

MAINTENANCE OF COMMUNITY ASSETS

(Item No. 29)

01. Section 257 of Tamil Nadu Panchayats Act, 1994, envisages that, the Government may entrust to a Panchayat or any other committee Constituted under the Act with such powers and responsibilities with respect to the preparation of Plans for economic development and social justice and also with such powers and authority as may be necessary to enable them to carry out the responsibilities conferred upon them including those in relation to the matters listed in Schedule IV, which includes 29 items. Out of 29 items, the last one is "Maintenance of Community Assets".

02. Various provisions of Tamil Nadu Panchayats Act deal with the maintenance of Community Assets by the Panchayats. As per the Section 116(ii) of the Act two or more Panchayats may entrust to Panchayat Union Council with its consent and agrees conditions maintenance of any work. The details of Community assets and their maintenance is discussed below:-

(1) Minor Irrigation:

The Government may transfer to any Village Panchayat or to any Panchayat Union Council the protection and maintenance of any Irrigation work, the management of turns of irrigation, or the regulation of distribution of water from any irrigation work to the fields depending on it. Further, the Village Panchayat or the Panchayat Union Council shall have the power subject to such restrictions and control as may be prescribed to execute Kudimaramathu in respect of any irrigation sources in the village and to levy such fee and on such basis for the purposes thereof as may be prescribed (Section 133(1) and (2) of Tamil Nadu Panchayats Act, 1994).

(2) Fisheries:

Section 132 of the Tamil Nadu Panchayats Act, 1994 gives the power of Fishery rights to Village Panchayats and reads as "Any property or income including any fishery right which by custom belongs to, or has been administered for the common benefit of the inhabitants of the village or of the holders in common of village land generally or of the holders of lands of a particular description or of the holders of lands under particular source of irrigation shall, if so declared by the Government, vest in the village panchayat and be administered by it for the benefit of the inhabitants or holders aforesaid". Further Section 133(3) of the said Act vests the fishery rights power in Village Panchayats where the irrigation maintenance work is transferred by Government to Village Panchayats.

(3) Drinking Water:

Rural Water Supply is one of the priority items of the minimum needs programmes. Tamil Nadu Panchayats Act 1994 gives powers to the Village Panchayats and Panchayat Unions to create water sources for bath and washing purposes only Section 110(g). But it is not explicit to create and maintain drinking water schemes and prohibits carrying out measures of public utility including water supply for non-irrigation and sewerage purposes (Section 111 and 115). Implementation of Rural Water Supply Schemes and programmes under externally aided project, Centrally Sponsored Schemes and drought programmes is undertaken by TWAD Board. The Panchayat Raj Institutions are hitherto not being directly used for implementing rural water supply scheme. Since 1982, the handpumps and power pumps maintenance has been transferred to Panchayat Union Council. At the district level, the technical cell in the Collectorate provides technical support for the maintenance of handpumps and power pumps.

(4) Roads and other means of communication :

Maintenance and upgradation of the roads will play an important role in the village level infrastructure development. With regard to formation of new roads, the 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 State Highways Department. Maintenance of these roads is being done by the State Highways Department. The Panchayat Union takes up the formation of road works involving

Panchayat Roads, Panchayat Union Road, Link Roads, Rural Roads and the Programme coming under the purview of the Rural Development Department. 52% of the total road length in the state is vested with Panchayats and Panchayat Unions. The Tamil Nadu Panchayats Act 1994, provides adequate powers for Village Panchayat for construction and maintenance of roads to be maintained by the Panchayat Raj Institutions.

Relevant provision of Act are as follows:

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:

“ 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. ”

Panchayat Union:

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. the construction, repair and maintenance of all other public roads in the Panchayat union roads and of all bridges, culverts, road-dams and causeways on such roads.

Section 126 of the Act vests with the Panchayat Union Council, the ownership and maintenance of certain public roads.

Maintenance on Behalf of Government :

Section 127 empowers the State Government permitting the Village panchayats for maintenance of these roads on behalf of the State Government 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; and (c) for the provision, maintenance and repair of footways attached to such roads;

(5) Common burial and burning ground:

The Panchayats are to maintain common burial and burning grounds irrespective of caste, creed and religion Section 116(I) of the Tamil Nadu Panchayats Act is relevant.

(6) Libraries and reading rooms:

Library Service is provided in the State by the Public Libraries Department created under the Tamil Nadu Public Libraries Act, 1948. The Local Library Authorities are responsible for establishing main and branch libraries within its jurisdiction. However, Section 111(g) of Tamil Nadu Panchayats Act, 1994 envisages for opening and maintenance of reading rooms by the Village Panchayats.

(7) School buildings:

Though Section 108 of the Act envisages that the teachers including Headmasters and Basic Servants in the Panchayat Union Schools should be the Government servants, under Section 112 the opening, maintenance and expansion or improvement of elementary schools including the payment of grants to private management in respect of elementary schools have been entrusted to the Panchayats. As such the Village Panchayats and the Panchayat Unions are empowered to maintain the Primary and Elementary School buildings.

(8) Health, sanitation and family welfare:

The Panchayats are to play an important role in the delivery of health care system to the people. Section 112 read with 118 envisages the establishment and maintenance of dispensaries including payment of subsidies to rural medical practitioners and establishment and maintenance of maternity and child welfare centres including the maintenance of Thai service and offering advice and assistance to mothers in family planning.

(9) Forests :

Section 120 of the Tamil Nadu Panchayats Act envisages that all unreserved forest in the village shall vest in village panchayat and administered by it for the benefit of such Panchayat village

(10) Poramboke lands :

As per Section 134, the poramboke lands viz. grazing grounds, Threshing floors, burning and burial grounds, cattle stands, Cart stands and topes shall vest in the village panchayat and the village panchayat shall have the power to regulate the use of such porambokes. Thus the Village Panchayats are empowered to maintain these Community Assets.

(11) Public markets:

The Panchayats are empowered to maintain Public markets for the benefit of village community. The Panchayats and the Panchayat Union may levy fees for the use of stalls, shops, pens or stand etc. in such markets.

(12) Commercial assets:

In addition to the above community assets, the Local Bodies are expected for development and maintenance of endowment/commercial assets like buildings, shopping complex, exhibition grounds, marketing yards, etc. For these buildings the Local Bodies have to fix tax, rates, user charges and rent for commercial assets. They will also take into account of Sale, Lease, and Transfer of assets.

(13) Maintenance of other community assets:

Section 110 of Tamil Nadu Panchayats Act empowers the Panchayats to maintain certain basic amenities and assets. The following are main important items to be maintained by the Panchayats:

1. Construction, repair and maintenance of village roads and all bridges, culverts, road-dams, causeways on such roads;
2. Lighting of public roads and public places in builtup areas.
3. Maintenance of drains for disposal of drainage and sullage water.
4. Maintenance of public latrines.
5. Maintenance of ponds, tanks and water works for the supply of water for washing and bathing purposes.
6. Maintenance of Public Markets.
7. Maintenance of public landing places, halting places, cart stands and of public cattle sheds.
8. Maintenance of Public Slaughter Houses.
9. Maintenance of wireless receiving sets, play grounds, parks, sport clubs and centres of physical culture, Fairs, Exhibition grounds etc.
10. Maintenance of literary centres, centres for imparting social Education.

11. Maintenance of poor houses, orphanages, choultries, Veterinary Relief Centres etc.
12. Maintenance of Bus stands, parking space, vacant lands etc.
13. Maintenance of Carpentry/Blacksmithy units.
14. Avenue trees on the road side.

A list showing the assets maintained by Village Panchayats/Panchayat Unions is in the following Table.

COMMUNITY ASSETS MAINTAINED BY THE PANCHAYAT RAJ INSTITUTIONS
(AS ON 01-04-1991)

<i>Sl No.</i>	<i>Details of Community Assets</i>	<i>Number</i>
(1)	(2)	(3)
I. DRINKING WATER		
1.	Over head tank	21,502
2.	Hand pump	106,091
3.	Power pump	18,842
4.	Drinking water wells	7,327
5.	Others	118,507
II. ROAD		
Under the Control of Panchayats		Length in Km.
1.	Black topped	3,486 4,112.14
2.	Metalled (WBM) Single Layer	11,628 14,058.27
3.	Metalled (WBM) Double Layer	3,113 3,887.61
4.	Gravel	17,706 19,298.48
5.	Link Road	6,593 8,198.88
6.	Burning/Burial Ground Road	10,199 7,579.95
Under Control of Panchayat Unions		
1.	Cement Road	122 183.72
2.	Black topped	2,099 3,618.09
3.	Metalled (WBM) Single Layer	8,118 14,154.40
4.	Metalled (WBM) Double Layer	2,599 4,397.67
5.	Gravel	4,926 8,209.52
III. BUILDINGS		
1.	Group Houses	351,862
2.	School Buildings	31,057
3.	Panchayat Offices	8,352
4.	Community hall	11,974
5.	Hospitals	1,717
6.	Bus Shelter	5,531
7.	Small Bridges	38,236

<i>Sl No.</i>	<i>Details of Community Assets</i>	<i>Number</i>
(1)	(2)	(3)
IV. HEALTH AND SANITATION		
1.	Primary Health Centre	1,160
2.	Health Sub-centre	1,773
3.	Maternity and Child Welfare Centre	3,200
4.	Latrines	10,191
V. ANIMAL HUSBANDRY		
1.	Veterinary Dispensaries	953
2.	Veterinary Sub-Centres	1,494
3.	Key Village Centres	206
4.	Fingerling hatcheries	168
VI. COMMERCIAL ENTERPRISES		
1.	Kalyana Mandapam	188
2.	Shopping Complex	1,166
3.	Bus stand	494
4.	Slaughter Houses	374
5.	Panchayat Union Carpentry Units	121
6.	Panchayat Union Blacksmith Units	77
VII. ENERGY RESOURCES		
1.	Bio-gas plants	76,536
2.	Chula	352,359
3.	Solar Cookers	523
4.	Wind mills	247
VIII. SOCIAL FORESTRY		
		Area in Hectare
1.	Social Forestry	18,656.89
2.	Fruit Seedlings Plantation Programme	1,689.97
3.	Farm Forestry	1,224.25
5.	Plantation Programme for Firewood	4,288.31
IX. NOON MEAL CENTRES		
1.	Noon Meal Centres	18,767
2.	Noon Meal Centres - Drinking Water	18,527
3.	Cooking Vessels	24,485
X. MINOR IRRIGATION		
1.	Jeevan Dhara Wells	6,987
2.	Minor Irrigation Tanks	11,429
3.	Irrigation Wells in use	3,808
4.	Percolation Ponds	4,750
5.	Desilted Supply Channels	2,710

<i>Sl No.</i>	<i>Details of Community Assets</i>	<i>Number</i>
(1)	(2)	(3)
XI. STREET LIGHTS		
1.	Electricity Facilities	13,207
2.	Bulbs	44,561
3.	Tube Lights	853,463
4.	Sodium Vapour Lamps	8,763
5.	Electricity facilities for SC Beneficiaries huts and Group Houses	245,037

Source: Handbook on basic amenities in Rural Areas by Director of Rural Development.

03. Taking into account all these aspects, the State Planning Commission Group recommends the entrustment of following powers and functions in relating to the maintenance of Community Assets, to the three tiers of Panchayats.

I. VILLAGE PANCHAYAT

<i>ACTIVITY</i> (1)	<i>ENTRUSTMENT OF POWERS</i> (2)
1. Identification of community assets.	<ul style="list-style-type: none"> i) Identification and registration of all community assets in various categories in the Panchayat Village. ii) Assessment, allocation and sanction of funds for maintenance of Village Panchayat assets. iii) Creation and use of endowments for development and maintenance of specific assets/commercial assets like buildings, shopping complex, land, exhibition, ground, marketing yards, etc., owned by village panchayats. iv) Fixing of rates, user charges and rent for commercial and other assets. v) Authority to sell, lease and transfer of assets owned by the Village Panchayats. vi) Collection of taxes, user charges rent etc. vii) Vigilance against misuse, encroachment, damage and loss of assets, and imposition of penalties wherever applicable. viii) Raising funds, donations and other means for development and maintenance of community assets.

II. PANCHAYAT UNION

<i>ACTIVITY</i> (1)	<i>ENTRUSTMENT OF POWERS</i> (2)
1. Development and maintenance of community assets	<ul style="list-style-type: none"> i) Assessment, allocation and sanction of funds for maintenance of District Panchayats Assets. ii) Creation and use of endowments for development and maintenance of specific assets/commercial assets like buildings, shopping complex, land, exhibition, ground, marketing yards, etc., owned by Panchayat Unions.

<i>(1)</i>	<i>(2)</i>
	iii) Fixing of rates, user charges and rent for commercial and other assets.
	iv) Authority to sale, lease and transfer of assets owned by the Panchayat Unions.
	v) Collection of taxes, user charges, rent etc.
	vi) Vigilance against misuse, encroachment, damage and loss to the assets and imposition of penalties wherever applicable.
	vii) Raising funds, donations and other means for development and maintenance of Community assets.

III. DISTRICT PANCHAYAT

<i>ACTIVITY</i> <i>(1)</i>	<i>ENTRUSTMENT OF POWERS</i> <i>(2)</i>
1. Development and maintenance of community assets	i) Assessment, allocation and sanction of funds for maintenance of District Panchayat assets. ii) Development and maintenance of endowment assets/commercial assets like buildings, shopping complex, land, exhibition, ground, marketing yards, etc., owned by District Panchayats. iii) Fixing of rates, user charges and rent for commercial and other assets. iv) Sale, lease and transfer for assets. v) Collection of taxes, user charges, rent etc. vi) Vigilance against misuse, encroachment, damage and loss to the assets. vii) Raising funds, donations and other means for development and maintenance of community assets under District Panchayats. viii) Involvement of NGOs/Financial Institutions for maintenance of community assets like noon meal centres, parks, traffic islands etc.

Financial implications

04. From the foregoing paragraphs, it is seen that the Panchayats and Panchayat Unions have to perform both obligatory and discretionary functions and in such discharge of their functions, they have to maintain a number of assets for the benefit of the Community. For performing these functions and implementing other development programmes the Local Bodies get grants from Government. In addition to the Government grants the resources of local bodies have to be supplemented by the resources raised through their own taxation efforts.

Details of Government grants and their relative provision under Tamil Nadu Panchayats Act, 1994 are as follows:

<i>S.No.</i>	<i>Name of the Grant</i>	<i>Authority</i>
1.	Local Cess	Section 167 of the Tamil Nadu Panchayats Act.
2.	Local Cess Surcharge	Section 168 of the Tamil Nadu Panchayats Act.
3.	Stamp duty Surcharge	Section 175 of the Tamil Nadu Panchayat Act.

<i>S.No.</i>	<i>Name of the Grant</i>	<i>Authority</i>
4.	Entertainment Tax	Tamil Nadu Local Authorities Finance Act, 1961 (Tamil Nadu Act 62 of 1961)
5.	Village House Tax	Section 171 & 172 of Tamil Nadu Panchayats Act.
6.	Minor Local Revenue (Market fees, License fees, Profession tax, Vehicles Tax Fishery Rentals etc.)	
7.	Local Cess Surcharge Matching Grant	Section 168 & 180 of Tamil Nadu Panchayats Act.
8.	Local Roads Grant	Section 182 of Tamil Nadu Panchayats Act.
9.	Village House Tax Matching Grant	Section 183 of Tamil Nadu Panchayats Act.
10.	Social Education Grant	Non Matching Grant.
11.	Women & Child Welfare Grant	
12.	Village Works Grant	
	a) Water Supply	
	b) Link Roads	
	c) School Buildings.	
13.	Local Irrigation Grant.	
14.	Animal Husbandry Grant.	
15.	Grant for maintenance of Maternity and Child Welfare Centre.	
16.	Maintenance Grant for dispensaries	G.O.Ms.No.51, H & F.P., dated 7-1-77 read with G.O.Ms.No. 1168, H & F.W., Dept., dated 15-7-83.

A review of the financial position of the Local Bodies indicates that most of the Local Bodies are financially not sound enough and for want of sufficient funds most of the assets created by the Local Bodies and through other schemes and subsequently handed over to Local Bodies for further maintenance are in a languishing stage which require immediate repairs and further maintenance. Further the maintenance grants are in the nature of discretionary grants and they can neither be predicted nor insisted. Hence, the SPC Group recommends for enhancement of the various grants for better maintenance of assets. It also recommends for earmarking of a certain percentage of allocation for repairs and maintenance works. Further, the local Bodies should also raise their own resources by way of additional taxation measures. Non-Governmental Organisations (NGOs) and financial Institutions have to be involved in creation of Public assets and their maintenance like Parks, Playgrounds, Traffic Islands etc.

Administrative and legal implication

05. (a) As and when the assets are created by the executing agencies like TWAD Board, Public Works Department, Highways and Rural Works etc. it has to be ensured that basic amenities like drinking water, Electricity, Approach Road, are provided so that the assets could be put to use to the public. Further, the assets thus created with all its amenities should be handed over to the Local Bodies, for future maintenance.

(b) While selecting the site for creation of assets, the opinion of the local bodies should be obtained and if it is in private land, gift deed is to be obtained from the land owners.

(c) In order to raise the resources of the local bodies and to create a sense of involvement in the project, a nominal rent may be collected from the users, for the use of Community assets like Community Centre, Kalyana Mandapam etc.

(d) Users Committee should be formed in each village for asset creation/utilisation/maintenance.

(e) Awareness Campaign should be organised for proper upkeep and maintenance of the Community assets and there should be vigilance against misuse, encroachment, damage and loss to the assets

(f) Asset creation Registers should be maintained at all levels and it should be made available for inspecting authorities for verification.

(g) Assets created under Special Programmes like Western Ghat Development Programme/Hill Area Development Programme/Drought Prone Area Programme etc. should be treated as the Community Assets and handed over to Local Bodies for proper maintenance.