

## Chapter III: Composition and organization of Panchayati Raj Institutions

*A review of the composition and organization of Panchayati Raj Institutions (PRIs) vis-à-vis the provisions of 73<sup>rd</sup> Constitutional Amendment Act indicated that the powers of delimitation and reservation of constituencies were vested with the Directorate of Panchayats (DoP) and not in the State Election Commission (SEC), which was in contravention to the Constitutional Amendment Act. Inconsistencies/shortcomings were observed in the discharge of these functions by the DoP. While these powers have been transferred to the SEC recently, the power to fix the date of elections remains with the DoP. The PRIs complied with the provisions for formation of statutory committees but necessary provisions relating to the conduct of their business were not made which impacted their effectiveness.*

The 73<sup>rd</sup> Constitutional Amendment Act envisaged the establishment of necessary institutional mechanisms as detailed in **Table 3.1**, for discharge of devolved functions by the PRIs and their empowerment as institutions of self-governance. This section discusses the effectiveness of such institutional mechanisms.

### 3.1 State Election Commission

Article 243K of the Constitution provides for the constitution of SEC, which shall supervise, direct and control the preparation of electoral rolls and conduct elections to the panchayats. Further, Article 243E of the Constitution provides that the term of panchayat be fixed at five years from the date appointed for its first meeting.

- The SEC, Goa was established in the year 1994. However, not all election related functions were performed by the SEC. The distribution of electoral functions in the State during the audit period was as shown in **Table 3.1** below.

**Table 3.1: Authorities for election related functions**

Sl. No.	Function	Authority under Goa State Acts and Rules
1	Delimitation of wards	State Government
2	Reservation of wards	State Government
3	Fixing date of elections	State Government
4	Conduct of elections	State Election Commission

*(Source: Extracts of GPRA and rules)*

Election related functions like delimitation, reservation of wards and fixing of dates of elections were performed by the Government till February 2022 under the Goa Panchayat Raj Act, 1994 (GPRA) (Section 7 and 15). After an amendment to 'The Goa Panchayat and Zilla Panchayat (Election Procedure) Rules, 1996', the functions of delimitation and reservation were transferred to the SEC in February 2022. However, the power for fixing the date for elections is still vested with the Government (Section 15 of GPRA).

- Article 243D of the Constitution mandates the reservation of seats for Scheduled Castes (SC)/Scheduled Tribes (ST) and women in direct elections to PRIs.

Necessary provisions were made in the GPRA for PRIs, which *inter alia* provided that reservation for women was to be provided in not less than one-third of the total constituencies. Further, the Hon'ble High Court of Bombay at Goa (March 2021) upheld that every fraction of reservation will entitle the category of women to have one complete number of seat.

Audit found that in 34 VPs and in both the ZPs, the number of seats reserved for women was less than one-third of the total constituencies due to rounding off the fraction to the nearest lower digit, while the reservation for SCs/STs was in line with the provisions of the acts.

In response to the audit observation, DoP confirmed (March 2022) the shortfall and informed that the responsibility of delimitation of the VPs and ZPs was assigned (February 2022) to the SEC. The Secretary, Department of Panchayats acknowledged the observation of audit during Exit Conference (June 2022) with an assurance to bring the issue to the notice of SEC. A communication to this effect was sent by DoP to SEC in August 2023.

Performance of important electoral functions by the State Government impacted the independence of the electoral process.

***Recommendation 1: The State Government may complete the process of transfer of election related powers to the SEC by transferring the power to fix the date of elections too.***

### **3.2 Organization of PRIs**

Article 243A of the Constitution provides for the constitution of *Gram Sabha* in VPs and necessary provisions in this regard were made in the GPRA. Compliance of the provisions of *Gram Sabha* and other provisions in GPRA for statutory committees in the test-checked PRIs was as below.

#### **A. Zilla Panchayats**

As per sections 136 and 142 of the GPRA, the elected panchayat of the ZP and Standing Committees were to be established respectively to carry out the functions described in Schedule II of the GPRA. The elected panchayat of the ZP is required to meet for the transaction of business at least once in two months (ordinary meeting). While six Standing Committees<sup>1</sup> were to be set up, no rules/guidelines existed regarding their functioning.

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<sup>1</sup> General Standing Committee, Finance, Audit and Planning Committee, Social Justice Committee, Education and Health Committee, Agriculture and Industries Committee and Taluka Development Committee. Each Standing Committee shall consist of such number of members not exceeding five elected members of ZP. The *Adhyaksha* shall be the ex-officio member and chairman of the General Standing Committee and the Finance, Audit and Planning Committee. The *Upadhyaksha* shall be the ex-officio member and chairman of the Social Justice Committee. The other Standing Committees shall elect the chairman from amongst their members.

The panchayat of the South Goa Zilla Panchayat (SGZP) held 22 meetings during 2015-20 as against the prescribed 30 meetings. While the panchayat of North Goa Zilla Panchayat (NGZP) conducted 30 meetings during this period.

All the six Standing Committees were formed in 2015 in both the ZPs. However, no meetings of the Committees were held over a period of five years except for one meeting of the Finance Audit and Planning committee in SGZP.

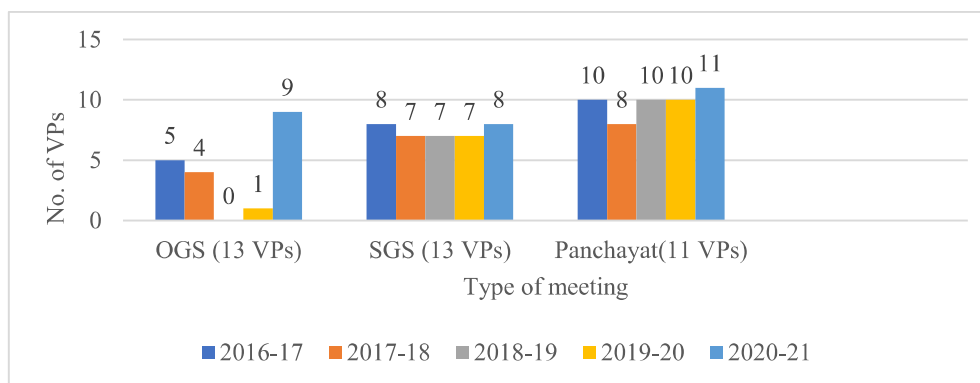
The Chief Executive Officer (CEO), SGZP accepted (December 2021) that the provisions for frequency of meetings were not complied with and assured to conduct timely bi-monthly meetings in future. The Secretary, DoP also acknowledged the observation during the Exit Conference (June 2022) and stated that instructions would be issued to ZPs to avoid the shortfall in meetings. ZPs were however requested (August 2023) to ensure that required number of mandatory meetings of ZP as well as Standing Committees are conducted.

### B. Village Panchayats

As per Sections 4, 7 and 63 of the GPRA, the Gram Sabha, the elected panchayat and the Standing Committees were to carry out the functions devolved to the VP. The Gram Sabha, constituted out of all the electors in a VP was the corner stone of the PRI system. The Gram Sabha was to approve the budget estimates, accounts, developmental works and programmes proposed for the financial year, *etc.* Meetings of the Ordinary Gram Sabha (OGS)<sup>2</sup> and Special Gram Sabha (SGS)<sup>3</sup> were to be conducted four times each in a year as per GPRA. Further, the elected panchayat was required to meet twice a month as per Section 54 of the GPRA.

The results of shortfall in OGS, SGS and panchayat meetings in the test-checked VPs after verification of the periodicity of meetings are depicted in **Chart 3.1** below.

**Chart 3.1: VPs with shortfall in meetings**



(Source: Information provided by the VPs<sup>4</sup>)

<sup>2</sup> Ordinary Gram Sabha: A panchayat shall meet for transaction of business at least once in 15 days at the office of the panchayat and at such time the Sarpanch may determine.

<sup>3</sup> Special Gram Sabha: Special meetings of the Gram Sabha to be convened by the Sarpanch on 26<sup>th</sup> January, 15<sup>th</sup> August, 2<sup>nd</sup> October and 19<sup>th</sup> December every year.

<sup>4</sup> Three VPs each did not provide information of OGS and SGS and five did not provide information of panchayat meetings.

Verification of the periodicity of meetings of *Gram Sabha* and panchayat in the test-checked VPs revealed that majority of the VPs did not conduct the prescribed number of SGS and panchayat meetings. Except for 2020-21, the majority of test-checked VPs conducted the prescribed number of OGS from 2016-17 to 2019-20.

Further, Section 63 of the GPRA provided for constitution of three categories of Standing Committees - Production Committee<sup>5</sup>, Social Justice Committee<sup>6</sup> and Amenities Committee<sup>7</sup>. As per information provided by 14 VPs, (other two VPs did not provide the information) the number of Committees ranged from four (Taleigaon) to twenty-five (Xeldem).

The Secretary, DoP assured during the Exit Conference (June 2022) that shortfall of the meetings would be verified and instructions to avoid the shortfall would be issued. At the instance of Audit, the DoP initiated an action only in August 2023 to ensure that the Committees are formed and meetings are conducted in time.

***Recommendation 2: Necessary provisions relating to the conduct of business by Standing Committees in the PRIs may be made to facilitate their effective functioning.***

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<sup>5</sup> Functions relating to agricultural production, animal husbandry and rural industries and poverty alleviation programmes.

<sup>6</sup> Functions relating to (a) promotion of educational, economic, social, cultural and other interests of the SCs/STs and Backward Classes; (b) Protection of such Castes and Classes from social injustice and any form of exploitation; and (c) Welfare of women and children.

<sup>7</sup> Functions to be implemented in respect of education, public health, public works and other functions of the panchayat.