



Panchayati Raj in Jammu & Kashmir: A critical study

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Abstract:

The house of a common man is the basic unit where the rules and regulations play a significant role. When a house is unseen by head of the family, Anarchy takes root from itself. There should be everything in balance giving priority to the basic rights of every family member.

The father of nation Mahatma Gandhi wrote in his magazine "Harijan" that the independence must begin from the gross-root level by virtue of which every small village can be a republic enjoying full powers so every village should be sustained personally making it capable to deal the affairs. Giving importance to the ideology of father of nation Art 40 was inserted in the Indian constitution, According to which "The state shall takes steps to organize village panchayats enabling it with such powers and authority enabling the villagers for performing functions as unit of self govt. The world has become a global village today and there is a stress on the importance of quality of democracy at the gross root level. As per decentralization the power to the people is the basic pillar of democracy via which a common citizen can remain in touch with the process of planning, decision making, and development of the country and Panchayati Raj is the term given to the process of decentralization of power.

Lord Rippon is considered as the father of local self-govt. The panchayati Raj system was started in India in 1959 when the system was introduced in Nagor district of Rajasthan. The Panchayati Raj institution was given constitutional status by 73rd constitutional amendment act of 1992.

Despite of an accord between Indira Gandhi and Sheikh Abdullah in 1975 Panchayats in state of J&K remains inactive. However seeing the development in other states of the nation the state govt came up forward with a fresh and comprehensive legislation called "J&K Panchayati Raj Act 1989".

Keywords:

Panchayats, Halqas, elections, Sarpanches, DDC elections, panchayati Raj ACT 1989, 73RD constitutional amendment act, democracy, gross root level.

Introduction:

In order to go to the root level and to study and solve the problems of the people living in unseen villages the concept of panchayati Raj was the most important step forward in Indian history. The voice of the unseen and unheard people being the backbone of the society was not heard in higher circle of the govt functionaries and such people were kept away from planning and implementation of development schemes being made by the ruling people. Though as mentioned by Sir Charles Trevellyn, the indian village republics made some progress during

Hindu-Muslim and Peshwas govts. At the time of decentralization of powers many village panchayats came into existence in 20th century. It was the prime ambition of Mahatma Gandhi that the independence must begin from the grass-root level and therefore the Art 40 was inserted in the Indian constitution. Therefore the Panchayati Raj Institution was introduced on the recommendation of Balwant Rai Mehta committee which introduced a three-tier govt namely Gram Panchayat at village level, Panchayat Samitii at the Block level and Zila Parishad at the district level. The Panchayati Raj Institution was granted constitutional status by the 73rd constitutional amendment act of 1992.

Panchayati Raj Act in J&K 1989:

The Panchayati Raj system being the centre of consideration gained impetus with a turning point theoretically as well as practically after the appointment of Ashok Mehta Committee in 1977. This gave birth to a second generation panchayat when the West Bengal govt started an initiative in 1978 acting on the recommendation of Ashok Mehta Committee for revitalizing the system in the state. This was followed by Karnataka and Andra Pradesh and ultimately by the J&K.

The concept of panchayati Raj in J&K UT was first given by Maharaja Hari Singh in 1935 and he made a village panchayat regulation act. The preamble of the act made it mandatory by virtue of which the village panchayat might assist in the civil and administrative criminal justice with sanitation and other mutual concern in the village. The main purpose was to encourage local govt and to utilize the institution just as administrative wing of the govt, just to keep an eye on the actions of national conference party. However this act was later amended and replaced by the govt under Sheikh Abdullah. The then state govt introduced "New Kashmir Manifesto" and so some progress was seen in the state under new leadership. Some bold actions were taken by the govt to accelerate the speed of economic development in the state which solidified the panchayati Raj system in the state.

However all this suffered a jolt and setback when Abdullah govt was ousted and this post era of 1953 phase seen deterioration of Democracy and democratic institutions which became futile to think over democracy at the gross-root level.

There had been an accord between Indira Gandhi and Sheikh Abdullah in 1975 and some constructive change and political stability was expected in the state. The main stress was given by the then govt on the single line administration and under this model district planning boards were made, nevertheless the local democratic institutions were not reactivated and even after the accord in 1975 the panchayat remained in active in the state.

Just to compare and copy the development of aspects in other states of India the state govt brought a fresh and comprehensive legislation called the J&K Panchayati Raj ACT 1989. This act was introduced in the J&k assembly in April 1988 and was passed in march 1989. Later consented by the governor in 1989 itself. According to this act the concept was to make a Halqa Panchayat comprising of not less than 7 and not more than 11 Panches including the Sarpanch. The Panches might be elected from the delimited constituencies by the prescribed authorities and Naib Sarpanch be elected by the Panches of the panchayats and sarpanch directly by the electorate of the Halqa Panchayat and 5 years was the duration kept for the Halqa Panchayat which if gets dissolved on any reason before this period elections will be held in within 6 months and 2/3rd of the total panches could remove a Naib Sarpanch by a vote of no confidence. This act also provided to form panchayat Adalats.

This act provided a three-tier model of panchayat which are-

- 1 HALQA PANCHAYAT.
- 2 BLOCK DEVELOPMENT COUNCIL.
- 3 DITRICT PLANNING AND DEVELOPMENT BOARD.

The main aim of this act was to make local govt strong with active participation of the people. While enacting this panchayati Raj Act of 1989 uncontrollable discord and disharmony started in the valley. This was the period from which maximum people lost faith in the electoral process and the germs of militancy started emerging .It became difficult for the govt to get this act enforced.

Briefly the Panchayat institutions were fully closed down, Fear was there that these institutions might be captured by the Rebel group and a parallel govt can become powerful in the valley and law and order became mandatory to be in control. The political parties and the leaders were not free in the valley and so the Assembly was dissolved and Governor rule was imposed in 1996.

Fresh elections took place in 1996 and NC came to power which made the rules on the Panchayati Raj in the state. These rules are called Panchayati Raj Rules of 1996 and the govt issued order in 1997 by virtue of which 2700 Panchayat Halqas were made, 1470 in Kashmir and 1230 in Jammu Division.

Again the state govt became particular in 2001 to conduct the panchayat election but unluckily this proved a paper exercise only. These elections were partial leaving half seats vacant. The response from jammu was positive but most of the seats in Kashmir remained uncontested due to the fear of militancy, In addition most of the people questioned the reliability and pertinence of these elections

The Hurriyat Leaders gave boycott call even then the poll was conducted under supervision of chief electoral officer.

WOMEN PARTICIPATION CHART

District	Number of women	
	Sarpanch	Panch
Srinagar	-	1
Kupwara	-	2
Baramullah	-	4
Leh	-	36
Kargil	-	2
Budgam	02	2
Pulwama	02	24
KASHMIR DIVISON	02	71
Jammu	01	42
Kathua	01	23
Poonch	01	13
Udhampur	03	38
Doda	01	26
Rajouri	-	24
JAMMU DIVISON	7	166

Source: PANCHAYATI RAJ IN JAMMU AND KASHMIR Panchayati shodhganga.inflibnet.ac.in/bitstream/10603/51984/10/10_chapter%203.pdf.

FIGURES OF SRPANCH AND PANCH CONTITUENCIES AND BLOCKS OF 2001 PANCHAYAT ELECTION.

PROVINCE	NO.OF SARPANCH CONSTITUENCIES	NO.OF SPANCH CONSTITUENCIES	NO OF BLOCKS
JAMMU	1230	10090	57
KASHMIR	1472	10469	64
TOTAL	2702	20559	121

Source: - Chowadary, 2012.

Panchayat Election 2001

District	No. of Panches	No. of Sarpanch Elected	No. of Sarpanch Vacancies	No of Panches Elected	No of vacancies of Panches
Srinagar	93	67	26	247	419
Kupwara	224	168	56	915	556
Baramulla	276	162	114	902	1246
Leh	68	68	-	448	-
Kargil	65	65	-	453	-
Budgam	199	61	138	315	1129
Anantnag	309	251	58	1191	1051
Pulwama	236	202	34	684	902
Kashmir Division	1470	1044	426	5155	5303
Jammu	295	294	01	2443	05
Kathua	183	182	01	1391	03
Poonch	115	115	-	1026	02
Udhampur	215	212	03	1792	48
Doda	262	216	46	1698	302
Rajouri	160	160	-	1364	12
Jammu Division	1230	1179	51	9714	376

Despite of 2001 elections the Panchayats have remained not working in the state, Though the govt took some measures for the development of marginalized sections of the society and so 33% Reservation for women was granted in the PRI amending the Panchayati Raj Act 1989.

Again the panchayat elections were conducted in 2011 wherein secular nature of Kashmiri people was seen. Some Kashmiri Pandits as well as Sikhs participated in the elections won as well even from the Muslim dominated constituencies. But unluckily the situation in Kashmir valley became ugly resulting target killing of elected representatives and some of elected representatives left their homes to save their lives. Further the govt failed to transfer power to the grass -root levels and there was no conducive atmosphere for the elected members to function in harmony. Though the cabinet order pertaining to delegation of power was issued by the govt which proved to be a paper exercise only.

There was no financial support to the panchayat, the lack of infrastructure, and no accountability even after killing of panchayat representatives. This all virtually made the panchayats the useless institutions. It is a matter of distress that panchayat election which were conducted after a span of 33 years proved futile and the progress of the state retreated backwards.

5 years term of the elected representatives of 2011 was completed in July 2016 and panchayats got dissolved. It was mandatory in the light of section-9 of j&k Panchayat Raj Act 1989 that the fresh elections could be conducted within six months and this process was needed to be finished before July 2016 or by January 2017. But unluckily there were protests and uprisings in every nook and corner of Kashmir during the full summer period of 2016. The govt remained in tug of war with people and panchayats elections were not possible.

The govt could not even conduct the by-elections for lok sabha seat for Anantnag. However despite of delay the panchayat elections were conducted in 2018 in 9-phases. 4490 Halqas panchayats comprising 58, 12,429 voters were eligible to vote for electing 4490 Sarpanches and 35,096 Panches

Elections were held on non-party basis NC and PDP boycotted on the grounds of abrogation of Article 370 and Article 35A

The Hurriyat Conference also forbade the people not to contest the polls instead have a strike on the polling day. The Militants also denounced the people for participating in the election as candidate or voter. This way the elections were considered a futile exercise in Kashmir till the restoration of democracy.

A pledge was made by the central govt under 14th finance commission (2015-20) that a big flow of funds under various centrally sponsored schemes is year marked for the development of erstwhile state. The Governor gave wide publicity in print and electronic media to take benefit of the flow of funds and so the election witnessed a positive response from Jammu and Ladakh regions wherein 80% people participated in the elections but 60% of seats remained vacant in Kashmir because nobody turned up to file his/her nomination paper.

The central govt claimed that 74% voters took part in the village council polls but this proved wrong after analysis of the voting data which revealed only 30% of Panchayat Halqas in Kashmir had seen polling.

The central govt abrogated Article 370 and 35A in August 2019 without any knowledge of the Kashmir people which proved fatal demolishing the aspirations of the public of Kashmir. This drastic action taken by the govt compelled the people to dislike the system of governance in a so called democratic set up.

However under these repressive state of affairs elections of the BDC were held in the first stage. The result of the polls were astonishing as 217 independent candidates won out of 307 blocks and BJP took 81 seats. Recently elections have been held in December 2020 for the DDC council being third-tier in the Panchayati Raj System. No doubt Kashmiri parties took part in these elections but allegations were levelled against the govt of UT that the security was denied to the candidates other than BJP due to which many candidates from Gupkar Alliance refused to take part in elections. Though Modi govt proclaimed that the panchayat elections is an example of democracy but nothing satisfactory is seen on the ground. The elected members are not free to visit their areas where in they are seen down upon and moreover they have no security cover as well. In nutshell these elected candidates have become the targets of the people.

An overview of the DDC election held in UT of J&K between 28 November to 19 December shows that a total of 1475 candidates took part in the franchise. There were 280 DDC seats, 296 women candidates were also in the polls which were conducted through Ballot papers barring the use of EVM'S, the result were declared on 22 December 2020.

Suggestions for an effective Panchayati Raj System in UT of J&K:

Majority of the world countries are ruled under the democratic system of governance. The repression and Harsh measures being taken anywhere in the world are responded with equal reaction from the masses. Many such examples are seen in different countries of the world other than European world. The European countries all are ruled well in the well planned democratic system, the result of which is this that they are highly developed by virtue of which the smallest of the countries virtually rules the highly populated countries.

India being the largest democracy enjoying being the status of Sovereign, Socialist, Secular, Democratic and Republic should ponder upon the basic problem on the ground. There is a dire need to read the minds of the people in the interiors of the country which are devoid of the progress and development made by science and technology.

For effective implementation of Panchayati Raj in J&K elections should be conducted strictly on time, properly implementing the 73th Constitutional Amendment Act of the Indian constitution. There should be accountability and transparency in utilization of funds allotted to the panchayats for which it is suggested that a full proof audit system should be there. The Panches and Sarpanches being elected should be well educated, impartial and honest. The minimum qualification for a panch should be Metric and Graduation for a Sarpanch so that they may be able to utilize the funds allotted properly. The new policies and programmes should be made to make the people interested with the system. The topography of the areas should be the prime importance and every nook and corner of the village should be connected by Roads providing water and electricity facilities equally with other related requirements like schools, health centers etc. The power should be given to the elected members with directions to be impartial and honest, sufficient funds as per plans should be provided to panchayats directly and simultaneously security should also be given to the elected candidates. There should be sufficient staff to run the affairs of Panchayati Raj System.

Conclusion:

It was dreamt by Mahatma Gandhi ji the father of Nation that every village should be self-reliant republic. To fulfill this dream a long -journey is required to be done and a lot more is necessary. Main thing is that all the village people must get educated and they should know what the Panchayati Raj System is in its real purpose. There should be no political interference in the working of panchayats which must be honest and corruption free having all the capabilities to motivate the people, utilizing properly the funds allocated for the development of the villages. Most of the villages of j&k are hilly and not easily approachable for which a lot of work is required to first make the villages easily reached through roads and other related basic amenities.

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