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**Interfaces in Local Governance -
A Study in Karnataka**

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Abstract

With the introduction of Panchayati Raj Institutions in India, new spaces and initiatives have been designed to deepen democracy at the local level and make it more inclusive. These strengthened Grama Panchayats often co-exist with a range of intersecting local institutions particularly those that are apparently rooted in traditions and customs - Customary Panchayats. Research in Karnataka indicates that rather than shrinking in face of modernity, these institutions have found ways to interact, often positively, with Grama Panchayats. There is some evidence to suggest that Customary Panchayats themselves both influence and adapt to the existence of Grama Panchayats. A deeper understanding of the dynamics of this interaction would enhance the capacity of government agencies and social movements to intervene effectively to help promote the interests of the poor and disadvantaged and strengthen local governance.

Preamble

Two themes have dominated the development discourse in recent times - Democratic Decentralization and Participatory Governance. To an extent this is due to a growing sense of disillusionment with centralized governance (Manor, 1995). It is now widely believed that modern governance should be spread across many levels and across 'multiple centers of authority' (Hooghe and Marks, 2003). The move towards decentralized forms of governance is based on an implicit assumption that the process of democratic decentralization creates spaces for increased participation and wider representation by various citizen groups, specially those that were hitherto marginalised and/or excluded from mainstream political processes. Citizens' participation in local governance is now seen as an essential pre-condition for effective and good governance.

A significant feature of the present-day world is the wide spread of democracy as the accepted system of governance. As Huntington (1991) observes, more than half the world's population now lives under elected governments. This follows from the 'third wave' of democratization in the 1980s and 1990s. Not only has the number of elected national governments increased over the past decade, but also advances have been made in a number of existing ones to deepen the degree of democracy. An important manifestation of this is the widespread movement towards democratic decentralization.

India has a remarkable record in maintaining a relatively stable and competitive electoral democracy despite the fact that it is a very poor and highly diverse society. Initiatives aimed at deepening democracy at the grassroots in India include the process of democratic decentralization as well as positive discrimination in the form of quotas for SCs, STs, Other Backward Classes (OBCs) and women in local government.

With the introduction of newly created formal, local institutions not much attention has been paid to the existing local (mainly rural), informal institutions or the ways in which they have been affected (or not) by the introduction of these statutory formal institutions. There appears to be an implicit assumption either that these formal institutions have filled a vacuum or that there is a unilinear displacement of customary/informal institutions by the former. Both these assumptions are erroneous in that they not only underestimate the resilience of customary/informal institutions but also fail to perceive the ways in which they adapt to changing conditions.

The most important among these informal local institutions are the Customary Panchayats (CPs), which are essentially dispute resolution bodies that also play a significant role in local governance. It is generally assumed that these customary institutions are relics of the past and are fast fading with the introduction of elected local bodies. Research on decentralization in most developing countries indicates that in reality the traditional/customary governance structures and leadership play an important role in influencing local governance. This is quite evident in much of Africa (Keulder, 1998), parts of Latin America (Fox, 1994), Philippines (Lara, 1990) etc.

Contrary to popular belief, there has not been a unilinear displacement of Customary Panchayats by the formal structures of governance such as Grama Panchayats. Rather there is some evidence to suggest that in Karnataka customary institutions themselves both influence and adapt to the existence of formal governance structures. The interaction exists at different levels and has implications for local governance. Research indicates that various types of influences are exerted by the Customary Panchayats in their interaction with Grama Panchayats. However, the interface between these customary institutions and the formal local governance structures continues to be an unexplored sphere.

This paper is based on research underway on the interface between the Customary Panchayats and Grama Panchayats within the context of democratic decentralisation in 30 villages from three districts in Karnataka. The paper is structured as follows. The first section looks at the process of decentralisation in India in general and Karnataka in particular. The second section looks at the institutional structure of the Customary Panchayat. The third analyses the interface between the formal and customary institutions and the fourth section includes conclusions as well as some possible areas of intervention.

Decentralization in India

Decentralization has a fairly long history in India. Since Independence, several attempts have been made to revitalize this system. But important milestones in this process are the 73rd and 74th amendments to the Constitution in 1992. As a result of the 73rd amendment Panchayati Raj Institutions (PRIs) gained constitutional status and came to be regarded as the third tier of governance.

73rd Amendment to the Constitution

The 73rd amendment aims at deepening democracy at the grassroots by making mandatory the establishment of local governance structures at different levels in rural India. It specifically identifies Panchayats as 'institutions of local self-governance'. Not only does it provide a constitutional status for PRIs but also attempts to make them more representative. This is sought to be done by creating spaces for the marginalized groups, politically or otherwise through positive discrimination..

The 73rd amendment has both mandatory and enabling provisions. Wherever a consensus appeared unlikely the issue in question was left to the discretion of the states. The enabling provisions are largely the result of this compromise. Described below are the principal features of the amendment now Part IX of the Constitution.

Structure

- a uniform three-tier structure of PRIs with Panchayats at the village, intermediate and district levels except that the middle tier is not mandatory in states with a population of less than twenty lakhs.
- direct election of members at all levels.

Representation and Reservation

- reservation of seats for Scheduled Castes and Scheduled Tribes in proportion to their population
- one-third of all seats reserved for women
- for both of the above rotation among constituencies is permissible.
- reservation of the offices of chairpersons at all levels for the Scheduled Castes, Scheduled Tribes and women on the same lines as reservation of seats but with mandatory rotation among constituencies
- reservation for Scheduled Castes and Scheduled Tribes coterminous with the period specified in Art 334(until 2010) with no time limit in the case of women

- States are permitted to provide for the following -
 - reservation of seats and offices of chairpersons in favour of the backward classes of citizens;
 - representation of chairpersons of village panchayats at the intermediate level and for chairpersons of the latter at the district level;
 - representation of members of the lower houses of Parliament and the state legislatures at the intermediate and district levels;
 - representation of members of the upper houses of Parliament and state legislatures at the intermediate and district levels subject to their being registered electors at the appropriate level;
 - direct elections to offices of chairpersons at the village Panchayat level.

Electoral Term

All panchayats should have a five-year term unless they are dissolved earlier. They cannot be continued after the end of the five-year term. Elections should be held not later than six months after dissolution. Further, elections have to be held before the expiry of the five-year term. However, where dissolution takes place and the residual period is less than six months it is not mandatory to hold elections. It is mandatory that all matters connected with elections should be vested in the state election commission. The minimum age for membership is 21 years. Disqualification for membership is decided by the authority and in the manner specified by the legislature of the state.

Powers and Responsibilities

Subject to the provisions of the Constitution, “the legislature of the state may, by law, endow panchayats with such powers and authority as may be necessary to enable them to function as institutions of self-government and such law may contain provisions for the devolution of powers and responsibilities upon panchayats at the appropriate level, subject to such conditions as may be specified therein, with respect to:

- a) the preparation of plans for economic development and social justice
- b) the implementation of schemes for economic development and social justice as may be entrusted to them including those in relation to matters listed in the Eleventh Schedule”(Article 243G).

The power to impose taxes by panchayats is to be legislated by the states. In theory wide powers are envisaged here. Panchayats can be authorised to levy, collect and appropriate taxes, duties, tolls etc.; the state can make assignments to panchayats of taxes etc. collected by the state; grants-in-aid to panchayats from the Consolidated Fund of the state can also be made. The state can provide for the constitution of such Fund for crediting

all monies received and for their withdrawal. A state finance commission is mandatory and shall be constituted once every five years. The commission shall review the financial position of Panchayats and make recommendations on the a) principles for distribution of net proceeds of taxes etc levied by the state between panchayats and the state, b) allocation between panchayats at all levels, and c) grant-in-aid to panchayats from the Consolidated Fund of the state. The Commission is also expected to recommend measures to improve the financial position of panchayats (Article 243 I).

It may be noted that in practically all states powers of taxation are devolved only on the lowest tier, Grama Panchayats.

The provisions contained in the 73rd Amendment are not applicable to Nagaland, Meghalaya, and Mizoram. They are also not applicable to the hill areas of Manipur and the district of Darjeeling. Extension of the amendments to scheduled and tribal areas is permissible. A separate act was brought in 1996 to extend the provisions to Scheduled Areas.

Conforming with the provisions of the 73rd amendment, most State governments have passed Panchayati Raj legislation and established a three tier system of governance at the sub-state level. While the decentralization wave has spread widely and has been implemented with differing degrees of intensity across the country, the state of Karnataka stands out as it has had a fairly impressive record in terms of decentralization and was one of its early initiators in India.

The Karnataka Context

Karnataka's experiment with the process of decentralization began long before independence. Under princely rule local bodies existed and operated at different levels. During the post independence period, several committees were constituted by the government to revitalise them. Despite some progressive recommendations by these committees that were far ahead of their times, such as reservation by election for SCs and women (Local Boards Enquiry Committee, 1954), PRIs were not given enough powers or functions to perform as effective local governance structures. In 1982 the Janata (subsequently Janata Dal) government – the first non-Congress government – was the first to attempt devolution in explicit political terms (Natraj and AnanthPur, 2003). A major landmark achievement of this government was to legislate the 1983 PR Act [The Karnataka Zilla Parishad, Taluk Panchayat Samitis, Mandal Panchayats and Nyaya Panchayats Act 1983]. This Act, influenced by the Ashok Mehta Committee's recommendations (1978) at the national level, went further in some respects. It established a two-tier structure with the Zilla Parishad (ZP) and Mandal Panchayat (MP), both elected and a Taluk Panchayat Samiti, which was an ex-officio body. A notable feature was 25 per cent reservation for women in ZPs and MPs even before this was mandated by the Constitution. Elections under this Act were held in 1987.

This Act was substituted by a new legislation in 1993 (the Karnataka Panchayat Raj Act, 1993). This was partly due to the need to accommodate the mandatory provisions brought in by the 73rd and 74th amendments to the Constitution. As a result the 1993 Act provides for the following three-tier structure – Zilla Panchayat (district level), Taluk Panchayat (Block level) and Gram Panchayat (village level).

The 1993 KPR Act provides for reservation of 33% for women, and for SCs and STs in proportion to their population. It also provides 33% reservation for other backward classes, which is an enabling provision under the Constitutional amendment. A special feature of this Act is that it provides for reservations for the post of President and Vice President in all three tiers on a rotation basis. Another important feature is the establishment of the Grama Sabha, which consists of all the registered voters of the village and is considered the fourth tier of governance. A recent amendment of the KPR has created the ‘Ward Sabhas’ at the village level. Ward Sabhas are recommendatory bodies.

Of the three tiers of PRIs, Grama Panchayat is the most important tier not only because of its proximity to the rural population but also as it is directly involved in local governance. A brief sketch of the structure of GP is given below to illustrate the differences between CPs and GPs in terms of composition, powers, jurisdiction and resources.

Some of the key features of Grama Panchayats in Karnataka are as follows:

- Democratically elected bodies
- Constitutional status through the 73rd Amendment to the Constitution
- Constituted for a group of villages (5-7000 population)
- One representative for every 400 population
- 33% seats reserved for women
- Reservation of seats for SCs & STs in proportion to their population
- 33% seats reserved for OBCs
- Reservation for the post of president and vice president
- Tied and untied funds from the government and own tax resources.

These provisions have changed the composition of local governments by explicitly including in them previously marginalized groups. These newly formed formal local institutions often co-exist with the customary panchayats that generally represent the ‘older’ village establishment and are long standing. However these customary panchayats are seen either as fading with modernity or as ‘oppressive’ institutions of caste dominance. The picture is more complex than these simple generalizations. The following section attempts to give a more comprehensive picture of these customary institutions.

Customary Panchayats – *Historical Context*

Local institutions are an integral part of rural India. A range of intersecting local institutions exist at the local level, most of them organized around caste. A majority of them such as caste panchayats or street panchayats operate at sub-village level and have limited authority. Overarching these organisations exists the village council, which is essentially a ‘congress’ of all the caste leaders in the village (and some others as will be illustrated later) and has jurisdiction over the entire village. It deals principally with dispute resolution, maintains village order and performs other social functions. These are not formal political institutions with a set of clearly delineated responsibilities. Rather they are better comprehended as a ‘pattern of dialectic, decision and action’ (Mandelbaum, 1970). Unlike some other local institutions that deal mainly with resource management, etc, this institution derives its importance from the significant role it plays in village governance. Given that this forum is known by different names in different parts of Karnataka, a more generic term such as ‘Customary Panchayat’ (CP) is used here.

CPs are prevalent in rural India and are highly institutionalised: they embody stable, recurring and valued behaviour patterns (Huntington, 1965). Early references to these institutions can be found in the official records of the British administrators who were interested in their traditional justice dispensation aspect (Krishna, 2002). According to Mukherjee (1923), these institutions emerged in response to incomplete state formation under the colonial rule. His account of the nature and composition of these institutions to a large extent corresponds with the subsequent studies in the post independence period. In the 60s and the 70s extensive research was carried out on these institutions by anthropologists (Archer, 1984; Bailey, 1960; Cohn, 1987; Mandelbaum, 1970), sociologists (Beteille, 1964; Dumont 1970; Srinivas, 1959), political scientists (Rudolph and Rudolph, 1967), legal experts (Galanter, 1989) and political economists (Wade, 1986). Consequently a rich body of knowledge on various facets of this institution emerged. Two streams of arguments dominated these studies. One school of thought identified these ‘village’ institutions and portrayed in great detail their structures and activities. Mandelbaum’s (1970) detailed analysis of village councils from different parts of India, indicate that the composition and activities of these institutions across the country were broadly comparable although the effectiveness showed both intra- and inter regional variation. Much of the research during this period concentrated on the informal justice dispensation under these institutions that persisted despite access to formal legal institutions (Archer, 1984; Cohn, 1987; Srinivas, 1970). At the same time, there has been another school of thought, which has contested the very existence of these ‘village’ level institutions. Hayden (1999), Dumont (1970) and others have argued that ‘village’ panchayats as institutions do not exist and what one sees in the villages is a caste panchayat, which if dominated by dominant castes and is adequately powerful, may also take up issues related to other caste groups.

Despite these diametrically opposing views, the first set of discourse on the presence of ‘village’ panchayats has been more widely cited and accepted than the second, which is used more as a reference point to critique these institutions.

Historical analysis of these institutions indicates that the composition of the CPs has remained more or less unchanged over the years. Mukherjee (1923) describes these institutions as consisting of people belonging to different caste-groups and representing various communities in the village. According to Srinivas (2002) these ‘village councils’ are ‘informal and flexible’ bodies with ‘no hard and fast rule about who should constitute them’. Contemporary CPs reflect both these characteristics - they are broadly representative of various caste groups in the village and are also informal and flexible bodies. In addition they have also adapted to the changing contexts.

The resilience and adaptability of these customary institutions derive in large measure from the caste system. Just as caste is not as inflexible and rigid as is often supposed and has survived the advent of democracy as also the forces of modernization customary institutions too continue to operate at the local level despite the increased importance of their statutory counterparts. Contrary to ‘optimistic’ expectations that caste would wilt under the pressure of modernizing drives and (hopefully) wither away it has adapted itself uniquely to changing contexts. Its role in electoral politics is visible. Equally noticeable is its place in the realm of positive discrimination, which persists as a contested sphere socially and politically. While caste is not the sole factor to take cognizance of in these spheres its importance can hardly be denied.

CPs are a manifestation, an extension, of the caste system. They represent what may be described as its “fusion” side. It should, therefore, occasion no surprise that they also share the caste system’s resilience and adaptability. It is certainly arguable that they have the most fundamental nexus with caste. This is reflected in the biases they display which are inherent in rural society, which to this day is significantly influenced by the caste system.

Composition of CPs - Structure and membership

CPs are more complex institutions than we generally believe or understand. This is partly because the CP as a village institution is not easily visible to an outsider as these institutions are natural and implicit. The fact that CPs do not have a common or a uniform name to identify them adds to this invisibility. For instance, in the southern part of Karnataka, particularly in Mysore district this institution is referred to as ‘*panchayati*’, ‘*Halli panchayati*’ (Village council), ‘*nadu*’ or ‘*nadu panchayati*’ (regional council), ‘*nyaya panchayati*’ (Justice Council) or even ‘*nyaya samiti*’ (justice committee). In northern Karnataka particularly in (erstwhile) Dharwad district this forum is generally known as ‘*pancharu*’ or ‘*Hireru*’ (village elders) and in one particular village as ‘*Civic Board*’. In Raichur district it is usually referred to as ‘*Daiva*’ (God).

The structure and composition of CPs in Karnataka broadly follow the same pattern of representation described by Mukherjee (1923) and Srinivas (2002) indicating their enduring character. One indication of their adaptability to changing contexts is the inclusion of new (types of) members.

CPs are essentially more broad based than caste organisations but in single caste villages the caste organisation also plays the role of a CP. In villages with multi-caste population, the CP encompasses the entire village. In such villages, each caste group has its own set of caste leaders. The CP is composed of these senior caste leaders. Thus it is essentially a council of leaders and comprises only men.

An important distinction can be made between the membership of CPs and other local institutions. The members of CP are not just village leaders but also important caste leaders who perform other duties and responsibilities as leaders of their particular caste groups. In a sense their legitimacy as CP members not only derives from their role in village governance but also as individual caste leaders responsible for maintaining caste cohesion. It can be argued that the legitimacy of this institution, apart from being rooted in custom and tradition, is also linked to the element of social stability and local law and order it provides.

Significantly, marginalised caste groups have better access and representation in CPs compared to gender representation. Scheduled Castes and Scheduled Tribes are better represented in CPs than women. However the inclusion of SC leaders in CPs seems to vary from region to region. In some villages SC leaders are part of the CP, in others they are excluded from this forum, in some others although they are part of the CP, their influence is somewhat limited. Thus a whole range of involvement of SC leaders - from total exclusion to active involvement - is visible in this forum.

An interesting phenomenon is the emergence of 'neo leadership' in most villages. While caste and traditional leadership continue to be an important part of CP, it now includes another set of village leaders who are members of the CP due to modern influence. Political linkages, education, mobility, contact with government functionaries etc seem to be the latest criteria for leadership. This has resulted in the emergence of a different set of members in the CP who otherwise would not have been part of the process. Emergence of new and parallel leadership at the village level is not a recent phenomenon. As early as 1960s, Beteille (1965) had identified the emergence of a fresh set of leaders, independent of both caste and class to a certain extent and he had noticed the shift in power from the traditional elite to these modern leaders in villages of Tamil Nadu. Krishna (2002) in his study of Rajasthan and Madhya Pradesh villages identifies three sets of leaders, traditional village leaders, Panchayat leaders and *naya netas* (new leaders), but he perceives them as three different streams with very little overlap of leadership. It is here that the experience from Karnataka differs. The emergent new leadership often finds a place in the CP and plays an active role in dispute resolution along with traditional caste leaders and at times they are also part of the formal local governance institutions (AnanthPur, 2002).

CPs in Karnataka are intrinsically patriarchal in nature and women continue to be excluded from this forum both as decision makers and participants. Women may participate in the process of dispute resolution but usually as silent observers (women generally observe the proceedings from the periphery of the gathering). Women's issues and disputes are placed before CPs by their male relatives. CPs in Karnataka continue to be gender biased and positive changes in the status of women in socio-political spheres seem to have had minimal impact on this institution in terms of making it more gender friendly let alone gender representative.

Another set that finds representation in CPs are the newly elected Grama Panchayat (GP) members. However this is restricted to male elected members, especially those belonging to dominant caste groups. Female elected members are totally excluded from CPs except in very rare instances.¹

Nature of Leadership

Despite the pluralistic nature of CPs with more or less equal representation to all caste groups, CPs in Karnataka are headed by *Yajamana* (leader). The *Yajamana* is usually the one who takes initiatives and brings about a consensus in the decision-making process and is thus able to exercise considerable influence in the village affairs. To be considered a *Yajamana*, a person should be acceptable to different communities in the village. Consequently, despite the diversification of membership, in Karnataka the leadership of CPs remains in the hands of locally dominant caste groups such as the *Lingayats* or *Vokkaligas*.² Research indicates that out of 30, 25 CPs were headed by dominant or forward caste groups - 17 *Lingayats*, 5 *Vokkaligas* and 3 Brahmins. In the other 5 villages the leadership was shared between SCs and Muslims in two villages, and headed by ST, Maratha and Muslim individually in three villages. However, the nature of leadership of this institution has undergone significant changes in the sense that CPs are no longer controlled by a single, dominant caste leader/landlord of the village. They are perceived more as a deliberative forum, where decisions are arrived at after discussions and consensus.

Functions of Customary Panchayats

Broadly CPs are expected to maintain law and order in the villages and to act as custodians of 'traditional' norms and rules defining the social order. In Karnataka apart from these functions of internal regulation, CPs also perform a range of other useful functions. Some of them are given below.

□ The most important function of Customary Panchayats is arbitrating disputes in the village. A wide variety of disputes come before Customary Panchayats. These include petty disputes, marital problems including spousal abuse, bigamy, alcoholism etc. Land or property disputes between siblings or others might initially come before Customary Panchayats. Criminal cases are handed over to the police.

□ Equally important is the responsibility related to the village temple. Temple activities or '*Devara Karya*' involve organizing festivals and festival related religious processions and ritualistic activities, temple construction and maintenance etc. This is an important task and assumes significance as it relates to organizing a major social activity within the village and also establishes and reinforces social networks with neighbouring villages.

□ In addition, Customary Panchayats also act as support structures in specific situations. There are cases of Customary Panchayats helping destitute or widowed women to get their husbands' property, collecting funds from the villagers to help accident victims (generally poor families), helping gifted students with their education, funerals of destitute people etc.

□ Customary Panchayats play a significant role in informal resource mobilization, which may be utilized for village development activities or for the maintenance of the local temple.

The veneer of cohesiveness projected by villages to outsiders is a contested issue. Does cohesiveness really exist? Who enforces it and at what cost? - are matters that have been the subject of much debate. Misra P.K. and Parthasarathy, (1981) illustrate this effectively with the analysis of a case study of a dispute between Vokkaligas and Adikarnatakas (SCs) in a Mysore village. Customary Panchayats are not homogenous bodies devoid of social tensions. As an institution consisting of a diverse group of people, both in terms of caste and social status, the inherent social tensions of a rural society are also apparent in this forum. However, social conflicts and tensions within the villages are constantly negotiated and managed by the Customary Panchayats and the appearance of cohesiveness is projected specially in their interface with statutory bodies.

Customary Panchayat – Grama Panchayat Interface

The interface between Customary Panchayats and Grama Panchayats has remained largely unexplored as they occupy different spaces, mainly state and non-state spaces. They also operate at different levels - formal and informal. This renders the interface almost invisible not only to the outsiders but also to the villagers. Villagers view Customary Panchayats and Grama Panchayats, as two distinct sets of institutions, the former as social institutions and the latter as political institutions each with different sets of activities, hence they are not consciously aware of the interface that exists between them.

In India, the Constitutional amendment that mandates local governance has remained silent on the role of 'customary institutions' in local governance. It does, however, make provision to accommodate the tribal laws and customs for tribally dominated regions. In fact special Constitutional provisions have been designed to protect the tribal governance

structures by providing them a central role in local governance. This development came in the wake of objections and protests that formal, local governance structures as mandated by the Constitution would impede and destroy the tribal way of life. In Andhra Pradesh, a group of tribal leaders along with activists filed a case in the Andhra High court challenging the move by the state government to implement provisions of the 73rd amendment despite clear instructions prohibiting such measures (Mahi Pal, 2000). This was instrumental in a national level legislation being enacted in 1996, namely 'The Provisions of the Panchayats (Extension to the Scheduled Areas) Act 1996'. CPs do not get similar recognition in the 73rd Constitutional amendment mandating local governance. In fact all the debates on decentralisation and subsequent provisions in the Parliament did not even once allude to the presence of these CPs let alone their role in local governance. This makes the role of the CPs in formal, local politics in the Indian context somewhat unique, as they do not have any legally or formally assigned role to play in local democracy.

Field research shows considerable interaction between these two institutions. Customary Panchayats influence local governance and in turn the Grama Panchayat in many ways. This influence is restricted to the village level and does not extend over the entire Grama Panchayat area. Two types of influence can be observed. (1) Influence over the composition of the Grama Panchayat and (2) Influence over programme implementation at the village level.

The extent of interaction varies from village to village. To a large extent this depends upon the strength and influence of CPs. Further, these interactions may be positive or negative depending upon the context within which they operate.

1. Influence over the composition of GPs

It is generally believed that villagers freely participate and contest elections at the local level despite reports pointing to the presence of political patronage by village elites in determining candidates for local elections (Inbanathan, 2000). However, this is seen more as a consequence of individual/elite power. The presence of an institution (Customary Panchayats) influencing or at times controlling nominations to Grama Panchayat elections has generally not been debated in the discourse on decentralization.

Grama panchayats in Karnataka, as mentioned above, are constituted for a group of villages (5-7000 population) with a few exceptions. Each village generally has a functioning customary panchayat. Thus, the territorial area of a GP may have a number of customary panchayats depending upon the number of villages coming under its jurisdiction. Hence a single Customary Panchayat cannot completely influence the composition of the entire grama panchayat. However it does play a significant role in influencing the type of candidates that represent the village in the GP.

There are three channels through which CPs intervene in and impact upon elections to GPs.

- a) Deciding the choice of candidates: CPs decide on who should contest elections or influence the type of members that are represented in the Grama Panchayat
- b) Unanimous elections: At times CPs may exercise influence to the extent of ensuring that the candidates of their choice are elected unopposed, in other words cause ‘unanimous’ elections
- c) Overlap of leadership: Often CP leaders and/or members themselves contest GP elections. This leads to an overlap of leadership between the customary and statutory institutions.

All three types of influence, in varying degrees of intensity, were found during field research.

a) Deciding nominations to GP elections: In 28 out of 30 villages under study, Customary Panchayat played a role in the selection of candidates to Grama Panchayat elections. This may take place either before nominations are filed or when they are being finalized. There are instances of the Customary Panchayat asking some candidates to withdraw in favour of its candidates. The dictates of the customary panchayat may not always be accepted, as contesting local elections is often a ‘prestigious’ issue to the villagers. In such cases, where there have been contested elections, villagers admit that most of the candidates who were elected were those originally chosen by the Customary Panchayats.

But an area where the control over nominations to Grama Panchayats is becoming increasingly visible is in women’s participation in formal local governance structures. Progressive legislation that reserves for women one-third seats in elected local councils has been in place in India since 1992. It is widely known that, despite widespread formal compliance with this legislation, women representatives are rarely able to exercise much political influence. It is generally believed that the main reasons lie in the ‘patriarchal’ biases against women that permeate Indian culture. Research in Karnataka suggests a more direct and tangible institutional manifestation: the influence of CPs over local elections. This is particularly visible in the number of women representatives *re-elected* to Grama Panchayats, which has been small enough to cause serious concern among researchers working in this area. This lack of continuity in office prevents women from building their political skills and constituencies and limits their political careers. It also results in a new set of inexperienced women entering the political arena for the first time. Consequently women’s political participation in local governance continues to be less than impressive (AnanthPur, 2002).

Customary Panchayat leaders tend to evade addressing this issue of controlling the nominations of women candidates. They claim that the Customary Panchayat is keen to encourage women who are capable of getting work done for the village. According to the leaders, selection of women candidates for Grama Panchayat is based one of two criteria:

1. Women who are educated and active.
2. Women married to men who are active in village affairs.

But even in cases where women representatives have performed well, they have either not been allowed to re-contest or if they did contest were not elected. This acts as a hindrance to women in advancing their political careers and honing their skills. Women candidates feel that they were asked to contest in the first place because they were ignorant and would listen to the dictates of the village elders. But once they developed political skills and started forming their own identities as leaders and began questioning the decisions of the leaders, they were perceived as a threat to the hegemony of the Customary Panchayat. Research on women's political participation in local governance has indicated a host of reasons and barriers affecting their political performance. But the existence and the impact of this specific institutional barrier, in the form of 'Customary Panchayats' in controlling women's access to political space, has barely received attention.

b) Unanimous elections: Customary Panchayats where possible try to ensure that their candidates are elected *uncontested* to the GP by persuading other candidates to withdraw. This has worked in many instances and the number of 'unanimous' elections has been quite significant (The Hindu, 2000). In 18 out of 30 villages under study some form of unanimous elections have taken place. While in 4 villages all the seats were unanimously filled, in 14 villages at least some seats were unanimous. Interestingly, Customary Panchayats influence on Grama Panchayat elections has also been linked to informal resource mobilization. In some villages, where 'unopposed' elections have taken place, potential, short-listed candidates are asked to contribute to the village fund the equivalent of what their election campaign would cost. These candidates are then '*unanimously*' elected. The money is usually utilized for village development or for maintaining the village temple (The Times of India & Indian Express, 2000). In one village in Mysore district, Rs.25, 000/- was mobilized through 'unanimous' Grama Panchayat elections and was utilized to purchase land to build living quarters for the local nurse in the village. The CP decided to invest the funds collected from the 'unanimous' local election in purchasing land on the main road to build the nurse's quarters as the land allocated for this purpose was far from the main road and inaccessible (Ananthpur, 2002).

c) Overlap of leadership: Customary Panchayat leaders not only play a decisive role in decisions regarding the choice of candidates for GP elections but also contest PRI elections themselves. This maybe in the form of the CP leaders or members contesting elections or fielding their relatives instead. This leads to an overlap of leadership between the two structures. In 26 out of 30 villages some form of overlap of leadership is visible. For example, in a village in Mysore, a CP leader was the former president of the Grama Panchayat and during the current term, the son of the village head has been elected as a Grama Panchayat member. In a number of villages, Customary Panchayat members have also been elected as Grama Panchayat members. The president of the Grama Panchayat in

one village is also the wife of an important Customary Panchayat leader in the village. Since she is illiterate her husband handles most of the Grama Panchayat activities. The daughter in law of the CP leader of a village in Dharwad held the position of Grama Panchayat vice president during the previous term. Overlap of leadership makes the interface between these two institutions intense and consequently requires deeper analysis to appreciate its importance.

Admittedly there is evidence that traditional power structures tend to reproduce themselves in formal institutional structures. But an encouraging development is that reforms from above such as democratically contested elections and reservation of seats create spaces to counter this process. Some of the examples given below illustrate this point. In a village in Mysore district, the head of the Customary Panchayat and the dominant caste leaders in the village have very little interest in or impact on the Gram Panchayat candidates' selection process as all the three seats in this village are reserved for SCs and STs. But the CP leader, who is a *Lingayat*, admitted that he had found other avenues to exercise his power by contesting in higher tiers of PRIs. In another village, the people felt that the influence of the CP does not work, as a number of people in the village want to contest Grama Panchayat elections. Consequently there is a failure to reach a consensus on the list of candidates. In yet another village, the head of the Customary Panchayat and the sister in law of one of the CP members lost the Grama Panchayat elections during the last term. This is encouraging, as even when the Customary Panchayat tries to influence and shape the formal local governance structures it does not always succeed. This suggests that increasing political awareness is the most important bulwark against formal institutions being exploited by the dominant sections. It also points to the impact, though limited, of statutory legislations in countering the influence of CPs.

2. Influence over programme implementation

Customary Panchayats not only try to influence the composition of the Grama Panchayats but also the ways in which development programmes from the GPs are implemented at the village level. It is here that various negotiations, trade-offs and other forms of interface take place in return for selecting candidates to the Grama Panchayat. The interaction is often subtle, indirect and influenced by the context or the issue under consideration, thus making it difficult to discern. This interaction may not always be benign. Whatever the result of the interface it supports the proposition made earlier, namely, that there is a noticeable nexus between the two.

For the purpose of this paper, two spheres that are influenced by the Customary Panchayats have been identified.

- a) Implementation of development projects
- b) Selection of beneficiaries for anti-poverty schemes.

a) Implementation of development projects: Generally the Customary Panchayat supports its GP members in ensuring that development projects allocated through the Grama Panchayat are delivered to the village. In addition, the Customary Panchayat also tries to improve the village infrastructure by soliciting donations, in cash or kind, for village development. For instance, in a number of villages in Mysore district, CPs have donated land for the construction of anganwadis in the village. In a couple of villages, CP along with the GP members successfully negotiated with the neighbouring villagers to donate a part of his land (which adjoined this village) for the construction of the anganwadi. The CP in one village mobilised resources to build living quarters for the village nurse, and in another village for the schoolteacher. Examples of CPs donating land for the construction of school buildings, especially high school building, are quite common. A number of CPs have either donated land or money to build community centres in the village, which are quite often used by the mahila sanghas and night schools. This reflects the positive role the Customary Panchayat can play in ensuring effective service delivery.

The Customary Panchayat often acts as a support structure and helps the members in negotiating with the Grama Panchayat for benefits to the village. In some instances, the CP might brief the GP members prior to the GP meeting regarding the development needs of the village and in others it might be more direct in terms of putting pressure on the Grama Panchayat members for development projects to the village. A number of Grama Panchayat members have admitted to 'pressure' to facilitate speedier provision of school buildings, bus services etc.

Consultations with the local leaders, regarding the implementation and location of development projects in the village, by the GP members are common. Often the Customary Panchayat influences decisions relating to the location of roads, streetlights, water taps or drainage. In a couple of villages in Mysore district, the CP along with the GP members have decided on a detailed development plan for the village and the process of allocating development projects received from GP has been put in place. By itself, this is not a negative feature as it encourages local participation and decision-making in the development process. But this intervention assumes negative undertones/implications if these decisions are biased in favour of the village elite and/or are not pro poor as it has direct and negative implications for the welfare of the community as whole and the poor in particular. People in a few villages have complained of biases in the delivery of services or implementation of development works in favour of CP or GP members. A number of *unanimously elected* Grama Panchayat representatives feel that it is imperative to consult with the CP as these leaders are well versed with the problems of the village and can make useful suggestions regarding the location of development projects. In addition, one also perceives a feeling of obligation that impels the GP members to consult the CP regarding its decisions. The following statement by a GP member illustrates this clearly. "I cannot take decisions independently just because I'm a member of the Grama Panchayat, ...that is not right. When elders are present in the village as a part of the village institution, we should take their views into consideration and seek their advice". This feeling of obligation often makes them susceptible to pressure in discharging their duties as Grama Panchayat members.

b) Selection of beneficiaries for anti-poverty schemes: An important aspect of the influence deals with decisions impacting directly on the poor. The process of selection of beneficiaries for anti-poverty schemes takes place in the Grama Sabha – the village assembly. All registered voters in the village are members of the Grama Sabha and are expected to participate in this process. Usually the leader and some members of the CP participate in the Grama Sabha and play an important role in the selection of beneficiaries for various anti-poverty projects and schemes. Again their involvement in this process is not necessarily bad as it may make the selection process more transparent. But this democratic decision-making gets subverted when it is used to strengthen the CP's position in the village, by favouring those that support it. The number of beneficiaries selected each year is small enough not to make a significant impact on the village poor. But the democratic process of selection being influenced to strengthen patronage in the village should cause concern. According to one Customary Panchayat leader the CP is better suited to select the beneficiaries as its members are well attuned to the village reality. He admitted that since they can identify the 'real needy' families in the village, the Customary Panchayat would suggest their names and ensure that they got the benefits, even if these people did not put in an application.

The process of selecting beneficiaries especially for housing projects is a complicated process as the final decision making authority is the Taluk Panchayat, which is the next higher body in the PRI structure. A constant complaint by the CP and GP members is that Taluk Panchayat regularly overturns the decisions taken by the Grama Sabha and makes its own choices. This reflects negatively on both GP and CP leaders.

Informal Resource Mobilisation

Apart from the two types of influence mentioned above, another area where the CP is becoming an important actor in local governance, relates to informal resource mobilisation. CPs, in all the villages studied, were involved in some form of informal resource mobilisation. This is usually for festivities related to the local temple. Informal resource mobilisation may include donations or contributions in cash and kind. It has been mentioned earlier that there are also instances of CP (sometimes along with the GP members) negotiating successfully either with villagers or neighbouring villagers for donation of land for building schools, anganwadis (pre-school) or community hall.

Apart from raising resources for religious purposes, CPs also play an important role in mobilising resources for development projects. Increasingly a number of development projects initiated through GP now require matching contributions from the villagers. It is here that the CP's ability to raise local funds comes into play. One such programme is the rural water and sanitation programme, which requires 20% contributory grants to be raised by the community. While in a few villages, CP has been instrumental in raising this contributory grant, in others the project was not initiated, as the CP was not involved in the process. Some CPs have also donated money collected through fines (from the process of

dispute resolution) and additional or left over funds collected for religious festivities for this purpose. However there were just two cases of CPs mobilising local resources on their own for village development. One village in Raichur stands out as it has used innovative methods to raise resources for village development.

The CP has collected funds for –

- Constructing an approach road to the village. Villagers also donated tractors, labour and some adjoining land to widen the road.
- Purchasing 4 acres of land for construction of high school building in the village (ensuring that the girl students had easier access to higher education),
- Purchasing land for building a small hospital in the village.
- Building a community hall which is given free of cost for weddings in the village.
- Contributed two lakh rupees, one lakh from the temple fund and one lakh raised from the community, as matching grant for sanitation programme implemented by the GP.

In addition, CP leaders have donated land for building a veterinary clinic, living quarters for the pre-school (*agnanwadi*) teacher and the village nurse. The CP has also tried to access resources from various formal sources such as the MLA fund,³ Hyderabad-Karnatak Development Board⁴ for village development.

This does raise an important question of the enabling conditions that make CPs more effective in local resource mobilisation in one context and less in another. This is especially relevant in the context of shrinking state resources for village development through GPs, which may have to rely increasingly on contributory funds from the villages.

Summing Up

The process of local governance is more complex than is generally understood. Despite the extensive research on ‘the Indian village’ over many decades, there are enormous gaps in our understanding of the contemporary realities of local level authority and governance. This is mainly because: (a) much of the research was anthropological in orientation, with a limited focus on politics and governance and (b) most was conducted before the ‘intensification’ of decentralized democracy after 1992 - Beteille (1965), Mandelbaum (1970), Rudolph and Rudolph (1967) Srinivas (1987), to mention a few. Not many have gone back to study the ways in which these local institutions have coped with the introduction of constitutionally mandated, formal local institutions which have greater authority, power and finances than the ones that existed prior to the amendment.

A large body of knowledge exists on informal and ‘traditional’ institutions in India

and an equally large (emerging) body of knowledge exists on local governance and democratic decentralisation. But to a large extent the literature on local governance and democracy has not paid enough attention to the influence of customary institutions on local governance in general and on formal, local governance institutions in particular. The interface between these two institutions continues to be an unexplored terrain. In essence this opens up, indeed should open up, a new dimension in the local governance debate.

The Karnataka research more than indicates that rather than shrinking CPs have found new ways of influencing issues related to local governance. Customary Panchayats play a critical role in influencing the composition of Grama Panchayats by controlling/influencing nominations of candidates to GP elections. The impact of this is particularly visible where women are concerned. While the CP claims that it is essential to encourage 'good' and 'educated' women representatives, in reality these women are discouraged from *re-contesting* election on the ground that they have already been given a chance. The number of women representatives who were re-elected to Grama Panchayats in Karnataka has been insignificant. A number of women who were interested in re-contesting were either 'not allowed' or discouraged by the customary panchayats. Those who did go ahead and contest were not successful.

In fact Customary Panchayats act to a certain extent as a 'gatekeeper' institution in controlling nominations to the Grama Panchayat elections. Conway (2001) has identified 'gatekeeper' institutions as those that control or influence nomination of candidates. (Party leaders, funders, interest group leaders etc) This, she particularly notices, in the context of women's political participation in the US. Conway's basic point is that while reasons such as culture/patriarchy etc are important determinants in influencing women's political participation, sufficient attention has not been paid to the 'gatekeeper' institutions which play an important role in controlling women's political participation. According to her there is substantial evidence to suggest that 'gatekeepers' play a much bigger role than has been understood in influencing the 'prior selection of office seeking' of women candidates in the US. She feels that this selection process has received very little attention by scholars even though it is a 'major contributor to women's limited access to elected office'. Interesting parallels can be drawn between these 'gatekeeper' institutions and the Customary Panchayats. While the Customary Panchayats do play an important role as 'gatekeeper' institutions in controlling the nominations in general, their influence in determining which women may take advantage of reservation to stand for election and/or re-contest in local elections is much stronger (AnanthPur, 2002).

The lack of continuity in office prevents women from building their political skills and constituencies and limits their political careers. A resultant negative outcome of this is the continued presence of a new set of inexperienced women in local politics. Consequently women's political participation in local governance is likely to be less effective than it can be. The intense investment in training and capacity building for women members is unlikely to yield positive results if this alternation continues (Ananthpur, 2002).

This raises pertinent questions, both for policy makers and donor agencies, about effective intervention strategies that can be designed to help women overcome this institutional bias. An area where this intervention might be effective relates to initiating better integration between local women's networks such as the self help groups with women GP members. Thus, an inquiry into the extent to which solidaristic action by women can overcome the institutional bias that arises from the power of male-run customary panchayats needs to be studied in greater detail. This has important implications for effective political participation by rural women.

However, a positive trend is that in most villages, CPs have not been completely successful in controlling (and influencing) nominations to GPs. In a number of villages, people have questioned the decisions of the Customary Panchayat and contested elections for at least one or two seats. This is encouraging as it indicates that Customary Panchayat does not always succeed in intervening in the local electoral process. Reforms from above such as democratic decentralisation appear to give a fillip to citizen's participation even if institutional barriers exist in the form of Customary Panchayats.

Krishna's (2002) study of villages in Rajasthan and Madhya Pradesh, one of the few contemporary analyses of traditional institutions, reveals certain similarities as well as variations between traditional institutions dealing with dispute resolution in those states and customary panchayats in Karnataka. The structure and composition of this institution seems to be quite similar in both states but a clear distinction is seen in the interface between the formal and informal governance structures. For example, Krishna identifies *Village councils* (traditional institutions) and Gram panchayats to be two separate, distinct institutions with very little interaction between them. Equally there seems to be no overlap of leadership between these two institutions. This is interesting and surprising since the Karnataka experience points to a strong interface as well as an overlap of leadership between these two structures (AnanthPur, 2002).

This research has not yet explored the degree to which political parties and affiliations play a role in influencing the choice of candidates by the Customary Panchayats. By law, Grama Panchayat elections are to be contested on a non-party basis in Karnataka. But in reality political parties do play a role in determining the selection of candidates for Grama Panchayats. However, the effectiveness of political parties vis-à-vis CPs is hard to discern. It is certainly a much-needed area of inquiry.

Understanding the interaction between CPs and GPs has implications for local governance policy. The process of designing legal frameworks for local governance provides a *bargaining space* to the policy makers. This *bargaining space* can be used to influence changes in traditional/customary institutions that are more in accordance with the norms and rules of a democratic state in exchange for a formal role for the traditional/customary institutions in local governance.⁵ Not many countries grappling with the problem of accommodating local, informal/traditional institutions in local governance have attempted

to do this. An exception is South Africa where the new ‘Traditional Leadership and Governance Framework Bill’ (Republic of South Africa, 2003) has attempted to create ‘traditional councils’ which must comprise apart from the traditional chiefs, one-third women members and 25% democratically elected members from the ‘traditional community’. It also vests the traditional councils with powers⁶ and functions to interface with local governments such as the local municipalities.

Finally, Customary panchayats are important local institutions in rural areas. Their presence at the village assumes significance as these institutions provide an element of both security and local law and order. Also there has been no unilinear displacement of customary institutions by the formal governance structures. The two continue to co-exist and influence each other. The interface between them has both negative and positive sides. At times the interface may benefit the entire community and at others it can be negative when the Customary Panchayat starts influencing and interfering with decisions affecting the poor. The process of interface itself cannot be construed as being damaging to the process of local governance. Research should concentrate on ways in which the negative influence of Customary Panchayats can be neutralised. This is particularly important if Grama Panchayats are to emerge as effective local political structures. A deeper understanding of the dynamics of this interaction would greatly increase the capacity of government agencies and social movements to intervene effectively to help promote the interests of the poor and disadvantaged.

End Notes

- ¹ Out of 30 villages studied, female GP members were involved in CPs’ activities only in two villages. Even this involvement was marginal and only on invitation.
- ² Traditionally land owning and numerically strong caste groups.
- ³ Each Member of Legislative Assembly (MLA) is given Rs. 40 lakhs as constituency development fund.
- ⁴ Development boards were established to redress regional imbalances in development within Karnataka. Hyderabad-Karnatak Development Board mainly deals with the infrastructure development of districts in this region.
- ⁵ This aspect was brought sharply into focus during field visits in Karnataka. Members of a number of CPs admitted that although the CP is a patriarchal institution (controlled and dominated by older men representing the village establishment) it would have to conform if there is a dictate from the government making participation of women compulsory in this forum (as in the GP).
- ⁶ The role provided is a facilitative and supportive one with little powers to impact decisions.

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