

Problems and Prospects for the Panchayati Raj System in Jammu and Kashmir

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Abstract: *One of the special stages in the decentralization process from the union government to the local government is the panchayati raj system. The Panchayat Raj system provides a window of opportunity for Local self-government in India has a long history that began with the British era, as Lord Ripon, known as the "Father of Local Governance," laid the groundwork for it in 1882. It includes full democracy, local level development processes, a consciousness towards political culture, awareness of rights, local participation in decision-making, and the creation of self-reliance in India. The great Mahatma Gandhi, the father of the country, placed a strong focus on village development since it would bolster national growth as a whole. Their concept of "gram Swaraj," or "village self government," is now the cornerstone of India's PR system. At the local level, panchayati raj is significant to Indian democracy. Before the Panchayati Raj Amendment Act of the 73rd of Indian Union was passed in 1993, Panchayati Raj was implemented in Jammu and Kashmir under the Act of 1989. After a 12-year break, the first Panchayat election was conducted under this Act in 2001, however it was unsuccessful because of armed strife. In contrast to previous Panchayat elections, the 2011 J&K Panchayat election was a success. The last election that took place in 2018 was unsatisfactory due to low voter and candidate engagement.*

Keywords: Autonomy, Empowerment

I. INTRODUCTION

In Indian democracy, panchayati raj is significant. Gram panchayats serve as the fundamental administrative entities of a system known as Panchayati Raj. In order to foster democracy at the local level, state legislatures in every state in India created it. In order to examine the Community Development and National Extension Service programs, particularly with regard to determining the level of public participation, and to suggest the establishment of institutions that would facilitate such participation, the Indian government appointed the Balwant Rai Mehta Committee in January 1957. The Committee suggested creating legally elected local bodies, giving them the required funding, jurisdiction, and power, as well as a decentralized administrative structure that would function under their direction. The first state to implement Panchayati Raj was Rajasthan. On October 2, 1959, in the Rajasthan area of Nagaur, Prime Minister Jawahar Lal Nehru officially launched the program. Many more Indian states adopted it after Rajasthan. After many efforts to approve the Indian parliament's constitutional change bill. After much effort, the measure became the 73rd constitutional Amendment Act, 1992, and on April 24, 1993, Panchayati Raj was established. The legislation establishes a three-tiered Panchayati Raj system in India: Zila Parishad at the district level, Panchayat Samiti at the block level, and Gram Panchayat at the village level. The eleventh schedule of the constitution enumerates 29 functional areas that will be brought under the decentralized planning level's jurisdiction. These areas include drinking water, drinking water processing industries, agriculture and related activities, irrigation, social forestry, villages, and small-scale industries. A local area plan may be used to coordinate resources and funding that are sent to the district and sub-district levels from different state agencies as well as from centrally sponsored programs. This will guarantee improved resource usage under one roof, with activities being given prioritized based on perceived requirements of the populace. The Directive Principles of State Policy, specifically article 40, states 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 act has brought this directive into reality.

The Indian Constitution made the Panchayati Raj institutions a state subject. In 1996, the panchayat rules were formed. Every five years, the people elect over 3.4 million representatives via a democratic process; one million of them are women who lead roughly 175 district panchayats, over 2,000 block panchayats, and roughly 85,000 gram panchayats. Panchayat is made up of the terms "Panch" and "Yat," where Panch is for "five" and Yat is for "assembly." Raj literally translates to "government" or "governance." Panchayati Raj, then, refers to an assembly or five peoples' government.

II. LITERATURE REVIEW

In order to "enquire into the working of the Panchayati Raj Institutions and to suggest measures for strengthening them so that decentralized planning and development can be effective," the Ashok Mehta Committee was established in 1978. The committee recommended that Panchayati Raj Institution's structure, functions, and use of its financial, administrative, and human resources be based on the newly recognized functional need of managing rural development. Furthermore, it advocated for Panchayati Raj using a "two-tier model" as opposed to the Balwantrai Mehta Committee's three-tier approach. The Mandal Panchayat was the village level organization and the Zilla Parishad was the district level organization.

Ashwani Kumar, (2012) According to a research published in a magazine on the participation of weaker sections in Jammu and Kashmir's panchayati raj institutions, women who belong to the SC/ST community are not entirely ignored in the political arena. Despite the fact that their representation as a whole is not particularly effective, they were self-motivated and determined to run because of democratic government support and grassroots empowerment.

In his 2012 article, "Panchayati Raj and Peoples Participation," Nazmul Hussain Laskar came to the conclusion that these two concepts have an organic link; none would be meaningful or able to exist in isolation from the other. In essence, PRIs encourage individuals to be self-sufficient and capable of governing themselves. Even after almost two decades, the 93rd amendment executing a rural development program via people involvement remains an unfinished objective. This is despite the fact that the current state PRI and people participation in northeast India are not yet totally satisfactory. According to him, a lack of political will and understanding on the part of rural residents as a whole prevents rural development programs from being effectively participated in.

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) This study, "Rural Development Policies in India: A Study of Employment Generation Schemes & MGNREGA," outlines how employment guarantee programs, which provide 100 days of guaranteed daily wage employment and stop labor migration, directly affect the lives of rural poor people by improving nutrition, health, education, and sanitation.

Prof. Basavaraj S. Benni, (2017) An Examination of Panchayati Raj Establishments This study's conclusion and emphasis on women's participation are found in the Mahatma Gandhi National Rural Employment Guarantee Act. The Indian government has offered numerous programs to empower women, including MNREGA, SGRY, IAY, and RGGVY, which demonstrate the advancement of tribal villages and introduce new SHG schemes that have eliminated poverty.

Hilal Ahamed Bhat (2017) In a journal article titled "Need of Educated Leaders for Panchayat Raj in Jammu and Kashmir," a study found that an educated leader is essential to the success of all panchayat activities and functions. This is because an educated leader is responsible, aware of issues, and able to handle panchayat problems with ease. Additionally, an educated leader can inspire the local population, unlike an uneducated one.

R.P.Joshi discuss key Panchayati Raj principles, Panchayati Raj's priorities are (a) population empowerment. (b) participation; (c) democracy is built from the bottom up; (d) mass consciousness is awakened; (e) gram sabha is the starting point; (f) elected representatives; (g) participation; (h) real change; (I) devolution of power; (j) learning by doing and Riyaz Naikoo, the leader of Hizbul Mujahideen, delivered a video message on August 28 advising election nominees to wear shrouds. He also vowed to acid everyone participating in the election. The warning and widespread displeasure with the Indian government seem to have reduced turnout. Even though there was no voting-related violence, voters and candidates avoided the region.

The Valley's inefficient municipal government may also contribute. After the 2011 panchayat elections, local delegates complained about local entities being weakened. Several election victors were attacked by terrorists, prompting resignations. Thus, additional panchayats would provide administrative challenges. These election winners must return to their communities and work under extremely challenging conditions for local self-government to be meaningful. Pakistan Panchayat Elections and Militancy

The urriyat (k) collaborate with the people, (l) inspire people to pursue their own well-being, (m) approach with modesty and a modicum of faith, (n) guide the people to success, (o) a pattern rather than a showcase, (p) consensus rather than coercion, (q) participation rather than order, (r) rule rather than participation and representation, (s) relief rather than fulfilling their potential power, (t) conform rather than transform, and (u)

Panchayati Raj System In Jammu And Kashmir

Article 370 of the Indian constitution exempted Kashmir from the 73rd constitutional amendment act. The Panchayati Raj system in Jammu and Kashmir has more challenges than in other Indian states, since it has not been implemented. Jammu and Kashmir's Panchayati Raj was weaker than others in India. Abrogation of Article 370 by the Union government on August 5, 2019, would significantly reduce concerns and obstacles in Jammu and Kashmir Panchayati Raj institutions. In ancient Jammu and Kashmir, reasonable individuals like Lambardar and Chokidar decided disputes and resolved them. With time, this ancient system became Panchayati Raj, where Panchs and Sarpanchs arbitrate disputes.

Maharaja Hair Singh launched the Panchayat Raj system in J&K in 1935 by enacting Jammu and Kashmir village Panchayat Regulation (Act No. 1) to make it more valuable for rural development via local representatives. He also establishes a rural development and Panchayat department in 1936. He applies the 1935 function list via the 1941 amending statute. He acts after a few years (1951). This legislation revived Panchayati Raj to promote local development. Maharaja Hari Sing was upset by J&K's bad status. An elevated political party, like National Conference, seeks to meddle in Panchayati Raj. Jammu and Kashmir replaced the 1951 ordinance with a 1958 local Panchayat act. Many local and state committees were formed. Finally, J&K Legislative Assembly enacted the Panchayat Raj Act 1989, which took effect on July 11, 1989. The 1989 Jammu and Kashmir Panchayati Raj Act states so. A law to establish Halqa Panchayats, Block Development Councils, District Planning, Development Boards, and related topics. Indeed, Jammu and Kashmir should promote and develop Panchayati Raj as a powerful Local Self Government tool to secure the product in the decision-making process and for implementing developmental programs that benefit local people. Even if J&K did not enforce the 73rd Amendment. The Jammu and Kashmir Panchayati Raj legislation 1989 has three tier systems: Halqa Panchayat (village area), block development council (block level), and district planning development board. Every Halqa Panchayat has 7–11 members, including Sarpanch. People would directly elect Sarpanchs and Panchs. This continued in 2011 election. Recently, Jammu and Kashmir declared a Panchayat election (2018) that would indirectly elect Sarpanchs. Congress leader Shahnawaz Choudhary criticized the indirect election of Sarpanch in Jammu and Kashmir as a threat to Indian democracy and the Panchayati Raj system. He noted that the government has disrupted the foundation of democracy. An undemocratic democratic action.

III. RESEARCH METHODOLOGY

This article uses secondary data and an analytical approach. Secondary data comes from Research Papers, Magazines, Books, Journals, Articles, J&K Panchayati Raj websites, District Panchayat websites, and J&K new papers.

Objectives of The Study

To research the problems and difficulties facing Jammu and Kashmir's panchayati raj institutions (UT)
Recommendations for the efficient operation of Jammu and Kashmir's panchayati raj institutions

Challenges And Issues of Jammu And Kashmir Panchayati Raj System

Militancy and Separatist Boycott Threat

Jammu and Kashmir have greater Panchayati Raj issues than other Indian states. Militancy in Jammu and Kashmir is a serious threat to the Panchayati Raj system since 1989. Jammu and Kashmir's Panchayati Raj system faces militancy and separatist election boycotts. In 2011, 77% of valley adult franchisees participated in Panchayati Raj elections without militancy, although the outcome was unfavorable. The 2018 election statistics shows barely 30% of Kashmiri panchayat halqas voted. Each hamlet in a halqa has a panch-represented ward. Sarpanchs lead halqas. No one ran for

708 of the Valley's 2,135 halqas. Another 699 halqas had uncontested candidates. This implies 1,407 halqas were uncontested. Shopian, Kulgam, Anantnag, and Pulwama had the lowest turnouts. No voting occurred in Shopian or Pulwama. Kulgam had no candidates for 87% of sarpanch positions and no polling in 99% of halqas. 76% of Anantnag's halqas were uncontested. The Valley has 17,059 panch wards, but only 1,656 competed. Almost 64% of wards were uncontested. The candidates won 4,537 unchallenged wards. In South Kashmir's four districts, just 95 of 5,847 panch wards were polled. The recent rise of homegrown militancy in Kashmir has been centered on these four areas. Even during elections, South Kashmir faced regular gunfights that killed civilians, terrorists, and security personnel. North Kashmir had greater voter participation, while southern voting was inconsistent. Riyaz Naikoo, commander of Hizbul Mujahideen, warned election candidates to carry shrouds in a video message on August 28. He also threatened acid attacks on election participants. The warning and widespread displeasure at the Indian government may have reduced attendance. No serious violence attacked the voting process, but people and politicians remained away.

Low Panchayati Raj and assembly election participation

Democratic governments are formed when large populations vote and produce excellent governments. Political engagement in J&K Panchayati Raj elections is minimal. The most vital aspect of any democratic administration is public engagement. Militant group and separatist leader posters were often posted outside mosques, government buildings, and other critical areas in certain Valley districts, prohibiting voters. Freedom feelings and government repression also limit election participation.

Lack of awareness

The bulk of the people has not participated in several state elections, which makes the situation in Jammu and Kashmir State dire. Separatist leaders and undemocratic groups constantly attempt to dissuade the vast majority of the state's citizens from participating in state elections. For this reason, the majority of people in J&K are ignorant of their right to vote in state elections. Other challenges include a lack of education, a faltering economy, a lack of social media, a lack of political socialization, backwardness, the fear of terrorism, and a smaller welfare system, among others. Although panchs and sarpanchs in J&K can raise local knowledge and people's faith in the Panchayati Raj system, they are more concerned with their personal safety because of the danger posed by militancy. Some people lost interest in the Panchayat elections since the Sarpanchs, BDOs, and Panchs did not provide the villagers jobs.

Lack of funds

One major issue facing Jammu and Kashmir's Panchayati Raj system is a shortage of money. It has been determined in several instances that a plan for village-level development was created by the Sarpanchs and Panchs of the village after consulting with the Gram Sabha. Higher authority cannot be implemented on the same level. Officers from the development and rural departments alter these whole aircraft with their own approval. It is a direct assault on the Panchayat's rural sovereignty. It is crucial to provide all elected Panchayat members with the necessary skills to manage these monies and apply them to the development of every village in the Halqa Panchayat.

State and administrative oversight of the Panchayat Raj institution's operations and authorities

The majority of the Panchayat's authority in the Jammu and Kashmir Panchayati Raj system was controlled by the state government and administrative bodies. There is a significant barrier between workers and village-level development projects since Panchayat development is entirely done at the village level and the payment system is managed by administrative staff. It has often been noted that the administrative body's ongoing pending worker payment mechanism still exists today. Despite the Act of 1989's provision that the Panchayat Raj system and state government have a poor relationship,

The issue of complimentary fee of Panchs and Sarpanchs

As per the announcement made by the state government, Sarpanchs would get Rs. 2,500 and Panchs Rs. 1000 every month. However, the payment is still not received on time, and Panchs and Sarpanchs, who come from mountainous areas, suffer all day long without receiving their money on time. As a consequence, their interest in the Panchayat is not strengthened.

Corruption in Panchayat

Since corruption may be found in every Panchayat administration department, it is a serious problem in the Jammu and Kashmir Panchayati Raj system. The primary problem affecting Jammu and Kashmir's Panchayati Raj system in the

modern era is corruption. It has been examined at various administrative and Halqa Panchayat levels under the J&K Panchayat System. Due to corruption, if the employee completed their task in January, they will get their compensation the following year. It indicates that widespread corruption is not going away. For instance, under the IAY program, a poor individual wishing to build a home would only be able to get half of the payment; the other half would go toward corruption.

Delay in Panchayati Raj elections

The Jammu and Kashmir Panchayati Raj Act (1989) gives the Panchayati Raj system a legitimate constitutional standing. It explicitly states that Panchayat elections must be conducted every five years, yet the elections are still not held on time. Three elections were held: the first in 2001, the second in 2011, and the third in 2018. A bill amending the Panchayati Raj election to allow indirect elections of Sarpanchs by Panchs instead of direct elections was enacted by the Legislative Council of Jammu Kashmir in July 2016. This presents a significant threat to local level democracy. Following that, the state governor (N N Vohra) made changes to the Jammu Kashmir Panchayati Raj (amendment) Ordinance bill in December 2016, granting the State Chief Electoral Officer authority. Once again, on November 4, 2017, Governor (N N Vohra) gave his approval for the Jammu and Kashmir Panchayati Raj (amendment) bill 2017, stating that there should be no waiting and that preparations should be made immediately for the conduct of the next 2016 elections, which were conducted in 2018.

Lack of security to elected member of Panchayat

Because of the dire circumstances in UT, where a large number of Panchs and Sarpanchs have been slain by militants in various parts of the state, elected members of panchayats are always concerned for their safety. In June 2020, terrorists killed 40-year-old Ajay Pandita, also known as Bharti, a Kashmiri Pandit sarpanch in Anantnag, south Kashmir. After Pandita of Lukbawan village in Larkipora was assaulted in his orchard, all elected members of the panchayat demanded security protection from the state government in order to safeguard their lives. However, the government did not provide the elected members with security. As a result of these unfavorable circumstances, several 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 their seal in any page and any document without knowing what is there written on.

Wandering migrant

The majority of the tribal community would not be able to vote in the Jammu and Kashmir Panchayat election if it takes place during the summer. Since all nomadic tribes move their livestock toward the hilly regions throughout the summer. After Utah, the tribes make up the third-largest population in the state. Tribal people who are nomadic are still not well served by Panchayati Raj development, which is why they are less engaged in Panchayati Raj elections.

Inadequate Panchayati Raj system infrastructure

An additional problem in Jammu and Kashmir is infrastructure. Panchayati Raj system: If there is a Panchayat building in the village, it is not well maintained, and the Panchayat personnel is not there. *ibid.*, p. 40

Raj system roads are few in hilly locations. It has been observed for a long time that people who live in mountainous regions do not go to the polling place to cast their ballots because of the distance and poor quality of the roads. *ibid.* People shun any Panchayat activities since there are no decent roads or routes. Another significant issue facing the Panchayati Raj system is this.

Harsh Winter season

Winter is a difficult time of year, particularly in the Panchayati Raj state of Jammu and Kashmir, where snowfall covers almost the entire region. As a result, all development activities are suspended and most people stay inside during the harsh weather, whether it's for an election or for other purposes. *ibid.* In hilly regions, any work done by Panchayats is also damaged by landslides and avalanches.

Lack of women participation

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

Dominance of political parties

The average man has fewer access to local election participation in Jammu & Kashmir, since the bulk of panchee and sirpanches are members of large regional political parties.

Suggestions To Build A Sound Panahayati Raj System InJammu And Kashmir

A few significant recommendations and reforms are necessary for the Panchayati Raj system in Jammu and Kashmir to evolve in a methodical manner. These recommendations and reforms will gradually lessen the impact of the problems and difficulties the region has previously discussed.

Panchayat raj system if implemented properly.

Jammu and Kashmir should adopt the Indian Constitution's 73rd Amendment in the same way as other Indian states. Elections need to be conducted on schedule. The plan, developed by members of the Panchayat as representatives, need to be executed without any modifications. At least a middle pass should be the minimum qualifying criteria for Panchs and Sarpanchs. New programs, policies, and cultural initiatives that support the Panchayat system and increase public interest should be implemented at the local level. Populations living in hilly and topographic regions, as well as tribes, need have different regulations. Elected Panchayat members need to have the majority of the Panchayat's authority. Every Panchayat must have a distinct Panchayati house and personnel on hand. Every Panchayat should have its own Panchayati fund account, and Panchayat funds should be readily accessible in the Sarpanch's bank account. Every member who makes a claim should be given security.

IV. 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 offunds, 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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