

# **Institutionalization of Panchayati Raj in Jammu and Kashmir: Structural and Political Challenges before the Abrogation of Article 370**

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## **Abstract**

The institutionalization of Panchayati Raj Institutions (PRIs) in Jammu and Kashmir has been hindered by structural deficiencies, bureaucratic dominance, and political inertia, limiting grassroots democracy. This study examines the evolution of PRIs before the abrogation of Article 370, analyzing legal and administrative constraints that impeded their effectiveness. Focusing on seven blocks in Anantnag district, it explores how governance structures, lack of direct elections, fiscal constraints, and conflict dynamics, including insurgency and security threats, weakened local governance. Using a mixed-methods approach, including field surveys across 28 villages, the study highlights persistent challenges such as financial mismanagement, gender-based exclusions, and bureaucratic control over Panchayats. While post-2019 reforms, including the implementation of the 73rd Constitutional Amendment, introduced structural changes like BDC and DDC elections, they have not fully addressed longstanding governance issues. Many Panchayats remain incomplete, operating without fully elected bodies. The study underscores the need for comprehensive reforms, including full implementation of the 73rd Amendment, financial decentralization, and security measures for elected representatives. Strengthening public trust and ensuring PRIs function as autonomous institutions rather than bureaucratic extensions are crucial for fostering genuine participatory democracy in Jammu and Kashmir.

**Keywords:** *Panchayati Raj Institutions, Grassroots Democracy, Conflict Governance, Decentralization, Article 370, Bureaucratic Control, Electoral Reforms, Local Self-Governance.*

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## Introduction

*Panchayati Raj Has Pillars and Walls but Not Yet Sufficient Roof* (Ash Narain Roy, 11 July 2013).

The institutionalization of grassroots democracy through Panchayati Raj Institutions (PRIs) is a cornerstone of participatory governance in India. However, in the erstwhile state of Jammu and Kashmir, the process of establishing an effective and autonomous local governance framework has been fraught with structural, political, and conflict-driven impediments. Unlike other states where the 73rd Constitutional Amendment Act of 1992 laid the foundation for a three-tier decentralized system, Jammu and Kashmir retained a separate legal framework under the Jammu and Kashmir Panchayati Raj Act, which lacked critical provisions ensuring democratic empowerment<sup>1</sup>. The absence of direct elections at the intermediate and district levels, excessive bureaucratic interference, and an inadequate devolution of financial and administrative powers severely restricted the autonomy of PRIs, rendering them ineffective in fostering grassroots development<sup>2</sup>. This study aims to provide an in-depth analysis of the institutionalization of PRIs in Jammu and Kashmir prior to the abrogation of Article 370, exploring the political, legal, and socio-economic factors that hindered their functionality.

A major dimension of the research is the examination of the impact of the protracted conflict on grassroots democracy in Kashmir. Over the decades, insurgency, political instability, and targeted violence against elected Panchayat representatives have undermined the very foundation of local governance. Many elected members resigned en masse due to threats, assassinations, and the prevailing insecurity, leaving the Panchayati Raj framework structurally weak and functionally redundant<sup>3</sup>. The deep-seated public distrust toward these institutions—perceived as mere extensions of the state rather than vehicles of empowerment—further contributed to their limited effectiveness. This study explores how these challenges intersected with existing structural deficiencies, leading to the stagnation of PRIs despite repeated government efforts to revitalize local governance through amendments and policy interventions. The research also critically evaluates the extent to which successive governments, both at the state and central levels, facilitated or hindered the institutionalization of PRIs in the region, particularly considering evolving political imperatives.

The study employs a mixed-method research approach, drawing upon both primary and secondary data sources to provide a comprehensive understanding of the institutionalization process. Secondary sources include government records, legislative documents, research articles, and policy reports, which provide historical insights into the evolution of PRIs in Jammu and Kashmir. Primary data has been collected through field surveys conducted in seven selected blocks of Anantnag district Achabal, Breng, Shahabad, Shangus, Khoveripora, Dachnipora, and Qazigund covering a total of 28 villages. The selection of villages was based on specific criteria, including variations in gender representation, geographical accessibility, and socio-economic diversity, ensuring that the findings reflect a broad spectrum of governance realities. By combining empirical data with historical and legal analysis, this study aims to bridge the knowledge gap regarding the effectiveness of PRIs in conflict-prone regions and assess their role in promoting democratic decentralization before and after the abrogation of Article 370.

The significance of this research extends beyond an academic inquiry into the limitations of Panchayati Raj in Jammu and Kashmir. The findings have broader implications for policy formulation, governance restructuring, and conflict-sensitive institutional reforms. With the abrogation of Article 370 in 2019, the 73rd Constitutional Amendment was extended to Jammu and Kashmir, leading to the first-ever elections at the Block Development Council (BDC) and District Development Council (DDC) levels. While these developments mark a structural shift in the erstwhile state's governance landscape, the question remains whether these reforms address the deeper institutional, political, and security-related challenges that have historically hindered PRIs. Despite the introduction of a three-tier system, reports indicate that many Panchayats continue to function without a full elected body, highlighting the persistence of governance vacuums at the grassroots level. This research is both timely and necessary, as it provides an evidence-based assessment of the institutionalization of grassroots democracy in Jammu and Kashmir. By investigating the historical trajectory, structural deficiencies, and conflict-driven constraints of PRIs, the study contributes to a nuanced understanding of the complexities surrounding local governance in the region. The insights derived from this research can inform policy debates on decentralization in conflict-affected areas and offer practical recommendations for strengthening PRIs as instruments of democratic empowerment. Unless substantive reforms ranging from financial devolution to enhanced security for elected representatives are implemented, PRIs in Jammu and Kashmir

may continue to operate as administratively convenient structures rather than genuine vehicles of participatory democracy and local self-governance.

### **Structural Problems**

The Panchayati Raj system in the erstwhile state of Jammu and Kashmir suffered from deep-rooted structural deficiencies, primarily stemming from the Act upon which it was based. Despite amendments over the years, the system failed to fulfill its intended purpose of empowering Panchayati Raj Institutions (PRIs) as units of self-government. Government officials occupied key positions at every tier, while Panchayats themselves were not entrusted with well-defined functions. The Act mandated indirect elections for block and district levels, whereas the 73rd Constitutional Amendment prescribed direct elections at all levels. Furthermore, the district planning board functioned more as an extension of single-line administration rather than as an organ of decentralized governance. The board's chairman was a government appointee, and its meetings were largely dominated by politicians, thereby diluting the autonomy of Panchayati Raj Institutions<sup>4</sup>.

### **Panchayats Functioned as Remote-Controlled Bodies**

The village Panchayats elected in 2001, 2011, and 2018 comprised only the lower tier, while higher tiers remained under government control. These elected Panchayats operated under the authority of government officials, limiting their independent decision-making capacity. Field surveys revealed persistent conflict between elected Panchayat members and block officials over village-level planning. A particularly contentious issue emerged between the village-level worker and the sarpanch of the Halqa Panchayat, with block officials frequently sidelining the views of elected representatives in favor of their own. The second and third tiers of the system remained unelected, as the government deliberately canceled elections for the district development planning board, fearing that an empowered board might encroach upon the authority of local MLAs. As a result, Panchayati Raj Institutions functioned as mere appendages of bureaucratic control, with real power residing in government officials stationed at block and district offices<sup>5</sup>.

### **Gender Issue**

The original Jammu and Kashmir Panchayati Raj Act lacked provisions for gender-based reservations, offering only a system of nominations. It was not until 2004 that a 33 percent reservation for women was introduced through an amendment. Consequently, during the

2001 Panchayat elections, women did not benefit from specific reserved seats, leading to minimal female participation. In 2011, the reservation policy was implemented at the Panch level, marking a significant milestone in the inclusion of women in local governance. This led to an unprecedented number of women entering the Panchayati Raj system, bringing a fresh perspective to grassroots governance. The 2014 elections extended the reservation to the sarpanch level, further solidifying women's political representation<sup>6</sup>. Field research indicated that both male and female respondents widely appreciated the introduction of gender reservations. Many women reported experiencing a psychological upliftment following their electoral victories in 2011, highlighting the transformative impact of political participation on gender empowerment.<sup>7</sup>

### **Overlapping Of Functions**

The Panchayati Raj system in Jammu and Kashmir was plagued by significant functional overlaps at the grassroots level. The responsibilities assigned to Panchayats often coincided with those of various field agencies operating under the state government. This redundancy created inefficiencies, confusion, and conflicts of jurisdiction, further weakening the authority and effectiveness of Panchayati Raj Institutions<sup>8</sup>.

### **Poor Awareness About Panchayati Raj Institutions**

Field surveys underscored a severe lack of public awareness regarding the Panchayati Raj system. Only 15 percent of male respondents demonstrated any familiarity with these institutions, while a mere 5 percent of female respondents were aware of their existence. The majority of the population remained uninformed about the functions and significance of Panchayati Raj Institutions. Moreover, 95 percent of respondents had no knowledge of the fourteen-line departments associated with local governance. The primary reason for this widespread ignorance was the prolonged dormancy of these institutions, which resulted in public disengagement from local self-governance mechanisms<sup>9</sup>.

### **Lack Of Proper Infrastructure**

Adequate infrastructure is a prerequisite for the efficient functioning of any institution. However, the Panchayati Raj Institutions in Jammu and Kashmir suffered from severe infrastructural deficits. Field studies revealed that Panchayat Ghars, constructed by the Rural Development Department, were in a state of disrepair. Nearly 67.7 percent of respondents reported that these structures in their villages were in a dilapidated condition, lacking basic facilities such as functional toilets and electricity. Many Panchayat Ghars remained closed throughout the year, eventually becoming shelters for stray dogs. Additionally, there was no

designated watchman to oversee these premises. The shortage of essential staff further exacerbated the problem, with Village Level Workers (VLWs) assigned to multiple villages, thereby hindering the effective implementation of Panchayati Raj initiatives at the grassroots level.<sup>10</sup>

### **Poor Capacity Building**

Following the 2011 Panchayat Raj elections, the state government undertook capacity-building initiatives; however, as reported in the study, these efforts proved insufficient in adequately educating Panchayat members about the functioning of Panchayati Raj institutions. The study revealed that the majority of Panchayat members found these programs overly theoretical, with a strong emphasis on lectures rather than practical application. Nearly all Panchayat members hailed from non-political backgrounds and were first-time representatives, which limited the impact of these training programs at the grassroots level. Some of the elected Panchayat members of 2011 had the opportunity to visit other states to observe the functioning of the Panchayati Raj system there.<sup>11</sup>

### **Lack Of Devolution**

Regarding the government's initiatives for the empowerment of Panchayati Raj, respondents—especially the elected representatives of the 2011 Panchayat—expressed deep dissatisfaction. Power was not delegated to these members, and throughout their tenure, they persistently demanded the devolution of authority. To press for their demands, these Panchayat members resorted to hunger strikes in Jammu. The members of the All Jammu and Kashmir Panchayat Raj Conference actively campaigned for the implementation of the 73rd Constitutional Amendment in the state to ensure the effective functioning of Panchayati Raj institutions. The experiences and narrations of the Panchayat members<sup>12</sup>.

### **Assassination Of Panchayat Members**

In the aftermath of the 2011 Panchayat elections, several Panchayat members were assassinated by unidentified assailants, instilling fear among the remaining members and leading to a wave of resignations across the Valley. The study found that some members, fearing for their safety, temporarily left their native villages after winning the elections. Due to this prevailing threat, many Panchayat members concealed their identities when outside their villages<sup>13</sup>.

### **Negative Attitude of People Towards These Institutions**

The study highlighted a widespread negative perception of Panchayati Raj institutions. Many respondents believed that these institutions were merely a tool to divert public attention from real issues. Some also viewed them as instruments of surveillance over village affairs, leading

to suspicion towards Panchayat members, who were sometimes labeled as informers. These negative attitudes, deeply rooted in the ongoing conflict, created further challenges. The study also found that female Panchayat members often avoided disclosing their involvement in Panchayati Raj activities. When questioned about their whereabouts, they would instead claim they were visiting their mother's house or a hospital to evade scrutiny<sup>14</sup>.

### **Conflict Ruined the Panchayati Raj in The Valley**

One of the most significant impediments to the success of Panchayati Raj institutions in the state was the prevailing conflict. Panchayat elections were repeatedly delayed due to violence<sup>15</sup>. The Jammu and Kashmir Panchayati Raj Act of 1989 was not fully implemented for the same reason. Low voter participation in the 2001 Panchayat elections, the surge in resignations following the 2011 elections, and the assassinations of elected members were all consequences of the volatile security situation. The 2018 Panchayati Raj elections were similarly postponed following the unrest triggered by the killing of Burhan Wani. The hostile environment prevented the timely conduct of these elections<sup>16</sup>. Even when they were eventually held, participation remained low—around 60 percent of constituencies remained vacant, and 30 percent of candidates were elected unopposed. The districts of South Kashmir witnessed particularly low voter turnout. According to the present study, 31.7 percent of respondents attributed the failure of Panchayati Raj institutions to the conflict, while 14.3 percent pointed to a lack of political will. An equal percentage cited a lack of awareness, whereas 15.7 percent blamed corruption. Notably, 23 percent of respondents identified the broader Kashmir issue as the root cause of these problems, while a mere 1 percent attributed the failure of Panchayati Raj institutions to Article 370.<sup>17</sup>

### **Groupism At the Village Level And Lack Of Accountability**

The study uncovered the emergence of exclusive groups that exercised undue control over Panchayati Raj institutions. These groups typically consisted of block officials, sarpanches, local contractors, and their associates, who collectively dominated the development planning process in villages. Block officials tended to prioritize the views of these groups over those of the public, and as a result, open Gram Sabha meetings were rarely conducted. Advertisements regarding such meetings were deliberately withheld, limiting public participation. According to the study, 68 percent of respondents stated that they were not given prior notice about village development meetings. Furthermore, there was a complete lack of accountability in the functioning of Panchayati Raj institutions. An alarming 94 percent of respondents reported being unaware of Gram Sabha meetings altogether.<sup>18</sup>

### **Mismanagement Of Funds**

Significant financial mismanagement was reported in the implementation of village development projects. The study found that funds allocated for developmental works were frequently misused, resulting in substandard construction that deteriorated within months. Block officials reportedly demanded a commission of approximately 30 percent on every lakh allocated to contractors<sup>19</sup>. The implementation of MGNREGA was marred by corruption, with no transparent Gram Sabha meetings held to select beneficiaries. In many cases, powerful groups seized the job cards of innocent villagers and falsely registered work in their names, despite these individuals never actually engaging in labour under the scheme. Due to these corrupt practices, 58 percent of respondents expressed dissatisfaction with the functioning of Panchayati Raj institutions. Additionally, at the Panchayat level, both elected members and block officials reportedly demanded bribes ranging from ₹1,500 to ₹2,000 from villagers in exchange for Swachh Bharat Mission (SBM) toilet allocations. The same issue was prevalent in the allocation of houses under the Antyodaya Anna Yojana (AAY) scheme, further eroding public trust in Panchayati Raj institutions.<sup>20</sup>

### **Changes In Villages Due to Panchayati Raj**

The key transformations observed in villages following the institutionalization of Panchayati Raj in Jammu and Kashmir, as reported by the survey, included the construction of inter-village connecting roads, fencing of graveyards, and other community assets. In hilly areas, additional infrastructural developments such as the construction of bunds to prevent soil erosion and the development of footpaths were also noted. These changes were particularly evident in villages where people were aware of and had access to block-level development initiatives. The study found that approximately 80 percent of the reported developmental works were associated with rural interconnectivity, followed by minor irrigation and other flood protection measures<sup>21</sup>.

### **Objective Analysis**

#### **1. Governmental Measures for the Institutionalization of Panchayati Raj Institutions in Jammu and Kashmir**

An examination of government measures in Jammu and Kashmir revealed significant political apathy towards Panchayati Raj Institutions. However, despite this reluctance, intermittent steps were taken to revitalize these grassroots democratic institutions. The history of Panchayati Raj in the state dated back to 1935, when these institutions were primarily utilized to assist the government in village administration. The Act of 1935 was subsequently amended to empower Panchayats further. During this period, these institutions played a pivotal role in sanitation, public awareness, and education. Historical literature indicates that



under the Dogra rule, Panchayati Raj Institutions actively addressed migration issues by constructing granaries to store food grains for periods of drought. A notable example of Panchayat activity was a conference held in Kulgam, where delegates discussed issues related to the Shali scheme. Furthermore, the establishment of the Rural Development Department in 1936 was instrumental in enhancing the effectiveness of Panchayats<sup>22</sup>.

The Halshari system, employed by these Panchayats, significantly contributed to rural development. However, a major drawback of the Panchayati system during this era was the imposition of specific and discriminatory qualifications for electoral participation. It was heavily favored the privileged class, effectively excluding the common villagers from political participation. Consequently, Panchayats were dominated by the affluent segments of rural society.<sup>23</sup>

Following independence, the transfer of power from the Dogras to the National Conference government under Sheikh Mohammad Abdullah led to amendments in the Panchayati Raj Act of 1941 and the enactment of the Panchayati Raj Act of 1951. This was a significant step towards institutionalizing grassroots democracy. The Act of 1951 introduced the concept of adult franchise and the formation of Halqa Panchayats, each comprising 3–5 villages. However, due to the dismissal of Sheikh Abdullah in 1953, the Act was not fully implemented, and financial constraints further limited its impact at the ground level.<sup>24</sup>

In 1957, the newly adopted state constitution incorporated provisions for Panchayati Raj under the Directive Principles of State Policy. This period, under Bakshi Ghulam Mohammad's leadership, saw significant economic reforms, but Panchayati Raj institutions remained largely neglected. The Panchayati Raj Act of 1958 was introduced to facilitate community development programs, although it closely resembled the previous legislation. Under this Act, Panchayati elections were conducted in 1969. However, political conflicts between factions of the Congress and the Plebiscite Front led to the suspension of Panchayats by Chief Minister Mir Qasim. Subsequently, during Sheikh Abdullah's return to power, a new administrative model was introduced, featuring district development boards that centralized planning at the district level. A significant legislative advancement occurred in 1989 with the enactment of the Jammu and Kashmir Panchayati Raj Act, which introduced a three-tier system comprising Halqa Panchayats, Block Development Councils, and District Development Planning Boards. This Act marked a considerable attempt to institutionalize grassroots democracy. However, certain limitations persisted: the Act lacked a provision for 33% reservation for women, which was only incorporated in 1999, and omitted key elements such as the Gram Sabha, a Finance Commission, and a State Election Commission, which

were added through amendments in 2010. Despite these progressive amendments, the Act faced numerous challenges in implementation. The 2001 Panchayat elections were largely symbolic, with minimal participation from the Kashmir Valley due to an adverse political climate, lack of awareness, and security concerns. Moreover, these Panchayats remained largely non-functional due to political apathy, insufficient financial resources, and a lack of devolution of power. The period also witnessed violence against Panchayat members, further weakening these institutions. Nevertheless, these elections played a crucial role in introducing the younger generation to the concept of Panchayati Raj.

The state government repeatedly delayed Panchayat elections, violating provisions of the 1989 Act, which mandated elections within six months of Panchayat suspension. When elections were eventually held in 2011, they differed significantly from previous polls, witnessing an unprecedented voter turnout. High public expectations were linked to the hope that these elections would mitigate the influence of MLAs and block-level authorities. The introduction of 33% reservation for women at the Panch seat level, extended to Sarpanch seats in 2014, marked a significant milestone in inclusive governance. Additionally, the Madhav Lal Committee was established to enhance Panchayati Raj by recommending the merger of 14 line departments. However, the government failed to conduct elections for block and district levels, thus limiting the functional autonomy of these institutions.

Despite these advancements, several structural deficiencies persisted. Panchayat members, many of whom came from non-political backgrounds, received inadequate training, rendering short-term capacity-building programs ineffective<sup>25</sup>. Survey respondents expressed dissatisfaction with the existing Panchayati Raj framework, citing bureaucratic control over local governance due to the absence of elected representatives at block and district levels. Panchayati Raj Institutions functioned as extensions of state bureaucracy rather than autonomous grassroots bodies.<sup>26</sup>

The tenure of the 2011 Panchayati Raj elections ended in 2016, yet the state government did not conduct fresh elections, citing assembly elections and the 2016 unrest as reasons. The study revealed that during their tenure, Panchayati Raj Institutions operated under government directives, effectively reducing them to quasi-governmental bodies. Furthermore, tensions between elected Panchayat members and block development authorities frequently hindered decision-making. Panchayat members protested multiple times in both Jammu and Kashmir, demanding decentralization of power.

Infrastructure deficiencies also plagued Panchayati Raj Institutions. Reports indicated that Panchayat Ghars, constructed by the government, were in a state of disrepair, lacking

essential facilities such as water connections and sanitation. Instances were recorded where private individuals used Panchayat Ghars for personal purposes due to unmet promises of government employment in exchange for land donations. Additionally, despite the official merger of 14 line departments, only the Rural Development Department actively engaged with Panchayats, while other departments largely ignored grassroots-level governance<sup>27</sup>.

The next round of elections took place in 2018, conducted in nine phases from November 17 to December 11, covering 4,490 village Panchayats. These elections marked a renewed attempt at grassroots governance but were accompanied by significant security and political challenges.

In conclusion, the study revealed that while Panchayati Raj Institutions in Jammu and Kashmir underwent several phases of evolution, their efficacy remained constrained by political reluctance, inadequate financial resources, and a lack of true decentralization. Although successive amendments sought to rectify legislative gaps, the fundamental challenge lay in the persistent bureaucratic control over grassroots democratic institutions, which ultimately hindered their intended purpose of fostering local self-governance<sup>28</sup>.

### **Impact of Conflict on the Institutionalization of Panchayati Raj Institutions in the State**

The conflict in the Kashmir Valley has been the root cause of numerous socio-political and economic challenges. One of the most significantly affected sectors has been the institutionalization of Panchayati Raj Institutions (PRIs). The conflict has not only disrupted local democratic institutions but also hindered overall progress in the state. Historically, during the Dogra period, PRIs were more operational compared to the post-independence era. However, political instability in the valley following independence led to a trust deficit among the people towards the Indian government<sup>29</sup>.

The eruption of violence following the disputed elections of 1986 further exacerbated the situation. Despite the enactment of the Panchayati Raj Act in 1989, its provisions were not implemented until 1996 due to the turmoil. The escalation of militancy in 1989 led the government to suspend PRIs, fearing their potential misuse by insurgent groups. This legislative attempt by the Farooq Abdullah government initially received positive responses but was ultimately undermined by the pervasive violence<sup>30</sup>.

The 2001 Panchayati elections were marred by threats and boycotts, leaving many constituencies vacant. The subsequent assassination of elected Panchayat members rendered the institutions non-functional. The 2011 elections witnessed high participation, but post-election violence led to a surge in resignations, with many elected members going into hiding.

The period between 2011 and 2016 saw the completion of a full term of PRIs, yet their institutionalization remained weak due to the volatile security situation. The unrest following Burhan Wani's killing in 2016 led to further disillusionment. Panchayat members resigned publicly, often announcing their resignations during Friday prayers. The violence also led to the burning of 22 Panchayat houses across districts like Anantnag, Pulwama, Kulgam, Shopian, and Ganderbal. Additionally, two Sarpanches were killed in Doru Anantnag and Pulwama, further instilling fear among elected representatives.<sup>31</sup>

Currently, PRIs in Kashmir face widespread distrust. The conflict has fostered specific challenges, including a trust deficit, fear among Panchayat members, and negative perceptions about these institutions. Many villagers view PRIs as extensions of the state's surveillance apparatus rather than development-oriented bodies. Panchayat members are often perceived as informers rather than representatives of grassroots democracy<sup>32</sup>.

From the government's perspective, the conflict has been a justification for the weak institutionalization of PRIs. This has resulted in a lack of accountability within the system. Gram Sabha meetings, intended to be open and participatory, are often held behind closed doors with minimal public awareness. Respondents in studies have reported that they were rarely informed about these meetings, which were dominated by influential figures like contractors, Sarpanches, and Village Level Workers (VLWs). This opacity has led to mismanagement of funds at the grassroots level.<sup>33</sup>

The fear of state repression further discourages dissent within the Panchayat system. Villagers fear that speaking against a Sarpanch might result in false allegations of anti-state activities. Consequently, a culture of silence prevails, eroding democratic accountability at the grassroots level. Even today, the repercussions of conflict are evident as people hesitate to participate in PRIs. Many elected representatives hide their identities due to security concerns.

The government faces an enormous challenge in addressing these issues. PRIs, as community institutions, require active participation, which is currently lacking due to the conflict-induced fear and distrust.<sup>34</sup>

### **Magnitude and Nature of Grievances Regarding the Institutionalization of PRIs in Kashmir**

PRIs, as instruments of local self-governance, play a crucial role in village development. The 73rd Constitutional Amendment empowered them with 29 functional areas. However, in Jammu and Kashmir, PRIs have struggled to achieve full institutionalization due to political reluctance, violent disruptions, and structural flaws in the Panchayati Raj Act.

A major impediment has been the dominance of state and centrally sponsored schemes, rendering PRIs financially dependent on state authorities. Unlike in other states, PRIs in J&K lack autonomy in revenue generation. Additionally, the state's post-independence political landscape and the 1989 insurgency further weakened these institutions.

Structurally, the state's Panchayati Raj Act is flawed. The District Planning and Development Board resembles the single-line administration model of Sheikh Abdullah (1976) rather than a decentralized democratic structure. The presence of government officials at all levels—VLWs at the village level, Block Development Officers (BDOs) at the block level, and Deputy Commissioners at the district level—limits the autonomy of elected representatives. Furthermore, at the district level, the chairman is a government nominee, often a senior minister, making the decision-making process bureaucratic rather than participatory<sup>35</sup>.

Elections in the state follow a semi-democratic pattern, with direct elections only at the village level, while block and district-level representatives are elected indirectly. This hierarchical structure limits grassroots empowerment and hinders true self-governance.

### **Public Grievances and Institutional Weaknesses**

The institutional weaknesses of PRIs in Kashmir have resulted in widespread grievances. Studies indicate that 59.3% of respondents believe that PRIs do not contribute significantly to socio-economic development due to bureaucratic dominance. Elected representatives from the 2011 elections voiced their dissatisfaction, leading to the creation of the All Panchayati Raj Conference in 2012, which advocated for the implementation of the 73rd Constitutional Amendment. This movement saw interactions with national political leaders, but meaningful reforms were not implemented.

At the grassroots level, tensions between elected members and government officials, particularly between Sarpanches and VLWs, were reported. The lack of an elected Block Development Council resulted in bureaucrats sidelining the plans proposed by elected representatives, instead favoring their own agendas. This bureaucratic interference diminished the effectiveness of PRIs.

Further, the absence of accountability mechanisms within the state's Panchayati Raj system has led to corruption and favoritism. Studies revealed that influential groups within villages monopolize developmental projects, sidelining common villagers. Corrupt practices have transformed PRIs into centers of power for a select few, rather than inclusive governance bodies.

Despite the government's introduction of an Ombudsman for PRIs in 2014, its impact remains minimal. Although PRIs were entrusted with functions from fourteen-line

departments post-2011 elections, ground realities indicate that only the Department of Rural Development is actively involved at the grassroots level, while others remain inactive. This has further fueled public dissatisfaction.

Reports suggest that many villagers are unaware of their VLW's identity, indicating a disconnect between the government functionaries and the public. The lack of open Gram Sabha meetings further alienates the common people. Corruption and nepotism have resulted in a concentration of power, where a small group controls village development decisions.

The conflict in Kashmir has severely impacted the institutionalization of PRIs, fostering distrust, insecurity, and systemic corruption. Structural flaws in the state's Panchayati Raj Act, coupled with government control over financial resources, have weakened these institutions. The violent atmosphere has instilled fear among elected representatives, leading to low participation and public alienation.

For PRIs to function effectively in Kashmir, significant reforms are necessary. This includes implementing the 73rd Constitutional Amendment in its entirety, ensuring financial autonomy, reducing bureaucratic interference, and addressing security concerns of elected representatives. Additionally, efforts must be made to rebuild public trust by making PRIs more transparent and accountable. Without these reforms, the institutionalization of PRIs in Kashmir will remain weak, perpetuating governance deficits and hindering grassroots democracy<sup>36</sup>.

### **Post Article 370 And Panchayati Raj**

The first political activity undertaken in the Union Territory of Jammu and Kashmir following the reorganization was the second-tier Block Development Council (BDC) elections. Simultaneously, elections were also conducted to fill vacant Sarpanch and Panch seats. These elections resulted in the selection of 3,650 Sarpanches and 23,660 Panches, with an impressive voter turnout of 74.1%. Following the successful conduct of these elections, the Block Development Council elections and subsequently the District Development Council (DDC) elections were held. In the BDC elections, 276 chairpersons were elected with a remarkable 98.3% voter turnout.<sup>37</sup>

The District Development Council elections were conducted in eight phases, with 14 constituencies established in each district of Jammu and Kashmir, allowing the electorate to choose their representatives. These elections witnessed significant public participation, with a voter turnout of 51.7%. As a result, 20 DDC Chairpersons and 20 Vice-Chairpersons were

elected, alongside 278 DDC members. This marked the first time in the history of Jammu and Kashmir that all three tiers of the Panchayati Raj system were fully elected and operational.

The immediate establishment of Panchayati Raj institutions following the abrogation of Article 370 generated a wide range of perceptions among the people of Kashmir. Many viewed these elections as a crisis management strategy and a mechanism to divert public attention from the political developments of August 5, 2019.

To enhance the functionality of the Panchayati Raj system at the grassroots level, 27 subjects were devolved to these institutions following amendments to the Jammu and Kashmir Panchayati Raj Act of 1989. Financial empowerment was also prioritized, with Rs. 1,727.50 crore allocated under central flagship programs such as MGNREGA, the Midday Meal Scheme, and the Integrated Child Development Services (ICDS). Additionally, the annual plan allocation for Panchayats was significantly increased from Rs. 5,136 crore in 2020-21 to Rs. 12,600 crores in 2021-22. Furthermore, an insurance cover of Rs. 25 lakh was provisioned for all elected Panchayat representatives. To address administrative requirements, 1,889 Panchayat Accounts Assistants and 317 secretaries were recruited through a competitive examination.

Infrastructure development was also a key focus. A total of 195 Panchayat houses were sanctioned for construction, of which 36 have been completed. Additionally, approximately 160 Panchayat Ghars were earmarked for renovation, with 105 successfully renovated. To promote sustainable development, 1,131 Panchayats were selected for the installation of solar energy systems. Moreover, 3,973 Panchayats received financial support for the procurement of computers and related accessories, as per media reports.

Despite these positive strides, the administration failed to ensure the security of elected Panchayat representatives. Several members lost their lives to unidentified gunmen. In response, the administration relocated Sarpanches and some Panches to hotels for protection. However, many elected representatives expressed dissatisfaction with this approach, arguing that it restricted their ability to engage with the public and alleging that the arrangement primarily benefited those managing the accommodations. They questioned the selective nature of the detentions, highlighting that not all representatives faced the same restrictions. In Anantnag district, a significant number of elected representatives, particularly Sarpanches, were placed in hotels. This strategy was widely criticized as an ineffective means of ensuring

their security. Instead, the administration should focus on providing them with adequate protection while allowing them to carry out their responsibilities effectively.<sup>38</sup>

### **Current Status of Panchayati Raj Institutions Highlighted By Some Studies**

According to the study conducted by the Jammu and Kashmir Policy Institute (JKPI) in 2022, despite the introduction of the three-tier Panchayati Raj system, the institutions in Jammu and Kashmir continue to face significant limitations in financial and administrative autonomy. The study highlights that power remains highly centralized with the Lieutenant Governor and bureaucratic administration, restricting the independent functioning of elected representatives. Key issues identified include the lack of fund devolution, as PRIs do not have direct access to financial resources and remain dependent on state-level approvals. Bureaucratic dominance is another major concern, with the decision-making process largely controlled by District Commissioners and government-appointed officials, thereby limiting the role of elected representatives. Additionally, political exclusion has further weakened the democratic process, as major political parties, including the National Conference (NC) and the People's Democratic Party (PDP), boycotted the 2018 panchayat elections, raising questions about their legitimacy<sup>39</sup>

According to investigative reports from *The Wire* and *Scroll.in* (2023-2024), the delays in fresh elections for PRIs and the increasing centralization of governance in the Union Territory have been critically examined. These reports emphasize the growing control of the central administration over local governance structures, reducing the effectiveness of the Panchayati Raj system in delivering democratic representation and developmental benefits at the grassroots level. The absence of timely elections and the overarching control of bureaucratic authorities have further contributed to the weakening of local self-governance, highlighting the need for immediate electoral reforms to restore the credibility and functionality of PRIs in Jammu and Kashmir.<sup>4041</sup>

According to the policy paper by Participatory Research in Asia (PRIA, 2023), an assessment of the developmental role of Panchayati Raj Institutions (PRIs) in post-Article 370 Jammu and Kashmir reveals a marginal improvement in service delivery in rural areas, particularly in sanitation and rural employment schemes such as MGNREGA. However, the study also highlights persistent structural issues, including the low participation of marginalized communities in decision-making, as many elected representatives lack real influence in



governance. Furthermore, gender disparity remains a significant concern. While the implementation of a 33% reservation policy has increased women's representation in PRIs, their actual involvement in governance processes remains minimal, limiting their ability to shape local development initiatives <sup>42</sup>.

According to *The Hindu* (2023), economic decentralization in Jammu and Kashmir remains incomplete, as PRIs continue to lack authority over key developmental schemes and taxation powers. District Development Council (DDC) members have repeatedly voiced concerns that, despite being elected, they have little say in district planning and fund utilization, which remains largely controlled by bureaucratic administration. This has resulted in frustration among PRI members, as their inability to influence policy implementation has weakened the effectiveness of local governance structures and limited their capacity to drive meaningful economic change.<sup>43</sup>

According to the strategic studies conducted by the Observer Research Foundation (ORF) in 2022, PRIs in Jammu and Kashmir were positioned within New Delhi's broader strategy to stabilize the region post-abrogation. However, the study argues that while PRIs were expected to serve as democratic alternatives to separatist movements, their limited authority and financial dependence have weakened their credibility. The state's tight control over PRIs is perceived as an extension of security-focused governance rather than genuine democratic decentralization. Additionally, the increasing violence against PRI members has emerged as a major challenge, with several elected panchayat members being targeted by militants. This security threat has led to growing reluctance among potential candidates to contest elections, further undermining the effectiveness of local governance and democratic participation in the region.<sup>44</sup>

#### **According To the Report Published In Telegraph On 10.01.2024.**

The expiration of the tenure of approximately 28,000 elected representatives in panchayats and block development councils (BDCs) in Jammu and Kashmir on January 9, 2024, represents a significant setback for grassroots democracy in the region. This development, compounded by the prolonged absence of an elected legislative assembly since 2018, has created a governance vacuum that raises critical concerns regarding political representation, decentralization, and democratic accountability. The dissolution of these local bodies effectively dismantles two tiers of the three-tier Panchayati Raj system, leaving only the

district development councils (DDCs) operational until 2026. Consequently, governance responsibilities have shifted to appointed administrators, centralizing power and undermining participatory governance. Prior to their dissolution, panchayats and BDCs functioned with limited autonomy, as their role was largely confined to proposing development plans while actual decision-making authority remained with bureaucratic structures. The delay in announcing fresh elections, attributed to electoral roll updates and the implementation of reservations for Other Backward Classes (OBCs), further exacerbates the democratic deficit. The reluctance of the central government to conduct assembly elections, despite the region remaining without an elected government for over five years, has fueled speculation that political considerations, particularly those linked to the 2024 Lok Sabha elections, may be influencing electoral timelines. The absence of elected local governance structures not only weakens democratic participation but also erodes public trust in institutions, particularly in a region with a complex political history. The transfer of administrative control from elected representatives to appointed officials reflects a broader trend toward centralization, which contradicts the principles of federalism and local self-governance enshrined in the Indian Constitution. While the introduction of OBC reservations aims to promote social inclusion, its implementation must be balanced with the urgency of restoring democratic institutions to prevent further erosion of public confidence. The implications of these developments extend beyond Jammu and Kashmir, highlighting concerns regarding democratic backsliding in India's federal structure. To address these challenges, the government must prioritize the timely restoration of electoral processes, enhance the autonomy of local governance institutions, and foster an inclusive political environment. Failure to take corrective measures could result in long-term political alienation, governance inefficiencies, and heightened instability in the region.<sup>45</sup>

## **Conclusion:**

The historical experience of Panchayati Raj in Jammu and Kashmir is a study in contradictions—an institution designed to bring governance closer to the people but systematically constrained by legal loopholes, political inertia, and the enduring shadow of conflict. This research underscores that the state's pre-Article 370 Panchayati Raj framework, despite multiple amendments, remained structurally fragile and politically subservient, preventing local governance from achieving its transformative potential. The absence of direct elections at the block and district levels, financial dependency on state authorities, and

excessive bureaucratic oversight collectively eroded the democratic foundations of PRIs. In effect, these institutions functioned as administrative intermediaries rather than as instruments of local self-rule, reinforcing a governance model that was more symbolic than substantive.

The conflict in Kashmir further compounded these challenges, introducing an additional layer of political insecurity. The assassinations of elected Panchayat representatives, the culture of fear, and widespread public scepticisms toward these institutions not only limited their functionality but also delegitimized them in the eyes of the people. Women's participation, though encouraged through reservations, remained largely ornamental, with female representatives often excluded from substantive decision-making processes. Additionally, financial irregularities, institutional inefficiencies, and the overlap of functions with bureaucratic departments further curtailed PRIs' ability to function as credible engines of local development.

Post-2019 reforms, including the extension of the 73rd Constitutional Amendment and the first-ever elections to BDCs and DDCs, marked a significant institutional shift in Jammu and Kashmir's governance structure. However, this study argues that electoral formalities alone cannot rectify decades of governance dysfunction. The persistence of bureaucratic centralization, the lack of financial autonomy, and the limited scope for independent decision-making indicate that PRIs, despite their expanded structure, continue to function under the shadow of state control. The governance model remains tethered to an administrative paradigm that prioritizes stability over empowerment, effectively reducing local self-governance to a managed political exercise rather than a democratic revolution.

The question that remains, then, is whether PRIs in Jammu and Kashmir can transcend their historical constraints and emerge as genuine institutions of participatory governance. The answer lies not merely in institutional redesign but in a fundamental reimagining of local governance. This necessitates a full operationalization of the 73rd Constitutional Amendment, complete with financial devolution, legal safeguards for elected representatives, and confidence-building measures to restore public trust. It also requires a commitment to genuine decentralization rather than a top-down approach that uses local institutions as instruments of bureaucratic control. Without these transformative shifts, PRIs in Jammu and Kashmir will continue to exist in form but not in function—mere scaffolding for a democracy yet to be realized

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