

Chapter III: Composition and organization of Urban Local Bodies

A review of the composition and organization of ULBs vis-à-vis the Constitutional Amendment Act indicated that the power of delimitation of constituencies in CCP was vested with the Directorate of Urban Development, in contravention of the Constitutional Amendment Act provision that this function is to be carried out by the State Election Commission. The ULBs 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 74th Constitutional Amendment Act envisaged the establishment of necessary institutional mechanisms as detailed in **Table 2.1 (Chapter II)**, for the discharge of devolved functions by the ULBs and their empowerment as institutions of self-government. This section discusses the effectiveness of such institutional mechanisms.

3.1 State Election Commission

Article 243ZA read with article 243K of the Constitution provides for a State Election Commission (SEC) that shall supervise, direct and control the preparation of electoral rolls and conduct elections to the Urban Local Bodies (ULBs). The SEC, Goa was established in the year 1994 under Section 10A of Goa Municipalities Act (GMA).

The 74th Constitutional Amendment Act required that the SEC shall supervise, direct and control the preparation of electoral rolls and conduct elections to the ULBs. However, not all election related functions were performed by the SEC in Goa. The functions of delimitation of the wards in CCP and municipalities, and allocation of reservation in wards of municipalities were being performed by the Director of Urban Development (DUD).

Secretary, Urban Development (UD), stated (April 2022) that the amendment for transfer of all election related functions to the SEC was in the pipeline. It was further informed (January 2024) by the DUD that after Audit pointed out, functions of delimitation and reservations in Municipal Councils (MCs) were transferred to SEC.

Recommendation 1: The State Government may take necessary action to entrust delimitation of wards in CCP to the State Election Commission at the earliest.

3.2 Composition of Urban Local Bodies

Article 243R of the Constitution enabled Governments to make provisions regarding the composition of ULBs. The CCP Act (Section 9) provided for 30 elected members and five nominated members in CCP, while the GMA (Section 9) provided for 10 to 25 elected members in each MC. Audit observed the following regarding composition of ULBs:

3.2.1 Elected Members

The composition of the MCs was dependent on the population. The prescribed composition in GMA for all classes of MCs was revised in 2015 by the State Government. Number of minimum and maximum elected Councilors in each category of MCs, before and after revision was as shown in **Table 3.1**.

Table 3.1: Number of elected Councilors in MCs

Category of MCs	Before amendment		After amendment	
	Minimum	Maximum	Minimum	Maximum
A	15	20	15	25
B	10	15	10	20
C	10	10	10	10

(Source: Goa Municipalities Act, 1968 and amendment thereto in December 2015)

Sankhali MC, with a population of 13,651 (2011 Census), was a ‘C’ class MC till its reclassification (December 2017) as ‘B’ class MC. Upon reclassification, the Council was eligible for 12 councilors under revised criteria (minimum of 10 and one additional councilor for every 3,000 of the population or part thereof above 10,000). Audit observed that Sankhali MC had 11 councilors till it was a ‘C’ class MC, instead of the prescribed 10 and after reclassification as a ‘B’ class MC, the composition was revised to 13 instead of 12.

DUD replied (January 2024) that on being pointed out by Audit, the composition of Sankhali MC was revised (February 2023) from 13 members to 12 members.

3.2.2 Status of reservation

Article 243T of the Constitution of India stipulated that reservation of seats by rotation should be provided for Schedule Castes (SC), Schedule Tribes (ST) and women in different constituencies in a municipality for direct election. The reservation of seats for SC/ST was required to be in the same proportion as their population bears to the entire population of the municipal area. Further, not less than one-third of the total number of seats including seats reserved for SC/ST was required to be reserved for women. It also provided for reservation of seats to Backward Classes (BCs) by the State Legislature.

Both the CCP Act (Section 10) and GMA (Section 9 and 10) in Goa provided for reservation of seats for SC/ST in the same proportion as their population bears to the entire population of municipal area on rotation basis. CCP Act provided for reservation of 27 per cent of seats for BCs. One-third of the constituencies (including the number of seats reserved for SCs, STs and BCs) were reserved for women on rotation basis. GMA too provided for reservation of constituencies for SCs, STs and BCs in proportion to their population and not less than one-third of the constituencies were to be reserved for women on rotation basis across all categories.

Audit observed that seats reserved for SCs, STs, BCs and women in all the five-test checked ULBs, were as per the provisions contained in the Acts.

3.3 Organization of Urban Local Bodies

Article 243S of the Constitution provides for the constitution of Ward Committees in ULBs and necessary provisions in this regard were made in the CCP Act. Compliance of the provisions for Ward Committees in CCP Act and for other Statutory Committees in ULBs in CCP Act and GMA was as below:

3.3.1 Corporation of the City of Panaji

As per the CCP Act, an elected body (Corporation), a Standing Committee, three Special Consultative Committees¹ and seven Ward Committees² (Section 41, CCP Act) were to be established to carry out the functions of the CCP. The CCP Act also provided for the optional constitution of a Committee for Women and Child Welfare (Section 43).

➤ **The Corporation:**

The elected body of the Corporation is required to meet at least once every month or when so directed by the State Government as per Section 25 of the CCP Act for general transaction of business of the Corporation. Audit noticed that 28 ordinary meetings of the elected body (Corporation) were held during 2016-17 to 2020-21 in place of 60 meetings and they did not meet during 32 calendar months with intervals ranging from two to seven months between two meetings.

➤ **The Standing Committee:**

The Standing Committee was responsible for preparation of budgets, submission to the Corporation, re-appropriations, financial sanctions of works, approval of procurements, engaging services, *etc.* Decisions of the Standing Committee and the Corporation were executed by the Commissioner and subordinate officers. There was no periodicity prescribed in the CCP Act for meeting of the Standing Committee. However, the Standing Committee met 46 times during the period 2016-17 to 2020-21.

➤ **Ward Committees:**

Article 243S of the Constitution stipulated the establishment of Ward Committee consisting of one or more wards, within a territorial area of municipality having a population of three lakh or more.

Though none of the ULBs in Goa have a population exceeding three lakh, the CCP Act (Section 41) provided for the constitution of seven Ward Committees comprising such contiguous electoral wards, as may be decided by the Corporation. The composition³ of Ward Committee was laid down in the Act. The duration of the Wards Committee shall

¹ There shall be a standing committee and three Special Consultative Committees (Public Works Committee; Public Health and Markets Committee; and Hospital Committee) each consisting of not less than three and not more than seven Councilors. The terms of every Committee shall be one year.

² The Ward Committees comprising of terrestrial areas of the committee and not exceeding three other members of recognized non-Government Organizations and community-based organizations engaged in social welfare activities working within the area of the Wards Committee. The duration of these committees shall be co-terminus with the duration of the Corporation.

³ Ward Committee comprised of Councillors; the officer-in-charge of the territorial area of the Wards Committee, if any; and up to three number of nominated members from recognised non-Government organizations and community-based organizations.

be co-terminus with the duration of the Corporation. The Ward Committees were assigned the function of speedy redressal of common grievances, make recommendations on budgetary expenditure requirements in wards and to grant administrative approval and financial sanction for works upto ₹ five lakhs for inclusion in the budget. The committees were required to meet at least once in every month.

Ward Committees in the CCP were constituted only in 2020, though no meetings were ever held. However, the Ward Committees were not reconstituted when the newly elected body took over in March 2021. The system of Ward Committees was thus inactive.

➤ **Special Consultative Committees**

The CCP Act (Section 42) provided for three Special Consultative Committees (Public Works Committee, Public Health and Markets Committee and Hospital Committee). Even though the committees on Public Works and Public Health and Markets were formed, Audit noticed that the Hospital Committee was not formed subsequent to elections to CCP in 2016 and 2021.

Recommendation 2: The Government may constitute Ward Committees in the CCP to facilitate community participation in local governance and greater accountability.

3.3.2 Municipal Councils

As per Section 59 of the GMA, an elected body (Council), one Standing Committee and Subject Committees were to be constituted to carry out the functions of the Municipal Council. The Administration of the municipal area was vested in the Council (Section 51, GMA). Constitution of Standing Committee was mandatory (Section 63, GMA) and was to be constituted with such number of members as the Council may determine subject to maximum of one-third of total number of Councillors. Standing Committees were formed in all the four test-checked Councils.

Section 78 of the GMA prescribed the conduct of six Ordinary Council Meetings (OCM) every year for the disposal of general business. It also provided for the conduct of Special Council Meetings (SCM) at the request of one-third of the members. Details of meetings of OCM and SCM in the four test-checked MCs is indicated in the **Table 3.2**.

Table 3.2: Frequency of meetings of OCM and SCM during 2016-21

MC	OCM	SCM	Audit comments
Curchorem-Cacora	29	12	OCM were less than six per year in two (2017-18 and 2020-21) out of five years.
Mapusa	25	34	OCM were fewer than six per year in four out of five years (except 2019-20). Two emergency meetings were conducted in 2016-21.
Margao	23	29	OCM were fewer than six per year in four (2016-17, 2018-19, 2019-20 and 2020-21) out of five years.
Pernem	8	37	OCM were fewer than six per year in all the five years. No OCM was conducted in 2017-18 and 2020-21. Five emergency meetings were conducted in 2016-21.

(Source: Information provided by the MCs)

The Council

The Councils met frequently, considering OCM and SCM together, but the ordinary meetings were held less than the prescribed number. Delay in conducting meetings led to delays in the approval of all five budgets of Margao MC, four budgets of Pernem MC, three budgets of Curchorem-Cacora MC and one budget of Mapusa MC during the period 2016-21.

Standing and Subject Committees

Standing Committees were to be constituted with the allocation of subjects of transport undertaking, finance and welfare of conservancy staff (Section 68 of GMA). Further, additional responsibilities on subjects of fairs and pilgrims; Sanitation; Medical and Public Health were also to be allocated to Standing Committees where separate Subject Committees were not constituted. MCs were required to allot the subjects and powers to Standing and Subject Committees by making bye-laws (Section 68 of GMA). However, none of the four test checked Councils prepared the bye-laws.

Secretary, UD, agreed (April 2022) during the Exit Conference to make the functioning of Committees more effective and assured to bring in model bye-laws for the functioning of Committees.