

# Panchayati Raj Institutions in Jammu and Kashmir: An Analysis of Recent Panchayat Election

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## **Abstract**

The Panchayati Raj system in India commonly refers to the local self-government of villages or rural areas in the country. This paper attempts to study the participation and involvement of people in the Panchayati Raj Institutions in Jammu and Kashmir in the context of the latest panchayat election conducted in 2018. The relevant information regarding the election was collected from the Chief Electoral Officer of Jammu and Kashmir. A considerable number of vacant sarpanch and panch constituencies and low turnout in the latest 2018 panchayat election in the state, especially in Kashmir division, reflect the lower participation and involvement of people in the Panchayati Raj systems. It is observed that the decentralized local governance, which is meant to operate at the grassroots level ensuring peoples' participation in the decision-making, planning, and implementation of development works, fails to make any significant mark in this state. The government should come forward to strengthening the powers and functions of the panchayat institutions and spreading awareness among the people about the panchayat institutions.

**Keywords:** Panchayati Raj Institutions, Local Body Election, People's Participation, Jammu and Kashmir

## **Introduction**

The Panchayati Raj system in India commonly refers to the local self-government of villages or rural areas in the country. Local self-government is the management of the local affairs by the local bodies who are elected by the local people (Dwivedi, 2015). The creation of Panchayati Raj Institution has been a landmark in Indian history to make democracy at the grass-root level. It works as a system of government where the gram Panchayats forms the basic unit of local governance. Although Panchayati Raj Institutions have been existing in this country for a long time, these institutions have not been given adequate status and dignity as people's bodies. The 73<sup>rd</sup> Constitutional

Amendment Act, 1992 has recognized and endowed them with such powers and authority so as to function as units of self-government. The Amendment envisages a three-tier panchayat system: Gram Panchayat that works at the village level, Block Samiti or Panchayat Samiti at the block level, and Zila Parishad at the district level. Decentralization of governance is largely seen as a mechanism through which the voice of the unheard could find a place in their direct participation in the planning and implementation process (HDRC, 2003). It empowers the weaker sections like Scheduled Castes, Scheduled Tribes, and women by providing reservation in membership of Panchayats and office of Chairpersons in Panchayats at each level (Billava & Nayak, 2016). The Amendment also ensures "devolution of powers and responsibilities upon the Panchayats with respect to the preparation of plans for economic developments and social justice and for the implementation of development schemes" for making the planning a bottom-up approach and providing more focus on local needs and participation (The constitution Act, 1992).

Currently, in India, the Panchayati Raj system has been formulated in all the states apart from Meghalaya, Nagaland, and Mizoram and all Union Territories except Delhi (Sheikh, 2014). The states promulgated appropriate legislations for constituting strong and responsive panchayat institutions. Nonetheless, the states of Mizoram, Meghalaya, and Nagaland are exempted as they are covered by the 6th Schedule of the Constitution, and the traditional system of local self-government exists in these states (Kumar et al., 2013). There are State Election Commissions in each state and union territory to conduct regular panchayat election in every five years.

## **Objectives**

The objective of this paper is to study the participation and involvement of people in the latest panchayat election of the state Jammu and Kashmir conducted in 2018.

## **Database**

The relevant information regarding the panchayat election of Jammu and Kashmir 2018, such as sarpanch and panch constituencies, contesting candidates, electorates, turn out, etc. have been collected from the Chief Electoral Officer of Jammu and Kashmir.

## **Panchayati Raj System in Jammu and Kashmir**

### **Historical Backdrop of Panchayati Raj Institutions**

Empowering the grassroots level governance system and participation of local people in the decision making is the sole purpose of Panchayati Raj Institutions. With this intension, the first of its kind the Jammu and Kashmir Village Panchayat Act of 1958 was enacted just after the adoption of the Constitution of Jammu and Kashmir. This Act was considered as a forwarding step toward decentralization of governance as it delegated considerable decision-making powers to the panchayats with authority to plan all the development activities of the rural areas and execute them. However, it failed to strengthen the panchayat institutions in the state (Sheikh, 2014; 2016). This could be attributed

to the fact of the lack of financial autonomy of the panchayats and the absence of a mandatory provision for regular elections (Chowdhary, 2001).

The Jammu and Kashmir Government afterward enacted The Jammu and Kashmir Panchayati Raj Act of 1989. For the first time, an Act was named as the "Panchayati Raj Act" instead of a "Village Panchayat Regulation Act." The Act states in its preamble: "whereas it is expedient to promote and develop Panchayati Raj in the State as an instrument of vigorous Local Self Government to secure the effective participation of the people in the decision making process and for over-seeing implementation of developmental programmes" (Government of Jammu & Kashmir, 1989). However, it is argued that The Jammu and Kashmir Panchayati Raj Act of 1989 could not mark any significant change to decentralize the power or create a democratic environment at the grassroots level. One major concern was the composition of panchayats in this Act (Chowdhary, 2001).

Although the 73<sup>rd</sup> Constitutional Amendment states that "all the seats in the panchayats shall be filled by persons chosen by direct election from territorial constituencies in the panchayats", this Act keeps the provision of nominations at every level - the Halqa panchayat (village), the Block Development Council and the District Planning and Development Board. Another drawback is ignorance of the reservation system to the weaker section. The 73<sup>rd</sup> Amendment Act empowers the weaker sections and ensures participation in the decision-making by providing reservation of seats for the Scheduled Castes and the Scheduled Tribes in proportion to their population and 33 percent seats for women through direct election. But the state government, as per this Act, nominates members of Scheduled Castes and Scheduled Tribes and women in the panchayats. Therefore, this nomination process violets the very democratic structure of panchayats, and the representation of the Scheduled Castes, Scheduled Tribes and women in the panchayats become a discretion of the Jammu and Kashmir government rather than a constitutional right of the people (Chowdhary, 2001). There is also a lack of financial autonomy, as unlike the 73<sup>rd</sup> Constitutional Amendment, the 1989 state Act does not make any provision for autonomous machinery for the allocation of funds to the panchayats.

In view of these limitations, the Jammu and Kashmir Panchayati Raj Act of 1989 has gone through several amendments to fulfill the provisions as directed by the 73<sup>rd</sup> Constitutional Amendment. This Act was first amended in 2003 to provide the reservations of seats for Scheduled Castes, Scheduled Tribes, and women. The 2011 Amendment paved the path to establish the state election commission in line with the 73<sup>rd</sup> Amendment (Sheiks, 2014). Another amendment was done in 2016 before the latest amendment of this state Panchayati Raj Act came in 2018. The Jammu and Kashmir Panchayati Raj (Fourth Amendment) Act, 2018 for the first time grants powers to the Panchayats to directly implement various centrally sponsored development schemes and also supervise the functioning of certain government offices and schools in their respective areas. The most striking feature of this Amendment is the addition of specific schedule extending powers and financial autonomy to Panchayats and Block Development Councils. The Amendment also defines the role of Halqa Majlis (Gram Sabha) and Ward Majlis (Ward Sabha) in detail with powers

to plan, execute, and monitor various schemes and programs in the hands of people themselves (Government of Jammu & Kashmir, 2018).

### **Composition of Panchayat Institutions in Jammu and Kashmir**

Like other states, the Panchayati Raj institution in Jammu and Kashmir has a three-tier system consisting of the Halqa Panchayat (i.e., village panchayat), the Block Development Council at the block level, and the District Planning and Development Board for the district level. Each Halqa Panchayat comprises of 7 to 11 members (e.g., panch) and a sarpanch. The Sarpanch and Panches are directly elected by the people in a democratic election process. The Panches of a Halqa panchayat nominate a naib sarpanch who generally carries out the same duties as those of sarpanch in a situation when the sarpanch is unable to fulfill his/her duties. Also, the village level worker is inducted as secretary of the Halqa Panchayat (Sheikh, 2014; Kumar et al., 2013; Hussain & Ahmed, 2018).

### **Panchayat Election in Jammu and Kashmir**

The elections are seen as a step towards mainstreaming human potential at the grassroots in matters of development through self-governance (Das Gupta & Singh, 2013). As per the 73rd Constitutional Amendment Act, the election of panchayats is to be held regularly every five years. However, this is not the case in the state of Jammu and Kashmir. The panchayat elections are conducted in the state in accordance with the provisions of the Jammu and Kashmir Panchayati Raj Act 1989. Nonetheless, there are no regularities of panchayat elections in the state. The latest panchayat election of the state was held in 2018 after seven years of the previous election, which was conducted back in 2011 (Outlook, 2011). Before that, the panchayat election was conducted in Jammu and Kashmir a long ago in 2001 (Mathew, 2001). Therefore, the panchayat election of 2018 has a significant impact on the local body governance of the state.

The panchayat election of Jammu and Kashmir 2018 was held in nine phases from November 17 to December 11 across the state. As per the official record of the Chief Electoral Officer of Jammu and Kashmir, 58.5 lakh electorates were eligible to cast their votes in 4483 sarpanch and 35029 panch constituencies. Table 1 shows that there were 2375 sarpanch and 18833 panch seats in Kashmir division and 2108 sarpanch and 16196 panch seats in Jammu Division. It is observed that 36% sarpanch and 58% panch seats in the state saw no contest at all. In Kashmir division, the percentage of no contest seat was huge, more than 66% and 90% for sarpanch and panch seats respectively, against a mere 2.6% and 23% for the respective seats in Jammu division (Table 2). There was no election at all in Shopian district, while other districts like Pulwama, Budgam, and Kulgam in Kashmir division also had a very high share of no contest seats both for the sarpanch and panch constituencies.

Table 1. Information of Panchayat Election in Jammu and Kashmir, 2018

District	No. of Panchayat Halqas	Poll Going Sarpanch Seats	Candidates in fray Sarpanch Seats	No. of Panch Constituencies	Poll Going Panch Seats	Candidates in fray Panch Seats	No. of Electors
Kupwara	385	285	761	3161	901	1903	402619
Bandipora	151	51	154	1133	150	369	181462
Baramulla	402	146	383	3330	400	844	517833
Ganderbal	126	36	104	972	46	104	154981
<b>Srinagar</b>	21	5	10	183	5	10	33204
Budgam	296	38	87	2433	59	125	351648
Pulwama	190	3	6	1520	3	6	300515
Shopian	98	0	0	791	0	0	145442
Kulgam	178	12	25	1336	12	26	247535
Anantnag	335	80	185	2537	80	186	479320
Kargil	98	78	214	750	154	326	77884
Leh	95	56	148	687	23	48	68682
<b>Kashmir Division</b>	<b>2375</b>	<b>790</b>	<b>2077</b>	<b>18833</b>	<b>1833</b>	<b>3947</b>	<b>2991128</b>
Kishtwar	136	119	404	982	608	1433	142823
Doda	237	233	883	1683	1197	2870	250668
Ramban	142	139	525	1042	661	1492	168401
Udhampur	236	236	1055	1848	1582	4029	315332
Reasi	153	150	564	1195	961	2306	191070
Kathua	257	254	1143	1951	1614	4111	365422
Samba	101	100	443	807	701	1806	188228
Jammu	305	301	1257	2431	2114	5306	586629
Rajouri	312	304	1147	2394	1846	4335	377859
Poonch	229	216	728	1863	1204	2757	276645
<b>Jammu Division</b>	<b>2108</b>	<b>2052</b>	<b>8149</b>	<b>16196</b>	<b>12488</b>	<b>30445</b>	<b>2863080</b>
<b>Grand Total</b>	<b>4483</b>	<b>2842</b>	<b>10226</b>	<b>35029</b>	<b>14321</b>	<b>34392</b>	<b>5854208</b>

**Table 2. No contest seat in Panchayat Election of Jammu and Kashmir, 2018**

District	Sarpanch Seat		Panch Seat	
	No of seat	Percentage	No of seat	Percentage
Kupwara	100	25.97	2260	71.50
Bandipore	100	66.23	983	86.76
Baramulla	256	63.68	2930	87.99
Ganderbal	90	71.43	926	95.27
Srinagar	16	76.19	178	97.27
Budgam	258	87.16	2374	97.58
Pulwama	187	98.42	1517	99.80
Shopian	98	100.00	791	100.00
Kulgam	119	90.84	987	98.80
Anantnag	255	76.12	2457	96.85
Kargil	20	20.41	596	79.47
Leh	39	41.05	664	96.65
<b>Kashmir Division</b>	<b>1538</b>	<b>66.07</b>	<b>16663</b>	<b>90.09</b>
Kishtwar	17	12.50	374	38.09
Doda	4	1.69	486	28.88
Ramban	3	2.11	381	36.56
Udhampur	0	0.00	266	14.39
Reasi	3	1.96	234	19.58
Kathua	3	1.17	337	17.27
Samba	1	0.99	106	13.14
Jammu	4	1.31	317	13.04
Rajouri	8	2.56	548	22.89
Poonch	12	5.26	650	35.06
<b>Jammu Division</b>	<b>55</b>	<b>2.61</b>	<b>3699</b>	<b>22.85</b>
<b>Jammu and Kashmir</b>	<b>1593</b>	<b>35.92</b>	<b>20362</b>	<b>58.71</b>

Out of the 4483 sarpanch and 35029 panch seats in Jammu and Kashmir, 17.9% sarpanch and 26.7% panch candidates were elected unopposed. As expected, in more than 31% of the total seats in Kashmir division, the candidates won the election without any contest as only one candidate filed the nomination. Almost all the districts in this division shared a huge percentage of unopposed seats. On the other hand, Jammu division had a negligible percentage of seats won unopposed for sarpanch (1.76%), and also the share of panch seats (21.62%) was much lesser than Kashmir division (31.22%). So from these figures, it can be stated that the situation of people's participation in the local body governance is not encouraging at all in the state of Jammu and Kashmir, especially in Kashmir division. It is though heartening to see that Jammu division is in a slightly comfortable condition.

The figures in Table 3 represent the number and share of vacant seats in the state of Jammu and Kashmir in which no candidate stood for the election. It is observed that 798 seats constituting 18% of total sarpanch seat and 11087 covering 32% of total panch seats are still vacant in the state. Again with no surprise, in more than 33% of sarpanch and 58% of panch seats of Kashmir Division, no candidate even filed a nomination for contesting election, thereby declared as vacant. The districts of Pulwama, Sopian, Kulgam, and Anantnag had a huge percentage of seats both for sarpanch and panch declared as vacant due to no nomination having been filed. This picture is really grim for the democracy, which advocates for people's participation in the decision-making and governance system.

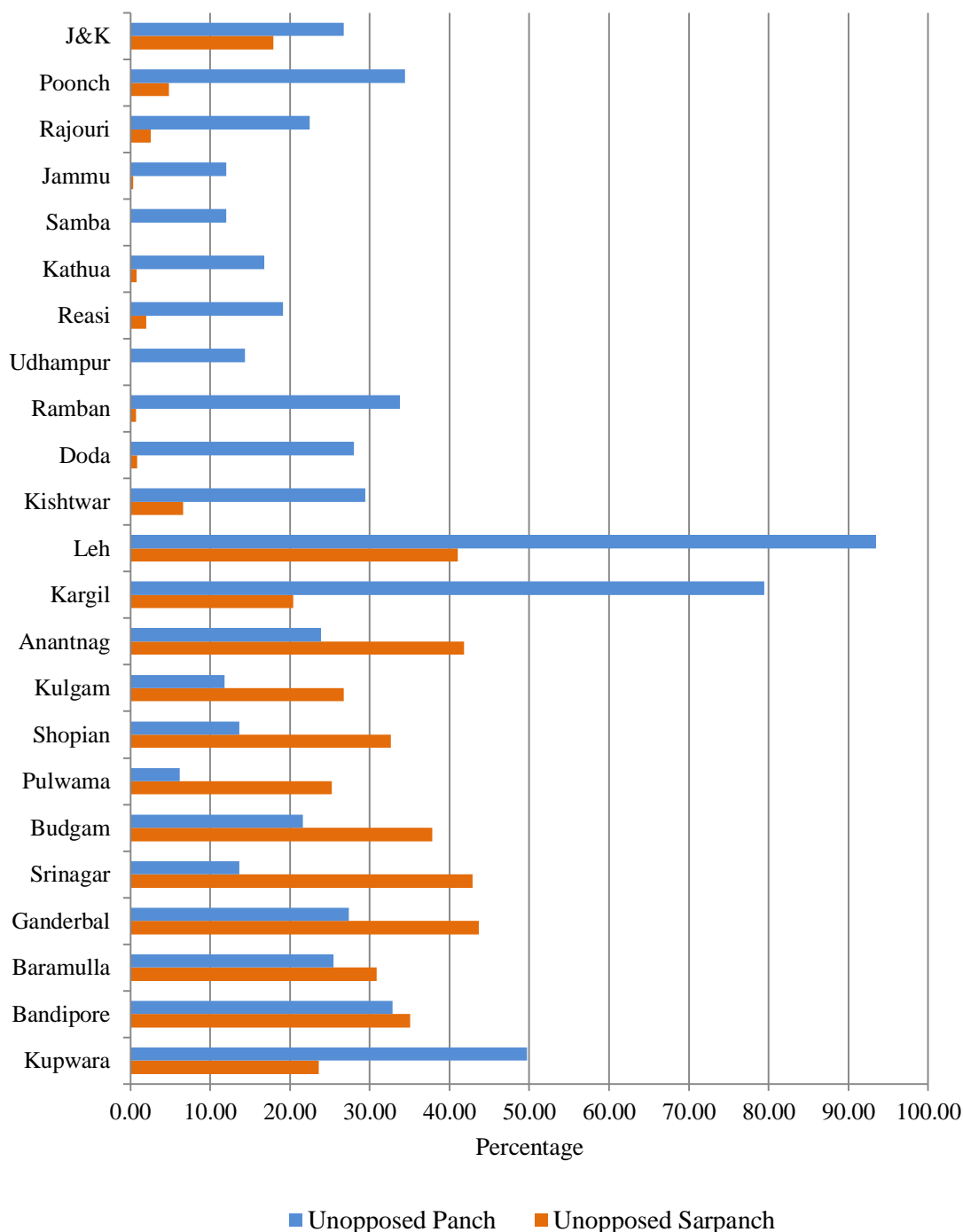


Figure 1. Unopposed Seats in Panchayat Election of Jammu and Kashmir, 2018

**Table 3. Number of vacant seats in the panchayats of Jammu and Kashmir**

District	Vacant Sarpanch Seat		Vacant Panch Seat	
	No of seat	Percentage	No of seat	Percentage
Kupwara	9	2.34	688	21.77
Bandipore	47	31.13	611	53.93
Baramulla	132	32.84	2081	62.49
Ganderbal	35	27.78	660	67.90
Srinagar	7	33.33	153	83.61
Budgam	146	49.32	1848	75.96
Pulwama	139	73.16	1423	93.62
Shopian	66	67.35	683	86.35
Kulgam	84	64.12	869	86.99
Anantnag	115	34.33	1850	72.92
Kargil	0	0.00	0	0.00
Leh	0	0.00	22	3.20
<b>Kashmir Division</b>	<b>780</b>	<b>33.51</b>	<b>10888</b>	<b>58.87</b>
Kishtwar	8	5.88	85	8.66
Doda	2	0.84	14	0.83
Ramban	2	1.41	29	2.78
Udhampur	0	0.00	1	0.05
Reasi	0	0.00	5	0.42
Kathua	1	0.39	9	0.46
Samba	1	0.99	9	1.12
Jammu	3	0.98	25	1.03
Rajouri	0	0.00	10	0.42
Poonch	1	0.44	12	0.65
<b>Jammu Division</b>	<b>18</b>	<b>0.85</b>	<b>199</b>	<b>1.23</b>
<b>Jammu and Kashmir</b>	<b>798</b>	<b>17.99</b>	<b>11087</b>	<b>31.97</b>

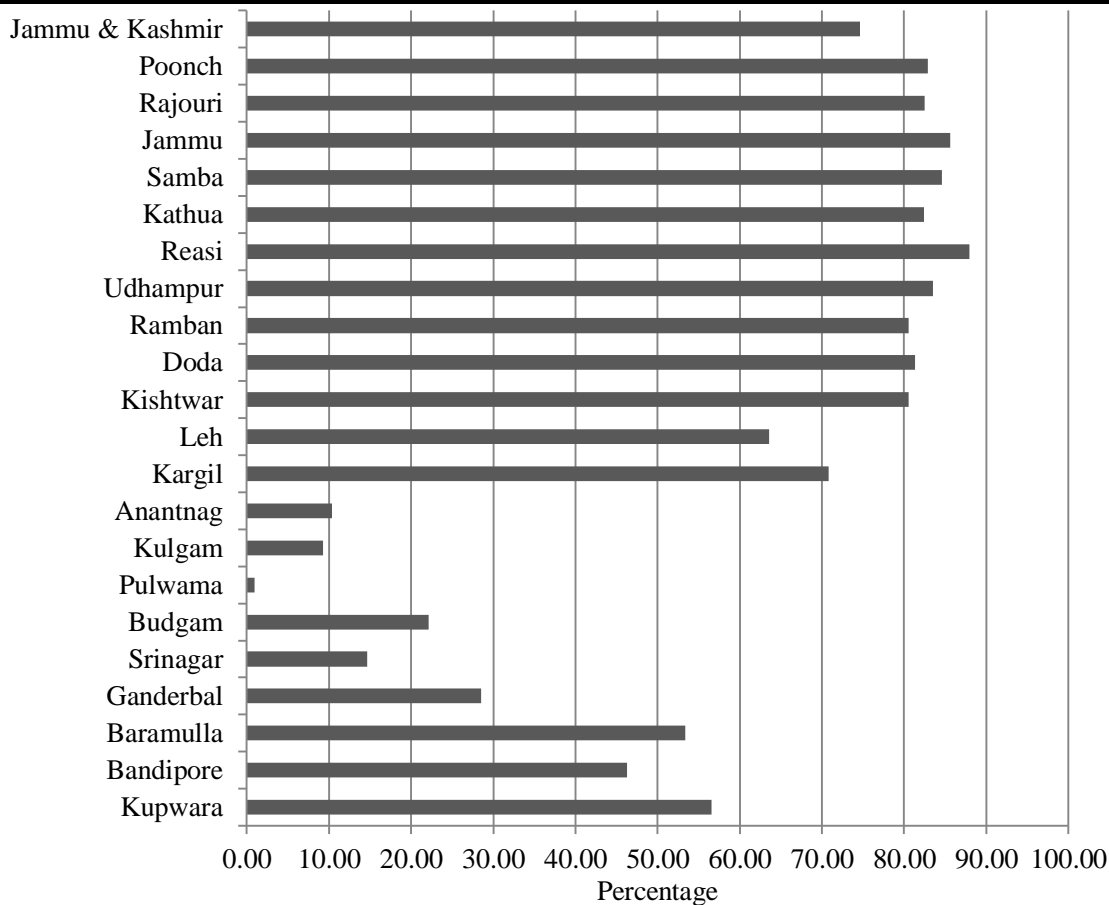
As Table 3 shows, the panchayat election of Jammu and Kashmir saw a high voter turnout. As per the official data of the Chief Electoral Officer, the state recorded an average of 74% turnout of the total electorate over nine phases. This figure is however hiding more details rather than revealing the nuances of the panchayat election 2018 in the state. Before going into the details of turnout, it should be noted that only 64% of the total sarpanch constituencies and 41% of the panch constituencies went for polling in this election. Furthermore, there are substantial regional differences across the state. Although Jammu division showed a better picture with more than 97% for sarpanch and 77% for panch constituencies went for polling, Kashmir division recorded a devastating experience in the panchayat election. In Kashmir division, there was no polling for 66% and 90% of total sarpanch and panch constituencies respectively.

An analysis of voter turnout reveals that it varies across the regions in Jammu and Kashmir depending on the political situation and other factors. While Jammu division reported as high as 83.5% turnout in the latest panchayat election, Kashmir division ended up with a mere 44.4% overall turnout. The districts in Jammu division recorded a huge

turnout in this election. The district of Reasi saw the highest turnout of 87.98% in the state, followed by Jammu (85.59%) and Samba district (84.64%). These districts are located in more or less stable political system and less affected by militancy. The election, therefore, has become an effective exercise, as demonstrated by the vibrant electioneering and strong political competition (Chowdhary, 2001). The average number of candidates contesting for each sarpanch constituency in these districts ranges from four to five, while the figure is two to three in the districts of Kashmir division.

**Table 3. Voter Turnout in Different Phases of Panchayat Election, 2018**

Phases of Election	Jammu Division	Kashmir Division	Ladakh	Kashmir Valley	J&K Total
Phase I	79.40	64.50	65.20	64.40	74.10
Phase II	80.40	52.20	66.40	44.20	71.10
Phase III	83.00	55.70	70.90	48.20	75.20
Phase IV	82.40	32.30	NA	32.30	71.30
Phase V	85.20	33.70	NA	33.70	71.10
Phase VI	84.60	17.30	NA	17.30	76.90
Phase VII	84.80	30.30	NA	30.30	75.30
Phase VIII	85.10	49.60	NA	49.60	79.90
Phase IX	NA	38.80	NA	38.80	38.80
All Phases	83.50	44.40	67.80	41.30	74.00



**Figure 2. Voting Turn Out of Panchayat Election across Districts**

As far as voter turnout is concerned, the real problem lies in the entire Kashmir division. Pulwama is the district with the lowest voting turnout, where only 0.9% electorate went for casting the vote. The condition of Kulgam, Anantnag, Budgam and Srinigar is equally abysmal in terms of turnout. This appalling condition is attributed to the fact that the effect of militancy on elections is most felt in Kashmir valley (Chowdhary, 2001; Zargar, 2018). Due to anti-poll campaign launched by the militant outfits, there was hardly any considerable electioneering that took place in these regions. People were not interested in the elections. People did not venture to go for casting votes, and also very few candidates stood for contesting the election. It has to be noted that in these districts, a large number of constituencies remained vacant because no candidate came forward to contest the election. Also, there were many seats where the candidate won unopposed as only one contestant filed nomination for the contest. As Zargar (2018) pointed out, this region is "the epicentre of the new phase of homegrown militancy that has gained ground in Kashmir over the past few years. Indeed, even as elections took place, South Kashmir saw frequent gunfights that left civilians, militants and security forces dead".

The panchayat election of 2018 in Jammu and Kashmir was held under difficult conditions. In June 2018 – four months before the election, the Bharatiya Janata Party and People's Democratic Party coalition state government collapsed, and the governor's rule was imposed amidst the growing fear of revoking 35A that provides a special power to the state. In such situations, two prominent parties – the National Conference and the People's Democratic

Party boycotted the panchayat elections. The separatist Hurriyat Conference, like every election, also called for a boycott (Naqash, 2018).

It is argued that the panchayat raj institutions in Jammu and Kashmir have largely been dysfunctional and weak. People are not willing to participate in the electoral process due to the fear of being targeted by militant groups. Meanwhile, there were media reports of killings of sarpanch by the militants triggering a series of resignations (Ashiq, 2012; Economic Times, 2015). All these factors act for low participation in the local body election in Jammu and Kashmir.

## Conclusion

The panchayati raj institutions system is the basic step toward democratic decentralization of governance system in India. Although the panchayat systems exist in the state of Jammu and Kashmir, they are not functioning properly. The local governance, which is meant to operate at the grassroots level ensuring peoples' participation in the decision-making and planning and implementation of development works, fails to make any significant mark in this state. A considerable number of vacant sarpanch and panch constituencies and low turnout in the latest 2018 panchayat election in Jammu and Kashmir, especially in Kashmir division, reflect the lower participation and involvement of people in the panchayati raj systems. Political instability, boycotting of election by major parties and separatist groups, threat from militant activities, lack of awareness among people, and dysfunctional and weak panchayat institutions are the major reasons for low performance. To address these issues, the state government should come forward to strengthening the powers and functions of the panchayat institutions and spreading awareness among the people. People should be realized that the principle of democracy is "...of the people, by the people, for the people".

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