



## **Government of Tamilnadu**

### **Department of Employment and Training**

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# LOCAL GOVERNMENT

## PANCHAYATI RAJ

- ❖ The term Panchayati Raj in India signifies the system of rural local self-government.
- ❖ It was constitutionalised through the 73<sup>rd</sup> Constitutional Amendment Act of 1992.
- ❖ It is in State List, Eleventh Schedule.
- ❖ Ensures the direct participation of people at the grass root level.

### ***Evolution of Panchayatiraj:***

#### ***Balwant Rai Mehta Committee***

- ❖ In January 1957, the Government of India appointed a committee to examine the working of the community development programme (1952) and the National Extension Service (1953).
- ❖ The chairman of this committee was Balwant Rai G Mehta
- ❖ The Committee submitted its report in November 1957 and recommended the establishment

of the scheme of 'democratic decentralisation, which ultimately came to be known as Panchayati Raj.

#### ❖ It recommended:

- a) A 3-tier structure consisting of Zila Parishad at the District Level, Panchayat Samiti at the Block Level and Gram Panchayat at the Village Level.
- b) Genuine transfer of power & responsibility to these institutions.
- c) To provide Adequate resources to them.
- d) All social & economic development programmes channelized through these bodies.
- e) The 3-tier system of Panchayat Raj was 1<sup>st</sup> adopted by Rajasthan (Nagaur District) on Oct 2, 1959. This was followed by Andhra Pradesh, Bihar, Gujarat, Himachal Pradesh, Maharashtra, Punjab, Tamil Nadu, UP & West Bengal.

### **Three Tier System**

- ❖ It envisages Panchayat at the village level, Panchayat Samitis at the block level and Zilla Parishad at the district level.

### **Village Panchayat:**

- ❖ Consists of elected representatives of the people.
- ❖ Membership varies from 5-31.
- ❖ Seats reserved for SC, ST, women, etc.
- ❖ Chairman is elected from among its members, known as 'Sarpanch'.
- ❖ The Panchayat is accountable for all its actions to the Gram Sabha, the general body of villagers.
- ❖ Gram Sabha consists of all the adults residing within the jurisdiction of the Panchayat.
- ❖ It exercises general supervision over the working of the Panchayat & lays down necessary guidelines for its working.

### **Block & Panchayat Samiti:**

- ❖ The block, consisting of 20-60 villagers is administered through a Panchayat Samiti consisting of indirectly elected members of village panchayat.

- ❖ The chairman of Panchayat Samiti is called 'Pradhan'.

### **Zila Parishad:**

- ❖ It is the top level of the 3-tier structure.
- ❖ Elect its chairman from amongst its members who is known as the District Collector.
- ❖ Nyaya Panchayat – It is a Judicial Panchayats to try petty civil and criminal cases.

### **Ashok Mehta Committee:**

- ❖ Appointed in Dec, 1977 by the Janata Government.
- ❖ Submitted its report in 1978, which said :-
  - a. Replacement of 3-tier system by 2-tier system consisting of Mandal Panchayats at the base (consisting of a group of villages comprising a population of 15,000 to 20,000) & the Zilla Parishad at the top.
  - b. To reduce the dependence of Panchayati Raj Institutions on State Government by giving them powers to collect certain taxes like profession tax, entertainment tax, etc in their areas.

- c. Suggested the setting up of Social Justice Committee in each Zila Parishad to protect the interests of vulnerable sections of society.
- d. Favoured the open participation of political parties in the working of Panchayati Raj Institutions.

Narasimha Rao once again considered the matter of the constitutionalisation of panchayati raj bodies.

- ❖ This bill finally emerged as the 73<sup>rd</sup> Constitutional Amendment Act, 1992 and came into force on 24 April, 1993.

### **73<sup>rd</sup> Amendment Act of 1992:**

#### **G.V.K. Rao Committee:**

- ❖ The committee on Administrative Arrangement for Rural Development and Poverty Alleviation Programmes under the chairmanship of G.V.K. Rao was appointed by the Planning Commission in 1985.

- ❖ This act has added a new Part – IX to the Constitution of India.
- ❖ Article 243 to 243 O – Panchayats and its provisions
- ❖ It also added a new Eleventh Schedule to the Constitution. It contains 29 functional items of the Panchayats.

### **Salient Features**

#### **L.M. Singhvi Committee:**

- ❖ In 1986, Rajiv Gandhi government appointed a committee on 'Revitalisation of Panchayati Raj Institutions for Democracy and Development under the chairmanship of L M Singhvi.

#### **Gram Sabha (Article 243 A):**

- ❖ The act provides for a Gram Sabha as the foundation of the panchayati raj system.

### **Three-Tier System:**

- ❖ The act provides for a three-tier system of panchayati raj in every state, that is, panchayats at the village, intermediate, and district levels.

## **CONSTITUTIONALISATION**

#### **Narasimha Rao Government:**

- ❖ The Congress Government under the prime ministership of P.V.



**Election of Members and Chairpersons:**

- ❖ All the members of panchayats at the village, intermediate and district levels shall be elected directly by the people.
- ❖ However, the chairperson of a Panchayat at the village level shall be elected in such manner as the state legislature determines.

**Reservation of seats (Article 243 D):**

- ❖ The act provides for the reservation of not less than one-third of the total number of seats for women (including the number of seats reserved for women belonging the SCs and STs)

**Duration of Panchayats (Article 243E):**

- ❖ The act provides for a Five – year term of office to the Panchayat at every level.

**Disqualifications (Article 243 F):**

- ❖ A person shall be disqualified
  - i. under any law for the time being in force for the purpose of elections to the legislature of the state concerned, or

- ii. under any law made by the state legislature.

**State Election Commission (Article 243 K):**

- ❖ The superintendence, direction and control of the preparation of electoral rolls and the conduct of all elections to the panchayats shall be vested in the state election commission.
- ❖ Powers and Functions:
  - a) the preparation of plans for economic development and social justice.
  - b) the implementation of schemes for economic development and social justice as may be entrusted to them, including those in relation to the 29 matters listed in the Eleventh Schedule.

**Finances (Article 243 H):**

- ❖ The state legislature may
  - a) authorise a Panchayat to levy, collect and appropriate taxes, duties, tolls and fees.
  - b) provide for making grants-in-aid to the panchayats from the consolidated fund of the state.

c) provide for constitution of funds for crediting all moneys of the panchayats.

Nagaland, Meghalaya and Mizoram and certain other areas.

***Finance Commission (Article 243 I):***

- ❖ The governor of a state shall, after every five years, constitute a finance commission to review the financial position of the panchayats.

***Continuance of Existing Laws and Panchayats (Article 243 N):***

- ❖ All the state laws relating to Panchayats shall continue to be in force until the expiry of one year from the commencement of this act.

***Audit of Accounts (Article 243 J):***

- ❖ The state legislature may make provisions with respect to the maintenance of accounts by the panchayats and the auditing of such accounts.

***Bar on Interference by Courts (Article 243 O):***

- ❖ The act bars the interference by courts in the electoral matters of panchayats.

***Application to Union Territories (Article 243 L):***

- ❖ The president of India may direct that the provisions of this act shall apply to any union territory subject to such exceptions and modifications as he may specify.

**TAMILNADU PANCHAYAT ACT:**

The Government of Madras enacted Madras Panchayats Act, 1958 and Madras District Development Council Act, with the following major features:

***Exempted States and Areas (Article 243 M):***

- ❖ The act does not apply to the states of Jammu and Kashmir,

- i) Creation of Panchayat Unions Coterminous with Development Blocks
- ii) Abolition of District Boards
- ii) Creation of District Development Council to play an advisory role
- iii) Entrustment of development and social welfare functions to Village Panchayats and



Panchayat Unions. However, the enactments deleted certain powers of Village Panchayats like judicial powers.

1/3<sup>rd</sup> of the total number of seats and offices is reserved for women.

❖ The rotation of offices in all three tiers will be once in 10 years.

❖ Election shall be conducted within 6 months from the date of occurrence of any vacancy and the tenure is fixed as 5 years for all the members and Chairpersons.

❖ Tamil Nadu State Election Commission was constituted.

❖ State Finance Commission is being constituted quinquennially.

❖ District Planning Committee has been constituted to consolidate the Development Plans of Panchayats and Urban Local Bodies in the Districts.

The Government of Tamil Nadu enacted Tamil Nadu Panchayats Act, 1994 (Tamil Nadu Act 21 of 1994) which came into force on **22.4.1994**.

The 1994 Act brought in a number of changes in the Tamil Nadu Panchayat Raj structure:

❖ Three Tier System came into existence

❖ Members of the three tiers of Rural Local Bodies and Village Panchayat Presidents were directly elected whereas the Chairpersons of Panchayat Union Councils and District Panchayats were elected from among the elected ward members.

❖ All the three tiers of Panchayats are independent of each other and the Village Panchayat Presidents are not members in the Panchayat Union Council.

❖ Reservation of seats and offices for SCs/STs in proportion to their population has been made and

### **Grama Sabha:**

i) All the registered voters of a Village Panchayat constitute Grama Sabha, which is provided with specific powers and functions.

i) Grama Sabha shall statutorily be conducted in such a way that the intervening period between two Grama Sabhas shall not exceed a period of 6 months.

- ii) However, the Government of Tamil Nadu has made it mandatory to convene Grama Sabha a minimum number of 4 times i.e. on 26<sup>th</sup> January, 1<sup>st</sup> May, 15<sup>th</sup> August and 2<sup>nd</sup> October of every calendar year.
- iii) Besides, the Grama Sabha can be convened as and when the necessity arises.

the people through their elected representatives.

- ❖ There are eight types of urban local governments in India – municipal corporation, municipality, notified area committee, town area committee, cantonment board, township, port trust and special purpose agency
- ❖ Lord Ripon is called the father of local self-government in India.

The Grama Sabha performs the following functions:

- ❖ Approves the Village Development Plan.
- ❖ Approves the Village Panchayat Budget.
- ❖ Approves the Audit Report.
- ❖ Reviews the progress of scheme implementation.
- ❖ Approves the list of beneficiaries, intended to be benefitted under various schemes.
- ❖ Promotes communal and social harmony among various groups of people.

#### **74<sup>th</sup> Amendment Act of 1992:**

- ❖ The act has added a new Part IX-A to the Constitution of India.
- ❖ Articles 243-P to 243-ZG – Municipalities
- ❖ It contains 18 Functional Items.

#### **Three Types of Municipalities (Article 243 Q):**

- ❖ A Nagar Panchayat – transitional area
- ❖ A municipal council – smaller urban area
- ❖ A municipal corporation – larger urban area

#### **URBAN LOCAL GOVERNMENTS**

- ❖ The term 'Urban Local Government' in India signifies the governance of an urban area by

#### **Composition (Article 243 R):**

- ❖ All the members of a municipality shall be elected directly by the people of the municipal area.

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**Wards Committee (Article 243 S):**

- ❖ There shall be constituted a wards committee, consisting of one or more wards, within the territorial area of a municipality having population of three lakh or more.

**Reservation of Seats (Article 243 T):**

- ❖ The act provides for the reservation of seats for the scheduled castes and the scheduled tribes in every municipality in proportion of their population to the total population in the municipal area.

**Duration of Municipalities (Article 243 U):**

- ❖ The act provides for a five-year term of office for every municipality.

**Disqualifications (Article 243 V):**

- ❖ A person shall be disqualified for being chosen as or for being a member of a municipality if he is so disqualified
  - i. under any law for the time being in force for the purposes of elections to the

legislature of the state concerned

- ii. under any law made by the state legislature.

**State Elections Commission:**

- ❖ The state legislature may make provision with respect to all matters relating to elections to the municipalities.

**District Planning Committee:-  
Article 243- ZD**

- ❖ Every state shall constitute at the district level, a district planning committee to consolidate the plans prepared by panchayats and municipalities in the district, and to prepare a draft development plan for the district as a whole.
- ❖ The act lays down that four-fifths of the members of a district planning committee should be elected by the elected members of the district Panchayat and municipalities in the district from amongst themselves.

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**Metropolitan Planning Committee:-**

**Article – 243-ZE**

- ❖ Every metropolitan area shall have a metropolitan planning committee to prepare a draft development plan.
- ❖ The act lays down that two-thirds of the members of a metropolitan planning committee should be elected by the elected members of the municipalities and chairpersons of the Panchayats in the metropolitan area from amongst themselves.

**Types of Urban Governments:**

1. Municipal Corporation
2. Municipality
3. Notified Area Committee
4. Town Area Committee
5. Cantonment Board
6. Township
7. Port Trust
8. Special Purpose Agency

**DISTRICT ADMINISTRATIVE  
STRUCTURE**

- ❖ District is the basic unit of administration in India.

- ❖ The five types of the district in India are the rural district, urban district, industrial district, backward district and the hills district.

**Features of District Administration:**

Generally, the district administration has the following features.

- ❖ It is at district level that the State Government comes into contact with the people.
- ❖ District administration is a field work as opposed to staff or secretariat functions.
- ❖ The problems at the district level are local relating to the district.
- ❖ At district level, policy formulation ends and the implementation begins.
- ❖ The District Officer is the last agent of the state government and the 'man of the spot' for any activity or incidence in the district; and
- ❖ At the district, there is functional aggregation of units. A large number of departments have their field agencies located in the district.

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**District Level Functionaries:**

❖ The District Collector is the head of district administration. The office of the collector at first was created by Warren Hastings in 1772 for the dual purpose of collecting revenue and dispensing justice.

❖ The general roles and the functions of the district collector are following:

1. As Collector, he has to collect land revenue.
2. As District Magistrate, he has to maintain law and order in the district.
3. As District Officer, he has to deal with the personnel matters like salary, transfer, etc within the district.
4. As Development Officer, he is responsible for the implementation of rural development programmes.
5. As the Returning Officer, he is the chief for the elections to the Parliament, the State Legislative Assembly, and the local Government in the district. Hence, he co-ordinates the election works at the district level.

6. As the District Census Officer, he conducts the census operations once in ten years.

7. As the Chief Protocol Officer, he has to protect the VIPs in their tour and stay in the district.

8. As the co-ordinator, he supervises the district level other functionaries and departments.

9. He presides over the District Plan Implementation Committee.

10. He acts as the official representative of the state government during the ceremonial functions in the district.

11. He acts as the Public Relations Officer of the State Government.

12. He acts as the Crisis Administrator in chief during the natural calamities and other emergencies.

13. He supervises and controls, the local government institutions.

14. He handles the work pertaining to civil defence; and

15. He is responsible for civil supplies, food and other essential commodities.

❖ The District Collector is the multi-functionary in the district level.

This is for the Revenue Administration.

❖ The District Collector is the hero of the district administration. The other important district level functionaries are following:

1. Superintendent of Police
2. District Medical Officer
3. District Health Officer
4. District Forest Officer
5. Assistant Registrar of Co-operative Societies
6. District Agricultural Officer
7. District Industries Officer
8. District Judges
9. Backward Class Welfare Officer
10. Superintendent of Jails
11. District Labour Officer

#### ***Firka Level:***

❖ Revenue Inspector is the head of Firka level revenue administration. Every taluk is divided to the many firkas in Tamil Nadu. But, the nomenclature of this level differs from state to state.

#### ***Village Level:***

- Village Administrative Officer is the head of village level administration.

#### ***Division Level:***

❖ In Tamil Nadu, Revenue Divisional Officer is the head of divisional administration especially for revenue administration and for the maintenance of law and order.

District Rural Development Agency (DRDA) to oversee the implementation of anti-poverty programmes of the ministry of rural development. This agency was created to implement the IRDP. From 1 April 1999 a separate DRDA administration has been introduced.

IN TN, DRDA is chaired by the District Collector

#### ***Taluk Level :***

❖ Tahsildar is the head of taluk level administration in Tamil Nadu. For assisting him, the Deputy Tahsildars are there in the Tahsil.