CHAPTER VI
ORGANIZATION AND FUNCTIONS OF PANCHAYATS AFTER 73rd AMENDMENT

Overview

In this chapter an attempt has been made to analyze the organization and functions of Panchayats at District, Block and Village Levels in Tamil Nadu after 73rd Amendment.

Constitution of Panchayat at District Level

District Panchayat in each District of Tamil Nadu has been created for the implementation of some developmental Programmes. Every District Panchayat consists of the elected Members, the Members of the House of the People and the Members of the State Legislative Assembly representing a part or whole of the District whose constituencies lie within the District, the Member of the Council of States who is registered as elector within the District, such number of Chairmen of Block Panchayats chosen, shall be entitled to take part in the proceedings, and vote at the meeting of the District Panchayat.\(^1\) Refer Diagram 6.1.

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\(^1\) The Tamil Nadu Panchayat Act 1994, Section 25 (1) to (3).
Constitution of Panchayat at Block Level

Panchayat at the Intermediate level in Tamil Nadu is called Block Panchayat. Every Block Panchayat consists of the elected Members, the Members of the House of People and the Members of the State Legislative Assembly representing a part or whole of the District whose constituencies lie within the Block Panchayat, the Member of the Council of States who is registered as elector within the Block Panchayat, such number of Presidents of Village Panchayat chosen shall be entitled to take part in the proceedings, and vote at the meeting of the Block Panchayat.\(^2\) Refer Diagram 6.2.

\(^2\) The Tamil Nadu Panchayat Act 1994, Section 25 (1) to (3)
Constitution of Panchayat at Village Level

Panchayat at the Village level in Tamil Nadu is called Village Panchayat. Every Village Panchayat consists of the elected Members, the Members of the House of People and the Members of the State Legislative Assembly representing a part or whole of the Village Panchayat whose constituencies lie within the Village Panchayat and the Member of the Council of States who is registered as elector within the Village Panchayat, shall be entitled to take part in the proceedings, and vote at the meeting of the Village Panchayat.\(^3\) Refer Diagram 6.3.

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\(^3\) The Tamil Nadu Panchayat Act 1994, Section 25 (1) to (3)
Formation and Incorporation of District Panchayat

The Government may, by notification, constitute for each District with effect from such date as may be prescribed in the said notification, a District Panchayat having jurisdiction over the entire District excluding such portions of the District as are included in a Municipality or Town Panchayat or Industrial Township or under the authority of a Local Corporation or a Cantonment. Every District Panchayat shall be a body corporate by the name of the District, shall have perpetual succession and a common seal and subject to such restrictions as are imposed by or under this or any other enactment, shall be vested with the capacity of suing or being sued in its corporate name, of acquiring, holding and transferring property, movable or immovable, whether without or within the limits of the area over which it has authority, of entering into contracts and of doing all things, necessary, proper or expedient for the purpose for which it is constituted.\(^4\)

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\(^4\) Ibid., Section 24 (1) and (2)
Formation and Incorporation of Block Panchayat

The Government may, from time to time, publish a notification of their intention to declare any Local area forming a development block for the purposes of the National Extension Service Scheme or Community Development, to be a Panchayat development block; and to constitute for every such Panchayat development block a Block Panchayat. The Government may, by notification exclude from a Panchayat development block any area or village comprised therein, or include in a Panchayat development block any area contiguous to it, or cancel or modify a notification issued under sub-section (3), or alter the name of a Block Panchayat. The Government may pass such orders as they may deem fit for the disposal of the assets of, or institutions belonging to, the Block Panchayat which has ceased to exist, and for the discharge of the liabilities, if any, of such Block Panchayat relating to such assets or institutions, or for the disposal of any part of the assets of, or institutions belonging to, a Block Panchayat which has ceased to exercise jurisdiction over any Panchayat development block and for the discharge of the liabilities, if any, of the Block Panchayat relating to such assets or institutions. An order made under sub-section (6) may certain such supplemental, incidental and consequential provisions as the Government may deem necessary, and in particular may direct that any tax, fee or other sum due to the Block Panchayat or where a Block Panchayat has to exercise jurisdiction over any Panchayat development block, such tax, fee or other sum due to the Block Panchayat
as relates to that block shall be payable to such authorities as may be specified in the order. That appeals, petitions or other applications with reference to any such tax, fee or sum which are pending on the date on which the Block Panchayat ceased to exist, or as the case may be, on the date on which the Block Panchayat ceased to exercise jurisdiction over the Panchayat development block, shall be disposed of by such authorities as may be specified in the order.\(^5\)

**Formation and Incorporation of Village Panchayat**

The inspector shall, by notification, classify and declare every Local area comprising a revenue village or villages or any portion of a revenue village or contiguous portions of two or more revenue villages with a population estimated at not less than five hundred as a Panchayat village for the purpose of this Act; and shall, by notification, specify the name of such Panchayat Village. The Inspector may, by notification, exclude from a Panchayat Village any area comprised therein, provided that the population of the Panchayat Village after such exclusion, is not less than five hundred. In regard to any area excluded under clause (a), the Inspector shall by notification under sub-section (1) declare it to be Panchayat village if it has a population of not less than five hundred or it its population is less than five hundred, include it in any contiguous Panchayat Village under clause (c), (i). The Inspector may, any notifications include in a Panchayat Village any Local area contiguous there to; or cancel or modify notification issued under

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\(^5\) Ibid., Section 15 (1) to (7)
Sub Section (1); or alter the name of any Panchayat Village specified under Sub Section. An order made under Sub Section (4) may contain such supplemental, incidental and consequential provisions as the Inspectors may deem necessary, and in particular may direct that any tax, fee or other sum due to the Village Panchayat or where a Village Panchayat has ceased to exercise jurisdiction over any Local area, such tax, fee or other sum due to the Village Panchayat as relates to that area shall be payable to such authorities as may be specified in the order; that appeals, petitions, or other applications with reference to any such tax, fee or sum which are pending on the date on which the Village Panchayat ceased to exist or, as the case may be, on the date on which the Village Panchayat cease to exercise jurisdiction over the Local area, shall be disposed of by such authorities as may be specified in the order.6

**Election of Members of District/Block/Village Panchayat**

The number of elected members of a District/Block/Village Panchayat shall consist of persons elected from the wards in the District/Block/Village Panchayat, as may be notified from time to time by the Government based on the population of the District/Block/Village as ascertained at the last preceding census, provided that no person shall be eligible to be elected under this Act as member of more than one District/Block/Village Panchayat.7

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6 Ibid., Section 4 (1) to (5).
7 Ibid., Sections 26, 19, 10.
Delimitation of Territorial Wards of District/Block/Village Panchayat

For the purpose of election of Members to the District/Block/Village Panchayat, the Inspector shall, after consulting the District/Block/Village Panchayat, by notification, divide the District/Block/Village Panchayat area into Wards and determine the number of Members to be elected in accordance with such scale as may be prescribed. Only one Member shall be elected from each ward.\textsuperscript{8}

Term of Office of Members of District/Block/Village Panchayats

Except as otherwise provided in this Act, Member of a District Panchayat elected at an ordinary election, shall hold office for a term of five years. The term of office of the members elected at an ordinary election shall commence on the date appointed for the first meeting of the District Panchayat after ordinary election. The member of a District Panchayat elected in a causal vacancy, shall enter upon the office forthwith but shall hold office only so long as the member in whose place he is elected would have been entitled to hold office, if the vacancy had not occurred.\textsuperscript{9}

Duration of District/Block/Village Panchayat

Every District/Block/Village Panchayat constituted under this Act unless sooner dissolved shall continue for five years from the date appointed for its first meeting after each ordinary election and no longer.

\textsuperscript{8} Ibid., Sections 21 (1) and (2), 12.
\textsuperscript{9} Ibid., Sections 29 (1), (2) and (3), 22 (1) to (3), 13 (1) to (3).
Where a District/Block/Village Panchayat is dissolved before the expiration of the said period of five years, election to reconstitute such District/Block/Village Panchayat shall be completed as soon as may be, and in any case, before the expiration of a period of six months from the date of such dissolution. Provided that where a District/Block/Village Panchayat is dissolved within six months before the expiration of the said period of five years, it shall be not be necessary to hold any election to such District/Block/Village Panchayat.  

**Reservation of Seats in District/Block/Village Panchayat**

Seats shall be reserved for the persons belonging to the Scheduled Castes and the Scheduled Tribes in every District/Block/Village Panchayat and the number of seats so reserved shall bear as nearly as may be, the same proportion to the total number of seats to be filled by direct election in that District/Block/Village Panchayat as the population of the Scheduled Castes in that District/Block/Village Panchayat area or of the Scheduled Tribes in that District/Block/Village Panchayat area bears to the total population of that area. Seats shall be reserved for women belonging to the Scheduled Castes and the Scheduled Tribes from among the seats reserved for the persons belonging to the Scheduled Castes and the Scheduled Tribes, which shall not be less than one-third of the total number of seats reserved for the persons belonging to the Scheduled Castes and the Scheduled Tribes. Seats shall be reserved for

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10 Ibid., Sections 31 (1) and (2), 18 (1) and (2), 9 (1) and (2).
women in the District/Block/Village Panchayat and number of seats reserved for women shall not be less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats in the District/Block/Village Panchayat. Provided that such seats reserved for women shall be allotted by rotation to different territorial wards in such manner as the Government may, by notification, direct.\textsuperscript{11}

\textbf{Functions of District Panchayat}

The District Panchayat shall advise the Government on all matters concerning the activities of Village Panchayats, Block Panchayats in the District as well as on all matters relating to the development of the economic resources of the District and the services maintained there in promoting the culture and welfare of the inhabitants of the District. In particular, it shall be the duty of the District Panchayat to perform the following functions, namely. Advising the Government on all matters relating to the services maintained by all development schemes undertaken by all Village Panchayats and Block Panchayats in the District as well as those agencies in the District, which are under the administrative control of the Government. Watching the progress of the measures undertaken by the Government, Village Panchayats, Block Panchayats and departmental agencies in respect of the services and development schemes aforesaid. Advising the Government on matters

\textsuperscript{11} Ibid., Sections 32 (1) to (6), 20 (1) to (3), 11 (1) to (4).
concerning the implementation of any provision of law or any order specifically referred to by the Government to the District Panchayat such as classification of markets as Village Panchayat markets and Block Panchayat markets and fixing rates of contribution payable by one authority to the other, classification of fairs and festivals as Village Panchayat fairs, Village Panchayat festivals and Block Panchayat fairs and Block Panchayat festivals, classification of public roads (other than roads classified by the Government as National Highways, State Highways and major District roads) as Block Panchayat roads and Panchayat Village roads, advising the Government on all matters relating to development of road transport.\(^\text{12}\)

**Functions of Block Panchayat**

Subject to the provisions of this Act and the rules made there under, it shall be the duty of a Block Panchayat, within the limits of its funds, to make reasonable provision for carrying out the requirements of the Block Panchayat in respect of the following matters, namely the construction, repair and maintenance of all public roads in the Block Panchayat which are classified as Block Panchayat roads and of all bridges, culverts, road-dams and cause ways on such roads; the establishment and maintenance of dispensaries and the payments of subsides to rural medical practitioners; the establishment and maintenance of maternity and child welfare centers, including the maintenance of a thai service and offering

\(^{12}\) Ibid., Section 163 (1) and (2)
advice and assistance to mothers in family planning; the construction and maintenance of poor houses, orphanages, shops, stalls, plinths, the training and employment of vaccinators, the removal of congestion of population and the provision of house-sites; the opening and maintenance and expansion or improvement of elementary schools, including the payment of grants to private managements in respect of elementary schools; preventive and remedial measures connected with any epidemic or with malaria; the control of fairs and festivals classified by the Block Panchayat as those reserved for control by it; veterinary relief; the extension of village-sites and the regulation of building; the opening and maintenance of public markets which are classified as Block Panchayat markets; the maintenance of statistics relating to births and deaths; the establishment and maintenance of countries; improvements of agriculture, agriculture stock and the holding of agricultural shows; the promotion and encouragement of cottage industries; and such other duties as the Government may, by notification, impose.¹³

**Functions of Village Panchayat**

Subject to the provisions of this Act and the rules made there under, it shall be the duty of Village Panchayat, within the limits of its funds, to make reasonable provision for carrying out the requirements of the Panchayat Village in respect of the following matters, namely the construction, repair and maintenance of all Village roads, that is to say, all

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¹³ Ibid., Section 112 (a) to (o)
public roads in the Village (other than those classified as National Highways, State Highways, major District roads and Block Panchayat roads) and of all bridges, culverts, road-dams and causeways on such roads; the lighting of public roads and public places in built-up areas; the construction of drains and the disposal of drainage water not including sewerage; the cleaning of streets, the removal of rubbish heaps, jungle-growth and prickly-pear, the filling in of disused wells, in sanitary ponds, pools, ditches, pits or hollows and other improvements of the sanitary condition of the Village; the provision of public latrines and arrangements to cleanse latrines whether public or private; the opening and maintenance of burial and burning grounds; the sinking and repairing of wells, the excavation, repair and maintenance of ponds or tanks and the construction and maintenance of water-works for the supply of water for washing and bathing purposes; and such other duties as the Government may, by notification, impose.14

**General Powers of District Panchayat**

For the purpose of efficiently performing its functions under this Act, every District Panchayat may, within the limits of its jurisdiction undertake such measures, as it deems necessary; collect such data, as it deems necessary; publish statistics or other information relating to the various aspects of the regulation or development of the activities of Block Panchayats and Village Panchayats in the District; require any Block Panchayat or Village Panchayat to furnish such information as may be

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14 Ibid., Section 110 (a) to (g)
required by it in relation to the measures undertaken by that Block Panchayat or Village Panchayat for the regulation or development of its activities and such other matters as may be prescribed.\textsuperscript{15}

**General Powers of Block Panchayat**

Subject to the provisions of this Act and the rules made there under, a Block Panchayat may, within the limits of its funds, make such provision as it thinks fit for carrying out the requirements of the Block Panchayat in respect of measures of public utility calculated to promote the safety, health, comfort or convenience of the inhabitants of the Block Panchayat. Provided that nothing in this section shall apply to water supply for irrigation purposes and to sewerage.\textsuperscript{16}

**General Powers of Village Panchayat**

Subject to the provisions of this 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 the planting and preservation of trees on the sides of all public roads in the Village subject to mutually agreed terms and conditions between the Village Panchayat and the authority which maintains the road in case the road is not maintained by the Village Panchayat itself. The lighting of public roads and public places in areas other than built-up areas; the opening and maintenance of public markets other than markets which are classified as Block Panchayat markets; the control of fairs and festivals

\textsuperscript{15} Ibid., Section 164 (a) to (d)

\textsuperscript{16} Ibid., Section 164 (a) to (d)
other than those classified as Block Panchayat fairs and festivals; the opening and maintenance of public landing places, halting places and cart-stands and of public cattle-sheds; the opening and maintenance of public slaughter-houses; the opening and maintenance of reading rooms; the establishment and maintenance of wireless receiving sets, playgrounds, parks, sports clubs and centers of physical culture; the opening and maintenance of literacy centers and centers for imparting social education; and the construction of works of public utility and the provisions of other facilities for the safety, health, comfort, convenience, culture or recreation of the inhabitants of the Village. Provided that nothing in this clause shall apply to water supply for non-irrigation purposes and to sewerage.17

**Division of District/Block/Village Panchayat into Wards**

For the purpose of election of Members to the District/Block/Village Panchayat, the Inspector shall, after consulting the District/Block/Village Panchayat, by notification, divide the District/Block/Village Panchayat area into wards and determine the number of Members to be elected in accordance with such scale as may be prescribed. Only one Member shall be elected from each ward.18

**Term of Office of Members in District/Block/Village Panchayat**

Except as otherwise provided in this Act Members of the District/Block/Village Panchayat elected at an ordinary election, shall hold

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17 Ibid., Section 164 (a) to (d)
18 Ibid., Sections 21 (1) and (2), 12.
office for a term of five years. The term of office of the Members elected at an ordinary election shall commence on the date appointed for the first meeting of the District/Block/Village Panchayat after ordinary election. The Member of a District/Block/Village Panchayat elected in a casual vacancy, shall enter upon office forth with but shall hold office only so long as the Member in whose place he is elected would have been entitled to hold office if the vacancy had not occurred.\textsuperscript{19}

**Electoral Roll for District/Block/Village Panchayat**

The electoral roll of the District/Block/Village Panchayat for the time being in force for such part of the District/Block/Village Panchayat shall be deemed to be the electoral roll for such District/Block/Village Panchayat. No amendment, transposition or deletion of any entry in the electoral roll of the District/Block/Village Panchayat made after last date for making nominations for an election in any District/Block/Village Panchayat ward and before the notification of the result of such election, shall form part of the electoral roll for such election. The Commissioner of District/Block/Village Panchayat shall maintain in the prescribed manner, electoral roll for each ward in the District/Block/Village Panchayat.\textsuperscript{20}

**Duty of Block Panchayat to Provide for Certain Matters**

Subject to the provisions of this Act and the rules made there under, it shall be the duty of a Block Panchayat, within the limits of its funds to make reasonable provision for carrying out the requirements of the

\textsuperscript{19} Ibid., Sections 22 (1) to (3), 13 (1) to (3).

\textsuperscript{20} Ibid., Sections 23 (1) to (3), 14 (1) to (3).
Block Panchayat in respect of the following matters, namely: the construction, repair and maintenance of all public roads in the Block Panchayat which are classified as Block Panchayat roads and of all bridges, culverts, road-dams and cause ways on such roads; the establishment and maintenance of dispensaries and the payments of subsides to rural medical practitioners; the establishment and maintenance of maternity and child welfare centres, including the maintenance of a thai service and offering advice and assistance to mothers in family planning; the construction and maintenance of poor houses, orphanages, shops, stalls, plinths, the training and employment of vaccinators, the removal of congestion of population and the provision of house-sites; the opening and maintenance and expansion or improvement of elementary schools, including the payment of grants to private managements in respect of elementary schools; preventive and remedial measures connected with any epidemic or with malaria; the control of fairs and festivals classified by the Block Panchayat as those reserved for control by it; veterinary relief; the extension of Village -sites and the regulation of building; the opening and maintenance of public markets which are classified as Block Panchayat markets; the maintenance of statistics relating to births and deaths; the establishment and maintenance of choultries; improvements of agriculture, agricultural stock and the holding of agricultural shows; the promotion and encouragement of cottage industries; and such other duties as the Government may, by notification, impose.
Duty of Village Panchayat to Provide For Certain Matters

Subject to the provisions of this Act and the rules made thereunder, it shall be the duty of Village Panchayat, within the limits of its funds, to make reasonable provision for carrying out the requirements of the Panchayat Village in respect of the following matters, namely 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 Block Panchayat roads) and of all bridges, culverts. Road-dams and causeways on such roads; the lighting of public roads and public places in built-up areas; the construction of drains and the disposal of drainage water and sullage not including sewerage; the cleaning of streets, the removal of rubbish heaps, jungel-growth and pickly-pear, the filling in of disused wells, insanitary ponds, pools, ditches, pits or hollows and other improvements of the sanitary condition of the Village; the provision of public latrines and arrangements to cleanse latrines whether public or private; the opening and maintenance of burial and burning grounds; the sinking and repairing of wells, the excavation, repair and maintenance of ponds or tanks and the construction and maintenance of water-works for the supply of water for washing and bathing purposes; and such other duties as the Government may, by notification, impose.
Entrustment of execution of National Extension Service Scheme of Community Development to Block Panchayats

The Government shall as soon as may be after the Constitution of a Block Panchayat for a Panchayat Development Block under this Act entrust to the Block Panchayat subject to such conditions and restrictions as may be specified by the Government, the execution in the Panchayat Development Block of the National Extension Service Scheme of Community Development, including in particular, all measures relating to the development of agriculture, animal husbandry and Village industries organised on an individual or co-operative basis.

Entrustment of Certain Schemes to Block Panchayats

The Government may, subject to such conditions and restrictions as may be specified, entrust all or any of the schemes, Programmes and activities for economic development, whether such schemes, Programmes and activities are to be executed or implemented either by the Government or by any statutory body or other agency to the Block Panchayat for its execution or implementation. The Block Panchayat may, if so notified by the Government, review the schemes, Programmes and other activities executed by the Government or by any statutory body or other agency within the Block Panchayat.
Power of Block Panchayat to Provide for Certain other Matters

Subject to the provisions of this Act and the rules made thereunder, a Block Panchayat may, within the limits of its funds, make such provision as it thinks fit for carrying out the requirements of the Block Panchayat in respect of measures of public utility calculated to promote the safety, health, comfort or convenience of the inhabitants of the Block Panchayat provided that nothing in this section shall apply to water supply for irrigation purposes and to sewerage.

Common Burial and Burning Grounds, etc.,

Subject to the provisions of this Act and the rules made thereunder, two or more Village Panchayats may construct and maintain water-works for supply of water for washing and bathing purposes from a common, source and may also provide a common burial and burning ground, and may entrust to the Block Panchayat with its consent and on such terms as may be agreed upon, the management of any institution or the execution or maintenance of any work.

Lighting of Public Roads and Public Places

The Government may, by general or special order, direct any Village Panchayats or Block Panchayat to provide for the lighting of public roads and public places within its jurisdiction and it shall be the duty of the Village Panchayat or Block Panchayat to provide for such light provided that where such a direction is given, the Government shall make
such provision for the cost of lighting as they may consider reasonable and
the decision of the Government shall be final.

**Maintenance of Common Dispensaries, Child Welfare
Centers, Etc.,**

Subject to the provisions of this Act and the rules made thereunder, two or more Panchayats Union Councils may establish and maintain common dispensaries, child welfare centres, and institutions of such other kind as may be prescribed.

**Transfer of Immovable Property, Management of
Institution, Execution or Maintenance of Works, Etc., to a
Village Panchayats**

The Block Panchayats may, subject to such control as may be prescribed, by notification declare that any immovable property vested in it shall vest in any Village Panchayat in the same Block Panchayat and such property shall, from the date specified in the said notification, vest accordingly. Subject to such rules as may be prescribed, the Government, Commissioner of Land Administration, the Collector or Revenue Divisional Officer, the District Panchayat, the Block Panchayat or the Chief Executive Officer, the Commissioner, or any person or body of persons, may transfer to the Village Panchayat, with its consent and subject to such conditions as may be agreed upon, 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 Village, and whether provided for in this Act or not.
Transfer to Village Panchayat of Unreserved Forests

All unreserved forest in the Village at the commencement of this Act shall vest in the Village Panchayat and be administered by it for the benefit of such Village. In respect of every forest so vested, the Village Panchayat shall, if so required by the Collector, pay to the Government such rent as the Collector may, from time to time, subject to the control of the Commissioner of Land Administration, fix in this behalf. If the Revenue Divisional Officer is of opinion that a Village Panchayat is not administering properly a forest vested in it, he may by order, withdraw such forest from the control of the Village Panchayat for such period as may be specified in the order, not exceeding the period, if any, prescribed in this behalf. He may in respect of such forest direct that it be vested in the Block Panchayat and be administered by it. The Revenue Divisional Officer may, from time to time, by order, extend the period specified in any order issued, subject to the period prescribed in this behalf. Before issuing an order under, a reasonable opportunity shall be given to the Village Panchayat to show cause against such issue. When an order is issued under, the Village Panchayat concerned may, within three months of the service of the order, appeal against it to the Collector and the Collector may confirm, modify or reverse the order. The Commissioner of Land Administration may, at any time, either suo motu or on application, call for and examine the record of any order issued by the Revenue Divisional Officer or the Collector for the purpose of satisfying himself as to the
legality or propriety of such order, and may pass such order in reference thereto as he thinks fit. At Block level at present there are two Block Development Officers designated as Block Development Officer (Block Panchayat) and Block Development Officer (Village Panchayats). All development works and Programmes are executed through the Block Panchayats. The Block Development Officer (Block Panchayat) is the Commissioner of Block Panchayat who is the Executive Authority of the Block Panchayat. The Block Development Officer (Village Panchayats) is exclusively attending the Village Panchayat administrative matters and implementing poverty alleviation Programmes and individual beneficiary oriented Programmes. The Block Development Officer (Block Panchayat) and the Block Development Officer (Village Panchayats) are being assisted by a team of qualified Extension Officers, Rural Welfare Officers and other Administrative Staffs. The Block Panchayat is occupying an important central position in implementing the Rural Development Programmes for the rural poor. Under the implementation of these Programmes, the rural poor have enough opportunities to participate in the rural development administration in the block level. Therefore the Tamil Nadu Panchayat Act has provided for the post of Commissioner with adequate powers. Let us explain the powers and functions of the Commissioner as provided in the Act.
Power of Village Panchayat to Provide for Certain other Matters

Subject to the provisions of this Act and the rules made thereunder 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 the planting and preservation of trees on the sides of all public roads in the Village subject to mutually agreed terms and conditions between the Village Panchayat and the authority which maintains the road in case the road is not maintained by the Village Panchayat itself; the lighting of public roads and public places in areas other than built-up areas; the opening and maintenance of public markets other than markets which are classified as Block Panchayat markets; the control of fairs and festivals other than those classified as Block Panchayat fairs and festivals; the opening and maintenance of public landing places, halting places and cart-stands and of public cattle-sheds; the opening and maintenance of public slaughter-houses; the opening and maintenance of reading rooms; the establishment and maintenance of wireless receiving sets, playgrounds, parks, sports clubs and centres of physical culture; the opening and maintenance of literacy centres and centres for imparting social education; and the construction of works of public utility and the provisions of other facilities for the safety, health, comfort, convenience, culture or recreation of the inhabitants of the Village provided that nothing in this clause shall apply to water supply for non-irrigation purposes and to sewerage.
Powers and Functions of Panchayats

It has been left upon the States to endow the Panchayats with such powers and authority as may be necessary to enable them to function as institution of Self Government. But the Central Act casts a duty upon the States that the devolution of powers and responsibilities to Panchayats may contain provisions in respect to the preparation of plans for economic development and social justice; and the implementation of schemes for economics development and social justice as may be entrusted to them including those in relation to the matters listed in the Eleventh Schedule. A perusal of the Panchayati Raj Acts of different States reveals that the functions entrusted to Village Panchayats in most States generally include provisions and maintenance of civic services, public hygiene, maintenance of public works etc., and in some States also primary education, providing inputs for agricultural production, rural industries, primary health care and women and child welfare. The Intermediate level Panchayats generally implement various Local schemes entrusted to them and some works taken up from their own resources. The District Panchayats are generally advisory and funds distributing bodies, except in a few States where fairly substantial funds have been placed at their disposal for taking up locally needed schemes. In addition, there would be enabling provisions to the effect that the Government could entrust additional functions and duties to any tier of Panchayat and issue necessary instructions on that behalf (agency functions). Going by ground realities, a number of studies have indicated
that the Panchayati Raj Institutions have shown more interest in agency functions than their statuary functions. But it goes to their credit that wherever the Panchayati Raj Institutions were given authority and responsibility for implementing the locally need based development projects, they have shown good results. For instance, after primary education was transferred to the Panchayat Samitis in Rajasthan, it was found that there was marked improvement in enrolment of children in the schools and teachers were found more regular in attending to the teaching work, and there was improvement in the standard of education. In West Bengal, the implementation of National Rural Employment Programme (NREP) by Gram Panchayats registered phenomenal success. In Uttar Pradesh, the powers given to the Panchayati Raj Institutions for construction of Primary School buildings has shown that the development work can be implemented at lower cost, in shortest possible time and of better quality. In other States also, it has been noted with satisfaction that the association of the Panchayati Raj Institutions with the implementation of NREP by Gram Panchayats registered phenomenal success. In Uttar Pradesh, the powers given to the Panchayati Raj Institutions for construction of Primary School buildings has shown that the development work can be implemented at lower cost, in shortest possible time and of better quality. In other States also, it has been noted with satisfaction that the association of Panchayati Raj Institutions with the implementation and monitoring of development projects resulted in greater success with regard to speed and economy.
Thus, there are clear indications that these institutions can shoulder the responsibility of planning and implementing development projects relating to economic development and social justice. The Central Act has already listed 29 subjects under the Panchayats list by adding Eleventh Schedule to the Constitution. While assigning these functions to different tiers of Panchayats, the cardinal principle for distribution of powers and functions at each level of Panchayats must be that what could be given at the given level should be done at that level alone and not at a higher level. Further, it would not be enough to merely list out the subjects; there must be clear delegation of powers to each level. There are reasons in favour of providing more powers to the District Panchayats. These are governed by the following considerations all the States have accepted District as the unit of ‘decentralised’ planning. In fact, almost all the States have created District Planning Boards (called differently in different States), for preparation of Districts plan. It is the responsibility of the officials to implement the plan so prepared. In this situation the gaps between the officials’ perception and non-officials’ view persist. Hence, there is an urgent need to oversee the implementation and monitoring of development plans projects/Programmes by a body consisting of people’s representatives. This body could be the District Panchayat, over the years an excellent administrative structure has been created at the District level for performing development functions. Considering this aspect the Administrative Reforms Commission (1966), National Commission on Agriculture (1976), Committee on Panchayati Raj
Institution (1978) and Committee on Administrative Arrangements for Rural Development (1985) have also suggested the need for the strengthening of Panchayats at District level. The fact that our communication system is adequately developed to facilitate easy approachability to the District level Panchayat even for the persons living in remote Villages, gives further impetus to this suggestion. After the Panchayats at District level are strengthened there will be a need to review the functioning of the District Planning Boards. As of now, the District Planning Boards are mostly performing the jobs which are proposed to be transferred to the Panchayats. Taking this factor into account, the decision of the Government of Punjab to abolish the District planning boards to end duplication of work as District level Panchayats and District Planning Boards covering the same area of operation might serve as a useful pointer to other States.

**Organization and Functions of Gram Sabha**

In the new model of Panchayati Raj System, the States are to recognize and strengthen the Gram Sabhas by making adequate provisions in their statutes. The arrangements suggested below may make this body an active and vibrant democratic institution at the grassroots level. In past, a Gram Sabha was constituted for a revenue Village. But in some parts it covered bigger areas that included 2 to 3 revenue Villages. In the new model, this body would be restored covering the areas where it existed earlier. A Gram Sabha shall meet thrice in a year – April, August and December – to discuss the proposed action plan and budgetary provisions made for
implementing the projects meant for its inhabitants in April meeting, to review the progress of the projects in the August meeting, and on basis of performance of projects suggest modification in the meeting that would take place in December. In each meeting of the Gram Sabha, an elderly person of the Village shall be adopted by the members attending it to chair the meeting. It shall be binding for the members of the Gram Panchayat elected from the Gram Sabha area to attend the meetings of the Gram Sabha and explain to the inhabitants about the on going and proposed development projects, financial position, etc. The meeting shall also be attended by the grassroots development functionaries like Gram Panchayat Secretary, Village Administrative Officer, dealer of the Fair Price Shop in the Gram Sabha, and other relevant officers. It shall be binding on the part of implementers of development projects to place before the Gram Sabha a list of identified beneficiaries of different Programmes and projects and take appropriate action as suggested by it.

**Gram Sabha in Tamil Nadu**

The Tamil Nadu Panchayat Act, 1994 has explained the composition and powers of the Gram Sabha. According to this Act there shall be a Gram Sabha for every Village Panchayat consisting of persons registered in the electoral roll relating to the Panchayat Village, comprised within the area of said Village Panchayat. Subject to the general orders of the Government, the Gram Sabha shall meet atleast thrice in a year but six months shall not intervene between any two meetings. If the Village
Panchayat fails to convene the Gram Sabha, the Inspector shall convene the Gram Sabha. The Gram Sabha shall, approve the Village plan; approve the Village budget for the year; and review the progress of the implementation of all schemes entrusted to the village Panchayat. The Government may, by notification, entrust to the Gram Sabha such other functions as may be specified. The Village Panchayat shall give due consideration to the recommendations and suggestions of the Gram Sabha. The quorum for a meeting of the Gram Sabha shall be one-third of the total number of the members of the Gram Sabha and procedure for convening and conducting such meetings of the Gram Sabha shall be such as may be prescribed. Every meeting of the Gram Sabha shall be presided over by the President and in his absence, by the Vice-President and in the absence of both the President and Vice-President, by a Member chosen by the Members present at the meeting.\textsuperscript{21}

**Conclusion**

We have been breathing in a free and democratic country. But lack of trust persists in the people’s representatives at Panchayat Level. The Parliament is trusted to run the country. The Assembly is trusted to run a State. But a Panchayat is not considered fit enough to administer Villages. A Village Panchayat is required to depose trust in the highest Panchayat of the land namely the Parliament and act accordingly. But the Parliament and the Assemblies feel no compulsion to trust the wisdom, competence and

\textsuperscript{21} The Tamil Nadu Panchayats Act, 1994, 3. (1) – (6).
eligibility of Village Panchayat to handle a small amount of power. It means the voters choose a wise Member of Parliament or a competent Member of Legislative Assembly. But they choose a good for nothing Member to the Panchayat. It is often pointed out that Members of Panchayat are in a large number of cases, illiterate or without insufficient education and if they are not males, they have little understanding of the world outside because they have been confined within the four walls of their homes. When the first Lok Sabha was enacted through adult franchise, the literacy rate in India was only fourteen per cent. And yet, it was that Lok Sabha and the Government that emerged from it laid the foundation for the Nation’s giant leap towards progress. The voters may be uneducated but they are not ignorant. Women may have been behind the doors but they know the true nature of the World outside, for they bear the burnt of every day life. Only those who recognized this fact truly believe in democracy and institutions of self governance. We have powerless and ineffective local bodies in place of powerful Local Governments. The complaint continues to be heard is that Villages are not educated enough to handle power even at the lower level. Panchayats have been denied their legitimate share of power because the rulers are afraid that the common people equipped with Panchayat power will not rest until they succeed in making the State accountable to the public. Once the Panchayats begin to assert their power, they will change the very nature of our polity or expose its fault lines which have not allowed the fruits of development to percolate to the common masses. For example the case of
proliferation of parallel bodies in almost all the States, which have been set up to bypass the elected Panchayats. Mention may be made of the Self Help Groups in Tamil Nadu. They are being strengthened at the expense of the Panchayats. This is what one can call the policy of giving by the left hand and taking away by the right hand. In other words, what has been bestowed upon the Panchayati Raj Institutions by the 73rd Constitutional Amendment has been taken away by the State Governments. The IV Schedule of the Tamil Nadu Panchayat Act has provided powers to District Panchayat, Block Panchayats and Village Panchayats on 29 subjects relating to agriculture, including agricultural extension, land improvement, implementation of land reforms, land consolidation and soil conservation, minor irrigation, water management and watershed development, animal husbandry, dairying and poultry, fisheries, social forestry and farm forestry, minor forest produce, small-scale industries, including food processing industries, khadi, village and cottage industries, rural housing, drinking water, fuel and fodder, roads, culverts, bridges, ferries, waterways and other means of communication, rural electrification, including distribution of electricity, non-conventional energy sources, Poverty Alleviation Programme, education, including primary and secondary schools, technical training and vocational education, adult and non-formal education, libraries, cultural activities, markets and fairs, health and sanitation, including hospitals, primary health centres and dispensaries, family welfare, women and child development, social welfare, including welfare of the handicapped and
mentally retarded, welfare of the weaker sections, and in particular, of the scheduled castes and the scheduled tribes, public distribution system and maintenance of community assets. But most of these powers are enjoyed by the respective Departments and not handed over to the Panchayats in Tamil Nadu. Power still remains concentrated in the hands of the Union and the State Governments. The local people are yet to take charge of their lives. Unless the people are trusted to manage local affairs without official control within, they will never learn adequately to discharge their functions and to strengthen the Panchayati Raj Institutions.