

PANCHAYATI RAJ SYSTEM: ISSUES AND CHALLENGES IN JAMMU AND KASHMIR

Mr. Fidha Hussain Malla

Research Scholar CPU Kota

fidahussainmall1990@gmail.com

ABSTRACT

Panchayati Raj system is one of the unique step of decentralization process from union govt. to the local government. Panchayat Raj system opens a door to create great opportunity of Full democracy, local level development process, a conscious towards political culture, awareness of rights, local participation in decision process and creation of self dependence in India, local self governance has a pre-mature history initiated from British era as its foundation was laid by Lord Ripon (Father of local governance) in 1882. The father of nation the great Mahatma Gandhi laid emphasis on development of villages which in turn will support the development of the whole nation. Their term gram Swaraj (village self government) now has become the basic foundation of PR system in India. 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. The 2011 Panchayat election held in J&K was successful compared to last Panchayat elections. The recent election held in

2018 was not satisfactory because of less participation on the part of candidates as well as voters.

KEYWORDS

Panchayati Raj acts, issues and Challenges, Panchs and Sarpanchs, J&K Panchayat Raj act 1989.

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 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. 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 a 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. 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.

LITERATURE REVIEW

The Ashok Mehta Committee (1978) was set up to „enquire“ into the working of the Panchayati Raj Institutions and to suggest measures for strengthening them so as to enable decentralized planning and development to be effective. The committee suggested that the formulation of structure and functions, and the utilization of financial, administrative, and human resources in Panchayati Raj Institution should be determined on the emerging functional necessity of management of Rural Development. Further, it recommended a „two-tier model“ of Panchayati Raj instead of the three tier model suggested by the Balwantrai Mehta Committee. These two tiers were the Zilla Parishad at District level and the Mandal Panchayat at village level.

Ashwani Kumar, (2012) a journal on Participation of Weaker Sections in Panchayati Raj Institutions of Jammu and Kashmir, this study conclude that one can say that SCs/STs women and are not totally neglected in the political sphere. Although their representation in totality is not very effective but they were self motivated and determined to contest, due to democracy government encouragement and empowerment at gross root level

Nazmul Hussain Laskar (2012), Panchayati Raj and Peoples Participation,

he concluded that Panchayati Raj and Peoples Participation is a organic relationship between both of them without one no meaning and no healthy existence of one in the absence of the other. PRIs basically promote the self governance and self sufficiency on the part of people. However the present state PRI and people participation in north east India is from being fully satisfactorily, but even after almost two decades the 93rd amendment implementing of rural development programme through people participation remains an unfinished agenda. He says lack of political will and awareness as the rural people at large and also obstruct effective participation rural development programme.

Banti Kumar, et al, (2017), Participation of scheduled tribes in Panchayati Raj institutions in Jammu and Kashmir, 33% reservation for the seat of Sarpanches and Panches Art 370, Provide technical and financial support, electricity and road connectivity boost their handloom occupation, to compete with modern market.

Mohd Waliullah, (2017) Rural Development Policies In India: A Study Of Employment Generation Schemes & MGNREGA, this study state the direct impact of employment guarantee schemes on rural poor life in the form of livelihood security and improving nutrition, health, education and sanitation etc by providing 100 days guaranteed daily wage employment and prevent labuor migration.

Prof. Basavaraj S. Benni, (2017) A Study on Panchayati Raj Institutions In Mahatma Gandhi National Rural Employment Guarantee Act, this study conclude and given importance women

participation, for empowerment of women government of India have provided many various program like MNREGA, SGRY, IAY, (RGGVY) from which shows progression of tribal village and also new schemes SHGs due to this has eradicating poverty.

Hilal Ahamed Bhat (2017) a journal on Need of Educated Leaders for Panchayat Raj in Jammu and Kashmir, a study stated that for the success of all work and functions of panchayats an educated leader is needful for taking a right decision for implementing the works for the sake of rural development, being educated he is responsible and aware of problems and easily handle the problem of panchayats ,and also motivate to the local people ,rather an uneducated.

R.P.Joshi discuss some important guiding principle of Panchayati Raj system, The credo of Panchayati Raj are (a) give power to the people. (b) the people participation, (c) build democracy bottom to up, (d) awaken the collective consciousness of mass, (e) start with the gram sabha, (f) through elected representatives, (g) give the feeling of participation, (h) bring about transformation in real (I) devolution of power, (j) learn by doing and On August 28, Riyaz Naikoo, commander of the militant group Hizbul Mujahideen, released a video message warning that those filing nominations for the elections should bring along shrouds. He also threatened acid attacks against anyone who participated in the electoral process. The warning, along with widespread anger against the Indian government, appears to have kept the turnout down. Though there was no major violence targeted at the

electoral process as such, voters and candidates largely stayed away.

Another reason could be that local government has largely been dysfunctional in the Valley. After the last panchayat elections in 2011, local representatives complained of local bodies being undermined and weakened. Many who had won in those elections were also targeted by militants, leading to a wave of resignations. So, for the government, the new panchayats will present a fresh set of challenges. If local self-government is to be meaningful, those who won the elections this time will need to go back to their villages and start working under tremendously adverse

conditions. Kashmir Panchayat Polls Militancy Article 35A Hurriyat, (k) work with the people in cooperation, (l) motive people to strive for their own good, (m) approach with humility and a measure of faith, (n) lead the people to achieve their goals, (o) not a show-case but a pattern, (p) not coercion but consensus, (q) not order but participation, (r) not rule but participation and representation, (s) not relief but realizing their potential power, (t) not conform but to transform, (u) not a piecemeal but integrated approach.

PANCHAYATI RAJ SYSTEM IN JAMMU AND KASHMIR

Kashmir 73rd constitutional amendment act was not applicable due to the special status of Article 370 of Indian constitution. Other entire Indian states Panchayati Raj institution had implemented this act except from state Jammu and Kashmir, that is why the challenge of Jammu and Kashmir Panchayati Raj system were much more as

compare to other all the states of India. Jammu and Kashmir Panchayati Raj system was not so much powerful as compared to other states of India. But after abrogation of Article 370 by the union govt. on 5th of August 2019 Jammu and Kashmir Panchayati Raj Institutions' issues and challenges will minimize to a great extent. In ancient time if any dispute raise among the people of Jammu and Kashmir then few rational personality like (Lambardar, Chokidar) determined verdict and resolve the dispute. With the passage of time, this traditional system is converted into Panchayati Raj system now the dispute is resolved through Panchs and Sarpanchs.

In J&K the Panchayat Raj system was introduced by Maharaja Hari Singh in 1935 by passing Jammu and Kashmir village Panchayat Regulation (Act No 1) through this act he wants to build the Panchayati Raj system more valueable toward local rural development through local representative. Further, in 1936, he creates a special rural development and Panchayat department. By the amendment act of 1941, he implements the function list of regulating act 1935. After few years he implements an act (1951). In this act Panchayati Raj institution was re-established and to ensure local level development During this period Maharaja Hari Singh was disturbed due to some unfavorable situation of J&K. Political party, like national conference was in elevation which wants to intervene in Panchayati Raj system. Then the government of Jammu and Kashmir framed a village Panchayat act in 1958 by replacing 1951 act. Further many village level and state level committee were established. Finally, the (Jammu and Kashmir Panchayat Raj Act 1989) was

passed by J&K Legislative Assembly and it came into force 11 July 1989. It is clearly mentioned in (Jammu and Kashmir Panchayati Raj act 1989). That “An act to provide for the Constitution of Halqa Panchayats, Block Development Councils, the District Planning, Development Boards and matters connected therewith. In fact it is appropriate to promote and develop Panchayati Raj system in Jammu and Kashmir as a tool of powerful Local Self Government to secure the product in the decision making process participation of the people and for implementation of developmental programmed which is helpful for local people”. Even though the 73rd amendment act was not then enforced in J&K. The (Jammu and Kashmir Panchayati Raj act 1989) also provide three tier system which is called (Halqa Panchayat) means (the area comprising a village) block development council (block smite) and district planning development board respectively. Every Halqa Panchayat comprises of 7 to 11 members including Sarpanch. The Sarpanchs and Panchs would be elected directly by the people. This process continued in 2011 election. But Recently Jammu and Kashmir government announced for Panchayat election (2018) in which the Sarpanchs election will be held indirectly. Congress leader Shah Nawaz Choudhary said the Indirect election of Sarpanch in Jammu and Kashmir is a joke and threat for Indian democracy and will reduce the strength of Panchayati Raj system and distort the strengthening Panchayati Raj institution, the government of Jammu and Kashmir has disturbed the basis of the democracy. It is an undemocratic step of democracy.

RESEARCH METHODOLOGY

For the present paper, an analytical method has been used and it is based on the secondary data. The secondary data is collected from Research Papers, Magazines, Books, Journals, Articles, J&K Panchayati Raj websites, District Panchayat websites, and J&K new Papers etc.

OBJECTIVES OF THE STEADY

- 1 To study the challenges and issues of panchayati Raj institutions in Jammu and Kashmir (UT)
- 2 Suggestions for smooth functioning of panchayati Raj institutions in Jammu and Kashmir (UT)

CHALLENGES AND ISSUES OF JAMMU AND KASHMIR PANCHAYATI RAJ SYSTEM

Threat from Militancy and Boycott of Separatists

The challenges of Jammu and Kashmir Panchayati Raj system are much more as compared to other Indian states Panchayati Raj system. The Jammu and Kashmir state is presently suffering from militancy problem which is a major challenge to the Panchayati Raj system from the implementation of J&K Panchayati Raj act 1989. The threat of militancy and separatists' poll boycott is a major challenge to the Panchayati Raj system of Jammu and Kashmir. In 2011 total 77% of valley adult franchise participate in Panchayati Raj election without any militancy threat, but unfortunately latter situation was very unfavourable. Going by the electoral data of 2018 only 30% of the

panchayat halqas in Kashmir saw polling. Halqas consist of a cluster of villages, each comprising a ward represented by a panch. The halqas are headed by a sarpanch. Of the 2,135 halqas in the Valley, no candidate stood in 708, meaning they remain vacant. Another 699 halqas each had a single candidate who won unopposed. This means 1,407 halqas saw no contest at all. The four South Kashmir districts of Shopian, Kulgam, Anantnag and Pulwama posted the lowest turnouts. Shopian and Pulwama, in fact, saw no polling at all. Kulgam had no polling in 99% of halqas and no candidate for 87% of its sarpanch posts. Anantnag saw no contest in 76% of its halqas. Of the total 17,059 panch wards in the Valley, only 1,656 saw a contest. Nearly 64% of the wards had no candidate. The number of wards where the candidates were elected unopposed was 4,537. Not surprisingly, polling percentages were even lower for the four districts of South Kashmir: of their 5,847 panch wards, only 95 saw any polling. These four districts are the epicenter of the new phase of homegrown militancy that has gained ground in Kashmir over the past few years. Indeed, even as elections took place, South Kashmir saw frequent gunfights that left civilians, militants and security forces dead. While North Kashmir recorded much higher voter turnout, polling in the south was patchy at best. On August 28, Riyaz Naikoo, commander of the militant group Hizbul Mujahideen, released a video message warning that those filing nominations for the elections should bring along shrouds. He also threatened acid attacks against anyone who participated in the electoral process. The warning, along with widespread anger against the Indian government, appears to have kept the

turnout down. Though there was no major violence targeted at the electoral process as such, voters and candidates largely stayed away.

Less participation in Panchayati Raj and assembly election

Democracy literally means “rule of the people” when the huge population participate in election then they create a good government. In J&K people political participation in Panchayati Raj election is very low. In any democratic country the people participation is most important for the built of their democratic government. Many times the Militant organization and separatist leader posters pasted outside mosques, government premises and other important places in some districts of the Valley forbidding people not to participate in the polls. Also the sentiments of people towards freedom and govt. repressive measures restrict people to participate in elections.

Lack of awareness

The situation of Jammu And Kashmir State is not good as less times majority of populations have participated in any state election. Undemocratic organization and separatist leader always try to fare away the huge population of state from any state election. That is why the mass population of J&K is unaware towards right of casting votes in state elections. Some other obstacles like lack of education, a weak economy, backwardness, less political socialization, lack of social media, terror threat and less welfare system, etc. are there. In J&K Panchs and Sarpanchs can improved villages level awareness and increase the believe of people towards the Panchayati Raj election but due to the

militancy threat they are worried about their own lives. Some people disinterested towards Panchayat election because the (BDOs), Panchs, and Sarpanchs, failed to provide employment to village people.

Lack of funds

The lack of funding in Panchayati Raj system of Jammu and Kashmir is a great challenge. In many cases it has analyze that the village Panchs and Sarpanchs with consultation of Gram Sabha prepared a plan for village level development. Same plane cannot be implementing for higher authority .The development and Rural department officers change these whole planes with their own consent. which is directly attack on autonomy of village Panchayat. It is important to build capacities to all elected member of Panchayat which handle all these funds and implement it in all village level development of Halqa Panchayat.

Administrative and state control on functions and powers of Panchayat Raj institution

In Jammu and Kashmir Panchayati Raj system mostly the powers of Panchayat were governed by state government and administrative body. All function of Panchayat development is done at village level and payment system is control by administrative employees which create a great barrier between workers and village level development works. It has been observed many times that the pending system of worker payment through administrative body is continuously till now. The relation between Panchayat Raj system and state government is also not good even though the act 1989 provides

three tire systems but state government has failed to implement it.

The issue of complimentary fee of Panchs and Sarpanchs

The state government has already announced that Sarpanchs will get Rs 2500 and Panchs will get 1000 per month. But still the payment has not given on time, Panchs and Sarpanch face many problem the come done from hilly area and suffer whole day but result come in negative they cannot able to get their payment on time then the interest of Panchs and Sarpanchs toward Panchayat remains weak.

Corruption in Panchayat

Corruption in Panchayati Raj system of Jammu and Kashmir is a great issue, as it's seen in every administrative department of Panchayat. In this contemporary period Panchayati Raj system of Jammu and Kashmir is facing the main issue of corruption. It has been analyzes at many Halqa Panchayat and administrative level in J&K Panchayat System. If the worker finished there work in January they will get there pay next year because of corruption. It means ground level corruption is not ending. (Example) if any poor person want to made his house through (IAY) scheme he would be able to get only half pay and other half will go in corruption.

Delay in Panchayati Raj elections

Jammu and Kashmir Panchayati Raj act (1989) is provide a proper constitutional status to Panchayati Raj system and it is clearly mention that the election of Panchayat will be held after every five year but still election of Panchayati Raj system are not held on time. First election

held in 2001 second 2011 and third election held in 2018. On July 2016, Legislative Council of Jammu Kashmir passed an amendment bill for Panchayati Raj election to authorized indirect elections of Sarpanchs by Panchs rather of a direct election; it is also creating a big challenge to local level democracy. After that in December 2016 state Governor (N N Vohra) alteration to issue Jammu Kashmir Panchayati Raj

(amendment) Ordinance bill which authorize the State Chief Electoral Officer. And again, Governor (N N Vohra) on 4, November 2017, has authorized for the proclamation of Jammu and Kashmir Panchayati Raj (amendment) law 2017, that there should be no delay and start preparations for the conduct of the pending elections 2016, that was then held in 2018

Lack of security to elected member of Panchayat

Elected member of Panchayat are always remain worried about their life because the situation of UT is very wrecks still, many Panchs and Sarpanchs were killed by militants in different part of state. Recently in the month of June 2020 Ajay Pandita alias Bharti, a 40 year old Kashmiri Pandit sarpanch in south Kashmir's Anantnag was short dead by militants. Pandita of Lukbawan village in Larkipora was attacked at his orchard, To save their life all elected member demand to state government for security protection but government failed to provide security to elected member of Panchayat. Due to this unfavourable conditions many Panchs and Sarpanchs resigned.

Illiterate Panchs and Sarpanchs

Another issue for Panchayati Raj system that illiterate Panchs and Sarpanchs, They cannot represent their Panchayat body properly, neither they know talking with higher authority nor they can demand any Panchayat level scheme for village development due to the lack of education and knowledge it has been observed that illiterate Sarpanchs put there seal in any page and any document without knowing what is there written on.

Nomadic migrant

If the Jammu and Kashmir Panchayat election held in the summer season, then maximum tribal population cannot participate in this election. Because in summer season all nomadic tribes shift toward the hilly area with their cattle. The tribal population is third largest population of the state now UT . Still, the Panchayati Raj development does not provide good facilitate of development to nomadic tribal people that is why the tribal are less interested in Panchayati Raj election.

Poor infrastructure of Panchayati Raj system

Infrastructure is another issue of Jammu and Kashmir Panchayati Raj system there is no proper Panchayati building in the village if somewhere is available then the staff of Panchayat is not available there. *ibid*, [40]

Lack of road in hilly areas

In many hilly areas, there is no link road and good transport ways through Panchayati Raj system. Much time it has been analyzed that the polling station is away from hilly areas population and they

do not go for casting their vote due to long distance and bad condition of ways. *ibid*, [35] due to the lack of road and good ways people avoid all activities of the Panchayat. This is also a big challenge of Panchayati raj system.

Harsh Winter season

Especially in the state of Jammu and Kashmir Panchayati Raj system the winter season is a great challenge because in winter almost whole Jammu and Kashmir in grip of snow, all developing work is closed maximum people don't leave their house in winter due to the heavy snowfall and cold, either it is a time of election or any other development work. *ibid*, [37] if any work is done through Panchayat in hilly areas it is also damaged due to the avalanches and landslides.

Lack of women participation

The women do not fully participate in panchayat elections on account of family restrictions

Dominance of political parties

In Jammu and Kashmir majority of the panchayats and sarpanches belong to major regional political parties, common man has less access to participate in local elections

SUGGESTIONS TO BUILD A SOUND PANCHAYATI RAJ SYSTEM IN JAMMU AND KASHMIR

Few important suggestions and reforms which are required for a systematic development of Panchayati Raj system in Jammu and Kashmir, these suggestions and reforms will systematically decrease the influence of above mentioned challenges and issues of Jammu and Kashmir

Panchayat raj system if implemented properly.

(1) 73rd Amendment act of Indian constitution should be implemented in Jammu and Kashmir should be like other states of India.

(2) Election should be held on time.

(3) Panchayat should be implemented which is prepared by Panchayat representative members without any changing.

(4) Minimum qualification requirement for Panchs and Sarpanchs should be at least middle pass.

(5) There should be new policies, programmes and culture activities for local level development which make population interest ward Panchayat system.

(6) There should be separate policies for hilly and topographic areas population and for tribal also.

(7) Maximum power of Panchayat should be in the hand of elected members of Panchayat.

(8) There should be a separate Panchayati house in every Panchayat and staff should be available.

(9) Panchayat fund should be directly available in Sarpanchs bank account and there should be separate Panchayati fund account for every Panchayat.

(10) Security should be provided to all members who claim.

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

REFERENCES

- [1] Ahmad Younis Sheikh. (2014) Journey, Hurdle and Challenges before the Panchayati Raj Institutions in J&K.
- [2] Bhat AH (2016) Challenges before Panchayati Raj in Jammu and Kashmir. Arts Social Science Journal.
- [3] Basu Durgadas (2013) Introduction to the Constitution of India, Hyderabad p 7-43.
- [4] Dr. V Suresh. (2011) New Panchayat System p, 37-48, New Delhi
- [5] Election Authority (2011) Panchayat elections-2011. Chief Electoral Officer Jammu.
- [6] Ibid. P,36-37
- [7] Government of Jammu and Kashmir Panchayati Raj Act, 1989. And.Panchayati Raj Rules, 1996. (Amended up to April, 2011)
- [8] Gupta Bhuvanesh Gupta (2012) Panchayati Raj Reform in in India. New Delhi.P, 241-272.
- [9] Greater Kashmir news February 1,(2018),
- [10] Greater Kashmir Jan 29, 2018. by Syed Rizwan Geelani. Jammu and kashmir.
- [11] Gull Rifat (2017) Panchayati Raj Institutions in Jammu and Kashmir. Problems And Prospects ISSN, p.23-25.
- [12]www.dailyexcelsior.com/employment-may-22-2016,Jammu.
- [13] Laxmikanth M, Indian Polity. Tata McGraw Hill Education Pvt. Ltd New .Delhi.
- [14] Younis Ahmad S (2014) Journey, Hurdle and Challenges before the Panchayati Raj Institutions in J&K. Research on Humanities and Social Sciences.
- [15] Ministry of Ruler Development (2013) Increasing agricultural productivity. He Monthly Journal Kurukshetra, 61: 52.
- [16] Government of Jammu and Kashmir (2011) Ruler Development Department of J&K. Govt Press Srinagar.
- [17] Parveen K, Salathia PS (2013) Panchayati Raj in Jammu and Kashmir:Analytical Study.
- [18] Rekha C. Separatism, democracy and panchayat elections in J&K.
- [19] Govt of J&K (2011) Report of the committee on devolution of powers to the panchayats.
- [20] Sumona D, Priyanka S (2013) Village council elections in Jammu and Kashmir.
- [21] Sarpanches killed in Kashmir in last four years. He Times of India