EMPIRICAL STUDY ON THE IMPACT OF RESERVATIONS IN FAVOUR OF SCHEDULED TRIBES IN THE FUNCTIONING OF GRAM SABHAS IN THE STATE OF GOA

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Abstract

Adequate representation to the marginalized groups in the participatory democracy is one of the goals of the Constitution (73rd Amendment) Act, 1992. The Goa Panchayat Raj Act, 1994 was enacted to give effect to the goals of the 73rd Constitutional Amendment. Goa is the smallest state in terms of area with only 0.14 percent share of Scheduled Tribes population in India.This paper is an empirical study about the impact of reservations in favor of Scheduled Tribes, one of the marginalized groups, in the functioning of Gram Sabhas in the State of Goa. This study focuses on how a small state is able to cater to the interest of the meager population of Scheduled Tribes at the Panchayat level. This paper analyzes the provisions of the Goa Panchayat Raj Act, 1994 enabling the reservations for the Scheduled Tribes. It investigates the extent of reservation for Scheduled Tribes among the elected representatives at the Village Panchayats. It examines the provisions for representation of Scheduled Tribes in the Social Justice Committee constituted under the Act. It evaluates the functioning of Gram Sabhas in terms of conducting different meetings stipulated under the Act, the participation of the Scheduled Tribes in such meetings and the effectiveness in which tribal issues are tackled in such meetings. This study suggests solutions to the prevailing roadblocks in the path of effective participatory democracy in Village Panchayats reserved for Scheduled Tribes in Goa.

Keywords: Gram Sabhas, Scheduled Tribes, Goa Panchayat Raj Act, 1994, 73rd Constitutional Amendment

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I. Introduction

Participatory democracy emphasizes the active involvement of people in the decision making process. Participatory democracy denotes higher political efficiency, facilitates concern for common interests and creates active interested citizenry as part of the system. Therefore, to achieve the goal of participatory democracy, constitutional status to Gram Sabhas was conferred by the Constitution (73rd Amendment) Act, 1992. The 73rd Constitutional Amendment is an attempt to infuse life into a weakened and disintegrated pattern of village administration in India. Gram Sabhas form the base of Panchayati Raj in India. Gram Sabhas are one of the means to bridge the gap between the people and the State. Gram Sabha is defined under Article 243 A of the Constitution of India as a body of persons registered in the electoral rolls of a village within the area of Village Panchayat. Gram Sabhas are the backbone of participatory democracy at the grass root levels. Gram Sabhas ensure people's participation at the village level. The 73rd Constitutional Amendment intended to strengthen the democratic process through representation and participation of all marginalized groups in the functioning of Village Panchayats. The goal of equality enshrined in the Preamble of the Constitution of India is intended to be achieved by providing reservations in favor of the marginalized groups for a temporary phase in the Constitution of India. Hence, the reservation for Scheduled Tribes, one of the marginalized groups, at the Village Panchayat was provided by the 73rd Constitutional Amendment. In accordance with the 73rd Constitutional Amendment mandate, the Government of Goa enacted the Goa Panchayat Raj Act in 1994 and made provisions for reservation of seats for Scheduled Tribes at the local administration level.

Panchayats are a very important parallel third wing of governance at the local levels in India. Goa is the smallest state under the Indian Union with an area of 3702 sq.km. It has only 10.23 percent of Scheduled Tribes population spread across 11 talukas. Ideally, the smaller units of communities are easier to manage and administer. However, the pilot study reflects that the Government of Goa has not been able to achieve desired results in terms of representation and participation of Scheduled Tribes at the village panchayat level. Therefore, a need was felt to study the impact of reservation regarding representation and participation in favour of Scheduled Tribes in the functioning of Gram Sabhas of Village Panchayats in the State of Goa.

This research focuses on how a small state is able to cater to the interest of the meager population of Scheduled Tribes at the Panchayat level. It attempts to analyze and find out if reservation provisions in favor of Scheduled Tribes under the Goa Panchayat Raj Act, 1994[2] (hereinafter referred to as 'Panchayat Act') have been implemented successfully in the State of Goa. This study tries to identify if there are any gaps present for non-compliance with the provisions of the Panchayat Act. It investigates the extent of reservation for Scheduled Tribes among the elected representatives at the Village Panchayats. It examines the provisions for representation of Scheduled Tribes in the Social Justice Committee constituted under the Act. This paper studies the pattern of the Village Panchayats for conducting the Gram Sabhas in the Scheduled Tribes Reserved Village Panchayats. This research is an investigation to figure out if the reservation policy under panchayat administration facilitates more participation by tribal communities and ensures resolution of the problems of these communities.

There is a dearth of literature on Panchayat administration as well as on the Scheduled Tribes in the State of Goa. There are few studies conducted on areas relating to the problems of Village Panchayats[3], the duties of the Panchayat officials and Panchayat members[4], political participation of women in panchayat elections[5], and functioning of Gram Sabhas in the State of Goa[6]. However, no research is carried out on the extent of political representation and participation of Scheduled Tribes at the grass-root levels in Goa. There are no studies conducted on whether the 73rd Constitutional Amendment Goal of effective marginalized group participation especially of Scheduled Tribes has been fulfilled or not by the government of Goa. The reservations are boon to the underprivileged sections of the society provided its benefits reach the needy. Hence, it is necessary to investigate whether the machineries of the State are able to fulfill these constitutional goals in terms of political representation and participation in order to promote interests of the Scheduled Tribes in Goa.

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[2] Goa Panchayat Raj Act of 1994, No. 14, Acts of Goa State Legislature, 1994 (India).
[3] See T. D.HALARNAKAR, GRAM PANCHAYATS IN GOA – A CRITICAL STUDY (Rajhauns Offset 1990).
[4] See DR.AURELIANO FERNANDES, PANCHAYATANTRA – EMPOWERING LOCAL GOVERNANCE THROUGH ROLE DEFINITION (University Book House 2008).
[5] Dr. Seema Salgaokar, Women, Political Power and the State of Goa (April 2000) (unpublished Ph.D. Thesis, Goa University, Taleigao).
[6] Ms. Seema Fernandes, The Functioning of Gram Sabhas in Goa (2003), Report Submitted to National Institute of Rural Development, Hyderabad by the Goa Institute of Rural Development and Administration, Ela, Old Goa.

The rest of the paper is divided into following parts: Part II discusses the research design. Part III gives the demographic profile of Scheduled Tribes in Goa as a background to the concerned marginalized group. Part IV emphasizes on analysis and findings of the empirical research. Part V lists suggestions to improve tribal involvement at the Village Panchayats and Part VI is the conclusion.

II. Research Design

To investigate the core research questions, empirical study was undertaken by the researcher. There are ten out of twelve talukas in the State of Goa where seats for elected representatives are reserved for Scheduled Tribes at Village Panchayat level (See Table 1). As the population of Scheduled Tribes is not uniformly spread across the talukas in Goa, a representative sample of one Village Panchayat each from ten talukas was considered for the purpose of this study. Empirical data was collected from one Village Panchayat chosen through random sampling from 10 talukas. The data was collected for the three calendar years of 2017, 2018 and 2019. Calendar years 2020 and 2021 were excluded from the study, as due to the impact of COVID pandemic, regular meetings of Gram Sabhas were not held during these years. Information template was prepared to collect the data from the office of Village Panchayat to maintain uniformity with information supplied. The data was collected from respective Panchayat offices either through RTI application or by reviewing the registers and documents from Panchayat offices as some Panchayats refused to take RTI letters for giving the required information. The targeted population for this study consisted of any two elected representatives and any three Gram Sabha members from ten different Village Panchayats in ten talukas. The total population size was 50 respondents. Telephonic interviews were conducted of the elected representatives and the gram Sabha members as it was difficult to contact these respondents in times of COVID pandemic. Interview Schedules were designed with close and open ended questions. Other relevant data was collected from the office of Directorate of Tribal Welfare, Government of Goa. The secondary sources included legislations, notifications, data from the official websites of Office of Registrar General and Census Commissioner, India[7] and Office of Goa State Election Commission[8] and online newspapers.

[7] OFFICE OF REGISTRAR GENERAL AND CENSUS COMMISSIONER, INDIA, https://www.censusindia.gov.in/.
[8] GOA STATE ELECTION COMMISSION, https://sec.goa.gov.in/.

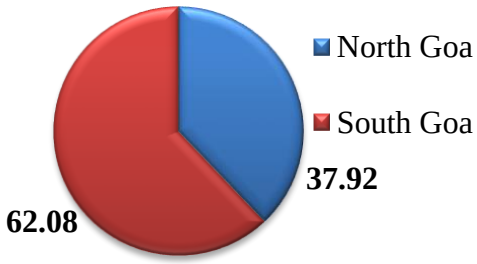
III. Demographic Profile of Scheduled Tribes in Goa

As per Census 2011, the total population of State of Goa is 14,58,545[9]. The total Scheduled Tribes population in Goa has tremendously increased from 566 in 2001[10] to 1,49,275 in 2011[11]. The increase in the number of Scheduled tribes in Goa is due to the inclusion of three communities, Kunbi, Velip and Gawda from Other Backward Classes into Scheduled tribes of Goa in 2003. As per Census 2011, the share of Scheduled Tribes population in Goa is merely 0.14 percent of the total Scheduled Tribes population in India (1042,81,034)[12]. The tribal population is scattered across different regions of Goa. Though the Scheduled Tribes form the smallest part of the population in Goa, it is the most neglected section of Goa's population.

3.1 Scheduled Tribes Population as per Districts in Goa

The distribution of Scheduled Tribes population in the two districts of Goa is depicted through Figure 1 given below:

Figure 1 - Percentage of Scheduled Tribes Population as per Districts in Goa



Source: Census of India, 2011

Figure 1 reflects that the population of Scheduled Tribes is more concentrated in the District of South Goa as compared to the District of North Goa. As per Census 2011, the percentage of Scheduled Tribes population in South Goa is 62.08 percent and the percentage of Scheduled Tribes population in North Goa is 37.92 percent. However, it is observed that the progress of the Scheduled Tribes in North Goa is higher in comparison to the Scheduled Tribes in South Goa.

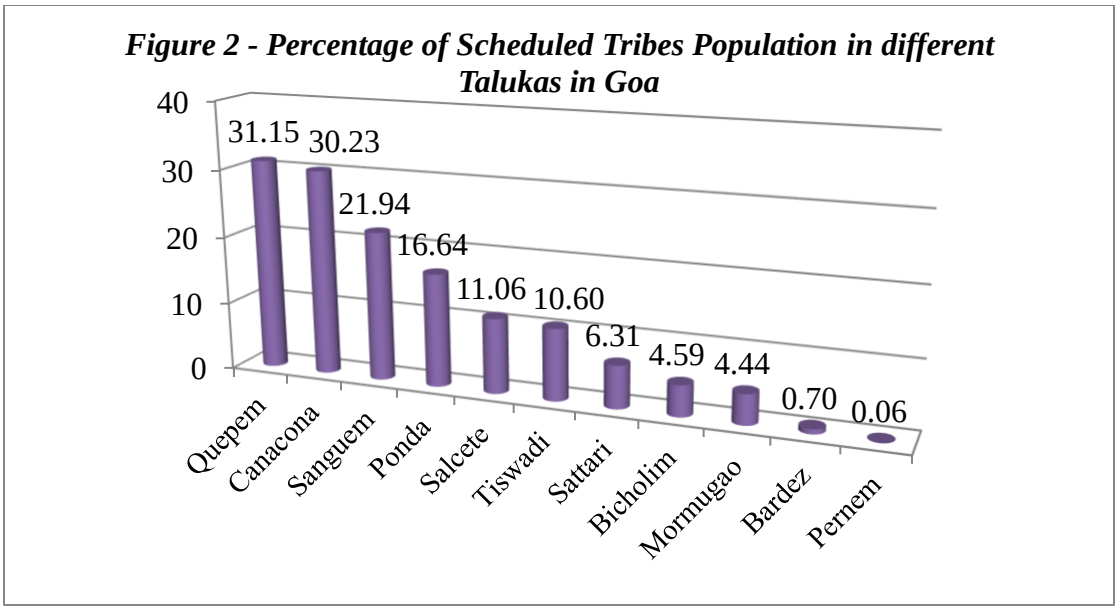
3.2 Scheduled Tribes Population in different Talukas in Goa

The dispersal of Scheduled Tribes Population in eleven talukas in Goa can be studied through Figure 2 given below:

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[9] OFFICE OF REGISTRAR GENERAL AND CENSUS COMMISSIONER, INDIA, https://censusindia.gov.in/2011Common/CensusData2011.html (last visited Apr. 30, 2022).
[10] Id. at https://censusindia.gov.in/2011-common/census_data_2001.html (last visited Apr. 30, 2022).
[11] Id. at https://censusindia.gov.in/2011census/SCST-Series/ST14.html (last visited Apr. 30, 2022).
[12] Supra note 8.

Figure 2 - Percentage of Scheduled Tribes Population in different Talukas in Goa



Source: Census of India, 2011

Figure 2 highlights that there is unequal distribution of Scheduled Tribes population in eleven talukas in Goa. As per Census 2011, Quepem taluka (31.15 percent) from the District of South Goa has the highest percentage of Scheduled Tribes population in Goa, followed by Canacona (30.23 percent), Sanguem (21.94 percent), Ponda (16.64 percent) and Salcete taluka (11.06 percent) also from the District of South Goa. Pernem taluka (0.06 percent) from the District of North Goa has the lowest percentage of Scheduled Tribes population in Goa. The tribal communities coexist with the non-tribal communities in most of the villages and towns in Goa. The hamlets exclusive of Scheduled tribes are found in a very few villages in Quepem, Canacona and Sanguem talukas.

3.3 Different Scheduled Tribes in Goa

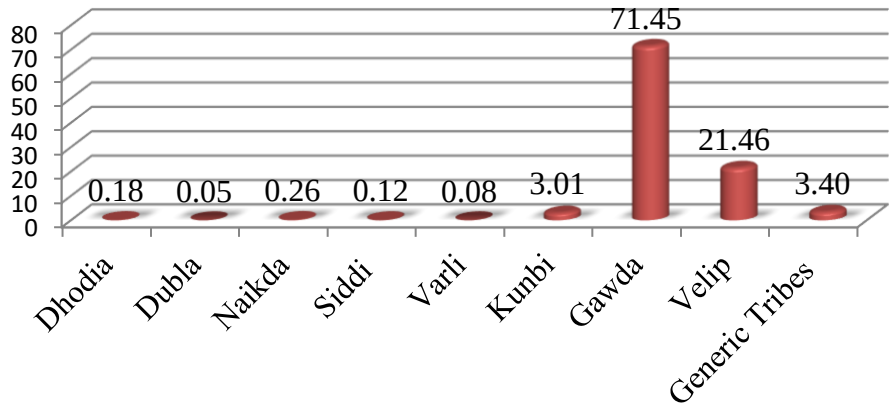
The Scheduled Tribes in a given States or Union Territories are notified by the President of India in accordance with Article 342 of the Constitution of India. The tribal groups or communities or parts of such tribal groups or communities are publicly notified by the President after consultation with the Governor for that specific State or Union territory. The inclusion or exclusion to the Scheduled tribes notified by Constitution Order is done only through an Act of Parliament. The criteria followed by the government for declaring communities as Scheduled Tribes are primitive traits, geographical isolation, distinct culture, away from contact with communities at large and economic backwardness. However, these criteria are not laid down under the Constitution of India.

Goa was liberated from the Portuguese regime on December 19, 1961[13]. The Constitution (Goa, Daman and Diu) Scheduled Tribes Order, 1968[14] notified five tribal communities in the erstwhile Union Territory of Goa, Daman and Diu on January 12, 1968. The five tribal communities were Dhodia, Dubla, Naikada, Siddi and Varli. On May 30, 1987, Goa attained its statehood and became the 25th State (then) of the Union of India. The Goa, Daman and Diu Reorganisation Act, 1987[15] repealed the Constitution (Goa, Daman and Diu) Scheduled Tribes Order, 1968 and modified the Constitution (Scheduled Tribes) Order, 1950 to include Scheduled Tribes in Goa under Part XIX of Second Schedule of the Constitution Order 1950. In the year 2003, the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 2002[16] inserted the tribal communities namely Kunbi, Gawda and Velip under Part XIX of Second Schedule of the Constitution Order 1950 to be recognised as Scheduled Tribes in the State of Goa. Unfortunately, only after 42 years of Goa's Liberation, the original tribal settlers got the recognition as Scheduled Tribes in Goa. These communities were earlier given reservation under the Other Backward Class Category. The original tribal communities in Goa are Kunbi, Gawda and Velip. The delayed recognition deprived these tribal communities of various privileges and their rights guaranteed under the Constitution of India and various other specific legislations pertaining to Scheduled Tribes in India.

Figure 3 reflects the percentage of different Scheduled Tribes population in Goa as per Census of India, 2011.

[13] State of Goa liberated after 14 years from the Independence of India in 1947.
[14] The Constitution (Goa, Daman and Diu) Scheduled Tribes Order of 1968, No. 82, Constitution Orders, 1968 (India).
[15] The Goa, Daman and Diu Reorganization Act of 1987, No. 18, Acts of Goa State Legislature, 1997 (India).
[16] The Scheduled Castes and Scheduled Tribes Orders (Amendment) Act of 2002, No.10, Acts of Parliament, 2002 (India).

Figure 3 - Percentage of Each Scheduled Tribe Population in Goa



Source: Census of India, 2011

The five tribal communities of Dhodia, Dubla, Naikada, Siddi and Varli that were part of earlier Union Territory of Goa, Daman and Diu have very negligible existence in present State of Goa. These Scheduled Tribes are mostly settled in the Union Territory of Daman and Diu. As per Census 2011, Gawda tribe is the most dominant tribal community in Goa followed by Velip and Kunbi. The Kunbi community has moved to Goa from South India and has Dravidian origin while the Velip community is part of Proto Autraloid race. There are some scholars who advocate that the Kunbi is a wider social group that encompasses the Gawda and Velip communities. However, the Gazette of India, Goa, Daman and Diu states that Kunbi, Gawda and Velip together form part of the bigger social category of Gawda Community. The Dhangar Gouly tribe having a population of 20,000 in the state of Goa has not yet achieved the tribal status under Article 342 of the Constitution of India. The efforts to recognise the Dhangar-Gouly tribe were initiated in the year 1963 but the claim was rejected stating that the community does not satisfy the criteria to be recognised as scheduled Tribes. Several attempts were made for the inclusion of this tribe for the past three decades. The Goa Government accepted the report submitted in 2009 by experts that emphasised that Dhangar-Gouly Community constituted an exclusive forest dwelling community in Goa. The Goa Legislative Assembly tabled 'white paper' in favor of granting Scheduled Tribes status to Dhangar-Gouly Community on 17th October 2013. However, there was a delay in considering the proposal by the Registrar General of India. The Deputy Chief Minister of Goa has submitted another representation to the Office of Registrar General of India on 21st October 2021

for inclusion of Goa's Dhangar- Gouly Community as Scheduled Tribes under the Constitution of India and the same is under review.

IV. Analysis and Findings

The core research questions driving the present study are as follows:

- Whether reservations have led to adequate representation for Scheduled Tribes at the Village Panchayats ?
- Whether reservations have led to effective participation of Scheduled Tribes at the Gram Sabhas of the Village Panchayats ?

4.1 Inadequate Representation for Scheduled Tribes at the Village Panchayats

The first core question of this research is to analyse whether reservations have led to adequate representation for Scheduled Tribes at the Village Panchayats in the State of Goa. In order to investigate whether the reservations in favour of the Scheduled Tribes provided for adequate representation, the provisions of the Panchayat Act and their implementation by the government machinery were analysed. Reservation provisions under the 73rd Constitutional Amendment Act, 1992 were made to ensure adequate representation to the Scheduled Tribes at the village administration for the first time. This representation enabled the Scheduled Tribes to share the authority of the state, as before independence, administration was considered as the prerogative of only the privileged communities.

The Goa State legislative assembly passed the Panchayat Act on May 25, 1994. The Panchayat Act received the assent of the Governor of Goa on July 9, 1994. The Act was enacted to give effect to the Participatory Goal of the 73rd Constitutional Amendment Act, 1992 and to carry out effective implementation of rural development programmes. The Panchayat Act was drafted in line with the salient features of the 73rd Constitutional Amendment Act, 1992. The Panchayat Act is a comprehensive legislation consisting of 246 sections and four schedules.

The Panchayat Act provided for reservation for the Scheduled Tribes as recommended by the 73rd Constitutional Amendment Act, 1992. As per the Panchayat Act, the definition of Scheduled

Tribes is Scheduled Tribes specified for the State of Goa under the Constitution of India[17]. There are only two areas where provisions are made under the Panchayat Act to enable representation of Scheduled Tribes at the village administration. One is the reservation of seats for the elected representatives at the Village Panchayats and the other is the membership to the Social Justice committee.

4.1.1 Reservation for the Elected Representatives at the Village Panchayats

The seats are reserved for the Scheduled Tribes in a Village Panchayat as per the population of Scheduled Tribes in the respective Village Panchayats. The Government may notify seats so reserved for the women belonging to the Scheduled Tribes[18]. The Government also provides for reservation of offices of Sarpanch and Deputy Sarpanch in the state in favor of the Scheduled tribes proportionate to the population of Scheduled Tribes in the State of Goa on rotation basis[19]. The reservation policy in favor of the Scheduled Tribes has been fully complied by the office of Goa State Election Commission in every election held at the Panchayat levels. The first election to Village Panchayats in Goa was held on October 24, 1962. The Village Panchayat elections of 1992, 1997, 2002, 2007, 2012 and 2017 that were held after the 73rd Constitutional Amendment Act, 1992 provided for reservation to the Scheduled Tribes as per the population count in every Village Panchayat.

As per the research design, in order to examine the percentage of representation for the Scheduled Tribes at the Village Panchayat elections, data was procured from the records available on the official website of Goa State Election Commission for the year 2012 and 2017[20] (the latest Panchayat elections). The seats are allotted to the Scheduled Tribes as per the population. Population[21] means the population ascertained according to the last preceding published census. However, where census figures are not published, the population shall be determined from other authenticated Government records. The distribution of reservation of seats for the Scheduled

[17] Goa Panchayat Raj Act of 1994, § 2 (19), No. 14, Acts of Goa State Legislature, 1994 (India).
[18] Goa Panchayat Raj Act of 1994, § 7 (4), No. 14, Acts of Goa State Legislature, 1994 (India).
[19] Goa Panchayat Raj Act of 1994, § 45, No. 14, Acts of Goa State Legislature, 1994 (India).
[20] *Supra* note 6 at https://sec.goa.gov.in/village-panchayat/ (last visited Apr. 30, 2022).
[21] Goa Panchayat Raj Act of 1994, Explanation to § 7, No. 14, Acts of Goa State Legislature, 1994 (India).

Tribes as per the different talukas in Goa for the election to the Village Panchayats in Goa in the year 2012 and 2017 is given in Table 1:

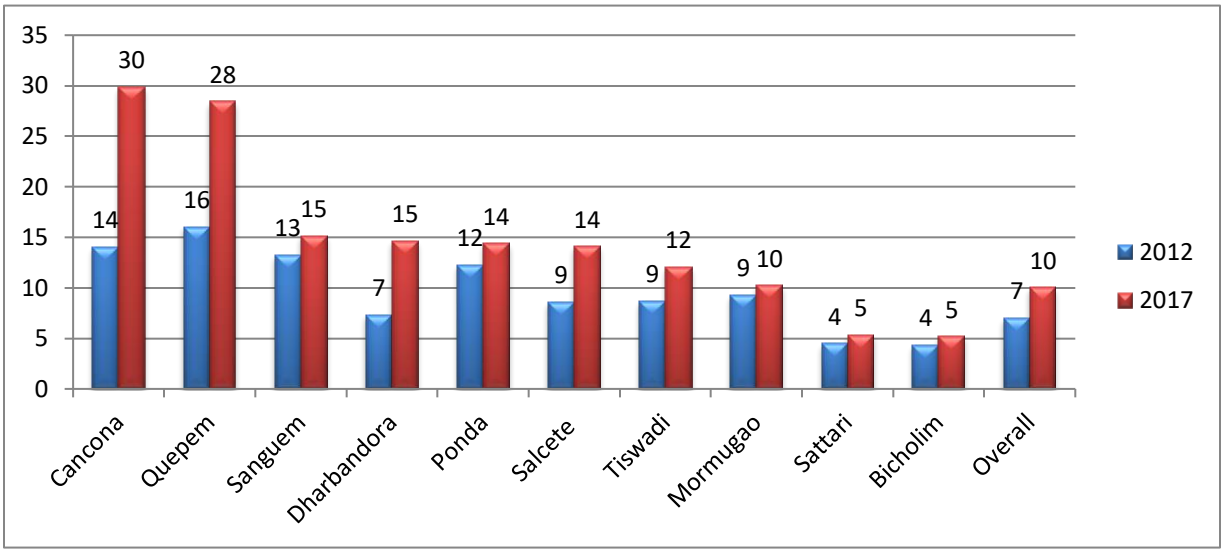
Table 1 - Village Panchayat Elections - Reservation Of Seats For Scheduled Tribes										
Taluka	***Total Seats***		***Seat Reserved For ST***		***Seat Reserved For ST (Women)***		***Total Seats Reserved For ST***		***Percentage Of Overall ST Reservation***	
	2012	***2017***	***2012***	***2017***	***2012***	***2017***	***2012***	***2017***	***2012***	***2017***
1. Cancona	57	57	6	14	2	3	8	17	14	30
2.Quepem	81	81	6	19	7	4	13	23	16	28
3.Sanguem	53	53	6	5	1	3	7	8	13	15
4.Dharbandora	41	41	1	5	2	1	3	6	7	15
5.Ponda	163	167	10	13	10	11	20	24	12	14
6.Salcete	269	270	14	22	9	16	23	38	9	14
7.Tiswadi	150	158	9	14	4	5	13	19	9	12
8.Mormugao	54	88	2	7	3	2	5	9	9	10
9.Sattari	90	94	3	3	1	2	4	5	4	5
10.Bicholim	116	116	3	5	2	1	5	6	4	5
11.Pernem	125	129	0	0	0	0	0	0	0	0
12.Bardez	264	283	0	0	0	0	0	0	0	0
Total	**1463**	**1537**	**60**	**107**	**41**	**48**	**101**	**155**	**7**	**10**

Source: Primary Data

Table 1 reflects that the percentage of overall seats reserved for Scheduled tribes at the Village Panchayat elections has increased from seven percent in 2012 to ten percent in 2017. In every taluka, there is a rise in the number of seats allotted to the tribal population. This increase is attributed to the increase in the count of the population of the Scheduled Tribes in the respective Village Panchayats. As per the records of the office of Goa State Election Commission, the candidates have contested from all the reserved seats for the Scheduled Tribes. The reservation provision under the Panchayat Act definitely provides for cent percent representation to the

Scheduled Tribes at the Village level administration. The increase in the percentage of Scheduled Tribes reservation in different talukas in Goa at the grass root level is reflected in the Figure 4:

Figure 4: Percentage of Reservation for Scheduled Tribes at Village Panchayat Elections



Source: Primary Data

The population of Scheduled Tribes is spread across eleven talukas in Goa as represented in Figure 2. However, only ten out of twelve talukas in Goa have reservation of seats for Scheduled Tribes in Goa. The state machinery has complied with the reservation policy under the Panchayat Act to allow reservations for the Scheduled Tribes at the local levels of governance. Fortunately, the candidates from the Scheduled Tribes have contested and won elections on the reserved seats. No allotted reserved seats have remained vacant in the Village Panchayats. Hence, there is adequate representation for the Scheduled Tribes at the Village Panchayats in Goa.

4.1.2 Inadequate Membership to Social Justice Committee

The Panchayat Act directs every Village Panchayat to constitute Social Justice Committee by way of election for the promotion of, social, cultural, economic and educational interests of the weaker sections including the Scheduled Tribes[22]. The Social Justice Committee should have membership ranging from three to five and one member should be from the Scheduled Tribes. As per the research design, in order to investigate the extent of representation of the Scheduled Tribes as part of the Social Justice Committee, data was procured from the ten sampled Village Panchayats.

[22] Goa Panchayat Raj Act of 1994, § 63, No. 14, Acts of Goa State Legislature, 1994 (India).

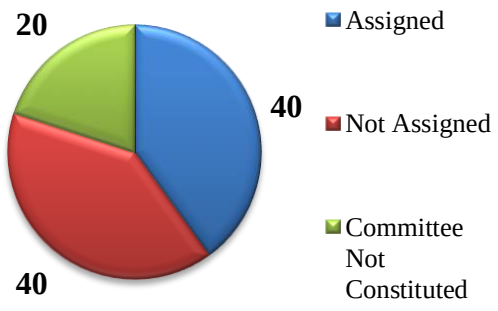
Table 2 and Figure 5 give the details of the membership of Scheduled Tribe in the Social Justice Committee and status of functioning of Committee in the sampled ten Village Panchayats in Goa.

Table 2 - Membership to ST member in the Social Justice Committee and its Status

Sr. No.	Name of the Village Panchayat	Name of the Taluka	Membership for ST	Status of Social Justice Committee
1	Chimbel	Tiswadi	Assigned	Non Functional
2	Balli-Adnem	Quepem	Assigned	Functional
3	Kundai	Ponda	Assigned	Non Functional
4	Bhironda	Sattari	Assigned	Non Functional
5	Shristhal	Canacona	Not Assigned	Non Functional
6	Piligao	Bicholim	Not Assigned	Non Functional
7	Chicolna Bogmolo	Mormugao	Not Assigned	Non Functional
8	Kalay	Sanguem	Not Assigned	Functional
9	Ambelim	Salcete	Committee Not Constituted	Not Constituted
10	Dharbandora	Dharbandora	Committee Not Constituted	Not Constituted

Source: Primary Data

Figure 5 - ST Membership in Social Justice Committee



Source: Primary Data

Table 2 and Figure 5 highlight that out of the ten Village Panchayats sampled, four Village Panchayats (40 percent) have assigned membership to Scheduled Tribe while constituting the Social Justice Committee. The other four Village Panchayats (40 percent) have not complied with the requirement of one membership to the person belonging to the Scheduled Tribe. The remaining two Village Panchayats have not even constituted the Social Justice Committee as mandated by the Panchayat Act. These Village Panchayats do not have any records of this committee being constituted in the past years. It was found that the reasons for not constituting the Committee and for not giving representation to Scheduled Tribes were not even known to the panchayat officials.

A further inquiry was made for the minutes of the latest meetings of the Social Justice Committee in order to understand the functioning of the Committee so constituted as per the Act. The responses reflect that out of the four Village Panchayats that assigned membership to Scheduled Tribe in the Social Justice Committee, three Committees had existence only on papers. Neither any meetings were held nor was any specific work undertaken by these Committee. Only one Village Panchayat, out of the ten sampled, had a Social Justice Committee functioning as per the mandate of the Panchayat Act. Hence, the research reflects that there is no adequate representation for the Scheduled Tribes while constituting the Social Justice Committee, though it is a mandatory statutory requirement under the Panchayat Act.

Therefore, the findings of the research conclude that the reservation provisions under the Panchayat Act have led to adequate representation of the Scheduled Tribes at the Village Panchayats in Goa but not in the Committee constituted under the Act:

i. The representation for the elected representatives at the Village Panchayat elections was increased from seven percent in 2012 to ten percent in 2017. (See 4.1.1)
ii. The representation of the Scheduled Tribes in the Social Justice Committee constituted under the Panchayat Act is a farce on paper. (See 4.1.2)

4.2 Ineffective Participation of Scheduled Tribes at the Gram Sabhas

The second core question of this research is to analyse whether reservations have led to effective participation of Scheduled Tribes at the Gram Sabhas of the Village Panchayats in the State of Goa. Gram Sabhas are the base of participatory democracy at the grass root levels. The effective functioning of the Village Panchayat is attributed to the successful holding of the Gram Sabhas and the higher participation of the Gram Sabha members. In order to examine whether reservation provisions under the Panchayat Act have led to effective participation of Scheduled Tribes at the Gram Sabhas, data was collected from the ten sampled Village Panchayats regarding the status of meetings of the Gram Sabhas held at the Village Panchayats, participation of the tribal communities at the Gram Sabhas and the resolution of the problems of the tribal population at the Gram Sabhas.

4.2.1 Irregular Meetings of the Gram Sabhas in Scheduled Tribes Reserved Village Panchayats

The Panchayat Act provides for conducting four Ordinary meetings of the Gram Sabhas in the month of January, April, July and October of every year[23]. These meetings are to be held on any Sunday of the specified months of the year. As per the research design, in order to study the status of the Ordinary meetings of Gram Sabhas as mandated by the Panchayat Act, data was collected for calendar years 2017, 2018 and 2019. The percentage of compliance of each Village Panchayat for conducting the Ordinary meetings of Gram Sabhas is given in Table 3 below:

Table 3 - Percentage of Compliance for Ordinary Meetings of Gram Sabhas

Sr. No.	Name of the Village Panchayat	Name of the Taluka	2017	2018	2019	Count of Compliance	Percentage of Compliance
1	Bhironda	Sattari	4	4	4	3	100
2	Balli-Adnem	Quepem	4	4	4	3	100
3	Shristhal	Canacona	3	4	4	2	67
4	Kundai	Ponda	3	4	4	2	67
5	Chicolna Bogmolo	Mormugao	3	4	4	2	67
6	Chimbel	Tiswadi	3	4	1	1	33
7	Ambelim	Salcete	3	3	4	1	33
8	Dharbandora	Dharbandora	2	4	3	1	33
9	Kalay	Sanguem	3	4	3	1	33
10	Piligao	Bicholim	2	3	3	0	0

Source: Primary Data

The Count of Compliance signifies the number of times the concerned Village Panchayat have conducted the stipulated four ordinary meetings of the Gram Sabhas in a calendar year.

The Percentage of Compliance is calculated as follows:

$$\text{Percentage of Compliance} = \frac{\text{Count of Compliance}}{\text{Number of Calendar Years}} \times 100$$

[23] Goa Panchayat Raj Act of 1994, § 5 (1), No. 14, Acts of Goa State Legislature, 1994 (India).

Figure 6 reflects the Compliance Status of Ordinary meetings of the Gram Sabhas. As shown in Table 3, only two Village Panchayats have attained 100 Percentage of Compliance. The other Village Panchayats have Percentage of Compliance ranging from 0 to 67. However, as per the Panchayat Act, conducting 4 ordinary meetings of Gram Sabhas in a calendar year which amounts to 100 Percentage of Compliance is the stipulated condition. Therefore, Figure 6 highlights that there are only 20 percent of Village Panchayats that comply with the statutory requirement of conducting the ordinary meetings of the Gram Sabha. The rest 80 percent of Village Panchayats do not comply with the mandate of the Panchayat Act. The reasons for not conducting the statutorily mandated ordinary Gram Sabha are flimsy. In fact, the villagers complain that the notice and agenda of the ordinary Gram Sabhas are not informed to them. Most of the members of the tribal communities are not aware about the relevance of holding and attending the ordinary Gram Sabhas.

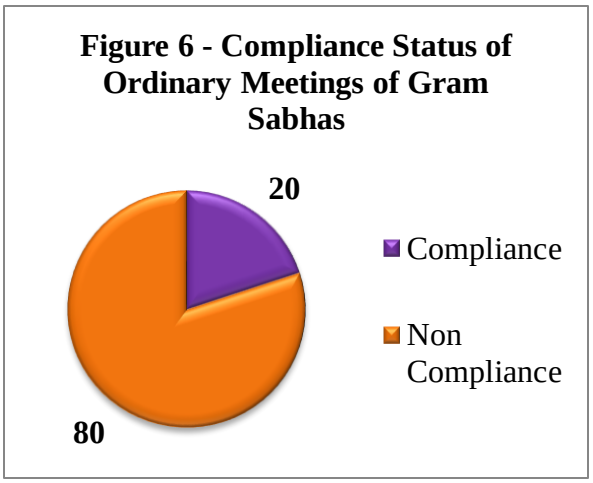


Figure 6 - Compliance Status of Ordinary Meetings of Gram Sabhas

Source: Primary Data

The Panchayat Act also prescribes for four Special meetings to be held on 26th January, 15th August, 2nd October and 19th December every year. These meetings are convened and presided over by the Sarpanch and attended by the Panch and Gram Sabha members of the Village Panchayat. These meetings are referred to as Special Gram Sabhas as the days assigned for these Gram Sabhas are of national and regional importance. 26th January - Republic Day, 15th August - Independence Day and 2nd October - Birthday of Father of the Nation, Mahatma Gandhi are days of national importance and 19th December - Goa Liberation Day is the day of regional importance. The villagers and elected representatives attend the Gram Sabhas to commemorate these days as part of their fundamental duty to pay tribute to the sacrifices made for the present day freedom enjoyed by them.

The researcher followed the same research design used for Ordinary meetings of Gram Sabhas to study the status of the Special meetings of Gram Sabhas as mandated by the Panchayat Act. The

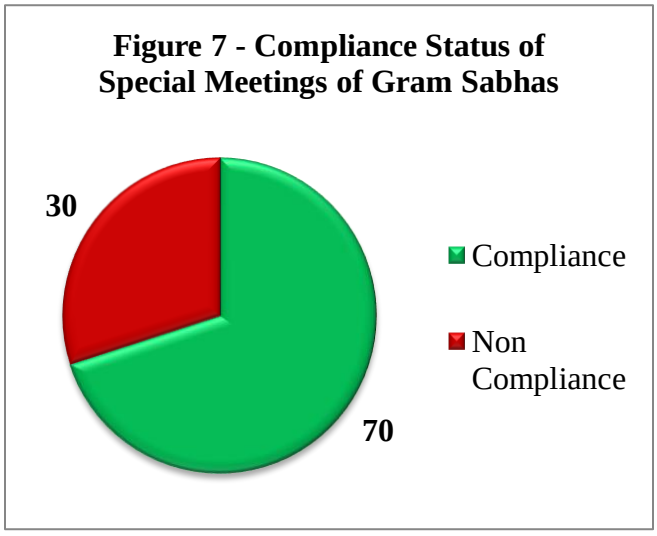
percentage of compliance of each Village Panchayat for conducting the Special meetings of Gram Sabhas is given in Table 4 :

Table 4 - Percentage of Compliance for Special Meetings of Gram Sabhas

Sr. No.	Name of the Village Panchayat	Name of the Taluka	2017	2018	2019	Count of Compliance	Percentage of Compliance
1	Chimbel	Tiswadi	4	4	4	3	100
2	Shristhal	Canacona	4	4	4	3	100
3	Piligao	Bicholim	4	4	4	3	100
4	Kundai	Ponda	4	4	4	3	100
5	Chicolna Bogmolo	Mormugao	4	4	4	3	100
6	Bhironda	Sattari	4	4	4	3	100
7	Balli-Adnem	Quepem	4	4	4	3	100
8	Dharbandora	Dharbandora	3	3	4	1	33
9	Kalay	Sanguem	3	3	4	1	33
10	Ambelim	Salcete	3	2	3	0	0

Source: Primary Data

Figure 7 - Compliance Status of Special Meetings of Gram Sabhas



Source: Primary Data

Figure 7 reflects the Compliance Status of Special meetings of the Gram Sabhas. As shown in Table 4, seven Village Panchayats have attained 100 Percentage of Compliance. Only three Village Panchayats could not attain the 100 Percentage of Compliance. As per the Panchayat Act, conducting 4 special meetings of Gram Sabhas in a calendar year amounts to 100 Percentage of Compliance.

Hence, Figure 7 highlights that 70 percent of Village Panchayats comply with the statutory requirement of conducting the special meetings of the Gram Sabha. Only 20 percent of Village Panchayats do not comply with the mandate of the Panchayat Act in terms of holding the special meetings of the Gram Sabhas. The compliance status for Special Gram Sabhas is higher than the

Ordinary Gram Sabhas in the ten sampled Village Panchayats. The research highlights that the agenda for the Special meetings includes flag hoisting and talk on the relevance of the day. There is no agenda relating to the issues of villagers in these meetings. Therefore, it becomes convenient for the officials of the Village Panchayat to conduct a special meeting rather than the ordinary meetings of the Gram Sabhas.

There is also provision for holding extraordinary meetings of the Gram Sabha on the requisition of at least one tenth members of the Gram Sabha. It is shocking that in the three year period that was considered for data collection, no need was felt for holding extraordinary Gram Sabhas. None of the Village Panchayats that were sampled conducted the extraordinary meetings of the Gram Sabhas. The reason given by the Panchayat officials was that there was no such requisition by the Gram Sabha members. Therefore, the research concludes that the holding of Ordinary meetings and Special meetings is irregular and of extraordinary Gram Sabhas is not visible in the sampled ten Village Panchayats.

4.2.2 Ineffective Participation for Gram Sabhas in Scheduled Tribes Reserved Village Panchayats

The Panchayat Act makes a provision of quorum for holding the meetings of the Gram Sabha. One tenth of the members of the Gram Sabha should be present to conduct the meetings of the Gram Sabhas[24]. Unfortunately, the effect of the quorum provision is negated by the subsequent clause that states that adjournment of the concerned meeting for half an hour and reassembly of the members so present shall guarantee for the continuation of the proceedings of the meeting convened on the appointed day[25]. Therefore, the effectiveness of participation at the meetings of Gram Sabha is not ensured by the very provisions of the Panchayat Act.

As part of research design, the investigation was undertaken regarding the participation of the Scheduled Tribes members in these ordinary and special meetings of the Gram Sabhas. The panchayat officials stated that the register to document the proceedings of the Gram Sabha meetings maintains record of the number of Gram Sabha members that attended the meeting. There

[24] Goa Panchayat Raj Act of 1994, § 5 (6) , No. 14, Acts of Goa State Legislature, 1994 (India).
[25] Goa Panchayat Raj Act of 1994, § 5 (7) , No. 14, Acts of Goa State Legislature, 1994 (India).

is no record kept for noting the percentage of Scheduled Tribes that attended the Gram Sabha meetings. As a result, the telephonic interviews were conducted of two Panch members preferably a male and a female, who were elected from the Scheduled Tribes reserved wards of the Village Panchayats. The responses from the Panch members reflect that as per the population of the Scheduled Tribes, a very marginal section of the community attend the meetings of the Gram Sabhas.

The reasons for non-participation are no information about the meetings of the Gram Sabhas, the hectic work schedule of the tribal community, lack of interest in the local administration, no faith in the government machinery, requests made in the past are still pending and no action has been taken. It is learnt that the tribal population feels neglected in the State of Goa. The participation by the members of Scheduled Tribes at the Gram Sabha is seen only if any individual matter is listed as part of the agenda of the meeting of the Gram Sabhas. The non-participation by the tribal population affects the very purpose of constituting the Gram Sabhas. Hence, the study reflects that neither the Panchayat Act nor the Panchayat officials or elected representatives ensures the adequate participation of the Scheduled Tribes at the meetings of the Gram Sabhas.

4.2.3 Languishing Problems faced at Gram Sabhas in Scheduled Tribes Reserved Village Panchayats

The objective of conferring constitutional status to Gram Sabhas was to involve more people at the village level administration in order to work for the development of the villages in India. People participation is possible only when there is awareness and interest in the working of the units of local self-governance. The responses from the interviewed respondents from the sampled Village Panchayats highlight that the tribal issues are not discussed exclusively even in the Gram Sabhas of Village Panchayats that have reservations for Scheduled Tribes. It is observed that the Scheduled Tribes reserved wards for Village Panchayats from the coastal belts and from the hilly areas show variance in the issues that are faced by the tribal population. The problems of water supply, electric connection, regularization of house holdings, delay in grant of benefit of government schemes continue to disturb the lives of the Scheduled Tribes. Some of the prominent problems that are proposed, discussed and languishing for years and still not resolved by the Gram Sabhas of Village Panchayats are as follows:

i. Issues with Water and Electricity Connections

There are some households of tribal community that still do not have water and electricity connection[26] which is the basic necessity that should be provided by Village Panchayats. The applications made for either electricity or water connections are pending with the panchayat office for a long period. In certain households of tribal communities that do have the water and electricity connections, the supply of water is only for two to four hours a day. Some tribal houses do not use the electricity or water connections as they do not have sufficient income to pay water or electricity bills. The financial constraints compel the tribal women and girls to walk miles distance to fetch water from public wells or public tap.

ii. No Benefits of Government Welfare Schemes

Majority of the Village Panchayats in Goa do not have the records of the Scheduled Tribes population in their respective villages. The Citizen Charter for the Scheduled Tribes listing welfare schemes is not available with most of the Village Panchayats. There are 6 centrally sponsored and 18 state government schemes for Scheduled Tribes and also 4 schemes for Scheduled Tribes Corporation[27]. During Gram Sabha meetings, even after repeated demands, the schemes are not explained to the Scheduled Tribes. Those who manage to avail the benefit of the welfare schemes of the Government complain that the procedure to avail the schemes is lengthy and expensive. There is a lot of hardship involved in procuring all the documents required to apply for any scheme. Hence, the present situation is that many are not interested even to apply for the schemes.

iii. Problems due to Mining Operations

Farming in the forest region or along the mountain slopes is the main occupation of the Scheduled Tribes in Goa. The State Government granted mining leases or renewed existing mining leases in forest areas without consulting the tribal population. The mining operations in the forest regions have damaged the livelihood of the tribal communities in Goa. The Scheduled Tribes have voiced their interests against the giant mining operators in the meetings of Gram Sabhas. But, there is

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[26] No power, school or health centre, velips of Cotigao hamlet wants to join the mainstream, THE TIMES OF INDIA (Oct. 25, 2021), https://timesofindia.indiatimes.com/city/goa/no-power-school-or-health-centre-velips-of-cotigao-hamlet-want-to-join-the-mainstream/articleshow/87244952.cms.

[27] The Citizen Charter for the Scheduled Tribes prepared by Directorate of Tribal Welfare, Government of Goa, available at https://www.goa.gov.in/wp-content/uploads/2020/11/Citizen-Charter-GSSTFDCL.pdf.

encroachment by the government authority or private companies on the land belonging to the tribal population for the developmental projects. The Village Panchayats failed to protect the interest of the tribal population against the government's ill will.

iv. Non Conferment of Ownership to Kumeri Land

Agriculture is the main occupation among the Scheduled Tribes in Goa. Post Liberation, in 1964-65, the tribal communities in Gaondongorim and Cola villages in Canacona Taluka were issued permission for the cultivation under Kumeri (cultivation) rights. These documents in connection with government property served as the authorization for the tribal community to grow different crops on their kumeri land. In 1986-87, land demarcation was carried out by Mamlatdar leaving aside the kumeri land[28]. More than three generations have cultivated these kumeri plots. There are claims pending before the office of Mamlatdars and Forest authorities since 1997 for clear title to these Kumeri plots[29]. The demarcation of reserved forest land undertaken by the forest officials in 2021 has encroached upon the kumeri plots[30]. No active efforts are made by the Village Panchayat through Gram Sabhas to protect the kumeri rights of the Gaondongorim and Cola villages. In fact, the procedure to issue Sanads to cultivators of Gaondongorim and Cola villages was completed in 2009. Around 343 claims for ownership to the Kumeri land are pending before the Government of Goa[31] and not resolved as yet.

v. Long Pending Forest Rights Claims

The Scheduled Tribes and other Forest Dwellers (Recognition of Forest Rights) Act, 2006 (hereinafter referred as Forest Rights Act) deals with the Forest Rights Claims of the Scheduled Tribes in Goa. The Forest Rights Committee is constituted through Gram Sabha to investigate, scrutinize and determine the nature and extent of the claims relating to forest rights under the Act.

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[28] Kumeri Ryots Plead For Their Land To Be Kept Out Of 'Forest', THE TIMES OF INDIA (Jan. 20, 2021), https://timesofindia.indiatimes.com/city/goa/kumeri-ryots-plead-for-their-land-to-be-kept-out-of-forest/articleshow /80354761.cms.

[29] Dy. CM Kavlekar Vows To Solve Kumeri Plot Issue In 6 Months, THE GOAN (JAN. 2, 2021), https://www.thegoan.net/goa-news/dy-cm-kavlekar-vows-to-solve-kumeri-plot-issue-in-6-months/63769.html.

[30] Will Resolve Kumeri Farmers Issues Within A Week: CM, THE TIMES OF INDIA (Feb. 1, 2021), https://timesofindia.indiatimes.com/city/goa/will-resolve-kumeri-farmers-issues-within-a-week-cm/articleshow /80620281.cms.

[31] Canacona Kumeri Farmers Demand Sanads, Threaten to Protest, THE TIMES OF INDIA (Sept. 29, 2021), https://timesofindia.indiatimes.com/city/goa/canacona-kumeri-farmers-demand-sanads-threaten-toprotest/ articleshow /86592641.cms.

The requisite of fifty percent quorum[32] for Gram Sabha with at least one third of it to be women is a very important rule under the Forest Rights claims mechanism to safeguard tribal claims. The Gram Sabha resolution is sent to the Sub-Divisional Level Committee and District Level Committee constituted by the State Government for examination and further approvals. There are total 10, 136[33] forest rights claims including 9758 individual and 378 community claims pending before the authorities since 2013. Out of these, only 47 Forest Rights Claims are disposed[34] which constitutes not even one percent of the resolved claims.

It is clearly evident from the above discussion that the Gram Sabhas have not been successful in effectively resolving the problems of the Scheduled Tribes for a very long period. This lethargic attitude of the government and panchayat officials is one of the reasons that created disinterest in the participation at the Gram Sabhas.

Therefore, the findings of the research conclude that the reservation provisions under the Panchayat Act have not led to effective participation of Scheduled Tribes at the Gram Sabhas of the Village Panchayats in the State of Goa:

i. The statutorily mandated ordinary and special meetings of the Gram Sabhas are irregular and extraordinary meetings are invisible. (See 4.2.1)
ii. There is no adequate participation of the Scheduled Tribes at the meetings of the Gram Sabhas in Goa. (See 4.2.2)
iii. The Gram Sabhas are not effective in providing solutions to the problems of the Scheduled Tribes in Goa. (See 4.2.3)

V. Suggestions

The research suggests some possible solutions for the prevailing roadblocks in the path of effective functioning of Gram Sabhas in Village Panchayats reserved for Scheduled Tribes in Goa are as follows:

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[32] See Rule 4(2) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012.
[33] Data was obtained from the Directorate of Tribal Welfare, Government of Goa as on 1st December 2021.
[34] Govt Wants More Time To Dispose Off Forest Rights Claims, OHERALDO (SEPT. 19, 2020) HTTPS://WWW.HERALDGOA.IN/GOA/GOVT-WANTS-MORE-TIME-TO-DISPOSE-OFF-FOREST-RIGHT-CLAIMS/165456.

i. For Adequate Representation of Scheduled Tribes in the Social Justice Committee

a. The Directorate of Panchayats should ensure that compliance reports are submitted by every Village Panchayat at least once in three years about the constitution, composition and functioning of Committees under Panchayat Act.

ii. For Regular Meetings of the Gram Sabhas

a. The Directorate of Panchayats should ensure that the special and the ordinary meetings of Gram Sabhas are held in every Village Panchayat regularly as mandated by the Panchayat Act.
b. The provision for the Block Development Officer to convene the meeting of Gram Sabha on failure of the Sarpanch should be made operational with no exception[35].
c. The report of the status of the Gram Sabhas conducted in a year should be sent to the Directorate of Panchayats by the end of the month of January of the subsequent year.
d. Strict action should be taken against such officers or elected representatives who fail to hold the meetings of the Gram Sabha.

iii. For Effective Participation of Scheduled Tribes at the Gram Sabhas

a. Awareness among the tribal community on the importance of Gram Sabhas should be created on priority basis.
b. The building of trust and confidence in the administration level at the village level is necessary.
c. The percentage of Scheduled Tribes attending the meetings of the Gram Sabhas to be reported and tracked.

iv. For Resolving Problems of Scheduled Tribes in Goa

a. The basic necessities like water and electric supplies to be provided to each and every household within the jurisdiction of Village Panchayat.
b. The panchayat officials must be trained on procedure and documentation required for availing the government welfare schemes for Scheduled Tribes.
c. Efforts should be taken by the panchayat officials to conduct awareness programmes about the government welfare schemes among the tribal population.
d. The interests of tribal population to be heard while granting mining lease or licenses.

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[35] Goa Panchayat Raj Act of 1994, § 5 (4) , No. 14, Acts of Goa State Legislature, 1994 (India).

e. The process of conferring kumeri rights to be carried out by appointing a specialised committee and claims to be settled once and for all.
f. The uniform guidelines for granting forest rights claims to be notified by the concerned department.

v. For Overall Advancement of Scheduled Tribes in Goa

a. The Tribal Advisory Council should be constituted as per the statutory requirements for the betterment of the Scheduled Tribes in Goa.
b. The twelve percent budget provision in favor of Tribal welfare should be fully utilized by the assigned 28 government departments.
c. The detailed functions of Goa Commission for Scheduled Castes and Scheduled Tribes should be identified in terms of promotion and advancement of the Scheduled Tribes in the Village Panchayats.
d. There is a need for Government machinery liaison with the Tribal organizations and Non-Governmental Organization to work for advancement of Scheduled Tribes in Goa.
e. The Directorate of Tribal Welfare should play a proactive role in uplifting the status of Scheduled Tribes in Goa. The rigor and enthusiasm should be developed within the working of the department.

VI. Conclusion

There is an immediate need for the Government of Goa to look into the issues of the tribal communities in Goa. The delayed recognition of aboriginal tribes of Goa is itself a violation of the rights of the Scheduled Tribes. The research clearly indicates that the Scheduled Tribes in Goa are given residuary treatment. The progress of any nation is judged by the progress of its people. The nation or its constituent states cannot focus only on the majority section of the society and ignore the minorities. Participatory democracy is achieved only with the involvement of the masses. Adequate representation and effective participation of the marginalized groups like Scheduled Tribes at the Gram Sabhas are required to achieve the goal of participatory democracy. Merely providing reservations in the Village Panchayats is not sufficient to uplift the status of the Scheduled Tribes in the state of Goa. The Goa government needs to create an inclusive environment for the other smaller sections of the society. Though Scheduled Tribes form only

10.23 percent of the population of Goa, they cannot be ignored and isolated from availing the advantages of the state's growing economy and infrastructure. For a healthy growth of a state, the happiness quotient of all the citizens, with no exception, has to be high or at least average. Therefore, collaborative and concentrated efforts of various government departments, Village Panchayat officials, elected representatives of Village Panchayats and the tribal population is the only way to see the new dawn for active involvement of the tribal communities in Gram Sabhas at the different village panchayats in the State of Goa.