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## Impediments of Institutionalisation of local Democracy in Kashmir

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Local democracy is one of the tools which provide a link to an ordinary man and marginalised groups in participating the politics and decision making through different devices like Gram Sabha in Indian Panchayati Raj. These local democratic institutions are working as the *nurseries* for the future leadership of the nation. Nowadays the importance of local democracy is increased, and the Indian model has huge demand at international level. However, this local democracy is facing enormous challenges at the grassroots level. The current paper Hurdles of local democracy in Kashmir. The report is grounded on the secondary source of data amassed from the reports, research papers and the Internet. After going over the data, it was found that the local democracy of the valley is facing double hurdles one in the context of infrastructure, empowerment issues and another is from the radicalisation of young who are moving away from these local Democratic Institutions.

**Keywords: - Local Democracy in Kashmir, Hurdles, Radicalisation of the youth and Empowerment of Panchayat institutions.**

### **Introduction:-**

Local democracy is the self-government of cities, townships, villages and districts by democratic means and it are considered a tool to help community participation, improve service delivery, strengthen communities, end marginalisation and improve development outcomes (IDEA 2015). Consequently, it is evident from the definition that local democracy is the local government of the local people elected by the norms of democracy. It is the apparatus that provides the approach for the local people to take part in the developmental activities through the direct participation in the planning at the local level.

### **Institutional Definitions of local democracy:-**

**Citizenship, equal rights and justice:** - including citizenship at the local level, civil and political rights, economic, societal, cultural rights and the rule of law and access to justice.

**Representative and accountable institutions and processes:-** Elections and mechanisms of direct majority rule at the local level, local legislature, political parties, local executive bodies, customary and traditional institutions.

**Citizen initiative and participation:-** Active citizen engagement and media.

### **Hunger project (2013) and local democracy:-**

According to this project (2013), the critical dimensions of participatory local democracy are as:

- Active citizenry.
- Political mandate.

- Administrative decentralisation.
- Fiscal Decentralisation.
- Multi-stakeholder planning.

**Active citizenry:-**

Citizens must firstly have the power to elect local leaders in periodic free and fair elections & must have the right to take part in local administration.

**Political mandate:-**

A sound system must exist which provides for local government, which has specific powers, roles, and responsibilities and must produce the framework for direct citizen participation.

**Administrative decentralisation:-**

Where government service personnel are moved closer to the masses.

**Fiscal decentralisation:-**

Where local governments are equipped to fund the services, they furnish autonomously;

**Multi-stakeholder planning:-**

Where citizens are taken in both the long and short-term planning for their local area.

**Local democracy and Aberdeen Agenda:-**

The Aberdeen Uganda has set of twelve critical norms for the sound administration of local democracy as:

- Constitutional and legal recognition for local democracy.
- The power to elect local representatives.
- Partnerships between the spheres of government.
- Defined legislative framework.
- Opportunity to participate in local decision-making.
- Open local government – accountability.
- Open local government – transparency.
- Openness to scrutiny.
- Inclusiveness.
- Adequate and equitable resource allocation.
- Equitable service delivery.
- Building strong local democracy and honest administration..

**Local Democracy in the milieu of India:-**

In India, the local democracy is operated through Panchayat Raj institutions in the rural regions and municipalities in the urban. In India, the pioneer of the concept of Panchayati Raj was the father of the Nation Mahmata Gandhi. The father of the Nation gives the theory that was based on the Village centric approach. He thought that the Panchayati Raj institutions are desirable for the growth of the country as most of the population lives in Indian villages. The father of the nation wrote about the Govt of his typical village as:

*“The government of the village will be conducted by a Panchayat of five persons annually elected by the adult villagers, male and female, possessing minimum prescribed qualifications”*( Harijan 26-7-1942).

Even so, the Govt after independence did not implement this Panchayati Raj theory in practice. Gandhian views on decentralisation were discarded after India attained independence in 1947 these panchayats did not find even a mention in the draft of the constitution ((K.Girish 2006). However, as an alternative of this community development programme, 1952 was introduced to advance the socioeconomic development of the Indian villages. However, this programme unsuccessful in achieving the target for which the plan was created. So after the recommendations of Balwant Rai committee January 1957 the Panchayat Raj was introduced in the country. The respective committee gives the notion of the three-tier system of local self-government, i.e. Village level, Block level and the District level. After this committee, the Janta Govt constituted one more important committee famous by the name of Ashoka Metha committee December 1977 at that time to read the local democratic institutions in the country. Apart from this, many working groups were constituted for the empowerment of the local democracy in the country. In this direction, the landmark in the history of local democracy in India was the 73rd and 74th constitutional amendment, which provides the constitutional status of these local democratic institutions in the nation. And a particular chapter Part IX to the constitution titled *“The Panchayats”* covering provisions of Article 243 to 243 (O); and a new Eleventh Schedule covers 29 subjects within the offices of the Panchayats (I.A.S Point 2016). The amendment provided the space for the women and downtown groups and provided 1/3 reservation to them.

The 14 Indian states have provided 50% reservation to the women. These states are Andhra Pradesh, Bihar, Chhattisgarh, Himachal Pradesh Jharkhand, Kerala, Karnataka, Madhya Pradesh, Maharashtra, Odessa, Rajasthan, Tamil Nadu, Tripura, and Uttarakhand (panchayat Raj report 2015-16). No doubt, there is reservation for women and other marginalised groups, finance commission regular elections but still, these institutions have some constraints like lack of devolution of functions, funds, and functionaries’ inadequate infrastructure, weak human resources at the local level and inadequate capacities of elected representatives (Panchayat Raj Minister Tomer). The dilemma is that these institutions are at the kindness of the state governments and in this direction some state Governments did not want to empower these local democratic institutions due to number of their political reasons and among these states, Jammu and Kashmir are one.

After the 73rd constitutional amendment, plenty number of steps was initiated by the central Government to enhance the grassroots democracy the key steps are:-

- Rajiv Gandhi Sashaktikaran Abhiyan( RGPSA).
- Rashtriya Gram Swaraj Abhiyan( RGSA)
- Incentivization of Panchayats.
- Panchayat Sashaktikaran Puraskars (PSP).
- Rashtriya Gaurav Gram Sabha (RGGGS).

- E- Panchayat.

### **Local Democracy in Kashmir:-**

The state Jammu and Kashmir are the diverse state interims of culture, religion, and ethnicity. India and Pakistan have fought wars but the problem still alive on the state. The state remains in the international news since 1948 when the inaugural Prime Minister of India Pt. Jawaharlal Nehru took the matter into the security council of UNO. Therefore, Kashmir is being seen as an area with different claims from India and Pakistan with a degree of international recognition, reinforced by the two nation states' actual control of portions of the former princely state of Jammu and Kashmir (Baba 2012). In this milieu of armed conflict in the valley, the democratic institutions have been miscued. As we know for the effective functioning of democracy and good governance a suitable democratic space and environment is needed. Nevertheless, unfortunately, the requisite proper atmosphere has remained deficient since 1947 (Baba 2012). The panchayat raj in Jammu and Kashmir is the original concept (George 2013). The Maharaja Hari Singh laid the foundation of local democratic institutions in 1935 by introducing the Village Panchayati regulation act in the State.). However, the Act was meant to support the government in the matters of village affairs, and there was no space for the common man in this act. The act was later on amended in 1941 and then in 1958. The present Jammu and Kashmir Panchayat act 1989 which is the outcome of all previous legislation and Kashmir Manifesto programme adopted by the National conference during the freedom struggle against the Dogra rule. It was the document sought to create a more democratic and responsible form of Government (Nyla Khan 2009). As the Jammu and Kashmir Panchayati Raj act 1989 was enacted, the valley came under the envelope of armed struggle. The youth of that time took the arms and went Pakistan for training against the Indian state. During the 90s the atmosphere of the valley was wild with full of terror.

**Rekha Chowdhary writes in her book J& K politics of Identity and separatism (2016).**

*“On the onset of Militancy in Kashmir, all political parties and political leaders had withdrawn from the scene. Most of them shifted base to Jammu because of a fear of life as well hostile response of the people. All the democratic and social institutions were paralysed”.*

**Aijaz Ashraf Wani, highlights the rationale behind the backwardness of the local democratic institutions in the state:**

- The state of J&K remained highly unstable politically since independence and issues of grass-roots democracy remained quite far-away from people's participation.
- Undermining the unique constitutional position of the state under Article 370 unilaterally since 1953 begets an atmosphere whereby local political elites too became unwilling the devolution process.
- Both election machinery and electoral process have suffered a crisis of credibility in the state at different times, and Panchayats too were manipulated (Wani 2011a: 12).

- The condition worsened after the inception of militancy from 1989 onwards; The Panchayat institutions were virtually closed down, as it was feared that militants to run a parallel government might control them (Wani 2011)

#### **Panchayat Election 2001:-**

It was the year 2001 when the Panchayat elections were held in the state, but these elections have not pulled the participation of the people mainly from the Kashmir region. The 2001 panchayat election is termed as paper exercise ( Rekha 2012). Virtually the response of the people towards this election was not as impressive as a myriad number of constituencies in the Kashmir region remain vacant. The 2001 Panchayat elections could not be conducted across the Kupwara, Baramulla and Bandipora districts due to the threats of terrorists and the violence atmosphere (Kumar Singh 2011).

#### **Panchayat election of 2011:-**

The state coalition Government of National conference and congress of that time in the state under the leadership of Sheri Omer Abdullah took the steps for carrying on the panchayat elections. The election was conducted after a break of ten years instead of compulsorily five years. In this particular election, the participation of youth and women was very impressive from the Kashmir valley. The people ignored the boycott call that was given by the Hurriyat group. The involvement of the youth in this election was remarkable as most of them took part in the election campaign of the nominee. However, the election was held in 16 phases, and a strong turnout was recorded. The elections were by and large, peaceful, except few incidents of violence. In one such incident, Hasina Begum a Panch Candidate from Karpura in the Pakherpora area of Charar- e- Sharief in Budgam District was killed by unidentified militants on April 15, 2011. The result of which not a single vote was cast at the Karpura village when the elections were held on May 21.

#### **George Mathew writes about the 2011 Panchayat elections of Kashmir as:**

*“During the last panchayat elections in April 2011, I spent several days in the remote villages of Kashmir. The average voter turnout was above 80 per cent. It was for the reason that local democracy was their hope for the future. In the Dara Harwan village in Srinagar, on the day of the panchayat election, more than 50 per cent of the voters had cast their votes in the first two hours. Men, women, youth and children were on the road in a cheerful mood.”* (Mathew 2016).

I also remember when the results of 2011 Panchayat election was announced I saw in several rural areas of the valley the winning candidates and their supporters beating the drums with joy. They distributed the toffees and a traditional drink (Kashmir Khawa) among their supporters, relatives and the neighbours.

Hence, the 2011 Panchayat election was the landmark regarding participation. The common man of the valley participated in this due to the hope of future development and peace of the state.

#### **Status of Panchayat Raj in the Valley:-**

Subsequently the 2011 Panchayat elections the state Govt constituted a committee Madhav Lal for the future empowerment of the Panchayats. The 14 line Departments

were united. In summation to this, a three day's training was taken at every block headquarter of the state. The steps that were taken were not enough for the development of these local democratic institutions. The empowerment of the local democracy remains only lip service of the state Government. There was a huge demand by the elected representatives of these local democratic institutions for the implementation of the 73rd constitutional amendment in the state. However, the Government discards it on the fact that it will erode the special status of the state which is granted under article 370 of the Indian constitution. Nevertheless, the rationale of representatives behind this is that if this particular central act erodes the special status, then why state Government permits other central acts. They stated that the state Government did not want to empower the local democratic institutions because of the fear as they think this will harm the powers of concerned MLAs. No doubt, the state Government has adopted various provisions of 73rd amendment act, but still, there are loopholes unless this act will not fully be adapted to the state. On the other hand, the state should amend the Panchayati Raj act 1989 as per the 73rd constitutional amendment.

These democratic institutions of the state were weak structurally as well as functionally (Rekh 2012). The Government was not able to alter the measures that would empower these local democratic bodies and allow them to fully functional (Baba 2012). In the state only the lower tier Halqa Panchayat was elected the rest two block and district was not elected because the State Government at that time did not conduct elections for these two tiers. This shows the lack of political will of the Government of that time regarding the empowerment of Panchayats in the state. Jammu and Kashmir are listed among the low performers according to the Devolution index of 2015-16 published by the Ministry of Panchayati Raj Government of India.

#### **Performance of these Institutions:-**

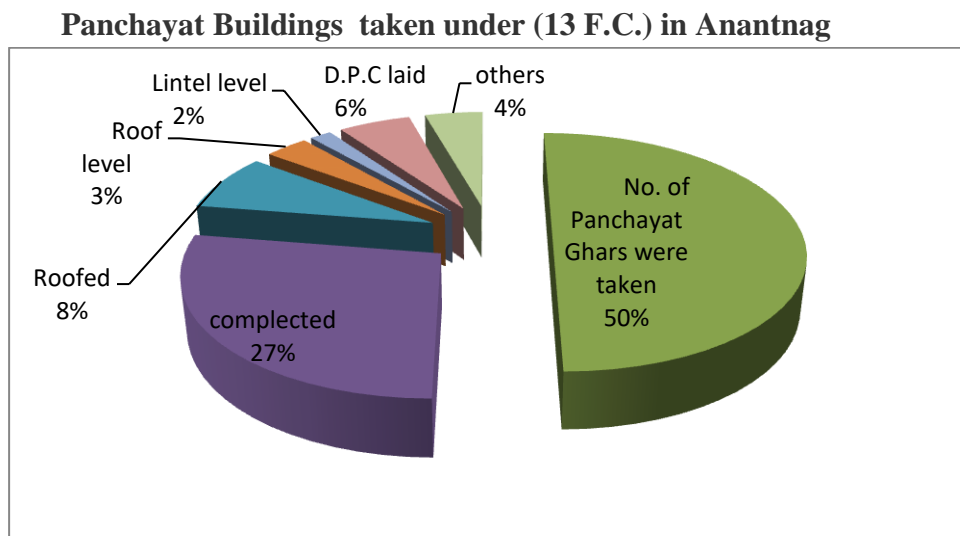
Due to the Panchayati Raj, various changes has been caused in the life of the people of Jammu and Kashmir. But the aspirations were not fulfilled (Malik and Singh 2013). We find two narratives one is from the people who are elected and another from the common man. The panchayat elected members to claim that the Government did not empower us, as we did not get full support from the administration. Lack of cooperation from the village level worker is one of the significant constraints faced by the elected representatives (Kumar and Slathia et al 2013). It is also found in many cases the plans, which were prepared by the Village community the rural development officials; change that according to their will (Bhat Muzaffar 2016).

On the other hand, the common man claims that these elected panchayat representatives have looted all the money for own interests. In many cases, it was found that the panchayat members themselves have been involved in the mismanagement of funds (ibid). The sarpanches acting like dictators in their respective villages and are making the life of villagers painful. To cite the example of Chadoora Block in District Budgam or Asham Sonawari in district Bandipora, the sarpanch of these mentioned areas even beating the villagers physically and one of the Sarpanch has provided the money to 27 relatives allotted under Indra Awas Yojana

(IAY). This was meant for the homeless people living under below poverty line. However, the Sarpanch of Chadoora paid this money to the relatives. It was found during the RTI (Bhat Muzaffar 2012).

**Manpower and Panchayat Buildings:-**

A vast number of Halqa Panchayats do not have own buildings in the valley. However for the construction of buildings the state Government introduced the ‘*Apna Panchayat Ghar*’ scheme under which panchayat Ghars were constructed. Despite this there are plenty number of panchayat Halquas were there is not a Government building. The below data shown. is of Anantnag District of 13 Finance commission 2015-16.



Source: - Official website of District Anantnag.

It is evident from the above ( Figure 1) that 27% of Panchayat Ghars has been completed as on 31-3-2016.

**Manpower of key posts related to Panchayats of District Anantnag.**

See below Table 2

S.N O.	POST	SANCTION	EXIST	VACCANT
1	District Panchayat officer	1	0	1
2	Block Development officer	17	9	8
3	Panchayat Inspector	7	4	3
4	Village level worker	189	72	117
5	Gram Sevik	20	16	14

Source: - Planning section District Anantnag 2015-2016.

On the deep analyses of the above data of District Anantnag of the Kashmir, it is apparent that most of key positions are vacant.

**The position of State:-**

If we talk of the overall workforce of the state, the condition is worse as Over 170 C.D. blocks lack Panchayat inspectors and 79 BDOs in the state. A report was

published (Daily Excelsior 2017). Most of the Panchayats are without Panchayat Buildings.

### **ICT and Panchayats:-**

In the context of ICT in Panchayats is concerned there is no Gram Panchayat in the whole state which is connected with the internet connection. All of 1943 Halqa panchayats are without computers (Ministry of Panchayat Govt. of India 2017).

### **Hurdles of local democracy in Kashmir**

There are two types of challenges to these democratic institutions

- The usual hurdles
- The specific hurdles
- The Usual Hurdles

Common challenges, these are the challenges which every local democratic institution are facing in the country with a different degree of magnitude. These are lack of finances, lack of good functionaries, poor infrastructure etc.

- **The specific Hurdles**

These are the challenges if not addressed will be dangerous for the whole Democratic setup of the state even of the country. These are Radicalisation of

Youth, alienation from these democratic institutions, fear of insecurity among the sponsors of these democratic institutions. Trust deficit of the people on these institutions.

Therefore the local democracy of the state face double challenges one is the in the context of infrastructural, empowerment and second is from the present environment and radicalisation of the Youth who did not believe in these institutions. The panchayat elections of 2016 were not held because of the violence

After the operation of Burhan Wani 2016, the environment of the Valley once again boiled. During this destructive wave, many Panchayats Ghars were also burned. According to the sources, the 22 panchayat Ghars were blazed.

### **Way forward for solution:-**

The Dialogue and development is the solution to solve the problem of political alienation.



Lack of accountability among the J&K Polity and bureaucracy has caused a large number of people to toe the line by living with the fundamental structured inequalities and Violence (Nyla 2009). The significant number of young persons in the Valley who are fed up and are alienated because of the corrupt state machinery therefore due to the frustration they are going away from the democratic politics.

Apart from this, there is a need for human relation approach; programmes should be widened through which a friendly environment can develop between security forces and ordinary people. As the Prime Minister Mr Narendra Modhi highlighted in his 15 August 2017 speech at red fort *“neither by Bullet nor by abuses but by hugging can solve the Kashmir problem.”*

#### **Restructure the policies:-**

No doubt there are many policies which are working (like Uddan) for this, but these policies should be more strongly and reformed according to the current situation. The Government should come up some more special strategies for the youth of Jammu and Kashmir to address the political alienation and radicalism.

#### **A government should address trust Deficit in the Valley:-**

The UPA Government in 2010 appointed an eminent group of interlocutors Dileep Padgaonkar, Radha Kumar and M.M Ansari to hold a sustained dialogue with all the stockholders of the state and identify the roadmap for the political solution but the recommendations of this report were not implemented. It is the reason that Kashmiris believe these Government steps as cosmetic approaches, crises management, and exercise on paper. These are the primary reasons, which have escalated the trust deficit among the Denizens of the valley therefore; Government central along with the state Government should take serious note on this.

#### **Zero tolerance against human right violations:-**

Any person who will be found guilty in human right violation in the state should be punished as per the law of the country. All the previous human right violations should be investigated by Govt and culprits should be punished.

#### **Conclusion:-**

Local democracy is the only device through which an ordinary man of the country can be engaged with the mainstream development. But in many states, the performance of these democratic institutions is not up to the mark. The reason behind this is lack of ample devolution, ultimate control by bureaucracy, timid nature of funds, over dependence on the Government, reluctance to use fiscal powers, non-

harmonisation and low attendance of Gram sabhas ( Roadmap for the panchayat Raj 2011 -17).

The state Jammu and Kashmir are one of them whose performance is not so well, which are highlighted by the Devolution index report of 2015-16. However the different governments of this country have taken the number of steps to empower them, but still, we are not achieving the goals which are discussed in the 73rd constitutional amendment. There is a need for vast awareness programme among those states whose is performance is not well. In the context of the Jammu and Kashmir especially the valley, these institutions face double challenges. One in which every panchayat face of the country with the different degree of magnitude another is the challenge because of the violence of the valley.

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