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**ADMINISTRATIVE MACHINERY FOR ADMINISTRATION OF DEVELOPMENT  
IN JAMMU AND KASHMIR**

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**Abstract:**

Administrative machinery for development of Jammu and Kashmir can be divided into three categories; administrative departments, regulatory administration and public enterprises. They have been thoroughly described in this research paper. However, mere availability of the administrative machinery is not enough and utilization is an issue. Towards this end, it can be said that there is a lot more to be done.

**Keywords:** administration, development, departments, regulatory administration, public enterprises etc.

**Introduction**

According to 2011 Census the population of Jammu and Kashmir stood at 125, 41,302 (1.04% of the population of India), 75.19% reside in rural areas and the rest 24.81% in urban areas. The state has 1,01,387 km<sup>2</sup> net area in India excluding 78,114 km<sup>2</sup> and 42,735 km<sup>2</sup> under Pakistan and China respectively. The state comprises three regions viz Kashmir, Jammu and Ladakh. For administrative convenience these three regions are divided into 2 divisions Kashmir division and Jammu division, 22 districts (10 each in Kashmir and Jammu and 2 in Ladakh), 82 tehsils, 143 CD blocks and 6671 villages. Besides 7 urban agglomerations (population of 1 lakh & above) and 68 urban areas and 4198 panchayats<sup>1</sup>. The state has to have a good administrative structure to cater to the social-economic and other needs of such diverse landmass.

Good administrative structure is a prerequisite for efficient administration. Administrative design or structure of the administration is a primary activity involving division of work of the government among its constituent units. Proper structure is must for effective hierarchy, smooth communication and coherence of administrative functioning. It is the first step in

specialisation of tasks and responsibilities among various departments. Good administrative structure ensures that there is someone for everything and no unnecessary overlapping or duplication of work. Administrative structure has to be well planned and dynamic having capacity to adapt itself to changing needs of time.

To begin with, this research paper throws light on the constitutional/legal basis of the administrative structure of the government of Jammu and Kashmir. Special emphasis is laid on General Administration Department, Finance Department and Department of Law along with Planning, Development and Monitoring Department due to the powers vested in these departments by the constitution/law. In Jammu and Kashmir there are broadly three administrative instruments for administration of development they are; government departments, regulatory administration and public enterprises. Government departments are designed on the basis of *purpose, persons, process* and *place*. A broad framework right from the secretary down to the level of officers at block level is provided in this paper.

‘Regulatory administration’ for regulating private sector is categorized into ‘regulation for provision of welfare services viz health and education, ‘regulation for industrial development viz industrial development policy’ and ‘regulation for infrastructure development viz electricity and transport’. Public enterprises created for undertaking certain economic activities are discussed at the end as an important instrument for socio-economic development of Jammu and Kashmir.

### **Constitutional / legal provisions for administration**

According to section 43 of the constitution of Jammu and Kashmir, “the governor shall make rules for the convenient transaction of the business of government of the state and for the allocation among ministers of the said business.”<sup>2</sup> In accordance with this section, the Jammu and Kashmir Government Business Rules came into being. Prominent points with reference to division of powers among various departments in these rules, having an impact on socio-economic development of the state, are<sup>3</sup>.

- Subject to orders of the chief minister all cases referred to in the second schedule (to these rules) shall be brought before the cabinet.
- There shall be collective responsibility of the cabinet for all “executive orders issued in the name of the governor or government of Jammu and Kashmir”.
- The Finance Department has to give concurrence to the department concerned before the department issues orders upon proposals/ bills affecting finance of the state but it

cannot issue orders for itself and the departments and agencies working thereunder in such cases, without previous concurrence of the General Administration Department (GAD).

- General Administration Department (GAD) shall be consulted on matters involving methods of recruitment and conditions of service of civil servants and interpretation of existing order of such recruitment and conditions of service.
- Any proposal requiring concurrence by the Finance Department, if not concurred by the department, may be proceeded with if decision to that effect has been taken by the cabinet.
- Law Department shall also be consulted by the concerned department in matters involving question of law to look into the legal aspects.

Therefore after the cabinet, the General Administration Department (GAD), the Finance Department and the Law Department are important vis a vis administration of development.

However, one of the most important departments directly involved in the process of development is the Planning, Development & Monitoring department. This department is “responsible for formulation of state annual plans, monitoring and implementation of five year plans, project appraisals, preparation of monitoring reports, conduct of district development board meetings, maintaining liaison with government of India and monitoring and implementation of schemes sponsored by the central government”<sup>4</sup>. The main objective of the department is to redress inter-regional and inter-district imbalance in developmental process and to ensure equitable distribution of resources. Vision of the department as shown on its official website is:

*“We plan comprehensive long term development strategy and address development challenges to ensure equitable distribution of resources to all regions and districts for overall socio-economic development of the state”*.<sup>5</sup>

The Planning Development and Monitoring Department is multidisciplinary in nature. It has its planning cells in all departments connected with developmental works to monitor the implementation of plans in these departments. It also has a network of officers responsible for the entire planning exercise in the districts as Chief Planning Officers and District Statistical and Evaluation Officers. This department works under the direct guidance and supervision of the governor or the chief minister of the state as the case may be.

### **Administrative structure for development**

Administration of development in Jammu and Kashmir is the responsibility of three instruments of development (1) Government departments (2) Regulatory administration (3) Public enterprises

**(1) Government Departments** Administrative organization of the government is influenced by the tasks to be performed and the way in which the tasks are divided among different organizational units. The character of public administration is also influenced by the prevailing political structure. Its character is influenced by the constitution, the form of government (dictatorship or democracy, presidential or parliamentary, unitary or federal, centralized or decentralized and so on) and the division of power among organs of the government executive, legislature and judiciary. In this respect, the polity of Jammu and Kashmir, which is based on the United Kingdom born parliamentary system, is similar to other states of India.

Moreover, the Jammu and Kashmir Government Business rules say that the business of the government shall be transacted in the departments. The chief minister shall allot departments to ministers. "Each department of the secretariat shall consist of the secretary to the government who shall be the official head of the department, and of such other officers and servants subordinate to him as the state government may determine"<sup>6</sup>. Based on these guidelines the state of Jammu and Kashmir has some 21 ministries and 40 administrative departments<sup>7</sup>. Departments seem to be formed on the basis of Luther Gulick's 4p's formula of organization<sup>8</sup>. The 4p's stand for Purpose, Process, Persons (clientele) and Place.

The departments of Education, Health and Agricultural Production are 'purpose' based departments made on the basis of functions to be performed by them. On the other hand 'process' based departments are organized on the basis of a technique or specialized skill. Law and the Finance departments can be called 'process' based. Departments that are there to exclusively serve a particular clientele like the department of Tribal Affairs are 'persons or clientele' based. There are also some departments in the state that cater to the needs of people of a particular 'geographical area or place' such as Ladakh Affairs department.

Moreover, a department sometimes houses within itself different units/wings some designed to perform a major function, some to carry out a process, others to serve a clientele or to deal with a geographical area. For example the Department of School Education in Jammu and Kashmir is a function based department, then it has directorates in the two divisions catering to

educational needs of a division/place, a *Sarva Shiksha Abhiyan (SSA)* wing within the department looks after elementary education of a target group/clientele<sup>9</sup>.

As mentioned earlier a department in Jammu and Kashmir is politically headed by the minister and administratively by the secretary. They together constitute the 'secretariat'. "The secretariat is a single office for the purpose of recording or communicating the decisions and orders of the government. It functions as a whole under a chief secretary to government and is divided into branches, each under a secretary". A branch is divided into sections, one or more of them are put under the charge of deputy/under-secretary by the secretary. "A section is the basic unit of the secretariat functioning under the supervision of a superintendent, aided and advised by various officials designated as senior and junior assistants, record keepers, assistant record keepers, typists etc"<sup>10</sup>.

There is one more important office in the department at divisional level known as 'directorate'. Housed outside the secretariat building, directorate is a line agency responsible for execution of policies, programmes and projects of the government concerned with the department. An officer usually of the rank of a deputy secretary or above called as Director (in most of the cases) heads the directorate. By virtue of the very geography of the state, there are two directorates for almost every department, one each for the Jammu division and the Kashmir division. However, all directorates are not place or region based e.g. Directors of Audit and Inspections, Accounts and Treasuries and J&K Funds Organisation of the finance department<sup>11</sup>.

The most important functionary at the divisional level in the administrative set-up of Jammu and Kashmir is the Divisional Commissioner. He is the coordinator of activities at divisional level ranging from law and order, rural development, revenue administration and development administration. His powers and functions vis a vis heads of departments at divisional level (directors) are more and important. He coordinates their activities and issues directions to this effect to them as and when required<sup>12</sup>.

The departments at the district level are headed by district officers. Districts with their division into tehsils and blocks/zones are the last points where policies, projects and programmes of the central or state government are actually implemented. Kingpin of district administration is the District Collector or Deputy Commissioner (DC) as he is called in Jammu and Kashmir. He heads the district administration. There is hardly any area in the district administration where he is not associated as a head or overseer be it law and order, revenue, rural development, urban development and so on. His role in district administration is similar to the role of divisional

commissioner at the divisional level. But being directly involved in implementation of developmental programmes at the ground level, his role is certainly more important.

Since the adoption of planned development strategy, the deputy commissioner like in other states of India continues to play a prominent role in development administration in Jammu and Kashmir also. Moreover, powers of the deputy commissioner were further increased in 1976 by the introduction of “single line administration”<sup>13</sup> in the state. Under single line administration, deputy commissioner was made head of district administration and powers of major heads of departments were vested in him. He enjoys administrative control over all departments and works as a nodal officer for implementation of development works in the district.

At the bottom of the pyramid are local self-government bodies. There are District Planning and Development Boards in each district, Block Development Councils in each block and Halqa Panchayats in each halqa. Their roles and responsibilities with regard to development are pivotal. These bodies at their respective levels inter alia perform the functions of supervising the progress and achievements of development plans and schemes and monitor implementation of poverty alleviation programmes. District Planning and Development Board headed by the Deputy Commissioner lays down the policy guidelines for Block Development Council and Halqa Panchayat and approves the budget for Block Development Council. Besides, the District Planning and Development Board serves as a working group for formulation of Annual Plans and finalises the plan and non- plan budget for the district<sup>14</sup>.

## **(2) Regulatory Administration**

One of the most neglected fields in the administration of development is the regulatory function of the government. To ‘regulate’ means to direct or to bring under the control of constituted authority in government. Before dwelling upon the system of regulatory administration in Jammu and Kashmir, some important points with regard to regulation need to be taken into account:

1. Regulation is performed either by administrative departments or by special laws or authorities/commissions etc. constituted for the purpose
2. Regulation has both positive as well as negative aspects. Government action to encourage, promote or protect certain activities or undertakings is its positive aspect e.g. industrial policies for promotion of industrial sector in Jammu and Kashmir. And government action to discourage or prevent individuals or organisations to undertake

certain activities which are undesirable and harmful is its negative aspect e.g. the prohibition of production, sale and use of narcotics.

3. Regulation is not for the private sector only. Government action if necessary, is also put to regulation by some law or authority.

While keeping in mind the socio-economic development of the state, Regulatory administration in the context of Jammu and Kashmir can be categorised into: (i) regulation for provision of 'welfare services' (ii) regulation for 'industrial development' and (iii) regulation for 'infrastructure development'.

#### ***(i) Regulation for provision of welfare services***

It is the responsibility of the government to take care of the welfare and wellbeing of the people. Measures for poverty alleviation, good health care facilities and quality and affordable education are major welfare activities of the government. Private sector is an important player in providing these services which makes it even more imperative to regulate them. For example the government under Jammu and Kashmir School Education Rules 2010 controls registration, teaching, staff matters and fee structure etc of the private schools<sup>15</sup>. Similarly the Drugs and Food Control Organisation and Food Safety and Standards Authority are responsible for regulation/ control in their respective sectors. The Jammu and Kashmir State Water Resources Regulatory Authority (JKSWRRA) is mandated under J&K Water Resources (Regulation & Management) Act 2010 "to ensure judicious, equitable and sustainable management, allocation and utilization of water resources"<sup>16</sup> of the state.

Consumer protectionist function of the government is also a regulatory exercise for the welfare of the people. It not only regulates the prices of goods and services but also their quality and other practices of suppliers. For example the department of Food, Civil Supplies and Consumer Affairs (FCS&CA) performs the "function of regulation of food supplies, LPG and other petroleum products"<sup>17</sup>. It also looks after "price/ market control, redressal of consumer grievances and protection of consumer rights". One more example of protectionist regulatory administration in Jammu and Kashmir is labour welfare. Jammu and Kashmir has adopted 22 central legislations and enacted 3 state legislations for welfare and socio-economic upliftment of working class in the state. To implement these legislations the state has a regulatory mechanism in the shape of state Labour and Employment department, Provident Fund Organisation, State Insurance Corporation and J&K Building and other Workers Welfare Board<sup>18</sup>.

#### ***(ii) Regulation for industrial development***

Promotion of specific industries or economic activities is an important aspect of regulatory administration in Jammu and Kashmir. Special packages for growth of industries from the government of India together with different state industrial policies have been a constant feature to give boost to industrial development of the state. J&K State Industrial Policy- 2016 is the latest step in this direction.

J&K State Industrial Policy- 2016 aims to attract over Rs 2000 crore investment in the industrial sector every year for the next ten years and create 15,000 direct and indirect employment opportunities per annum. A procedure has been laid out through 'ease of doing business' for registration of business units within a time bound manner with the help of e-governance interface. This policy for promotion of industries inter alia targets creation of 'land bank' of about 25000 kanals, supply of 150 MW power every year, setting up of 'Asset Reconstruction Company' for sick industrial units and constitution of 'investment facility cell' in J&K State Industrial Development Corporation (SIDCO) and J&K Small Scale Industries Development Corporation (SICOP).<sup>19</sup>

### ***(iii) Regulation for development of infrastructure***

Electricity, transport and communication are not only essential requirements of life but also a prerequisite for industrial development. Communication is a subject under the union list. But, the state government is actively involved in providing electricity and transport services to the people. J&K State Electricity Regulatory Commission was established under The Jammu and Kashmir State Electricity Regulatory Commission Act, 2000. Duties of the commission include "rationalization of electricity tariff, transparent policies regarding subsidies, promotion of efficient and environmentally benign policies or matters connected therewith or incidental thereto"<sup>20</sup>.

The Jammu and Kashmir state transport department works for promotion of private transport facilities and has also the responsibility to protect people from arbitrary actions of transporters. The department's vision reads "enabling people of the state to avail safe, efficient and affordable transport services with enhanced connectivity commensurate with socio-economic development of the state"<sup>21</sup>. One more important regulatory function of the government with regard to infrastructure development is regulation of the banking system and controlling institutions dealing with the capital. The Jammu and Kashmir finance department performs this function<sup>22</sup>.

### **(3) Public Enterprises**



Economic undertakings which are owned and controlled (fully or partially) by the government, are categorised as “public enterprises”. The traditional form of public enterprise is a ‘Government Company’ established by a law made by the legislature of a country. They are established in India under the Companies Act of 1956. A ‘Public Corporation’ is a form of public enterprise which is outside the framework of government departments and company laws. Public corporations are created by or are pursuant to a special statute of legislature. A ‘Development Corporation’ is a public enterprise primarily established for the promotion of certain economic undertakings. And a ‘Development Finance Company’ is a type of Development Corporation specialising in providing financial support to enterprises.

Government establishes public enterprises when: (a) It wants to establish separate agencies outside the regular bureaucracy so that to provide them with management capacity suited to the efficient and effective performance of their distinctive tasks; (b) private enterprises are not in a position to undertake an industry or economic activity which the government considers essential or desirable in the public interest; (c) Government regulatory mechanism fails to control private enterprises adequately; (d) Government does not want a specific industry or undertaking to be owned and controlled by private persons for policy reasons; (e) combination of two or more of above mentioned reasons.

Public enterprises in Jammu and Kashmir are a result of inability or unwillingness of the private sector to take up activities necessary for socio-economic development and incapacity/inefficiency of regular government departments. They were set up as an integral part of developmental strategy, with an aim to “generate surpluses and yield some rate of return on investments made in them, there are 19 public enterprises in the state”<sup>23</sup>. They function under administrative control of various departments. These enterprises operate in the fields of production, manufacturing, industrial promotion and service sectors.

In addition to welfare corporations like Jammu and Kashmir SC, ST and Backward Castes Corporation Ltd and municipal corporations of Jammu and Srinagar, the state has every type of public enterprise mentioned above. The Jammu and Kashmir Bank Ltd, Jammu and Kashmir Minerals Ltd, J&K Cements Ltd and J&K State Cable Car Corporation are companies incorporated under Companies Act 1956. J&K State Forest Corporation, J&K State Road Transport Corporation (JKSRTC), J&K Projects Construction Corporation (JKPCC) and Jammu and Kashmir Power Development Corporation (JKPDC) are important public corporations incorporated through Acts of the state legislature. These companies/corporations

are formed for provision of efficient services, creation of necessary infrastructure for development and generation of revenue and employment.

J&K State Industrial Development Corporation (SIDCO), J&K Small Scale Industries Development Corporation (SICOP), J&K Power Development Corporation (JKPDC), J&K Tourism Development Corporation, J&K Handloom Development Corporation, J&K Handicrafts Corporation and J&K Agro Industries Development Corporation are some important public enterprises working for promotion/development of industries in their respective areas. For example J&K “State Industrial Development Corporation (SIDCO) is the nodal agency for promotion and development of medium and large scale industries in the state”<sup>24</sup>.

J&K State Financial Corporation is a development finance company. It provides term loans to industrial units thus ensuring financial support for promotion of industries. Besides being funded majorly by the state government, it also receives funds from Small Industries Development Bank of India (SIDBI) and other government and private financial institutions<sup>25</sup>. There are some agencies working under various departments in the state. Most important among them with reference to economic development is J&K Economic Reconstruction Agency (JKERA). Registered under J&K Societies Registration Act 1998, ERA is responsible for preparation, follow up and implementation of externally aided projects<sup>26</sup>.

## **Conclusion**

As far as organizational structure for administration is concerned, there are various administrative departments and corporations available in the state. From the department of finance and planning to the department of revenue and education, from the highest office of chief minister down to the *chowkidar* in the village there is an army of government officials available supposedly to look after development and welfare of the people. Having said this, structure alone is by no means a symbol of good administration. Level of socio-economic development is the yardstick for measuring efficiency and effectiveness of the administration.

The *Per capita income* of J&K at current prices was miserably low i.e. Rs 74,653/- in comparison with Rs 2,71,305/-of Delhi, Rs 2,17,548/- of Chandigarh and Rs 1,62,034 /- of Haryana<sup>27</sup>. This indicates that the J & K government has not been able to generate enough income for its people. Another cardinal factor of human development is *education*. According to 2011 census overall literacy rate in the state stood at 68.74% (78.26% male literacy rate and 58.01% female) in comparison to literacy rate of 74.04% (82.14% in males and 65.46% in females) at all- India level. This shows that the state is not only lagging behind India in terms

of overall literacy but a glaring inequality can be seen between male and female literacy rate.

Third essential indicator of social or human development is *health*. The state is still lagging behind some other States/UT's of India as shown in the table. Moreover Sex- ratio in Jammu and Kashmir is as low as 889 in comparison to 943 at national level (Census 2011). Minimum doctor- patient ratio set by the World Health Organization (WHO) is 1: 1000, while as in Jammu & Kashmir for every 1658 patients there is only 1 doctor to treat them<sup>28</sup>.

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