



The operational system of Panchayati Raj in Goa

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Abstract

Decentralization and participatory democracy gained importance after the passage of 73rd Constitutional Amendment which is the landmark in the history of India. Accordingly all the states in Indian Union were asked to create modify or ratify their Panchayat Raj Act. Accordingly the Goa Panchayat Raj Act came into existence in 1994. But the Panchayats were there in Goa prior to the existence of Legislative Assembly i.e. since 1962. The traces of decentralization in Goa can be traced back to times of Bhoja dynasty that rule Goa in the pre Portuguese period. This article is about the working of Panchayati Raj Institutions in Goa. The article is divided into two parts the first part deals with the Panchayat Raj Institutions prior to the 73rd Amendment Act and the second half deals with new Panchayat Raj Act 1994.

Key words: Decentralization, participatory democracy, progress, Constitution

Introduction

Since India had achieved independence from the British largely through the use of non-violent means, Nehru was reluctant to resort to force. But eventually, Pt. Nehru, at the persuasion of his Defence Minister V.K. Krishna Menon eventually accepted the idea of using force to free Goa from the alien rule. Indian Government formulated one plan called "Operation Vijay" to liberate Goa from the Portuguese clutches. With hardly any resistance by the Portuguese and with light casualties on either side, all operations in Goa came to an end on the evening of 19th December 1961. Thus within 40 hours, the Indian army had successfully carried out the Operation Vijay and ended Centuries of Foreign domination in Goa.

The first Panchayat elections which gave a taste of Democracy to the villages for the first time in the history of Goa Daman and Diu were held on 24 October 1962. The elections aroused great enthusiasm and interest among the people which cut across all communal, caste and ideological

considerations. They were not fought on party lines but were contested by individuals who were in one way or the other connected with public life or activities at the village level and were generally considered by the people fit to be their leaders at the level. Although such elections were hardly known to Goans upto that time, there was considerable excitement among the people for they felt confident that many of their village problems would receive attention at the hands of their own elected representatives. This was but natural because to the Goan it is his village that means much more than the state or the central government.

Goa Daman & Diu Village Panchayat Regulation

The Goa Daman & Diu Village Panchayat Regulation was the first of its kind in the history of Goa to envisage development of rural areas and to transfer power to the people at the grassroots level. The first elections to the village Panchayat under this regulation had two features. Firstly, in the rest of India, Panchayati raj was an



extension of democratic decentralization i.e. Panchayati Raj was established after sufficient experience had been gained in operating Parliamentary institutions at the National and State Levels. In Goa, The process was reversed. The Panchayats were established and began to operate a little before the state assembly and the members of the union Parliament were elected. Secondly the system of Panchayats was not altogether new to the Goan Society since the similar type of institutions called "Gauncaria" "Comunidades" "Maand" were present in Goa but with the limitations.

The GOA Daman & Diu Village Panchayat Regulation 1962

After the liberation of Goa Daman & Diu a single tier Panchayati Raj system was introduced in the Union territory by virtue of the Goa Daman & Diu Village Panchayat Regulation- 1962, promulgated by the Hon. President of India under Article 240 of our Constitution. According to this regulation the Union Territory had a single tier Panchayat raj System, there was only one unit of democratic decentralization operating at the village level, known as Gram Panchayat.¹ There was another body called the Gram Sabha, the general assembly, comprising of all adult residents whose name figures in the electoral rolls of the village. The powers and functions of Gram Panchayat and the Gram Sabha were according to the rules and regulations laid under the Goa Daman And Diu village Panchayat Regulation 1962. According to the Regulation of

1962 all the members of the Gram Panchayat, known as "Pancha" are directly elected by the Gram Sabha, from among themselves. In every Panchayat one seat was reserved for women. The Chairman of Gram Panchayat was called "Sarpanch". He was elected by the Panch from among them. The term of the office of the Village Panchayat was 4 years which could be extended for one year by lieutenant Governor. The Gram Panchayat was required to hold one meeting a month. All the meetings were conveyed by the Sarpanch or in his absence the deputy Sarpanch.

Each Panchayat had one secretary in order to carry out the Panchayat work. He is entrusted with the work of collection of taxes, maintenance of all the registers and other day-to-day works. The Secretary was appointed by the Government and his pay and allowances were paid by the government. Though the secretary worked under the supervision of the Panchayat Council, he was under the Control of Block Development Officer (BDO)

With regard to the functions, according to the second schedule of the Goa, Daman and Diu Village Panchayats Regulation 1962, the following matters came under the Jurisdiction of the Panchayat:

Sanitation and Public Health.

Public works

Planning and Development

Administration

Social welfare

Education and culture.

Gram Sabha

¹Halarnkar T.D. Gram Panchayats in Goa a critical Study; Rajhaunsa 1990



As per the Regulation 1962 there was a Gram Sabha for every Village Panchayat. The Gram Sabha was and it is the general assembly comprising of all adult residents who are electors in the electoral roll for those villages that covered under a particular Panchayat. There use to be two meetings of Gram Sabha every year. The first meeting of the Gram Sabha in every financial year was held within two months of its commencement. And the second meeting use to take place in the month of November. In addition to this there was a provision to have an extraordinary meeting of the Gram Sabha. The Sarpanch or in his absence the Deputy Sarpanch or any other person chosen by the Gram Sabha presided the Meetings. One tenth of the total Number of the Gram Sabha was the quorum.

"The Goa Daman and Diu Panchayat Regulation 1962 was borrowed from neighbouring state of Maharashtra. The Government of Goa Daman and Diu had adopted Panchayat rules and Regulations that were in existence in Maharashtra Then. "2 Goa's Panchayati Raj sustained on these rules and regulations for a long period of almost 33 years until the Goa Village Panchayat Act was notified in 1996 after 73rd Constitutional Amendment was made.

Goa Panchayat Raj Act 1994

Untill1993; the level of democratic governance in India had not gone far enough with elections of representatives only to provincial Legislatures and the

National Parliament.³ Former Prime MinisterRajiv Gandhi rightly questioned the system in which 5 ½ thousand MLA's, MLC's, and MP's decided the fate of then 900 million people, without often being accessible especially to the socially and economically deprived sections living in 5 ½ lakh villages in the country. Though to some extent driven by political exigencies, he proposed to improve the nature of representative governance by providing for a third tier of government. Rajiv Gandhi's initial effort, of 1989, intended to provide constitutional status to local bodies through 64th Constitutional Amendment was defeated in RajyaSabha. This radical democratic and Participatory initiative took shape of 73rd Constitutional Amendment Act 1993 passed by Parliament on 20th April 1993 and came into force from 24th April 1993, under Prime Minister Narasimharao.

The 73rd Constitutional Amendment Act compelled all the states to amend or replace the existing legislation of the Panchayat. Accordingly the Goa Panchayat Bill was passed on 20th April 1993 to lay a strong foundation for 'democratic decentralization' and pave the way for activating the planning process from the grassroots; a concept which has eluded the people ever since the beginning of the era of planned development. Thus the Goa Panchayat Raj Act-1994 came into force. The Goa Panchayat Raj Act-1994 was assented by the governor on 9th July 1994. The act repealed the ordinance of 1994 as well as the regulation of 1962. The preamble to the Goa Panchayat Raj Act-1994- " An

²CardozTomazinho, The Navhind Times dated February 19, 2012

³FernandesAureliano; Panchayatantra, University Book House Pvt. Ltd. Jaipur 2008



enactment to establish a two-tier Panchayati Raj system in the state with elected bodies at village and district levels, in keeping with the Constitutional Amendment relating to Panchayats for greater participation of the people and more effective implementation of rural development programmes." According to this act a two tier Panchayat Raj system was introduced in Goa; i.e. one at the district level- The ZillaPanchayat and one at the village level- The Village Panchayat. Goa has two ZillaPanchayats and 189 Village Panchayats.

Gram Sabha

The 73rd Constitutional Amendment has virtually converted the gram Sabha of every village panchayat into a supreme decision making body in the affairs of the development of villages. In fact this body can check the progress in the village thoroughly, can suggest various innovative ideas for the all-round growth of the village and can help the elected members in carrying further the programmes envisaged by the Panchayat body for the betterment of the people. It is for this reason that the architects of the 73rd Constitutional Amendment have made the gram sabha a very powerful organ of the village development by making the decisions of the gram sabha binding on the functioning of the panchayats.

The gram sabhas, being the supreme decision making bodies in the village administration, unfortunately are not allowed to function as per the democratic principles in many village panchayats. When the members of the gram sabha raise issues which concern the future of the village, and in most .case the issues raised by the members go against the interests of the elected members, the blind and selfish

supporters or the elected members create confusion. They start making noise; they ask irrelevant questions in chorus so that the serious issue raised by the member dies in that chaotic situation. The anti-social elements having vested' interest many-a-time threaten the members of the gram sabha who take the lead in questioning the elected members. If the sarpanch is politically strong, many a time the police also have played dirty by warning the members of the gram sabha and not the supporters of the sarpanch. This attitude of the elected bodies and of the law enforcing authorities has been responsible for killing the spirit of the 73rd Constitutional Amendment.

The ZillaPanchayats

The ZillaPanchayats are constituted on the bases of Goa Panchayat Raj Act - 1994 at district level. ZillaPanchayats started working in Goa since February 06, 2000. ZillaPanchayat institution in Goa has completed 10 years. So far three general elections have held. ZillaPanchayat Institutions are supposed to be vehicles of Socio-economic transformation in rural India. But the indifference of the people towards the elections to the ZillaPanchayats held so far in the state of Goa explicitly underlines the fact that this institution is losing its relevance. Even after a decade, it appears that Zilla bodies are still in limbo as full devolution of power has not been affected so far. The members of last two ZillaPanchayats and the present ZillaPanchayat members are fighting fiercely with the state government over devolution of powers but the latter has not shown "Political Will" to confer more powers and responsibilities on them. On the one hand ZillaPanchayat bodies have to fight with the state government



for more functions on the other hand some programs allotted to ZillaPanchayats clash with the functions enjoyed by the Village Panchayats. The ZillaPanchayat concept just cannot work in Goa; it is clear waste of public time and money. There was not much enthusiasm among the voters of ZillaPanchayat constituencies as is otherwise seen in gram Panchayat or assembly elections. Peoples' indifference is in need the matter of concern for the future of the ZillaPanchayats. The reports emanating from the two districts make it clear that the indifference of the state government towards the ZillaPanchayats by refusing to develop the powers to this grassroots local body, found its reflection in the peoples' averseness.

Most of the voters had turned up because the local MLA or other leaders wanted them to vote for particular candidates. Significantly, the role and nature of the style of functioning of the particular leaders and parties also made the people to remain inside their homes. Both, The ZillaPanchayats and the Village Panchayats are functioning like extended arms of the State government and are being treated like the personal property of MLAs. Because we see that ZillaPanchayats, which were constituted just ten years ago, are yet to get their powers. So also the village Panchayats re-constituted after the coming into force of the Goa Panchayati Raj Act in 1994 are yet to see any significant powers devolved to them. It is demand of the ZillaPanchayat member that the State Government should immediately devolve the rightful powers to the ZillaPanchayat as listed in Schedule II of The Goa Panchayati Raj Act – 1994.

According to me we don't require ZillaPanchayats in Goa because first of

all Goa is a small state. Secondly Goa is over represented, i.e we have One Hundred and Eighty Nine Village Panchayats, Twelve Municipalities, One Municipal Corporation, Forty Members of Legislative Assembly and on the top of that these Two ZillaPanchayats with Fifty members. Thirdly ZillaPanchayat Members are not able to use their Powers. Some of their powers clashes with the powers of The Village Panchayats. ZillaPanchayats are not provided enough funds by the State Government hence the elected ZillaPanchayat members cannot perform much work. Even Adhyaksha is not able to perform his duties with limited powers. More powers are concentrated with that of The Chief Executive Officer (CEO). To carry out any work or to allot money for any project ZillaPanchayat members need to take the assent of the Chief Executive Officer. So what is the use of ZillaPanchayat members? If ZillaPanchayats are having so many internal problems in its functioning then why do we need these ZillaPanchayats in Goa?

Conclusion

Local Government is important to make democracy strong and powerful in the world. Local Government provides more opportunity to the local people to participate in the Government affairs. It can play a key role in initiating radical social change. Decentralized governance enables government to make policy successful. Panchayat Raj institutions are the agent of Local Governance which plays very crucial role in running the government affairs. The 73rd Constitutional Amendment Act of 1992 brought a significant change in the administration of local areas and in small state like Goa these institutions



can really play a significant role in overall development of the area. The gram Sabhas can really play an important role when it comes to development because Gram Sabhas are entrusted with such powers. Now it is a matter of research to study how far Gram Sabhas are successful. . In fact this body can check the progress in the village thoroughly, can suggest various innovative ideas for the all round growth of the village and can help the elected members in carrying further the programmes envisaged by the Panchayat body for the betterment of the people. It is for this reason that the architects of the 73rd Constitutional Amendment have made the gram Sabha a very powerful organ of the village development by making the decisions of the gram Sabha binding on the functioning of the panchayats. Gram Sabha should have been a torch bearer to other states in the country. Unfortunately such a thing has not happened. Today people are up in arms. In every Gram Sabha there are protests and voices of dissent. This is only because our Panchayat administration is not transparent and is seen to be more pro builder and pro industrialist instead of pro people. Elected representatives have become so greedy that everyone of them wants to become

the Sarpanch. So a new trend of 'sharing' the term of office as Sarpanch between the ruling Panchas has emerged. This is not an appreciate method to promote healthy democracy at the grass root level.

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