

Panchayati Raj in Jammu and Kashmir since 2011 An Overview

Hilal Ahmad Rather Research Scholar,
Department of Political Science CCSU Meerut.

Abstract

There are two components to this query. Panchayati Raj Institutions, or Panchayats, are local governing organisations mandated by the Jammu and Kashmir Panchayati Raj Act of 1989 and authorised by the 73rd amendment to the Indian Constitution. This part focuses mostly on theory. The study's empirical findings are presented in the second section, which discusses the electoral process, the socioeconomic backgrounds of the elected leaders, the percentage of women elected, the leaders' familiarity with the act's various provisions, and the constraints they face in carrying out their responsibilities. The study, conducted in Jammu and Kashmir between September and October 2011, selected at random seven Panchayats from four blocks in the District Jammu region. One-third of those surveyed were women, 32% were from economically challenged families, and 71% were all under the age of 50, according to the results of a recent study. Most respondents cited a lack of financial aid in the form of wages and a lack of commitment from workers at the Village level as the two biggest obstacles they encountered. The Panchayati Raj system marks the beginning of the democratic decentralisation process in India, which would eventually extend all the way to rural governance. Only via the Panchayati Raj system can rural residents achieve genuine democracy, local development, political consciousness, right protection, democratic decision making, independence, and political power. The Panchayati Raj system greatly benefits the rural populace by giving the local village council full responsibility for governmental policies and development. Local governments in India have a strong tradition of self-governance. The first Panchayati Raj Institution was founded by Lord Ripon in 1882, while Britain still governed India. Gandhiji, who is sometimes called the "founder of the Indian nation," believed that the village Panchayat was essential to the development of grassroots democracy in India. As the foundation of India's Panchayati Raj system, the idea of "village self-governance," or "Gram Swaraj," is central to Indian society. The findings of this study will perhaps throw light on the difficulties now being experienced by the Panchayati Raj system in the Indian state of Jammu and Kashmir. We thank the Jammu and Kashmir Panchayati Raj website, the Jammu and Kashmir District Panchayat website, and the Jammu and Kashmir news papers for their contributions to the data utilised in this study.

Introduction

Raja Ram Mohan Roy is considered as the pioneer of modern Indian Renaissance for the remarkable reforms he brought in the 18th and 19th century India. Among his efforts, the abolition of the brutal and inhuman Sati Pratha was the most prominent. His efforts were also instrumental in eradicating the purdah system and child marriage. In 1828, Ram Mohan Roy formed the Brahmo Samaj, uniting the Bhramos in Calcutta, a group of people, who had no faith in idol-worship and were against the caste restrictions. The title 'Raja' was bestowed upon him by the Mughal emperor Akbar II, in 1831. Roy visited England as an ambassador of the Mughal King to ensure that Bentick's regulation banning the practice of Sati was not overturned. He died of meningitis in 1833 while residing in Bristol, England. Raja Ram Mohan Roy was born on August 14, 1774 to Ramakanta Roy and Tarini Devi in Radhanagar village of Hoogly district, Bengal Presidency. His father was a wealthy Brahmin and orthodox individual, and strictly followed religious duties. At the age of 14 Ram Mohan expressed his desire to become a monk, but his mother vehemently opposed the idea and he dropped it.

Social Reforms

During the late 18th century (what was known as the Dark Age), the society in Bengal was burdened with a host of evil customs and regulations. Elaborate rituals and strict moral codes were enforced which were largely modified, and badly interpreted ancient traditions. Practices like child marriage (Gouridaan), polygamy and Sati were prevalent that affected women in the society. The most brutal among these customs was the Sati Pratha. The custom involved self-immolation of widows at their husband's funeral pyre. While the custom in its original form gave choice to the women to do so, it gradually evolved to be a mandatory custom especially for Brahmin and higher caste families. Young girls were married to much older men, in return for dowry, so that these men could have the supposed karmic benefits from their wives' sacrifice as Sati. More often than not the women did not volunteer for such brutality and had to be forced or even drugged to comply. Raja Ram Mohan Roy was abhorred by this cruel practice and he raised his voice against it. He spoke freely and took his views to the higher ups in the East India Company. His passionate reasoning and calm perseverance filtered through the ranks and ultimately reached the Governor General Lord William Bentinck. Lord Bentinck sympathised with Roy's sentiments and intentions and amid much outcry from the orthodox religious community, the Bengal Sati Regulation or Regulation XVII, A. D. 1829 of the Bengal Code was passed. The act prohibited the practice of Sati Dahan in Bengal Province, and any individual caught practicing it would face prosecution. Raja Ram Mohan Roy's name is thus etched forever as a true benefactor of women not just for helping abolish the custom of Sati, but also raising his voice against child marriage and polygamy, while demanding equal inheritance rights for women. He was also a great opponent of the rigid caste divisions of his time.

The foundation of the institution known as the Panchayati Raj marked a significant turning point in the history of the growth of democracy in India. Many individuals see it as a means by which underrepresented groups may have their ideas incorporated throughout the many stages of the planning and execution processes. Charles Metcalfe, who served as the Provincial Governor General of India between the years 1835 and 1836, referred to them as "little republics." According to Sir Charles Trevellyn, the Village Republics reached its zenith at the time when the Hindus, Muslims, and Peshwas governed the country. In its report from 1907, the Royal Commission on Decentralization suggested the development of village Panchayats as a method of reducing the financial burden on provincial governments and bringing the concept of local self-government down to a more fundamental level. In contrast to the old Panchayats, which were based on custom rather than law, the statutory Panchayats had a legal basis. As a consequence, in the second decade of the twentieth century, provincial governments in India enacted legislation empowering local panchayats. For the first time, the provincial government of Punjab attempted to provide formal legitimacy to an age-old practise when it approved the Punjab rural Panchayat Act in 1912. This law made Panchayats in the Punjab area (including Haryana) legally enforceable. On April 24, 1993, the Indian government enacted the statute that would eventually provide the foundation for the Panchayati Raj. The name "73rd Amendment Act of 1992" refers to another name for this law. **(Prasad, 2011)**As a direct result of this, the constitution recognises panchayats as separate and independent legal entities. The 73rd Constitutional Amendment Act mandated the establishment of panchayats at all levels of government, and all states and union territories (excluding Arunachal Pradesh) quickly followed suit. Part IX of the Constitution deals with the establishment of Panchayats; however, this law does not apply to all states, and it does not apply to regions within states that are on Schedule VI. This includes the states of Jammu and Kashmir, the Hill territories of Manipur, Meghalaya, Mizo-ram, and Nagaland. Meghalaya is not a party to the United States Constitution, hence the requirements of Article IX do not apply to the state. Article 370 of the Constitution gives Jammu and Kashmir a unique status, even though the state has many characteristics with Meghalaya, Mizoram, and Nagaland, and all four are mentioned in Schedule VI of the

Constitution. Each state and union territory has established an electoral commission, which is in charge of organising PRI elections every five years. Since the Panchayati Raj system allows for more rural involvement in the democratic decision-making process regarding the country's economic and political growth, it plays a crucial role in the decentralisation of India's democracy. Panchayati Raj, or local self-government, was introduced to rural areas to encourage a stronger sense of community responsibility, independence, and self-sufficiency. The "Panchayati Raj" mechanism was crucial in achieving this goal. In this context, "local government" or "local-self-government" is the management of local affairs by the people of the area, via the care and duty to be exercised and dismissed by democratically elected local bodies without intervention from other higher authority. **(Raghunadan, 2013)**

Literature Review

In India, the Gram Panchayat represents the grassroots level of participation in the Panchayati Raj system, the foundation of the country's democratic structure. Increasing villagers' interest in democratic decentralisation and their political awareness is crucial to the success of the campaign and the improvement of life in rural India as a whole. The Panchayati Raj System in India may be traced back to the Rig Veda, which advocated for the establishment of a local council (or Panchayat). In India, the Panchayati Raj System has been documented as far back as the Rig Vedic era (sabhas). The five-person council known as a panchayat emerged from this group throughout time. In 1882, during British colonial rule in India, Lord Ripon established the Panchayat Raj Institution. He tried to keep things running smoothly by advocating for decentralised decision-making as a means of governing and advancing the common good. Sir Charles Metcalfe, the Provincial Governor General of India, saw the Hindu, Muslim, and Peshwa governments as "little republics" and made the Royal Commission for Decentralization a primary priority. By highlighting the importance of advocating for village-level self-government, he refers to one of the recommendations made by the Royal commission when it published its findings in 1907: the creation of village panchayats as a means of relieving some of the responsibilities of provincial governments. His actions provide support for those who promote local autonomy at the community level. The Punjab Villages Panchayat Act of 1912 established a clear distinction between the traditional Panchayat system and the statutory (legal) Panchayat system. The Indian

people have been trying to break free of British colonial rule for a long time before 1947. This is how the commission's first effort looked. Gandhiji put a lot of energy into establishing village panchayats. Each village would be politically and economically autonomous, and Gandhi saw this as a crucial component of his vision for India's future. He thought that independent India's Panchayat Raj System was the finest method to give people a voice in local governance and strengthen democracy from the ground up. According to Gandhiji, genuine democracy is best described by the notion of swaraj, which entails not only the freedom to vote for one's representatives but also the authority to control one's own destinies. Meaning "self-rule," "village self-governance," "self-determination," and "independent," "Gram Swaraj" demonstrates Gandhiji's idea's importance in building local democracy via its many interpretations. He suggests establishing Village Panchayats at the district, taluka, provincial, and national levels to aid in rural revitalization and progress. More power for the Panchayats is beneficial for the people, he adds.

R.P.Joshi elaborates on the basic principles of the Panchayati Raj system. The following are tenets that Panchayati Raj promotes: (a) provide more authority to neighbourhoods. (b) people's involvement, (c) bottom-up democracy construction, (d) mass-level awakening of collective consciousness, (e) kicking off with the gramme sabha, (f) channelling power through elected representatives, (g) giving people a sense of agency, (h) facilitating change via genuine (I) devolution of authority, (j) teaching by doing and learning by example, (k) making plans with public consensus, and (l) collaborating with the public. However, there are now several challenges in India that make it impossible to employ the Panchayati Raj system efficiently. The Panchayati Raj system has great potential if the government were to regularly apply these principles.

India's first prime minister after independence, Pandit Jawahar Lal Nehru, advocated for the Panchayati Raj system of local democracy. According to Indian law, "the state must take efforts to organise village Panchayat and invest them with such powers and authority as may be required to allow them to operate as units of self-government." He argued that rural residents would gain political consciousness and sophistication only as India developed. But if you stop working toward your mission and focus on petty rivalries inside your own organisation, you will inevitably fail.

Following India's independence in 1957, the country's leadership convened a committee to evaluate the National Extension Service and the Community Development Programme (1952). The committee was led by Balwant Rai Mehta (1953). A November report from the committee recommended a three-tiered panchayat Raj system (1957). (Community Council; Gram Panchayat; Panchayat Samiti; Zila Parishad). After lengthy discussion, the National Development Council finally gave its blessing to the idea in 1958, paving the way for the establishment of Panchayat Raj. Pandit Jawaharlal Nehru, the Prime Minister of India at the time, formally unveiled the initiative on October 2, 1959 in the Nagaur District in Rajasthan state. The Indian government launched a nation-wide community-building effort on October 2, the anniversary of Gandhiji's birth, after a bloody and exhausting struggle for freedom (1952). This CDP offers a framework for district, tehsil, and village-level governance; however, as it was first supplied as a test, it is only applicable to 10 districts. The goal of this campaign was to encourage widespread change and enthusiastic engagement from the people at large. Each block development officer has a team of workers allocated to them on a district basis (BDO).

Back then, the government implemented a comprehensive distribution programme (CDP) (BDO). VLWs were responsible for keeping an eye on the growth of the areas close to their bases. For the purpose of promoting and engaging in central government programmes at the village level, the government should establish a (community development organisation) and a (community development research centre) to educate and train tens of thousands of (business development officers) and "very low-level workers" (VLWs). The level of support from residents is a leading indicator of the CDP's eventual success in a given area. The Community Development Program is part of the National Extension Services (NES), which the Indian government founded on October 2, 1953. (CDP). Several committees and initiatives that would be helpful to the development of rural people were formed with the purpose of enhancing activities at the village level.

Jammu & Kashmir's Panchayati raj

Panchayat Raj, also known as grassroots democracy or democracy at the local level, is the devolution of Functions, Funds, and Functionaries (3Fs) from the State government to the grassroots, thereby creating an empowered local government that gives people a voice and the opportunity to choose how development is shaped in a way that is most suitable to their needs

and priorities. Under panchayat raj, all eligible adults in a specific region get to participate in local government elections. As the importance of ensuring people's participation in democratic processes for achieving equitable development and social empowerment via transparent and accountable channels has grown, so too has the idea of "inclusion" in governance. Therefore, there has been a shift from top-down development to one that relies on feedback from end users. It is especially important to have representative local government when dealing with a state or area that has a diverse population and its own unique set of difficulties, since a "one size fits all" approach to administration will not work. One option to address the difficulty of include everyone's perspectives in decisions is to establish a system of decentralised, locally based participatory democracy.

"miniature India" is a term often used by locals to describe Jammu & Kashmir. Nearly half of the country is broken up into several areas, each with its own climate, natural resources, political structure, and economic goals. Protecting against sentiments of deprivation and underdevelopment requires multi-level institutional administration rather than relying on a centralised or uniform type of governance that would fail to satisfy the needs of diverse locales and sub-regions.

It was with the intention of making civil and criminal justice administration more efficient that Maharaja Hari Singh created PR in J&K in 1935. Every collection of settlements had its own panchayat, often made up of between five and seven residents who met once a month. The wazir-i-wazarat suggested almost all of them, including the deputy commissioner (sarpanch). Only 3% of the population was eligible to vote and perhaps run for office. When the Village Panchayat Act of 1935 was revised in 1941, it made panchayats responsible for public works and other community development initiatives. This structure was characteristic of the feudal system and helped to promote the spread of feudal principles across the countryside while also relegating the National Conference to a secondary role.

Operational Constraints

The Naya Kashmir Manifesto of 1944 called for institutionalising local governance and breathing new life into dormant panchayats; the Panchayati Raj Act of 1989 was a start in the right way toward realising these aims, although having serious shortcomings. However, the Act failed to prevent the spread of insurgency throughout the state and the paralysis of democratic processes. Following the removal of Farooq Abdullah's democratically elected government, the

governor took leadership of the state until he was himself removed and replaced by the president. Jammu Udampur, Kathua, and the Ladakh regions of Kargil and Leh would have certainly held elections regardless of the violence that plagued the rest of Jammu province.

In 2001, elections for the local council, or panchayat, were conducted. However, due to a demand for a boycott by militants and the Hurriyat Conference, half of the panch and sarpanch seats in the Kashmir area remained unfilled. People in Jammu and Ladakh, where elections mattered because of high turnout, chose their local representatives in 1601 panchayats out of a total of 2701 halqa panchayats in the state. Kashmir was an area where decentralisation of authority was impossible; in Jammu and Ladakh, the situation was similar; local panchayats lacked the authority to collect taxes or spend public money, and the government nevertheless carried out most of the responsibilities that had been assigned to them.

In 2006, the PDP-Congress Coalition government dissolved the 2001 panchayats without holding new elections as required by the J&K Panchayati Raj Act, and in accordance with its commitment agreed upon in the Common Minimum Programme, it delegated authority to the panchayat secretary (a village-level worker) and gave them the task of drawing up local plans by calling a Gram Sabha. In effect, this meant making it easier for the Halqa President to rule over the community and hand out favours to party members. Line agencies were directed by Government Order in the absence of panchayats. The state chose to forego federal funding rather than conduct panchayat elections. Out of a total of 281 crores available to the state from the 12th Finance Commission, it only received 228 crores, or 81%. (2006-2010).

Progress Made in 2011 Panchayat Elections

In 2011, the state finally held elections for the panchayats, which had not been done so for the previous 33 years. Approximately eight out of every ten persons who were eligible to vote did so. Over 33,000 individuals participated in the voting process for panchayat posts in elections held in 4128 halqa (village) panchayats. The fundamental challenge, on the other hand, was in making these institutions more authentic to democratic values and accessible to the involvement of ordinary people as equal decision-makers. The government formed the Madhev Lal Committee following the elections, and it submitted its findings in July 2011. As soon as the mapping of the activities was finished, all of the field officials were reassigned to their new positions inside the three-tiered panchayats. (Mathew G. , 1990)

Empowerment in Practice

The Panchayat election that took place in 2011 presented a once-in-a-lifetime chance to decentralise authority and give locals a voice in the government of their own communities; however, this potential was not taken advantage of. The government did a bad job of managing the shift from a top-down administrative structure to a bottom-up administrative structure. As a result of the lack of new orders and by-laws that were intended to facilitate the effective functioning of panchayats, there was no conducive atmosphere created in which panchayats could function. This was done in order to bring the laws that are now in effect enabling centralised control (department control) into conformity with the Panchayat Raj Act that was passed in 1989.

The Cabinet's decision on the transfer of authority was flagrantly disregarded, leading to catastrophic consequences (also known as Empowerment). Politicians and bureaucrats led a vigorous attempt to thwart the government's creation of Block and District panchayats out of fear of losing power and influence. These efforts did not get the desired results. lacked a stable source of income, making it dependent on government subsidies. There were several factors working against the effectiveness of the effort, including a weak Gram Sabha (since the people's participation was not institutionalised, no accountability structure was put in place) and the politicisation of panchayats, which resulted in the deaths of elected officials. The cumulative impact of these issues led to the company's ultimate demise. **(Chandra Pradhan, Joseph, & Siby, 2014)**

Despite government assurances that it had developed a well resourced and staffed empowered panchayat raj, the system was badly managed. Lack of an enabling environment for panchayats to function, such as harmonisation of the existing laws in operation promoting centralised control (decentralised authority under the Panchayati Raj Act of 1989), the issuance of new orders and by laws for smooth functioning of panchayats, etc., reflected the widespread dissatisfaction with these local governance institutions. To rub salt in the wound, the government did little to harmonise laws that had encouraged decentralised administration. Many people feel this way because decentralised governance regulations that already exist have not been harmonised. **(Ahmad Younis, 2014)**

Panchayat Election-2018: Two Steps Backward

Official dissolution of the Panchayat Raj Institutions (PRIs) took occurred in July of 2016, despite the fact that they had been established in 2011 and were only supposed to be operational for a span of five years total. After a panchayat is dissolved or revised, fresh elections for PRIs must be conducted within six months, as stated in Section 9 of the Jammu and Kashmir Panchayat Raj Act of 1989. After a panchayat is dissolved or revised, fresh elections for PRIs must be conducted within six months, as stated in Section 9 of the Jammu and Kashmir Panchayat Raj Act of 1989. This provision may be found in the law. Between the months of July 2016 and January 2017, the formation of panchayats is a possibility at any point in time. On the other hand, starting in the summer of 2016, Kashmir became the site of rallies and protests demanding the region's independence. It was impossible to conduct elections for the panchayat while the state was at war with the people. This conflict prevented the polls from taking place. The by-election for the Anantnag Lok Sabha Constituency, which was planned to take place in 2018, was called off because to widespread protests and an increase in the frequency of terrorist incidents. In the year 2018, there were a total of nine separate elections that were held for the panchayats. The timeframe of these elections will take place between the 17th of November and the 11th of December, according to the schedule that was decided upon. The entire number of elected sarpanches in the state of Jammu and Kashmir is 4,490, while the total number of panches, who are also known as members of the village council, is 35,096. Together, these figures make up the total population of the state. In every one of the communities, the persons who are in control are known as sarpanches. There were 12,429 people who were eligible to vote who actually participated in the election and cast their votes. Of them, there were 12,429 people who were eligible to vote. The entire number of voters in the election was made up of these people. Even though elections were held on a non-party basis, both the National Coalition and the People's Democratic Party refused to take part. Despite the fact that elections had taken place, this was still the case (citing assault on article 370 and 35-A that grant special status to the states, both these Articles were then sub judice in the apex court). The two regional parties were caught in an impossible situation, where they had to maintain their boycott of the event despite the uncertainty of the ground situation. Since they were stuck with this decision, they had to stick to it no matter what. No matter if the Hurriyat Conference has called for a boycott of polling places;

demonstrations will still go place as scheduled. Many potential candidates and voters were discouraged from participating in the election as a direct result of threats made by extremists. The possibility of aggressive behaviour prompted this action. Mairwaiz Umar Farooq, leader of the Hurriyat Conference (M), said on behalf of the organisation when he said, "no one is opposed to elections." Mairwaiz Umar Farooq, speaking on behalf of the Hurriyat Conference, delivered the presentation. Democracy, as defined by Mairwaiz Umar Farooq, is "an acknowledged democratic practise around the world" when "people exercise their option and decide how and by whom they wish to be managed" (M). The Hurriyat Conference had planned for Mairwaiz Umar Farooq to give the presentation on their behalf (M). But under a brutal administration, life in Kashmir is very different. Everything's different over there. The elections in Kashmir are used by New Delhi as a tool to maintain the brutal regime there. This holds true even if the future leadership of Kashmir is selected via free and fair elections. **(Anupam, 2015)**

The election, according to proponents of panchayat raj, would benefit these regions by enabling the redistribution of Fourteenth National Finance Commission(2015-2020) money allocated to the previous state and now held by the new panchayat raj organisations. The governor's administration actively publicised the panchayat elections via the media, drawing a direct line between the adoption of panchayat raj and the arrival of much-needed development funding. Nearly 80% of the population in Jammu and Ladakh showed their support by voting in the election. About 30 percent of candidates in Kashmir were elected unopposed, while 12,766 out of 21,208 seats were unfilled since voters didn't show up to submit nomination papers. In Jammu and elsewhere, many individuals ran for office, and once the security forces gathered their nomination papers and announced the victors, they were sent back home. The normally active voting areas of Budgam and Ganderbal in central Kashmir had almost no voters. **(Gursharan & Paramjit Kaur , 2012)**

In regards to the responsibilities given to panchayats, the State Administrative Council, led by Governor Satya Pal Malik, mostly embraced the recommendations offered by the Madhav Lal Committee research (2011). However, in Kashmir, where security is always in flux, panchayats are mostly ineffectual. Furthermore, their representatives' moral judgements were entirely illegitimate, and their writ had no weight in the communities in which it was enforced. To avoid the crowds at the temporary polling stations set up at local schools and panchayat ghars,

candidates who were confident of a "unopposed win" would drop off their nomination papers to the deputy commissioner's office in the evening.

Since the panchayat election, security in Kashmir has worsened, making it more challenging for those elected to represent their communities in the new Union Territories (UTs) of Jammu and Kashmir and Ladakh, which were established on 5 August 2019 after Articles 370 and 35-A were repealed and the state was divided. It is impossible to foresee how panchayats would function in this context due to the very unpredictable security picture over the next three and a half years. If they force their authority on the population, how long do they think it will last? How open are the people they want to influence? There is less of a chance that people would come to them with complaints when there is no election campaign since no promises will have been made to voters. As the former Jammu and Kashmir State did not have a strong panchayat raj, it is uncertain how the Centre can work toward a strong participatory local governance structure in the two new Union Territories. In view of the precarious political climate and difficult security conditions on the ground, how can it ensure the viability of panchayat raj institutions?

Panchayati Raj System Challenges and Problems in Jammu and Kashmir

➤ **The Separatist Boycott and Militant Threat:** -The Panchayati Raj system in Jammu and Kashmir is beset with a much higher number of difficulties than is found in the majority of other states in India. As a direct result of the implementation of the J&K Panchayati Raj Act that was passed in 1989, the state of Jammu and Kashmir is now dealing with a militant problem that poses a substantial risk to the Panchayati Raj system. This problem is a direct consequence of the fact that the J&K Panchayati Raj Act was passed in 1989. Both the use of violence by separatists and their reluctance to take part in election procedures pose a significant risk to the functioning of the Panchayati Raj system in Jammu and Kashmir. During the Panchayati Raj election that took place in 2011 in the valley, there were no incidents of militant activity, which allowed for 77% of eligible voters to cast their votes. Despite this, a number of the valley's elected Sarpanchs and Panchs have been assassinated since 2011, leaving their family and homes in a state of fear. During the Panchayati Raj election that took place in 2011, there were no incidents of militant activity in the valley, which led to 77 percent of eligible voters casting their votes. In the Budgam

district of Kashmir, a lady was shot dead for allegedly endangering the participation of voters in the approaching election for the Panchayati Raj. (Singh, 2018)

➤ "In 12 districts of Kashmir, 20 Sarpanch and 128 Panch have resigned for reasons including threats from terrorists," the rural development minister said in the state legislature. As a result of these difficult circumstances, a large number of Panchs and Sarpanchs have resigned, leaving around 63% of the Panchs and Sarpanchs offices in Srinagar and Baramulla unfilled. Jammu and Kashmir's state government has stated that fresh Panchayati Raj polling will begin on February 15, 2018. However, separatists are calling for a boycott of the next Panchayati Raj election and have issued a warning via a viral audio recording that claims to be from a militant outfit, threatening to "spill strong acid-sulfuric acid or hydropower" into the eyes of anybody who vote in it. Therefore, terrorist organisations and separatist groups pose a significant threat to the current state of Jammu and Kashmir's Panchayati Raj. (Bhat, 2016)

➤ **Less participation in Panchayati Raj and assembly election:-**Rule by the people, or "rule of the people" in democratic parlance, is achieved via free and fair elections in which a sizable percentage of the population actively participates. Very few individuals in Jammu and Kashmir cast ballots in the recent Panchayati Raj election. The foundation of every successful democratic administration is the active engagement of the people living there. On multiple occasions, members of the militant group as well as leaders of the separatist movement affixed posters to the walls of mosques, government buildings, and other public areas in the Valley in order to encourage residents of particular neighbourhoods to abstain from voting in the upcoming election. The great majority of people living in Jammu and Kashmir skipped out on exercising their franchise in any of the Panchayati Raj elections that took place before to 2011.(Basu, 2013)

➤ **Lack of awareness:** -Since few people in Jammu and Kashmir have bothered to vote in any state elections, the situation there is not positive. Undemocratic groups and separatist leaders constantly work to prevent the state's vast populace from voting in elections. That's why most people in J&K don't pay attention to state elections. Some additional barriers, such as a lack of education, a poor economy, backwardness, less political socialisation, a lack of social media, a terror threat, and a weak welfare system, are not effectively functioning and prevent people from being mobilised toward elections. Panchs and Sarpanchs in the state of J&K are concerned for their personal safety owing to the militant threat, despite their ability to raise awareness at the

local level and boost faith in the next Panchayati Raj election. Some voters didn't bother to cast ballots in the Panchayat election since the BDOs, Panchs, and Sarpanchs hadn't done enough to create jobs for the villagers.

➤ **Lack of funds:** -The Panchayati Raj system in Jammu and Kashmir is in disarray due to a lack of resources. It has been established that the Panchs and Sarpanchs, in collaboration with the Gram Sabha, are often responsible for formulating a plan for development at the village level. Due to sharing the same flight path, authoritative intervention is impossible. Government officials from the Department of Development and the Department of Rural Affairs gladly make these changes to the aircraft. The authority of the regional Panchayat is being directly questioned. Because these funds must be dispersed and spent by elected members of the Panchayat, it is essential that they have the resources they need to do so. (Mathew, 2005)

The State And Its Administration Limit The Authority Of The Panchayat Raj Institution

The state government of Jammu and Kashmir and the administrative body in that state hold the majority of power over the Panchayati Raj system. Due to the fact that administrative employees are in charge of the payment system, workers are often shielded from the actual development work that is being carried out at the village level. On many instances, it was brought to attention that the process of paying workers through an administrative body is not yet complete. Despite the fact that the legislation from 1989 permits three-tiered Panchayat Raj systems, the state government has been unable to put them into practise. (Gull, 2017)

➤ **The Issue Of Complimentary Fee Of PanchsAnd Sarpanchs:** -Sarpanchs would get Rs 2,000 per month in compensation from the state government, while Panchs will receive Rs 100. They have to go from the highlands, put in a long day of labour, and be often dissatisfied with the end result, but nobody cares about the Panchayat and they can't be paid since the money wasn't allotted on time.

➤ **Corruption In Panchayat:** -Jammu and Kashmir's widespread Panchayati Raj corruption affects every level of government in the state. Corruption has become a major problem in the modern Panchayati Raj system in Jammu and Kashmir. Many Halqa Panchayats and administrative levels in the J&K Panchayat System have analysed it. Corruption means that if a person finishes their shift in January, they won't be paid until the following year. This indicates that corruption at the grass-roots level persists. If a low-income individual wants to build a home

using the IAY plan, for instance, he will only get half of the promised payment since the other half will be stolen by unscrupulous officials. **(Palanithurai, 2006)**

➤ **Delay in Panchayati Raj election:-**Elections for the Panchayat are supposed to be held every five years, as per the Jammu and Kashmir Panchayati Raj law (1989), however these elections have not been held as required. The state government has yet to conduct elections despite the fact that the first was in 2001, the second was in 2011, and the third was scheduled for 2016. The Legislative Council of Jammu and Kashmir allowed Sarpanchs to be elected indirectly by Panchs rather than directly, which poses a serious danger to local-level democracy, in July 2016. A measure sponsored by the legislators of Jammu and Kashmir and passed into law by Governor N N Vohra in December 2016 granted election power to the State Chief Electoral Officer. In addition, the Governor (N N Vohra) signed off on the proclamation of the Jammu and Kashmir Panchayati Raj(amendment) law 2017 on 4 November 2017, which stipulates, "There should be no delay and initiate preparations for the conduct of the pending elections 2016." Chief Minister Abdul Rehman Veeri remarked, "The scenario in the state is not auspicious, and the Panchayati Raj poll cannot be performed on 15 February 2016," after an expedient all-party meeting was held to make a decision on the Panchayat elections. **(Chandra, and Joseph, & Siby, 2014)**

➤ **Lack Of Security To Elected Member of Panchayat: -**Naturally, elected members of the Panchayat are anxious for their personal safety. Terrorists have been responsible for the killings of a considerable number of Panchs and Sarpanchs in a variety of locales all across the state. Every elected member of the Panchayat made a request for security with the state government, but the administration did not respond by providing protection for them. They were all terrified for their lives and feared for their own lives. As an immediate reaction to the unfavourable conditions, a sizeable number of Panchs and Sarpanchs offered their resignations from their respective positions.

➤ **Illiterate Panchs and Sarpanchs:-**It has been noted that illiterate Sarpanchs would put their seal on any page that people want, even when they do not know what is written on the page. This creates a dilemma for the Panchayati Raj system. Illiterate Panchs and Sarpanchs cannot adequately represent their Panchayat body because they do not know how to deal with higher

authority and they are unable to demand any Panchayat level schemes for the development of their villages. This is another issue that has to be addressed.

➤ **73rd Amendment 1993 Not Implemented:** -Jammu and Kashmir is exempt from the 73rd Act because of Article 370 of the Indian Constitution. This law has been implemented across India under the Panchayati Raj institution, with the exception of a few mostly tribal states. Compared to the other states, Jammu & Kashmir's Panchayati Raj system is weaker. Also under review is Jammu and Kashmir's implementation of the Panchayati Raj system.

➤ **Nomadic Migrant:** -The bulk of the tribal tribe cannot participate in Jammu and Kashmir Panchayat elections if they are held in the summer. Since all the nomadic groups herd their animals towards the mountains when it becomes hot during the summer. Native American settlements are home to the third-largest population cluster in the state. However, the advancement of Panchayati Raj has not provided the nomadic tribal people with sufficient development facilities. As a result, fewer nomadic tribal people participate in elections for the Panchayati Raj. (Joshi, 2005)

➤ **Poor Infrastructure Of Panchayati Raj System:**-Infrastructure is another problem with the Jammu and Kashmir Panchayati Raj system. There is not a formal Panchayati building in the hamlet, and even if there is someplace else to meet, the Panchayat personnel is not present there.

➤ **Lack of Road In Hilly Areas:** -Many of the mountainous areas lack both a link road and dependable transit routes via the Panchayati Raj system. It has been found that many people living in hilly areas do not go to the polls to cast their ballots since the polling place is too far away and the roads are in terrible condition. Since there are no roads and adequate ways, people choose to shun Panchayat-organized activities. This presents yet another major challenge to the Panchayati raj. (Bhuvanesh, 2012)

➤ **Winter Season:**-Many Jammu and Kashmiri residents stay indoors during the harsh winter months, making it difficult for the state's Panchayati Raj system to function, even when it's time for elections or other development activities. Avalanches and landslides are particularly dangerous for initiatives supervised by the local panchayat in hilly areas.(Joshi,, 2005)

Conclusion

The findings of this study show that the Panchayati Raj system in Jammu and Kashmir has far greater challenges than the Panchayati Raj system in the rest of India. Jammu and Kashmir has

the most disorganised Panchayat Raj system in the country. Several issues affect the Panchayati Raj system in Jammu and Kashmir. Significant challenges for the Panchayat Raj System have emerged as a result of factors like the political climate of the state, state conflicts, and numerous terrorist organisations. An unpredictable political, social, economic, and controversial environment is to blame for all of these problems. The state of Jammu and Kashmir has more problems with its Panchayati Raj system than the rest of India as a whole. A self-sufficient community is something that Mahatma Gandhi, the "Father of the Nation," advocated for. Taking any kind of risky action is unnecessary at this time. We need a daring, coordinated, and astute effort. Millions of ignorant people struggling to get by in India? I had no idea. In my mind, India is making steady progress down the avenues most suited to her genius. But in my mind, it's not a cheap imitation of the crumbling Western civilization. Every one of India's seven lakh villages, in my ideal world, would be a thriving republic where no one would be idle due to a lack of work, where everyone would have access to nutritious food, safe shelter, and plentiful Khadi for covering the body, and where everyone would take care to maintain high standards of personal cleanliness. Assuming the Gram Panchayats at the grassroots level of society can ensure people's engagement, the scenarios shown above are not implausible. The ultimate goals of these organisations and the realisation of the dreams of that great Ma-hatma that could not be realised during his lifetime can be achieved through the coordinated and combined efforts of all three levels, despite the many limitations that hinder the effectiveness of these institutions.

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