

***Mahila Mandal of Village Umri vs. State of H.P. & Ors.
a/w connected matters***

***CWP No.3547 of 2026
a/w CWP Nos.3640, 3707, 3953, 4021, 4040,
4047, 3193, 3286, 3287, 3452, 3635 & 3726
of 2026***

31.03.2026 Present: Mr. Prem Chand Verma, Mr. Aakash Thakur, Mr. Varun Thakur, Mr. Prikshit Rathore, Mr. Sangram Singh Chandel, Mr. Gurmeet Bhardwaj, Mr. Janesh Gupta, Mr. Kush Sharma, Mr. Tarun K. Sharma, Mr. Ashok Kumar Thakur, Mr. Narender Singh Thakur, Mr. Ashwani K. Sharma and Dr. Rajesh Parmar, Advocates, for respective petitioner(s) in respective petitions.

Mr. Anup Rattan, Advocate General with Mr. Ramakant Sharma, Additional Advocate General and Mr. Swati Draik, Deputy Advocate General for the respondent-State in respective petition(s).

Mr. Surender Kumar Sharma, Advocate, for respondent-State Election Commission in respective petition(s).

Without going into issue raised by petitioner(s) on the factual matrix, except the question of law regarding adherence of relevant provisions of Acts and Rules, vide separate common judgment, these petitions are disposed of with following immediately required observations and directions inter alia amongst others, relevant in future, contained therein:-

1. There are two steps provided in the H.P. Panchayati Raj Act and Rules, 1994 (in short "The Act") framed thereunder regarding creation, bifurcation and de-limitation of the Panchayats. First steps is creation, reorganization and bifurcation of the Gram Panchayats by the Government as provided in Section 3 of the Act. After the said exercise, second step, which has to be taken by the

concerned Deputy Commissioner as provided under Section 124 of the Act, is to undertake exercise of de-limitation of Territorial Constituencies as prescribed in the The Himachal Pradesh Panchayati Raj (Election) Rules, 1994 (in short “H.P. Elections Rules”).

2. For purpose of delimitation, procedure prescribed in Chapter II of the H.P. Elections Rules under Rules 3 to 11 has to be followed wherein Rule 5 provides 7 days’ mandatory notice after publication of proposal of de-limitation and Rule 6 provides 7 days’ time to the Deputy Commissioner for disposal of objections and final order. Rule 10 provides 10 days’ limitation period time for filing appeal before the Divisional Commissioner against the order of Deputy Commissioner and said appeal has to be decided within 15 days thereafter, but after giving opportunity of hearing to the appellant. After completion of this process, final publication of determination of Constituencies has to be made under Rule 11.
3. When Statute and Rule(s) prescribe the procedure for carrying out the creation, bifurcation, reorganization and resultant de-limitation of Territorial Constituencies in the Gram Panchayats, the same is bound to be strictly adhered to, during such exercise. Any act must be undertaken in a manner as provided in Statute and Rules. The word ‘shall’ used in Rules depicts mandatory nature of aforesaid provisions, indicating the Legislative Intent and Object of the Statute and Rules framed thereunder.
4. The word “pending proceedings” mentioned in judgment dated 13.02.2026 passed by the Apex Court in Civil Appeal No.1607 of 2026 titled ‘*The Principal Secretary & Ors. vs. Dikken Kumar Thakur & Ors.*’, denotes those proceedings/cases in which at least proposal for creation, bifurcation and re-organization has been notified, prior to passing of such judgment, but does not include the cases in which such proposal was notified, after passing of said

judgment that too on the basis of request lying dormant since last more than six months or more.

5. Grant of relaxation with respect to imposition of Clause 12.1 of Himachal Pradesh Panchayats and Municipalities Model Code of Conduct, 2020 by the State Election Commission does not mean relaxation in mandatory provisions of the Act enacted and Rules framed thereunder, in exercise of powers in furtherance of mandate of Constitution.
6. Respondents are bound to follow the provisions of all relevant Rules related to creation, bifurcation, reorganization and de-limitation of Gram Panchayats and Territorial Constituencies related thereto, including the time-frame provided for notifying and deciding the objections and to prefer appeals against such decision.
7. De-limitation of Panchayats completed without adhering to provisions of Chapter II of The Himachal Pradesh Panchayati Raj (Election) Rules, 1994 (in short "H.P. Elections Rules") dealing with De-limitation of Constituencies of Panchayats, especially Rule 5, 6, 10 and 11, are patently illegal and thus, the said de-limitation is not valid for consideration to determine the Territorial Constituencies as well as Roster related thereto.
8. In these cases Proposal/Draft for creation, bifurcation, reorganization and de-limitation of Gram Panchayat has been notified after 13.02.2026 and de-limitation has been completed thereafter without adherence of provisions of Acts and Rules, therefore such creation, bifurcation, re-organization and de-limitation shall not be made basis for determination of de-limitation of Territorial Constituencies in the concerned Gram Panchayats, at all levels and thus, for the purpose of conducting recent elections, including determination of Territorial Constituencies as well as Roster, the same shall not be taken into consideration and elections

shall be conducted in these Panchayats ignoring the creation, bifurcation or reorganization and de-limitation carried out de hors of provisions of Act and Rules but on the basis of status of the Panchayats and de-limitation of Territorial Constituencies thereof as existing prior to such creation or reorganization, bifurcation and de-limitation during past elections.

9. Where proposal for creation, bifurcation and reorganization has been notified prior to 13.02.2026 and de-limitation has been completed by strictly adhering to the H.P. Election Rules related thereto including time frame especially Rules 5, 6, 10 and 11 of the Election Rules, such creation, bifurcation, reorganization and de-limitation thereof, shall only be taken into consideration for determining the Roster and conducting recent elections, as per the provisions in force.
10. Where reorganization, creation and bifurcation is valid, but for de-limitation procedure prescribed under H.P. Election Rules has not been followed, the elections shall not be conducted on that basis, but shall be conducted without taking into consideration the said creation, bifurcation and reorganization, and such creation, bifurcation and reorganization though subject to final outcome of litigation if any, shall be effective for next elections.
11. As agreed respondent/State is directed to finalize the Roster accordingly and publish the same, latest by **7th April, 2026** and thereafter, respondents shall ensure completion of entire election process within time-frame granted in judgment dated 13.02.2026 of the Apex Court in Civil Appeal No.1607 of 2026 titled '*The Principal Secretary & Ors. vs. Dikken Kumar Thakur & Ors.*', referred supra.
12. Keeping in view the urgency and peculiar circumstances, prevailing right now, we have not decided other issues related to validity of creation, bifurcation, reorganization and de-limitation of the Gram Panchayats raised in these petitions, the same are left open to be

decided in appropriate proceedings, including fresh petition, if so preferred by petitioners within reasonable period.

(Vivek Singh Thakur)
Judge

March 31, 2026
(ms)

(Ranjan Sharma)
Judge