but they have little control over the finances. The higher level administration or politicians often divert the funds for other purposes. The corporations, similarly, are supposed to be in control of the construction of buildings and other structures, and, because of pressures from higher agencies, the rules laid down by the corporations are often honoured more in the breach than in the observance. Unless municipalities and corporations are made responsible and financially capable of maintaining the environment there is little that can be done to maintain urban environments. The laws and rules concerning the responsibilities and finances of these organisations, therefore, require close scrutiny to seek alternative legal models for achieving the desired ends.

The various laws in Himachal, which concern organisational and administrative set-ups, are as given below. These laws evidently involve more than the mere setting up of such agencies.

## *Laws Concerning Organisation*

- The Merged State (Laws) Act
- The Punjab Reorganisational Act, 1966
- The State of H.P. Act, 1970
- The H.P. Municipal Act, 1968
- The H.P. *Panchayat Raj* Act, 1968
- The Local Authorities Loans, (H.P. Amendment) Act, 1973
- The H.P. Village Common Lands Vesting and Utilisation Act, 1973
- The H.P. *Panchayati Raj* (Second Validation) Act, 1975
- The H.P. Cooperative Societies (Amendment) Act, 1976
- The H.P. (Extension of Laws) Act, 1976
- The H.P. Debt Reduction Act, 1976
- The H.P. New *Mandi* Townships (Development and Regulation) Act, 1973
- The H.P. Municipal Corporation Act, 1979
- The H.P. Town and Country Planning Act, 1977
- The H.P. Passengers and Goods Taxation (Amendment) Act, 1977
- The H.P. Urban Estates (Development and Regulation) (Amendment) Act, 1977
- The H.P. Cooperative Land Development Banks Act, 1979
- The Colonisation of Government Lands (Punjab) Act, 1912
- The East Punjab Evacuees (Administration of Property) Act, 1947
- The Punjab *Jagirs* Act, 1914
- The Punjab Resumption of *Jagirs* Act, 1957
- The Bengal Alluvion and Diluvion Regulation, 1825
- The H.P. Municipal Corporation (Amendment) Act, 1983
- The H.P. Town and Country Planning (Amendment) Act, 1981/1983
- The H.P. Municipal Corporation Act, 1980
- The H.P. Municipal Corporation (Amendment) Act, 1984