SOCIAL INCLUSION OF THE MARGINALIZED SECTION THROUGH THE JAMMU AND KASHMIR PANCHAYATI RAJ AMENDMENT ACT 2018 (A STUDY OF REASI DISTRICT)

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ABSTRACT

Jammu and Kashmir has been able to show a gradual progress in improving the marginalised section by electing them as member at Panchayat level as their representatives.

With the decentralization of power through this act, members of the marginalized communities are getting a fair representation. PRI enabled socially excluded members of the society like SC/ST/Women to make a space into mainstream leadership in the decision making process. This paper focuses on how PRI helped marginalized people like Scheduled Castes, Scheduled Tribes and Women. All the representatives come through proper channels of the democratic process in this election. According to J&K Panchayati Raj Amendment Act, 2018, the reservation for the SC, ST and women order was finalised under the territorial jurisdiction of each Panchayat Halqas of the Reasi District. Though, the Panchayati Raj Institution has been able to maintain the social status, empowerment and dignity of marginalised people but yet to realize in totality. This holds equally true for the participation of these groups in the local governance process.

Keyword: Panch, Sarpanch, Constituencies, Halqa Panchayat, Decentralization and Gram Sabha.

1. INTRODUCTION

The democratic institution is the strength of democracy of the country. The state of Jammu and Kashmir procedural malpractice and inconsistencies which resulted in frequent political instability. But the people of Jammu and Kashmir aspiration towards democratic institutions. This research paper is based on Panchayats election in Reasi District 2018. This election is a democratic and decentralisation indicates the strength of local level civil society. It also presents a vital opportunity for SC, ST and Women members to participate in local governance. The state has been able to make progress gradually in improving the Panchayati Raj Act. 1989. Recently the state government amended the J&K Panchayati Raj Act, 1989.

Whereas the Director of Rural Development Jammu is the prescribed authority under Jammu and Kashmir Panchayati Raj Act, 1989 amended up to 2018 for Delimitation of Panch Constituencies and Reservation of Panch constituencies and Panchayat Halqas of Jammu Division. The notice dated 11-08-2018, the reservation for SC, ST and Women for Panch Constituencies/ Panchayat Halqas of Jammu Division was finalized. In this act, there is also a provision of an account of addition, deletion and creation of wards and consequently, the reservation status also changed in all three categories viz-a-viz SC, ST and Women in the concerned Panchayat Halqas and Wards (www.drjd.nic.in)

2. 73RD CONSTITUTIONAL AMENDMENT ACT, 1992

The main purpose of 73rd Amendment into Indian Constitution established an ingenious method of social inclusion in governing and carrying for all rural citizens while including women and minorities in leadership. This act also focused on organizing a three-tiered (Gram Panchayat, Panchayat Samiti or Block Samiti and Zila Parishad) system for local self-rule. Its more important aspect for social inclusion of marginalised sections in the ground level political institution (Kumar and Rai 2006).

3. PANCHAYATS IN JAMMU AND KASHMIR

The concept of democratic decentralisation in Jammu and Kashmir is not a new phenomenon. It
was in 1935 when the first Village Panchayat Regulation Act No.1 of Samvat 1992 was promulgated by the then Maharaja Hari Singh. When we are talking about Seventy-Third Constitutional Amendment Act, the state Jammu and Kashmir has introduced Jammu and Kashmir Panchayati Rules 1996 in an exercise of the power conferred by section 80 of the Jammu and Kashmir Panchayati Raj Act, 1989. With this rules approval of the amendment concerning the reservation, the state has tried to make it in a functional way but the panchayats for long time remain dysfunctional due to militancy and volatile conditions in the state. As per the Panchayati Raj Act of 1989 and the amendment rules of 1996, the election for the Halqa Panchayats was held for the first time in 2001 and thereafter in 2011; therefore Government has decided to conduct the Panchayats Election in 2018.

4. ABOUT REASI DISTRICT

Reasi is one of the oldest towns of the Jammu and Kashmir state. Till 1948 Reasi was a district of Jammu Provision. After that in 1948 the major part of was merged with District Udshampur. In April, 2007 Reasi was separate District status. This District is presently constituted of 09 Tehsils and 12 Blocks with 255 villages (censusindia.gov.in)

5. SOCIAL INCLUSION OF THE MARGINALIZED SECTION.

In general, marginalised sections is derived from socially, economically, educationally and politically. Most of them do not have basic necessities like food, health care, house and clothing. Untouchability still exist and its practiced in social practices. Even two major evils in Indian social system i.e. caste and patriarchy. It is impossible to imagine for them, they would have been headed the village. But it is reality now through the 73rd Constitutional Amendment Act, 1992 and the Jammu and Kashmir Panchayati Raj Amendment Act, 2018 have provided legal section to reservation of seat for Scheduled castes, Scheduled Tribes and Women for the post of heads and members in panchayats. There are men and women from Scheduled Castes and Scheduled Tribes who have contested and won the recent panchayats election 2018 to occupy political spaces at local level.

6. SOCIAL INCLUSION THROUGH PANCHAYATS RESERVATION FOR SC/ST

In Indian society, social inclusion is not an easy task on the ground level. Reservation is a very sensitive and burning issue, in Panchayats elections the beneficiaries actively participate in the election. The majority of high caste population is against the reservation for SC/ST, only the young educated and low caste or tribal people support this reservation. Some are of the view that Panches and Sarpanches should be elected on the basis of one’s talent not through reservation. Therefore, in rural and urban areas caste polarization still exists.

7. THE IMPLICATION OF WOMEN’S RESERVATION

Reservation for women in Panchayati Raj Institution is to lead to their empowerment in real term. Since it was for the first time in the political history of India that one-third of the total seats in its local self-government institution have been statutorily reserved for women through the 73rd Constitutional Amendment Act came into force and accordingly, all the states have amendment their laws relating to local self gouvernment except Jammu and Kashmir.

Reservation for women in recent Panchayati Election 2018, in this we can see the data of elected representative in Panches and Sarpanches post. This result has a positive impact on their political growth, where a large number of women’s contested in the seats reserved for the women, which were provided by making an amendment in the Jammu and Kashmir Panchayati Raj Act 1989 with amendment made in 2018. Interestingly, reservation in panchayats resulted in election of younger age candidates (males and females). The reservation of seats for the women’s in panchayats is not easy to contest or participate in the election, because we have seen in some areas traditional patriarchal attitude still operate as the old age groups are opposing the active participation of women in panchayats. Those women who contested and won respective seats view that women could not be able to contest but now they come out of the four walls without political empowerment. They broke the stigma attached to the women that they should be confined to home and household work i.e. unpaid domestic work. This political empowerment will make them strong in decision making in the process.
8. DATA ANALYSIS

The election results show the candidates elected from different Panchayats as show in the table above. There are 12 block in Reasi district and 153 Panchayats. In the recent election 52 male candidates belonging to the scheduled castes category was elected as Panches. 213 male candidates from Scheduled tribe category was elected, while 23 female candidate from SC was elected as Panches, and 99 female Panches got elected from ST.

Sarpanches were also elected from the marginalized sections as follows. 2 male sarpanches from SC got elected, 19 male Sarpanches were elected. Women Sarpanches from SC is 4, 13 from ST. This election has revealed that they are no longer marginalized and they are made a part of the governance structure for the first time in Jammu and Kashmir. The state has tried to forge a marginalized section in different levels. Their success in the Panchayat election is certainly not spectacular, but their presence in the local level power structure has at least become noticeable and indicates new social and political equations at the district level.

A second important factor to be noted in the results of the panchayat elections is that women belonging to both upper and lower caste have benefitted through the latest amendment in the PRI of 1989. Besides lower castes, even the women candidates have performed well in the recent Panchayat elections. In this result, the elected members from their respected areas have got social inclusion in the society.

9. CONCLUSION

Panchayat Raj Institution has helped in the representation of marginalized sections like women, SC/ST as elected members to the Panchayats but there is scope for improvement. The Panchayats are yet to become effective institution of self-governance at the grass roots level because of interference higher level bureaucrats and politicians. The Panchayats are deprived of necessary funds as it is controlled by the state government. The new Jammu and Kashmir Panchayat Raj Amendment Act, 2018 was declared with its objective as to improve the conditions of marginalised people especially in rural administration and ensure the people’s participation in the development programmes. Panchayats need to given more administrative and financial power to function effectively. When Panchayats are involved in the true sense in making policies and programmes accountability
and transparency prevails in the system

REFERENCES:


