

CHAPTER 2

FUNCTIONS OF LOCAL BODIES

Rural Local Bodies:

4.2.01 The functions of the Rural Local Bodies viz the Village Panchayats, Panchayats Unions and the District Panchayats have clearly been indicated in various provisions of the Tamil Nadu Panchayats Act 1994. The functions in respect of Village Panchayats and Panchayat Unions are broadly classified as (i) obligatory (ii) Discretionary and (iii) Agency functions.

(A) Village Panchayats:

4.2.02 Under sec 110 of the Tamil Nadu Panchayats Act 1994, the **obligatory functions** of the Village Panchayat have been indicated as shown below:

- (i) Construction, repair and maintenance of all Village Panchayat roads;
- (ii) Lighting of Public roads and Public places in built up area;
- (iii) Cleaning the streets, removal of rubbish heaps; provision and maintenance of Public latrines;
- (iv) Opening and maintenance of burial and burning grounds;
- (v) Provision and maintenance of water supply sources for washing and bathing purposes and
- (vi) Such other duties as the Government may by notification impose.

4.2.03 Similarly, under sec 111 of the Act, the **discretionary functions** of the Village Panchayats have been spelt out. The functions are indicated below:

Subject to the provisions of the Act and the rules made there under, a Village Panchayat may also make such provisions as it thinks fit for carrying out the requirements of the Village in respect of the following matters, namely;

- a) Planting and preservation of trees on the sides of all Public roads in the Panchayat area;
- b) Lighting of Public roads and Public places in areas other than built up areas;

- c) Opening and maintenance of Public markets (Panchayat markets);
- d) Control of fairs and festivals classified as Panchayat's fairs and festivals.
- e) Opening and maintenance of Public landing places, halting places, cart stands and Public cattle sheds;
- f) Opening and maintenance of Public slaughter houses;
- g) Opening and maintenance of Reading rooms;
- h) Establishment and maintenance of wireless receiving sets, play grounds, parks, sports clubs and centres of physical culture;
- i) Opening and maintenance of literacy centres and centres for imparting social education.
- j) Construction of works of Public Utility and provisions of other facilities for the safety, health, comfort, convenience, culture or recreation of the inhabitants of the village.

Agency Functions:

4.2.04 Under sec.119 (2) of the Act, special provision has been made, subject to such rules as may be prescribed, that the Government, Commissioner of Land Administration, the Collector or Revenue Divisional Officer, the District Panchayat, the Panchayat Union Council or the Chief Executive Officer, the Commissioner or any person or body of persons may transfer to the Village Panchayat, with its consent, the management of any Institution or the execution or maintenance of any work or the exercise of any power or the discharge of any duty whether provided for in the Act or not.

4.2.05 Under Section 257 of the Act, the Government may by notification and subject to such conditions and restrictions as may be specified therein, entrust a Panchayat with such powers and responsibilities with respect to the preparation of plans for economic development and social justice including those in relation to the matters listed in Schedule IV of the Act. (11th Schedule of the Constitution).

(B) Panchayat Unions:

4.2.06 The obligatory functions of the Panchayat Unions are given in Sec.112 of the Act which are narrated below:

Subject to the provisions of this Act and the rules made there under, it shall be the duty of a Panchayat Union Council, within the limits of its funds, to make reasonable provision for carrying out the requirements of the Panchayat Union in respect of the following matters, namely:

- a) Construction, repair and maintenance of all Panchayat Union roads;
- b) Establishment and maintenance of dispensaries and the payment of subsidies to rural medical practitioners;

- c) Establishment and maintenance of maternity and child welfare centres, including maintenance of THAI Service and offering advice and assistance to mothers in FAMILY PLANNING;
- d) Construction and maintenance of poor houses, orphanages, shops, stalls, plinths, training and employment of vaccinators, removal of congestion of population and the provision of house sites;
- e) Opening and maintenance and expansion of Elementary Schools including payment of grants to private managements in respect of elementary schools;
- f) Preventive and remedial measures connected with epidemic or with malaria;
- g) Control of Panchayat Union fairs and festivals;
- h) Veterinary relief;
- i) Extension of Village sites and the regulation of buildings;
- j) Opening and maintenance of Public Markets which are classified as Panchayat Union Markets;
- k) Maintenance of Statistics relating to births and deaths;
- l) Establishment and maintenance choultries;
- m) Improvement of Agriculture, Agricultural Stock and holding of Agricultural shows;
- n) Promotion and encouragement of Cottage Industries;
- o) such other duties as imposed by the Government.

4.2.07 Section 115 of the Act lays down the **discretionary functions** of the Panchayat Union within the limits of its funds, to carryout measures of public utility calculated to promote the safety, health, comfort or convenience of the inhabitants of the Panchayat Union.

4.2.08 The Agency functions of the Panchayat Union Council have been indicated under Section 113 and 114 of the Act. As per Section 113, the Government shall entrust the execution of all National Extension Service Scheme of Community Development including in particular, all measures relating to the development of Agriculture, Animal Husbandry and Village Industries. Similarly under Section 114 of the Act, the Government may entrust to the Panchayat Unions for execution all or any of the schemes, programmes and activities to be executed or implemented either by the Government or by any statutory body or agency. Similarly the Panchayat Union Council, if so notified by the Government, may review the schemes, programmes and other activities executed by the Government or by any statutoy body or Agency within the Panchayat Union under Section 114(2) of the Act.

4.2.09 Further, under Section 123 of the Act, subject to such rules as may be prescribed by the Government, the Commissioner of Land Administration, the Collector, or Revenue Divisional Officer or any person or body of persons may transfer to the Panchayat Union Council with its

consent, the management of any institution or the execution or maintenance of any work or the exercise of any power or the discharge of any duty whether within or without the Panchayat Union and whether provided for in this Act or not. Under Sec.257, the Government may entrust to a Panchayat Union with such powers and responsibilities with respect to the preparation of plans for economic development and social justice including those in relation to the matters listed in Schedule IV of the Act (Schedule XI of the Constitution).

(C) District Panchayats

4.2.10 The functions envisaged under the Act for the District Panchayat have been given in Section 163 of the Act. The State Finance Commission feels that the District Panchayat at the District level may be an effective body for the purpose of planning, implementation, monitoring and reviewing all Rural Development Programmes. Accordingly the Government may consider devolving functions to the District Panchayats.

(D) Town Panchayats and Municipalities

4.2.11 The functions of the Town Panchayats and the Municipalities are one and the same and are given in various sections of the Tamil Nadu District Municipalities (Amendment) Act 1994. The same are narrated below:

- (i) Provision and maintenance of Water Supply (Section 125, 126 of the Act);
- (ii) Provision and maintenance of Street Lights (Section 136);
- (iii) Provision and maintenance of public drainages; (Section 137);
- (iv) Provision and maintenance of Public Latrines (Section 145);
- (v) Arranging for cleaning the streets and removal of sweepings (Section 153);
- (vi) Provision and maintenance of Public Streets, roads (Section 162);
- (vii) Plant and preserve trees on the sides of Public Street(Section 162-A);

(E) Municipal Corporations

4.2.12 The important functions are:

- i) Provision and maintenance of Water Supply (In the case of Chennai Corporation, this function is being attended to by the Chennai Metropolitan Water Supply and Sewerage Board);
- ii) Provision and maintenance of Street Lights;
- iii) Provision and maintenance of Public Drains (in the case of Chennai Corporation, this function is being attended to by the Chennai Metropolitan Water Supply and Sewerage Board);
- iv) Provision and maintenance of Public latrines;
- v) Cleaning the Streets and removal of sweepings;
- vi) Provision and maintenance of Public Streets, roads, etc.

4.2.13 Though the Commission feels that the above functions and the additional functions suggested for devolution to these Local Bodies may be by and large sufficient for the effective functioning of the Local Bodies, provision and maintenance of drinking water supply may be added

as an obligatory function of the Village Panchayat as was in the earlier Panchayats Acts, but not found in the present Act.

4.2.14 The Commission recommends that

the existing functions of Local Bodies including the functions proposed for devolution under IVth, Xth and XIth Schedules of the Tamilnadu Panchayats Act 1994, Tamil Nadu District Municipalities (Amendment) Act 1994 and the Tamilnadu City Municipal Corporation Acts respectively are by and large sufficient for the effective functioning of the Local Bodies. Provision and maintenance of drinking water supply sources may be added as an obligatory function of the Village Panchayats as was in the earlier Panchayat Acts.