



Jammu and Kashmir restructuring grassroots governance: Panchayati Raj in post-Article 370

Mohinder Kumar¹, Dr. Nirdosh Kaur²

¹ Research Fellow, Department of Political Science, Guru Nanak Dev University, Amritsar, Punjab, India

² Associate Professor, ASSM College, Mukandpur (SBS Nagar), Punjab, India

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Abstract

Panchayati Raj Institutions (PRIs) form the constitutional foundation of grassroots democracy in India, yet Jammu and Kashmir followed a separate path for three decades because its special status under Article 370 kept the region outside Part IX of the Constitution. This paper compares the structure and working of PRIs in Jammu and Kashmir before and after the constitutional changes of August 2019. The study is descriptive and analytical in design, drawing on legislative documents, institutional histories, and recent empirical studies of the region. It examines five dimensions of local governance: institutional structure, political participation, financial autonomy, representation of women and marginalised communities, and transparency and accountability. The analysis shows that the post-2019 framework has completed the formal architecture of decentralisation by extending the Seventy-Third Amendment, creating directly elected District Development Councils, and guaranteeing reservation across all three tiers. At the same time, functional empowerment has moved more slowly: panchayats remain financially dependent, citizen satisfaction with scheme delivery is moderate, and participation varies sharply between the Jammu and Kashmir regions. The paper concludes that structural integration has outpaced substantive self-government, and that the future of grassroots democracy in the Union Territory depends on the devolution of funds, functions, and functionaries to the institutions now in place.

Keywords: Panchayati Raj Institutions, Article 370, Jammu and Kashmir, decentralisation, District Development Council, local self-government

Introduction

The idea that villages should manage their own affairs is older than the Indian Constitution, but it was Article 40 that turned the idea into a directive, asking the State to organise village panchayats and endow them with the authority needed to function as units of local self-government. For most of the country, the directive acquired enforceable shape only in 1992, when the Seventy-Third Constitutional Amendment gave panchayats constitutional status, mandated elections every five years, reserved seats for women, Scheduled Castes, and Scheduled Tribes, guaranteed the position of the Gram Sabha, and provided for independent State Election and Finance Commissions. Jammu and Kashmir stood apart from this settlement. Because of its special constitutional position under Article 370, Part IX of the Constitution did not apply to the state, and its local bodies were governed instead by a state law, the Jammu and Kashmir Panchayati Raj Act of 1989 (Kumar *et al.*, 2013) ^[10, 13]. For three decades, therefore, two regimes of local democracy operated within one country: a constitutionally protected regime in the rest of India, and a statutory regime in Jammu and Kashmir that could be amended, suspended, or ignored by the state government of the day.

The constitutional changes of 5 August 2019^[9] dissolved this dual arrangement at its root. The reading down of Article 370 and the Jammu and Kashmir Reorganisation Act converted the state into a Union Territory and extended the Seventy-Third and Seventy-Fourth Amendments to it for the first time (Government of India, 2019) ^[9]. In October 2020, Parliament amended the 1989^[10] Act to create directly elected District Development Councils (DDCs), completing a three-tier structure that had existed on paper since 1989 but never fully in practice (Ganaie & Wagay, 2021) ^[8].

These events make Jammu and Kashmir a rare natural setting in which two legal regimes of decentralisation can be compared within a single region and a short span of time.

The comparison matters for two reasons. Practically, the effectiveness of PRIs now determines how development funds, welfare schemes, and grievance mechanisms reach roughly three-quarters of the population of the Union Territory, which lives in rural areas. Academically, the case speaks to a long-standing question in the study of decentralisation: how much of the performance of local government is explained by legal design, and how much by the political and administrative environment in which the design operates. The present paper takes up both concerns. It asks what actually changed for Panchayati Raj Institutions after 2019^[9], in structure and in working, and what has remained the same beneath the new legal surface. The paper proceeds as follows: Section 2 reviews the literature and identifies the gap this study addresses; Section 3 states the objectives; Section 4 describes the methodology; Section 5 presents the comparative analysis across five dimensions; and Section 6 concludes with the implications of the findings and the limitations of the study.

Review of Literature

The literature relevant to this study falls into three broad strands: theoretical work on decentralisation, studies of Panchayati Raj in Jammu and Kashmir before 2019^[9], and the emerging empirical work on the post-abrogation period. Each strand is reviewed in turn, and the section closes by identifying the gap the present study seeks to fill.

1. Decentralisation and Local Governance

The theoretical case for decentralisation rests on the claim that local governments hold better information about local

needs and can be held to account more directly than distant administrations. Bardhan (2002) ^[3] offered an influential and cautious statement of this case, arguing that the benefits of decentralisation in developing countries are not automatic: they depend on functioning local accountability mechanisms, and transferring functions without funds, or funds without accountability, produces local bodies that administer rather than govern. He also warned that local governments can be captured by local elites just as central ones can, which makes the design of representation and oversight decisive. Empirical work has borne out the caution. Besley *et al.* (2012) ^[4], studying village governments in South India, found that local politics genuinely shapes the allocation of public resources, with the identity and incentives of elected representatives influencing who benefits from public spending. Two conclusions follow for the present study: devolution matters, and its design matters more. A comparison of the pre- and post-2019^[9] regimes in Jammu and Kashmir is, in effect, a comparison of two designs.

2. Panchayati Raj in Jammu and Kashmir Before 2019^[9]

Scholarship on the pre-2019^[9] period is broadly agreed on the diagnosis. Kumar (2014) ^[12] provided the most thorough critical reading of the 1989 Act, showing that it applied direct election only at the village level, filled the block and district bodies through indirect election and government nomination, empowered the government to supersede panchayats it considered incompetent, and fixed no minimum financial entitlement. He concluded that the Act could not, in that form, claim to decentralise power or create a democratic environment at the grassroots. Kumar *et al.* (2013) ^[13], working from field data in seven panchayats of Jammu district after the 2011^[16] elections, added an empirical layer to this diagnosis. Their survey of fifty elected panches found that a third of representatives were women and nearly a third came from Scheduled Caste backgrounds, but also that 84 per cent had no prior political experience, and that members themselves ranked the lack of cooperation from village-level workers and the absence of monetary support as the constraints that most limited their work. The earlier institutional history assembled by Aslam (1977), Choudhary (1990) ^[2, 6], and Mohammad (1995) shows that these weaknesses were not accidents of drafting but the continuation of a long pattern in which panchayats were treated as extensions of the administration rather than as governments in their own right.

A separate line of work concerns representation. National studies of women in local government established that nomination and co-option, the devices on which the 1989^[10] Act relied, tend to produce token membership and operate as patronage for dominant groups, while genuine reservation through direct election changes who sits in the panchayat (Buch, 2010; D'Lima, 1983) ^[5, 7]. D'Lima's Maharashtra study recorded parties actively discouraging women from contesting so that pliant nominees could be co-opted later, a dynamic that turns a representational safeguard into an instrument of control. The Jammu and Kashmir record illustrated the point: even after one-third of panch seats were reserved for women in 2004, the sarpanch post remained unreserved, and in 2011^[16] women won a third of panch seats but only 28 of the 4,113 sarpanch positions (Kumar, 2014) ^[12].

3. The Post-Abrogation Period

Work on the period after 2019^[9] is still taking shape, but three kinds of study are now available. The first examines the new institutions themselves. Ganaie and Wagay (2021) ^[8] analysed the creation of the DDCs and the elections of late 2020, recording both the administration's claim that the councils complete the implementation of the Seventy-Third Amendment in the region and the criticism from regional parties that the new tier depoliticises the region, departs from proportional representation, and substitutes district-level bodies for a legislative voice. The second strand compares conditions before and after the constitutional change. Ahmad and Parihar (2022) ^[1] catalogued the central laws, funding channels, and welfare protections newly extended to the Union Territory, including direct funding to panchayats and the application of central transparency and anti-corruption legislation. The third and most recent strand measures how these changes are experienced on the ground. Mir and Somasundaran (2026) ^[14] surveyed 960 educated rural and urban respondents across eight districts and found moderate overall satisfaction with government schemes, with infrastructure and social security programmes rated most favourably, newly launched industrial schemes rated lowest, and little variation across gender or income, which suggests that access and delivery, rather than social position, drive perceptions. Kour and Ganaie (2026) ^[11], studying 350 beneficiaries in Udhampur district, found that panchayats are valued most for helping people access welfare schemes, that fairness in beneficiary selection and timeliness of delivery rank lowest, and that outcomes differ significantly even between neighbouring blocks of the same district.

4. Research Gap

Taken together, the literature offers detailed accounts of the pre-2019^[9] system and a growing body of evidence on the post-2019^[9] period, but few studies place the two periods side by side within a single analytical frame. Existing comparative work tends either to catalogue legal changes without asking how institutions perform, or to measure perceptions without connecting them to the institutional history that shaped them. This paper addresses that gap by comparing the two regimes systematically across five dimensions of local governance, reading the legal record and the empirical evidence together.

Objectives of the Study

The study pursues three objectives. First, it traces the institutional evolution of Panchayati Raj in Jammu and Kashmir from its earliest legislation to the post-2019^[9] framework. Second, it compares the functioning of PRIs before and after the abrogation of Article 370 across five dimensions: institutional structure, political participation, financial autonomy, representation of women and marginalised communities, and transparency and accountability. Third, it assesses, on the available evidence, how far the structural changes of 2019^[9] and 2020 have translated into substantive self-government at the grassroots.

Methodology

The study is descriptive and analytical in design and rests on secondary sources. The legal analysis draws on the Jammu and Kashmir Panchayati Raj Act, 1989^[10] and its rules and amendments, the State Finance Commission Act of 2011^[16], and the Jammu and Kashmir Reorganisation Act, 2019

(Government of India, 2019; Government of Jammu and Kashmir, 2011^[9, 16]; The Jammu and Kashmir State Finance Commission for Panchayats and Municipalities Act, 2011)^[16]. The empirical material comes from published studies of the two periods, including field surveys of elected representatives (Kumar *et al.*, 2013)^[13], critical institutional analyses (Kumar, 2014)^[12], and recent beneficiary and perception studies conducted after the abrogation (Kour & Ganaie, 2026; Mir & Somasundaran, 2026)^[11]. The comparison is organised around five dimensions, chosen because each corresponds to a core feature of the Seventy-Third Amendment that the pre-2019^[9] state law either omitted or diluted: a complete elected structure, regular elections, guaranteed finances, reservation, and independent oversight. Within each dimension, the analysis first establishes the pre-2019^[9] position from the legal text and the older literature, and then sets the post-2019^[9] position against it using the newer legislation and empirical studies. A qualitative comparative method of this kind cannot establish causation, and the paper does not claim that every post-2019^[9] development flows from the constitutional change alone; welfare schemes, administrative reforms, and security conditions all moved in the same years. The aim is the more modest one of establishing what is different, what is not, and what the difference has so far meant for the institutions and the people they serve.

Analysis and Discussion

1. Historical Evolution: From Regulation to Institution

The trajectory of Panchayati Raj in Jammu and Kashmir helps explain why the 1989^[10] Act took the shape it did. The first legislation, the Village Panchayat Regulation Act of 1935, created panchayats as adjuncts of the administration, charged with sanitation and petty justice; its restrictive property and income qualifications meant that only a small fraction of the population could vote or contest, and the sarpanch was nominated by the deputy commissioner rather than elected (Ganaie & Wagay, 2021)^[8]. The land reforms that followed the Big Landed Estates Abolition Act of 1950, the first of their kind in the subcontinent, changed the rural economy fundamentally and created the social base for a more democratic local politics (Aslam, 1977)^[12]. The Village Panchayat Act of 1951 introduced adult franchise and the Halqa concept, and the Act of 1958 refined the structure further, but the institutions remained confined to the village level and lapsed into dormancy during long periods of political disturbance (Mohammad, 1995). The Single Line Administration model of the 1970s decentralised planning to the district but kept it in official hands, and it was the recognised inadequacy of that model that produced the demand for a genuine institutional framework of self-governance, answered by the Panchayati Raj Act of 1989 (Choudhary, 1990)^[6, 10]. The Act was thus a real advance on everything before it, and its failure to deliver self-government in the following decades is best read against that longer pattern of promise and postponement.

2. Institutional Structure

Before 2019, the 1989 Act provided for a Halqa Panchayat at the village level, a Block Development Council (BDC) at the block level, and a District Planning and Development Board at the district level, along with a Panchayati Adalat for local dispute settlement. On paper this looked like a three-tier design, but the principle of direct election applied

only at the village level; the block and district bodies were filled through indirect election and government nomination, and the government retained the power to supersede a Halqa Panchayat it considered incompetent (Kumar, 2014)^[12]. Even the Panchayati Adalat, an innovative attempt to take justice to the grassroots, was compromised by the government's power to nominate and remove its members, which subordinated a judicial body to the executive. These features weakened the claim of the Act to decentralise power in any real sense. The law was repaired in instalments, through the Panchayati Raj Rules of 1996, which introduced the Halqa Majlis as an equivalent of the Gram Sabha, the reservation amendment notified in 2004, and the creation of a State Election Commission and a State Finance Commission in 2011^[16], yet a degree of arbitrariness persisted: even when village elections were held, the block and district tiers were often simply not constituted (Kumar, 2014^[12]; The Jammu and Kashmir State Finance Commission for Panchayats and Municipalities Act, 2011)^[16].

The period after 2019^[9] changed the legal foundation of this structure. The Reorganisation Act extended the Seventy-Third and Seventy-Fourth Amendments to the Union Territory, giving constitutional protection to local bodies for the first time (Ahmad & Parihar, 2022; Government of India, 2019)^[1, 9]. In October 2020, Parliament amended the 1989^[10] Act to create District Development Councils, each with fourteen directly elected members irrespective of district size, a chairperson and vice-chairperson chosen from among the elected members, five standing committees for finance, development, public works, health and education, and welfare, and a five-year term (Ganaie & Wagay, 2021)^[8]. The DDC replaced the old District Development Board, in which ministers, legislators, and officials had dominated planning, with a body whose deciding members are chosen by the electorate. With this, a functioning three-tier arrangement of Halqa Panchayats, BDCs, and DDCs became operational on the ground rather than remaining a statutory possibility (Kour & Ganaie, 2026)^[11].

3. Political Participation

Electoral continuity was the weakest link of the earlier period. Panchayat elections in 2001 came after a gap of more than two decades, were partly boycotted in the Kashmir Valley, and left large numbers of seats unfilled; the bodies elected then were dissolved in 2006 without fresh polls, and their powers were transferred to village-level officials (Ganaie & Wagay, 2021). The 2011^[8, 16] elections marked a genuine revival, with turnout of nearly 78 per cent and more than 29,000 panches elected across the state, but the government did not complete the upper tiers, and the institutions lapsed again after their term ended in 2016 (Ganaie & Wagay, 2021; Kumar, 2014)^[8, 12]. The elections of 2018 were held amid widespread boycott in the Valley, with low turnout and many seats either vacant or won unopposed. Across four decades, in other words, the ordinary rhythm of local democracy, regular elections producing continuously functioning bodies, was never established, and the enthusiasm rural voters repeatedly displayed when elections were actually held makes the institutional failure the more striking.

After the constitutional changes, the DDC elections of November and December 2020, held in eight phases across 280 constituencies, became the first major electoral exercise of the new arrangement. The overall turnout of 51 per cent concealed a sharp regional divide, with roughly 68 per cent

participation in the Jammu region against 34 per cent in Kashmir, and the results mirrored the region's older political geography rather than redrawing it (Ganaie&Wagay, 2021)^[8]. Survey evidence from Udhampur district suggests that where the institutions function, citizens engage with them in concrete ways: respondents rated assistance with scheme applications and dissemination of information about welfare programmes as the strongest contributions of their panchayats (Kour & Ganaie, 2026)^[11]. At the same time, the design of the DDCs has drawn criticism, since the allocation of fourteen seats to every district regardless of population departs from proportional representation, and several regional parties have read the exercise as an attempt to reorder, rather than deepen, political life in the region (Ganaie&Wagay, 2021)^[8]. A balanced reading must therefore record both a restoration of electoral regularity and a continuing unevenness in popular participation, an unevenness that follows the region's political fault lines more than its administrative boundaries.

4. Financial Autonomy

Scholars of decentralisation have long argued that transferring functions without transferring funds produces local bodies that administer rather than govern (Bardhan, 2002). The pre-2019^[3, 9] arrangement illustrated the problem clearly. The 1989 Act fixed no minimum grant-in-aid to panchayats and created no autonomous machinery for allocating resources; a State Finance Commission was legislated only in 2011^[16], under political and public pressure, and in practice the funds available to panchayats were largely those tied to centrally sponsored schemes (Kumar, 2014)^[12]. Panchayats had few own-source revenues, and elected members themselves identified the absence of financial support, alongside poor cooperation from officials, as a principal constraint on their work (Kumar *et al.*, 2013)^[13]. Money, in short, flowed around the panchayats rather than through them.

The post-2019^[9] period brought panchayats direct funding and a larger flow of resources through flagship programmes such as the Mahatma Gandhi National Rural Employment Guarantee Scheme, the Pradhan Mantri Awas Yojana-Gramin, the Jal Jeevan Mission, and the Swachh Bharat Mission, with local bodies given a formal role in choosing developmental priorities (Ahmad & Parihar, 2022)^[1]. Beneficiary studies indicate that infrastructure and social security schemes are, on the whole, perceived favourably, with rural respondents valuing water supply and road connectivity programmes in particular, while newer industrial and employment schemes have yet to register comparable impact (Mir & Somasundaran, 2026)^[14]. Yet financial dependence has not disappeared. Panchayats continue to rely overwhelmingly on grants, own revenue remains thin, and delays in fund releases still hamper developmental work (Kour & Ganaie, 2026)^[11]. The lesson of the wider literature applies with full force: money devolved to local bodies improves outcomes only where local accountability travels with it (Besley *et al.*, 2012). The post-2019^[4, 9] regime has widened the channel through which funds flow; whether the institutions gain command over the funds, rather than merely custody of them, remains the open question.

5. Representation of Women and Marginalised Communities

The original 1989 Act contained no reservation for women or for Scheduled Castes and Scheduled Tribes; it relied

instead on government nomination whenever representation was thought inadequate. Studies of co-option elsewhere in India had already shown why this device fails: nomination tends to produce token members, discourages women from contesting, and becomes an instrument of patronage for dominant groups (Buch, 2010; D'Lima, 1983)^[5, 7]. The consequences were visible in the state's own record. After the 2001 elections, women accounted for well under two per cent of elected panches and sarpanches in the Jammu division, and although one-third of panch seats were reserved for women from 2004 onwards, the sarpanch post was left outside the scheme. In 2011^[16], women won a third of panch seats but only 28 of the 4,113 sarpanch positions in the state, a success rate below one per cent for the leadership post (Kumar, 2014)^[12]. Reservation, where it applied, worked; where it did not apply, the older exclusions reasserted themselves almost perfectly.

The post-2019^[9] framework closed much of this gap by extending statutory reservation for women, Scheduled Castes, and Scheduled Tribes across all three tiers, including the newly created DDCs (Ganaie&Wagay, 2021)^[8]. Field evidence suggests that these provisions have widened the base of participation, with women and members of historically marginalised communities now more visible in local decision-making and in the delivery of welfare programmes (Kour & Ganaie, 2026)^[11]. Representation on paper does not automatically translate into influence, and the experience of reserved seats elsewhere in India counsels patience on this point, but the shift from discretionary nomination to guaranteed reservation is a substantive change in the democratic character of the institutions, because it converts representation from a favour the government may grant into a right the electorate exercises.

6. Transparency and Accountability

Weak oversight was a recurring complaint of the earlier period. Monitoring mechanisms were thin, several central anti-corruption and transparency laws did not apply to the state, and much of the spending on rural programmes produced little visible impact on the ground (Ahmad & Parihar, 2022)^[1]. The Halqa Majlis, which should have functioned as the forum where panches answered to their electors, remained subordinate to the panchayat it was meant to oversee, with its powers never detailed in the law (Kumar, 2014)^[12].

The reforms after 2019^[9] addressed this partly through law and partly through administration: central watchdog legislation became applicable, social audits were emphasised, and the Jammu and Kashmir Integrated Grievance Redress and Monitoring System (JK-IGRAMS) was launched in October 2020. Citizens appear to have noticed; grievance redressal and transparency mechanisms received clearly positive ratings in a recent survey of 960 respondents across eight districts (Mir & Somasundaran, 2026)^[14]. Even so, accountability at the point of delivery remains uneven. In Udhampur, fairness in beneficiary selection and timeliness of benefits were the lowest-ranked aspects of panchayat functioning, which points to the persistence of local-level discretion and administrative delay beneath the new digital architecture (Kour & Ganaie, 2026)^[11]. Digital grievance systems make it easier to complain about local government; they do not by themselves make local government answerable, and the gap between the two is where the accountability agenda now stands.

7. Comparative Overview

Dimension	Before August 2019	After August 2019
Legal framework	J&K Panchayati Raj Act, 1989 ^[10] ; Part IX of the Constitution not applicable	73rd and 74th Amendments extended through the Reorganisation Act, 2019 ^[9]
Institutional design	Direct election only at village level; block and district bodies indirectly constituted or nominated	Three functioning elected tiers: Halqa Panchayats, BDCs, and directly elected DDCs (2020)
Elections	Long gaps (1978–2001, 2006–2011) and boycotts; upper tiers often not constituted	Regular polls for all tiers; DDC elections of 2020 with 51 per cent overall turnout
Representation	Nomination-based; reservation for women in panch seats only from 2004	Statutory reservation for women, SCs, and STs across all three tiers
Finance	No minimum grants; SFC only from 2011; dependence on scheme-tied funds	Direct funding and larger scheme flows, though grant dependence and delays persist
Oversight	Weak monitoring; limited reach of central transparency laws; Halqa Majlis subordinate	Central watchdog laws, social audits, and JK-IGRAMS; concerns over fairness and timeliness remain

Conclusion

Set side by side, the two periods differ most in the legal and structural position of the institutions. Before 2019^[9], Panchayati Raj in Jammu and Kashmir rested on a state law that withheld direct election above the village level, offered no guaranteed finances, and depended on executive goodwill for its very continuity; the result was four decades in which elected local government was the exception rather than the rule. After 2019^[9], the institutions enjoy constitutional protection, a complete elected structure, guaranteed reservation, and new instruments of oversight, and the electoral calendar has, for the first time, been observed across all three tiers. On every one of the five dimensions examined here, the formal position of the institutions is stronger than it was.

What has changed more slowly is functional empowerment. Funds, functions, and functionaries have not been devolved to the same degree that structures have been built. Panchayats remain dependent on grants and scheme-tied money, beneficiary satisfaction is moderate rather than enthusiastic, participation continues to vary sharply between the two regions of the Union Territory, and outcomes differ even between neighbouring blocks, which suggests that local capacity and leadership matter as much as legal design (Kour & Ganaie, 2026; Mir & Somasundaran, 2026)^[11, 14]. This is precisely the pattern the decentralisation literature would predict: structures can be legislated quickly, while the accountability relationships that make structures work grow slowly (Bardhan, 2002)^[3]. The comparative record therefore supports a qualified conclusion. The post-2019^[9] reforms have completed the architecture of grassroots democracy in Jammu and Kashmir, and that achievement is real; but architecture is not occupancy, and the deeper task of turning the new structures into effective, financially capable, and locally trusted self-government is still under way.

The study has limitations that follow from its design. It rests on secondary sources, so its conclusions are only as strong as the underlying studies, and the post-2019^[9] empirical base, though growing, still covers a handful of districts and a short period. The comparison also cannot isolate the effect of the constitutional change from the many administrative and political developments that accompanied it. Future research would do well to track the second and third electoral cycles of the new institutions, to extend beneficiary studies beyond the districts so far covered, and to examine own-source revenue and Gram Sabha functioning directly, since it is continuity across cycles and command over resources, more than any single election, that will show

whether Panchayati Raj in Jammu and Kashmir has finally taken root.

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