

## Challenges before Panchayati Raj in Jammu and Kashmir

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### Abstract

Panchayati Raj plays an important role at grass-root level in Indian democracy. In Jammu and Kashmir Panchayati Raj was enacted in Act of 1989 before four years of Panchayati Raj Amendment Act of 73rd of Indian union in 1993. Under this Act the first Panchayat election was held after a gap of 12 years in 2001 was not successful due to armed conflict. Recently in 2011 Panchayat election was held in J&K is successful compared to last Panchayat Elections. In present study various challenges are discussed before Panchayati Raj in Jammu and Kashmir.

**Keywords:** Panchayati raj acts; Challenges; Reservation; Panchs and Sarpanchs

### Introduction

Panchayati Raj plays an important role in Indian democracy. The term Panchayati Raj is a system in which gram panchayats are basic units of administration. It has been established in all the states of India by the acts of the state legislature to build democracy at grass-root level. The government of India appointed a Balwant Rai Mehta Committee in January 1957 to study the Community Development and National Extension Service programs, especially from the point of view of assessing the extent of popular participation, and to recommend the creation of institutions through which such participation could be achieved. The Committee recommended the constitution of statutory elected local bodies with the necessary resources, power and authority devolved to them and a decentralized administrative system working under their control. Rajasthan was the first state to establish Panchayati Raj [1-4]. The scheme was inaugurated by the Prime Minister Jawahar Lal Nehru on Oct 2, 1959, in Nagaur district in Rajasthan. It was followed by many other states in India after Rajasthan. After several attempts to get the constitutional amendment bill passed in the parliament of India. The bill finally emerged as the 73rd constitutional Amendment Act, 1992 and Panchayati Raj came into existence on 24th of April 1993. The act provides a three-tier system of Panchayati Raj in India, that is, Gram Panchayat at the village level, Panchayat Samiti at the block level, and Zila Parishad at the district level. The 11th schedule in the constitution lists 29 functional areas to be brought within the purview of the decentralized planning level, including agriculture and allied activities, irrigation, social forestry, village and small-scale industries, including food processing industries, drinking water, housing, roads, culverts, education, women and child development programs etc. Resources and funds flowing from various departments of the state governments and from centrally-sponsored schemes to the district and sub-district levels can be dovetailed within a local area plan. This would ensure better utilization of resources under umbrella with priorities assigned to activities on the basis of the felt needs of the people. The act has given a practical shape to article 40 of Part 4th of the Directive Principles of

State Policy which says that, "The state shall take steps to organize village Panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self-government".

The Panchayati Raj institutions became a state subject under the Constitution of India. The panchayat rules were framed in 1996. Every five years, about 3.4 million representatives are elected by the people through the democratic process, out of whom one million are women who head about 175 district panchayats, more than 2,000 block Panchayats and about 85,000 gram panchayats [5-8].

Panchayat consists of two words 'Panch' and 'Yat', Panch means five and Yat means assembly. 'Raj' literally means governance or government. Thus Panchayati Raj means an assembly or government of five peoples.

The Union Cabinet of the Government of India, on 27 August 2009, approved 50% reservation for women in Panchayati Raj Institutions. The Indian states which have already implemented 50% reservation for women in Panchayati Raj Institutions are Madhya Pradesh, Bihar, Uttarkhand and Himachal Pradesh. As of 25 November 2011, the states of Andhra Pradesh, Chhattisgarh, Jharkhand, Kerala, Maharashtra, Orissa, Rajasthan and Tripura also reserve 50% of their seats for women.

*Gandhiji, the father of Indian nation realized the importance of village Panchayat as an important instrument of ruler development, promoting democracy at grass-root. His term for such a vision was "Gram Swaraj" (village self-governance).*

*It was our first Prime Minister Pandit Jawaharlal Nehru who favored the idea of village republic. He said, "India will progress only, when the people living in villages become politically conscious. The progress of our country is bound up with the progress in our village. If our villages make progress, India will become a strong nation and nobody will be able to stop its onward march, if you flinch from your determination and get involved in mutual quarrels and petty factions, you will not be able to succeed in your mission."*

## Panchayati Raj in Jammu and Kashmir Since 1989

The founder of Panchayati Raj in J&K was Maharaja Hari Singh in 1935. By an amendment in 1941, the list of functions of the 1935 Regulation were widened by an Act of 1951, the Panchayati Raj Institutions (PRI) was adopted to be re-established. The Jammu and Kashmir Government thereafter enacted the Village Panchayati Act in 1958 replacing the 1951 Act. Various committees were attempted on Panchayati Raj in J&K. Finally in April 1988 it was introduced in assembly of J&K and came into existence in March 1989 (known as J&K Panchayati Raj Act-1989) [9-11].

The preamble of the J&K Panchayati Raj Act-1989 states in chapter 2nd, every Halqa Panchayat shall consist of such number of Panchs not less than seven and not more than eleven including the Sarpanch, as the prescribed authority may, from time to time, fix in this behalf:

“Provided that if the prescribed authority is of the opinion that women are not adequately represented in the Halqa Panchayat, it may nominate such number of women to be members thereof, as it may deem fit.”

“Provided further that the number of women members to be nominated as such shall not exceed 33% of the total number of elected Panchs”.

“Provided also that while making nomination the composition of the Halqa Panchayat with reference to representation of Scheduled Caste, Scheduled Tribe and other weaker sections shall be given due consideration”.

The first election under the Act of 1889 was held in 2001 after a gap of 12 years, although they could not be successful in all parts of the state due to the prevailing situation. The Panchayat bodies could not, therefore, become functional in the State in the last two decades. In the intervening years, panchayat institutions in other parts of the country have evolved with the backing of the 73rd Amendment act 1993 to the Constitution of India. The Amendment envisions a larger and vibrant role for Panchayati Raj has been recognized with wider power and financial resources not merely as institutions of political participation but institutions of social and economic development. The strengthening of the Panchayati Raj Institutions (PRIs), with properly defined role in local planning, decision-making and supervision, is being advocated as an essential part of the governance reforms agenda by both the government as well as civil society groups. Recently in 2011 panchayat elections were held in Jammu and Kashmir after 23 years at all the three levels viz; village, block and district level. As per the Cabinet Decision No.40/3/2011 dated 09-02-2011 and Cabinet Decision No. 170/21/2011 dated 21.09.2011 vide Government Order No: 1126-GAD of 2011 dated 22-09-2011, the Government of Jammu and Kashmir ordered the devolution of functions and activities to these Institutions as specified in Annexures I to XIV has specified the devolution of functions and activities to these institutions in respect of 14 departments. The Panchayati election was held in 16 rounds from April to June 2011. The Panchayat elections were quite vibrant compared to the last Panchayat elections which were held in 2001, these were much more meaningful and participatory. The number of Sarpanchs and Panchs in the state were 4,130 and 29,719 respectively, out of which 9424 were women, with State level average voter turnout of about 77.71 percent [12,13]. All Sarpanchs and Panchs were duly elected in accordance with the provision of Jammu and Kashmir Panchayat Raj act, 1989. The young people and women were quite involved in the electoral process with many of them joining the election fray as the candidates for Panch and Sarpanch constituencies.

This election shows the positive impact on women and youth in political participation at grass root level. The Panchayats are expected to play an important role in ruler development of Jammu and Kashmir, particularly after 2011. It was the great achievement of National Conference government to make the Panchayati Raj elections possible as the conditions were not favorable in Jammu and Kashmir [14,15].

## Objectives of the Study

- To highlight the impact of militancy on Panchayati Raj in Jammu and Kashmir.
- To analyze the challenges of Panchayati Raj in Jammu and Kashmir.

## Challenges

### Lack of security for panchayati leaders

The Panchayat election 2011 in J&K was the overall enthusiasm of the people, as stated above, is a positive message regarding the resilience of democratic politics. Around 80% voter turnouts were recorded. According to some estimates, the turnout in the Kashmir valley was over 77.71%. The young people especially were quite participated in the electoral process with many of them joining the election trying their luck as the candidates for Panch and Sarpanch constituencies. Unfortunately 2011 elections were held in a situation when the armed conflict was still a reality in Jammu and Kashmir. The elected Panchs and Sarpanchs are worried about their lives because many Panchs and Sarpanchs were killed after election 2011 by unknown gunmen in J&K [16]. During 2011 election a woman was killed in Badgam (Kashmir district). It was generally believed that the killing of woman was supposed to be a message to voters that they should not be participating during the election. The tragic killing of some Sarpanchs in the state has created an atmosphere of fear and insecurity. After killings, many Sarpanchs and Panchas were declared resignation. In Baramullah and Srinagar districts about 63 percent of the total Panch constituencies were declared vacant. The threat has created a dire need of protection for Sarpanchs and Panchs life and their own families. Minister for ruler development and Panchayati Raj informed the state assembly "Six Sarpanches were killed and three injured in Baramulla district, while three were killed and two injured in Pulwama. One Sarpanch was killed and one injured in Shopian," he also added "In 12 districts of Kashmir, 20 Sarpanches and 128 Panchs have resigned for reasons including threats from militants."

### Lack of people's participation in elections

People's participation is very important for making good democracy not only at state or union level but also at grass-root level. Participation of all is necessary, whether directly or indirectly, to make the system more accountable and transparent. Participation helps to promote and enhance their leadership qualities and self-confidence. It will help them to perform better in the Panchayats to ensure their participation in the meetings. Unfortunately majority of the population in J&K do not participate in assembly or Panchayati elections because of conflict. Conflict created fear among the peoples of J&K. During Panchayati election 2011, there were reports that posters had pasted outside mosques and other important places in some districts of the Valley forbidding people not to participate in the polls. Hence, they wanted to get rid of participate in elections either parliament or assembly or Panchayati election.

### Lack of educated leaders for panchayati raj

Like Jorgen, education is not regarded as an important factor for political participation but still some others regard education as the most decisive factor for political participation. Education has significant positive effects on both voting behavior and contacts with politicians in both stable democracies and post-communist states. Panchayat election was held in year 2011 in which 33849 Panchs and Sarpanchs were elected. Large numbers of these elected representatives are illiterate and less educated. Illiterate or less educated leaders are one of the great issues before our Panchayat system. They lack understanding the rules and regulations about Panchayat system. They could not properly work for the welfare of the people. They lack understanding of government procedures, finance and accounts, implementing works, judicial processes or the Constitutional provisions. Most of them are unable to sign or write their name and rely on thumb impression.

### Lack of awareness

Majority of the population is disinterested in the system or unaware of the benefits of the said system if implemented properly. The bureaucratic delays, political interference, economic reasons and social pressures which made the Panchayati Raj dysfunctional can be controlled if common man comes to know about the system. The constructive and other social welfare works that are handed to the panchayats and the running body i.e. Panchs and Sarpanchs by the government can improve the level of the villages and increase the faith of the every native towards nation and national integration and may make their participation certain in the government works if people are aware of the system. Their awareness may help to elect the best possible persons of the society as their leaders. But it is only their lack of knowledge and disinterest that they don't participate and the persons who are interested to lead are no way worth but are selected and hence rule as per their choice which has made the system ineffective. In nutshell, if in J&K Panchayati Raj Act is implemented in letter and spirit, high handedness of Sarpanchs or Panchs won't work and participation of common man will be assured and this will help national harmony. Thus there is a need to provide support to both the community members and also to the elected representatives to understand the importance of Panchayati Raj, its roles and their significance in the whole process of sustainable development.

### Conclusion

To conclude there are various other challenges before Panchayati Raj in J&K viz; mismanagement in the Panchayati system, political influence, corruption, lack of motivation, inappropriate use of funds, lack of responsiveness, lack of transparency, lack of skills and man power, lack of infrastructure, and lack of proper guideline. Panchayat system neither develops nor properly works because of these challenges.

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