

## Research Notes

# Urban-Local Governments in Jammu and Kashmir: Origin, Elections and Effectiveness

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**Abstract:** *Local governments and governance has gained significant importance across the world in the last few decades, as democratic countries want to ensure better service delivery, transparency, accountability and public participation at the local level. In India too, the local government have gained important role in the matters of governance and service delivery at the local level. This paper examines the urban-local governments in Jammu and Kashmir since their origin in the year 2000 and looks into the elections and workings of these bodies. This paper also looks at the public participation and effectiveness of these bodies when it comes to governance and service delivery. The paper mainly draws from fieldwork interviews, examination of electoral exercises to these bodies, and critical analysis of government policies pertaining to local governments in J&K.*

**Keywords:** Jammu and Kashmir, Urban-Local Governments, Elections, Effectiveness

## INTRODUCTION

Local governments and governance have gained immense importance since the onset of the globalisation process in the 1980s. The globalisation process resulted in massive good governance reforms, as international actors strongly emphasised these reforms to improve governance and service delivery, ensure transparency and accountability, and encourage public participation (Arowolo and Aluko 2010). These good governance initiatives also led to decentralisation reforms, calling for the devolution of powers, resources, and functions back to people through local governments in order to improve governance services and promote participation and transparency at the local level (Malik, 2016). While countries like India share a long history of local governments called “Panchayats” dating back to Vedic era however the local government have been redefined and re-categorised since the onset of globalization. In India, Local governments are divided into two categories: Urban Local Bodies, which are responsible for governing the urban areas, and panchayats, which are responsible for governing the rural areas. Despite sharing a long history of local governments these bodies were lately constitutionalized through the 73<sup>rd</sup> and 74<sup>th</sup> Amendments in 1992 by the parliament, which resulted into positive impact when it comes to governance and public participation at the local level (Sahoo, 2022). The 74<sup>th</sup> Amendment Act established a complete framework for the urban local bodies in India, it called for specifying the boundaries of these bodies, demarcation of roles, periodic elections, devolution of necessary powers and funds, so that these bodies can emerge as independent units of local self-government. While the 74<sup>th</sup> Amendment aimed at bringing uniformity in the working of urban governments across states, however their existed state wise variations, as some states like Jammu and Kashmir (J&K), had separate laws related to local governments. Both democracy and decentralization process faced a number of roadblocks in J&K due to the political tension and lack of efforts for the successive state governments to constitute these bodies. This paper particularly puts its focus on the origin, working, and progress of urban local governments (municipalities) in J&K since their creation in the post 2000 period. The paper deeply looks into the Municipal Corporation Act of 2000, various electoral exercises and working of these bodies.

## Origin of Urban Local Governments in Jammu and Kashmir

The history of Urban Local Bodies (ULBs) in J&K can be traced back to 1886, when the monarchy established two municipalities in Srinagar and Jammu City to look after

civil affairs (Khan, 1978). These bodies performed a limited number of functions related to construction, maintenance work, sanitation etc. While panchayats for the governance of villages were formally constituted after J&K acceded to Union of India in 1947, no adequate attention was paid towards to urban bodies. The Srinagar and Jammu cities continued to be governed by these bodies, however the municipalities remained non-existent up to the year 2000 in major parts of J&K, as most of the local areas were governed by the panchayats. While the 74<sup>th</sup> Indian Constitutional Amendment didn't applied to J&K due to state having its separate constitution, however a strong need was felt to introduce legislation on a similar pattern to tackle the challenges of rapid urbanisation. It was only in the year 2000 that the state government implemented the most-awaited and most important reforms with regard to municipal governance, which marked the formal beginning of Urban Local governments in J&K. Firstly, the status of Srinagar and Jammu municipal councils was elevated to that of municipal corporations, and subsequently, the "Jammu and Kashmir Municipal Corporation Act 2000" was enacted. The Act of 2000 replaced the "Jammu and Kashmir Municipal Act 1951." The Act provides for three-tier urban local bodies: a municipal committee for smaller towns, a municipal council for medium towns, and a municipal corporation for the two capital cities of Srinagar and Jammu (J&K Municipal Act 2000, P. 8). All representatives, according to the Act, are to be elected by direct election based on universal adult franchise for a term of five years. According to the rules laid down by the act, the members of these bodies shall elect president and vice president amongst themselves. The Act also laid down provisions providing for reservations for women in general categories, women belonging to Scheduled Castes (SCs) and Scheduled Tribes (STs), and backward classes for the post of councillors and positions (on a rotation basis) as well (J&K Municipal Act 2000, P. 34). According to the Act, these bodies could meet for ordinary as well as special sessions, where the decisions have to be taken by majority votes of those present; in cases of equality of votes, the chairman of the meeting has a decisive second vote. The decisions taken have to be maintained in a book kept for that purpose. The municipality is authorised to set up a joint committee with other municipalities, cantonments, and Panchayat Raj Institutions for any purpose in which they are jointly interested. The Act also called for the demarcation of urban areas and outlined the powers of urban bodies, to be exercised within their respective territorial jurisdictions. While the Act was passed in 2000 itself, no elections could be held due to the fragile security situation in the J&K.

### Urban Local Body Elections-2005

In January-February 2005, elections to the ULBs of J&K, including two municipal corporations of Srinagar and Jammu, were held in six phases after a gap of 27 years. The elections were held under "The Jammu and Kashmir Municipal Corporation Act, 2000". The elections were held on a party basis, and all major political parties in the state—the National Conference (NC), the Peoples Democratic Party (PDP), the Indian National Congress (INC), and the Bharatiya Janata Party (BJP)—ran an intensive poll campaign to elect the voters. There was also a poll boycott call from the Hurriyat Conference in J&K, asking people

not to participate in these elections as they make no sense given the political situation in the state (Kashmir Times, 2005). However, the coalition government in J&K, led by the PDP and INC, took adequate measures to counter the boycott campaign and asked people to come out and vote for local governance issues. The people's response was very positive in both regions. In Jammu, around 70 people exercised their franchise. Similarly, in the Kashmir region, barring Srinagar, in all other towns like Pulwama, Kupwara, Baramulla, and Anantnag districts, the polling percentage was over 70 percent (Greater Kashmir, 2005). The National Conference was decimated in all towns; however, it won the hotly contested Srinagar Municipal Corporation by winning 41 out of 71 seats. Similarly, both the Congress and the BJP did well in the Jammu region. An important aspect of this high polling percentage was the participation of women. Barring a few clashes between Hurriyat and workers of political parties, the elections were violence-free. These elections and the voting percentage in them were highly significant from the perspective of grassroots democracy.

### Working of ULBs in the Post-2005 Period

These ULBs did some tremendous work during their tenure by initiating many development works in the municipal areas, such as the construction of footpaths, protection walls, land filling, drainage, street lighting, and sanitation work. As these bodies were first constituted after the passing of the Municipal Act 2000, they had gigantic tasks ahead. These bodies not only had to formulate and execute developmental plans in the towns and cities but also to take the public opinions into consideration and proceed accordingly. While these bodies were able to alleviate the sufferings of the urban residents to some extent, there also existed certain loopholes in terms of proper training and planning. These bodies during this term faced bigger challenges in terms of the scale of underdevelopment in the municipal areas and a lack of sufficient funds and powers. The direct public participation in the bodies was also lacking due to the security scenario in J&K and the lack of public trust in these institutions. These bodies completed their five-year term in office in March 2010, however, fresh elections to these bodies could not be held due to a lack of political will and the security situation in the J&K.

The National Conference and Congress coalition government (2008–14) had committed itself to holding elections for ULBs but failed to live up to its commitment. The PDP-BJP coalition government, which was formed in 2015, also announced several dates for holding the long-pending elections to these bodies in J&K; however, no elections to these bodies could be held, leading to uncertainty. This cost the state heavily, as crores of rupees allotted to ULBs by the National Finance Commission lapsed in the backdrop of the non-constitution of these bodies (Ministry of Panchayati Raj, Annual Report 2015-16, pp. 117–118). Another problem that affected urban areas was the non-constitution of the state finance commission responsible for dividing the funds between the state and local bodies. These grants are to be used to support and strengthen the basic service delivery of the municipalities, including water supply, sanitation, septic management, sewage and solid waste management, storm water drainage,

maintenance of community assets, maintenance of roads, footpaths, street-lighting, burial and cremation grounds, and any other basic services entrusted to municipalities under the relevant state legislation. During the period of non-constitution of these bodies, the urban areas in J&K faced myriad problems, like a lack of proper roads, drainage systems, sanitation, service delivery, and disposal of solid and liquid waste.

### Urban Local Body Elections-2018

After the collapse of the PDP-BJP coalition government in 2018 over political differences, governor's rule was imposed in J&K. The governor-led administration, however, soon began to take steps to hold elections for both urban and rural bodies in J&K (Indian Express, 2018). After 2005, the urban local body elections were held again in 2018, after a gap of nearly 13 years, and elections to these bodies were only held four times in the last seven decades due to political instability and security challenges (Akhzer and Masood, 2018). The Chief Election Officer-J&K, subsequently came up with an election schedule for the urban and local bodies in August 2018 (CEO-J&K, 2018). J&K, in total, has two municipal corporations, 57 municipal committees, and 19 municipal councils. The elections were held in four phases, starting on October 8 and concluding on October 16 in 1145 wards, of which 244 remained uncontested, seats were reserved for women, SCs and STs. A total of 16.97 lakh voters participated in these elections across J&K (Times of India, 2018). The total voting turnout was around 35 percent, and the two main regional parties, NC and the PDP, boycotted these polls over the issue of Articles 35a and Article 370, which grant special status and privilege to J&K. Among the political parties, the BJP won 212 wards in Jammu province and 75 in Kashmir province, while the Congress won 110 in Jammu and 79 in Kashmir, with other independent candidates winning 185 in Jammu and 71 in Kashmir, followed by other small parties. (NDTV, 2018). The boycott of these elections by the two main regional political parties, the NC and PDP, wasn't a good sign from a democratic perspective and certainly led to questions about the credibility of these elections.

### Working of ULBs in the Post-2018 Period

The 2018 ULB elections were significant from the perspective of grassroots democracy in J&K. The municipal bodies were granted significant powers and funds for effective governance at the grassroots level. In 2020, the government revised the financial powers of municipal committees, municipal councils, and the director of urban local bodies; the full councils and committees can approve budgets up to Rs 5 crore (Daily Excelsior, 2020). Between 2019 and 2022, an amount of 146529.28 lakh was provided to urban bodies by the Centre and J&K Government, while these bodies were able to mobilise 11495.41 lakh of their own resources (Municipal Finance, 2022). The privileges of representatives of local bodies, i.e., municipal councils and committees, were also increased; they were provided vehicles, allowances, and security in order to strengthen the grassroots democracy in J&K (Business Standard, 2022). Due to empowerment, the urban bodies have been able to carry out a lot of work in the towns, such as the construction of roads, small bridges, fences, washrooms, the installation

of electric transformers, street lights, and the delivery of goods and services, including e-services.

The government has also been strengthening these institutions by upgrading the necessary infrastructure and providing training to the elected representatives. The government of J&K launched a massive public outreach programme "My Town, My Pride" for 78 urban local bodies of Kashmir in 2020. The programme aimed at outreaching to people in the towns, listening to their problems and finding solutions to them, strengthening grassroots democracy, and providing service delivery at the doorsteps of the people. Two phases of the programme were held so far first one in October 2020 and the second phase in October 2021. During the programme government deployed a visiting officer to each urban local body who has to spend a two days and a night in the town and assesses the function of various institutions, listen public grievances, obtain public feedback on the service delivery, enroll people in the beneficiary schemes and strengthen grassroots democracy and public participation. The government also deployed hundreds of government employees from line departments to delivery governance at the doorsteps of the people and ensure transparency and accountability. The urban bodies in J&K have done commendable work in the towns of J&K since 2018, until their term ended on November 30, 2023. The Indian Parliament also passed the Jammu and Kashmir Local Bodies Amendment Bill 2024 in January 2024, to grant 27 per cent reservation to Other Backward Classes (OBC) in the Urban Local Bodies. Overall, the ULBs have witnessed significant transformation and empowerment post-2018 with elections, the formation of councils and committees, delegation of powers and funds, leading to development, better service delivery, and effective sanitation drives. These bodies have received an amount of 496.66 crore between 2018 and 2023, paving the way for overall development works in the cities and towns. However despite the tremendous work of these bodies, many urban areas are still facing problems related to better connectivity, healthcare, educational institutions and service delivery and transparency. The fresh elections to these bodies are still pending after the expiry of term in late 2023.

### CONCLUSION

The ULBs in J&K do not share a long history, as these bodies were mostly created in the post-2000 period. The elections to these bodies have only been held twice since 2000 and there has been no effective devolution of power. These bodies, however, have played an important role in service delivery and governance in the urban areas of J&K. Although the first term was not so empowering as these bodies were able to carry out few functions due to a lack of powers and funds, the 2018 term proved empowering in nature as sufficient powers and funds were devolved to these bodies. These bodies have also opened gates for public participation, whereby citizens can participate in discussions and debates pertaining to the development of their areas, which enhances grassroots democracy in novel ways. Public outreach programmes like "My Town, My Pride" have further led to the enhancement of public participation in urban local governments, which has led to accountability, participatory governance, better

service delivery, transparency, and effectiveness. However there still a lot to be done when it comes to better governance and service delivery in the urban areas of Kashmir. These elections to these bodies should be held not only held on time, but there is need of continues efforts form the successive governments in the J&K to effectively devolve powers, functions and funds to these bodies, so that they can function as independent units of local self-government. Beyond this the governments and these local bodies should initiate various innovative programmes to enhance public participation, which will not only improve governance and service delivery, but also improve transparency and accountability.

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