

# **Two Decades of Panchayat Raj in India**

*Experiences, Issues, Challenges and Opportunities*

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## **Rhetoric of Participatory Development**

*An Analysis of Functioning of PRIs in Goa*

**Alaknanda Shringare**

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Panchayats were in operation in Goa since liberation with limited powers. In the year 1962, first Panchayat election was held. Passing of 73rd Amendment Act forced the Government of Goa to pass Goa Panchayati Raj Act in 1994. 73rd Amendment Act provided for devolution of powers, functions and finances to Panchayats which would enable them to act as units of participatory development. As the decision over transfer of powers and functions to these institutions of local self-governments was left to the State government what have been widely noticed is the reluctance on part of state legislators to devolve more powers and functions to PRIs in Goa. Out of 29 subjects only 18 subjects are devolved to Panchayats and 6 are devolved to Zilla Panchayats.

While there are plenty of research works available on functioning of panchayats in other states, in Goa there are very few research works in this area. The works of Tanaji Halarnkar (1990), Aureliano Fernandes (1999, 2008), Seema Salgaonkar (2006) and Seema Fernandes (2013) analysed the functions, finances, elections of Panchayats. Seema Salgaonkar's work mainly deals with women participation and functioning of panchayats in Goa. The present paper tries to critically analyse PRIs as agencies of participatory development. The paper argues, lack of will on part of elected representatives proved participatory development rhetorical in Goan village panchayats.

### **Participatory Development and PRIs**

Amartya Sen defines development as a process of expanding the real freedoms that people enjoy. Participation can be seen as achieving development by using freedom. In such a framework, Haragopal (2003) views participation is not necessarily formal but substantive in the sense that it not only includes people's involvement in the collective decision-making process in the development but also their assertion to alter the direction of development by making the system more accountable. Participation can also be seen to have intrinsic value for the

quality of life (Dreze and Sen, 2006) As observed by Dreze and Sen (2006), being able to do something through political action for oneself and others is one of the elementary freedoms that people have reason to value.

Local democracy represents one means of participation in the larger democratic system, which is relatively accessible to the disadvantaged, and can be potentially a stepping stone towards other forms of democratic participation (Dreze and Sen, 2006). For Dreze and Sen (2006), local democracy can be used as a potential force to bring social change, social equity and public accountability. While examining the benefits of decentralised democracy, Peter deSouza (2013) observed that democratic decentralisation enables to break the hold of rural elites over resource use and distribution by giving greater say to hitherto disadvantaged groups, as well as it makes possible deeper involvement of marginalised groups, in the planning, implementation and monitoring of those developmental processes that have an impact on rural areas.

Over two decades of Panchayati Raj experience produced mixed experiences in India. There are more challenges than achievements to talk about. No doubt PRI is slowly evolving itself but at a very slow pace. They are evolving more as decentralised institutions rather than participatory institutions. Decentralisation is not necessarily conducive to participatory development or planning. Representative element is gaining significance over participatory element in most PRIs. The essence of decentralised planning is to bring planning process close to the people where people can plan their own development.

Participatory development became the buzz word in the new process of governance, which stressed more on decentralised planning. Participation of people in the plan process as well as implementation and evaluation of the same are considered essential for the success of plans. Participation of people is viewed as the precondition for the accomplishment of development programmes. However, the questions like what is development and how much of participation are the questions mostly debated from various perspectives. In recent years, development has taken a human face in the form of Human Development; however, it has yet to transform itself into reality in India. No doubt participatory development has been stressed in plan process, especially through a decentralised governance, yet there are obstacles when it comes to appreciating plans initiated by people or giving their opinion a due share in the decisions related to development. It also indicates the gap in government's perception of development and peoples' perception of development.

Participatory development ensured through PRIs is a novel step towards bridging these gaps between different views of development. It is an attempt to involve people in the process of development and also to plan development according to their needs and demands. However, reluctance on the part of authorities to devolve more power to people is proving to be a hindrance in realising the goal of PRIs.

If new governance process demands participation of people, the perceived developmental demands of neoliberal world are creating obstacles to it. The pressure on land and resources are immense. The recent developments in Goa also point towards similar trends. The issue of SEZs, Regional Plan 2011, Mopa

Greenfield airport, mega housing projects created an environment of distrust between the people and elected representatives. Gram Sabhas became more active and participation of people increased in the meetings of the gram sabha. Increased participation of people in gram sabha meetings is not an expression of success of PRIs but more a reflection of distrust between people and elected representatives. People started demanding more powers to the gram sabha which was systematically denied.

### Local Self-Government in Goa

Goa had a unique history of local self-government in the form of Gaonkari, later termed as *Comunidade* system under Portuguese rule which functioned as an autonomous unit of village administration. The primary activity of the Gaonkari system consisted of administration of village land. The income was utilised for the common services for the village. Along with *Comunidades*, Fernandes (1999) writes, the other forms of local self-governments were Senado de Goa, later known as Camara municipalities and Juntas de Freguesias (rural self-governing bodies) established only in 1959, just two years before Portuguese were ousted from Goa which were allocated the responsibility of repair of village roads, drains, bridges, gutters and maintenance of street lights. After liberation, President of India promulgated Goa, Daman and Diu Village Panchayat Regulation (1962) under Article 240 of the Indian Constitution. This provided for a single tier Panchayati Raj system in the Union Territory of Goa and accordingly, village Panchayats were set up. Three types of panchayats were created, having five, seven and nine members respectively depending upon the population. However, these panchayats enjoyed limited powers because in a tiny state like Goa, giving more powers to panchayats means lessening the importance of Members of Legislative Assemblies (MLAs). After the passing of 73rd Amendment Act, Goa government adopted two tier Panchayati Raj as the population of Goa is less than 20 lakh. At present, Goa has 190 panchayats. Whereas functioning of *Comunidades* displayed a notion of community, the gram panchayat has failed to evoke a similar sense of involvement and belonging (Fernandes, 1999).

With the passing of Goa Panchayati Raj Act, 1994 the powers of the panchayats were enhanced. The initial success of PRI Act which can be recorded was of Du Pont's Nylon 6, 6 plant set up in Querim village much to the dissatisfaction of the people. People demanded cancellation of this project due to environmental and other reasons. The project was cancelled when the panchayat and the villagers resolved not to permit the plant within the jurisdiction of the village. The environmental NGOs filed the writ petitions informing the Court that as a decision had been taken by the Panchayat not to permit the plant within its jurisdiction (Alvares, 2002). However, subsequent years had less to applaud for success of PRIs.

The devolution report prepared by Indian Institute of Public Administration (2012-13) based on six dimensions - framework, functions, finances, functionaries, capacity building and accountability - indicate Goa much below national average. Out of 29 subjects, 18 subjects are devolved to Gram Panchayat and 6 are devolved to Zilla Panchayat. While NGOs, activists and

panchayats were demanding for more powers and finances to panchayats, the recent issues of Regional Plan and mega housing projects led to debate over more powers to gram sabha. With an increase in construction activities, land in village is coming under huge pressure. Panchayats' power of granting licenses and NOCs to the projects coming up in the village also became a source of corruption in panchayats.

## **Two Issues**

### ***Regional Plan***

The issues of mega housing project and regional plan brought the debate over powers to panchayat and gram sabha to the forefront. In both these cases, land use planning became a matter of concern. Goa, after liberation, adopted land use planning in the form of Regional Plan (RP). Town and Country Planning (TCP) department was set up in 1964 to prepare the Regional Plan for Goa. In the year 1974, Goa Assembly passed Town and Country Planning Act. The Act provided for appointment of Chief Town Planner who has the responsibility of preparing Regional Plan of Goa. The Act provided for the stages by which development may be carried out, the network of transport and communication lines, the proposals for conservation and development of natural resources and such other matters as may have an influence on the development of the concerned area, including rural and urban areas. Apart from other things, the Act also provided for indicating the extent of anticipated growth of rural and urban centres both existing and new. With these initiatives there was a hope for planned development. The initial experiences with Regional Plans were not very encouraging. There were incidences when plans changed many times to suit the need of one or the other party, while the TCP Act provided for once notified Regional Plan cannot be changed for ten years. Though Regional Plan included plan for rural areas, local governments were never made part of the planning process. With protests intensified against Regional Plan 2011, there were also demands for making panchayats part of planning process.

When the Regional Plan 2011 was notified and kept open for public scrutiny, Goa Bachao Abhiyan (GBA), an NGO studied the plan and expressed concerns over its implementation in the original form. One of the major concerns in the Regional Plan was increase in the settlement area and commercial area. The RP-2011 showed 51 per cent of the land as settlement area. Which means loss of land for these purposes which once notified cannot be challenged. Large areas were demarcated for food parks, golf courses and others which cater mainly to the needs of tourists. There were also environmental concerns, concerns over influx of migrants and impact on natural resources and infrastructure. These issues were brought to the notice of people of Goa. The protest movement initiated by GBA against RP-2011 soon became a mass movement. People at various places in Goa and many non-governmental organisations demanded for scrapping of RP-2011. Bowing to the peoples' protest government of Goa scrapped RP-2011 in 2007.

After the scrapping of RP-2011 there was pressure on the government to make planning bottom-up process. GBA was forerunner in this demand.

Government agreed to constitute a Task Force to formulate RP-2021 which would consist of representatives of people. GBA also pushed for sending the draft plans of respective villages to panchayats for getting acceptance. RP-2021 was sent to villages for scrutiny. It was brought out in the Gram Sabha meetings the discrepancies in the plan. In some places canals, nallas, religious structures were not shown in the plan while in some places open areas were shown as major settlement areas and many such cases were identified. These incidences made GBA and others to demand for legally formalising participatory development. Though Congress government tried to make planning little more democratic but no action was initiated by the government to ensure participatory development by formally involving panchayats in the process of formulating Regional Plan. Even no efforts were made by the subsequent BJP government to make planning process more participatory. Governments were reluctant to give more powers to the people. After twenty years of passing of GPRA 1994 also Regional Plan, a major land use plan of Goa failed to ensure participatory planning.

### ***Mega Housing Projects***

The year 2007 saw an end of one issue i.e. scrapping of RP-2011 and emergence of another in the form of mega housing project. The years 2007 and 2008 saw uproar over mega housing projects in the meetings of gram sabha in most of the villages of Goa. Mega housing projects are massive residential projects that are promoted by big builders and are mainly sought to be constructed in village area, an area which have long been protected by the villagers and comunidades.

Mega housing projects are constantly on the rise in many villages of Goa. Mushrooming of such housing projects with each project having capacity of more than 100 to 150 flats created anxiety among the people of Goan villages. In most of the cases people were unaware of such projects coming up in their villages as NOCs granted by the panchayats. Once sanctioned by the panchayat, villagers are finding it difficult to put a halt on the work. People in many villages like Benaulim, Aldona, Pilerne, Colva and others demanded that all the mega housing projects should be placed in the gram sabha meeting for approval. There were controversies over transparency in government dealings and transactions. In some villages, people were protesting against conversion of land in the Industrial area for housing projects. Hill cutting activities are also noticed to give way for mega housing projects.

Rapidly growing mega housing projects are attracting large number of migrant workers needed for the construction activity. On the other hand these mega housing projects are catering to the needs of outsiders as the cost of these flats are so high that common people of Goa cannot afford to buy. Thus, attracting people from outside Goa to buy these flats. Often these flats are used by outsiders as second homes. There is fear among the people that these massive construction works may result in demographic change in most of the villages. The villagers also expressed concern over garbage disposal and pressure on available resources such as water and electricity in the villages. Garbage disposal is the biggest challenge before the panchayats as they are

finding it difficult to identify the place for its disposal. While identifying the place to dispose off garbage generated by this housing project is the responsibility of the villages, the villagers are not given a voice in sanctioning or rejecting these projects.

In most of the cases relating to mega housing projects, people of the villages were kept in dark over sanction given to these projects. When people come to know about them at the execution stage, they attempted to put a halt to these projects. The people tried to register their opposition by attending the gram sabha meetings in large number and demanded for revocation of construction licenses issued to these projects. In many villages, people formed groups and demanded that all high density mega projects be put on hold immediately and no permission should be given to any new projects. Similar resolutions were passed in many gram sabha meetings. In some villages, people kept a vigilant watch on Sarpanch and Panchayat Secretary so that they do not issue license to construction files. The incidents also reveal lack of trust in the elected representatives.

There is growing discontent among the people over the manner in which members of panchayat function. Growing corruption in panchayat has also become cause of concern. As brought out by Tomazinho Cardozo (2011), in the 1960s and 1970s people were reluctant to contest for panchayat posts. It was a social service in true sense. However, by projecting Goa as a tourist destination, hotels, motels, guest houses and huge building complexes started mushrooming in villages which required construction licenses, occupancy certificates and other certificates. To avoid delay, builders and developers started giving gifts in kind and cash thus corruption entered PRIs in Goa. The state has witnessed lot of uproar in the gram sabha meetings over mega housing projects with gram sabhas passing resolution opposing mega projects coming up in their village.

In spite of all their efforts, people were finding it difficult to influence panchayat decisions. They started organising themselves and called for public meetings to fight against mega housing projects. Orlim Gavn Rakon Manch called for a public meeting to object proposed housing project in Orlim. Similarly, Goenkarncho Orixitt Avaz, Ganv Ghor Rakhonn Manch and Citizens Welfare Committee are few of such organisations formed to oppose mega housing projects coming up in their villages. They also stressed for need of unity to fight against such mega housing projects coming up in different parts of Goa.

Due to this huge uproars coming from all corners of Goa, the Directorate of Panchayats prepared a report on the mega projects in the state and 150 controversial projects were identified (Fernandes, 2013). The entire debate over powers to gram sabha is revolving around granting and revoking construction licenses. Mounting pressure from various gram sabhas to stop issuing NOCs to mega housing projects made TCP department to issue an advisory to the Directorate of Panchayats stating that gram sabha has no say in issuing and revoking construction licenses. This triggered a huge hue and cry over the matter. Though the opinion states that Sub-section 4 of Section 6 of (GPRA, 1994) declares that the decision taken by Gram Sabha is binding and final in so far as Panchayat is concerned, it put forth the argument there is no provision in Goa Panchayati Raj



Act permitting the gram sabha to grant permission to either construction or revoke or to interfere with the permission (over construction license) (GOACOM, 2013).

In a letter to the Director of Panchayats the TCP department reproduced the opinions of legal experts to state that the functions of the gram sabha, as mentioned in the Goa Panchayati Raj Act states that the Sarpanch has to place 'certain matters' for approval before the gram sabha but it does not expressly mention any development or construction activity (GOACOM, 2013).

The then Chief Minister said that gram sabhas enjoy merely advisory capacity within the Panchayat Raj system and best meant to be the watchdog over the functioning of panchayats. While opposing this statement, Council of Social Justice and Peace (CSJP) wrote letter to the CM demanding clarification, in response to which CM asserted that Gram Sabhas have no overriding powers over panchayat. CMs claim was supported by government officials as well as some lawyers who claimed that Goa Panchayati Raj Act does not provided Gram Sabha overriding powers over Panchayat. This shows reluctance on the part of government to give more powers to people.

The recent development raised question over transparency and accountability in the functioning of elected representatives. With growing corruption and panchayat members given overriding powers over gram sabha it will be hard for people to hold panchayat members accountable. Thus, participatory democracy is proving to be rhetorical. As observed by De Toqueville, 'The world has suffered more from leaders and authorities than from the masses. No government by experts in which the masses do not have the chance to inform the experts as to their needs can be anything but an oligarchy managed in the interest of the few' (Terchek and Conte, 2001).

Activists as well as members of gram sabha are demanding more powers to gram sabhas in deciding the development projects in their villages. Gram Sabha meetings across Goa are questioning the relevance of 73rd Amendment Act if Panchayat cannot be held accountable to gram sabha. What has been observed is time and again there are attempts made to dilute the functions of local self-governing bodies. Amidst demands for strengthening gram sabha, government proposed amendment to GPRA which generated massive public protest because of amendment at Section 47-B of the Act which stated that 'the secretary shall execute the order passed by any authority in any appeal or petition made before such authority under the provisions of this Act or Rules framed thereunder, if the panchayat fails to execute the same within the time limit as specified in such order and in case no time limit has been specified, within one month of passing of such order' (*Times of India*, 2010). Social activists opposed the amendment stridently with Goa Bachao Abhiyan convener Sabina Martins arguing that by giving powers to the village panchayat secretary, the government in collusion with the director of panchayats, would bring in projects opposed by the public through the backdoor (*TOI*, 2010). While panchayats are struggling to retain and maintain their powers there is little attention given towards making people part of decision-making both by elected representatives of legislative assembly as well as members of panchayat.

John Dewey asserts that only by reclaiming public arenas for the practice of localised self-government can citizens hope to govern themselves freely and wisely. But such discussions must also proceed with the understanding that democratic objectives can never be realised without a commitment to democratic means and attitudes that is without tolerance, inclusiveness, and the protection of freedom (Terchek and Conte, 2001). Thus, while demanding more powers to Gram Sabha, what needs to be taken into consideration is ensuring inclusiveness.

What has also been noticed in Goa is most of the people are not aware of dates of gram sabha meetings. GPRA provides for 1/10th as quorum for gram sabha meeting but it also states in the absence of required quorum, Panchayat has to wait for half an hour and if after half an hour also there is no quorum then meeting can be continued without quorum. What it means is after with or without quorum meeting can continue after waiting for half an hour. No efforts are made by the members of panchayat to ensure quorum as it is not mandatory. Many panchas opine that the gram sabha is an advisory body and fear that making it a deliberative body would lead to intense conflict between gram sabha and elected members or rival groups within the village and emanate in a paralysis of policy and works execution (Fernandes, 1999).

In the light of these two issues the ongoing debate over power to gram sabha becomes relevant. With more powers in the hands of Panchayat members in whom people have lost trust there is a need to relook into the matter of powers to gram sabha. No doubt with the passing of 73rd Amendment Act and GPRA, a mechanism is put in place for people's participation. But the question is how far it has succeeded in ensuring participatory development in the village. In both the above-mentioned cases – may it be preparing Regional Plan or mega housing projects – have something to do with the land use in the village over which people are denied a say. There is need to rebuild trust between people and elected representatives by guaranteeing accountability and transparency.

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