CHAPTER 4

ASSIGNMENT OF FUNCTIONS TO LOCAL BODIES
CHAPTER 4

ASSIGNMENT OF FUNCTIONS TO LOCAL BODIES

Under the decentralized governance system each level of government namely Central, State and Local are supposed to shoulder respective responsibilities of providing public goods to the society. Under the Constitution of India while list-I enlists the functions to be performed by the Central Government and State Government, lists-II provides a mixed category of services, which may be discharged by the Central and State Governments combined. For the third tier level government, the Constitution has provided Schedule XI and XII (detailed lists are given in Annexure A.1 & A.2) for rural and urban local bodies. These are indicative lists of functions only. The respective State Government may assign one or all and also in addition to the list, other functions also, to any level of government through legislature decisions.

As a prelude to an in-depth examination of the functions of the local bodies, it is necessary to enquire into the functions and resources assigned to them and the rationale thereof. This is a pre-requisite to any kind of appraisal of performance of these bodies.

History and convention had the influential role in determining the functions of local bodies in each country rather than passing through the scrutiny of any principle of administrative or theoretical tenets. Conformity legislations enacted by State Governments indicated wide differences in the perception of the States regarding the obligatory and discretionary functions of the municipalities. Mohanty (1995) suggests a common framework for clarifying the assignment of municipal functions, keeping in view the theory of the fiscal federalism and the rationale behind popular international and national practices. This theory asserts that the public sector functions should to the extent possible, be carried out by the lowest level of government. As Oates (1972) describes the fundamental rule for the distribution of expenditure, responsibilities in a federation, “each public services should be provided by the jurisdiction having control over the minimum geographic area that would internalise the benefits and costs of such provision”. This rule is justified on the ground of efficient allocation of budgetary resources with access to local knowledge, administrative feasibility, financial autonomy.
and accountability. The theory of fiscal federalism has recently been formally adopted by the European Union under the name of 'subsidiarity' (European Commission, 1993).

In terms of the theory of fiscal federalism, functions whose benefits are largely confined to geographical area and which are subject to heterogeneous preferences are suitable for the municipalities. These are the 'essential' municipal functions. Services with large spillover effects, distributional and stabilization attributes and providing uniform benefits need to be entrusted to the higher levels of the government. Similarly, functions that involves substantial economies of scale or are of national interest may not be assigned to small local bodies. For valid reasons certain functions of higher authorities are appropriate for entrustment to the municipalities, as if under principal-agents contracts. These are 'agency' functions that need to be financed by intergovernmental revenues.

4.1 FUNCTIONS OF RURAL LOCAL BODIES

Article 40 (Annexure A.8) of the Constitution of India in its Directive Principle of State Policy entrusted to the States the responsibilities of organizing Village Panchayats and endowed them with such powers and authority as may be necessary to enable them to function as units of self-government. Before the 73rd Amendment, the panchayats were assigned some traditional functions mainly relating to maintenance rather than development. It made functioning of PRIs maintenance-oriented. Now when we look at Article 243-G, it enlists the power, authority and responsibilities of panchayats (Annexure A.1).

Though the Amendment has provided a list of functions under the provision of the Eleventh Schedule, it has not mentioned clearly the level of PRIs, which would perform a particular type of function. The term 'appropriate level' has created an ambiguity about the responsibility of institutions at three levels.

The functional responsibilities of the PRIs can be divided into three broad categories, viz. civic, developmental and welfare functions, though these categories may not in practice be mutually exclusive in some cases. The village panchayats are ideally suited to perform these functions due to their direct and close proximity to the people, especially where people's initiative, support and participation would play a crucial role. The middle layer of PRIs can perform functions relating to planning and implementation of block level development programmes and also take up civic functions, which are
common to villages under its jurisdiction. The District panchayat seems to be an ideal unit for performing functions relating to planning, co-ordination, supervision, review and monitoring of all programmes and taking up common programmes involving more than one panchayat union.

In the Eleventh Schedule, there are 29 items ranging from agriculture, minor irrigation, mining of minor minerals to small-scale industries, as the functional domain of PRIs. The Schedule also mentions education, health, literacy and sports. The welfare activities for the weaker section and the disabled are also expected to be placed under the jurisdiction of PRIs. The responsibilities of rural housing, drinking water, electrification (including distribution of electricity), non-conventional energy, etc, are passed on to the PRIs along with social welfare, women and child development and family welfare. Developmental functions, ranging from land improvement, social forestry and minor irrigation to villages, khadi and small-scale industry, education, literacy and family planning are assigned to PRIs. Even water supply for which an arrangement does not presently exist, assumes a developmental dimension rather than a routine maintenance function.

The list of 29 items proposed for devolution is only illustrative and not exhaustive. Major items can be devolved, depending on the capacity of the respective level of PRIs to discharge them satisfactorily and serve the people better. For any devolution of functions to be meaningful, it must be accompanied by the devolution of functionaries (staff) and funds. Therefore, the schemes or package of devolution must contain these three F’s i.e., Functions, Funds and Functionaries together. Though there are various aspects of devolution, viz. planning, review, administrative control, funds control, execution devolution, however, in cases where public participation is already available in different forms, like in co-operatives, the devolution to local bodies may be limited to items like identification of needs, planning and review, and need not to be overlapped.

In conformity with the 73rd Amendment, all the States have amended their respective Panchayati Raj Acts called Conformity Acts (hereafter CAs). They enlist the functions assigned to the different levels of their respective PRIs. By looking at the CAs of all the States it becomes possible to discuss the functions assigned to different levels of PRIs across the country. The functions of local government are divided into two: First, comprising
functions, which it is duly bound in law to undertake (obligatory functions); and Second, which it may take up in its own discretion (discretionary functions).

4.1.1 TAMIL NADU

4.1.1.1 FUNCTIONS OF DISTRICT PANCHAYAT

The District Panchayat advises government on all matters concerning the activities of village panchayats, panchayat union council as well as on all matters relating to the development of the economic resources of the District and the service maintenance for promotion of culture and welfare of the inhabitants of the District. More details are given in Annexure A.9. In particular it performs the following functions:

1. Advising the government on all matters relating to all village panchayat and panchayat union councils in the District and monitoring the progress in respect of the services and development schemes;
2. Advising the Government on the matters concerning the implementation of any provision of law such as: classification of matters as village panchayat markets, fairs, festivals, roads and panchayat union markets, fairs, festivals, roads and fixing rates of contribution payable by one authority to the other.

4.1.1.2 FUNCTIONS OF PANCHAYAT UNION COUNCIL

It shall be the duty of 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: (the details are presented in Annexure A.10)

1. The construction and maintenance of all public roads, dispensaries and child welfare centers, houses for poor, orphanages, shops, stalls, plinths, elementary school, public markets, poultries, etc;
2. Prevention of any epidemics or malaria, veterinary relief;
3. Control of fairs and festivals;
4. Maintenance of statistics relating to births and deaths; and
5. Improvement of agriculture and encouragement of cottage industries.

4.1.1.3 FUNCTIONS OF VILLAGE PANCHAYATS

It is the duty of the village panchayat, within the limits of its funds, to make reasonable provision of carrying out the requirements of village panchayat in respect of following matters (more details are provided in Annexure A.11):

**Obligatory Functions**

- a) The construction, maintenance and repair of all village roads, drainage, sewage, latrines, burial grounds, wells, etc.;
- b) The lighting of public roads and public places in built-up areas;
- c) The cleaning of street, removal of rubbish and jungle growth and improving the sanitary condition of village; and
- d) The sinking and repairing of wells, ponds or tanks and the construction and maintenance of water for washing and bathing purposes.

**Discretionary Functions**

As regards the discretionary functions the list is very wide and covers almost all aspects of village development. Some of important activities include:

- a) The plantation of trees and lighting on both sides of public roads;
- b) The control of fairs and festivals;
- c) The opening and maintenance of public places, slaughter houses, reading rooms, cart stands and public cattle’s sheds, establishment and maintenance of wireless receiving sets;
- d) Maintenance of play grounds, parks, sports club and centers of physical training, and other provisions for the safety, health, comfort, convenience, culture or recreation of the inhabitants of the village; and
- e) Administer all unreserved forests in the village for the benefit of such a village.
4.1.2 UTTAR PRADESH

4.1.2.1 FUNCTIONS OF ZILA PARISHAD

There are many functions of Zila Parishad (more details are provided in Annexure A.12), some of the important functions are as follows:

1. To classify fairs and festivals of GPs, KPs and ZPs for purpose of management and control by the concerned panchayat;
2. To classify as village roads, inter-village roads and District roads for the purpose of management by the concerned panchayat;
3. To supervise generally the activity of the GPs and KPs of the District;
4. To act as the main channel of correspondence between the State Government at the one hand and the KP and the GP on the other hand;
5. Promotion of agriculture, land improvement, soil conservation, animal husbandry, poultry and dairying, fisheries, social forestry, poverty alleviation programme and tourism;
6. Rural housing, primary and secondary schools, sports and cultural affairs, markets and fairs;
7. Establishment and maintenance of godowns, small cottage and village industries, fuel and fodder programmes, drinking water for public and private use;
8. Development and maintenance of roads, culverts, bridges, ferries, waterways and other means of communication, rural electrification, non-conventional energy sources, medical and sanitation, providing poor houses, asylums, orphanage, rest houses, planning and statistics;
9. Implementation of maternity and child health programmes, social welfare including welfare of handicapped and mentally retarded, weaker sections, old age and widow pension schemes and other relief work.

4.1.2.2 FUNCTION OF KSHETRA PANCHAYAT

Annexure A.13 details the functions of Kshetra Panchayat. In short the powers and function are as follows:
1. Promotion and development of agriculture and horticulture, animal husbandry, dairy, poultry, piggery, fisheries, farm forestry, sericulture;
2. Land reform, land consolidation, soil conservation, minor irrigation;
3. Cottage, Small Scale and Village industries, rural housing;
4. Fuel and fodder land, rural electrification, non-conventional energy;
5. Education including primary and secondary schools, sports and cultural affairs;
6. Control of markets and fairs;
7. Providing maternity and child development, women welfare, family welfare, welfare of handicapped and mentally retarded, old age and widow pension schemes, social justice;
8. Providing medical facilities, sanitation and drinking water;
9. Control of epidemics, poverty alleviation programme;
10. Planning and statistics, economic development, periodical review of achievements and targets, collection of data and maintenance of statistics;
11. Supervision over gram panchayats, distribution of grants of the gram panchayat.

4.1.2.3 FUNCTIONS OF GRAM PANCHAYAT

A gram panchayat should perform the following functions, namely:

1. Promotion and development of agriculture, horticulture, wastelands, grazing land, land consolidation, soil conservation, irrigation, animal husbandry, dairying, poultry, fisheries, forestry, small industries, local trade, rural housing, fuel and fodder land;
2. Construction and maintenance of village roads, bridges, ferries, culverts, rural electrification, markets and fairs;
3. Promotion and implementation of poverty alleviation programmes, non-conventional energy sources;
4. Education activities including primary and secondary schools, sports and cultural affairs, rural clubs for sports, family welfare, registration of birth, death and marriages;
5. Social welfare activities including welfare of handicapped and mentally retarded, welfare of weaker section, public distribution system; and
6. Providing medical facilities, drinking water and sanitation.

More details of these functions are furnished in Annexure A.14.

4.1.3 NCT OF DELHI

4.1.3.1 FUNCTIONS OF GAON PANCHAYAT

The goan panchayat had been assigned a long list of duties, both obligatory and discretionary under the two legislations, the Delhi Land Reforms Act, 1954 and the Delhi Panchayati Raj Act, 1954. (Details of these functions are given in Annexure A.15). The functions are briefly given below:

**Obligatory Functions**
1. To assist in the development of agriculture, commerce and industry;
2. Collection of data, population census and other statistics;
3. Regulation of melas (fairs), markets and haats (local unorganized markets) and construction of new buildings;
4. To construct and regulate sources of water supply for drinking and other purpose; and
5. To provide primary education, construct and maintain public streets and attend to their lighting, village sanitation and medical relief.

**Discretionary Functions**
The Gaon Panchayat was empowered to take up, at its discretion, the following functions:
1. To prescribe minimum standards of cultivation, regulate the use of manure and fertilizers, encourage production, improve breed of cattle and prevention of disease among them;
2. To promote goodwill and social harmony among different communities;
3. To act as a channel through which government assistance reaches villages and to especially help in obtaining and distributing government loans among agriculturists; collect taxes and dues from the agriculturists on behalf of State Government.
4. To provide relief against famine or other natural calamities, maintain libraries, reading rooms and other cultural programmes for the public.

4.1.3.2 FUNCTIONS OF PANCHAYAT SAMITI

The main function of Panchayat Samiti is to advise the administration and also to the MCD, if the latter so, desired,

1. Regarding various development schemes, disbursing loans and grants as were placed at its disposal by the Administration;
2. Preparation and execution of the Development Plans for the block and coordination of the plans, covering more than one gaon panchayat.
3. Any other function assigned by the Delhi Administration or the Municipal Corporation of Delhi.

More details of these functions are given in Annexure A.16.

4.1.3.3 FUNCTIONS OF CIRCLE PANCHAYATS

The Circle Panchayats perform primarily judicial functions and had been assigned primarily two types of functions to perform, which are briefly discussed below. (Annexure A.17 covers the details of these functions):

(i) To provide panels of panchayat adalat (courts) for the trial of certain types of suits, criminal cases and proceedings specified in the act; and
(ii) To perform certain development and other related functions, if the Lt. Governor decides to utilize the services of the circle panchayats in this work.

4.2 FUNCTIONS OF URBAN LOCAL BODIES

A conscious plan to define the extent and nature of municipal functions is currently on the agenda of each country. It may be different from one State to another, varying from degree of decentralization to centralization. The observation of Shah (1925) in this connection is noticeable: "If the functions of the municipalities are considered simply as so many isolated heads or groups of duties without any interconnection amongst themselves, or without any definite purpose behind them all, the task of civic government
would be most arid. Municipal organisation would then be merely a fifth wheel of the coach”.

Now the question arises: what is the proper sphere of functions of urban government? Urban public sector functions are all arranged with a view to render the utmost possible service to the civic community as a whole in any such matters in which the local body can render a prompt and effective service compared with either the Central Government or the individual himself. Promotion of civic, welfare and development functions is the prime objective of municipal bodies.

Article 243-W (Annexure A.2) of the Constitution has spelt out the powers, authority and responsibilities of municipalities. Adequate resources must accompany municipal powers and duties, howsoever determined, either via centralization or decentralization principle. The general maxim is that in the matter of raising and utilising resources, the ULBs should be self-reliant and autonomous. Further, the resources must have a near correspondence to the municipal functions. Hence, functions and financial resources of municipal bodies must be viewed not separately or disjoint but as an entity. Therefore, any principle of municipal function as mentioned above must not ignore their resources complement.

The States in India have specified in their municipal enactments the functions and resources raising powers of their respective urban local bodies. There is no uniformity in the functions handed over to municipalities. But as the range of functions itself is of a limited nature, the differences are not wide. The municipal functions are classified into two groups in all the States, namely, (1) Obligatory and (2) Discretionary. These two-fold divisions have a ring of being compulsory and non-compulsory, even though the laws have given protection to municipalities from being sued on this account.

Devolution of functions to ULBs has been given in XII Schedule of the 74th Constitutional (Amendment) Act, 1992 and have been incorporated under concomitant amended Acts of the respective urban local bodies.
4.2.1 TAMIL NADU

4.2.1.1 FUNCTIONS OF MUNICIPAL CORPORATION

Annexure A.18, provides the details of functions discharged by these bodies. A summary of general functions of Municipal Corporation is as follows:

(i) Providing public health, safe drinking water supply, lighting and drainage;
(ii) Precaution against diseases and fire;
(iii) Regulation of milk trade;
(iv) Provision of public & private markets and butcher shops, etc.;
(v) Public latrines and urinals and removal of rubbish;
(vi) Provision of municipal slaughter houses, burning grounds and crematoria;
(vii) General provision regarding licenses, registrations and permissions;
(viii) Maintenance, repair and naming of public streets; and
(ix) Vital statistics of births and deaths.

4.2.1.2 FUNCTIONS OF MUNICIPALITIES

As provided in the Tamil Nadu District Municipalities Act, 1994, the State Government may, by notification and subject to the conditions and restriction specified therein, entrust to the Municipalities, Town Panchayat, the Wards Committee or any other committee constituted under this 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 matter listed in Schedule X of Tamil Nadu Municipal Act given in Annexure A.19.

They are briefly given as below:

(i) Municipalities have to look after all the public services like, water supply, lighting, public and private drainage, public and private latrines, scavenging, public and private streets;
(ii) Precautions should be taken in case of dangerous building structure, trees and tanks, wells, holes and fire;
(iii) Regulation of milk trade;
(iv) Provision of slaughter houses, burial and burning grounds and crematoria, compulsory registration of vital statistics;
(v) Prevention of cruelty towards animals and prevention of dangerous diseases and compulsory vaccination, etc.

4.2.1.3 FUNCTIONS OF TOWN PANCHAYAT

The functions of the town panchayats and the municipalities are one and the same and are given in various sections of the Tamil Nadu Municipalities (Amendments) Act, 1994. Details are provided in Annexure A.20 and the same are briefed below:

(i) Provision and maintenance of streetlight, public drainage, public latrines;
(ii) Provision for cleaning the public streets and removal of sweepings;
(iii) Provision for safe drinking water and water for other uses.

4.2.2 UTTAR PRADESH

4.2.2.1 FUNCTIONS OF MUNICIPAL CORPORATION

Obligatory Functions
It shall be incumbent on the corporation to make reasonable and adequate provisions, by any means or measures, which it is lawfully competent to use or to take, for each of the following matters, namely:

(i) Defining the limits or making any alteration in the limits of the city, naming and numbering of streets, town planning and improvement including slum clearance;
(ii) The collection and removal of sewage, offensive matters, rubbish and their treatment;
(iii) The watering, scavenging and cleaning of all public streets, drains and other public places, lighting of public places, sufficient supply of water for drinking and other purposes;
(iv) Construction and maintenance of public hospitals, dispensaries, maternity centers, veterinary hospitals;
(v) Parking plots, bus stops and public conveniences and fire extinguishers;
(vi) Public markets and slaughter houses and also providing places for disposal of dead;
(vii) Preventing and checking the spread of contiguous, infectious and dangerous disease, establishment and maintaining a system of public vaccination;
(viii) The registration of vital statistics including births and deaths;
(ix) The regulation of offensive and dangerous trades, including prostitution;
(x) Establishing, maintaining and aiding schools for primary education including nursery education, promotion of cultural, educational and aesthetic aspects;
(xi) The construction, maintenance, alteration and improvement of public streets, bridges, subways, culverts, causeways and the like, cattle ponds, residential quarters;
(xii) Safeguarding the interest of weaker sections of the society including the handicapped, mentally retarded, slum improvement and upgradation;
(xiii) The maintenance of the corporation offices, all public monuments, open spaces and other properties vested in the corporation;
(xiv) Urban poverty alleviation, providing urban amenities and facilities; and
(xv) Promotion of urban forestry.

Discretionary Functions
The corporation may, in its discretion, provide from time to time, either wholly or partially, for all or any of the followings matters, namely:

(i) The organisation, maintenance or management of institutions including lunatic asylums, orphanages and rescue homes for women, sick or incurable, taking care and training of blind, deaf, mute or otherwise disabled persons or of handicapped children;
(ii) Distribution and processing of milk and milk products for the benefits of the residents of the city and also providing milk for infants and school children;
(iii) The construction and maintenance of public streets or places of drinking fountains for human beings and water tanks for animals;
(iv) The construction and maintenance of theaters, motor transport facilities;
(v) Libraries, museums and art galleries, botanical or zoological collection;
(vi) Organisation of exhibition, athletics or games;
(vii) Presentation of civic addresses and holding the civic receptions;
(viii) Providing grants and loans or other facilities to people and welfare of the people;
(ix) Survey of buildings and lands;
(x) The adoption of any measures likely to promote the public safety, health or convenience;
(xi) Sanctioning such schemes for promotion of employment, control and relief from begging, removal of social disabilities of SC/ST and OBCs and for poor relief;
(xii) Promoting tourism, trade, industries and corporation bank.

More details of these functions are given in Annexure A.21.

4.2.2.2 FUNCTIONS OF MUNICIPALITY

It shall be the duty of every municipality to make reasonable provision within the municipality for:

Obligatory functions
(i) Lighting, watering, cleaning public streets and places;
(ii) Construction, altering and maintaining public streets, culverts, markets, slaughter houses, latrines, privies, urinals, drains, drainage works and sewerage work;
(iii) Providing water supply for domestic, industrial and commercial purposes;
(iv) Establishment of and maintaining public hospitals, dispensaries, system of public vaccination, maternity centers, primary schools, fire extinguishers, parking plots, bus stops and public conveniences;
(v) Regulating offensive, dangerous or obnoxious trades, calling or practices, dangerous building and places;
(vi) Removal of dead animals, preventing cruelty towards animals;
(vii) Safeguarding the interests of weaker sections of the society including the handicapped and mentally retarded, slum improvement and upgradation, urban poverty alleviation

(viii) Providing urban amenities and facilities to the residents;

(ix) Registering births and deaths, maintaining the finance of the municipalities, fulfilling any obligation imposed by the law upon it; and

(x) Promoting urban forestry and ecological aspects, cultural, educational and aesthetic aspects.

Discretionary Functions

A municipality may make provisions, within the limits of the municipality (and with the sanction of the prescribed authority outside such limits) for:

(i) Preparation and execution of the Master Plan and town planning schemes and registration of vital statistics;

(ii) Informing the people regarding tax imposition and managing and controlling of the municipality;

(iii) Construction, establishment and maintenance of new streets, tramways, railroads and other means of locomotion, electricity (or gas) and power works;

(iv) Establishing and maintaining libraries, museums, orphanages, rescue homes for women, offices, rest houses, camping grounds, poorhouses, dairies, wells, dams and other works of public utility;

(v) Providing good system for disposal of sewage and preparation of manure from rubbish;

(vi) Maintenance of primary schools, promoting trade and industries;

(vii) Giving relief from local calamities, promoting the public safety, health and convenience, measures for control of beggary, removing social disabilities of SC/ST;

(viii) Holding fairs and exhibitions; and

(ix) Supply of milk.

The details of these functions are given in Annexure A.22.
4.2.3 NCT OF DELHI

4.2.3.1 MUNICIPAL CORPORATION OF DELHI

MCD has to perform a large number of functions. Details are provided in Annexure A.23. Some important functions are highlighted as follows:

**Obligatory Functions**

It shall be incumbent on the Corporation to make adequate provision by any means or measures, which it may lawfully take, for each of the following matters, namely:

(i) The construction, maintenance and supply of water, drains and public latrines;

(ii) The registration of births and deaths;

(iii) Measures for preventing and checking the spread of dangerous diseases and providing public vaccination;

(iv) The lighting, watering and cleaning of public streets and other public places;

(v) The establishment and maintenance of schools for primary education, municipal offices, public parks, gardens or recreation grounds, public streets, bridges, culverts, causeways and the like, hospitals, dispensaries and maternity and child welfare centers; and

(vi) The preparation of plans for economic development and social justice.

**Discretionary Functions**

The corporation may in its discretion provide either wholly or in part, for the following matters, namely:

(i) The establishment and maintenance of education including cultural and physical education, giving aid to libraries, museums, art galleries, botanical and zoological collections, stadium, gymnasium, *akharas* and places for sports and games, theaters and cinemas;

(ii) The organisation and maintenance of fairs and exhibitions;

(iii) The acquisition of moveable and immoveable property for any of the aforesaid purposes;

(iv) The establishment and maintenance of veterinary hospitals;
(v) Organisation, construction, maintenance and management of rest houses, infirmaries, orphanages, swimming pools, public washhouses, bathing places and other institutions designed for the improvement of public health;

(vi) Organisation and management of farms and dairies within or outside Delhi for the supply, distribution and processing of milk and milk products; and

(vii) Any measure not herein specifically mentioned before, likely to promote public safety, health and convenience or general welfare.

4.2.3.2 NEW DELHI MUNICIPAL COUNCIL

Obligatory Functions
It shall be incumbent on the council to make adequate provisions by any means and measures, for the following obligatory matters, namely:

(i) The construction, maintenance and cleaning of drainage works;

(ii) The construction or purchase, maintenance, extension, management for
      a) supply and distribution of electricity to the public;
      b) providing a sufficient supply of pure and wholesome water;

(iii) The establishment and maintenance of public medical relief, municipal markets, regulation of the markets, public streets, bridges, culverts, causeways and the like;

(iv) The establishment and maintenance of schools; and

(v) The maintenance of municipal offices, public parks, gardens or recreation grounds.

Discretionary Functions
The council may provide either wholly or in part for all or any of the following matters, namely:

(i) The furtherance of education and health facilities;

(ii) The establishment, maintenance and aid to libraries, museums, art galleries, botanical and zoological collections, stadium, gymnasia, akharas and places for games and sports;

(iii) The survey of building and lands, the registration of marriages and taking of census of population;
(iv) The provision of housing accommodation for the inhabitants of any area or for any class of inhabitants;
(v) The provision of music and other entertainment in public places or places of public resort;
(vi) Establishment of theaters and cinemas;
(vii) The construction and maintenance of hospitals, rest houses, swimming pools, public washhouses, bathing places, poor houses, infirmaries, children’s home, houses for disabled and handicapped;
(viii) Distribution and processing of milk and milk products for the benefit of the residents of New Delhi;
(ix) The Organisation and management of cottage industries, handicraft centers, sales emporia and fairs and exhibitions;

Annexure A. 24 provides the details of these functions.

From the above discussion it is observed that there are certain differences in the adoption of the functions assigned by the XI and XII Schedule of the Constitution. For a ready reference summary in a tabular form is given in 4.1 and 4.2

Table 4.1:
Comparison of Functions of Urban Local Bodies in TN, UP and NCTD

<table>
<thead>
<tr>
<th>S. No.</th>
<th>Functions</th>
<th>Tamil Nadu</th>
<th>Uttar Pradesh</th>
<th>Delhi</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>MC</td>
<td>M</td>
<td>TP</td>
</tr>
<tr>
<td>1.</td>
<td>Urban planning / Town planning</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>2.</td>
<td>Regulation of land use and construction of buildings</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>3.</td>
<td>Planning of social and economic development</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>4.</td>
<td>Roads and bridges</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>5.</td>
<td>Water supply for domestic, industrial and commercial purposes</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>6.</td>
<td>Public health, sanitation, conservancy and solid waste management</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>7.</td>
<td>Fire services</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>8.</td>
<td>Urban forestry, protection of environment and promotion of ecological aspects</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>S. No.</td>
<td>Functions</td>
<td>Tamil Nadu</td>
<td>Uttar Pradesh</td>
<td>Delhi</td>
</tr>
<tr>
<td>-------</td>
<td>----------------------------------------------------------------------------</td>
<td>------------</td>
<td>---------------</td>
<td>-------</td>
</tr>
<tr>
<td></td>
<td></td>
<td>MC</td>
<td>M</td>
<td>TP</td>
</tr>
<tr>
<td>9.</td>
<td>Safeguarding the interests of weaker sections of the society, including the handicapped and mentally retarded</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>10.</td>
<td>Slum improvement and upgradation</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>11.</td>
<td>Urban poverty alleviation</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>12.</td>
<td>Provision of urban amenities and facilities such as parks, gardens, play grounds, etc</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>13.</td>
<td>Promotion of cultural, educational and aesthetic aspects</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>14.</td>
<td>Burials and burials ground, cremation and cremation ground and electric crematoriums</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>15.</td>
<td>Cattle ponds, prevention of cruelty to animals</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>16.</td>
<td>Vital statistics including registration of births and deaths</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>17.</td>
<td>Public amenities including street lighting, parking lots, bus stops and public conveniences</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>18.</td>
<td>Regulation of slaughter houses and tanneries</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>19.</td>
<td>Other functions</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a)</td>
<td>Public and Private Drainage</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>b)</td>
<td>Public and private latrines</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>c)</td>
<td>Scavenging</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>d)</td>
<td>Control over nuisance</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>e)</td>
<td>Milk trade</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>f)</td>
<td>Plantation of trees</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>g)</td>
<td>Public bathing, washing houses, etc</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>h)</td>
<td>Control of dangerous trade practices, etc</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>i)</td>
<td>Public vaccination</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>j)</td>
<td>Rest house, theaters, etc</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
</tbody>
</table>
Table 4.2: Comparisons of Functions of PRI’s of TN, UP, & NCTD

<table>
<thead>
<tr>
<th>S. No.</th>
<th>Functions</th>
<th>Tamil Nadu</th>
<th>Uttar Pradesh</th>
<th>Delhi</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Agriculture, including agriculture extension</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>2</td>
<td>Land improvement, implementation of land reforms land consolidation and soil conservation</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>3</td>
<td>Minor irrigation, water management and watershed development</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>4</td>
<td>Animal husbandry, dairying and poultry</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>5</td>
<td>Fisheries</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>6</td>
<td>Social forestry and farm forestry</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>7</td>
<td>Minor forest produce</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>8</td>
<td>Small-scale industries including food-processing industries</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>9</td>
<td>Khadi, village and cottage industries</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>10</td>
<td>Rural housing</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>11</td>
<td>Drinking water</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>12</td>
<td>Fuel and fodder</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>13</td>
<td>Roads, culverts, bridges, ferries, waterways and means of communication</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>14</td>
<td>Rural electrification, including distribution of electricity</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>15</td>
<td>Non-conventional energy resources</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>16</td>
<td>Poverty alleviation programme</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>17</td>
<td>Education including primary and secondary schools</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>18</td>
<td>Technical training and vocational training</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>19</td>
<td>Adult and non-formal education</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>20</td>
<td>Libraries &amp; cultural activities</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>21</td>
<td>Markets and fairs</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
</tr>
</tbody>
</table>
4.3 SUMMARY

It may be argued that in TN among ULBs of various nature the non-uniformity in adopting XII schedule is on the functions of maintenance of roads and bridges, water supply, public health, vital statistics, regulation of slaughter houses, public and private drainage, plantation of trees and provision of public bathing. In case of Uttar Pradesh, it is on the function of planning of social & economic development, fire services, poverty alleviation programme, vital statistics, plantation of trees, public bathing and provision of rest houses. In case of NCT of Delhi both the ULBs have adopted all the functions to be performed. The functions that are performed by all the local governments in these three States are public amenities including street lighting, parking lots, bus stops, public conveniences and public and private latrines. It means upkeeping of the city has been recognized as the sole function to be performed by them.
In case of PRIs, the assignment of functions among VPs, Panchayat Samiti and District Boards are of different nature in all the States. The basic unit of PRIs remain village level local body. Therefore, it would be interesting to observe that the common functions are minor irrigation, water management, maintenance of roads, culverts, bridges, ferries, waterways & other means of communication, libraries & cultural activities, health and sanitation. Relief work and promotion of tourism have not been taken up by any PRIs. Among all the three States, the indicative list under XI Schedule has been adopted to the maximum extent by the Uttar Pradesh.

FOOT NOTE
1. The United Nations also has taken considerable interest in the municipal movement and has proposed measures to strengthen it.
2. The ideologically based decentralization theories are not very vocal on this aspect.
3. Out of the 61 entries listed in List II of 7th Schedule of the Constitution, the total number of powers and functions delegated to urban local bodies with various degrees of limitations do not exceed twelve. These are entry numbers 6,7,12,13,17,28,30,31,33 and of these, the municipal bodies have greater freedom in respect of 8 to 9 items. In the remaining, the State interference seems to be more.