

ROADS, CULVERTS, BRIDGES, FERRIES, WATERWAYS AND OTHER MEANS OF COMMUNICATIONS.

(Item No. 13)

01. By coverage, Tamil Nadu has a good network of roads. The density of road length per sq km increased from 33.30 kms in 1960-61 to 132.45 kms as on 1993-94. Total road length as in April 1996 under the categories of National Highways (NH), State Highways (SH), Major District Roads (MDR), other District Roads (ODR), Panchayat Roads (PR), Panchayat Union Roads (PUR), Municipal, PWD and other Roads works out to 172409 Kms. The breakup details are as follows:

<i>S. No.</i>	<i>Types of Roads</i>	<i>Length in Km.</i>
1.	National Highways (NH)	2002 *
2.	State Highways (SH)	1933 *
3.	Major District Roads (MDR)	13973 *
4.	Other District Roads (ODR)	37962 *
5.	Sugarcane Roads	1132 *
6.	Panchayat Union Roads (PUR)	38100 **
7.	Panchayat Roads(PR)	29020
8.	Other Panchayat Roads	22614
		} 51634 **
9.	Municipal and Corporation Roads	8689 *
10.	Irrigation Roads	1332 *
11.	Forest Roads	3324 *
12.	TNEB Roads	679 *
13.	Other Roads (Unclassified)	11649
	TOTAL	172409

* Data as per Performance Budget of Highways and Rural Works Department (1995-96) published in August, 1996.

** Data as per Performance Budget of Rural Development Department published in August 1996.

02. With regard to the formation of new roads, present position is that the National Highways, State Highways, Major District Roads, Other District Roads and Specialised Road Programmes like sugarcane roads, roads constructed under externally aided projects are being executed by the State Highways Department. Maintenance of these roads is also the responsibility of the State Highways Department.

03. The Panchayat Unions take up the formation of road works involving Panchayat roads, Panchayat Union roads, Link roads, Rural roads and the programmes coming under the purview of Rural Development Department. The Union Engineers are deputed from the State Highways Department to undertake these works. The maintenance of these roads is the responsibility of the Panchayat Unions. Village Panchayats, at present do not play any role in the formation of roads. However, the Tamilnadu Panchayat Act 1994, provides adequate powers for Village Panchayat for the construction and maintenance of roads. Roads are classified, on the basis of importance. There are Panchayat and Panchayat Union vested roads. But the role of the District Panchayat which came into existence recently is yet to be determined in the formation and maintenance of road works.

04. Out of 172409 Kms. of road length, Panchayats and Panchayat Unions have 89734 Kms. (52.04% of the total road length in the State). Maintenance and upgradation of these roads will play very important role in the village level infrastructure development. But only about 6000 Kms. of roads (i.e. 10 percent of the above roads) are in good condition.

This means that more than 90% of Panchayat Union roads are yet to be upgraded and black topped for making those as motorable roads. Road length as per the nature of surface are as follows:-

S.No.	Nature of Surface	Panchayat Union (Length in Kms)		Village Panchayat (Length in Kms)		Total (Length in Kms)	
			(%)		(%)		(%)
01.	Earthen	7537	(19.77)	22282	(43.15)	29819	(33.23)
02.	Gravel	8209	(21.54)	10865	(21.04)	19074	(21.26)
03.	Metalled (WBM) Single Layer	14154	(37.15)	16298	(31.57)	30453	(33.94)
04.	Metalled (WBM) Double Layer	4398	(1.55)	-		4398	(04.90)
05.	Blacktopped	3618	(9.50)	2188	(4.24)	5806	(06.47)
06.	Cement	184	(0.40)	-		184	(0.20)
TOTAL		38100	(100)	51634	(100)	89734	(100)

(Source: Performance Budget of Rural Development Department August '96)

05. Before any recommendation is made for the devolution of Powers to three tiers of Panchayat Raj Institutions, it is apt to analyse the statutory provisions in the Tamil Nadu Panchayat Act, 1994 in relation to roads. The Tamil Nadu Panchayat Act, 1994 provides the following provisions on roads to be maintained by the Panchayat Raj Institutions:

Village Panchayat:

(i) Section 110 outlines the duties of Village Panchayat within the limits of its funds to make reasonable provisions to provide certain facilities and carrying out the requirements of Panchayat Village in respect of the following

(a) the construction, repair and maintenance of all village roads, that is to say, all public roads in the village (other than those classified as National Highways, State Highways, major district roads and panchayat union roads) and of all bridges, culverts, road-dams and causeways on such roads;

(b) the lighting of public roads and public places in built-up areas;

(c) the construction of drains and the disposal of drainage water and sullage not including sewage;

(ii) Section 125 vests with Village Panchayat certain public roads and excludes certain roads. The provision reads as follows:

(1) All public roads in any village (other than roads which are classified by the Government as National Highways or State Highways or as major district roads or as panchayat union roads) shall vest in the village panchayat together with all pavements, stones, and other materials thereof, all works, materials and other things provided, therefor, all drains, drainage works, tunnels and culverts whether made at the cost of the village panchayat or otherwise, in, alongside or under such roads, and all works, materials and things appertaining thereto.

(2) The Government may, by notification, exclude from the operation of this Act any such public road, drain, drainage work, tunnel or culvert and may also modify or cancel such notification.

Panchayat Union:

(iii) Section 112 provides the duties of a Panchayat Union Council within the limits of its funds to make reasonable provision to provide certain facilities viz:

(a) the construction, repair and maintenance of all public roads in the panchayat union which are classified as panchayat union roads and of all bridges, culverts, road-dams and causeways on such roads.

(iv) Section 126 of the Act vests with the Panchayat Union Council, the ownership and maintenance of certain public roads reads as follows:

(1) All public roads in any panchayat union which are classified as panchayat union roads shall vest in the panchayat union council together with all pavements, stones and other materials thereof, all works, materials and other

things provided therefor, all drains, drainage works, tunnels and culverts, whether made at the cost of the panchayat union or otherwise, in, alongside or under such roads, and all works, materials and things appertaining thereto.

(2) The Government may, by notification, exclude from the operation of this Act any panchayat union road, drain, drainage work, tunnel or culvert and may also modify or cancel such notification.

Maintenance on behalf of Government:

(v) In addition to the provisions of Sec.125 and 126, Section 127 empowers the State Government permitting the village panchayats for maintenance of these roads in the manner indicated below and Government shall provide cost thereof.

(a) for the watering and maintenance of the drainage of such road;

(b) for the provision, maintenance and repair of the drains in, alongside or under such road;

(c) for the provision, maintenance and repair of footway's attached to such road;

(vi) Under section 128, 129 and 130 Village Panchayat and Panchayat Union have the powers to take certain precautionary measures in case of dangerous structures and trees adjoining a public road vested in a Panchayat or Panchayat Union respectively.

(vii) As per Section 131, the duties of the village administrative officers are to report encroachment on roads vested in village panchayats or village panchayat councils to the executive authority or commissioner concerned and also to the revenue authority. The duty of the executive officer or the commissioner concerned is to institute proceedings for the removal of the encroachment as per the procedures prescribed by the Government. The executive officer/commissioner can take the help of the revenue department for securing the removal of such encroachment.

(viii) Section 151 empowers the Village Panchayat and Panchayat Union to prohibit sale in public roads. Section 154 authorises the Village Panchayat to provide landing places, Cart stands, Cycle stand, Motor vehicle stand and levy necessary fees. The said act in Section 154 prohibits any such private stand to be set up and in section 155 authorises Village Panchayat to licence private stands and levy necessary licence fee.

(ix) As per section 236, all roads and waterways vested in or maintained by a Panchayat shall be opened to the use and enjoyment of all persons irrespective of their caste or creed.

District Panchayat:

(x) Under section 163 of this act, District Panchayat has the Powers to advise the Government on the classification of public roads (other than the roads classified by the Government as National Highways, State Highways, and Major District Roads) as Panchayat Union Road and Panchayat Village Roads.

Government Assistance:

(xi) As per Section 182 of the Act, the Government shall pay every year to every panchayat union council Local Roads Grant which shall be such sum as may be fixed by the Government for each individual of the estimated population in the block. The Act also provides procedure for collecting the Local Roads Grant to be given to each panchayat union on the basis of length and nature of roads to be maintained by each panchayat. Such sum shall be used for the maintenance of the roads in the panchayat union area. The grant received as Local Roads Grant shall be credited to the panchayat union (general) fund account under Section 186 of the Act.

Government Powers:

(xii) The Act provides for the Government to make specific rules under Section 242 (xxxiv, xxxv, xxxvi) of the Act pertaining to:

(a) removal of encroachment from public roads vested in panchayat and the repair of any damage caused to such roads by persons causing the damage or at his expense;

(b) for the determination of any claim to trees growing on public roads belonging to Panchayat; and

(c) the imposition and recovery of penalties for the unauthorised occupation of the public roads belonging to Panchayats.

06. The development of rural roads is one of the Basic Minimum Needs Programme for which both Government of India and the State Government attach high priority. As may be seen from the foregoing paragraphs, the present arrangements have not been adequate to maintain and upgrade nearly 90% of the roads with meagre funds received from Local Roads Grant (LRG). There is, thus, a large length of Panchayat and Panchayat Union road network to be upgraded and maintained in which the Panchayat Raj Institutions can play a useful role. Infrastructure like Roads hold key to rural development. The State Planning Commission has essentially followed the approach of entrustment to each level the responsibility that it is better placed to perform. But ultimately the net work of communications, no matter who plans and implements, should hold together as an orderly and inter connected system. A great deal of this will depend upon the highest tier, namely the District Panchayat, taking the initiative for advanced planning - using to the maximum extent, scientific and technical data available from space and remote sensing and other agencies, and making it available to the village panchayats and the panchayat unions as "indicative" planning and request them to make appropriate changes. Besides, it could also act as a facilitator in identifying and empanelling engineers, particularly civil engineers (other than those working for the Government departments), who may be residing in the districts, and whose Services could be drawn upon by the respective village panchayats and or panchayat unions to supplement technical services, where the availability of government engineers may not be adequate due to low strength or over load of work. The choice of the experts/ professionals out of the panel will be left to the respective panchayat bodies to engage them on a contract and fee basis at mutually acceptable terms and conditions. Third role the District Panchayat could play would be for monitoring the progress of schemes implementation, as well as through technical panels, making independent assessment of the quality of road work undertaken by the respective bodies and making these assessment reports available to all the panchayat bodies in the area for necessary information and action. The District Panchayat will also necessarily inter-act in the matter of road networking with neighbouring districts and with the State Government authorities and keep them apprised of the plans developed for the district as well as to facilitate a coordinated network or undertake responsibilities as may be assigned by the State Government in respect of network of roads, etc. not falling in the domain of Panchayat Raj Institutions. Accordingly, the following entrustment of powers and responsibilities in respect of the classification, construction, upgradation and maintenance of roads are suggested for the 3 tiers of Panchayat Institutions.

I. VILLAGE PANCHAYAT

<i>ACTIVITY</i> (1)	<i>ENTRUSTMENT OF POWERS</i> (2)
1. Development of road network and accessibility	<ul style="list-style-type: none"> i) Identification of link road, foot paths, culvert and drainages and to plan and sponsor requisite Construction works to be funded out of its own funds and /or under various schemes and in case of the latter, to get funds released from the concerned agencies. ii) To seek technical advice about - feasibility quality and cost of proposed works from PUC (Engineers) and where necessary engage independent technical experts for specific projects on fee basis. iii) Monitoring and supervision of the quality of works under implementation.
2. Improvement and maintenance of the existing Roads culverts and bridges	<ul style="list-style-type: none"> i) To formulate plans and assess the costs of improvements, repair the existing roads and annual maintenance of the culverts and bridges. the Panchayat roads, bridges, culverts, footpaths and drainages. ii) Raise funds from own sources and Government sources for the road maintenance works of village panchayat. iii) To execute the Panchayat road maintenance works. iv) To maintain roads other than the Panchayat roads as may be entrusted by Government for which maintenance fund will be released by Government. (Section 127)

<i>(1)</i>	<i>(2)</i>
3. Development of waterways/ferry services etc.	i) Construct Ferry/Jetties wherever necessary, levy licence fee and services etc. undertake maintenance.
4. Levy of toll	i) To levy toll to meet the capital and maintenance cost wherever the Panchayat has spent substantial funds for roads and bridges development.
5. Classification of roads.	i) To suggest to Panchayat Union any Panchayat road to be classified as Panchayat Union road or any higher class of road.
6. Avenue trees	i) Raise avenue trees/plantation; maintain the existing trees in the Panchayat roads; and realise necessary revenue therefrom.
7. Imposition of Penalties in certain areas	i) To impose penalties and collect fines for contravention of the provisions of the Tamilnadu Panchayat Act 1994, pertaining to Village Panchayat roads. (Schedule II and III read with Sections 131, 151, 154, 155, 236 and 245 of the Act)

II. PANCHAYAT UNION

<i>ACTIVITY</i> <i>(1)</i>	<i>ENTRUSTMENT OF POWERS</i> <i>(2)</i>
1. Development of road network and accessibility.	i) Identify villages needing road connection (as per Minimum Needs Programme norms) and formulate projects for construction of Panchayat Union roads and roads connecting more than one Village Panchayat. ii) Conduct survey, technical feasibility and accord approval; allocate & sanction funds under various schemes and out of its own funds for construction of Panchayat Union roads. iii) Providing technical assistance for road construction and maintenance works proposed by Village Panchayats. iv) Monitoring the specification of road/bridges & supervision of the quality of works and reporting of the progress to the District Panchayat.
2. Improvement and maintenance of the existing roads/culverts and bridges.	i) Conversion of ordinary Panchayat Union roads into black topped motarable roads.. ii) Annual repairs and maintenance of Panchayat Union roads, culverts and bridges. iii) Approval of works allocation and sanction of funds for improvement and maintenance of Panchayat Union roads. iv) Monitoring & supervision of quality of works and reporting progress to District Panchayat.
3. Development of waterways/ferry services etc.	i) Inspection of ferries/boats maintained by Village Panchayats for ensuring the compliance of traffic regulations, and regular Ferry services.
4. Levy of toll	i) Levy toll on the passengers/ vehicles using the Panchayat Union roads/bridges where it has substantially invested funds.
5. Classification of roads.	i) Recommend to the District Panchayat any changes required in the classification of roads. ii) On receipt of Village Panchayat Proposals on classification of roads, PUC to analyse and suggest its views to District Panchayat for action.

<i>ACTIVITY</i> (1)	<i>ENTRUSTMENT OF POWERS</i> (2)
6. Avenue trees	i) Raise avenue trees / plantation; maintain the existing trees in the Panchayat roads; and realise necessary revenue therefrom.
7. Imposition of penalties in certain cases	i) To impose penalties and collect fines for contravention of provisions of the Tamil Nadu Panchayat Act 1994 pertaining to Panchayat Union roads (Schedule II and III of the Act).
8. Review of implementation of Government schemes by the Panchayat Union Council. [Under Section 114 (2)]	i) Review works implemented under Rural Road Programme, JVVT, sugarcane road development programme, Bus Route Improvement Scheme, Road works taken up under natural [Under Section 114(2)] calamities (Divisional Engineer H & RW, and other concerned will attend the review by PUC)

III. DISTRICT PANCHAYAT

<i>ACTIVITY</i> (1)	<i>ENTRUSTMENT OF POWERS</i> (2)
1. District level planning for development of road networks.	i) Initiate advance planning for road networks in the district by using the scientific and technical data and disseminate the same to all panchayats.
2. Classification of roads and road Transport	i) Advise Government on the classification of Public roads (other than roads classified by the Govt. as National Highways, State Highways and Major District Roads) as panchayat union roads and Village Panchayat Roads ii) Advise Govt. for upgradation of roads from one class to the higher class and road transport.
3. Review of Road development schemes.	i) Review of all road development schemes.

Administrative and Technical Implications

07. The present administrative arrangements at the Panchayat Union level to execute all engineering works meet the operational needs of road schemes. Generally, engineers are drawn from the Dept. of Highways and Rural Works (H & RW). The engineering staff come under the administrative control of the Panchayat Union Commissioner. Technically they get the advice and professional support from the Assistant Divisional Engineer and Divisional Engineer of the H & RW Dept. at the sub district level (Revenue Division).

08. In the entrustment of powers suggested for the Panchayat Union engineering staff will not only implement the Panchayat Union works but will also tender technical advice to the Panchayats. Additional engineering personnel may be required wherever the Panchayat Union has heavy work load. Engineering personnel will attend to two types of activities viz. (a) Construction and (b) Maintenance. Construction activities are time bound, where as maintenance works are continuous. It is suggested that each Panchayat Union should have its own maintenance staff taking into account the roads, building and other infrastructures to be maintained. Further, the existing guidelines should be updated to prescribe technical and financial maintenance norms for each type of infrastructure. Construction works being scheme oriented, the technical personnel should come on deputation to Panchayat Raj Institutions. As and when such works are completed personnel may revert back to the respective Departments of the Government. Intention is that Panchayat Unions should, over a period of time, have their own professional staff. It is not suggested to dismantle the existing arrangements but it is necessary to strengthen professionalism in the Panchayat Raj Institutions. Therefore, Panchayat Raj Institutions will have to recruit their technical personnel steadily as and when the deputed/seconded personnel from Government retire. It would be appropriate that reasonable number of Assistant Divisional Engineer and Divisional Engineer posts may be attached to the District Panchayat so that vertically technical advice is available to the Panchayat union from the District Panchayat. In certain schemes (viz. JVVT) Assistant Divisional Engineer posts have been sanctioned, which can be attached to the District Panchayats.

09. The intention behind the scheme of classification of roads into different categories and the fixation of responsibility for maintenance and control in different authorities is that the Government should maintain, at a sufficiently high standard, all roads of National and State importance. The State Government should, in addition, maintain many of the roads of purely inter-district importance as can be efficiently maintained at the appropriate standard, with its funds. This may be expected to be progressively increasing and additions may be made at frequent intervals to the roads classified as Major District Roads maintained by Government. The District Panchayat will be the right institution to advise Government in the matters of road classification. It follows that all roads in rural areas which, for the time being, cannot be so maintained and have been classified as Panchayat and Panchayat Union roads should be the responsibility of Panchayats or Panchayat Union roads respectively. The Act provides adequate powers to these two lower level Panchayat Raj Institutions for the construction and maintenance of their respective roads. Further, Schedule II and III of the said Act empowers Panchayats and Panchayat Unions to impose penalties under Section 245(1) and (2) for contravention of the provisions relating to roads as covered in the Sections of 131, 151, 154, 155 and 236. However, resource constraints will be the major bottleneck to discharge their responsibilities.

Financial Implications

10. Thus, at any given time there will be large number of roads which must be maintained either by the Panchayat Union or by the Panchayats. The financial resources of both bodies have been clearly demarcated in the new Act. Note should be taken of section 182 of the Act, which provides a "Local Roads Grant" ear-marked for maintenance of Panchayat Union Roads. The intention is that those roads should be classified Panchayat Union Roads which are recognisably of inter-Block importance and which can be properly maintained. As per Tamil Nadu Panchayat Act, 1958, the Local Roads Grant used to be released at 40 paise per capita. This was revised above 15 years ago, in 1981, to a formula based on 2 factors namely (a) 18 paise per capita and (b) the rate per Km. at Rs.535 for ordinary tract, Rs.715 for coastal tract and Rs.1340 for hilly tract. With escalation of costs overtime, there is need clearly for revision of the existing rate per Km. It is expected that the State Finance Commission would have worked out a formula for future application. However State Planning Commission recommends that a per Km. rate for each tract may be fixed for 1996-97 and an annual increase of 5% is allowed to offset inflation. Further, the LRG should take note of the entire length of Panchayat and Panchayat Union roads for providing funds to Panchayats for their road maintenance.

11. The Local Roads Grants (LRG) released to Panchayat Union from 1992-93 to 1996-97 are as follows:

<i>S.No.</i>	<i>Year</i>	<i>Grants released (Rs. in lakhs)</i>
1.	1992-93	1200
2.	1993-94	1500
3.	1994-95	1728
4.	1995-96	2000
5.	1996-97	2200

Source: Performance Budget of Rural Development Department - August 1996.

It is noted that about 70 percent of LRG is used to meet the salary and emoluments of the staff. Thus what remains is a small fund for upgradation and maintenance of those roads. It is also found that the LRG release is more or less an adhoc release not covering entire length of Panchayat Raj Institution roads. It is learnt from State Finance Commission that for 1996-97 the total funds for release under LRG will be Rs.103.30 crores.