

Panchayati Raj Institutions (PRI's) in Ladakh: With Special Reference to 73rd Constitutional Amendment Act

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Abstract: Panchayati Raj Institutions (PRIs) is one of the most important political innovations of independent India, is a way through which people participate in the process of development. Our first Indian Prime Minister Pandit Jawaharlal Nehru said in 1948, “....Self-governance is and should be the basis of any truly democratic system. You cannot build a consolidated democracy, if you don't build its foundation from below....” Decentralization of Government make sure people's contribution in decision making process at the grass root level. Through the mechanism of decentralization Local Self-Government has recognized as major device of democracy and becomes it truly typical and approachable. In 1993, 73rd amendment act has been amended in the constitution which gives constitutional status to Panchayati Raj Institutions and widened powers and functions to the Panchayati Raj Institutions. But unfortunately, this act amended in all the states of India except Jammu & Kashmir. The Ladakh region consists of a Buddhist-majority Leh district and Shia Muslim-majority Kargil, originally part of Baltistan, which has a small Buddhist minority concentrated in the Zaskar area. The present paper seeks to examine the history of Panchayati Raj Institutions in Ladakh and the impact of non-implementation of 73rd Constitutional Amendment Act on the people of Ladakh. The paper is based on the secondary data which has been collected from books, journals, articles and newspaper.

Key Words: Political history of Ladakh, Panchayati Raj Institutions, 73rd Amendment Act.

1. INTRODUCTION:

The Panchayati Raj Institutions (PRIs) has been one of the most original and ancient system of local self-governance in rural India guaranteeing to people the feel of the direct democracy in modern times. Mahatma Gandhi's vision to give the historic experiment in direct self-governance to the rural masses, Part IV of the Constitution under Article 40, it is clear mentioned that the Panchayati Raj Institutions enjoins the government in the country in order to take governance down to the level of the masses. Balwant Rai Mehta Committee and Ashok Mehta Committee was a significant step, all the efforts at putting viability and vibrancy in the Panchayati Raj Institutions failed to yield any remarkable result till the passage of the 73rd Constitutional Amendment Act in 1993 in order to not only accord the constitutional backing to these institutions but also to define the operational space, and other concomitant powers and resources to make them the real institutions of self-governance for the people (Chakrabarty & Panday, 2008).

1.1. Panchayati Raj Institution in Jammu and Kashmir (J&K):

In Jammu and Kashmir (J&K), Maharaja Hari Singh started the Panchayati Raj Institutions (PRI) in 1935, promulgated the Village Panchayat Raj Regulation No. 1 which is considered as began the history of Panchayat. Maharaja Hari Singh revised this act in 1941, rundown of elements of the 1935 control were enlarged. By a demonstration of 1951 Panchayati Raj Institution was embraced to be restored. J&K government from the point of established of the Panchayat act in 1958 succeeding the 1952 demonstration different committees of trustees were endeavored on Panchayati Raj in J&K. At last Jammu and Kashmir Panchayati Raj Act came into existence in April 1988. J&K have followed three-tier system of Panchayati Raj namely, Halqa Panchayat, Block Development Council and District arranging and advancement board. In J&K there has been a Panchayati Adalat which enjoys both criminal and civil jurisdiction. However, J&K have its own Panchayati Raj Act 1989, which differs from 73rd Amendment Act of 1992. Due to non-implementation of 73rd amendment act the state have failed to hold regular election of Panchayat, owing to the absence of state election commission and state finance commission. State Government has not afforded financial and security support to the local government. Funding to the local government that mostly remains available to them is in relation to some centrally sponsored schemes which are function by Sarpanches and Panches in the state. PRI in Jammu and Kashmir has been suffering from major issues and challenges (Muzamil, 2019)

1.2. Brief history of Ladakh:

Ladakh is the northernmost part of Jammu and Kashmir State, linked with the Kashmir valley by the Zogila pass (3529 meters) and forms a part of the trans-Himalayas. Ladakh has been called by many names, the most common being Ladakh, or the Tibetan La-dvags, the land of many passes. Formerly, it was also called “dMar-yul” or lowland or Red-land. Ladakh consists of various regions known as Zaskar, Suru valley, Rupshu, Nubra valley and Central Ladakh situated along the different rivers (Joldan, Sonam. 2012). The Ladakh valley has been cut off from the rest of India by the lofty Himalayas. The communications between India and Ladakh are very remote indeed due to highly mountainous terrain, yet it is remarkable to note that contact between India and Ladakh has been very ancient. The ancient people had probably the poetical instinct as strongly marked as their children today, and similar songs to the one given here may have sounded through the valleys and hills of ancient Ladakh. A maiden tending flocks on a mountain side sings across the valley to a youth similarly employed (the translation is mine):-

“In the meadow, in the meadow, in the higher meadow blows
Oh listen, lad, oh listen to my song
A flower, far the sweetest that in field and garden grows
Oh listen, lad, oh listen to my song
Thou mayest kill the flower, sweet-heart,
Thou mayest kill the tender flower
But thou shalt not grasp it rudely in thy hand
Else it will wither in a moment, it will perish in an hour
If thou, ruthless, dare to seize it in thy hand.” (Rajendra Nath, 2016).

1.3. Political History of Ladakh:

In Ladakh Buddhist-majority had strong reservations and insecurities with regard to the transfer of power from the Dogra Maharaja, Hari Singh, to a Kashmiri administration in 1949 under Sheikh Abdulla. The people of Ladakh did not identify themselves with the Kashmiris, and were further alienated by the iniquitous power structure and partisan policies of the Abdullah government. The biased and discriminatory policies of the Kashmiri leadership provided an impetus for the politicization of the Ladakhi Buddhist. The Buddhist were in minority and anxious to protect their distinct religion and culture, they wanted to take an independent decision about their political future. The people in Ladakh as well as in Jammu started a movement to assert their respective regional identities. In 1980, the Buddhist agitators faced the police firing and lathi-charge on the protest against the decision of the district authority to transfer a diesel generator from Zaskar to Kargil snowballed into a mass agitation in Ladakh. They set up the All-Party Ladakh Action Committee to express solidarity with the people of Zaskar and demanded regional autonomy from the Kashmir Valley. On January 5, 1981, the Ladakh Action Committee launched a full-fledged agitation. But the state government used the Kargil Action Committee’s stand to reject the demand for regional autonomy on the plea that all Ladakhis did not want it (<https://www.satp.org>volume 6>).

The secessionist movement in Kashmir that gained strength the late 1980s was once again followed by voices of separatism in Ladakh. On July 7, 1989, a coalition government headed by Farooq Abdullah was in power that time an agitation was triggered by a scuffle between a Buddhist youth, Rigzin Zora, and four Muslims in Leh market. The State government’s refusal to appoint a commission of inquiry exacerbated the situation and the mishandling of the situation by the local police the J&K Armed Police (J&KAP), was subsequently deployed, and fired at Buddhist processionists killing some protestors, forcibly entered Buddhist’s houses, desecrated objects of worship, and resorted to indiscriminate beating of locals and looting of property. These actions led the Ladakhi Buddhist Association (LBA) to embark upon a violent struggle, once again demanding the separate constitutional status of a Union Territory for Ladakh. The movement emphasized the their poor and inadequate political representation in the State Assembly and total neglect and discrimination in the socio-economic development of the Buddhist-majority Leh district, and reiterate the general perception that the Valley had always treated Ladakh ‘as a colony’ (<https://www.satp.org>volume 6>).

In June 2000, LBA President Tsering Samphel said “we (Ladakhis) have always been treated with contempt, be it employment, education or infrastructure. The only way out is to let Ladakh assume a Union Territory status.” He threatened that, if this demand was not met, “the Ladakhis...would seek the option of looking for a mass asylum in some foreign country... but certainly not with China which has ravaged our culture in Tibet... we would approach the United Nations pleading to somehow protect our cultural identity”. The demand for Union Territory status enjoys support from across the political spectrum of the Congress and the Bharatiya Janata Party (BJP) in the Leh district, its prospects are not bright, since it is vehemently opposed by the Kargilis who comprise nearly half the population of the region (<https://www.satp.org>volume 6>).

The largest town in Ladakh is Leh, followed by Kargil. The main religious groups in the region are Muslims mainly Shia (46%), Tibetan Buddhists (40%) and Hindus (12%) and Sikhs (2%). Some activists from Leh have in recent times called for Ladakh to be constituted as a Union Territory because of perceived unfair treatment by Kashmir and Ladakhi's cultural differences with predominantly Muslim Kashmir valley, while some people in Kargil opposed Union Territory status for Ladakh. The Ladakh region became a separate administrative division within the state of Jammu and Kashmir in February 2019. In August 2019 the Parliament of India passed a bill which will reconstitute Ladakh as a Union Territory on 31 October 2019 (<https://en.wikipedia.org/wiki/Ladakh>).

1.4. Panchayati Raj Institutions (PRIs) in Ladakh:

Ladakh in the post Indian Independence, have been gradually dissenting the Kashmir administration for step motherly treatment in Jammu and Kashmir State by demanding Union Territory by Leh based socio-political movement. The autonomous status in Ladakh meant for formulating the local policies and implementing the local, state and national policies, programmes and schemes independently. The autonomous government has power and function to use and occupation of land vested in the council, formulation and review of development programme for the district, formulation of guidelines for implementation of schemes at the grass root level, promotion of languages and culture of the area, management of un-demarcated forests, management of canals or water courses for agriculture, tourism planning, promotion, an development. Through the Panchayati Raj Institutions numbers of central and state sponsored schemes are mostly implemented for the development works and these schemes playing a vital role in helping to ensure that villages are equipped with all basic amenities and facilities. In addition, sources like BADP (border villages), opportunities to accelerate the pace of progress under various schemes. Although, LAHDC (Ladakh Autonomous Hill Development Council) as an autonomous body has greater roles to make visions, regulate the plans and policies, an make links and nexuses with governmental agents, semi-governmental agents, and non-governmental organizations for development and welfare for the society of Ladakh. Its order and authority have helpful to maintain the society peace, prosperity and secure. LAHDC is supreme platform for achieving every parts of development form mass mobilization, political participation, orderly rule, promotes growth and development. On the hand, PRIs is maximizing the people's participation in decision-making processes. People enjoy the Panchayat as politically neutral body to regulate village affairs and formulate the plans and policies to strengthen grass-root socio-economic and rural governance (Tsering Dorjav, 2018).

Power-politics in Ladakh is weakening the political socialization. Civic culture is tainted due to citizens are unaware of their rights and duties. Elections in Ladakh are manipulated through religious identity, money, muscles, and other irregularities. Participation not necessarily signified for enjoying the adult suffrage, it streak into glen of discuss for the solutions of the problems occurred in villages regarding village affairs. In the prospectus of rural development in Ladakh, people are victims of deteriorating the crops; the urea is affecting people health and fertile soil. Unemployment is rising high, remote area is facing from medical facilities; there are rising of urban migration, climate change lead to drinking water and irrigation problems (Tsering Dorjav, 2018) As compared to other districts of J&K, it is widely accepted that Panchayati Raj is shaping up much better in Leh. The first time elections were held in May 2001. In 2002, the new government People's Democratic Party came in power and the Congress has got serious about Panchayats. In June 2003, it issued orders transferring 15 subjects related to developmental activities to the Panchayats. But local self-governance in Leh has some peculiarities. Ladakhi society is essentially tribal. The goba — or the village head – is elected through democratic consensus and can also be removed by the village at will. Regardless of religion, this headman has a significant social role in the village. When the Dogras of Jammu conquered Ladakh in the mid-nineteenth century, they made the goba the village revenue collector (nambardar) of the village. After 1947, the Indian government continued with this arrangement. But the goba's salary today remains a paltry Rs 2.5 per day. The position is deemed a great burden and there are several villages where families are impelled to take turns to provide a goba. Haji Mirza Maidi, goba of village Chuchot – Yokma since 1989, says he has continued this long only because of pressure from his villagers. He has not received his revenue official's salary for five years ago. The Panchayati Raj in Ladakh further eroded the goba's traditional powers. The panchayat is in charge of all development works in the village and J&K has a provision for Panchayat Adalats (Courts). But, the goba still retains vestiges of traditional power. The goba's role as the nambardar creates problems in the headman finding a place in the Panchayat System. Tsewang Dorji, former Assistant Commissioner of Leh, who has worked his way up from the post of tehsildar and is well acquainted with revenue-related work, says: "Taking away the nambardar's post from the goba would open the possibility of aligning the headman's position with that of the Sarpanch." This would probably require an amendment to the Panchayat Raj Act of J&K. But the 1989 Panchayati Raj act does not mention the LAHDC (<https://www.downtoearth.org.in/coverage/Panchayats-raj-a-good-beginning...>)

A way out of this mess, though remote, could be notifying Ladakh as a Scheduled Area under the Fifth or the Sixth schedule of the constitution. It can then avail the greater potential these constitutional instruments offer for self-

rule. But Sheikh, one of the best informed people on Panchayati Raj in Ladakh, says there has been no serious discussion amongst Ladakhi leadership about demanding schedule area status and there is no popular political census on this (<https://www.downtoearthorg.in>coverage>Panchayats-raj-a-good-begining...>) According to Baseline Survey on minority in India, female work participation in Leh district is below than national average. History witnessed that the results of General Council's elections held in Kargil and Leh that all the 26 elected seats of the council are occupied by men. In 2011 Panchayat Elections there were no Sarpanch elected in both the districts. This shows that there is lack of support for women to be in policy and decision making positions in Ladakh. According to 2011 census there are 187 Halqa Panchayats, 30 Councilors (each in Kargil and Leh), 4 MLAs and 1 MP to Lok Sabha etc. There are numerous Civil Society Organizations are supplementing the efforts for various fields and helping to make Ladakhi villages a better place to live. Whereas institutions like Defence Institute of High Altitude Research and Sher-e-Kashmir University of Science and Technology are helping with their Research and Development's work. The implementer agents of government and non-government of local governance should be promoted by both LAHDC and Panchayat (Tsering Dorjav, 2018).

2. CONCLUSION:

The mechanism of the LAHDC and Panchayati Raj Institutions has yet many things to be achieved. The 73rd Constitutional Amendment Act (CAA) 1993, which provides constitutional position under article 40 to Panchayati Raj Institutions does not implemented in the State of J&K also in Ladakh district which is one of the biggest obstacles in the way of local self-governance like lack of women participation, lack of funds, lack of empowerment, delay in Panchayati Raj elections, legislative power and the loose coordination among panchayati, State Government and Council, lack of awareness, less participation of people in Panchayati election. LAHDC of Kargil and Leh still needed 73rd CAA Act which will properly demarcate the structure, power, function and jurisdiction among Council, Panchayati Raj and other departments.

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