

# INITIATION AND ANALYSIS OF PANCHAYATI RAJ SYSTEM IN JAMMU & KASHMIR

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## INTRODUCTION

Specific stipulations aimed at strengthening the financial domain of the restructured local bodies have been made in the two enactments, so as to make local bodies vibrant and self-sustaining for better management of civic affairs.

A democratic polity involves the decentralization or decentralization of power in a way that the affairs of the local people are managed by means of their positive participation. It signifies marked devolution of power from the higher to the lower levels in a way that the units of local government exercise their authority with the participation of the people and with occasional control and supervision of the provincial and central governments. Thus democratic decentralization or "Panchayati Raj" as it is popularly known in our country aims at making democracy real by bringing the millions into the functioning of their representative government at the lowest level. It thus becomes a system of "grass-roots democracy" that seeks to link the units of administration established in the remotest villages of a vast country with the units of higher government at the regional level. Indian villages used to be governed by Village Panchayats in the past; it finds mention in Manusmriti and also in Arthshasira of Kautiliya in 400 B.C. In the midst of conquest and rise, and fall of empires, the Village Panchayat continued to survive and thus gave continuity to the Indian tradition. But it was the East India Company which slowly and systematically demolished the concept of local self-government. The introduction of Ryotwari System and the centralization of executive and judicial powers destroyed Panchayati Raj Institutions (PRIs). But Lord Rippon's famous "Resolution on Local-Self Government" of 1882, envisaging a broader framework of local self-government at the district level and below presaged some broad contours of Panchayati Raj 75 years before the submission of the Balewanti Mehta Report (1957).

Panchayati Raj as an institution of Local Self-Government in the State of Jammu and Kashmir has not been imposed from the outside. It is ingrained in the socio-political history of the State. The experimentation with the Local Self-Government in Jammu and Kashmir state dates back to 1930's when the Maharaja's government promulgated the J&K Panchayati Regulation Act No. 1 in 1935. The essence behind the promulgation of this Act was not to promote local self-government but to use Panchayats primarily as the delivery arm of the government for civil administration and criminal justice. There was no semblance of a democratic character. The right to vote and the qualifications to seek any office in the Panchayats were determined by yardsticks such as economic status and literary level. The situation was thus manipulated by a small band of selected

beneficiaries owing allegiance to the rulers who used these institutions to achieve their own objectives. Due to the non-democratic nature of the Panchayats, people lost faith in Panchayat institutions and as a result the Act remained more or less dysfunctional." The pre-1947 Panchayati Raj system in Jammu and Kashmir reveals that the institution was manipulated by the ruling class and their collaborators for their own ends. The post-1947 period witnessed the coming into power of the National Conference. The "Jagirdars" and "Chakdars" who had accumulated large chunks of land were in full bloom. After coming into power in March, 1948 the National Conference Government in line with its "NC Kashmir" manifesto, (released in 1944), took immediate steps for abolition of landlordism by passing of the Big Landed Estates Abolition Act, 1950, securing the land to the tiller. It also became a great milestone in land reforms in the history of Jammu and Kashmir and the first experiment in the sub-continent. It provided a solid base for the Panchayati Raj System to play an effective role in reshaping the ruler economy. Keeping this in view the Government replaced the Panchayat Act of 1935 (as amended in 1941) by Act V of Samvat 2008 (corresponding to year 1951). This period also witnessed the preoccupation of the Govt, with Community Development programme introduced in 1952 throughout the country. Before one could observe the results of these new development initiatives and the role which Panchayats could have played there came the summary dismissal of the government in 1953. As a result local self-government was subjected to a period of rough weather, before it could be reviewed.' Before Panchayati Raj system could be introduced in the whole country in 1959, the State of Jammu and Kashmir taking lead passed the Jammu and Kashmir Panchayati Raj Act, 1958 replacing the earlier Acts. Although the Act was passed primarily to make better provisions for the administration of Village Panchayats implementation made it open to the manipulations by various vested in Jammu and Kashmir State, the manner of interests.

Decentralization of Government make sure people's contribution in decision making process at the gross root level. Through the mechanism of decentralization Panchayati Raj Institution has been recognized as major device of democracy and becomes truly typical and approachable. In Jammu and Kashmir, primary foundation of Panchayati Raj was imbedded by Maharaja Hari by passing Jammu and Kashmir Village Panchayat Regulation Act (Act No 1). He wants to build Panchayati Raj Institution more valuable through this act.

By the demonstration of 1952, Panchayati Raj Institution was embraced to be restored. Jammu and Kashmir Government from the point of establishment of the Panchayati Act in 1958 succeeding the 1952 demonstration was endeavored on Panchayati Raj in Jammu and Kashmir. At last in April 1988 it was presented in get together of Jammu and Kashmir and appeared in March 1989 (known

as J&K Panchayati Raj Act 1989). Jammu and Kashmir have followed three-tier system of Panchayati Raj as most of the states adopted this pattern.

1. Halqa Panchayat,
2. Block Development Council, and
3. District Development Board

In addition to those there has been Panchayati Adalat which enjoys both criminal and civil jurisdiction. However, Jammu and Kashmir have its own Panchayati Raj Act 1989, which differs from 73rd Amendment Act of 1992. Jammu and Kashmir have failed to hold regular Panchayati elections, owing to the absence of State Election Commission and State Finance Commission. State Government has not afforded financial and security support to the Panchayati Raj. Funding to the Panchayati Raj that mostly remains available to them is in relation to some centrally sponsored schemes which are functioning through Sarpanches and Panches in the Jammu and Kashmir State. These were the rare concerns which are tackled by Panchayati Raj. Panchayati Raj Institutions in Jammu and Kashmir has been suffering from major issues and challenges.

## **RESEARCH DESIGN**

### **Objectives**

The following are the objectives of the present study;

1. To study the perception of participants i.e. officials, non-officials and villagers on Panchayati Raj System.
2. To study the perception of participants i.e. officials, non-officials and villagers on the constraints in Panchayati Raj System.
3. To describe the physical achievements of Panchayati Raj Institutions in the selected Blocks.

### **Hypotheses**

To give a clear focus to the objectives, a few hypotheses have been formulated and tested in the present study. They are as follows:

1. There is no variation in the perception on Panchayati Raj System in Jammu & Kashmir among the participants viz. officials, non-officials and villagers.
2. There is no variation in the participant's perception, as to different modes of Panchayati Raj Institutions of Jammu & Kashmir.
3. The perception of participants varies among the various aspects of Panchayat Administration in J&K.

The question whether there exists people's participation may be answered in the affirmative by all participants. But the perceptions are bound to vary among themselves, as to the extent of participation, given their respective roles in their Panchayati Raj System. The first null hypothesis found probes into this issue. In the same way participants are likely to look upon different modes of participation differently. The various developmental programs are the modes through which people's participation occurs. Which mode goes well with all participants and which does not will be a useful piece of information from the policy angle. This need inspires the researcher to frame the second hypothesis. The third hypothesis is the corollary of the previous hypothesis to bring the focus and to closely delineate the varying perceptions among different aspects of Panchayati Administration.

## **REVIEW OF LITERATURE**

### **Studies on Panchayati Raj and Decentralization**

P. R. Dubhasi (1966) discredits any attempt towards cost and benefit analysis in the matter of Panchyati Raj and decentralized planning, for it must be considered as a panacea for socio-economic problems of the country and the value by itself.

B. S. Bhargava and S. Rama Raj (1978) find that the general picture on the functioning of Panchayati Raj Institutions in various states is not encouraging. However, in a few states such as Maharashtra and Gujarat the system has

become very popular due to resource and help provided by the state Govt. in the same way, Panchayati Raj Institutions functioning in the West Bengal have been reported successful, especially in respect of their involvement Panchayati Raj System and anti-poverty programmes.

GVK Rao Committee Report on Panchayati Raj (1995) brought to the focus the fact that Panchayati Raj Institutions, being a state subject under the constitution, were free to design their structure, powers and functions keeping in view their local conditions. But the reality has been dis-heartening following the creation of Panchayati Raj Institutions.

N. Sangeetha (1987) points out that there is no strong administrative machinery to execute and formulate the developmental plan at Panchayati Raj System.

Hanumantha Rao (1989) referring to the fact that Panchayati Raj Institutions lack attributes to several deficiencies. Efforts to establish suitable planning machinery at the local levels have been half-hearted. Further he states, the planning machinery at the district level is weak both in terms of technical expertise and financial resources.

Sarkaria Commission (1989) reports that the objectives of decentralized planning cannot be achieved unless the Panchayati Raj and other local bodies are allowed full scope to play their role.

C. H. Hanumntha Rao (1995) attributes the failure of Panchayati Raj Institutions, to domination by elite section of the society and lack of proper political will even at the grass root level to strengthen them.

K. Raman Jayaprakash Narayan (1995) expresses the view that only in a relatively small unit of self-government can there be a clear nexus between the vote and welfare of the citizen.

Mishra & Sweeta Mishra (1995) observes that the democratization of our pluralistic society could not be ensured merely through legislative and administrative actions of the state. These enabling provisions will require



pervasive mobilization support and non-governmental organizations, academics and professional bodies, political parties and other groups should involve themselves in exerting pressure to restore power to the place where it belongs.

Prabaht Datta (1995) observes that simply giving it a constitutional sanction today cannot ensure the healthy growth of village self-government in India. In the ultimate analysis, it is the political will of the State governments which determines the future of village self-government in India.

S. N. Mishra & Sweeta Mishra (1995) reiterates the view that it is notable that Panchayati Raj Institutions are the primary institutions of democracy where people from village, block and district could participate.

An approach paper to People's campaign for Nineth Plan (1996) says that forces against devolution of powers to the Panchayats as well as strengthening democracy at the gross root level are still powerful.

Sankaan (1997) expresses that in the implementation of the Gandhian dream of Panchayati Raj in India. State and Central governments have to play a promotional role so well and ensure that the right institutional environment is evolved throughout the country. Amitabh Behar (1998) says Panchayati Raj Institution can effectively attain larger goal of comprehensive and integrated rural development for which rural NGO's been struggling for decades. In the wake of the 73rd Amendment, NGO's should play a supportive and complementary role to the panchayats.

P.K. Mahanti and Bijoyini (1998): in his research article entitled "NonTax Revenue generation by local Government: Ideology and prospect after the constitution provision" concluded that the share of NTR in the total revenue is dissatisfactory and collecting process is not good in our country.

Dr. Seeta Prabhu , Dr. Suraj Kumar, Ms. Elena Borssati, Mr. Srinivasan, Mr. Aparna Pande, Dr. Sundharam under the leadership of Dr. Brenda Goel Me Sweeney (2000), UNDP combinely prepared Discussion Paper Series-1 , 'Decentralization in India Challenges and Opportunities'. They conclude that the local governments must help to become vehicle for social transformation.

Strengthening local bodies could be beneficial to deprived sections of the society. As local bodies are roots of democracy, human development and strong local democracy can go hand in hand.

Ajit Karnik, Abhay Pethe and A. Karmarkar (2002), in their article entitled: "Developing a quantitative framework for determining of funds from State Governments to Local Bodies" opined that the state must transfer the funds to local bodies as per suggestions of finance commission. States should have permanent data collection machinery that will provide continuous inputs for the operationalization of the proposed procedure.

Anita Rath (2006), in his research entitled Urban Local Finance: Issues and Alternatives, found that the fiscal reforms of local bodies assumes significance now. Great perspicuity needed in addressing these aspects. Abolition of octroi has meant serious fiscal crisis in many cities, as their substitutes have not been equally productive as octroi.

Ahmad Nesar, (1998), in his paper entitled "A study of Panchayat Finance in India" attempted to understand the system of Panchayat Finance taking into account the Kerala and Rajasthan states in India. The study has covered the finance of PRIs as well as decentralization of the fiscal process of these two States. He concluded that Kerala PRIs are enjoying a greater level of functional and financial autonomy and also people's participation in developmental planning has been given a campaign mode.

Alagh Yoginder K (2005), the research article entitled "Panchayati Raj and Planning in India" based on the functioning of the new decentralized system has been examined with three case studies concerning rural roads planning and their implementation. The article has divided into three parts. The first part includes a brief background of Decentralized development effort in India and the considerable attempts at reorganizing the system from 1980s to the early 1990s. The second part provides three case studies of rural road's planning and development, first is a study of Ahmadabad district of Gujarat. The second concerned to the development of roads network in a watershed development project in India's first major co-operative sugar factory area in western India. The third is the Marathwada study of local planning in Aurangabad district, which has yet not taken off. The third part draws policy conclusions for an Institute final development.

B. M. Verma's (2002) in his book "Social Justice and Panchayati Raj" studied the concept of social justice under the decentralized pattern of administration. The basic of social justice as the equal well-being of individual helps to bring out a just society. The study highlighted the importance of social justice in creating a perfect political structure, reinforcing ways and means to participatory democracy, to achieve the goal of perfect democracy. The ideology of social justice calls for to obey rule of law and evolve a democratic government at the grass roots. In the backdrop of social inequality the application of four criteria of social justice – justice as fairness, justice as entitlement, justice as equality and justice as impartiality have been considered to promote better delivery service system for weaker sections. The focus of delivery of rural services for distributive justice is to promote a climate of welfare for individual. The major thrust of his study is concentrated on democracy, decentralization, development and change in the socio-political environment, cultural ethos and value system.

Babu Devendra M, (2009), in the paper entitled "Fiscal Empowerment of Panchayats in India," focused on the review of Panchayats financial position in India. He has presented the political structure and the number of governments in India in chart. There are 28 States and 7 Union Territories at the sub national level, 3723 ULBs, 9 autonomous District Committees and 2, 43,676 Panchayats at the sub-state level.

The various studies mentioned above center on the theme that Panchayati Raj as an institutional arrangement aims at the strengthening of the process of democratic decentralization. This in effect means energizing Panchayati Raj Institutions to ensure people's participation in local planning. The study signifies the metamorphosis of ideas from idealism to pragmatism. From the perspective of the present research, it may be said that all those studies reviewed are mostly theoretical in nature. An object assessment should point out that a glaring fact that they have failed to operationalize the concept and apply it in the context of Panchayati Raj in vogue. The present study tries to fill this gap by focusing the attention on the perception of the three categories of participants in the Panchayati Raj System. It also tries to analyze the constraints to people's participation as perceived by the participants. It is hoped



that the literature discussed above would serve the purpose of anticipating the People's Participation in Panchayati Raj System. The research design which follows this section will help spelling out the research issues in terms of well specified objectives and hypotheses, besides, drawing up the survey design.

### The Survey Design

The district selected for this study is favorably good in terms of geographical area, population and network of Panchayati Raj System. In Kupwara District, there are 366 revenue villages which comprise into 356 Village Panchayats, 39 Wards and three Municipalities. See table below:

**Table Kupwara District Administrative Structure at Glance.**

S.No	Administrative Unit	Total Number
(I)	<b>Revenue Administration</b>	
1.	Revenue Villages	366
2.	Sub-Divisions	02
3.	Tehsils	15
(II)	<b>Panchayat Administration</b>	
1.	Village Panchayats	356
2.	Blocks (Samiti)	2 4
3.	District Development Council (Zila Parishad)	1

**Source:** Deputy Commissioner's Office Kupwara

In order to make an in-depth study, the researcher had to keep in mind the norms of representativeness and feasibility in selecting the blocks and consequently the village panchayats. As the researcher intends to go into the various aspects of performance of Panchayati Raj System the researcher thought that he should go by perception and the views of Panchayati Raj officials. They could suggest two blocks, which could be described as relatively better

developed and less developed respectively. This being a reasonably a good coverage the norm of feasibility of survey with due appreciation of time and resource constraints, was fulfilled. At the next level four villages were chosen for closer study, two from each block, opinion done in consultation with the block officials. The details follow in table below.

The chosen blocks are Block Reddi Chowkibal and Block Kralpora. The choice of these blocks justified the norms of selection. They provided representation to both their areas and degree of development. Further out of 24 blocks in the district these two blocks have comparatively a large no. of village panchayats than other blocks.

From each of the two blocks two village panchayats were selected for a micro-level study. Thus, the total no. of village panchayats were selected were four. This was done in consultation with the block officials. Table given below details the names of the Panchayats selected for this field study.

**Table Panchayat Union and Village Panchayats selected**

S. No	Panchayat Union	Village Panchayats
1.	Reddi Chowkibal	Panzgam & Hachmarg
2.	Kralpora	Shoolora & Sonthipora

**Source:** D. C. Office, Kupwara.

### **The Schedule**

An interview schedule was designed to be administered to the three groups of participants in the Panchayati Raj Institutions viz. Officials, Non-officials and the Villagers. Non-participant Observations and Informal Discussions.

The researcher made frequent visits to establish contact with Officials, Non-officials and the general public. He also attended as often and necessary, the meetings of District Development Council (DDC) as an observer and had useful discussions with the officers at various levels such as Block Development Officers (BDOs), Extension Officers (EOs), Village Level Workers (VLWs) and also the villagers concerned.

### **Field Work and Data Collection**

The present study uses primary data collected through field survey. It also made use of the available secondary data on the working of the selected Panchayat Union. The major framework was done between April 2017 and March 2019.

### **Purposive Sampling**

The officials, non-officials and the members of the public were chosen adopting purposive sampling. Equal representation was given to both blocks in selecting the sample as per the detail below:

In a way, the present study has to be deemed exploratory in nature, for the perception of direct participants in Panchayati Raj has not been documented much in the earlier studies, and the present research centers on this theme. The officials and the non-officials are at various levels of hierarchy, differing in their designed duties and executive powers they wield. Besides, the villagers comprise those, representing the composite category of beneficiaries. They widely differ among themselves in education and occupation, besides, other demographic factors.

The researcher went for a pilot study, as before gathering information on the perception of various participants. His interaction with the individuals was very revealing. He could notice that not all the participants were well endowed with information and well crystalized views on the working of Panchayati Raj Institutions. This situation prompted the researcher to look for such respondents, who were different from the general stock, in respect of clarity of perception. He was convinced that only those who seemed to have conviction

about their views should be included in the study to ensure reliability of information and consequent generalization pointing towards policy making. Being exploratory area of research the present earnest attempt of the researcher to bring the limelight the views of various participants, may be taken as fulfilling the norm of conceptual validity of the sample, rather than statistical validity. In fact the researcher collected data from a large number of respondents from each category of respondents but he eliminated those participants from the sample whose responses did not qualify to be reliable and consistent, in the estimate of the researcher. In this exploratory study the researcher took utmost care in regard to the reliability of the tools) the schedule administered). He is of firm conviction that the social science research will end up as a mere orthomorphic exercise if one does not bestow his/her attention on the qualitative aspects of the participants responses.

The researcher could choose the non-officials who were in a position to assume leading roles in the working of Panchayati Raj. Three non-officials per village panchayats for four villages (3x4), four at Block level (4x2) and two at District Development Council level were chosen. All together numbered 28 non-officials. The Heads of Institutions such as Sarpanchs, Panchayat Union Chairman and the members of the District Development Council were included. It is obvious that in Panchayat Administration they play a vital role.

The respondents from villages show a variety, comprising people in different walks of life; farmers, teachers, shopkeepers. Their vibrant participation and unbiased objective outlook alone could qualify them to be the sample respondents. Eight persons from each of the village panchayat total numbering 32. Thus, at the village panchayat level, four Panchayat Secretaries were selected. At the block level with the Block Development Officer, Extension Officers, Village Level Workers, Block Agriculture Officer and Block engineer numbering 20 were included. At the District Level, two officials were included.

Thus, 86 respondents comprising officials, non-officials and villagers were totally included in the study for the purpose of analysis. The break up stood at 26, 28, and 32 respectively for the three groups of respondents.

### **Data Processing and Analysis**

The data collected has been manually processed and tabulated, simple percentages were used for analysis. In addition, two way analysis of variance was used to test the hypotheses.

### **Limitations**

The study has investigated only the perception of the participants in Panchayati Raj before the abrogation of Article 370 and Article 35-A wherein the Constitution of India had granted special status to the state of Jammu & Kashmir. No attempt has been made to reassess the views of the participants in the light of recent changes.

### **Conclusion**

Panchayati Raj as an institution of Local Self-Government in the State of Jammu and Kashmir has not been imposed from the outside. It is ingrained in the socio-political history of the State. The experimentation with the Local Self-Government in Jammu and Kashmir state dates back to 1930's when the Maharaja's government promulgated the J&K Panchayati Regulation Act No. 1 in 1935. The essence behind the promulgation of this Act was not to promote local self-government but to use Panchayats primarily as the delivery arm of the government for civil administration and criminal justice. There was no semblance of a democratic character. The right to vote and the qualifications to seek any office in the Panchayats were determined by yardsticks such as economic status and literary level. The situation was thus manipulated by a small band of selected beneficiaries owing allegiance to the rulers who used these institutions to achieve their own objectives. Due to the non-democratic



nature of the Panchayats, people lost faith in Panchayat institutions and as a result the Act remained more or less dysfunctional." The pre-1947 Panchayati Raj system in Jammu and Kashmir reveals that the institution was manipulated by the ruling class and their collaborators for their own ends. The post-1947 period witnessed the coming into power of the National Conference. The "Jagirdars" and "Chakdars" who had accumulated large chunks of land were in full bloom. After coming into power in March, 1948 the National Conference Government in line with its "NC Kashmir" manifesto, (released in 1944), took immediate steps for abolition of landlordism by passing of the Big Landed Estates Abolition Act, 1950, securing the land to the tiller. It also became a great milestone in land reforms in the history of Jammu and Kashmir and the first experiment in the sub-continent. It provided a solid base for the Panchayati Raj System to play an effective role in reshaping the ruler economy. Keeping this in view the Government replaced the Panchayat Act of 1935 (as amended in 1941) by Act V of Samvat 2008 (corresponding to year 1951). This period also witnessed the preoccupation of the Govt, with Community Development programme introduced in 1952 throughout the country. Before one could observe the results of these new development initiatives and the role which Panchayats could have played there came the summary dismissal of the government in 1953. As a result local self-government was subjected to a period of rough weather, before it could be reviewed.' Before Panchayati Raj system could be introduced in the whole country in 1959, the State of Jammu and Kashmir taking lead passed the Jammu and Kashmir Panchayati Raj Act, 1958 replacing the earlier Acts. Although the Act was passed primarily to make better provisions for the administration of Village Panchayats and implementation made it open to the manipulations by various sectors in Jammu and Kashmir State for the manner of interests.