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The Tamil Nadu Panchayats Act, 1994

(Excerpts - water supply and sanitation provisions)

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TN PANCHAYATI RAJ ACT, 1994

CHAPTER VIII - FUNCTIONS, POWERS AND PROPERTY OF VILLAGE PANCHAYATS, PANCHAYAT UNION COUNCILS AND DISTRICT PANCHAYATS.

110. 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:

- (a) 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 panchayat union roads) and of all bridges, culverts, road dams and causeways on such roads;
- (b) the lighting of public roads and public places in built-up areas;
- (c) the construction of drains and the disposal of drainage water and sullage not including sewage;
- (d) the cleaning of streets, the removal of rubbish heaps, jungle growth and prickly pear, the filling in of disused wells, insanitary ponds, pools, ditches pits or hollows and other improvements of the sanitary condition of the village;
- (e) the provision of public latrines and arrangements to cleanse latrines whether public or private;
- (f) the opening and maintenance of burial and burning grounds;
- (g) 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
- (h) such other duties as the Government may, by notification, impose.

115. Power of Panchayat Union Council to Provide for Certain Other Matters

Subject to the provisions of this Act and the rules made thereunder, a panchayat union council may, within the limits of its funds, make such provision as it thinks fit for carrying out the requirements of the panchayat union in respect of measures of public utility other than those specified in section 112, calculated to promote the safety, health, comfort or convenience of the inhabitants of the panchayat union:

Provided that nothing in this section shall apply to water supply for non irrigation purposes and to sewerage.

116. Common Burial and Burning Grounds, etc.

Subject to the provisions of this Act and the rules made thereunder, two or more village panchayats;

- (i) 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.

121. Power of Government to Resume Possession of Unreserved Forest Vested in Village Panchayat and Payment of Compensation, etc.

(I) If in the opinion of the Government any unreserved forest vested in a village panchayat under section 120 is required for any public purpose, they may, by notification, resume the possession and administration of such unreserved forest and upon such resumption by the Government, all rights and interests created in or over such unreserved forest before such resumption shall as against the Government cease and determine.

(2) Whenever the possession and administration of such unreserved forest is resumed by the Government under sub-section (I), there shall be paid to the village panchayat concerned compensation for any improvement made by such village panchayat in such unreserved forest, as determined in the manner hereinafter provided by the Collector within whose jurisdiction such unreserved forest is situate.

Explanation: For the purposes of this sub-section, 'improvement' means any work or product of a work which adds to the value of the unreserved forest or is suitable to it and consistent with the purpose for which it was vested in the village panchayat and shall include the following works or the products of such works.

(a) the erection of buildings or any other structure, the construction of tanks, wells, channels, dams and other works for the storage or supply of water for agricultural or domestic purposes.

125. Vesting of Public Roads in Village Panchayat

(I) All public roads in any village (other than roads which are classified by the Government as National Highways or State Highways or as major district roads or as panchayat union roads) shall vest in the village panchayat together with all payments, stones, and other materials thereof, all works, materials and other things provided therefor, all drains, drainage works, tunnels and culverts whether made at the cost of the village panchayat or otherwise, in, alongside or under such roads, and all works, materials and things appertaining thereto.

(2) The Government may, by notification, exclude from the operation of this Act any such public road, drain, drainage work, tunnel or culvert and may also modify or cancel such notification.

126. Vesting of Public Roads in Panchayat Union Councils

(I) All public roads in any panchayat union which are classified as panchayat union roads shall vest in the panchayat union council together with all payments, stones and other materials thereof, all works, materials and other things provided.

Therefore, all drains, drainage works, tunnels and culverts, whether made at the cost of the panchayat union council or otherwise, in, alongside or under such roads, and all works, materials and things appertaining thereto.

127. Duty of Village Panchayat in Respect of Public Roads Excluded from the Operation of the Act

Where any public road has been excluded from the operation of this Act under subsection (2) of section 125 or sub-section (2) of section 126 and placed under the control of the Highways Department of Government (hereinafter referred to as

the Highways Department), the village panchayat may and if so required by the Government shall make provision

- (a) for the watering and maintenance of the drainage of such road;
- (b) for the provision, maintenance and repair of the drains in, alongside or under such road.

133. Maintenance of Irrigation Works, Execution of Kudimaramat, etc.

(1) Subject to such conditions and control as may be prescribed, the Government may transfer to any village panchayat or to any panchayat union council the protection and maintenance of any irrigation work, the management of turns of irrigation, or the regulation of distribution of water from any irrigation work to the fields depending on it.

(2) The village panchayat or the panchayat union council shall have power, subject to such restrictions and control as may be prescribed, to execute kudimaramat in respect of any irrigation source in the village and to levy such fee and on such basis for the purposes thereof as may be prescribed:

Provided that nothing contained in this section shall be deemed to relieve the village community or any of its members of its or his liability under the Tamil Nadu Compulsory Labour Act, 1858, in respect of any irrigation source in the village in case the village panchayat makes default in executing the kudimaramat in respect of that irrigation source.

(3) Where the maintenance of any irrigation work, is transferred under this section, the fishery rights of Government in such work shall be transferred to and be vested in the village panchayat or the panchayat union council, as the case may be, subject to such terms and conditions including terms and conditions regarding the utilisation of the income, as may be specified by the Government.

144. Removal of Filth or Noxious Vegetation from Lands and Buildings

(1) The commissioner or executive authority may by notice require the owner or occupier of any building or land which appears to him to be in a filthy or unwholesome state or overgrown with any thick or noxious vegetation, trees or undergrowth injurious to health or dangerous to the public or offensive to the neighbourhood, or otherwise a source of nuisance, to clear, cleanse or otherwise put the building or land in proper state or to clear away and remove such vegetation, trees or under growth or to take such other action as may be deemed by the commissioner or executive authority necessary to remove such nuisance within such period and in such manner as may be specified in the notice.

(2) If it appears to the commissioner or executive authority necessary for sanitary purposes so to do, he may by notice require the owner or occupier of any building or land to cleanse or lime-wash the same in the manner and within a period to be specified in the notice.

CHAPTER XI - GENERAL AND MISCELLANEOUS.

236. Public Roads, Markets, Wells, Tanks etc. to be Open to All

All roads, markets, wells, tanks, reservoirs and waterways vested in or maintained by a panchayat shall be open to the use and enjoyment of all persons, irrespective of their caste or creed.

CHAPTER XIII - MISCELLANEOUS.

257. Power, Authority and Responsibilities of Panchayats

Save as otherwise provided in this Act, the Government may, by notification and subject to such conditions and restrictions as may be specified therein, entrust to a panchayat 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 matters listed in Schedule-IV.

SCHEDULE-IV

- 3. Minor irrigation, water management and watershed development.
- 5. Fisheries.
- 11. Drinking water.
- 23. Health and sanitation, including hospitals, primary health centres and dispensaries.