



# General Assembly

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## Human Rights Council

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Agenda item 3

**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

### **Written statement\* submitted by the Himalayan Research and Cultural Foundation, a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[16 August 2011]

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\* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

## **Devolution of power at grassroots in Jammu and Kashmir**

The Panchayat elections held in the Indian State of Jammu and Kashmir in April 2011 aimed at devolution of power at the grassroots level and social and economic empowerment have been unique in many ways. It may be mentioned here that holding of such elections is a regular feature of the State as elsewhere in the country. The Panchayats are the institutions which operate at the grassroots level in rural areas and provide opportunities of policy planning and implementation of developmental strategies by involving the representatives of people at the local levels. Now the framework of operations of Panchayats has been widened enough to include protection and preservation of environment, ecology, flora and fauna, maintaining small roads and increase the connectivity of villages, settling small disputes and raising resources for the maintenance and creating infrastructure. The basic philosophy is to establish the structures of local self governance. The government provides proper funding and allocates the budgets for the functioning of these institutions. This experiment has proved to be a great success across the country. The Jammu and Kashmir Panchayati Raj Act, 1989 empowers the Panchayats of the State to prepare plans and implement schemes for poverty alleviation and employment generation, agriculture and allied activities, rural industrialization, health and universalization of elementary education. These Panchayat elections have opened a new window in the development process as elected public representatives would be directly involved in launch, implementation and monitoring of development schemes at the grassroots level. Moreover, it satisfies the urges and aspirations of common people and they feel that they are the part of the processes of governance.

The recently held Panchayat elections in Jammu and Kashmir projected quite new dimensions in many ways. Firstly, there was an unprecedented participation which has set a new record in the State. The participation rate was more than 80% of the five million electorate (25,19,024 people in Kashmir Valley for 15,959 Panchayat constituencies and 25,49,951 people in Jammu for 13,760 Panchayat constituencies). In case of Kashmir, the participation rate, in some areas was recorded at about 90%, despite the boycott call given by the militant outfits like Lashkar-e-Tayyeba (LeT) and Hizbul Mujahideen, which put posters outside mosques and prominent places in the Valley, warning the people not to take part in the polls (See "Militants warn Valley against taking part in Panchayat elections", Indian Express, 4 April 2011). Notwithstanding the militant attacks on several candidates, which resulted in the death of a woman candidate Haseena Akhtar in Budgam, and injured few others, the candidates braved threats to their life standing upto the militants. This shows the enthusiasm of people in strengthening these institutions. The second interesting dimension of these elections was the participation of large sections of younger generation in the rural areas. It may be mentioned that the large expansion of educational facilities in the form of schools and colleges in the rural areas of the State in general and Kashmir in particular has produced a new generation of educated young people in the rural hinterland. These young persons who aspire to play a bigger role in politics and governance at higher levels in future were at the forefront of contesting these elections. The third dimension of these elections was the participation and contest by the educated people in these areas. A large number of retired officials of the departments of education including teachers, revenue and services were also the candidates in these elections.

It needs some clarification as to how do these institutions of Panchayats function and operate. Historically Panchayats have been operating in the rural areas of India at the level of villages. However, these institutions had been operating unofficially and their main job was to settle small disputes and maintain a congenial atmosphere in the villages. In some cases these Panchayats were constituted on kinship and ethnic basis. Thus, these institutions maintained the group solidarity and regulated the socialization processes. However, in the

post-independent India, these institutions were constitutionally recognized and organized officially to allow the participation of common people at the grassroots in the local affairs of planning, governance and development. The experience has shown that many a leading figures in India had their experience in participating and functioning of these institutions.

In case of Kashmir, the participation of large number of young educated persons may be seen from this very perspective of urge of playing a bigger and a larger role in future. It is interesting to note that majority of people who contested and won the elections made it on non-party basis, though all the mainstream political parties had fielded their candidates from all walks of life. A 27 year old model working in Mumbai, a 95 year old respected senior citizen and Imam of Kamalkote village on the Line of Control, a housewife, a folk singer, a former militant, a domestic help, a former police officer, a forestry graduate, are among the thousands of common people who contested the elections. It may be mentioned that these elections were held on non-party basis. Still the people who were seen sponsored by one or the other established or traditional political party were rejected. In that sense many an established and traditional political party in Kashmir suffered major losses. Thus, the people who won the elections to the Panchayats are young people who do not carry any past baggage and they would be judged by their performance in these institutions. It may be noted that these Panchayats function through an elected group of persons called 'Panchas' and a cluster of these 'Panchas' elect a head called 'Sarpanch'. In this manner, every village is adequately represented and in order to make it manageable the cluster elects a head called 'Sarpanch'. Both the functionaries play pivotal roles in the planning and development of villages. Then these functionaries are coopted to the larger District and Developmental bodies who have been empowered by the government to take the decisions and implement the decisions taken by the Panchayats. Thus, the sheer bureaucratic wisdom and political convenience is put under check by the wisdom and pragmatism of elected representatives from the grassroots. These representatives insist on the people oriented priorities and concerns.

The new Panchayats which were elected recently in Jammu and Kashmir in general and Kashmir valley in particular are going to play a refreshing role in transforming the life in rural areas. Being manned by young educated persons, the new Panchas will be guided by the needs and requirements of the areas they represent. They would not accept dictations from the bureaucrats who are not always conversant with the ground situations in the rural areas. Moreover, having been elected on non-Party basis they would concentrate their energies in development and expansion rather than being eager to build their vote banks.

The scenario which is emerging is that a new crop of young leaders will be emerging and these Panchayat institutions would provide training workshops for them. It is in this regard that traditional political leaders of all the hues are feeling discomfiture with the new trend which was witnessed in the Panchayat elections. Moreover, the young leaders at the grassroots shall be posing a challenge to the traditional political leaders who will have to compete with the former in performance and delivery.

The enthusiasm and fervor generated by the Panchayat elections in Jammu and Kashmir has raised the demands of devolution of more financial and other powers to the Panchayats than are available with them under the present law dealing with Panchayat rule in the state. Rural areas in Kashmir have thus demonstrated their determination to take control of village governance to resolve the social and economic issues of their livelihood. It is being demanded that the Central Panchayat Law which provides vast powers to the Panchayats should be extended to the Jammu and Kashmir State. It remains to be seen as to how and when the Jammu and Kashmir government will devolve more powers to the Panchayats.