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## Panchayati Raj: Descentralização para Desenvolvimento – O paradigma democrático em Goa pós-colonial

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### Resumo

Em 2011, Goa comemorou 50 anos do fim do colonialismo (19 de Dezembro 1961) e o início de participação nas instituições democráticas da União Indiana. A descentralização administrativa conhecida por Panchayati Raj é a forma como a descentralização governativa se exerce na Índia desde a remota antiguidade, mas que sofreu diluição e quebra durante os séculos da ocupação muçulmana e durante o regime colonial inglês. Durante as primeiras décadas após a independência, a preocupação maior dos novos governantes era assegurar a autoridade federal, e foi somente a partir do segundo plano quinquenal nas décadas de 50 e 60 que se iniciou o processo de descentralização administrativa nos Estados da União, conferindo-lhe estatuto constitucional através da revisão nº 73 (1992) à constituição do país, com inclusão do art. 243 na Parte IX da Constituição da República.

Este ensaio pretende esclarecer como *Panchayati Raj* é a chave de sucesso da democracia na União Indiana com a sua magnitude demográfica e diversidade étnica, religiosa e linguística. Obviamente persistem desafios de grande escala, mas o país tão diversificado seria ingovernável sem esta democracia funcional das bases. O tribunal supremo está a considerar neste momento várias representações dos panchayats contra as imposições dos governos estatais, para definir melhor em prática a autonomia dos panchayats garantida pela Parte IX da Constituição da Índia. Espera-se muito em breve uma declaração neste sentido. Seria interessante reflectir e descobrir se Portugal tem algo a beneficiar com esta experiência democrática de um país em desenvolvimento como é a Índia.

**Palavras-chave:** Índia, Panchayati Raj, autonomia local, democracia, desenvolvimento.

### Abstract

Goa commemorated in 2011 the golden jubilee of the end of colonialism (19 December 1961) and the beginning of its participation in the democratic institutions of India. The administrative decentralization known as Panchayati Raj is an ancient tradition in India, but it suffered dilution and breaks during centuries of Muslim and British domination. During the early years of Independence, the Union government was more worried about security concerns, and hence the policies of centralization. However, the second five-year plan and during the decades of 50 and 60 one could notice greater openness towards decentralization. This was done through Constitution Amendment Act nº 73 (1992) and the inclusion of article 243 in Part IX of the Constitution.

The present essay seeks to clarify how the Panchayati Raj is the key to the success of the Indian democracy in the context of its demographic magnitude and ethnic, religious and linguistic diversities. Obviously, the challenges persist, but a country like India would be ungovernable without a democratic functionality at its bottom. It would be interesting to reflect and discover if Portugal has anything to benefit from the democratic experience of India and one of the fast growing emergent economies of the world.

**Key words:** India, Panchayati Raj, local autonomy, democracy, development.

1 Sócio da Academia Portuguesa de História (desde 1983) . Director-Fundador do Xavier Centre of Historical Research, Goa (1979-1994). <http://bit.ly/aBMS9z>

## Introdução

Até ao fim do regime colonial português na Índia em 1961, a administração rural em Goa era conduzida pelos administradores das províncias que supervisionavam as juntas das freguesias, conhecidas localmente como “comunidades”, e na língua vernácula goesa como *gãocarias*, através dos seus representantes nas câmaras agrárias ao nível do respectivo concelho, ou *taluka*.<sup>2</sup>

As comunidades das aldeias de Goa eram oligarquias baseadas nas castas e regidas por um Foral de direitos e privilégios aprovados em 1526 pelo Vedor da Fazenda Afonso Mexia, mas que sofreu várias alterações no decorrer dos tempos. Os religiosos envolvidos na cristianização e na administração das paróquias, e os casados brancos violaram sistematicamente os direitos dos *gãocares* naturais, infiltrando-se nas aldeias e apropriando-se das terras mais férteis, quando a chegada dos ingleses e dos holandeses tornou o comércio marítimo menos rentável.<sup>3</sup>

O secretário-geral do governo da Índia Portuguesa, Joaquim Heliodoro da Cunha Rivara, foi no século XIX um grande defensor de instituições liberais. Considerava as comunidades de Goa como mais liberais do que os municípios portugueses. Escreveu em defesa das *gãocarias*, e aprovou o pedido de Felipe Nery Xavier (filho) para reimprimir o Foral com o Regimento de 15 de Junho de 1735 e a Provisão de 10 de Dezembro de 1764, que regulavam a administração das comunidades das aldeias de Goa até à introdução dos novos Códigos das Comunidades em 1935 e 1961.<sup>4</sup> O Estado Novo subvertera a situação através do espírito que marcou o Acto Colonial. Poucas atribuições da comunidade listadas na secção II do código de 1935 e no código seguinte parece terem vigorado na prática e protegiam antes os interesses coloniais do que os interesses da grande maioria dos naturais.<sup>5</sup>

O início de Panchayati Raj, após quatro séculos e meio de colonialismo, foi uma grande inovação. Representou uma transformação política em Goa, com as primeiras eleições democráticas no ano a seguir à integração de Goa na União Indiana. Foi uma mudança do sistema tradicional e colonial discriminatórios para um sistema baseado em princípios democráticos e voto de cada cidadão. Uma das consequências mais

2 Teotónio R. de Souza, “Municipalismo colonial e municipalismo nativo em Goa: Conflitos e Convergências de Interesses”, *II Seminário Internacional - História do Município no Mundo Português, Funchal, 2001*, pp. 27-39. Cf. <http://recil.grupulusofona.pt/handle/10437/565> Ganv / *gão* = aldeia; *ganvkar*/*gãocar* = natural da aldeia com direitos de propriedade e administração.

3 Teotónio R de Souza, *Goa Medieval: A Cidade e o Interior no Século XVII, Lisboa, Ed. Estampa, 1994*, pp. 87 e segs; Paul Axelrod and Michelle A. Fuerch, “Portuguese Orientalism and the Making of the Village Communities of Goa”, *Ethnohistory* 45:3, Duke University Press, 1998, pp. 439-476.

4 Filipe Nery Xavier, *Collecção das Leis Peculiares das Comunidades Agrícolas das Aldeas dos Concelhos das Ilhas-Salcete-Bardez (1855-1877)*, Nova Goa: Imprensa Nacional, 1878; *Código das Comunidades*, Nova Goa: Imprensa Nacional, 1905; António de Noronha Rodrigues, *Código das Comunidades - Anotado*. Nova Goa: Typografia Central, 1935; *Código das comunidades / Estado Português da Índia, Goa : Imprensa Nacional, 1961*.

5 Discurso do deputado goês Dr Froilano de Mello na Assembleia Nacional em 16 de Jan. 1946.

importantes foi a redução do peso das castas superiores na sociedade pela classe média. As classes dominantes em termos económicos e educacionais cederam o espaço aos grupos economicamente menos dominantes e menos educados na liderança rural. Nasceu uma combinação mais saudável de velhas e novas elites.

Com menos de cinco décadas de descentralização é muito cedo ainda fazer balanço muito positivo, mas foi um bom começo de mudança no mundo rural.

O que importa é educar as populações em novas formas de funcionar, incutir nova consciência solidária e política, sem dar importância excessiva aos resultados financeiros. Nas assembleias rurais ou gram sabhas, em que se faz esta formação, vê-se ainda pouca participação. Isto acontece porque a introdução de novas estruturas de panchayati raj não foi feita com a instrução nos princípios e filosofia em que se baseia esta nova forma de zelar pelo desenvolvimento e de fazer a política. Os políticos tradicionais veem-nas como formas de proximidade para ganhar votos, e para os oficiais do governo elas são rivais ao seu poder. Para os membros dos panchayats elas são degraus para a sua ambição política, e o povo em geral considera-as como uma extensão dos departamentos do Estado. Falta ainda muito esforço para educar o povo acerca dos valores sociais e democráticos de *panchayati raj*.<sup>6</sup>

As velhas comunidades das aldeias continuam a funcionar, ou seria mais correto dizer, a sobreviver, após as reformas agrárias introduzidas pelo governo da Índia desde 1961 e que concederam direitos de propriedade aos cultivadores das terras, limitando desta forma o controle das comunidades. Poucos goeses podem fazer a sua vida com os ganhos dos investimentos na agricultura rural. Cada vez mais, as terras pertencentes às comunidades são vendidas às imobiliárias para construção civil, beneficiando muito os accionistas das comunidades.

## A Criação e a Estruturação de Panchayati Raj em Goa<sup>7</sup>

O Regulamento de 1962 criou panchayati raj em Goa e reservou um assento para representar mulheres em cada panchayat. Dependendo do número de habitantes foram criados panchayats de 5, 7 ou 9 membros para um período de quatro anos [Ver o Anexo com o Perfil de Panchayati Raj em Goa]. Foi somente a partir desta experiência democrática de bases que se organizaram as eleições para a primeira Assembleia do Estado em 1963.

A seguir à modificação dos. Artº 73 e 74 da Constituição da República, a Assembleia do Estado de Goa promulgou um decreto-lei em 20 de Abril de 1994, revogando as leis anteriores e entrou em vigor em 26 de Outubro de 1995. Mantinha-se ainda o Artigo

6 T.D. HALARNAKAR, "Rural self-government Goan style" (*Seminar*, New Delhi: November 2004).  
7 Anexo 1

243 B, do Goa Panchayat Raj Act, 1994, que estabelecia dois níveis de panchayati raj, nomeadamente ao nível da aldeia (gram panchayat) e ao nível do distrito (Zilla ou block panchayat). A representação das mulheres foi aumentada para um terço dos membros de gram panchayat, e a representação das castas baixas e tribos manteve-se proporcional ao seu número na zona. Houve alteração da lei em 1999, introduzindo um nível intermédio de (block panchayat) taluka (província) panchayat, mas este nível está ainda por ser concretizado em Goa, onde a demografia parece não justificar este nível intermédio.

Goa tem ao presente 2 Zilla Panchayats com 50 círculos eleitorais, e 190 Gram Panchayats com 1450 círculos eleitorais. Os panchayats distritais correspondem aos círculos eleitorais que elegem os dois representantes de Goa para Lok Sabha, equivalente à câmara baixa do Parlamento da nação. O Bloco Norte inclui 121 gram panchayats distribuídos pelas seis províncias ou talukas do norte e do centro de Goa: Sattari, Bocholim, Bardez, Pernem, Tiswadi and Ponda. O Bloco Sul inclui 69 gram panchayats das restantes cinco talukas: Mormugão, Salcete, Quepem, Sanguem e Canacona. O territórios dois blocos juntos elegem um representante para Rajya Sabha, equivalente à câmara alta do Parlamento.

## **As funções e os poderes de Gram Panchayat**

A lei de 1994 atribui as seguintes funções aos panchayats rurais:

- a) Imposição de impostos em certos casos;
- b) Emissão de licenças de construção, estabelecimento de fábricas, comércio, ocupações profissionais;
- c) Licenciamento de hotéis, lojas, restaurantes, etc, incluindo licenças para manufactura de bebidas gazosas;



- a) Remoção de obstáculos nas estradas públicas e espaços abertos;
- b) Melhoramento de condições sanitárias, conservação e esgotos;
- c) Fornecimento de água;
- d) Referir os distúrbios públicos causados por ruídos, gado abandonado, etc às autoridades competentes;
- e) Exercer as funções listadas na Cédula I da Lei de Panchayats, 1994.

A mesma lei atribui os seguintes poderes administrativos:

- a) Nomear funcionários para além do Secretário ou Gram Sevak e atender ao pagamento dos seus salários dos fundos de Panchayat. Os panchayats têm controlo absoluto sobre os seus funcionários.
- b) Nomear um guarda do curral para o gado abandonado com aprovação do Director dos panchayats.
- c) Adquirir, reter e dispor de propriedade móvel e imóvel, e de alugar e transferir as mesmas de acordo com as leis de Estado e regulamento de Zilla Panchayat.
- d) Preparar o Plano Anual, o Orçamento e o Relatório administrativo de Panchayat.
- e) Constituir as comissões que sejam necessárias.
- f) Criar os regulamentos internos com a aprovação de Zilla Parishad para:
  - i) Garantir a limpeza e evitar a poluição de recursos hidráulicos;
  - ii) Proibir a utilização de águas sujas para consumo e bebida;
  - iii) Proibir acumulação ou armazenamento de detritos prejudiciais à saúde pública;
  - iv) Regulação de ocupações perigosas;
  - v) Controlo de crematórios e cemitérios;
  - vi) Excavação e enchimento de covas,
  - vii) Remoção de vegetação nociva;
  - viii) Reparação e remoção de edifícios em perigo de desabamento;
  - ix) Prevenção de construções sem provisão adequada de ventilação e acessos;
  - x) Controlo de feiras e mercados, talhos e tendas de vendas;
  - xi) Inspeção e destruição de comidas e bebidas sem qualidade para consumo;
  - xii) Regulamentação geral de higiene e conservação;
  - xiii) Gestão e manutenção de currais para o gado transviado.
  - xiv)

## As funções e os poderes de Zilla Panchayat

*Zilla Panchayats* exercem as funções enumeradas na Cédula II e também na Cédula I (A) da Lei de Goa Panchayat Raj, 1994 ao abrigo da alteração N° 74 à Constituição da

República. Os fundos atribuídos pelo Estado são preferencialmente para utilizar nas obras de construção e reparações de estradas, pequenas obras de irrigação, água potável, manutenção de centros de saúde, e cursos de formação dos agricultores.

Entre os poderes administrativos estão listados os seguintes:

- a) O chefe executivo (Chief Executive Officer) e o Presidente (Adhyaksha) do Zilla Panchayat gozam de pleno controlo sobre os funcionários de Zilla Panchayat;
- b) O chefe executivo de Zilla Panchayat é a autoridade que nomeia e controla os cargos no Group “C” e “D” de Zilla Panchayat;
- c) Adquirir, reter e dispor a propriedade móvel e imóvel, alugar, vender ou transferir propriedade móvel ou imóvel, com prévia aprovação do Governo;
- d) Preparar o Plano Anual de Desenvolvimento distrital, incluindo planos de desenvolvimento dos panchayats e submete-lo à Comissão de desenvolvimento distrital;
- e) Nomear comissões de trabalho e regulamentar o seu funcionamento de acordo com as normas do respectivo Zilla Panchayat;
- f) Preparar o orçamento e relatório administrativo de Zilla Panchayat e submete-lo ao Governo;
- g) Preparar normas com prévia aprovação do Governo para o cumprimento das funções e poderes incluídos na lei dos Panchayats;
- h) Desviar, descontinuar ou fechar qualquer estrada sob jurisdição de Zilla Panchayat;
- i) O presidente ou Adhyaksha de Zilla Panchayat é presidente nato da Comissão de Planeamento Distrital.

Como se poderá notar na Tabela 5 no Anexo II e na nota a ela referentes, dominam numericamente as funções atribuídas a *gram panchayats* em comparação com as atribuídas a *zilla panchayats*. Existem funções concorrentes com responsabilidades conjuntas aos dois níveis. Mas existe a secção 244A do Goa Panchayat Raj Act, 1994, que dá poderes ao Governo para autorizar qualquer projecto de desenvolvimento aos dois níveis de panchayats ultrapassando as funções e poderes reservados a qualquer deles. É uma secção que reduz em princípio a força bastante significativa da lei de *Panchayati Raj*, subvertendo as intenções constitucionais de criar maior autonomia local, que permita ao povo definir as suas expectativas de desenvolvimento.

Com esta descentralização e devolução do poder aos *gram panchayats* tem-se notado aumento de violência de direitos humanos nas eleições locais, porque é aqui que os partidos procuram garantir as suas bases eleitorais para assembleia do Estado e para o Parlamento. As elites políticas assustam-se com a participação garantida às mulheres e aos excluídos das castas nos *gram panchayats*.<sup>8</sup> Existe resistência à transferência de

<sup>8</sup> T.M. Joseph, *Local Governance in India*, pp. xxii, 147 segs.



poderes e fundos para os *gram panchayats*, e a autonomia local continua a ser tratada como extensão ou proximidade do governo à localidade, e não é suficientemente entendida como governança local, onde privatização de iniciativas e organizações não-governamentais tenham mais espaço de intervenção.

Tem-se muitas vezes idealizado a descentralização nos *gram panchayats* como uma concretização do sonho gandhiano de auto-suficiência da aldeia, mas no contexto de liberalismo político e económico vigente e que domina os projectos de desenvolvimento nacional, a nova realidade parece estar muito longe deste sonho que se baseava numa filosofia de necessidades limitadas e de auto-suficiência de recursos locais.<sup>9</sup> Todavia as novas estruturas de auto-governança prometem garantir segurança ecológica e maior sustentabilidade aos projectos com participação directa local.<sup>10</sup>

A descentralização dos poderes requer uma forma de governação «bottom-up» ou de baixo para cima, diferente do paternalismo governamental de tipo «top-down» ou de cima para baixo. *Gram panchayats* não podem ser somente agentes de implementação de projectos formulados pelo Governo. As intenções da legislação são claramente no sentido de criar uma democracia participativa. Os desejos e pedidos devem subir de baixo para as instâncias governativas centrais. Para suprir as faltas de certas competências ao nível rural, este processo requer diálogo entre os *gram panchayats* ao nível de *zilla panchayat* a que pertencem e ao nível do outro *zilla panchayat* do Estado, incluindo também a participação dos ONGs, peritos e oficiais do Estado.<sup>11</sup>

## O funcionamento real de Panchayati Raj em Goa

Indicamos em baixo nas referências o link - <http://bit.ly/yWt9kH> onde a população goesa ou os líderes locais podem consultar em linha o que precisam de saber sobre as regras do funcionamento da lei em vigor, indicando os seguintes pormenores entre outros:

- (1) Onde se reúne *gram sabha* (assembleia da aldeia) ? Na repartição do *panchayat* ou em outro lugar público previamente anunciado pelo *sarpanch*, ou na sua ausência pelo seu vice.
- (2) Frequência, data, hora e localidade das reuniões: São quatro as reuniões estatutárias ordinárias de *gram sabha*, convocadas em qualquer domingo de Janeiro, Abril, Julho e Outubro. São também convocadas quatro reuniões especiais em 26 de Janeiro (Dia da República), 15 de Agosto (Dia da Independência Nacional), 2 de Outubro (Aniversário de Mahatma Gandhi) e 19 de Dezembro (Dia da Libertação de

<sup>9</sup> Ibid., p. xxvii.

<sup>10</sup> Ibid., p. 553.

<sup>11</sup> G. Palanithurai, *Dynamics of New Panchayati Raj System in India*, 32 segs.

Goa). Outras reuniões extraordinárias podem ser convocadas pelo sarpanch atendendo ao pedido de 10% dos membros de gram sabha e dentro de prazo de 30 dias a seguir ao pedido. Quando o sarpanch falhar em qualquer convocatória o oficial responsável pelo *Zilla Panchayat* convocará a reunião dentro do mês seguinte.

Os anúncios das reuniões ordinárias devem ser feitos afixando o anúncio nos lugares públicos da aldeia e no jornal local. As reuniões extraordinárias carecem de anúncio com quatro dias de antecedência. O anúncio deve indicar a data, o local e a agenda da reunião. A hora da reunião de *gram sabha* é sempre às 11 h.

- (3) Quantos membros devem estar presentes para quorum? É necessária a presença de 10 % para quorum. Se não houver quorum, os membros presentes poderão reunir sem quorum uma meia hora após 15 minutos da hora anteriormente marcada.
- (4) O governo é representado nas reuniões de *gram sabha*? Sim, por um representante de *Zilla Panchayat*.
- (5) O que entra na agenda das reuniões? Relatório semestral /anual de contas, relatório administrativo semestral /anual, orçamento, projectos de desenvolvimento para o ano financeiro, relatório dos auditores e respostas dadas, propostas de novos impostos, projectos de voluntariado, identificação de beneficiários do Estado, identificação de prioridades nas obras do panchayat, certificados de utilização dos fundos de Estado.
- (6) Pode qualquer membro propor matéria para a agenda? Sim, por escrito e com quatro dias de antecedência. Pode ser recusado se for assunto trivial, ofensivo ou de nenhum interesse público.
- (7) Como se mantém as atas das reuniões? No livro de atas, e em qualquer das seguintes línguas: Hindi, Inglês, Konkani ou Marathi. Uma cópia de cada ata deve ser submetida ao Director dos Panchayats dentro de uma semana após a reunião. O livro de actas pode ser consultado por qualquer membro com prévio pedido dirigido ao *talatti* / secretário.
- (8) Pode haver recurso contra as decisões de *gram sabha*? Poderá haver recurso ao Director dos Panchayats e a sua decisão não terá outro recurso.
- (9) Quais são os procedimentos nas reuniões? Haverá lista de presenças. A agenda será gerida pelo sarpanch ou seu representante de acordo com outros membros eleitos da mesa. A decisão do sarpanch é final, mas pode haver recurso como anteriormente indicado.
- (10) Quem executa as decisões? O *sarpanch*.

- (11) Quais são as funções de *gram panchayat*? Todas as funções já anteriormente indicadas e incluídas na cédula-I.
- (12) Quais outras funções podem ser assumidas pelo panchayat? Qualquer outra função que contribua para a promoção de saúde, segurança, educação, bem-estar dos habitantes da área sob a jurisdição do panchayat. Pode contribuir financeiramente para quaisquer instituições de caridade ou serviço social dentro dos limites do distrito a que pertence o panchayat e de acordo com a lei que rege tais instituições.
- (13) Quais são os poderes executivos do *sarpanch* (presidente do panchayat)? Os poderes para executar os projectos de desenvolvimento e bem-estar local. Cumprimento das decisões de *gram sabha*.
- (14) Quais são os outros poderes e deveres do *sarpanch* e do seu vice? Convocar as reuniões de *gram sabha*; executar as despesas correntes que não excedem Rs. mil por mês; aprovar as férias dos funcionários do panchayat; colocar perante *gram sabha* a correspondência recebida do governo; cobrar os impostos e multas do panchayat; embargar qualquer construção ou obra não devidamente licenciada e apresentar o caso à assembleia seguinte de *gram sabha*; manter abertos e sem obstáculos os espaços públicos; cumprir as directivas superiores do Estado.
- (15) Quem pode ser o secretário (*gram sevak / talatti*) do panchayat? Deve ser um funcionário a tempo inteiro e pago como funcionário do Estado dos fundos de panchayat.
- (16) Quais são os poderes, os deveres e as funções do secretário? Emitir licenças de construção, e embargos ou ordens de demolição em caso de construções ilegais; executar as resoluções do panchayat; estar presente em todas as reuniões de *gram sabha* e manter as suas actas; organizar toda a correspondência oficial do panchayat; guardar e gerir os fundos do panchayat e manter as contas em cumprimento das leis em vigor.
- (17) Quando se reúnem os *panchas / membros do panchayat*? São reuniões abertas ao público? Qual o quorum? Como se mantém as atas? Qual o procedimento a seguir? Os membros do panchayat reúnem-se quinzenalmente na data fixa pelo *sarpanch*. Pode haver reuniões extraordinárias quando um terço dos membros o requerer ao *sarpanch*. As reuniões estão abertas ao público que deve ser informado pelo secretário com sete dias de antecedência em caso de reuniões ordinárias, e três dias de antecedência em caso de reuniões extraordinárias, com anúncios em lugares públicos. Basta um terço dos membros do panchayat para quorum das suas reu-

niões. Faltando quorum, a reunião será adiada para o dia seguinte com um anúncio afixo na repartição do panchayat. Qualquer proposta deve ser por maioria nominal dos membros presentes. Serão mantidas as atas de reuniões que poderão ser consultadas por qualquer membro do panchayat no gabinete do secretário.

## Classização das castas e as novas classes médias

Apesar de resistências e retrocessos, tanto a democracia como a descentralização administrativa têm progredido na Índia independente, embora não de forma como Gandhi visualizara *Gram Swaraj* ou a autonomia rural. Houve passos legislativos importantes que contribuíram para este progresso, e em particular, para dar voz aos excluídos de castas [*harijan/dalit*]. O colonialismo já tinha abalado o tradicional sistema das castas reconhecendo alguns direitos de grupos desfavorecidos como estratégia de ganhar adeptos para o regime colonial. Criaram-se novas estratificações translocais, referidas como SCs(scheduled castes), STs(scheduled tribes) e OBCs (other backward classes) para os efeitos censuais e administrativos. Após a Independência e proclamação da República secular o processo de secularização e desritualização concorreu para diluir as barreiras tradicionais de hierarquia ritual e do conceito correspondente de poluição, ganhando novos contornos endogâmicos e de comensalidade mais alargados, em formações socio-políticas de tipo partidário.

A politicização de castas acompanhou a política nacional sob a dominação do partido congresso nacional indiano (Indian National Congress = INC) que liderou o processo da independência e governou a nação durante meio século após a independência. O partido INC, dominado pela elite de casta alta no centro, conseguiu a longa governação associando-se com as elites regionais em vários estados federais. As elites regionais correspondiam às castas dominantes dos Maratas, Reddys, Kammas, Patidars, Jats, etc. e ganharam com o poder político o estatuto de classe média.

O grande salto resultou da consciência que as castas subdesenvolvidas adquiriram nas regiões face às novas castas intermédias que tinham conseguido subir ao estatuto de classes médias com poder político. Através da dinâmica eleitoral e poder de voto colectivo conseguiram exigir a implementação de política de quotas nos empregos em todos os níveis. Em 1980 foi nomeada uma Comissão presidida por B.P. Mandal, que estendeu a política de quotas. Limitada anteriormente e timidamente aos excluídos de castas alargou-se a todas as classes desfavorecidas que praticavam ocupações tradicionais, socialmente mal qualificadas e economicamente mal remuneradas. Esta politicização de castas ou «Mandalização de castas» como veio a ser conhecida, está

a ter consequências revolucionárias na democracia indiana desde os anos 80 do século findo.<sup>12</sup>

O incremento que se deu ao Panchayati Raj foi uma consequência de política afirmativa deste processo nas zonas rurais e urbanas das regiões, promovendo vagas de uma «nova classe média», um fenómeno que está a ser visto como classicização de castas. São grupos sociais que beneficiam do legado tradicional de castas, mas vão ganhando novo estatuto sócio-económico de classe média que os permite conviver com outras classes médias e fazer-lhes concorrência.

Em 2004 foi criado o Ministério de Panchayati Raj ao nível nacional, um reflexo da magnitude atingida pela democracia participada. A página web deste mega ministério <http://bit.ly/xMfKHL> procura agilizar a implementação da legislação e facilitar a coordenação dos panchayats de todo o país e promover interação entre eles.

O impacto da democracia participada pode ser calculado pelo total dos votos no último acto eleitoral para a XII Assembleia do Estado de Goa com 40 deputados: 82 %. Nos resultados declarados em 6 de Março de 2012, saíram eleitos 26 hindus e 14 católicos. Dos quatro bramanes eleitos dois são independentes, e outros dois distribuídos entre o partido vencedor e o partido de oposição. Entre os 26 hindus, contam-se dez eleitos de classes menos desenvolvidas (Bhandari), classificados como OBCs, para além de dois pertencentes a tribos subdesenvolvidas (Scheduled Tribes) e um de casta excluída (Scheduled Caste). Seria um fenómeno impossível no período colonial.

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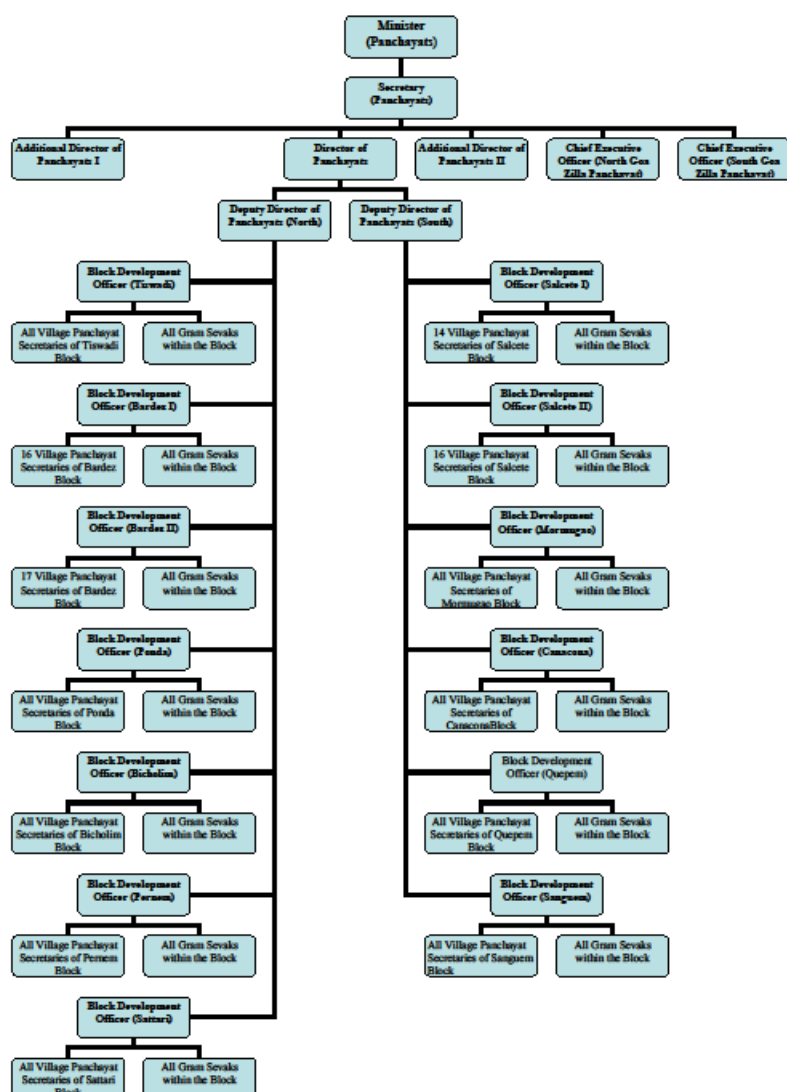
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## Anexo 1



## Anexo 2

**O Perfil de Panchayati Raj no Estado de Goa**  
**Government of India Ministry of Panchayati Raj**  
<http://bit.ly/xMfKHL>

### Introduction:

Goa has a unique history of institutions of local self-government dating back to ancient times. Descendants of ancient settlers of the villages, called *Gaunkars*, organized themselves into “Comunidades” or “Communities” which functioned as an autonomous unit of village administration. The Government was vested in the assembly of elders of each clan or *vangor*. Members of Comunidades consisted of (i) Zoneiros (ii) Acsãocars (iii) Gaunkars. The primary activity of the Comunidades consisted in leasing out their commonly held agricultural land, orchards, ponds etc through auction. The income was utilized to fund common services for the village like those of priests, barber, construction and maintenance of markets, halls etc. This Village Governance was allowed to exist alongside the Portuguese administrative machinery.

The second form of local government prior to liberation in Goa was the “Camaras Municipais”, introduced by the Portuguese, having their jurisdiction over both urban and rural areas of the entire Taluka. They collected various taxes and received government grants, performed civil functions including the erection of buildings. Until a few years before liberation, these self-sustaining bodies were neither elected nor local. Their offices were reserved for ‘Casados.’

It was only in 1959 that Juntas de Freguesias (rural self government bodies) were established by the Portuguese through the Portaria (notification) no.7575 of 23<sup>rd</sup> July, 1959, allocating to them the responsibility of repairs of village roads, drains, bridges, gutters, street lights etc. falling within their jurisdiction.

Goa, Daman & Diu Village Panchayat Regulation, 1962

Following liberation from Portuguese rule on 19<sup>th</sup> December 1961, the President of India promulgated the Goa, Daman & Diu Village Panchayat Regulation, 1962 under Article-240 of the Constitution of India. This provided for a single tier Panchayati Raj system in the Union Territory of Goa, Daman & Diu and accordingly, village Panchayats were set up in Goa Daman & Diu in 1962. The 1962 Regulation reserved one seat for a woman in each Panchayat. Three types of Panchayats were created, having 5, 7 or 9 members respectively, depending upon the population. The term of the Panchayat was for four years.

The Goa Panchayat Raj Ordinance 1994

Following the enactment of 73<sup>rd</sup> Constitutional amendment, the State of Goa promulgated the Goa Panchayat Raj Ordinance, 1994 on 20th April, 1994. The Ordinance was superseded by the Goa Panchayat Raj Act, 1994, which was assented to by the Governor



of Goa on 9th July, 1994. The Act repealed both the 1994 and the 1962 regulation. The provisions of the Act fully came into force with effect from 26th October 1995.

Initially, in keeping with the provisions of Article 243 B, the Goa Panchayat Raj Act, 1994 provided for setting up of a two tier Panchayati Raj System at the village level and at the district level. However, in 1999 the Act was amended and provision was made for the intermediate level Panchayat also, namely, the Taluka Panchayat. However, the same has not been set up.

### Statistical Data:

The terms used for the two levels of Panchayats in Goa are as follows:

**Table 1: Nomenclatures for the two levels of Panchayats in Goa13**

Level of Panchayat	Name used
District Panchayat	Zilla Panchayat
Village Panchayat	Gram Panchayat

Source : Government Of Goa

**Table 2: Basic Statistics concerning Number of Panchayats at each level1:**

	Level of Panchayat	No. of PR Institutions	No. of Wards/ Constituencies
1	Zilla Panchayat	2	50
2	Gram Panchayat	190	1450
	Total	192	1500

Source : Government of Goa

**Table 3: Number of Elected Panchayat Representatives at each level:**

#### 3-A: Gram Panchayat

	No. of Elected Representatives				
	General	SC	ST	Total	Women
1	2	3	4	5	6
Total	1450	0	0	1450	438
Percentage	100.0	0.0	0.0	100.00	30.2

Source : Government of Goa

13 Source : Government of Goa, Election last held : GP-Jan 2002, ZP-Jan-2005

**3-B: Zilla Parishad1**

	No. of Elected Representatives				
	General	SC	ST	Total	Women
1	2	3	4	5	6
Total	44	0	6	50	17
Percentage	100.0	0.0	0.0	100.00	30.0

Source : Government of Goa

**3- C: Composition of the Zilla Panchayats in Goa**

Zilla Panchayats	Elected Rep. Gen.	Reserved For Women	Reserved ST	SC Co-opted	# MPs	# MLAs	# Indirectly elected from Sarpanches	Total
North Goa	17	10	04	01	1 Lok Sabha	06	11	49
South Goa	12	05	02 *W	01 *W	1 Lok Sabha	05	06	33
					1 Rajya Sabha			01
Total	29	15	06	02	03	11	17	83

\* Reserved for women # Ex-Officio Members

**Table 4: Classification of Village Panchayats in Goa1****Table 4A (i)- North Goa**

Name of Block	A	B	C	D	Total No. of Village Panchayats	Total No. of Wards
	2a	2b	2c	2d	3	4
Sattari	-	-	12	-	12	84
Bicholim	2	4	8	4	18	134
Bardez	4	6	21	2	33	255
Pernem	-	3	11	6	20	134
Tiswadi	4	4	9	2	19	153
Ponda	5	3	10	1	19	157
Total	15	20	71	15	121	917

Table 4B (ii)- South Goa

Name of Block	A	B	C	D	Total No. of Village Panchayats.	Total No. of Wards
1	2a	2b	2c	2d	3	4
Mormugao	3	3	2	1	9	79
Salcete	2	9	15	4	30	228
Quepem	-	2	8	1	11	79
Sanguem	-	4	8	-	12	92
Canacona	-	3	4	-	7	55
Total	5	21	37	6	69	533
GrandTotal	20	41	108	21	190	1450

Source: Government of Goa

## Dimension 1: Effective Devolution of Functions

### Legislative devolution of functions:

Schedule-I appended to the Goa Panchayat Raj Act, 1994 gives the list of functions and responsibilities to be transferred to the Village Panchayats and Schedule-II to the Zilla Panchayats as follows:

#### Schedule I- Village Panchayats:

Functional powers

The functional powers of the Village Panchayats are as follows:

- Imposition of taxes, fees on certain items independently;
- Issuing license for construction of buildings, factories and to run business trade and occupation;
- Licensing of hotels, shops, restaurants, etc., including licenses for aerated water manufacturers
- Remove obstructions and encroachments on public streets and open sites;
- Removing ruined structures, trees likely to fall.
- Improving sanitary conditions, conservancy and drainage;
- Providing water supply;
- File complaints before the Appropriate Court for prohibiting public nuisance;
- Impound stray cattle etc.
- Exercise functions listed in the Schedule of the 1994 Act.

### Administrative powers

- a) Appoint employees other than the Secretary or Gram Sevak and pay their salaries from Panchayat funds. Village Panchayats have full control over such staff.
- b) Appoint keeper for cattle pound with the approval of Director of Panchayat.
- c) Acquire, hold, dispose off its property both movable and immovable, to lease, sell or otherwise transfer any movable or immovable property vested or acquired by it subject to the rules made by the Government and sanction of the Zilla Panchayat.
- d) Prepare Annual Development Plan, Budget and Administration Report of the Panchayat.
- e) Constitute various standing committees.
- f) Make bye-laws with previous sanction of the Zilla Panchayat on:
  - i) Purification and pollution protection of all water sources;
  - ii) Prohibiting use of impure water sources for drinking purposes,
  - iii) Prohibiting manure, refuse or other offensive matter storage prejudicial to public health,
  - iv) Regulation of dangerous or offensive callings or trade;
  - v) Disposal of corpses by burning or burial;
  - vi) Excavation and filling up of earth,
  - vii) Removal of noxious vegetation;
  - viii) Repair and removal of dangerous or ruinous buildings;
  - ix) Preventing erection of buildings without adequate provisions for ventilation or the laying out and location of streets;
  - x) The control of fairs and bazaars and the regulation of markets, slaughter houses and cart stands;
  - xi) The inspection and destruction of unfit food and drink exposed for sale;
  - xii) General regulation of sanitation and conservancy;
  - xiii) Management and maintenance of cattle pounds.

### Schedule II- Zilla Panchayat

#### Functional powers

Zilla Panchayats exercise functions mentioned in Schedule II and partly in Schedule I(A) of the Goa Panchayat Raj Act, 1994. Funds provided by the Government are mainly spent on the works like construction and repairs of the road, minor irrigation, drinking water and rural water supply, repairs and maintenance of Primary Health Centres and training to farmers.

#### Administrative powers

- a) The Chief Executive Officer and Adhyaksha of Zilla Panchayat have full control over Zilla Panchayat staff,

- b) The Chief Executive Officer of Zilla Panchayat is the appointing and disciplinary authority in respect of Group “C” and “D” posts of the Zilla Panchayat.
- c) Acquire, hold, dispose off its property both movable and immovable, to lease, sell or otherwise transfer any movable or immovable property vested or acquired by it with previous sanction of the Government.
- d) Prepare the annual District Development Plan after including the development plans of Panchayat and submit it to the District Planning Committee.
- e) Appoint various Standing committees and regulate their working as per the regulation prepared by respective Zilla Panchayat.
- f) Prepare Budget and Administration Report of the Zilla Panchayat and submit it to the Government.
- g) Make regulations with previous sanction of the Government to carry out the purpose of the Act in so far as it relates to its powers and duties.
- h) Divert, discontinue or close or permanently close any road which is under the control and administration of or is vested in the Zilla Panchayat
- i) Adhyaksha of Zilla Panchayat is the Ex-Officio Chairman of the District Planning Committee.

The Schedule of the Goa Panchayati Raj Act itself gives a fairly detailed list of activities (listed under each function) devolved to the Zilla and the Gram Panchayats. Therefore, this is a good example of a State operationalising the resolution of the 1<sup>st</sup> Round Table in this regard, which reads as follows:

“With a view to promoting a measure of irrevocability of devolved functions, devolution may be routed through legislative measures or, alternatively, by providing a strong legislative framework for devolution through executive orders.”

Details are as follows:

**Table 5:**

Sl. No.	Subjects in the Eleventh Schedule	Zilla Panchayat under Schedule II of the Goa Panchayat Raj Act, 1994	Gram Panchayat Village Panchayats, under Schedule 1 of the Act
1	Agriculture, including agricultural extension.	Conducting training classes for farmers in improved Agriculture, Horticulture	
2	Land improvement, implementation of land reforms, land consolidation and soil conservation.		
3	Minor irrigation, water management & watershed development.	Construction, improvement repairs and maintenance of MI works excluding irrigation wells	
4	Animal husbandry, dairying and poultry.	Conducting training classes for farmers dairy, poultry and piggery	

Sl. No.	Subjects in the Eleventh Schedule	Zilla Panchayat under Schedule II of the Goa Panchayat Raj Act, 1994	Gram Panchayat Village Panchayats, under Schedule 1 of the Act
5	Fisheries.		
6	Social forestry and farm forestry.		Social Forestry and Farm Forestry, tree planting and preservation on roadsides and Panchayat lands.
7	Minor forest produce.		
8	Small-scale industries, including food-processing industries.		
9	Khadi, village and cottage industries.		
10	Rural housing.		Rural Housing including acquisition of land for house sites
11	Drinking water.	Implementation of Rural Water Supply Scheme	Drinking water including construction, repairs and maintenance of drinking water wells, tanks and ponds
12	Fuel and fodder.		
13	Roads, culverts, bridges, ferries, waterways and other means of communication.	Repairs and maintenance of rural roads, culverts and roadside drains.	Construction, maintenance and repairs of Village roads, culverts, roadside drains, etc.
14	Rural electrification, including distribution of electricity.		Rural Electrification including providing and maintenance of street lights and lighting of public places
15	Non-conventional energy sources.		Non-Conventional Energy sources including promotion and development of Non-Conventional Energy Schemes of Goa Energy Development Agency
16	Poverty alleviation programme.		Public awareness and participation in poverty alleviation programmes implemented by DRDA.
17	Education, including primary and secondary schools.		Construction of School buildings entrusted by DRDA
18	Technical training and vocational education.		
19	Adult and non-formal education.		Promotion of adult literacy through programmes of Education Department.
20	Libraries		Village Libraries and Reading Rooms
21	Cultural activities	Promotion of social and cultural activities.	promotion of social and cultural activities
22	Markets and Fairs		Regulation of Markets, fairs and festivals
23	Health and sanitation, including hospitals. Primary health centres and dispensaries	Sanitation for Primary Schools	Maintenance of general sanitation, cleaning of public roads, drains, taps wells and nallah and other public places, maintenance of burning and burial grounds, maintenance of public latrines
		Repairs and maintenance of buildings of Rural Health Centres, Sub-Centres, Cottage Hospitals and Community Health Centres.	

Sl. No.	Subjects in the Eleventh Schedule	Zilla Panchayat under Schedule II of the Goa Panchayat Raj Act, 1994	Gram Panchayat Village Panchayats, under Schedule 1 of the Act
24	Family Welfare		Participation in schemes of Directorate of Health Services as regards public health and family Welfare
25	Women and Child Development		Participation in the implementation of programmes of Directorate of Women and Child Development
26	Social Welfare, including welfare of the handicapped and mentally retarded		Participation in implementation of programmes of Social Welfare Department for the Welfare of the handicapped, mentally retarded and destitute
27	Welfare of the weaker sections, particularly of SCs and STs		Welfare of weaker sections including Scheduled Castes and Scheduled Tribes by implementing the Schemes of Goa SC/ST/OBC Development Corporation
			Promotion of public awareness with regards to the welfare of weaker sections, Scheduled Castes and Scheduled Tribes and implementation of programmes of Social Welfare Department for their welfare
28	Public distribution system		
29	Maintenance of community assets.		Maintenance of Community assets created through the Panchayat fund on transferred to the Panchayats by the DRDA or by the Government.
			Construction and maintenance of Cattle Sheds
	Other Functions		General functions under Goa Panchayat Raj Act, 1994.
	Total	7	18

- While 7 matters and 18 matters respectively are devolved to the Zilla Panchayat and the Gram Panchayat, there is a large measure of concurrency in assignment of responsibilities, such as in drinking water and rural roads.
- Gram Panchayats have been devolved the majority of functions, as compared to Zilla Panchayats,
- In the case of some aspects, the actual function devolved is only nominal. For instance, family welfare, women and child development, social welfare, including welfare of the handicapped and mentally retarded and welfare of the weaker sections, particularly of SCs and STs, only promotional responsibilities are devolved, which in real terms means very little in terms of actual participation. Certainly, centrality of Panchayats in the implementation of programmes in these matters is not envisaged.
- A rather interesting provision in the law is Section 244A of the Goa Panchayat Raj Act, 1994, which empowers the Government to undertake any developmental works in the Panchayat and Zilla Panchayat areas specified in the schedules to the

Panchayat Act *without consultation with the Panchayat and Zilla Panchayat*. This section, at least of papers, detracts from the otherwise powerful Panchayati Raj Act.

### **Status of Activity Mapping:**

The real crux of Activity Mapping lies in entrustment of Schemes by various departments to the Panchayats in accordance with the Act. It is reported that an activity-mapping matrix has been prepared, but the work of consultation with line departments is sluggish. Meetings with the Heads of various Departments to work out the modalities of transferring the activities/schemes related to the subjects devolved to the Panchayats. When the Minister visited Goa in April 2006, in the Statement of Conclusions signed with the Chief Minister it was agreed that the necessary notifications transferring schemes based on Activity Mapping would be released in the presence of the Chief Minister and the Union Minister of Panchayati Raj by September 2006. However, this has not been achieved.

### **Dimension 2: Effective Devolution of Functionaries**

The Government has provided one Village Panchayat Secretary to each Village Panchayat, whose salaries and allowances are paid directly by the Government. The Village Panchayats have also employed their own staff like clerks-cum-typists and peons. The State Government has undertaken to sanction grants to economically weaker Panchayats with effect from 1.4.2001 in order to enable them to make payment of the salaries and dearness allowance to the staff employed by them as follows:-

“A” Class Panchayat with 11 members - Rs. 1,40,000/- p.a.

“B” Class Panchayat with 9 members - Rs. 90,000/- p.a.

“C” Class Panchayat with 7 members - Rs. 90,000/- p.a.

“D” Class Panchayat with 5 members - Rs. 40,000/- p.a.

The Government has appointed a Sr. Grade Officer of the Goa Civil Service in each Zilla Panchayat as the Chief Executive Officer. The Government has also appointed an Officer of the cadre of Dy. Director of Accounts as an Accounts Officer in each Zilla Panchayat. Other functionaries like Stenographers, Accountants, Clerks, Peons, Sweepers and Drivers have also been provided to each Zilla Panchayat. The services of Executive Engineers, Assistant Engineers and Jr. Engineers from the Public Works Department of the State have been placed at the disposal of the Zilla Panchayats for execution of technical works like preparation of estimates of different works, recording of measurements, tendering of works, preparation of running account bills, issue of valuation certificates, etc. Since the Zilla Panchayats have come into existence about six years back, the Government will provide additional staff and allot additional functions to them after taking a review of their performance and on verification of the utilization of grants sanctioned to them during the last six years.

### **Dimension 3: Effective Devolution of Finances Village Panchayats**

Every Panchayat has a ‘Panchayat Fund’, comprising the following:



- a) Amounts that may be granted or passed on to the Panchayat by the Government or Zilla Panchayat;
- b) The proceeds of any tax, rate and fee imposed by the Panchayat;
- c) All loans or contributions received by the Panchayat
- d) The rent or other income from, or sale proceeds of any immovable or movable property owned by or vesting in the Panchayat;
- e) All other sums received from any source whatsoever.

The amounts at the credit of the Panchayat Fund are being kept in any Scheduled Bank or a Co-operative Bank situated in the Panchayat area or in the neighbouring Panchayat area.

Village Panchayats in Goa have been empowered with wide powers to raise their income by taxation, fees, rates etc. Schedule-III of the Goa Panchayat Raj Act, 1994 specifies levy of taxes, fees, rates etc. by Panchayats. The sources of finance for Village Panchayats are as follows:

**Table 6: Tax Revenues**

1	House tax	2	Lighting tax	3	Cart/bicycle tax	4	Trade profession calling and employment tax
5	Advertisement/Hoarding tax	6	Entertainment tax	7	Tax on land not subject to agriculture assessment	8	Drainage/Garbage tax

**Table 7: Non-Tax Revenue Fees**

1	Construction permission	2	Sale of goods in markets, melas,	3	Registration of births and deaths	4	Certified copies
5	Octroi fees	6	Registration of cattle brought for sale	7	Grazing cattle on grazing lands	8	extraction of sand, laterite stones
9	Various certificates issued by Panchayats	10	Sale of premises for transfer of house tax	11	Licensing of hotels, shops etc.	12	Construction permission of factories
13	Cattle pound	14	Buses, taxi and Auto Stands	15	Pilgrims, for arrangements for water supply and sanitation	16	garbage collection
17	Occupation of public landing places.						

**Table 8: Rent and sale proceeds**

1	Sale of News Papers	2	Sale of tender forms	3	Sale of number plates	4	Auction sale of garden produce
5	Auction sale proceeds of stray cattle	6	Rent for lease of premises shops, community hall	7	Rent for hiring of Village Panchayat goods vehicle		

**Table 9: Grants:**

1	Matching Grants linked to tax collections of previous year	2	Grants in lieu of Octroi	3	Salary Grants/ Establishment Grants	4	Grants to weaker Panchayats for strengthening administration
5	G.I.A. for Rural Infrastructure	6	DRDA. Grants	7	Finance Commission Grants	8	C.S.S. and other Department Grants

Panchayats can also obtain loans from the Government, banks or other Institutions. They can also solicit Public contribution for specific purposes.

### **Zilla Panchayats:**

Zilla Panchayats have no power to levy any taxes or fees and depend solely upon establishment Grants and Rural Infrastructure Developmental Grants from the Government.

### **Establishment of a Panchayat window in the State Budget:**

Currently, though untied funds are given to Panchayats, these are done through the Department of Panchayati Raj. There is no separate Panchayat Sector Window in the Budget of the state government into which funds earmarked for Panchayats are placed.

The Details of Quantum of untied and programmatic funds that reaches each Panchayat, including Budget provisions for PRIs during 2006-07 are as follows:

**Table 10(a): Zilla Panchayats**  
**Rs. in lakhs**

a) Establishment Grants to Zilla Panchayats	120.00
b) Grants to Zilla Panchayats for Rural Infrastructure Development (for Implementation of Schemes for construction/repairs of Health Units, Rural water supply, Rural Roads Farmers Training Minor Irrigation)	620.00
<b>Total</b>	<b>740.00</b>

**Table 10(b): Village Panchayats:**

1) Assistance to Village Panchayats (Matching Grants)	348.00
2) Grants to weaker Panchayats for strengthening their Admn.	150.00
3) Grants to Village Panchayats in lieu of octroi	400.00
4) Salaries to directly elected Panchayat Members, Co-opted Members	304.00
5) Salaries to V.P. Secretaries/Gram Sevaks	235.75
6) Financial Assistance for Village Panchayat for Infrastructure Development in Health and Rural Sanitation, Roads and urgent Development works	670.00
7) Infrastructure Development of Villages	30.00
8) Rural Garbage Disposal 2005	67.00
9) Supply of Plastic Shredders to Village Panchayats	85.00
Total	2289.75

**Details of these Schemes are as follows:**

- a) Financial Assistance to Village Panchayats for Infrastructure Development:-
- b) This scheme envisages providing financial assistance to Village Panchayats for Infrastructure development, covering (i) Health & Rural Sanitation (ii) Roads & Communications (iii) Release of special grant to the weaker Village Panchayats whose annual income is less than Rs.3.00 lakhs in a year. The grants shall be released to Village Panchayats as per the function & responsibilities specified in schedule I.
- c) Grants to the Zilla Panchayats for Rural Infrastructure Development:-
- d) From 1999-2000 onwards, funds have been provided to Zilla Panchayats for strengthening their administration. From 2000-2001, funds are provided for various development works, namely, farmers training, minor irrigation, construction/repairs of rural roads, repairs to Government Primary School buildings, repairs and maintenance of Primary Health Centres & Cottage Hospitals and water supply.
- e) Grants to Weaker Panchayat for strengthening their administration:
- f) Weaker Panchayats unable to pay adequate salaries to their staff due to insufficient incomes are given additional assistance. This covers 164 out of 190 Village Panchayats, who have been identified as financially weak, because they have annual income of less than Rs.10.00 lakhs each.
- g) Grants to Village Panchayat in lieu of Octroi:-
- h) From 2001-2002 onwards, octroi on petroleum products levied by the Panchayats was abolished, in lieu of which sales tax on these items was increased by 2% of which 1.5 % is ploughed back to the respective village Panchayats from where it is collected. During the current financial year an amount of Rs.400.00 lakhs are provided.

- i) Rural Garbage Disposal Scheme 2005:-
- j) The State Government has formulated the Goa Rural Garbage Disposal Scheme 2005, to assist Village and Zilla Panchayats to tackle garbage disposal in rural areas. The State Government bears the land acquisition expenditure and setting up of garbage disposal sites for Village Panchayats clusters. Village Panchayats are entrusted with operation of these projects after they have been set up. The State Government has also provided compactors and related accessories such as bins, to the Zilla Panchayats.
- k) Supply of Plastic Shredders to Village Panchayats
- l) Under this new scheme aimed at disposing of plastic waste the State Government provides plastic shredders to Village Panchayats. Shredded plastic is used for mixing with asphalt for surfacing roads.
- m) Infrastructure Development of Villages
- n) This scheme is operated under Section 244A of the Act, under which the Government can, without reference to the Panchayat undertake works in Panchayats with an income upto Rs.3.00 lakhs. These works are to be identified by the Government and are executed through the Housing Board/P.W.D. Strictly; therefore, this is not a Panchayati Raj Scheme.

#### **Salaries for elected Members, Co-opted Members of Zilla Panchayats and Village Panchayats:-**

Goa is unique in that the State government provides grants for salaries to the Sarpanchas, Dy. Sarpanchas, members of Village Panchayats, and Adhyakshas, Upadhyakshas and members of Zilla Panchayats. The following table shows the rates of salaries paid under the Scheme:

**Table 11:**

Sl.No	Designation	Monthly salary & allowances (Rs)
	Zilla Panchayat Adhyaksha	6,500/-
	Zilla Panchayat Upadhyaksha	5,500/-
	Elected/Coopted ZP Member	5,000/-
	Village Panchayat Sarpanch	2,000/-
	Village Panchayat Dy. Sarpanch	1,750/-
	Elected/Coopted VP Member	1,500/-

### **Assistance to Village Panchayats (Matching Grants)**

Village Panchayats receive untied grants matching their tax collections, as per an approved pattern of assistance. If any Panchayat registers a fall in the income during the year in question as compared to previous year's income, the Government reserves the right to release matching grants to such Panchayats at 50% of the admissible amount.

### **Grants to Local Bodies under XIIth Finance Commission**

Panchayats in Goa receive Rs. 3.6 crore per annum during 2005-2010 as grants as per the recommendations of the 12<sup>th</sup> Finance Commission. These are to be used for rural drinking water supply, health, sanitation and database management, as per the recommendations of the 12th Finance Commission.

### **Establishment of SFCs and their reports:**

The first State Finance Commission was constituted by the Government on 1.04.1999 under the Chairmanship of Dr. V.A. Pai Panandikar, which submitted the report on 5.06.1999. The award period recommended by the Commission was from 1.04.2000 to 31.03.2005. A Committee of Ministers appointed by the Government to study the recommendations made by the State Finance Commission submitted its report on 12.11.2001. Out of 26 recommendations, 9 recommendations were rejected by the Committee and 2 recommendations were partly accepted. The Committee accepted the remaining 15 recommendations.

The report of the First State Finance Commission was placed on the table of the State Legislature on 25.07.2002 along with the Explanatory Memorandum as to the action taken thereon.

### **The recommendations of the first SFC are as follows:**

Recommendations on resource sharing:

- 36 % of State's own tax revenue and share in central taxes is recommended to be devolved to local bodies (27% for PRIs and 9% for ULBs).
- 16 % of Annual State Plan, excluding earmarked negotiated loan components and project specific central assistance for devolution to local bodies (13% for PRIs and 3% for ULBs).

No recommendations were made in respect of assignment of taxes

Recommendations on Allocation

The following criteria should be used for inter-se distribution among local bodies:

Table 12:

Population	40 %
Geographical Area	20 %
Backwardness	10 %
Performance	25 %
Discretionary quota	5 %

The devolution of plan grants from Zilla Panchayats to Village Panchayats should be in the nature of 'gap filling', subject to the formula based allocation.

The Second State Finance Commission has been constituted under the Chairmanship of Mr. Alban Couto, to review the finances of PRIs and Municipalities. The Report of the said Committee is awaited for further necessary action.

#### **Manner of transfer of funds to Panchayats:**

It has been ascertained that the transfer of funds to the Panchayats is through the treasuries. However, Gram Panchayats can keep their own funds in Banks.

#### **Dimension 4: Gram Sabhas**

Goa has a single level Gram Sabha. There is no provision for Ward Sabhas. The Act provides that there shall be four ordinary meetings of the Gram Sabha to be held on any Sunday of January, April, July and October of every year. Meetings of the Gram Sabha shall be convened by the Sarpanch. There shall also be special meetings of the Gram Sabha to be convened by the Sarpanch on 26th January, 15th August, 2nd October and 19th December, every year. The functions and responsibilities assigned to the Gram Sabha are as follows:

- a) Approval of Annual statement of Accounts, Annual administration report, Budget estimates;
- b) Approval of development and other programmes
- c) Examination of the last audit report and replies made thereto;
- d) Proposal for fresh taxation and enhanced taxation;
- e) Identification of beneficiaries under various programmes of the Government.
- f) Determination of the priorities of the work to be undertaken by the Panchayat.
- g) Approving issue of Utilization certificate in respect of the developmental works undertaken by the Panchayat from the grants-in-aid or Panchayat funds.
- h) Proposal for organizing community service, voluntary labour or mobilization of the local people for any specific work included in any programme.

**There are two unique powers of the Gram Sabhas in Goa, as follows:**

**Mandatory constitution of Supervisory Committees by the Gram Sabha:**

Every Gram Sabha is mandated to constitute a minimum of two Supervisory Committees to supervise Panchayat works and other activities undertaken by the Panchayat.

**Ward Development Committees:**

Every Gram Sabha has to constitute two or more Ward Development Committees. The Ward Development Committees shall prepare the developmental plan for each ward and submit the same to the Panchayat. The Panchayat shall consolidate reports of all Ward Development Committees and place them before the Gram Sabha for its approval. The framing of the rules to make the Ward Development Committees functional is under process.

**Decisions of the Gram Sabha:**

The decisions of the Gram Sabha passed in accordance with the provisions and rules are binding on the Panchayat provided it is not contrary to the rules and regulations framed under the Goa Panchayat Raj Act or any other law for the time being in force. This is a powerful provision in the law

**Right to Information:**

The Goa Panchayati Raj rules also makes it clear that any member of the Gram Sabha shall have the right to obtain the information relating to any developmental work undertaken by the Panchayat as well as certified copies of the proceedings of the meeting of the Panchayat and Gram Sabha.

While the above provisions of the law are very favourable to the conduct of effective Gram Sabhas, there are two provisions that act as checks and balances on the powers of the Gram Sabhas. More has to be ascertained about how these provisions operate in practice. Details are as follows:

**Vigilance Committees:**

Sub-Section (3) of Section 6 of the Panchayati Raj Act empowers the Government to constitute Vigilance Committees to oversee the quality of the work, schemes and other activities for each Gram Panchayat. In order to constitute these Vigilance Committees the preparation of draft rules is under process.

**Appeal:**

Any person aggrieved by the decision of the Gram Sabha, may prefer an appeal against the decision of the Gram Sabha before the Director of Panchayat within a period of 30 days from the date of passing of such decision by the Gram Sabha and Director's decision on such appeal shall be final. This provision gives the Director substantial powers to overturn decisions of the Gram Sabha. However, details need to be ascertained on how these provisions are operated in practice.

## Dimension 5: Planning

### Constitution of District Planning Committees:

The Government has constituted District Planning Committee for each District in Goa, in order to consolidate plans prepared by the Village Panchayats, Zilla Panchayats and the Municipal Councils as well as Corporation in the District as a whole every year. The Adhyaksha of the Zilla Panchayat is the Ex-Officio Chairman and the Chief Executive Officer of the Zilla Panchayat is the Ex-Officio Member Secretary of the District Planning Committee.

Section 238 of the Goa Panchayat Raj Act, 1994 provides that every Panchayat shall prepare every year a Development Plan and submit it to the Zilla Panchayat before such date and in such form as may be prescribed. The Rules for constitution of Ward Development Committees and preparation of the Annual Development Plans by the Panchayats is under process.

However, it is ascertained that so far, such plans are not being consolidated at the State level. The State has reported that it will endeavour to ensure the centrality of Panchayats in participative planning from the Village level upward and that detailed operational guidelines will be formulated in this respect.

## Dimension 6: Implementation

Prior to the 73rd Constitutional Amendment and the enactment of the Goa Panchayati Raj Act, 1994, Block Advisory Committees (BACs) were set up at the Block level comprising of non-official and official members. They were only administrative bodies and their decisions were recommendatory in nature. However Goa Panchayati Raj Act does not envisage the constitution of B.A.C.

The Government vide Notification No.19/115/DP/PAN/BAC/05 dated 21.9.05 has reconstituted the BAC for every Block to advise the BDOs in implementation of developmental schemes in Blocks and for direct interaction between the Officials and Non-Officials, comprising of the following members:

### Non-Official Members:

- a) Member of Parliaments of the Lok Sabha/ Rajya Sabha Constituency concerned.
- b) Members of the Legislative Assembly of the concerned Assembly Constituency falling within the block.
- c) Elected Members of Zilla Panchayat from the Block concerned.
- d) The Sarpanchas of the Village Panchayats from the Blocks concerned.
- e) One Co-opted Member of the Village Panchayat elected by the Co-opted members for the VPs from the block concerned.



**Official Members:-**

- a) All the Directors of various Directorates and Principal Chief Engineer of the Public Works Department, Chief Engineer of the Water Resources Department and Chief Engineer of the Electricity Department.
- b) The Block Development Officer of the Block concerned is the Member Secretary of the BAC of the Block.

The Chairperson and Vice Chairperson of the BAC are the Sarpanches who are elected by the Sarpanches of the Village Panchayats falling under the Blocks concerned. Four posts of Chairpersons and four posts of Vice Chairpersons in eleven BACs in Goa are reserved for women. Meetings of the BACs are held once in a quarter in the Offices of the Block Development Officer concerned. The term of the BAC is up to 31st of January 2007.

Doubtless, the BACs are interesting institutions. If it is used as a meeting for coordination and collaboration between elected representatives of the various levels of the Government, it can actually aid in improving the implementation of programmes through closer coordination. However, in case it assumes to itself functions of approval of plans and programmes already approved by the Gram Panchayats, then it could be a parallel institution that undermines the Panchayati Raj system. It has also to be ascertained as to the future of the BAC in the light of the decision to establish the Intermediate Panchayats. Details of functioning of the BACs and their interaction with the Panchayats at the ground level have to be ascertained.

Prior to enactment of the Goa Panchayat Raj Act, 1994, the control and supervision over the PRIs in the State of Goa was with the respective Collectors. By virtue of the Act, a separate Directorate of Panchayats has been set up and all the powers, which were earlier, exercised by the respective Collectors, have now been assigned to the Directorate. The Director is the Appellate Authority under the act and exercises full control and supervision over the PRIs. The question is whether this is a good system.

**Dimension 7: Parallel Bodies**

DRDAs continue to exist independent of the Panchayats and are powerful institutions. All the Centrally Sponsored Schemes pertaining to rural development are implemented by them. The ZP Adhyaksha is the ex-officio chairperson of the DRDA and the Director Panchayats, the Budget Controlling Authority. DRDAs implement the following schemes, which are directly related to Poverty alleviation programmes:

1. Swarnajayanti Gram Swarozgar Yojana (SGSY)
2. Sampoorna Gramin Rozgar Yojana (SGRY)
3. Rural Housing
  - i) Indira Awaas Yojana (IAY)
  - ii) Pradhan Mantri Gramodaya Yojana (PMGY)
  - iii) Credit-cum-Subsidy Scheme

4. National Social Assistance Programme (NSAP)
  - i) National Old-Age Pension Scheme (NOAPS)
  - ii) National Family Benefit Scheme (NFBS)
5. Balika Samrudhi Yojana (BSY)
6. Pradhan Mantri Gram Sadak Yojana (PMGSY)
7. Integrated Wasteland Development Project (IWDP)

### **Rural Business Hubs**

The Government in consultation with Confederation of Indian Industries (CII) has decided to set up Rural Business Hubs in Goa. Accordingly, the initial meeting has been held and activities such as Bamboo work, Pottery, Brass work Carpentry, Coir, Handloom, Power loom, Shell craft etc. has been identified for promotion. The inventory of artisans whose activities will be identified for promotion by setting up Rural Business Hubs is in progress. The CII has agreed to provide the necessary assistance and advise on appropriate marketing channels for the activities in the proposed Rural Business Hubs.

There are more than 500 Self Help Groups (SHGs) in various activities. These SHGs are assisted by Banks, DRDAs and various other NGOs. The Village Panchayats with the assistance of other Agencies provides support to these SHGs in various aspects, like marketing, holding of exhibitions, providing infrastructural facilities, etc. These SHGs could also become the focus of RBHs.

### **Dimension 8: Implementation of the Provisions of Panchayats (Extension to the Scheduled Areas) Act, 1996 (PESA)**

The provisions of PESA are not applicable to the State of Goa.

### **Dimension 9: Reservation for Women in Panchayats**

The Goa Panchayat Raj Act, 1994 provides for reservation of one-third seats in favour of women and also one-third offices of Sarpanchas and Deputy Sarpanchas are reserved for women on rotation. Thus, in the State of Goa as on today, 461 seats are reserved for women. Details of the reserved seats are given in Table 3. Similarly, 64 offices of Sarpanchas and 63 offices of Deputy Sarpanchas are reserved in favour of women respectively. All such seats as well as offices are to be reserved on rotation for every five-year term and are to be filled by direct election in every Panchayat. Though the seats/ offices are reserved in favour of women, the women can also contest the elections from the general seats. Details of women elected against un-reserved seats are to be ascertained.

No special safeguards have been provided in the Panchayati Act in the matter of removal of women Adhyakshas through no confidence motions.

### **Dimension 10: Reservations for Scheduled Castes and Scheduled Tribes Reservation for Scheduled Tribes in Gram Panchayats:**

It has been reported by the State that since there is hardly any ST population in Goa, so no reservation has been made for ST Communities in the Goa Panchayat Raj Act, 1994. However, the Government has now notified communities such as Gawda, Kunbi and Velip as STs. Reservation of seats/offices will have to be made for them based on their population in the Panchayat areas in future Village Panchayat elections.

### **Reservation for Scheduled Castes in Gram Panchayats:**

Since the population of SC people is only 1.77%, which is negligible therefore, no provision for reserving seats for SC has been made in the Goa Panchayat Raj Act, 1994. However, subsequently, the Act was amended and provision was made to co-opt a member belonging to SC communities from the Panchayat areas where there was a sizeable population belonging to SC. As on date, there are 52 members belonging to SC who are co-opted as members of the Village Panchayats. These members have got full voting right and also to take part in the Panchayat meetings except that they have no voting right in the matter of no confidence motion against the Sarpanch / Deputy Sarpanch and in the matter of election. The provision of cooption on SC members is intriguing particularly in those Panchayats which are said to have a sizeable SC population, in which case there is no reason why reservations cannot be given in proportion to the population of SCs in the Panchayat concerned.

### **Reservation for OBCs in Gram Panchayats:**

The Goa Panchayat Raj Act, 1994 provides that the Government may by notification reserve such number of seats in any Panchayat as may be considered necessary taking into account the population of the backward classes in the Panchayat areas for persons belonging to the backward classes. The Government has therefore, reserved 77 seats in various Panchayats for the Communities belonging to OBCs wherever there is such population.

### **Reservations in Zilla Panchayats:**

One-third of the total 50 seats of the Zilla Panchayats are reserved for women, 6 seats are reserved for STs and 3 seats are reserved for OBCs in Goa. No seats are reserved for SC. However, the Government has proposed to co-opt one SC member in each Zilla Panchayat. One office of Chairperson/Adhyaksha of the Zilla Panchayat and one office of Vice Chairperson/Upadhyaksha of the Zilla Panchayat are reserved for women in rotation. It has to be ascertained as to why 6 seats have been reserved for STs in the Zilla Panchayats, when none have been reserved in the Gram Panchayats on the ground that ST population is negligible.

### **Dimension 12: Panchayati Raj Jurisprudence**

It has been reported that Panchayats are provided assistance and guidance to deal with jurisprudential issues by the various authorities prescribed under the Goa Pan-

chayati Raj Act, 1994. Issues which may sometimes require legal advice are referred to the State Law Department and the panchayats are advised accordingly. Village Panchayats whose annual income is less than Rs.50,000/- are provided with the services of authorised Legal Counsel by the Government to file and defend their cases.

It is to be ascertained whether any exercise of harmonisation of State laws with the Panchayati Raj Acts of States has been undertaken.

### **Dimension 13: Annual Reports on the State of the Panchayats (Including preparation of a Devolution Index)**

It is ascertained that no State of the Panchayats report has been prepared in the State.

### **Dimension 14: Elections**

The elections to PRIs are held regularly in the State of Goa. The Government has set up State Election Commission headed by State Election Commissioner to deal with all the election matters and to conduct elections to PRIs and Municipal Councils in Goa.

#### **Village Panchayats:**

General elections to the Village Panchayats were held on 12.01.1997 for the first term and on 20.01.2002 for the second.

#### **Zilla Panchayats:**

General elections to Zilla Panchayats were held on 6.02.2000 for the first term and on 13.03.2005 for the second. The second five-year term of the Zilla Panchayats began w.e.f. 29th March 2005.

The details of the authorities vested with the power under the law for preparation of electoral rolls, delimitation of constituencies, reservation and rotations, qualifications of candidates and trying of elections disputes is to be ascertained.

Details are also awaited on whether a model code of conduct has been prescribed for Panchayat elections.

Details are also awaited on whether Panchayat Electoral Rolls are the same as that used for the Assembly Electoral Rolls.

### **Dimension 15: Audit**

The Goa Panchayat Raj Act and Rules provides that the accounts of the Village Panchayats are maintained properly and annually audited by such Officer authorised by the Director of Accounts of the Government. Audit paras found in the Audit Report are rectified/complied by the concerned Panchayat. At present the audit of local bodies like Panchayats and Zilla Panchayats are undertaken as follows: -

#### **Village Panchayats:**

Accounts of every Panchayat are audited yearly by officer authorized by the Director

of Accounts. The auditor has to forward a copy of audit report to the Panchayat and to the Government. Panchayats are given three months' time to rectify any defects or irregularities pointed out and intimate the Chief Executive Officer within 3 months.

#### **Zilla Panchayat:**

Zilla Panchayat accounts are presently audited by the Comptroller and Auditor General of India in accordance with the provision vested under Comptroller and Auditor General's (Duties, Powers and condition of service) Act, 1971, (Central Act, 56 of 1971).

#### **Database of Finances of PRIs:**

The State Government has decided to adopt the accounting formats devised by the Comptroller and Auditor General of India for maintenance of accounts by Village Panchayats and Zilla Panchayats respectively. In this regard necessary training have been imparted to the concerned officials of the Panchayats and the accounts of the Village Panchayats will be maintained in the prescribed formats from 2006-07 onwards. There is no separate Fiscal Responsibility Act for elected local authorities

#### **Dimension 16: Social Audit**

It is also reported that social audits are conducted by the members of the Gram Sabha to ensure that the Panchayats follow the restrictions, conditions and limitations on expenditure as far as the utilization of the Panchayat funds for various public purposes.

#### **Citizens Charter:**

Goa has prepared citizen charters for adoption by Gram Panchayats. This is an excellent initiative. The charter is clear and gives a good overview of relevant information concerning the Panchayats. However, this is only available in English, and is not on the Website of the Goa government.

#### **Dimension 17: IT enabled e-Governance**

The State Government undertaken the following initiatives to improve service delivery and promote Citizen Government interface by bringing in transparency, accountability and efficiency in Government functions, through IT:

(i) The Ministry of Panchayati Raj, Government of India, has approved the "Infogram" scheme prepared for Goa by the NIC and sanctioned Rs. 1 crore for it. M/s InfoTech Corporation of Goa Ltd., has been entrusted its implementation. In the first phase, 150 Village Panchayats have been selected. The remaining Village Panchayats would be covered in the second phase as soon as Government of India makes additional funds available.

(ii) Through the "district information system (DISNIC)" project of the NIC, a Village level database is proposed to be created to facilitate micro-level planning.

### **Dimension 18: Capacity Building & Training**

Panchayati Raj elected representatives and functionaries are imparted training by the Directorate of Panchayats as well as through the Goa Institute of Rural Development (GIRDA), Ela, Old Goa. The training curriculum covers awareness building on important Acts and Rules, Poverty Alleviation Schemes, etc.

It is reported that steps will be taken to undertake training programmes for Standing Committees as part of the regular curriculum of the Institute and the training programmes will be oriented so as to cater to the duties required to be performed in terms of powers and responsibilities devolved upon them.

The training programme has been further enlarged to include component for giving awards to best performing Panchayats, with effect from 2004-2005.

Another innovation is in organizing moot Gram Sabhas by the Directorate of Panchayats in association with NGOs, Academic Institutions etc. for capacity building of the Officials and Elected Representatives of PRIs. It has to be ascertained if ex-elected representatives of PRIs are utilized as resource persons.

### **Visit of Minister of Panchayati Raj**

The Union Minister for Panchayati Raj visited Goa on 11 and 12 April 2006 and visited the following Panchayats and attended Gram Sabhas:

Both Zilla Panchayats, namely, Goa South and Goa North,

Gram Panchayats and Gram Sabhas of (a) Shiroda (b) (c) Candolim (d) Penna de Franca.

On 12 April 2006, the Union Minister signed a Statement of Conclusion with the Chief Minister of Goa, outlining the further steps to be taken to carry forward the Panchayati Raj agenda in Goa.

### **Panchayat Mahila Shakti Abhiyan(PMSA) status**

Panaji, 19th October 2006

As Goa is a small state having 191 panchayats, a one-day Panchayat Mahila Shakti Abhiyan was organized in Panaji on 19th October 2006. The venue of the conference was Conference Hall, National Institute of Oceanography (NIO), Dona Paula, Goa where more than 500 EWRs discussed and debated on various issues.

Prior to the one-day event, a Core Group of eminent women members were formed who drafted the Charter of Demands after having a meeting on 29th July 2006 at the Conference Hall of Social Welfare Department, Government of Goa.

The conference started with the welcome address of Nelly J. Rodrigues, ZP Member, South Goa and Convener-PMSA. Other eminent speakers during the inaugural session were Subhash Shirodkar State Minister for Rural Development & Panchayati Raj, Pratap Singh R. Rane, Chief Minister of Goa and Minister for PR, Mani Shankar Aiyar. Nelly J. Rodrigues.

### **Panchayat Yuva Shakti Abhiyan (PYSA) Status**

Goa 9th December 2006

The Ministry launched Panchayat yuva Shakti Abhiyan in the state of Goa on 9th December 2006 for which a Core Group Committee was constituted from different categories namely NGOs(5), Youth Clubs(10), Panchayat Leaders(10) for its implementation.

The first meeting of Core Group was held on 11th November 2006 in which the base paper of Panchayat yuva Shakti Sammelan was thoroughly discussed.

In this Abhiyan around 500-600 youth leaders from Panchayati Raj Institutions and youth Clubs Participated.

The Zonal Director (NYKS Goa/Maharashtra) of Mumbai coordinates the programme.