

## HISTORICAL STUDY OF PANCHYAT RAJ SYSTEM IN JAMMU AND KASHMIR: CHALLENGES AND SOLUTIONS

**Kumar, Surinder<sup>1</sup>**

Assistant Professor & H.O.D.

Department Of Education, Govt. Degree College, Thathri

### **Abstract**

*Panchayat Raj System can be truly empowering at grass root level only when it is fully alive to the aspiration and need of the people. It is the management of local affairs by local people through elected local bodies. Grass root democracy based on local participation in which people feel sense of responsibility and make their developmental plan themselves. In Jammu and Kashmir, the roots of Panchayat Raj were planted by Maharaja Hari Singh in 1935 by promulgation of Jammu & Kashmir village Panchayat Regulation No 1. Later on various regulations had been passed from 1936 onward to accession with India that makes the local self-government more strong. In 1989, the Jammu & Kashmir Panchayat Raj Act came into existence. After 12 years of the same, the first Panchayat elections were held in 2001, in which people participated positively and elected their representative for local democracy, but somehow it failed. After a gap of 10 years, in 2011 once again Panchayat elections were held, the elected Panchayat worked as a bridge between various government departments, police forces, armed forces and civil population but due to differences between ruling coalition's political parties in state in relation to devolution of power to local self-government and make it half democratic and same completed their tenure on July 2016. In 2016 Governor Assents to the Jammu & Kashmir Panchayat Raj (Amendment) Bill, will now allow indirect election of Sarpanches. The Research paper is deal with the historical study of Panchayat Raj System in Jammu & Kashmir and challenges before it and also suggests solution to make it truly democratic.*

**Keywords:** Panchayat raj acts; Sarpanches, Local self govt.

### **Introduction**

Historically, Local Self Government did exist in India as Social Institution and perform an important role at intra socio-cultural levels of villager life. These villages bodies contact with the higher authorities on all matter related to the welfare of villagers. In terms of Jammu and Kashmir it has its own history as far as local self Govt. is concerned. The role of Panchayat in realizing the next India goal cannot be denied. The local self Govt. for the people by their local representatives is self-sufficient, self-realizing to achieve the aim and objectives of the



society. Change is the law of nature with changing time the role and status of Panchayat must be more and centre of all the other govt. policies and programmes.

### **Panchyat Raj System Pre -Independence Scenario**

During the Maharaja Period, Panchayati Raj System passed through various Phases and on 1935, first village Panchayat Regulation Act No-1 was by the Maharaja Hari Singh. The Preamble states that, "it is expedient to establish in Jammu And Kashmir State the villages Panchayat to assist in the administrative, civil and criminal justice and also to manage the sanitation and others concerns of villages."It clearly shows that the motive behind the promulgation of this act was not to promote Panchayat raj in the state in letter and spirit but to use Panchayat as a helping arm of the govt. for judicial and civil administration. After analyzing of the functions assigned to the Panchayat it can be concluded that out of a total of 58 provisions of the Act, 47 deals with the judicial functions. This Act was truly undemocratic and limited in its scope as well objectives. This Act was amended in 1941, by which Panchayats were empowered to maintain public roads, power to levy tax, identify new resources for the village development and with the help of state education department starts first ever adult education program. But after some initial success, thePanchayat could not become effective and viable instrument of gross root development.

### **Panchyat Raj System Post-independence Scenario**

After Independence the State Govt. took various initiatives and launched various programme to make Local self govt. more effective in terms of democratic decentralization, social justice and the reconstruction of the economy. These initiatives created a conducive environment for reactivation of Local Self Govt. The Act 1935(as amend in 1941) was replaced with the Act 5 of Samvat2008 in 1951 that had provision for the establishment of Panchayat of villages. Generally five to seven villages form one Panchayat and Panchayat units were generally co-existence with the revenue halquas. It had to perform duties like administrative, developmental, municipal and judicial etc. Panchayat were given a lot of freedom to formulate modus operandi of implementation according to local conditions. By 1954, March 751 Panchayat had been established covering 4774 villages. The Jammu and Kashmir state took the lead by passing the Jammu and Kashmir village PanchayatActof 1958 much before it introduced in the whole India and same too removed all earlier acts and envisaged two tier Panchayat Raj System i.e. Gram Panchayat at village level and Block Panchayat Board at block. By 1962 the entire population and inhabited villages were covered by the Panchayat and average population per Panchayat worked out to be 3098. In 1977-78, the number of GramPanchayat is 1483 as compared to the 936in 1962. The number of villages per Gram

Panchayat works out to be 4.7 in 1990 compared to 2.8 at all India level. In period between 1952 and 1969 various development like community development programme, agricultural development programme received the top priority. One amongst the various developmental programmes, the thought of democratic decentralization at gross root level begins to sprout. The Jammu and Kashmir state was amongst the first few states in the country to introduce decentralized planning at the district and block level. In order to realize truly democratic set up at gross root level, Jammu Kashmir Panchayat Raj Act 1989 was introduced in the Jammu Kashmir assembly in April 1988 and passed in 1989, finally Governor of the state gave his assent to the bill in July 1989. This Act was named Panchayat Raj Act instead of village Panchayat Regulation Act; latter was confined to Panchayat while former implies the promotion of same in the village, block and district level. In this act Panchs and Sarpanches were elected by direct election and chairman of the block development council to be elected by full involvement of people. The 1989 Act provides for a three tier system consisting of Halqua Panchayat, Block development council and District planning and development board. One of the important components of this act is Panchayati Adalat. In the same year i.e. 1989, the militancy stormed the state and hampered the development of state to that extent that no Panchayat elections were held till 2001. After a gap of 22 years since the introduction of 1989 Panchayat Raj Act, the state govt. succeeded in conducting Panchayat election in 2001. The election was conducted in phased manner for 2700 Sarpanches and 20548 Panches seats through electoral process by state election authority on non-party basis with a high degree of transparency and fairness. All the sections of community participated equally and chose their local representatives for local democracy. Then after a gap of 10 years 2<sup>nd</sup> Panchayat election were conducted in 2011, and same completed its tenure on 2016 in last Panchayati election various new initiatives are taken by govt. to make it truly democratic and decentralized it to the maximum. Recent development in Panchayat Raj system in Jammu Kashmir included, monthly honorarium for elected Panches and Sarpanches and in the year 2016 governor gave his assent for indirect election of Sarpanches.

### **Objectives of the study**

- To highlight various developments taking place in Panchayat Raj system in Jammu Kashmir.
- To analyze the challenges before Panchayat Raj institution in Jammu and Kashmir.
- To suggest remedial measures after analyzing the challenges.



## Methodology

The Jammu and Kashmir state has three regions i.e. Jammu, Kashmir and Ladakh. In Jammu division there are 10 districts, similarly Kashmir division has 10 districts and Ladakh region has 2 districts. From every district 2 Panchayats has been taken for study, a total 44 Panchayats has been visited for study while interacting with the elected members of the different Panchayats comes to know various issues and challenges before the elected representatives of the local self-government.

## Challenges before Panchayat Raj System

1. **Involvement of Political Parties** – Involvement of political parties curtail the liberty of the poor people and local has been sidelined. Ruling MLAs regardless of anything has put pressure and enforced their say on the villages Panchayats. The root causes of violence is the involvement of political parties and make whole the system further centralized around ruling parties in the state.
2. **Not willing to Share Power with the Panchayats** – State government not willing to share power with the local self-government so that it hampered the Panchayats to take various initiatives for villages developments and make it truly undemocratic institution.
3. **Centralized Structure** – The Panchayat Raj institution in Jammu and Kashmir suffer both from structural and operational weaknesses. The PRI not structured on the basis of federal principles. The Principles of devolution of powers between state and Panchayats is not reflected in the act in any manner. There is no devolution of funds, so Panchayats have been generally starved of funds.
4. **Nominal Representation** – Despite reservation of women's and other weaker sections of the society in Panchayati elections, but in many areas it came to notice that they are the Only nominal representatives like most of the women's elected Panches and Sarpanches are represented by their husband or other family members. Likewise other weaker Sections elected Sarpanches and Panches are represented by others.
5. **Security threats** – In 2011 Panchayat elections in Jammu and Kashmir around 80% turnout were recorded and in the Kashmir valley was over 77.71%. Despite threats from various militant organization people across the state participate in the electoral process. The elected Panches and Sarpanches are worried about their lives because many elected members were killed after election 2011. After killing, many Panches and Sarpanches tendered their resignation. In 12 district of Kashmir divisions 20 Sarpanches and 128 Panches have resigned due to lack of security covers.

6. **Low turnover in Elections** – For making democracy at grass root level people's participation is very important. Due to conflict and fear among the peoples majority of people in Jammu and Kashmir do not participate in elections.
7. **Uneducated and illiterates leaders** –Most of the elected representative are illiterate and less educated and by their illiterateness they cannot understand rules and regulation about Panchayat system and by which they could not properly work for the welfare of people.

### **Solutions**

**Stop political interference-** Political interference either directly or indirectly should be stopped immediately by making act more stringent , then we will able to achieve true democratic setup in terms of functions and operations at gross root level.

1. **Decentralization of Powers, Works and Funds-** Panchyat Raj Institution is a state subject and Jammu Kashmir state should decentralize powers, Works and autonomy to Panchayats in making their own developmental plan and there ofutilization of funds accordingly.
2. **Full Security covers** – Elected members especially those who are very vulnerable to threats must provide security covers so that there life can be protected and it will motivate others to take part in Panchayats elections and make this democratic set up strong.
3. **Training and consultancy institute across the State** – Training institute cum consultancy centers need to be set up at block or Tehsil levelso that it can train and assist the elected members according to theirs need and requirements.
4. **Local Finance commission-** In order to generate local fund, levy local tax , to allot separate funds for the Panchayats and management of funds allotted to the Panchayats local finance commission need to be set up.
5. **Regular and appropriate remuneration-** Most of the elected Sarpanches and Panches are from economically poor background, and same create hurdle in every aspect of their professional development, so there's remuneration shall be hike and it should be regular.

### **Conclusion**

To conclude, Jammu and Kashmir has a long history of local self-government and it develops with the passage of time and State govt. a special autonomous status under 370 articles of the Indian constitutions by which the 73<sup>rd</sup> constitutional Amendment Act is yet to be implemented



and political parties not willing do not want to give more powers to Panchayats as incorporating all the features of the 73<sup>rd</sup> amendment would make them independent with respect to planning and utilization of funds. Political parties must rise from their self-interest and show political dexterity and sagacity and make the Panchyat raj system truly democratic and transparent.

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