

Panchayati Raj in Jammu and Kashmir: an Analytical Study



Education

KEYWORDS : Constraints, representation, Caste, Occupation, Sex, Age, Education, 73rd amendment

Parveen Kumar	PhD Scholar, Ag. Ext. Education, SKUAST-J
P. S. Slathia	Sr. Scientist, SKUAST- J
M. S. Nain	Sr. Scientist, IARI, New Delhi

ABSTRACT

The present study is divided into two parts. The first part pertains to the theoretical aspect covering the constitutional 73rd amendment which paved the way for the establishment of the Panchayati Raj Institutions as bodies of local self government and the Jammu and Kashmir Panchayati Raj Act 1989 which provides for the establishment of Panchayats at the state level. The second part relates to the empirical findings of the study like the electoral process, socio-economic back ground of the elected leaders, the percentage of women elected, awareness of the elected leaders towards the different provisions of the act and the constraint faced by them while discharging their duties. The study was conducted in September- October 2011 in seven randomly selected Panchayats from four Blocks of District Jammu of state of Jammu and Kashmir. The results of the study reveal that one third of the elected representatives were women, thirty two percent of the total respondents were from the weaker sections and more than seventy percent of the respondents were below 50 years of age. Among the constraints majority of the respondents regarded lack of cooperation from Village level worker and lack of monetary assistance in the form of salary as the main constraints they face in performing their functions effectively.

Introduction

The creation of institution of Panchayati Raj was a landmark in the Indian history for democracy to percolate deep down to the grass root level. It is largely being seen as a mechanism through which the voice of the unheard could find a place in the planning and implementation process. Charles Metcalfe, the then Provincial Governor General of India (1835-1836) described them as 'little republics'. Sir Charles Trevellyn also puts it that the Village republics flourished during the Hindu, Muslim and Peshwa governments. The Royal Commission on Decentralization submitted its report in 1907 and recommended the creation of village Panchayats for reducing the financial burden of the provincial governments and for extending the concept of local self government at the village level. While the traditional Panchayats were based on tradition, the statutory Panchayats had a legal basis. As a result of this the government of the various provinces enacted village Panchayat acts in the second decade of 20th century. In Punjab (including Haryana) Punjab villages Panchayat Act was made in 1912 for creation of statutory Panchayats. It was the first attempt to by the provincial government to provide legal basis to this traditional institution. The Government of India brought the constitutional 73rd Amendment Act, 1992 which become the Panchayati Raj law on April 24, 1993 (Kumar, 2007). Panchayats were thus given constitutional status. Consequent to the enactment of the 73rd Constitutional Amendment Act, almost all the States/UTs except Arunachal Pradesh enacted appropriate legislations for setting up of strong, viable and responsible Panchayats at different levels in their respective States. However, some States as well as Schedule VI areas in States are exempted from the purview of this enactment. Part IX of the Constitution pertaining to formation of Panchayats is not applicable to the States of Jammu & Kashmir, Hill areas of Manipur, Meghalaya, Mizoram, and Nagaland. The state of Meghalaya is not within the purview of part IX of the constitution (Kharlyngdoh, 2010). The State of Jammu & Kashmir is accorded a special status under Article 370 of the Constitution, while the States of Meghalaya, Mizoram and Nagaland are covered by the Scheduled VI of the Constitution and the traditional system of local self-government exists in these states. In the NCT of Delhi, the Panchayati raj was suspended by the State Government and no effective steps have been taken to revive the PRIs till date. Each of the States/UTs has constituted the State Election Commission (SEC) to ensure elections to the PRIs once in five years.

The Jammu and Kashmir Panchayati Raj Act 1989:

The Jammu & Kashmir Panchayati Raj Act, 1989 was introduced

in the J&K assembly in April 1988 and passed in March 1989. The Governor gave his assent to the bill in July 1989 (Ag. and Rural Development Department Government of J&K). The act provides for a Halqa Panchayat¹. Each Halqa Panchayat shall comprise of such number of panches not less than seven and not more than eleven including the Sarpanch as the prescribed authority may fix from time to time. The panches shall be elected from the constituencies delimited by the prescribed authority. While the Naib-Sarpanch shall be elected by the panches of the Halqa Panchayat from among themselves, the Sarpanch shall be elected directly by the electorate of the Halqa Panchayat. The Halqa Panchayat shall continue to function for a period of five years from the date of its constitution. If it is dissolved for any reason before this period, elections will be held within six months. A Sarpanch or Naib-Sarpanch can be removed by a vote of no-confidence passed by a majority of not less than two-thirds of the total number of panches of the Halqa Panchayat. The act also provides for the formation of Panchayati Adalat. As per the provisions of the Act, the

"Halqa" means the area comprising a village or such contiguous number of villages as may be determined by government from time to time, provided that the Halqa shall be determined in such a manner that the population of any Halqa does not exceed 3,000 in the hilly areas and 4,500 in the plain areas.

Adalat shall comprise five members to be nominated by the government out of the panel prepared and recommended by the Halqa Panchayat out of its electorate. The person so recommended for a term of five years shall be literate, shall have attained the age of 30 years, not be a Sarpanch or a Panch and not be in the employment of the government or local body or corporation. The government is empowered to enhance the jurisdiction in civil cases up to Rs. 2,000. As per the Cabinet Decision No.40/3/2011 dated 09-02-2011 and Cabinet Decision No. 170/21/2011 dated 21.09.2011 vide Government Order No: 1126-GAD of 2011 dated 22-09-2011, the Government of Jammu and Kashmir ordered the devolution of functions and activities to these Institutions as specified in Annexures I to XIV in the following order: This devolution of functions to three-tiers will cover 14 departments of the state government including planning at the grass- root level, supervision of activities and carrying out work programme as per the recommendation of Gram Sabha. The 14 departments include Agriculture Production, Animal and Sheep Husbandry, Consumer affair and Public Distribution, Education (School), Fisheries, Forest, Health and Family welfare, Horticulture, Industries and Commerce, Public Health Engineering, Public Works Department, Revenue, Rural Development and Social welfare (www.jkgad.nic.in).

OBJECTIVES OF THE PRESENT STUDY: The present study was conducted with the following objectives:

- a. To find out the socio-personal profile of elected members of the Panchayat.
- b. To find out the representation of weaker sections in the institutions of local self governance

Research Methodology:

The study was conducted in seven randomly selected Panchayat of District Jammu of Jammu and Kashmir. The seven Panchayats were Gagian, Badyal Brahmnan, Majua, Kotli Shah Doula, Rakh Gadigarh, Rangpur and Dhok Khalsa. All the panches of the selected Panchayats formed the respondents of the study. Sarpanches were not included in this study. This was done to keep the study sample homogenous. The total numbers of Panches were 50. A semi structured interview schedule was prepared which was administered personally as well as telephonically. Data was analyzed using percentages

Results and discussions:

Table 1 showing the number of Panches in each selected Panchayat

S. No	Name of Panchayat	Name of Block	No. of Panches
1	Gagian	Ranbir Singh Pura	6
2	Kotli Shah Doula	Ranbir Singh Pura	10
3	Badyal Brahmnan	Suchetgarh	8
4	Rangpur	Suchetgarh	6
5	Dhok Khalsa	Akhnoor	6
6	Rakh Gadigarh	Satwari	8
7	Majua	Bishnah	6
8	Total		50

The data in the table 1 shows the number of Panches in each Panchayat. The maximum numbers of Panches (10) were in Panchayat Kotli Shah Doula, followed by Panchayat Badyal Brahmnan and Rakh Gadigarh (8 each). The remaining four Panchayats of Gagian, Rangpur Mulanian, Dhok Khalsa and Majua are having 6 panches. Panchayat Kotli shah Doula has also the largest number of electorates also.

Table-2: Distribution of respondents on the basis of age

S. No	Age group	Number	Percentage
1	Young Age (18-35)	17	34
2	Middle Age(36-50)	19	38
3	Old(above 50)	14	28

No doubt, we are the second most populous country in the world, but we are at an advantage in having the largest number of youth in our population. This is a demographic dividend. Age is a very important factor, which has greater influence on affecting political participation. There is a general view that young and middle aged participates actively in institutions. In the opinion of Nie, Verba and Kim, Age has a greater impact on political participation. According to them, participation arises in early year's peaks up in middle age and falls in latter ages. Another author like Narayan Pillai has also the same view, as age is an important factor in participation. Thus more and more young people can be drawn into electoral process and political awareness and aspiration are likely to increase. The data in the table 2 depicts that more than seventy percent of the respondents were under age of fifty while only twenty eight percent of the respondents were more than fifty. The presence of young people definitely helps in getting a firsthand experience of the political process and creating leaders for tomorrow which can feel the pulse of the masses. The presence of youth in large numbers is an indication of social change in social structure. While a few decade earlier young ones were largely kept out from political

exposure, it is now quite possible for them to come to centre-stage of public activities.

Education:

Education helps to manifest the perfection already present in human beings. Previous study shows that higher education leads to greater commitment. While some like Jorgan, education is not regarded as an important factor for political participation but still some others regard education as the most decisive factor for political participation. Education has significant positive effects on both voting behavior and contacts with politicians in both stable democracies and post communist states (Liu 2001). For the present study the respondents were categorized into six categories. Only six percent of the respondents in the present study were illiterate. The largest group was of middle standard contributing thirty six percent of the selected respondents. Ten percent of the respondents were educated up to higher secondary level while only six percent were Graduate.

Table 3: Distribution of respondents on the basis of education

S. No	Education	Number	Percentage
1.	Illiterate	3	6
2.	Primary	10	20
3.	Middle	18	36
4.	Secondary	11	22
5.	High secondary	5	10
6.	Graduate	3	6

Caste:

The overall electoral process and political structures are greatly affected by caste. Political parties openly exploit caste to gain votes. A lot of permutation and combination takes place on caste lines. Voting preferences are still made on caste line. The concept of dominant caste was introduced in Indian sociology by M. S. Srinivas. The term dominant caste is used to refer to a caste which "wields economic or political power and occupies a fairly high position in the hierarchy." A cursory look at the table 4 reveals that sixty eight percent of the respondents were from General category which included 48% Brahmins, 4% Rajput and 8% Sikhs. As far as representation from the weaker sections is concerned thirty two percent of the respondents were from Schedule Caste category. This is a welcome sign that weaker sections are given due representation in the political arena.

Table 4: Distribution of respondents on the basis of Caste

S. No	Caste	No.	Percentage
1.	Brahmin Rajput Sikh	24 2 8	48 4 16
2.	Schedule Castes	16	32
3.	Schedule Tribes	-	-

Sex

Till date the political field was considered to be the domain of male only. But now winds of change have started blowing. There has been a shift in the perception of male dominated society towards involvement of the fairer sex in the political process. Once forbidden and restricted, now the women are actively seen participating in the political hierarchy. In the present study thirty four percent of the respondents were female. This speaks in volumes of the proactive participation of females in the institutions. Such high degree of involvement in the planning and implementation process definitely paves the way for their empowerment.

Table 5: Distribution of respondents on the basis of sex

S. No	Sex	No.	Percentage
1	Male	33	66
2	Female	17	34

Occupation:

Occupation refers to the main source of livelihood of the respondents. As we are an agrarian economy more than fifty percent of the respondents were engaged in agriculture only. Twelve percent of the respondents were doing private job along with agriculture and 33.3% of the respondents were having their own business in addition to practicing agriculture. As far as female respondents are concerned all of them were house wives.

Table 6: Distribution of respondents on the basis of occupation (male respondents only)

S. No	Occupation	No. (N=33)	Percentage
1	Agriculture only	18	54.5
2	Agriculture+ Private Job	4	12.1
3	Agriculture + own business	11	33.3

Land holdings

Land holdings here refer to the total amount of cultivable land in hectares possessed by the respondents. A look on table 6 reveals that none of the respondents was landless. Seventy eight percent of the respondents fall in the marginal and small medium category having land up to 4 hectares whereas 22 % of the respondents were having 2 to 4 hectares of land. None from the respondents was in medium or the large group. This is in accordance with the national scenario where more than eighty percent of the farmers are small and marginal.

Table 7: Distribution of respondents on the basis of land holding:

S. No	Size of holdings(hectares)	Number	Percentage
1.	Landless	-	-
2.	Marginal (< 1 ha)	14	28
3.	Small medium (1-2 ha)	25	50
4.	Semi medium (2-4 ha)	11	22
5.	Medium (4-10 ha)	-	-
6.	Large (more than 10)	-	-

Political experience

Experience matters everywhere. The pre-existing political experience has a greater relevance with the role as representative in political institution. In the present study 84% percent of the respondents were without any political experience with just only 16 % having prior political experience. But with passage of time these elected representatives gain the necessary expertise in the respective field thus helping them to show their leadership traits as leader of masses.

Table 8: Distribution of respondents on the basis of political experience

Political Experience	Number	Percentage
Yes	8	16
No	42	84

Family size:

The social structure today is undergoing a change. Rapid urbanization, industrialization along with the pressure of growing population and two child family norm has lead to the emergence of what Talcott Parsons called as the 'isolated nuclear families'. The nuclear unit, he argued, fits the needs of industrial society. Independent of the kin network, the "isolated" nuclear family is free to move as the economy demands. Further, the intimate nuclear family can specialize in serving the emotional needs of adults and children in a competitive and impersonal world. The

data in the table 8 reveals that sixty two percent of the respondents had nuclear families. Only 19 respondents had large size of families comprising of more than 5 members.

Table 9: Distribution of the respondents on the basis of family size

S. No	Family size	Number	Percentage
1.	Nuclear (up to 5)	31	62
2.	Large (more than 5)	19	38

REINVENTING GOVERNANCE AT THE GROSS ROOT LEVEL

Democracy can be truly empowering at the grass root level only when it is fully alive to the aspirations and needs of peoples. For sustainable rural development good governance at the gross root level is a pre requisite. Governance is not only to govern but to be governed in accordance with the plans set up by the masses at the grass root level. Here are some strategies for good governance

The Panchayats should be equipped with 4F's, the pillars of the gross root governance. These 4 F's are Functions, Functionaries, Finance and Framework. The capabilities of the PRI's should be augmented by providing them with requisite technically qualified functionaries to formulate and implement plans. The majorities of the Panchayati Raj members were without any prior experience and were illiterate or literate up to the primary level. They need to be sensitized about the various provisions of the central Panchayati Raj act in general and the state Panchayati Raj act in particular. Capacity building of the members as well as the officials concerned should be ensured. This can be done by regular orientation programmes, peer to peer learning and visit to other Panchayats both within and outside the state for regular interaction among the members. It helps in interacting, sharing and exchanging the experiences. The Panchayati Raj institutions should be helped to effectively mobilize the local resources through tax and non tax measures. The resources can be utilized for the benefit of the poor peoples of the Gram Sabha. Regular campaign and frequent use of print and electronic media to make the peoples aware of the power of Gram Sabha and the development programmes of these institutions such as MGNREGA, Water shed management and conservation, drought proofing rural connectivity and other rural infrastructure activities. It is necessary for restoring the confidence of peoples in these institutions. The e-governance initiative should be encouraged.

Conclusion:

The Father of Nation, Mahatma Gandhi had said that every village has to become a self-sufficient republic. This does not require brave resolutions. It requires brave, corporate, intelligent work. I have not pictured a poverty-stricken India containing ignorant millions. I have pictured to myself an India continually progressing along the lines best suited to her genius. I do not, however, picture it as a third-class or even a first-class copy of the dying civilization of the West. If my dream is fulfilled, and every one of the seven lakhs of villages becomes a well-living republic in which there are no illiterates, in which no one is idle for want of work, in which everyone is usefully occupied and has nourishing food, well-ventilated dwellings, and sufficient Khadi for covering the body, and in which all the villagers know and observe the laws of hygiene and sanitation. There is nothing inherently impossible in the picture drawn here provided the Gram Panchayats operating at the grass root level of the society ensure people's participation. Although there are a number of constraints that severely hamper the performance of these institutions but proper coordination and combination of efforts by all three tiers can definitely help to realize the ultimate goals of these institutions and fulfillment of dreams of that great Mahatma which could not be fulfilled during his lifetime.

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