

An Analysis of Panchayati Raj in Jammu and Kashmir

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Abstract: *The fundamental unit where rules and regulations are important is the home of the average man. Anarchy develops on its own when the leader of the family is not present in the home. Every family member's fundamental rights should be prioritized, and everything else should fall into harmony. Mahatma Gandhi, the founder of the country, said in his magazine "Harijan" that independence must start at the grassroots level so that every little village may have complete republican powers. Each village must also be supported on a personal basis so that it can manage its own affairs. In the Indian constitution, Art. 40 was included to honor the founding fathers' philosophy. It states that the state must "take steps to organize village panchayats, enabling it with such powers and authority enabling the villagers to perform functions as unit of self govt." Today, the whole globe is seen to be a one community, and the significance of having high-quality democracy as its foundation is emphasized. According to decentralization, the process of giving the people more authority is known as panchayati raj and is the fundamental tenet of democracy, allowing the average person to stay involved in national planning, decision-making, and development. The originator of local self-government is regarded as Lord Rippon. India's adoption of the panchayati raj system dates back to 1959, when it was implemented in Rajasthan's Nagor district. The 73rd constitutional amendment act of 1992 granted the Panchayati Raj institution constitutional standing. Even after Indira Gandhi and Sheikh Abdullah reached a deal in 1975, J&K's panchayats are still dormant. However, the state government introduced a new, comprehensive law known as the "J&K Panchayati Raj Act 1989" in response to developments in other states throughout the country.*

Keywords: Panchayati Raj ACT 1989, 73RD constitutional amendment act

I. INTRODUCTION

The most significant development in Indian history was the notion of panchayati raj, which aimed to address issues at their core and investigate and resolve those faced by those living in remote communities. Despite being the backbone of society, the voice of the invisible and unheard was not heard by higher-ranking government employees, and they were excluded from the planning and execution of development projects that the ruling class was responsible for. However, as Sir Charles Trevellyn pointed out, the Hindu-Muslim and Peshwas governments saw some progress achieved by the Indian village republics. In the 20th century, a large number of village panchayats were established during the period of power decentralization. Due to Mahatma Gandhi's primary goal of achieving independence at the grassroots level, Article 40 was included to the Indian constitution. Consequently, the Balwant Rai Mehta committee, which proposed a three-tier government consisting of Gram Panchayats at the village level, Panchayat Samitii at the block level, and Zila Parishad at the district level, recommended the introduction of the Panchayati Raj Institution. The 73rd constitutional amendment act of 1992 gave the Panchayati Raj Institution constitutional standing. The J&K Panchayati Raj Act of 1989: The establishment of the Ashok Mehta Committee in 1977 provided theoretical and practical impetus for the Panchayati Raj system, which was the focus of discussion. When the West Bengal government launched an endeavor in 1978 to revive the state's panchayat system, it did so in response to the Ashok Mehta Committee's proposal. This gave rise to a second generation of panchayats. Next in line were Andhra Pradesh and Karnataka, and lastly J&K. Maharaja Hari Singh introduced the idea of panchayati Raj to J&K UT in 1935, and he also created the local panchayat regulatory legislation. The act's preamble mandated that the village panchayat help with civil and administrative criminal justice

matters pertaining to cleanliness and other issues of common interest within the community. The primary goal was to support local government and use the organization as the government's administrative arm in order to monitor the national conference party's activities. But the government of Sheikh Abdullah eventually changed and replaced this statute. The state made considerable headway under the new administration when the then-state government released the "New Kashmir Manifesto." The government took several audacious steps to quicken the state's economic growth, which strengthened the panchayati raj structure there. But when the Abdullah government was overthrown, everything took a shock and a setback. Since then, democracy and democratic institutions have deteriorated, making it pointless to consider democracy at the grassroots level. Sheikh Abdullah and Indira Gandhi had reached an agreement in 1975, and the state was anticipated to see some positive improvement and political stability. The then-government placed a strong emphasis on single-line administration, creating district planning boards under this paradigm. However, local democratic institutions were not revived, and panchayats continued to function in the state even after the agreement in 1975. The state government introduced a comprehensive law known as the J&K Panchayati Raj ACT 1989 in order to replicate and compare the growth of some components in other Indian states. April 1988 saw the introduction of this legislation in the J&K assembly, and March 1989 saw its passage. subsequently approved in 1989 by the governor himself. The idea of this legislation was to create a Halqa Panchayat, which would include the Sarpanch, and at least 7 or up to 11 Panches. The Halqa Panchayat has a five-year term; if it dissolves for any reason before then, elections will take place within six months, and a vote of no confidence from two-thirds of the panches present will remove the Naib Sarpanch. The Panches may be elected from the defined constituencies by the designated authorities, and the Naib Sarpanch may be elected by the Panches of the panchayats and sarpanch directly by the electorate of the Halqa Panchayat. Moreover, this statute established panchayat Adalats. This legislation established a three-tier panchayat concept, comprising:

- 1 Halqa Panchayat.
- 2 Block Development Council.
- 3 District Planning And Development Board.

This act's primary goal was to strengthen local government via citizen engagement. Uncontrollably, the valley began to experience strife and unrest at the enactment of the Panchayati Raj Act of 1989. Around this time, the majority of people began to lose trust in the election process, and the seeds of militancy began to sprout. The government found it more difficult to enforce this statute.

For a brief while, all Panchayat institutions were locked down. There was concern that these establishments may be taken over by the rebel group, which would allow a rival government to gain authority in the valley and make law and order necessary. In 1996, governor control was imposed when the Assembly was dissolved due to the lack of freedom enjoyed by the political parties and their leaders in the valley. Following new elections in 1996, the NC came to power and established the state's Panchayati Raj regulations. The government issued an order in 1997 that resulted to the creation of 2700 Panchayat Halqas—1470 in Kashmir and 1230 in the Jammu Division—under the Panchayati Raj Rules of 1996. Unfortunately, this turned out to be a paper exercise merely. In 2001, the state government again grew concerned about holding the panchayat election. Half of the seats were left empty in these partial elections. Though most of the seats in Kashmir remained uncontested because of the threat of militancy, the reaction from Jammu was good. In addition, the majority of people doubted the validity and dependability of these elections. Even though the chief election officer was watching over the vote at the time, the Hurriyat Leaders called for a boycott.

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

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

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

Although the government made certain steps for the development of neglected groups of society, such as granting 33% reservation for women in the PRI modifying the Panchayati Raj Act 1989, the Panchayats have remained unemployed in the state despite the 2001 elections. In 2011, the panchayat elections once again demonstrated the secular character of the Kashmiri people. A small number of Sikhs and Kashmiri Pandits ran for office and won even in Muslim-majority

areas. Unfortunately, the situation in the Kashmir Valley worsened, leading to the targeted assassination of elected officials, some of whom fled their houses in an attempt to escape for their lives. Furthermore, the government failed to delegate authority to the grassroots levels, and the environment was unfavorable for the elected officials to work together. Despite the fact that the government issued the cabinet order about power delegation, it turned out to be a mere formality. Even after panchayat leaders were killed, there was no accountability, no infrastructure, and no financial assistance for the panchayat. The panchayats were essentially rendered meaningless institutions by all of this. The fact that panchayat elections were held 33 years after they were first held and the state's progress was reversed is concerning. In July 2016, the five-year tenure of the elected delegates from 2011 came to an end, and panchayats were disbanded. Section 9 of the J&K Panchayat Raj Act 1989 said that new elections were to be held within six months, and that the process had to be completed by either July 2016 or January 2017. Unfortunately, however, during the whole summer of 2016, there were demonstrations and uprisings in every part of Kashmir. Elections for panchayats were not feasible since the government and populace continued to struggle. The government was unable to even hold the by-elections for Anantnag's lok sabha seat. Nevertheless, the panchayat elections in 2018 were held in nine stages, in spite of the postponement. 4490 Sarpanches and 35,096 Panches were to be elected from among the 58,12,429 voters in the 4490 Halqas panchayats. There were non-party elections. Because they believed that Article 370 and Article 35A had been violated, the NC and PDP boycotted. Additionally, the Hurriyat Conference banned citizens from participating in a strike on election day instead of contesting the results. Additionally, the Militants criticized the populace for taking part in the election as a voter or candidate. In this sense, until democracy was restored, the elections in Kashmir were seen as a pointless endeavor. The central government promised, as part of the 14th Finance Commission (2015–20), that a significant influx of funding under different nationally supported programs would be allocated for the former state's development. In order to capitalize on the money flow, the governor issued extensive publicity in print and electronic media. As a result, the Jammu and Ladakh regions saw a favorable response to the elections, with 80% of voters casting ballots. However, 60% of the seats in Kashmir remained unfilled because no one showed up to submit a nomination paper. According to the federal government, 74% of voters participated in the village council elections. However, upon examination of the voting data, it was discovered that just 30% of Panchayat Halqas in Kashmir had polled. Without informing the people of Kashmir, the federal government repealed Article 370 and 35A in August 2019, which proved to be deadly and destroyed the hopes and dreams of the people of Kashmir. The public were forced to detest the so-called democratic form of government as a result of the government's extreme action. Nonetheless, the BDC conducted its first round of elections during this oppressive period. The results of the elections were astounding: the BJP gained 81 seats and 217 independent candidates triumphed out of 307 blocks. In December 2020, elections were conducted for the DDC council, which is the third tier of the Panchayati Raj system. Kashmiri parties did participate in these elections, no doubt, but the UT government has been accused of denying security to candidates other than the BJP, which is why many Gupkar Alliance candidates declined to run. Despite the Modi government's declaration that the panchayat elections are an illustration of democracy, nothing encouraging has been seen in practice. The elected officials lack security protection and are not allowed to go to the places where they are despised. In summary, the public has turned these elected officials into its targets. A summary of the DDC election in UT of J&K from November 28 to December 19, 2018, reveals that 1475 candidates stood for office. Results were announced on December 22, 2020. There were 280 DDC seats, and 296 female candidates participated in the elections, which were held using ballot sheets without the use of electronic voting machines.

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

The majority of nations on Earth are governed under democratic systems. The global populace reacts equally to acts of tyranny and harsh measures implemented everywhere. Several comparable instances may be found in nations other than those in Europe. The well-planned democratic system of governance throughout all of the European nations has contributed to their high level of development, with the smallest countries essentially ruling the most populous ones. India, the world's biggest democracy with the statuses of Sovereign, Socialist, Secular, Democratic, and Republic, need to consider the fundamental issues facing the country. Reading the thoughts of those living in the nation's interior, where science and technology have not advanced civilization, is desperately needed. Elections must be held exactly on schedule in order to execute the 73rd Constitutional Amendment Act of the Indian constitution and enable Panchayati Raj in J&K. A complete proof audit system is recommended to ensure accountability and transparency in the

panchayats' use of the monies that have been allocated to them. The candidates running for Panches and Sarpanches should be intelligent, unbiased, and trustworthy. Metrics should be the minimum requirement for a panch, and graduation for a sarpanch, in order for them to be able to make the most use of the allocated finances. It is important to create fresh policies and programs that pique people's interest in the system. The geography of the places should be given high priority, and all of the village's nooks and crannies should be linked by roads that provide power and water, as well as other necessities like schools and health services. Power should be delegated to elected officials with instructions to act impartially and honestly; panchayats should get directly from plans appropriate finances; elected candidates should also receive security at the same time. Enough personnel should be available to manage the Panchayati Raj System's operations.

II. CONCLUSION

The father of the nation, Mahatma Gandhi ji, had the hope that every hamlet would become a sovereign republic. A lengthy trip and many other things are needed in order to realize this desire. The most important issue is that everyone living in the villages must have an education and understand the true intent of the Panchayati Raj System. Political meddling should not occur in the day-to-day operations of panchayats, which need to be transparent, free from corruption, and endowed with the capacity to inspire the populace and make appropriate use of the monies allotted for the villages' development. The majority of J&K's villages are steep and difficult to access, thus a lot of effort is needed to first make the villages accessible via roads and other relevant basic services.

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