

## **APPENDIX I**

### **(A) FUNCTION AND RESPONSIBILITIES OF ZILLA PANCHAYATS**

#### **I. General functions**

Overall supervision, co-ordination and integration of development schemes at District levels and preparing the plan for the development of the District

#### **II. Agriculture (including Agricultural Extension) and Horticulture**

- (1) Establishment and maintenance of godown
- (2) Management of agricultural and horticultural extensions and training centers
- (3) Training of farmers

#### **III Land improvement and soil conservation**

Planning and implementation of land improvement and soil conservation programmes entrusted by the Government.

#### **IV Minor irrigation, Water management and Watershed development**

- (1) Providing for the timely and equitable distribution and full use of water under irrigation schemes under the control of the Zilla Panchayat
- (2) Development of ground water resources
- (3) Supervision over the minor irrigation works undertaken by Taluka Panchayat.

#### **V Animal Husbandry, Dairying and Poultry**

- (1) Supervision over the Village Veterinary Hospitals, first-aid Centers and Mobile Veterinary dispensaries
- (2) Training for farmers of Dairy farming, Poultry and Piggery.

#### **VI Fisheries**

- (1) Development of fisheries in irrigation works vested in the ZP
- (2) Promotion of inland, brackish water and marine fish culture

#### **VII Khadi, Village and Cottage industries**

- (1) Establishment and Management of Training cum Production Centers
- (2) Organisation of marketing facilities for products of cottage and village industries

#### **VIII Small Scale industries including Food Processing industries**

Educating youth for establishment of Small Scale Industries

#### **IX Rural Housing**

Guidance to the Taluka Panchayat for promotion of Rural Housing Programme

#### **X Drinking Water**

Guidance for promotion of drinking water and rural sanitation to Taluka Panchayat and Village Panchayat

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**XI Minor forest produce and Fuel and Fodder**

Guidance for the management of minor forest produce of the forest raised community lands

**XII Roads, Buildings, Bridges, Ferries, Waterways and other means of communication**

- (1) Construction and maintenance of District roads and culverts, causeway and bridges (excluding States Highways and Village roads)
- (2) Construction of administrative and other buildings connected with the requirements of the Zilla Panchayat
- (3) Supervision over the works undertaken by VP and Taluka Panchayat as regards the construction of roads

**XIII Non- conventional, Energy sources**

Promotion and development of non-conventional energy sources

**XIV Poverty Alleviation Programmes**

Supervision over the implementation of poverty alleviation programmes in the VP

**XV Education including primary schools**

- (1) Promotion of educational activities in the District including the establishment and maintenance of Higher Secondary Schools
- (2) Establishment and maintenance of Ashram School and orphanages
- (3) Survey and evaluation of education activities
- (4) Construction and maintenance of Higher Secondary Schools

**XVI Technical training and vocational Education**

Encouraging and assisting rural vocational training

**XVII Adult and Non-formal Education**

Supervision over the implementation of programmes of Adult Literacy and Non-formal Education Programme

**XVIII Health and Family Welfare**

- (1) Management of hospitals and dispensaries excluding those under the management of Government or any local authority
- (2) Supervision over the implementation of maternity and Child Health programme
- (3) Supervision over the implementation of family welfare programme
- (4) Supervision over the implementation of immunization and vaccination programme

**XIX Woman and Child Development**

- (1) Supervision over the promotion of programme relating to development of women and children
- (2) Supervision over the promotion of School health and nutrition programme
- (3) Supervision over the promotion of participation of voluntary organisation in Women and Child Development Programmes.

**XX Welfare of the weaker sections and in particular of handicapped and mentally retarded**

Promotion of Social Welfare Programme including Welfare of handicapped, mentally retarded and destitute

**XXI Welfare of the weaker sections and in particular of the Scheduled Castes and Scheduled Tribes**

Supervision and management of hostels in the District distribution of grants, loans and subsidies to individuals and other schemes for the welfare of Scheduled castes, scheduled tribes and backward classes.

**XXII Maintenance of community assets**

Supervision and guidance over the community assets maintained by Taluka Panchayats and Village Panchayats

**XXIII Cultural activities**

Promotion of social and cultural activities

**XXIV Rural electrification**

Supervision over electrification by Taluka Panchayat and Village Panchayat

**XXV Libraries**

Supervision over the construction of libraries by Taluka Panchayat and Village Panchayat

**XXVI Such other functions as may be entrusted**

**(B) FUNCTION AND RESPONSIBILITIES OF VILLAGE PANCHAYAT**

**I General Functions**

- (1) Preparation of annual plans for the development of the Panchayat area
- (2) Preparation of annual budget
- (3) Providing relief in natural calamities
- (4) Removal of encroachments on public properties
- (5) Organizing voluntary labour and contribution for community works
- (6) Maintenance of essential statistics of the village
- (7) Demolition of unauthorized construction

**II Agriculture, including agricultural extension**

- (1) Development of waste lands
- (2) Development and maintenance of grazing lands and preventing their unauthorized alienation and use

**III Animal Husbandry, Dairying and Poultry**

- (1) Promotion of dairy farming, poultry and piggery
- (2) Grass land development

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**IV Fisheries**

Development of fisheries in the villages

**V Social and Farm Forestry, minor Forest Produce Fuel and Fodder**

- (1) Planting and preservation of trees on the sides of roads and other public lands under its control
- (2) Fuel plantation and fodder development
- (3) Promotion of farm forestry
- (4) Development of Social forestry

**VI Khadi, Village and Cottage Industries**

- (1) Promotion of rural and cottage industries
- (2) Organization of conferences, seminars and training programmes, agricultural and industrial exhibitions for the benefit of the rural areas.

**VII Rural Housing**

- (1) Distribution of house sites within Village Panchayats limits
- (2) Maintenance of records relating to the house sites and other private and public properties

**VIII Drinking water**

- (1) Construction, repairs and maintenance of drinking water well, tanks and ponds
- (2) Prevention and control of water pollution
- (3) Maintenance of rural water Supply Schemes.

**IX Roads, buildings, culverts, bridges, Ferries, waterways and other means of communication**

- (1) Construction and maintenance of village roads, drain and culverts
- (2) Maintenance of buildings under its control or transferred to it by the Government or any public authority

**X Rural electrification**

Providing for and maintenance of lighting of public streets and other places

**XI Non-conventional energy source**

- (1) Promotion and development of non-conventional energy schemes
- (2) Maintenance of community non-conventional energy devices, including bio-gas plants
- (3) Promotion of approved chulhas and other efficient energy devices.

**XII Poverty alleviation programmes**

- (1) Promotion of public awareness and participation in poverty alleviation programmes for fuller employment and creation of productive assets, etc.
- (2) Selection of beneficiaries under various programmes
- (3) Participation in effective implementation and monitoring

**XIII Education including Primary Schools**

- (1) Promotion of public awareness and participation in primary education
- (2) Ensuring full enrolment and attendance in primary schools.

**XIV Adult and non-formal education**

Promotion of adult literacy

**XV Libraries**

Village libraries and reading rooms.

**XVI Cultural activities**

Promotion of social and cultural activities

**XVII Markets and fairs**

Regulation and fairs (including cattle fairs) and festivals

**XVIII Rural sanitation**

- (1) Maintenance of general sanitation
- (2) Cleaning of public roads, drains, tanks wells and other public places
- (3) Maintenance and regulation of burning and burial grounds
- (4) Construction and maintenance of public latrines
- (5) Disposal of unclaimed corpses and carcasses
- (6) Management and control of washing and bathing ghats

**XIX Public Health and Family Welfare**

- (1) Implementation of Family Welfare Programmes
- (2) Prevention and remedial measures against epidemics
- (3) Regulation of sale of meat, fish and other perishable food articles
- (4) Participation in programmes of human and animal vaccination
- (5) Licensing of eating and entertainment establishment
- (6) Destruction of stray dogs
- (7) Regulation of offensive and dangerous trades
- (8) Regulation of curing, tanning and dyeing of skins and hides

**XX Women and child development**

- (1) Participation in the implementation of women and child welfare programme
- (2) Promotion of schools, health and nutrition programmes.

**XXI Social welfare, including welfare of the handicapped and mentally retarded**

- (1) Participation in the implementation of the social welfare programme, including welfare of the handicapped, mentally retarded and destitute
- (2) Monitoring of old age and widow's pension schemes.

**XXII Welfare of the Weaker section and in particular the scheduled castes and scheduled tribes**

- (1) Promotion of public awareness with regard to Welfare of scheduled castes, Scheduled Tribes and other Weaker Sections
- (2) Participation in the implementation of the specific programmes for the welfare of the weaker sections

**XXIII Maintenance of community assets**

- (1) Maintenance of community assets
- (2) Preservation and maintenance of other community assets.

**XXIV Construction and maintenance of cattle sheds, ponds and cart stands**

**XXV Construction and maintenance of slaughterhouses**

**XXVI Maintenance of public parks, playgrounds etc.**

**XXVII Regulation of manure pits in public places**

**XXVIII Establishment and control of Shandies**

**XXIX Such other functions as may be entrusted**

## APPENDIX - II

### STATEMENT SHOWING THE RECOMMENDATIONS OF THE FIRST STATE FINANCE COMMISSION AND THE EXPLANATORY MEMORANDUM AS TO THE ACTION TAKEN THEREON/PRESENT STATUS

Sr. No.	Recommendations of the Commission	Explanatory memorandum as to the action taken	Present status
1	The award period of the Commission is 2000-2005, as such all devolutions of functions and resources shall be effected between 2000 and 2005 (para 1.2).	The recommendation is accepted. The devolution of functions and resources, if any, will be determined by the Government.	Accepted. Activity mapping for devolution of powers (3F's) to PRIs is under process. The same will be placed before the Cabinet for appropriate decision.
2	Prior to the devolution of functions, the State government shall constitute the Zilla Panchayat, North Goa and Zilla Panchayat, South Goa as mandated by the 73 <sup>rd</sup> amendment to the constitution and the Goa Panchayat Raj Act, 1994 (para 1.3)	The recommendation is accepted. The Zilla Panchayat, North Goa and Zilla Panchayat, South Goa have been constituted on 14.3.2000.	Accepted. The Zilla Panchayats have been already constituted on 14.3.2000.
3	Although 41 % of the population is living in urban areas as per the 1991 census, the 14 Municipal councils cover a population of only 29.25 percent. The Commission feels that there is need to expand the limits of urban local bodies adding contiguous Census Towns/urban outgrowths to the Municipal Councils (para 2.42)	The recommendation is accepted. The issue of expansion of limits of urban local bodies can be taken up as soon as the final figures of population as per 2001 census are available from the Director of Census.	Accepted. The Government to decide the need for expansion of the limits of Municipalities.
4	Presently Rs 140.17 lakh is outstanding from 25 Panchayats, of which Rs 77.78 lakh is towards principal and 62.39 lakh towards interest. The Commission finds no reason to waive these loans as the resource position of defaulting Panchayats, excluding a few is quite comfortable. As such Panchayats have to repay the outstanding balance or else continue adjusting from matching grants. However, in case of poor panchayats the outstanding loans may be waived (para 4.22)	The recommendation is accepted. The Committee is not in favour of waiving the outstanding loans of the Panchayats. The Panchayats will have to repay the outstanding balance of loan in full. In case of poor Panchayats, interest on the outstanding loans can be waived if they pay the principal in full.	Accepted. So far no outstanding loan of any Panchayat has been waived.
5	A committee may be appointed to go into the details of staffing pattern of Village Panchayats keeping in view Sections 113, 114 and 115 of the Goa Panchayat Raj Act 1994 (para 4.27)	The recommendation is accepted. A committee will be appointed to finalise the staffing pattern of different classes of Panchayats and to frame the recruitment rules.	Accepted. The staffing pattern and Recruitment rules have already been framed.

6	The Commission recommends a detailed study on local bodies' finances in terms of tax potential, sources of additional resources mobilization, rationalization of tax structure, user charges in terms of ability to pay and equity, levy of cess and tax evasion (para 4.50)	The recommendation is accepted. A Committee will be appointed by the Government to conduct a detailed study on finances of local bodies as suggested by the Commission.	Accepted. So far no Committee has been appointed by the Government to conduct a detailed study on finances of Local Bodies.
7	The Commission recommends 27 per cent of the State's own tax revenue and share in central taxes for devolution to Zilla Panchayats for activities transferred under non-plan (para 5.5 and 5.6)	The recommendation is rejected. State's own tax revenue is under pressure. Therefore, funds under non-plan will be released to Zilla Panchayats as per their requirement from time to time.	Rejected.
8	The Commission recommends nine per cent of the State's own tax revenue and share in central taxes for devolution to Municipal Councils for activities transferred under non-plan (para 5.6)	The recommendation is rejected. Since the State's own tax revenue is under pressure, funds under non-plan will be transferred to the Municipal Council according to their requirements as per existing pattern.	Rejected.
9	The Commission recommends 13 percent of Annual State Plan, excluding earmarked negotiated loan components and projects specific central assistance for devolution to Zilla Panchayats for activities transferred under plan (para 5.7)	The recommendation is rejected. The Zilla Panchayats in the State are only one year old and have not been able to spend even 50% of the Plan funds released to them during the year 2000-2001.	Rejected.
10	The Commission recommends 3 percent of Annual State Plan, excluding earmarked negotiated loan components and projects specific central assistance for devolution to Municipal councils for activities transferred under plan (para 5.7)	The recommendation is rejected. Assistance by way of grants under Plan will be released to the Municipal Councils according to approved pattern of assistance on the basis of their performance every year.	Rejected.
11	Inter-se distribution of non-plan grants among local bodies during first year should be based on actuals and during subsequent years in the same proportion as first year (para 5.6)	The recommendation is rejected. The distribution of non-plan grants among local bodies shall be based on the actuals of the past years.	Rejected.
12	For inter-se distribution of plan grants among local bodies the Commission recommends a formula with 40% weight to population, 20% to geographical area, 10% to backwardness, 25% to performance and 5% discretionary quota (para 5.8, 5.9)	The recommendation is partly accepted. More weightage will be given to backwardness than to the population.	Partly accepted. Matter for giving more weightage to backwardness than to the population is under consideration of the Government.
13	The devolution of plan grants from Zilla Panchayats to Village Panchayats shall be in the nature of 'gap filling', subject to the formula based allocation (para 5.10)	The recommendation is rejected. Plan grants to Village Panchayats are released to them through the Block Development Officer by the Director of Panchayats and not through the	Rejected.



		Zilla Panchayats.	
14	As the State Government is already overburdened with staff, the Commission strongly recommends that no additional posts should be created. All recruitments shall be done through Goa Public Service Commission (para 6.11)	The recommendation is rejected. The Government has already created a cell within the Secretariat to find out surplus staff in various Departments and Officers. The Government has also introduced the Voluntary Retirement Scheme for its Employees. The recruitment of Gazetted Officers is done through the Goa Public Service Commission.	Rejected.
15	The administrative set up required for the local bodies needs to be created from the existing employees associated with various activities and functions, placing them at appropriate levels and giving additional responsibilities wherever required (para 6.11)	The recommendation is accepted. The existing employees of the local bodies will not be retrenched. They will be placed at appropriate levels in the new set up. For this purpose a Committee will be appointed to propose an administrative set up for local bodies.	Accepted. Government will decide the constitution of the Committee to propose an administrative set up for local bodies based on the next cabinet decision for devolution of powers to PRIs.
16	The Commission do not find any role for Rural Development Agency (RDA) in the Panchayati Raj setup. As such the staff of RDA could be transferred to Zilla Panchayats entrusting them with additional responsibilities (para 6.11)	The recommendation is rejected. The State Government has constituted 2 DRDAs, one in North Goa district and the other for South Goa district. They have to play an important role in implementation of centrally sponsored schemes meant for families living below poverty line	Rejected. Presently matter of merging DRDA with Zilla Panchayat is under consideration of the Government.
17	As the Block level forms an important link in the administrative setup comprising Zilla and Village Panchayats, some of the staff released on account of transfer of functions must be located at Block level as well (para 6.11)	The recommendation is accepted. The staff of DRDAs like Mukhya Sevikas and Gram Sevikas is already functioning at Block level under control of the Block Development Officers.	Accepted. The staff of DRDA like Mukhya Sevika and Gram Sevikas is already functioning at Block level under control of the Block Development Officers. The Extension officers from various departments have also been re-deployed in the Block Development Offices. The proposal for devolution of more functionaries at Block level will be decided by the Government at the Cabinet decision.
18	It is the considered opinion of the Commission that safeguarding the sanctity of the rights of the citizen is the highest responsibility of the elected panchayats and the Municipalities under the provision of the Indian Constitution (para 7.5 and 7.6)	The recommendation is accepted. The Municipalities Act and the Panchayat Act contain adequate provisions for safeguarding the rights of the citizens. Necessary changes will be done after proper study.	Accepted. The Goa Panchayat Raj Act contain adequate provisions for safeguarding the rights of the citizen. Necessary changes will be done after proper study.
19	In many countries, especially in the developed world, qualified	The recommendation is partly accepted. The Municipal areas	Partly accepted. Powers to approve Building plans in

	architects are given the power to certify that building plans conform to the various laws and bye-laws. The Commission sees no reason why accredited Architects cannot certify building plans subject to review and accountability (para 7.7)	the accredited Architects and Engineers who are registered with the Municipal Councils are authorized to certify the building plans subject to final approval by the Municipal Engineer. Qualified Architects are not available in Rural areas where the Panchayats are functioning. Hence, the Technical Officers i.e. the Assistant Engineers of P.W.D. have to approve the Building plans.	Panchayat areas by Registered Architects/ Engineers, Town planners/Group of Engineers is under consideration of the Government.
20	The Commission suggests the Eleventh Finance Commission to award a special grant of Rs 209.85 crore towards urban and rural sanitation and creation of infrastructure for Zilla Panchayats, Village Panchayats and Directorate of Panchayats (para 9.2, 9.3, 9.4 and 9.4)	The recommendation is accepted and will be referred to the Eleventh Finance Commission for further action.	Accepted. Matter regarding utilization of XI Finance Commission grants is under scrutiny/ consideration of the Government.
21	As the State Finances are under tremendous pressure, the Commission suggests that local bodies have to go for additional resource mobilisation to increase the level of basic minimum services and pace of development (para 9.6)	The recommendation is accepted and will be brought to notice of Local bodies for further action.	Accepted. The draft rules been framed and submitted to the Government for enhancing resource mobilization of PRIs.
22	In the Commission's view it is essential that decisions of the Gram Sabha are treated as binding on the Panchayats (para 8.3)	The recommendation is accepted. Necessary amendment will be carried out to the Goa Panchayat Raj Act, 1994.	Accepted. Amendment was already done vide sub-section (4) of Section 6 of the Goa Panchayat Raj Act, 1994.
23	The Commission suggests that constitution of Vigilance Committee has to be mandatory (para 8.4)	The recommendation is accepted. Necessary amendment will be carried out to the Goa Panchayat Raj Act, 1994 and the Municipalities Act.	Accepted. Government to decide whether Vigilance committees to be constituted in Village Panchayat areas as provided under sub-section (3) of Section 6 of the Goa Panchayat Raj Act, 1994.
24	The Commission is of the opinion that misuse or abuse of powers by elected bodies should be strongly dealt with. If the provisions mentioned in the Act are not sufficient to check such wrong doings some effective provisions must be additionally included (para 8.5)	The recommendation is accepted. Necessary amendment will be carried out to the Goa Panchayat Raj Act, 1994 to control the misuse of power by the Village Panchayats. Similarly, necessary amendment will be carried out to the Municipalities Act to control abuse of powers by Municipal Councils.	Accepted. Goa Panchayat Raj Act already provides for action against members of Village Panchayat and Zilla Panchayat as well as Office bearers for misuse or misconduct of powers under Sections 131,210,210A.
25	Auditing of incomes and expenditure of local bodies and follow-up action of audit reports should be given prime importance (para 8.5)	The recommendation is accepted. The follow-up action of audit reports is already given prime importance and the local bodies have to submit audit compliance report in time.	Accepted. The follow-up action of Audit Report is already given prime importance and the local bodies have to submit compliance report in time.
26	The Commission recommends	The recommendation is rejected.	

	appointment of an Ombudsman headed by a Retired High Court Judge to ensure the Autonomy of the elected local bodies, make the functioning of local bodies transparent and accountable and protecting the rights of the citizens (para 8.6 and 8.8)	The citizens are free to approach the Mumbai High Court at Panaji, Goa for protecting their rights. The Vigilance Committees of the local bodies are sufficient to ensure transparency in their functioning.	Rejected.
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### Appendix - III

STATEMENT SHOWING THE POSITION REGARDING THE FUNCTIONS DEVOLVED TO THE URBAN LOCAL BODIES.

Sr. No.	Function envisaged to be devolved as per the constitution	Envisaged to be devolved as per Goa Municipalities Act	Actually devolved
1	Urban planning including town planning	Yes	No
2	Regulation of land use and construction of buildings	Yes	No
3	Planning for economic and social development	No	No
4	Roads and bridges	Yes	Only internal roads are maintained by Municipal Councils.
5	Water supply for domestic, industrial and commercial purposes	No	No
6	Public health, sanitation, conservancy and solid waste management	No	Only solid waste management
7	Fire Service	No	No
8	Urban forestry protection of environment and promotion of environment and promotion of ecological aspects.	Yes	No
9	Safeguarding the interest of the weaker sections of society, including the handicapped and the mentally retarded	No	No
10	Slum improvement and upgrading	Yes	Yes
11	Urban poverty alleviation	No	Yes
12	Provision of Urban amenities and facilities such as park, gardens, playgrounds	Yes	Yes
13	Provision of Cultural, education and aesthetic aspects	No	No
14	Burial and burial grounds, cremation and cremation grounds and electric crematorium	Yes	Yes
15	Cattle pounds and prevention of cruelty to animals	Yes	Yes
16	Vital statistics including registration of births and deaths	Yes	Yes
17	Public amenities including street lighting, bus-stop, public conveniences	Yes	Yes
18	Regulation of slaughterhouse and tanneries	Yes	Yes

### APPENDIX - III

#### Functions envisaged to be devolved to ULBs (Schedule 10 of Goa Municipalities Act)

Sr. No.	Function	Whether devolved to ULBs (Yes/No)
1.	Urban Planning including town planning.	Y
2.	Regulation of land-use and construction of buildings.	Y
3.	Roads and bridges.	Y
4.	Urban forestry, protection of the environment and promotion of ecological aspects.	Y
5.	Slum improvement and upgradation.	Y
6.	Provision of urban amenities and facilities such as parks, gardens, playgrounds.	Y
7.	Burials and burial grounds; cremations, cremation grounds and electric crematoriums.	Y
8.	Cattle pounds; prevention of cruelty to animals.	Y
9.	Vital statistics including registration of births and deaths.	Y
10.	Public amenities including street lighting, parking lots, bus stops and public conveniences.	Y
11.	Regulation of slaughter houses and tanneries.	Y