

Revisiting Land Management System of ComunidadeLand: A Road Map for Post Pandemic Scenario in the State of Goa.

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Abstract :

The pandemic has thrown open certain inadequacies in the system of Democratic Governance World Over. In India especially certain areas have become highlighted due to these inadequacies. Health care has been one of the most important areas in this regard. Besides, certain economic policy deficits and lack of planning and implementation have also stands exposed. In most advanced States like Goa and other States in Western and South Region like Maharashtra, Karnataka, and Kerala, the Exodus of migrant workers as a sudden splurge and reaction to the pandemic have left their economies in tantrums. Goa has especially faced this impact as most of the essential day-to-day services as well as agricultural and fishing operations were mostly manned by these migrant workers. Their absence as a workforce has cost the State and it's economy considerably. This sudden shortage of commodities as well as labour force has called for rethinking for a new alternative strategy to promote local production of essential items including agricultural as well as horticultural produces. Coupled with these crises the return of a large number of overseas Goans mainly working in the ships and other allied services mostly in Gulf countries, have suddenly left a large junk of the population unemployed and perplexed, neither the Government nor the people themselves or the local leaders have any idea as to how to handle with this large influx of unemployed returnee Goans.

This research paper has outlined the history of Comunidades, their administration, and governance for generating revenue and the struggle for their survival in the present situation. Despite all this, the present existing Comunidades which are nearly 225 in number has been of a great economic boost to Goa by enduring proper land use and creation of income from various cultivation and of course payment of Government Revenue.

Keywords: Comunidades, Gaunkari System, codigo das Comunidades, Land Management, Arrendamentos and Aforamentos

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Introduction:

The need for suitable alternatives, mainly to provide gainful employment to these returnees, Goans on one side and on the other side to ensure production and supply of day-to-day essential items at reasonable prices for people living in Goa, as they experienced the sudden spurt in the cost of essential day-to-day commodities by traders from the neighboring State who made these commodities available in all nook and corners of the street of Goa, but the prices were indeed prohibitive and many even complained to the authorities about these exploitations. Nothing could be done by the State as these were mainly fly by night operators with no liability and even changing on a day-to-day basis the location of their commodities supply and sale centers, but it was an experience that Goans would not forget shortly and the realization of their gullibility and dependence on outsiders for these basic essentials have rather compelled them to think of alternatives to insure themselves against such eventualities in the future.

The only viable alternative would be the efficient management of land resources and agricultural production in Goa. Although the land is considered as a part of man's natural heritage access to it is being controlled and restricted by the Government presumably for administrative and economic purposes. In the system of Governance land belongs to the state by the Principle of "Eminent Domain". Legal theorist like Georg Wilhelm Friedrich Hegel argues that protection of individual property rights with some control over by the State is essential for the development of land.²

Many Government, as well as private policymakers and public conscious persons, have been debating and looking at viable alternatives, there is a popular consensus that Goa should produce more agricultural produce by better land use. It's not only Goa but the whole of India has realized that efficient land management and optimum productivity of land-based produced would be one of the necessities of the future. If one were to look at the ailments of agriculture in India there are certain perennial problems, to mention a few among the many ills are absentee landlordism, small landholdings, farmers' indebtedness, and consequent suicide, total dependence on monsoons and rain for cultivation, repeated use of land for same crops, General lack of planning, failure to reduce Demand and supply of agricultural produces, are some of the

²Ger Schulting, Martha Finnemore and Kathryn Sikkink, "Global Property Rights and Eminent Domain International Norm Dynamics and political change" 52, *Journal of International Organization* (1988, pp 887 – 917).

outstanding deficiencies. Unfortunately for India though there have been many land reform legislations they were all fundamentally aimed at enhancing the government levy on land and agricultural produce and at times enabling land hawks to stealthily convert agricultural land to commercial use thus permanently destroying the capacity of the land to produce goods and even damaging neighboring lands. Goa is also a witness to these kinds of happenings as one would not be surprised to see high rise buildings and flat complexes coming up even in remote villages of Goa where it is not needed at all. In the process.

Enhancing revenue collection of land and land use often unwittingly hiking up land prices causing land price inflation and artificial scarcity of land, giving rise to land mafias and underhand dealings and illegalities. Waterlogging, land contaminations, well pollutions have all become very common in many parts of Goa thus affecting the capacity for creating wealth and production of agricultural produce in these landholdings. The Politicians of Goa have also played a pivotal role in plunging Goa into this unhealthy situation. At this juncture, it would be wise to turn back to history for viable solutions, as historically Goa never faced poverty. There were never any poor people in want of food or shelter in Goa all these years. But the present system of modernization in the name of development and the lopsided land development has resulted in this unjust situation in Goa. It has created a situation of scarcity, mistrust, and wasting away of land resources, besides damage to flora and fauna and other environmental degradation including pollution of land and water. This is therefore the appropriate time to consider the Comunidade System as it existed in Goa before Goa's Liberation (1961).

A brief overview of Goa.

Mythological belief is that the land of Goa emerged from the sea, that legend Parshurama shot an arrow from the Sahyadri range and ordered the sea to retreat to the point where the arrow had landed. The landmass thus created is Gomantak which later came to be known as Goa. This may be the reason that a large track of Goan land amounting to nearly 18,000 hectares is known as the recovered land or the Khazans. When the first settlers arrived in Goa, it was a strip of 105 km in length by 60 km in width. On the east, was the Sahyadri Ghats, on the west, the deep oceans with numerous rivers crossing transversally on the huge marshy land. Overlooking the silvery water, were the hills with exuberant greenery with a vast deposit of forest produce, rich orchards, game,

and fish in abundance. With more than 5000 years of mythological history, Goa witnessed many dynasties and rulers who came from across its borders and the seas.³

Comunidade System in Goa

It is said that long before the Hindu rulers of the Kadamba Dynasty, the Muslim ruler Malik Hussein and the Portuguese came to Goa a large number of families across the western ghats abandoned their original homes on account of wars, epidemic, and famine came over and settled in Goa. They formed themselves into co-operative associations governed by heads of families who were then known as "Gauncars". This was in fact the beginning of what is now known as the Comunidade System. In fact, according to Sir Henry Maine there existed many village communities in the east as well as west similar to the Comunidade system in Goa.⁴ This group of families united by the assumption of common Kingship and a company of person exercising joint ownership over land has been explained by Sir Henry Maine in his book on Village Communities. These Gauncars and their co-operative associations were responsible for reclaiming and bringing under cultivation marshy lands which were laid waste in the villages, they cultivated the land collectively and divided the produce among themselves. The system was then called Gaunkary which was an indigenous, ancient association of the community in the village.⁵

The Portuguese immediately after the conquest of Goa (1510) realized the importance of the Comunidades in controlling the affairs of the rural economy. Accordingly, the institution of Comunidade was adopted to suit the needs of the Portuguese thereby linking agrarian operation with the socio-economic order which was then predominantly temple centered. In fact, at that Point of time, the Gaunkars as members of the Comunidades possessed large track of fertile lands that they leased out to tenants. These tenants were very innovative in their agricultural operation and were instrumental in producing new crops like cotton, coffee, etc. Through this kind of activity, the major part of the socio-economic life of Goa revolved around the institution of Comunidade. By around the mid-19th Century, efforts were also made by the

³ Claude Alvares, Fish Curry Rice, p12

⁴Codigo Das Comunidades, Diploma Legislativo No. 2070,(Imprensa Nacional, Goa, 1961) D'Souza Carmo, Legal System in Goa Volume II, Laws and Legal Trends, 1510-1969 (second edition, 2012, Cinnamon Teal Publishing, Margao, Goa).

⁵Code of Comunidades, Dept. of Revenue, Government Printing Press, Goa

Portuguese to shift several welfare functions of the State on to the shoulders of the Comunidade.⁶ The Portuguese rulers did so by enacting *Codigo das Comunidade*. Thus the Portuguese during their 450 years of rules tried to control the economy and society of Goa by modifying the structure and functioning of Comunidade based on their colonial strategies. History is proof that by this Comunidade system most of the villages were self-sufficient and even had surplus agricultural produce, which they based on the need shared with other Comunidades. This self-governing system though encouraged by the Portuguese for their own colonial propose were indeed very useful and advantageous to Goans. This was one of the reasons for the earlier statement that Goa had no poor or poverty⁷.

Though the Comunidade System came to be codified to suit the purpose and interest of the Portuguese Rulers it survived beyond the Portuguese rule. Because of the code, the Comunidade system through indigenous received formal legitimacy, the rules and regulations enabled stricter monitoring of the official's functioning in the Comunidade system. After the liberation suddenly the Comunidade were subject to the general policy and administration as it existed in the rest of India which was in fact a system inherited from the British. The Hallmark of the British system was its main and only focus was the collection of revenue from land holdings, that is the reason why the British named that Revenue Villages and Revenue Talukas. The officials were named accordingly as Collector, Dy. Collectors, Tahsildars, Mamlatdars, etc. as the whole orientation of the Government came to be focused not on effective land management but on effective revenue collection. The New British India Model which replaced the Portuguese indigenous model discredited and undermined the role of Comunidade in the development of the Village and Goa's assets.⁸

Despite all this, the present existing Comunidades which are nearly 225 in number has been of a great economic boost to Goa by enduring proper land use and creation of income from various cultivation and ofcourse payment of Government Revenue.

⁶Dhume A.R.S. *The Cultural History of Goa from 1000 B.C. -1352 A.D.*, (Dr. Ramesh Anant S. Dhume, M.D, Kamala Niwas, Santa-Inez, Panaji- Goa).

⁷Dr. Serra Adriano Paes da Silva Vaz, *Codigo Civil Português*, Carta de Lei de 1 de Julho de 1867. (Atlântida-Livraria Editoria, Coimbra, 6th Edition, 1946)

⁸Gomes Olivinho J.F, *The Goan Village Communes*, published by Vasantrao Dempo Education & Research Foundation, 2005.

As an illustration, the writer would now focus on the extent of the productivity of these Comunidades based on the information available from the Office of the Administrator of Comunidades.

To illustrate as to how the Comunidades system could be effectively used to the economic wellbeing of the state, a brief analysis of the Income and Expenditure is made of the northern district of Goa namely Comunidade Fraternal de Aldona in the Taluka or *Concelho* of Bardez from the 1950s to Present date their main sources of income.

It should also be kept in mind that the Comunidades of Goa have lost their agricultural lands mainly due to the implementation of the Goa, Daman, and Diu, Agricultural Tenancy Act 1964, mainly because of the scheme of land tenure as understood in the Goa, Daman, and Diu, Agricultural Tenancy Act 1964, which is manifest in the Land Revenue Code, 1968 is different and a novelty in Goa.

The code provides for giving out lands for cultivation and other purposes employing definite contracts like *arrendamentos* and *aforamentos*. The *arrendamentos* are in nature to assignments where no transfer of interest exists, but there is only a transfer of rights of limited use and fruition. However, in the year 1976, due to an amendment to the Agricultural Tenancy Act, the tenants were made deemed purchasers. Therefore since 1976, the tenants who have become deemed owners of these lands have stopped making their contributions to the Comunidades and the same has led to a huge slump in the income of the Comunidades.⁹

Upon scrutiny of the books of income and expenditure of one of the Comunidades in the Bardez Taluka, being the “Comunidade Fraternal de Aldona” The Researcher has collected the sums of

⁹Gomes Pereira Rui, Goa Gaunkari, the Old Village Associations, Vol. II, First Edition, translated by Angelo das Neves Souza, Printwell Press, Panaji, Goa, 1981.

incomes and expenditures of years from 1955 right up to 2019. The relevant collected data is reproduced hereunder:

Table 1.1:

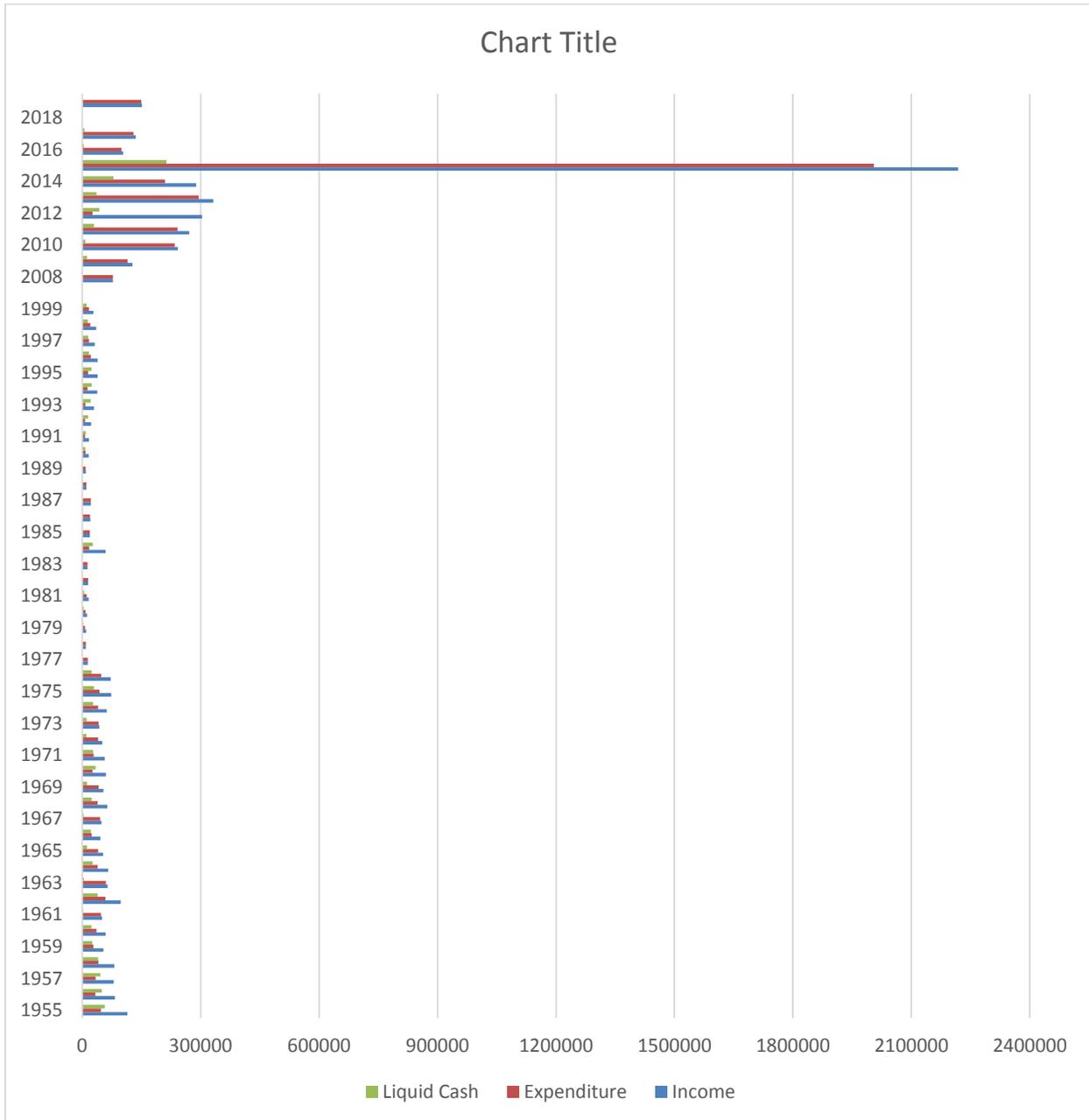
Year	Income(In Indian rupees)	Expenditure(In Indian Rupees)	Liquid Cash(In Indian Rupees)
1955	114486	47364	57122
1956	82498	33180	49318
1957	80214	34262	45951
1958	81285	41131	40157
1959	53787	28310	25476
1960	59470	36085	23384
1961	50246	47810	2436
1962	97705	58496	39208
1963	64439	60305	4134
1964	65889	39362	26526
1965	52849	40585	12263
1966	46172	24196	21976
1967	48986	45508	3478
1968	63438	39112	24325
1969	54182	42102	12079
1970	59983	26010	33972
1971	57246	29412	27827
1972	50989	40156	10833
1973	43140	41847	11618
1974	62217	40313	27906
1975	73672	43828	29844
1976	72457	48291	24165
1977	14171	14169	002
1978	9504	9090	414
1979	10254	7518	2736
1980	12238	8625	3613
1981	16567	11763	4804
1982	15197	14737	459
1983	13543	13516	027
1984	59594	17521	27073
1985	19458	19067	835
1986	20445	20003	442
1987	22217	22076	140
1988	10646	10639	007
1989	9155	8839	315
1990	16452	8489	7963
1991	17118	7489	9628

1992	22586	7489	15091
1993	29780	8109	21670
1994	38375	13919	24455
1995	38912	15128	23784
1996	38896	21818	17078
1997	32021	16818	15293
1998	35225	20818	14407
1999	28228	17018	11210
2000- 2007	Not Available	Not available	Not Available
2008	77979	77968	011
2009	127406	115238	12168
2010	241995	234322	7676
2011	271500	241500	30000
2012	303500	26000	43500
2013	332000	295500	36500
2014	288700	209700	79000
2015	2218520	2005000	213520
2016	104267.60	100000	4267.60
2017	135523.60	130000	5523.60
2018	Not Available	Not Available	Not Available
2019	151173.60	150000	1173.60

Source: Primary

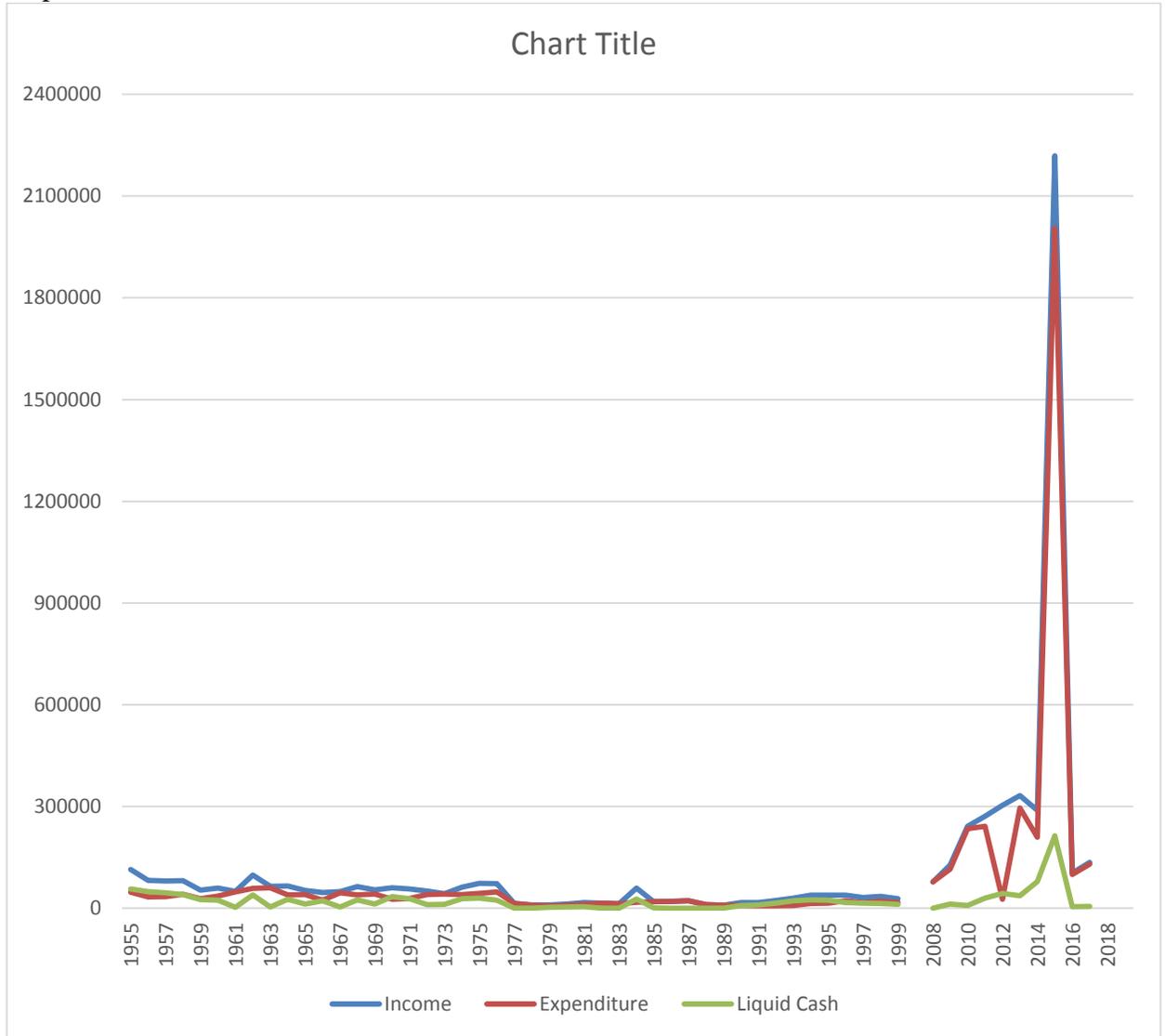
Bar graph 1.1: Showing a graphical representation of the income, expenditure and net income (liquid cash) of the Comunidade 'Fraternal de Aldona' from the year 1955 to 2019.

Bar Graph 1.1



Line Graph 1.2: The same information as above of the Income, expenditure, and net income(Liquide Cash) is depicted using a line graph.

Line Graph 1.2



As can be seen, there has been a steady decline in income from the year 1955 to the year 1976. In the year 1976, the total income of the Comunidade was Rs. 72,457/-, however in the year 1977, the income was a mere Rs. 14,171/-. In the years to follow, the income would remain at a

low level. It was only from the year 1994 onwards that there resulted in a rise in income. In the year 2013, a total income of Rs. 3,32,000/- was generated which was an all-time high in the period of research. In the year 2015, a total income is shown as Rs. 22,18,520/-. There is a rise in income due to the amount transferred from the savings account of the Comunidade. The lowest income recorded was in the year 1989 which was Rs. 9,155/-. The books referred to show the annual income from the year 2008 onwards show receipts of bank interests from fixed deposits rather than rents and other dues consisting of income from land. The same appears to be done not in terms with the Code of Comunidades as contained in Article 307. On inquiry, the Researcher was informed that since tenancy was introduced in the fields, plantations, and other properties of the Comunidades, the incomes that were previously being generated from the same are now not received from the so-called tenants albeit being mere cultivators on contracts of arrendamentos when the same were made. A little income is however still generated from three sluice gates and few kiosks and roadside shops which are erected on Comunidade land. This has led to a tremendous loss to the Comunidade and finds it difficult to sustain itself. For this reason, fixed deposits have been created and the interest from the said fixed deposits becomes the main source of income to the Comunidade, and then a part of the same is apportioned for distribution to the joneiros of the said Comunidade which makes up the Zonn.

The above case study though illustrative makes it amply clear that the Comunidade system which is based on cooperative farming and management can greatly boost the efficiency and the potential of land management for resource generation.

In a state like Goa, where the main economic activities were centered on mining and tourism, are now facing extinction. Mining because of the collective greed of the miners and corruption among Government officials has resulted in excessive mining causing enormous environmental degradation and is now at a standstill with many unresolved issues including crores of rupees payable by the miners for illegal extraction and transportation of ore from Goa.

As regards tourism part from the pandemic due to shortsighted policy and the urge for quick money have strayed into illegalities like drug trafficking, and prostitution, etc. to revive the Goa tourism into a clean and revenue-earning activity Goa lacks political will mainly because of the involvement of some prominent politicians themselves in these activities and their patronage of such activities purely for their economic gains. In the prevailing 'catch 22' situation, Goa has no alternative but to fall back on agriculture and land-based produce for which efficient land management is a *sin-a-qua non*, especially in this labour scarcity situation. Reinventing and reintroducing the co-operative farming methods like the *Comunidade* system will help in the revival of the economy and guarantee of prosperity to the people.

Many are of the opinion that, if the *Comunidades* were allowed to evolve without the so-called Government interference; it would have greatly helped the Goan population especially the youth to find them gainful employment and avocation within the State itself. However, it should be noted that the time has come for Collective Actions, Joined Ownership, and Co-operative Ventures, etc. It will certainly help the Goan environment as well.

“Systems working in the spirit of collective ownership with clearly articulated responsibilities towards the environment, infrastructure, and quality of habitat, could have paved the way for a smoother transaction in Goa”. The coastal State like any other dynamic economy must find ways

of accommodating the workforce it relies upon by the co-founders of an urban network. Land systems are increasingly affected by changes in Global Governance and wider revalorizations of land¹⁰

The UN Conference on environment and development under its world soil charter by FAO member countries promoted that land used planning is an important tool for sustainable use and management of land resources¹¹.

Conclusions:

The Covid-19 Pandemic has revealed some of the policy and governance deficient in India both at the central level as well as at the State level, even the local authorities are fully aware of their failure to ensure some minimum health standards as well as essential commodities requirements.

After the health infrastructure and facilities, the other area that needs urgent attention is the system of land management. No doubt, States like Goa has gone for unrestricted constructions even in villages on the plank of development, but the water flooding and loss of lands meant for cultivation permanently, has raised many eyebrows and louder the voices of the activists.

In this situation, everyone would agree that suitable land management schemes will ensure the unhindered availability of essential supplies and drinking water. This is but the appropriate time to revisit the Comunidade system that existed in Goa prior to its liberation, as the Comunidade system dealt with not just the ownership or the agriculture but the whole land management issues as well.

As such, a suitable Co-operative system similar to the Comunidade system where there is collective action, collective endure and collective responsibility with an equitable profit or resource sharing will greatly eliminate most of the difficulties that the Indian agricultural system faces including rural indebtedness and the unscientific use of land, etc.

¹⁰<https://glp.earth/our-science/themes/land-governance>.

¹¹FAO working papers/Imat <http://www.fao.org/3/a-i5937e>

The State governments need to reconsider many options for future land management and the Comunidade system will be a viable and suitable alternative for efficient and effective land management programs. It's important that when we consider the past, you need to pragmatically modify it to the contemporary needs for its effective application and utility.

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