

**Selection by Custom and Election by Statute –
Interfaces in Local Governance
In Karnataka**

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**Paper presented at the Workshop on Local Governance,
Centre for the Study of Law & Governance,
JNU, New Delhi.
11-12, April 2002**

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Abstract

Democratic Decentralization and Participatory Governance are the key issues dominating the development discourse in recent times. With the introduction of Panchayati Raj Institutions (PRIs) in India, initiatives have been taken effectively to extend democratic rule to the local/village level. These strengthened elected local councils often co-exist and interact with a range of apparently-'traditional', potentially-overlapping customary local governance institutions (Customary Panchayats). Research on these issues in Karnataka suggests that it cannot be assumed that there is a unilinear process of displacement of customary institutions by the formal governance structures such as 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 facts and 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.

PREAMBLE -

The spread of democracy is one of the more remarkable features of the contemporary world. Following the 'third wave' of democratizations in the 1980s and 1990s, it has been estimated that, for the first time in history, more than half the world's population lives under elected governments (Huntington, 1991). While the number of elected national governments has plateaued over the past decade, progress has been made in a number of already-democratic countries in intensifying the degree of democracy. One manifestation of intensification is the widespread trend toward democratic decentralization. Another is the partial institutionalization of participatory budgeting at municipal level in Brazil (Fung & Wright, 2001). A third is the adoption of the policy of reservation - the introduction of quotas for the representation of disadvantaged and under-represented social groups.

India figures prominently in the democracy map of the world. Despite adverse statistical odds – the fact that it is a very poor and highly diverse society – it has been a relatively stable and competitive electoral democracy. 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, OBCs and women in local government.

Decentralization has a fairly long history in India. Since Independence, several attempts have been made to revitalize this system. But an important milestone in this process was the 73rd and 74th amendments to the Constitution in 1992. As a result

Panchayati Raj Institutions (PRIs) gained constitutional status and came to be regarded as the third level of governance.

The 73rd amendment to the Constitution envisages setting up of local governance structures with the intention of deepening democracy at the grass roots. This was to be achieved by bringing the marginalized groups to the mainstream political process through affirmative action. Positive discrimination in the form of reservation of seats in the local governance structures resulted in spaces being created for better and increased participation by various politically marginalized groups.

Given that these formal structures such as Grama Panchayats (GPs) are newly created local level institutions, it is logical to expect that there may exist customary institutions at the local level over which these new institutions have been superimposed. The most important among these are the Customary Panchayats (CPs), which are essentially dispute resolution bodies.

Not much effort has gone into understanding the role played by these customary institutions after the creation of formal local governance structures. The general assumption appears to be that customary panchayats are 'traditional' and shrinking in the face of competition from elected local bodies. In actual fact, traditional/customary governance structures and leadership are emerging as important variables in influencing the process of local governance. Researchers studying the process of decentralization in most developing countries are increasingly looking at the relationship between elected representatives and traditional leaders and institutions and analyzing their implications for participation. Examples of traditional leadership such as tribal chiefs in Africaⁱ, powerful landowners in Latin America (Fox, 1994) and *biradari* in Pakistanⁱⁱ putting up barriers for effective participation by citizens in local governance are numerous. While it is true that the local leaders are not the same as institutions, there is some evidence to indicate that the customary institutions influence the formal democratic institutions at the local level in two ways – either directly as an institutional intervention or through the leaders who constitute these institutions.

Despite the great interest that researchers have shown in 'the Indian village' over many decades, there are enormous gaps in our understanding of the contemporary realities of local level authority and governance. There are several reasons why this large accumulated body of local level research is less useful than one would expect: (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; Rudolph & Rudolph, 1967; Srinivas, 1987)

THE KARNATAKA CONTEXT:

The state of Karnataka has a fairly impressive record in terms of decentralization. The first major landmark in recent times is the 1983 Act [The Karnataka Zilla Parishad, Taluk Panchayat Samiti, Mandal Panchayats and Nyaya Panchayat 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 ex-officio. 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 due partly to the need to accommodate the mandatory provisions brought in by the 73rd and 74th amendments to the Constitution. By virtue of these amendments Panchayat Raj Institutions (PRIs) obtained a constitutional status. Further a three-tier elected structure was also made mandatory (with a few exceptions). 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).

Given this long history, extensive research has been conducted on the Karnataka decentralization model. However, research on local governments in Karnataka has not focused sufficiently on the interface between the customary institutions and formal structures of governance. The reasons for this are many. One is the assumption referred to above that the Customary Panchayats are shrinking in the face of competition from formal structures and that Grama Panchayats have filled the vacuum left by these shrinking customary institutions. However, field research indicates otherwise. 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 customary institutions themselves both influence and adapt to the existence of formal governance structures.

This evidence/finding raises a number of critical questions as to what happens to the existing informal institutions at the village level when formal governance structures are introduced, particularly to those that are part of village governance?

- Do they get subsumed by the newly created formal structures of governance?
- Do they continue to function as parallel bodies?
- Do they try to influence the formal structures?

This paper attempts to look at the interface between the Customary Panchayats and Grama Panchayats in two districts in Karnataka and understand its implications for participatory governance. This is based on extensive research in eight villages (four in each district) in Mysore and Dharwad districts. The paper is structured as follows. The first section looks at the institutional structure of the Customary Panchayat. The second part analyses the interface between the formal and customary institutions and the third section includes conclusions as well as some possible areas of interventions.

CUSTOMARY PANCHAYATS:

Traditional institutions are an integral part of rural India. There are numerous civil society organisations functioning at the village level. This paper is concerned with the institution that deals principally with dispute resolution. The importance of this institution

arises from the fact that it has a certain centrality in village governance. Given that this body is known by different names in different regions of Karnataka, a more generic term such as 'Customary Panchayat' is used here to describe this institution, which mainly deals with dispute resolution along with other social functions. It is also necessary to point out that this institution is distinct from caste panchayats that are restricted to a particular caste.

The Customary Panchayat is a forum consisting of all the senior caste leaders in a multi caste village. Thus it is essentially a council of elders (or leaders). The head of this Customary Panchayat is usually the senior caste leader of a higher/forward caste group. Typically a second junior leader is identified to take care of such tasks as informing the villagers regarding the Customary Panchayat meetings and other petty chores. There is a clear difference in the composition of Customary Panchayats between big and small villages. In a very large village there are numerous centres of power and leadership. For e.g. every two or three streets (*Onis*) in a village might have one or two individuals identified and accepted as local leaders. In such a situation all the important leaders come together only if the matter concerns the entire village for e.g. communal riots, village temple activities etc. Otherwise they continue to operate as competing centres of power within the village. This relation is based mainly on a patron-client relationship and serves as a basis for building the support base of these individual leaders. This was observed in one village with a population of nearly 10,000 people. It was also observed that as the size of the village diminishes the Customary Panchayat becomes more visible and important. Generally in smaller villages, Customary Panchayat operates more strongly and has a significant impact on citizens' lives compared to larger villages.

Nature of Leadership:

Customary Panchayat is essentially a council of leaders. Significant changes can be observed in the nature of leadership of this forum. In the villages studied, Customary Panchayats were not controlled or dominated by a single leader. It is perceived more as a forum of leaders where decisions are arrived at after deliberation and consensus. The head of the Customary Panchayat is almost always a person belonging to a dominant caste group such as the lingayats or vokkaligas. However there is a perceptible change in the nature of leadership itself in some villages. Emergence of SC leadership is visible in villages where the SC population is substantial.

Another interesting phenomenon is the emergence of 'neo leadership' particularly in Dharwad district. Here along with the traditional caste leaders, a new leadership has emerged. While caste and traditional leaders continue to be an important part of Customary Panchayat, it now includes a new set of leaders who are part of the process due to modern influence. Political linkages, education, mobility, contact with government functionaries etc seem to be the newer criteria for leadership. This has resulted in the emergence of a new set of leaders in the Customary Panchayat who otherwise would not have been part of the process. Emergence of new leadership is not a new phenomenon. Beteille (1965) has identified the emergence of a new set of leaders, independent of both caste and class to a certain extent, as also the shift in power from the traditional elites to

these new 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 observes them as three different streams with very little overlap of leadership. It is here that the experience from Karnataka differs. The emergent new leadership has become a part of the customary Panchayat and plays an active role in dispute resolution along with traditional caste leaders.

In addition, there is a visible overlap of leadership between Customary Panchayats, Grama Panchayats and to a certain extent (where present) with the new leaders. This is explained in detail later in the discussion.

Functions of Customary Panchayat:

- The principal task of the Customary Panchayat is ‘dispute resolution’ in the village. The types of disputes that come before the Customary Panchayat are varied and include petty disputes in the village, marital problems including spousal abuse, bigamy, alcoholism etc. Land or property disputes between siblings or others might first come before the Customary Panchayat. Criminal cases are handed over to the police.
- Another important task of the Customary Panchayat relates to the village temple. Temple activities usually referred to as ‘Devara Karya’ involve organizing festivals and festival related religious processions (jathre) and ritualistic activities, temple construction and maintenance etc. This is an important task of the Customary Panchayat and assumes significant relevance as it relates to organizing a major social activity in the village and also networking with neighbouring villages.
- This apart Customary Panchayat also acts as a support structure in specific situations. There are cases of Customary Panchayat helping destitute or widowed women to get their husbands’ property, collecting funds from the villagers to help accident victims (generally poor families) of the village.
- The Customary Panchayat also acts as village corporate organizations (VCOs) that raise and manage funds that are used mostly for local economic activities – e.g. irrigation management and a wide range of other development programmes. (Wade, 1988) In fact the Customary Panchayats play a significant role in informal resource mobilization at the village level, which may be utilized for village development activities or for the maintenance of the local temple.

The Customary Panchayat is not a homogenous body. Since it is a forum consisting of a heterogeneous group of people in terms of caste and social status the inherent social tensions of a rural society are apparent in this institution also. But an appearance of cohesiveness is projected in its interface with statutory bodies. Social conflicts and tensions within the villages are constantly negotiated and managed by the Customary Panchayats.

CUSTOMARY PANCHAYAT – GRAMA PANCHAYAT INTERFACE

Customary Panchayats have a certain centrality in village governance as they provide an element of social security and local law and order. In the last decade this centrality has gained from their role in influencing elections to Grama Panchayats. Customary Panchayats and Grama Panchayats occupy different spaces, mainly state and non-state spaces. Yet there is considerable interaction between them. It is important to identify and analyze the areas where these two institutions intersect and interface with one another. These could be complementary as well as conflicting in nature.

At first glance these two institutions appear to operate at different levels and as such should have few points of intersection. The villagers by and large feel the same. The general opinion is that Customary Panchayat is meant for dispute resolution within the village and Grama Panchayat for implementing development activities and hence there is hardly any interface between these two. In a way this implies that Customary Panchayat is perceived as a social institution and Grama Panchayat as a political structure, each with different sets of activities.

However deeper inquiry reveals that Customary Panchayat does influence Grama Panchayat in various ways. This influence however is restricted to the village level and does not extend over the entire Grama Panchayat area. This influence may be analyzed in two phases. Gram panchayats election is chosen as a point of reference here as Customary Panchayat's influence in shaping the composition of Grama Panchayat is most visible during this phase. This is not to suggest that the interaction or influence of Customary Panchayats over Grama panchayats is restricted to elections. Customary Panchayat continues to influence and interact with the Grama Panchayat in different ways even after the elections and this is an ongoing process.

- Pre- election phase
- Post- election phase

PRE-ELECTION PHASE:

This is a significant phase as it is here that Customary Panchayat has the potential to determine and influence the selection process of Grama Panchayat candidates.

Field experiences vary widely in this respect. A general assumption is that villagers are by and large quite free to contest elections at the local level. There have been reports pointing to the presence of political patronage by village elites in determining candidates for local elections. (Inbanathan, 2000) This is seen more as a consequence of individual/elite power. The presence of an institutional influence (of customary Panchayats) in controlling nominations to Grama Panchayat elections has generally not been debated in the discourse on decentralization. Field experience indicates the presence of both depending upon the context and the size of the village.

A common pattern seen in many villages is that wherever Customary Panchayat's influence is strong it plays a significant role in influencing the type of candidates that are

represented in local governance. In six out of eight villages studied, Customary Panchayat prepared a list of candidates to be selected for Grama Panchayat elections. But the way in which this is operationalized varies from village to village. This takes place either before nominations are filed or when they are being finalized. In some villages, the selection of candidates is done prior to filing of nominations to Grama Panchayat elections and in other cases the decision is taken at the time of finalizing the nominations.

Once the last date for withdrawing the nominations is announced the Customary Panchayat meets and asks some candidates to withdraw in favour of its candidates. This has worked in many instances and the number of 'unanimous' elections has been quite significant in Karnataka. (The Hindu, 2000) In others where there have been contested elections, villagers admit that most of the candidates who were elected were those originally chosen by the Customary Panchayats.

In two villages in Mysore district, candidates withdrew their nomination papers because of the intervention of Customary Panchayat. In another village Customary Panchayat leaders admitted that they had asked a lady candidate to withdraw her nomination. The reason given for this was that she came from a family of troublemakers and if she became a Grama Panchayat member, it would be difficult to get work done through her or her family.

Interestingly, Customary Panchayats influence on Grama Panchayat elections has also been linked to informal resource mobilization. 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 the resource thus collected was utilized to purchase land to build living quarters for the local nurse in the village.

But an area where the control over nominations to Grama Panchayats is becoming increasingly visible is in women's participation in Grama Panchayats. Progressive legislation that reserves for women one third and more of seats in elected local councils has been in place in India since 1993. 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. However research in Karnataka suggests a more direct and tangible institutional explanation: the influence over local elections of Customary Panchayats. 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 will continue to be less than impressive.

An important reason attributed for this is the pressure from the 'community' not to contest. Customary Panchayat's influence in determining the candidates for women's seats in Grama Panchayat appears to be particularly strong. Paradoxically, most of these former women Grama Panchayat members were pressured by the 'community' to contest during the last term. Objections to their entry into politics were faced at the family level. But during the subsequent elections these women members who had undergone training and were keen to continue their political career were asked by the community not to contest. The justification for this was that 'we (the community) have given you an opportunity to participate in Grama Panchayat, now we should give the same opportunity to other women. One must not be greedy or selfish and deny other women this opportunity'. This appears to be the rationale given by the community for denying these women the opportunity to re-contest the elections. 'Community' on further probe is none other than the village leaders and the institution of Customary Panchayat. This institution's intervention in determining the candidates for seats reserved for women in Grama Panchayat seems to be more effective when compared to men. Women by and large tend to obey the dictates of the Customary Panchayat and do not go against the wishes of the community. Women have very few avenues or sources of support if they wish to defy the dictates of the Customary Panchayat and contest elections. Consequently, the number of women candidates who have defied the dictates of the Customary Panchayat and contested elections has been insignificant. A couple of former women Grama Panchayat representatives (trained by an NGO) who went ahead and contested elections despite the lack of support from the Customary Panchayat were defeated.

Customary Panchayat leaders tend to evade addressing this issue of controlling the nominations of women candidates. Generally 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. If a lady is educated and active in the village, she is selected as she might do good work in the village as Grama Panchayat member.
2. If a lady candidate is not active but her husband is active in the village, they might choose her, as her husband would be capable of taking care of Grama Panchayat work on her behalf.

But even in cases where women candidates have performed well, they have either not been allowed to re-contest or if they did contest were not elected. This is serious cause for concern, as it does not allow women to build their political skills or further their political careers. 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 not been sufficiently explored.

Overlap of leadership:

This leads to the issue of **overlap of leadership** between the two structures. In one village, an important Customary Panchayat leader from the village was also the president of the Grama Panchayat during the last term. In the same village, this term the son of the village head has been elected as a Grama Panchayat member. In a couple of villages, Customary Panchayat leaders 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. A former Grama Panchayat vice president in one of the villages is the daughter in law of an important traditional leader of the village. 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 quite clearly. 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. In another village, the villagers admitted that although the caste leaders try to arrive at a list of candidates, it usually does not work, as a number of people in the village want to contest Grama Panchayat elections and usually there is a failure to reach a consensus. In yet another village, the head of the Customary Panchayat and the sister in law of one of the caste leaders in the village both contested Grama Panchayat elections during the last term and lost. This is encouraging in that although 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

POST- ELECTION PHASE:

The post-election phase brings to relief several facets of the interaction between Customary Panchayats and Grama Panchayats. There is evidence of negotiations, tradeoffs and other forms of interplay. This phase also reflects the ongoing interactions between these two institutions. What is striking is that the interaction is often subtle, invariably indirect and influenced by the context or the issue under consideration. There is some evidence of Customary Panchayat's influence over Grama Panchayats, which

may not always be benign. Whatever the result of the interface it supports the proposition made earlier, namely, that there is noticeable nexus between the two. Principally three forms of interplay can be distinguished:

- Where the Customary panchayat functions as a support mechanism for local elected representatives in general and new entrants in particular by reinforcing whatever case they wish to present
- Where the Customary Panchayat influences the Grama Panchayat to act for the well-being of the entire village
- Where the Customary Panchayat intervenes in the process of selection of beneficiaries for anti-poverty schemes.

Each of these forms of interaction is reviewed below and, finally, drawing upon this analysis their impact on the Grama Panchayats and its participatory prospects are discussed.

Customary Panchayat provides support to the Grama Panchayat members in getting works done through Grama Panchayat. In a village in Mysore district, the Customary Panchayat leaders along with the Grama Panchayat member approached the Grama Panchayat to get the broken water pump in the village repaired. The Grama Panchayat member was appreciative of the Customary Panchayat leaders' assistance as he felt that the matter could not have been resolved so quickly if he had tried to tackle it alone. In another situation the Customary Panchayat leaders along with the Grama Panchayat member managed to get some land donated from a villager in the neighbouring village for building a pre-school facility (anganwadi). Here too the Grama Panchayat member was ready to admit that this would not have been possible if the Customary Panchayat leaders had not taken an active part in the process. This reflects the positive role the Customary Panchayat can play in ensuring effective service delivery from Grama Panchayat to the village or the Grama Panchayat itself.

As a support structure Customary Panchayat assists the members in negotiating with the Grama Panchayat for benefits to the village. This could take the form of putting pressure on the Grama Panchayat members for development projects such as constructing or repairing school buildings and community halls, providing drinking water etc, which benefit the entire community. There are a number of examples from the field illustrating this point. Grama Panchayat members in most of the villages studied have admitted to pressure from Customary Panchayat with regard to provision of school buildings, bus services etc. In some villages, the Customary Panchayat leaders directly pressure the Grama Panchayat representatives to secure benefits to the village. In others there is silent understanding that those supported by the Customary Panchayat will contribute something back to the village. In one village in Dharwad district, the Customary Panchayat leaders sit together with a male Grama Panchayat member and brief him regarding the development needs of the village prior to a Grama Panchayat meeting.

The most fundamental area of the interface has to do with decisions impacting directly on the poor. In some villages, it was found that Customary Panchayat leaders played an important role in the selection of beneficiaries for various anti-poverty projects

and schemes. The involvement of the Customary Panchayat in this process may make the selection process more transparent or it might result in Customary Panchayat leaders using this influence to strengthen their position in the village by bestowing favours on those that support them. The following illustrates this point. According to one Customary Panchayat leader since they are well attuned to the village reality, they are better suited to select the beneficiaries. He admitted that since they know who the 'real needy' people are in the village, even if these beneficiaries do not put in an application for these benefits, the Customary Panchayat leaders would suggest their names and ensure that they got the benefits.

Selection of beneficiaries apart, the location of facilities and services also has strong implications for the poor. In almost all the villages studied, the local Grama Panchayat representatives, especially those that are handpicked by the Customary Panchayat, consult the Customary Panchayat leaders in the implementation of development project in the village. Often the Customary Panchayat leaders intervene in deciding the location of roads, streetlights, water taps or drainage. If these decisions are biased in favour of the village elite and/or are not pro poor, then the intervention of Customary Panchayat in Grama Panchayat activities at the village level will have a negative impact. According to some of the Grama Panchayat representatives who were unanimously elected (by the Customary Panchayat pressurising the others to withdraw their nominations) they consult the Customary Panchayat leaders on implementation of development activities and their location as these leaders are well versed with the problems of the village. According to one Grama Panchayat representative, he does not take any decisions without consulting the Customary Panchayat leaders. "Just because I'm a member of the Grama Panchayat, I cannot take decisions independently...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 suggests a feeling of obligation that these Grama Panchayat members might experience towards the Customary Panchayat leaders thus making them susceptible to pressure in discharging their duties as Grama Panchayat members.

Local leaders generally play an important role, in negotiating with the formal governance structures (for benefits to the village), even in the absence of such an institutional structure. But the intervention of Customary Panchayat as an institution in the process of negotiations with formal structures assumes importance when issues related to common property resources or disputes with neighbouring villages occur.

There are interesting examples where the spheres of activities of Customary Panchayat and Grama Panchayat have either been complementary or conflicting. In a village in Dharwad, a case of encroachment of a public road by a family in the village was pending as the Customary Panchayat had not been able to enforce its decision. But once some of the Customary Panchayat leaders became part of the Grama Panchayat, they decided to take up this issue. They briefed the Customary Panchayat leaders about their plan of action. The Grama Panchayat members got the fence removed and built an open drainage. The other party has now gone to court claiming that the Grama Panchayat has encroached upon his land to build the road as well as the drainage. But the Grama

Panchayat has filed a counter suit against him and the members are confident that they will win. The Grama Panchayat members feel that because there was an understanding between Customary Panchayat and Grama Panchayat, such swift action was possible in resolving the issue. If they did not have the co-operation of the Customary Panchayat, the matter would not have been resolved. Here the interaction was complementary as the objectives of both these institutions converged.

In another village in Mysore district, there was some minor altercation between Customary Panchayat and Grama Panchayat regarding the ownership of the village pond. Usually the Customary Panchayat leased the pond to people for pisciculture. The money thus earned would be used for temple activities. But last year the person who regularly leased the pond went to the Grama Panchayat instead of Customary Panchayat and got a contract to use the pond for pisciculture as the Customary Panchayat was planning on leasing it to another person. The Customary Panchayat leaders of the village complained to the Grama Panchayat secretary regarding this matter. They were told that the pond actually came under the jurisdiction of the Zilla Panchayat and neither the village nor the Customary Panchayat had any rights over it. The Customary Panchayat leaders decided to pursue this further. They met officials at the Fisheries department in Mysore city and enquired about their situation. The officials reconfirmed the fact that the pond belonged to the ZP and Customary Panchayat had no right to lease it. The fisheries dept. cited similar disputes elsewhere and told them that there was very little that the Customary Panchayat could do. This has been a disappointment to the leaders and the villagers as the pond was a good source of revenue for the village. The Customary Panchayat leaders are contemplating their options as they feel that they should have ownership rights over the pond that has always been considered to be the common property of the village.

It is arguable from the above that the complementary or conflicting nature of the interaction is largely contextual. But conflicts between Customary Panchayats and Grama Panchayats regarding the ownership and access of common property resources like ponds, forests etc are likely to occur more frequently as each of these institutions will try to reinforce its areas of influence and control access to them.

SUMMING UP:

The strong presence of Customary Panchayats at the village level and their ability to adapt and influence village governance is becoming increasingly visible. The interface between Grama Panchayat and Customary Panchayat is both subtle and obvious. For the process of democratic decentralization to be effective, the discourse on democratic decentralisation should focus on the institutional interfaces between customary and democratically elected bodies.

Customary Panchayats do play an important role in influencing the Grama Panchayat elections. Customary Panchayats have been particularly damaging to those women in local governance interested in building their political skills and careers by denying them continuity. This is despite claims by Customary Panchayat leaders that it is essential to encourage 'good' and 'educated' women representatives. But the number of

women representatives who were re-elected to Grama Panchayats in Karnataka has been insignificant. According to some of the women representatives from the last term, they were either 'not allowed' or discouraged by the customary panchayats to re-contest the elections. Those who did go ahead and contest lost the elections.

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.

This raises questions regarding possible areas of interventions that can help women overcome this institutional bias. Thus, an inquiry into the extent to which solidaristic action by women such as women's networks, or mahila mandals (women's self help groups) 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 women's political participation.

However, a positive trend is that in most villages, the villagers have rebelled against the dictates of the Customary Panchayat and contested in elections for at least one or two seats. In a village with six Grama Panchayat seats, the Customary Panchayat managed to select candidates for two seats but consensus could not be reached among the villagers regarding the other four seats. Hence elections were held for four seats. This is encouraging as it indicates that Customary Panchayat does not always succeed in its interventions in influencing the composition of Grama Panchayats. 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, one of the few contemporary analyses of traditional institutions, reveals certain similarities as well as variations between traditional institutions dealing with dispute resolution in Rajasthan 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 a clear overlap of leadership between these two structures.

An area that has remained largely unexplored in this context is the extent to which political affiliations play a role in influencing the choice of candidates by the Customary Panchayats. In theory Grama Panchayat elections are to be contested on a non-party basis in Karnataka. But in practice political parties do play a significant role in determining the selection of candidates for Grama Panchayats. Hence the extent to which political affiliations have influenced the choice of candidates has been difficult to discern.

The Customary Panchayat's interventions in village development activities cannot be construed as a wholly negative influence as these are beneficial to the entire community. But this intervention can have a negative impact when the Customary Panchayat starts influencing and interfering with decisions affecting the poor. This is an area that requires interventions in terms of strengthening and making Gram Sabhas (where selection of beneficiaries is expected to take place) more participatory.

Customary panchayats are an important local institution in rural areas. Since these institutions provide an element of both social security and local law and order their importance at the village level assumes significance. There has been no unilinear process of displacement of customary institutions by the formal governance structures such as Grama Panchayats. These two institutions continue to co-exist and influence each other. The intervention of Customary Panchayats in Grama Panchayat activities is not always negative. Customary Panchayats do play a positive role in village governance and research efforts 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.

This paper is based on the research carried out in Mysore and Dharwad districts of Karnataka. Ford Foundation provided the financial support. Grateful thanks to Prof. V.K.Natraj, MIDS, Dr. Mark Robinson, Ford Foundation, Prof. James Manor, Dr. John Gaventa and Prof. Mick Moore, IDS, Sussex for their inputs into the project.

ⁱ Personal communication with Camilo Valderrama, D.Phil student, IDS, Sussex.

ⁱⁱ Personal communication with Humera Mallik, a researcher from Pakistan.

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