



DEVOLUTION OF POWERS AND FUNCTIONS OF PANCHAYATRAJ INSTITUTIONS IN TAMILNADU

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Introduction

Panchayat or Panchayat raj is a system of governance in which gram Panchayats are the basic units of administration. It has 3 levels of administration such as village, block, and district. Mahatma Gandhi has a vision of 'gram suvaraj' (village self governance). It was adopted by the government in 1960s. Many legislations were also passed to establish the self governance. The various initiatives taken by the Government of Tamil Nadu in local self government have strengthened the administrative and financial capabilities of the Panchayat Raj Institutions, enabling them to function as effective units of Local Self-Government.

Delimitation of Rural Local body boundaries

In order to satisfy the Long Pending public demand for upgradation, bifurcation and amalgamation of the local bodies, the District Collectors were advised to hold public hearings, and after scrutiny, send necessary proposals to the concerned Head of Departments. The Government has taken the suitable decision on the proposals according to their eligibility. The District Panchayats in Tamil Nadu have only an advisory and planning role as per the Tamil Nadu Panchayats Act, 1994. The core functions of actual implementation and execution of schemes are done by the Panchayat Unions and Village Panchayats.

The Tamil Nadu Legislative Assembly, being the highest law making authority should be provided with a macro view of the working

of the Panchayat Raj Institutions in the State as a whole and a complete picture in a broader canvas rather than a micro picture of the working of the each district panchayat. The Government of Tamil Nadu is committed to ensuring that the Panchayat Raj Institutions function as effective institutions of Local Self-Government. In 1996, soon after the first ordinary elections to the three tiers of Panchayats, the Government constituted the first high level committee under the Chairmanship of L.C.Jain, the then full-time Member of the State Planning Commission. The committee has submitted various recommendations on the entrustment of powers and functions in April, 1997. Again, the Government constituted the second high level committee under the Chairmanship of Ko.Si.Mani, the then Hon'ble Minister for Rural Development and Local Administration and this High Level Committee submitted its report in November 1999. Most of the recommendations of the first two High Level Committees were acted upon by the Government and orders issued thereupon. The third high level Committee was formed under the Chairmanship of Hon'ble Deputy Chief Minister M.K. in to devolve more powers and functions to the Local Bodies. The Committee presented its report to the Hon'ble Chief Minister of Tamil Nadu in December 2007 with a total of 99 recommendations categorized under 39 subjects.¹

Recommendations

Grama Sabha to act as a forum of Social Audit for all the schemes implemented by

various Department. Approval of the list of all individual beneficiaries of all government schemes to be done by Grama Sabha. Stability of tenure of rural and urban Local Body representatives by making the moving and passing of No Confidence Motions²

Local Bodies' Day

The rural and urban Local Bodies are perhaps, the agencies with maximum public interface. There is need to further strengthen this interface and bring about greater transparency and openness in the functioning of the Local Bodies. At the same time, it is also necessary to highlight their achievements and carry out various Information, Education and Communication campaigns relating to civil administration and implementation of schemes. One method of doing this is to designate a particular day in a calendar year as "Local Bodies Day".³

Vehicles to Panchayat Union Chairpersons

It was announced on the floor of the Tamil Nadu Legislative Assembly on 16.4.2008 that new vehicles will be provided for 385 Panchayat Union Chairpersons during 2008-09 and 385 Driver posts will be newly created for this purpose. Accordingly, 385 vehicles were purchased at a cost of Rs. 16.63 crores and handed over to 385 Panchayat Union Chairpersons on 28.07.2008 by the Hon'ble Chief Minister. The Government also ordered for the appointment of 385 Drivers for Panchayat Union Chairpersons' vehicles⁴

Panchayat Union School Renovation Programme

The 4,430 Panchayat Union Elementary and Middle Schools have been taken up for renovation during 2008-09. Government has ordered to undertake repair and renovation works in 467 Panchayat Union Elementary and Middle Schools with provision of new toilets, located in the areas of Town Panchayats and III Grade Municipalities..⁵

Social Welfare

Government reiterated its instructions that the Village Panchayat Presidents may supervise the functioning of the Noon Meal Centres and ICDS schemes implemented in the villages. The Village Panchayat Presidents will recommend the names of the beneficiaries under Moovalur Ramamirtham Ammaiyar Ninaivu Marriage Assistance Scheme, Sivagami Ammaiyar Memorial Girl Child Protection Scheme of the Social Welfare

Department. The Social Welfare Department Officials will verify whether these persons fulfill their required eligibility criteria and send the names of the selected persons to the Grama Sabha for information. For the names recommended by the Village Panchayats for the individual beneficiary oriented schemes such as Rehabilitation for the Disabled, approval should be given by Grama Sabha. Village Panchayat Presidents should supervise and monitor the Physically Handicapped Pension scheme as to whether they are issued in time and as per guidelines and if there is any deficiency, it should take corrective action through the Village Panchayat Welfare Committee. Panchayat Welfare Committee may function as a Monitoring Committee for the schemes implemented by the Social Welfare Department.⁶ It also empowered the Village Panchayat Presidents, Panchayat Union Chairpersons and the District Panchayat Chairpersons to supervise the provision of water supply, toilet facilities and repairs and send a report in this regard to Assistant Elementary Education Officer concerned

Administrative Powers

Government has issued orders raising the administrative sanction limit for the works undertaken in the Local Bodies from the General fund, wherein Village Panchayats have been empowered to give administration sanction and execute individual works upto Rs.2 lakhs. Previously, the limit was Rs.1 lakh only. The power of the Panchayat Union Council to give administration sanction for an individual work has been revised from Rs.5 lakhs to Rs.10 lakhs. District Panchayat council can now give administrative sanction for individual works upto to Rs.20 lakhs (Previously, it was Rs.10 lakhs).⁷

Conversion of Multi Member Wards to Single member ward

The system of Multi Member Wards is in existence only in Village Panchayats and not in any other rural or urban Local Body. It has posed difficulties at the time of voting and also during the counting process. There has also been lack of clear responsibility amongst the members in the existing scenario of there being Multi Member wards in the Village Panchayats. On the basis of this recommendation, Section 12 of Tamil Nadu Panchayats Act, 1994, has been amended by abolishing the Multi Member Ward System in

Village Panchayats and replacing it with Single Member Wards. The above system of single member wards in Village Panchayats will be brought into effect in 2011 Local Body elections.⁸

Empowering the District Collectors to levy and collect Advertisement Tax:

As per the earlier provisions of the Tamil Nadu Panchayats Act, 1994, and the Tamil Nadu Panchayats (Licensing of Hoardings and Levy and Collection of Advertisement Tax) Rules, 1999, the Executive authority of the Village Panchayat concerned (the Village Panchayat President) was empowered to grant license for erecting hoardings in the rural areas and to levy and collect tax on advertisements on such hoardings, whereas, the District Collector is the licensing authority in the urban area. Further, the Village Panchayats were not able to strongly enforce and monitor the erection of hoardings as per the provisions of the Act. In order to bring parity with Urban Act and to strengthen the licensing procedure and improve the monitoring of erection of hoardings in rural areas the act was amended by empowering the District Collector to grant license for hoarding and levy of Advertisement tax.⁹

Dispensing with Levy of Local Cess and Local Cess Surcharge

The Government has announced during the Budget Speech 2009-2010 that the existing system of land revenue collection would be simplified and farmers shall not be burdened with any other levy such as Local Cess and Local Cess Surcharge. Consequent upon the above decision of the Government, levy of Local Cess and Local Cess Surcharge needed to be dispensed with. To implement this, Sections 167, 168, 169, 176, 186 (b) and 188 (d) of Tamil Nadu Panchayats Act, 1994 were amended.¹⁰

Computer facility

Computers along with printers for all the Chairpersons of District Panchayats and Panchayat Unions - The Government have provided computers along with printers for the official use of all the Chairpersons of 29 District Panchayats and Chairpersons of 385 Panchayat Unions out of Panchayat Empowerment and Accountability Incentive Scheme funds for 2006-07 and 2007-08. All the Districts have already been provided with

Wireless equipment during period from 2007-09 itself. The newly formed Tiruppur District has also been provided with wireless equipments during 2009-10 at an estimated cost of Rs.6.92 lakhs.¹¹

Stability in Tenure of Local Body Representatives

The Government felt that frequent moving of no-confidence motions on trivial and unjustifiable grounds affected the continuity in planning and implementation of works in rural Local Bodies and is detrimental to public interest. In order to make the provisions for moving and passing the no-confidence motion more stringent, the Government have amended the relevant provisions of the Tamil Nadu Panchayats Act, 1994, wherein the minimum strength required for issuance of motion of no confidence against the Vice-President of the Village Panchayat or the Chairperson or the Vice-Chairperson of the Panchayat Union or the District Panchayat concerned, has been increased from the existing half of the sanctioned strength to three-fifth and the minimum strength required for carrying the motion has been increased from the existing two-third to four-fifth of the strength of the local body concerned. Also it has been stipulated that no motion of any confidence can be brought within one year of the assumption of the office or during the last year of the term of office of the Vice-President of the Village Panchayat or the Chairperson, ViceChairperson of the Panchayat Union or the District Panchayat concerned.

Appointment of Special Officers for Village Panchayats

The power of appointment of Special Officers for Village Panchayats in certain circumstances is vested with the Government. In order to avoid delay and to ensure uninterrupted administration of Village Panchayats, a new section 9-C has been inserted in Tamil Nadu Panchayat Act, 1994 so that the District Collectors concerned can appoint Special Officers for Village Panchayats which could not be constituted even after resorting to election process. . However, there was no specific provision in the Tamil Nadu Panchayats Act, 1994, to require the President of the Village Panchayat to execute or implement the schemes entrusted to the Village Panchayats. Hence, necessary

amendment to Section 46 of the Act has been issued making it mandatory for the President of Village Panchayat to execute or implement the schemes entrusted to the Village Panchayat

Conclusion

Gandhi believed a democracy enlightened and disciplined is the first thing in the world the basic unit of true democracy is the village it is in this contest that the notion of Panchayat raj has added significance. Local Self-government in villages of Tamil Nadu has a glorious history extending over centuries. The development of local administrative institution was in short, the outcome of the social and cultural background of the people largely due to tier conservative and traditional outlook their interest in administrative matters was largely local. Tamil Nadu Government has strengthened the administrative and financial capabilities of the Panchayat Raj Institutions by amending the acts, implementing new rules and transferring powers. These make the local bodies to function as effective administrative unit.

Endnotes

¹ Department of Rural Development & Panchayat Raj ,Annual Report on the

Functioning of Panchayats in Tamil Nadu for the year 2009-10.p.5

¹ G.O.Ms.No.160, Rural Development and Panchayat Raj (PR.1) Department, dated 30.09.2008

¹ G.O.No.632, RD & PR (C1) Department, dated 26.10.2008

¹ . G.O.Ms.No.67, Rural Development and Panchayat Raj (E5) Department, dated 12.05.2008.

¹ G.O. Ms. No.139, Rural Development and Panchayat Raj (SGS.1) Department, dated 28.08.2008

¹ G.O.Ms. No.60, Social Welfare and Nutritious Meal Programme Department, dated 02.06.2008

¹ G.O.Ms.No.203 RD & PR Department dated 20.12.07

¹ Tamil Nadu Act No. 20 of 2009.

¹ G.O. (Ms.) No.41, Rural Department and Panchayat Raj (PR.I) Department, dated 18.05.2009

¹ Tamil Nadu Act No. 12 of 2009

¹ G.O. (Ms.) No.25, Rural Development and Panchayat Raj (SGS.IV) Department, dated 23.03.2010