

# PANCHAYATI RAJ SYSTEM OF JAMMU AND KASHMIR

## ISSUES AND CHALLENGES

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**Abstract:** Panchayati Raj system is a basic step of Indian democratic decentralization process from central government to rural government. Panchayati Raj system is the only source which provides a great opportunity of full democracy, local level development process, political awareness, protection of rights, democratic decision-making process, self-dependent, and political power, to the village people. Panchayati Raj system is a real beneficiary which provides all governmental policies and development function too villager. In India, the local self-government has been existing since long. The origin of Panchayati Raj Institution in India started during the British period and Lord Ripon was the initiator of this system in 1882. The father of Indian nation Gandhiji considered that the village Panchayat as an important tool for ruler development and initiated democracy at the grass-root level. Their term Gram Swaraj (village self-governance) now have become the base pillar of Panchayati Raj system in India. The main objective of this research paper is to highlight the challenges and issues of Jammu and Kashmir Panchayati Raj system in the current scenario. This Research paper is based on secondary data the secondary data is collected from Research papers, Magazines, Books, Journals, Articles, J&K Panchayati Raj websites, District Panchayat websites, and J&K News Papers etc.

**Index Terms - Panchayati Raj, Jammu and Kashmir, challenges, J&K Panchayat Raj act 1989**

### I. INTRODUCTION

Panchayati Raj system is a necessary ingredient for democratic decentralized in India, and it is only one source which provides enough opportunities for a large number of rural populations to take authentic and effective participation in the development, democratic decision-making process. Panchayati Raj system had been introduced in the minds of the rural people as a spirit of self-help, self-dependence, self-reliance, and to obtain the experience in the art of local self-government.<sup>1</sup> Panchayat Raj system is basically local self-government. The term “Local Government” or “Local-self-government” means the management of the local affair by the people of the locality, through freely elected local bodies’ caution and responsibility to be exercised and dismissed by them, without interference by other higher authority.<sup>2</sup> According to V.Venkata Rao “Local-self-government is that part of the administration which deals with from the most part of local affairs, and administered by the authorities of supplementary to the state government but elected alone of the state authority.” Panchayati Raj institutions have been playing an important role in order to monitor the rural development programs.<sup>3</sup> Generally the word Panchayat are consists of two words (Panch) and (Yat), which means the Assembly of Five Members and Raj means to governed. Thus Panchayati Raj means an assembly of five peoples or local government.<sup>4</sup>

### II. LITERATURE REVIEW

Panchayati Raj system is the basically chief supporter of Indian democracy and Gram Panchayat is the grass root level democracy. It is mainstay of work to make villager heartening toward the democratic decentralization process and political awareness, it is a backbone of rural Indian development. Panchayati Raj System in India has existed proof from a time of the Rig Veda suggestion that existence of the self-governing body in the village, which is known as (sabhas). with the passage of time, this body become a Panchayat (council of five people).<sup>6</sup> The origin of Panchayat Raj Institution in India started during the British period and Lord Ripon was the initiator of this system in 1882. He tried to manage the local affairs through local self-government and tried to improve local interest through this system.<sup>7</sup> (Charles Metcalfe) then Provincial Governor General of India described them as little republics, during the Hindu, Muslim and Peshwa governments sir Charles give stress to *The Royal Commission* for Decentralization process. The Royal commission submitted its report in 1907 and recommended to create a village Panchayat for the main purpose to minimize the financial burden of the provincial governments. In this way, he gives stress to promote the concept of local self-government at the village level.<sup>8</sup> Then there were two Panchayat systems one was traditional Panchayat based on tradition, and second was statutory Panchayat on the legal basis. Through this scheme the Punjab villages Panchayat Act 1912 was made, which give the statutory (legal) Panchayat system from traditional Panchayat system. It was the first attempt of this commission.

Before 1947 Indian people were depressed by British colonialism, they want to free themselves from this colonialism system. At

that time Gandhiji, give emphasis for promoting to village Panchayat.<sup>9</sup> He considered it as an important instrument and component, his vision of future India in which political and economic power was decentralized and each village was self-reliant economically. He felt that the voice of our ruler people should be reflected in independent india through Panchayat Raj System then, democracy is promoted at the grass-root level. Gandhiji gives a term Gram Swaraj which mean (self-rule), (village self-governance), (self-determination) or independent. Gandhiji says in his book *Yong India*, (1925) that “swaraj does not mean to close the door of the learning from other but it required confidence in one’s own potential and decision.” His idea swaraj explain his vision of true democracy, under this system people will not merely have right to elect their representative but they will become able to check any abuse authority.<sup>10</sup>It means the idea of Gandhiji was very crucial toward local democracy which was necessary after independent and at present it’s also required for any local level development. He suggests five-tier system of Village Panchayat, Like development District Panchayat s, Taluka Panchayat s, Provincial Panchayat, and All-India panchayat, which promote village; he also says that “the greater is the power Panchatats, the better is for the people.”<sup>11</sup>

R.P.Joshi discuss some important guiding principle of Panchayati Raj system, The credo of Panchayati Raj are:- (a) give power to the people. (b) the people participation, (c) build democracy bottom to up, (d) awaken the collective consciousness of mass, (e) start with the gram sabha, (f) through elected representatives, (g) give the feeling of participation, (h) bring about transformation through real (I) devolution of power, (j) learn by doing and teach by showing, (J) plan with people consensus, (k) work with the people in cooperation, (l) motive people to strive for their own good, (m) approach with humility and a measure of faith, (n) lead the people to achiever their goals, (o) not a show-case but a pattern, (p) not coercion but consensus, (q) not order but participation, (r) not rule but participation and representation, (s) not relief but realizing their potential power, (t) not conform but to transform, (u) not a piecemeal but integrated approach.<sup>12</sup>

These principles have a universal value and entire Panchayati Raj system are working through these principles, if the government implement these all principles faithfully then Panchayati Raj system will be valuable but at present, there are a lot of challenges in Indian which create a barrier in Panchayati Raj system.<sup>13</sup>

Article 40 Part 4th of Indian constitution in Directive Principles of State Policy which says that “state shall take steps to organize village Panchayat and endow them with such powers and authority as may be necessary to enable them to function as units of self-government”<sup>14</sup> After independent Prime Minister Pandit Jawahar Lal Nehru who was in favored the idea of village democracy means Panchayati Raj system. He said, “India will progress only, when the people living in villages become politically conscious and developed. The progress of our country is bound up with the progress in our village. If our villages make progress, India will become a strong nation and nobody will be able to stop its onward march, if you flinch from your determination and get involved in mutual quarrels and petty factions, you will not be able to succeed in your mission”.

After Independence, Government of India appointed a committee under the chairmanship of Balwant Rai Mehta in 1957 to analyze the working of Community Development Programme (1952) and National Extension Service in (1953).<sup>15</sup> The committee submitted its report in November (1957) and recommended, the establishment of three tire panchayat Raj system, (Gram Panchayat, Panchayat Samiti, Zila Parishad). Finally this recommendation was accepted by National Development Council in 1958 which ultimately came to be known as Panchayat Raj institution. The scheme was inaugurated by Prime Minister of India Pandit Jawaharlal Nehru on October 2, 1959 in Nagaur District of Rajasthan state.<sup>16</sup> After long freedom struggle, the government of India launched a community development programmed at anniversary of Gandhiji on 02, October (1952).<sup>17</sup> For overall development and people participation, this CDP was trial bases launched which mean only selected 10 districts where (CDP) provides an administrative framework close to the government reach to *District, Tehsil, and Village* level. Each district give to subordinate to Block Development Officers (BDO).<sup>18</sup>

At that time government distribute (CDP) a hierarchy basis like (BDO) after that village level worker were appointed (VLW) who were responsible to touch with villages,s development process. Government create a (community development organization) and (community development research center) to trained thousand of (BDOs) and (VLWs) give proper training to promote the central government programs at village level development and make them possible for people.<sup>19</sup> For the analyzing this (CDP) Progress in village level government want to know that the people are accepting this scheme or not.<sup>20</sup> On 02 October 1953 government of India launched National Extension Services (NES) under which the (CDP) introduce in entire country was divided into Blocks. In this way for the village level promotion different types of committees and programs were organized which were helpful for rural people development.

After that government established Balwant Rai Mehta in 1957 which recommend<sup>21</sup> three tire system in Panchayati Raj system.<sup>21</sup> Which is shown in the following (fig 1)

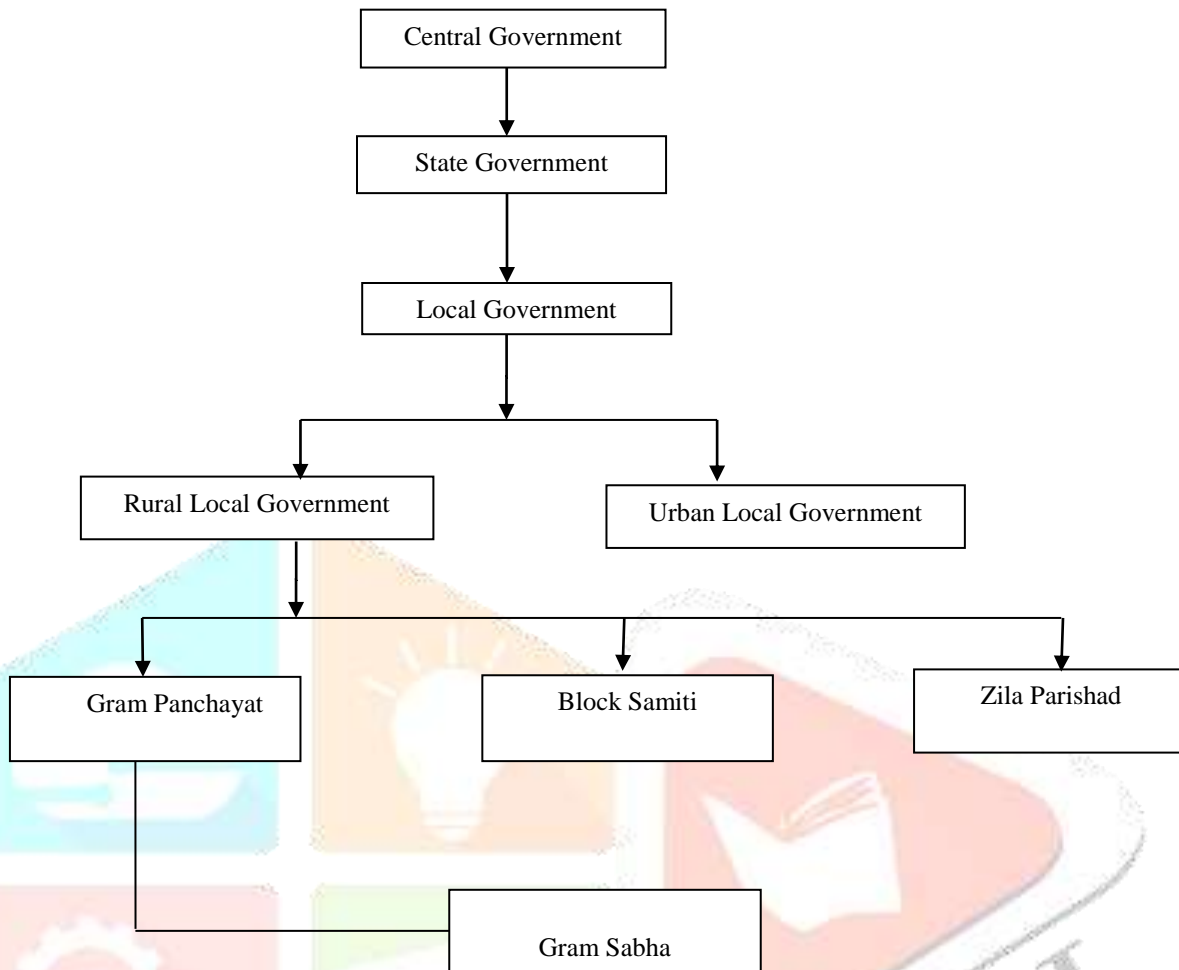


Fig 1 (Three Tier Panchayat Raj system)

Further the government of India established different types of committees for the promotion of rural development programmed at the village level.<sup>22</sup> *Balwant Rai Mehta committee in (1957), Ashok Mehta Committee (1977-1978), G.V.K Rao Committee (1985), L.M Singhvi Committee (1986), Thungon Committee (1988), Gadgil committee (1988)* have been constituted to make Panchayati Raj system more functional and effective.<sup>23</sup>

In the history of Panchayati Raj system in India April 24, was a red-letter day because this day (73rd constitutional amendment Act, 1993) came into force and provide legal power, function, through legal status to Panchayati Raj system. Some features of this act, are: - Afford three tire systems to Panchayati Raj system, it crazy to regular Panchayat election in every five year, Scheduled Castes and Scheduled tribes seat reservation, finance commission, gram sabha, etc.<sup>24</sup>

In present era the Panchayati Raj system is promoting through 73rd constitutional amendment act in whole India except Jammu and Kashmir and some tribal administrative states. The 11th scheduled of the Indian constitution which implements in 1992 provide 29 functional subjects for promoting Panchayati Raj system.<sup>25</sup> some important subject is poverty alleviation, rural development. Panchayat powers like, road, drinking water, land improvement, animal husbandry etc. 11th scheduled also provide employment scheme for rural population through Panchayati Raj system.<sup>26</sup>

### III. PANCHAYATI RAJ SYSTEM IN JAMMU AND KASHMIR

Jammu and Kashmir is a heaven on the earth, but due to the current critical situation the state development is not in proper position. In Jammu and Kashmir 73<sup>rd</sup> constitutional amendment act is not implemented due to the special status of Article 370 of Indian constitution. Other entire Indian states Panchayati Raj institution had implemented this act except from state Jammu and Kashmir.<sup>27</sup> That is why the challenge of Jammu and Kashmir Panchayati Raj system is much more as compare to other all the states of India. Jammu and Kashmir Panchayati Raj system is not so much powerful as compared to other states of India. Jammu and Kashmir Panchayati Raj Institution till suffering in large issues and challenges.<sup>[27]</sup> In ancient time if any dispute raise among the people of Jammu and Kashmir then few rational personality like (*Lambardar, Chokidar*) determined verdict and resolve the dispute. With the passage of time, this traditional system is converted into Panchayati Raj system now the dispute is resolved through Panchs and



Sarpanchs.

In J&K the Panchayat Raj system was introduced by *Maharaja Hair Singh* in 1935 by passing Jammu and Kashmir village Panchayat Regulation (Act No 1).<sup>28</sup> through this act he wants to build the Panchayati Raj system more value able toward local rural development through local representative. Further, in 1936, he creates a special rural development and Panchayat department. By the amendment act 1941, he implements the function list of regulating act 1935. After few years he implements an act (1951).<sup>29</sup> In this act Panchayati Raj institution was re-established and to ensure local level development During this period Maharaja Hari Sing was disturbed due to some unfavorable situation of J&K. Political party, a national conference was in elevation which wants to intervene in Panchayati Raj system also. then the government of Jammu and Kashmir framed a village Panchayat act in 1958 by replacing 1951 act.<sup>30</sup> Further many village level and state level committee were established. Finally, the (*Jammu and Kashmir Panchayat Raj Act 1989*) was passed by J&K Legislative Assembly and it came into force 11 July 1989.

It is clearly mentioned in (Jammu and Kashmir Panchayati Raj act 1989). That “An act to provide for the Constitution of Halqa Panchayats, Block Development Councils, the District Planning, Development Boards and matters connected therewith. In fact it is appropriate to promote and develop Panchayati Raj system in Jammu and Kashmir as a tool of powerful Local Self Government to secure the product in the decision making process participation of the people and for implementation of developmental programmed which is helpful for local people”.<sup>31</sup> Even though the 73<sup>rd</sup> amendment act is not enforced in J&K. The (Jammu and Kashmir Panchayati Raj act 1989) also provide three tire system which is called (Halqa Panchayat) means (the area comprising a village) block development council (block smite) and district planning development board respectively.<sup>33</sup> Every Halqa Panchayat comprises of 7 to 11 members including Sarpanch. The Sarpanchs and Panchs would be elected directly by the people.<sup>34</sup> This process continued in 2011 election.

But Recently Jammu and Kashmir government announced for Panchayat election (2018) in which the Sarpanchs election will be held indirectly. Congress leader Shahnawaz Choudhary said the Indirect election of Sarpanch in Jammu and Kashmir is a joke and threat for Indian democracy and will reduce the strength of Panchayati Raj system and distort the strengthening Panchayati Raj institution.<sup>35</sup> The government of Jammu and Kashmir has disturbed the basis of the democracy. It is an undemocratic step of democracy

#### IV. OBJECTIVES OF PRESENT STUDY

The main objective of this paper is to highlight the challenges and issues of Jammu and Kashmir Panchayati Raj system in the current scenario and to recommend few suggestions.

#### V. RESEARCH METHODS

For the present paper, an analytical method has been used and it is based on the secondary data. The secondary data is collected from Research Papers, Magazines, Books, Journals, Articles, J&K Panchayati Raj websites, District Panchayat websites, and J&K new Papers etc.

#### VI. CHELLANGES AND ISSUES OF JAMMU AND KASHMIR PANCHAYATI RAJ SYSTEM

**1. Threat from Militancy and Boycott of Separatists:** - The challenges of Jammu and Kashmir Panchayati Raj system are much more as compared to other Indian states Panchayati Raj system. The Jammu and Kashmir state is presently suffering from militancy problem which is a major challenge to the Panchayati Raj system from the implementation of J&K Panchayati Raj act 1989. The threat of militancy and separatists' poll boycott is a major challenge to the Panchayati Raj system of Jammu and Kashmir. <sup>29</sup> In 2011 total 77% of valley adult franchise participate in Panchayati Raj election without any militancy threat, but unfortunately latter situation was very unfavorable the elected Sarpanch and Panch were troubled about their families, properties, and their life because many Panchs and Sarpanchs were killed by militants in different part of valley. For the threat to voter one woman was killed in Budgam district of Kashmir that the people should not participate in Panchayati Raj election.

Minister for the rural department informed in the state assembly that “In 12 districts of Kashmir, 20 Sarpanch and 128 Panch have resigned for reasons including threats from militants”<sup>37</sup> Due to this unfavorable conditions many Panchs and Sarpanchs declared their resignation, about 63% Panchs and Sarpanchs posts remain vacant from Srinagar and Baramulla. The State Government of Jammu and Kashmir had recently announced for new Panchayati Raj election which would be conducted from February 15, 2018. But separatists 'call for the boycott of Panchayati Raj election' and threat issued by the militant organization through an audio clip viral on social media said that “pour strong acid-sulfuric acid or hydroelectric “into the eyes those people how to stand for the upcoming Panchayati Raj election.”<sup>36</sup> In this way, the present situation of Jammu and Kashmir Panchayati Raj is facing a big challenge especially from militant organizations and separatists groups.

**2. Less participation in Panchayati Raj and assembly election:-** Democracy literally means “*rule of the people*” when the huge population participate in election then they create a good government. In J&K people political participation in Panchayati Raj election is very low.<sup>38</sup> In any democratic country the people participation is most important for the built of their democratic government. Many times the Militant organization and separatist leader posters had pasted outside mosques, government premises

and other important places in some districts of the Valley forbidding people not to participate in the polls.<sup>39</sup> Before 2011 Panchayati election the maximum population have not participate in any Panchayati Raj election of Jammu and Kashmir.

**3. Lack of awareness:** - The situation of Jammu And Kashmir State is not in good condition for the majority of populations have participated in any state election. Undemocratic organization and separatist leader always try to fare away the huge population of state from any state election. That is why the mass population of J&K is unaware towards any election of state.<sup>40</sup> Some other obstacles which is good elements to mobilize people toward election are not properly working like lack of education, a weak economy, backwardness, less political socialization, lack of social media, terror threat and less welfare system, etc. In state J&K Panchs and Sarpanchs can improved villages level awareness and increase the believe of people towards the Panchayati Raj election but due to the militancy threat they are worried about their own lives.<sup>41</sup> Some people disinterested towards Panchayat election because the (BDOs), Panchs, and Sarpanchs, failed to provide employment to village people.<sup>42</sup>

**4. Lack of funds:** -The lack of funding in Panchayati Raj system of Jammu and Kashmir is a great challenge. In many cases it has analyze that the village Panchs and Sarpanchs with consultation of Gram Sabha prepared a plan for village level development. Same plan cannot be implementing for higher authority. The development and Rural department officers change these whole planes with their own consent.<sup>43</sup> which is directly attack on autonomy of village Panchayat. It is important to build capacities to all elected member of Panchayat which handle all these funds and implement it in all village level development of Halqa Panchayat.<sup>44</sup>

**5. Administrative and state control on functions and powers of Panchayat Raj institution:** -In Jammu and Kashmir Panchayati Raj system mostly the powers of Panchayat is governed by state government and administrative body. All function of Panchayat development is done at village level and payment system is control by administrative employees which create a great barrier between workers and village level development works.<sup>45</sup> It has been observed many time that the pending system of worker payment through administrative body is continuously till now. The relation between Panchayat Raj system and state government is also not good even though the act 1989 provides three tire systems but state government has failed to implement it.

**6. The issue of complimentary fee of Panchs and Sarpanchs:** -The state government has already announced that Sarpanchs will get Rs 2000 and Panchs will get 100 per month. But still the payment has not given on time, Panchs and Sarpanch face many problem the come done from hilly area and suffer whole day but result come in negative they cannot able to get their payment on time then the interest of Panchs and Sarpanchs toward Panchayat remains weak.<sup>46</sup>

**7. Corruption in Panchayat:** - Corruption in Panchayati Raj system of Jammu and Kashmir is a great issue, as it's seen in every administrative department of Panchayat. In this contemporary period Panchayati Raj system of Jammu and Kashmir is facing the main issue of corruption. It has been analyzes at many *Halqa* Panchayat and administrative level in J&K Panchayat System. If the worker finished there work in January they will get there pay next year because of corruption. It means ground level corruption is not ending. (Example) if any poor person want to made his house through (IAY) scheme he would be able to get only half pay and other half will go in corruption.<sup>47</sup>

**8. Delay in Panchayati Raj election:-** Jammu and Kashmir Panchayati Raj act (1989) is provide a proper constitutional status to Panchayati Raj system and it is clearly mention that the election of Panchayat will be held after every five year but still election of Panchayati Raj system are not held on time. First election held in 2001 second 2011 and third election should be held in 2016 but the state government failed to conduct Panchayati election still now. On July 2016, Legislative Council of Jammu Kashmir passed an amendment bill for Panchayati Raj election to authorized indirect elections of Sarpanchs by Panchs rather of a direct election; it is also creating a big challenge to local level democracy. After that in December 2016 state Governor (N N Vohra) alteration to issue Jammu Kashmir Panchayati Raj (amendment) Ordinance bill which authorize the State Chief Electoral Officer.<sup>48</sup> And again, Governor (N N Vohra) on 4, November 2017, has authorized for the proclamation of Jammu and Kashmir Panchayati Raj (amendment) law 2017, that there should be no delay and start preparations for the conduct of the pending elections 2016 "Minister for Rural Development department Abdul Rehman Veeri and CM says after convenience all-party meeting to take decision on Panchayat elections, and finally declared that The situation of state is not good and the Panchayati Raj election cannot held on 15 February 2016. <sup>[47]</sup>

**9. Lack of security to elected member of Panchayat:** - Elected member of Panchayat are always remain worried about their life because the situation of state is very wrecks, many Panchs and Sarpanchs were killed by militants in different part of state. To save their life all elected member demand to state government for security protection but government failed to provide security to elected member of Panchayat. Due to this unfavourable conditions many Panchs and Sarpanchs resigned. <sup>ibid, [47]</sup>

**10. Illiterate Panchs and Sarpanchs:-** Another issue for Panchayati Raj system that illiterate Panchs and Sarpanchs, They cannot represent their Panchayat body properly, neither they know talking with higher authority nor they can demand any Panchayat level scheme for village development due to the lack of education and knowledge it has been observed that illiterate Sarpanchs put there seal in any page if people demand without knowing. <sup>ibid, [44]</sup>

**11. 73<sup>rd</sup> Amendment 1993 not implemented:** - In Jammu and Kashmir 73<sup>rd</sup> act is not implemented due to the special status of Article 370 of Indian constitution. Other entire Indian states the Panchayati Raj institution had implemented this act except for some tribal states. <sup>ibid, [46]</sup> Jammu and Kashmir Panchayati Raj systems is not so much powerful as compared to other states Panchayat raj institution. It is also a big Challenge to J&K Panchayati Raj system.

**12. Nomadic migrant:** - If the Jammu and Kashmir Panchayat election held in the summer season, then maximum tribal population cannot participate in this election. Because in summer season all nomadic tribes shift toward the hilly area with their cattle. The tribal population is third largest population of the state. Still, the Panchayati Raj development does not provide good facilitate of development to nomadic tribal people that is why the tribal are less interested in Panchayati Raj election. <sup>ibid, [42]</sup>





Source: - J&K Nomadic tribal images

**13. Poor infrastructure of Panchayati Raj system:-** Infrastructure is another issue of Jammu and Kashmir Panchayati Raj system there is no proper Panchayati building in the village if somewhere is available then the staff of Panchayat is not available there. <sup>ibid. [40]</sup>

**14. Lack of road in hilly areas: -** In many hilly areas, there is no link road and good transport ways through Panchayati Raj system. Much time it has been analyzed that the polling station is away from hilly areas population and they do not go for casting their vote due to long distance and bad condition of ways. <sup>ibid. [35]</sup> due to the lack of road and good ways people avoid all activities of the Panchayat. This is also a big challenge of Panchayati raj system.



Source: - <https://www.google.co.in/search> tribal nomadic people areas in Jammu and Kashmir

**15. Winter season:-** Especially in the state of Jammu and Kashmir Panchayati Raj system the winter season is a great challenge because in winter almost whole Jammu and Kashmir in grip of snow, all developing work is closed maximum people don't leave there house in winter due to the heavy snowfall and cold, either it is a time of election or any other development work. <sup>ibid. [37]</sup> if any work is done through Panchayat in hilly areas it is also damage due to the avalanches and landslide.



Source: - <https://www.google.co.in/search> tribal nomadic people areas in Jammu and Kashmir

## CONCLUSION

In present study, it is clear that the challenges and issues of Jammu and Kashmir Panchayati Raj system is much more as compare to other all Indian Panchayati Raj system challenges and issues. The Jammu and Kashmir Panchayati Raj system is very worst there is a temporary Panchayati Raj system; nothing is going in a systematic way. J&K Panchayati Raj system is suffering from a lot of issues and challenges as all above mention. Likewise political condition of state, state dispute, different terrorist organization is also responsible for the creation a great challenges and issues to Panchayati Raj System. These all challenges and issues are created by some politically, socially, economically and disputed condition of state. Every State Panchayati Raj System has some challenges and issues but the state Jammu and Kashmir is only one state of India which have so many challenges.

## SUGGESIONS

Few important suggestions and reforms which are required to a systematically promote Panchayati Raj system of Jammu and Kashmir like other all Indian states of Panchayati Raj system. If these all suggestion and reformed will systematically then the challenges and issues of Jammu and Kashmir Panchayat raj system will reduced.

- (1) 73<sup>rd</sup> Amendment act of Indian constitution should be implemented in Jammu and Kashmir should be like other states of India
- (2) Election should be held on time
- (3) Panchayat should be implemented which is prepared by Panchayat representative members without any changing.
- (4) Minimum qualification requirement for Panchs and Sarpanchs should be a middle pass.
- (5) There should be new policies, programmed and culture activities for local level development which make population interest ward Panchayat system.
- (6) There should be separate policies for hilly and topographic areas population and for tribal also.
- (7) Maximum power of Panchayat should be in the hand of elected members of Panchayat.
- (8) There should be a separate Panchayati house in every Panchayat and staff should be available.
- (9) Panchayat fund should be directly available in Sarpanchs bank account and there should be separate Panchayati fund account for every Panchayat.
- (10) Security should be provided to all members who claim.

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